

Union Calendar No. 583

116TH CONGRESS
2^D SESSION

H. R. 4674

[Report No. 116-700]

To amend and strengthen the Higher Education Act of 1965 to lower the cost of college for students and families, to hold colleges accountable for students' success, and to give a new generation of students the opportunity to graduate on-time and transition to a successful career.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2019

Mr. SCOTT of Virginia (for himself, Mrs. DAVIS of California, Mr. GRIJALVA, Mr. COURTNEY, Ms. FUDGE, Mr. SABLAN, Ms. WILSON of Florida, Ms. BONAMICI, Mr. TAKANO, Ms. ADAMS, Mr. DESAULNIER, Mr. NORCROSS, Ms. JAYAPAL, Mr. MORELLE, Ms. WILD, Mr. HARDER of California, Ms. SCHRIER, Mrs. HAYES, Ms. SHALALA, Mr. LEVIN of Michigan, Ms. OMAR, Mr. TRONE, Mrs. LEE of Nevada, Mrs. TRAHAN, and Mr. CASTRO of Texas) introduced the following bill; which was referred to the Committee on Education and Labor

DECEMBER 28, 2020

Additional sponsors: Mr. QUIGLEY, Mr. NEGUSE, Mr. GARAMENDI, Mr. ESPAILLAT, Mr. MCGOVERN, Ms. MENG, Mr. SCHIFF, Mr. SCHRADER, Mr. KHANNA, Ms. BASS, Mr. THOMPSON of California, Mr. MALINOWSKI, Mr. SAN NICOLAS, Mr. DANNY K. DAVIS of Illinois, Ms. NORTON, Ms. SEWELL of Alabama, Mr. SWALWELL of California, Ms. LEE of California, Mr. LANGEVIN, Mr. CARSON of Indiana, Mrs. NAPOLITANO, Mr. CICILLINE, Ms. SCANLON, Mr. PAYNE, Mrs. BEATTY, Ms. FRANKEL, Ms. CASTOR of Florida, Mr. HIGGINS of New York, Ms. HAALAND, Mr. PANNETTA, Ms. JUDY CHU of California, Ms. BARRAGÁN, Mr. GARCÍA of Illinois, Mrs. WATSON COLEMAN, Mr. VELA, Mr. SEAN PATRICK MALONEY of New York, Mr. LOWENTHAL, Ms. STEVENS, Mr. LEWIS, Mr. RICHMOND, Mr. HUFFMAN, Mrs. DINGELL, Mr. LUJÁN, Mr. KEATING, Mr. SOTO, Ms. MOORE, Mr. RYAN, Mr. KENNEDY, Ms. ESHOO, Ms. WATERS, Mr. CARBAJAL, Mr. PRICE of North Carolina, Mr. BLUMENAUER, Mr. PAPPAS, Ms. BROWNLEY of California, Mr. CISNEROS, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. GARCIA of Texas, Mr. RASKIN, Mr.

GALLEGO, Mr. CLEAVER, Mr. CASTEN of Illinois, Mr. SIRES, Mr. CRIST, Mrs. LAWRENCE, Ms. CLARKE of New York, Ms. WASSERMAN SCHULTZ, Mr. PASCRELL, Ms. DELBENE, Mr. NADLER, Mr. SERRANO, Mr. POCAN, Mr. SUOZZI, Mr. ENGEL, Mr. DEFAZIO, Ms. DEAN, Ms. CLARK of Massachusetts, Ms. JOHNSON of Texas, Ms. SLOTKIN, Mrs. LURIA, Mr. GOMEZ, Mr. KILDEE, Mr. LEVIN of California, Mr. HORSFORD, Mr. BISHOP of Georgia, Ms. UNDERWOOD, Ms. KUSTER of New Hampshire, Mr. KIM, Mr. PERLMUTTER, Ms. SCHAKOWSKY, Ms. SÁNCHEZ, Mr. CARTWRIGHT, Mr. SMITH of Washington, Ms. JACKSON LEE, Mr. LAWSON of Florida, Mr. ROUDA, Ms. ROYBAL-ALLARD, Mr. LYNCH, Mr. THOMPSON of Mississippi, Mrs. CAROLYN B. MALONEY of New York, Mr. CROW, Mr. DAVID SCOTT of Georgia, Mr. RUSH, Mr. YARMUTH, Mr. VEASEY, Mr. CÁRDENAS, Mr. JEFFRIES, Ms. CRAIG, Mr. COHEN, Mr. TED LIEU of California, Mr. SHERMAN, Ms. MCCOLLUM, Ms. WEXTON, Mr. CUELLAR, Mrs. MCBATH, Mr. CONNOLLY, Mr. JOHNSON of Georgia, Mrs. BUSTOS, Ms. VELÁZQUEZ, Ms. KELLY of Illinois, Mr. KRISHNAMOORTHY, Ms. LOFGREN, Mr. VARGAS, Mr. COX of California, Mr. MOULTON, Ms. DEGETTE, Mr. FOSTER, Mr. DOGGETT, Mrs. KIRKPATRICK, Mr. NEAL, Ms. DAVIDS of Kansas, Mr. MCEACHIN, Mr. BUTTERFIELD, and Ms. SHERRILL

DECEMBER 28, 2020

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

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

[For text of introduced bill, see copy of bill as introduced on October 15, 2019]

A BILL

To amend and strengthen the Higher Education Act of 1965 to lower the cost of college for students and families, to hold colleges accountable for students' success, and to give a new generation of students the opportunity to graduate on-time and transition to a successful career.

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

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

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

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. General effective date.

TITLE I—GENERAL PROVISIONS

PART A—DEFINITIONS

Sec. 1001. Definition of institution of higher education for purposes of title IV programs.

Sec. 1002. Additional definitions.

Sec. 1003. Gainful employment programs.

PART B—ADDITIONAL GENERAL PROVISIONS

Sec. 1011. Antidiscrimination.

Sec. 1012. National Advisory Committee on Institutional Quality and Integrity.

Sec. 1013. Disclosures of foreign gifts.

Sec. 1014. Alcohol and substance misuse prevention.

Sec. 1015. Exception to required registration with selective service system.

Sec. 1016. Integrity of nonprofit institutions of higher education.

Sec. 1017. Support and guidance for homeless individuals and foster care youth.

Sec. 1018. Calculation of percentage of enrolled students receiving or eligible for Federal Pell Grants.

Sec. 1019. Certification regarding the use of certain Federal funds.

Sec. 1020. Freedom of association.

PART C—COST OF HIGHER EDUCATION

Sec. 1021. Consumer information.

Sec. 1022. Postsecondary student data system.

Sec. 1023. Avoiding duplicative reporting.

Sec. 1024. Disclosure of non-instructional spending increases.

Sec. 1025. Textbook information.

Sec. 1026. Repeals.

Sec. 1027. In-state tuition rates for homeless youth and foster care youth.

PART D—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT FINANCIAL ASSISTANCE

Sec. 1031. Improvements to the Federal Student Aid Office.

TITLE II—TEACHER QUALITY ENHANCEMENT

PART A—TEACHER AND SCHOOL LEADER QUALITY PARTNERSHIP GRANTS

- Sec. 2001. Definitions.*
Sec. 2002. Purposes.
Sec. 2003. Partnership grants.
Sec. 2004. Administrative provisions.
Sec. 2005. Accountability and evaluation.
Sec. 2006. Accountability for programs that prepare teachers, principals, or other school leaders.
Sec. 2007. Teacher development.
Sec. 2008. State functions.
Sec. 2009. General provisions.
Sec. 2010. Elevation of the education profession study.
Sec. 2011. Authorization of appropriations.

PART B—ENHANCING TEACHER AND SCHOOL LEADER EDUCATION

- Sec. 2101. Enhancing teacher and school leader education.*

TITLE III—INSTITUTIONAL AID

- Sec. 3001. Strengthening institutions.*
Sec. 3002. Strengthening institutions.
Sec. 3003. Strengthening Historically Black Colleges and Universities.
Sec. 3004. Historically Black College and University Capital Financing.
Sec. 3005. Strengthening Historically Black Colleges and Universities and other minority-serving institutions.
Sec. 3006. General provisions.

TITLE IV—STUDENT ASSISTANCE

- Sec. 4001. Effective date.*

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

SUBPART 1—FEDERAL PELL GRANTS

- Sec. 4011. Amount of grants.*
Sec. 4012. Grant eligibility.
Sec. 4013. Extending Federal Pell Grant eligibility of certain short-term programs.
Sec. 4014. Providing Federal Pell Grants for Iraq and Afghanistan veteran's dependents.
Sec. 4015. Federal Pell Grant fraud prevention.
Sec. 4016. Federal Pell Grants on behalf of incarcerated individuals.

SUBPART 2—FEDERAL EARLY OUTREACH AND STUDENT SERVICES PROGRAMS

CHAPTER 1—FEDERAL TRIO PROGRAMS

- Sec. 4021. Program authority; authorization of appropriations.*
Sec. 4022. Talent search.
Sec. 4023. Upward bound.
Sec. 4024. Student support services.
Sec. 4025. Postbaccalaureate achievement program authority.

- Sec. 4026. Educational opportunity centers.*
Sec. 4027. Staff developmental activities.
Sec. 4028. Reports and evaluations.

*CHAPTER 2—GAINING EARLY AWARENESS AND READINESS FOR
UNDERGRADUATE PROGRAMS*

- Sec. 4031. Gaining early awareness and readiness for undergraduate programs.*

SUBPART 3—FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

- Sec. 4041. Purpose; appropriations authorized.*
Sec. 4042. Institutional eligibility.
Sec. 4043. Allocation of funds.
Sec. 4044. Emergency financial aid grant program.

*SUBPART 4—SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE
ENGAGED IN MIGRANT AND SEASONAL FARMWORK*

- Sec. 4051. Special programs for students whose families are engaged in migrant and seasonal farmwork.*

SUBPART 5—CHILD CARE ACCESS MEANS PARENTS IN SCHOOL

- Sec. 4061. CCAMPIS Reauthorization.*

SUBPART 6—JUMPSTART TO COLLEGE GRANT PROGRAMS

- Sec. 4071. Jumpstart to college grant programs.*

SUBPART 7—TEACH GRANTS

- Sec. 4081. Revised definitions of teach grants.*
Sec. 4082. Revisions to establishing teach grant program.
Sec. 4083. Revisions to teach grant agreements to serve and eligibility.
Sec. 4084. Revisions to teach grant data collection and reporting.

*SUBPART 8—NORTHERN MARIANA ISLANDS AND AMERICAN SAMOA COLLEGE
ACCESS*

- Sec. 4091. Northern Mariana Islands and American Samoa College access.*

SUBPART 9—STUDENT SUCCESS

- Sec. 4092. Community College Student Success Grant program authorized.*
Sec. 4093. Federal Pell Bonus Program.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

- Sec. 4101. Termination of certain repayment plan options and opportunity to change repayment plans.*
Sec. 4102. Termination of interest capitalization for subsidized loans after certain periods.
Sec. 4103. Termination of interest capitalization for PLUS loans after certain periods.
Sec. 4104. Consolidation loans.
Sec. 4105. Default reduction program.
Sec. 4106. Termination of interest capitalization for unsubsidized loans after certain periods.

- Sec. 4107. Disbursement of student loans.*
Sec. 4108. Student loan contract and loan disclosures.
Sec. 4109. Borrower advocate conforming amendments.
Sec. 4110. Cohort default rates.
Sec. 4111. Automatic income monitoring procedures after a total and permanent disability discharge.
Sec. 4112. Automatic closed school discharge.
Sec. 4113. Repayment of parent loans due to student disability.

PART C—FEDERAL WORK-STUDY PROGRAMS

- Sec. 4201. Purpose; authorization of appropriations.*
Sec. 4202. Allocation formula.
Sec. 4203. Grants for Federal work-study programs.
Sec. 4204. Flexible use of funds.
Sec. 4205. Job location and development programs.
Sec. 4206. Community service.
Sec. 4207. Amendments to work colleges.
Sec. 4208. Pilot grant program.
Sec. 4209. Department activities.
Sec. 4210. Study and report.

PART D—FEDERAL DIRECT LOAN PROGRAM

- Sec. 4301. Program authority.*
Sec. 4302. Amendments to terms and conditions of loans and repayment plans.
Sec. 4303. Amendments to terms and conditions of public service loan forgiveness.
Sec. 4304. Federal Direct Perkins Loans terms and conditions.
Sec. 4305. Common manual for loan servicers.
Sec. 4306. Refinancing FFEL and Federal Direct Loans.
Sec. 4307. Refinancing private student loans.

PART E—FEDERAL PERKINS LOANS

- Sec. 4401. Authorization of appropriations for Perkins loan.*
Sec. 4402. Allocation of funds for Perkins loan.
Sec. 4403. Federal Direct Perkins loan allocation.
Sec. 4404. Agreements with institutions of higher education for purposes of the Perkins loan program.
Sec. 4405. Student loan information by eligible institutions for purposes of the Perkins loan program.
Sec. 4406. Terms of loans for purposes of the Perkins loan program.
Sec. 4407. Reimbursement for cancellation of Perkins loans for certain public service.
Sec. 4408. Distribution of assets from student loan funds for purposes of the Perkins loan program.

PART F—NEED ANALYSIS

- Sec. 4501. Amendments to family contribution.*
Sec. 4502. Amendments to data elements when determining the expected family contribution.
Sec. 4503. Amendments to family contribution for dependent students.
Sec. 4504. Amendments to family contribution for independent students without dependents other than a spouse.
Sec. 4505. Amendments to family contribution for independent students with dependents other than a spouse.

- Sec. 4506. Institutional calculations for off-campus room and board.*
Sec. 4507. Updated tables and amounts to need analysis.
Sec. 4508. Zero expected family contribution.
Sec. 4509. Amendments to definitions in need analysis.

*PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE
PROGRAMS*

- Sec. 4601. Definition of eligible program.*
Sec. 4602. Definition of third party servicer.
Sec. 4603. FAFSA simplification.
Sec. 4604. Student eligibility.
Sec. 4605. Reasonable collection costs on defaulted loans.
Sec. 4606. Student eligibility information for nutrition assistance programs.
Sec. 4607. Exit counseling.
Sec. 4608. Clery Act amendments.
Sec. 4609. Online survey tool for campus safety.
Sec. 4610. Transfer of credit policies.
Sec. 4611. Amendments to institutional and financial assistance.
Sec. 4612. Prevention of improper access.
*Sec. 4613. Information with respect to crime statistics for programs of study
abroad.*
Sec. 4614. Remedial education grants.
Sec. 4615. Competency-based education.
Sec. 4616. Competency-based education council.
Sec. 4617. Written arrangements to provide educational programs.
Sec. 4618. Improvements to program participation agreements.
Sec. 4619. Compliance with the Civil Rights Act of 1964.
Sec. 4620. Submission of data with respect to students with disabilities.
Sec. 4621. Education program on hazing.
*Sec. 4622. Changes to program participation agreements to strengthen consumer
protections.*
Sec. 4623. Misrepresentation and substantial misrepresentation defined.
Sec. 4624. Revenue requirement.
Sec. 4625. Teach-out plans.
Sec. 4626. Experimental programs.
Sec. 4627. Administrative expenses.
Sec. 4628. Criminal penalties for misuse of access devices.
Sec. 4629. Regional meetings and negotiated rulemaking.
Sec. 4630. Income-based repayment plan.
Sec. 4631. Fixed repayment plan.
Sec. 4632. Requiring a common manual for loan servicers.
Sec. 4633. Removal of record of default.
Sec. 4634. Amendments to terms and conditions of borrower defenses.
Sec. 4635. On-time repayment rates.

PART H—PROGRAM INTEGRITY

SUBPART 1—STATE ROLE

- Sec. 4701. State responsibilities.*

SUBPART 2—ACCREDITING AGENCY RECOGNITION

- Sec. 4711. Accrediting agency recognition of eligible job training programs.*
*Sec. 4712. Accrediting agency recognition of institutions enrolling incarcerated
individuals.*

Sec. 4713. Requirements for accrediting agency recognition.

SUBPART 3—PROGRAM REVIEW AND DATA

Sec. 4721. Eligibility and certification procedures.

Sec. 4722. Program review and data.

SUBPART 4—STRENGTHENING INSTITUTIONAL QUALITY

Sec. 4731. Strengthening institutional quality.

PART I—AMERICA’S COLLEGE PROMISE FEDERAL-STATE PARTNERSHIP

Sec. 4801. Program authorized.

Sec. 4802. Student Success Fund.

Sec. 4803. Pathways to student success for Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions.

Sec. 4804. Unmet need for Federal Pell Grant recipients.

Sec. 4805. Unmet need for students.

Sec. 4806. Tuition waivers.

Sec. 4807. Expansion for private institutions.

TITLE V—DEVELOPING INSTITUTIONS

Sec. 5001. Hispanic-serving institutions.

Sec. 5002. Promoting postbaccalaureate opportunities for Hispanic Americans.

Sec. 5003. General provisions.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

Sec. 6001. International education.

Sec. 6002. Global business and professional education programs.

Sec. 6003. Repeal of assistance program for Institute for International Public Policy.

Sec. 6004. General provisions.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

Sec. 7001. Graduate assistance in areas of national need.

Sec. 7002. Graduate education programs.

Sec. 7003. Fund for the Improvement of Postsecondary Education.

Sec. 7004. Minority-serving institutions innovation fund.

Sec. 7005. Definitions.

Sec. 7006. Supporting postsecondary faculty, staff, and administrators in providing accessible education.

Sec. 7007. Office of Accessibility.

Sec. 7008. Postsecondary programs for students with intellectual disabilities.

Sec. 7009. National Technical Assistance Center and National Coordinating Center for Inclusion of Students with Intellectual Disabilities.

Sec. 7010. Formula grants to States to improve higher education opportunities for foster youth and homeless youth.

TITLE VIII—ADDITIONAL PROGRAMS

Sec. 8001. Repeals.

Sec. 8002. Ronald V. Dellums memorial STEAM scholars program.

- Sec. 8003. Teach for America.*
- Sec. 8004. Patsy T. Mink Fellowship Program.*
- Sec. 8005. Improving science, technology, engineering, and mathematics education with a focus on American Indian, Alaska Native, and Native Hawaiian students.*
- Sec. 8006. Grants for rural-serving institutions of higher education.*
- Sec. 8007. Training for realtime writers to provide closed captioning and court reporting services.*
- Sec. 8008. Grant program to establish, maintain, and improve veteran student centers.*
- Sec. 8009. University Sustainability Program amendments.*
- Sec. 8010. Modeling and simulation.*
- Sec. 8011. Path to success.*
- Sec. 8012. Mandatory funding for masters and postbaccalaureate programs.*
- Sec. 8013. Funds for access to open educational resources.*
- Sec. 8014. Encouraging campus comprehensive mental health and suicide prevention plans.*

TITLE IX—DIRECTIVES TO THE SECRETARY OF EDUCATION

- Sec. 9001. Providing that the Secretary of Education may not issue or enforce certain rules that weaken the enforcement of the prohibition of sex discrimination applicable under title IX of the Education Amendments of 1972.*
- Sec. 9002. Study and report on single certification form.*
- Sec. 9003. Longitudinal study on the effectiveness of student loan counseling.*
- Sec. 9004. Study and procedures on determining family size.*
- Sec. 9005. Universal unique numeric data identifier.*
- Sec. 9006. Questions on food and housing insecurity in national postsecondary student aid study.*
- Sec. 9007. Disaggregation of data using racial groups.*
- Sec. 9008. Disaggregation of data by sexual orientation and gender identity.*
- Sec. 9009. Accessible instructional materials and technology.*
- Sec. 9010. Serving and supporting students with mental health disabilities in institutions of higher education.*
- Sec. 9011. Federal student loan cancellation commission.*
- Sec. 9012. Distribution of resources to prevent incidents of bias on campus.*
- Sec. 9013. GAO study on racial and socioeconomic equity gaps at public 4-year institutions.*
- Sec. 9014. GAO study on license revocations related to student loan defaults.*

TITLE X—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

- Sec. 10001. Composition of Board of Trustees.*
- Sec. 10002. Administrative requirements of Laurent Clerc National Deaf Education Center.*
- Sec. 10003. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf.*

PART B—TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES ASSISTANCE ACT OF 1978

- Sec. 10101. Tribally Controlled Colleges and Universities Assistance Act of 1978.*

*PART C—STRENGTHENING PROGRAM ALIGNMENT FOR POSTSECONDARY
PERKINS CAREER AND TECHNICAL EDUCATION PROGRAMS*

Sec. 10201. Strengthening program alignment for postsecondary Perkins Career and Technical Education Programs.

PART D—GENERAL EDUCATION PROVISIONS ACT

Sec. 10301. Release of education records to facilitate the award of a recognized postsecondary credential.

PART E—EDUCATION SCIENCES REFORM ACT OF 2002

Sec. 10401. Inclusion of racial subgroups in IPEDS data.

PART F—U.S. INSTITUTE OF PEACE

Sec. 10501. Reauthorization of the U.S. Institute of Peace.

1 SEC. 2. REFERENCES.

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

8 SEC. 3. GENERAL EFFECTIVE DATE.

9 *Except as otherwise provided in this Act or the amend-*
10 *ments made by this Act, this Act and the amendments made*
11 *by this Act shall take effect on the date of enactment of this*
12 *Act.*

1 **TITLE I—GENERAL PROVISIONS**

2 **PART A—DEFINITIONS**

3 **SEC. 1001. DEFINITION OF INSTITUTION OF HIGHER EDU-**
 4 **CATION FOR PURPOSES OF TITLE IV PRO-**
 5 **GRAMS.**

6 (a) *CLARIFICATION.*—Section 102(a)(4)(A) of Higher
 7 Education Act of 1965 (20 U.S.C. 1002(a)(4)(A)) is amend-
 8 ed by inserting “or receivership” after “that files for bank-
 9 ruptcy”.

10 (b) *PROPRIETARY INSTITUTIONS.*—

11 (1) *IN GENERAL.*—Section 102(b) of the Higher
 12 Education Act of 1965 (20 U.S.C. 1002(b)) is amend-
 13 ed—

14 (A) in paragraph (1)—

15 (i) in subparagraph (D), by striking
 16 “and” after the semicolon;

17 (ii) in subparagraph (E), by striking
 18 the period at the end and inserting “; and”;
 19 and

20 (iii) by adding at the end the fol-
 21 lowing:

22 “(F) meets the requirements of paragraph
 23 (3).”; and

24 (B) by adding at the end the following:

1 “(3) *REVENUE SOURCES.*—*In order to qualify as*
2 *a proprietary institution of higher education under*
3 *this subsection, an institution shall derive not less*
4 *than 15 percent of the institution’s revenues from*
5 *sources other than Federal education assistance funds,*
6 *as calculated in accordance with paragraph (4).”.*

7 (2) *TRANSFER OF PROVISIONS.*—

8 (A) *FIRST TRANSFER.*—*Paragraph (1) of*
9 *section 487(d) of the Higher Education Act of*
10 *1965 (as amended by section 4624) is—*

11 (i) *transferred to section 102(b) of such*
12 *Act;*

13 (ii) *inserted so as to appear after*
14 *paragraph (3) of such section 102(b) (as*
15 *added by paragraph (1)(B));*

16 (iii) *redesignated as paragraph (4) of*
17 *such section 102(b); and*

18 (iv) *further amended by striking “sub-*
19 *section (a)(24)” and inserting “paragraph*
20 *(3)”.*

21 (B) *SECOND TRANSFER.*—*Paragraph (3) of*
22 *section 487(d) of the Higher Education Act of*
23 *1965 (as amended by 4624) is—*

24 (i) *transferred to section 102(b) of such*
25 *Act;*

1 (ii) inserted so as to appear after
2 paragraph (4) of such section 102(b) (as
3 added by subparagraph (A));

4 (iii) redesignated as paragraph (5) of
5 such section 102(b); and

6 (iv) further amended by striking “sub-
7 section (a)(24)” and inserting “paragraph
8 (3)”.

9 (C) *THIRD TRANSFER.*—Paragraph (4) of
10 section 487(d) of the Higher Education Act of
11 1965 (as amended by section 4624) is—

12 (i) transferred to section 102(b) of such
13 Act;

14 (ii) inserted so as to appear after
15 paragraph (5) of such section 102(b) (as
16 added by subparagraph (B));

17 (iii) redesignated as paragraph (6) of
18 such section 102(b); and

19 (iv) further amended by striking “sub-
20 section (a)(24)” and inserting “paragraph
21 (3)”.

22 (3) *EFFECTIVE DATE.*—The amendments made
23 by this subsection shall take effect on July 1, 2023.

1 **SEC. 1002. ADDITIONAL DEFINITIONS.**

2 *Section 103 of the Higher Education Act of 1965 (20*
3 *U.S.C. 1003) is amended—*

4 *(1) in paragraph (6), by striking “section 3(2)”*
5 *and inserting “section 3”;*

6 *(2) in paragraph (13), by inserting “controlled,”*
7 *before “owned”; and*

8 *(3) by adding at the end the following:*

9 *“(25) PUBLIC INSTITUTION OF HIGHER EDU-*
10 *CATION.—The term ‘public institution of higher edu-*
11 *cation’ means an institution of higher education—*

12 *“(A) for which all obligations of the institu-*
13 *tion are valid and binding obligations of a State*
14 *(or of an equivalent governmental entity); and*

15 *“(B) for which the full faith and credit of*
16 *such State (or equivalent governmental entity) is*
17 *pledged for the timely payment of such obliga-*
18 *tions.*

19 *“(26) FOSTER CARE YOUTH.—The term ‘foster*
20 *care youth’ means an individual whose care and*
21 *placement is the responsibility of the State or tribal*
22 *agency that administers a State or tribal plan under*
23 *part B or E of title IV of the Social Security Act (42*
24 *U.S.C. 621 et seq.; 670 et seq.), without regard to*
25 *whether foster care maintenance payments are made*
26 *under section 472 of such Act (42 U.S.C. 672) on be-*

1 *half of the individual, including any such individual*
2 *who was in such care on or after attaining 13 years*
3 *of age and without regard to the reason the indi-*
4 *vidual left such care.*

5 “(27) *FEDERAL EDUCATION ASSISTANCE*
6 *FUNDS.—The term ‘Federal education assistance*
7 *funds’—*

8 “(A) *except as provided in subparagraph*
9 *(B), means any Federal funds provided, under*
10 *this Act or any other Federal law, through a*
11 *grant, contract, subsidy, loan, or guarantee, or*
12 *through insurance or other means (including*
13 *Federal funds disbursed or delivered to an insti-*
14 *tution or on behalf of a student or to a student*
15 *to be used to attend the institution); and*

16 “(B) *does not include any monthly housing*
17 *stipend provided under the Post-9/11 Edu-*
18 *cational Assistance Program under chapter 33 of*
19 *title 38, United States Code.*

20 “(28) *PROGRESS PERIOD STATUS.—The term*
21 *‘progress period status’ means the status of an insti-*
22 *tution of higher education that is determined by the*
23 *Secretary to be in danger of failing to meet title IV*
24 *eligibility criteria relating to student debt because the*

1 *institution has an adjusted cohort default rate of not*
2 *less than 10 percent and not more than 15 percent.”.*

3 **SEC. 1003. GAINFUL EMPLOYMENT PROGRAMS.**

4 *Part A of title I of the Higher Education Act of 1965*
5 *(20 U.S.C. 1001 et seq.) is amended by adding at the end*
6 *the following:*

7 **“SEC. 104. PROGRAM OF TRAINING TO PREPARE STUDENTS**
8 **FOR GAINFUL EMPLOYMENT IN A RECOG-**
9 **NIZED OCCUPATION.**

10 *“(a) GAINFUL EMPLOYMENT PROGRAM DEFINED.—In*
11 *this Act (including for purposes of sections 101 and 102),*
12 *the term ‘program of training to prepare students for gain-*
13 *ful employment in a recognized occupation’ means a train-*
14 *ing program that—*

15 *“(1) is in compliance with the performance*
16 *metrics (including the eligibility thresholds for each*
17 *such metric) established under subsection (b)(1);*

18 *“(2) is in compliance with the notice require-*
19 *ments under subsection (b)(1)(C)(i)(II);*

20 *“(3) is otherwise eligible to receive funds under*
21 *title IV; and*

22 *“(4) is not a training program that is substan-*
23 *tially similar to a training program which, during a*
24 *period determined by the Secretary, did not meet one*

1 or more of the performance metrics (such as an eligi-
2 bility threshold) described in paragraph (1).

3 “(b) *SECRETARIAL REQUIREMENTS.*—

4 “(1) *ESTABLISHMENT OF REQUIREMENTS.*—

5 “(A) *IN GENERAL.*—Not later than 18
6 months after the date of enactment of the College
7 Affordability Act, the Secretary shall establish
8 requirements that training programs shall meet
9 to be programs of training to prepare students
10 for gainful employment in a recognized occupa-
11 tion, which shall include—

12 “(i) establishing performance metrics
13 (including eligibility thresholds for each
14 such metric) described in subparagraph (B);
15 and

16 “(ii) developing a disclosure template
17 and a verification process for disclosures de-
18 scribed in subparagraph (C).

19 “(B) *PERFORMANCE METRICS.*—

20 “(i) *IN GENERAL.*—In establishing the
21 performance metrics under subparagraph
22 (A)(i), the Secretary shall, at a minimum,
23 establish the requirements for a debt-to-
24 earnings rate that serves the best interests of

1 *students and taxpayers, which shall in-*
2 *clude—*

3 *“(I) a methodology for calculating*
4 *such debt-to-earnings rate for a train-*
5 *ing program, including—*

6 *“(aa) a definition of the co-*
7 *hort of individuals on whom such*
8 *rate shall be based, who shall be*
9 *selected from the individuals who*
10 *were enrolled in such training*
11 *program (without regard to*
12 *whether the individuals received a*
13 *loan for such enrollment);*

14 *“(bb) a determination of the*
15 *debt amount for such rate based*
16 *on the median annual loan pay-*
17 *ment for the loans made under*
18 *title IV and the private education*
19 *loans received for such enrollment*
20 *by such cohort;*

21 *“(cc) a determination of the*
22 *earnings amount for such rate*
23 *based on the mean or median of*
24 *the actual, student-level annual*
25 *earnings for such cohort; and*

1 “(dd) establishing a process
2 (such as an appeals process) to
3 authorize training programs to
4 use alternate earnings in lieu of
5 the mean or median of the actual,
6 student-level annual earnings of a
7 cohort; and

8 “(II) establishing a threshold rate
9 that—

10 “(aa) each training program
11 shall meet to be eligible to receive
12 funds under title IV; and

13 “(bb) is comparable to the
14 eligibility thresholds for the debt-
15 to-earning ratio established in the
16 final rule on “Program Integrity:
17 Gainful Employment” published
18 by the Department of Education
19 in the Federal Register on October
20 31, 2014 (*Fed. Reg.* 64890 *et seq.*).

21 “(ii) *EARNINGS DATA.*—In deter-
22 mining the mean or median of the actual,
23 student-level annual earnings for purposes
24 of this subparagraph, the Secretary shall ob-

1 tain and use the most appropriate available
2 Federal data on such earnings.

3 “(C) *DISCLOSURE TEMPLATE.*—The Sec-
4 retary shall develop—

5 “(i) a disclosure template that—

6 “(I) is consumer tested; and

7 “(II) is used by each institution
8 of higher education that offers a train-
9 ing program to provide enrolled and
10 prospective students (including through
11 publication on the website of such in-
12 stitution of higher education for such
13 training program)—

14 “(aa) on an annual basis,
15 student outcome information for
16 such program (including the debt-
17 to-earnings rate and whether the
18 eligibility threshold for any other
19 performance metric established
20 under subparagraph (A)(i) has
21 been met); and

22 “(bb) in a case in which the
23 training program receives a notice
24 of determination under paragraph
25 (2)(B) that the program may be

1 *ineligible for funds under title IV,*
2 *or may receive other sanctions,*
3 *not later than 30 days after re-*
4 *ceipt of such notice, an expla-*
5 *nation of such notice of deter-*
6 *mination; and*

7 *“(ii) a process to annually verify that*
8 *each institution of higher education that of-*
9 *fers a training program is providing the*
10 *disclosures required under clause (i)(II).*

11 *“(2) ENFORCEMENT OF REQUIREMENTS.—Not*
12 *later than 2 years after the Secretary establishes re-*
13 *quirements under paragraph (1), and annually there-*
14 *after, the Secretary shall, with respect to each train-*
15 *ing program that seeks to meet the definition in sub-*
16 *section (a), including each such program that met*
17 *such definition for most recent award year for which*
18 *data are available—*

19 *“(A) calculate the debt-to-earnings rate and*
20 *assess performance with respect to any other*
21 *metric established under paragraph (1)(A)(i) for*
22 *the preceding award year, and make such infor-*
23 *mation publicly available on the website of the*
24 *Department;*

1 *value of staff members, textbooks, and other in-*
2 *kind gifts.”; and*

3 *(B) in paragraph (2), by inserting “In this*
4 *paragraph, the term ‘aggregate dollar amount’*
5 *includes the fair market value of staff members,*
6 *textbooks, and other in-kind gifts.” after “each*
7 *foreign government.”;*

8 *(2) in subsection (d)—*

9 *(A) in paragraph (1) by striking “are sub-*
10 *stantially” and all that follows through “this sec-*
11 *tion,” and inserting “includes all information*
12 *required by this section,”; and*

13 *(B) in paragraph (2) by striking “require-*
14 *ments substantially similar to those” and insert-*
15 *ing “all the information”;*

16 *(3) in subsection (e), by adding at the end the*
17 *following: “Not later than 30 days after receiving a*
18 *disclosure report under this section, the Secretary*
19 *shall make such report electronically available to the*
20 *public for downloading on searchable database under*
21 *which institutions can be individually identified and*
22 *compared.”; and*

23 *(4) by amending subsection (g) to read as fol-*
24 *lows:*

25 *“(g) REGULATIONS.—*

1 “(1) *IN GENERAL.*—Not later than 2 years after
2 the date of the enactment of the College Affordability
3 Act, the Secretary shall issue regulations to carry out
4 this section.

5 “(2) *PROCEDURE.*—Regulations under para-
6 graph (1) shall be—

7 “(A) developed through the negotiated rule-
8 making process under section 492;

9 “(B) developed with consultation from
10 stakeholders; and

11 “(C) published in the Federal Register in
12 accordance with section 482.”;

13 (5) in subsection (h)—

14 (A) in paragraph (3), by striking “or prop-
15 erty” and inserting “property, human resources,
16 or payment of any staff”; and

17 (B) in paragraph (5)(B), by inserting “in-
18 stitutes, instructional programs,” after “cen-
19 ters,”; and

20 (6) by adding at the end the following:

21 “(i) *TREATMENT OF TUITION PAYMENT.*—A tuition
22 and related fees and expenses payment to an institution by
23 a foreign source made on behalf of a student enrolled at
24 such institution shall not be considered a gift from or con-
25 tract with a foreign source under this subsection.”.

1 (b) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect on the date on which the regulations*
3 *issued under section 117(g)(1) of the Higher Education Act*
4 *of 1965 (20 U.S.C. 1011f(g)(1)), as amended by this section,*
5 *take effect.*

6 **SEC. 1014. ALCOHOL AND SUBSTANCE MISUSE PREVEN-**
7 **TION.**

8 (a) *IN GENERAL.*—*Section 120 of the Higher Edu-*
9 *cation Act of 1965 (20 U.S.C. 1011i) is amended—*

10 (1) *in the section heading, by striking “DRUG*
11 *AND ALCOHOL ABUSE” and inserting “ALCOHOL*
12 *AND SUBSTANCE MISUSE”;*

13 (2) *in subsection (a)—*

14 (A) *in the matter preceding paragraph (1),*
15 *by striking “a program to prevent the use of il-*
16 *licit drugs and the abuse of alcohol by students*
17 *and employees that,” and inserting “an evi-*
18 *dence-based program to prevent alcohol and sub-*
19 *stance misuse by students and employees that,”;*

20 (B) *by amending paragraph (1)(C) to read*
21 *as follows:*

22 “(C) *a description of the health-risks associ-*
23 *ated with the use of illicit drugs and alcohol and*
24 *substance misuse;”;*

1 (C) by amending paragraph (1)(D) to read
2 as follows:

3 “(D) a description of any alcohol or sub-
4 stance misuse counseling, treatment, rehabilita-
5 tion, recovery, re-entry, or recovery support pro-
6 grams provided by the institution (including in
7 partnership with a community-based organiza-
8 tion) that are available to employees or stu-
9 dents;”; and

10 (D) in paragraph (1)(E), by striking “that
11 the institution will impose” and inserting “of
12 the policies of the institution regarding”;

13 (3) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) by striking “and” at the end of sub-
16 paragraph (A);

17 (ii) in subparagraph (B), by striking
18 the period and inserting “; and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(C) compliance assistance to assist institu-
22 tions in complying with the requirements of this
23 section.”;

24 (B) by redesignating paragraph (2) as
25 paragraph (4); and

1 (C) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) *INTERAGENCY AGREEMENT.*—Not later than
4 180 days after the date of enactment of the *College Af-*
5 *fordability Act*, the Secretary shall enter into a inter-
6 agency agreement with the Secretary of Health and
7 Human Services to—

8 “(A) determine criteria that satisfy the re-
9 quirement of subsection (a) that an institution of
10 higher education has adopted and has imple-
11 mented an evidence-based program described in
12 such subsection;

13 “(B) establish a process for disseminating
14 the best practices for adopting and implementing
15 such an evidence-based program; and

16 “(C) establish a process that promotes co-
17 ordination and collaboration between institu-
18 tions of higher education and the respective State
19 agencies that administer the *Substance Abuse*
20 *Prevention and Treatment Block Grants* pursu-
21 ant to subpart II of part B of title XIX of the
22 *Public Health Service Act* (42 U.S.C. 300x–21).

23 “(3) *GUIDANCE.*—Not later than 1 year after the
24 date of enactment of the *College Affordability Act*, the
25 Secretary shall, in coordination with the Secretary of

1 *Health and Human Services, issue guidance with re-*
2 *spect to the criteria described in paragraph (2)(A).”;*
3 *and*

4 *(4) in subsection (e)—*

5 *(A) in the subsection heading, by striking*
6 *“DRUG ABUSE” in the heading and inserting*
7 *“SUBSTANCE MISUSE”;*

8 *(B) in paragraph (1)—*

9 *(i) by striking “other organizations”*
10 *and inserting “community-based organiza-*
11 *tions that partner with institutions of high-*
12 *er education”;*

13 *(ii) by striking “programs of preven-*
14 *tion, and education (including treatment-*
15 *referral) to reduce and eliminate the illegal*
16 *use of drugs and alcohol and the violence*
17 *associated with such use” and inserting*
18 *“evidence-based programs of alcohol and*
19 *substance misuse prevention and education*
20 *(including programs to improve access to*
21 *treatment, referral for treatment services, or*
22 *crisis intervention services) to eliminate il-*
23 *legal substance use, decrease substance mis-*
24 *use, and improve public health and safety”;*
25 *and*

1 (iii) by striking “alcohol and drug
2 abuse” and inserting “substance use dis-
3 order”;

4 (C) by redesignating paragraphs (2)
5 through (5) as paragraphs (3) through (6), re-
6 spectively;

7 (D) by inserting after paragraph (1) the fol-
8 lowing:

9 “(2) *ADDITIONAL USES.*—In addition to the ac-
10 tivities described in paragraph (1), a grant or con-
11 tract awarded under paragraph (1) may be used to
12 carry out 1 or more of the following evidence-based
13 programs or activities:

14 “(A) *Providing programs for recovery sup-
15 port services, and peer-to-peer support services
16 and counseling for students with a substance use
17 disorder.*

18 “(B) *Promoting integration and collabora-
19 tion in campus-based health services between pri-
20 mary care, substance use disorder services, and
21 mental health services.*

22 “(C) *Promoting integrated care services for
23 students related to screening, diagnosis, preven-
24 tion, and treatment of mental, behavioral, and
25 substance use disorders.*

1 “(D) *Providing re-entry assistance for stu-*
2 *dents on academic probation due to their sub-*
3 *stance use disorder.*

4 “(E) *Preventing fatal and nonfatal*
5 *overdoses.*

6 “(F) *Providing education to students, fac-*
7 *ulty, or other personnel on—*

8 “(i) *recognizing the signs and symp-*
9 *toms of substance use disorder, and how to*
10 *engage and support a person in a crisis sit-*
11 *uation;*

12 “(ii) *resources available in the commu-*
13 *nity, within the institution of higher edu-*
14 *cation, and other relevant resources for in-*
15 *dividuals with a substance use disorder;*
16 *and*

17 “(iii) *safely de-escalating crisis situa-*
18 *tions involving individuals with a substance*
19 *use disorder.”; and*

20 “(E) *by amending paragraph (6), as redesi-*
21 *gnated by subparagraph (C), to read as follows:*

22 “(6) *AUTHORIZATION OF APPROPRIATIONS.—*
23 *There are authorized to be appropriated to carry out*
24 *this section \$15,000,000 for fiscal year 2021 and each*
25 *of the 5 succeeding fiscal years.”.*

1 **(b) EFFECTIVE DATES.**—

2 **(1) IN GENERAL.**—*Except as provided in para-*
3 *graph (2), the amendments made by this section shall*
4 *take effect on the date of enactment of this Act.*

5 **(2) DELAYED EFFECTIVE DATES.**—*The amend-*
6 *ments made by subsection (a)(2) shall apply to insti-*
7 *tutions of higher education on the date that is 2 years*
8 *after the date of enactment of this Act.*

9 **SEC. 1015. EXCEPTION TO REQUIRED REGISTRATION WITH**
10 **SELECTIVE SERVICE SYSTEM.**

11 *Part B of title I of the Higher Education Act of 1965*
12 *(20 U.S.C. 1011 et seq.) is amended by adding at the end*
13 *the following:*

14 **“SEC. 124. EXCEPTION TO REQUIRED REGISTRATION WITH**
15 **SELECTIVE SERVICE SYSTEM.**

16 *“Notwithstanding section 12(f) of the Military Selec-*
17 *tive Service Act (50 U.S.C. 3811(f)), a person shall not be*
18 *ineligible for assistance or a benefit provided under title*
19 *IV if the person is required under section 3 of such Act*
20 *(50 U.S.C. 3802) to present himself for and submit to reg-*
21 *istration under such section, and fails to do so in accord-*
22 *ance with any proclamation, rule, or regulation issued*
23 *under such section.”.*

1 **SEC. 1016. INTEGRITY OF NONPROFIT INSTITUTIONS OF**
2 **HIGHER EDUCATION.**

3 *Part B of title I of the Higher Education Act of 1965*
4 *(20 U.S.C. 1011 et seq.), as amended by this part, is further*
5 *amended by adding at the end the following:*

6 **“SEC. 125. INTEGRITY OF NONPROFIT INSTITUTIONS OF**
7 **HIGHER EDUCATION.**

8 *“(a) DETERMINATION.—The Secretary may approve*
9 *the conversion of an institution of higher education to a*
10 *nonprofit institution of higher education only if the Sec-*
11 *retary determines that such institution of higher education*
12 *meets the requirements under subsection (b).*

13 *“(b) APPLICATION.—To be eligible to convert and par-*
14 *ticipate as a nonprofit institution of higher education*
15 *under this Act, an institution of higher education shall sub-*
16 *mit an application to the Secretary that demonstrates each*
17 *of the following:*

18 *“(1) That the institution of higher education*
19 *that submits such application is controlled, owned,*
20 *and operated by one or more nonprofit corporations*
21 *or associations, no part of the net earnings of which*
22 *inures, or may lawfully inure, to the benefit of any*
23 *private shareholder or individual.*

24 *“(2) That any assets or services acquired by the*
25 *institution of higher education that submits such ap-*
26 *plication from former owners of such institution of*

1 *higher education were not acquired for more than the*
2 *value of such assets or services.*

3 *“(3) That no member of the governing board of*
4 *the institution of higher education that submits such*
5 *application (other than ex officio members serving at*
6 *the pleasure of the remainder of the governing board*
7 *and receiving a fixed salary), or any person with the*
8 *power to appoint or remove members of such gov-*
9 *erning board or any immediate family member of*
10 *such a member of the board or such a person with*
11 *power of appointment, receives any substantial direct*
12 *or indirect economic benefit (including a lease, prom-*
13 *issory note, or other contract) from such institution*
14 *of higher education.*

15 *“(4) That the institution of higher education*
16 *that submits such application is an organization de-*
17 *scribed in section 501(c)(3) of the Internal Revenue*
18 *Code of 1986 and is exempt from taxation under sec-*
19 *tion 501(a) of such Code.*

20 *“(5) Subject to subsection (c), that none of the*
21 *core functions of the institution of higher education*
22 *that submits such application are under the control*
23 *of, or subject to significant direction from, an entity*
24 *that is not a public institution of higher education or*
25 *other nonprofit entity.*

1 “(c) *PRESUMPTION OF SIGNIFICANT DIRECTION.*—For
2 purposes of paragraph (5) of subsection (b), in the case of
3 an institution of higher education that submits an applica-
4 tion under such subsection, there shall be a conclusive pre-
5 sumption that an entity (other than such institution of
6 higher education) exercises significant direction over such
7 institution if one or more of the employees or owners of
8 the entity serves as an officer, member of the board, or per-
9 son holding similar authority for such institution.

10 “(d) *TRANSITION PERIOD.*—

11 “(1) *IN GENERAL.*—In the case of a proprietary
12 institution of higher education approved for conver-
13 sion under subsection (a), for a period of at least 5
14 years that begins on the date such institution is ap-
15 proved for such conversion, the institution shall be—

16 “(A) subject to any provision of this Act
17 and any regulation that apply to proprietary in-
18 stitutions of higher education; and

19 “(B) considered a proprietary institution of
20 higher education for purposes of this Act.

21 “(2) *DEFINITION.*—The term ‘proprietary insti-
22 tution of higher education’ has the meaning given the
23 term in section 102(b).

24 “(e) *VALUE.*—The term ‘value’, with respect to an ac-
25 quisition under subsection (b)(2)—

1 “(1) includes the value of any ongoing relation-
2 ship (including any contract, agreement, lease or
3 other arrangement);

4 “(2) subject to paragraph (3), may be dem-
5 onstrated through—

6 “(A) a third-party appraisal based on com-
7 parable assets acquired by, or goods or services
8 procured by, nonprofit corporations in similar
9 market conditions;

10 “(B) an independent financing of the acqui-
11 sition based upon the assets acquired; or

12 “(C) a full and open competition in the ac-
13 quisition of services or assets, as such term is de-
14 fined in section 2.101(b) of title 48, Code of Fed-
15 eral Regulations, as in effect on the date of the
16 enactment of this section; and

17 “(3) shall be subject to such other demonstration
18 process determined appropriate by the Secretary in a
19 case in which the Secretary does not accept a dem-
20 onstration process described in paragraph (2).

21 “(f) PUBLICATION.—

22 “(1) APPLICATION.—Before the Secretary may
23 approve the conversion of an institution of higher
24 education under subsection (a), the application of
25 such institution submitted to the Secretary under sub-

1 *section (b) shall be published in the Federal Register*
2 *with an appropriate notice and comment period.*

3 *“(2) DETERMINATION.—The Secretary shall pub-*
4 *lish each determination under this section, and the*
5 *reasons for such determination, under the Federal*
6 *Register.*

7 *“(g) PUBLIC REPRESENTATION AND MARKETING OF*
8 *NONPROFIT STATUS.—An institution of higher education*
9 *shall not promote or market itself, in any manner, as a*
10 *nonprofit institution of higher education unless—*

11 *“(1) in the case of an institution of higher edu-*
12 *cation that seeks to convert to a nonprofit institution*
13 *of higher education under this section—*

14 *“(A) the Secretary has given final approval*
15 *of the conversion of the institution to a nonprofit*
16 *institution of higher education under this sec-*
17 *tion;*

18 *“(B) an accrediting agency or association*
19 *recognized by the Secretary pursuant to section*
20 *496 has approved the nonprofit status of the in-*
21 *stitution; and*

22 *“(C) the State has given final approval to*
23 *the institution as a nonprofit institution of high-*
24 *er education, as applicable; and*

1 “(2) *the Commissioner of Internal Revenue has*
2 *approved the institution as tax exempt for purposes*
3 *of the Internal Revenue Code of 1986.*

4 “(h) *OFFICE TO MONITOR NONPROFIT INTEGRITY.—*
5 *Not later than 1 year after the date of enactment of the*
6 *College Affordability Act, the Secretary shall establish an*
7 *office within the Department with the expertise necessary*
8 *to carry out this section.*

9 “**SEC. 126. REVIEW OF GOVERNANCE.**

10 “*The Secretary shall review the governance of an insti-*
11 *tution of higher education when such institution has en-*
12 *gaged in transactions or arrangements determined by the*
13 *Secretary as potential indicators of private inurement, in*
14 *order to promote the highest standards of nonprofit integ-*
15 *riety.”.*

16 **SEC. 1017. SUPPORT AND GUIDANCE FOR HOMELESS INDI-**
17 **VIDUALS AND FOSTER CARE YOUTH.**

18 *Part B of title I of the Higher Education Act of 1965*
19 *(20 U.S.C. 1011 et seq.), as amended by this part, is further*
20 *amended by adding at the end the following:*

21 “**SEC. 127. SUPPORT AND GUIDANCE FOR HOMELESS INDI-**
22 **VIDUALS AND FOSTER CARE YOUTH.**

23 “(a) *GUIDANCE.—Not later than 120 days after the*
24 *date of enactment of the College Affordability Act, the Sec-*
25 *retary shall issue revised guidance for institutions of higher*

1 *education and financial aid administrators regarding serv-*
2 *ing homeless individuals and foster care youth, including*
3 *the requirements of the determination process for financial*
4 *aid administrators as specified in section 480(d).*

5 “(b) *PROFESSIONAL DEVELOPMENT.*—*Beginning not*
6 *later than 1 year after the date of enactment of the College*
7 *Affordability Act, the Secretary shall conduct an annual*
8 *professional development or training program, such as a*
9 *webinar, for liaisons described under section 485(k) and in-*
10 *terested faculty or staff regarding postsecondary education*
11 *services for such homeless individuals and foster care youth.*

12 “(c) *REPORT.*—*Not later than 1 year after the date*
13 *of enactment of the College Affordability Act, and not less*
14 *than once every 5 years thereafter, the Secretary shall pre-*
15 *pare and submit to Congress a report containing strategies*
16 *used by institutions, financial aid administrators, and liai-*
17 *sons described under section 485(k) that were effective in*
18 *meeting the needs of such homeless individuals and foster*
19 *care youth, including strategies relating to streamlining fi-*
20 *nancial aid policies and procedures and postsecondary edu-*
21 *cation recruitment, retention, and completion.*

22 “(d) *HOMELESS INDIVIDUAL DEFINED.*—*In this sec-*
23 *tion, the term ‘homeless individual’ has the meaning given*
24 *the term in section 402A.”.*

1 **SEC. 1018. CALCULATION OF PERCENTAGE OF ENROLLED**
2 **STUDENTS RECEIVING OR ELIGIBLE FOR FED-**
3 **ERAL PELL GRANTS.**

4 *Part B of title I of the Higher Education Act of 1965*
5 *(20 U.S.C. 1011 et seq.), as amended by this part, is further*
6 *amended by adding at the end the following:*

7 **“SEC. 128. CALCULATION OF PERCENTAGE OF ENROLLED**
8 **STUDENTS RECEIVING OR ELIGIBLE FOR FED-**
9 **ERAL PELL GRANTS.**

10 *“Beginning on the date of enactment of the College Af-*
11 *fordability Act, for purposes of calculating under this Act*
12 *the percentage of students enrolled at an institution of high-*
13 *er education or in a program who are receiving Federal*
14 *Pell Grants under section 401 or who are eligible to receive*
15 *such grants, the total number of students who are counted*
16 *as enrolled in such institution or program shall not include*
17 *students who are dually or concurrently enrolled in the in-*
18 *stitution or program and a secondary school.”.*

19 **SEC. 1019. CERTIFICATION REGARDING THE USE OF CER-**
20 **TAIN FEDERAL FUNDS.**

21 *(a) IN GENERAL.—Part B of title I of the Higher Edu-*
22 *cation Act of 1965 (20 U.S.C. 1011 et seq.), as amended*
23 *by this part, is further amended by adding at the end the*
24 *following:*

1 **“SEC. 129. CERTIFICATION REGARDING THE USE OF CER-**
2 **TAIN FEDERAL FUNDS.**

3 “(a) *PROHIBITION.*—No Federal funds received under
4 this Act by an institution of higher education or other post-
5 secondary educational institution may be used to pay any
6 person for influencing or attempting to influence an officer
7 or employee of any agency, a Member of Congress, an officer
8 or employee of Congress, or an employee of a Member of
9 Congress in connection with any Federal action described
10 in subsection (b).

11 “(b) *APPLICABILITY.*—The prohibition in subsection
12 (a) applies with respect to the following Federal actions:

13 “(1) *The awarding of any Federal contract.*

14 “(2) *The making of any Federal grant.*

15 “(3) *The making of any Federal loan.*

16 “(4) *The entering into of any Federal coopera-*
17 *tive agreement.*

18 “(5) *The extension, continuation, renewal,*
19 *amendment, or modification of any Federal contract,*
20 *grant, loan, or cooperative agreement.*

21 “(c) *LOBBYING AND EARMARKS.*—No Federal student
22 aid funding under this Act may be used to hire a registered
23 lobbyist or pay any person or entity for securing an ear-
24 mark.

25 “(d) *CERTIFICATION.*—Each institution of higher edu-
26 cation or other postsecondary educational institution re-

1 *ceiving Federal funding under this Act, as a condition for*
 2 *receiving such funding, shall annually certify to the Sec-*
 3 *retary that the requirements of subsections (a) through (c)*
 4 *have been met.*

5 “(e) *ACTIONS TO IMPLEMENT AND ENFORCE.*—*The*
 6 *Secretary shall take such actions as are necessary to ensure*
 7 *that the provisions of this section are implemented and en-*
 8 *forced.*”.

9 (b) *CONFORMING AMENDMENT.*—

10 (1) *IN GENERAL.*—*Section 119 of the Higher*
 11 *Education Opportunity Act (20 U.S.C. 1011m) is re-*
 12 *pealed.*

13 (2) *CONFORMING AMENDMENT.*—*The table of sec-*
 14 *tions in section 1(b) of the Higher Education Oppor-*
 15 *tunity Act is amended by striking the item relating*
 16 *to section 119.*

17 **SEC. 1020. FREEDOM OF ASSOCIATION.**

18 *Part B of title I of the Higher Education Act of 1965*
 19 *(20 U.S.C. 1011 et seq.), as amended by this part, is further*
 20 *amended by adding at the end the following:*

21 **“SEC. 130. FREEDOM OF ASSOCIATION.**

22 “(a) *NON-RETALIATION AGAINST STUDENTS OF SIN-*
 23 *GLE-SEX SOCIAL ORGANIZATIONS.*—*An institution of high-*
 24 *er education that receives funds under this Act shall not—*

1 “(1) take any action to require or coerce a stu-
2 dent or prospective student who is a member or pro-
3 spective member of a single-sex social organization to
4 waive the requirements of paragraph (2), including as
5 a condition of enrolling in the institution; or

6 “(2) take any adverse action against a student
7 who is a member or a prospective member of a single-
8 sex social organization based solely on the member-
9 ship practice of such organization limiting member-
10 ship to only individuals of one sex.

11 “(b) *RULES OF CONSTRUCTION.*—Nothing in this sec-
12 tion shall—

13 “(1) require an institution of higher education to
14 officially recognize a single-sex organization;

15 “(2) prohibit an institution of higher education
16 from taking an adverse action against a student who
17 joins a single-sex social organization for a reason in-
18 cluding academic misconduct or nonacademic mis-
19 conduct, or because the organization’s purpose poses a
20 clear harm to the students or employees, so long as
21 that adverse action is not based solely on the member-
22 ship practice of the organization of limiting member-
23 ship to only individuals of one sex; or

24 “(3) inhibit the ability of the faculty, staff, or
25 administrators of an institution of higher education

1 *to express an opinion (either individually or collec-*
2 *tively) about membership in a single-sex social orga-*
3 *nization, or otherwise inhibit the academic freedom of*
4 *such faculty, staff, or administrators to research,*
5 *write, or publish material about membership in such*
6 *an organization.*

7 “(c) *DEFINITIONS.—In this section:*

8 “(1) *ADVERSE ACTION.—The term ‘adverse ac-*
9 *tion’ means any of the following actions taken by an*
10 *institution of higher education with respect to a mem-*
11 *ber or prospective member of a single-sex social orga-*
12 *nization:*

13 “(A) *Expulsion, suspension, probation, cen-*
14 *sure, condemnation, formal reprimand, or any*
15 *other disciplinary action, coercive action, or*
16 *sanction taken by an institution of higher edu-*
17 *cation or administrative unit of such institution.*

18 “(B) *An oral or written warning with re-*
19 *spect to an action described in subparagraph*
20 *(A).*

21 “(C) *An action to deny participation in*
22 *any education program or activity.*

23 “(D) *An action to withhold, in whole or in*
24 *part, any financial assistance (including schol-*
25 *arships and on campus employment), or denying*

1 *the opportunity to apply for financial assistance,*
2 *a scholarship, a graduate fellowship, or on-cam-*
3 *pus employment.*

4 “(E) *An action to deny or restrict access to*
5 *on-campus housing.*

6 “(F) *An act to deny any certification, en-*
7 *dorsement, or letter of recommendation that may*
8 *be required by a student’s current or future em-*
9 *ployer, a government agency, a licensing board,*
10 *an institution of higher education, a scholarship*
11 *program, or a graduate fellowship to which the*
12 *student seeks to apply.*

13 “(G) *An action to deny participation in*
14 *any sports team, club, or other student organiza-*
15 *tion, including a denial of any leadership posi-*
16 *tion in any sports team, club, or other student*
17 *organization.*

18 “(H) *An action to require any student to*
19 *certify that such student is not a member of a*
20 *single-sex social organization or to disclose the*
21 *student’s membership in a single-sex social orga-*
22 *nization.*

23 “(2) *SINGLE-SEX SOCIAL ORGANIZATION.—The*
24 *term ‘single-sex social organization’ means—*

1 “(A) a social fraternity or sorority de-
2 scribed in section 501(c) of the Internal Revenue
3 Code of 1986 which is exempt from taxation
4 under section 501(a) of such Code; or

5 “(B) an organization that has been histori-
6 cally single-sex, the active membership of which
7 consists primarily of students or alumni of an
8 institution of higher education or multiple insti-
9 tutions of higher education.”.

10 **PART C—COST OF HIGHER EDUCATION**

11 **SEC. 1021. CONSUMER INFORMATION.**

12 (a) *NET PRICE CALCULATORS.*—

13 (1) *MINIMUM STANDARDS.*—Section 132(h) of the
14 Higher Education Act of 1965 (20 U.S.C. 1015a(h))
15 is amended—

16 (A) by redesignating paragraph (4) as
17 paragraph (6);

18 (B) in paragraph (2), by inserting before
19 the period “, and, not later than 1 year after the
20 date of enactment of the College Affordability
21 Act, shall meet the requirements of paragraph
22 (4)(C)”;

23 (C) in paragraph (3), by inserting after the
24 first sentence the following: “Not later than 1
25 year after the date of enactment of the College

1 *Affordability Act, such calculator shall meet the*
2 *requirements of paragraph (4).”;* and

3 *(D) by inserting after paragraph (3) the fol-*
4 *lowing:*

5 “*(4) MINIMUM REQUIREMENTS FOR NET PRICE*
6 *CALCULATORS.—Not later than 1 year after the date*
7 *of enactment of the College Affordability Act, a net*
8 *price calculator for an institution of higher education*
9 *shall, at a minimum, meet the following require-*
10 *ments:*

11 “*(A) The link for the calculator—*

12 “*(i) is clearly labeled as a ‘net price*
13 *calculator’ and prominently, clearly, and*
14 *conspicuously (in such size and contrast*
15 *(such as shade) that it is readily noticeable*
16 *and readable) posted in locations on the in-*
17 *stitution’s website where information on*
18 *costs and aid is provided (such as financial*
19 *aid, prospective students, or tuition and fees*
20 *web pages);*

21 “*(ii) matches in size and font to the*
22 *other prominent links on the primary*
23 *menu; and*

24 “*(iii) may also be included on the in-*
25 *stitution’s compliance web page, which con-*

1 *tains information relating to compliance*
2 *with Federal, State, and local laws.*

3 *“(B) The input screen for the net price cal-*
4 *culator displays a chart of the net prices for stu-*
5 *dents receiving Federal student financial aid*
6 *under title IV (as required by subsection (i)(5))*
7 *for the most recent academic year for which data*
8 *are available, disaggregated by income cat-*
9 *egories.*

10 *“(C) The results screen for the calculator*
11 *specifies the following information:*

12 *“(i) The individual net price (as cal-*
13 *culated under paragraph (2)) for the indi-*
14 *vidual student, which is the most visually*
15 *prominent figure on the results screen, in-*
16 *cluding a statement of—*

17 *“(I) the year for which the net*
18 *price applies; and*

19 *“(II) the year from which the*
20 *data was used to determine that net*
21 *price.*

22 *“(ii) Cost of attendance, including—*

23 *“(I) the total estimated cost for a*
24 *student to complete the program of*
25 *study, based on normal time for com-*

1 *pletion of, or graduation from, the stu-*
2 *dent’s particular program of study;*

3 *“(II) the total annual cost of at-*
4 *tendance;*

5 *“(III) annual tuition and fees;*

6 *“(IV) average annual cost of room*
7 *and board for the institution for a*
8 *first-time, full-time undergraduate stu-*
9 *dent enrolled in the institution;*

10 *“(V) average annual cost of books*
11 *and supplies for a first-time, full-time*
12 *undergraduate student enrolled in the*
13 *institution;*

14 *“(VI) estimated annual cost of*
15 *other expenses (including personal ex-*
16 *periences and transportation) for a first-*
17 *time, full-time undergraduate student*
18 *enrolled in the institution; and*

19 *“(VII) a statement of—*

20 *“(aa) the year for which each*
21 *cost described in this clause ap-*
22 *plies; and*

23 *“(bb) the year from which the*
24 *data was used to determine each*
25 *cost described in this clause.*

1 “(iii) *Estimated total need-based grant*
2 *aid and merit-based grant aid, from Fed-*
3 *eral, State, and institutional sources, that*
4 *may be available to the individual student,*
5 *showing the subtotal for each category and*
6 *the total of all sources of grant aid, and*
7 *disaggregated by academic year for normal*
8 *time for completion of, or graduation from,*
9 *the student’s particular program of study.*

10 “(iv) *Percentage of the first-time, full-*
11 *time undergraduate students enrolled in the*
12 *institution that received any type of grant*
13 *aid described in clause (iii), disaggregated*
14 *by their first year and subsequent years of*
15 *enrollment up to the number of years for*
16 *normal completion of, or graduation from,*
17 *their particular program of study.*

18 “(v) *The disclaimer described in para-*
19 *graph (6).*

20 “(vi) *In the case of a calculator that—*

21 “(I) *includes questions to estimate*
22 *a student’s (or prospective student’s)*
23 *eligibility for veterans’ education bene-*
24 *fits (as defined in section 480) or edu-*
25 *cational benefits for active duty service*

1 *members, such benefits are displayed*
2 *on the results screen in a manner that*
3 *clearly distinguishes them from the*
4 *grant aid described in clause (iii); or*

5 *“(II) does not include questions to*
6 *estimate eligibility for the benefits de-*
7 *scribed in subclause (I), the results*
8 *screen indicates—*

9 *“(aa) that certain students*
10 *(or prospective students) may*
11 *qualify for such benefits;*

12 *“(bb) states why the institu-*
13 *tion is not including questions to*
14 *estimate a student’s eligibility for*
15 *such benefits; and*

16 *“(cc) includes a link to an*
17 *appropriate Federal website that*
18 *provides information about such*
19 *benefits.*

20 *“(D) The institution populates the calcu-*
21 *lator with data from not earlier than 2 academic*
22 *years prior to the most recent academic year.*

23 *“(5) PROHIBITION ON USE OF DATA COLLECTED*
24 *BY THE NET PRICE CALCULATOR.—A net price calcu-*
25 *lator for an institution of higher education shall—*

1 “(A) clearly indicate which questions are
2 required to be completed for an estimate of the
3 net price from the calculator;

4 “(B) in the case of a calculator that requests
5 contact information from users, clearly mark
6 such requests as ‘optional’;

7 “(C) prohibit any personally identifiable
8 information provided by users from being sold or
9 made available to third parties; and

10 “(D) clearly state ‘Any information that
11 you provide on this site is confidential. The Net
12 Price Calculator does not store your responses or
13 require personal identifying information of any
14 kind.’”.

15 (2) UNIVERSAL NET PRICE CALCULATOR.—Sec-
16 tion 132(h) of the Higher Education Act of 1965 (20
17 U.S.C. 1015a(h)), as amended by paragraph (1), is
18 further amended by adding at the end the following:

19 “(7) UNIVERSAL NET PRICE CALCULATOR.—

20 “(A) IN GENERAL.—The Secretary may de-
21 velop a universal net price calculator that is
22 housed within the Department of Education,
23 with Department branding, and that may be
24 based on or utilize an existing platform devel-
25 oped by a public or private entity, that—

1 “(i) enables users to answer one set of
2 questions and receive net prices for any in-
3 stitution that is required to have a net price
4 calculator under this subsection;

5 “(ii) provides the information required
6 under subparagraphs (C) and (D) of para-
7 graph (4) for each institution for which a
8 net price is being sought;

9 “(iii) is developed in consultation with
10 the heads of relevant Federal agencies; and

11 “(iv) before being finalized and pub-
12 licly released, is tested in accordance with
13 subparagraph (B).

14 “(B) CONSUMER TESTING.—

15 “(i) IN GENERAL.—If the Secretary de-
16 velops a universal net price calculator
17 under subparagraph (A), the Secretary, in
18 consultation with the heads of relevant Fed-
19 eral agencies, shall establish a process to
20 submit the universal net price calculator de-
21 veloped under this paragraph for consumer
22 testing among representatives of students
23 (including low-income students, first gen-
24 eration college students, adult students, and
25 prospective students), students’ families (in-

1 *cluding low-income families, families with*
2 *first generation college students, and fami-*
3 *lies with prospective students), institutions*
4 *of higher education, secondary school and*
5 *postsecondary counselors, and nonprofit*
6 *consumer groups.*

7 *“(ii) LENGTH OF CONSUMER TEST-*
8 *ING.—The Secretary shall ensure that the*
9 *consumer testing lasts no longer than 6*
10 *months after the process for consumer test-*
11 *ing is developed under clause (i).*

12 *“(iii) USE OF RESULTS.—The results*
13 *of consumer testing under clause (i) shall be*
14 *used in the final development of the uni-*
15 *versal net price calculator.*

16 *“(iv) REPORTING REQUIREMENT.—Not*
17 *later than 3 months after the date the con-*
18 *sumer testing under clause (i) concludes, the*
19 *Secretary shall submit to Congress the final*
20 *universal net price calculator and a report*
21 *detailing the results of such testing, includ-*
22 *ing whether the Secretary added any addi-*
23 *tional items to the calculator as a result of*
24 *such testing.*

1 “(v) *AUTHORITY TO MODIFY.*—The
2 *Secretary may modify the definitions,*
3 *terms, formatting, and design of the uni-*
4 *versal net price calculator based on the re-*
5 *sults of consumer testing required under*
6 *this paragraph and before finalizing the*
7 *calculator.*

8 “(8) *REPORT FROM SECRETARY.*—Not later than
9 *1 year after the date of enactment of the College Af-*
10 *fordability Act, the Secretary shall submit a report to*
11 *Congress on steps taken to raise awareness of net*
12 *price calculators among prospective students and*
13 *families, particularly among students in middle*
14 *school and high school and students from low-income*
15 *families.”.*

16 (b) *INSTITUTIONAL EXPENDITURES.*—Section
17 *132(i)(1) of the Higher Education Act of 1965 (20 U.S.C.*
18 *1015a(i)(1)) is amended—*

19 (1) *in subparagraph (T), by striking “rate,” and*
20 *inserting “rate and adjusted cohort default rate,”;*
21 *and*

22 (2) *by adding at the end the following:*

23 “(AA) *The institution’s expenditures on*
24 *each of the following:*

25 “(i) *Instruction.*

1 “(ii) *Student services.*

2 “(iii) *Marketing.*

3 “(iv) *Recruitment.*

4 “(v) *Advertising.*

5 “(vi) *Lobbying.*”.

6 **SEC. 1022. POSTSECONDARY STUDENT DATA SYSTEM.**

7 (a) *POSTSECONDARY STUDENT DATA SYSTEM.*—*Sec-*
8 *tion 132 of the Higher Education Act of 1965 (20 U.S.C.*
9 *1015a) is amended—*

10 (1) *by redesignating subsection (l) as subsection*
11 *(m); and*

12 (2) *by inserting after subsection (k) the fol-*
13 *lowing:*

14 “(l) *POSTSECONDARY STUDENT DATA SYSTEM.*—

15 “(1) *IN GENERAL.*—

16 “(A) *ESTABLISHMENT OF SYSTEM.*—*The*
17 *Commissioner of the National Center for Edu-*
18 *cation Statistics (referred to in this subsection as*
19 *the ‘Commissioner’) shall develop and maintain*
20 *a secure, privacy-protected postsecondary stu-*
21 *dent-level data system in order to—*

22 “(i) *accurately evaluate student enroll-*
23 *ment patterns, progression, completion, and*
24 *postcollegiate outcomes, and higher edu-*
25 *cation costs and financial aid;*

1 “(ii) assist with transparency, institu-
2 tional improvement, and analysis of Fed-
3 eral aid programs;

4 “(iii) provide accurate, complete, and
5 customizable information for students and
6 families making decisions about postsec-
7 ondary education; and

8 “(iv) reduce the reporting burden on
9 institutions of higher education, in accord-
10 ance with section 1022(b)(2) of the College
11 Affordability Act.

12 “(B) AVOIDING DUPLICATED REPORTING.—
13 Notwithstanding any other provision of this sec-
14 tion, to the extent that another provision of this
15 section requires the same reporting or collection
16 of data that is required under this subsection, an
17 institution of higher education, or the Secretary
18 or Commissioner, may use the reporting or data
19 required for the postsecondary student data sys-
20 tem under this subsection to satisfy both require-
21 ments.

22 “(C) DEVELOPMENT PROCESS.—In devel-
23 oping the postsecondary student data system de-
24 scribed in this subsection, the Commissioner
25 shall—

1 “(i) focus on the needs of—

2 “(I) users of the data system; and

3 “(II) entities, including institu-
4 tions of higher education, reporting to
5 the data system;

6 “(ii) take into consideration, to the ex-
7 tent practicable—

8 “(I) the guidelines outlined in the
9 U.S. Web Design Standards main-
10 tained by the General Services Admin-
11 istration and the Digital Services
12 Playbook and TechFAR Handbook for
13 Procuring Digital Services Using Agile
14 Processes of the U.S. Digital Service;
15 and

16 “(II) the relevant successor docu-
17 ments or recommendations of such
18 guidelines;

19 “(iii) use modern, relevant privacy-
20 and security-enhancing technology, and en-
21 hance and update the data system as nec-
22 essary to carry out the purpose of this sub-
23 section;

1 “(iv) ensure data privacy and security
2 is consistent with any Federal law relating
3 to privacy or data security, including—

4 “(I) the requirements of sub-
5 chapter II of chapter 35 of title 44,
6 United States Code, specifying security
7 categorization under the Federal Infor-
8 mation Processing Standards or any
9 relevant successor of such standards;

10 “(II) security requirements that
11 are consistent with the Federal agency
12 responsibilities in section 3554 of title
13 44, United States Code, or any rel-
14 evant successor of such responsibilities;
15 and

16 “(III) security requirements,
17 guidelines, and controls consistent with
18 cybersecurity standards and best prac-
19 tices developed by the National Insti-
20 tute of Standards and Technology, in-
21 cluding frameworks, consistent with
22 section 2(c) of the National Institute of
23 Standards and Technology Act (15
24 U.S.C. 272(c)), or any relevant suc-
25 cessor of such frameworks;

1 “(v) follow Federal data minimization
2 practices to ensure only the minimum
3 amount of data is collected to meet the sys-
4 tem’s goals, in accordance with Federal
5 data minimization standards and guide-
6 lines developed by the National Institute of
7 Standards and Technology; and

8 “(vi) provide notice to students out-
9 lining the data included in the system and
10 how the data are used.

11 “(2) DATA ELEMENTS.—

12 “(A) IN GENERAL.—The Commissioner, in
13 consultation with the Postsecondary Student
14 Data System Advisory Committee established
15 under subparagraph (B), shall determine—

16 “(i) the data elements to be included in
17 the postsecondary student data system, in
18 accordance with subparagraphs (C) and
19 (D); and

20 “(ii) how to include the data elements
21 required under subparagraph (C), and any
22 additional data elements selected under sub-
23 paragraph (D), in the postsecondary stu-
24 dent data system.

1 “(B) *POSTSECONDARY STUDENT DATA SYS-*
2 *TEM ADVISORY COMMITTEE.*—

3 “(i) *ESTABLISHMENT.*—*The Commis-*
4 *sioner shall establish a Postsecondary Stu-*
5 *dent Data System Advisory Committee (re-*
6 *ferred to in this subsection as the ‘Advisory*
7 *Committee’), whose members shall include—*

8 “(I) *the Chief Privacy Officer of*
9 *the Department or an official of the*
10 *Department delegated the duties of*
11 *overseeing data privacy at the Depart-*
12 *ment;*

13 “(II) *the Chief Security Officer of*
14 *the Department or an official of the*
15 *Department delegated the duties of*
16 *overseeing data security at the Depart-*
17 *ment;*

18 “(III) *representatives of diverse*
19 *institutions of higher education, which*
20 *shall include equal representation be-*
21 *tween 2-year and 4-year institutions of*
22 *higher education, and from public,*
23 *nonprofit, and proprietary institutions*
24 *of higher education, including minor-*
25 *ity-serving institutions;*

1 “(IV) representatives from State
2 higher education agencies, entities,
3 bodies, or boards;

4 “(V) representatives of postsec-
5 ondary students;

6 “(VI) representatives from rel-
7 evant Federal agencies; and

8 “(VII) other stakeholders (includ-
9 ing individuals with expertise in data
10 privacy and security, consumer protec-
11 tion, and postsecondary education re-
12 search).

13 “(ii) *REQUIREMENTS.*—The Commis-
14 sioner shall ensure that the Advisory Com-
15 mittee—

16 “(I) adheres to all requirements
17 under the Federal Advisory Committee
18 Act (5 U.S.C. App.);

19 “(II) establishes operating and
20 meeting procedures and guidelines nec-
21 essary to execute its advisory duties;
22 and

23 “(III) is provided with appro-
24 priate staffing and resources to execute
25 its advisory duties.

1 “(C) *REQUIRED DATA ELEMENTS.*—*The*
2 *data elements in the postsecondary student data*
3 *system shall include, at a minimum, the fol-*
4 *lowing:*

5 “(i) *Student-level data elements nec-*
6 *essary to calculate the information within*
7 *the surveys designated by the Commissioner*
8 *as ‘student-related surveys’ in the Inte-*
9 *grated Postsecondary Education Data Sys-*
10 *tem (IPEDS), as such surveys are in effect*
11 *on the day before the date of enactment of*
12 *the College Affordability Act, except that in*
13 *the case that collection of such elements*
14 *would conflict with subparagraph (F), such*
15 *elements in conflict with subparagraph (F)*
16 *shall be included in the aggregate instead of*
17 *at the student level.*

18 “(ii) *Student-level data elements nec-*
19 *essary to allow for reporting student enroll-*
20 *ment, persistence, retention, transfer, and*
21 *completion measures for all credential levels*
22 *separately (including certificate, associate,*
23 *baccalaureate, and advanced degree levels),*
24 *within and across institutions of higher*
25 *education (including across all categories of*

1 *institution level, control, and predominant*
2 *degree awarded). The data elements shall*
3 *allow for reporting about all such data*
4 *disaggregated by the following categories:*

5 *“(I) Enrollment status as a first-*
6 *time student, recent transfer student,*
7 *or other non-first-time student.*

8 *“(II) Attendance intensity, wheth-*
9 *er full-time or part-time.*

10 *“(III) Credential-seeking status,*
11 *by credential level.*

12 *“(IV) Race or ethnicity (in ac-*
13 *cordance with section 153(a)(3)(B) of*
14 *the Education Sciences Reform Act (20*
15 *U.S.C. 9543(a)(3)(B)).*

16 *“(V) Age intervals.*

17 *“(VI) Gender.*

18 *“(VII) Program of study (as ap-*
19 *plicable).*

20 *“(VIII) Military or veteran ben-*
21 *efit status (as determined based on re-*
22 *ceipt of veteran’s education benefits, as*
23 *defined in section 480(c)).*

24 *“(IX) Status as a distance edu-*
25 *cation student, whether exclusively or*

1 partially enrolled in distance edu-
2 cation.

3 “(X) Federal Pell Grant and Fed-
4 eral loan recipient status, provided
5 that the collection of such information
6 complies with paragraph (1)(B).

7 “(D) OTHER DATA ELEMENTS.—

8 “(i) IN GENERAL.—The Commissioner
9 may, after consultation with the Advisory
10 Committee and provision of a public com-
11 ment period, include additional data ele-
12 ments in the postsecondary student data
13 system, such as those described in clause
14 (ii), if those data elements—

15 “(I) are necessary to ensure that
16 the postsecondary data system fulfills
17 the purposes described in paragraph
18 (1)(A); and

19 “(II) are consistent with data
20 minimization principles, including the
21 collection of only those additional ele-
22 ments that are necessary to ensure such
23 purposes.

24 “(ii) DATA ELEMENTS.—The data ele-
25 ments described in clause (i) may include—

1 “(I) *status as a first generation*
2 *college student (as defined in section*
3 *402A(h));*

4 “(II) *economic status;*

5 “(III) *participation in postsec-*
6 *ondary remedial coursework or gate-*
7 *way course completion; or*

8 “(IV) *other data elements that are*
9 *necessary in accordance with clause*
10 *(i).*

11 “(E) *REEVALUATION.—Not less than once*
12 *every 3 years after the implementation of the*
13 *postsecondary student data system described in*
14 *this subsection, the Commissioner, in consulta-*
15 *tion with the Advisory Committee described in*
16 *subparagraph (B), shall review the data elements*
17 *included in the postsecondary student data sys-*
18 *tem and may revise the data elements to be in-*
19 *cluded in such system.*

20 “(F) *PROHIBITIONS.—The Commissioner*
21 *shall not include individual health data (includ-*
22 *ing data relating to physical health or mental*
23 *health), student discipline records or data, ele-*
24 *mentary and secondary education data, an exact*
25 *address, citizenship status, migrant status, or*

1 *national origin status for students or their fami-*
2 *lies, course grades, postsecondary entrance exam-*
3 *ination results, political affiliation, or religion*
4 *in the postsecondary student data system under*
5 *this subsection.*

6 “(3) *PERIODIC MATCHING WITH OTHER FEDERAL*
7 *DATA SYSTEMS.—*

8 “(A) *DATA SHARING AGREEMENTS.—*

9 “(i) *The Commissioner shall ensure se-*
10 *cure, periodic data matches by entering into*
11 *data sharing agreements with each of the*
12 *following Federal agencies and offices:*

13 “(I) *The Secretary of the Treas-*
14 *ury and the Commissioner of the Inter-*
15 *nal Revenue Service, in order to cal-*
16 *culate aggregate program- and institu-*
17 *tion-level earnings of postsecondary*
18 *students.*

19 “(II) *The Secretary of Defense, in*
20 *order to assess the use of postsecondary*
21 *educational benefits and the outcomes*
22 *of servicemembers.*

23 “(III) *The Secretary of Veterans*
24 *Affairs, in order to assess the use of*

1 *postsecondary educational benefits and*
2 *outcomes of veterans.*

3 *“(IV) The Director of the Bureau*
4 *of the Census, in order to assess the oc-*
5 *cupational and earnings outcomes of*
6 *former postsecondary education stu-*
7 *dents.*

8 *“(V) The Chief Operating Officer*
9 *of the Office of Federal Student Aid, in*
10 *order to analyze the use of postsec-*
11 *ondary educational benefits provided*
12 *under this Act.*

13 *“(ii) The heads of Federal agencies and*
14 *offices described under clause (i) shall enter*
15 *into data sharing agreements with the Com-*
16 *missioner to ensure secure, periodic data*
17 *matches as described in this paragraph.*

18 *“(B) CATEGORIES OF DATA.—The Commis-*
19 *sioner shall, at a minimum, seek to ensure that*
20 *the secure periodic data system matches de-*
21 *scribed in subparagraph (A) permit consistent*
22 *reporting of the following categories of data for*
23 *all postsecondary students:*

1 “(i) *Enrollment, retention, transfer,*
2 *and completion outcomes for all postsec-*
3 *ondary students.*

4 “(ii) *Financial indicators for postsec-*
5 *ondary students receiving Federal grants*
6 *and loans, including grant and loan aid by*
7 *source, cumulative student debt, loan repay-*
8 *ment status, and repayment plan.*

9 “(iii) *Post-completion outcomes for all*
10 *postsecondary students, including earnings,*
11 *employment, and further education, by pro-*
12 *gram of study and credential level and as*
13 *measured—*

14 “(I) *immediately after leaving*
15 *postsecondary education; and*

16 “(II) *at time intervals appro-*
17 *priate to the credential sought and*
18 *earned.*

19 “(C) *PERIODIC DATA MATCH STREAMLINING*
20 *AND CONFIDENTIALITY.—*

21 “(i) *STREAMLINING.—In carrying out*
22 *the secure periodic data system matches*
23 *under this paragraph, the Commissioner*
24 *shall—*

1 “(I) ensure that such matches are
2 not continuous, but occur at appro-
3 priate intervals, as determined by the
4 Commissioner; and

5 “(II) seek to—

6 “(aa) streamline the data
7 collection and reporting require-
8 ments for institutions of higher
9 education;

10 “(bb) minimize duplicative
11 reporting across or within Federal
12 agencies or departments, includ-
13 ing reporting requirements appli-
14 cable to institutions of higher edu-
15 cation under the Workforce Inno-
16 vation and Opportunity Act (29
17 U.S.C. 3101 et seq.) and the Carl
18 D. Perkins Career and Technical
19 Education Act of 2006;

20 “(cc) protect student privacy;
21 and

22 “(dd) streamline the applica-
23 tion process for student loan ben-
24 efit programs available to bor-
25 rowers based on data available

1 *from different Federal data sys-*
2 *tems.*

3 “(ii) *REVIEW.*—*Not less often than*
4 *once every 3 years after the establishment of*
5 *the postsecondary student data system*
6 *under this subsection, the Commissioner, in*
7 *consultation with the Advisory Committee,*
8 *shall review methods for streamlining data*
9 *collection from institutions of higher edu-*
10 *cation and minimizing duplicative report-*
11 *ing within the Department and across Fed-*
12 *eral agencies that provide data for the post-*
13 *secondary student data system.*

14 “(iii) *CONFIDENTIALITY.*—*The Com-*
15 *missioner shall ensure that any periodic*
16 *matching or sharing of data through peri-*
17 *odic data system matches established in ac-*
18 *cordance with this paragraph—*

19 “(I) *complies with the security*
20 *and privacy protections described in*
21 *paragraph (1)(C)(iv) and other Fed-*
22 *eral data protection protocols;*

23 “(II) *follows industry best prac-*
24 *tices commensurate with the sensitivity*
25 *of specific data elements or metrics;*

1 “(III) does not result in the cre-
2 ation of a single standing, linked Fed-
3 eral database at the Department that
4 maintains the information reported
5 across other Federal agencies; and

6 “(IV) discloses to postsecondary
7 students what data are included in the
8 data system and periodically matched
9 and how the data are used.

10 “(iv) CORRECTION.—The Commis-
11 sioner, in consultation with the Advisory
12 Committee, shall establish a process for stu-
13 dents to request access to only their personal
14 information for inspection and request cor-
15 rections to inaccuracies in a manner that
16 protects the student’s personally identifiable
17 information. The Commissioner shall re-
18 spond in writing to every request for a cor-
19 rection from a student.

20 “(4) PUBLICLY AVAILABLE INFORMATION.—

21 “(A) IN GENERAL.—The Commissioner shall
22 make the summary aggregate information de-
23 scribed in subparagraph (C), at a minimum,
24 publicly available through a user-friendly con-

1 *sumer information website and analytic tool*
2 *that—*

3 *“(i) provides appropriate mechanisms*
4 *for users to customize and filter information*
5 *by institutional and student characteristics;*

6 *“(ii) allows users to build summary*
7 *aggregate reports of information, including*
8 *reports that allow comparisons across mul-*
9 *tiple institutions and programs, subject to*
10 *subparagraph (B);*

11 *“(iii) uses appropriate statistical dis-*
12 *closure limitation techniques necessary to*
13 *ensure that the data released to the public*
14 *cannot be used to identify specific individ-*
15 *uals; and*

16 *“(iv) provides users with appropriate*
17 *contextual factors to make comparisons,*
18 *which may include national median figures*
19 *of the summary aggregate information de-*
20 *scribed in subparagraph (C).*

21 *“(B) NO PERSONALLY IDENTIFIABLE INFOR-*
22 *MATION AVAILABLE.—The summary aggregate*
23 *information described in this paragraph shall*
24 *not include personally identifiable information.*

1 “(C) *SUMMARY AGGREGATE INFORMATION*
2 *AVAILABLE.—The summary aggregate informa-*
3 *tion described in this paragraph shall, at a min-*
4 *imum, include each of the following for each in-*
5 *stitution of higher education:*

6 “(i) *Measures of student access, includ-*
7 *ing—*

8 “(I) *admissions selectivity and*
9 *yield; and*

10 “(II) *enrollment, disaggregated by*
11 *each category described in paragraph*
12 *(2)(C)(ii).*

13 “(ii) *Measures of student progression,*
14 *including retention rates and persistence*
15 *rates, disaggregated by each category de-*
16 *scribed in paragraph (2)(C)(ii).*

17 “(iii) *Measures of student completion,*
18 *including—*

19 “(I) *transfer rates and completion*
20 *rates, disaggregated by each category*
21 *described in paragraph (2)(C)(ii); and*

22 “(II) *number of completions,*
23 *disaggregated by each category de-*
24 *scribed in paragraph (2)(C)(ii).*

1 “(iv) *Measures of student costs, includ-*
2 *ing—*

3 “(I) *tuition, required fees, total*
4 *cost of attendance, and net price after*
5 *total grant aid, disaggregated by in-*
6 *State tuition or in-district tuition sta-*
7 *tus (if applicable), program of study*
8 *(if applicable), and credential level;*
9 *and*

10 “(II) *typical grant amounts and*
11 *loan amounts received by students re-*
12 *ported separately from Federal, State,*
13 *local, and institutional sources, and*
14 *cumulative debt, disaggregated by each*
15 *category described in paragraph*
16 *(2)(C)(ii) and completion status.*

17 “(v) *Measures of postcollegiate student*
18 *outcomes, including employment rates,*
19 *mean and median earnings, loan repay-*
20 *ment and default rates, and further edu-*
21 *cation rates. These measures shall—*

22 “(I) *be disaggregated by each cat-*
23 *egory described in paragraph (2)(C)(ii)*
24 *and completion status; and*

1 “(II) be measured immediately
2 after leaving postsecondary education
3 and at time intervals appropriate to
4 the credential sought or earned.

5 “(D) DEVELOPMENT CRITERIA.—In devel-
6 oping the method and format of making the in-
7 formation described in this paragraph publicly
8 available, the Commissioner shall—

9 “(i) focus on the needs of the users of
10 the information, which will include stu-
11 dents, families of students, potential stu-
12 dents, researchers, and other consumers of
13 education data;

14 “(ii) take into consideration, to the ex-
15 tent practicable, the guidelines described in
16 paragraph (1)(C)(ii)(I), and relevant suc-
17 cessor documents or recommendations of
18 such guidelines;

19 “(iii) use modern, relevant technology
20 and enhance and update the postsecondary
21 student data system with information, as
22 necessary to carry out the purpose of this
23 paragraph;

24 “(iv) ensure data privacy and security
25 in accordance with standards and guide-

1 *lines developed by the National Institute of*
2 *Standards and Technology, and in accord-*
3 *ance with any other Federal law relating to*
4 *privacy or security, including complying*
5 *with the requirements of subchapter II of*
6 *chapter 35 of title 44, United States Code,*
7 *specifying security categorization under the*
8 *Federal Information Processing Standards,*
9 *and security requirements, and setting of*
10 *National Institute of Standards and Tech-*
11 *nology security baseline controls at the ap-*
12 *propriate level; and*

13 *“(v) conduct consumer testing to deter-*
14 *mine how to make the information as*
15 *meaningful to users as possible.*

16 *“(5) PERMISSIBLE DISCLOSURES OF DATA.—*

17 *“(A) DATA REPORTS AND QUERIES.—*

18 *“(i) IN GENERAL.—The Commissioner*
19 *shall develop and implement a secure proc-*
20 *ess for making student-level, non-personally*
21 *identifiable information, with direct identi-*
22 *fiers removed, from the postsecondary stu-*
23 *dent data system available for vetted re-*
24 *search and evaluation purposes approved by*
25 *the Commissioner in a manner compatible*

1 with practices for disclosing National Cen-
2 ter for Education Statistics restricted-use
3 survey data as in effect on the day before
4 the date of enactment of the College Afford-
5 ability Act, or by applying other research
6 and disclosure restrictions to ensure data
7 privacy and security. Such process shall be
8 approved by the National Center for Edu-
9 cation Statistics' Disclosure Review Board
10 (or successor body).

11 “(ii) PROVIDING DATA REPORTS AND
12 QUERIES TO INSTITUTIONS AND STATES.—

13 “(I) IN GENERAL.—The Commis-
14 sioner shall provide feedback reports, at
15 least annually, to each institution of
16 higher education, each postsecondary
17 education system that fully partici-
18 pates in the postsecondary student
19 data system, and each State higher
20 education body as designated by the
21 governor.

22 “(II) FEEDBACK REPORTS.—The
23 feedback reports provided under this
24 clause shall include program-level and
25 institution-level information from the

1 *postsecondary student data system re-*
2 *garding students who are associated*
3 *with the institution or, for State rep-*
4 *resentatives, the institutions within*
5 *that State, on or before the date of the*
6 *report, on measures including student*
7 *mobility and workforce outcomes, pro-*
8 *vided that the feedback aggregate sum-*
9 *mary reports protect the privacy of in-*
10 *dividuals.*

11 *“(III) DETERMINATION OF CON-*
12 *TENT.—The content of the feedback re-*
13 *ports shall be determined by the Com-*
14 *missioner, in consultation with the Ad-*
15 *visory Committee.*

16 *“(iii) PERMITTING STATE DATA QUE-*
17 *RIES.—The Commissioner shall, in con-*
18 *sultation with the Advisory Committee and*
19 *as soon as practicable, create a process*
20 *through which States may submit lists of*
21 *secondary school graduates within the State*
22 *to receive summary aggregate outcomes for*
23 *those students who enrolled at an institu-*
24 *tion of higher education, including postsec-*
25 *ondary enrollment and college completion,*

1 *provided that those data protect the privacy*
2 *of individuals and that the State data sub-*
3 *mitted to the Commissioner are not stored*
4 *in the postsecondary education system.*

5 “(iv) *REGULATIONS.*—*The Commis-*
6 *sioner shall promulgate regulations to en-*
7 *sure fair, secure, and equitable access to*
8 *data reports and queries under this para-*
9 *graph.*

10 “(B) *DISCLOSURE LIMITATIONS.*—*In car-*
11 *rying out the public reporting and disclosure re-*
12 *quirements of this subsection, the Commissioner*
13 *shall use appropriate statistical disclosure limi-*
14 *tation techniques necessary to ensure that the*
15 *data released to the public cannot include per-*
16 *sonally identifiable information or be used to*
17 *identify specific individuals.*

18 “(C) *SALE OF DATA PROHIBITED.*—*Data*
19 *collected under this subsection, including the*
20 *public-use data set and data comprising the*
21 *summary aggregate information available under*
22 *paragraph (4), shall not be sold to any third*
23 *party by the Commissioner, including any insti-*
24 *tution of higher education or any other entity.*

1 “(D) *LIMITATION ON USE BY OTHER FED-*
2 *ERAL AGENCIES.—*

3 “(i) *IN GENERAL.—The Commissioner*
4 *shall not allow any other Federal agency to*
5 *use data collected under this subsection for*
6 *any purpose except—*

7 “(I) *for vetted research and eval-*
8 *uation conducted by the other Federal*
9 *agency, as described in subparagraph*
10 *(A)(i); or*

11 “(II) *for a purpose explicitly au-*
12 *thorized by this subsection.*

13 “(ii) *PROHIBITION ON LIMITATION OF*
14 *SERVICES.—The Secretary, or the head of*
15 *any other Federal agency, shall not use data*
16 *collected under this subsection to limit serv-*
17 *ices to students.*

18 “(E) *LAW ENFORCEMENT.—Personally*
19 *identifiable information collected under this sub-*
20 *section shall not be used for any Federal, State,*
21 *or local law enforcement activity or any other*
22 *activity that would result in adverse action*
23 *against any student or a student’s family, in-*
24 *cluding debt collection activity or enforcement of*
25 *immigration laws.*

1 “(F) *LIMITATION OF USE FOR FEDERAL*
2 *RANKINGS OR SUMMATIVE RATING SYSTEM.—The*
3 *comprehensive data collection and analysis nec-*
4 *essary for the postsecondary student data system*
5 *under this subsection shall not be used by the*
6 *Secretary or any Federal entity to establish any*
7 *Federal ranking system of institutions of higher*
8 *education or a system that results in a*
9 *summative Federal rating of institutions of high-*
10 *er education.*

11 “(G) *RULE OF CONSTRUCTION.—Nothing in*
12 *this paragraph shall be construed to prevent the*
13 *use of individual categories of aggregate infor-*
14 *mation to be used for accountability purposes.*

15 “(H) *RULE OF CONSTRUCTION REGARDING*
16 *COMMERCIAL USE OF DATA.—Nothing in this*
17 *paragraph shall be construed to prohibit third-*
18 *party entities from using publicly-available in-*
19 *formation in this data system for commercial*
20 *use.*

21 “(6) *SUBMISSION OF DATA.—*

22 “(A) *REQUIRED SUBMISSION.—Each insti-*
23 *tution of higher education participating in a*
24 *program under title IV, or the assigned agent of*
25 *such institution, shall, in accordance with sec-*

1 *tion 487(a)(17), collect, and submit to the Com-*
2 *missioner, the data requested by the Commis-*
3 *sioner to carry out this subsection.*

4 *“(B) VOLUNTARY SUBMISSION.—Any post-*
5 *secondary institution not participating in a pro-*
6 *gram under title IV may voluntarily participate*
7 *in the postsecondary student data system under*
8 *this subsection by collecting and submitting data*
9 *to the Commissioner, as the Commissioner may*
10 *request to carry out this subsection.*

11 *“(C) PERSONALLY IDENTIFIABLE INFORMA-*
12 *TION.—In accordance with paragraph (2)(C)(i),*
13 *if the submission of an element of student-level*
14 *data is prohibited under paragraph (2)(F) (or*
15 *otherwise prohibited by law), the institution of*
16 *higher education shall submit that data to the*
17 *Commissioner in the aggregate.*

18 *“(7) UNLAWFUL WILLFUL DISCLOSURE.—*

19 *“(A) IN GENERAL.—It shall be unlawful for*
20 *any person who obtains or has access to person-*
21 *ally identifiable information in connection with*
22 *the postsecondary student data system described*
23 *in this subsection to willfully disclose to any per-*
24 *son (except as authorized by Federal law) such*
25 *personally identifiable information.*

1 “(B) *PENALTY.*—*Any person who violates*
2 *subparagraph (A) shall be subject to a penalty*
3 *described under section 3572(f) of title 44,*
4 *United States Code and section 183(d)(6) of the*
5 *Education Sciences Reform Act of 2002 (20*
6 *U.S.C. 9573(d)(6)).*

7 “(C) *EMPLOYEE OF OFFICER OF THE*
8 *UNITED STATES.*—*If a violation of subparagraph*
9 *(A) is committed by any officer or employee of*
10 *the United States, the officer or employee shall be*
11 *dismissed from office or discharged from employ-*
12 *ment upon conviction for the violation.*

13 “(8) *DATA SECURITY.*—*The Commissioner shall*
14 *produce and update as needed guidance and regula-*
15 *tions relating to privacy, security, and access which*
16 *shall govern the use and disclosure of data collected*
17 *in connection with the activities authorized in this*
18 *subsection. The guidance and regulations developed*
19 *and reviewed shall protect data from unauthorized ac-*
20 *cess, use, and disclosure, and shall include—*

21 “(A) *an audit capability, including manda-*
22 *tory and regularly conducted audits;*

23 “(B) *access controls;*

24 “(C) *requirements to ensure sufficient data*
25 *security, quality, validity, and reliability;*

1 “(D) student confidentiality protection in
2 accordance with the Confidential Information
3 Protection and Statistical Efficiency Act;

4 “(E) appropriate and applicable privacy
5 and security protection, including data retention
6 and destruction protocols and data minimiza-
7 tion, in accordance with the most recent Federal
8 standards developed by the National Institute of
9 Standards and Technology; and

10 “(F) protocols for managing a breach, in-
11 cluding breach notifications, in accordance with
12 the standards of National Center for Education
13 Statistics.

14 “(9) DATA COLLECTION.—The Commissioner
15 shall ensure that data collection, maintenance, and
16 use under this subsection complies with section 552a
17 of title 5, United States Code.

18 “(10) DEFINITIONS.—In this subsection:

19 “(A) INSTITUTION OF HIGHER EDU-
20 CATION.—The term ‘institution of higher edu-
21 cation’ has the meaning given the term in sec-
22 tion 102.

23 “(B) PERSONALLY IDENTIFIABLE INFORMA-
24 TION.—The term ‘personally identifiable infor-
25 mation’ has the meaning given the term in sec-

1 *tion 444 of the General Education Provisions*
2 *Act (20 U.S.C. 1232g).”.*

3 *(b) EFFECTIVE DATE; TRANSITION PROVISIONS.—*

4 *(1) EFFECTIVE DATE.—This section, and the*
5 *amendments made by this section, shall take effect on*
6 *the date that is 4 years after the date of enactment*
7 *of this section.*

8 *(2) IN GENERAL.—The Secretary of Education*
9 *and the Commissioner for Education Statistics shall*
10 *take such steps as are necessary to ensure that the*
11 *transition to, and implementation of, the postsec-*
12 *ondary student data system required under section*
13 *132(l) of the Higher Education Act of 1965, as added*
14 *by this section, is carried out in a manner that re-*
15 *duces the reporting burden for entities that reported*
16 *into the Integrated Postsecondary Education Data*
17 *System (IPEDS).*

18 **SEC. 1023. AVOIDING DUPLICATIVE REPORTING.**

19 *Section 132 of the Higher Education Act of 1965 (20*
20 *U.S.C. 1015a), as amended by section 1022, is further*
21 *amended by adding at the end the following:*

22 *“(n) AVOIDING DUPLICATIVE REPORTING.—If the Sec-*
23 *retary determines that the same reporting or collection of*
24 *data that is required under subsection (l) is required by*
25 *another reporting or collection of data requirement under*

1 *this Act (other than under subsection (l)), the Secretary*
2 *may—*

3 “(1) *use the data reported or collected under sub-*
4 *section (l); and*

5 “(2) *waive the other reporting or collection of*
6 *data requirement.*”.

7 **SEC. 1024. DISCLOSURE OF NON-INSTRUCTIONAL SPEND-**
8 **ING INCREASES.**

9 *Section 132 of the Higher Education Act of 1965 (20*
10 *9 U.S.C. 1015a), as amended by sections 1022 and 1023,*
11 *is further amended by adding at the end the following:*

12 “(o) **NON-INSTRUCTIONAL SPENDING INCREASES.**—
13 *The Secretary shall ensure, as part of the data collection*
14 *and reporting under this section, that institutions of higher*
15 *education with respect to which the amount expended by*
16 *the institution for non-instructional spending increases by*
17 *more than 5 percent (using year-over-year data) disclose*
18 *such increase to students and prospective students, along*
19 *with an analysis of the expected impact on tuition.*”.

20 **SEC. 1025. TEXTBOOK INFORMATION.**

21 *Section 133 of the Higher Education Act of 1965 (20*
22 *U.S.C. 1015b) is amended—*

23 (1) *in subsection (a), by inserting “, including*
24 *through the adoption of innovative tools,” after “sup-*
25 *plemental materials”;*

1 (2) *in subsection (b)(9)—*

2 (A) *by striking “to accompany a” and in-*
3 *serting “to accompany or support a” in the mat-*
4 *ter preceding subparagraph (A); and*

5 (B) *in subparagraph (A), by striking “ma-*
6 *terials, computer disks, website access” and in-*
7 *serting “materials, online and digital learning*
8 *platforms and materials, website access”;*

9 (3) *in subsection (c)(1)(D)(i), by striking “pa-*
10 *perback and unbound” and inserting “paperback,*
11 *digital, and unbound”;* and

12 (4) *in subsection (f)—*

13 (A) *in paragraph (1), by inserting “access-*
14 *ing lower-cost digital course materials and dig-*
15 *ital textbooks,” after “programs for”; and*

16 (B) *in paragraph (3), by inserting “, such*
17 *as inclusive access programs, subscription mod-*
18 *els, or digital content distribution platforms”*
19 *after “delivery programs”.*

20 **SEC. 1026. REPEALS.**

21 *Sections 134 and 136 of the Higher Education Act of*
22 *1965 (20 U.S.C. 1015c) are repealed.*

1 **SEC. 1027. IN-STATE TUITION RATES FOR HOMELESS**
2 **YOUTH AND FOSTER CARE YOUTH.**

3 *Section 135 of the Higher Education Act of 1965 (20*
4 *U.S.C. 1015d) is amended—*

5 *(1) in the section heading, by inserting “,*
6 ***HOMELESS YOUTH, AND FOSTER CARE YOUTH*”**
7 *after “CHILDREN”;*

8 *(2) in subsection (a)—*

9 *(A) by striking “(a) REQUIREMENT.—In*
10 *the case” and inserting the following:*

11 *“(a) REQUIREMENT.—*

12 *“(1) ARMED FORCES.—In the case”; and*

13 *(B) by adding at the end the following:*

14 *“(2) HOMELESS YOUTH AND FOSTER CARE*
15 *YOUTH.—In the case of a homeless youth or a foster*
16 *care youth, such State shall not charge such indi-*
17 *vidual tuition for attendance at a public institution*
18 *of higher education in the State at a rate that is*
19 *greater than the rate charged for residents of the*
20 *State.”; and*

21 *(3) by striking subsections (c) and (d) and in-*
22 *serting the following:*

23 *“(c) EFFECTIVE DATE.—*

24 *“(1) ARMED FORCES.—With respect to an indi-*
25 *vidual described in subsection (a)(1), this section*
26 *shall remain in effect as it was in effect on the day*

1 *before the date of enactment of the College Afford-*
2 *ability Act.*

3 “(2) *HOMELESS YOUTH AND FOSTER CARE*
4 *YOUTH.—With respect to an individual described in*
5 *subsection (a)(2), this section shall take effect at each*
6 *public institution of higher education in a State that*
7 *receives assistance under this Act for the first period*
8 *of enrollment at such institution that begins during*
9 *the first full award year following the date of enact-*
10 *ment of the College Affordability Act.*

11 “(d) *DEFINITIONS.—In this section:*

12 “(1) *ARMED FORCES.—The terms ‘armed forces’*
13 *and ‘active duty for a period of more than 30 days’*
14 *have the meanings given those terms in section 101 of*
15 *title 10, United States Code.*

16 “(2) *HOMELESS YOUTH.—The term ‘homeless*
17 *youth’ has the meaning given the term ‘homeless chil-*
18 *dren and youths’ in section 725 of the McKinney-*
19 *Vento Homeless Assistance Act (42 U.S.C. 11434a).”.*

20 ***PART D—ADMINISTRATIVE PROVISIONS FOR***
21 ***DELIVERY OF STUDENT FINANCIAL ASSISTANCE***
22 ***SEC. 1031. IMPROVEMENTS TO THE FEDERAL STUDENT AID***
23 ***OFFICE.***

24 *Section 141 of the Higher Education Act of 1965 (20*
25 *U.S.C. 1018) is amended—*

1 (1) *in subsection (a), by amending paragraph*
2 (2) *to read as follows:*

3 “(2) *PURPOSES.—The purposes of the PBO are*
4 *as follows:*

5 “(A) *To prioritize students and borrowers*
6 *in the decision-making processes related to all*
7 *aspects of the management and administration*
8 *of the Federal student financial assistance pro-*
9 *grams authorized under title IV.*

10 “(B) *To improve service to students and*
11 *other participants in the Federal student finan-*
12 *cial assistance programs authorized under title*
13 *IV.*

14 “(C) *To make such programs more under-*
15 *standable to students and their families.*

16 “(D) *To increase the efficiency and effective-*
17 *ness of such programs for students and their*
18 *families.*

19 “(E) *To manage the costs of administering*
20 *such programs.*

21 “(F) *To increase the accountability of the*
22 *officials responsible for administering the oper-*
23 *ational aspects of such programs.*

24 “(G) *To oversee institutions, contractors,*
25 *and third party servicers that participate in the*

1 *Federal student financial assistance programs*
2 *authorized under title IV.*

3 “(H) *To provide greater flexibility in the*
4 *management and administration of such pro-*
5 *grams.*

6 “(I) *To implement open, common, inte-*
7 *grated systems for the delivery of Federal student*
8 *financial assistance programs authorized under*
9 *title IV.*

10 “(J) *To develop and maintain a student fi-*
11 *nancial assistance system that contains complete,*
12 *accurate, and timely data to ensure program in-*
13 *tegrity.*

14 “(K) *To increase transparency in the oper-*
15 *ations and outcomes of Federal student financial*
16 *assistance programs authorized under title IV.”;*
17 *(2) in subsection (b)—*

18 *(A) in paragraph (1)—*

19 *(i) by redesignating subparagraphs (B)*
20 *and (C) as subparagraphs (C) and (D), re-*
21 *spectively; and*

22 *(ii) by inserting after subparagraph*
23 *(A) the following:*

24 “(B) *implement oversight and account-*
25 *ability measures to ensure that the PBO carries*

1 *out its duties under this section efficiently, effec-*
2 *tively, and in a manner that accomplishes the*
3 *purposes specified in subsection (a)(2);”;*

4 *(B) in paragraph (2)—*

5 *(i) in subparagraph (A)—*

6 *(I) by redesignating clauses (ii)*
7 *through (vi) as clauses (iii) through*
8 *(vii);*

9 *(II) by inserting after clause (i)*
10 *the following:*

11 *“(ii) in accordance with paragraph*
12 *(3), the collection, publication, and sharing*
13 *of aggregate and longitudinal data that*
14 *may be used to evaluate Federal student fi-*
15 *nancial assistance programs authorized*
16 *under title IV, including the outcomes such*
17 *programs achieve;”;* and

18 *(III) in clause (vii), as so redesi-*
19 *gnated, by inserting “, including over-*
20 *sight of institutions, contractors, and*
21 *third party servicers that participate*
22 *in such programs” after “title IV”;*
23 *and*

24 *(ii) by adding at the end the following:*

1 “(C) Taking action to prevent and address
2 the improper use of access devices, as described
3 in section 485B(d)(7), including by—

4 “(i) detecting common patterns of im-
5 proper use of any system that processes
6 payments on Federal Direct Loans or other
7 Department information technology sys-
8 tems;

9 “(ii) maintaining a reporting system
10 for contractors involved in the processing of
11 payments on Federal Direct Loans in order
12 to allow those contractors to alert the Sec-
13 retary of potentially improper use of De-
14 partment information technology systems;

15 “(iii) proactively contacting Federal
16 student loan borrowers whose Federal stu-
17 dent loan accounts demonstrate a likelihood
18 of improper use in order to warn those bor-
19 rowers of suspicious activity or potential
20 fraud regarding their Federal student loan
21 accounts; and

22 “(iv) providing clear and simple dis-
23 closures in communications with borrowers
24 who are applying for or requesting assist-
25 ance with Federal Direct Loan programs

1 *(including assistance or applications re-*
2 *garding income-driven repayment, forbear-*
3 *ance, deferment, consolidation, rehabilita-*
4 *tion, cancellation, and forgiveness) to ensure*
5 *that borrowers are aware that the Depart-*
6 *ment will never require borrowers to pay for*
7 *such assistance or applications.”;*

8 *(C) by redesignating paragraphs (3)*
9 *through (6) as paragraphs (4) through (7), re-*
10 *spectively; and*

11 *(D) by inserting after paragraph (2) the fol-*
12 *lowing:*

13 *“(3) COLLECTION, SHARING, AND PUBLICATION*
14 *OF DATA.—*

15 *“(A) COLLECTION.—The PBO shall collect*
16 *student-level data that shall be used to evaluate*
17 *Federal student financial assistance programs*
18 *authorized under title IV.*

19 *“(B) SHARING WITH NCES.—The PBO shall*
20 *make the data collected under subparagraph (A)*
21 *available to the Commissioner of the National*
22 *Center for Education Statistics for purposes of*
23 *research and policy analysis.*

24 *“(C) RESEARCH.—The Commissioner of the*
25 *National Center for Education Statistics shall*

1 *ensure the data shared under subparagraph (B)*
2 *is made available, with direct identifiers re-*
3 *moved and with appropriate restrictions to en-*
4 *sure data privacy and security, for vetted re-*
5 *search and evaluation purposes in a manner*
6 *consistent with the process under section*
7 *132(l)(5)(A)(i).*

8 “(D) *PUBLICATION.*—*Not less frequently*
9 *than once annually, the PBO shall—*

10 “(i) *aggregate the data collected under*
11 *subparagraph (A) in a manner that ex-*
12 *cludes—*

13 “(I) *student-level data; or*

14 “(II) *any data that would reveal*
15 *personally identifiable information*
16 *about an individual student; and*

17 “(ii) *make available such aggregated*
18 *data on a publicly accessible website of the*
19 *Department in a format that enables mem-*
20 *bers of the public to easily retrieve, sort,*
21 *and analyze the data.”.*

22 (3) *by amending subsection (c) to read as fol-*
23 *lows:*

24 “(c) *PERFORMANCE PLAN, REPORT, AND BRIEFING.*—

25 “(1) *PERFORMANCE PLAN.*—

1 “(A) *IN GENERAL.*—Not later than one year
2 after the date of the enactment of the College Af-
3 fordability Act, and not less than once every five
4 years thereafter, the Secretary and Chief Oper-
5 ating Officer shall agree on a performance plan
6 for the PBO for the succeeding 5 years that—

7 “(i) establishes measurable quantitative
8 and qualitative goals and objectives for the
9 organization; and

10 “(ii) aligns such goals and objectives
11 with the purposes specified in subsection
12 (a)(2).

13 “(B) *CONSULTATION.*—In developing the
14 five-year performance plan and any revision to
15 the plan, the Secretary and the Chief Operating
16 Officer shall consult with students, institutions,
17 Congress, contractors, the Borrower Advocate,
18 student aid experts, including consumer advo-
19 cacy and research groups, the Director of the Bu-
20 reau of Consumer Financial Protection, State at-
21 torneys general, and other relevant parties.

22 “(C) *REVISIONS.*—The Secretary and Chief
23 Operating Officer may annually update the plan
24 under paragraph (1) to incorporate the rec-
25 ommendations made pursuant to the consulta-

1 tion required under subparagraph (B) that are
2 accepted by the Secretary and the Chief Oper-
3 ating Officer.

4 “(D) AREAS.—The plan developed under
5 subparagraph (A) shall address the responsibil-
6 ities of the PBO in the following areas:

7 “(i) Improving service to students and
8 other participants in the Federal student fi-
9 nancial assistance programs authorized
10 under title IV, including making those pro-
11 grams more understandable and accessible
12 to students and their families.

13 “(ii) Managing the costs and increas-
14 ing the efficiency of such programs.

15 “(iii) Improving, integrating, and in-
16 vesting in the systems that support such
17 programs.

18 “(iv) Developing open, common, and
19 integrated systems for such programs.

20 “(v) The collection, publication, and
21 sharing of data on such programs as de-
22 scribed in subsection (b)(3).

23 “(vi) Improving performance stand-
24 ards and outcomes with respect to institu-
25 tions, contractors, and third party servicers

1 that act as agents of the Department or as
2 agents of institutions that participate in
3 such programs.

4 “(vii) Any other areas identified by the
5 Secretary.

6 “(E) PUBLIC AVAILABILITY.—Each plan de-
7 veloped under subparagraph (A) shall be made
8 available on a publicly accessible website of the
9 Department of Education.

10 “(2) ANNUAL REPORT.—

11 “(A) REPORT REQUIRED.—Not later than
12 one year after the date of the enactment of the
13 College Affordability Act and annually there-
14 after, the Secretary, acting through the Chief Op-
15 erating Officer, shall submit to Congress an an-
16 nual report on the performance of the PBO.

17 “(B) CONTENTS.—The annual report shall
18 include the following:

19 “(i) An evaluation of the extent to
20 which the PBO met the goals and objectives
21 contained in the five-year performance plan
22 described in paragraph (1) for the preceding
23 year.

24 “(ii) A summary of the consultation
25 process under paragraph (1)(B) for the pre-

1 ceding year, including the recommendations
2 that were accepted or denied by the Chief
3 Operating Officer during such year, and the
4 rationale for accepting or denying such rec-
5 ommendations.

6 “(iii) An independent financial audit
7 of the expenditures of both the PBO and the
8 programs administered by the PBO.

9 “(iv) A summary of the actions taken
10 by the PBO to address—

11 “(I) the findings of the audit de-
12 scribed in clause (iii); and

13 “(II) consumer feedback.

14 “(v) Financial and performance re-
15 quirements applicable to the PBO under—

16 “(I) the Chief Financial Officers
17 Act of 1990 (Public Law 101–576); or

18 “(II) the Government Performance
19 and Results Act of 1993 (Public Law
20 103–62).

21 “(vi) The results achieved by the PBO
22 during the preceding year and whether such
23 results met the goals specified in the per-
24 formance plan under paragraph (1).

1 “(vii) *With respect to the preceding*
2 *year, the evaluation rating of the perform-*
3 *ance of the Chief Operating Officer and sen-*
4 *ior managers under subsections (d)(5) and*
5 *(e)(2), including the amounts of bonus com-*
6 *penetration awarded to the Chief Operating*
7 *Officer and senior managers.*

8 “(viii) *Recommendations for legislative*
9 *and regulatory changes to improve service*
10 *to students and their families, and to im-*
11 *prove the efficiency and integrity of Federal*
12 *student financial assistance programs au-*
13 *thorized under title IV.*

14 “(ix) *Financial statements that pro-*
15 *vide a rationale for appropriately funding*
16 *the activities of the PBO.*

17 “(x) *A summary of the management*
18 *and compliance of contractors managed by*
19 *the PBO in the preceding year, including*
20 *corrective actions taken by the PBO with*
21 *respect to such contractors.*

22 “(xi) *A description of how the PBO*
23 *used the authority under paragraph (5) of*
24 *subsection (b) for making personnel and*
25 *procurement decisions in the preceding*

1 *year, including the number of individuals*
2 *hired through such authority and the bo-*
3 *nuses provided to staff during such year.*

4 *“(xii) A summary of the oversight ac-*
5 *tivities of institutions, contractors, and*
6 *third party servicers that participate in the*
7 *Federal student financial assistance pro-*
8 *grams authorized under title IV includ-*
9 *ing—*

10 *“(I) fines levied on such institu-*
11 *tions, contractors, and third party*
12 *servicers, disaggregated by entity;*

13 *“(II) instances of fraud or mis-*
14 *representation by such institutions,*
15 *contractors, or third party servicers;*
16 *and*

17 *“(III) violations of provisions in*
18 *this Act by such institutions, contrac-*
19 *tors, or third party servicers*
20 *disaggregated by entity and type of*
21 *violation.*

22 *“(xiii) A summary of any improve-*
23 *ments made with respect to transparency*
24 *and any new types of data made available*
25 *in the preceding year.*

1 “(xiv) A description of the progress
2 made in the preceding year towards the spe-
3 cific measurable organization and indi-
4 vidual goals specified in subsection
5 (d)(5)(A).

6 “(xv) The report submitted to the Sec-
7 retary under subsection (f)(7).

8 “(xvi) Other such information as the
9 Director of the Office of Management and
10 Budget shall prescribe for performance
11 based organizations.

12 “(3) CONSULTATION WITH STAKEHOLDERS.—The
13 Chief Operating Officer, in preparing the annual re-
14 port described in paragraph (2), shall establish ap-
15 propriate means to consult with students, borrowers,
16 institutions, student aid experts, including consumer
17 advocacy and research groups, the Director of the Bu-
18 reau of Consumer Financial Protection, and others
19 involved in the delivery and evaluation of student aid
20 under title IV—

21 “(A) regarding the degree of satisfaction
22 with the delivery system; and

23 “(B) to seek suggestions on means to im-
24 prove the performance of the delivery system.

1 “(4) *BRIEFING ON ENFORCEMENT OF PROGRAM*
2 *INTEGRITY.—The Secretary shall, at the request of the*
3 *authorizing committees, provide to the authorizing*
4 *committees a briefing on the steps the Department of*
5 *Education has taken to ensure—*

6 “(A) *the experiences of students and bor-*
7 *rowers are accounted for in decision making;*
8 *and*

9 “(B) *that contractors, lenders, and guar-*
10 *anty agencies and third party servicers are ad-*
11 *hering to the requirements of title IV, the terms*
12 *of any contract with the Secretary, consumer*
13 *protection laws, Federal regulations and guide-*
14 *lines, and directives of the PBO.*

15 “(5) *COORDINATION WITH THE DIRECTOR OF*
16 *THE BUREAU OF CONSUMER FINANCIAL PROTEC-*
17 *TION.—Not later than 180 days after the date of the*
18 *enactment of the College Affordability Act, the Sec-*
19 *retary shall enter into a memorandum of under-*
20 *standing with the Private Education Loan Ombuds-*
21 *man in accordance with section 1035(c)(2) of the*
22 *Dodd-Frank Wall Street Reform and Consumer Pro-*
23 *tection Act (12 U.S.C. 5535(c)(2)).”.*

24 (4) *in subsection (d)—*

1 (A) in paragraph (1), by striking “manage-
2 ment ability” and all that follows through the
3 period at the end and inserting “management
4 ability, including contractor management, exper-
5 tise in the Federal student financial assistance
6 programs authorized under title IV, experience
7 with financial systems, and knowledge of con-
8 sumer financial protection laws, and without re-
9 gard to political affiliation or activity.”;

10 (B) by redesignating paragraphs (2)
11 through (5) as paragraphs (3) through (6);

12 (C) by inserting after paragraph (1) the fol-
13 lowing:

14 “(2) *RESTRICTIONS.*—

15 “(A) *PRESERVICE AND IN-SERVICE RE-*
16 *STRICTIONS.*—An individual may not serve as
17 the Chief Operating Officer if such individual—

18 “(i) is employed by, or has a financial
19 interest in, an entity that contracts with the
20 PBO; or

21 “(ii) was employed by, or had a finan-
22 cial interest in, any such entity in any of
23 the five years preceding the date of the indi-
24 vidual’s appointment as the Chief Oper-
25 ating Officer.

1 “(B) *POSTSERVICE RESTRICTIONS.*—An in-
2 *dividual who served as the Chief Operating Offi-*
3 *cer may not accept employment with an entity*
4 *that contracts with the PBO until a period of*
5 *five years has elapsed following the date on*
6 *which such individual’s service as the Chief Op-*
7 *erating Officer terminated.”;*

8 (D) *in paragraph (5), as so redesignated—*

9 (i) *in subparagraph (A)—*

10 (I) *by inserting “specific” before*

11 *“measurable”; and*

12 (II) *by inserting “and metrics*

13 *used to measure progress toward such*

14 *goals” before the period; and*

15 (ii) *in subparagraph (B), by inserting*

16 *“on the website of the Department” before*

17 *the period;*

18 (E) *in paragraph (6), as so redesignated, by*

19 *amending subparagraph (B) to read as follows:*

20 “(B) *BONUS AUTHORIZED.*—*The Secretary*

21 *may pay to the Chief Operating Officer a bonus*

22 *in an amount that does not exceed 50 percent of*

23 *such annual rate of basic pay. The decision to*

24 *pay such a bonus, and the amount of the bonus,*

25 *shall be based solely on the Secretary’s evalua-*

1 tion of the performance of the Chief Operating
2 Officer with respect to the goals set forth in the
3 performance agreement as described in para-
4 graph (5)(A).”;

5 (5) in subsection (e)(2), by striking “measurable
6 organization and individual goals” and inserting
7 “specific, measurable organization and individual
8 goals and the metrics used to measure progress to-
9 ward such goals. Performance agreements for senior
10 management responsible for procurement shall include
11 metrics that measure ability to oversee contractors”;

12 (6) by amending subsection (f) to read as follows:
13 “(f) *BORROWER ADVOCATE.*—

14 “(1) *IN GENERAL.*—There is established in the
15 PBO an ‘Office of the Borrower Advocate’ (referred to
16 in this subsection as the ‘Office’). The function of the
17 Office shall be to provide timely assistance to bor-
18 rowers of loans made, insured, or guaranteed under
19 title IV by performing the duties described in para-
20 graph (6).

21 “(2) *HEAD OF OFFICE.*—There shall be an offi-
22 cial known as the ‘Borrower Advocate’ who shall serve
23 as the head of the Office. The Borrower Advocate shall
24 be appointed by the Secretary from among individ-

1 *uals who have worked closely with the Federal student*
2 *loan programs authorized under title IV.*

3 “(3) *REMOVAL.*—*The Borrower Advocate may be*
4 *removed only by the Secretary who shall communicate*
5 *the reasons for any such removal to the authorizing*
6 *committees.*

7 “(4) *RESTRICTIONS.*—

8 “(A) *PRESERVICE AND IN-SERVICE RE-*
9 *STRICTIONS.*—*An individual may not serve as*
10 *the Borrower Advocate if such individual—*

11 “(i) *is employed by, or has a financial*
12 *interest in, an entity that contracts with the*
13 *PBO; or*

14 “(ii) *was employed by, or had a finan-*
15 *cial interest in, any such entity in any of*
16 *the five years preceding the date of the indi-*
17 *vidual’s appointment as the Borrower Advoca-*
18 *cate.*

19 “(B) *POSTSERVICE RESTRICTIONS.*—*An in-*
20 *dividual who served as the Borrower Advocate*
21 *may not accept employment with an entity that*
22 *contracts with the PBO until a period of five*
23 *years has elapsed following the date on which*
24 *such individual’s service as the Borrower Advoca-*
25 *cate terminated.*

1 “(5) *STAFF.*—*The Office shall be staffed suffi-*
2 *ciently to carry out the responsibilities of the Office*
3 *under this subsection.*

4 “(6) *DUTIES OF THE BORROWER ADVOCATE.*—
5 *The Office of the Borrower Advocate shall—*

6 “(A) *assist borrowers of loans made, in-*
7 *sured, or guaranteed under title IV in resolving*
8 *problems with the PBO and its contractors or*
9 *other agents, including by—*

10 “(i) *receiving and reviewing com-*
11 *plaints of such problems from borrowers;*

12 “(ii) *working to resolve such com-*
13 *plaints in a manner that is in the best in-*
14 *terests of borrowers; and*

15 “(iii) *transmitting such complaints to*
16 *States and recognized accrediting agencies*
17 *or associations, as appropriate.*

18 “(B) *attempt to resolve complaints within*
19 *the Department of Education and with institu-*
20 *tions of higher education, lenders, guaranty*
21 *agencies, loan servicers, and other participants*
22 *in the Federal student loan programs authorized*
23 *under title IV in a manner that will improve the*
24 *experience of the borrower;*

1 “(C) conduct impartial reviews regarding a
2 student’s independence under subparagraph (B)
3 or (H) of section 480(d)(1), in consultation with
4 knowledgeable parties, including institutions of
5 higher education, child welfare agencies, local
6 educational agency liaisons for homeless individ-
7 uals designated under section 722(g)(1)(J)(ii) of
8 the McKinney-Vento Homeless Assistance Act (42
9 U.S.C. 11432(g)(1)(J)(ii)), or State Coordinators
10 for Education of Homeless Children and Youth
11 established in accordance with section 722 of
12 such Act (42 U.S.C. 11432);

13 “(D) compile and analyze data on borrower
14 complaints and share such data with the Direc-
15 tor of the Bureau of Consumer Financial Protec-
16 tion;

17 “(E) publish, with any personally identifi-
18 able information redacted, such complaints and
19 responses of the Secretary to such complaints on
20 the website of the Department; and

21 “(F) make appropriate recommendations to
22 Congress, the Chief Operating Officer, and Sec-
23 retary with respect to Federal student loan pro-
24 grams authorized under title IV and the experi-

1 *ences of borrowers in repayment of loans under*
2 *such programs.*

3 “(7) *PUBLIC INFORMATION.*—*The Chief Oper-*
4 *ating Officer shall establish and maintain a public*
5 *page on the website of the Department of Education*
6 *exclusively to provide members of the public with in-*
7 *formation about the role of the PBO with respect to*
8 *the oversight of institutions of higher education, lend-*
9 *ers, guaranty agencies, contractors that contract with*
10 *the PBO, subcontractors of such contractors, and*
11 *third party servicers.*

12 “(8) *REPORT.*—*On an annual basis, the Bor-*
13 *rower Advocate shall submit to the Chief Operating*
14 *Officer a report on the activities of the Office during*
15 *the preceding year that—*

16 “(A) *identifies the activities carried out by*
17 *the Borrower Advocate;*

18 “(B) *summarizes the complaints received*
19 *from borrowers, including the number of such*
20 *complaints, and explains the activities under-*
21 *taken by the PBO to address such complaints;*

22 “(C) *proposes changes in the administrative*
23 *practices of the PBO to mitigate problems expe-*
24 *rienced by borrowers; and*

1 “(D) identifies potential legislative changes
2 which may be appropriate to mitigate such prob-
3 lems.”;

4 (7) by redesignating subsection (i) as subsection
5 (j); and

6 (8) by inserting after subsection (h) the fol-
7 lowing:

8 “(i) ENFORCEMENT UNIT.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of the College Affordability
11 Act, the Secretary shall establish within the PBO an
12 enforcement unit (referred to in this section as the
13 ‘Unit’) to review and investigate violations of this Act
14 and recommend enforcement actions in accordance
15 with paragraph (3).

16 “(2) CHIEF ENFORCEMENT OFFICER.—

17 “(A) APPOINTMENT.—The Secretary shall
18 appoint an official to be known as the ‘Chief En-
19 forcement Officer’ who shall serve as the head of
20 the Unit. The Secretary shall appoint an indi-
21 vidual to serve as the Chief Enforcement Officer
22 solely on the basis of such individual’s integrity
23 and expertise in law and investigations and
24 without regard to such individual’s political af-
25 filiation.

1 “(B) *AUTHORITY.*—*The Chief Enforcement*
2 *Officer shall report directly to the Secretary*
3 *without being required to report through any*
4 *other official of the Department of Education.*

5 “(C) *TERM.*—*The Chief Enforcement Officer*
6 *shall be appointed for a term of 6 years and*
7 *may be reappointed for additional terms of 6*
8 *years at the discretion of the Secretary.*

9 “(D) *REMOVAL.*—

10 “(i) *IN GENERAL.*—*The Chief Enforce-*
11 *ment Officer may not be removed during the*
12 *Officer’s term except for cause.*

13 “(ii) *NOTICE TO CONGRESS.*—*If the*
14 *Secretary removes the Chief Enforcement*
15 *Officer before the expiration of the Officer’s*
16 *term, the Secretary shall submit to the au-*
17 *thorizing committees a report that explains*
18 *the reasons for such removal. The report*
19 *shall be submitted to the authorizing com-*
20 *mittees not later than 30 days after the date*
21 *on which the removal takes effect.*

22 “(3) *DUTIES.*—*The Chief Enforcement Officer*
23 *shall have the following duties:*

24 “(A) *Receive, process, and analyze allega-*
25 *tions that a covered entity has violated Federal*

1 *law or has engaged in unfair, deceptive, or abu-*
2 *sive practices.*

3 “(B) *Review and investigate such allega-*
4 *tions or refer such allegations to an entity de-*
5 *scribed in subparagraphs (A) through (E) of*
6 *paragraph (6).*

7 “(C) *After reviewing and investigating an*
8 *allegation under subparagraph (B), in consulta-*
9 *tion with the Chief Operating Officer—*

10 “(i) *if the covered entity subject to such*
11 *allegation is an entity described in clause*
12 *(i) or (iii) of paragraph (8)(A), make rec-*
13 *ommendations with respect to such covered*
14 *entity, including—*

15 “(I) *whether such covered entity*
16 *should be limited, suspended, or termi-*
17 *nated from participation in one or*
18 *more programs under title IV;*

19 “(II) *whether such covered entity*
20 *should be subject to an emergency ac-*
21 *tion under section 487(c)(1)(G);*

22 “(III) *whether such covered entity*
23 *should be subject to a civil penalty de-*
24 *scribed in section 487(c)(3)(B);*

1 “(IV) whether such covered entity
2 should be subject to a criminal penalty
3 described in section 490; or

4 “(V) whether such covered entity
5 should be subject to a combination of
6 any of the actions described in sub-
7 clauses (I) through (IV);

8 “(ii) if the covered entity subject to
9 such allegation is an entity described in
10 clause (ii) of paragraph (8)(A), make rec-
11 ommendations with respect to such covered
12 entity, including whether such covered enti-
13 ty should be limited, suspended, or termi-
14 nated from administering or providing
15 services with respect to one or more pro-
16 grams under title IV; and

17 “(iii) provide the Secretary with such
18 recommendations.

19 “(4) SECRETARIAL REVIEW AND ACTION.—After
20 receiving notice of a determination of the Chief En-
21 forcement Officer under paragraph (3)(C), the Sec-
22 retary shall decide whether or not to pursue enforce-
23 ment action against the entity concerned, in accord-
24 ance with the procedures established under section
25 487(c)(3). In a case in which the Chief Enforcement

1 *Officer recommends enforcement action against an en-*
2 *tity, but the Secretary decides not to pursue such en-*
3 *forcement action, the Secretary shall notify the Chief*
4 *Enforcement Officer, in writing, of the rationale for*
5 *such decision.*

6 *“(5) COORDINATION AND STAFFING.—The Chief*
7 *Enforcement Officer shall—*

8 *“(A) coordinate with relevant Federal and*
9 *State agencies and oversight bodies; and*

10 *“(B) hire staff with the expertise necessary*
11 *to conduct investigations, respond to allegations*
12 *against covered entities, and enforce compliance*
13 *with laws governing Federal student financial*
14 *assistance programs under title IV.*

15 *“(6) INFORMATION SHARING.—The Chief En-*
16 *forcement Officer shall develop and implement a proc-*
17 *ess for sharing relevant information about allegations*
18 *against covered entities with—*

19 *“(A) the Borrower Advocate appointed*
20 *under subsection (f);*

21 *“(B) personnel of the Department on re-*
22 *sponsible for processing borrower defense claims*
23 *submitted under section 493H;*

24 *“(C) other relevant Federal agencies;*

1 “(D) States, including State law enforce-
2 ment and regulatory agencies; and

3 “(E) recognized accrediting agencies or as-
4 sociations.

5 “(7) REPORT TO CONGRESS.—On an annual
6 basis, the Chief Enforcement Officer shall submit to
7 the authorizing committees a report that includes—

8 “(A) the number of allegations about cov-
9 ered entities received by Unit in the year covered
10 by the report;

11 “(B) the number of such allegations inves-
12 tigated by the Unit;

13 “(C) the number of such allegations that
14 were referred to the Secretary under paragraph
15 (3)(C) and a summary of any action taken by
16 the Secretary with respect to such allegations;

17 “(D) the number of such allegations that
18 were referred to other Federal agencies and the
19 names of the agencies to which the allegations
20 were referred; and

21 “(E) the number of such allegations that re-
22 main under review or investigation as of the
23 date of the report.

24 “(8) DEFINITIONS.—In this subsection:

1 “(A) *COVERED ENTITY*.—*In this subsection,*
2 *the term ‘covered entity’ means—*

3 “*(i) an institution of higher education*
4 *(as defined in section 102) that participates*
5 *in the Federal student financial assistance*
6 *programs authorized under title IV;*

7 “*(ii) a contractor that contracts with*
8 *the PBO to provide services relating to such*
9 *programs, or a subcontractor of such con-*
10 *tractor; or*

11 “*(iii) a third party servicer.*

12 “(B) *THIRD PARTY SERVICER*.—*the term*
13 *‘third party servicer’ has the meaning given that*
14 *term in section 481(c).”.*

15 ***TITLE II—TEACHER QUALITY***
16 ***ENHANCEMENT***

17 ***PART A—TEACHER AND SCHOOL LEADER***

18 ***QUALITY PARTNERSHIP GRANTS***

19 ***SEC. 2001. DEFINITIONS.***

20 *Section 200 of the Higher Education Act of 1965 (20*
21 *U.S.C. 1021) is amended to read as follows:*

22 ***“SEC. 200. DEFINITIONS.***

23 “*Except as otherwise provided, in this title:*

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

1 “(A) when referring to an organizational
2 unit of an institution of higher education, any
3 academic unit that offers one or more academic
4 majors in disciplines or content areas cor-
5 responding to the academic subject matter areas
6 in which teachers provide instruction; and

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

11 “(2) *BLENDED LEARNING*.—The term ‘blended
12 learning’ has the meaning given the term in section
13 4102 of the *Elementary and Secondary Education*
14 *Act of 1965* (20 U.S.C. 7112).

15 “(3) *CHILDREN FROM LOW-INCOME FAMILIES*.—
16 The term ‘children from low-income families’ means
17 children described in section 1124(c)(1)(A) of the *Ele-*
18 *mentary and Secondary Education Act of 1965* (20
19 U.S.C. 6333(c)(1)(A)).

20 “(4) *COMPREHENSIVE LITERACY INSTRUCTION*.—
21 The term ‘comprehensive literacy instruction’ has the
22 meaning given the term in section 2221(b)(1) of the
23 *Elementary and Secondary Education Act of 1965*
24 (20 U.S.C. 6641(b)(1)).

1 “(5) *DIGITAL LEARNING*.—The term ‘digital
2 learning’ has the meaning given the term in section
3 4102 of the *Elementary and Secondary Education*
4 *Act of 1965 (20 U.S.C. 7112)*.

5 “(6) *DIVERSE TEACHER CANDIDATES*.—The term
6 ‘diverse teacher candidates’ means teacher candidates
7 who are—

8 “(A) members of racial and ethnic groups
9 underrepresented in the teaching profession; or

10 “(B) linguistically and culturally prepared
11 to educate students in high-need schools.

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

16 “(8) *EDUCATIONAL SERVICE AGENCY*.—The term
17 ‘educational service agency’ has the meaning given
18 the term in section 8101 of the *Elementary and Sec-*
19 *ondary Education Act of 1965 (20 U.S.C. 7801)*.

20 “(9) *EDUCATOR*.—The term ‘educator’ means a
21 teacher, principal or other school leader, specialized
22 instructional support personnel, or other staff member
23 who provides or directly supports instruction, such as
24 a school librarian, counselor, or paraprofessional.

1 “(10) *ELIGIBLE PARTNERSHIP*.—The term ‘*eligible*
2 *partnership*’ means an entity—

3 “(A) *that—*

4 “(i) *shall include—*

5 “(I) *a high-need local educational*
6 *agency;*

7 “(II)(aa) *a high-need school or a*
8 *consortium of high-need schools served*
9 *by such high-need local educational*
10 *agency; or*

11 “(bb) *as applicable, a high-need*
12 *early childhood education program;*

13 “(III) *a partner institution;*

14 “(IV) *a school, department, or*
15 *program of education within such*
16 *partner institution, which may include*
17 *an existing teacher professional devel-*
18 *opment program with proven outcomes*
19 *within a four-year institution of higher*
20 *education that provides intensive and*
21 *sustained collaboration between faculty*
22 *and local educational agencies con-*
23 *sistent with the requirements of this*
24 *title; and*

1 “(V) a school or department of
2 arts and sciences within such partner
3 institution; or

4 “(ii) shall include—

5 “(I)(aa) a partner education in-
6 stitution;

7 “(bb) a school, department, or
8 program of education within such
9 partner institution, which may include
10 an existing teacher professional devel-
11 opment program with proven outcomes
12 within a four-year institution of higher
13 education that provides intensive and
14 sustained collaboration between faculty
15 and local educational agencies con-
16 sistent with the requirements of this
17 title; or

18 “(cc) a school or department of
19 arts and sciences within such partner
20 institution; and

21 “(II) a State educational agency
22 that will serve to place graduates of
23 partnership programs into high-need
24 local educational agencies, schools, or
25 early childhood programs, or schools

1 *that have been identified for com-*
2 *prehensive support and improvement*
3 *under section 1111(d)(2) of the Ele-*
4 *mentary and Secondary Education Act*
5 *of 1965 (20 U.S.C. 6311(d)(2)); and*
6 “(B) *that may include any of the following:*
7 “(i) *The Governor of the State.*
8 “(ii) *The State educational agency.*
9 “(iii) *The State board of education.*
10 “(iv) *The State agency for higher edu-*
11 *cation.*
12 “(v) *A public or private nonprofit edu-*
13 *cational organization.*
14 “(vi) *An educational service agency.*
15 “(vii) *A public school teacher, prin-*
16 *cipal, or school leader organization.*
17 “(viii) *A high-performing local edu-*
18 *cational agency, or a consortium of such*
19 *local educational agencies, that can serve as*
20 *a resource to the partnership.*
21 “(ix) *A charter school (as defined in*
22 *section 4310 of the Elementary and Sec-*
23 *ondary Education Act of 1965 (20 U.S.C.*
24 *7221i)).*

1 “(x) A school or department within the
2 partner institution that focuses on psy-
3 chology and human development.

4 “(xi) A school or department within
5 the partner institution for teacher or school
6 leader preparation with comparable exper-
7 tise in the disciplines of teaching, learning,
8 and child and adolescent development.

9 “(xii) An entity operating a program
10 that provides alternative routes to State cer-
11 tification of teachers or principals.

12 “(11) *ENGLISH LEARNER*.—The term ‘English
13 learner’ has the meaning given the term in section
14 8101 of the *Elementary and Secondary Education*
15 *Act of 1965* (20 U.S.C. 7801).

16 “(12) *EVIDENCE-BASED*.—The term ‘evidence-
17 based’ has the meaning given the term in subclauses
18 (I) and (II) of section 8101(21)(A)(i) of the *Elemen-*
19 *tary and Secondary Education Act of 1965* (20
20 U.S.C. 7801(21)(A)).

21 “(13) *EVIDENCE OF STUDENT LEARNING*.—The
22 term ‘evidence of student learning’ means multiple
23 measures of student learning that include the fol-
24 lowing:

1 “(A) *Valid and reliable student assessment*
2 *data, which may include data—*

3 “(i) *on student learning gains on state-*
4 *wide academic assessments under section*
5 *1111(b)(2) of the Elementary and Sec-*
6 *ondary Education Act of 1965;*

7 “(ii) *from student academic achieve-*
8 *ment assessments used at the national,*
9 *State, or local levels, where available and*
10 *appropriate for the curriculum and students*
11 *taught;*

12 “(iii) *from classroom-based summative*
13 *assessments; and*

14 “(iv) *from high quality validated per-*
15 *formance-based assessments that are aligned*
16 *with challenging State academic standards*
17 *adopted under section 1111(b)(1) of the Ele-*
18 *mentary and Secondary Education Act of*
19 *1965 (20 U.S.C. 6311(b)(1)).*

20 “(B) *Not less than one of the following ad-*
21 *ditional measures:*

22 “(i) *Student work, including measures*
23 *of performance criteria and evidence of stu-*
24 *dent growth.*

1 “(ii) *Teacher-generated information*
2 *about student goals and growth.*

3 “(iii) *Parental feedback about student*
4 *goals and growth.*

5 “(iv) *Student feedback about learning*
6 *and teaching supports.*

7 “(v) *Assessments of affective engage-*
8 *ment and self-efficacy.*

9 “(vi) *Other appropriate measures, as*
10 *determined by the State.*

11 “(14) *FOSTER CARE.—*

12 “(A) *IN GENERAL.—The term ‘foster care’*
13 *means 24-hour substitute care for a child placed*
14 *away from the child’s parents or guardians and*
15 *for whom the State agency has placement and*
16 *care responsibility. The term includes care*
17 *through a placement in a foster family home, a*
18 *foster home of a relative, a group home, an emer-*
19 *gency shelter, a residential facility, a child care*
20 *institution, or a pre-adoptive home.*

21 “(B) *RULE.—A child shall be considered to*
22 *be in foster care under subparagraph (A) with-*
23 *out regard to whether—*

1 “(i) the foster care facility is licensed
2 and payments are made by the State or
3 local agency for the care of the child;

4 “(ii) adoption subsidy payments are
5 being made prior to the finalization of an
6 adoption; or

7 “(iii) Federal matching funds for any
8 payments described in clause (i) or (ii) are
9 being made.

10 “(15) *HIGH-NEED EARLY CHILDHOOD EDU-*
11 *CATION PROGRAM.*—The term ‘high-need early child-
12 hood education program’ means an early childhood
13 education program serving children from low-income
14 families that is located within the geographic area
15 served by a high-need local educational agency.

16 “(16) *HIGH-NEED LOCAL EDUCATIONAL AGEN-*
17 *CY.*—The term ‘high-need local educational agency’
18 means a local educational agency—

19 “(A)(i) that serves not fewer than 10,000
20 low-income children;

21 “(ii) for which not less than 40 percent of
22 the children served by the agency are low-income
23 children;

24 “(iii) that meets the eligibility requirements
25 for funding under the Small, Rural School

1 *Achievement Program under section 5211(b) of*
2 *the Elementary and Secondary Education Act of*
3 *1965 or the Rural and Low-Income School Pro-*
4 *gram under section 6221(b) of such Act; or*

5 *“(iv) that has a percentage of low-income*
6 *children that is in the highest quartile among*
7 *such agencies in the State; and*

8 *“(B)(i) for which a significant number of*
9 *schools served by the agency is identified by the*
10 *State for comprehensive supports and interven-*
11 *tions under section 1111(c)(4)(D)(i) of the Ele-*
12 *mentary and Secondary Education Act of 1965;*
13 *or*

14 *“(i) for which a significant number of*
15 *schools served by the agency has a high teacher*
16 *turnover rate or is experiencing a teacher short-*
17 *age in a high-needs field, as determined by the*
18 *State.*

19 “(17) *HIGH-NEED SCHOOL.—*

20 *“(A) IN GENERAL.—The term ‘high-need*
21 *school’ means a school that, based on the most re-*
22 *cent data available, is—*

23 *“(i) an elementary school, in which not*
24 *less than 60 percent of students are eligible*
25 *for a free or reduced price school lunch*

1 *under the Richard B. Russell National*
2 *School Lunch Act;*

3 “(ii) *any other school that is not an el-*
4 *ementary school, in which not less than 45*
5 *percent of students are eligible for a free or*
6 *reduced price school lunch under the Rich-*
7 *ard B. Russell National School Lunch Act*
8 *(42 U.S.C. 1751 et seq.); or*

9 “(iii) *identified for comprehensive sup-*
10 *port and improvement under section*
11 *1111(c)(4)(D) of the Elementary and Sec-*
12 *ondary Education Act of 1965 (20 U.S.C.*
13 *6311(c)(4)(D)), targeted support and im-*
14 *provement under section 1111(d)(2) of such*
15 *Act (20 U.S.C. 6311(d)(2)), or additional*
16 *targeted support under section*
17 *1111(d)(2)(C) of such Act (20 U.S.C.*
18 *6311(d)(2)(C)).*

19 “(B) *SPECIAL RULE.—*

20 “(i) *DESIGNATION BY THE SEC-*
21 *RETARY.—The Secretary may, upon ap-*
22 *proval of an application submitted by an*
23 *eligible partnership seeking a grant under*
24 *this title, designate a school that does not*
25 *qualify as a high-need school under sub-*

1 *paragraph (A) as a high-need school for the*
2 *purpose of this title. The Secretary shall*
3 *base the approval of an application for des-*
4 *ignation of a school under this clause on a*
5 *consideration of the information required*
6 *under clause (i), and may also take into*
7 *account other information submitted by the*
8 *eligible partnership.*

9 “(ii) *APPLICATION REQUIREMENTS.—*
10 *An application for designation of a school*
11 *under clause (i) shall include—*

12 “(I) *the number and percentage of*
13 *students attending such school who*
14 *are—*

15 “(aa) *aged 5 through 17 in*
16 *poverty counted in the most recent*
17 *census data approved by the Sec-*
18 *retary;*

19 “(bb) *eligible for a free or re-*
20 *duced price school lunch under the*
21 *Richard B. Russell National*
22 *School Lunch Act;*

23 “(cc) *in families receiving*
24 *assistance under the State pro-*

1 *gram funded under part A of title*
2 *IV of the Social Security Act; or*

3 *“(dd) eligible to receive med-*
4 *ical assistance under the Medicaid*
5 *program;*

6 *“(II) information about the stu-*
7 *dent academic achievement of students*
8 *at such school; and*

9 *“(III) for a secondary school, the*
10 *four-year adjusted cohort graduation*
11 *rate for such school.*

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

15 *“(A) with specialized education and train-*
16 *ing in development and education of young chil-*
17 *dren from birth until entry into kindergarten or*
18 *a specialization in infants and toddlers or pre-*
19 *school children;*

20 *“(B) with a baccalaureate degree in an aca-*
21 *demically major in an early childhood or related*
22 *field; and*

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

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

3 “(19) *HOMELESS CHILD.*—*The term ‘homeless*
4 *child’ means an individual who is a homeless child*
5 *or youth under section 725 of the McKinney-Vento*
6 *Homeless Assistance Act (42 U.S.C. 11434a).*

7 “(20) *INDUCTION PROGRAM.*—*The term ‘induc-*
8 *tion program’ means a formalized program for new*
9 *teachers, principals, or school leaders, during not less*
10 *than the teachers’, principals, or school leaders’ first*
11 *2 years of, respectively, teaching or leading, that is*
12 *designed to provide support for, and improve the pro-*
13 *fessional performance and increase the retention in*
14 *the education field of, beginning teachers, principals,*
15 *or school leaders. Such program shall promote effec-*
16 *tive teaching or leadership skills and shall include the*
17 *following components:*

18 “(A) *High-quality and structured teacher or*
19 *school leader mentoring led by a trained and ex-*
20 *pert mentor who has demonstrated high skill and*
21 *effectiveness and who teaches or leads, or has*
22 *taught or led, in the same or similar field, grade,*
23 *or subject as the mentee.*

24 “(B) *Periodic, structured time for collabora-*
25 *tion, including with mentors, as well as time for*

1 *information-sharing among teachers, principals,*
2 *other school leaders and administrators, other*
3 *appropriate instructional staff, and partici-*
4 *pating faculty or program staff in the partner*
5 *institution.*

6 “(C) *The application of evidence-based in-*
7 *structional practices.*

8 “(D) *Opportunities for new teachers, prin-*
9 *cipals, or school leaders to draw directly on the*
10 *expertise of mentors, faculty or program staff,*
11 *and researchers, including through mentor obser-*
12 *vation and feedback, to support the integration*
13 *of evidence-based research and practice.*

14 “(E) *The development of skills in evidence-*
15 *based instructional and behavioral supports and*
16 *interventions.*

17 “(F) *Programs to support the health and*
18 *well-being of teachers, particularly in high-need*
19 *schools or high-need local educational agencies.*
20 *These may include programs that focus on social*
21 *emotional learning, organizational interventions,*
22 *workplace wellness, and stress management.*

23 “(G) *Faculty or program staff who—*

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

4 “(ii) assist new teachers or school lead-
5 ers with the effective use and integration of
6 educational and accessible technology and
7 universal design for learning into the class-
8 room or school.

9 “(H) Interdisciplinary collaboration among
10 teacher leaders or school leaders, faculty or pro-
11 gram staff, researchers, and other staff who pre-
12 pare new teachers or school leaders with respect
13 to, as applicable, the learning process, the assess-
14 ment of learning, or the leadership of a school.

15 “(I) As applicable to the role, assistance
16 with understanding of the effective use of data,
17 particularly student achievement data, and the
18 applicability of such data to inform and improve
19 classroom instruction and school leadership.

20 “(J) Regular and structured observation
21 and evaluation of new teachers, principals, or
22 other school leaders that are based in part on
23 evidence of student learning, shall include mul-
24 tiple measures of educator performance, and
25 shall provide clear, timely, and useful feedback to

1 *teachers, principals, or other school leaders to be*
2 *used to improve instruction, as applicable.*

3 “(K) *With respect to a principal induction*
4 *program, the development of local-educational-*
5 *agency-wide systems such as rigorous leader*
6 *standards, continuous ongoing identification of*
7 *goals for improvement, and support for achiev-*
8 *ing those goals.*

9 “(L) *The development of skills in improving*
10 *the school culture and climate related to school*
11 *leadership and the role of the principal, includ-*
12 *ing to—*

13 “(i) *nurture teacher and staff develop-*
14 *ment to strengthen classroom practice;*

15 “(ii) *support teacher health and well-*
16 *being, including through programs that*
17 *focus on social emotional learning, organi-*
18 *zational interventions, workplace wellness,*
19 *and stress management;*

20 “(iii) *build and sustain an inclusive*
21 *culture of learning among adults and chil-*
22 *dren;*

23 “(iv) *strengthen communications and*
24 *relationships with teachers, parents, care-*

1 *givers, paraprofessionals, and community*
2 *stakeholders;*

3 “(v) *facilitate the sharing of knowledge,*
4 *insight, and best practices in the commu-*
5 *nity served by the school, preschool pro-*
6 *gram, or early childhood education pro-*
7 *gram, including with youth serving pro-*
8 *grams (such as before- and after-school and*
9 *summer programs); and*

10 “(vi) *build relationships and commu-*
11 *nicate effectively with State and local edu-*
12 *cational agency officials.*

13 “(21) *INFANT OR TODDLER WITH A DIS-*
14 *ABILITY.—The term ‘infant or toddler with a dis-*
15 *ability’ has the meaning given the term in section 632*
16 *of the Individuals with Disabilities Education Act*
17 *(20 U.S.C. 1432).*

18 “(22) *MENTORING.—The term ‘mentoring’ means*
19 *the mentoring or coaching of new or prospective*
20 *teachers, principals, or school leaders through a pro-*
21 *gram that—*

22 “(A) *includes clear criteria for the selection*
23 *of teacher, principal, or school leader mentors*
24 *who may be program staff and who will provide*
25 *role model relationships for mentees, which cri-*

1 *teria shall be developed by the eligible partner-*
2 *ship and based on measures of teacher or school*
3 *leader effectiveness;*

4 *“(B) provides high-quality training for such*
5 *mentors, including instructional strategies for*
6 *culturally relevant teaching practices, literacy*
7 *instruction and classroom management (includ-*
8 *ing approaches that improve the schoolwide cli-*
9 *mate for learning, create inclusive classroom en-*
10 *vironments, and address the social and emo-*
11 *tional needs of students, which may include posi-*
12 *tive behavioral interventions and supports);*

13 *“(C) provides regular and ongoing opportu-*
14 *nities for mentors and mentees to observe each*
15 *other’s teaching or leading methods in classroom*
16 *or school settings during the day in a high-need*
17 *school in the high-need local educational agency*
18 *in the eligible partnership;*

19 *“(D) provides paid release time for mentors;*

20 *“(E) for teachers, provides mentoring to*
21 *each mentee by a colleague who teaches in the*
22 *same field, grade, or subject as the mentee;*

23 *“(F) for teachers, promotes empirically-*
24 *based practice of, and evidence-based research on,*
25 *where applicable—*

1 “(i) *teaching and learning;*

2 “(ii) *assessment of student learning;*

3 “(iii) *the development of teaching skills*
4 *through the use of instructional and behav-*
5 *ioral interventions, including trauma-in-*
6 *formed practices; and*

7 “(iv) *the improvement of the mentees’*
8 *capacity to measurably advance student*
9 *learning; and*

10 “(G) *includes—*

11 “(i) *common planning time or regu-*
12 *larly scheduled collaboration for the mentor*
13 *and mentee; and*

14 “(ii) *as applicable, joint professional*
15 *development opportunities.*

16 “(23) *PARENT.—The term ‘parent’ has the*
17 *meaning given the term in section 8101 of the Ele-*
18 *mentary and Secondary Education Act of 1965 (20*
19 *U.S.C. 7801).*

20 “(24) *PARTNER INSTITUTION.—The term ‘part-*
21 *ner institution’ means an institution of higher edu-*
22 *cation, which may include a 2-year institution of*
23 *higher education offering a dual program with a 4-*
24 *year institution of higher education, participating in*
25 *an eligible partnership that has a teacher or school*

1 *leader preparation program that is accredited by the*
2 *State—*

3 *“(A) in the case of a teacher preparation*
4 *program—*

5 *“(i) whose graduates exhibit strong*
6 *performance on State-determined qualifying*
7 *assessments for new teachers through—*

8 *“(I) demonstrating that 80 per-*
9 *cent or more of the graduates of the*
10 *program who intend to enter the field*
11 *of teaching have passed all of the ap-*
12 *plicable State qualification assessments*
13 *for new teachers, which shall include*
14 *an assessment of each prospective*
15 *teacher’s subject matter knowledge in*
16 *the content area in which the teacher*
17 *intends to teach; or*

18 *“(II) that is not designated as a*
19 *low-performing teacher preparation*
20 *program in the State as determined by*
21 *the State—*

22 *“(aa) using criteria con-*
23 *sistent with the requirements for*
24 *the State assessment under section*

1 207(a) before the first publication
2 of such report card; and

3 “(bb) using the State assess-
4 ment required under section
5 207(a), after the first publication
6 of such report card and for every
7 year thereafter; and

8 “(ii) that requires—

9 “(I) each student in the program
10 to meet high academic standards or
11 demonstrate a record of success, as de-
12 termined by the institution (including
13 prior to entering and being accepted
14 into a program), and participate in
15 intensive clinical experience;

16 “(II) each student in the program
17 preparing to become a teacher who
18 meets the applicable State certification
19 and licensure requirements, including
20 any requirements for certification ob-
21 tained through alternative routes to
22 certification, or, with regard to special
23 education teachers, the qualifications
24 described in section 612(a)(14)(C) of
25 the Individuals with Disabilities Edu-

1 *cation Act (20 U.S.C. 1412(a)(14)(C));*

2 *and*

3 *“(III) each student in the pro-*
4 *gram preparing to become an early*
5 *childhood educator to become highly*
6 *competent; and*

7 *“(B) in the case of a school leader prepara-*
8 *tion program—*

9 *“(i) whose graduates exhibit a strong*
10 *record of successful school leadership as*
11 *demonstrated by—*

12 *“(I) a high percentage of such*
13 *graduates taking positions as assistant*
14 *principals and principals within 3*
15 *years of completing the program; and*

16 *“(II) a high percentage of such*
17 *graduates rated effective or above in*
18 *State school leader evaluation and sup-*
19 *port systems (as described in section*
20 *2101(c)(4)(B)(ii) of the Elementary*
21 *and Secondary Education Act of 1965)*
22 *or, if no such ratings are available,*
23 *other, comparable indicators of per-*
24 *formance; and*

1 “(i) that requires each student in the
2 program to participate in an intensive,
3 high-quality clinical experience in an au-
4 thentic setting (including by assuming sub-
5 stantial leadership responsibilities) for at
6 least one full academic semester (or the
7 equivalent) in which the student can be
8 evaluated on leadership skills and the stu-
9 dent’s effect on student learning as part of
10 program completion.

11 “(25) *PROFESSIONAL DEVELOPMENT*.—The term
12 ‘professional development’ has the meaning given the
13 term in section 8101 of the *Elementary and Sec-*
14 *ondary Education Act of 1965 (20 U.S.C. 7801).*

15 “(26) *PROFESSION-READY*.—The term ‘profes-
16 sion-ready’—

17 “(A) when used with respect to a principal
18 or other school leader, means a principal or
19 other school leader who—

20 “(i) has an advanced degree, or other
21 appropriate credential;

22 “(ii) has completed a principal or
23 other school leader preparation process and
24 is fully certified and licensed by the State

1 *in which the principal or other school leader*
2 *is employed;*

3 “(iii) *has demonstrated instructional*
4 *leadership, including the ability to collect,*
5 *analyze, and utilize data on evidence of stu-*
6 *dent learning and evidence of classroom*
7 *practice;*

8 “(iv) *has demonstrated proficiency in*
9 *professionally recognized leadership stand-*
10 *ards, such as through—*

11 “(I) *a performance assessment;*

12 “(II) *completion of a residency*
13 *program; or*

14 “(III) *other measures of leader-*
15 *ship effectiveness, as determined by the*
16 *State; and*

17 “(v) *has demonstrated the ability to*
18 *work with students with disabilities and*
19 *students who are culturally and linguis-*
20 *tically diverse;*

21 “(B) *when used with respect to a teacher,*
22 *means a teacher who—*

23 “(i) *has completed a teacher prepara-*
24 *tion program and is fully certified and li-*

1 *censed to teach by the State in which the*
2 *teacher is employed;*

3 “(ii) *has a baccalaureate degree or*
4 *higher;*

5 “(iii) *has demonstrated content knowl-*
6 *edge in the subject or subjects the teacher*
7 *teaches;*

8 “(iv) *has demonstrated the ability to*
9 *work with students with disabilities and*
10 *students who are culturally and linguis-*
11 *tically diverse;*

12 “(v) *has demonstrated teaching skills,*
13 *such as through—*

14 “(I) *a teacher performance assess-*
15 *ment; or*

16 “(II) *other measures of teaching*
17 *skills, as determined by the State; and*

18 “(vi) *has demonstrated proficiency*
19 *with the use of educational and accessible*
20 *technology; and*

21 “(C) *when used with respect to any other*
22 *educator not described in subparagraph (A) or*
23 *(B), means an educator who has completed an*
24 *appropriate preparation program and is fully*

1 *certified or licensed by the State in which the ed-*
2 *ucator is employed.*

3 “(27) *RESIDENCY PROGRAM.*—*The term ‘resi-*
4 *dency program’ means a school-based educator prepa-*
5 *ration program, based on models of effective teaching*
6 *and leadership residencies, in which a prospective*
7 *teacher, principal, or other school leader—*

8 “(A) *for 1 academic year, works alongside*
9 *a mentor teacher, principal, or other school lead-*
10 *er who is—*

11 “(i) *the educator of record; and*

12 “(ii) *is rated as effective or above in*
13 *the State’s school leader evaluation and sup-*
14 *port system (as described in section*
15 *2101(c)(4)(B)(ii) of the Elementary and*
16 *Secondary Education Act of 1965 (20*
17 *U.S.C. 6611(c)(4)(B)(ii)) or, if no such*
18 *ratings are available, other, on comparable*
19 *indicators of performance;*

20 “(B) *receives concurrent, aligned instruc-*
21 *tion during the year described in subparagraph*
22 *(A) from the partner institution, which may be*
23 *courses taught by local educational agency per-*
24 *sonnel or residency program faculty, in, as ap-*
25 *plicable—*

1 “(i) the teaching of the content area in
2 which the teacher will become certified or li-
3 censed;

4 “(ii) pedagogical practices, including
5 the teaching skills defined in paragraph
6 (33); and

7 “(iii) leadership, management, organi-
8 zational, and instructional skills necessary
9 to serve as a principal or other school lead-
10 er;

11 “(C) acquires effective teaching or leader-
12 ship skills through the integration of pedagogy,
13 classroom or school practice, and teacher or lead-
14 ership mentoring; and

15 “(D) prior to completion of the program—

16 “(i) demonstrates the prerequisite skills
17 to advance student learning, which may be
18 measured by a teacher or school leader per-
19 formance assessment;

20 “(ii) attains full State teacher, prin-
21 cipal, or school leader certification or licen-
22 sure;

23 “(iii) with respect to special education
24 teachers, meets the qualifications described
25 in section 612(a)(14)(C) of the Individuals

1 *with Disabilities Education Act (20 U.S.C.*
2 *1412(a)(14)(C)); and*

3 *“(iv) becomes profession-ready.*

4 *“(28) SCHOOL LEADER.—The term ‘school lead-*
5 *er’ has the meaning given the term in section 8101*
6 *of the Elementary and Secondary Education Act of*
7 *1965 (20 U.S.C. 7801).*

8 *“(29) SCHOOL LEADER PREPARATION ENTITY.—*
9 *The term ‘school leader preparation entity’ means an*
10 *institution of higher education or a nonprofit organi-*
11 *zation, including those institutions or organizations*
12 *that provide alternative routes to certification, that is*
13 *approved by the State to prepare school leaders to be*
14 *effective.*

15 *“(30) SCHOOL LEADER PREPARATION PRO-*
16 *GRAM.—The term ‘school leader preparation program’*
17 *means a program offered by a school leader prepara-*
18 *tion entity, whether a traditional or alternative route,*
19 *that is approved by the State to prepare school lead-*
20 *ers to be effective and that leads to a specific State*
21 *certification to be a school leader.*

22 *“(31) SCHOOL LEADER SKILLS.—The term*
23 *‘school leader skills’ refers to evidenced-based com-*
24 *petencies for principals and other school leaders such*
25 *as—*

1 “(A) *shaping a vision of academic success*
2 *for all students;*

3 “(B) *creating a safe and inclusive learning*
4 *environment;*

5 “(C) *cultivating leadership in others;*

6 “(D) *improving instruction; and*

7 “(E) *managing people, data, and processes*
8 *to foster school improvement.*

9 “(32) *TEACHER LEADER.—The term ‘teacher*
10 *leader’ means an effective educator who carries out*
11 *formalized leadership responsibilities based on the*
12 *demonstrated needs of the elementary school or sec-*
13 *ondary school in which the teacher is employed, while*
14 *maintaining a role as a classroom instructor who—*

15 “(A) *is trained in and practices teacher*
16 *leadership; and*

17 “(B) *fosters a collaborative culture to—*

18 “(i) *support educator development, ef-*
19 *fectiveness, and student learning;*

20 “(ii) *support access and use research to*
21 *improve practice and student learning;*

22 “(iii) *promote professional learning for*
23 *continuous improvement;*

24 “(iv) *facilitate improvements in in-*
25 *struction and student learning; promote the*

1 *appropriate use of assessments and data for*
2 *school and district improvement;*

3 “(v) *improve outreach and collabora-*
4 *tion with families and community;*

5 “(vi) *advance the profession by shap-*
6 *ing and implementing policy;*

7 “(vii) *advocate for increased access to*
8 *great teaching and learning for all students;*
9 *and*

10 “(viii) *demonstrate cultural com-*
11 *petencies and provide instruction and sup-*
12 *port as such.*

13 “(33) *TEACHING SKILLS.—The term ‘teaching*
14 *skills’ means skills that enable a teacher to—*

15 “(A) *increase student learning, achievement,*
16 *and the ability to apply knowledge;*

17 “(B) *effectively convey, explain, and provide*
18 *opportunities for students to develop the skills*
19 *aligned with the full depth and breadth of the*
20 *State challenging academic standards, including*
21 *the application of academic subject matter;*

22 “(C) *effectively teach higher-order analyt-*
23 *ical, evaluation, problem-solving, critical think-*
24 *ing, social and emotional, collaboration, and*
25 *communication skills;*

1 “(D) employ strategies grounded in the dis-
2 ciplines of teaching and learning that—

3 “(i) are based on empirically-based
4 practice and evidence-based research, where
5 applicable, related to teaching and learning;

6 “(ii) are specific to academic subject
7 matter; and

8 “(iii) focus on the identification of stu-
9 dents’ specific learning needs, particularly
10 students with disabilities, students who are
11 English learners, students who are gifted
12 and talented, and students with low literacy
13 levels, and the tailoring of academic in-
14 struction to such needs;

15 “(E) design and conduct ongoing assess-
16 ments of student learning, which may include
17 the use of formative assessments, performance-
18 based assessments, project-based assessments, or
19 portfolio assessments, that measures higher-order
20 thinking skills (including application, analysis,
21 synthesis, and evaluation) and use this informa-
22 tion to inform and personalize instruction;

23 “(F) support the social, emotional, and aca-
24 demic achievement of all students including effec-
25 tively manage a classroom creating a positive

1 *and inclusive classroom environment, including*
2 *the ability to implement positive behavioral*
3 *interventions, trauma-informed care, and other*
4 *support strategies;*

5 “(G) *support an inclusive learning environ-*
6 *ment through culturally responsive teaching;*

7 “(H) *support accessible technology-rich in-*
8 *struction, assessment, and learning management*
9 *in content areas, accessible technology literacy,*
10 *and the use of universal design;*

11 “(I) *demonstrate proficiency with the use of*
12 *educational and accessible technology;*

13 “(J) *communicate and work with families,*
14 *and involve families in their children’s edu-*
15 *cation; and*

16 “(K) *use, in the case of an early childhood*
17 *educator or an educator at the elementary school*
18 *or secondary school level, age-appropriate and*
19 *developmentally appropriate strategies and prac-*
20 *tices for children and youth in early childhood*
21 *education and elementary school or secondary*
22 *school programs, respectively.*

23 “(34) *TEACHER PERFORMANCE ASSESSMENT.—*
24 *The term ‘teacher performance assessment’ means a*

1 *pre-service assessment used to measure teacher per-*
2 *formance that is approved by the State and is—*

3 “(A) *based on professional teaching stand-*
4 *ards;*

5 “(B) *used to measure the effectiveness of a*
6 *teacher’s—*

7 “(i) *curriculum planning informed by*
8 *an understanding of students’ prior knowl-*
9 *edge, experiences, and racial, linguistic, cul-*
10 *tural, and community assets;*

11 “(ii) *instruction of students, including*
12 *the skills necessary to advance student*
13 *learning, and including appropriate plans,*
14 *differentiation, and modifications to sup-*
15 *port student learning needs, including*
16 *English learners and students with disabil-*
17 *ities;*

18 “(iii) *assessment of students, including*
19 *analysis of evidence of student learning;*

20 “(iv) *ability to analyze, reflect on, and*
21 *improve teaching practice in response to*
22 *student learning; and*

23 “(v) *demonstrate cultural competencies*
24 *through curriculum planning and instruc-*
25 *tion.*

1 “(C) *validated based on professional assess-*
2 *ment standards;*

3 “(D) *reliably scored by trained evaluators,*
4 *with appropriate oversight of the process to en-*
5 *sure consistency; and*

6 “(E) *used to support continuous improve-*
7 *ment of educator practice.*

8 “(35) *TEACHER PREPARATION ENTITY.—The*
9 *term ‘teacher preparation entity’ means an institu-*
10 *tion of higher education, a nonprofit organization, or*
11 *other organization that is approved by a State to pre-*
12 *pare teachers to be effective in the classroom.*

13 “(36) *TEACHER PREPARATION PROGRAM.—The*
14 *term ‘teacher preparation program’ means a program*
15 *offered by a teacher preparation entity that leads to*
16 *a specific State teacher certification.*

17 “(37) *TRAUMA-INFORMED CARE.—The term*
18 *‘trauma-informed care’ is defined as the evidence-*
19 *based practices outlined in section 4108(B)(II)(aa) of*
20 *the Elementary and Secondary Education Act of*
21 *1965.’’.*

22 **SEC. 2002. PURPOSES.**

23 *Section 201 of the Higher Education Act of 1965 (20*
24 *U.S.C. 1022) is amended—*

1 (1) in paragraph (2), by striking “by improving
2 the preparation of prospective teachers and enhancing
3 professional development activities for new teachers”
4 and inserting “, school leaders, including teacher
5 leaders, and other educators by improving the prepa-
6 ration of prospective teachers, school leaders, and
7 other educators and enhancing professional develop-
8 ment activities for new teachers, school leaders, and
9 other educators”;

10 (2) in paragraph (3), by striking “; and” and
11 inserting a semicolon;

12 (3) by striking paragraph (4) and inserting the
13 following new paragraphs:

14 “(4) hold teacher, principal and school leader,
15 and other educator preparation programs accountable
16 for preparing effective teachers, principals and school
17 leaders, and other educators;

18 “(5) recruit individuals, including members of
19 racial and ethnic groups underrepresented in the
20 teaching profession and individuals from other occu-
21 pations (including informal education and youth de-
22 velopment fields), as profession-ready teachers and
23 other educators, ensuring such individuals receive ap-
24 propriate training in pedagogy and classroom man-

1 *agement, with an emphasis on areas of State-identi-*
2 *fied teacher shortage; and*

3 *“(6) meet the staffing needs of high-need local*
4 *educational agencies and high-need schools through*
5 *close partnerships with educator preparation pro-*
6 *grams within institutions of higher education.”.*

7 **SEC. 2003. PARTNERSHIP GRANTS.**

8 *Section 202 of the Higher Education Act of 1965 (20*
9 *U.S.C. 1022a) is amended—*

10 *(1) in subsection (b)—*

11 *(A) in paragraph (1), by inserting “equi-*
12 *table distribution,” after “professional develop-*
13 *ment,”;*

14 *(B) by amending paragraph (2) to read as*
15 *follows:*

16 *“(2) a description of the extent to which the pro-*
17 *gram to be carried out with grant funds, as described*
18 *in subsection (c), will prepare prospective teachers,*
19 *school leaders, and new educators with strong teach-*
20 *ing, school leadership, and other professional skills*
21 *necessary to increase learning and academic achieve-*
22 *ment;”;*

23 *(C) in paragraph (3), by inserting “, school*
24 *leaders, and other educators,” after “new teach-*
25 *ers”;*

1 (D) in paragraph (4)—

2 (i) in subparagraph (A), by inserting
3 “, school leader, and other educator” after
4 “other teacher”; and

5 (ii) in subparagraph (B), by inserting
6 “, school leader, and other educator” after
7 “promote teacher”;

8 (E) in paragraph (6)—

9 (i) by redesignating subparagraphs (I),
10 (J), and (K) as subparagraphs (J), (K),
11 and (M), respectively;

12 (ii) by striking subparagraphs (F),
13 (G), and (H) and inserting the following:

14 “(F) how the partnership will prepare edu-
15 cators to teach and work with students with dis-
16 abilities, including training related to early
17 identification of students with disabilities and
18 participation as a member of individualized
19 education program teams, as defined in section
20 614(d)(1)(B) of the Individuals with Disabilities
21 Education Act to ensure that students with dis-
22 abilities receive effective services, consistent with
23 the requirements of the Individuals with Disabil-
24 ities Education Act, that are needed for such stu-

1 *dents to achieve to challenging State academic*
2 *standards;*

3 “(G) *how the partnership will prepare edu-*
4 *cators to teach and work with students who are*
5 *English learners to ensure that students who are*
6 *English learners receive the services that are*
7 *needed for such students to achieve to challenging*
8 *State academic standards;*

9 “(H) *in the case of activities related to*
10 *principal and school leader preparation pro-*
11 *grams, how the partnership will prepare prin-*
12 *cipals and other school leaders to foster instruc-*
13 *tion that supports the success of all students, in-*
14 *cluding students with disabilities, students who*
15 *are English learners, and students in early*
16 *childhood education in alignment with State*
17 *early learning standards for early childhood edu-*
18 *cation programs;*

19 “(I) *how faculty at the partner institution*
20 *will work, during the term of the grant, with*
21 *mentor educators in the classrooms and adminis-*
22 *trators of high-need schools served by the high-*
23 *need local educational agency in the partnership*
24 *to—*

1 “(i) provide high-quality professional
2 development activities to strengthen the con-
3 tent knowledge and teaching skills of ele-
4 mentary school and secondary school teach-
5 ers and other educators, including multi-
6 tiered systems of support and universal de-
7 sign for learning;

8 “(ii) train other classroom teachers,
9 principals or other school leaders, school li-
10 brarians, and other educators to implement
11 literacy programs that incorporate the com-
12 ponents of comprehensive literacy instruc-
13 tion; and

14 “(iii) provide evidence-based, high-
15 quality professional development activities
16 to strengthen the instructional and leader-
17 ship skills of elementary school and sec-
18 ondary school principals or other school
19 leaders and district superintendents, if the
20 partner institution has a principal or
21 school leader preparation program;”;

22 (iii) in subparagraph (J) (as so reded-
23 ignated), by inserting “as applicable” before
24 “how the partnership”;

1 (iv) in subparagraph (K) (as so redesi-
2 gnated), by striking “and” at the end;

3 (v) by inserting after subparagraph
4 (K) (as so redesignated) the following:

5 “(L) how faculty at the partner institution
6 for school leader preparation will work, during
7 the term of the grant, with their—

8 “(i) State to use rigorous, research-
9 based leader standards and align program
10 accreditation criteria and principal licen-
11 sure requirements with those standards; and

12 “(ii) high-needs local education agen-
13 cies that hire their graduates to use rig-
14 orous, evidence-based leader standards and
15 align program content and local edu-
16 cational agencies’ evaluation systems with
17 those standards; and”;

18 (vi) in subparagraph (M) (as so redesi-
19 gnated), by inserting “, principals or other
20 school leaders” after “teachers”; and

21 (F) in paragraph (7)—

22 (i) in the matter before subparagraph
23 (A), by striking “under this section” and
24 inserting “under paragraphs (1)(B)(iv) and
25 (3) of subsection (d)”;

1 (ii) in subparagraph (A), by inserting
2 “as applicable,” before “a demonstration”;
3 and

4 (iii) in subparagraph (B), by striking
5 “scientifically valid” and inserting “evi-
6 dence-based”;

7 (2) by amending subsection (c) to read as fol-
8 lows:

9 “(c) *USE OF GRANT FUNDS.*—An eligible partnership
10 that receives a grant under this section—

11 “(1) shall use such grant to carry out —

12 “(A) a program for the pre-baccalaureate or
13 post-baccalaureate preparation of teachers de-
14 scribed in subsection (d);

15 “(B) a teaching residency program, or a
16 principal or other school leader residency pro-
17 gram, described in subsection (e);

18 “(C) a high-quality ‘Grow Your Own’ pro-
19 gram; or

20 “(D) a combination of such programs; and

21 “(2) may use such grant to carry out other edu-
22 cator development programs under subsection (f),
23 based upon the results of the needs assessment in sub-
24 section (b)(1).”;

25 (3) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) by striking “limited English pro-
3 ficient” both places it appears and inserting
4 “English learners”; and

5 (ii) by striking “scientifically valid”
6 both places it appears and inserting “evi-
7 dence-based”;

8 (iii) in subparagraph (B)(ii)(VI), by
9 striking “reading instruction” both places it
10 appears and inserting “comprehensive lit-
11 eracy instruction”;

12 (B) in paragraph (5)(B), by striking “lim-
13 ited English proficient students” and inserting
14 “students who are English learners”;

15 (C) in paragraph (5)(C), by inserting
16 “paraprofessionals,” after “occupations,”; and

17 (D) in paragraph (6)(A), by striking “read-
18 ing instruction” and inserting “comprehensive
19 literacy instruction”;

20 (4) by amending subsection (e) to read as fol-
21 lows:

22 “(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT
23 OF TEACHING AND PRINCIPAL OR OTHER SCHOOL LEADER
24 RESIDENCY PROGRAMS.—

1 “(1) *IN GENERAL.*—An eligible partnership re-
2 ceiving a grant to carry out an effective teaching resi-
3 dency program or principal or other school leader
4 residency program that meets the following require-
5 ments:

6 “(A) *TEACHING RESIDENCY PROGRAM.*—An
7 eligible partnership carrying out a teaching resi-
8 dency program shall—

9 “(i) support a teaching residency pro-
10 gram described in paragraph (2) for high-
11 need schools, as determined by the needs of
12 high-need local educational agency in the
13 partnership, and in high-need subjects and
14 areas, as defined by such local educational
15 agency; and

16 “(ii) place graduates of the teaching
17 residency program in cohorts that facilitate
18 professional collaboration, both among grad-
19 uates of the residency program and between
20 such graduates and mentor teachers in the
21 receiving school.

22 “(B) *PRINCIPAL OR SCHOOL LEADER RESI-*
23 *DENCY PROGRAM.*—An eligible partnership car-
24 rying out a principal or school leader residency
25 program shall support a program described in

1 paragraph (3) for high-need schools, as deter-
2 mined by the needs of the high-need local edu-
3 cational agency in the partnership.

4 “(2) *TEACHING RESIDENCY PROGRAM.*—

5 “(A) *ESTABLISHMENT AND DESIGN.*—A
6 teaching residency program under this para-
7 graph shall be a program based upon models of
8 successful teaching residencies that serves as a
9 mechanism to prepare teachers for success in
10 high-need schools in the eligible partnership and
11 shall be designed to include the following charac-
12 teristics of successful programs:

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

15 “(ii) *The exposure to principles of*
16 *child and youth development, and under-*
17 *standing and applying principles of learn-*
18 *ing, behavior, and community and family*
19 *engagement.*

20 “(iii) *The exposure to principles of*
21 *universal design for learning and multi-*
22 *tiered systems of support.*

23 “(iv) *Engagement of teaching residents*
24 *in rigorous coursework that results in a*
25 *baccalaureate or master’s degree while un-*

1 *dertaking a guided teaching clinical experi-*
2 *ence.*

3 *“(v) Experience and learning opportu-*
4 *nities alongside a trained and experienced*
5 *mentor teacher—*

6 *“(I) whose teaching shall com-*
7 *plement the residency program so that*
8 *school-based clinical practice is tightly*
9 *aligned and integrated with*
10 *coursework;*

11 *“(II) who shall have extra respon-*
12 *sibilities as a teacher leader of the*
13 *teaching residency program, as a men-*
14 *tor for residents, and as a teacher*
15 *coach during the induction program*
16 *for new teachers, and for establishing,*
17 *within the program, a learning com-*
18 *munity in which all individuals are*
19 *expected to continually improve their*
20 *capacity to advance student learning;*
21 *and*

22 *“(III) who may be relieved from*
23 *teaching duties or may be offered a sti-*
24 *pend as a result of such additional re-*
25 *sponsibilities.*

1 “(vi) *The establishment of clear cri-*
2 *teria for the selection of mentor teachers*
3 *based on the appropriate subject area*
4 *knowledge and measures of teacher effective-*
5 *ness, which shall be based on, but not lim-*
6 *ited to, observations of the following:*

7 “(I) *Planning and preparation,*
8 *including demonstrated knowledge of*
9 *content, pedagogy, and assessment, in-*
10 *cluding the use of formative,*
11 *summative, and diagnostic assessments*
12 *to inform instruction and improve stu-*
13 *dent learning.*

14 “(II) *Appropriate instruction that*
15 *engages all students.*

16 “(III) *Collaboration with col-*
17 *leagues to improve instruction.*

18 “(IV) *Analysis of evidence of stu-*
19 *dent learning.*

20 “(V) *Collaboration and the cul-*
21 *tivation of relationships with external*
22 *stakeholders (which may include pro-*
23 *fessional disciplinary organizations*
24 *and nonprofit advocacy organizations)*
25 *to foster the sharing of evidence-based*

1 resources to promote high-quality, effec-
2 tive practices.

3 “(vii) The development of admissions
4 goals and priorities—

5 “(I) that are aligned with the hir-
6 ing objectives of the local educational
7 agency partnering with the program,
8 as well as the instructional initiatives
9 and curriculum of such agency to hire
10 qualified graduates from the teaching
11 residency program; and

12 “(II) which may include consider-
13 ation of applicants who reflect the
14 communities in which they will teach
15 as well as consideration of individuals
16 from underrepresented populations in
17 the teaching profession.

18 “(viii) Continued support for residents
19 once such residents are hired as the teachers
20 of record, through an induction program,
21 evidence-based professional development,
22 and networking opportunities to support the
23 residents through not less than the residents’
24 first 2 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 possessing*
10 *strong content knowledge or a record of*
11 *professional accomplishment;*

12 “(II) *in the case of an under-*
13 *graduate residency, enrolled as an un-*
14 *dergraduate student in a partner insti-*
15 *tution as defined in this title; and*

16 “(III) *submit an application to*
17 *the residency program.*

18 “(ii) *SELECTION CRITERIA.—An eligi-*
19 *ble partnership carrying out a teaching*
20 *residency program under this subsection*
21 *shall establish criteria for the selection of el-*
22 *igible individuals to participate in the*
23 *teaching residency program based on the*
24 *following characteristics:*

1 “(I) *Strong content knowledge or*
2 *record of accomplishment in the field*
3 *or subject area to be taught.*

4 “(II) *Strong verbal and written*
5 *communication skills, which may be*
6 *demonstrated by performance on ap-*
7 *propriate assessments.*

8 “(III) *Other attributes linked to*
9 *effective teaching, which may be deter-*
10 *mined by interviews or performance*
11 *assessments, as specified by the eligible*
12 *partnership.*

13 “(3) *PARTNERSHIP GRANTS FOR THE DEVELOP-*
14 *MENT OF PRINCIPAL AND OTHER SCHOOL LEADER*
15 *RESIDENCY PROGRAMS.—*

16 “(A) *ESTABLISHMENT AND DESIGN.—A*
17 *principal or other school leader residency pro-*
18 *gram under this paragraph shall be a program*
19 *based upon models of successful principal or*
20 *other school leader residencies, and may include*
21 *the development or support of principal pipe-*
22 *lines, that serve as a mechanism to prepare prin-*
23 *cipals and other school leaders for success in*
24 *high-need schools in the eligible partnership and*

1 *shall be designed to include the following charac-*
2 *teristics of successful programs:*

3 “(i) *Engagement of principal or other*
4 *school leader residents in rigorous graduate-*
5 *level coursework to earn an appropriate ad-*
6 *vanced credential while undertaking a guid-*
7 *ed principal or other school leader clinical*
8 *experience.*

9 “(ii) *Experience and learning opportu-*
10 *nities, including those that provide contin-*
11 *uous feedback throughout the program on a*
12 *participants’ progress, alongside a trained*
13 *and experienced mentor principal or other*
14 *school leader—*

15 “(I) *whose mentoring shall be*
16 *based on standards of effective men-*
17 *toring practice and shall complement*
18 *the residence program so that school-*
19 *based clinical practice is tightly*
20 *aligned with coursework; and*

21 “(II) *who may be relieved from*
22 *some portion of principal or other*
23 *school leader duties or may be offered*
24 *a stipend as a result of such additional*
25 *responsibilities.*

1 “(iii) *The establishment of clear cri-*
2 *teria for the selection of mentor principals*
3 *or other school leaders, which may be based*
4 *on observations of the following:*

5 “(I) *Demonstrating awareness of,*
6 *and having experience with, the knowl-*
7 *edge, skills, and attitudes to—*

8 “(aa) *establish and maintain*
9 *a professional learning commu-*
10 *nity that effectively extracts infor-*
11 *mation from data to improve the*
12 *school culture and climate, and*
13 *personalize instruction for all stu-*
14 *dents to result in improved stu-*
15 *dent achievement;*

16 “(bb) *create and maintain a*
17 *learning culture within the school*
18 *that provides an inclusive climate*
19 *conducive to the development of*
20 *all members of the school commu-*
21 *nity, including one of continuous*
22 *improvement and learning for*
23 *adults tied to student learning*
24 *and other school goals;*

1 “(cc) develop the professional
2 *capacity and practice of school*
3 *personnel and foster a professional*
4 *community of teachers and other*
5 *professional staff;*

6 “(dd) engage in continuous
7 *professional development, utilizing*
8 *a combination of academic study,*
9 *developmental simulation exer-*
10 *cises, self-reflection, mentorship,*
11 *and internship;*

12 “(ee) understand youth devel-
13 *opment appropriate to the age*
14 *level served by the school, and use*
15 *this knowledge to set high expecta-*
16 *tions and standards for the aca-*
17 *ademic, social, emotional, and*
18 *physical development of all stu-*
19 *dents;*

20 “(ff) understand the science
21 *of adverse childhood experiences to*
22 *lead schools that implement trau-*
23 *ma-informed practices; and*

24 “(gg) actively engage with
25 *families and the community to*

1 *create shared responsibility for*
2 *student academic performance*
3 *and successful development.*

4 “(II) *Planning and articulating a*
5 *shared and coherent schoolwide direc-*
6 *tion and policy for achieving high*
7 *standards of student performance, and*
8 *closing gaps in achievement among*
9 *subgroups of students.*

10 “(III) *Identifying and imple-*
11 *menting the activities and rigorous*
12 *curriculum necessary for achieving*
13 *such standards of student performance.*

14 “(IV) *Supporting a culture of*
15 *learning, collaboration, and profes-*
16 *sional behavior and ensuring quality*
17 *measures of instructional practice.*

18 “(V) *Communicating with, and*
19 *engaging, parents, families, and other*
20 *external communities.*

21 “(VI) *Cultivating relationships*
22 *and collaborating with external stake-*
23 *holders, which may include profes-*
24 *sional disciplinary organizations and*
25 *nonprofit advocacy organizations, to*

1 *foster the sharing of evidence-based re-*
2 *sources to promote high-quality, effec-*
3 *tive practices.*

4 *“(VII) Collecting, analyzing, and*
5 *utilizing data and other evidence of*
6 *student learning and evidence of class-*
7 *room practice to guide decisions and*
8 *actions for continuous improvement*
9 *and to ensure performance account-*
10 *ability.*

11 *“(iv) The development of admissions*
12 *goals and priorities—*

13 *“(I) that are aligned with the hir-*
14 *ing objectives of the local educational*
15 *agency partnering with the program,*
16 *as well as the instructional initiatives*
17 *and curriculum of such agency to hire*
18 *qualified graduates from the principal*
19 *residency program; and*

20 *“(II) which may include consider-*
21 *ation of applicants who reflect the*
22 *communities in which they will serve*
23 *and consideration of individuals from*
24 *underrepresented populations in school*
25 *leadership positions.*

1 “(v) Continued support for residents
2 once such residents are hired as principals
3 or other school leaders, through an induc-
4 tion program, evidence-based professional
5 development to support the knowledge and
6 skills of the principal or other school leader
7 in a continuum of learning and content ex-
8 pertise in developmentally appropriate or
9 age-appropriate educational practices, and
10 networking opportunities to support the
11 residents through not less than the residents’
12 first 2 years of serving as principal or other
13 school leader of a school.

14 “(B) SELECTION OF INDIVIDUALS AS PRIN-
15 CIPAL OR OTHER SCHOOL LEADER RESIDENTS.—

16 “(i) ELIGIBLE INDIVIDUAL.—In order
17 to be eligible to be a principal or other
18 school leader resident in a principal or
19 other school leader residency program under
20 this paragraph, an individual shall—

21 “(I) have prior prekindergarten
22 through grade 12 teaching experience;

23 “(II) have experience as an effec-
24 tive leader, manager, and written and
25 oral communicator; and

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

3 “(ii) *SELECTION CRITERIA.*—An eligi-
4 ble partnership carrying out a principal or
5 other school leader residency program under
6 this subsection shall establish criteria for
7 the selection of eligible individuals to par-
8 ticipate in the principal residency program
9 based on the following characteristics:

10 “(I) *Strong instructional leader-*
11 *ship skills in an elementary school or*
12 *secondary school setting.*

13 “(II) *Strong verbal and written*
14 *communication skills, which may be*
15 *demonstrated by performance on ap-*
16 *propriate assessments.*

17 “(III) *Other attributes linked to*
18 *effective leadership, such as sound*
19 *judgment, organizational capacity, col-*
20 *laboration, commitment to equity and*
21 *inclusiveness, and openness to contin-*
22 *uous learning, which may be deter-*
23 *mined by interviews or performance*
24 *assessment, as specified by the eligible*
25 *partnership.*

1 “(4) *STIPENDS OR SALARIES; APPLICATIONS;*
2 *AGREEMENTS; AND REPAYMENTS.—*

3 “(A) *STIPENDS OR SALARIES.—A teaching*
4 *residency program, or a principal or other school*
5 *leader residency program, under this sub-*
6 *section—*

7 “(i) *shall provide a 1-year living sti-*
8 *pend or salary to residents during the*
9 *teaching residency program or the principal*
10 *or other school leader residency program;*
11 *and*

12 “(ii) *may provide a stipend to a men-*
13 *tor teacher or mentor principal.*

14 “(B) *APPLICATIONS.—*

15 “(i) *IN GENERAL.—Each residency*
16 *candidate desiring a stipend or salary dur-*
17 *ing the period of residency shall submit an*
18 *application to the eligible partnership at*
19 *such time, in such manner, and containing*
20 *such information and assurances, as the eli-*
21 *gible partnership may require, and which*
22 *shall include an agreement to serve de-*
23 *scribed in clause (ii).*

24 “(ii) *AGREEMENTS TO SERVE.—Each*
25 *application submitted under clause (i) shall*

1 *contain or be accompanied by an agreement*
2 *that the applicant will—*

3 “*(I) upon successfully completing*
4 *the 1-year teaching residency program,*
5 *or principal or other school leader resi-*
6 *dency program, serve as a full-time*
7 *teacher, principal, or other school lead-*
8 *er for a total of not less than 3 school*
9 *years at—*

10 “*(aa) a high-need school*
11 *served by the high-need local edu-*
12 *cational agency in the eligible*
13 *partnership and, in the case of a*
14 *teacher, teach a subject or area*
15 *that is designated as high-need by*
16 *the partnership; or*

17 “*(bb) in a case in which no*
18 *appropriate position is available*
19 *in a high-need school served by the*
20 *high-need local educational agency*
21 *in the eligible partnership, any*
22 *other high-need school;*

23 “*(II) provide to the eligible part-*
24 *nership a certificate, from the chief ad-*
25 *ministrative officer of the local edu-*

1 *cational agency in which the teacher or*
2 *principal or other school leader is em-*
3 *ployed, of the employment required*
4 *under subclause (I) at the beginning of,*
5 *and upon completion of, each year or*
6 *partial year of service;*

7 *“(III) in the case of a teacher*
8 *resident, meet the requirements to be a*
9 *profession-ready teacher;*

10 *“(IV) in the case of a principal or*
11 *other school leader resident, meet the*
12 *requirements to be a profession-ready*
13 *principal or other school leader; and*

14 *“(V) comply with the require-*
15 *ments set by the eligible partnership*
16 *under subparagraph (C) if the appli-*
17 *cant is unable or unwilling to complete*
18 *the service obligation required by this*
19 *subparagraph.*

20 *“(C) REPAYMENTS.—*

21 *“(i) IN GENERAL.—An eligible part-*
22 *nership carrying out a teaching residency*
23 *program, or a principal or other school*
24 *leader residency program, under this sub-*
25 *section shall require a recipient of a stipend*

1 or salary under subparagraph (A) who does
2 not complete, or who notifies the partner-
3 ship that the recipient intends not to com-
4 plete, the service obligation required by sub-
5 paragraph (B) to repay such stipend or sal-
6 ary to the eligible partnership, together with
7 interest, at a rate specified by the partner-
8 ship in the agreement, and in accordance
9 with such other terms and conditions speci-
10 fied by the eligible partnership, as nec-
11 essary.

12 “(ii) *OTHER TERMS AND CONDI-*
13 *TIONS.—Any other terms and conditions*
14 *specified by the eligible partnership may in-*
15 *clude reasonable provisions for prorated re-*
16 *payment of the stipend or salary described*
17 *in subparagraph (A) or for deferral of a*
18 *resident’s service obligation required by sub-*
19 *paragraph (B), on grounds of health, inca-*
20 *pacitation, inability to secure employment*
21 *in a school served by the eligible partner-*
22 *ship, being called to active duty in the*
23 *Armed Forces of the United States, or other*
24 *extraordinary circumstances.*

1 “(iii) *USE OF REPAYMENTS.*—An eligi-
2 ble partnership shall use any repayment re-
3 ceived under this subparagraph to carry out
4 additional activities that are consistent
5 with the purposes of this section.”;

6 (5) by striking subsection (f);

7 (6) by redesignating subsections (g) through (k)
8 as subsections (h) through (l), respectively; and

9 (7) by inserting after subsection (e) the following:

10 “(f) *TEACHER LEADER DEVELOPMENT PROGRAM.*—

11 “(1) *IN GENERAL.*—A teacher leader development
12 program carried out with a grant awarded under this
13 section shall provide for the professional development
14 of teachers, as described in paragraph (2), who main-
15 tain their roles as classroom teachers and who also
16 carry out formalized leadership responsibilities to in-
17 crease the academic achievement of students and pro-
18 mote data-driven instructional practices that address
19 the demonstrated needs at the elementary schools and
20 secondary schools in which the teachers are employed,
21 such as—

22 “(A) development of curriculum and cur-
23 ricular resources;

24 “(B) facilitating the work of committees
25 and teams;

1 “(C) family and community engagement;

2 “(D) school discipline and culture;

3 “(E) peer observations and coaching;

4 “(F) dual enrollment instruction; or

5 “(G) cultural competencies.

6 “(2) *PROFESSIONAL DEVELOPMENT.*—*The profes-*
7 *sional development of teachers in a teacher leader de-*
8 *velopment program carried out with a grant awarded*
9 *under this section shall include—*

10 “(A) one year of professional development,
11 training, and support that may—

12 “(i) include—

13 “(I) the engagement of teachers in
14 rigorous coursework and fieldwork rel-
15 evant to their role as a teacher leader,
16 including available teacher leader
17 standards; and

18 “(II) regular observations and
19 professional support from—

20 “(aa) a principal, vice prin-
21 cipal, or a designated instruc-
22 tional leader of the school;

23 “(bb) a representative from
24 the institution of higher education

1 that is a partner in the eligible
2 partnership;

3 “(cc) a representative from
4 another entity that is a partner
5 in the eligible partnership; and

6 “(dd) another member of the
7 teacher leader cohort, if applica-
8 ble, or a peer teacher; and

9 “(ii) result in the awarding of a cre-
10 dential in teacher leadership; and

11 “(B) one or 2 additional years of support
12 from a principal, vice principal, or a designated
13 instructional leader of the school, a representa-
14 tive from the institution of higher education that
15 is a partner in the eligible partnership, and a
16 representative from another entity that is a part-
17 ner in the eligible partnership.

18 “(3) *TEACHER LEADER DEVELOPMENT PROGRAM*
19 *PLAN.*—In carrying out a teacher leader development
20 program under this section, an eligible partnership
21 shall develop a plan that shall describe—

22 “(A) how the work hours of teacher leaders
23 will be allocated between their classroom respon-
24 sibilities and responsibilities as a teacher leader,
25 which shall include a description of whether the

1 *teacher leader will be relieved from teaching du-*
2 *ties during their participation in the teacher*
3 *leader development program;*

4 “(B) *how the partnership will support*
5 *teacher leaders after the first year of professional*
6 *development in the program; and*

7 “(C) *how teacher leader activities could be*
8 *sustained by the eligible partnership after the*
9 *program concludes, which may include a de-*
10 *scription of opportunities for the teacher leaders*
11 *to assist in the educator preparation program at*
12 *the institution of higher education in the part-*
13 *nership.*

14 “(4) *SELECTION OF TEACHER LEADERS; USE OF*
15 *FUNDS.—In carrying out a teacher leader develop-*
16 *ment program under this section, an eligible partner-*
17 *ship—*

18 “(A) *shall select a teacher for participation*
19 *in the program—*

20 “(i) *who—*

21 “(I) *is fully certified to teach in*
22 *the State of the high-need local edu-*
23 *cational agency that is a partner in*
24 *the eligible partnership;*

1 “(II) is employed by such high-
2 need local educational agency;

3 “(III) has not less than 3 years of
4 teaching experience; and

5 “(IV) submits an application for
6 participation to the eligible partner-
7 ship; and

8 “(ii) based on selection criteria that
9 includes—

10 “(I) demonstration of strong con-
11 tent knowledge or a record of accom-
12 plishment in the field or subject area
13 the teacher will support as a teacher
14 leader; and

15 “(II) demonstration of attributes
16 linked to effective teaching that are de-
17 termined through interviews, observa-
18 tions, other exhibits, student achieve-
19 ment, or performance assessments, such
20 as those leading to an advanced cre-
21 dential;

22 “(B) may develop admissions goals and pri-
23 orities for the teacher leader development pro-
24 gram that—

1 “(i) are aligned with the demonstrated
2 needs of the school or high-need local edu-
3 cational agency in which the teacher is em-
4 ployed;

5 “(ii) considers cultural competencies
6 that would make the applicant effective in
7 the applicant’s teacher leader role; and

8 “(iii) considers whether the teacher has
9 substantial teaching experience in the school
10 in which the teacher is employed or in a
11 school that is similar to the school in which
12 the teacher is employed;

13 “(C) shall use the grant funds to pay for
14 costs of training and supporting teacher leaders
15 for not less than 2 years and not more than 3
16 years;

17 “(D) may use the grant funds to pay for a
18 portion of a stipend for teacher leaders if such
19 grant funds are matched by additional non-Fed-
20 eral public or private funds as follows:

21 “(i) during each of the first and second
22 years of the grant period, grant funds may
23 pay not more than 50 percent of such sti-
24 pend; and

1 “(ii) during the third year of the grant
2 period, grant funds may pay not more than
3 33 percent of such stipend; and

4 “(E) may require teacher leaders to pay
5 back the cost of attaining the credential described
6 in paragraph (2)(A)(ii) if they do not complete
7 their term of service in the teacher leader devel-
8 opment program.

9 “(g) *PARTNERSHIP GRANTS FOR THE ESTABLISHMENT*
10 *OF GROW YOUR OWN PROGRAMS.*—

11 “(1) *IN GENERAL.*—An eligible partnership that
12 receives a grant under this section may use such
13 grant to carry out a high-quality ‘Grow Your Own’
14 program to address subject or geographic areas of
15 teacher or school leader shortages or to increase the
16 diversity of the teacher or school leader workforce.

17 “(2) *ELEMENTS OF A GROW YOUR OWN PRO-*
18 *GRAM.*—A *Grow Your Own* program carried out
19 under this section shall—

20 “(A) integrate career-focused courses on
21 education topics with school-based learning expe-
22 rience;

23 “(B) provide opportunities for candidates to
24 practice and develop the skills and dispositions

1 *that will help them become skilled educators and*
2 *leaders;*

3 “(C) *support candidates as they complete*
4 *their associate, baccalaureate, or master’s degree*
5 *and earn their teaching or school leadership cre-*
6 *dential; and*

7 “(D) *offer financial aid, in addition to fi-*
8 *nancial assistance that may be received under*
9 *title IV, to candidates and work in partnership*
10 *with members of the eligible partnership to pro-*
11 *vide academic, counseling, and programmatic*
12 *supports.*

13 “(2) *ESTABLISHMENT AND DESIGN.—To create*
14 *and enhance multiple pathways to enter the educator*
15 *and leadership workforce, an eligible partnership car-*
16 *rying out a Grow Your Own program under this sec-*
17 *tion, in collaboration with organizations representing*
18 *educators and leaders and additional stakeholders—*

19 “(A) *shall—*

20 “(i) *establish an advisory group to re-*
21 *view barriers impacting underrepresented*
22 *populations entering the teaching and*
23 *school leadership profession, identify local*
24 *teacher and leader workforce needs, develop*
25 *policies on the creation or expansion of*

1 *Grow Your Own* programs, and provide
2 guidance and oversight on the implementa-
3 tion of such programs;

4 “(ii) track and evaluate the effective-
5 ness of the program, including, at a min-
6 imum, using the data required under sec-
7 tion 204(a)(1);

8 “(iii) require candidates to complete
9 all State requirements to become fully cer-
10 tified;

11 “(iv) provide academic and testing
12 supports, including advising and financial
13 assistance, to candidates for admission and
14 completion of education preparation pro-
15 grams as well as State licensure assess-
16 ments;

17 “(v) include efforts, to the extent fea-
18 sible, to recruit current paraprofessionals,
19 as defined under section 8101 of the Ele-
20 mentary and Secondary Education Act of
21 1965 (20 U.S.C. 7801), instructional assist-
22 ants, district employees not certified to
23 teach or lead (such as long-term substitute
24 teachers), after school and summer program
25 staff, parent school volunteers, retired mili-

1 *tary personnel, and other career changers*
2 *with experience in hard to staff areas who*
3 *are not currently certified to teach or lead*
4 *with a specific focus on recruiting individ-*
5 *uals who are reflective of the race, ethnicity,*
6 *and native language of the existing commu-*
7 *nity’s student population; and*

8 *“(vi) provide a year-long clinical expe-*
9 *rience or teaching or school leadership resi-*
10 *dency in which candidates teach or lead*
11 *alongside an expert mentor teacher or school*
12 *leader; and*

13 *“(B) may include—*

14 *“(i) a stipend to cover candidate living*
15 *expenses or childcare costs; and*

16 *“(ii) compensation for mentors.”.*

17 **SEC. 2004. ADMINISTRATIVE PROVISIONS.**

18 *Section 203 of the Higher Education Act of 1965 (20*
19 *U.S.C. 1022b) is amended—*

20 *(1) in subsection (a)(2), by striking “five-year*
21 *period.” and inserting “five-year period, except such*
22 *partnership may receive an additional grant during*
23 *such period if such grant is used to establish a teach-*
24 *ing residency program, or a principal or other school*

1 *leader residency program, if such residency program*
2 *was not established with the prior grant.”; and*

3 *(2) in subsection (b)(2)—*

4 *(A) in subparagraph (A)—*

5 *(i) by striking “teacher preparation*
6 *program” and inserting “teacher education,*
7 *school leader preparation, or educator devel-*
8 *opment program”;*

9 *(ii) by inserting “and demonstrated*
10 *success in having a diverse set of candidates*
11 *complete the program, and entering and re-*
12 *maining in the profession” after “such pro-*
13 *gram”;* and

14 *(iii) by striking “; and” at the end*
15 *and inserting a semicolon;*

16 *(B) by redesignating subparagraph (B) as*
17 *subparagraph (C); and*

18 *(C) by inserting after subparagraph (A) the*
19 *following:*

20 *“(B) provide a 1-year preservice clinical or*
21 *residency experience that includes the integration*
22 *of coursework and clinical practice and offers co-*
23 *horts of candidates the opportunity to learn to*
24 *teach or lead in partner schools or teaching*
25 *academies; and”.*

1 **SEC. 2005. ACCOUNTABILITY AND EVALUATION.**

2 *Section 204(a) of the Higher Education Act of 1965*
3 *(20 U.S.C. 1022c(a)) is amended to read as follows:*

4 *“(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each el-*
5 *igible partnership submitting an application for a grant*
6 *under this part shall establish, and include in such applica-*
7 *tion, an evaluation plan that includes rigorous, comprehen-*
8 *sive, and measurable performance objectives. The plan shall*
9 *include objectives and measures for—*

10 *“(1) achievement for all prospective and new*
11 *educators as measured by the eligible partnership;*

12 *“(2) after the completion of the partnership pro-*
13 *gram, educator retention at the end of year 3 and*
14 *year 5;*

15 *“(3) pass rates and scaled scores for initial State*
16 *certification or licensure of teachers or pass rates and*
17 *average scores on valid and reliable teacher perform-*
18 *ance assessments; and*

19 *“(4)(A) the percentage of profession-ready teach-*
20 *ers, principals or other school leaders hired by the*
21 *high-need local educational agency participating in*
22 *the eligible partnership;*

23 *“(B) the percentage of profession-ready teachers,*
24 *principals, and other educators hired by the high-need*
25 *local educational agency who are members of under-*
26 *represented groups;*

1 “(C) the percentage of profession-ready teachers
2 hired by the high-need local educational agency who
3 teach high-need academic subject areas, such as read-
4 ing, science, technology, engineering, mathematics,
5 computer science, and foreign language (including
6 less commonly taught languages and critical foreign
7 languages), or any other well-rounded education sub-
8 ject (as defined in section 8101 of the *Elementary and*
9 *Secondary Act of 1965 (20 U.S.C. 7801)*);

10 “(D) the percentage of profession-ready teachers
11 hired by the high-need local educational agency who
12 teach in high-need areas, including special education,
13 bilingual education, language instruction educational
14 programs for *English language learners*, and early
15 childhood education;

16 “(E) the percentage of profession-ready teachers,
17 principals or other school leaders, and other educators
18 hired by the high-need local educational agency who
19 teach in high-need schools, disaggregated by the ele-
20 mentary school and secondary school levels;

21 “(F) as applicable, the percentage of early child-
22 hood education program classes in the geographic
23 area served by the eligible partnership taught by early
24 childhood educators who are highly competent as a re-
25 sult of participation in the partnership program;

1 “(G) as applicable, the percentage of educators
2 who have completed the partnership program able
3 to—

4 “(i) integrate technology effectively into cur-
5 ricula and instruction, including technology con-
6 sistent with the principles of universal design for
7 learning; and

8 “(ii) use technology effectively to collect,
9 manage, and analyze data to improve teaching
10 and learning for the purpose of improving stu-
11 dent learning outcomes; and

12 “(H) as applicable, the percentage of educators
13 who have completed the partnership program taking
14 school leadership positions who, after 3 years in the
15 role, receive ratings of effective or above in State
16 school leader evaluation and support systems (as de-
17 scribed in section 2014(c)(4)(B)(ii) of the Elementary
18 and Secondary Education Act of 1965) or, if no such
19 ratings are available, other comparable indicators of
20 performance.”.

21 **SEC. 2006. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**
22 **PARE TEACHERS, PRINCIPALS, OR OTHER**
23 **SCHOOL LEADERS.**

24 Section 205 of the Higher Education Act of 1965 (20
25 U.S.C. 1022d) is amended—

1 (1) *in subsection (a)—*

2 (A) *by striking the subsection header and*
3 *inserting the following: “INSTITUTIONAL AND*
4 *PROGRAM REPORT CARDS ON THE QUALITY OF*
5 *TEACHER AND SCHOOL LEADER PREPARATION”;*
6 *and*

7 (B) *by striking paragraph (1) and inserting*
8 *the following:*

9 “(1) *REPORT CARD.—Each teacher preparation*
10 *or school leader preparation entity approved to oper-*
11 *ate teacher preparation or school leader preparation*
12 *programs in the State and that receives or enrolls stu-*
13 *dents receiving Federal assistance shall report annu-*
14 *ally to the State and the general public, in a uniform*
15 *and comprehensive manner that conforms with the*
16 *definitions and methods established by the Secretary,*
17 *the following:*

18 “(A) *PASS RATES AND SCALED SCORES.—*
19 *For the most recent year for which the informa-*
20 *tion is available for each teacher or school leader*
21 *preparation program offered by the teacher prep-*
22 *aration or school leader preparation entity the*
23 *following:*

24 “(i) *Except as provided in clause (ii),*
25 *for those students who took the assessments*

1 *used for teacher or school leader certifi-*
2 *cation or licensure by the State in which*
3 *the entity is located and are enrolled in the*
4 *teacher or school leader preparation pro-*
5 *gram, and for those who have taken such as-*
6 *sessments and have completed the teacher or*
7 *school preparation program during the 2-*
8 *year period preceding such year, for each of*
9 *such assessments—*

10 *“(I) the percentages of students*
11 *enrolled in the preparation program,*
12 *and those who have completed such*
13 *program, who passed such assessment;*

14 *“(II) the percentage of students*
15 *who have taken such assessment who*
16 *enrolled in and completed the teacher*
17 *or school leader preparation program;*
18 *and*

19 *“(III) the average scaled score for*
20 *all students who took such assessment.*

21 *“(ii) In the case of an entity that re-*
22 *quires a valid and reliable teacher perform-*
23 *ance assessment in order to complete the*
24 *preparation program, the entity may sub-*
25 *mit in lieu of the information described in*

1 *clause (i) the pass rate and average score of*
2 *students taking the teacher performance as-*
3 *essment.*

4 “(B) *ENTITY INFORMATION.*—*A description*
5 *of the following:*

6 “(i) *The median grade point average*
7 *and range of grade point averages for ad-*
8 *mitted students.*

9 “(ii) *The number of students in the en-*
10 *tity, disaggregated by race, ethnicity, and*
11 *gender, except that such disaggregation shall*
12 *not be required in a case in which the result*
13 *would reveal personally identifiable infor-*
14 *mation about an individual student.*

15 “(iii) *The number of hours and types*
16 *of supervised clinical preparation required*
17 *for each program.*

18 “(iv) *The total number and percentage*
19 *of students who have completed programs*
20 *for certification or licensure disaggregated*
21 *by subject area and by race, ethnicity, gen-*
22 *der, income status, and language diversity*
23 *(graduates who have bilingual or dual lan-*
24 *guage immersion endorsements), except that*
25 *such disaggregation shall not be required in*

1 *a case in which the result would reveal per-*
2 *sonally identifiable information about an*
3 *individual student.*

4 “(v) *The percentage and total number*
5 *of program completers who have been cer-*
6 *tified or licensed as teachers or school lead-*
7 *ers (disaggregated by subject area of certifi-*
8 *cation or licensure and by race, ethnicity,*
9 *and gender, except that such disaggregation*
10 *shall not be required in a case in which the*
11 *number of students in a category is insuffi-*
12 *cient to yield statistically reliable informa-*
13 *tion or the results would reveal personally*
14 *identifiable information about an indi-*
15 *vidual student).*

16 “(vi) *The 3- and 5-year teacher or*
17 *school leader retention rates, including, at a*
18 *minimum, in the same school and local edu-*
19 *cational agency, and within the profession*
20 *(disaggregated by race, ethnicity, and gen-*
21 *der, except that such disaggregation shall*
22 *not be required in a case in which the num-*
23 *ber of students in a category is insufficient*
24 *to yield statistically reliable information or*
25 *the results would reveal personally identifi-*

1 *able information about an individual stu-*
2 *dent).*

3 “(C) *ACCREDITATION.*—*Whether the pro-*
4 *gram or entity is accredited by a specialized ac-*
5 *crediting agency recognized by the Secretary for*
6 *accreditation of professional teacher or school*
7 *leader education programs.*

8 “(D) *DESIGNATION AS LOW-PERFORMING.*—
9 *Which programs (if any) offered by the entity*
10 *have been designated as low-performing by the*
11 *State under section 207(a).”;*

12 *(2) in subsection (b)—*

13 *(A) in paragraph (1)—*

14 *(i) in subparagraph (A)—*

15 *(I) by inserting “and school lead-*
16 *er” after “teacher”; and*

17 *(II) by inserting “, including*
18 *teacher performance assessments” after*
19 *“the State”;*

20 *(ii) by amending subparagraph (D) to*
21 *read as follows:*

22 *“(D)(i) Except as provided in clause (ii),*
23 *for each of the assessments used by the State for*
24 *teacher or school leader certification or licensure,*
25 *disaggregated by subject area, race, ethnicity,*

1 *and gender, except that such disaggregation shall*
2 *not be required in a case in which the result*
3 *would reveal personally identifiable information*
4 *about an individual student—*

5 *“(I) for each entity located in the*
6 *State, the percentage of students at each en-*
7 *tity who have completed 100 percent of the*
8 *nonclinical coursework and taken the assess-*
9 *ment who pass such assessment;*

10 *“(II) the percentage of all such stu-*
11 *dents in all such programs and entities who*
12 *have taken the assessment who pass such as-*
13 *essment;*

14 *“(III) the percentage of students who*
15 *have taken the assessment and who enrolled*
16 *in and completed a teacher or school leader*
17 *preparation program; and*

18 *“(IV) the average scaled score of indi-*
19 *viduals participating in such a program, or*
20 *who have completed such a program during*
21 *the 2-year period preceding the first year*
22 *for which the annual State report card is*
23 *provided, who took each such assessment.*

24 *“(i) In the case of a State that has imple-*
25 *mented a valid and reliable teacher performance*

1 *assessment, the State may submit in lieu of the*
2 *information described in clause (i) the pass rate*
3 *and average score of students taking the teacher*
4 *performance assessment, disaggregated by subject*
5 *area, race, ethnicity, and gender, except that*
6 *such disaggregation shall not be required in a*
7 *case in which the result would reveal personally*
8 *identifiable information about an individual stu-*
9 *dent.”;*

10 *(iii) by striking subparagraphs (G)*
11 *through (L) and inserting the following:*

12 *“(G) For each teacher and school leader*
13 *preparation program in the State the following:*

14 *“(i) The programs’ admission rate, me-*
15 *dian grade point average, and range of*
16 *grade point averages for admitted students.*

17 *“(ii) The number of students in the*
18 *program disaggregated by race, ethnicity,*
19 *and gender, except that such disaggregation*
20 *shall not be required in a case in which the*
21 *result would reveal personally identifiable*
22 *information about an individual student.*

23 *“(iii) The number of hours and types*
24 *of supervised clinical preparation required.*

1 “(iv) Whether such program has been
2 identified as low-performing, as designated
3 by the State under section 207(a).

4 “(v) For each school leader preparation
5 program in the State, the total number and
6 percentage of program completers placed as
7 principals who are rated as effective or
8 above on the State school leader evaluation
9 and support systems (as described in section
10 2101(c)(4)(B)(2) of the Elementary and
11 Secondary Education Act of 1965) or, if no
12 such ratings are available, other comparable
13 indicators of performance after three years
14 of leading a school.

15 “(H) For the State as a whole, and for each
16 teacher preparation entity in the State, the num-
17 ber of teachers prepared, in the aggregate and re-
18 ported separately by the following:

19 “(i) Area of certification or licensure.

20 “(ii) Route of certification (traditional
21 versus alternative).

22 “(iii) Academic major.

23 “(iv) Degree type (baccalaureate, post-
24 baccalaureate, and master’s degrees).

1 “(v) *Subject area for which the teacher*
2 *has been prepared to teach.*

3 “(vi) *The relationship of the subject*
4 *area and grade span of teachers graduated*
5 *by the teacher preparation entity to identi-*
6 *fied teacher shortage areas of the State.*

7 “(vii) *The percentage of teachers grad-*
8 *uated teaching in high-need schools.*

9 “(viii) *Placement in a teaching or*
10 *school leadership position within 6 months*
11 *of program completion.*

12 “(ix) *Rates of 3- and 5-year teacher or*
13 *school leadership retention including, at a*
14 *minimum, in the same school and local edu-*
15 *cational agency, and within the profes-*
16 *sion.”; and*

17 *(B) by adding at the end the following:*

18 “(3) *NO REQUIREMENT FOR REPORTING ON STU-*
19 *DENTS NOT WORKING IN THE STATE.—Nothing in this*
20 *section shall require a State to report data on pro-*
21 *gram completers who do not work as teachers, prin-*
22 *cipals, or school leaders in such State.”; and*

23 *(3) in subsection (d)(2), by adding at the end the*
24 *following:*

1 “(D) *The relationship of the subject area*
2 *and grade span of teachers graduated by teacher*
3 *preparation entities across the States to identi-*
4 *fied teacher shortage areas.*

5 “(E) *The number and percentages of such*
6 *graduates teaching in high-need schools.*”.

7 **SEC. 2007. TEACHER DEVELOPMENT.**

8 *Section 206 of the Higher Education Act of 1965 (20*
9 *U.S.C. 1022e) is amended by striking “limited English pro-*
10 *ficient” both places it appears and inserting “English*
11 *learner”.*

12 **SEC. 2008. STATE FUNCTIONS.**

13 *Section 207 of the Higher Education Act of 1965 (20*
14 *U.S.C. 1022f) is amended to read as follows:*

15 **“SEC. 207. STATE FUNCTIONS.**

16 “(a) *STATE ASSESSMENT.—*

17 “(1) *IN GENERAL.—In order to receive funds*
18 *under this Act or under title II of the Elementary*
19 *and Secondary Education Act of 1965 (20 U.S.C.*
20 *6601 et seq.), a State shall conduct an assessment to*
21 *identify at-risk and low-performing teacher and*
22 *school leader preparation programs in the State and*
23 *to assist such programs through the provision of tech-*
24 *nical assistance.*

1 “(2) *PROVISION OF LOW-PERFORMING LIST.—*
2 *Each State described in paragraph (1) shall—*

3 “(A) *provide the Secretary and the general*
4 *public an annual list of low-performing teacher*
5 *and school leader preparation programs and an*
6 *identification of those programs at risk of being*
7 *placed on such list, as applicable;*

8 “(B) *report any teacher and school leader*
9 *preparation program that has been closed and*
10 *the reasons for such closure; and*

11 “(C) *describe the assessment, described in*
12 *paragraph (1), in the report under section*
13 *205(b).*

14 “(3) *DETERMINATION OF AT-RISK AND LOW-PER-*
15 *FORMING PROGRAMS.—The levels of performance and*
16 *the criteria for meeting those levels for purposes of the*
17 *assessment under paragraph (1) shall be determined*
18 *by the State in consultation with a representative*
19 *group of community stakeholders, including, at a*
20 *minimum, representatives of leaders and faculty of*
21 *traditional and alternative route teacher and school*
22 *leader preparation programs, prekindergarten*
23 *through 12th grade leaders and instructional staff,*
24 *current teacher and school leader candidates partici-*
25 *pating in traditional and alternative route teacher or*

1 *school leader preparation programs, the State’s stand-*
2 *ards board or other appropriate standards body, and*
3 *other stakeholders identified by the State. In making*
4 *such determination, the State shall consider multiple*
5 *measures and the information reported by teacher*
6 *preparation entities under section 205.*

7 “(b) *REPORTING AND IMPROVEMENT.*—*In order to re-*
8 *ceive funds under this Act or under title II of the Elemen-*
9 *tary and Secondary Education Act of 1965 (20 U.S.C. 6601*
10 *et seq.), a State shall—*

11 “(1) *report to the Secretary and the general pub-*
12 *lic any programs described in subsection (a);*

13 “(2) *establish a period of improvement and rede-*
14 *sign (as established by the State) for programs identi-*
15 *fied as at-risk under subsection (a);*

16 “(3) *provide programs identified as at-risk*
17 *under subsection (a) with technical assistance for a*
18 *period of not longer than 3 years;*

19 “(4) *identify at-risk programs as low-performing*
20 *if there is not sufficient improvement following the*
21 *period of technical assistance provided by the State;*
22 *and*

23 “(5) *subject low-performing programs to the pro-*
24 *visions described in subsection (c) (as determined by*

1 *the State) not later than 1 year after the date of such*
2 *identification as a low-performing program.*

3 “(c) *TERMINATION OF ELIGIBILITY.—Any teacher or*
4 *school leader preparation program that is projected to*
5 *close—*

6 “(1) *shall be ineligible for any funding for pro-*
7 *fessional development activities awarded by the De-*
8 *partment;*

9 “(2) *may not be permitted to provide new*
10 *awards under subpart 9 of part A of title IV; and*

11 “(3) *shall provide transitional support, includ-*
12 *ing remedial services if necessary, for students en-*
13 *rolled in the program in the year prior to such clo-*
14 *sure.*

15 “(d) *NEGOTIATED RULEMAKING.—If the Secretary de-*
16 *velops any regulations implementing subsection (c)(2), the*
17 *Secretary shall submit such proposed regulations to a nego-*
18 *tiated rulemaking process, which shall include representa-*
19 *tives of States, institutions of higher education, and edu-*
20 *cational and student organizations.*

21 “(e) *APPLICATION OF REQUIREMENTS.—The require-*
22 *ments of this section shall apply to both traditional teacher*
23 *preparation programs and alternative routes to State cer-*
24 *tification and licensure programs.”.*

1 **SEC. 2009. GENERAL PROVISIONS.**

2 *Section 208(a) of the Higher Education Act of 1965*
3 *(20 U.S.C. 1022g(a)) is amended by striking “sections 205*
4 *and 206” and inserting “section 205”.*

5 **SEC. 2010. ELEVATION OF THE EDUCATION PROFESSION**
6 **STUDY.**

7 *Part A of title II of the Higher Education Act of 1965*
8 *(20 U.S.C. 1022 et seq.) is amended by inserting after sec-*
9 *tion 208 the following:*

10 **“SEC. 209. ELEVATION OF THE EDUCATION PROFESSION**
11 **STUDY.**

12 *“(a) PURPOSE.—The purpose of this section is to au-*
13 *thorize a feasibility study on the elevation of the education*
14 *profession by examining State policies related to teacher*
15 *and school leader education and certification, produce a*
16 *comprehensive set of expectations that sets a high bar for*
17 *entry into the profession and ensures that all entering*
18 *teachers and school leaders are profession-ready, and de-*
19 *velop recommendations to Congress on best practices with*
20 *respect to elevating the education profession that are evi-*
21 *dence-based, reliable, and verified by the field.*

22 *“(b) ESTABLISHMENT.—*

23 *“(1) IN GENERAL.—The Secretary of Education*
24 *shall establish an Advisory Committee to carry out*
25 *the elevation of the education profession study de-*

1 *scribed in subsection (c) and make recommendations*
2 *to Congress on the findings.*

3 “(2) *MEMBERSHIP OF THE ADVISORY COM-*
4 *MITTEE.—The Advisory Committee shall include rep-*
5 *resentatives or advocates from the following categories:*

6 “(A) *Teacher unions.*

7 “(B) *School leader organizations.*

8 “(C) *State and local chief executives or their*
9 *representatives.*

10 “(D) *State educational agencies and local*
11 *educational agencies.*

12 “(E) *Teacher and school leader advocacy or-*
13 *ganizations.*

14 “(F) *School administrator organizations.*

15 “(G) *Institutions of higher education, in-*
16 *cluding colleges of teacher education.*

17 “(H) *Civil rights organizations.*

18 “(I) *Organizations representing students*
19 *with disabilities.*

20 “(J) *Organizations representing English*
21 *learners.*

22 “(K) *Nonprofit organizations representing*
23 *subject-fields, such as STEM Educator organiza-*
24 *tions, comprehensive literacy Educator organiza-*

1 *tions, and arts and humanities educator organi-*
2 *zations.*

3 *“(L) Professional development organiza-*
4 *tions.*

5 *“(M) Educational technology organizations.*

6 *“(N) Nonprofit research organizations.*

7 *“(O) Organizations representing nontradi-*
8 *tional pathways into teacher and school leader*
9 *education.*

10 *“(P) Organizations representing parents.*

11 *“(c) DUTIES OF THE ADVISORY COMMITTEE.—*

12 *“(1) FEASIBILITY STUDY.—The Advisory Com-*
13 *mittee shall conduct a feasibility study to—*

14 *“(A) assess the state of policies and prac-*
15 *tices related to teacher and school leader edu-*
16 *cation and entry into the profession including*
17 *barriers to achieving certification and licensure,*
18 *best practices in producing profession-ready*
19 *teachers and school leaders, and recruitment and*
20 *retention of teachers and school leaders in*
21 *schools;*

22 *“(B) compile best practices for educating*
23 *and training profession-ready teachers and*
24 *school leaders including evidence-based practices*
25 *for training teachers and school leaders to sup-*

1 *port diverse learners, developing teacher and*
2 *school leaders, and successful pre-service and in-*
3 *service educational activities;*

4 “(C) *review certification and credentialing*
5 *practices throughout the Nation including min-*
6 *imum standards in each State, differences in*
7 *types of credentials, and impact of different cer-*
8 *tification processes in each State for teachers*
9 *and school leaders who relocate; and*

10 “(D) *recommend a comprehensive set of rig-*
11 *orous expectations for States standards to elevate*
12 *the profession of teaching and to produce profes-*
13 *sion-ready teachers and school leaders prepared*
14 *to educate diverse learners in inclusive edu-*
15 *cational settings.*

16 “(2) *REPORTS.—*

17 “(A) *Not later than 1 year after the Advi-*
18 *sory Committee’s first meeting, the Committee*
19 *shall submit an interim report to the Secretary*
20 *and to the authorizing committees detailing the*
21 *methods of the study and progress in developing*
22 *the set of comprehensive and rigorous expecta-*
23 *tions.*

24 “(B) *Not later than 3 years after the Advi-*
25 *sory Committee’s first meeting, the Committee*

1 *shall submit a final report to the Secretary and*
2 *to the authorizing committees detailing the find-*
3 *ings, recommendations, and suggested set of com-*
4 *prehensive and rigorous expectations.*

5 “(3) *DISSEMINATION OF INFORMATION.*—*In car-*
6 *rying out the study under paragraph (1), the Sec-*
7 *retary shall, after the release of the study, disseminate*
8 *information found in the study in an accessible for-*
9 *mat to all stakeholders.*

10 “(4) *DATABASE.*—*Not later than 180 days after*
11 *the date of the enactment of this subsection, the Sec-*
12 *retary shall produce an electronically accessible clear-*
13 *inghouse of State certification procedures and best*
14 *State practices for producing and retaining profes-*
15 *sion-ready teachers and school leaders.”.*

16 **SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.**

17 *Part A of title II of the Higher Education Act of 1965*
18 *(20 U.S.C. 1022 et seq.) is amended—*

19 (1) *by redesignating section 209 as section 210;*

20 *and*

21 (2) *in section 210, as so redesignated—*

22 (A) *by striking “\$300,000,000” and insert-*
23 *ing “\$500,000,000”;*

24 (B) *by striking “2009” and inserting*
25 *“2019”; and*

1 (C) by striking “two succeeding” and in-
2 serting “5 succeeding”.

3 **PART B—ENHANCING TEACHER AND SCHOOL**
4 **LEADER EDUCATION**

5 **SEC. 2101. ENHANCING TEACHER AND SCHOOL LEADER**
6 **EDUCATION.**

7 *Part B of title II of the Higher Education Act of 1965*
8 *(20 U.S.C. 1031 et seq.) is amended to read as follows:*

9 **“PART B—ENHANCING TEACHER AND SCHOOL**
10 **LEADER EDUCATION**

11 **“SEC. 230. AUTHORIZATION OF APPROPRIATIONS.**

12 “(a) *IN GENERAL.*—*There are authorized to be appro-*
13 *priated to carry out this part \$100,000,000 for fiscal year*
14 *2020 and each of the 5 succeeding fiscal years.*

15 “(b) *DISTRIBUTION OF FUNDS.*—*Subparts 1 through*
16 *4 of this part shall each receive a minimum of 20 percent*
17 *of the amount appropriated for a fiscal year, and the Sec-*
18 *retary shall have discretion over the distribution under this*
19 *part of the remaining amount appropriated for such fiscal*
20 *year.*

21 **“Subpart 1—Honorable Augustus F. Hawkins Centers**
22 **of Excellence**

23 **“SEC. 231. FINDINGS.**

24 “Congress finds the following:

1 “(1) *Our Nation’s schools are experiencing a se-*
2 *vere teacher diversity gap that negatively impacts*
3 *student achievement and school culture—50 percent of*
4 *current students are students of color while only 18*
5 *percent of teachers are of color, according to a 2016*
6 *study by the Brookings Institution.*

7 “(2) *A 2016 report conducted by the Department*
8 *of Education shows that teachers of color tend to pro-*
9 *vide more culturally relevant teaching and better un-*
10 *derstand the situations that students of color may*
11 *face. These factors help in the development of trusting*
12 *teacher-student relationships. Researchers from Van-*
13 *derbilt University also found that greater racial and*
14 *ethnic diversity in the principal corps benefits stu-*
15 *dents, especially students of color.*

16 “(3) *Teachers and school leaders of color can also*
17 *serve as cultural ambassadors who help students feel*
18 *more welcome at school or as role models.*

19 “(4) *Research consistently shows that increasing*
20 *diversity in the teaching profession can have positive*
21 *impacts on student educational experiences and out-*
22 *comes. Students of color demonstrate greater academic*
23 *achievement and social-emotional development in*
24 *classes with teachers of color. Studies also suggest that*
25 *all students, including white students, benefit from*

1 *having teachers of color offering their distinctive*
2 *knowledge, experiences, and role modeling to the stu-*
3 *dent body as a whole.*

4 **“SEC. 232. PURPOSE.**

5 *“The purpose of this subpart is to strengthen and ex-*
6 *pend the recruitment, training, and retention of candidates*
7 *of color into the teaching profession.*

8 **“SEC. 233. ELIGIBLE INSTITUTION DEFINED.**

9 *“In this subpart, the term ‘eligible institution’ means*
10 *an institution of higher education that has a teacher or*
11 *school leader preparation program that is a accredited by*
12 *the State and that is—*

13 *“(1) a part B institution (as defined in section*
14 *322);*

15 *“(2) a Hispanic-serving institution (as defined*
16 *in section 502);*

17 *“(3) a Tribal college or university (as defined in*
18 *section 316);*

19 *“(4) an Alaska Native-serving institution (as de-*
20 *fined in section 317(b));*

21 *“(5) a Native Hawaiian-serving institution (as*
22 *defined in section 317(b));*

23 *“(6) a predominantly black institution (as de-*
24 *fined in section 318);*

1 “(7) *an Asian-American and Native American*
2 *Pacific Islander-serving institution (as defined in sec-*
3 *tion 320(b));*

4 “(8) *a Native American-serving, nontribal insti-*
5 *tution (as defined in section 319);*

6 “(9) *a consortium of any of the institutions de-*
7 *scribed in paragraphs (1) through (8); or*

8 “(10) *an institution described in paragraphs (1)*
9 *through (8), or a consortium described in paragraph*
10 *(9), in partnership with any other institution of high-*
11 *er education, but only if the center of excellence estab-*
12 *lished under section 234 is located at an institution*
13 *described in paragraphs (1) through (8).*

14 **“SEC. 234. AUGUSTUS F. HAWKINS CENTERS OF EXCEL-**
15 **LENCE.**

16 “(a) *PROGRAM AUTHORIZED.—From the amounts*
17 *provided to carry out this subpart, the Secretary shall*
18 *award grants, on a competitive basis, to eligible institutions*
19 *to establish centers of excellence.*

20 “(b) *USE OF FUNDS.—An eligible institution shall use*
21 *a grant received under this subpart to ensure that programs*
22 *offered at a center of excellence established by such institu-*
23 *tion prepare current and future teachers or school leaders*
24 *to be profession-ready, and meet the applicable State certifi-*
25 *cation and licensure requirements, including any require-*

1 *ments for certification obtained through alternative routes*
2 *to certification, or, with regard to special education teach-*
3 *ers, the qualifications described in section 612(a)(14)(C) of*
4 *the Individuals with Disabilities Education Act (20 U.S.C.*
5 *1412(a)(14)(C)), by carrying out one or more of the fol-*
6 *lowing activities:*

7 “(1) *Implementing reforms within teacher or*
8 *school leader preparation programs to ensure that*
9 *such programs are preparing teachers or school lead-*
10 *ers who meet such applicable State certification and*
11 *licensure requirements or qualifications, and are*
12 *using evidence-based instructional practices to im-*
13 *prove student academic achievement, by—*

14 “(A) *retraining or recruiting faculty; and*

15 “(B) *designing (or redesigning) teacher or*
16 *school leader preparation programs that—*

17 “(i) *prepare teachers or school leaders*
18 *to serve in low-performing schools and close*
19 *student achievement gaps; and*

20 “(ii) *are based on—*

21 “(I) *rigorous academic content;*

22 “(II) *evidence-based research; and*

23 “(III) *challenging State academic*
24 *standards as described in section*
25 *1111(b)(1) of the Elementary and Sec-*

1 *ondary Education Act of 1965 (20*
2 *U.S.C. 6311(b)(1)); and*

3 *“(iii) promote effective teaching skills.*

4 *“(2) Providing sustained and high-quality*
5 *preservice clinical experience, which may include*
6 *through high-quality teacher or leader residency pro-*
7 *grams, including the mentoring of prospective teach-*
8 *ers by exemplary teachers or teacher leaders, substan-*
9 *tially increasing interaction between faculty at insti-*
10 *tutions of higher education and new and experienced*
11 *teachers, principals, school leaders, and other admin-*
12 *istrators at elementary schools or secondary schools,*
13 *and providing support, including preparation time,*
14 *for such interaction.*

15 *“(3) Developing and implementing initiatives to*
16 *promote retention of teachers who meet such applica-*
17 *ble State certification and licensure requirements or*
18 *qualifications, and principals and other school lead-*
19 *ers, including teachers, principals, and other school*
20 *leaders of color, including programs that provide—*

21 *“(A) teacher or principal and other school*
22 *leader mentoring; and*

23 *“(B) induction and support for teachers*
24 *and principals and other school leaders during*

1 *their first three years of employment as teachers,*
2 *principals, or other school leaders, respectively.*

3 “(4) *Awarding scholarships based on financial*
4 *need to help students pay the costs of tuition, room,*
5 *board, and other expenses of completing a teacher or*
6 *other school leader preparation program at the Center*
7 *of Excellence, not to exceed the cost of attendance as*
8 *defined in section 472.*

9 “(5) *Disseminating information on effective*
10 *practices for teacher or other school leader prepara-*
11 *tion and successful teacher or other school leader cer-*
12 *tification and licensure assessment preparation strat-*
13 *egies.*

14 “(6) *Activities authorized under section 202.*

15 “(c) *APPLICATION.—Any eligible institution desiring*
16 *a grant under this subpart shall submit an application to*
17 *the Secretary at such time, in such manner, and accom-*
18 *panied by such information as the Secretary may require.*

19 “(d) *LIMITATION ON ADMINISTRATIVE EXPENSES.—*
20 *An eligible institution that receives a grant under this sub-*
21 *part may use not more than 2 percent of the funds provided*
22 *to administer the grant.*

23 “(e) *REGULATIONS.—The Secretary shall prescribe*
24 *such regulations as may be necessary to carry out this sub-*
25 *part.*

1 **“Subpart 2—Preparing Well-Rounded Teachers**

2 **“SEC. 241. WELL-ROUNDED TEACHING GRANTS.**

3 “(a) *FINDINGS.*—Congress finds that—

4 “(1) *students have diverse learning needs and*
5 *teachers must be prepared to provide a high-quality,*
6 *equitable education to every child;*

7 “(2) *improving the pedagogical competencies, be-*
8 *havior management skills, and cultural competencies*
9 *of teacher candidates prepares them to effectively*
10 *teach students from diverse backgrounds and increases*
11 *the likelihood they will remain in the profession; and*

12 “(3) *teachers who hold dual certification and re-*
13 *ceive training in social and emotional learning com-*
14 *petencies and nonexclusionary, positive behavior*
15 *management practices are better prepared to create a*
16 *supportive school climate and meet the needs of all*
17 *students, including English learners, racially diverse*
18 *students, students with disabilities, low-income stu-*
19 *dents, and students who have experienced trauma.*

20 “(b) *PURPOSE.*—The purpose of this subpart is to—

21 “(1) *strengthen and expand teacher preparation*
22 *programs that embed dual certification for teacher*
23 *candidates in special education; and*

24 “(2) *strengthen and expand teacher preparation*
25 *programs that embed training on inclusive practices,*
26 *culturally responsive teaching, social and emotional*

1 *learning competencies, universal design for learning,*
2 *and nonexclusionary, positive behavior management*
3 *practices to teacher candidates.*

4 “(c) *AUTHORIZATION OF PROGRAM.—*

5 *“(1) IN GENERAL.—From the amounts provided*
6 *to carry out this subpart, the Secretary shall award*
7 *grants, on a competitive basis, to eligible partnerships*
8 *to improve the preparation of general education*
9 *teacher candidates to ensure that such teacher can-*
10 *didates possess the knowledge, skills, and credentials*
11 *necessary to effectively instruct students with disabil-*
12 *ities in general education classrooms, and an under-*
13 *standing of positive behavior-management practices*
14 *that reduce the use of exclusionary and aversive dis-*
15 *ciplinary practices and create a supportive school cli-*
16 *mate.*

17 *“(2) DURATION OF GRANTS.—A grant under this*
18 *subpart shall be awarded for a period of not more*
19 *than 5 years.*

20 *“(3) NON-FEDERAL SHARE.—An eligible partner-*
21 *ship that receives a grant under this subpart shall*
22 *provide not less than 25 percent of the cost of the ac-*
23 *tivities carried out with such grant from non-Federal*
24 *sources, which may be provided in cash or in-kind.*

1 “(d) *DEFINITION OF ELIGIBLE PARTNERSHIP.*—In
2 *this section, the term ‘eligible partnership’ means a partner-*
3 *ship that—*

4 “(1) *shall include—*

5 “(A) *one or more departments or programs*
6 *at an institution of higher education—*

7 “(i) *that prepare elementary or sec-*
8 *ondary general education teachers;*

9 “(ii) *that have a program of study that*
10 *leads to an undergraduate degree, a mas-*
11 *ter’s degree, or completion of a*
12 *postbaccalaureate program required for*
13 *teacher certification; and*

14 “(iii) *the profession-ready graduates of*
15 *which meet the applicable State certifi-*
16 *cation and licensure requirements, includ-*
17 *ing any requirements for certification ob-*
18 *tained through alternative routes to certifi-*
19 *cation, or, with regard to special education*
20 *teachers, the qualifications described in sec-*
21 *tion 612(a)(14)(C) of the Individuals with*
22 *Disabilities Education Act (20 U.S.C.*
23 *1412(a)(14)(C));*

1 “(B) a department or program that has ex-
2 pertise in special education at an institution of
3 higher education; and

4 “(C) a high-need local educational agency;
5 and

6 “(2) may include—

7 “(A) a department or program of mathe-
8 matics, earth or physical science, foreign lan-
9 guage, or another department at the institution
10 that has a role in preparing teachers; or

11 “(B) a non-profit, research-based organiza-
12 tion.

13 “(e) *ACTIVITIES.*—An eligible partnership that receives
14 a grant under this section—

15 “(1) shall use the grant funds to—

16 “(A) develop or strengthen an under-
17 graduate, postbaccalaureate, or master’s teacher
18 preparation program by integrating special edu-
19 cation pedagogy into the general education cur-
20 riculum and academic content that results in
21 applicable dual State certification for teacher
22 candidates who complete the program;

23 “(B) develop or strengthen an under-
24 graduate, postbaccalaureate, or master’s teacher
25 preparation program by embedding social and

1 *emotional learning strategies, inclusive practices,*
2 *culturally responsive teaching, and nonexclu-*
3 *sionary, positive behavior-management practices*
4 *into the general education curriculum and aca-*
5 *demic content;*

6 “(C) *provide teacher candidates partici-*
7 *parting in the program under subparagraph (A)*
8 *with skills related to—*

9 “(i) *response to intervention, positive*
10 *behavioral interventions and supports (in-*
11 *cluding eliminating the use of aversive*
12 *interventions such as seclusion and re-*
13 *straints), differentiated instruction, and*
14 *data-driven instruction (including the use*
15 *of data to identify and address disparities*
16 *in rates of discipline among student sub-*
17 *groups);*

18 “(ii) *universal design for learning;*

19 “(iii) *determining and utilizing ac-*
20 *commodations for instruction and assess-*
21 *ments for students with disabilities;*

22 “(iv) *collaborating with stakeholders*
23 *such as special educators, related services*
24 *providers, out-of-school time providers, and*
25 *parents, including participation in individ-*

1 ualized education program development and
2 implementation;

3 “(v) appropriately utilizing technology
4 and assistive technology for students with
5 disabilities; and

6 “(vi) effectively and equitably using
7 technology for digital and blended learning;

8 “(D) provide teacher candidates partici-
9 pating in the program under subparagraph (B)
10 with skills related to—

11 “(i) social and emotional learning
12 competencies;

13 “(ii) positive behavior interventions
14 and supports or multitiered systems of sup-
15 port;

16 “(iii) trauma-informed care;

17 “(iv) evidenced-based restorative justice
18 practices; and

19 “(v) culturally responsive teaching and
20 anti-bias training that is evidence-based;
21 and

22 “(E) provide extensive clinical experience
23 for participants described in subparagraphs (A)
24 and (B) with mentoring and induction support

1 *throughout the program that continues during*
2 *the first 2 years of full-time teaching.*

3 “(f) *APPLICATION.*—

4 “(1) *APPLICATION REQUIREMENTS.*—*An eligible*
5 *partnership seeking a grant under this section shall*
6 *submit an application to the Secretary at such time,*
7 *in such manner, and containing such information as*
8 *the Secretary may require. Such application shall in-*
9 *clude—*

10 “(A) *a self-assessment by the eligible part-*
11 *nership of the existing teacher preparation pro-*
12 *gram at the institution of higher education and*
13 *needs related to preparing general education*
14 *teacher candidates to instruct students with dis-*
15 *abilities; and*

16 “(B) *an assessment of the existing personnel*
17 *needs for general education teachers who instruct*
18 *students with disabilities, performed by the high-*
19 *need local educational agency described in sub-*
20 *section (d)(1)(C).*

21 “(2) *PEER REVIEW.*—

22 “(A) *IN GENERAL.*—*The Secretary shall*
23 *convene a peer review committee to review appli-*
24 *cations for grants under this subpart and to*
25 *make recommendations to the Secretary regard-*

1 *ing the selection of eligible partnerships for such*
2 *grants.*

3 “(B) *MEMBERSHIP.*—*Members of the peer*
4 *review committee shall be recognized experts in*
5 *the fields of special education, social and emo-*
6 *tional learning, teacher preparation, and general*
7 *education and shall not be in a position to ben-*
8 *efit financially from any grants awarded under*
9 *this section.*

10 “(g) *EQUITABLE GEOGRAPHIC DISTRIBUTION.*—*In*
11 *awarding grants under this subpart, the Secretary shall,*
12 *to the maximum extent possible, provide for an equitable*
13 *geographic distribution of such grants.*

14 “(h) *EVALUATIONS.*—

15 “(1) *BY THE PARTNERSHIP.*—

16 “(A) *IN GENERAL.*—*An eligible partnership*
17 *receiving a grant under this subpart shall con-*
18 *duct an evaluation at the end of the grant period*
19 *to determine—*

20 “(i) *the effectiveness of the general edu-*
21 *cation teachers who completed a program*
22 *under subsection (c)(1) with respect to in-*
23 *struction of students with disabilities in*
24 *general education classrooms; and*

1 “(ii) *the systemic impact of the activi-*
2 *ties carried out by such grant on how each*
3 *institution of higher education that is a*
4 *member of the partnership prepares teachers*
5 *for instruction in elementary schools and*
6 *secondary schools.*

7 “(B) *REPORT TO THE SECRETARY.—Each*
8 *eligible partnership performing an evaluation*
9 *under subparagraph (A) shall report the findings*
10 *of such evaluation to the Secretary.*

11 “(2) *REPORT BY THE SECRETARY.—Not later*
12 *than 180 days after the last day of the grant period*
13 *for which an evaluation was conducted under para-*
14 *graph (1), the Secretary shall make available to the*
15 *authorizing committees and the public the findings of*
16 *the evaluations submitted under paragraph (1), and*
17 *information on best practices related to effective in-*
18 *struction of students with disabilities in general edu-*
19 *cation classrooms.*

20 “**Subpart 3—Preparing Teachers for English-Learner**
21 **Instruction**

22 “**SEC. 251. TEACHING ENGLISH LEARNERS GRANT.**

23 “(a) *AUTHORIZATION OF PROGRAM.—The Secretary*
24 *shall award grants, on a competitive basis, to eligible part-*
25 *nerships to improve the preparation of teacher candidates*

1 *to ensure that such teacher candidates possess the knowledge*
2 *and skills necessary to effectively instruct English learners.*

3 “(b) *DURATION OF GRANTS.*—*A grant under this sec-*
4 *tion shall be awarded for a period of not more than 5 years.*

5 “(c) *NON-FEDERAL SHARE.*—*An eligible partnership*
6 *that receives a grant under this section shall provide not*
7 *less than 25 percent of the cost of the activities carried out*
8 *with such grant from non-Federal sources, which may be*
9 *provided in cash or in kind.*

10 “(d) *ELIGIBLE PARTNERSHIP.*—*The term ‘eligible*
11 *partnership’ means an eligible institution of higher edu-*
12 *cation in partnership with a high-need local educational*
13 *agency or a high-need early childhood education program.*

14 “(e) *USES OF FUNDS.*—*An eligible partnership that*
15 *receives a grant under this section shall use the grant to—*

16 “(1) *develop or strengthen an undergraduate,*
17 *postbaccalaureate, or master’s teacher preparation*
18 *program by integrating strategies for teaching*
19 *English learners into the education curriculum and*
20 *academic content;*

21 “(2) *provide teacher candidates participating in*
22 *a program under paragraph (1) with skills related*
23 *to—*

24 “(A) *helping English learners—*

1 “(i) achieve at high levels in prekindergarten
2 garten programs, and elementary schools
3 and secondary schools so that such English
4 learners can meet the challenging State academic
5 standards adopted under section
6 1111(b)(1) of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C.
8 6311(b)(1)) by the State of the school attended
9 by the English learners, which all
10 children in the State are expected to meet;
11 and

12 “(ii) attain English proficiency;

13 “(B) appropriately identifying and meeting
14 the specific learning needs of children with disabilities
15 who are English learners;

16 “(C) appropriately using universal design
17 for learning;

18 “(D) recognizing and addressing the social
19 and emotional needs of English learners; and

20 “(E) promoting parental, family, and community
21 engagement in educational programs
22 that serve English learners;

23 “(3) provide authentic clinical learning opportunities
24 for teacher candidates participating in the program
25 involving sustained interactions with teachers

1 *and English learners at public prekindergarten pro-*
2 *grams, or elementary schools or secondary schools, to*
3 *the extent practicable, or simulated environments at*
4 *the eligible institution of higher education involved,*
5 *that foster in-depth, first-hand engagement with tasks*
6 *required of a teacher providing instruction to English*
7 *learners; and*

8 *“(4) provide teacher candidates with the required*
9 *coursework to qualify for an English-as-a-second-lan-*
10 *guage certification, endorsement, or initial teaching*
11 *credential, as recognized by the State of the eligible*
12 *partnership.*

13 *“(f) APPLICATION.—An eligible partnership seeking a*
14 *grant under this section shall submit an application to the*
15 *Secretary at such time, in such manner, and containing*
16 *such information as the Secretary may require. Such appli-*
17 *cation shall include—*

18 *“(1) a self-assessment by the eligible partnership*
19 *of the existing teacher preparation program at the in-*
20 *stitution of higher education and the needs related to*
21 *preparing teacher candidates to instruct English*
22 *learners in the manner described in subsection (d)(2);*
23 *and*

24 *“(2) a self-assessment by the eligible partnership*
25 *of the personnel needs for teachers who instruct*

1 *English learners at local, public prekindergarten pro-*
2 *grams, and elementary schools and secondary schools.*

3 “(g) *EQUITABLE GEOGRAPHIC DISTRIBUTION.—In*
4 *awarding grants under this section, the Secretary shall, to*
5 *the maximum extent possible, provide for an equitable geo-*
6 *graphic distribution of such grants.*

7 “(h) *EVALUATIONS.—*

8 “(1) *REPORT FROM ELIGIBLE PARTNERSHIPS.—*
9 *An eligible partnership receiving a grant under this*
10 *section shall submit to the Secretary the results of an*
11 *evaluation conducted by the partnership at the end of*
12 *the grant period to determine—*

13 “(A) *the effectiveness of teachers who com-*
14 *pleted a program under subsection (d)(1) with*
15 *respect to instruction of English learners; and*

16 “(B) *the systemic impact of the activities*
17 *carried out by such grant on how such partner-*
18 *ship prepares teachers to provide instruction in*
19 *prekindergarten programs, and elementary*
20 *schools and secondary schools.*

21 “(2) *REPORT FROM THE SECRETARY.—Not later*
22 *than 180 days after the last day of the grant period*
23 *under this section, the Secretary shall make available*
24 *to the authorizing committees and the public—*

1 “(A) the findings of the evaluations sub-
2 mitted under paragraph (1); and

3 “(B) information on best practices related
4 to effective instruction of English learners.

5 **“Subpart 4—Graduate Fellowships To Prepare**
6 **Faculty in High-Need Areas at Colleges of Education**

7 **“SEC. 261. GRADUATE FELLOWSHIPS TO PREPARE FACULTY**
8 **IN HIGH-NEED AREAS AT COLLEGES OF EDU-**
9 **CATION.**

10 “(a) *GRANTS BY SECRETARY.*—From the amounts pro-
11 vided to carry out this subpart, the Secretary shall award
12 grants, on a competitive basis, to eligible institutions to en-
13 able such institutions to make graduate fellowship awards
14 to qualified individuals in accordance with the provisions
15 of this section.

16 “(b) *ELIGIBLE INSTITUTIONS.*—In this section, the
17 term ‘eligible institution’ means an institution of higher
18 education, or a consortium of such institutions, that offers
19 a program of postbaccalaureate study leading to a doctoral
20 degree.

21 “(c) *APPLICATIONS.*—An eligible institution that de-
22 sires a grant under this section shall submit an application
23 to the Secretary at such time, in such manner, and con-
24 taining such information as the Secretary may reasonably
25 require.

1 “(d) *TYPES OF FELLOWSHIPS SUPPORTED.*—

2 “(1) *IN GENERAL.*—An eligible institution that
3 receives a grant under this subpart shall use the grant
4 funds to provide graduate fellowships to individuals
5 who are preparing for the professorate in order to
6 prepare individuals to become elementary school and
7 secondary school science, technology, engineering, and
8 math teachers, special education teachers, and teach-
9 ers who provide instruction for English-learners, who
10 meet the applicable State certification and licensure
11 requirements, including any requirements for certifi-
12 cation obtained through alternative routes to certifi-
13 cation, or, with regard to special education teachers,
14 the qualifications described in section 612(a)(14)(C)
15 of the Individuals with Disabilities Education Act
16 (20 U.S.C. 1412(a)(14)(C)).

17 “(2) *TYPES OF STUDY.*—A graduate fellowship
18 provided under this section shall support an indi-
19 vidual in pursuing postbaccalaureate study, which
20 leads to a doctoral degree and may include a master’s
21 degree as part of such study, related to teacher prepa-
22 ration and pedagogy in one of the following areas:

23 “(A) Science, technology, engineering, math-
24 ematics, and computer science, and their related
25 subfields, if the individual has completed a mas-

1 *ter's degree in mathematics, engineering, science,*
2 *or computer science and is pursuing a doctoral*
3 *degree in mathematics, science, engineering, or*
4 *education.*

5 “(B) *Special education.*

6 “(C) *The instruction of English-learners,*
7 *including postbaccalaureate study in language*
8 *instruction educational programs.*

9 “(e) *FELLOWSHIP TERMS AND CONDITIONS.—*

10 “(1) *SELECTION OF FELLOWS.—The Secretary*
11 *shall ensure that an eligible institution that receives*
12 *a grant under this subpart—*

13 “(A) *shall provide graduate fellowship*
14 *awards to individuals who plan to pursue a ca-*
15 *reer in instruction at an institution of higher*
16 *education that has a teacher preparation pro-*
17 *gram; and*

18 “(B) *may not provide a graduate fellowship*
19 *to an otherwise eligible individual—*

20 “(i) *during periods in which such in-*
21 *dividual is enrolled at an institution of*
22 *higher education unless such individual is*
23 *maintaining satisfactory academic progress*
24 *in, and devoting full-time study or research*

1 to, the pursuit of the degree for which the
2 fellowship support was provided; or

3 “(ii) if the individual is engaged in
4 gainful employment, other than part-time
5 employment related to teaching, research, or
6 a similar activity determined by the insti-
7 tution to be consistent with and supportive
8 of the individual’s progress toward the de-
9 gree for which the fellowship support was
10 provided.

11 “(2) AMOUNT OF FELLOWSHIP AWARDS.—

12 “(A) IN GENERAL.—An eligible institution
13 that receives a grant under this subpart shall
14 award stipends to individuals who are provided
15 graduate fellowships under this subpart.

16 “(B) AWARDS BASED ON NEED.—A stipend
17 provided under this subpart shall be in an
18 amount equal to the level of support provided by
19 the National Science Foundation graduate fel-
20 lowships, except that such stipend shall be ad-
21 justed as necessary so as not to exceed the fellow-
22 ship recipient’s demonstrated need, as deter-
23 mined by the institution of higher education
24 where the fellowship recipient is enrolled.

25 “(3) SERVICE REQUIREMENT.—

1 “(A) *TEACHING REQUIRED.*—*Each indi-*
2 *vidual who receives a graduate fellowship under*
3 *this subpart and earns a doctoral degree shall*
4 *teach for 1 year at an institution of higher edu-*
5 *cation that has a teacher preparation program*
6 *for each year of fellowship support received*
7 *under this section.*

8 “(B) *INSTITUTIONAL OBLIGATION.*—*Each*
9 *eligible institution that receives a grant under*
10 *this subpart shall provide an assurance to the*
11 *Secretary that the institution has inquired of*
12 *and determined the decision of each individual*
13 *who has received a graduate fellowship to, within*
14 *3 years of receiving a doctoral degree, begin em-*
15 *ployment at an institution of higher education*
16 *that has a teacher preparation program, as re-*
17 *quired by this section.*

18 “(C) *AGREEMENT REQUIRED.*—*Prior to re-*
19 *ceiving an initial graduate fellowship award,*
20 *and upon the annual renewal of the graduate fel-*
21 *lowship award, an individual selected to receive*
22 *a graduate fellowship under this section shall*
23 *sign an agreement with the Secretary agreeing to*
24 *pursue a career in instruction at an institution*
25 *of higher education that has a teacher prepara-*

1 tion program in accordance with subparagraph
2 (A).

3 “(D) *FAILURE TO COMPLY.*—If an indi-
4 vidual who receives a graduate fellowship award
5 under this section fails to comply with the agree-
6 ment signed pursuant to subparagraph (C), the
7 sum of the amounts of any graduate fellowship
8 award received by such recipient shall, upon a
9 determination of such a failure, be treated as a
10 *Federal Direct Unsubsidized Stafford Loan*
11 under part D of title IV, and shall be subject to
12 repayment, together with interest thereon accru-
13 ing from the date of the fellowship award, in ac-
14 cordance with terms and conditions specified by
15 the Secretary in regulations under this subpart.

16 “(E) *MODIFIED SERVICE REQUIREMENT.*—
17 The Secretary may waive or modify the service
18 requirement of this paragraph in accordance
19 with regulations promulgated by the Secretary
20 with respect to the criteria to determine the cir-
21 cumstances under which compliance with such
22 service requirement is inequitable or represents a
23 substantial hardship. The Secretary may waive
24 the service requirement if compliance by the fel-

1 *lowship recipient is determined to be inequitable*
2 *or represent a substantial hardship—*

3 “(i) *because the individual is perma-*
4 *nently and totally disabled at the time of*
5 *the waiver request; or*

6 “(ii) *based on documentation presented*
7 *to the Secretary of substantial economic or*
8 *personal hardship.*

9 “(f) *INSTITUTIONAL SUPPORT FOR FELLOWS.—An eli-*
10 *gible institution that receives a grant under this section*
11 *may reserve not more than ten percent of the grant amount*
12 *for academic and career transition support for graduate fel-*
13 *lowship recipients and for meeting the institutional obliga-*
14 *tion described in subsection (e)(3)(B).*

15 “(g) *RESTRICTION ON USE OF FUNDS.—An eligible in-*
16 *stitution that receives a grant under this section may not*
17 *use grant funds for general operational overhead of the in-*
18 *stitution.*

19 **“Subpart 5—General Provisions**

20 **“SEC. 281. COMPETITIVE PRIORITY.**

21 *“In awarding grants under subparts 1 through 4, the*
22 *Secretary shall award competitive priority to eligible insti-*
23 *tutions, eligible partnerships, and eligible entities that dem-*
24 *onstrate in the application for such a grant a plan to—*

1 “(1) increase the diversity in the educator work-
2 force through—

3 “(A) recruiting, enrolling, and preparing
4 diverse teacher candidates; and

5 “(B) efforts that help retain diverse teacher
6 candidates in high-needs schools;

7 “(2) address the shortage of teachers in high-
8 needs fields including science, technology, engineering,
9 arts, mathematics, or computer science through—

10 “(A) recruiting, enrolling, and preparing
11 teacher candidates to achieve certification, as re-
12 quired by the State, to offer instruction in high-
13 needs fields, including science, technology, engi-
14 neering, music, arts, mathematics, or computer
15 science; and

16 “(B) efforts that help retain teachers of
17 high-needs fields in high-needs schools;

18 “(3) expand the pipeline of school leaders
19 through preparing teacher leaders, which may be
20 achieved by efforts that may include—

21 “(A) embedding pedagogical coursework for
22 teacher candidates that fosters—

23 “(i) leadership and advocacy skills;

24 “(ii) knowledge of school management
25 and finance;

1 “(iii) school operations and business
2 skills;

3 “(iv) effective use and management of
4 educational and accessible technology;

5 “(v) strategies for community and
6 family engagement; and

7 “(vi) mentorship and coaching strate-
8 gies; and

9 “(B) providing opportunities for teacher
10 candidates to receive—

11 “(i) exposure to and modeling from
12 teacher leaders and school leaders; and

13 “(ii) ongoing support and continu-
14 ation of professional development on teacher
15 or other school leadership once exiting the
16 teacher or other school leader preparation
17 program; and

18 “(4) recruit candidates with significant cultural
19 and community competency related to the demo-
20 graphics of the student body in which the candidate
21 will receive a placement, as measured by standards,
22 specified in the plan, which may include—

23 “(A) a candidate’s prior record of commu-
24 nity service with school-aged children in the
25 community;

1 “(B) nominations from members of the com-
2 munity; and

3 “(C) a candidate’s involvement in relevant
4 community organizations.”.

5 **TITLE III—INSTITUTIONAL AID**

6 **SEC. 3001. STRENGTHENING INSTITUTIONS.**

7 Section 311(c) of the Higher Education Act of 1965
8 (20 U.S.C. 1057(c)) is amended—

9 (1) by striking paragraph (6) and inserting the
10 following:

11 “(6) Tutoring, counseling, advising, and student
12 service programs designed to improve academic suc-
13 cess, including innovative and customized instruc-
14 tional courses (which may include remedial education
15 and English language instruction) designed to help
16 retain students and move the students rapidly into
17 core courses and through program completion.”;

18 (2) in paragraph (8), by striking “acquisition of
19 equipment for use in strengthening funds manage-
20 ment” and inserting “acquisition of technology, serv-
21 ices, and equipment for use in strengthening funds
22 and administrative management”;

23 (3) in paragraph (12), by striking “Creating”
24 and all that follows through “technologies,” and in-
25 serting “Innovative learning models and creating or

1 *improving facilities for Internet or other innovative*
2 *technologies,”;*

3 *(4) by redesignating paragraph (13) as para-*
4 *graph (17); and*

5 *(5) by inserting after paragraph (12) the fol-*
6 *lowing:*

7 *“(13) Establishing community outreach pro-*
8 *grams that will encourage elementary school and sec-*
9 *ondary school students to develop the academic skills*
10 *and the interest to pursue postsecondary education.*

11 *“(14) The development, coordination, implemen-*
12 *tation, or improvement of postsecondary career and*
13 *technical education programs as defined in section*
14 *135 of the Carl D. Perkins Career and Technical*
15 *Education Act of 2006 (20 U.S.C. 2355).*

16 *“(15) Alignment and integration of career and*
17 *technical education programs with programs of study,*
18 *as defined in section 3(41) of the Carl D. Perkins Ca-*
19 *reer and Technical Education Act (20 U.S.C.*
20 *2302(41)), leading to a bachelor’s degree, graduate de-*
21 *gree, or professional degree.*

22 *“(16) Developing or expanding access to dual or*
23 *concurrent enrollment programs and early college*
24 *high school programs.”.*

1 **SEC. 3002. STRENGTHENING INSTITUTIONS.**

2 (a) *PROGRAM PURPOSE.*—Section 311(d) of the High-
3 er Education Act of 1965 (20 U.S.C. 1057(d)) is amended—

4 (1) in paragraph (2)—

5 (A) by striking “non-Federal sources” and
6 inserting “non-Federal sources (which may in-
7 clude gifts to the endowment fund restricted for
8 a specific purpose)”; and

9 (B) by striking “or greater than” and in-
10 serting “50 percent of”; and

11 (2) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) *SCHOLARSHIP.*—An eligible institution that
14 uses grant funds provided under this section to estab-
15 lish or increase an endowment fund may use the in-
16 terest proceeds from such endowment to provide schol-
17 arships to students for the purposes of attending such
18 institution.”.

19 (b) *TRIBALLY CONTROLLED COLLEGES AND UNIVER-*
20 *SITIES.*—Section 316(c) of the Higher Education Act of
21 1965 (20 U.S.C. 1059c(c)) is amended—

22 (1) in paragraph (2)—

23 (A) in subparagraph (D), by striking “Indi-
24 ans” and all that follows through “policy” and
25 inserting “American Indians and Alaska Natives
26 are underrepresented, instruction in Native

1 *American language, and instruction to support*
2 *tribal governance, tribal public policy, and trib-*
3 *al history and sovereignty” and*

4 *(B) in subparagraph (L) by striking “out-*
5 *reach” and all that follows through “education”*
6 *and inserting “outreach and recruitment activi-*
7 *ties and programs that encourage American In-*
8 *Indian and Alaska Native elementary school stu-*
9 *dents, secondary school students, and adults to*
10 *develop the academic skills and the interest to*
11 *pursue and succeed in postsecondary education”;*
12 *and*

13 *(2) in paragraph (3)—*

14 *(A) in subparagraph (B)—*

15 *(i) by striking “matching funds” and*
16 *inserting “matching funds (which may in-*
17 *clude gifts to the endowment fund restricted*
18 *for a specific purpose)”;* and

19 *(ii) by striking “equal to the Federal*
20 *funds” and inserting “equal to 50 percent of*
21 *the Federal funds”;* and

22 *(B) by inserting after subparagraph (C) the*
23 *following:*

24 *“(D) SCHOLARSHIPS.—An eligible institu-*
25 *tion that uses grant funds provided under this*

1 *section to establish or increase an endowment*
2 *fund may use the interest proceeds from such en-*
3 *dowment to provide scholarships to students for*
4 *the purposes of attending such institution.”.*

5 (c) *ELIMINATION OF PRE-APPROVAL REQUIREMENT;*
6 *USE OF UNEXPENDED FUNDS.—Section 316(d) of the*
7 *Higher Education Act of 1965 (20 U.S.C. 1059c(d)) is*
8 *amended—*

9 (1) *by striking paragraph (1);*

10 (2) *by redesignating paragraphs (2) through (4)*
11 *as paragraphs (1) through (3), respectively; and*

12 (3) *in paragraph (2), as so redesignated, by add-*
13 *ing at the end the following:*

14 “(C) *USE OF UNEXPENDED FUNDS.—Any*
15 *funds paid to an institution and not expended or*
16 *used for the purposes for which the funds were*
17 *paid during the 5-year period following the date*
18 *of the initial grant award, may be carried over*
19 *and expended during the succeeding 5-year pe-*
20 *riod, if such funds were obligated for a purpose*
21 *for which the funds were paid during the 5-year*
22 *period following the date of the initial grant*
23 *award.”.*

24 (d) *PROMOTING THE SUSTAINABILITY OF NATIVE*
25 *AMERICAN LANGUAGES.—Part A of title III of the Higher*

1 *Education Act of 1965 (20 U.S.C. 1057 et seq.) is further*
2 *amended by inserting after section 316 (20 U.S.C. 1059c)*
3 *the following:*

4 **“SEC. 316A. NATIVE AMERICAN LANGUAGE VITALIZATION**
5 **AND TRAINING PROGRAM.**

6 *“(a) ESTABLISHMENT.—*

7 *“(1) IN GENERAL.—From the amount appro-*
8 *priated under subsection (d), the Secretary shall es-*
9 *tablish the Native American Language Vitalization*
10 *and Training Program under which the Secretary*
11 *shall award grants, on a competitive basis, to eligible*
12 *institutions to promote the preservation, revitaliza-*
13 *tion, relevancy, and use of Native American lan-*
14 *guages.*

15 *“(2) TERM.—The term of a grant under this sec-*
16 *tion shall be not more than 5 years.*

17 *“(3) APPLICATION.—*

18 *“(A) STREAMLINED PROCESS.—In carrying*
19 *out the program under this section, the Secretary*
20 *shall establish application requirements in such*
21 *a manner as to simplify and streamline the*
22 *process for the grant application under this sec-*
23 *tion.*

24 *“(B) IN GENERAL.—To be eligible to receive*
25 *a grant under this subsection, an eligible institu-*

1 *tion shall submit to the Secretary an application*
2 *at such time, in such manner, and in accordance*
3 *with any other application requirements de-*
4 *scribed in subparagraph (A), that the Secretary*
5 *may prescribe, and including the following:*

6 *“(i) A description of the 5-year pro-*
7 *gram of the eligible institution for meeting*
8 *the needs of American Indians, Alaska Na-*
9 *tives, Native Hawaiians, or Native Amer-*
10 *ican Pacific Islanders, as appropriate, in*
11 *the area served by the institution, and how*
12 *such plan is consistent with the purposes*
13 *described in paragraph (1).*

14 *“(ii)(I) An identification of the popu-*
15 *lation to be served by the eligible institu-*
16 *tion; and*

17 *“(II) an identification of the status of*
18 *Native American language understanding*
19 *and use within that population and a de-*
20 *scription of the manner in which the pro-*
21 *gram will help preserve and revitalize the*
22 *relevant Native American language.*

23 *“(iii) A description of the services to be*
24 *provided under the program, including the*
25 *manner in which the services will be inte-*

1 *grated with other appropriate language pro-*
2 *grams available in the relevant community.*

3 *“(iv) A description, to be prepared in*
4 *consultation with the Secretary, of the per-*
5 *formance measures to be used to assess the*
6 *performance of the eligible institution in*
7 *carrying out the program.*

8 *“(b) USE OF FUNDS.—An eligible institution may use*
9 *a grant under this section to carry out activities consistent*
10 *with the purposes described in subsection (a)(1), includ-*
11 *ing—*

12 *“(1) curriculum development and academic in-*
13 *struction, including educational activities, programs,*
14 *and partnerships relating to students in early child-*
15 *hood education programs through grade 12;*

16 *“(2) professional development for faculty at the*
17 *eligible institution and in-service training programs*
18 *for early childhood education programs through grade*
19 *12 instructors and administrators; and*

20 *“(3) innovative Native American language pro-*
21 *grams for students in early childhood education pro-*
22 *grams through grade 12, including language immer-*
23 *sion programs.*

24 *“(c) APPLICABILITY OF OTHER PROVISIONS.—*

25 *“(1) CONCURRENT FUNDING.—*

1 “(A) *TRIBAL COLLEGE OR UNIVERSITY.*—
2 *An eligible institution that is a Tribal College or*
3 *University may, concurrently, receive a grant*
4 *under this section and funds under section 316.*

5 “(B) *ALASKA NATIVE-SERVING INSTITUTION*
6 *OR NATIVE HAWAIIAN-SERVING INSTITUTION.*—
7 *An eligible institution that is an Alaska Native-*
8 *serving institution or Native Hawaiian-serving*
9 *institution may, concurrently, receive a grant*
10 *under this section and funds under section 317.*

11 “(C) *ASIAN AMERICAN AND NATIVE AMER-*
12 *ICAN PACIFIC ISLANDER-SERVING INSTITUTION.*—
13 *An eligible institution that is an Asian Amer-*
14 *ican and Native American Pacific Islander-serv-*
15 *ing institution may, concurrently, receive a*
16 *grant under this section and funds under section*
17 *320.*

18 “(2) *EXEMPTION.*—*Sections 312(b) and 313(d)*
19 *shall not apply to an eligible institution that receives*
20 *a grant under this section.*

21 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
22 *are authorized to be appropriated to carry out this section*
23 *\$20,000,000 (of which \$15,000,000 shall be available for*
24 *Tribal Colleges or Universities and \$5,000,000 shall be*
25 *available for the institutions described in subparagraphs*

1 *(B) through (D) of subsection (e)(1)) for fiscal year 2021*
2 *and each of the 5 succeeding fiscal years.*

3 *“(e) DEFINITIONS.—In this section:*

4 *“(1) ELIGIBLE INSTITUTION.—The term ‘eligible*
5 *institution’ means—*

6 *“(A) a Tribal College or University, as de-*
7 *fin ed in section 316;*

8 *“(B) an Alaska Native-serving institution,*
9 *as defined in section 317;*

10 *“(C) a Native Hawaiian-serving institu-*
11 *tion, as defined in section 317; or*

12 *“(D) an Asian American and Native Amer-*
13 *ican Pacific Islander-serving institution, as de-*
14 *fin ed in section 320, which is located in Amer-*
15 *ican Samoa, Guam, or the Commonwealth of the*
16 *Northern Mariana Islands.*

17 *“(2) NATIVE AMERICAN.—The term ‘Native*
18 *American’ has the meaning given the term in section*
19 *371(c)(6).”.*

20 *(e) PREDOMINANTLY BLACK INSTITUTIONS.—Section*
21 *318(d)(3) of the Higher Education Act of 1965 (20 U.S.C.*
22 *1059e(d)(3)) is amended—*

23 *(1) in subparagraph (B)—*

24 *(A) by striking “non-Federal sources” and*
25 *inserting “non-Federal sources (which may in-*

1 *clude gifts to the endowment fund restricted for*
2 *a specific purpose)”; and*

3 *(B) by striking “equal to or greater than*
4 *the Federal funds” and inserting “equal to 50*
5 *percent of the Federal funds”; and*

6 *(2) by inserting after subparagraph (C) the fol-*
7 *lowing:*

8 *“(D) SCHOLARSHIPS.—An eligible institu-*
9 *tion that uses grant funds provided under this*
10 *section to establish or increase an endowment*
11 *fund may use the interest proceeds from such en-*
12 *dowment to provide scholarships to students for*
13 *the purposes of attending such institution.”.*

14 *(f) TECHNICAL CORRECTION TO SECTION 317.—Sec-*
15 *tion 317(d)(3)(A) of the Higher Education Act of 1965 (20*
16 *U.S.C.1059d(d)(3)(A) is amended to read as follows:*

17 *“(A) ELIGIBILITY.—No Alaskan Native-*
18 *serving institution of Native Hawaiian-serving*
19 *institution that receives funds under this section*
20 *shall concurrently receive funds under other pro-*
21 *visions of this part, part B, or part A of title*
22 *V.”.*

23 *(g) TECHNICAL CORRECTION TO SECTION 318.—Sec-*
24 *tion 318(i) of the Higher Education Act of 1965 (20 U.S.C.*
25 *1059e) is amended—*

1 (1) *in the subsection heading, by striking “SPE-*
2 *CIAL RULE ON ELIGIBILITY” and inserting “SPECIAL*
3 *RULES” ;*

4 (2) *by striking “No Predominantly” and insert-*
5 *ing the following:*

6 “*(1) ELIGIBILITY.—No Predominantly*”; and

7 (3) *by adding at the end the following:*

8 “*(2) EXEMPTION.—Section 313(d) shall not*
9 *apply to institutions that are eligible to receive funds*
10 *under this section.*”.

11 (h) *TECHNICAL CORRECTION TO SECTION 320.—Sec-*
12 *tion 320(d)(3)(A) of the Higher Education Act of 1965 (20*
13 *U.S.C. 1059g(d)(3)(A)) is amended by inserting “part A*
14 *of” after “or”.*

15 **SEC. 3003. STRENGTHENING HISTORICALLY BLACK COL-**
16 **LEGES AND UNIVERSITIES.**

17 (a) *ALLOWABLE USES OF FUNDS.—Section 323(a) of*
18 *the Higher Education Act of 1965 (20 U.S.C. 1062(a)) is*
19 *amended—*

20 (1) *by striking paragraphs (6) and (7) and in-*
21 *serting the following:*

22 “*(6) Tutoring, counseling, advising, and student*
23 *service programs designed to improve academic suc-*
24 *cess, including innovative and customized instruc-*
25 *tional courses (which may include remedial education*

1 *and English language instruction) designed to help*
2 *retain students and move students rapidly into core*
3 *courses and through program completion.*

4 *“(7) Funds and administrative management,*
5 *and acquisition of technology, services, and equipment*
6 *for use in strengthening funds and administrative*
7 *management.”;*

8 *(2) in paragraph (10)—*

9 *(A) by striking “teacher education” and in-*
10 *serting “traditional or alternative route teacher*
11 *preparation”;* and

12 *(B) by striking “preparation for teacher*
13 *certification” and inserting “preparation of*
14 *graduates for teacher certification or licensure”;*

15 *(3) by redesignating paragraph (15) as para-*
16 *graph (19); and*

17 *(4) by inserting after paragraph (14) the fol-*
18 *lowing:*

19 *“(15) Distance education programs and creating*
20 *or improving facilities for internet or other distance*
21 *learning academic instruction capabilities, including*
22 *the purchase or rental of telecommunications tech-*
23 *nology equipment or services.*

1 “(16) *Establishing or improving a program that*
2 *produces improved results in the educational outcomes*
3 *of African American males.*

4 “(17) *Scholarships, fellowships, and other finan-*
5 *cial assistance for financially needy undergraduate*
6 *students, as determined by the institution, to permit*
7 *the enrollment and degree completion of such students*
8 *in the physical or natural sciences, engineering,*
9 *mathematics or other scientific disciplines in which*
10 *African Americas are underrepresented, except that*
11 *not more than 30 percent of the grant amount may*
12 *be used for this purpose.*

13 “(18) *Establishing or improving an office of*
14 *sponsored programs to assist with identifying exter-*
15 *nal funding opportunities, applying for external*
16 *funding, and administering grant awards.”.*

17 **(b) HISTORICALLY BLACK COLLEGES AND UNIVER-**
18 **SITIES.—Section 323(b) of the Higher Education Act of**
19 **1965 (20 U.S.C. 1062(b)) is amended—**

20 **(1) in paragraph (2)—**

21 **(A) by striking “non-Federal sources” and**
22 **inserting “non-Federal sources (which may in-**
23 **clude gifts to the endowment fund restricted for**
24 **a specific purpose)”; and**

1 (B) by striking “equal to or greater than
2 the Federal funds” and inserting “equal to 50
3 percent of the Federal funds”; and

4 (2) by inserting after paragraph (3) the fol-
5 lowing:

6 “(4) *SCHOLARSHIPS*.—An eligible institution
7 that uses grant funds provided under this section to
8 establish or increase an endowment fund may use the
9 interest proceeds from such endowment to provide
10 scholarships to students for the purposes of attending
11 such institution.”.

12 (c) *ALLOTMENTS AND APPLICATION PROCESS*.—

13 (1) *ALLOTMENTS*.—Section 324 of the Higher
14 Education Act of 1965 (20 U.S.C. 1063) is amend-
15 ed—

16 (A) in subsection (c), by striking “5” and
17 inserting “6”;

18 (B) in subsection (d)(1), by striking sub-
19 paragraphs (A) and (B) and inserting the fol-
20 lowing:

21 “(A) less than \$500,000 for a part B institution
22 which has received a grant under this part, the Sec-
23 retary shall award the part B institution an allot-
24 ment in the amount of \$500,000; and

1 “(B) less than \$250,000 for a part B institution
2 which has not received a grant under this part for a
3 fiscal year prior to fiscal year 2019, the Secretary
4 shall award the part B institution an allotment in
5 the amount of \$250,000.”; and

6 (C) in subsection (h)—

7 (i) in paragraphs (1)(C) and (2)(C),
8 by striking “within 5 years” each time it
9 appears and inserting “within 6 years”;
10 and

11 (ii) by adding at the end the following:

12 “(3) LIMITATION FOR NEW INSTITUTIONS.—Not-
13 withstanding any other provision of this section, no
14 part B institution that would otherwise be eligible for
15 funds under this part shall receive an allotment under
16 this part for a fiscal year, unless—

17 “(A) such institution received an allotment
18 under this part for fiscal year 2019; or

19 “(B) the amount appropriated under sec-
20 tion 399(a)(2)(A) for such fiscal year is not less
21 than \$282,420,000.”.

22 (2) APPLICATIONS.—Section 325(c) of the Higher
23 Education Act of 1965 (20 U.S.C. 1063a(c)) is
24 amended by inserting “, including goals to enhance

1 *student retention, graduation, and postgraduate out-*
2 *comes,” after “management and academic programs”.*

3 *(d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—*

4 *Section 326(c) of the Higher Education Act of 1965 (20*
5 *U.S.C. 1063b(c)) is amended—*

6 *(1) in paragraph (7)—*

7 *(A) by striking “equipment,” and inserting*
8 *“equipment, technology, and services,”; and*

9 *(B) by inserting “and administrative” after*
10 *“in strengthening funds”;*

11 *(2) by redesignating paragraph (12) as para-*
12 *graph (13); and*

13 *(3) by striking paragraph (11) and inserting the*
14 *following:*

15 *“(11) tutoring, counseling, advising, and student*
16 *service programs designed to improve academic suc-*
17 *cess, including innovative and customized instruc-*
18 *tional courses (which may include remedial education*
19 *and English language instruction) designed to help*
20 *retain students and move students rapidly into core*
21 *courses and through program completion; and*

22 *“(12) distance education programs and creating*
23 *or improving facilities for internet or other distance*
24 *learning academic instruction capabilities, including*

1 *the purchase or rental of telecommunications tech-*
2 *nology equipment or services; and”.*

3 (e) *ELIGIBILITY.*—Section 326(e)(1) of the *Higher*
4 *Education Act of 1965 (20 U.S.C. 1063b(e)) is amended—*

5 (1) *in subparagraph (W), by striking “and” at*
6 *the end;*

7 (2) *in subparagraph (X), by striking the period*
8 *at the end and inserting “; and”; and*

9 (3) *by adding at the end the following:*

10 *“(Y) University of the Virgin Islands School*
11 *of Medicine.”.*

12 (f) *CONFORMING AMENDMENT.*—Section 326(f) of the
13 *Higher Education Act of 1965 (20 U.S.C. 1063b(f)) is*
14 *amended by striking “through (X)” both places it appears*
15 *and inserting “through (Y)”.*

16 (g) *INTERACTION WITH OTHER GRANT PROGRAMS.*—
17 *Section 326(h) of the Higher Education Act of 1965 (20*
18 *U.S.C. 1063b(h)) is amended by striking “or 724” and in-*
19 *serting “724, 727, or 729”.*

20 **SEC. 3004. HISTORICALLY BLACK COLLEGE AND UNIVER-**
21 **SITY CAPITAL FINANCING.**

22 (a) *BOND INSURANCE AND CAPITAL FINANCE OF*
23 *STEM FACILITIES.*—Section 343 of the *Higher Education*
24 *Act of 1965 (20 U.S.C. 1066b) is amended—*

25 (1) *in subsection (b)—*

1 (A) in paragraph (1), by striking “an es-
2 crow account” and inserting “a bond insurance
3 fund”;

4 (B) in paragraph (3), by inserting “(except
5 that loans for the purpose of science, technology,
6 engineering, or mathematics related academic fa-
7 cilities shall carry not more than a 1 percent
8 rate of interest)” after “charge such interest on
9 loans”;

10 (C) in paragraph (8)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “an escrow account”
13 and inserting “a bond insurance fund”; and

14 (ii) in subparagraph (A), by striking
15 “the escrow account” and inserting “the
16 bond insurance fund”;

17 (D) in paragraph (9), by striking “escrow
18 account” each place it appears and inserting
19 “bond insurance fund”; and

20 (E) in paragraph (12), by striking “, except
21 as otherwise required by the Secretary”; and

22 (2) in subsection (c), by striking “escrow ac-
23 count” each place it appears and inserting “bond in-
24 surance fund”.

1 (b) *INCREASED AGGREGATE BOND LIMIT.*—Section
2 344(a) of the Higher Education Act of 1965 (20 U.S.C.
3 1066c(a)) is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “\$1,100,000,000” and inserting
6 “\$3,600,000,000”;

7 (2) in paragraph (1), by striking
8 “\$733,333,333” and inserting “two-thirds”; and

9 (3) in paragraph (2), by striking
10 “\$366,666,667” and inserting “one-third”.

11 (c) *STRENGTHENING TECHNICAL ASSISTANCE.*—Sec-
12 tion 345 of the Higher Education Act of 1965 (20 U.S.C.
13 1066d) is amended—

14 (1) by striking paragraph (9) and inserting the
15 following:

16 “(9) may, directly or by grant or contract, pro-
17 vide financial counseling and technical assistance to
18 eligible institutions to prepare the institutions to
19 qualify, apply for, and maintain a capital improve-
20 ment loan, including a loan under this part; and”;
21 and

22 (2) by striking paragraph (10) and inserting the
23 following:

24 “(10) may provide for the modification or
25 deferment of a loan made under this part based on

1 *need of the institution, as defined by the Secretary,*
2 *for a period not to exceed 6 fiscal years, and, during*
3 *the period of deferment of such a loan, interest on the*
4 *loan will not accrue or be capitalized.”.*

5 *(d) HBCU CAPITAL FINANCING ADVISORY BOARD.—*
6 *Paragraph (2) of Section 347(c) of the Higher Education*
7 *Act of 1965 (20 U.S.C. 1066f(c)) is amended to read as*
8 *follows:*

9 *“(2) REPORT.—On an annual basis, the Advi-*
10 *sory Board shall prepare and submit to the author-*
11 *izing committees a report on—*

12 *“(A) the financial status of the historically*
13 *Black colleges and universities described in para-*
14 *graph (1)(A);*

15 *“(B) an overview of all loans awarded*
16 *under the program under this part, including*
17 *the most recent loans awarded for the fiscal year*
18 *in which the report is submitted; and*

19 *“(C) administrative and legislative rec-*
20 *ommendations for addressing the issues related*
21 *to construction financing facing historically*
22 *Black colleges and universities.”.*

1 **SEC. 3005. STRENGTHENING HISTORICALLY BLACK COL-**
2 **LEGES AND UNIVERSITIES AND OTHER MI-**
3 **NORITY-SERVING INSTITUTIONS.**

4 *Section 371(b) of the Higher Education Act of 1965*
5 *(20 U.S.C. 1067q(b)) is amended—*

6 *(1) in paragraph (1)(A)—*

7 *(A) in the first sentence, by striking “ap-*
8 *propriated,” and all that follows through “2019”*
9 *and inserting the following: “appropriated,*
10 *\$300,000,000 for fiscal year 2021 and each suc-*
11 *ceeding fiscal year”; and*

12 *(B) by striking the second sentence; and*

13 *(2) in paragraph (2)—*

14 *(A) in subparagraph (A)—*

15 *(i) in clause (i), by striking*
16 *“\$100,000,000” and inserting*
17 *“\$117,500,000”;*

18 *(ii) in clause (ii), by striking*
19 *“\$100,000,000” and inserting*
20 *“\$99,875,000”;*

21 *(iii) in clause (ii), by striking “and”*
22 *at the end;*

23 *(iv) in clause (iii)—*

24 *(I) by striking “\$55,000,000” and*
25 *inserting “\$65,000,000”; and*

1 (II) by striking “(D)” and insert-
2 ing “(E)”;

3 (v) by redesignating clause (iii) as
4 clause (iv); and

5 (vi) by inserting after clause (ii) the
6 following:

7 “(iii) \$17,625,000 shall be available for
8 allocation under subparagraph (D); and”;

9 (B) by redesignating subparagraph (D) as
10 subparagraph (E) and—

11 (i) in clause (i), by striking
12 “\$30,000,000” each place it appears and
13 inserting “\$35,000,000”;

14 (ii) in clause (ii), by striking
15 “\$15,000,000” each place it appears and
16 inserting “\$18,000,000”; and

17 (iii) in clauses (iii) and (iv), by strik-
18 ing “\$5,000,000” each place it appears and
19 inserting “\$6,000,000”; and

20 (C) by striking subparagraph (C) and in-
21 serting the following:

22 “(C) ALLOCATION AND ALLOTMENT
23 HBCUS.—The amount made available for alloca-
24 tion under this subparagraph by subparagraph
25 (A)(ii) for any fiscal year shall be available to

1 *eligible institutions described in subsection (a)(1)*
2 *and shall be made available as grants under sec-*
3 *tion 323 and allotted among such institutions*
4 *under section 324, treating such amount, plus*
5 *the amount appropriated for such fiscal year in*
6 *a regular or supplemental appropriation Act to*
7 *carry out part B of this title, as the amount ap-*
8 *propriated to carry out part B of this title for*
9 *purposes of allotments under section 324, for use*
10 *by such institutions with a priority for—*

11 *“(i) activities described in paragraphs*
12 *(1), (2), (4), (5), and (10) of section 323(a);*
13 *and*

14 *“(ii) other activities, consistent with*
15 *the institution’s comprehensive plan and de-*
16 *signed to increase the institution’s capacity*
17 *to prepare students for careers in the phys-*
18 *ical or natural sciences, mathematics, com-*
19 *puter science or information technology or*
20 *sciences, engineering, language instruction*
21 *in the less-commonly taught languages or*
22 *international affairs, or nursing or allied*
23 *health professions.*

24 *“(D) ALLOCATION AND ALLOTMENT PBIS.—*

25 *The amount made available for allocation under*

1 *this subparagraph by subparagraph (A)(iii) for*
2 *any fiscal year shall be available to eligible in-*
3 *stitutions described in subsection (a)(5) and*
4 *shall be available for a competitive grant pro-*
5 *gram to award grants of \$600,000 annually for*
6 *programs in any of the following areas:*

7 *“(i) science, technology, engineering, or*
8 *mathematics (STEM);*

9 *“(ii) health education;*

10 *“(iii) internationalization or*
11 *globalization;*

12 *“(iv) teacher preparation; or*

13 *“(v) improving educational outcomes*
14 *of African American males.”.*

15 **SEC. 3006. GENERAL PROVISIONS.**

16 *Section 399(a) of the Higher Education Act of 1965*
17 *(20 U.S.C. 1068h(a)) is amended—*

18 *(1) by striking “2009” each place it appears and*
19 *inserting “2021”;*

20 *(2) in paragraph (1)—*

21 *(A) in subparagraph (A), by striking*
22 *“\$135,000,000” and inserting “\$150,000,000”;*

23 *(B) in subparagraph (B), by striking*
24 *“\$30,000,000” and inserting “\$45,000,000”;*

1 (C) in subparagraph (C), by striking
2 “\$15,000,000” and inserting “\$25,000,000”;

3 (D) in subparagraph (D), by striking
4 “\$75,000,000” and inserting “\$90,000,000”;

5 (E) in subparagraph (E), by striking
6 “\$25,000,000” and inserting “\$30,000,000”; and

7 (F) in subparagraph (F), by striking
8 “\$30,000,000” and inserting “\$60,000,000”;

9 (3) in paragraph (2)—

10 (A) in subparagraph (A), by striking
11 “\$375,000,000” and inserting “\$400,000,000”;

12 and

13 (B) in subparagraph (B), by striking
14 “\$125,000,000” and inserting “\$135,000,000”;

15 (4) in paragraph (3), by striking “\$10,000,000”
16 and inserting “\$220,000,000”; and

17 (5) in paragraph (4)(A), by striking “\$185,000”
18 and inserting “\$225,000”.

19 **TITLE IV—STUDENT ASSISTANCE**

20 **SEC. 4001. EFFECTIVE DATE.**

21 *Except as otherwise provided in this title or the*
22 *amendments made by this title, this title and the amend-*
23 *ments made by this title shall take effect on July 1, 2021.*

1 **PART A—GRANTS TO STUDENTS IN ATTENDANCE**

2 **AT INSTITUTIONS OF HIGHER EDUCATION**

3 **Subpart 1—Federal Pell Grants**

4 **SEC. 4011. AMOUNT OF GRANTS.**

5 *Section 401 of the Higher Education Act of 1965 (20*
6 *U.S.C. 1070a) is amended—*

7 *(1) in subsection (a)(1)—*

8 *(A) by striking “through fiscal year 2017”;*

9 *and*

10 *(B) by inserting “or as a postbaccalaureate*

11 *in accordance with subsection (c)(1)(B)” after*

12 *“as an undergraduate”;*

13 *(2) in subsection (b)—*

14 *(A) in paragraph (2)(A)(ii), by striking*

15 *“paragraph (7)(B)” and inserting “paragraph*

16 *(6)(B)”;*

17 *(B) by striking paragraph (6), and redesign-*

18 *ating paragraph (7) as paragraph (6); and*

19 *(C) in paragraph (6)(C) (as so redesign-*

20 *ated), by amending clause (iii) to read as fol-*

21 *lows:*

22 *“(iii) SUBSEQUENT AWARD YEARS.—*

23 *“(I) AWARD YEARS 2018–2019,*

24 *2019–2020 AND 2020–2021.—For each of*

25 *the award years 2018–2019, 2019–*

26 *2020, and 2020–2021 the amount de-*

1 *terminated under this subparagraph for*
2 *purposes of subparagraph (B)(iii) shall*
3 *be equal to the amount determined*
4 *under clause (ii) for award year 2017–*
5 *2018.*

6 *“(II) AWARD YEAR 2021–2022.—*
7 *For award year 2021–2022, the*
8 *amount determined under this sub-*
9 *paragraph for purposes of subpara-*
10 *graph (B)(iii) shall be equal to—*

11 *“(aa) \$6,195 or the total*
12 *maximum Federal Pell Grant for*
13 *the preceding award year (as de-*
14 *termined under clause (iv)(II)),*
15 *whichever is greater, increased by*
16 *\$625; reduced by*

17 *“(bb) \$5,135 or the max-*
18 *imum Federal Pell Grant for*
19 *which a student was eligible for*
20 *the preceding award year, as spec-*
21 *ified in the last enacted appro-*
22 *priation Act applicable to that*
23 *year, whichever is greater, and*

24 *“(cc) rounded to the neared*
25 *\$5.*

1 “(III) AWARD YEAR 2022–2023 AND
2 EACH SUBSEQUENT AWARD YEAR.—For
3 award year 2022–2023 and each subse-
4 quent award year, the amount deter-
5 mined under this subparagraph for
6 purposes of subparagraph (B)(iii) shall
7 be equal to—

8 “(aa) \$6,820 or the total
9 maximum Federal Pell Grant for
10 the preceding award year (as de-
11 termined under clause (iv)(II)),
12 whichever is greater, increased by
13 a percentage equal to the annual
14 adjustment percentage for the
15 award year for which the amount
16 under this subparagraph is being
17 determined; reduced by

18 “(bb) \$5,135 or the max-
19 imum Federal Pell Grant for
20 which a student was eligible for
21 the preceding award year, as spec-
22 ified in the last enacted appro-
23 priation Act applicable to that
24 year, whichever is greater; and

1 “(cc) rounded to the nearest
2 \$5.”;

3 (3) in subsection (f)—

4 (A) in paragraph (1), by striking the mat-
5 ter preceding subparagraph (A) and inserting
6 the following: “After receiving an application for
7 a Federal Pell Grant under this subpart, the
8 Secretary (including any contractor of the Sec-
9 retary processing applications for Federal Pell
10 Grants under this subpart) shall, in a timely
11 manner, furnish to the student financial aid ad-
12 ministrators at each institution of higher edu-
13 cation that a student awarded a Federal Pell
14 Grant under this subpart is attending, the ex-
15 pected family contribution for each such student.
16 Each such student financial administrator
17 shall—”; and

18 (B) in paragraph (3), by striking “after
19 academic year 1986–1987”; and

20 (4) in subsection (j)—

21 (A) in paragraph (1) by inserting before the
22 period the following: “, or if such institution of
23 higher education is subject to an ineligibility de-
24 termination under section 435(a)(9) or 493I(b)”;
25 and

1 (B) in paragraph (2) by inserting “, final
2 adjusted cohort default rate, or on-time repay-
3 ment rate” before “determination”.

4 **SEC. 4012. GRANT ELIGIBILITY.**

5 Section 401(c) of the Higher Education Act of 1965
6 (20 U.S.C. 1070a(c)) is amended—

7 (1) by amending paragraph (1) to read as fol-
8 lows:

9 “(1) *PERIOD OF ELIGIBILITY FOR GRANTS.*—The
10 period during which a student may receive Federal
11 Pell Grants shall be the period required for the com-
12 pletion of the first undergraduate baccalaureate
13 course of study being pursued by that student at the
14 institution at which the student is in attendance ex-
15 cept that—

16 “(A) any period during which the student is
17 enrolled in a noncredit or remedial course of
18 study as defined in paragraph (2) shall not be
19 counted for the purpose of this paragraph; and

20 “(B) the period during which a student
21 may receive Federal Pell Grants shall also in-
22 clude the period required for the completion of
23 the first postbaccalaureate course of study at an
24 eligible institution that meets the definition of

1 *institution of higher education in section 101, in*
2 *a case in which—*

3 “(i) *the student received a Federal Pell*
4 *Grant during the period required for the*
5 *completion of the student’s first under-*
6 *graduate baccalaureate course of study for*
7 *fewer than 14 semesters, or the equivalent of*
8 *fewer than 14 semesters, as determined*
9 *under paragraph (5);*

10 “(ii) *the student would otherwise be el-*
11 *igible for a Federal Pell Grant, but for the*
12 *completion of such baccalaureate course of*
13 *study; and*

14 “(iii) *the period during which the stu-*
15 *dent receives Federal Pell Grants does not*
16 *exceed the student’s duration limits under*
17 *paragraph (5).”;* and

18 (2) *in paragraph (5)—*

19 (A) *by striking “(5) The period” and insert-*
20 *ing the following: “(5) MAXIMUM PERIOD.—*

21 “(A) *IN GENERAL.—Except as provided in*
22 *subparagraph (B), the period”;*

23 (B) *by striking “12” each place the term*
24 *appears and inserting “14”;* and

25 (C) *by adding at the end the following:*

1 “(B) *EXCEPTION.*—

2 “*(i) IN GENERAL.*—Any Federal Pell
3 Grant that a student received during a pe-
4 riod described in subclause (I) or (II) of
5 clause (ii) shall not count toward the stu-
6 dent’s duration limits under this para-
7 graph.

8 “*(ii) APPLICABLE PERIODS.*—Clause
9 (i) shall apply with respect to any Federal
10 Pell Grant awarded to a student to attend
11 an institution—

12 “*(I) during a period—*

13 “*(aa) for which the student*
14 *received a loan under this title;*
15 *and*

16 “*(bb) for which the loan de-*
17 *scribed in item (aa) is forgiven*
18 *under—*

19 “*(AA) section 437(c)(1)*
20 *or 464(g)(1) due to the clos-*
21 *ing of the institution;*

22 “*(BB) section 493H due*
23 *to the student’s successful as-*
24 *sertion of a defense to repay-*
25 *ment of the loan; or*

1 “(CC) section 432(a)(6),
 2 section 685.215 of title 34,
 3 Code of Federal Regulations
 4 (or a successor regulation),
 5 or any other loan forgiveness
 6 provision or regulation under
 7 this Act, as a result of a de-
 8 termination by the Secretary
 9 or a court that the institu-
 10 tion committed fraud or
 11 other misconduct; or

12 “(II) during a period for which
 13 the student did not receive a loan
 14 under this title but for which, if the
 15 student had received such a loan, the
 16 student would have qualified for loan
 17 forgiveness under subclause (I)(bb).”.

18 **SEC. 4013. EXTENDING FEDERAL PELL GRANT ELIGIBILITY**

19 **OF CERTAIN SHORT-TERM PROGRAMS.**

20 (a) *IN GENERAL.*—Section 401 of the Higher Edu-
 21 cation Act of 1965 (20 U.S.C. 1070a) is amended by insert-
 22 ing after subsection (j) the following:

23 “(k) *JOB TRAINING FEDERAL PELL GRANT PRO-*
 24 *GRAM.*—

1 “(1) *IN GENERAL.*—*For the award year begin-*
2 *ning on July 1, 2021, and each subsequent award*
3 *year, the Secretary shall carry out a program through*
4 *which the Secretary shall award job training Federal*
5 *Pell Grants to students in eligible job training pro-*
6 *grams approved by the Secretary in accordance with*
7 *paragraph (4).*

8 “(2) *TERMS AND CONDITIONS.*—*Each job train-*
9 *ing Federal Pell Grant awarded under this subsection*
10 *shall have the same terms and conditions, and be*
11 *awarded in the same manner, as a Federal Pell*
12 *Grant awarded under subsection (a), except as fol-*
13 *lows:*

14 “(A) *A student who is eligible to receive a*
15 *job training Federal Pell Grant under this sub-*
16 *section is a student who—*

17 “(i) *has not yet attained a*
18 *postbaccalaureate degree; and*

19 “(ii) *is enrolled, or accepted for enroll-*
20 *ment, in an eligible job training program at*
21 *an institution of higher education.*

22 “(B) *The amount of a job training Federal*
23 *Pell Grant for an eligible student shall be deter-*
24 *mined under subsection (b), except that sub-*
25 *section (b)(4) shall not apply.*

1 “(3) *TREATMENT OF JOB TRAINING FEDERAL*
2 *PELL GRANT.*—

3 “(A) *INCLUSION IN TOTAL ELIGIBILITY PE-*
4 *RIOD.*—*The period during which a student re-*
5 *ceived a job training Federal Pell Grant under*
6 *this subsection shall be included in calculating*
7 *the duration limits with respect to such student*
8 *under subsection (c)(5) and to the extent that*
9 *such period was a fraction of a semester or the*
10 *equivalent, only that same fraction of such se-*
11 *mester or equivalent shall count towards such*
12 *duration limits.*

13 “(B) *PREVENTION OF DOUBLE BENEFITS.*—
14 *No student may for the same payment period re-*
15 *ceive both a job training Federal Pell Grant*
16 *under this subsection and a Federal Pell Grant*
17 *under subsection (a).*

18 “(4) *APPROVAL OF ELIGIBLE JOB TRAINING PRO-*
19 *GRAMS.*—

20 “(A) *ELIGIBLE JOB TRAINING PROGRAM.*—
21 *An eligible job training program shall be a ca-*
22 *reer and technical education program at an in-*
23 *stitution of higher education that the Secretary*
24 *determines meets the following requirements:*

1 “(i) *The job training program provides*
2 *not less than 150, and less than 600, clock*
3 *hours of instructional time over a period of*
4 *not less than 8, and less than 15, weeks.*

5 “(ii) *The job training program pro-*
6 *vides training aligned with the require-*
7 *ments of high-skill, high-wage, or in-de-*
8 *mand industry sectors or occupations in the*
9 *State or local area in which the job train-*
10 *ing program is provided, as determined by*
11 *an industry or sector partnership in such*
12 *State or local area.*

13 “(iii) *The job training program has*
14 *been determined by the institution of higher*
15 *education and by such industry or sector*
16 *partnership to provide academic content, an*
17 *amount of instructional time, and a recog-*
18 *nized postsecondary credential that are suf-*
19 *ficient to—*

20 “(I) *meet the hiring requirements*
21 *of potential employers in the sectors or*
22 *occupations described in clause (ii);*
23 *and*

24 “(II) *satisfy any applicable edu-*
25 *cational prerequisite requirement for*

1 professional license or certification, so
2 that a student who completes the pro-
3 gram and seeks employment is quali-
4 fied to take any licensure or certifi-
5 cation examination needed to practice
6 or find employment in such sectors or
7 occupations.

8 “(iv) The job training program pre-
9 pares students to pursue related certificate
10 or degree programs at an institution of
11 higher education, including—

12 “(I) by ensuring the acceptability
13 of the credits received under the job
14 training program toward meeting such
15 certificate or degree program require-
16 ments (such as through an articulation
17 agreement); and

18 “(II) by ensuring that a student
19 who completes noncredit coursework in
20 the job training program, upon com-
21 pletion of the job training program
22 and enrollment in such a related cer-
23 tificate or degree program, will receive
24 academic credit for such noncredit
25 coursework that will be accepted to-

1 ward meeting such certificate or degree
2 program requirements.

3 “(v) The job training program pro-
4 vides to the Secretary the annual earnings
5 expected to be paid in the sectors or occupa-
6 tions for which the program provides train-
7 ing not later than 6 months after comple-
8 tion of such program (in this subsection re-
9 ferred to as the ‘expected earnings’), as such
10 earnings are determined by an industry or
11 sector partnership in the State or local area
12 in which the program is provided, and
13 which shall be—

14 “(I) greater than the average or
15 median annual earnings paid to indi-
16 viduals with only a high school di-
17 ploma (or the equivalent) based on the
18 most recently available data from the
19 Bureau of Labor Statistics or the Bu-
20 reau of the Census with respect to such
21 State or local area, or the Nation as a
22 whole, as selected by such program;

23 “(II) validated by the Secretary;
24 and

1 “(III) used to review the job
2 training program under subparagraph
3 (C).

4 “(vi) The job training program is part
5 of a career pathway, and includes coun-
6 seling for students to—

7 “(I) support each such student in
8 achieving the student’s education and
9 career goals; and

10 “(II) ensure that each such stu-
11 dent receives information on—

12 “(aa) the sectors or occupa-
13 tions described in clause (ii) for
14 which the job training program
15 provides training (including the
16 expected earnings to be paid, and,
17 if available, the mean and median
18 earnings (described in subpara-
19 graph (C)(ii)) paid, in such sec-
20 tors or occupations)); and

21 “(bb) the related certificate
22 or degree programs described in
23 clause (iv) for which the job train-
24 ing program provides prepara-
25 tion.

1 “(vii) *The job training program meets*
2 *the requirements under section 104 that are*
3 *applicable to a program of training to pre-*
4 *pare students for gainful employment in a*
5 *recognized occupation.*

6 “(viii) *The job training program does*
7 *not exceed by more than 50 percent the*
8 *minimum number of clock hours required*
9 *by a State to receive a professional license*
10 *or certification in the State.*

11 “(ix) *The job training program is pro-*
12 *vided by an institution of higher education*
13 *that—*

14 “(I) *is approved by an accrediting*
15 *agency or association that meets the re-*
16 *quirements of section 496(a)(4)(C);*

17 “(II) *during the preceding 5*
18 *years, has not been subject to any ad-*
19 *verse actions or negative actions by the*
20 *accrediting agency or association of the*
21 *institution, State or Federal enforce-*
22 *ment agencies, or the Secretary;*

23 “(III) *is listed on the provider list*
24 *under section 122(d) of the Workforce*

1 *Innovation and Opportunity Act (29*
2 *U.S.C. 3152(d)); and*

3 *“(IV) has a designated official re-*
4 *sponsible for engaging with the work-*
5 *force development system in the State*
6 *or local area in which the job training*
7 *program is provided.*

8 *“(x) The job training program has a*
9 *verified completion rate and a verified an-*
10 *annual earnings rate that meets the require-*
11 *ments of clauses (i) and (iii) of section*
12 *481(b)(2)(A), respectively, and satisfies the*
13 *criteria described in clause (v) of such sec-*
14 *tion.*

15 *“(xi) The State board representing the*
16 *State in which the job training program is*
17 *provided certifies to the Secretary that the*
18 *program meets the requirements of clauses*
19 *(ii), (viii), and (ix)(III).*

20 *“(B) INITIAL APPROVAL BY THE SEC-*
21 *RETARY.—Not later than 180 days after the date*
22 *on which a job training program is submitted*
23 *for approval under this subparagraph, the Sec-*
24 *retary shall make a determination as to whether*
25 *such job training program is an eligible job*

1 *training program in accordance with subpara-*
2 *graph (A).*

3 “(C) *REVIEW OF APPROVAL.*—

4 “(i) *IN GENERAL.*—*Not later than 3*
5 *years after the date an eligible job training*
6 *program is approved under subparagraph*
7 *(B), and not less than once every 3 years*
8 *thereafter, the Secretary shall, using the*
9 *data collected under paragraph (5) and*
10 *such other information as the Secretary*
11 *may require, determine whether such job*
12 *training program continues to meet the re-*
13 *quirements of subparagraph (A).*

14 “(ii) *REQUIREMENTS.*—*Subject to*
15 *clause (iii), a determination under clause*
16 *(i) that a job training program continues to*
17 *meet the requirements of subparagraph (A)*
18 *shall, at a minimum, require the Secretary*
19 *to determine that the mean or median earn-*
20 *ings (whichever is higher) paid to students*
21 *not later than 6 months after completing*
22 *such program is equal to or greater than the*
23 *expected earnings of the program.*

24 “(iii) *EXCEPTION AND APPEALS.*—

1 “(I) *EXCEPTION.*—*The Secretary*
2 *may extend, by not more than an ad-*
3 *ditional 6 months, the period by when,*
4 *after completion of the job training*
5 *program, the mean or median earnings*
6 *(whichever is higher) paid to students*
7 *meets the requirements of clause (ii),*
8 *in a case in which the job training*
9 *program requesting such extension pro-*
10 *vides sufficient justification for such*
11 *extension (as determined by the Sec-*
12 *retary).*

13 “(II) *APPEALS.*—*Not later than*
14 *60 days after receiving notification*
15 *from the Secretary of the loss of eligi-*
16 *bility resulting from the review under*
17 *subparagraph (C), a job training pro-*
18 *gram may appeal any loss of eligi-*
19 *bility under this subparagraph by*
20 *demonstrating extenuating cir-*
21 *cumstances.*

22 “(III) *SECRETARIAL REQUIRE-*
23 *MENTS.*—*The Secretary shall issue a*
24 *decision on any appeal submitted by a*
25 *job training program under subclause*

1 (ii) not later than 45 days after its
2 submission.

3 “(5) *DATA COLLECTION.*—Using the postsec-
4 ondary student data system established under section
5 132(l) or a successor system (whichever includes the
6 most recent data) to streamline reporting require-
7 ments and minimize reporting burdens, and in co-
8 ordination with the National Center for Education
9 Statistics, the Secretary of Labor, and each institu-
10 tion of higher education offering an eligible job train-
11 ing program under this subsection, the Secretary
12 shall, on at least an annual basis, collect data with
13 respect to each such eligible job training program, in-
14 cluding the following:

15 “(A) *The number and demographics of stu-*
16 *dents who enroll in the program.*

17 “(B) *The number of credits attempted and*
18 *accumulated annually by students enrolled in the*
19 *program.*

20 “(C) *The share of such students who cease*
21 *enrollment on or before the completion of 60 per-*
22 *cent of the payment period or period of enroll-*
23 *ment.*

24 “(D) *The verified completion rate and the*
25 *verified annual earnings rate described in*

1 *clauses (i) and (iii) of section 481(b)(2)(A), re-*
2 *spectively, for the program.*

3 “(E) *The number and demographics of—*

4 “(i) *students who complete the pro-*
5 *gram; and*

6 “(ii) *students who do not complete the*
7 *program.*

8 “(F) *The outcomes of the students who com-*
9 *plete the program, including—*

10 “(i) *the share of such students who con-*
11 *tinue enrollment at the institution of higher*
12 *education offering the program;*

13 “(ii) *the share of such students who*
14 *transfer to another institution of higher*
15 *education;*

16 “(iii) *the share of such students who*
17 *complete a subsequent certificate or degree*
18 *program;*

19 “(iv) *the share of such students who se-*
20 *cure employment 6 months and 1 year, re-*
21 *spectively—*

22 “(I) *after completion of such pro-*
23 *gram; or*

24 “(II) *in the case of a program*
25 *that prepares students for a profes-*

1 sional license or certification exam,
2 after acquiring such license or certifi-
3 cation;

4 “(v) the expected earnings in the sec-
5 tors or occupations for which the program
6 provides training;

7 “(vi) the mean and median earnings
8 paid in such sectors or occupations to such
9 students not later than 6 months after com-
10 pleting such program (as described in para-
11 graph (4)(C)(ii)); and

12 “(vii) in the case of a job training pro-
13 gram that prepares students for a profes-
14 sional license or certification exams, the
15 share of such students who pass such exams.

16 “(6) *TITLE OF JOB TRAINING FEDERAL PELL*
17 *GRANT.*—Grants made under this subsection shall be
18 known as ‘job training Federal Pell Grants’.

19 “(7) *DEFINITIONS.*—In this subsection:

20 “(A) *ARTICULATION AGREEMENT.*—The
21 term ‘articulation agreement’ has the meaning
22 given the term in section 486A.

23 “(B) *CAREER AND TECHNICAL EDU-*
24 *CATION.*—The term ‘career and technical edu-
25 cation’ has the meaning given the term in sec-

1 *tion 3 of the Carl D. Perkins Career and Tech-*
2 *nical Education Act (20 U.S.C. 2302).*

3 “(C) *INSTITUTION OF HIGHER EDU-*
4 *CATION.—The term ‘institution of higher edu-*
5 *cation’ means an eligible institution for purposes*
6 *of this subpart that is an institution of higher*
7 *education (as defined in section 101) or a post-*
8 *secondary vocational institution (as defined in*
9 *section 102(c)).*

10 “(D) *WIOA DEFINITIONS.—The terms ‘ca-*
11 *reer pathway’, ‘industry or sector partnership’,*
12 *‘in-demand industry sector or occupation’, ‘rec-*
13 *ognized postsecondary credential’, ‘State board’,*
14 *and ‘workforce development system’ have the*
15 *meanings given such terms in section 3 of the*
16 *Workforce Innovation and Opportunity Act (29*
17 *U.S.C. 3102).”.*

18 (b) *REPORT.—Not later than 3 years after the date*
19 *of enactment of this Act, the Secretary of Education shall—*

20 (1) *submit to the Committee on Education and*
21 *Labor of the House of Representatives and the Com-*
22 *mittee on Health, Education, Labor, and Pensions of*
23 *the Senate a report on the impact of eligible job*
24 *training programs described in subsection (k) of sec-*
25 *tion 401 of the Higher Education Act of 1965 (20*

1 *U.S.C. 1079a), as added by this section, based on the*
2 *most recent data collected under paragraph (5) of*
3 *such subsection (k); and*

4 *(2) make the report described in paragraph (1)*
5 *available publicly on the website of the Department of*
6 *Education.*

7 **SEC. 4014. PROVIDING FEDERAL PELL GRANTS FOR IRAQ**
8 **AND AFGHANISTAN VETERAN'S DEPENDENTS.**

9 *(a) AMENDMENT.—Section 401 of the Higher Edu-*
10 *cation Act of 1965 (20 U.S.C. 1070a et seq.) as amended*
11 *by this subpart, is further amended by inserting after sub-*
12 *section (k) the following:*

13 *“(l) SCHOLARSHIPS FOR VETERAN’S DEPENDENTS.—*

14 *“(1) DEFINITION OF ELIGIBLE VETERAN’S DE-*
15 *PENDENT.—In this subsection, the term ‘eligible vet-*
16 *eran’s dependent’ means a dependent or an inde-*
17 *pendent student—*

18 *“(A) whose parent or guardian was a mem-*
19 *ber of the Armed Forces of the United States and*
20 *died as a result of performing military service in*
21 *Iraq or Afghanistan after September 11, 2001;*
22 *and*

23 *“(B) who, at the time of the parent or*
24 *guardian’s death, was—*

25 *“(i) less than 24 years of age; or*

1 “(ii) enrolled at an institution of high-
2 er education on a part-time or full-time
3 basis.

4 “(2) GRANTS.—

5 “(A) IN GENERAL.—The Secretary shall
6 award a Federal Pell Grant, as modified in ac-
7 cordance with the requirements of this sub-
8 section, to each eligible veteran’s dependent to as-
9 sist in paying the eligible veteran’s dependent’s
10 cost of attendance at an institution of higher
11 education.

12 “(B) DESIGNATION.—Federal Pell Grants
13 made under this subsection may be known as
14 ‘Iraq and Afghanistan Service Grants’.

15 “(3) PREVENTION OF DOUBLE BENEFITS.—No el-
16 igible veteran’s dependent may receive a grant under
17 both this subsection and subsection (a) or (k).

18 “(4) TERMS AND CONDITIONS.—The Secretary
19 shall award Iraq and Afghanistan Service Grants
20 under this subsection in the same manner and with
21 the same terms and conditions, including the length
22 of the period of eligibility, as the Secretary awards
23 Federal Pell Grants under subsection (a), except
24 that—

1 “(A) the award rules and determination of
2 need applicable to the calculation of Federal Pell
3 Grants under subsection (a) shall not apply to
4 Iraq and Afghanistan Service Grants;

5 “(B) the provisions of paragraph (2)(A)(iii)
6 and (3) of subsection (b), and subsection (f),
7 shall not apply;

8 “(C) the maximum period determined
9 under subsection (c)(5) shall be determined by
10 including all Iraq and Afghanistan Service
11 Grants received by the eligible veteran’s depend-
12 ent, including such Grants received under sub-
13 part 10 before the date of enactment of the Col-
14 lege Affordability Act; and

15 “(D) an Iraq and Afghanistan Service
16 Grant to an eligible veteran’s dependent for any
17 award year shall equal the maximum Federal
18 Pell Grant available under subsection (b)(5) for
19 that award year, except that an Iraq and Af-
20 ghanistan Service Grant—

21 “(i) shall not exceed the cost of attend-
22 ance of the eligible veteran’s dependent for
23 that award year; and

24 “(ii) shall be adjusted to reflect the at-
25 tendance by the eligible veteran’s dependent

1 *on a less than full-time basis in the same*
2 *manner as such adjustments are made for a*
3 *Federal Pell Grant under subsection (a).*

4 “(5) *ESTIMATED FINANCIAL ASSISTANCE.—For*
5 *purposes of determinations of need under part F, an*
6 *Iraq and Afghanistan Service Grant shall not be*
7 *treated as estimated financial assistance as described*
8 *in sections 471(3) and 480(j).”.*

9 (b) *EFFECTIVE DATE; TRANSITION.—*

10 (1) *EFFECTIVE DATE.—The amendments made*
11 *by this section shall take effect with respect to the*
12 *award year that begins following the date of enact-*
13 *ment of this Act, and each succeeding award year.*

14 (2) *TRANSITION.—The Secretary shall take such*
15 *steps as are necessary to transition from the Iraq and*
16 *Afghanistan Service Grants program under subpart*
17 *10 of part A of title IV of the Higher Education Act*
18 *of 1965 (20 U.S.C. 1070h), as in effect on the day be-*
19 *fore the effective date of this Act, and the Iraq and*
20 *Afghanistan Service Grants program under section*
21 *401(l) of the Higher Education Act of 1965 (20*
22 *U.S.C. 1070a(j)), as added by this section.*

1 **SEC. 4015. FEDERAL PELL GRANT FRAUD PREVENTION.**

2 *Section 401 of the Higher Education Act of 1965 (20*
3 *U.S.C. 1070a et seq.), as amended by this subpart, is further*
4 *amended by inserting after subsection (l) the following:*

5 *“(m) PREVENTION OF FRAUD.—*

6 *“(1) REPORT.—Not later than December 31 of*
7 *each year, the Secretary shall prepare and submit a*
8 *report to the authorizing committees that includes the*
9 *following information with respect to unusual enroll-*
10 *ment history:*

11 *“(A) The number and percentage of total*
12 *applicants who were flagged for an unusual en-*
13 *rollment history in the preceding award year.*

14 *“(B) The number and percentage of institu-*
15 *tions that have had fewer than 2 percent of ap-*
16 *plicants flagged for an unusual enrollment his-*
17 *tory in the preceding award year.*

18 *“(C) The name of each institution that has*
19 *had more than 2 percent of total applicants*
20 *flagged for an unusual enrollment history in the*
21 *preceding award year.*

22 *“(D) If the percentage of total applicants in*
23 *subparagraph (A) is greater than 2 percent, a*
24 *detailed plan from the Secretary as to how to re-*
25 *duce that percentage below 2 percent by the fol-*
26 *lowing award year.*

1 “(2) *DEFINITION.*—*For the purposes of this sub-*
2 *section the term ‘unusual enrollment history’ means,*
3 *with respect to the application for Federal student*
4 *aid—*

5 “(A) *a pattern in which a student attends*
6 *an institution long enough to receive a disburse-*
7 *ment of credit balance funds authorized by this*
8 *title, does not complete the enrollment period, en-*
9 *rolls at another institution and repeats this pat-*
10 *tern to collect an additional credit balance of*
11 *funds authorized by this title without earning*
12 *academic credit; or*

13 “(B) *any other enrollment pattern that the*
14 *Department believes may signal an attempt by a*
15 *student to receive funds authorized under this*
16 *title in a fraudulent manner.”.*

17 **SEC. 4016. FEDERAL PELL GRANTS ON BEHALF OF INCAR-**
18 **CERATED INDIVIDUALS.**

19 (a) *IN GENERAL.*—*Section 401 of the Higher Edu-*
20 *cation Act of 1965 (20 U.S.C. 1070a), as amended by this*
21 *subpart, is further amended by adding at the end the fol-*
22 *lowing:*

23 “(n) *FEDERAL PELL GRANTS ON BEHALF OF INCAR-*
24 *CERATED INDIVIDUALS.*—

1 “(1) *INSTITUTIONAL REQUIREMENTS.*—An eligi-
2 ble institution may not award a Federal Pell Grant
3 to an incarcerated individual or on behalf of such in-
4 dividual, unless the institution meets the following:

5 “(A) *The institution is approved to enroll*
6 *incarcerated individuals by—*

7 “(i) *the Secretary in accordance with*
8 *paragraph (2); and*

9 “(ii) *an accrediting agency or associa-*
10 *tion that meets the requirements of section*
11 *496(a)(4)(D).*

12 “(B) *The institution—*

13 “(i) *is an institution of higher edu-*
14 *cation (as defined in section 101) or a post-*
15 *secondary vocational institution (as defined*
16 *in section 102(c)); and*

17 “(ii) *during the preceding 5 years, has*
18 *not been subject to the denial, withdrawal,*
19 *suspension, or termination of accreditation.*

20 “(C) *The institution provides each incarcer-*
21 *ated individual, upon completion of a course of-*
22 *fered by the institution, with academic credits*
23 *that are the equivalent to credits earned by non-*
24 *incarcerated students for an equivalent course of*
25 *study.*

1 “(D) *The institution provides to the Sec-*
2 *retary confirmation from each facility involved*
3 *that the course of study offered by the institution*
4 *at such facility is accessible to incarcerated indi-*
5 *viduals (including such individuals who are in-*
6 *dividuals with disabilities).*

7 “(E) *The institution does not enroll incar-*
8 *cerated individuals in a course of study offered*
9 *primarily as a distance education program, ex-*
10 *cept in a case in which the institution provides*
11 *to the Secretary—*

12 “(i) *confirmation that the distance*
13 *education program offers levels of faculty*
14 *interaction, peer engagement, and student*
15 *support sufficient to enable incarcerated in-*
16 *dividuals to successfully participate in such*
17 *a program; and*

18 “(ii) *evidence of the institution’s suc-*
19 *cess in offering other distance education*
20 *programs;*

21 “(F) *The institution develops and carries*
22 *out a process to allow each incarcerated indi-*
23 *vidual to access the transcripts and any other*
24 *educational records of such individual held by*
25 *the institution, without regard to the facility at*

1 *which the individual is being held or whether the*
2 *individual has been released from such a facility.*

3 “(G) *The institution develops and carries*
4 *out a process to allow each incarcerated indi-*
5 *vidual an opportunity to provide feedback on*
6 *courses that is comparable to the opportunity to*
7 *provide such feedback that the institution offers*
8 *to non-incarcerated students.*

9 “(H) *The institution does not directly*
10 *charge an incarcerated individual—*

11 “(i) *in the case of such an individual*
12 *who is an individual with a disability, for*
13 *any cost of the provision of reasonable ac-*
14 *commodations for the individual to partici-*
15 *pate in a course of study offered by the in-*
16 *stitution;*

17 “(ii) *in the case of such an individual*
18 *with an expected family contribution for an*
19 *award year that would not disqualify the*
20 *individual from receiving a Federal Pell*
21 *Grant, for any amount of the cost of attend-*
22 *ance not covered by the Federal Pell Grant*
23 *or other Federal assistance received by the*
24 *institution on behalf of the individual by*
25 *ensuring that any such amount is offset—*

1 “(I) by a State or institutional
2 grant; or

3 “(II) other non-Federal financial
4 assistance that does not have to be re-
5 paid by such individual; or

6 “(iii) in the case of such an individual
7 with an expected family contribution for an
8 award year that would disqualify the indi-
9 vidual from receiving a Federal Pell Grant,
10 an amount that exceeds such expected fam-
11 ily contribution.

12 “(I) The institution makes available to in-
13 carcerated individuals who are considering en-
14 rolling in a course of study offered by the insti-
15 tution, in simple and understandable terms, the
16 following:

17 “(i) Information with respect to each
18 course of study at the institution for which
19 such an individual may receive a Federal
20 Pell Grant, including—

21 “(I) the cost of attendance;

22 “(II) the mode of instruction
23 (such as distance education, in-person
24 instruction, or a combination of such
25 modes);

1 “(III) *how enrollment in such*
2 *course of study will impact the period*
3 *of eligibility for Federal Pell Grants*
4 *for such an individual, including in a*
5 *case in which the individual is trans-*
6 *ferred to another facility or released be-*
7 *fore the completion of such course;*

8 “(IV) *the transferability of credits*
9 *earned, and the acceptability of such*
10 *credits toward a certificate or degree*
11 *program offered by the institution;*

12 “(V) *the process for continuing*
13 *postsecondary education—*

14 “(aa) *upon transfer to an-*
15 *other facility; or*

16 “(bb) *after the student’s pe-*
17 *riod of incarceration or confine-*
18 *ment; and*

19 “(VI) *the process for continuing*
20 *enrollment at the institution after the*
21 *student’s period of incarceration or*
22 *confinement, including any barriers to*
23 *admission (such as criminal history*
24 *questions on applications for admis-*
25 *sion to such institution).*

1 “(ii) *In the case of an institution that*
2 *offers a program to prepare incarcerated in-*
3 *dividuals for gainful employment in a rec-*
4 *ognized occupation (as such term is defined*
5 *in section 104)—*

6 “(I) *information on any applica-*
7 *ble State licensure and certification re-*
8 *quirements, including the requirements*
9 *of the State in which the facility in-*
10 *volved is located and each State in*
11 *which such individuals permanently*
12 *reside; and*

13 “(II) *restrictions related to the*
14 *employment of formerly incarcerated*
15 *individuals for each recognized occupa-*
16 *tion for which the course of study pre-*
17 *pares students, including such restric-*
18 *tions—*

19 “(aa) *in Federal law; and*

20 “(bb) *in the laws of the State*
21 *in which the facility involved is*
22 *located and each State in which*
23 *such individuals permanently re-*
24 *side.*

1 “(J) *The institution submits the informa-*
2 *tion described in subparagraph (I) to each facil-*
3 *ity involved, the Secretary, and the accrediting*
4 *agency or association described in subparagraph*
5 *(A)(ii).*

6 “(2) *APPROVAL BY THE SECRETARY.—*

7 “(A) *INITIAL ELIGIBILITY.—With respect to*
8 *an institution that seeks to award Federal Pell*
9 *Grants to incarcerated individuals under this*
10 *subsection, the Secretary shall make an initial*
11 *determination about whether such institution*
12 *meets the requirements of this subsection, which*
13 *shall include a confirmation that the institu-*
14 *tion—*

15 “(i) *has secured the approval required*
16 *under paragraph (1)(A)(ii); and*

17 “(ii) *meets the requirements of para-*
18 *graph (1)(B).*

19 “(B) *ONGOING ELIGIBILITY.—Not later than*
20 *5 years after the Secretary makes an initial de-*
21 *termination under subparagraph (A) that an in-*
22 *stitution meets the requirements of this sub-*
23 *section, and not less than every 5 years there-*
24 *after, the Secretary shall determine whether such*

1 *institution continues to meet the requirements of*
2 *this subsection, based on—*

3 “(i) *a review of the data collected*
4 *under paragraph (3) with respect to the*
5 *courses of study offered by such institution*
6 *in which incarcerated individuals are en-*
7 *rolled, and other applicable information*
8 *that may be available to the Secretary; and*

9 “(ii) *whether such institution meets the*
10 *requirements of paragraph (1).*

11 “(3) *DATA COLLECTION.—The Secretary shall,*
12 *on at least an annual basis, collect data with respect*
13 *to each course of study offered by each institution at*
14 *which incarcerated individuals are enrolled, includ-*
15 *ing—*

16 “(A) *the demographics of such individuals;*

17 “(B) *the share of such individuals receiving*
18 *Federal Pell Grants;*

19 “(C) *information on the academic outcomes*
20 *of such individuals (such as credits attempted*
21 *and earned, and credential and degree comple-*
22 *tion);*

23 “(D) *to the extent practicable, information*
24 *on post-release outcomes of such individuals*

1 *(such as continued postsecondary enrollment,*
2 *employment, and recidivism); and*

3 *“(E) any data from student satisfaction*
4 *surveys conducted by the institution or the facil-*
5 *ity involved regarding such course of study.*

6 *“(4) BEST PRACTICES IN EDUCATING INCARCER-*
7 *ATED INDIVIDUALS.—Not later than 3 years after the*
8 *date of enactment of the College Affordability Act, and*
9 *at least once every 3 years thereafter, the Secretary*
10 *shall collect and disseminate to institutions awarding*
11 *Federal Pell Grants to incarcerated individuals under*
12 *this subsection, best practices with respect to the post-*
13 *secondary education of such individuals.*

14 *“(5) DEFINITIONS.—In this subsection:*

15 *“(A) FACILITY.—The term ‘facility’*
16 *means—*

17 *“(i) a place used for the confinement of*
18 *individuals convicted of a criminal offense*
19 *that is owned by, or under contract to, the*
20 *Bureau of Prisons, a State, or a unit of*
21 *local government; or*

22 *“(ii) a facility to which an individual*
23 *subject to involuntary civil confinement is*
24 *committed.*

1 “(B) *FACILITY INVOLVED.*—The term ‘facil-
2 ity involved’ means, when used with respect to
3 an institution of higher education, a facility at
4 which a course of study of the institution is of-
5 fered to incarcerated individuals.

6 “(C) *INCARCERATED INDIVIDUAL.*—The
7 term ‘incarcerated individual’ means an indi-
8 vidual who is incarcerated in a facility or who
9 is subject to an involuntary civil commitment.

10 “(D) *NON-INCARCERATED STUDENT.*—The
11 term ‘non-incarcerated student’ means a student
12 at an institution of higher education who is not
13 an incarcerated individual.”.

14 (b) *REPORT ON IMPACTS OF FEDERAL PELL GRANTS*
15 *AWARDED TO INCARCERATED INDIVIDUALS.*— Not later
16 than 3 years after the date of enactment of this Act, the
17 Secretary of Education shall submit to the authorizing com-
18 mittees and make publicly available on the website of the
19 Department of Education, a report on the impacts of sub-
20 section (n) of section 401 of the Higher Education Act of
21 1965 (20 U.S.C. 1070a), as added by this section, based
22 on the most recent data collected under paragraph (3) of
23 such subsection (n).

1 **Subpart 2—Federal Early Outreach and Student**
2 **Services Programs**

3 **CHAPTER 1—FEDERAL TRIO PROGRAMS**

4 **SEC. 4021. PROGRAM AUTHORITY; AUTHORIZATION OF AP-**
5 **PROPRIATIONS.**

6 (a) *IN GENERAL.*—Section 402A of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1070a–11) is amended—

8 (1) *in subsection (b)(3), by striking “\$200,000”*
9 *and all that follows through the period at the end and*
10 *inserting the following: “\$220,000, except that for any*
11 *fiscal year for which such minimum individual grant*
12 *amount would result in fewer than 2,780 grants*
13 *awarded under this chapter, an individual grant au-*
14 *thorized under this chapter shall be awarded in an*
15 *amount that would result in not fewer than 2,780*
16 *grants awarded under this chapter for such fiscal*
17 *year.”;*

18 (2) *in subsection (c)—*

19 (A) *by amending subparagraph (A) of*
20 *paragraph (2) to read as follows:*

21 “(A) *ACCOUNTABILITY FOR OUTCOMES.*—*In*
22 *making grants under this chapter, the Secretary*
23 *shall consider each applicant’s prior success in*
24 *achieving high-quality service delivery, as deter-*
25 *mined under subsection (f) under the particular*
26 *program for which funds are sought. The level of*

1 *consideration given the factor of prior success in*
2 *achieving high-quality service delivery shall not*
3 *vary from the level of consideration given such*
4 *factor during fiscal years 1994 through 1997, ex-*
5 *cept that grants made under section 402H shall*
6 *not be given such consideration.”;*

7 *(B) in paragraph (6)—*

8 *(i) in the heading, by striking “WITH*
9 *OTHER PROGRAMS FOR DISADVANTAGED*
10 *STUDENTS”;* and

11 *(ii) by striking the last sentence;*

12 *(C) by redesignating paragraphs (7) and*
13 *(8) as paragraphs (8) and (9), respectively;*

14 *(D) by inserting after paragraph (6) the fol-*
15 *lowing:*

16 “(7) *INCLUSION OF HOMELESS AND FOSTER STU-*
17 *DENTS.—The Secretary shall, as appropriate, require*
18 *each applicant for funds under the programs author-*
19 *ized by this chapter (other than the programs author-*
20 *ized under section 402E or 402G) to identify and*
21 *conduct outreach to foster care youth and homeless in-*
22 *dividuals and make available to foster care youth and*
23 *homeless individuals services under such programs,*
24 *including mentoring, tutoring, and other services pro-*
25 *vided by such programs.”;*

1 (E) in paragraph (8), as so redesignated, by
2 striking “8 months” both places it appears and
3 inserting “90 days”; and

4 (F) in paragraph (9), as so redesignated—
5 (i) in subparagraph (A)—

6 (I) by striking “Not later than
7 180 days after the date of enactment of
8 the Higher Education Opportunity
9 Act,” and inserting “Not less than 90
10 days before the date on which a com-
11 petition for a grant under this chapter
12 begins,”;

13 (II) in clause (iii), by striking
14 “prior experience” and inserting “ac-
15 countability for outcomes”; and

16 (III) in clause (v), by striking
17 “prior experience” and inserting “ac-
18 countability for outcomes”; and

19 (ii) by striking subparagraph (B) and
20 redesignating subparagraph (C) as subpara-
21 graph (B);

22 (iii) in subparagraph (B), as so redesi-
23 gnated, by adding at the end the following:

24 “(vii) TECHNICAL COMPONENTS OF AP-
25 PPLICATIONS.—

1 “(I) *TREATMENT OF NONSUB-*
2 *STANTIVE TECHNICAL COMPONENTS OF*
3 *APPLICATIONS.*—*With respect to any*
4 *competition for a grant under this*
5 *chapter, the Secretary may not reject*
6 *grant applications on the sole basis of*
7 *a failure to meet page limits and for-*
8 *matting standards (including with re-*
9 *spect to font size, font style, font type,*
10 *line spacing, paragraph justification,*
11 *and page margins).*

12 “(II) *TREATMENT OF TECHNICAL*
13 *BUDGET ERRORS IN APPLICATIONS.*—

14 “(aa) *IN GENERAL.*—*With*
15 *respect to any competition for a*
16 *grant under this chapter, the Sec-*
17 *retary may not reject grant appli-*
18 *cations on the sole basis of a typo-*
19 *graphical or rounding error in a*
20 *proposed budget until the Sec-*
21 *retary has given the applicant an*
22 *opportunity for correction in ac-*
23 *cordance with item (bb).*

24 “(bb) *NOTICE AND OPPOR-*
25 *TUNITY FOR CORRECTION.*—*The*

1 *Secretary shall provide notice and*
2 *identification of an error de-*
3 *scribed in item (aa) to the appli-*
4 *cant before awarding grants for*
5 *each competition and shall allow*
6 *the applicant to submit a revised*
7 *application that corrects the iden-*
8 *tified error.*

9 *“(cc) TREATMENT OF RE-*
10 *REVISED APPLICATIONS.—The Sec-*
11 *retary shall treat the revised ap-*
12 *plication in the same manner as*
13 *a timely submitted application.*

14 *“(dd) FAILURE TO COR-*
15 *RECT.—If an applicant has re-*
16 *ceived a notice and opportunity*
17 *for correction of a typographical*
18 *or rounding error in a proposed*
19 *budget in accordance with item*
20 *(bb) and the applicant fails to*
21 *correct the error and submit a re-*
22 *vised application, the Secretary*
23 *may reject or penalize that grant*
24 *application.”;*

1 (3) in subsection (d)(3), by adding at the end the
2 following: “In addition, the Secretary shall host at
3 least one virtual, interactive training to ensure that
4 any interested applicants have access to technical as-
5 sistance.”;

6 (4) in subsection (e)—

7 (A) in paragraph (1)—

8 (i) by striking “or” at the end of sub-
9 paragraph (C);

10 (ii) by striking the period at the end of
11 subparagraph (D) and inserting a semi-
12 colon; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(E) documentation that the student has been de-
16 termined eligible for a Federal Pell Grant authorized
17 under section 401; or

18 “(F) for a grant authorized under section 402B
19 or 402F of this chapter, documentation that a student
20 is attending a school that—

21 “(i) elects, or for which the local edu-
22 cational agency serving the school elects on behalf
23 of the school, to receive special assistance pay-
24 ment under section 11(a)(1)(F)(ii) of the Rich-

1 *ard B. Russell National School Lunch Act (42*
2 *U.S.C. 1759a(a)(1)(F)(ii)); or*

3 *“(ii) had a percentage of enrolled students*
4 *who were identified students (defined in clause*
5 *(i) of section 11(a)(1)(F) of such Act (42 U.S.C.*
6 *1759a(a)(1)(F))) that meets or exceeds the*
7 *threshold described in clause (viii) of such sec-*
8 *tion (42 U.S.C. 1759a(a)(1)(F)) during the*
9 *school year that ends prior to the first period for*
10 *which such grant is awarded.”; and*

11 *(B) in paragraph (2)—*

12 *(i) by striking “or” at the end of sub-*
13 *paragraph (C);*

14 *(ii) by striking the period at the end of*
15 *subparagraph (D) and inserting a semi-*
16 *colon; and*

17 *(iii) by adding at the end the fol-*
18 *lowing:*

19 *“(E) documentation that the student has been de-*
20 *termined to be eligible for a Federal Pell Grant au-*
21 *thorized under section 401; or*

22 *“(F) for a grant authorized under section 402B*
23 *or 402F of this chapter, documentation that a student*
24 *is attending a school that—*

1 “(i) elects, or for which the local edu-
2 cational agency serving the school elects on behalf
3 of the school, to receive special assistance pay-
4 ment under section 11(a)(1)(F)(ii) of the Rich-
5 ard B. Russell National School Lunch Act (42
6 U.S.C. 1759a(a)(1)(F)(ii)); or

7 “(ii) had a percentage of enrolled students
8 who were identified students (defined in clause
9 (i) of section 11(a)(1)(F) of such Act (42 U.S.C.
10 1759a(a)(1)(F))) that meets or exceeds the
11 threshold described in clause (viii) of such sec-
12 tion (42 U.S.C. 1759a(a)(1)(F)) during the
13 school year that ends prior to the first period for
14 which such grant is awarded.”;

15 (5) in subsection (f)—

16 (A) in paragraph (1)—

17 (i) by striking “PRIOR EXPERIENCE”
18 and inserting “ACCOUNTABILITY IN OUT-
19 COMES” in the heading;

20 (ii) by striking “on or after January
21 1, 2009” and inserting “on or after the date
22 of enactment of the College Affordability
23 Act”; and

24 (iii) by striking “prior experience of”
25 and inserting “success in achieving”;

1 (B) in paragraph (2), by striking “college
2 students, and” and inserting “college students,
3 foster care youth, homeless individuals, and”;
4 and

5 (C) in paragraph (3)—

6 (i) in subparagraph (A)—

7 (I) in clause (iv), by striking
8 “will make such students eligible for
9 programs such as the Academic Com-
10 petitiveness Grants Program” and in-
11 serting “includes at least 4 years of
12 mathematics, 3 years of science, and 2
13 years of a foreign language”;

14 (II) by redesignating clauses (v)
15 and (vi) as clauses (vi) and (vii), re-
16 spectively; and

17 (III) by inserting after clause (iv)
18 the following:

19 “(v) the completion of financial aid
20 applications, including the Free Applica-
21 tion for Federal Student Aid described in
22 section 483(a) and college admissions appli-
23 cations;”.

24 (ii) in subparagraph (B)—

1 (I) by inserting “except in the
2 case of programs that specifically tar-
3 get veterans,” after “under section
4 402C,”;

5 (II) in clause (v), by striking
6 “will make such students eligible for
7 programs such as the Academic Com-
8 petitiveness Grants Program” and in-
9 serting “includes at least 4 years of
10 mathematics, 3 years of science, and 2
11 years of a foreign language”;

12 (III) by redesignating clauses (vi)
13 and (vii) as clauses (vii) and (viii), re-
14 spectively; and

15 (IV) by inserting after clause (v)
16 the following:

17 “(vi) the completion of financial aid
18 applications, including the Free Applica-
19 tion for Federal Student Aid described in
20 section 483(a) and college admission appli-
21 cations;”;

22 (iii) by redesignating subparagraphs
23 (C), (D), and (E), as subparagraphs (D),
24 (E), and (F), respectively;

1 *(iv) by inserting after subparagraph*
2 *(B) the following:*

3 *“(C) For programs authorized under section*
4 *402C that specifically target veterans, the extent*
5 *to which the eligible entity met or exceeded the*
6 *entity’s objectives for such program regarding—*

7 *“(i) the delivery of service to a total*
8 *number of students served by the program,*
9 *as agreed upon by the entity and the Sec-*
10 *retary for the period of the program;*

11 *“(ii) such students’ academic perform-*
12 *ance as measured by standardized tests;*

13 *“(iii) the retention and completion of*
14 *participants in the program;*

15 *“(iv) the provision of assistance to stu-*
16 *dents served by the program in completing*
17 *financial aid applications, including the*
18 *Free Application for Federal Student Aid*
19 *described in section 483(a) and college ad-*
20 *mission applications;*

21 *“(v) the enrollment of such students in*
22 *an institution of higher education; and*

23 *“(vi) to the extent practicable, the post-*
24 *secondary completion of such students.”;*

1 (v) in subparagraph (D)(ii), as redesi-
2 gnated in clause (iii)—

3 (I) in subclause (I), by striking
4 “in which such students were enrolled”
5 and inserting “at any baccalaureate
6 granting institution within 6 years of
7 initial enrollment in the project”; and

8 (II) in subclause (II), by striking
9 items (aa) and (bb) and inserting the
10 following:

11 “(aa) the transfer of such students
12 to institutions of higher education that
13 offer baccalaureate degrees, regardless
14 of whether the transferring student
15 completes a degree or certificate; or

16 “(bb) the completion of a degree or
17 certificate by such students at any ac-
18 credited institution within 4 years of
19 initial enrollment in the project;”;

20 (vi) in subparagraph (E), as redesi-
21 gnated—

22 (I) in clause (iii), by striking “;
23 and” and inserting “within 2 years of
24 receiving the baccalaureate degree;”;
25 and

1 (II) in clause (iv), by striking
2 “graduate study and the attainment of
3 doctoral degrees by former program
4 participants.” and inserting “graduate
5 study; and

6 “(v) the attainment of doctoral degrees
7 by former program participants within 10
8 years of receiving the baccalaureate de-
9 gree.”; and

10 (vii) in subparagraph (F), as redesign-
11 nated—

12 (I) in clause (i), by inserting
13 “within 2 years of service” before the
14 semicolon; and

15 (II) in clause (ii), by inserting
16 “or re-enrollment” after “the enroll-
17 ment”;

18 (6) in subsection (g)—

19 (A) by striking “\$900,000,000 for fiscal
20 year 2009 and such sums as may be necessary
21 for each of the five succeeding fiscal years.” and
22 inserting “\$1,120,000,000 for fiscal year 2021,
23 and each of the 5 succeeding fiscal years. The
24 amount authorized to be appropriated in the
25 preceding sentence for fiscal year 2022 and each

1 *of the 4 succeeding fiscal years shall be deemed*
2 *increased by the annual adjustment percentage.*
3 *For purposes of this subsection, the term ‘adjust-*
4 *ment percentage’ as applied to a fiscal year,*
5 *means the estimated percentage change in the*
6 *Consumer Price Index (as determined by the*
7 *Secretary, using the definition in section 478(f))*
8 *for the most recent calendar year ending before*
9 *the beginning of that fiscal year.’;*

10 *(B) by striking “ $\frac{1}{2}$ of”;*

11 *(C) by striking “, and to provide” and in-*
12 *serting “, to provide”; and*

13 *(D) by striking “current grantees.” and all*
14 *that follows through “additional readers.” and*
15 *inserting “current grantees, and to carry out the*
16 *requirements of subsection (c)(9)(A).”;*

17 *(7) in subsection (h)—*

18 *(A) by striking paragraph (4) and inserting*
19 *the following:*

20 *“(4) HOMELESS INDIVIDUAL.—The term ‘home-*
21 *less individual’ has the meaning given the term*
22 *‘homeless children and youth’ under section 725 of the*
23 *McKinney-Vento Homeless Assistance Act (42 U.S.C.*
24 *11434a).*

1 “(5) *LOW-INCOME INDIVIDUAL*.—The term ‘low-
2 *income individual*’ means—

3 “(A) *an individual from a family whose*
4 *taxable income for the preceding year did not ex-*
5 *ceed 150 percent of the poverty line applicable to*
6 *the individual’s family size as determined under*
7 *section 673(2) of the Community Services Block*
8 *Grant Act (42 U.S.C. 9902(2));*

9 “(B) *an individual whose taxable income as*
10 *reported on the individual’s most recently com-*
11 *pleted Free Application for Federal Student Aid*
12 *under section 483(a) did not exceed 150 percent*
13 *of such poverty line;*

14 “(C) *an individual who has been deter-*
15 *mined to be eligible for a Federal Pell Grant au-*
16 *thorized under section 401; or*

17 “(D) *for grants authorized under 402B and*
18 *402F of this chapter, a student who is attending*
19 *a school that—*

20 “(i) *elects, or for which the local edu-*
21 *cational agency serving the school elects on*
22 *behalf of the school, to receive special assist-*
23 *ance payment under section 11(a)(1)(F)(ii)*
24 *of the Richard B. Russell National School*

1 *Lunch Act (42 U.S.C. 1759a(a)(1)(F)(ii));*

2 *or*

3 *“(ii) had a percentage of enrolled stu-*
4 *dents who were identified students (defined*
5 *in clause (i) of section 11(a)(1)(F) of such*
6 *Act (42 U.S.C. 1759a(a)(1)(F))) that meets*
7 *or exceeds the threshold described in clause*
8 *(viii) of such section (42 U.S.C.*
9 *1759a(a)(1)(F)) during the school year that*
10 *ends prior to the first year of the period for*
11 *which such grant is awarded.”;*

12 *(B) by redesignating paragraph (5) as sub-*
13 *section (i) and subparagraphs (A) through (D)*
14 *as paragraphs (1) through (4); and*

15 *(C) by redesignating paragraph (6) as sub-*
16 *section (j); and*

17 *(8) in subsection (j), as redesignated, by striking*
18 *“subparagraph (A), (B), or (C) of paragraph (5)”*
19 *and inserting “paragraph (1), (2), or (3) of sub-*
20 *section (i)”.*

21 *(b) CONFORMING AMENDMENTS.—Chapter 1 of sub-*
22 *part 2 of part A of title IV of the Higher Education Act*
23 *of 1965 (20 U.S.C. 1070a–11) is amended—*

24 *(1) by striking “homeless children and youths as*
25 *defined in section 725 of the McKinney-Vento Home-*

1 *less Assistance Act” each place it appears and insert-*
2 *ing “homeless individuals”; and*

3 *(2) by striking “homeless children and youths (as*
4 *such term is defined in section 725 of the McKinney-*
5 *Vento Homeless Assistance Act (42 U.S.C. 11434a))”*
6 *each place it appears and inserting “homeless indi-*
7 *viduals”.*

8 **SEC. 4022. TALENT SEARCH.**

9 *Section 402B of the Higher Education Act of 1965 (20*
10 *U.S.C. 1070a–12) is amended—*

11 *(1) in subsection (a)—*

12 *(A) in paragraph (2), by striking “and” at*
13 *the end;*

14 *(B) by redesignating paragraph (3) as*
15 *paragraph (4); and*

16 *(C) by inserting after paragraph (2) the fol-*
17 *lowing:*

18 *“(3) to advise such youths regarding the postsec-*
19 *ondary education selection process, including consid-*
20 *eration of financial aid awards offered, potential Fed-*
21 *eral loan burden, and likelihood of graduating; and”;*

22 *(2) in subsection (b)—*

23 *(A) by striking “and” at the end of para-*
24 *graph (5); and*

1 (B) by striking paragraph (6) and inserting
2 the following:

3 “(6) education or counseling services to assist
4 students and their families regarding career choice;
5 and

6 “(7) connections to programs providing financial
7 literacy and economic literacy so that students and
8 their families are able to make informed choices re-
9 garding postsecondary education, including consid-
10 ering degree choices and potential Federal loan bur-
11 dens.”;

12 (3) in subsection (c)(2), by striking “career” and
13 inserting “academic”; and

14 (4) in subsection (d)—

15 (A) in paragraph (3), by striking “and”
16 after the semicolon;

17 (B) in paragraph (4), by striking the period
18 at the end and inserting a semicolon; and

19 (C) by adding at the end the following:

20 “(5) require an assurance that the entity car-
21 rying out the project has reviewed and revised policies
22 and practices as needed to remove barriers to the par-
23 ticipation and retention in the project of homeless in-
24 dividuals, including unaccompanied youth and foster
25 care youth;

1 “(6) require that such entity submit, as part of
2 the application for the project, a description of the ac-
3 tivities that will be undertaken to reach out to such
4 homeless individuals and foster care youth as part of
5 the project; and

6 “(7) require an assurance that such entity will
7 prepare and submit the report required under section
8 402H(e) at the conclusion of the project regarding
9 such homeless individuals and foster care youth.”.

10 **SEC. 4023. UPWARD BOUND.**

11 Section 402C of the Higher Education Act of 1965 (20
12 U.S.C. 1070a–13) is amended—

13 (1) in subsection (b), by striking paragraphs (5)
14 and (6) and inserting the following:

15 “(5) assistance to students and their families re-
16 garding career choice;

17 “(6) education or counseling services designed to
18 improve the financial literacy and economic literacy
19 of students or the students’ parents in order to aid
20 them in making informed decisions about the postsec-
21 ondary education selection process and assist students
22 and their families in making informed choices regard-
23 ing the postsecondary education selection process; and

24 “(7) in the case of such a project that is not spe-
25 cifically designed for veterans, as part of core cur-

1 *riculum, instruction in mathematics through pre-cal-*
2 *culus, science, foreign language, language arts, and*
3 *literature, and in the case of such a project that is*
4 *specifically designed for veterans, instruction in*
5 *mathematics through pre-calculus, science, foreign*
6 *language, and language arts.”;*

7 (2) *by striking subsections (c) and (g) and redesi-*
8 *gnating subsections (d), (e), (f), and (h) as sub-*
9 *sections (c), (d), (e), and (f), respectively;*

10 (3) *in subsection (c), as so redesignated—*

11 (A) *in paragraph (1), by striking “youth”*
12 *and inserting “participants”;*

13 (B) *in paragraph (2)—*

14 (i) *by striking “youth participating in*
15 *the project” and inserting “project partici-*
16 *pants”; and*

17 (ii) *by striking “youth;” and inserting*
18 *“participants;” and*

19 (C) *in paragraph (5), by striking “youth*
20 *participating in the project” and inserting “par-*
21 *ticipants”; and*

22 (4) *in subsection (d), as so redesignated—*

23 (A) *in paragraph (4), by striking “and”*
24 *after the semicolon;*

1 (B) in paragraph (5), by striking the period
2 at the end and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(6) require an assurance that the entity car-
5 rying out the project has reviewed and revised policies
6 and practices as needed to remove barriers to the par-
7 ticipation and retention in the project of homeless in-
8 dividuals, including unaccompanied youth and foster
9 care youth;

10 “(7) require that such entity submit, as part of
11 the application, a description of the activities that
12 will be undertaken to reach out to such homeless indi-
13 viduals and foster care youth regarding the project;
14 and

15 “(8) require an assurance that such entity will
16 prepare and submit the report required under section
17 402H(e) at the conclusion of the project regarding
18 such homeless individuals and foster care youth.”;
19 and

20 (5) in subsection (e), as so redesignated—

21 (A) by striking “\$60” and inserting “\$90”;

22 (B) by striking “\$300” and inserting
23 “\$450”;

24 (C) by striking “\$40” and inserting “\$60”;

25 and

1 (D) by adding at the end the following:
2 “Adults participating in a project specifically
3 targeting veterans under this section may be
4 paid stipends not in excess of \$100 per month
5 during the year.”.

6 **SEC. 4024. STUDENT SUPPORT SERVICES.**

7 Section 402D of the Higher Education Act of 1965 (20
8 U.S.C. 1070a–14) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (3), by striking “limited
11 English proficient” and inserting “low-income
12 and first generation college students, including
13 limited English proficient students”; and

14 (B) in paragraph (4), by striking “, includ-
15 ing—” and all that follows through the end of
16 the paragraph and inserting a period;

17 (2) in subsection (b)—

18 (A) in paragraph (4), by striking “includ-
19 ing financial planning for postsecondary edu-
20 cation;” and inserting “including—

21 “(A) financial planning for postsecondary
22 education, including loan burdens required, re-
23 payment options, and expected earnings in po-
24 tential career fields;

1 “(B) basic personal income, household
2 money management, and financial planning
3 skills; and

4 “(C) basic economic decisionmaking skills.”;
5 (B) in paragraph (5), by striking “and” at
6 the end;

7 (C) in paragraph (6), by striking the period
8 at the end and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(7) basic and emergency supplemental living
11 assistance grants in accordance with subsection (f).”;

12 (3) in subsection (e)—

13 (A) in paragraph (5), by striking “and”
14 after the semicolon;

15 (B) in paragraph (6)(B), by striking the pe-
16 riod at the end and inserting a semicolon; and

17 (C) by adding at the end the following:

18 “(7) require an assurance that the entity car-
19 rying out the project has reviewed and revised policies
20 and practices as needed to remove barriers to the par-
21 ticipation and retention in the project of homeless in-
22 dividuals, including unaccompanied youth and foster
23 care youth;

24 “(8) require that such entity submit, in the ap-
25 plication for the project, a description of the activities

1 *that will be undertaken to reach out to such homeless*
2 *individuals and foster care youth, who are enrolled or*
3 *accepted for enrollment at the institution; and*

4 “(9) *require an assurance that such entity will*
5 *prepare and submit the report required under section*
6 *402H(e) at the conclusion of the project regarding*
7 *such homeless individuals and foster care youth.”;*
8 *and*

9 (4) *by adding at the end the following:*

10 “(f) *BASIC AND EMERGENCY SUPPLEMENTAL LIVING*
11 *ASSISTANCE GRANTS.—*

12 “(1) *IN GENERAL.—In carrying out the activities*
13 *required under subsection (b)(7) with a grant received*
14 *under this section, the recipient of such grant shall*
15 *provide basic and emergency supplemental living as-*
16 *sistance grants to assist students who are current par-*
17 *ticipants in the student support services program of-*
18 *fered by the institution (in this subsection referred to*
19 *as ‘eligible students’)—*

20 “(A) *in the case of a basic supplemental liv-*
21 *ing assistance grant, in covering reasonable, an-*
22 *anticipated expenses necessary for the completion of*
23 *an academic year of the students’ first under-*
24 *graduate baccalaureate course of study; and*

1 “(B) in the case of an emergency supple-
2 mental living assistance grant, in covering rea-
3 sonable, unanticipated expenses necessary for the
4 students to persist in college during such aca-
5 demic year.

6 “(2) AMOUNT OF GRANTS.—The recipient may
7 determine—

8 “(A) the appropriate division of the funds
9 between basic and emergency supplemental as-
10 sistance grants, except that funds shall be pro-
11 vided for both basic and emergency grants;

12 “(B) the amount of each such grant and the
13 total grant funds that an eligible student may
14 receive, except that a student may not receive
15 more than a total of \$500 in emergency supple-
16 mental assistance grants per academic year; and

17 “(C) the anticipated and unanticipated ex-
18 penses referred to in paragraph (1) that such
19 grants will cover based on the needs of eligible
20 students, which—

21 “(i) may vary by factors including
22 academic year, housing, parental status, lo-
23 cation in urban or rural area, or other cir-
24 cumstances; and

1 “(ii) for an individual student, may
2 cover—

3 “(I) any component of the cost of
4 attendance for the student;

5 “(II) an allowance for actual or
6 expected expenses incurred for depend-
7 ent care that exceeds such expenses de-
8 termined for the student under section
9 472(8);

10 “(III) an allowance for actual or
11 expected expenses for transportation
12 that exceeds such expenses determined
13 for the student under section 472; and

14 “(IV) personal items or expenses
15 not otherwise covered by the cost of at-
16 tendance for the student.

17 “(3) *PERCENTAGE OF TOTAL FUNDS.*—The re-
18 cipient may use not more than 2 percent of the funds
19 awarded under this section for grants under this sub-
20 section.

21 “(4) *DETERMINATION OF NEED.*—A grant pro-
22 vided to a student under this subsection shall not be
23 considered in determining that student’s need for
24 grant or work assistance under this title, except that
25 in no case shall the total amount of student financial

1 *assistance awarded to a student under this title exceed*
2 *that student’s cost of attendance by more than \$500.*

3 “(5) *CONSULTATION.*—*In making grants to stu-*
4 *dents under this subsection, an institution shall en-*
5 *sure that adequate consultation takes place between*
6 *the student support service program office and the in-*
7 *stitution’s financial aid office.*

8 “(6) *SUPPLEMENT, NOT SUPPLANT.*—*Funds re-*
9 *ceived by a grant recipient that are used under this*
10 *subsection shall be used to supplement, and not sup-*
11 *plant, non-Federal funds expended for student sup-*
12 *port services programs.*

13 “(7) *FUNDS.*—*For a fiscal year for which the*
14 *funds allocated for projects authorized under this sec-*
15 *tion from the amounts appropriated pursuant to the*
16 *authority of section 402A(g) exceeds the funds allo-*
17 *cated for such purpose for fiscal year 2020, not more*
18 *than 2 percent of such excess funds may be made*
19 *available for grants under this subsection.”.*

20 **SEC. 4025. POSTBACCALAUREATE ACHIEVEMENT PROGRAM**

21 **AUTHORITY.**

22 *Section 402E of the Higher Education Act of 1965 (20*
23 *U.S.C. 1070a–15) is amended—*

24 (1) *in subsection (b)(2)—*

25 (A) *by striking “summer”; and*

1 (B) by inserting “or faculty-led research ex-
2 periences” before the semicolon;

3 (2) in subsection (d)(4)—

4 (A) by striking “summer”; and

5 (B) by inserting “or faculty-led experiences
6 who have stipends” after “internships”; and

7 (3) in subsection (f)(1), by striking “\$2,800” and
8 inserting “\$4,000”.

9 **SEC. 4026. EDUCATIONAL OPPORTUNITY CENTERS.**

10 Section 402F of the Higher Education Act of 1965 (20
11 U.S.C. 1070a–16) is amended—

12 (1) in subsection (a)(1), by striking “pursue”
13 and inserting “begin or re-enter”;

14 (2) in subsection (b)(5), by striking “students;”
15 and inserting “students, including—

16 “(A) financial planning for postsecondary
17 education, including student loan debt, repay-
18 ment options, and expected earnings in potential
19 career fields;

20 “(B) basic personal income, household
21 money management, and financial planning
22 skills; and

23 “(C) basic economic decisionmaking skills;”;
24 and

25 (3) in subsection (c)—

1 (A) in paragraph (2), by striking “and”
2 after the semicolon;

3 (B) in paragraph (3), by striking the period
4 at the end and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(4) require an assurance that the entity car-
7 rying out the project has reviewed and revised policies
8 and practices as needed to remove barriers to the par-
9 ticipation and retention in the project of homeless in-
10 dividuals, including unaccompanied youth and foster
11 care youth;

12 “(5) require that such entity submit, as part of
13 the application, a description of the activities that
14 will be undertaken to reach out to such homeless indi-
15 viduals and foster care youth regarding the project;
16 and

17 “(6) require an assurance that such entity will
18 prepare and submit the report required under section
19 402H(e) at the conclusion of the project regarding
20 such homeless individuals and foster care youth.”.

21 **SEC. 4027. STAFF DEVELOPMENTAL ACTIVITIES.**

22 Section 402G(b) of the Higher Education Act of 1965
23 (20 U.S.C. 1070a–17(b)) is amended—

24 (1) by inserting “webinars, online classes,” after
25 “seminars, workshops,”;

1 (2) by striking “new directors” and inserting
2 “staff”;

3 (3) by redesignating paragraphs (1) through (5)
4 as paragraphs (2) through (6), respectively;

5 (4) by inserting before paragraph (2), as so re-
6 designated, the following:

7 “(1) Legislative and regulatory requirements and
8 program management for new directors of programs
9 funded under this chapter.”;

10 (5) in paragraph (2), as redesignated, by insert-
11 ing “for continuing directors and staff of programs”
12 after “operation of programs”; and

13 (6) in paragraph (4), as redesignated, by strik-
14 ing “model programs” and inserting “innovations”.

15 **SEC. 4028. REPORTS AND EVALUATIONS.**

16 (a) *OTHER REPORTING REQUIREMENTS.*—Section
17 402H of the Higher Education Act of 1965 (20 U.S.C.
18 1070a–18) is further amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking “,
22 including a rigorous evaluation of the pro-
23 grams and projects assisted under section
24 402C. The evaluation of the programs and
25 projects assisted under section 402C shall be

1 *implemented not later than June 30, 2010”*
2 *and inserting “The issues such evaluations*
3 *shall measure shall include the effectiveness*
4 *of programs and projects assisted under this*
5 *chapter in—*

6 *“(i) meeting or exceeding the stated ob-*
7 *jectives regarding the outcome criteria*
8 *under section 402A(f);*

9 *“(ii) enhancing the access of low-in-*
10 *come individuals and first-generation col-*
11 *lege students to postsecondary education;*

12 *“(iii) preparing individuals for post-*
13 *secondary education; and*

14 *“(iv) comparing students who partici-*
15 *pate in the programs funded under this*
16 *chapter with students who do not partici-*
17 *pate in such programs with respect to—*

18 *“(I) level of education completed;*

19 *“(II) retention rates;*

20 *“(III) graduation rates;*

21 *“(IV) college admission and com-*
22 *pletion rates; and*

23 *“(V) other issues as the Secretary*
24 *considers appropriate.”; and*

1 (ii) in subparagraph (C), by inserting
2 “and take into account the agreed upon tar-
3 get determined under section 402A(f)(4)”
4 before the period; and

5 (B) by amending paragraph (2) to read as
6 follows:

7 “(2) PRACTICES.—The evaluations described in
8 paragraph (1) shall identify institutional, commu-
9 nity, and program or project practices that are effec-
10 tive in—

11 “(A) enhancing the access of low-income in-
12 dividuals and first-generation college students to
13 postsecondary education;

14 “(B) the preparation of such individuals
15 and students for postsecondary education;

16 “(C) fostering the success of the individuals
17 and students in postsecondary education; and

18 “(D) for programs and projects assisted
19 under section 402C, the characteristics of stu-
20 dents who benefit most from such programs and
21 projects.”; and

22 (2) in subsection (d), by inserting “, including
23 the authorizing committees” before the period.

24 (b) HOMELESS INDIVIDUALS AND FOSTER CARE
25 YOUTH.—Section 402H of the Higher Education Act of

1 1965 (20 U.S.C. 1070a–18) is further amended by adding
 2 at the end the following:

3 “(e) *REPORT REGARDING HOMELESS INDIVIDUALS*
 4 *AND FOSTER CARE YOUTH.*—Each entity carrying out a
 5 project under section 402B, 402C, 402D, or 402F shall, at
 6 the conclusion of the project, prepare and submit a report
 7 to the Secretary that includes—

8 “(1) where available, data on the number of
 9 homeless individuals and foster care youth served
 10 through the project; and

11 “(2) a description of any strategies or program
 12 enhancements that were used in the project and that
 13 were effective in meeting the needs of such homeless
 14 individuals and foster care youth.”.

15 **CHAPTER 2—GAINING EARLY AWARENESS**
 16 **AND READINESS FOR UNDER-**
 17 **GRADUATE PROGRAMS**

18 **SEC. 4031. GAINING EARLY AWARENESS AND READINESS**
 19 **FOR UNDERGRADUATE PROGRAMS.**

20 Chapter 2 of subpart 2 of part A of title IV of the
 21 Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.)
 22 is amended—

23 (1) in section 404A (20 U.S.C. 1070a–21)—

24 (A) in the matter preceding subparagraph

25 (A) of subsection (a)(1), by inserting “, includ-

1 *ing for college readiness” after “academic sup-*
2 *port”; and*

3 *(B) in subsection (b)—*

4 *(i) by amending paragraph (3) to read*
5 *as follows:*

6 “(3) *PRIORITY.—In making awards to eligible*
7 *entities described in subsection (c), the Secretary may*
8 *give a competitive priority—*

9 “(A) *to eligible entities that—*

10 “(i) *on the day before the date of enact-*
11 *ment of the College Affordability Act, car-*
12 *ried out successful educational opportunity*
13 *programs under this chapter (as this chap-*
14 *ter was in effect on such day); and*

15 “(ii) *have a prior, demonstrated com-*
16 *mitment to early intervention leading to*
17 *college access and readiness through collabo-*
18 *ration and replication of successful strate-*
19 *gies; or*

20 “(B) *to eligible entities that ensure that stu-*
21 *dents that received assistance under this chapter*
22 *on the day before the date of enactment of the*
23 *College Affordability Act continue to receive such*
24 *assistance through the completion of secondary*
25 *school.”;*

1 (ii) by adding at the end the following:

2 “(4) *MULTIPLE AWARD PROHIBITION.*—

3 “(A) *IN GENERAL.*—An eligible entity de-
4 scribed in subsection (c)(1) that receives a grant
5 under this chapter shall not be eligible to receive
6 an additional grant under this chapter until
7 after the date on which the grant period with re-
8 spect to such grant expires.

9 “(B) *EXCEPTION FOR NO-COST EXTEN-*
10 *SION.*—Notwithstanding subparagraph (A), an
11 eligible entity described in subsection (c)(1) that
12 receives a grant under this chapter that has been
13 extended under section 75.261 of title 34, Code of
14 Federal Regulations may receive an additional
15 grant under this chapter prior to the date on
16 which the grant period applicable to such exten-
17 sion expires.”; and

18 (2) in section 404B (20 U.S.C. 1070a-22)—

19 (A) in subsection (a), in the matter pre-
20 ceding paragraph (1), by inserting “(except with
21 respect to continuation awards under this chap-
22 ter)” after “grants”; and

23 (B) in subsection (d)(1)—

24 (i) in subparagraph (A), by inserting
25 “and” after the semicolon;

1 (ii) in subparagraph (B), by striking

2 “; and” and inserting a period; and

3 (iii) by striking subparagraph (C);

4 (3) in section 404C (20 U.S.C. 1070a-23)—

5 (A) in subsection (a)(2)—

6 (i) in subparagraph (I), by striking

7 “and” after the semicolon;

8 (ii) in subparagraph (J), by striking

9 the period at the end and inserting a semi-

10 colon; and

11 (iii) by adding at the end the fol-

12 lowing:

13 “(K) provide an assurance that the eligible

14 entity has reviewed and revised policies and

15 practices as needed to remove barriers to the par-

16 ticipation and retention of homeless individuals

17 (as defined in section 402A) in the program, in-

18 cluding unaccompanied youth and foster care

19 youth;

20 “(L) describe the activities that will be un-

21 dertaken to reach out to such homeless individ-

22 uals and foster care youth as part of the pro-

23 gram; and

24 “(M) provide an assurance that the eligible

25 entity will prepare and submit the report re-

1 *quired under section 404G(c) at the conclusion of*
2 *the grant regarding such homeless individuals*
3 *and foster care youth.”;*

4 *(B) in subsection (b)(1)(A)—*

5 *(i) by inserting “matching funds” after*
6 *“will provide”;*

7 *(ii) by inserting “equaling” after “pri-*
8 *vate funds,”; and*

9 *(iii) by striking “the cost of the pro-*
10 *gram, which matching funds” and inserting*
11 *“the total Federal grant award under this*
12 *chapter, which”;*

13 *(C) in subsection (c)(1), by inserting “at*
14 *any point during the grant award period” after*
15 *“obligated to students”; and*

16 *(D) by striking subsection (d) and inserting*
17 *the following:*

18 *“(d) PEER REVIEW PANELS AND COMPETITIONS.—The*
19 *Secretary shall—*

20 *“(1) convene peer review panels to assist in mak-*
21 *ing determinations regarding the awarding of grants*
22 *under this chapter; and*

23 *“(2) host a grant competition to make new*
24 *awards under this chapter in any year in which there*
25 *are funds available to make new awards.”;*

1 (4) *in section 404D (20 U.S.C. 1070a-24)—*

2 (A) *in subsection (b)—*

3 (i) *in paragraph (1), by striking “or*
4 *former participants of a program under*
5 *this chapter” and inserting “, former par-*
6 *ticipants of a program under this chapter,*
7 *or peers and near peers”;*

8 (ii) *in paragraph (3), by inserting*
9 *“academic, social, and postsecondary plan-*
10 *ning” after “supportive”;*

11 (iii) *in paragraph (10)—*

12 (I) *by redesignating subpara-*
13 *graphs (E) through (K) as subpara-*
14 *graphs (F) through (L), respectively;*

15 (II) *by inserting after subpara-*
16 *graph (D) the following:*

17 “(E) *counseling or referral services to ad-*
18 *dress the behavioral, social-emotional, and men-*
19 *tal health needs of at-risk students;”;*

20 (III) *in subparagraph (I), as re-*
21 *designated by subclause (I), by insert-*
22 *ing “, cognitive, non-cognitive, and*
23 *credit-by-examination” after “skills”;*

1 (IV) in subparagraph (K), as re-
2 designated by subclause (I), by striking
3 “and” after the semicolon;

4 (V) in subparagraph (L), as re-
5 designated by subclause (I), by striking
6 the period at the end and inserting “;
7 and”; and

8 (VI) by adding at the end the fol-
9 lowing:

10 “(M) capacity building activities that create
11 college-going cultures in participating schools
12 and local educational agencies.”; and

13 (iv) by adding at the end the following:

14 “(16) Creating or expanding secondary school
15 drop-out recovery programs that allow students who
16 have dropped out of secondary school to complete a
17 regular secondary school diploma and begin college-
18 level work.

19 “(17) Establishing data collection and data shar-
20 ing agreements to obtain, analyze, and report postsec-
21 ondary outcome data for eligible students for a period
22 of not more than 72 months after the end of the grant
23 award period, which may include postsecondary en-
24 rollment, persistence, and completion data.

1 “(18) *Establishing or maintaining an agreement*
2 *with a consortium of eligible entities described in sec-*
3 *tion 404A(c) to—*

4 “(A) *foster collaborative approaches to re-*
5 *search and evaluation;*

6 “(B) *improve the quality of data collection,*
7 *data sharing, analysis and reporting; and*

8 “(C) *apply evidence to improve programs*
9 *and evaluation under this chapter.*

10 “(19) *Facilitating the recruitment, participa-*
11 *tion, and retention of homeless individuals (as defined*
12 *in section 402A) and foster care youth in the services*
13 *provided under this chapter, including—*

14 “(A) *establishing partnerships with commu-*
15 *nity-based organizations, child welfare agencies,*
16 *homeless shelters, and local educational agency*
17 *liaisons for homeless individuals to identify such*
18 *individuals and youth, improve policies and*
19 *practices, and to establish data sharing agree-*
20 *ments;*

21 “(B) *carrying out activities (consistent with*
22 *the McKinney-Vento Homeless Assistance Act (42*
23 *U.S.C. 11301 et seq.)) to facilitate continued*
24 *participation of students who are no longer en-*
25 *rolled in a school served under this chapter due*

1 to changes in residence resulting from homeless-
2 ness or foster care placement, including—

3 “(i) allowing continued participation
4 when such a student is no longer enrolled,
5 on a temporary basis, in a school served
6 under this chapter; or

7 “(ii) providing transitional services
8 and referrals when such a student is no
9 longer enrolled, on a permanent basis, in a
10 school served under this chapter; and

11 “(C) carrying out other activities to meet
12 the needs of such homeless individuals and foster
13 care youth.

14 “(20) Providing services under this chapter to
15 students who have received services under a previous
16 grant award under this chapter but have not yet com-
17 pleted grade 12.”;

18 (B) in subsection (c)—

19 (i) in paragraph (3), by inserting
20 “and technical assistance” after “support”;
21 and

22 (ii) by striking paragraph (9); and

23 (C) in subsection (d)—

24 (i) in paragraph (3), by striking “or”;

1 (ii) by redesignating paragraph (4) as
2 paragraph (5); and

3 (iii) by inserting after paragraph (3)
4 the following:

5 “(4) eligible for free or reduced-price lunch under
6 the Richard B. Russell National School Lunch Act
7 (42 U.S.C. 1751 et seq.); or”;

8 (5) in section 404E (20 U.S.C. 1070a–25)—

9 (A) in subsection (a)—

10 (i) by redesignating paragraph (2) as
11 paragraph (3);

12 (ii) by inserting after paragraph (1)
13 the following:

14 “(2) APPLICATION REQUIREMENTS.—

15 “(A) PLAN FOR MAINTENANCE OF FINAN-
16 CIAL ASSISTANCE.—An eligible entity proposing
17 to establish or maintain a financial assistance
18 program providing scholarships for students as-
19 sisted by the program of the eligible entity under
20 this chapter shall include a plan regarding the
21 financial application program with the applica-
22 tion submitted under section 404C.

23 “(B) SCHOLARSHIP DETAILS.—Under a
24 plan described in subparagraph (A), an eligible
25 entity—

1 “(i) may elect to offer 1 or more types
2 of scholarships; and

3 “(ii) shall describe, for each type of
4 scholarship—

5 “(I) the minimum and maximum
6 awards for the scholarships, consistent
7 with subsection (d), based on criteria
8 and disbursement priorities established
9 by the eligible entity;

10 “(II) the duration of the scholar-
11 ships, which may be single-year or
12 multi-year awards;

13 “(III) the enrollment requirements
14 for participating students, which may
15 include providing scholarships for par-
16 ticipating students who are enrolled in
17 an institution of higher education on
18 less than a full-time basis during any
19 award year; and

20 “(IV) any additional student eli-
21 gibility criteria established by the eligi-
22 ble entity for earning and maintaining
23 scholarships under this section, includ-
24 ing—

25 “(aa) financial need;

1 “(bb) meeting participation
2 milestones in the activities offered
3 by the eligible entity under section
4 404D;

5 “(cc) meeting and maintain-
6 ing satisfactory academic mile-
7 stones; and

8 “(dd) other criteria aligned
9 with State and local goals to
10 incentivize postsecondary readi-
11 ness, access, and success.”; and

12 (iii) in paragraph (3), as redesignated
13 by clause (i), by striking “may award” and
14 inserting “may use not less than 10 percent
15 and not more than 50 percent of funds
16 made available under this chapter to
17 award”;

18 (B) in subsection (b)—

19 (i) in the subsection heading, by strik-
20 ing “LIMITATION” and inserting “STATE
21 LIMITATION”; and

22 (ii) in paragraph (2), by striking “eli-
23 gible entity demonstrates” and all that fol-
24 lows through the period at the end and in-
25 serting the following: “eligible entity—

1 “(A) demonstrates that the eligible entity
2 has another means of providing the students
3 with the financial assistance described in this
4 section or eligible students have reasonable access
5 to State and local financial assistance programs;
6 and

7 “(B) describes such means or access in the
8 application submitted under section 404C.”;

9 (C) in subsection (e)—

10 (i) by striking paragraph (1) and in-
11 sserting the following:

12 “(1) IN GENERAL.—

13 “(A) SCHOLARSHIP PLAN.—Each eligible
14 entity described in section 404A(c)(1) that re-
15 ceives a grant under this chapter shall hold in
16 reserve, for the students served by such grant as
17 described in section 404B(d)(1)(A) or 404D(d),
18 an estimated amount that is based on the eligible
19 entity’s scholarship plan described in subsection
20 (a)(1).

21 “(B) INTEREST USE.—Interest earned on
22 funds held in reserve under subparagraph (A)
23 may be used by the eligible entity to administer
24 the scholarship program during the award pe-

1 *riod and through the post-award period de-*
2 *scribed in paragraph (4).”;*

3 *(ii) in paragraph (2)(B), by inserting*
4 *“, or been accepted for enrollment,” after*
5 *“enrolled”; and*

6 *(iii) in paragraph (3)—*

7 *(I) in subparagraph (A), by strik-*
8 *ing “and” after the semicolon;*

9 *(II) by redesignating subpara-*
10 *graph (B) as subparagraph (C); and*

11 *(III) by inserting after subpara-*
12 *graph (A) the following:*

13 *“(B) the costs associated with enrolling in*
14 *an institution of higher education; and”;* and

15 *(D) in subsection (g)—*

16 *(i) in paragraph (3)—*

17 *(I) by inserting “or, if the eligible*
18 *entity chooses, in another program of*
19 *study or credential program for which*
20 *an individual could use funds received*
21 *under a Federal Pell Grant to attend,”*
22 *before “that is located”; and*

23 *(II) by striking “except that, at*
24 *the State’s option” and inserting “ex-*

1 *cept that, at the eligible entity’s op-*
2 *tion”; and*

3 *(ii) in paragraph (4), by inserting*
4 *“and qualifies for an award, consistent with*
5 *the eligible entity’s scholarship plan as de-*
6 *scribed in subsection (a)(2)” after*
7 *“404D(a)”;*

8 *(6) in section 404G (20 U.S.C. 1070a–27)—*

9 *(A) in subsection (b)—*

10 *(i) in paragraph (1), by striking*
11 *“and” after the semicolon;*

12 *(ii) in paragraph (2), by striking the*
13 *period at the end and inserting “; and”;*
14 *and*

15 *(iii) by inserting after paragraph (2)*
16 *the following:*

17 *“(3) include the following metrics:*

18 *“(A) The number of students completing the*
19 *Free Application for Federal Student Aid under*
20 *section 483.*

21 *“(B) If applicable, the number of students*
22 *receiving a scholarship under section 404E.*

23 *“(C) The graduation rate of participating*
24 *students from high school.*

1 “(D) *The enrollment of participating stu-*
2 *dents in postsecondary education.*”

3 “(E) *Such other metrics as the Secretary*
4 *may require.*”;

5 (B) *by redesignating subsections (c) and (d)*
6 *as subsections (d) and (e), respectively;*

7 (C) *by inserting after subsection (b) the fol-*
8 *lowing:*

9 “(c) *REPORT ON HOMELESS INDIVIDUALS AND FOS-*
10 *TER CARE YOUTH.—Each eligible entity that receives a*
11 *grant under section 404A shall, at the conclusion of such*
12 *grant, prepare and submit a report to the Secretary that*
13 *includes—*

14 “(1) *where available, the number of homeless in-*
15 *dividuals (as defined in section 402A) and foster care*
16 *youth served through the program; and*

17 “(2) *a description of any strategies or program*
18 *enhancements that were used by the eligible entity in*
19 *carrying out the program that were effective in meet-*
20 *ing the needs of such homeless individuals and foster*
21 *care youth.*”;

22 (D) *in subsection (d), as so redesignated—*

23 (i) *in the subsection heading, by insert-*
24 *ing “AND TECHNICAL ASSISTANCE” after*
25 *“FEDERAL EVALUATION”;*

1 (ii) in the matter preceding paragraph

2 (1)—

3 (I) by inserting “after consulta-
4 tion with the community of eligible en-
5 tities receiving grants under this chap-
6 ter and” after “Secretary shall,”;

7 (II) by striking “0.75” and insert-
8 ing “1”; and

9 (III) by striking “evaluate the ef-
10 fectiveness of the program and, as ap-
11 propriate, disseminate the results of the
12 evaluation. Such evaluation shall in-
13 clude a separate analysis of”;

14 (iii) by redesignating paragraphs (1)
15 and (2) as subparagraphs (A) and (B), re-
16 spectively, and indenting the margins ap-
17 propriately; and

18 (iv) before subparagraph (A) (as reded-
19 ignated by clause (iii)), by inserting the fol-
20 lowing:

21 “(1) provide pre-application technical assistance
22 workshops for eligible entities and potential appli-
23 cants in any year in which new awards are expected
24 to be made;

1 “(2) support initiatives designed to improve the
2 research, data collection and infrastructure, and eval-
3 uation capacity of eligible entities; and

4 “(3) evaluate the effectiveness of the program
5 and, as appropriate, disseminate the results of the
6 evaluation. Such evaluation may include a separate
7 analysis of—”; and

8 (7) in section 404H, by striking “\$400,000,000
9 for fiscal year 2009” and inserting “\$500,000,000 for
10 fiscal year 2021”.

11 **Subpart 3—Federal Supplemental Educational**
12 **Opportunity Grants**

13 **SEC. 4041. PURPOSE; APPROPRIATIONS AUTHORIZED.**

14 Section 413A of the Higher Education Act of 1965 (20
15 U.S.C. 1070b) is amended—

16 (1) by amending subsection (a) to read as fol-
17 lows:

18 “(a) *PURPOSE OF SUBPART.*—It is the purpose of this
19 subpart to—

20 “(1) provide, through institutions of higher edu-
21 cation, supplemental grants to assist in making
22 available the benefits of postsecondary education to
23 qualified students who demonstrate financial need in
24 accordance with the provisions of part F of this title;
25 and

1 “(2) to establish grant programs at various in-
2 stitutions of higher education, as defined in section
3 101, to determine best practices and policies regard-
4 ing the distribution of emergency grant aid to assist
5 students in completing their program of study, not-
6 withstanding aid they may have received in accord-
7 ance with the provisions of part F of this title.”;

8 (2) in subsection (b)(1), by striking “appro-
9 priated” and all that follows through the end and in-
10 serting “appropriated—

11 “(A) \$1,150,000,000 for fiscal year 2021;

12 “(B) \$1,300,000,000 for fiscal year 2022;

13 “(C) \$1,450,000,000, for fiscal year 2023;

14 “(D) \$1,600,000,000 for fiscal year 2024; and

15 “(E) \$1,750,000,000 for fiscal year 2025 and
16 each succeeding fiscal year.”;

17 (3) in subsection (b), by redesignating paragraph
18 (2) as paragraph (3); and

19 (4) in subsection (b), by inserting after para-
20 graph (1) the following:

21 “(2) For the purpose of enabling the Secretary to fund
22 emergency grant aid programs under section 420DD, there
23 are allocated, from funds authorized under paragraph
24 (b)(1), \$12,500,000 for fiscal year 2021 and each of the 5
25 succeeding fiscal years.”.

1 **SEC. 4042. INSTITUTIONAL ELIGIBILITY.**

2 *Section 413C(a) of the Higher Education Act of 1965*
3 *(20 U.S.C. 1070b-2) is amended—*

4 *(1) in paragraph (2)—*

5 *(A) by striking “agrees” and inserting “ex-*
6 *cept as provided in paragraph (4), agrees”; and*

7 *(B) by striking “and” at the end;*

8 *(2) in paragraph (3)(D), by striking the period*
9 *and inserting “; and”; and*

10 *(3) by adding at the end the following:*

11 *“(4) agrees that the Federal share of an award*
12 *under this subpart to an institution eligible for assist-*
13 *ance under title III or title V shall equal 100 percent*
14 *of such award.”.*

15 **SEC. 4043. ALLOCATION OF FUNDS.**

16 *Section 413D of the Higher Education Act of 1965 (20*
17 *U.S.C. 1070b-3) is amended to read as follows:*

18 **“SEC. 413D. ALLOCATION OF FUNDS.**

19 *“(a) ALLOCATION FORMULA FOR FISCAL YEARS 2021*
20 *THROUGH 2025.—*

21 *“(1) IN GENERAL.—From the amount appro-*
22 *priated under section 413A(b)(1) for a fiscal year, the*
23 *Secretary shall allocate to each institution—*

24 *“(A) for fiscal year 2021, an amount equal*
25 *to the greater of—*

1 “(i) 90 percent of the amount the insti-
2 tution received under subsection (a) for fis-
3 cal year 2020, as such subsection was in ef-
4 fect with respect to such fiscal year (in this
5 subparagraph referred to as ‘the 2020
6 amount for the institution’); or

7 “(ii) the fair share amount for the in-
8 stitution determined under subsection (c);

9 “(B) for fiscal year 2022, an amount equal
10 to the greater of—

11 “(i) 80 percent of the 2020 amount for
12 the institution; or

13 “(ii) the fair share amount for the in-
14 stitution determined under subsection (c);

15 “(C) for fiscal year 2023, an amount equal
16 to the greater of—

17 “(i) 60 percent of the fiscal year 2020
18 amount for the institution; or

19 “(ii) the fair share amount for the in-
20 stitution determined under subsection (c);

21 “(D) for fiscal year 2024, an amount equal
22 to the greater of—

23 “(i) 40 percent of the 2020 amount for
24 the institution; or

1 “(ii) the fair share amount for the in-
2 stitution determined under subsection (c);
3 and

4 “(E) for fiscal year 2025, an amount equal
5 to the greater of—

6 “(i) 20 percent of the 2020 amount for
7 the institution; or

8 “(ii) the fair share amount for the in-
9 stitution determined under subsection (c).

10 “(2) RATABLE REDUCTION.—

11 “(A) IN GENERAL.—If the amount appro-
12 priated under section 413A(b)(1) for a fiscal
13 year is less than the amount required to be allo-
14 cated to the institutions under this subsection,
15 then the amount of the allocation to each institu-
16 tion shall be ratably reduced.

17 “(B) ADDITIONAL APPROPRIATIONS.—If the
18 amounts allocated to each institution are ratably
19 reduced under subparagraph (A) for a fiscal year
20 and additional amounts are appropriated for
21 such fiscal year, the amount allocated to each in-
22 stitution from the additional amounts shall be
23 increased on the same basis as the amounts
24 under subparagraph (A) were reduced (until

1 *each institution receives the amount required to*
2 *be allocated under this subsection).*

3 “(b) *ALLOCATION FORMULA FOR FISCAL YEAR 2026*
4 *AND EACH SUCCEEDING FISCAL YEAR.—From the amount*
5 *appropriated under section 413A(b)(1) for fiscal year 2026*
6 *and each succeeding fiscal year, the Secretary shall allocate*
7 *to each institution the fair share amount for the institution*
8 *determined under subsection (c).*

9 “(c) *DETERMINATION OF FAIR SHARE AMOUNT.—*

10 “(1) *IN GENERAL.—Subject to paragraph (2), the*
11 *fair share amount for an institution for a fiscal year*
12 *shall be equal to the sum of the institution’s under-*
13 *graduate student need described in paragraph (2) for*
14 *the preceding fiscal year.*

15 “(2) *INSTITUTIONAL UNDERGRADUATE STUDENT*
16 *NEED CALCULATION.—The institutional under-*
17 *graduate student need for an institution for a fiscal*
18 *year shall be equal to the sum of the following:*

19 “(A) *An amount equal to 50 percent of the*
20 *amount that bears the same proportion to the*
21 *available appropriated amount for such fiscal*
22 *year as the total amount of Federal Pell Grant*
23 *funds awarded at the institution for the pre-*
24 *ceding fiscal year bears to the total amount of*
25 *Federal Pell Grant funds awarded at all institu-*

1 *tions participating under this part for the pre-*
2 *ceding fiscal year.*

3 *“(B) An amount equal to 50 percent of the*
4 *amount that bears the same proportion to the*
5 *available appropriated amount for such fiscal*
6 *year as the total amount of the undergraduate*
7 *student need at the institution for the preceding*
8 *fiscal year bears to the total amount of under-*
9 *graduate student need at all institutions partici-*
10 *pating under this part for the preceding fiscal*
11 *year.*

12 *“(3) ELIGIBILITY FOR FAIR SHARE AMOUNT.—*
13 *The Secretary may not allocate funds under this sub-*
14 *part to any institution that, for 2 or more fiscal*
15 *years during any 3 fiscal year period beginning not*
16 *earlier than the first day of the first fiscal year that*
17 *is 2 years after the date of the enactment of this para-*
18 *graph, has a student population with less than 7 per-*
19 *cent of undergraduate students who are recipients of*
20 *Federal Pell Grants.*

21 *“(d) DEFINITIONS.—In this section:*

22 *“(1) AVERAGE COST OF ATTENDANCE.—The term*
23 *‘average cost of attendance’ has the meaning given the*
24 *term in section 4202(e)(5)(B).*

1 “(2) *UNDERGRADUATE STUDENT NEED.*—The
2 term ‘undergraduate student need’ means, with re-
3 spect to an undergraduate student for an award year,
4 the lesser of the following:

5 “(A) *The total of the amount equal to (ex-*
6 *cept the amount computed by this clause shall*
7 *not be less than zero)*—

8 “(i) *the average cost of attendance for*
9 *the award year, minus*

10 “(ii) *such undergraduate student’s ex-*
11 *pected family contribution (computed in ac-*
12 *cordance with part F of this title) for the*
13 *preceding award year.*

14 “(B) *The total loan annual limit for a Fed-*
15 *eral Direct Unsubsidized Stafford Loan and a*
16 *Federal Direct Loan.”.*

17 **SEC. 4044. EMERGENCY FINANCIAL AID GRANT PROGRAM.**

18 *Part A of title IV of the Higher Education Act of 1965*
19 *(20 U.S.C. 1070b et seq.) is amended by inserting after sub-*
20 *part 12, as added by section 4093, the following:*

21 **“Subpart 13—Emergency Financial Aid Grants**

22 **“SEC. 420DD. EMERGENCY FINANCIAL AID GRANT PRO-**
23 **GRAM.**

24 “(a) *EMERGENCY FINANCIAL AID GRANT PROGRAMS*
25 *AUTHORIZED.*—The Secretary shall carry out a grant pro-

1 gram to make grants, in accordance with subsection (c), to
2 eligible entities to provide emergency financial aid grants
3 to students in accordance with subsection (d).

4 “(b) *MATCHING FUNDS.*—

5 “(1) *LIMITATION ON AMOUNT OF FEDERAL*
6 *SHARE.*—*Except as provided in paragraph (3), the*
7 *Federal share of the cost of any emergency grant aid*
8 *program carried out under this section may not ex-*
9 *ceed 50 percent.*

10 “(2) *LIMITATION.*—*Matching funds provided by*
11 *an eligible entity under this subsection may not in-*
12 *clude in-kind contributions.*

13 “(3) *EXCEPTIONS.*—*The Federal share of the cost*
14 *of an emergency grant aid program carried out under*
15 *this section shall equal 100 percent if the institution*
16 *carrying out the emergency grant aid is an institu-*
17 *tion of higher education eligible for assistance under*
18 *title III or V.*

19 “(c) *APPLICATION.*—

20 “(1) *IN GENERAL.*—*Each eligible entity desiring*
21 *to carry out an emergency grant aid program under*
22 *this section shall submit an application to the Sec-*
23 *retary, at such time, in such manner, and containing*
24 *such information as the Secretary may require.*

1 “(2) *OUTREACH.*—*The Secretary shall, at least*
2 *30 days before each deadline to submit applications*
3 *under paragraph (1), conduct outreach to institutions*
4 *of higher education described in subsection (b)(3) to*
5 *provide such institutions with information on the op-*
6 *portunity to apply under paragraph (1) to carry out*
7 *an emergency grant aid program under this section.*

8 “(3) *CONTENTS.*—*Each application under para-*
9 *graph (1) shall include a description of the emergency*
10 *grant aid program to be carried out by the eligible*
11 *entity, including—*

12 “(A) *an estimate of the number of emer-*
13 *gency financial aid grants that such entity will*
14 *make in an award year and how such eligible*
15 *entity assessed such estimate;*

16 “(B) *the criteria the eligible entity will use*
17 *to determine an emergency for which an eligible*
18 *student will be eligible to receive an emergency*
19 *financial aid grant;*

20 “(C) *an assurance that an emergency for*
21 *which an eligible student will be eligible to re-*
22 *ceive an emergency financial aid grant will in-*
23 *clude financial challenges that would directly*
24 *impact the ability of an eligible student to con-*

1 *tinue and complete the course of study of such*
2 *student, including—*

3 *“(i) a loss of employment, transpor-*
4 *tation, child care, utilities, or housing of the*
5 *student;*

6 *“(ii) a medical condition (including*
7 *pregnancy) of the student, or a dependent of*
8 *the student;*

9 *“(iii) with respect to the eligible stu-*
10 *dent, food insecurity; and*

11 *“(iv) in the case of an eligible student*
12 *who is a dependent student—*

13 *“(I) the death of a parent or*
14 *guardian of such eligible student; or*

15 *“(II) a medical condition of the*
16 *parent or guardian of such eligible stu-*
17 *dent which results in the loss of em-*
18 *ployment of such parent or guardian;*

19 *“(D) a description of the process by which*
20 *an eligible student may apply and receive an*
21 *emergency financial aid grant;*

22 *“(E) an assurance that the eligible entity,*
23 *when applicable, will make information avail-*
24 *able to eligible students about the eligibility of*
25 *such students and their dependents for assistance*

1 *under the supplemental nutrition assistance pro-*
2 *gram under the Food and Nutrition Act of 2008*
3 *(7 U.S.C. 2011 et seq.), the special supplemental*
4 *nutrition program for women, infants, and chil-*
5 *dren under the Child Nutrition Act of 1966 (42*
6 *U.S.C. 1786), and the program of block grants*
7 *for States for temporary assistance for needy*
8 *families established under part A of title IV of*
9 *the Social Security Act (42 U.S.C. 601 et seq.);*

10 *“(F) how the eligible entity will administer*
11 *the emergency grant aid program, including the*
12 *processes the eligible entity will use to respond to*
13 *applications, approve applications, and disburse*
14 *emergency financial aid grants outside of normal*
15 *business hours;*

16 *“(G) an assurance that the process by which*
17 *an eligible student applies for an emergency fi-*
18 *nancial aid grant includes—*

19 *“(i) to the extent practicable, an inter-*
20 *view; and*

21 *“(ii) at least one opportunity to appeal*
22 *a denial of such a grant;*

23 *“(H) an assurance that the eligible entity*
24 *will acknowledge receipt of a student’s request*

1 *and distribute funds in a timely manner as de-*
2 *termined by the Secretary;*

3 “(I) *a description of how the school intends*
4 *to limit fraud or abuse; and*

5 “(J) *any other information the Secretary*
6 *may require.*

7 “(4) *PRIORITY.—In selecting eligible entities to*
8 *carry out an emergency grant aid program under this*
9 *section, the Secretary shall give priority to an eligible*
10 *entity in which at least 30 percent of the students en-*
11 *rolled at such eligible entity are eligible to receive a*
12 *Federal Pell Grant.*

13 “(d) *USE OF FUNDS.—*

14 “(1) *IN GENERAL.—An eligible entity may only*
15 *use funds provided under this section to make emer-*
16 *gency financial aid grants to eligible students.*

17 “(2) *LIMITATIONS.—*

18 “(A) *AMOUNT.—An emergency financial*
19 *aid grant to an eligible student may not be in*
20 *an amount greater than \$750.*

21 “(B) *TOTAL AMOUNT.—The total amount of*
22 *the Federal share of emergency financial aid*
23 *grants that an eligible student may receive from*
24 *an eligible entity may not exceed \$2,000. An eli-*
25 *gible student may receive an amount under this*

1 *section that would cause the amount of total fi-*
2 *nancial aid received by such student to exceed*
3 *the cost of attendance of the institution of higher*
4 *education in which the student is enrolled.*

5 “(e) *REPORTING AND OVERSIGHT.*—

6 “(1) *IN GENERAL.*—*Not less frequently than once*
7 *annually, each eligible entity that receives a grant*
8 *under this subpart shall submit to the Secretary a re-*
9 *port on the progress of the eligible entity in carrying*
10 *out the programs supported by such grant.*

11 “(2) *FORM OF REPORT.*—*The report under para-*
12 *graph (1) shall be submitted to the Secretary at such*
13 *time, in such manner, and containing such informa-*
14 *tion as the Secretary may require. The Secretary*
15 *shall issue uniform guidelines describing the informa-*
16 *tion that shall be reported by grantees under such*
17 *paragraph.*

18 “(3) *CONTENT OF REPORT.*—*The report under*
19 *paragraph (1) shall include, at minimum, the fol-*
20 *lowing:*

21 “(A) *The number of students that received a*
22 *grant, including the number of students who re-*
23 *ceived more than one grant.*

24 “(B) *The average award amount awarded*
25 *to eligible students.*

1 “(C) *The types of emergencies declared and*
2 *frequencies emergencies declared by eligible stu-*
3 *dents.*

4 “(D) *The number of students that applied*
5 *for emergency grant aid.*

6 “(E) *The number of students that were de-*
7 *nied such grants.*

8 “(F) *The average amount of time it took an*
9 *eligible entity to respond to requests for emer-*
10 *gency grant aid and average amount of time it*
11 *took the eligible entity to award or deny the*
12 *emergency grant aid.*

13 “(G) *Outcomes of the eligible students that*
14 *received emergency grant aid, including rates of*
15 *persistence, retention, and completion, and a*
16 *comparison of such rates for such students as*
17 *compared to such rates for Federal Pell recipi-*
18 *ents at the institution.*

19 “(f) *DEFINITIONS.—In this section:*

20 “(1) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
21 *ty’ means an institution of higher education that on*
22 *the date such entity receives a grant under this sec-*
23 *tion, is participating in the FSEOG program under*
24 *subpart 3.*

1 “(2) *ELIGIBLE STUDENT*.—The term ‘eligible
2 *student*’ means a student who—

3 “(A) is enrolled in an eligible entity on an
4 at least half-time basis; and

5 “(B) who is making satisfactory academic
6 progress.

7 “(3) *INSTITUTION OF HIGHER EDUCATION*.—The
8 term ‘institution of higher education’ has the meaning
9 given the term in section 101.”.

10 ***Subpart 4—Special Programs for Students Whose***
11 ***Families Are Engaged in Migrant and Seasonal***
12 ***Farmwork***

13 ***SEC. 4051. SPECIAL PROGRAMS FOR STUDENTS WHOSE***
14 ***FAMILIES ARE ENGAGED IN MIGRANT AND***
15 ***SEASONAL FARMWORK.***

16 Section 418A(i) of the Higher Education Act of 1965
17 (20 U.S.C. 1070d–2(i)) is amended by striking “2009” and
18 inserting “2021”.

19 ***Subpart 5—Child Care Access Means Parents in***
20 ***School***

21 ***SEC. 4061. CCAMPIS REAUTHORIZATION.***

22 Section 419N of the Higher Education Act of 1965 (20
23 U.S.C. 1070e) is amended—

24 (1) in subsection (b)—

25 (A) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) by striking “The amount” and
3 inserting “Except as provided in sub-
4 paragraph (C), the amount”; and

5 (II) by striking “1 percent” and
6 inserting “2 percent”;

7 (ii) in subparagraph (B)(ii), by strik-
8 ing “subsection (g)” and inserting “sub-
9 section (h)”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(C) PERFORMANCE BONUS.—

13 “(i) IN GENERAL.—Notwithstanding
14 subparagraph (A), for any fiscal year for
15 which the amount appropriated under sub-
16 section (h) is not less than \$140,000,000,
17 the Secretary may pay a performance bonus
18 to an eligible institution of higher edu-
19 cation.

20 “(ii) MAXIMUM AMOUNT.—A bonus
21 paid to an eligible institution of higher edu-
22 cation under clause (i) for a fiscal year
23 shall not exceed an amount equal to 20 per-
24 cent of the amount of the annual grant pay-
25 ment received by the institution under

1 *paragraph (3)(B) for the fiscal year pre-*
2 *ceding the fiscal year for which the bonus is*
3 *paid.*

4 “(iii) *USE OF BONUS.*—*A bonus re-*
5 *ceived by an institution under clause (i)*
6 *shall be used by the institution in the same*
7 *manner as a grant under this section and*
8 *shall be treated as grant funds for purposes*
9 *of the application of paragraph (5), except*
10 *that the Secretary may extend the grant pe-*
11 *riod as necessary for the institution to use*
12 *such bonus.*

13 “(iv) *ELIGIBLE INSTITUTION OF HIGH-*
14 *ER EDUCATION.*—*In this subparagraph, the*
15 *term ‘eligible institution of higher edu-*
16 *cation’ means an institution of higher edu-*
17 *cation that—*

18 “(I) *has received a grant under*
19 *this section for not less than the period*
20 *of three consecutive fiscal years pre-*
21 *ceding the fiscal year in which the*
22 *bonus is paid under clause (i);*

23 “(II) *for each such preceding fis-*
24 *cal year, has met or exceeded the per-*
25 *formance levels established by the insti-*

1 *tution for such year under subsection*
2 *(e)(1)(B)(v); and*

3 *“(III) has demonstrated the need*
4 *for such bonus.”;*

5 *(B) in paragraph (3)—*

6 *(i) in subparagraph (A), by striking*
7 *“4 years” and inserting “5 years”; and*

8 *(ii) in subparagraph (B), by striking*
9 *“subsection (e)(2)” and inserting “sub-*
10 *section (e)(3)”;* and

11 *(C) by amending paragraph (5) to read as*
12 *follows:*

13 *“(5) USE OF FUNDS.—Grant funds under this*
14 *section shall be used by an institution of higher edu-*
15 *cation to support or establish a campus-based child*
16 *care program primarily serving the needs of low-in-*
17 *come students enrolled at the institution of higher*
18 *education. Grant funds under this section may be*
19 *used to provide the following services to the extent*
20 *necessary to enable low-income students enrolled at*
21 *the institution of higher education to pursue postsec-*
22 *ondary education—*

23 *“(A) evening, summer, weekend and before*
24 *and after school services; and*

1 “(B) services to expectant parents, such as
2 the provision of information regarding the rela-
3 tionship between prenatal health and early child
4 development and the administration of a home
5 visit closely following the birth of the child.”;

6 (2) by amending subsection (c) to read as fol-
7 lows:

8 “(c) APPLICATIONS.—

9 “(1) IN GENERAL.—An institution of higher edu-
10 cation desiring a grant under this section shall sub-
11 mit an application to the Secretary at such time, in
12 such manner, and accompanied by such information
13 as the Secretary may require. Such application
14 shall—

15 “(A) demonstrate that the institution is an
16 eligible institution described in subsection (b)(4);

17 “(B) specify the amount of funds requested;

18 “(C) demonstrate the need of low-income
19 students at the institution for campus-based
20 child care services by including in the applica-
21 tion—

22 “(i) information regarding student de-
23 mographics, including the share of students
24 enrolled full-time;

1 “(ii) an assessment of child care capac-
2 ity on or near campus;

3 “(iii) information regarding the wait-
4 ing lists for child care services on or near
5 campus;

6 “(iv) information regarding additional
7 needs created by concentrations of poverty
8 or by geographic isolation;

9 “(v) information about the number of
10 low-income student parents being served
11 through campus-based child care services;
12 and

13 “(vi) other relevant data;

14 “(D) specify the estimated percentage of the
15 institution’s grant that will be used directly to
16 subsidize the fee charged for on-campus and off-
17 campus childcare, respectively, for low-income
18 students;

19 “(E) contain a description of the activities
20 to be assisted, including whether the grant funds
21 will support an existing child care program or
22 a new child care program;

23 “(F) identify the resources, including tech-
24 nical expertise and financial support, that the
25 institution will draw upon to support the child

1 *care program and the participation of low-in-*
2 *come students in the program (such as accessing*
3 *social services funding, using student activity*
4 *fees to help pay the costs of child care, using re-*
5 *sources obtained by meeting the needs of parents*
6 *who are not low-income students, and accessing*
7 *foundation, corporate, or other institutional sup-*
8 *port) and demonstrate that the use of the re-*
9 *sources will not result in increases in student*
10 *tuition;*

11 “(G) contain an assurance that the institu-

12 *tion will meet the child care needs of low-income*
13 *students through the provision of services, or*
14 *through a contract for the provision of services;*

15 “(H) describe the extent to which the child

16 *care program will coordinate with the institu-*
17 *tion’s early childhood education curriculum, to*
18 *the extent the curriculum is available, to meet*
19 *the needs of the students in the early childhood*
20 *education program at the institution, and the*
21 *needs of the parents and children participating*
22 *in the child care program assisted under this sec-*
23 *tion;*

24 “(I) in the case of an institution seeking as-

25 *sistance for a new child care program—*

1 “(i) provide a timeline, covering the
2 period from receipt of the grant through the
3 provision of the child care services, delin-
4 eating the specific steps the institution will
5 take to achieve the goal of providing low-in-
6 come students with child care services;

7 “(ii) specify any measures the institu-
8 tion will take to assist low-income students
9 with child care during the period before the
10 institution provides child care services; and

11 “(iii) include a plan for identifying re-
12 sources needed for the child care services, in-
13 cluding space in which to provide child care
14 services, and technical assistance if nec-
15 essary;

16 “(J) contain an assurance that any child
17 care facility assisted under this section will meet
18 the applicable State and local government licens-
19 ing, certification, approval, or registration re-
20 quirements;

21 “(K) in the case of an institution that is
22 awarded a grant under this section after the date
23 of the enactment of the College Affordability Act,
24 provide an assurance that, not later than three
25 years after the date on which such grant is

1 *awarded, any child care facility assisted with*
2 *such grant will—*

3 “(i) *meet Head Start performance*
4 *standards under subchapter B of chapter 13*
5 *of title 45, Code of Federal Regulations (as*
6 *in effect on the date of enactment of the Col-*
7 *lege Affordability Act) and any successor*
8 *regulations;*

9 “(ii) *be in the top tier of the quality*
10 *rating improvement system for such facili-*
11 *ties used by the State in which the facility*
12 *is located;*

13 “(iii) *meet the licensing requirements*
14 *of the State in which the facility is located*
15 *and the quality requirements under the*
16 *Child Care and Development Block Grant*
17 *Act of 1990 (42 U.S.C. 9858 et seq.); or*

18 “(iv) *be accredited by a national early*
19 *childhood accrediting body with dem-*
20 *onstrated valid and reliable program qual-*
21 *ity standards;*

22 “(L) *contain an assurance that the institu-*
23 *tion, when applicable, will make information*
24 *available to students receiving child care services*
25 *provided under this section about the eligibility*

1 *of such students and their dependents for assist-*
2 *ance under the supplemental nutrition assistance*
3 *program under the Food and Nutrition Act of*
4 *2008 (7 U.S.C. 2011 et seq.), the special supple-*
5 *mental nutrition program for women, infants,*
6 *and children under the Child Nutrition Act of*
7 *1966 (42 U.S.C. 1786), and the program of block*
8 *grants for States for temporary assistance for*
9 *needy families established under part A of title*
10 *IV of the Social Security Act (42 U.S.C. 601 et*
11 *seq.);*

12 *“(M) contain an abstract summarizing the*
13 *contents of such application and how the institu-*
14 *tion intends to achieve the purpose under sub-*
15 *section (a); and*

16 *“(N) contain an assurance that the institu-*
17 *tion will provide information on the institution’s*
18 *website regarding the availability of child care*
19 *subsidies for student parents and the dependent*
20 *care cost allowance available to parents with de-*
21 *pendent children in accordance with section 472.*

22 *“(2) TECHNICAL ASSISTANCE.—The Secretary*
23 *may provide technical assistance to eligible institu-*
24 *tions to help such institutions qualify for, apply for,*
25 *and maintain a grant under this section.”;*

1 (3) in subsection (d)—

2 (A) in the matter preceding paragraph (1),
3 by striking “to institutions of higher education
4 that submit applications describing programs
5 that”;

6 (B) by amending paragraph (1) to read as
7 follows:

8 “(1) based on the extent to which institutions of
9 higher education that submit applications for such a
10 grant leverage local or institutional resources, includ-
11 ing in-kind contributions, to support the activities as-
12 sisted under this section;”;

13 (C) by redesignating paragraph (2) as
14 paragraph (3);

15 (D) by inserting after paragraph (1), the
16 following:

17 “(2) to institutions of higher education that,
18 compared to other institutions of higher education
19 that submit applications for such a grant, dem-
20 onstrate a high likelihood of need for campus-based
21 child care based on student demographics (such as a
22 high proportion of low-income students or inde-
23 pendent students); and”;

24 (E) in paragraph (3) (as redesignated by
25 subparagraph (C)), by inserting “to institutions

1 of higher education that submit applications de-
2 scribing programs that” before “utilize”; and
3 (4) in subsection (e)—

4 (A) in paragraph (1)(B)—

5 (i) by redesignating clauses (ii), (iii),
6 and (iv) as clauses (vi), (vii), and (viii), re-
7 spectively; and

8 (ii) by striking the semicolon at the
9 end of clause (i) and inserting the following:
10 “which shall include—

11 “(I) the number of full- and part-
12 time students, respectively, receiving
13 child care services under this section at
14 least once per week during the aca-
15 demic year;

16 “(II) the number of credits accu-
17 mulated by students receiving such
18 child care services; and

19 “(III) the number of students re-
20 ceiving child care services under this
21 section at least once per week during
22 the academic year who—

23 “(aa) remain enrolled at the
24 institution during the academic

1 *year for which they received such*
2 *services;*

3 *“(bb) enroll at the institution*
4 *for the following academic year;*
5 *and*

6 *“(cc) graduate or transfer*
7 *within—*

8 *“(AA) 150 percent of the*
9 *normal time for completion*
10 *of a student’s four-year de-*
11 *gree granting program; or*

12 *“(BB) 200 percent of*
13 *the normal time for comple-*
14 *tion of a student’s two-year*
15 *degree-granting program;*

16 *“(ii) with respect to the total student*
17 *enrollment at the institution and the total*
18 *enrollment of low-income students at the in-*
19 *stitution, respectively—*

20 *“(I) the rate at which students*
21 *who complete an academic year at the*
22 *institution re-enroll in the institution*
23 *for the following academic year; and*

24 *“(II) the percentage of students*
25 *graduating or transferring within—*

1 “(aa) 150 percent of the nor-
2 mal time for completion of a stu-
3 dent’s four-year degree granting
4 program; or

5 “(bb) 200 percent of the nor-
6 mal time for completion of a stu-
7 dent’s two-year degree granting
8 program;

9 “(iii) the percentage of the institution’s
10 grant that was used directly to subsidize the
11 fee charged for on-campus and off-campus
12 childcare, respectively, for low-income stu-
13 dents;

14 “(iv) whether the institution restricts
15 eligibility for child care services to only
16 full-time students;

17 “(v) the sufficiently ambitious levels of
18 performance established for such year by the
19 institution that demonstrate meaningful
20 progress and allow for meaningful evalua-
21 tion of program quality based on the infor-
22 mation in clauses (i)(III) and (iii);”;

23 (B) by redesignating paragraph (2) as
24 paragraph (3);

1 (C) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) *REPORT*.—

4 “(A) *REPORT REQUIRED*.—On an annual
5 basis, the Secretary shall submit to the author-
6 izing committees a report that includes—

7 “(i) a summary of the information de-
8 scribed in paragraph (1); and

9 “(ii) each abstract submitted under
10 subsection (c)(1)(M) by an institution of
11 higher education that receives a grant under
12 this section.

13 “(B) *PUBLIC AVAILABILITY*.—The Secretary
14 shall make each report submitted under subpara-
15 graph (A) publicly available.”;

16 (D) in paragraph (3), as so redesignated, by
17 inserting “(other than the information provided
18 under subparagraph (B)(v) of such paragraph)”
19 after “paragraph (1)”; and

20 (E) by adding at the end the following:

21 “(4) *TECHNICAL ASSISTANCE*.—The Secretary
22 shall provide technical assistance to institutions of
23 higher education receiving grants under this section
24 to help such institutions meet the reporting require-
25 ments under this subsection.”; and

1 (5) in subsection (g), by striking “such sums as
2 may be necessary for fiscal year 2009” and inserting
3 “\$200,000,000 for fiscal year 2021”.

4 **Subpart 6—Jumpstart to College Grant Programs**

5 **SEC. 4071. JUMPSTART TO COLLEGE GRANT PROGRAMS.**

6 Part A of title IV of the Higher Education Act of 1965
7 (20 U.S.C. 1070 et seq.) is further amended by inserting
8 after subpart 7 the following:

9 **“Subpart 8—Jumpstart to College**

10 **“SEC. 4190. DEFINITIONS.**

11 *“In this subpart:*

12 *“(1) ELIGIBLE ENTITY.—The term ‘eligible enti-*
13 *ty’ means an institution of higher education in part-*
14 *nership with one or more local educational agencies*
15 *(which may be an educational service agency). Such*
16 *partnership may also include other entities such as*
17 *nonprofit organizations or businesses, and schools in*
18 *juvenile detention centers.*

19 *“(2) INSTITUTION OF HIGHER EDUCATION.—The*
20 *term ‘institution of higher education’ has the meaning*
21 *given the term in section 101 (20 U.S.C. 1001).*

22 *“(3) ESEA TERMS.—The terms ‘dual or concur-*
23 *rent enrollment program’, ‘early college high school’,*
24 *‘educational service agency’, ‘four-year adjusted co-*
25 *hort graduation rate’, ‘local educational agency’, ‘sec-*

1 *ondary school*, and *‘State’* have meanings given the
2 *terms in section 8101 of the Elementary and Sec-*
3 *ondary Education Act of 1965 (20 U.S.C. 7801).*

4 *“(4) LOW-INCOME STUDENT.—The term ‘low-in-*
5 *come student’ means a student counted under section*
6 *1124(c) of the Elementary and Secondary Education*
7 *Act of 1965 (20 U.S.C. 6333(c)).*

8 *“(5) RECOGNIZED POSTSECONDARY CREDEN-*
9 *TIAL.—The term ‘recognized postsecondary credential’*
10 *has the meaning given the term in section 3 of the*
11 *Workforce Innovation and Opportunity Act (29*
12 *U.S.C. 3102).*

13 **“SEC. 419P. AUTHORIZATION OF APPROPRIATIONS; RES-**
14 **ERVATIONS.**

15 *“(a) IN GENERAL.—To carry out this subpart, there*
16 *are authorized to be appropriated \$250,000,000 for fiscal*
17 *year 2021 and each of the five succeeding fiscal years.*

18 *“(b) RESERVATIONS.—From the funds appropriated*
19 *under subsection (a) for each fiscal year, the Secretary shall*
20 *reserve—*

21 *“(1) not less than 40 percent for grants to eligi-*
22 *ble entities under section 419Q;*

23 *“(2) not less than 55 percent for grants to States*
24 *under section 419R; and*

1 “(3) not less than 5 percent for national activi-
2 ties under section 419T.

3 **“SEC. 419Q. GRANTS TO ELIGIBLE ENTITIES.**

4 “(a) *IN GENERAL.*—The Secretary shall award grants
5 to eligible entities, on a competitive basis, to assist such
6 entities in establishing or supporting an early college high
7 school or dual or concurrent enrollment program in accord-
8 ance with this section.

9 “(b) *DURATION.*—Each grant under this section shall
10 be awarded for a period of 6 years.

11 “(c) *GRANT AMOUNT.*—The Secretary shall ensure that
12 the amount of each grant under this section is sufficient
13 to enable each grantee to carry out the activities described
14 in subsection (h), except that a grant under this section
15 may not exceed \$2,000,000.

16 “(d) *MATCHING REQUIREMENT.*—

17 “(1) *IN GENERAL.*—For each year that an eligi-
18 ble entity receives a grant under this section, the enti-
19 ty shall contribute matching funds, in the amounts
20 described in paragraph (2), for the activities sup-
21 ported by the grant.

22 “(2) *AMOUNTS DESCRIBED.*—The amounts de-
23 scribed in this paragraph are—

1 “(A) for each of the first and second years
2 of the grant period, 20 percent of the grant
3 amount;

4 “(B) for each of the third and fourth years
5 of the grant period, 30 percent of the grant
6 amount;

7 “(C) for the fifth year of the grant period,
8 40 percent of the grant amount; and

9 “(D) for the sixth year of the grant period,
10 50 percent of the grant amount.

11 “(3) DETERMINATION OF AMOUNT CONTRIB-
12 UTED.—

13 “(A) IN-KIND CONTRIBUTIONS.—The Sec-
14 retary shall allow an eligible entity to meet the
15 requirements of this subsection through in-kind
16 contributions.

17 “(B) NON-FEDERAL SOURCES.—Not less
18 than half of each amount described in paragraph
19 (2) shall be provided by the eligible entity from
20 non-Federal sources.

21 “(e) SUPPLEMENT, NOT SUPPLANT.—An eligible enti-
22 ty shall use a grant received under this section only to sup-
23 plement funds that would, in the absence of such grant, be
24 made available from other Federal, State, or local sources

1 *for activities supported by the grant, not to supplant such*
2 *funds.*

3 “(f) *PRIORITY.*—*In awarding grants under this sec-*
4 *tion, the Secretary shall give priority to eligible entities*
5 *that—*

6 “(1) *propose to establish or support an early col-*
7 *lege high school or other dual or concurrent enroll-*
8 *ment program that will serve a student population of*
9 *which not less than 51 percent are low-income stu-*
10 *dents;*

11 “(2) *include a local educational agency which*
12 *serves a high school that is—*

13 “(A) *identified for comprehensive support*
14 *and improvement under section 1111(c)(4)(D)(i)*
15 *of the Elementary and Secondary Education Act*
16 *of 1965 (20 U.S.C. 6311(c)(4)(D)(i)); or*

17 “(B) *implementing a targeted support and*
18 *improvement plan as described in section*
19 *1111(d)(2) of the Elementary and Secondary*
20 *Education Act of 1965 (20 U.S.C. 6311(d)(2));*

21 “(3) *are from States that provide assistance to*
22 *early college high schools or other dual enrollment*
23 *programs, such as assistance to defray the costs of*
24 *higher education (including costs of tuition, fees, and*
25 *textbooks); and*

1 “(4) propose to establish or support an early col-
2 lege high school or dual or concurrent enrollment pro-
3 gram that meets quality standards established by—

4 “(A) a nationally recognized accrediting
5 agency or association that offers accreditation
6 specifically for such programs; or

7 “(B) a State process specifically for the re-
8 view and approval of such programs.

9 “(g) *EQUITABLE DISTRIBUTION.*—The Secretary shall
10 ensure, to the extent practicable, that eligible entities receiv-
11 ing grants under this section—

12 “(1) are from a representative cross section of—

13 “(A) urban, suburban, and rural areas; and

14 “(B) regions of the United States; and

15 “(2) include both two-year and four-year institu-
16 tions of higher education.

17 “(h) *USES OF FUNDS.*—

18 “(1) *MANDATORY ACTIVITIES.*—

19 “(A) *IN GENERAL.*—An eligible entity shall
20 use grant funds received under this section—

21 “(i) to support the activities described
22 in its application under subsection (i);

23 “(ii) to create and maintain a coherent
24 system of supports for students, teachers,

1 principals, and faculty under the program,
2 including—

3 “(I) college and career readiness,
4 academic, and social support services
5 for students; and

6 “(II) professional development for
7 secondary school teachers, faculty, and
8 principals, and faculty from the insti-
9 tution of higher education, including—

10 “(aa) joint professional de-
11 velopment activities; and

12 “(bb) activities to assist such
13 teachers, faculty, and principals
14 in using effective parent and com-
15 munity engagement strategies and
16 to help ensure the success of stu-
17 dents academically at risk of not
18 enrolling in or completing postsec-
19 ondary education, first-generation
20 college students, and students de-
21 scribed in section
22 1111(b)(2)(B)(xi) of the Elemen-
23 tary and Secondary Education
24 Act of 1965 (20 U.S.C.
25 6311(b)(2)(B)(xi));

1 “(iii) to carry out liaison activities
2 among the partners that comprise the eligi-
3 ble entity pursuant to an agreement or
4 memorandum of understanding docu-
5 menting commitments, resources, roles, and
6 responsibilities of the partners consistent
7 with the design of the program;

8 “(iv) for outreach programs to ensure
9 that secondary school students and their
10 families, including students academically at
11 risk of not enrolling in or completing post-
12 secondary education, first-generation college
13 students, and students described in section
14 1111(b)(2)(B)(xi) of the Elementary and
15 Secondary Education Act of 1965 (20
16 U.S.C. 6311(b)(2)(B)(xi)), are—

17 “(I) aware of, and recruited into,
18 the early college high school or dual or
19 concurrent enrollment program; and

20 “(II) assisted with the process of
21 enrolling and succeeding in the early
22 college high school or dual or concu-
23 rent enrollment program, which may
24 include providing academic support;

1 “(v) to collect, share, and use data (in
2 compliance with section 444 of the General
3 Education Provisions Act (20 U.S.C.
4 1232g)) for program improvement and pro-
5 gram evaluation; and

6 “(vi) to review and strengthen its pro-
7 gram to maximize the potential that stu-
8 dents participating in the program will
9 eventually complete a recognized postsec-
10 ondary credential, including by opti-
11 mizing—

12 “(I) the curriculum of the pro-
13 gram;

14 “(II) the use of high-quality as-
15 sessments of student learning, such as
16 performance-based, project-based, or
17 portfolio assessments that measure
18 higher-order thinking skills;

19 “(III) the sequence of courses of-
20 fered by the program; and

21 “(IV) the alignment of academic
22 calendars between the secondary schools
23 and the institution of higher education
24 participating in the program.

1 “(B) *NEW PROGRAMS.*—*In the case of an el-*
2 *igible entity that uses a grant under this section*
3 *to establish an early college high school or dual*
4 *or concurrent enrollment program, the entity*
5 *shall use such funds during the first year of the*
6 *grant period—*

7 “(i) *to design the curriculum and se-*
8 *quence of courses in collaboration with, at a*
9 *minimum—*

10 “(I) *faculty from the institution*
11 *of higher education;*

12 “(II) *teachers and faculty from*
13 *the local educational agency; and*

14 “(III) *in the case of a career and*
15 *technical education program, employ-*
16 *ers or workforce development entities to*
17 *ensure that the program is aligned*
18 *with labor market demand;*

19 “(ii) *to develop and implement an ar-*
20 *ticulation agreement between the institution*
21 *of higher education and the local edu-*
22 *cational agency that governs how secondary*
23 *and postsecondary credits will be awarded*
24 *under the program; and*

1 “(iii) to carry out the activities de-
2 scribed in subparagraph (A).

3 “(2) *ALLOWABLE ACTIVITIES*.—An eligible entity
4 may use grant funds received under this section to
5 support the activities described in its application
6 under subsection (i), including by—

7 “(A) purchasing textbooks and equipment
8 that support the program’s curriculum;

9 “(B) pursuant to the assurance provided by
10 the eligible entity under subsection (i)(3)(A),
11 paying tuition and fees for postsecondary courses
12 taken by students under the program;

13 “(C) incorporating work-based learning op-
14 portunities (other than by paying wages of stu-
15 dents) into the program (which may include
16 partnering with entities that provide such oppor-
17 tunities), including—

18 “(i) internships;

19 “(ii) career-based capstone projects;

20 “(iii) pre-apprenticeships and reg-
21 istered apprenticeships provided by eligible
22 providers of apprenticeship programs de-
23 scribed in section 122(a)(2)(B) of the Work-
24 force Innovation and Opportunity Act (29
25 U.S.C. 3152(a)(2)(B)); and

1 “(iv) *work-based learning opportuni-*
2 *ties provided under chapters 1 and 2 of sub-*
3 *part 2 of part A of title IV of the Higher*
4 *Education Act of 1965 (20 U.S.C. 1070a–11*
5 *et seq.);*

6 “(D) *providing students with transpor-*
7 *tation to and from the program;*

8 “(E) *paying costs for—*

9 “(i) *high school teachers to obtain the*
10 *skills, credentials, or industry certifications*
11 *necessary to teach for the institution of*
12 *higher education participating in the pro-*
13 *gram; or*

14 “(ii) *postsecondary faculty to become*
15 *certified to teach high school; or*

16 “(F) *providing time during which sec-*
17 *ondary school teachers and faculty and faculty*
18 *from an institution of higher education can col-*
19 *laborate, which may include professional devel-*
20 *opment, the planning of team activities for such*
21 *teachers and faculty and curricular design and*
22 *student assessment*

23 “(i) *APPLICATION.—*

24 “(1) *IN GENERAL.—To be eligible to receive a*
25 *grant under this section, an eligible entity shall sub-*

1 *mit to the Secretary an application at such time, in*
2 *such manner, and containing such information as the*
3 *Secretary may require.*

4 “(2) *CONTENTS OF APPLICATION.—The applica-*
5 *tion under paragraph (1) shall include, at minimum,*
6 *a description of—*

7 “(A) *the partnership that comprises the eli-*
8 *gible entity, including documentation of partner*
9 *commitments, resources and budget, roles, and*
10 *responsibilities;*

11 “(B) *how the partners that comprise the eli-*
12 *gible entity will coordinate to carry out the*
13 *mandatory activities described in subsection*
14 *(h)(1);*

15 “(C) *the number of students intended to be*
16 *served by the program and demographic infor-*
17 *mation relating to such students;*

18 “(D) *how the eligible entity’s curriculum*
19 *and sequence of courses form a program of study*
20 *leading to a recognized postsecondary credential;*

21 “(E) *how postsecondary credits earned will*
22 *be transferable to institutions of higher education*
23 *within the State, including any applicable state-*
24 *wide transfer agreements and any provisions of*

1 *such agreements that are specific to dual or con-*
2 *current enrollment programs;*

3 “(F) *how the eligible entity will conduct*
4 *outreach to students;*

5 “(G) *how the eligible entity will determine*
6 *the eligibility of students for postsecondary*
7 *courses, including an explanation of the multiple*
8 *factors the entity will take into account to assess*
9 *the readiness of students for such courses; and*

10 “(H) *the sustainability plan for the early*
11 *college high school or other dual or concurrent*
12 *enrollment program.*

13 “(3) *ASSURANCES.—The application under*
14 *paragraph (1) shall include assurances from the eligi-*
15 *ble entity that—*

16 “(A) *students participating in a program*
17 *funded with a grant under this section will not*
18 *be required to pay tuition or fees for postsec-*
19 *ondary courses taken under the program;*

20 “(B) *postsecondary credits earned by stu-*
21 *dents under the program will be transcribed*
22 *upon completion of the required course work; and*

23 “(C) *instructors of postsecondary courses*
24 *under the program will meet the same standards*
25 *applicable to other faculty at the institution of*

1 *higher education that is participating in the*
2 *program.*

3 **“SEC. 419R. GRANTS TO STATES.**

4 “(a) *IN GENERAL.*—*The Secretary shall award grants*
5 *to States, on a competitive basis, to assist States in sup-*
6 *porting or establishing early college high schools or dual*
7 *or concurrent enrollment programs.*

8 “(b) *DURATION.*—*Each grant under this section shall*
9 *be awarded for a period of 6 years.*

10 “(c) *GRANT AMOUNT.*—*The Secretary shall ensure that*
11 *the amount of each grant under this section is sufficient*
12 *to enable each grantee to carry out the activities described*
13 *in subsection (f).*

14 “(d) *MATCHING REQUIREMENT.*—*For each year that*
15 *a State receives a grant under this section, the State shall*
16 *provide, from non-Federal sources, an amount equal to 50*
17 *percent of the amount of the grant received by the State*
18 *for such year to carry out the activities supported by the*
19 *grant.*

20 “(e) *SUPPLEMENT, NOT SUPPLANT.*—*A State shall use*
21 *a grant received under this section only to supplement*
22 *funds that would, in the absence of such grant, be made*
23 *available from other Federal, State, or local sources for ac-*
24 *tivities supported by the grant, not to supplant such funds.*

25 “(f) *USES OF FUNDS.*—

1 “(1) *MANDATORY ACTIVITIES.*—A State shall use
2 *grant funds received under this section to—*

3 “(A) *support the activities described in its*
4 *application under subsection (g);*

5 “(B) *plan and implement a statewide strat-*
6 *egy for expanding access to early college high*
7 *schools and dual or concurrent enrollment pro-*
8 *grams for students who are underrepresented in*
9 *higher education to raise statewide rates of sec-*
10 *ondary school graduation, readiness for postsec-*
11 *ondary education, and completion of recognized*
12 *postsecondary credentials, with a focus on stu-*
13 *dents academically at risk of not enrolling in or*
14 *completing postsecondary education;*

15 “(C) *identify any obstacles to such a strat-*
16 *egy under State law or policy;*

17 “(D) *provide technical assistance (either di-*
18 *rectly or through a knowledgeable intermediary)*
19 *to early college high schools and other dual or*
20 *concurrent enrollment programs, which may in-*
21 *clude—*

22 “(i) *brokering relationships and agree-*
23 *ments that forge a strong partnership be-*
24 *tween elementary and secondary and post-*
25 *secondary partners; and*

1 “(i) offering statewide training, pro-
2 fessional development, and peer learning op-
3 portunities for school leaders, instructors,
4 and counselors or advisors;

5 “(E) identify and implement policies that
6 will improve the effectiveness and ensure the
7 quality of early college high schools and dual or
8 concurrent enrollment programs, such as eligi-
9 bility and access, funding, data and quality as-
10 surance, governance, accountability, and align-
11 ment policies;

12 “(F) update the State’s requirements for a
13 student to receive a regular high school diploma
14 to align with the challenging State academic
15 standards and entrance requirements for credit-
16 bearing coursework as described in subpara-
17 graphs (A) and (D) of section 1111(b)(1) of the
18 Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 6311(b)(1));

20 “(G) incorporate indicators regarding stu-
21 dent access to and completion of early college
22 high schools and dual or concurrent enrollment
23 programs into the school quality and student
24 success indicators included in the State system of
25 annual meaningful differentiation as described

1 *under section 1111(c)(4)(B)(v)(I) of the Elemen-*
2 *tary and Secondary Education Act of 1965 (20*
3 *U.S.C. 6311(c)(4)(B)(v)(I));*

4 *“(H) disseminate best practices for early*
5 *college high schools and dual or concurrent en-*
6 *rollment programs, which may include best prac-*
7 *tices from programs in the State or other States;*

8 *“(I) facilitate statewide secondary and post-*
9 *secondary data collection, research and evalua-*
10 *tion, and reporting to policymakers and other*
11 *stakeholders; and*

12 *“(J) conduct outreach programs to ensure*
13 *that secondary school students, their families,*
14 *and community members are aware of early col-*
15 *lege high schools and dual or concurrent enroll-*
16 *ment programs in the State.*

17 *“(2) ALLOWABLE ACTIVITIES.—A State may use*
18 *grant funds received under this section to—*

19 *“(A) establish a mechanism to offset the*
20 *costs of tuition, fees, standardized testing and*
21 *performance assessment costs, and support serv-*
22 *ices for low-income students, and students from*
23 *underrepresented populations enrolled in early*
24 *college and high schools or dual or concurrent*
25 *enrollment;*

1 “(B) establish formal transfer systems with-
2 in and across State higher education systems, in-
3 cluding two-year and four-year public and pri-
4 vate institutions, to maximize the transferability
5 of college courses;

6 “(C) provide incentives to school districts
7 that—

8 “(i) assist high school teachers in get-
9 ting the credentials needed to participate in
10 early college high school programs and dual
11 or concurrent enrollment; and

12 “(ii) encourage the use of college in-
13 structors to teach college courses in high
14 schools;

15 “(D) support initiatives to improve the
16 quality of early college high school and dual or
17 concurrent enrollment programs at participating
18 institutions, including by assisting such institu-
19 tions in aligning programs with the quality
20 standards described in section 419Q(f)(3);

21 “(E) support the development, implementa-
22 tion, and strengthening of Advanced Placement
23 and International Baccalaureate programs espe-
24 cially at high schools with low levels of partici-

1 *pation by low-income students and underrep-*
2 *resented students in such programs; and*

3 *“(F) reimburse low-income students to cover*
4 *part or all of the costs of an Advanced Placement*
5 *or International Baccalaureate examination.*

6 *“(g) STATE APPLICATIONS.—*

7 *“(1) APPLICATION.—To be eligible to receive a*
8 *grant under this section, a State shall submit to the*
9 *Secretary an application at such time, in such man-*
10 *ner, and containing such information as the Sec-*
11 *retary may require.*

12 *“(2) CONTENTS OF APPLICATION.—The applica-*
13 *tion under paragraph (1) shall include, at minimum,*
14 *a description of—*

15 *“(A) how the State will carry out the man-*
16 *datory State activities described in subsection*
17 *(f)(1);*

18 *“(B) how the State will ensure that any*
19 *programs funded with a grant under this section*
20 *are coordinated with programs under—*

21 *“(i) the Carl D. Perkins Career and*
22 *Technical Education Act of 2006 (20 U.S.C.*
23 *2301 et seq.);*

24 *“(ii) the Workforce Innovation and*
25 *Opportunity Act (29 U.S.C. 3101 et seq.);*

1 “(iii) the *Elementary and Secondary*
2 *Education Act of 1965 (20 U.S.C. 6301 et*
3 *seq.); and*

4 “(iv) the *Individuals with Disabilities*
5 *Education Act (20 U.S.C. 1400 et seq.);*

6 “(C) *how the State intends to use grant*
7 *funds to address achievement gaps for each cat-*
8 *egory of students described in section*
9 *1111(b)(2)(B)(xi) of the Elementary and Sec-*
10 *ondary Education Act of 1965 (20 U.S.C.*
11 *6311(b)(2)(B)(xi));*

12 “(D) *how the State will access and leverage*
13 *additional resources necessary to sustain early*
14 *college high schools or other dual or concurrent*
15 *enrollment programs;*

16 “(E) *how the State will identify and elimi-*
17 *nate barriers to implementing effective early col-*
18 *lege high schools and dual or concurrent enroll-*
19 *ment programs after the grant expires, including*
20 *by engaging businesses and nonprofit organiza-*
21 *tions; and*

22 “(F) *such other information as the Sec-*
23 *retary determines to be appropriate.*

1 **“SEC. 419S. REPORTING AND OVERSIGHT.**

2 “(a) *IN GENERAL.*—Not less frequently than once an-
3 nually, each State and eligible entity that receives a grant
4 under this subpart shall submit to the Secretary a report
5 on the progress of the State or eligible entity in carrying
6 out the programs supported by such grant.

7 “(b) *FORM OF REPORT.*—The report under subsection
8 (a) shall be submitted to the Secretary at such time, in such
9 manner, and containing such information as the Secretary
10 may require. The Secretary shall issue uniform guidelines
11 describing the information that shall be reported by grant-
12 ees under such subsection.

13 “(c) *CONTENTS OF REPORT.*—

14 “(1) *IN GENERAL.*—The report under subsection
15 (a) shall include, at minimum, the following:

16 “(A) *The number of students enrolled in the*
17 *early college high school or dual or concurrent*
18 *enrollment program.*

19 “(B) *The number and percentage of stu-*
20 *dents reimbursed by the State for part or all of*
21 *the costs of an Advanced Placement or Inter-*
22 *national Baccalaureate examination and the stu-*
23 *dent test scores.*

24 “(C) *The number and percentage of students*
25 *enrolled in the early college high school or dual*
26 *or concurrent enrollment program who earn a*

1 *recognized postsecondary credential concurrently*
2 *with a high school diploma.*

3 “(D) *The number of postsecondary credits*
4 *earned by eligible students while enrolled in the*
5 *early college high school or dual or concurrent*
6 *enrollment program that may be applied toward*
7 *a recognized postsecondary credential.*

8 “(E) *The number and percentage of stu-*
9 *dents who earn a high school diploma.*

10 “(F) *The number and percentage of grad-*
11 *uates who enroll in postsecondary education.*

12 “(2) *CATEGORIES OF STUDENTS.—The informa-*
13 *tion described in each of subparagraphs (A) through*
14 *(G) of paragraph (1) shall be set forth separately for*
15 *each category of students described in section*
16 *1111(b)(2)(B)(xi) of the Elementary and Secondary*
17 *Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)).*

18 **“SEC. 419T. NATIONAL ACTIVITIES.**

19 “(a) *REPORTING BY SECRETARY.—Not less frequently*
20 *than once annually, the Secretary shall submit to Congress*
21 *a report that includes—*

22 “(1) *an analysis of the information received*
23 *from States and eligible entities under section 419S;*

1 “(2) *an identification of best practices for car-*
2 *rying out programs supported by grants under this*
3 *subpart; and*

4 “(3) *the results of the evaluation under sub-*
5 *section (b).*

6 “(b) *NATIONAL EVALUATION.—Not later than 6*
7 *months after the date of the enactment of the College Afford-*
8 *ability Act, the Secretary shall seek to enter into a contract*
9 *with an independent entity to perform an evaluation of the*
10 *grants awarded under this subtitle. Such evaluation shall*
11 *apply rigorous procedures to obtain valid and reliable data*
12 *concerning student outcomes by social and academic char-*
13 *acteristics and monitor the progress of students from sec-*
14 *ondary school to and through postsecondary education.*

15 “(c) *TECHNICAL ASSISTANCE.—The Secretary shall*
16 *provide technical assistance to States and eligible entities*
17 *concerning best practices and quality improvement pro-*
18 *grams in early college high schools and dual or concurrent*
19 *enrollment programs and shall disseminate such best prac-*
20 *tices among eligible entities, States, and local educational*
21 *agencies.*

22 “(d) *ADMINISTRATIVE COSTS.—From amounts re-*
23 *served to carry out this section under section 419P(b)(3),*
24 *the Secretary may reserve such sums as may be necessary*

1 *for the direct administrative costs of carrying out the Sec-*
2 *retary's responsibilities under this subtitle.*

3 **“SEC. 419U. RULES OF CONSTRUCTION.**

4 “(a) *EMPLOYEES.*—Nothing in this subpart shall be
5 construed to alter or otherwise affect the rights, remedies,
6 and procedures afforded to the employees of local edu-
7 cational agencies (including schools) or institutions of high-
8 er education under Federal, State, or local laws (including
9 applicable regulations or court orders) or under the terms
10 of collective bargaining agreements, memoranda of under-
11 standing, or other agreements between such employees and
12 their employers.

13 “(b) *GRADUATION RATE.*—A student who graduates
14 from an early college high school supported by a grant
15 under section 419Q within 100 percent of the normal time
16 for completion described in the eligible entity's application
17 under such section shall be counted in the four-year adjusted
18 cohort graduation rate for such high school.”.

19 **Subpart 7—TEACH Grants**

20 **SEC. 4081. REVISED DEFINITIONS OF TEACH GRANTS.**

21 Section 420L of the Higher Education Act of 1965 (20
22 U.S.C. 1070g) is amended by adding at the end the fol-
23 lowing:

24 “(4) *TEACHER PREPARATION PROGRAM.*—The
25 term ‘teacher preparation program’ means a State-

1 *approved course of study provided by an institution*
 2 *of higher education, the completion of which signifies*
 3 *that an enrollee has met all the State’s educational or*
 4 *training requirements for initial certification or li-*
 5 *censure to teach in the State’s elementary schools or*
 6 *secondary schools.”.*

7 **SEC. 4082. REVISIONS TO ESTABLISHING TEACH GRANT**
 8 **PROGRAM.**

9 *Section 420M of the Higher Education Act of 1965 (20*
 10 *U.S.C. 1070g–1) is amended—*

11 *(1) in subsection (a)(1)—*

12 *(A) by striking “an application” and in-*
 13 *serting “a Free Application for Federal Student*
 14 *Aid authorized under section 483(a)”;* and

15 *(B) by striking “in the amount of” and all*
 16 *that follows through the period at the end and*
 17 *inserting the following: “except as provided in*
 18 *subsection (d)(4), in the amount of—*

19 *“(A) \$8,000, to be available to a teacher*
 20 *candidate who is enrolled as an undergraduate*
 21 *junior at the eligible institution;*

22 *“(B) \$8,000, to be available to a teacher*
 23 *candidate who is enrolled as an undergraduate*
 24 *senior at the eligible institution; and*

1 “(C) \$4,000, to be available to a teacher
2 candidate who is enrolled in the first or second
3 year of an associate’s degree program and in-
4 tends to teach in an early childhood education
5 program.”; and

6 (2) in subsection (d)—

7 (A) in paragraph (1), by striking “under-
8 graduate” each place it appears and inserting
9 “associate, undergraduate,”; and

10 (B) by adding at the end the following:

11 “(4) ASSOCIATE DEGREE STUDENTS.—

12 “(A) MAXIMUM AMOUNT FOR ASSOCIATE
13 DEGREE STUDY.—The period during which an
14 associate degree student intending to teach in an
15 early childhood education program may receive
16 grants under this subpart shall be the period re-
17 quired for the completion of an associate’s degree
18 course of study pursued by the teacher candidate
19 at the eligible institution at which the teacher
20 candidate is in attendance, except that the total
21 amount that a teacher candidate may receive
22 under this subpart for an associate’s degree
23 course of study shall not exceed \$8,000.

24 “(B) EFFECT ON FURTHER UNDER-
25 GRADUATE OR POST-BACCALAUREATE STUDY.—

1 *In the case of a teacher candidate intending to*
2 *teach in an early childhood education program*
3 *who receives a grant under this subpart for an*
4 *associate’s degree course of study and who seeks*
5 *to receive a grant described in subparagraph (A)*
6 *or (B) of subsection (a)(1), the amount of such*
7 *grant shall be equal to—*

8 “(i) *one half of the amount that is*
9 *equal to \$16,000, minus the amount the*
10 *teacher candidate received under this sub-*
11 *part for the associate’s degree course of*
12 *study of such candidate, to be available to*
13 *a teacher candidate who is enrolled as an*
14 *undergraduate junior at the eligible institu-*
15 *tion; and*

16 “(ii) *one half of the amount that is*
17 *equal to \$16,000, minus the amount the*
18 *teacher candidate received under this sub-*
19 *part for the associate’s degree course of*
20 *study of such candidate, to be available to*
21 *a teacher candidate who is enrolled as an*
22 *undergraduate senior at the eligible institu-*
23 *tion.”.*

1 **SEC. 4083. REVISIONS TO TEACH GRANT AGREEMENTS TO**
2 **SERVE AND ELIGIBILITY.**

3 *Section 420N of the Higher Education Act of 1965 (20*
4 *U.S.C. 1070g-2) is amended—*

5 *(1) in subsection (a)—*

6 *(A) in the heading of paragraph (2), by*
7 *striking “DEMONSTRATION OF TEACH” and in-*
8 *sert “TEACH”;*

9 *(B) in paragraph (2)(A)(ii)(II), by striking*
10 *“batteries in an undergraduate, post-bacca-*
11 *laureate, or graduate school admissions test” and*
12 *inserting “assessments used for admission to an*
13 *undergraduate, post-baccalaureate, or graduate*
14 *school program”;*

15 *(C) in paragraphs (2)(B)(i), by striking “or*
16 *another high-need” and inserting “early child-*
17 *hood education, or another high-need”; and*

18 *(D) in paragraph (2)(B)(ii), by striking “,*
19 *such as Teach for America,”;*

20 *(2) in subsection (b)—*

21 *(A) in paragraph (1)—*

22 *(i) in subparagraph (B), by inserting*
23 *before the semicolon at the end the fol-*
24 *lowing: “or in a high-need early childhood*
25 *education program (as defined in section*
26 *200(15))”;*

- 1 (ii) in subparagraph (C)—
- 2 (I) by striking “or” at the end of
- 3 clause (vi);
- 4 (II) by redesignating clause (vii)
- 5 as clause (viii);
- 6 (III) by inserting after clause
- 7 (vi), as so amended, the following:
- 8 “(vii) early childhood education; or”;
- 9 and
- 10 (IV) in clause (viii), as so redesign-
- 11 ated, by adding “and” at the end;
- 12 (iii) in subparagraph (D)—
- 13 (I) by inserting “or early child-
- 14 hood education program” after
- 15 “school”; and
- 16 (II) by striking “and” at the end;
- 17 and
- 18 (iv) by striking subparagraph (E);
- 19 (B) by striking “and” at the end of para-
- 20 graph (2);
- 21 (C) by striking the period at the end of
- 22 paragraph (3) and inserting “; and”; and
- 23 (D) by adding at the end the following:
- 24 “(4) the Secretary will—

1 “(A) notify, or ensure that the applicable
2 loan servicer will notify, the applicant of—

3 “(i) the date on which submission of
4 the certification under paragraph (1)(D) is
5 required; and

6 “(ii) any failure to submit such certifi-
7 cation; and

8 “(B) allow employers and borrowers to use
9 electronic signatures to certify such employ-
10 ment.”;

11 (3) in subsection (c)—

12 (A) by striking “In the event” and inserting
13 the following:

14 “(1) *IN GENERAL.*—Subject to paragraph (2), in
15 the event”; and

16 (B) by adding at the end the following:

17 “(2) *CLARIFICATION.*—

18 “(A) *APPLICATION.*—Paragraph (1) may
19 only apply with respect to a recipient of a grant
20 under this subpart if—

21 “(i) after completing the course of
22 study for which the recipient received the
23 grant, such recipient does not serve as a
24 full-time teacher as required under sub-
25 section (b)(1) for at least—

1 “(I) 1 year, as certified under
2 subsection (b)(1)(D) on a date that is
3 not later than 5 years after the date
4 such course of study was completed;

5 “(II) 2 years, as certified under
6 subsection (b)(1)(D) on a date that is
7 not later than 6 years after the date
8 such course of study was completed;

9 “(III) 3 years, as certified under
10 subsection (b)(1)(D) on a date that is
11 not later than 7 years after the date
12 such course of study was completed; or

13 “(IV) 4 years, as certified under
14 subsection (b)(1)(D) on a date that is
15 not later than 8 years after the date
16 such course of study was completed; or

17 “(ii) the recipient elects to have such
18 grant treated as a loan in accordance with
19 such paragraph (1).

20 “(B) APPEAL.—A recipient of a grant may
21 appeal a decision to convert a loan under para-
22 graph (1).”; and

23 (4) in subsection (d)—

24 (A) by redesignating paragraph (2) as
25 paragraph (5);

1 (B) in paragraph (1), by striking “sub-
2 section (b)(1)(C)(vii)” and inserting “subsection
3 (b)(1)(C)(viii)”; and

4 (C) by inserting after paragraph (1), the
5 following:

6 “(2) *CHANGE OF SCHOOL DESCRIPTION OR PRO-*
7 *GRAM DEFINITION.—If a recipient of an initial grant*
8 *under this subpart teaches in a school or an early*
9 *childhood education program for an academic year*
10 *during which the school is identified as a school de-*
11 *scribed in section 465(a)(2)(A) or a program that*
12 *meets the definition of section 200(15), but the school*
13 *or program no longer meets such description or defi-*
14 *inition during a subsequent academic year, the grant*
15 *recipient may fulfill the service obligation described*
16 *in subsection (b)(1) by continuing to teach at that*
17 *school or program.*

18 “(3) *CHANGE OF TEACHER DUTIES OR ASSIGN-*
19 *MENT.—If a recipient of an initial grant under this*
20 *subpart teaches as a full-time teacher described in*
21 *subsection (b)(1)(A), but the recipient no longer meets*
22 *such description during a subsequent academic year*
23 *due to switching academic roles to that of a full-time*
24 *co-teacher, teacher leader, instructional or academic*
25 *coach, department chairperson, special education case*

1 *manager, guidance counselor, or school administrator*
 2 *within a school or program, the grant recipient may*
 3 *fulfill the service obligation described in subsection*
 4 *(b)(1) by continuing to work in any such academic*
 5 *role on a full-time basis at that school or program.*

6 *“(4) CHANGE IN HIGH-NEED FIELD STATUS.—If*
 7 *a recipient of an initial grant under this subpart*
 8 *teaches in a field at a school or an early childhood*
 9 *education program for an academic year during*
 10 *which the field is designated under subsection*
 11 *(b)(1)(C)(viii), but the field no longer is so designated*
 12 *during a subsequent academic year, the grant recipi-*
 13 *ent may fulfill the service obligation described in sub-*
 14 *section (b)(1) by continuing to teach in such field at*
 15 *such school or early childhood education program.”.*

16 **SEC. 4084. REVISIONS TO TEACH GRANT DATA COLLECTION**
 17 **AND REPORTING.**

18 *Section 420P of the Higher Education Act of 1965 (20*
 19 *U.S.C. 1070g–4) is amended to read as follows:*

20 **“SEC. 420P. DATA COLLECTION AND REPORTING.**

21 *“(a) DATA COLLECTION.—*

22 *“(1) AGGREGATE STUDENT DATA.—On an an-*
 23 *nual basis, using the postsecondary student data sys-*
 24 *tem established under section 132(l) or a successor*
 25 *system (whichever includes the most recent data) to*

1 *streamline reporting requirements and minimize re-*
2 *porting burdens, and in coordination with the Na-*
3 *tional Center for Education Statistics, the Secretary*
4 *shall determine, disaggregate in accordance with*
5 *paragraph (2), and make available to the public in*
6 *accordance with paragraph (3), with respect to each*
7 *institution (and each category of institution listed in*
8 *section 132(d)) that received a payment under this*
9 *subpart in the previous academic year, the following*
10 *information:*

11 *“(A) The number and mean dollar amount*
12 *of TEACH Grants awarded to students at the*
13 *institution.*

14 *“(B) The number and proportion of*
15 *TEACH Grant recipients who exit their pro-*
16 *gram of study before completing the program.*

17 *“(C) The number and proportion of*
18 *TEACH Grant recipients who complete their*
19 *program of study and begin employment as a*
20 *teacher in the first academic year following the*
21 *year of such completion.*

22 *“(D) The number and proportion of indi-*
23 *viduals employed as teachers who received a*
24 *TEACH Grant and whose TEACH Grants are*
25 *converted into loans during the 8-year period fol-*

1 *lowing the year in which the recipient completed*
2 *the recipient's program of study, set forth sepa-*
3 *rately for each year in such period.*

4 “(E) *The number and proportion of*
5 *TEACH Grant recipients who fulfill the terms of*
6 *their agreement to serve under section 420N(b)*
7 *during the 8-year period following the year in*
8 *which the recipient completed the recipient's pro-*
9 *gram of study, set forth separately for each year*
10 *in such period.*

11 “(2) *DISAGGREGATION.—The information deter-*
12 *mined under paragraph (1)—*

13 “(A) *except in cases in which such*
14 *disaggregation would reveal personally identifi-*
15 *able information about an individual student,*
16 *shall be disaggregated by—*

17 “(i) *race;*

18 “(ii) *ethnicity;*

19 “(iii) *gender;*

20 “(iv) *socioeconomic status;*

21 “(v) *Federal Pell Grant eligibility sta-*
22 *tus;*

23 “(vi) *status as a first-generation college*
24 *student (as defined in section 402A(h));*

25 “(vii) *military or veteran status;*

1 “(viii) *disability status*;

2 “(ix) *level of study (associate, under-*
3 *graduate, postbaccalaureate, or graduate, as*
4 *applicable); and*

5 “(x) *each teacher preparation program*
6 *offered by an institution; and*

7 “(B) *may be disaggregated by any combina-*
8 *tion of subgroups or descriptions described in*
9 *subparagraph (A).*

10 “(3) *AVAILABILITY OF DATA.—The information*
11 *determined under paragraph (1) shall—*

12 “(A) *remain available to the public for a*
13 *period of not less than 10 years after its initial*
14 *release by the Secretary; and*

15 “(B) *be updated as necessary to reflect the*
16 *most accurate and up-to-date information for*
17 *each institution for each year of data collection.*

18 “(b) *INFORMATION FROM INSTITUTIONS.—Each insti-*
19 *tution that receives a payment under this subpart shall pro-*
20 *vide to the Secretary, on an annual basis, such information*
21 *as may be necessary for the Secretary to carry out sub-*
22 *section (a).*

23 “(c) *REPORTS AND DISSEMINATION.—*

24 “(1) *INITIAL AND INTERIM REPORTS.—Not later*
25 *than 3 years after the date on which the first TEACH*

1 *Grant is awarded under this subpart after the date*
2 *of enactment of the College Affordability Act, and at*
3 *least once every 3 years thereafter, the Secretary shall*
4 *submit to the authorizing committees a report that*
5 *includes the information required under paragraph*
6 *(2).*

7 “(2) *ELEMENTS.*—*Each report under this sub-*
8 *section shall include, based on information deter-*
9 *mined under subsection (a), the following:*

10 “(A) *A review of the utilization of TEACH*
11 *Grants at teacher preparation programs at insti-*
12 *tutions that received a payment under this sub-*
13 *part.*

14 “(B) *A review of TEACH Grant practices*
15 *that correlate with higher rates of completion of*
16 *agreements under section 420N(b).*

17 “(C) *Guidance and recommendations on*
18 *how effective utilization of TEACH Grants can*
19 *be replicated.*

20 “(3) *AVAILABILITY.*—*Each report under this sub-*
21 *section shall be made available to the public in an ac-*
22 *cessible format—*

23 “(A) *on a website of the Department of*
24 *Education; and*

1 “(B) in any other format determined to be
2 appropriate by the Secretary.”.

3 **Subpart 8—Northern Mariana Islands and American**
4 **Samoa College Access**

5 **SEC. 4091. NORTHERN MARIANA ISLANDS AND AMERICAN**
6 **SAMOA COLLEGE ACCESS.**

7 *Subpart 10 of part A of title IV (20 U.S.C. 1070(h))*
8 *is amended to read as follows:*

9 **“Subpart 10—Northern Mariana Islands and**
10 **American Samoa College Access**

11 **“SEC. 420R. PUBLIC SCHOOL GRANTS.**

12 “(a) *PURPOSE.*—*It is the purpose of this subpart to*
13 *establish a program that enables college-bound residents of*
14 *the Northern Mariana Islands and American Samoa to*
15 *have greater choices among institutions of higher education.*

16 “(b) *GRANTS.*—

17 “(1) *IN GENERAL.*—*From amounts appropriated*
18 *under subsection (j), the Secretary shall provide—*

19 “(A) *50 percent of such amount to the*
20 *Northern Mariana Islands for the Governor to*
21 *award grants to eligible institutions that enroll*
22 *eligible students to pay the difference between the*
23 *tuition and fees charged for in-State students*
24 *and the tuition and fees charged for out-of-State*

1 *students on behalf of each eligible student en-*
2 *rolled in the eligible institution; and*

3 “(B) 50 percent of such amount to the
4 *American Samoa for the Governor to award*
5 *grants to eligible institutions that enroll eligible*
6 *students to pay the difference between the tuition*
7 *and fees charged for in-State students and the*
8 *tuition and fees charged for out-of-State students*
9 *on behalf of each eligible student enrolled in the*
10 *eligible institution.*

11 “(2) *MAXIMUM STUDENT AMOUNTS.*—*The*
12 *amount paid on behalf of an eligible student under*
13 *this section shall be—*

14 “(A) *not more than \$15,000 for any one*
15 *award year (as defined in section 481); and*

16 “(B) *not more than \$45,000 in the aggre-*
17 *gate.*

18 “(3) *PRORATION.*—*The Governor shall prorate*
19 *payments under this section for students who attend*
20 *an eligible institution on less than a full-time basis.*

21 “(c) *REDUCTION FOR INSUFFICIENT APPROPRIA-*
22 *TIONS.*—

23 “(1) *IN GENERAL.*—*If the funds appropriated*
24 *pursuant to subsection (j) for any fiscal year are in-*
25 *sufficient to award a grant in the amount determined*

1 *under subsection (a) on behalf of each eligible student*
2 *enrolled in an eligible institution, then the Governor,*
3 *in consultation with the Secretary of Education,*
4 *shall—*

5 *“(A) first, ratably reduce the amount of the*
6 *tuition and fee payment made on behalf of each*
7 *eligible student who has not received funds under*
8 *this section for a preceding year; and*

9 *“(B) after making reductions under sub-*
10 *paragraph (A), ratably reduce the amount of the*
11 *tuition and fee payments made on behalf of all*
12 *other eligible students.*

13 *“(2) ADJUSTMENTS.—The Governor, in consulta-*
14 *tion with the Secretary of Education, may adjust the*
15 *amount of tuition and fee payments made under*
16 *paragraph (1) based on—*

17 *“(A) the financial need of the eligible stu-*
18 *dents to avoid undue hardship to the eligible stu-*
19 *dents; or*

20 *“(B) undue administrative burdens on the*
21 *Governor.*

22 *“(3) FURTHER ADJUSTMENTS.—Notwithstanding*
23 *paragraphs (1) and (2), the Governor may prioritize*
24 *the making or amount of tuition and fee payments*

1 *under this subsection based on the income and finan-*
2 *cial need of eligible students.*

3 “(d) *DEFINITIONS.—In this subpart:*

4 “(1) *ELIGIBLE INSTITUTION.—The term ‘eligible*
5 *institution’ means an institution that—*

6 “(A) *is a public four-year institution of*
7 *higher education located in one of the several*
8 *States, the District of Columbia, Puerto Rico, the*
9 *United States Virgin Islands, or Guam;*

10 “(B) *is eligible to participate in the student*
11 *financial assistance programs under title IV;*
12 *and*

13 “(C) *enters into an agreement with the Gov-*
14 *ernors of the Northern Mariana Islands and*
15 *American Samoa containing such conditions as*
16 *each Governor may specify, including a require-*
17 *ment that the institution use the funds made*
18 *available under this section to supplement and*
19 *not supplant assistance that otherwise would be*
20 *provided to eligible students from the Northern*
21 *Mariana Islands and American Samoa.*

22 “(2) *ELIGIBLE STUDENT.—The term ‘eligible*
23 *student’ means an individual who—*

1 “(A) graduated from a public institution of
2 higher education located in the Northern Mar-
3 iana Islands or American Samoa;

4 “(B) begins the individual’s course of study
5 within the 3 calendar years (excluding any pe-
6 riod of service on active duty in the Armed
7 Forces or service under the Peace Corps Act (22
8 U.S.C. 2501 et seq.) or subtitle D of title I of the
9 National and Community Service Act of 1990
10 (42 U.S.C. 12571 et seq.)) of graduation from a
11 public institution of higher education located in
12 the Northern Mariana Islands or American
13 Samoa;

14 “(C) is enrolled or accepted for enrollment,
15 on at least a half-time basis, in a baccalaureate
16 degree or other program (including a program of
17 study abroad approved for credit by the institu-
18 tion at which such student is enrolled) leading to
19 a recognized educational credential at an eligible
20 institution;

21 “(D) if enrolled in an eligible institution, is
22 maintaining satisfactory progress in the course
23 of study the student is pursuing in accordance
24 with section 484(c); and

1 “(E) has not completed the individual’s
2 *first undergraduate baccalaureate course of*
3 *study.*

4 “(3) *INSTITUTION OF HIGHER EDUCATION.*—The
5 *term ‘institution of higher education’ has the meaning*
6 *given the term in section 101.*

7 “(4) *GOVERNOR.*—The term ‘Governor’ means
8 *the Governor of the Commonwealth of the Northern*
9 *Mariana Islands or American Samoa.*

10 “(e) *CONSTRUCTION.*—Nothing in this subpart shall be
11 *construed to require an institution of higher education to*
12 *alter the institution’s admissions policies or standards in*
13 *any manner to enable an eligible student to enroll in the*
14 *institution.*

15 “(f) *APPLICATIONS.*—Each student desiring a tuition
16 *payment under this section shall submit an application to*
17 *the eligible institution at such time, in such manner, and*
18 *accompanied by such information as the eligible institution*
19 *may require.*

20 “(g) *ADMINISTRATION OF PROGRAM.*—

21 “(1) *IN GENERAL.*—Each Governor shall carry
22 *out the program under this section in consultation*
23 *with the Secretary. Each Governor may enter into a*
24 *grant, contract, or cooperative agreement with an-*
25 *other public or private entity to administer the pro-*

1 *gram under this section if the Governor determines*
2 *that doing so is a more efficient way of carrying out*
3 *the program.*

4 “(2) *POLICIES AND PROCEDURES.*—*Each Gov-*
5 *ernor, in consultation with institutions of higher edu-*
6 *cation eligible for participation in the program au-*
7 *thorized under this section, shall develop policies and*
8 *procedures for the administration of the program.*

9 “(3) *MEMORANDUM OF AGREEMENT.*—*Each Gov-*
10 *ernor and the Secretary shall enter into a Memo-*
11 *randum of Agreement that describes—*

12 “(A) *the manner in which the Governor*
13 *shall consult with the Secretary with respect to*
14 *administering the program under this section;*
15 *and*

16 “(B) *any technical or other assistance to be*
17 *provided to the Governor by the Secretary for*
18 *purposes of administering the program under*
19 *this section (which may include access to the in-*
20 *formation in the common financial reporting*
21 *form developed under section 483).*

22 “(h) *GOVERNOR’S REPORT.*—*Each Governor shall re-*
23 *port to the Secretary and the authorizing committees annu-*
24 *ally regarding—*

1 “(1) the number of eligible students attending
2 each eligible institution and the amount of the grant
3 awards paid to those institutions on behalf of the eli-
4 gible students;

5 “(2) the extent, if any, to which a ratable reduc-
6 tion was made in the amount of tuition and fee pay-
7 ments made on behalf of eligible students; and

8 “(3) the progress in obtaining recognized aca-
9 demic credentials of the cohort of eligible students for
10 each year.

11 “(i) GAO REPORT.—Not later than 24 months of the
12 date of the enactment of this College Affordability Act, the
13 Comptroller General of the United States shall report on
14 the effect of the program assisted under this section on edu-
15 cational opportunities for eligible students. The Comptroller
16 General shall analyze whether eligible students had dif-
17 ficulty gaining admission to eligible institutions because of
18 any preference afforded to in-State residents by eligible in-
19 stitutions, and shall expeditiously report any findings re-
20 garding such difficulty to Congress. In addition the Comp-
21 troller General shall—

22 “(1) analyze and identify any challenges eligible
23 students face in gaining admission to eligible institu-
24 tions, including admission aided by assistance pro-
25 vided under this subpart, due to—

1 “(A) caps on the number of out-of-State stu-
2 dents the institution will enroll;

3 “(B) significant barriers imposed by aca-
4 demic entrance requirements (such as grade
5 point average and standardized scholastic admis-
6 sions tests); and

7 “(C) absence of admission programs benefit-
8 ting minority students; and

9 “(2) report the findings of the analysis described
10 in paragraph (1) and the assessment described in
11 paragraph (2) to Congress and the Governor.

12 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—There are
13 authorized to be appropriated to the Commonwealth of the
14 Northern Mariana Islands and American Samoa to carry
15 out this subpart \$5,000,000, to be available until expended,
16 for fiscal year 2021 and each of the 5 succeeding fiscal
17 years.

18 “(k) *EFFECTIVE DATE.*—This subpart shall take effect
19 with respect to payments for periods of instruction that
20 begin on or after January 1, 2021.

21 “**SEC. 420S. GENERAL REQUIREMENTS.**

22 “(a) *PERSONNEL.*—The Secretary shall arrange for the
23 assignment of an individual, pursuant to subchapter VI of
24 chapter 33 of title 5, United States Code, to serve as an

1 *adviser to each Governor with respect to the programs as-*
2 *sisted under this subpart.*

3 “(b) *ADMINISTRATIVE EXPENSES.*—*Each Governor*
4 *may use not more than 5 percent of the funds made avail-*
5 *able for a program under section 420R for a fiscal year*
6 *to pay the administrative expenses of a program under sec-*
7 *tion 420R for the fiscal year.*

8 “(c) *INSPECTOR GENERAL REVIEW.*—*Each of the pro-*
9 *grams assisted under this subpart shall be subject to audit*
10 *and other review by the Inspector General of the Depart-*
11 *ment of Education in the same manner as programs are*
12 *audited and reviewed under the Inspector General Act of*
13 *1978 (5 U.S.C. App.).*

14 “(d) *GIFTS.*—*The Governor may accept, use, and dis-*
15 *pose of donations of services or property for purposes of car-*
16 *rying out this subpart.*

17 “(e) *MAXIMUM STUDENT AMOUNT ADJUSTMENTS.*—
18 *Each Governor shall establish rules to adjust the maximum*
19 *student amounts described in section 440S(b)(2) for eligible*
20 *students described in section 440S(d)(2) who transfer be-*
21 *tween the eligible institutions described in section*
22 *440S(d)(1).”.*

1 **Subpart 9—Student Success**

2 **SEC. 4092. COMMUNITY COLLEGE STUDENT SUCCESS**
 3 **GRANT PROGRAM AUTHORIZED.**

4 *Part A of title IV (20 U.S.C. 1070 et seq.) is further*
 5 *amended by adding at the end the following:*

6 **“Subpart 11—Community College Student Success**

7 **“SEC. 420T. COMMUNITY COLLEGE STUDENT SUCCESS**
 8 **GRANT PROGRAM AUTHORIZED.**

9 *“From the amounts appropriated under 420BB, the*
 10 *Secretary of Education shall establish and carry out the*
 11 *community college student success grant program to award*
 12 *grants under sections 420U and 420V, on a competitive*
 13 *basis, to eligible institutions to plan and implement com-*
 14 *munity college student success programs designed to in-*
 15 *crease—*

16 *“(1) the rate at which program participants*
 17 *graduate from a program of study at such eligible in-*
 18 *stitution within 150 percent of the normal time for*
 19 *graduation; and*

20 *“(2) transfer rates of program participants.*

21 **“SEC. 420U. GRANTS TO PLAN COMMUNITY COLLEGE STU-**
 22 **DENT SUCCESS PROGRAMS.**

23 *“(a) PLANNING GRANTS AUTHORIZED.—From the*
 24 *amounts appropriated to carry out this section under sec-*
 25 *tion 420BB for a fiscal year, the Secretary shall award*
 26 *planning grants for such fiscal year, on a competitive basis,*

1 *to eligible institutions to develop plans for community col-*
2 *lege student success programs.*

3 “(b) *DURATION.*—*A grant awarded under this section*
4 *shall be for a 1-year period.*

5 “(c) *PEER REVIEW PROCESS; PRIORITY.*—*In award-*
6 *ing grants under this section for a fiscal year, the Secretary*
7 *shall—*

8 “(1) *carry out a peer review process that—*

9 “(A) *requires that each application sub-*
10 *mitted under subsection (d) be peer reviewed by*
11 *a panel of readers composed of individuals se-*
12 *lected by the Secretary, which shall include—*

13 “(i) *not less than 50 percent of read-*
14 *ers—*

15 “(I) *who are not employees of the*
16 *Federal Government; and*

17 “(II) *who have relevant research*
18 *or practical experience with respect to*
19 *student support programs designed to*
20 *increase graduation rates and transfer*
21 *rates at public 2-year institutions of*
22 *higher education; and*

23 “(ii) *to the maximum extent prac-*
24 *ticable, individuals who are members of*
25 *groups underrepresented in higher edu-*

1 *cation, including African Americans, His-*
2 *panics, Native Americans, Alaska Natives,*
3 *Asian Americans, Native American Pacific*
4 *Islanders (including Native Hawaiians),*
5 *and individuals with disabilities; and*

6 *“(B) ensures that no individual assigned*
7 *under subparagraph (A) to review an applica-*
8 *tion has any conflict of interest with regard to*
9 *that application that may make the individual*
10 *unable to impartially conduct such review; and*

11 *“(2) give priority to eligible institutions that are*
12 *eligible to receive funding under title III or V.*

13 *“(d) APPLICATION.—An eligible institution desiring a*
14 *grant under this section shall submit an application to the*
15 *Secretary at such time, in such manner, and containing*
16 *such information as the Secretary may require, which shall*
17 *include—*

18 *“(1) the graduation rate and transfer rate for the*
19 *most recent academic year for which data are avail-*
20 *able for eligible students and all students, respectively;*

21 *“(2) an analysis of how implementing a commu-*
22 *nity college student success program may improve the*
23 *graduation rate or transfer rate for eligible students;*
24 *and*

1 “(3) a description of the methods the eligible in-
2 stitution has previously used to improve the gradua-
3 tion rate or transfer rate with respect to eligible stu-
4 dents and all students, respectively.

5 “(e) *USE OF FUNDS.*—An eligible institution that re-
6 ceives a grant under this section shall use the grant to de-
7 velop a plan to implement a community college student suc-
8 cess program at the eligible institution.

9 “(f) *REPORT.*—Not later than 1 year after the date on
10 which an eligible institution receives a grant under this sec-
11 tion, such eligible institution shall submit to the Secretary
12 a report that includes—

13 “(1) a plan for implementing a community col-
14 lege student success program at the eligible institu-
15 tion, including—

16 “(A) the sufficiently ambitious outcome
17 goals for achieving significant improvements in
18 graduation rates and transfer rates for program
19 participants, as such rates are defined by the eli-
20 gible institution, in consultation with the Sec-
21 retary, before the end of the grant period;

22 “(B) the number of such eligible students
23 who will participate in such program, including
24 how such eligible students will be identified, re-
25 ferred, and selected, in cases where the interest in

1 *the program is larger than the budget for the*
2 *program;*

3 “(C) *based on the most recent academic*
4 *year for which data are available, disaggregated*
5 *by full-time students and all students—*

6 “(i) *graduation rates; and*

7 “(ii) *transfer rates;*

8 “(D) *an analysis of the financial needs of*
9 *the full-time students;*

10 “(E) *a description of how the eligible insti-*
11 *tution will effectively staff a community college*
12 *student success program; and*

13 “(F) *a timeline for the implementation of*
14 *such program;*

15 “(2) *a budgetary analysis that includes—*

16 “(A) *a description of how the eligible insti-*
17 *tution will provide non-Federal funds for such*
18 *program under subsection (d) of section 420V;*
19 *and*

20 “(B) *a description of how the eligible insti-*
21 *tution will continue to fund such program after*
22 *the end of the grant period for the grant awarded*
23 *to the institution under section 420V; and*

24 “(3) *such other information as the Secretary*
25 *may require.*

1 **“SEC. 420V. GRANTS TO IMPLEMENT COMMUNITY COLLEGE**
2 **STUDENT SUCCESS PROGRAMS.**

3 *“(a) IMPLEMENTATION GRANTS AUTHORIZED.—*

4 *“(1) IN GENERAL.—From the amounts appro-*
5 *propriated to carry out this section under section 420BB*
6 *for a fiscal year, the Secretary shall award grants for*
7 *such fiscal year, on a competitive basis, to eligible in-*
8 *stitutions awarded a grant under section 420U to im-*
9 *plement community college student success programs.*

10 *“(2) CONSULTATION.—In awarding grants under*
11 *this section for a fiscal year, the Secretary shall con-*
12 *sult with the independent evaluator before finalizing*
13 *which eligible institutions will receive such a grant*
14 *for such fiscal year.*

15 *“(b) REQUIREMENTS FOR SELECTION.—To be eligible*
16 *to receive a grant under this section, an eligible institution*
17 *shall meet the following requirements:*

18 *“(1) The eligible institution was awarded a*
19 *grant under section 420U at least 1 year before such*
20 *eligible institution submits an application under sub-*
21 *section (e).*

22 *“(2) The eligible institution submits an applica-*
23 *tion under subsection (e).*

24 *“(3) The eligible institution demonstrates, on the*
25 *date of the application described in subsection (e), the*
26 *availability of non-Federal funding for the matching*

1 *funds required under subparagraphs (A), (B), and*
2 *(C) of subsection (d)(1).*

3 “(c) *DURATION.*—*A grant awarded under this section*
4 *shall be for a 5-year period.*

5 “(d) *NON-FEDERAL CONTRIBUTION.*—

6 “(1) *IN GENERAL.*—*Except as provided in para-*
7 *graph (2), an eligible institution awarded a grant*
8 *under this section shall contribute in cash from non-*
9 *Federal sources, the following:*

10 “(A) *For the second year of the grant pe-*
11 *riod, an amount equal to 20 percent of the cost*
12 *of carrying out the community college student*
13 *success program at the institution for such year.*

14 “(B) *For the third year of the grant period,*
15 *an amount equal to 30 percent of the cost of car-*
16 *rying out such program for such year.*

17 “(C) *For the fourth year of the grant pe-*
18 *riod, an amount equal to 40 percent of the cost*
19 *of carrying out such program for such year.*

20 “(D) *For the fifth year of the grant period,*
21 *an amount equal to 50 percent of the cost of car-*
22 *rying out such program for such year.*

23 “(2) *EXCEPTION.*—

24 “(A) *IN GENERAL.*—*Notwithstanding para-*
25 *graph (1), with respect to an exempt institution*

1 *awarded a grant under this section, for each*
2 *year of the grant period beginning with the sec-*
3 *ond year through the fifth year, the Secretary*
4 *shall not require the institution to make a cash*
5 *contribution from non-Federal sources in an*
6 *amount that is greater than the amount equal to*
7 *5 percent of the cost of carrying out the commu-*
8 *nity college student success program at the insti-*
9 *tution for such year.*

10 “(B) *DEFINITIONS.*—*For purposes of this*
11 *paragraph:*

12 “(i) *EXEMPT INSTITUTION.*—*The term*
13 *‘exempt institution’ means an eligible insti-*
14 *tution that is a—*

15 “(I) *Tribal college or university;*

16 *or*

17 “(II) *an institution located in the*
18 *Commonwealth of Puerto Rico, Guam,*
19 *American Samoa, the United States*
20 *Virgin Islands, the Commonwealth of*
21 *the Northern Mariana Islands, the Re-*
22 *public of the Marshall Islands, the Fed-*
23 *erated States of Micronesia, or the Re-*
24 *public of Palau.*

1 “(i) *TRIBAL COLLEGE OR UNIVER-*
2 *SITY.—The term ‘Tribal college or univer-*
3 *sity’ has the meaning given the term in sec-*
4 *tion 316 of the Higher Education Act of*
5 *1965 (20 U.S.C. 1059c).*

6 “(e) *APPLICATION.—An eligible institution 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, which shall*
10 *include a copy of the report described in 420U(e).*

11 “(f) *REQUIRED USE OF FUNDS.—An eligible institu-*
12 *tion that receives a grant under this section shall use the*
13 *grant funds to—*

14 “(1) *implement a community college student suc-*
15 *cess program; and*

16 “(2) *regularly review—*

17 “(A) *data to monitor the academic progress*
18 *of eligible students participating in such pro-*
19 *gram; and*

20 “(B) *the meeting and program participa-*
21 *tion requirements described in section 420AA(1).*

22 “(g) *PERMISSIBLE USE OF FUNDS.—An eligible insti-*
23 *tution that receives a grant under this section may use the*
24 *grant to—*

1 “(1) establish or expand a data tracking system
2 that includes early alerts to complete the regular re-
3 views required under subsection (f)(2);

4 “(2) provide eligible students participating in
5 the community college student success program for
6 which the grant is awarded with financial assistance
7 to cover the costs described in paragraph (2), (3), or
8 (8) of section 472;

9 “(3) establish or expand career development serv-
10 ices for such students, such as career workshops or ca-
11 reer counseling;

12 “(4) establish or expand tutoring services for
13 such students;

14 “(5) cover the employment of administrators for
15 the program whose sole job shall be to administer the
16 program, without regard to whether the employment
17 is full-time or less than full-time; and

18 “(6) provide financial support for eligible stu-
19 dents participating in such program to enroll in
20 courses offered during enrollment periods that are
21 outside the fall and spring semesters (or equivalent
22 terms).

23 “(h) REPORTS.—Using the postsecondary student data
24 system established under section 132(l) or a successor sys-
25 tem (whichever includes the most recent data) to streamline

1 *reporting requirements and minimize reporting burdens,*
2 *and in coordination with the National Center for Edu-*
3 *cation Statistics, the Secretary shall, on at least an annual*
4 *basis, collect data with respect to each community college*
5 *student success program, including the following:*

6 “(1) *Each eligible institution that receives a*
7 *grant under this subpart shall, on an annual basis,*
8 *provide to the Secretary such information as may be*
9 *necessary for the Secretary to collect such data, in-*
10 *cluding—*

11 “(A) *the demographic characteristics of the*
12 *students participating in the community college*
13 *student success program;*

14 “(B) *the average number of credits at-*
15 *tempted and average number of credits earned,*
16 *rate of retention, rate of degree completion, and*
17 *rates of transfer of such eligible students; and*

18 “(C) *the graduation rate of such eligible*
19 *students.*

20 “(2) *Each such eligible institution shall, not less*
21 *than once for each year of the grant period, submit*
22 *to the Secretary an annual performance report for*
23 *such year of the grant period that includes—*

24 “(A) *an analysis of the implementation and*
25 *progress of such program based on the suffi-*

1 *ciently ambitious outcome goals described in the*
2 *report submitted by the institution under section*
3 *420U(e)(1)(A), including challenges to and*
4 *changes made to such program;*

5 *“(B) if according to the analysis under sub-*
6 *paragraph (A), the program is not on track to*
7 *meet such sufficiently ambitious outcome goals, a*
8 *description of the plans to adjust the program to*
9 *improve the performance of the program;*

10 *“(C) the participation of such eligible stu-*
11 *dents in tutoring, career services (which can in-*
12 *clude benefit counseling), and meetings with pro-*
13 *gram advisors; and*

14 *“(D) when data is available, which shall*
15 *compare the data collected for such year under*
16 *this paragraph with such data collected for each*
17 *of the 2 years preceding the date on which the*
18 *grant was awarded.*

19 *“(3) Not later than 6 years after the date on*
20 *which the eligible institution received such grant, sub-*
21 *mit a final report to the Secretary that includes an*
22 *analysis of—*

23 *“(A) the factors that contributed to the suc-*
24 *cess or failure of the community college student*
25 *success program in meeting the ambitious out-*

1 *come goals described in the report submitted by*
2 *the institution under section 3(e)(1)(A);*

3 *“(B) the challenges faced in attempting to*
4 *implement such program;*

5 *“(C) information on how to improve such*
6 *program;*

7 *“(D) whether the program has created an*
8 *institution-wide reform with respect to gradua-*
9 *tion rates and transfer rates for all students, and*
10 *if so, how such reform was created; and*

11 *“(E) how the eligible institution will con-*
12 *tinue to fund such program after the end of the*
13 *grant period.*

14 **“SEC. 420W. EVALUATIONS.**

15 *“(a) INDEPENDENT EVALUATIONS.—Before finalizing*
16 *which eligible institutions will receive grants under section*
17 *420V for a fiscal year, the Secretary, acting through the*
18 *Director of the Institute of Education Sciences, shall enter*
19 *into a contract with an independent evaluator—*

20 *“(1) to consult with the Secretary on which eligi-*
21 *ble institutions should receive the grants; and*

22 *“(2) to use the What Works Clearinghouse*
23 *Standards (without reservations) to evaluate, through-*
24 *out the duration of the grant period of such grants—*

1 “(A) *each community college student success*
2 *program for which such grant is awarded, in-*
3 *cluding whether the program met its ambitious*
4 *outcome goals described in the report submitted*
5 *by the institution under section 420U(e)(1)(A);*

6 “(B) *the average impact of community col-*
7 *lege student success programs on graduation*
8 *rates and transfer rates for eligible students;*

9 “(C) *the variation in program impact*
10 *across eligible institutions with respect to such*
11 *rates; and*

12 “(D) *whether such programs lead to higher*
13 *graduation rates and transfer rates of eligible*
14 *students per dollar spent for such students by*
15 *such institutions compared with such rates at el-*
16 *igible institutions without such programs.*

17 “(b) *RESULTS OF EVALUATIONS.—The results of the*
18 *evaluations under subsection (a) shall be made publicly*
19 *available on the website of the Department of Education.*

20 “(c) *FUNDING FOR EVALUATIONS.—The Secretary*
21 *may reserve not more than 15 percent of the funds appro-*
22 *priated under section 420BB for a fiscal year to carry out*
23 *this section for such fiscal year.*

1 **“SEC. 420X. OUTREACH AND TECHNICAL ASSISTANCE.**

2 “(a) *OUTREACH.*—*The Secretary shall conduct out-*
3 *reach activities to notify eligible institutions of the avail-*
4 *ability of grants under this subpart.*

5 “(b) *TECHNICAL ASSISTANCE.*—*The Secretary shall*
6 *provide technical assistance—*

7 “(1) *to eligible institutions that may be inter-*
8 *ested in applying for grants under this subpart, in-*
9 *cluding assistance with applications for such grants;*
10 *and*

11 “(2) *to eligible institutions awarded grants*
12 *under this subpart, including assistance with—*

13 “(A) *establishing ambitious outcome goals*
14 *described in section 420U(e)(1)(A); and*

15 “(B) *the implementation of a community*
16 *college student success program.*

17 “(c) *FUNDING FOR TECHNICAL ASSISTANCE FOR*
18 *EVALUATIONS.*—*The Secretary may reserve not more than*
19 *7 percent of the funds appropriated under section 420BB*
20 *for a fiscal year for technical assistance under this section*
21 *for such fiscal year.*

22 **“SEC. 420Y. REPORT TO CONGRESS.**

23 “*Not later than 1 year after the date on which the Sec-*
24 *retary receives the final evaluation results under section*
25 *420W for eligible institutions that were awarded grants*

1 *under section 420V for the same fiscal year, the Secretary*
2 *shall submit to Congress a report that includes—*

3 *“(1) the number of grants awarded under section*
4 *420V for such fiscal year, and the amount of such*
5 *grants;*

6 *“(2) the number of grants awarded under section*
7 *420U to eligible institutions that received the grants*
8 *described in paragraph (1), and the amount of such*
9 *grants;*

10 *“(3) the number of grants awarded under section*
11 *420U to eligible institutions that would have been eli-*
12 *gible but did not receive the grants in paragraph (1);*

13 *“(4) such final evaluation results; and*

14 *“(5) any other information the Secretary may*
15 *deem relevant.*

16 **“SEC. 420Z. SUPPLEMENT, NOT SUPPLANT.**

17 *“Funds awarded to an eligible institution under this*
18 *subpart shall be used only to supplement the amount of*
19 *funds that would, in the absence of the Federal funds pro-*
20 *vided under this subpart, be made available from non-Fed-*
21 *eral sources or other Federal sources to carry out the activi-*
22 *ties under this subpart, and not to supplant such funds.*

23 **“SEC. 420AA. DEFINITIONS.**

24 *“In this subpart:*

1 “(1) *COMMUNITY COLLEGE STUDENT SUCCESS*
2 *PROGRAM.*—*The term ‘community college student suc-*
3 *cess program’ means a program carried out by an eli-*
4 *gible institution under which the institution carries*
5 *out the following:*

6 “(A) *Provides eligible students partici-*
7 *parting in such program with an amount that*
8 *covers the cost of tuition and fees that are not*
9 *covered by any Federal, State, or institutional*
10 *financial assistance received by the student.*

11 “(B) *Requires eligible students partici-*
12 *parting in such program to—*

13 “(i) *be enrolled in the eligible institu-*
14 *tion and carry a full-time academic work-*
15 *load during each fall and spring semester*
16 *(or equivalent terms) during which the stu-*
17 *dent participates in such program;*

18 “(ii) *if the eligible student is referred*
19 *to remedial courses or is on academic pro-*
20 *bation, meet, on at least a weekly basis or*
21 *under an alternate schedule, as determined*
22 *by the institution, with a tutor, except that*
23 *in the case of an eligible student who is aca-*
24 *demically struggling, but who is not re-*
25 *ferred to remedial courses or on academic*

1 *probation, the student may meet with a*
2 *tutor as often as the program advisor for*
3 *such student requires or under an alternate*
4 *schedule, as determined by the institution;*

5 *“(iii) meet with a program advisor—*

6 *“(I) twice each month during the*
7 *first semester (or equivalent term) of*
8 *participation in such program; and*

9 *“(II) as directed by the program*
10 *advisor in subsequent semesters (or*
11 *equivalent terms) under subparagraph*
12 *(C)(ii); and*

13 *“(iv) meet with an on-campus career*
14 *advisor or participate in a career services*
15 *event once each semester (or equivalent*
16 *term) or under an alternate schedule, as de-*
17 *termined by the institution.*

18 *“(C) Provides a program advisor to each el-*
19 *igible student participating in such program*
20 *who—*

21 *“(i) provides comprehensive academic*
22 *and personal advising to the eligible stu-*
23 *dent, including—*

24 *“(I) the creation and implementa-*
25 *tion of an academic plan for the stu-*

1 *dent to graduate from a program of*
2 *study at the eligible institution within*
3 *150 percent of the normal time for*
4 *graduation from such program;*

5 *“(II) if an eligible student is re-*
6 *ferred to remedial courses, encouraging*
7 *such student to complete such courses*
8 *as quickly as possible; and*

9 *“(III) assisting the eligible stu-*
10 *dent with developing and achieving*
11 *academic goals, including creating*
12 *strong transfer pathways that dem-*
13 *onstrate programmatic transfer for*
14 *students interested in transferring to a*
15 *4-year institution of higher education;*

16 *“(ii) after the eligible student partici-*
17 *pating in such program completes a semes-*
18 *ter (or equivalent term), creates for the eli-*
19 *gible student a needs-based advising sched-*
20 *ule that indicates, based on the eligible stu-*
21 *dent’s academic performance, the frequency*
22 *with which such eligible student shall be re-*
23 *quired to meet with a program advisor for*
24 *each subsequent semester (or equivalent*
25 *term) of program participation;*

1 “(iii) has a caseload of not more than
2 150 eligible students;

3 “(iv) tracks the attendance of the eligi-
4 ble student at the meetings described in
5 clauses (ii), (iii), and (iv) of subparagraph
6 (B);

7 “(v) monitors the academic progress of
8 the eligible student; and

9 “(vi) provides each eligible student who
10 meets the requirements of subparagraph
11 (B), on at least a monthly basis, with fi-
12 nancial incentives, such as a transportation
13 pass or a gas card.

14 “(D) Provides free tutoring and career serv-
15 ices (which can include benefit counseling) to eli-
16 gible students participating in such program,
17 and may reserve places in select courses for such
18 eligible students in order to create a community
19 within cohorts of eligible students.

20 “(E) Provides information to eligible stu-
21 dents participating in such program about the
22 eligibility of such students for assistance under
23 the supplemental nutrition assistance program
24 under the Food and Nutrition Act of 2008 (7
25 U.S.C. 2011 et seq.) and the program of block

1 *grants for States for temporary assistance for*
2 *needy families established under part A of title*
3 *IV of the Social Security Act (42 U.S.C. 601 et*
4 *seq.).*

5 “(2) *ELIGIBLE INSTITUTION.*—*The term ‘eligible*
6 *institution’ means a public 2-year institution of high-*
7 *er education.*

8 “(3) *ELIGIBLE STUDENT.*—*The term ‘eligible*
9 *student’ means a student enrolled at an eligible insti-*
10 *tution who—*

11 “(A) *on the date such eligible student would*
12 *begin participation in a community college stu-*
13 *dent success program at such eligible institu-*
14 *tion—*

15 “(i) *is enrolled in a program of study*
16 *leading to an associate degree;*

17 “(ii) *is enrolled at such institution and*
18 *carrying a full-time academic workload*
19 *during each fall and spring semester (or*
20 *equivalent terms) during which the student*
21 *participates in such program;*

22 “(iii) *is—*

23 “(I) *a first-time undergraduate*
24 *student; or*

1 “(II) a continuing or transfer stu-
2 dent with not more than 15 credits
3 and a minimum grade point average
4 of 2.0 (or its equivalent); and

5 “(iv) is considered by the eligible insti-
6 tution to need no more than two remedial
7 courses; and

8 “(B) if the student is eligible for financial
9 aid under title IV, has completed the Free Appli-
10 cation for Federal Student Aid or other common
11 financial reporting form under section 483(a);
12 and

13 “(C) meets any other requirements estab-
14 lished by the institution.

15 “(4) *FULL-TIME ACADEMIC WORKLOAD*.—The
16 term ‘full-time academic workload’, when used with
17 respect to a semester or equivalent term, means at
18 least 12 credits (or the equivalent).

19 “(5) *INSTITUTION OF HIGHER EDUCATION*.—The
20 term ‘institution of higher education’ has the meaning
21 given the term under section 101.

22 “(6) *TRANSFER RATE*.—The term ‘transfer rate’,
23 when used with respect to students enrolled in a pro-
24 gram of study at an eligible institution, means the

1 *rate at which such students transfer to a 4-year insti-*
2 *tution of higher education.*

3 **“SEC. 420BB. AUTHORIZATION OF APPROPRIATIONS.**

4 *“There are authorized to be appropriated to carry out*
5 *this subpart \$1,000,000,000, to be available until expended*
6 *for fiscal year 2021 and each of the 5 succeeding fiscal*
7 *years.”.*

8 **SEC. 4093. FEDERAL PELL BONUS PROGRAM.**

9 *Part A of title IV of the Higher Education Act of 1965*
10 *(20 U.S.C. 1070 et seq.) is amended by adding at the end*
11 *the following:*

12 **“Subpart 12—Federal Pell Grant Bonus Program**

13 **“SEC. 420CC. FEDERAL PELL GRANT BONUS PROGRAM.**

14 *“(a) IN GENERAL.—The Secretary shall allot funds in*
15 *an amount determined under subsection (b) to each eligible*
16 *institution to support the attainment of bachelor’s degrees*
17 *among low-income students, which may include providing*
18 *financial aid and student support services to such students.*

19 *“(b) ALLOTMENT FORMULA.—For each fiscal year,*
20 *each eligible institution shall be allotted an amount under*
21 *subsection (a) that bears the same proportion to the amount*
22 *appropriated under subsection (c) for such fiscal year as*
23 *the number of bachelor’s degrees awarded by the institution*
24 *for the award year ending prior to the beginning of the*
25 *preceding fiscal year to students who, during such award*

1 year, received a Federal Pell Grant and graduated from the
2 program in which such students were enrolled in the normal
3 time for completion of such program (within the meaning
4 of section 132(i)(1)(J)(i)) bears to the total number of bach-
5 elor's degrees awarded to such students by all eligible insti-
6 tutions for such award year.

7 “(c) DATA.—In determining the allotments under sub-
8 section (b), the Secretary may request from eligible institu-
9 tions any data that may be necessary.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated, and there are appro-
12 priated, to carry out this section \$500,000,000 for fiscal
13 year 2021 and each succeeding fiscal year. Any amounts
14 appropriated under this subsection shall be available until
15 expended.

16 “(e) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE INSTITUTION.—The term ‘eligible
18 institution’ means an institution of higher education
19 (as defined in section 101)—

20 “(A) in which, for the 3 most recent award
21 years, the average percentage of undergraduate
22 students enrolled at the institution who received
23 Federal Pell Grants is not less than 25 percent
24 of the total number of undergraduate students
25 enrolled at such institution; and

1 “(B) that has not opted out of receiving an
2 allotment under this section.

3 “(2) *LOW-INCOME STUDENT*.—The term ‘low-in-
4 come student’ has the meaning given such term in
5 section 499R(3).”.

6 **PART B—FEDERAL FAMILY EDUCATION LOAN**
7 **PROGRAM**

8 **SEC. 4101. TERMINATION OF CERTAIN REPAYMENT PLAN**
9 **OPTIONS AND OPPORTUNITY TO CHANGE RE-**
10 **PAYMENT PLANS.**

11 (a) *SELECTION OF REPAYMENT PLANS*.—Section
12 428(b) of the Higher Education Act of 1965 (20 U.S.C.
13 1078(b)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (D)—

16 (i) in clause (ii), by striking “may an-
17 nually change the selection of a repayment
18 plan under this part,” and inserting “may
19 at any time after July 1, 2021, change the
20 selection of a repayment plan under this
21 part to one of the 2 repayment plans de-
22 scribed in paragraph (9)(C),”; and

23 (ii) in clause (iii), by striking “be sub-
24 ject to income contingent repayment in ac-
25 cordance with subsection (m);” and insert-

1 ing “be subject to income-based repayment
2 in accordance with section 493C(f);” and
3 (B) in subparagraph (E)(i), by striking
4 “the option of repaying the loan in accordance
5 with a standard, graduated, income-sensitive, or
6 extended repayment schedule (as described in
7 paragraph (9)) established by the lender in ac-
8 cordance with regulations of the Secretary; and”
9 and inserting “the option of repaying the loan
10 in accordance with a repayment plan described
11 in paragraph (9)(C) established by the lender in
12 accordance with regulations of the Secretary;
13 and”;

14 (2) in paragraph (9), by adding at the end the
15 following:

16 “(C) *SELECTION OF REPAYMENT PLANS ON*
17 *AND AFTER JULY 1, 2021.—Notwithstanding any*
18 *other provision of this paragraph, or any other*
19 *provision of law, and in accordance with regula-*
20 *tions, beginning on July 1, 2021, the lender shall*
21 *offer a borrower of a loan made, insured, or*
22 *guaranteed under this part the opportunity to*
23 *change repayment plans, and to enroll in one of*
24 *the following repayment plans:*

1 “(i) A fixed repayment plan described
2 in section 493E.

3 “(ii) The income-based repayment plan
4 under section 493C(f).”.

5 (b) *ASSIGNMENT BY THE SECRETARY.*—Section
6 428(m) of the Higher Education Act of 1965 (20 U.S.C.
7 1078(m)) is amended—

8 (1) in the subsection heading, by striking “IN-
9 COME CONTINGENT AND”;

10 (2) by amending paragraph (1) to read as fol-
11 lows:

12 “(1) *AUTHORITY OF SECRETARY TO REQUIRE.*—
13 The Secretary may require borrowers who have de-
14 faulted on loans made under this part that are as-
15 signed to the Secretary under subsection (c)(8) to
16 repay those loans under the income-based repayment
17 plan under section 493C(f).”; and

18 (3) in the heading for paragraph (2), by striking
19 “INCOME CONTINGENT OR”.

20 **SEC. 4102. TERMINATION OF INTEREST CAPITALIZATION**
21 **FOR SUBSIDIZED LOANS AFTER CERTAIN PE-**
22 **RIODS.**

23 Section 428(c)(3)(C) of the Higher Education Act of
24 1965 (20 U.S.C. 1078(c)(3)(C)) is amended—

1 (1) *in clause (iii), by inserting before the semi-*
2 *colon the following: “, and with respect to a forbear-*
3 *ance granted to a borrower on or after the date of en-*
4 *actment of the College Affordability Act on a loan*
5 *made, insured or guaranteed under this section, pro-*
6 *vide information to the borrower to assist the bor-*
7 *rower in understanding that interest shall accrue on*
8 *the loan but not be capitalized at the expiration of*
9 *such period of forbearance”;* and

10 (2) *in clause (iv)—*

11 (A) *in subclause (III), by inserting before*
12 *the semicolon at the end the following: “, except*
13 *that this subclause shall not apply with respect*
14 *to any period of forbearance beginning on or*
15 *after the date of enactment of the College Afford-*
16 *ability Act”;* and

17 (B) *in subclause (IV), by inserting before*
18 *the semicolon at the end the following: “except*
19 *that this subclause shall not apply with respect*
20 *to any period of forbearance beginning on or*
21 *after the date of enactment of the College Afford-*
22 *ability Act”.*

1 **SEC. 4103. TERMINATION OF INTEREST CAPITALIZATION**
 2 **FOR PLUS LOANS AFTER CERTAIN PERIODS.**

3 *Section 428B(d)(2) of the Higher Education Act of*
 4 *1965 (20 U.S.C. 1078–2(d)(2)) is amended—*

5 *(1) in subparagraph (A), by striking “Interest*
 6 *on” and inserting “Subject to subparagraph (C), in-*
 7 *terest on”; and*

8 *(2) by adding at the end the following:*

9 *“(C) INTEREST CAPITALIZATION.—Interest*
 10 *shall not be added to the principal amount of a*
 11 *loan made under this section at the expiration of*
 12 *any period that begins on or after the date of en-*
 13 *actment of the College Affordability Act, of—*

14 *“(i) deferment described in clause*
 15 *(i)(II), (ii), (iii), or (iv) of section*
 16 *427(a)(2)(C) or clause (i)(II), (ii), (iii),*
 17 *(iv), or (v) of section 428(b)(1)(M); or*

18 *“(ii) forbearance.”.*

19 **SEC. 4104. CONSOLIDATION LOANS.**

20 *(a) SUBSEQUENT CONSOLIDATION LOANS.—Section*
 21 *428C(a)(3)(B)(i)(V) of the Higher Education Act of 1965*
 22 *(20 U.S.C. 1078–3(a)(3)(B)(i)(V)) is amended—*

23 *(1) by striking “or” at the end of item (bb);*

24 *(2) by striking the period at the end of item (cc)*
 25 *and inserting a semicolon; and*

26 *(3) by adding at the end the following:*

1 “(dd) for the purpose of sepa-
 2 rating a joint consolidation loan
 3 into 2 separate Federal Direct
 4 Consolidation Loans under section
 5 455(g)(2); or

6 “(ee) for the purpose of sec-
 7 tion 455(m)(9)(A)(ii),
 8 493C(f)(2)(G), or 493E(c).”.

9 (b) **TERMINATION OF INTEREST CAPITALIZATION**
 10 **AFTER CERTAIN PERIODS.**—Section 428C(b)(4)(C)(ii)(III)
 11 of the Higher Education Act of 1965 (20 U.S.C. 1078–
 12 3(b)(4)(C)(ii)(III)) is amended by inserting before the semi-
 13 colon the following: “, except that with respect to a period
 14 of deferment described in clause (i)(II), (ii), (iii), (iv), or
 15 (v) of section 428(b)(1)(M), or any period of forbearance,
 16 beginning on or after the date of enactment of the College
 17 Affordability Act on such a consolidation loan, interest
 18 shall not be capitalized at the expiration of such period of
 19 deferment or forbearance”.

20 **SEC. 4105. DEFAULT REDUCTION PROGRAM.**

21 Section 428F(a)(1)(C) of the Higher Education Act of
 22 1965 (20 U.S.C. 1078–6(a)(1)(C)) is amended by striking
 23 “to remove the record of the default from the borrower’s
 24 credit history” and inserting “to remove any adverse item

1 of information relating to such loan from the borrower's
2 credit history”.

3 **SEC. 4106. TERMINATION OF INTEREST CAPITALIZATION**
4 **FOR UNSUBSIDIZED LOANS AFTER CERTAIN**
5 **PERIODS.**

6 Section 428H(e)(2)(A)(ii)(III) of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1078–8(e)(2)(A)(ii)(III)) is
8 amended by inserting before the semicolon the following: “,
9 except that with respect to a period of deferment described
10 in clause (i)(II), (ii), (iii), or (iv) of section 427(a)(2)(C)
11 or clause (i)(II), (ii), (iii), (iv), or (v) of section
12 428(b)(1)(M), or any period of forbearance, beginning on
13 or after the date of enactment of the College Affordability
14 Act on a loan made, insured, or guaranteed under this sec-
15 tion, interest shall not be added to the principal amount
16 of the loan at the expiration of such period of deferment
17 or forbearance”.

18 **SEC. 4107. DISBURSEMENT OF STUDENT LOANS.**

19 Section 428G of the Higher Education Act of 1965 (20
20 U.S.C. 1078–7(a)) is amended—

21 (1) in subsection (a) by adding at the end the
22 following:

23 “(5) **ADJUSTED COHORT DEFAULT RATE.**—Be-
24 ginning on the date on which the final adjusted co-
25 hort default rates are published by the Secretary for

1 *not less than 3 fiscal years under section 435(m), an*
 2 *institution whose adjusted cohort default rate (as de-*
 3 *termined under section 435(m)) for each of the 3 most*
 4 *recent fiscal years for which data are available is less*
 5 *than 5 percent may disburse any loan made, insured,*
 6 *or guaranteed under this part in a single installment*
 7 *for any period of enrollment that is not more than 1*
 8 *semester, 1 trimester, 1 quarter, or 4 months.”; and*

9 *(2) in subsection (e), by inserting before the pe-*
 10 *riod the following: “, or beginning on the date on*
 11 *which the final adjusted cohort default rates are pub-*
 12 *lished by the Secretary for fiscal year 2018 under sec-*
 13 *tion 435(m), an adjusted cohort default rate (as deter-*
 14 *mined under section 435(m)) of less than 2 percent”.*

15 **SEC. 4108. STUDENT LOAN CONTRACT AND LOAN DISCLO-**
 16 **SURES.**

17 *(a) STUDENT LOAN CONTRACT.—Section*
 18 *432(m)(1)(D) of the Higher Education Act of 1965 (20*
 19 *U.S.C. 1082(m)(1)(D)) is amended by adding at the end*
 20 *the following:*

21 *“(iv) STUDENT LOAN CONTRACT.—*

22 *“(I) IN GENERAL.—Any master*
 23 *promissory note form described in this*
 24 *subparagraph that is developed or used*
 25 *for loans made under part D for peri-*

1 *ods of enrollment beginning on or after*
2 *the date of enactment of the College Af-*
3 *fordability Act shall be referred to as a*
4 *‘student loan contract’.*

5 *“(II) CLARIFICATION ON USE.—*
6 *Notwithstanding clause (i), each stu-*
7 *dent loan contract for a part D loan*
8 *made for periods of enrollment begin-*
9 *ning on or after the date of enactment*
10 *of the College Affordability Act shall—*

11 *“(aa) not be entered into by*
12 *a student unless the student has*
13 *completed all required counseling*
14 *related to such loan, including*
15 *counseling required under section*
16 *485(l);*

17 *“(bb) be signed by the stu-*
18 *dent entering such student loan*
19 *contract after completion of such*
20 *counseling; and*

21 *“(cc) be used only for the*
22 *academic year for which the ini-*
23 *tial loans are made under the con-*
24 *tract, and shall not be valid for*
25 *additional loans for the same or*

1 *subsequent periods of enroll-*
2 *ment.”.*

3 *(b) LOAN DISCLOSURES.—Section 432(m)(1)(D) of the*
4 *Higher Education Act of 1965 (20 U.S.C. 1082(m)(1)(D))*
5 *is further amended by adding after clause (iv) (as added)*
6 *the following:*

7 *“(v) LOAN DISCLOSURES.—For loans*
8 *made for periods of enrollment beginning on*
9 *or after the date of enactment of the College*
10 *Affordability Act, the Secretary shall take*
11 *such steps as are necessary to streamline the*
12 *student loan disclosure requirements under*
13 *this Act. The Secretary shall ensure that in-*
14 *formation required to be disclosed to a stu-*
15 *dent who is applying for, receiving, or pre-*
16 *paring to repay a loan under part D of this*
17 *Act shall be streamlined in a manner*
18 *that—*

19 *“(I) based upon consumer testing,*
20 *reduces and simplifies the paperwork*
21 *students are required to complete; and*

22 *“(II) limits the number of times*
23 *students are presented with disclosures*
24 *by incorporating the streamlined dis-*
25 *closures into required student loan*

1 *counseling under section 485(l), the*
2 *student loan contract under this sub-*
3 *paragraph, or both.”.*

4 **SEC. 4109. BORROWER ADVOCATE CONFORMING AMEND-**
5 **MENTS.**

6 *Section 433 of the Higher Education Act of 1965 (20*
7 *U.S.C. 1083) is amended—*

8 (1) *in subsection (b)(13), by striking “Student*
9 *Loan Ombudsman” and inserting “Borrower Advo-*
10 *cate”;* and

11 (2) *in subsection (e)(3)(E), by striking “Student*
12 *Loan Ombudsman” and inserting “Borrower Advo-*
13 *cate”.*

14 **SEC. 4110. COHORT DEFAULT RATES.**

15 (a) *INELIGIBILITY BASED ON HIGH DEFAULT*
16 *RATES.—*

17 (1) *IN GENERAL.—Section 435(a) of the Higher*
18 *Education Act of 1965 (20 U.S.C. 1085(a)) is amend-*
19 *ed—*

20 (A) *in paragraph (7)(A), by adding at the*
21 *end the following:*

22 “(iii) *DEFAULT MANAGEMENT PLAN.—*
23 *The default management plan required*
24 *under clause (i) may not include placing*
25 *students in forbearance as a means of re-*

1 *ducing the cohort default rate or the ad-*
2 *justed cohort default rate of the institu-*
3 *tion.”; and*

4 *(B) by adding at the end the following:*

5 *“(9) INELIGIBILITY BASED ON HIGH ADJUSTED*
6 *COHORT DEFAULT RATES.—*

7 *“(A) IN GENERAL.—Except as provided in*
8 *subparagraphs (B) and (D), beginning on the*
9 *date that is one year after the date on which the*
10 *final adjusted cohort default rates are published*
11 *by the Secretary for not less than 3 fiscal years,*
12 *in a case in which one of the following deter-*
13 *minations is made with respect to an institu-*
14 *tion, such institution shall be ineligible to par-*
15 *ticipate in a program under this title for the fis-*
16 *cal year for which the determination is made*
17 *and for the two succeeding fiscal years:*

18 *“(i) The institution’s adjusted cohort*
19 *default rate is greater than 20 percent for*
20 *each of the 3 most recent fiscal years for*
21 *which the final adjusted cohort default rates*
22 *are published.*

23 *“(ii) With respect to the 6 most recent*
24 *fiscal years for which the final adjusted co-*
25 *hort default rates are published—*

1 “(I) the institution’s adjusted co-
2 hort default rate is greater than 15
3 percent for each such fiscal year; and

4 “(II) the Secretary determines
5 that, during such 6-year period, the in-
6 stitution has not made adequate
7 progress in meeting standards for stu-
8 dent achievement established by the rel-
9 evant accrediting agency or association
10 pursuant to section 496(a)(5)(A).

11 “(iii) With respect to the 8 most recent
12 fiscal years for which the final adjusted co-
13 hort default rates are published—

14 “(I) the institution’s adjusted co-
15 hort default rate is greater than 10
16 percent for each such fiscal year; and

17 “(II) the Secretary determines
18 that, during such 8-year period, the in-
19 stitution has not made adequate
20 progress in meeting standards for stu-
21 dent achievement established by the rel-
22 evant accrediting agency or association
23 pursuant to section 496(a)(5)(A).

24 “(B) *EXCEPTIONS FOR CERTAIN CAT-*
25 *EGORIES OF EDUCATIONAL PROGRAMS.—With re-*

1 *spect to an institution that loses eligibility to*
2 *participate in a program under this title in ac-*
3 *cordance with subparagraph (A)(ii), such insti-*
4 *tution may request and be granted an exception*
5 *to such loss of eligibility for a category of edu-*
6 *cational programs at such institution by dem-*
7 *onstrating to the Secretary that the adjusted co-*
8 *hort default rate for the category of educational*
9 *programs is 15 percent or less for each fiscal*
10 *year of the 6-year period on which such loss of*
11 *eligibility for the institution is based.*

12 *“(C) DETERMINATION OF THE ADJUSTED*
13 *COHORT RATE FOR A CATEGORY OF EDU-*
14 *CATIONAL PROGRAMS.—In determining the ad-*
15 *justed cohort default rate for a category of edu-*
16 *cational programs for purposes of this para-*
17 *graph—*

18 *“(i) subsection (m) shall be applied—*

19 *“(I) in paragraph (1)—*

20 *“(aa) in subparagraph (A),*
21 *by substituting ‘received for en-*
22 *rollment in the category of edu-*
23 *cational programs for which such*
24 *rate is being determined’ for ‘re-*

1 *ceived for attendance at the insti-*
2 *tution’; and*

3 “(bb) *in subparagraph*
4 *(E)(i)(II), by substituting, ‘per-*
5 *centage of students enrolled in the*
6 *category of educational programs*
7 *for which such rate is being deter-*
8 *mined’ for ‘percentage of students*
9 *enrolled at the institution’; and*

10 “(II) *as if the following were*
11 *added at the end of paragraph (2):*

12 ““(E) *In the case of a student who has re-*
13 *ceived a loan for enrollment in more than one*
14 *category of educational programs, the student*
15 *(and such student’s subsequent repayment or de-*
16 *fault) is attributed to the last category of edu-*
17 *cational programs in which such student was en-*
18 *rolled.’.*

19 “(D) *TRANSITION EXCEPTION.—*

20 “(i) *IN GENERAL.—A covered institu-*
21 *tion with an adjusted cohort default rate*
22 *that is greater than 20 percent for the first*
23 *fiscal year for which such rates are pub-*
24 *lished by the Secretary may request that*
25 *any determination of such institution’s in-*

1 *eligibility under paragraph (9)(A) not be*
2 *based on the adjusted cohort default rate of*
3 *such institution for any or all of the first*
4 *3 fiscal years for which such rates are pub-*
5 *lished by the Secretary.*

6 “(ii) *REQUIREMENT.*—*To be granted a*
7 *request under clause (i), an institution shall*
8 *submit to the Secretary a default manage-*
9 *ment plan as specified in paragraph (7).*

10 “(iii) *DEFINITION OF COVERED INSTI-*
11 *TUTION.*—*In this subparagraph, the term*
12 *‘covered institution’ means—*

13 “(I) *a public institution of higher*
14 *education;*

15 “(II) *a part B institution (as de-*
16 *fined in section 322); or*

17 “(III) *a private, nonprofit insti-*
18 *tution of higher education at which not*
19 *less than 45 percent of the total student*
20 *enrollment consists of low-income stu-*
21 *dents (as such term is defined in sec-*
22 *tion 419N(b)(7)).*

23 “(E) *CATEGORY OF EDUCATIONAL PRO-*
24 *GRAMS DEFINED.*—*The term ‘category of edu-*

1 *ational programs’, when used with respect to an*
2 *institution, means one of the following:*

3 “(i) *The educational programs at the*
4 *institution leading to an undergraduate,*
5 *non-degree credential.*

6 “(ii) *The educational programs at the*
7 *institution leading to an associate’s degree.*

8 “(iii) *The educational programs at the*
9 *institution leading to a bachelor’s degree.*

10 “(iv) *The educational programs at the*
11 *institution leading to a graduate, non-de-*
12 *gree credential.*

13 “(v) *The educational program at the*
14 *institution leading to a graduate degree.*

15 “(10) *APPLICATION OF ADJUSTED COHORT DE-*
16 *FAULT RATE.—Beginning on the date on which the*
17 *final adjusted cohort default rates are published by*
18 *the Secretary for not less than 3 fiscal years—*

19 “(A) *paragraph (1) shall be applied by sub-*
20 *stituting ‘paragraph (9)’ for ‘paragraph (2)’.*

21 “(B) *paragraph (3) shall be applied by sub-*
22 *stituting ‘adjusted cohort default rate, calculated*
23 *in accordance with subsection (m)(1)(D), is*
24 *greater than 20 percent for any 3 consecutive fis-*
25 *cal years’ for ‘cohort default rate, calculated in*

1 *accordance with subsection (m), is equal to or*
2 *greater than the threshold percentage specified in*
3 *paragraph (2)(B)(iv) for any two consecutive fis-*
4 *cal years’;*

5 “(C) *paragraph (4) shall be applied—*

6 “(i) *in subparagraph (C), by sub-*
7 *stituting ‘adjusted cohort default rate is*
8 *greater than 15 percent’ for ‘cohort default*
9 *rate equals or exceeds 20 percent’; and*

10 “(ii) *in the matter following subpara-*
11 *graph (C), by substituting ‘adjusted cohort*
12 *default rate to reflect the percentage of de-*
13 *faulted loans in the representative sample*
14 *that are required to be excluded pursuant to*
15 *subsection (m)(1)(B)’ for ‘cohort default rate*
16 *to reflect the percentage of defaulted loans*
17 *in the representative sample that are re-*
18 *quired to be excluded pursuant to subsection*
19 *(m)(1)(B)’;*

20 “(D) *paragraph (5)(A) shall be applied by*
21 *substituting ‘paragraph (9)’ for ‘paragraph (2)’;*
22 *and*

23 “(E) *paragraph (7) shall be applied—*

24 “(i) *in subparagraph (A)(i)—*

1 “(I) in the matter preceding sub-
2 clause (I), by substituting ‘adjusted co-
3 hort default rate is greater than 20
4 percent’ for ‘cohort default rate is equal
5 to or greater than the threshold per-
6 centage specified in paragraph
7 (2)(B)(iv)’; and

8 “(II) in subclauses (I) and (II),
9 by substituting ‘adjusted cohort default
10 rate’ for ‘cohort default rate’; and

11 “(ii) in subparagraph (B)(i), by sub-
12 stituting ‘adjusted cohort default rate is
13 greater than 20 percent’ for ‘cohort default
14 rate is equal to or greater than the threshold
15 percentage specified in paragraph
16 (2)(B)(iv)’.”.

17 (2) CONFORMING AMENDMENTS.—Section
18 435(a)(2) of the Higher Education Act of 1965 (20
19 U.S.C. 1085(a)) is amended—

20 (A) in the paragraph heading, by adding at
21 the end the following: “BEFORE FISCAL YEAR
22 2018”; and

23 (B) in subparagraph (B)(iv), by striking
24 “and any succeeding fiscal year” and inserting
25 “through fiscal year 2017”.

1 **(b) ADJUSTED COHORT DEFAULT RATE DEFINED.**—
2 *Section 435(m)(1) of the Higher Education Act of 1965 (20*
3 *U.S.C. 1085(m)(1)) is amended by adding at the end the*
4 *following:*

5 “(D)(i) *With respect to a cohort default rate cal-*
6 *culated for an institution under this paragraph for*
7 *fiscal year 2018 and for each succeeding fiscal year,*
8 *such cohort default rate shall be adjusted as follows:*

9 “(I) *In determining the number of current*
10 *and former students at an institution who enter*
11 *repayment for such fiscal year—*

12 “(aa) *any such student who is in non-*
13 *mandatory forbearance for such fiscal year*
14 *for a period of greater than 18 months but*
15 *less than 36 months shall not be counted as*
16 *entering repayment for such fiscal year;*

17 “(bb) *such a student shall be counted*
18 *as entering repayment for the first fiscal*
19 *year for which the student ceases to be in a*
20 *period of forbearance and otherwise meets*
21 *the requirements for being in repayment;*
22 *and*

23 “(cc) *any such student who is in a pe-*
24 *riod of forbearance for 3 or more years shall*
25 *be counted as in default and included in the*

1 *institution's total number of students in de-*
2 *fault.*

3 *“(II) Such rate shall be multiplied by the*
4 *percentage of students enrolled at the institution*
5 *for such fiscal year who are borrowing a loan*
6 *under part D of this title.*

7 *“(ii) The result obtained under this subpara-*
8 *graph for an institution shall be referred to in this*
9 *Act as the ‘adjusted cohort default rate’.”.*

10 *(c) PUBLICATION OF ADJUSTED COHORT DEFAULT*
11 *RATE.—Section 435(m) of the Higher Education Act of*
12 *1965 (20 U.S.C. 1085(m)) is amended by adding at the end*
13 *the following:*

14 *“(5) ADJUSTED COHORT DEFAULT RATES.—Be-*
15 *ginning on the date on which the final adjusted co-*
16 *hort default rates for fiscal year 2018 are made avail-*
17 *able for publication by the Secretary, paragraph (4)*
18 *shall be applied by substituting ‘adjusted cohort de-*
19 *fault’ for ‘cohort default’ each place it appears.”.*

20 **SEC. 4111. AUTOMATIC INCOME MONITORING PROCEDURES**

21 **AFTER A TOTAL AND PERMANENT DISABILITY**

22 **DISCHARGE.**

23 *Section 437(a) of the Higher Education Act of 1965*
24 *(20 U.S.C. 1087(a)) is amended by adding at the end the*
25 *following:*

1 “(3) *AUTOMATIC INCOME MONITORING.*—

2 “(A) *IN GENERAL.*—*Not later than 2 years*
3 *after the date of enactment of the College Afford-*
4 *ability Act, the Secretary shall establish and im-*
5 *plement, with respect to any borrower described*
6 *in subparagraph (B), procedures to—*

7 “(i) *obtain (for each year of the in-*
8 *come-monitoring period described in sub-*
9 *paragraph (B) and without further action*
10 *by the borrower) such information as is rea-*
11 *sonably necessary regarding the income of*
12 *such borrower for the purpose of deter-*
13 *mining the borrower’s continued eligibility*
14 *for the loan discharge described in subpara-*
15 *graph (B) for such year, and any other in-*
16 *formation necessary to determine such con-*
17 *tinued eligibility of the borrower for such*
18 *year, except that in the case of a borrower*
19 *whose returns and return information indi-*
20 *cate that the borrower has no earned income*
21 *for any year of such income-monitoring pe-*
22 *riod, such borrower shall be treated as not*
23 *having earned income in excess of the pov-*
24 *erty line for such year subject to clause (ii);*

1 “(ii) allow the borrower, at any time,
2 to opt out of clause (i) and prevent the Sec-
3 retary from obtaining information under
4 such clause without further action by the
5 borrower; and

6 “(iii) provide the borrower with an op-
7 portunity to update the information ob-
8 tained under clause (i) before the deter-
9 mination of the borrower’s continued eligi-
10 bility for such loan discharge for such year.

11 “(B) *APPLICABILITY.*—Subparagraph (A)
12 shall apply—

13 “(i) to each borrower of a covered loan
14 (defined in section 455(d)(10)) that is dis-
15 charged under this subsection or section
16 464(c)(1)(F) due to the permanent and total
17 disability of the borrower; and

18 “(ii) during the income-monitoring pe-
19 riod under this subsection, defined in this
20 paragraph as the period—

21 “(I) beginning on the date on
22 which such loan is so discharged; and

23 “(II) during which the Secretary
24 determines whether a reinstatement of
25 the obligation of, and resumption of

1 *collection on, such loan may be nec-*
2 *essary.”.*

3 **SEC. 4112. AUTOMATIC CLOSED SCHOOL DISCHARGE.**

4 *Section 437(c) of the Higher Education Act of 1965*
5 *(20 U.S.C. 1087(c)) is amended—*

6 *(1) by redesignating paragraphs (2) through (5)*
7 *as paragraphs (3) through (6), respectively; and*

8 *(2) by inserting after paragraph (1), the fol-*
9 *lowing:*

10 *“(2) AUTOMATIC CLOSED SCHOOL DISCHARGE.—*

11 *“(A) SECRETARIAL REQUIREMENTS.—With*
12 *respect to a borrower described in subparagraph*
13 *(B), the Secretary shall, without any further ac-*
14 *tion by the borrower, discharge the borrower’s li-*
15 *ability on the loan described in subparagraph*
16 *(B)(i).*

17 *“(B) BORROWER REQUIREMENTS.—A bor-*
18 *rower described in this subparagraph means a*
19 *borrower who—*

20 *“(i) receives a loan—*

21 *“(I) made, insured, or guaranteed*
22 *under this title for enrollment in a*
23 *program that the borrower was unable*
24 *to complete due to the closure of the in-*
25 *stitution; and*

1 “(II) for which the Secretary has
2 not already discharged the borrower’s
3 liability on such loan pursuant to this
4 subsection; and

5 “(ii) as of the date that is 2 years after
6 the closure of the institution, has not re-en-
7 rolled in an institution of higher education
8 that participates in programs under this
9 title.”.

10 **SEC. 4113. REPAYMENT OF PARENT LOANS DUE TO STU-**
11 **DENT DISABILITY.**

12 Section 437(d) of the Higher Education Act of 1965
13 (20 U.S.C. 1087(d)) is amended—

14 (1) by striking “If a student” and inserting the
15 following:

16 “(1) *DEATH*.—If a student”; and

17 (2) by adding at the end the following:

18 “(2) *DISABILITY*.—

19 “(A) *IN GENERAL*.—The Secretary shall dis-
20 charge a parent’s liability on a loan described in
21 section 428B by repaying the amount owed on
22 the loan if the student on whose behalf the parent
23 has received the loan—

1 “(i) becomes permanently and totally
2 disabled (as determined in accordance with
3 regulations of the Secretary); or

4 “(ii) is unable to engage in any sub-
5 stantial gainful activity by reason of any
6 medically determinable physical or mental
7 impairment that can be expected to result
8 in death, has lasted for a continuous period
9 of not less than 60 months, or can be ex-
10 pected to last for a continuous period of not
11 less than 60 months.

12 “(B) *DISABILITY DETERMINATIONS.*—Sub-
13 section (a)(2) shall apply to a disability deter-
14 mination under this paragraph in the same
15 manner as such subsection applies to a deter-
16 mination under subsection (a)(1).

17 “(C) *SAFEGUARDS.*—The safeguards to pre-
18 vent fraud and abuse developed under subsection
19 (a)(1) shall apply under this paragraph.

20 “(D) *REINSTATEMENT OF LOANS.*—The Sec-
21 retary may promulgate regulations to reinstate
22 the obligation of, and resume collection on, loans
23 discharged under this paragraph in cases in
24 which the Secretary determines that the rein-
25 statement and resumption is necessary and ap-

1 *appropriate based upon the regulations developed*
2 *under subsection (a)(1).”.*

3 **PART C—FEDERAL WORK-STUDY PROGRAMS**

4 **SEC. 4201. PURPOSE; AUTHORIZATION OF APPROPRIA-**
5 **TIONS.**

6 *Section 441 of the Higher Education Act of 1965 (20*
7 *U.S.C. 1087–51) is amended—*

8 (1) *in subsection (b), by striking “part, such*
9 *sums as may be necessary for fiscal year 2009 and*
10 *each of the five succeeding fiscal years.” and inserting*
11 *“part—*

12 (1) *\$1,500,000,000 for fiscal year 2021;*

13 (2) *\$1,750,000,000 for fiscal year 2022;*

14 (3) *\$2,000,000,000 for fiscal year 2023;*

15 (4) *\$2,250,000,000 for fiscal year 2024; and*

16 (5) *\$2,500,000,000 for fiscal year 2025 and*
17 *each succeeding fiscal year.”;*

18 (2) *in subsection (c)—*

19 (A) *in paragraph (1), by inserting “child*
20 *development and early learning (including Head*
21 *Start and Early Head Start programs carried*
22 *out under the Head Start Act (42 U.S.C. 9831*
23 *et seq.),”, before “literacy training,”;*

24 (B) *in paragraph (3), by striking “and”;*

1 (C) in paragraph (4)(C), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (D) by adding at the end the following:

4 “(5) work-based learning designed to give stu-
5 dents experience in any activity described in para-
6 graph (1), (2), (3), or (4), without regard to whether
7 credit is awarded.”; and

8 (3) by adding at the end the following:

9 “(d) *WORK-BASED LEARNING DEFINED.*—For pur-
10 poses of this part, the term ‘work-based learning’ means sus-
11 tained interactions with industry, community, or academic
12 professionals in real workplace settings that shall—

13 “(1) include on campus opportunities;

14 “(2) foster in-depth, first-hand engagement with
15 the tasks required of a given career field that are
16 aligned to a student’s field of study; and

17 “(3) may include internships, fellowships, re-
18 search assistant positions, teacher residencies, partici-
19 pation in cooperative education, and apprenticeships
20 registered under the Act of August 16, 1937 (com-
21 monly known as the “National Apprenticeship Act”;
22 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).”.

23 **SEC. 4202. ALLOCATION FORMULA.**

24 Section 442 of the Higher Education Act of 1965 (20
25 U.S.C. 1087–52) is amended to read as follows:

1 **“SEC. 442. ALLOCATION OF FUNDS.**

2 “(a) *RESERVATIONS.*—

3 “(1) *RESERVATION FOR IMPROVED INSTITU-*
4 *TIONS.*—

5 “(A) *AMOUNT OF RESERVATION FOR IM-*
6 *PROVED INSTITUTIONS.*—*Beginning with the*
7 *first fiscal year that is 2 years after the date of*
8 *the enactment of the College Affordability Act,*
9 *for a fiscal year in which the amount appro-*
10 *priated under section 441(b) exceeds*
11 *\$700,000,000, the Secretary shall—*

12 “(i) *reserve the lesser of—*

13 “(I) *an amount equal to 20 per-*
14 *cent of the amount by which the*
15 *amount appropriated under section*
16 *441(b) exceeds \$700,000,000; or*

17 “(II) *\$150,000,000; and*

18 “(ii) *allocate the amount reserved*
19 *under clause (i) to each improved institu-*
20 *tion in an amount equal to the greater of*
21 *the following:*

22 “(I) *The amount that bears the*
23 *same proportion to the amount re-*
24 *served under clause (i) as the total*
25 *amount of all Federal Pell Grant funds*
26 *awarded at the improved institution*

1 *for the second preceding fiscal year*
2 *bears to the total amount of Federal*
3 *Pell Grant funds awarded at improved*
4 *institutions participating under this*
5 *part for the second preceding fiscal*
6 *year.*

7 “(II) \$5,000.

8 “(B) *IMPROVED INSTITUTION DESCRIBED.*—

9 *For purposes of this paragraph, an improved in-*
10 *stitution is an institution that, on the date the*
11 *Secretary makes an allocation under subpara-*
12 *graph (A)(ii)—*

13 “(i) *is an institution of higher edu-*
14 *cation (as defined under section 101) par-*
15 *ticipating under this part;*

16 “(ii) *is with respect to—*

17 “(I) *the completion rate or grad-*
18 *uation rate of Federal Pell Grant re-*
19 *cipients at the institution, in the top*
20 *75 percent of all institutions partici-*
21 *pating under this part for the pre-*
22 *ceding fiscal year;*

23 “(II) *the percentage of Federal*
24 *Pell Grant recipients at the institu-*

1 *tion, in the top 50 percent of the insti-*
2 *tutions described in subclause (I); and*

3 *“(III) the annual increase in the*
4 *completion rate or graduation rate of*
5 *Federal Pell Grant recipients at the in-*
6 *stitution, in the top 50 percent of the*
7 *institutions described in subclauses (I)*
8 *and (II).*

9 *“(C) COMPLETION RATE OR GRADUATION*
10 *RATE.—For purposes of determining the comple-*
11 *tion rate or graduation rate under this section,*
12 *a Federal Pell Grant recipient who is either a*
13 *full-time student or a part-time student shall be*
14 *counted as a completer or graduate if, within*
15 *150 percent of the normal time for completion of*
16 *or graduation from the program, the student has*
17 *completed or graduated from the program, or en-*
18 *rolled in any program of an institution partici-*
19 *parting in any program under this title for which*
20 *the prior program provides substantial prepara-*
21 *tion.*

22 *“(2) RESERVATION FOR GRANT PROGRAM.—*
23 *From the amount appropriated under section 441(b)*
24 *for a fiscal year and remaining after the Secretary*
25 *reserves funds under subparagraph (A), the Secretary*

1 *shall reserve \$30,000,000 to carry out grants under*
2 *section 449.*

3 “(3) *REALLOCATION OF AMOUNT RETURNED BY*
4 *IMPROVED INSTITUTIONS.—If an institution returns*
5 *to the Secretary any portion of the sums allocated to*
6 *such institution under this subsection for any fiscal*
7 *year, the Secretary shall reallocate such excess to im-*
8 *proved institutions on the same basis as under para-*
9 *graph (1)(A).*

10 “(4) *PUBLICATION.—Beginning 1 year after the*
11 *first allocations are made to improved institutions*
12 *under paragraph (1)(A) and annually thereafter, the*
13 *Secretary shall make publicly available—*

14 “(A) *a list of the improved institutions that*
15 *received funding under such paragraph in the*
16 *prior fiscal year;*

17 “(B) *the percentage of students at each such*
18 *improved institution that are Federal Pell Grant*
19 *recipients;*

20 “(C) *the completion rate or graduation rate*
21 *for the students described in subparagraph (B)*
22 *with respect to each such improved institution;*
23 *and*

24 “(D) *a comparison between the information*
25 *described in subparagraphs (A), (B), and (C) for*

1 *the prior fiscal year for such improved institu-*
2 *tion, and such information for the year prior to*
3 *such year.*

4 “(c) *ALLOCATION FORMULA FOR FISCAL YEARS 2021*
5 *THROUGH 2025.—*

6 “(1) *IN GENERAL.—From the amount appro-*
7 *priated under section 441(b) for a fiscal year and re-*
8 *maining after the Secretary reserves funds under sub-*
9 *section (a), the Secretary shall allocate to each insti-*
10 *tution—*

11 “(A) *for fiscal year 2021, an amount equal*
12 *to the greater of—*

13 “(i) *90 percent of the amount the insti-*
14 *tution received under this subsection and*
15 *subsection (a) for fiscal year 2020, as such*
16 *subsections were in effect with respect to*
17 *such fiscal year (in this subparagraph re-*
18 *ferred to as ‘the 2020 amount for the insti-*
19 *tution’); or*

20 “(ii) *the fair share amount for the in-*
21 *stitution determined under subsection (d);*

22 “(B) *for fiscal year 2022, an amount equal*
23 *to the greater of—*

24 “(i) *80 percent of the 2020 amount for*
25 *the institution; or*

1 “(i) the fair share amount for the in-
2 stitution determined under subsection (d);

3 “(C) for fiscal year 2023, an amount equal
4 to the greater of—

5 “(i) 60 percent of the 2020 amount for
6 the institution; or

7 “(ii) the fair share amount for the in-
8 stitution determined under subsection (d);

9 “(D) for fiscal year 2024, an amount equal
10 to the greater of—

11 “(i) 40 percent of the 2020 amount for
12 the institution; or

13 “(ii) the fair share amount for the in-
14 stitution determined under subsection (d);

15 and

16 “(E) for fiscal year 2025, an amount equal
17 to the greater of—

18 “(i) 20 percent of the 2020 amount for
19 the institution; or

20 “(ii) the fair share amount for the in-
21 stitution determined under subsection (d).

22 “(2) *RATABLE REDUCTION.*—

23 “(A) *IN GENERAL.*—If the amount appro-
24 priated under section 441(b) for a fiscal year
25 and remaining after the Secretary reserves funds

1 under subsection (a) is less than the amount re-
2 quired to be allocated to the institutions under
3 this subsection, then the amount of the allocation
4 to each institution shall be ratably reduced.

5 “(B) *ADDITIONAL APPROPRIATIONS.*—If the
6 amounts allocated to each institution are ratably
7 reduced under subparagraph (A) for a fiscal year
8 and additional amounts are appropriated for
9 such fiscal year, the amount allocated to each in-
10 stitution from the additional amounts shall be
11 increased on the same basis as the amounts
12 under subparagraph (A) were reduced (until
13 each institution receives the amount required to
14 be allocated under this subsection).

15 “(d) *ALLOCATION FORMULA FOR FISCAL YEAR 2026*
16 *AND EACH SUCCEEDING FISCAL YEAR.*—Except as pro-
17 *vided in subsection (d)(5), from the amount appropriated*
18 *under section 441(b) for fiscal year 2026 and each suc-*
19 *ceeding fiscal year and remaining after the Secretary re-*
20 *serves funds under subsection (a), the Secretary shall allo-*
21 *cate to each institution the fair share amount for the insti-*
22 *tution determined under subsection (d).*

23 “(e) *DETERMINATION OF FAIR SHARE AMOUNT.*—

1 “(1) *IN GENERAL.*—Subject to paragraph (2), the
2 *fair share amount for an institution for a fiscal year*
3 *shall be equal to the sum of—*

4 “(A) *100 percent of the institution’s under-*
5 *graduate student need described in paragraph*
6 *(2) for the preceding fiscal year; and*

7 “(B) *25 percent of the institution’s graduate*
8 *student need described in paragraph (3) for the*
9 *preceding fiscal year.*

10 “(2) *INSTITUTIONAL UNDERGRADUATE STUDENT*
11 *NEED CALCULATION.*—*The undergraduate student*
12 *need for an institution for a fiscal year shall be equal*
13 *to the sum of the following:*

14 “(A) *An amount equal to 50 percent of the*
15 *amount that bears the same proportion to the*
16 *available appropriated amount for such fiscal*
17 *year as the total amount of Federal Pell Grant*
18 *funds awarded at the institution for the pre-*
19 *ceding fiscal year bears to the total amount of*
20 *Federal Pell Grant funds awarded at all institu-*
21 *tions participating under this part for the pre-*
22 *ceding fiscal year.*

23 “(B) *An amount equal to 50 percent of the*
24 *amount that bears the same proportion to the*
25 *available appropriated amount for such fiscal*

1 *year as the total amount of the undergraduate*
2 *student need at the institution for the preceding*
3 *fiscal year bears to the total amount of under-*
4 *graduate student need at all institutions partici-*
5 *pating under this part for the preceding fiscal*
6 *year.*

7 “(3) *INSTITUTIONAL GRADUATE STUDENT NEED*
8 *CALCULATION.—The graduate student need for an in-*
9 *stitution for a fiscal year shall be equal to the amount*
10 *that bears the same proportion to the available appro-*
11 *priated amount for such fiscal year as the total*
12 *amount of the graduate student need at the institu-*
13 *tion for the preceding fiscal year bears to the total*
14 *amount of graduate student need at all institutions*
15 *participating under this part for the preceding fiscal*
16 *year.*

17 “(4) *ELIGIBILITY FOR FAIR SHARE AMOUNT.—*
18 *The Secretary may not allocate funds under this part*
19 *to any institution that, for two or more fiscal years*
20 *during any three fiscal year period beginning not*
21 *earlier than the first day of the first fiscal year that*
22 *is 2 years after the date of the enactment of this para-*
23 *graph, has—*

1 “(A) a student population with less than 7
2 percent of undergraduate students who are re-
3 cipients of Federal Pell Grants; or

4 “(B) if the institution only enrolls graduate
5 students, a student population with less than 5
6 percent of students that have an expected family
7 contribution of zero.

8 “(5) DEFINITIONS.—In this subsection:

9 “(A) AVAILABLE APPROPRIATED AMOUNT.—
10 In this section, the term ‘available appropriated
11 amount’ means—

12 “(i) the amount appropriated under
13 section 441(b) for a fiscal year, minus

14 “(ii) the amounts reserved under sub-
15 section (a) for such fiscal year.

16 “(B) AVERAGE COST OF ATTENDANCE.—The
17 term ‘average cost of attendance’ means, with re-
18 spect to an institution, the average of the attend-
19 ance costs for a fiscal year for students which
20 shall include—

21 “(i) tuition and fees, computed on the
22 basis of information reported by the institu-
23 tion to the Secretary, which shall include—

24 “(I) total revenue received by the
25 institution from undergraduate and

1 *graduate tuition and fees for the second*
2 *year preceding the year for which it is*
3 *applying for an allocation; and*

4 “(II) *the institution’s enrollment*
5 *for such second preceding year;*

6 “(ii) *standard living expenses equal to*
7 *150 percent of the difference between the in-*
8 *come protection allowance for a family of*
9 *five with one in college and the income pro-*
10 *tection allowance for a family of six with*
11 *one in college for a single independent stu-*
12 *dent; and*

13 “(iii) *books and supplies, in an*
14 *amount not exceeding \$1,000.*

15 “(C) *GRADUATE STUDENT NEED.—The term*
16 *‘graduate student need’ means, with respect to a*
17 *graduate student for a fiscal year, the lesser of*
18 *the following:*

19 “(i) *The amount equal to (except the*
20 *amount computed by this clause shall not be*
21 *less than zero)—*

22 “(I) *the average cost of attendance*
23 *for the preceding fiscal year, minus*

24 “(II) *such graduate student’s ex-*
25 *pected family contribution (computed*

1 *in accordance with part F of this title)*
2 *for the preceding fiscal year.*

3 “(ii) *The total annual loan limit for a*
4 *Federal Direct Unsubsidized Stafford Loan.*

5 “(D) *UNDERGRADUATE STUDENT NEED.—*
6 *The term ‘undergraduate student need’ means,*
7 *with respect to an undergraduate student for a*
8 *fiscal year, the lesser of the following:*

9 “(i) *The total of the amount equal to*
10 *(except the amount computed by this clause*
11 *shall not be less than zero)—*

12 “(I) *the average cost of attendance*
13 *for the fiscal year, minus*

14 “(II) *such undergraduate stu-*
15 *dent’s expected family contribution*
16 *(computed in accordance with part F*
17 *of this title) for the preceding fiscal*
18 *year.*

19 “(ii) *The total annual loan limit for a*
20 *Federal Direct Unsubsidized Stafford Loan*
21 *and a Federal Direct Loan.*

22 “(f) *RETURN OF SURPLUS ALLOCATED FUNDS.—*

23 “(1) *IN GENERAL.—Except with respect to funds*
24 *returned under subsection (a)(3), if an institution re-*
25 *turns to the Secretary any portion of the sums allo-*

1 *cated to such institution under this section for any*
2 *fiscal year, the Secretary shall reallocate such excess to*
3 *institutions that used at least 10 percent of the total*
4 *amount of funds granted to such institution under*
5 *this section to compensate students employed during*
6 *a qualified period of nonenrollment (as such term is*
7 *defined in section 443(f)) on the same basis as excess*
8 *eligible amounts are allocated under subsection (d).*

9 *“(2) USE OF FUNDS.—Funds received by institu-*
10 *tions pursuant to this subsection shall, to maximum*
11 *extent practicable, be used to compensate students em-*
12 *ployed in work-based learning positions.*

13 *“(3) RETAINED FUNDS.—*

14 *“(A) AMOUNT RETURNED.—If an institu-*
15 *tion returns more than 10 percent of its alloca-*
16 *tion under paragraph (1), the institution’s allo-*
17 *cation for the next fiscal year shall be reduced by*
18 *the amount returned.*

19 *“(B) WAIVER.—The Secretary may waive*
20 *this paragraph for a specific institution if the*
21 *Secretary finds that enforcing this paragraph*
22 *would be contrary to the interest of the program.*

23 *“(g) FILING DEADLINES.—The Secretary may require*
24 *applications under this section, at such time, in such man-*

1 *ner, and containing such information as the Secretary may*
2 *require.”.*

3 **SEC. 4203. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.**

4 *Section 443 of the Higher Education Act of 1965 (20*
5 *U.S.C. 1087–53) is amended—*

6 *(1) in subsection (b)—*

7 *(A) by amending paragraph (2) to read as*
8 *follows:*

9 *“(2) provide that funds granted an institution of*
10 *higher education, pursuant to this section may only*
11 *be used to make payments to students participating*
12 *in work-study programs except that an institution—*

13 *“(A) shall, beginning fiscal year 2023—*

14 *“(i) use at least 3 percent of the total*
15 *amount of funds granted to such institution*
16 *under this section for such fiscal year to*
17 *compensate students who have exceptional*
18 *need (as defined in section 413C(c)(2)) and*
19 *are employed in a work-based learning po-*
20 *sition during a qualified period of non-*
21 *enrollment, as defined in subsection (f), ex-*
22 *cept that the Secretary may waive this*
23 *clause if the Secretary determines that en-*
24 *forcing this clause would cause hardship for*
25 *students at the institution; and*

1 “(ii) use at least 7 percent of the total
2 amount of funds granted to such institution
3 under this section for such fiscal year to
4 compensate students employed in work-
5 based learning positions, except that the
6 Secretary may waive this clause if the Sec-
7 retary determines that enforcing this clause
8 would cause hardship for students at the in-
9 stitution;

10 “(B) may—

11 “(i) use a portion of the sums granted
12 to it to compensate students employed in
13 community service;

14 “(ii) use a portion of the sums granted
15 to it to meet administrative expenses in ac-
16 cordance with section 489;

17 “(iii) use a portion of the sums grant-
18 ed to it to meet the cost of a job location
19 and development program in accordance
20 with section 446 of this part; and

21 “(iv) transfer funds in accordance with
22 the provisions of section 488;”;

23 (B) in paragraph (4)—

24 (i) by striking “\$300” and inserting
25 “\$500”; and

1 (ii) by inserting “except as provided
2 under subsection (f),” before “provide”;

3 (C) in paragraph (5)—

4 (i) in subparagraph (A)(ii), by strik-
5 ing “and” at the end;

6 (ii) in subparagraph (B), by inserting
7 “and” after the semicolon; and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(C) the Federal share shall equal 100 per-
11 cent if the institution is eligible for assistance
12 under title III or title V;”.

13 (D) in paragraph (6)—

14 (i) by inserting “who demonstrate ex-
15 ceptional need (as defined in section
16 413C(c)(2))” after “students”; and

17 (ii) by inserting “and prioritize em-
18 ployment for students who are currently
19 homeless individuals described in section
20 725 of the McKinney-Vento Homeless Assist-
21 ance Act (42 U.S.C. 11434a) or foster care
22 youth” after “institution”;

23 (E) in paragraph (7), by striking “voca-
24 tional” and inserting “career”;

1 (F) in paragraph (8)(A)(i), by striking “or
2 vocational goals” and inserting “career goals”;

3 (G) in paragraph (10), by striking “; and”
4 and inserting a semicolon;

5 (H) in paragraph (11), by striking the pe-
6 riod at the end and inserting a semicolon; and

7 (I) by adding at the end the following:

8 “(12) provide assurances that compensation of
9 students employed in the work-study program in ac-
10 cordance with the agreement shall include reimburse-
11 ment for reasonable travel (not including the purchase
12 of a vehicle) directly related to such work-study pro-
13 gram;

14 “(13) provide assurances that the institution will
15 administer and use feedback from the surveys re-
16 quired under section 450, to improve the experiences
17 of students employed in the work-study program in
18 accordance with the agreement;

19 “(14) provide assurances that the institution will
20 collect data from students and employers such that the
21 employment made available from funds under this
22 part will, to the maximum extent practicable, com-
23 plement and reinforce the educational goals or career
24 goals of each student receiving assistance under this
25 part; and

1 “(15) provide assurances that if the institution
2 receives funds under section 442(a)(1)(A), such insti-
3 tution shall—

4 “(A) use such funds to compensate students
5 employed in the work-study program in accord-
6 ance with the agreement; and

7 “(B) prioritize the awarding of such funds
8 (and increasing the amount of each award) to
9 students—

10 “(i) who demonstrate exceptional need
11 (as defined in section 413C(c)(2)); and

12 “(ii) who are employed in work-based
13 learning opportunities through the work
14 study program in accordance with the
15 agreement.”;

16 (2) in subsection (c)—

17 (A) by amending paragraph (2) to read as
18 follows:

19 “(2) provide that—

20 “(A) in the case of an institution that has
21 not received a waiver from the Secretary, such
22 institution will not use more than 25 percent of
23 the funds made available to such institution
24 under this part for any fiscal year for the oper-

1 *ation of the program described in paragraph (1);*
2 *and*

3 “(B) *in the case of an institution that has*
4 *received a waiver from the Secretary, such insti-*
5 *tution will not use more than 50 percent of the*
6 *funds made available to such institution under*
7 *this part for any fiscal year for the operation of*
8 *the program described in paragraph (1);”.*

9 *(B) in paragraph (4)—*

10 *(i) by inserting “and complement and*
11 *reinforce the educational goals or career*
12 *goals of each student receiving assistance*
13 *under this part” after “academically rel-*
14 *evant”; and*

15 *(ii) by striking “and” at the end;*

16 *(C) in paragraph (5), by striking the period*
17 *at the end and inserting “; and”; and*

18 *(D) by adding at the end the following:*

19 “(6) *provide assurances that compensation of*
20 *students employed in the work-study program in ac-*
21 *cordance with the agreement shall include reimburse-*
22 *ment for reasonable travel (not including the purchase*
23 *of a vehicle) directly related to such work-study pro-*
24 *gram.”;*

25 *(3) in subsection (d)(1)—*

1 (A) by striking “In any academic year to
2 which subsection (b)(2)(A) applies, an institu-
3 tion shall ensure that” and inserting “An insti-
4 tution may use the”; and

5 (B) by striking “travel” and inserting “rea-
6 sonable travel (not including the purchase of a
7 vehicle)”; and

8 (4) by adding at the end the following:

9 “(f) *QUALIFIED PERIOD OF NONENROLLMENT.*—

10 “(1) *IN GENERAL.*—A student may be awarded
11 work-study employment during a qualified period of
12 nonenrollment if—

13 “(A) the student demonstrates exceptional
14 need (as defined in section 413C(c)(2)) in the
15 award year prior to the qualified period of non-
16 enrollment;

17 “(B) the student is employed in a work-
18 based learning position; and

19 “(C) the employment—

20 “(i) involves less than 25 percent ad-
21 ministrative work; and

22 “(ii) is for at least 20 hours per week,
23 unless the institution waives such require-
24 ment—

1 “(I) at the request of the student;

2 or

3 “(II) based on a finding by the
4 institution that such requirement pre-
5 sents a hardship in finding a work-
6 based learning position for the student.

7 “(2) FUNDS EARNED.—

8 “(A) IN GENERAL.—Any funds earned by a
9 student (beyond standard living expenses (as
10 such term is described in section 413D(c)(3)(C)))
11 during the qualified period of nonenrollment less
12 than or equal to \$2,500 may not be applied to
13 such student’s cost of attendance for the next pe-
14 riod in which the student is enrolled.

15 “(B) EXCESS FUNDS.—Any funds earned by
16 a student (beyond standard living expenses (as
17 such term is described in section 413D(c)(3)(C)))
18 during the qualified period of nonenrollment in
19 excess of \$2,500 shall be applied to such student’s
20 cost of attendance for the next period in which
21 the student is enrolled.

22 “(3) DEFINITION OF QUALIFIED PERIOD OF NON-
23 ENROLLMENT.—In this subsection, the term ‘qualified
24 period of nonenrollment’ means, with respect to a stu-
25 dent, a period of nonenrollment that—

1 “(A) occurs between a period of enrollment
2 and a period of anticipated enrollment; and

3 “(B) the duration of which is no longer
4 than 6 months.

5 “(g) COOPERATIVE EDUCATION.—

6 “(1) IN GENERAL.—A student may be awarded
7 work-study employment for participation in coopera-
8 tive education on—

9 “(A) a part-time basis; or

10 “(B) a full-time basis for a period equal to
11 or less than 6 months.

12 “(2) PRIVATE AGREEMENTS FOR COOPERATIVE
13 EDUCATION.—As part of its agreement described in
14 subsection (b), an institution of higher education
15 may, at its option, enter into an additional agree-
16 ment with the Secretary which shall provide for the
17 operation by the institution of a program of coopera-
18 tive education of its students (on the basis described
19 in subparagraph (A) or (B) of paragraph (1)) by a
20 private for-profit organization under an agreement
21 between the institution and such organization that
22 complies with the requirements of subsection (c).

23 “(3) FULL-TIME BASIS PERIOD.—The period
24 specified in paragraph (1)(B) may be non-consecutive

1 *and include participation during qualified periods of*
2 *nonenrollment (as defined in subsection (f)(3)).*

3 “(4) *COOPERATIVE EDUCATION DEFINED.*—*In*
4 *this subsection, the term ‘cooperative education’*
5 *means a program of alternating or parallel periods of*
6 *academic study and work-based learning designed to*
7 *give students work experiences related to their aca-*
8 *demic or career objectives.*

9 “(h) *NOTIFICATION REGARDING SNAP.*—

10 “(1) *IN GENERAL.*—*An institution receiving a*
11 *grant under this part shall send a notification (by*
12 *email or other electronic means) to each eligible stu-*
13 *dent informing the student of their potential eligi-*
14 *bility for participation in the SNAP and the process*
15 *for obtaining more information, confirming eligi-*
16 *bility, and accessing benefits under that program. The*
17 *notification shall be developed by the Secretary of*
18 *Education in consultation with the Secretary of Agri-*
19 *culture, and shall include details on eligibility re-*
20 *quirements for participation in the SNAP that a stu-*
21 *dent must satisfy. The notification shall be, to the ex-*
22 *tent practicable, specific to the student’s State of resi-*
23 *dence and shall provide contact information for the*
24 *local office where an application for the SNAP may*
25 *be made.*

1 “(2) *EVIDENCE OF PARTICIPATION IN FEDER-*
2 *ALLY FINANCED WORK-STUDY PROGRAM.*—*The notifi-*
3 *cation under paragraph (1) shall include an official*
4 *document confirming that the recipient is an eligible*
5 *student sufficient for purposes of demonstrating that*
6 *the exclusion from ineligibility for participation in*
7 *the SNAP under section 6(e)(4) of the Food and Nu-*
8 *trition Act of 2008 (7 U.S.C. 2015(e)(4)) applies to*
9 *the student.*

10 “(3) *GUIDANCE.*—*The Secretary of Education,*
11 *in consultation with the Secretary of Agriculture,*
12 *shall provide guidance to States and institutions of*
13 *higher education on how to identify and communicate*
14 *with students who are likely to be eligible for the*
15 *SNAP, including those eligible for a State or federally*
16 *financed work-study program.*

17 “(4) *DEFINITIONS.*—*For purposes of this sub-*
18 *section:*

19 “(A) *The term ‘eligible student’ means a*
20 *student receiving work-study assistance under*
21 *this part.*

22 “(B) *The term ‘SNAP’ means the supple-*
23 *mental nutrition assistance program (as defined*
24 *in section 3(t) of the Food and Nutrition Act of*
25 *2008 (7 U.S.C. 2012(t))).”.*

1 **SEC. 4204. FLEXIBLE USE OF FUNDS.**

2 *Section 445 of the Higher Education Act of 1965 (20*
3 *U.S.C. 1087–55) is amended—*

4 *(1) in subsection (a), by adding at the end the*
5 *following:*

6 *“(3) In addition to the carry-over sums author-*
7 *ized under paragraph (1) of this section, an institu-*
8 *tion may permit a student who completed the pre-*
9 *vious award period to continue to earn unearned por-*
10 *tions of the student’s work-study award from that*
11 *previous period if—*

12 *“(A) any reduction in the student’s need*
13 *upon which the award was based is accounted*
14 *for in the remaining portion; and*

15 *“(B) the student is currently employed in a*
16 *work-based learning position.”; and*

17 *(2) by striking “10 percent” both places it ap-*
18 *pears and inserting “20 percent”.*

19 **SEC. 4205. JOB LOCATION AND DEVELOPMENT PROGRAMS.**

20 *Section 446 of the Higher Education Act of 1965 (20*
21 *U.S.C. 1087–56) is amended—*

22 *(1) in subsection (a)—*

23 *(A) in paragraph (1), by striking “10 per-*
24 *cent or \$75,000” and inserting “20 percent or*
25 *\$150,000”; and*

1 (B) in paragraph (2), by striking “voca-
2 tional” and inserting “career”; and

3 (2) in subsection (b)—

4 (A) by striking paragraphs (1) and (2); and

5 (B) by inserting before paragraph (3) the
6 following:

7 “(1) provide satisfactory assurance that the in-
8 stitution will prioritize placing students with excep-
9 tional need (as defined in section 413C(c)(2)) and
10 Federal work-study recipients in jobs located and de-
11 veloped under this section; and

12 “(2) provide satisfactory assurances that the
13 funds available under this section will be used to lo-
14 cate and develop work-based learning positions;”;

15 (C) in paragraph (6), by striking the period
16 and inserting “, including—

17 “(A) the number of students employed in
18 work-based learning positions through such pro-
19 gram;

20 “(B) the number of students demonstrating
21 exceptional need (as defined in section
22 413C(c)(2)) and Federal work-study recipients
23 employed through such program; and

24 “(C) the number of students demonstrating
25 exceptional need (as defined in section

1 413C(c)(2)) and Federal work-study recipients
2 employed in work-based learning positions
3 through such program.”.

4 **SEC. 4206. COMMUNITY SERVICE.**

5 Section 447 of the Higher Education Act of 1965 (20
6 U.S.C. 1087–57) is amended to read as follows:

7 **“SEC. 447. ADDITIONAL FUNDS TO CONDUCT COMMUNITY**
8 **SERVICE WORK STUDY PROGRAMS.**

9 “Each institution participating under this part may
10 use up to 10 percent of the funds made available under sec-
11 tion 489(a) and attributable to the amount of the institu-
12 tion’s expenditures under this part to conduct that institu-
13 tion’s program of community service-learning, including—

14 “(1) development of mechanisms to assure the
15 academic quality of the student experience;

16 “(2) assuring student access to educational re-
17 sources, expertise, and supervision necessary to
18 achieve community service objectives;

19 “(3) assuring, to the maximum extent prac-
20 ticable, that the community service-learning program
21 will support the educational goals or career goals of
22 students participating in such program;

23 “(4) collaboration with public and private non-
24 profit agencies, and programs assisted under the Na-
25 tional and Community Service Act of 1990 in the

1 *planning, development, and administration of such*
2 *programs; and*

3 *“(5) to recruit and compensate students for com-*
4 *munity service-learning (including compensation for*
5 *time spent in training and for reasonable travel (not*
6 *including the purchase of a vehicle) directly related to*
7 *such community service).”.*

8 **SEC. 4207. AMENDMENTS TO WORK COLLEGES.**

9 *Section 448 of the Higher Education Act of 1965 (20*
10 *U.S.C. 1087–58) is amended—*

11 *(1) in subsection (a), by inserting “student”*
12 *after “comprehensive”;*

13 *(2) in subsection (b)(2)(D), by inserting “stu-*
14 *dent” after “comprehensive”;*

15 *(3) in subsection (c)—*

16 *(A) by striking “Each eligible institution”*
17 *and inserting the following:*

18 *“(1) IN GENERAL.—Each eligible institution”;*

19 *and*

20 *(B) by adding at the end the following:*

21 *“(2) APPLICATION DATES.—The Secretary shall*
22 *require an eligible institution that submits an appli-*
23 *cation for funding under this section for the first time*
24 *to submit such application 5 months prior to the ap-*
25 *plication due date for returning applicants.”; and*

1 (4) *in subsection (e)*—

2 (A) *in paragraph (1)*—

3 (i) *by striking subparagraph (B) and*
4 *inserting the following:*

5 “*(B) is accredited by an accrediting agency*
6 *or association recognized by the Secretary pursu-*
7 *ant to part H, has operated a work-study pro-*
8 *gram under this part for at least the 2 years pre-*
9 *ceding the date of the determination, and has op-*
10 *erated a comprehensive student work-learning-*
11 *service program for at least the 2 years pre-*
12 *ceding the date of the determination;*”;

13 (ii) *in subparagraph (C), by inserting*
14 “*student*” *after “comprehensive”; and*

15 (iii) *in subparagraph (D), by inserting*
16 “*student*” *after “comprehensive”; and*

17 (B) *in paragraph (2)*—

18 (i) *by redesignating subparagraphs (A)*
19 *through (F) as subparagraphs (B) through*
20 *(G), respectively; and*

21 (ii) *by inserting before subparagraph*
22 *(B), as redesignated by clause (i), the fol-*
23 *lowing:*

24 “*(A) is a 4-year, degree-granting pro-*
25 *gram;*”.

1 **SEC. 4208. PILOT GRANT PROGRAM.**

2 *Part C of title IV of the Higher Education Act of 1965*
3 *(20 U.S.C. 1087–51 et seq.), as amended by this part, is*
4 *further amended by adding at the end the following:*

5 **“SEC. 449. WORK-BASED LEARNING OPPORTUNITIES PILOT**
6 **GRANT PROGRAM.**

7 *“(a) ESTABLISHMENT.—*

8 *“(1) IN GENERAL.—The Secretary shall establish*
9 *a program to provide grants to eligible institutions*
10 *participating under this part to establish or expand*
11 *a program to develop work-based learning positions.*

12 *“(2) LIMITATIONS.—*

13 *“(A) DURATION.—A grant awarded under*
14 *this section shall be for a period of not more*
15 *than 4 years, but may be renewed by the Sec-*
16 *retary for a period of 2 years.*

17 *“(B) AMOUNT.—A grant under this section*
18 *may not be in an amount greater than*
19 *\$1,000,000.*

20 *“(b) APPLICATION.—To be selected to receive a grant*
21 *under this section an eligible institution participating*
22 *under this part shall submit an application to the Secretary*
23 *at such time, in such manner, and containing such infor-*
24 *mation as the Secretary may require, including a plan that*
25 *describes how the eligible institution will establish or ex-*

1 *and a program to develop work-based learning positions*
2 *that will—*

3 “(1) *benefit students who demonstrate excep-*
4 *tional need (as defined in section 413C(c)(2));*

5 “(2) *identify in-demand industry sectors and oc-*
6 *cupations (as defined in section 3 of the Workforce In-*
7 *novation and Opportunity Act (29 U.S.C. 3102) and*
8 *as determined by the Bureau of Labor and Statistics,*
9 *State departments of labor, and local boards (as de-*
10 *fined in such section 3)) and develop partnerships*
11 *with high-demand employers (including nonprofit or-*
12 *ganizations, joint labor-management organizations,*
13 *for-profit firms, or public agencies);*

14 “(3) *involve participating employers in evalu-*
15 *ating and improving such program;*

16 “(4) *track and report academic and employment*
17 *outcomes for participating students; and*

18 “(5) *be able to continue after the end of the grant*
19 *term.*

20 “(c) *USE OF FUNDS.—Grant funds awarded under*
21 *this program shall be used to pay wages for students par-*
22 *ticipating under this program and develop work-based*
23 *learning positions that—*

24 “(1) *are for a period of at least 12 weeks;*

1 “(2) serve students who demonstrate exceptional
2 need (as defined in section 413C(c)(2));

3 “(3) limit administrative work to no more than
4 25 percent of such position;

5 “(4) provide a minimum of 15 hours of work per
6 week during periods of enrollment and 30 hours per
7 week during periods of nonenrollment, except such re-
8 quirement may be waived by the institution in con-
9 sultation with a student;

10 “(5) include career coaching from participating
11 employers (including mock interviews, resume writing
12 assistance, career exploration, and counseling on ap-
13 plying for and attaining employment); and

14 “(6) provide participating students with oppor-
15 tunities to meet with employers in fields or industries
16 related to those of participating employers.

17 “(d) *REPORT*.—On a date that is before the date on
18 which the period of the grant received by an eligible institu-
19 tion under this section terminates, such institution shall
20 submit a report to the Secretary including—

21 “(1) the graduation rate or completion rate (as
22 described under section 442(a)(1)(C)) with respect to
23 students participating in work-based learning posi-
24 tions under the pilot program; and

1 “(2) the results of the work-based learning oppor-
2 tunities program for which such institution received
3 such grant, including—

4 “(A) participating students’ satisfaction
5 with the program as reported in surveys under
6 section 450, as added by section 4209 of the Col-
7 lege Affordability Act;

8 “(B) the types of jobs in which partici-
9 pating students were employed and the types of
10 duties performed in such jobs;

11 “(C) the academic programs of the partici-
12 pating students;

13 “(D) the share of participating students
14 who worked at another job, in addition to the
15 one under the pilot program;

16 “(E) the percentage of participating stu-
17 dents who, during the second quarter after com-
18 pleting their academic program, are in edu-
19 cation or training activities or unsubsidized em-
20 ployment;

21 “(F) the percentage of participating stu-
22 dents employed in in-demand industry sectors or
23 occupations as described in subsection (b)(2)
24 within 2 quarters of completing their academic
25 programs; and

1 “(G) other items as deemed relevant by the
2 Secretary.

3 “(e) *RESERVATION OF FUNDING FOR SUCH PRO-*
4 *GRAM.—From the amount appropriated under section*
5 *441(b) for a fiscal year and remaining after the Secretary*
6 *reserves funds under section 442(a)(1), the Secretary shall*
7 *reserve \$30,000,000 to carry out grants under this section.”.*

8 **SEC. 4209. DEPARTMENT ACTIVITIES.**

9 *Part C of title IV of the Higher Education Act of 1965*
10 *(20 U.S.C. 1087–51 et seq.), as amended by this part, is*
11 *further amended by adding at the end the following:*

12 **“SEC. 450. DEPARTMENT ACTIVITIES.**

13 “(a) *SURVEYS.—Not later than 1 year after the date*
14 *of the enactment of this section, the Secretary shall develop,*
15 *in consultation with work-study administrators from insti-*
16 *tutions of higher education, participating employers, and*
17 *participating students—*

18 “(1) *a consumer-tested electronic survey for stu-*
19 *dents awarded work-study employment under the*
20 *Federal work-study program under this part that—*

21 “(A) *measures each such student’s satisfac-*
22 *tion with the Federal work-study program, in-*
23 *cluding—*

24 “(i) *any complaints the student has*
25 *with respect to the program;*

1 “(ii) the amount and quality of the on-
2 the-job training the student received;

3 “(iii) the amount and quality of on-
4 the-job supervision and employer feedback
5 the student received;

6 “(iv) the amount and quality of infor-
7 mation provided by the institution about
8 the work-study program and job opportuni-
9 ties and the availability of work-study staff
10 at the institution;

11 “(v) the quality of the assistance pro-
12 vided by the institution to the student in
13 finding a work-study job and the avail-
14 ability of types of jobs; and

15 “(vi) the student’s overall satisfaction
16 with the work-study program;

17 “(B) measures the applicability of work-
18 study employment to the educational goals and
19 career goals of each such student;

20 “(C) elicits an assessment by each such stu-
21 dent of the capacity to manage time between
22 work-study employment and coursework;

23 “(D) measures, with respect to the pro-
24 gram—

1 “(i) the award amounts under the pro-
2 gram;

3 “(ii) the average number of hours stu-
4 dents worked per week, and the wages re-
5 ceived for such work;

6 “(iii) the number of on campus jobs
7 and off campus jobs;

8 “(iv) how students located work-study
9 positions;

10 “(v) the work performed at each job;

11 “(vi) whether students worked addi-
12 tional jobs while employed in a work-study
13 job (and the reason for such additional job);

14 “(vii) whether the work-study employ-
15 ment had an impact on the student’s aca-
16 demic performance; and

17 “(viii) the voluntarily disclosed demo-
18 graphics of students awarded work-study
19 employment; and

20 “(E) includes such information as the Sec-
21 retary may require; and

22 “(2) a consumer-tested electronic survey for em-
23 ployers of students described in paragraph (1) that—

1 “(A) measures each such employer’s satis-
2 faction with the Federal work-study program, in-
3 cluding—

4 “(i) the extent to which the employer is
5 satisfied with its ability to accommodate
6 students’ schedules;

7 “(ii) the extent to which student-em-
8 ployees are prepared for the duties adver-
9 tised for the job; and

10 “(iii) the extent to which the employer
11 is satisfied with opportunities to make rec-
12 ommendations for improving institutions’
13 academic programs;

14 “(B) elicits an assessment by each such em-
15 ployer of—

16 “(i) any complaints the employer had
17 with respect to the program;

18 “(ii) any skills or knowledge necessary
19 for the job that student-employees are lack-
20 ing; and

21 “(iii) the extent of outreach from insti-
22 tutions to the employer; and

23 “(C) includes such information as the Sec-
24 retary may require; and

1 “(3) a consumer-tested electronic survey that, not
2 less than once every 4 years, with respect to each in-
3 stitution of higher education participating in the
4 Federal work-study program, measures—

5 “(A) methods used to recruit on-campus
6 and off-campus employers;

7 “(B) if an institution operates a job loca-
8 tion development program—

9 “(i) the share of jobs filled on-campus
10 and off-campus;

11 “(ii) the share of jobs filled by—

12 “(I) work-study recipients; and

13 “(II) students who demonstrate
14 exceptional need (as defined in section
15 413C(c)(2));

16 “(iii) the primary factors considered
17 in matching work-study students and jobs;

18 “(iv) the share of students employed in
19 work-based learning opportunities; and

20 “(v) the share of students employed
21 during qualified periods of nonenrollment,
22 including the share of students with excep-
23 tional need (as defined in section
24 413C(c)(2)) employed during qualified peri-
25 ods of nonenrollment;

1 “(C) *the institution’s Federal and non-Federal*
2 *contributions toward work-study wages;*

3 “(D) *the primary factors considered in*
4 *awarding students work-study and in deter-*
5 *mining the amount of the award;*

6 “(E) *the acceptance rate among students*
7 *who were offered work-study aid; and*

8 “(F) *other information the Secretary may*
9 *require.*

10 “(b) *RESULTS.—The Secretary shall develop an online*
11 *portal—*

12 “(1) *for students, employers, and institutions of*
13 *higher education to access the surveys required under*
14 *subsection (a); and*

15 “(2) *to compile the results of such surveys.*

16 “(c) *REPORT.—Not less than once every 4 years after*
17 *the date of the enactment of this subsection, the Secretary*
18 *shall submit a report to Congress that includes—*

19 “(1) *the data collected under this section (re-*
20 *dacted for personal information);*

21 “(2) *with respect to students employed in work-*
22 *study through the Federal work-study program—*

23 “(A) *the types of jobs such students partici-*
24 *pated in;*

25 “(B) *the average hours worked per week;*

1 “(C) *the average award amount;*

2 “(D) *the average wage rates;*

3 “(E) *the extent to which students enter em-*
4 *ployment with skills and knowledge gained from*
5 *work-study participation that have prepared*
6 *them for the job; and*

7 “(F) *the students’ satisfaction with the pro-*
8 *gram and primary complaints;*

9 “(3) *the extent to which institutions conduct out-*
10 *reach to employers and engage them in discussions on*
11 *improving academic programs;*

12 “(4) *the extent to which institutions conduct out-*
13 *reach to students and make jobs readily available;*

14 “(5) *the extent to which the work-study employ-*
15 *ment aligns with students’ academic programs or ca-*
16 *reer goals;*

17 “(6) *the employers’ satisfaction with the pro-*
18 *gram and primary complaints; and*

19 “(7) *recommendations for improving the pro-*
20 *gram.*

21 “(d) *CONSULTATION.—*

22 “(1) *IN GENERAL.—In consulting with the enti-*
23 *ties described in subsection (a) to create the electronic*
24 *surveys required under such subsection, the Secretary*
25 *shall engage with—*

1 “(A) a representative sample of institutions
2 of higher education participating in the Federal
3 work-study program;

4 “(B) a representative sample of employers
5 participating in the Federal work-study pro-
6 gram; and

7 “(C) a representative sample of students
8 participating in the Federal work-study pro-
9 gram.

10 “(2) *RESPONSE RATE.*—The Secretary shall—

11 “(A) consult with a survey consultant to de-
12 velop a target response rate with respect to the
13 electronic surveys required under subsection (a);
14 and

15 “(B) provide guidance to institution with
16 respect to such developed target response rate.

17 “(e) *TECHNICAL ASSISTANCE.*—The Secretary shall—

18 “(1) provide technical assistance to institutions
19 participating under the Federal work-study program
20 under this part to—

21 “(A) comply with the amendments made by
22 part C of title IV of the College Affordability Act
23 and the regulations issued pursuant to such part;

1 “(B) administer the surveys described in
2 subsection (a) to students and employers partici-
3 pating in the Federal work-study program; and

4 “(C) ensure that Federal work-study posi-
5 tions align with students’ educational goals or
6 career goals to the maximum extent practicable;
7 and

8 “(2) issue guidance and provide technical assist-
9 ance to institutions to support improved partnerships
10 and coordination among financial aid, career serv-
11 ices, and academic advisors to administer the Federal
12 work-study program.

13 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
14 *authorized to be appropriated \$2,000,000 to carry out sub-*
15 *section (a).”.*

16 **SEC. 4210. STUDY AND REPORT.**

17 (a) *STUDY.*—*The Comptroller General of the United*
18 *States shall, not later than a reasonable amount of time*
19 *after the date of the enactment of this Act, conduct a study*
20 *on best practices for assisting students participating in the*
21 *Federal work-study program under part C of title IV of the*
22 *Higher Education Act (42 U.S.C. 1087–51 et seq.) with—*

23 (1) *connecting to off-campus employers;*

24 (2) *procuring work-based learning opportunities*
25 *through such program;*

1 (3) *procuring employment that aligns with stu-*
2 *dents' educational goals or career goals;*

3 (4) *locating employment through job location*
4 *and development programs;*

5 (5) *procuring employment in in-demand indus-*
6 *try sectors or occupations (as defined in section 3 of*
7 *the Workforce Innovation and Opportunity Act (29*
8 *U.S.C. 3102));;*

9 (6) *balancing employment with academic pro-*
10 *grams to improve graduation and completion rates;*
11 *and*

12 (7) *with respect to students with exceptional*
13 *need (as defined in section 413C(c)(2) of the Higher*
14 *Education Act of 1965 (20 U.S.C. 1070b–2(c)(2))—*

15 (A) *locating and coordinating work-study*
16 *employment during qualified periods of non-*
17 *enrollment;*

18 (B) *increasing participation of such stu-*
19 *dents in such work-study program; and*

20 (C) *limiting the need for additional employ-*
21 *ment outside the work-study program.*

22 (b) *REPORT.—Not later than one year after the date*
23 *on which the study required under subsection (a) is com-*
24 *pleted, the Comptroller General of the United States shall*

1 *submit to Congress a report summarizing the findings of*
2 *such study.*

3 (c) *PUBLISH REPORT.*—*The Comptroller General of*
4 *the United States shall make the report required under sub-*
5 *section (b) available to the public on the website of the Gov-*
6 *ernment Accountability Office.*

7 **PART D—FEDERAL DIRECT LOAN PROGRAM**

8 **SEC. 4301. PROGRAM AUTHORITY.**

9 *Section 451(a) of the Higher Education Act of 1965*
10 *(20 U.S.C. 1087a(a)) is amended—*

11 (1) *by striking “and (2)” and inserting “(2)”;*

12 *and*

13 (2) *by inserting “; and (3) to make loans under*
14 *section 460A and section 460B” after “section 459A”.*

15 **SEC. 4302. AMENDMENTS TO TERMS AND CONDITIONS OF**

16 **LOANS AND REPAYMENT PLANS.**

17 (a) *SUBSIDIZED LOANS FOR GRADUATE AND PROFES-*
18 *SIONAL STUDENTS.*—*Section 455(a)(3) of the Higher Edu-*
19 *cation Act of 1965 (20 U.S.C. 1087e(a)(3)) is amended—*

20 (1) *in subparagraph (A), in the matter preceding*
21 *clause (i), by striking “subparagraph (B)” and in-*
22 *serting “subparagraphs (B) and (C)”;* *and*

23 (2) *by adding at the end the following:*

24 “(C) *For any period of instruction at an*
25 *institution of higher education (as defined in sec-*

1 *tion 101) beginning on or after July 1, 2021, a*
2 *graduate or professional student shall be eligible*
3 *to receive a Federal Direct Stafford loan under*
4 *this part.”.*

5 *(b) INTEREST RATE ON SUBSIDIZED LOANS FOR*
6 *GRADUATE AND PROFESSIONAL STUDENTS.—Section*
7 *455(b)(8)(B) of the Higher Education Act of 1965 (20*
8 *U.S.C. 1087e(b)(8)(B)) is amended by inserting “and Fed-*
9 *eral Direct Stafford Loans” after “Federal Direct Unsub-*
10 *sidized Stafford Loans”.*

11 *(c) REPEAL OF ORIGINATION FEES.—Subsection (c) of*
12 *section 455 of the Higher Education Act of 1965 (20 U.S.C.*
13 *1087e(c)) is repealed.*

14 *(d) RULEMAKING REGARDING TERMINATION OF CER-*
15 *TAIN REPAYMENT PLANS.—Beginning on the date of enact-*
16 *ment of this Act, the Secretary of Education shall carry*
17 *out a plan to end all eligibility for repayment plans other*
18 *than a fixed repayment plan described in section 493E of*
19 *the Higher Education Act of 1965, as added by section*
20 *4632, and an income-based repayment plan described under*
21 *section 493C(f) of the Higher Education Act of 1965, as*
22 *added by section 4631(c), for loans made under part B or*
23 *D of title IV of the Higher Education Act of 1965, unless*
24 *the borrower is enrolled in another repayment plan before*

1 *such effective date, in accordance with the amendments*
2 *made by this Act.*

3 *(e) NOTIFICATION TO BORROWERS.—*

4 *(1) IN GENERAL.—Beginning on the date of en-*
5 *actment of this Act, the Secretary of Education, in co-*
6 *ordination with the Director of the Bureau of Con-*
7 *sumer Financial Protection, shall undertake a cam-*
8 *pany to alert all borrowers of loans made, insured,*
9 *or guaranteed under part B or D of title IV of the*
10 *Higher Education Act of 1965 that they are eligible*
11 *to change repayment plans and to enroll in one of the*
12 *following repayment plans:*

13 *(A) A fixed repayment plan described in*
14 *section 493E of the Higher Education Act of*
15 *1965, as added by section 4632.*

16 *(B) The income-based repayment plan*
17 *under section 493C(f) of the Higher Education*
18 *Act of 1965, as added by section 4631(c).*

19 *(2) CAMPAIGN ACTIVITIES.—The campaign shall*
20 *include the following activities:*

21 *(A) Developing consumer information mate-*
22 *rials about the opportunity to change repayment*
23 *plans and to enroll in one of the following repay-*
24 *ment plans:*

1 (i) *A fixed repayment plan described*
2 *in such section 493E.*

3 (ii) *The income-based repayment plan*
4 *under such section 493C(f).*

5 (B) *Requiring servicers of loans made, in-*
6 *sured, or guaranteed under parts B and D of*
7 *title IV of the Higher Education Act of 1965 to*
8 *provide such consumer information to borrowers*
9 *in a manner determined appropriate by the Sec-*
10 *retary.*

11 (f) *REPAYMENT PLANS.—Section 455(d) of the Higher*
12 *Education Act of 1965 (20 U.S.C. 1087e(d)) is amended—*

13 (1) *by redesignating paragraphs (2) through (5)*
14 *as paragraphs (3) through (6), respectively;*

15 (2) *by inserting after paragraph (1), the fol-*
16 *lowing:*

17 “(2) *DESIGN AND SELECTION ON AND AFTER*
18 *JULY 1, 2021.—*

19 “(A) *IN GENERAL.—Notwithstanding para-*
20 *graph (1), for the borrower of a loan made on or*
21 *after July 1, 2021, and for other borrowers sub-*
22 *ject to paragraph (7), the Secretary shall offer a*
23 *borrower of a loan made under this part 2 plans*
24 *for repayment of such loan, including principal*
25 *and interest on the loan. The borrower shall be*

1 *entitled to accelerate, without penalty, repay-*
2 *ment on the borrower's loans under this part.*

3 *The borrower may choose—*

4 *“(i) a fixed repayment plan described*
5 *in section 493E; or*

6 *“(ii) the income-based repayment plan*
7 *under section 493C(f).*

8 *“(B) SELECTION BY THE SECRETARY.—If a*
9 *borrower of a loan made under this part on or*
10 *after July 1, 2021, does not select a repayment*
11 *plan described in subparagraph (A), the Sec-*
12 *retary may provide the borrower with a fixed re-*
13 *payment plan described in section 493E.*

14 *“(C) CHANGES IN SELECTIONS.—Beginning*
15 *on July 1, 2021, a borrower of a loan made*
16 *under this part may change the borrower's selec-*
17 *tion of a repayment plan in accordance with*
18 *paragraph (7) and under such terms and condi-*
19 *tions as may be established by the Secretary.”;*

20 *(3) in paragraph (6)(B), as redesignated, by*
21 *striking “an income contingent repayment plan.” and*
22 *inserting “the income-based repayment plan under*
23 *section 493C(f).”;* and

24 *(4) by adding at the end the following:*

1 “(7) *BORROWERS OF LOANS MADE BEFORE JULY*
2 *1, 2021.—A borrower who is in repayment on a loan*
3 *made under part B or part D before July 1, 2021—*

4 “(A) *may choose to retain the repayment*
5 *plan that the borrower was enrolled in on the*
6 *day before such date;*

7 “(B) *may elect to—*

8 “(i) *enter the income-based repayment*
9 *plan under section 493C(f); or*

10 “(ii) *enter a fixed repayment plan de-*
11 *scribed in section 493E; and*

12 “(C) *after electing to leave a repayment*
13 *plan other than an income-based repayment*
14 *plan described under section 493C(f) or a fixed*
15 *repayment plan described in section 493E, shall*
16 *not be permitted to re-elect a repayment plan*
17 *that is not an income-based repayment plan*
18 *under section 493C(f) or a fixed repayment plan*
19 *described in section 493E.*

20 “(8) *NOTIFICATION AND AUTOMATIC ENROLL-*
21 *MENT PROCEDURES FOR BORROWERS WHO ARE DE-*
22 *LINQUENT ON LOANS.—*

23 “(A) *AUTHORITY TO OBTAIN INCOME INFOR-*
24 *MATION.—In the case of any borrower who is at*
25 *least 60 days delinquent on a covered loan, the*

1 *Secretary may obtain such information as is*
2 *reasonably necessary regarding the income and*
3 *family size of the borrower (and the borrower’s*
4 *spouse, if applicable).*

5 *“(B) BORROWER NOTIFICATION.—With re-*
6 *spect to each borrower of a covered loan who is*
7 *at least 60 days delinquent on such loan and*
8 *who has not been subject to the procedures under*
9 *this paragraph for such loan in the preceding*
10 *120 days, the Secretary shall, as soon as prac-*
11 *ticable after such 60-day delinquency, provide to*
12 *the borrower the following:*

13 *“(i) Notification that the borrower is*
14 *at least 60 days delinquent on at least 1*
15 *covered loan, and a description of all delin-*
16 *quent covered loans, nondelinquent covered*
17 *loans, and noncovered loans of the borrower.*

18 *“(ii) A brief description of the repay-*
19 *ment plans for which the borrower is eligi-*
20 *ble and the covered loans and noncovered*
21 *loans of the borrower that may be eligible*
22 *for such plans, based on information avail-*
23 *able to the Secretary.*

24 *“(iii) The amount of monthly pay-*
25 *ments for the covered and noncovered loans*

1 *under the income-based repayment plan*
2 *under section 493C(f) and the fixed repay-*
3 *ment plan described in section 493E, based*
4 *on information available to the Secretary,*
5 *including, if the income information of the*
6 *borrower is available to the Secretary under*
7 *subparagraph (A)—*

8 *“(I) the amount of the monthly*
9 *payment under the income-based re-*
10 *payment plan under section 493C(f)*
11 *and the fixed repayment plan described*
12 *in section 493E for which the borrower*
13 *is eligible for the borrower’s covered*
14 *and noncovered loans, based on such*
15 *income information; and*

16 *“(II) the income, family size, tax*
17 *filing status, and tax year information*
18 *on which each monthly payment is*
19 *based.*

20 *“(iv) Clear and simple instructions on*
21 *how to select the repayment plans.*

22 *“(v) An explanation that, in the case*
23 *of a borrower for whom adjusted gross in-*
24 *come is unavailable—*

1 “(I) if the borrower selects to
2 repay the covered loans of such bor-
3 rower pursuant to the income-based re-
4 payment plan under section 493C(f)
5 that defines discretionary income in
6 such a manner that an individual not
7 required under section 6012(a)(1) of
8 the Internal Revenue Code of 1986 to
9 file a return with respect to income
10 taxes imposed by subtitle A of such
11 Code may have a calculated monthly
12 payment greater than \$0, the borrower
13 will be required to provide the Sec-
14 retary with other documentation of in-
15 come satisfactory to the Secretary,
16 which documentation the Secretary
17 may use to determine an appropriate
18 repayment schedule; and

19 “(II) if the borrower selects to
20 repay such loans pursuant to an in-
21 come-driven repayment plan that is
22 not described in subclause (I), the bor-
23 rower will not be required to provide
24 the Secretary with such other docu-
25 mentation of income, and the borrower

1 *will have a calculated monthly pay-*
2 *ment of \$0.*

3 “(vi) *An explanation that the Sec-*
4 *retary shall take the actions under subpara-*
5 *graph (C) with respect to such borrower,*
6 *if—*

7 “(I) *the borrower is 120 days de-*
8 *linquent on 1 or more covered loans*
9 *and has not selected a new repayment*
10 *plan for the covered loans of the bor-*
11 *rower; and*

12 “(II) *in the case of such a bor-*
13 *rower whose repayment plan for the*
14 *covered loans of the borrower is not an*
15 *income-driven repayment plan de-*
16 *scribed in subparagraph (D) or (E) of*
17 *paragraph (1), the monthly payments*
18 *under such repayment plan are higher*
19 *than such monthly payments would be*
20 *under the income-based repayment*
21 *plan under section 493C(f).*

22 “(vii) *Instructions on updating the in-*
23 *formation of the borrower obtained under*
24 *subparagraph (A).*

1 “(C) *SECRETARY’S INITIAL SELECTION OF A*
2 *PLAN.*—*With respect to each borrower described*
3 *in subparagraph (B) who has a repayment plan*
4 *for the covered loans of the borrower that meets*
5 *the requirements of clause (vi)(II) of subpara-*
6 *graph (B) and has not selected a new repayment*
7 *plan for such loans in accordance with the notice*
8 *received under such subparagraph, and who is at*
9 *least 120 days delinquent on such a loan, the*
10 *Secretary shall, as soon as practicable—*

11 “(i) *provide the borrower with the in-*
12 *come-based repayment plan under section*
13 *493C(f); and*

14 “(ii) *authorize the borrower to change*
15 *the Secretary’s selection of a plan under*
16 *this clause to the fixed repayment plan de-*
17 *scribed in section 493E.*

18 “(D) *OPT-OUT.*—*A borrower of a covered*
19 *loan shall have the right to opt out of the proce-*
20 *dures under this paragraph.*

21 “(E) *PROCEDURES.*—*The Secretary shall*
22 *establish procedures as are necessary to effec-*
23 *tively implement this paragraph.*

1 “(9) *NOTIFICATION AND AUTOMATIC ENROLL-*
2 *MENT PROCEDURES FOR BORROWERS WHO ARE REHA-*
3 *BILITATING DEFAULTED LOANS.—*

4 “(A) *AUTHORITY TO OBTAIN INCOME INFOR-*
5 *MATION.—In the case of any borrower who is re-*
6 *habilitating a covered loan pursuant to section*
7 *428F(a), the Secretary may obtain such infor-*
8 *mation as is reasonably necessary regarding the*
9 *income and family size of the borrower (and the*
10 *borrower’s spouse, if applicable).*

11 “(B) *BORROWER NOTIFICATION.—Not later*
12 *than 30 days after a borrower makes the 6th*
13 *payment required for the loan rehabilitation de-*
14 *scribed in subparagraph (A), the Secretary shall*
15 *notify the borrower of the process under subpara-*
16 *graph (C) with respect to such loan.*

17 “(C) *SECRETARY’S SELECTION OF PLAN.—*
18 *With respect to each borrower who has made the*
19 *9th payment required for the loan rehabilitation*
20 *described in subparagraph (A), the Secretary*
21 *shall, as soon as practicable after such payment,*
22 *provide the borrower with the income-based re-*
23 *payment plan under section 493C(f), without re-*
24 *gard to whether the loan has been so rehabili-*
25 *tated.*

1 “(D) *OPT-OUT.*—A borrower of a covered
2 loan shall have the right to opt out of the proce-
3 dures under this paragraph.

4 “(E) *PROCEDURES.*—The Secretary shall
5 establish procedures as are necessary to effec-
6 tively implement this paragraph.

7 “(10) *DEFINITIONS.*—In this subsection:

8 “(A) *COVERED LOAN.*—The term ‘covered
9 loan’ means—

10 “(i) a loan made under this part;

11 “(ii) a loan purchased under section
12 459A; or

13 “(iii) a loan that has been assigned to
14 the Secretary under section 428(c)(8) or
15 part E.

16 “(B) *NONCOVERED LOAN.*—The term ‘non-
17 covered loan’ means a loan made, insured, or
18 guaranteed under this title that is not a covered
19 loan.

20 “(11) *APPLICATION OF PREPAYMENT*
21 *AMOUNTS.*—

22 “(A) *REQUIREMENT.*—Notwithstanding any
23 other provision of this subsection or any other
24 provision of law—

1 “(i) with respect to loans made to an
2 eligible borrower under this part or part B,
3 which are held by the same holder and
4 which have different applicable rates of in-
5 terest, the holder of such loans shall, unless
6 otherwise requested by the borrower in writ-
7 ing, apply the borrower’s prepayment
8 amount (within the meaning of section
9 682.209(b) of title 34, Code of Federal Reg-
10 ulations, or a successor regulation) for one
11 or more of such loans, first toward the out-
12 standing balance of principal due on the
13 loan with the highest applicable rate of in-
14 terest among such loans; and

15 “(ii) except as provided in clause (i),
16 with respect to loans made to an eligible
17 borrower under this part or part B, which
18 are held by the same holder and which have
19 the same applicable rates of interest, the
20 holder of such loans shall, unless otherwise
21 requested by the borrower in writing, apply
22 the borrower’s prepayment amount (within
23 the meaning of section 682.209(b) of title
24 34, Code of Federal Regulations, or a suc-
25 cessor regulation) for one or more of such

1 *loans, first toward the outstanding balance*
2 *of principal due on the loan with the high-*
3 *est principal balance among such loans.*

4 *“(B) ELIGIBLE BORROWER.—*

5 *“(i) IN GENERAL.—For purposes of*
6 *this paragraph, the term ‘eligible borrower’*
7 *means a borrower with no outstanding bal-*
8 *ance of fees, including collection costs and*
9 *authorized late charges, due on any loan*
10 *made under this part or part B.*

11 *“(ii) PREPAYMENT AMOUNTS.—A pre-*
12 *payment amount (as described in subpara-*
13 *graph (A)) made by a borrower who is not*
14 *an eligible borrower to a holder shall be ap-*
15 *plied first toward the borrower’s out-*
16 *standing balance of fees, including collection*
17 *costs and authorized late charges, due on*
18 *any loan made under this part or part B*
19 *held by such holder.”.*

20 *(g) APPLICATION.—The amendments made by sub-*
21 *section (c)(4) shall—*

22 *(1) take effect as soon as the Secretary of Edu-*
23 *cation determines practicable after the Secretary fi-*
24 *nalizes the procedures under section 9004, but not*

1 *later than 2 years after the date of enactment of this*
2 *Act; and*

3 *(2) apply to all borrowers of covered loans (as*
4 *defined in section 455(d)(10) of the Higher Education*
5 *Act of 1965, as added by subsection (c)(4)).*

6 *(h) MAXIMUM REPAYMENT PERIOD FOR INCOME-CON-*
7 *TINGENT REPAYMENT.—Section 455(e) of the Higher Edu-*
8 *cation Act of 1965 (20 U.S.C. 1087e(e)) is further amend-*
9 *ed—*

10 *(1) in paragraph (7)(B)—*

11 *(A) by striking “or” at the end of clause*
12 *(iv);*

13 *(B) by striking the period at the end of*
14 *clause (v) and inserting a semicolon; and*

15 *(C) by adding at the end the following:*

16 *“(vi) makes payments under the in-*
17 *come-based repayment plan under section*
18 *493C(f); or*

19 *“(vii) makes payments under the fixed*
20 *repayment plan described in section*
21 *493E.”; and*

22 *“(8) ADDITIONAL QUALIFYING REPAYMENT*
23 *PLANS.—A borrower repaying a loan pursuant to in-*
24 *come-contingent repayment under this subsection may*
25 *elect at any time to terminate repayment under such*

1 *repayment plan and repay such loan under the in-*
2 *come-based repayment plan under section 493C(f) or*
3 *the fixed repayment plan described in section 493E.”.*

4 *(i) AUTOMATIC RECERTIFICATION OF INCOME FOR IN-*
5 *COME-DRIVEN REPAYMENT PLANS.—Section 455(e) of the*
6 *Higher Education Act of 1965 (20 U.S.C. 1087e(e)) is*
7 *amended—*

8 *(1) in paragraph (3)—*

9 *(A) by striking “does not reasonably reflect*
10 *the borrower’s current income” and inserting*
11 *“whose income has decreased relative to the ad-*
12 *justed gross income available to the Secretary”;*
13 *and*

14 *(B) by inserting “, consistent with the pro-*
15 *cedures established under paragraph (9)(B)(iv)”*
16 *before the period at the end; and*

17 *(2) by adding at the end the following:*

18 *“(9) AUTOMATIC RECERTIFICATION.—*

19 *“(A) DEFINITION.—In this paragraph, the*
20 *term ‘covered loan’ has the meaning given the*
21 *term in subsection (d)(10).*

22 *“(B) IN GENERAL.—Beginning as soon as*
23 *the Secretary determines practicable after the*
24 *Secretary finalizes the procedures under section*
25 *9004 of the College Affordability Act, but not*

1 *later than 2 years after the date of enactment of*
2 *such Act, the Secretary shall establish and imple-*
3 *ment, with respect to any borrower described in*
4 *subparagraph (C), procedures to—*

5 *“(i) obtain (for each year of repayment*
6 *and without further action by the borrower)*
7 *such information as is reasonably necessary*
8 *regarding the income of such borrower (and*
9 *the borrower’s spouse, if applicable), for the*
10 *purpose of determining the repayment obli-*
11 *gation of the borrower for such year, includ-*
12 *ing information with respect to the bor-*
13 *rower’s family size in accordance with the*
14 *procedures under section 9004 of the College*
15 *Affordability Act, subject to clause (ii);*

16 *“(ii) allow the borrower, at any time,*
17 *to opt out of clause (i) and prevent the Sec-*
18 *retary from obtaining information under*
19 *such clause without further action by the*
20 *borrower;*

21 *“(iii) provide the borrower with an op-*
22 *portunity to update the information ob-*
23 *tained under clause (i) before the deter-*
24 *mination of the annual repayment obliga-*
25 *tion of the borrower; and*

1 “(iv) in the case of a borrower for
2 whom adjusted gross income is unavail-
3 able—

4 “(I) if the borrower has selected to
5 repay the covered loans of such bor-
6 rower pursuant to an income contin-
7 gent repayment plan that defines dis-
8 cretionary income in such a manner
9 that an individual not required under
10 section 6012(a)(1) of the Internal Rev-
11 enue Code of 1986 to file a return with
12 respect to income taxes imposed by
13 subtitle A of such Code may have a
14 calculated monthly payment greater
15 than \$0, the borrower will be required
16 to provide the Secretary with other
17 documentation of income satisfactory
18 to the Secretary, which documentation
19 the Secretary may use to determine an
20 appropriate repayment schedule; or

21 “(II) if the borrower has selected
22 to repay such loans pursuant to an in-
23 come contingent repayment that is not
24 described in subclause (I), the borrower
25 will not be required to provide the Sec-

1 retary with such other documentation
2 of income, and the borrower will have
3 a calculated monthly payment of \$0.

4 “(C) *APPLICABILITY.*—Subparagraph (B)
5 shall apply to each borrower of a covered loan
6 who, on or after the date on which the Secretary
7 establishes procedures under such subparagraph,
8 recertifies income and family size under such
9 plan.

10 “(D) *OTHER REQUIREMENTS.*—The proce-
11 dures established by the Secretary under this
12 paragraph shall be consistent with the require-
13 ments of paragraphs (1) through (7), except as
14 otherwise provided in this paragraph.”.

15 (j) *DEFERMENT AND FORBEARANCE.*—Section 455(f)
16 of the Higher Education Act of 1965 (20 U.S.C. 1087e(f))
17 is amended—

18 (1) in the subsection heading, by inserting at the
19 end the following: “AND FORBEARANCE”; and

20 (2) by amending subparagraph (B) of paragraph
21 (1) to read as follows:

22 “(B) in the case of a Federal Direct PLUS
23 Loan, a Federal Direct Unsubsidized Stafford
24 Loan, or a Federal Direct Consolidation Loan
25 not described in subparagraph (A)(ii), beginning

1 on or after the date of enactment of the College
2 Affordability Act—

3 “(i) for a deferment during a period
4 described in paragraph (2)(A)(i), shall ac-
5 crue and be capitalized or paid by the bor-
6 rower; and

7 “(ii) for a deferment during a period
8 described in subparagraphs (B) through (D)
9 of paragraph (2), shall accrue but not be
10 capitalized.”; and

11 (3) by adding at the end the following:

12 “(6) *FORBEARANCE*.—At the expiration of a pe-
13 riod of forbearance that begins on or after the date of
14 enactment of the College Affordability Act, interest
15 may accrue but shall not be capitalized on any loans
16 made under this part.”.

17 (k) *SEPARATING JOINT CONSOLIDATION LOANS*.—Sec-
18 tion 455(g) of the Higher Education Act of 1965 (20 U.S.C.
19 1087e(g)) is amended—

20 (1) by striking “A borrower” and inserting the
21 following:

22 “(1) *IN GENERAL*.—A borrower”; and

23 (2) by adding at the end the following:

24 “(2) *SEPARATING JOINT CONSOLIDATION*
25 *LOANS*.—

1 “(A) *IN GENERAL.*—*A married couple, or 2*
2 *individuals who were previously a married cou-*
3 *ple, and who received a joint consolidation loan*
4 *as such married couple under subparagraph (C)*
5 *of section 428C(a)(3) (as such subparagraph was*
6 *in effect on or before June 30, 2006), may apply*
7 *to the Secretary for each individual borrower in*
8 *the married couple (or previously married cou-*
9 *ple) to receive a separate Federal Direct Consoli-*
10 *dation Loan under this part—*

11 “(i) *that shall—*

12 “(I) *unless the Secretary receives*
13 *notice of an agreement described in*
14 *subclause (II)(aa), be equal to the sum*
15 *of—*

16 “(aa) *the unpaid principal*
17 *and accrued unpaid interest of the*
18 *percentage of the joint consolida-*
19 *tion loan that, as of the day before*
20 *such joint consolidation loan was*
21 *made, was attributable to the*
22 *loans of the individual borrower*
23 *for whom such separate consolida-*
24 *tion loan is being made; and*

1 “(bb) any other loans de-
2 scribed in section 428C(a)(4) that
3 such individual borrower selects
4 for consolidation under this part;
5 or

6 “(II) be equal to the sum of—

7 “(aa) the unpaid principal
8 and accrued unpaid interest of the
9 percentage of the joint consolida-
10 tion loan that, as of the date of
11 application under this paragraph,
12 the married couple (or previously
13 married couple) agrees shall be
14 considered attributable to the
15 loans of the individual borrower
16 for whom such separate consolida-
17 tion loan is being made; and

18 “(bb) any other loans de-
19 scribed in section 428C(a)(4) that
20 such individual borrower selects
21 for consolidation under this part;

22 “(ii) the proceeds of which shall be
23 paid by the Secretary to the holder or hold-
24 ers—

1 “(I) of the joint consolidation loan
2 for the purpose of discharging the li-
3 ability on the percentage of such joint
4 consolidation loan described in sub-
5 clause (I)(aa) or (II)(aa) of clause (i);
6 and

7 “(II) of the loans selected for con-
8 solidation under subclause (I)(bb) or
9 subclause (II)(bb) of clause (i) for the
10 purpose of discharging the liability on
11 such loans;

12 “(iii) except as otherwise provided in
13 this paragraph, that has the same terms
14 and conditions, and rate of interest as the
15 joint consolidation loan;

16 “(iv) for which any payment made
17 under section 455(m)(1)(A) on the joint
18 consolidation loan during a period in which
19 the individual borrower for whom such sep-
20 arate consolidation loan is being made was
21 employed in a public service job described
22 in section 455(m)(1)(B) shall be treated as
23 if such payment were made on the portion
24 of the separate consolidation loan described
25 in clause (i)(I)(aa); and

1 “(v) for which any payment made
2 under any repayment plan described in sec-
3 tion 455(d)(1) on the joint consolidation
4 loan shall be treated as if such payment
5 were made on such portion of such separate
6 consolidation loan.

7 “(B) APPLICATION FOR SEPARATE DIRECT
8 CONSOLIDATION LOAN.—

9 “(i) JOINT APPLICATION.—Except as
10 provided in clause (ii), to receive separate
11 consolidation loans under subparagraph
12 (A), both individual borrowers in a married
13 couple (or previously married couple) shall
14 jointly apply under subparagraph (A).

15 “(ii) SEPARATE APPLICATION.—An in-
16 dividual borrower in a married couple (or
17 previously married couple) may apply for a
18 separate consolidation loan under subpara-
19 graph (A) separately and without regard to
20 whether or when the other individual bor-
21 rower in the married couple (or previously
22 married couple) applies under subpara-
23 graph (A), in a case in which—

1 “(I) the individual borrower has
2 experienced from the other individual
3 borrower—

4 “(aa) domestic violence (as
5 defined in section 40002(a) of the
6 Violence Against Women Act of
7 1994 (34 U.S.C. 12291(a))); or

8 “(bb) economic abuse (in-
9 cluding behaviors that control
10 such borrower’s ability to acquire,
11 use, and maintain access to
12 money, credit, or the joint finan-
13 cial obligations of both borrowers);

14 “(II) the individual borrower cer-
15 tifies, on a form approved by the Sec-
16 retary, that such borrower is unable to
17 reasonably reach or access the loan in-
18 formation of the other individual bor-
19 rower; or

20 “(III) the Secretary determines
21 that authorizing each individual bor-
22 rower to apply separately under sub-
23 paragraph (A) would be in the best fis-
24 cal interests of the Federal Govern-
25 ment.

1 “(C) *BORROWER ELIGIBILITY.*—*Notwith-*
2 *standing section 428C(a)(3)(A), the Secretary*
3 *shall award a consolidation loan under this part*
4 *to each borrower who—*

5 “(i) *applies for such loan under sub-*
6 *paragraph (A); and*

7 “(ii) *meets the requirements of sub-*
8 *paragraphs (A) and (B).*

9 “(3) *CONSUMER REPORTING AGENCIES.*—*Upon*
10 *obtaining a Federal Direct Consolidation Loan that*
11 *discharges the liability on a defaulted loan made, in-*
12 *sured, or guaranteed under this title, the Secretary,*
13 *guaranty agency, or other holder of the loan shall re-*
14 *quest any consumer reporting agency to which the*
15 *Secretary, guaranty agency or holder, as applicable,*
16 *reported the default of the loan, to remove any adverse*
17 *item of information relating to a delinquent or de-*
18 *faulted loan made, insured, or guaranteed under this*
19 *title from the borrower’s credit history.”.*

20 “(l) *REPEAL OF SUBSIDIZED LOAN USAGE LIMITA-*
21 *TION.*—*Subsection (q) of section 455 of the Higher Edu-*
22 *cation Act of 1965 (20 U.S.C. 1087e) is repealed.*

1 **SEC. 4303. AMENDMENTS TO TERMS AND CONDITIONS OF**
2 **PUBLIC SERVICE LOAN FORGIVENESS.**

3 *Section 455(m) of the Higher Education Act of 1965*
4 *(20 U.S.C. 1087e(m)) is amended—*

5 *(1) in paragraph (1)—*

6 *(A) in subparagraph (A)—*

7 *(i) by striking “or” at the end of clause*

8 *(iii);*

9 *(ii) in clause (iv), by striking “and”;*

10 *and*

11 *(iii) by adding at the end the fol-*
12 *lowing:*

13 *“(v) payments under the income-based*
14 *repayment plan under section 493C(f); or*

15 *“(vi) payments under the fixed repay-*
16 *ment plan described in section 493E; and”;*

17 *and*

18 *(B) in subparagraph (B), by striking “(i) is*
19 *employed” and all that follows through “has*
20 *been” and inserting “has been”;*

21 *(2) in paragraph (2), by adding at the end the*
22 *following: “In the case of a borrower who meets the*
23 *requirements under paragraph (1) for such cancella-*
24 *tion, such cancellation shall occur without further ac-*
25 *tion by the borrower.”;*

1 (3) by redesignating paragraphs (3) and (4) as
2 paragraphs (6) and (7), respectively; and

3 (4) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) *TREATMENT OF LOANS REFINANCED UNDER*
6 *SECTIONS 460A.—In the case of an eligible Federal Di-*
7 *rect Loan refinanced under section 460A, any month-*
8 *ly payment pursuant to any repayment plan listed in*
9 *paragraph (1)(A) made on a loan, for which the li-*
10 *ability has been discharged by such refinanced loan*
11 *and without regard to whether such loan is an eligible*
12 *Federal Direct Loan, shall be treated as a monthly*
13 *payment under paragraph (1)(A) on the portion of*
14 *such refinanced loan that is attributable to such dis-*
15 *charged loan.*

16 “(4) *ON-LINE PORTAL.—*

17 “(A) *BORROWERS.—The Secretary shall en-*
18 *sure that borrowers have access to an on-line*
19 *portal that provides each borrower who signs on*
20 *to such portal with the following:*

21 “(i) *Instructions on how to access the*
22 *database under paragraph (5) so that the*
23 *borrower can determine whether the bor-*
24 *rower is employed in a public service job.*

1 “(ii) *An identification of the loans of*
2 *the borrower that are eligible Federal Direct*
3 *Loans.*

4 “(iii) *With respect to each such eligible*
5 *Federal Direct Loan, the number of month-*
6 *ly payments on such loan that qualify as a*
7 *monthly payment under paragraph (1)(A),*
8 *and the estimated number of monthly pay-*
9 *ments under paragraph (1)(A) remaining*
10 *on such loan before the borrower may be eli-*
11 *gible for loan cancellation under this sub-*
12 *section.*

13 “(iv) *With respect to each loan of the*
14 *borrower that is not eligible for loan can-*
15 *cellation under this subsection, an expla-*
16 *nation of why the loan is not so eligible and*
17 *instructions on how what, if anything, the*
18 *borrower may do to make the loan so eligi-*
19 *ble.*

20 “(v) *Instructions for the submission of*
21 *any forms associated with such loan can-*
22 *cellation, and an ability for the borrower to*
23 *use the portal to electronically sign and*
24 *submit such forms.*

1 “(vi) *In the case of a borrower who*
2 *disputes a determination of the Secretary*
3 *relating to the entitlement of the borrower to*
4 *loan cancellation under paragraph (2)—*

5 “(I) *an ability for the borrower to*
6 *file a claim with the Secretary to dis-*
7 *pute such determination through the*
8 *portal; and*

9 “(II) *in the case of such a claim*
10 *that has been filed, the status of such*
11 *claim, for which updates shall be pro-*
12 *vided not fewer than once every 90*
13 *days.*

14 “(B) *EMPLOYERS.—The Secretary shall en-*
15 *sure that an employer of a borrower has the abil-*
16 *ity to electronically sign and submit any forms*
17 *associated with loan cancellation under this sub-*
18 *section.*

19 “(C) *INFORMATION.—The Secretary shall*
20 *ensure that any information provided through*
21 *the on-line portal described in this paragraph is*
22 *up-to-date information.*

23 “(5) *DATABASE OF PUBLIC SERVICE JOBS.—*

24 “(A) *IN GENERAL.—The Secretary, in con-*
25 *sultation with the Commissioner of the Internal*

1 *Revenue Service, shall establish and regularly*
2 *update a database that lists public service jobs.*

3 “(B) *PUBLIC AVAILABILITY.*—*The database*
4 *established under subparagraph (A) shall be*
5 *made available on a publicly accessible website of*
6 *the Department in an easily searchable format.”;*

7 (5) *in paragraph (6), as so redesignated—*

8 (A) *in subparagraph (A)—*

9 (i) *by inserting before the period at the*
10 *end the following: “(including any Federal*
11 *Direct Stafford Loan, Federal Direct PLUS*
12 *Loan, Federal Direct Unsubsidized Stafford*
13 *Loan, or Federal Direct Consolidation Loan*
14 *refinanced under section 460A)”;*

15 (ii) *by striking “The term” and insert-*
16 *ing the following:*

17 “(i) *IN GENERAL.*—*The term”;* and

18 (iii) *by adding at the end the fol-*
19 *lowing:*

20 “(ii) *TREATMENT OF CERTAIN CON-*
21 *SOLIDATION LOAN PAYMENTS.*—*In the case*
22 *of an eligible Federal Direct Loan that is a*
23 *Federal Direct Consolidation Loan made on*
24 *or after the date of enactment of the College*
25 *Affordability Act, any monthly payment*

1 *pursuant to any repayment plan listed in*
2 *paragraph (1)(A) made on a loan, for*
3 *which the liability has been discharged by*
4 *the proceeds of such Federal Direct Consoli-*
5 *dation Loan and without regard to whether*
6 *the loan is an eligible Federal Direct Loan,*
7 *shall be treated as a monthly payment*
8 *under paragraph (1)(A) on the portion of*
9 *such Federal Direct Consolidation Loan*
10 *that is attributable to such discharged loan,*
11 *except that in the case of a subsequent con-*
12 *solidation loan, for purposes of this*
13 *clause—*

14 *“(I) any monthly payment made*
15 *on the first consolidation loan or any*
16 *other loan for which the liability has*
17 *been discharged by such subsequent*
18 *consolidation loan shall be applicable;*
19 *and*

20 *“(II) any monthly payment made*
21 *on a loan for which the liability has*
22 *been discharged by such first consolida-*
23 *tion loan shall not be applicable.”;*

24 *(B) in subparagraph (B)—*

1 (i) in clause (i), by striking “or” at
2 the end;

3 (ii) in clause (ii)—

4 (I) by striking “teaching as” and
5 inserting the following: “teaching—

6 “(I) as”;

7 (II) by striking “, foreign lan-
8 guage faculty, and part-time faculty at
9 community colleges), as determined by
10 the Secretary.” and inserting “and for-
11 eign language faculty), as determined
12 by the Secretary; or”;

13 (III) by adding at the end the fol-
14 lowing:

15 “(II) as a part-time faculty mem-
16 ber or instructor who—

17 “(aa) teaches not less than 2
18 courses at an institution of higher
19 education (as defined in section
20 101(a)), a postsecondary voca-
21 tional institution (as defined in
22 section 102(c)), or a Tribal Col-
23 lege or University (as defined in
24 section 316(b));

1 “(bb) is not a student en-
2 rolled at such institution; and

3 “(cc) is not employed on a
4 full-time basis by any other em-
5 ployer;”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(iii) a full-time job as an employee or
9 manager of a farm or ranch that, with re-
10 spect to a fiscal year, has earnings of gross
11 revenue during such year from the sale of
12 agricultural products equal to or greater
13 than—

14 “(I) in the case of 2019, \$35,000;
15 or

16 “(II) in the case of any succeeding
17 year, the amount applicable under this
18 subparagraph for the previous year,
19 increased by the estimated percentage
20 change in the Consumer Price Index
21 for the most recent year preceding such
22 year; or

23 “(iv) a full-time job with a veterans or
24 military service organization as described
25 in paragraph (19) or (23) of section 501(c)

1 of the Internal Revenue Code, that does not
2 engage in partisan political campaign ac-
3 tivity.”; and

4 (C) by adding at the end the following:

5 “(C) *FULL-TIME JOB AS HEALTH CARE*
6 *PRACTITIONER.—The term ‘full-time profes-*
7 *sionals engaged in health care practitioner occu-*
8 *pations’ includes an individual who—*

9 “(i) has a full-time job as a health care
10 practitioner;

11 “(ii) provides medical services in such
12 full-time job at a nonprofit or public hos-
13 pital or other nonprofit or public health
14 care facility; and

15 “(iii) is prohibited from being em-
16 ployed directly by such hospital or other
17 health care facility by State law.”; and

18 (6) in paragraph (10), as so redesignated, by
19 striking “section 428J, 428K, 428L, or 460” and in-
20 serting “section 428K or 428L”.

21 **SEC. 4304. FEDERAL DIRECT PERKINS LOANS TERMS AND**
22 **CONDITIONS.**

23 Part D of title IV of the Higher Education Act of 1965
24 (20 U.S.C. 1087a et seq.) is amended by inserting after sec-
25 tion 455 the following new section:

1 **“SEC. 455A. FEDERAL DIRECT PERKINS LOANS.**

2 “(a) *DESIGNATION OF LOANS.*—Loans made to bor-
3 rowers under this section shall be known as ‘Federal Direct
4 Perkins Loans’.

5 “(b) *IN GENERAL.*—It is the purpose of this section
6 to authorize loans to be awarded by institutions of higher
7 education through agreements established under section
8 463(f). Unless otherwise specified in this section, all terms
9 and conditions and other requirements applicable to Fed-
10 eral Direct Unsubsidized Stafford loans established under
11 section 455(a)(2)(D) shall apply to loans made pursuant
12 to this section.

13 “(c) *ELIGIBLE BORROWERS.*—Any student meeting
14 the requirements for student eligibility under section 464(b)
15 (including graduate and professional students as defined in
16 regulations promulgated by the Secretary) shall be eligible
17 to borrow a Federal Direct Perkins Loan, provided the stu-
18 dent attends an eligible institution with an agreement with
19 the Secretary under section 463(f), and the institution uses
20 its authority under that agreement to award the student
21 a loan.

22 “(d) *LOAN LIMITS.*—The annual and aggregate limits
23 for loans under this section shall be the same as those estab-
24 lished under section 464, and aggregate limits shall include
25 loans made by institutions under agreements under section
26 463(a).

1 “(e) *APPLICABLE RATES OF INTEREST.*—Loans made
2 pursuant to this section shall bear interest, on the unpaid
3 principal balance of the loan, at the rate of 5 percent per
4 year.”.

5 **SEC. 4305. COMMON MANUAL FOR LOAN SERVICERS.**

6 Section 456(a)(2) of the Higher Education Act of 1965
7 (20 U.S.C. 1087f(a)(2)) is amended in the first sentence by
8 inserting before the period at the end the following: “, in-
9 cluding the applicable procedures and policies described in
10 the manual developed under section 493F”.

11 **SEC. 4306. REFINANCING FFEL AND FEDERAL DIRECT**
12 **LOANS.**

13 Part D of title IV of the Higher Education Act of 1965
14 (20 U.S.C. 1087a et seq.) is amended by adding at the end
15 the following:

16 **“SEC. 460A. REFINANCING FFEL AND FEDERAL DIRECT**
17 **LOANS.**

18 “(a) *IN GENERAL.*—The Secretary shall establish a
19 program under which the Secretary, upon the receipt of an
20 application from a qualified borrower, makes a loan under
21 this part, in accordance with the provisions of this section,
22 in order to permit the borrower to obtain the interest rate
23 provided under subsection (c).

24 “(b) *REFINANCING DIRECT LOANS.*—

1 “(1) *FEDERAL DIRECT LOANS.*—Upon applica-
2 tion of a qualified borrower, the Secretary shall repay
3 a Federal Direct Stafford Loan, a Federal Direct Un-
4 subsidized Stafford Loan, a Federal Direct PLUS
5 Loan, or a Federal Direct Consolidation Loan of the
6 qualified borrower, for which the first disbursement
7 was made, or the application for the consolidation
8 loan was received, before July 1, 2020, with the pro-
9 ceeds of a refinanced Federal Direct Stafford Loan, a
10 Federal Direct Unsubsidized Stafford Loan, a Federal
11 Direct PLUS Loan, or a Federal Direct Consolida-
12 tion Loan, respectively, issued to the borrower in an
13 amount equal to the sum of the unpaid principal, ac-
14 crued unpaid interest, and late charges of the original
15 loan.

16 “(2) *REFINANCING FFEL PROGRAM LOANS AS RE-*
17 *FINANCED FEDERAL DIRECT LOANS.*—Upon applica-
18 tion of a qualified borrower for any loan that was
19 made, insured, or guaranteed under part B and for
20 which the first disbursement was made, or the appli-
21 cation for the consolidation loan was received, before
22 July 1, 2010, the Secretary shall make a loan under
23 this part, in an amount equal to the sum of the un-
24 paid principal, accrued unpaid interest, and late

1 *charges of the original loan to the borrower in accord-*
2 *ance with the following:*

3 “(A) *The Secretary shall pay the proceeds of*
4 *such loan to the eligible lender of the loan made,*
5 *insured, or guaranteed under part B, in order to*
6 *discharge the borrower from any remaining obli-*
7 *gation to the lender with respect to the original*
8 *loan.*

9 “(B) *A loan made under this section that*
10 *was originally—*

11 “(i) *a loan originally made, insured,*
12 *or guaranteed under section 428 shall be a*
13 *Federal Direct Stafford Loan;*

14 “(ii) *a loan originally made, insured,*
15 *or guaranteed under section 428B shall be*
16 *a Federal Direct PLUS Loan;*

17 “(iii) *a loan originally made, insured,*
18 *or guaranteed under section 428H shall be*
19 *a Federal Direct Unsubsidized Stafford*
20 *Loan; and*

21 “(iv) *a loan originally made, insured,*
22 *or guaranteed under section 428C shall be a*
23 *Federal Direct Consolidation Loan.*

1 “(C) *The interest rate for each loan made*
2 *by the Secretary under this paragraph shall be*
3 *the rate provided under subsection (c).*

4 “(c) *INTEREST RATES.—*

5 “(1) *IN GENERAL.—The interest rate for the refi-*
6 *nanced Federal Direct Stafford Loans, Federal Direct*
7 *Unsubsidized Stafford Loans, Federal Direct PLUS*
8 *Loans, and Federal Direct Consolidation Loans, shall*
9 *be a rate equal to—*

10 “(A) *in any case where the original loan*
11 *was a loan under section 428 or 428H, a Federal*
12 *Direct Stafford loan, or a Federal Direct Unsub-*
13 *sidized Stafford Loan, that was issued to an un-*
14 *dergraduate student, a rate equal to the rate for*
15 *Federal Direct Stafford Loans and Federal Di-*
16 *rect Unsubsidized Stafford Loans issued to un-*
17 *dergraduate students for the 12-month period be-*
18 *ginning on July 1, 2019, and ending on June*
19 *30, 2020;*

20 “(B) *in any case where the original loan*
21 *was a loan under section 428 or 428H, a Federal*
22 *Direct Stafford Loan, or a Federal Direct Un-*
23 *subsidized Stafford Loan, that was issued to a*
24 *graduate or professional student, a rate equal to*
25 *the rate for Federal Direct Unsubsidized Stafford*

1 *Loans issued to graduate or professional students*
2 *for the 12-month period beginning on July 1,*
3 *2019, and ending on June 30, 2020;*

4 “(C) *in any case where the original loan*
5 *was a loan under section 428B or a Federal Di-*
6 *rect PLUS Loan, a rate equal to the rate for*
7 *Federal Direct PLUS Loans for the 12-month*
8 *period beginning on July 1, 2019, and ending on*
9 *June 30, 2020; and*

10 “(D) *in any case where the original loan*
11 *was a loan under section 428C or a Federal Di-*
12 *rect Consolidation Loan, a rate calculated in ac-*
13 *cordance with paragraph (2).*

14 “(2) *INTEREST RATES FOR CONSOLIDATION*
15 *LOANS.—*

16 “(A) *METHOD OF CALCULATION.—In order*
17 *to determine the interest rate for any refinanced*
18 *Federal Direct Consolidation Loan under para-*
19 *graph (1)(D), the Secretary shall—*

20 “(i) *determine each of the component*
21 *loans that were originally consolidated in*
22 *the loan under section 428C or the Federal*
23 *Direct Consolidation Loan, and calculate*
24 *the proportion of the unpaid principal bal-*
25 *ance of the loan under section 428C or the*

1 *Federal Direct Consolidation Loan that*
2 *each component loan represents;*

3 “(ii) *use the proportions determined in*
4 *accordance with clause (i) and the interest*
5 *rate applicable for each component loan, as*
6 *determined under subparagraph (B), to cal-*
7 *culate the weighted average of the interest*
8 *rates on the loans consolidated into the loan*
9 *under section 428C or the Federal Direct*
10 *Consolidation Loan; and*

11 “(iii) *apply the weighted average cal-*
12 *culated under clause (ii) as the interest rate*
13 *for the refinanced Federal Direct Consolida-*
14 *tion Loan.*

15 “(B) *INTEREST RATES FOR COMPONENT*
16 *LOANS.—The interest rates for the component*
17 *loans of a loan made under section 428C or a*
18 *Federal Direct Consolidation Loan shall be the*
19 *following:*

20 “(i) *The interest rate for any loan*
21 *under section 428 or 428H, Federal Direct*
22 *Stafford Loan, or Federal Direct Unsub-*
23 *sidized Stafford Loan issued to an under-*
24 *graduate student shall be a rate equal to the*
25 *lesser of—*

1 “(I) the rate for Federal Direct
2 Stafford Loans and Federal Direct Un-
3 subsidized Stafford Loans issued to un-
4 dergraduate students for the 12-month
5 period beginning on July 1, 2019, and
6 ending on June 30, 2020; or

7 “(II) the original interest rate of
8 the component loan.

9 “(ii) The interest rate for any loan
10 under section 428 or 428H, Federal Direct
11 Stafford Loan, or Federal Direct Unsub-
12 sidized Stafford Loan issued to a graduate
13 or professional student shall be a rate equal
14 to the lesser of—

15 “(I) the rate for Federal Direct
16 Unsubsidized Stafford Loans issued to
17 graduate or professional students for
18 the 12-month period beginning on July
19 1, 2019, and ending on June 30, 2020;
20 or

21 “(II) the original interest rate of
22 the component loan.

23 “(iii) The interest rate for any loan
24 under section 428B or Federal Direct PLUS
25 Loan shall be a rate equal to the lesser of—

1 “(I) *the rate for Federal Direct*
2 *PLUS Loans for the 12-month period*
3 *beginning on July 1, 2019, and ending*
4 *on June 30, 2020; or*

5 “(II) *the original interest rate of*
6 *the component loan.*

7 “(iv) *The interest rate for any compo-*
8 *nent loan that is a loan under section 428C*
9 *or a Federal Direct Consolidation Loan*
10 *shall be the weighted average of the interest*
11 *rates that would apply under this subpara-*
12 *graph for each loan comprising the compo-*
13 *nent consolidation loan.*

14 “(v) *The interest rate for any eligible*
15 *loan that is a component of a loan made*
16 *under section 428C or a Federal Direct*
17 *Consolidation Loan and is not described in*
18 *clauses (i) through (iv) shall be the interest*
19 *rate on the original component loan.*

20 “(3) *FIXED RATE.—The applicable rate of inter-*
21 *est determined under paragraph (1) for a refinanced*
22 *loan under this section shall be fixed for the period*
23 *of the loan.*

24 “(d) *TERMS AND CONDITIONS OF LOANS.—*

1 “(1) *IN GENERAL.*—A loan that is refinanced
2 under this section shall have the same terms and con-
3 ditions as the original loan, except as otherwise pro-
4 vided in this section.

5 “(2) *NO AUTOMATIC EXTENSION OF REPAYMENT*
6 *PERIOD.*—Refinancing a loan under this section shall
7 not result in the extension of the duration of the re-
8 payment period of the loan, and the borrower shall re-
9 tain the same repayment term that was in effect on
10 the original loan. Nothing in this paragraph shall be
11 construed to prevent a borrower from electing a dif-
12 ferent repayment plan at any time in accordance
13 with section 455(d)(4).

14 “(e) *DEFINITION OF QUALIFIED BORROWER.*—

15 “(1) *IN GENERAL.*—For purposes of this section,
16 the term ‘qualified borrower’ means a borrower—

17 “(A) of a loan under this part or part B for
18 which the first disbursement was made, or the
19 application for a consolidation loan was re-
20 ceived, before July 1, 2020; and

21 “(B) who meets the eligibility requirements
22 based on income or debt-to-income ratio estab-
23 lished by the Secretary.

24 “(2) *INCOME REQUIREMENTS.*—The Secretary
25 shall establish eligibility requirements based on in-

1 *come or debt-to-income ratio that take into consider-*
2 *ation providing access to refinancing under this sec-*
3 *tion for borrowers with the greatest financial need.*

4 “(f) *NOTIFICATION TO BORROWERS.—The Secretary,*
5 *in coordination with the Director of the Bureau of Con-*
6 *sumer Financial Protection, shall undertake a campaign to*
7 *alert borrowers of loans that are eligible for refinancing*
8 *under this section that the borrowers are eligible to apply*
9 *for such refinancing. The campaign shall include the fol-*
10 *lowing activities:*

11 “(1) *Developing consumer information materials*
12 *about the availability of Federal student loan refi-*
13 *nancing.*

14 “(2) *Requiring servicers of loans under this part*
15 *or part B to provide such consumer information to*
16 *borrowers in a manner determined appropriate by the*
17 *Secretary, in consultation with the Director of the*
18 *Bureau of Consumer Financial Protection.”.*

19 **SEC. 4307. REFINANCING PRIVATE STUDENT LOANS.**

20 *Part D of title IV of the Higher Education Act of 1965*
21 *(20 U.S.C. 1087a et seq.) is amended by adding at the end*
22 *the following:*

23 **“SEC. 460B. FEDERAL DIRECT REFINANCED PRIVATE LOAN**
24 **PROGRAM.**

25 “(a) *DEFINITIONS.—In this section:*

1 “(1) *ELIGIBLE PRIVATE EDUCATION LOAN.*—The
2 term ‘eligible private education loan’ means a private
3 education loan, as defined in section 140(a) of the
4 *Truth in Lending Act (15 U.S.C. 1650(a))*, that—

5 “(A) was disbursed to the borrower before
6 July 1, 2020; and

7 “(B) was for the borrower’s own postsec-
8 ondary educational expenses for an eligible pro-
9 gram at an institution of higher education par-
10 ticipating in the loan program under this part,
11 as of the date that the loan was disbursed.

12 “(2) *FEDERAL DIRECT REFINANCED PRIVATE*
13 *LOAN.*—The term ‘Federal Direct Refinanced Private
14 Loan’ means a loan issued under subsection (b)(1).

15 “(3) *PRIVATE EDUCATIONAL LENDER.*—The term
16 ‘private educational lender’ has the meaning given the
17 term in section 140(a) of the *Truth in Lending Act*
18 *(15 U.S.C. 1650(a))*.

19 “(4) *QUALIFIED BORROWER.*—The term ‘quali-
20 fied borrower’ means an individual who—

21 “(A) has an eligible private education loan;

22 “(B) has been current on payments on the
23 eligible private education loan for the 6 months
24 prior to the date of the qualified borrower’s ap-
25 plication for refinancing under this section, and

1 *is in good standing on the loan at the time of*
2 *such application;*

3 “(C) *is not in default on the eligible private*
4 *education loan or on any loan made, insured, or*
5 *guaranteed under this part or part B or E; and*

6 “(D) *meets the eligibility requirements de-*
7 *scribed in subsection (b)(2).*

8 “(b) *PROGRAM AUTHORIZED.—*

9 “(1) *IN GENERAL.—The Secretary, in consulta-*
10 *tion with the Secretary of the Treasury, shall carry*
11 *out a program under which the Secretary, upon ap-*
12 *plication by a qualified borrower who has an eligible*
13 *private education loan, shall issue such borrower a*
14 *loan under this part in accordance with the following:*

15 “(A) *The loan issued under this program*
16 *shall be in an amount equal to the sum of the*
17 *unpaid principal, accrued unpaid interest, and*
18 *late charges of the private education loan.*

19 “(B) *The Secretary shall pay the proceeds of*
20 *the loan issued under this program to the private*
21 *educational lender of the private education loan,*
22 *in order to discharge the qualified borrower from*
23 *any remaining obligation to the lender with re-*
24 *spect to the original loan.*

1 “(C) *The Secretary shall require that the*
2 *qualified borrower undergo loan counseling that*
3 *provides all of the information and counseling*
4 *required under clause (i) and clauses (iv)*
5 *through (xiv) of section 485(b)(1)(A) (as amend-*
6 *ed by the College Affordability Act) before the*
7 *loan is refinanced in accordance with this sec-*
8 *tion, and before the proceeds of such loan are*
9 *paid to the private educational lender.*

10 “(D) *The Secretary shall issue the loan as*
11 *a Federal Direct Refinanced Private Loan,*
12 *which shall have the same terms, conditions, and*
13 *benefits as a Federal Direct Unsubsidized Staf-*
14 *ford Loan, except as otherwise provided in this*
15 *section.*

16 “(2) *BORROWER ELIGIBILITY.—The Secretary,*
17 *in consultation with the Secretary of the Treasury*
18 *and the Director of the Bureau of Consumer Finan-*
19 *cial Protection, shall establish eligibility require-*
20 *ments—*

21 “(A) *based on income or debt-to-income*
22 *ratio that take into consideration providing ac-*
23 *cess to refinancing under this section for bor-*
24 *rowers with the greatest financial need;*

1 “(B) to ensure eligibility only for borrowers
2 in good standing;

3 “(C) to minimize inequities between Federal
4 Direct Refinanced Private Loans and other Fed-
5 eral student loans;

6 “(D) to preclude windfall profits for private
7 educational lenders; and

8 “(E) to ensure full access to the program
9 authorized in this subsection for borrowers with
10 private loans who otherwise meet the criteria es-
11 tablished in accordance with subparagraphs (A)
12 and (B).

13 “(c) *INTEREST RATE.*—

14 “(1) *IN GENERAL.*—The interest rate for a Fed-
15 eral Direct Refinanced Private Loan is—

16 “(A) in the case of a Federal Direct Refi-
17 nanced Private Loan for a private education
18 loan originally issued for undergraduate postsec-
19 ondary educational expenses, a rate equal to the
20 rate for Federal Direct Stafford Loans and Fed-
21 eral Direct Unsubsidized Stafford Loans issued
22 to undergraduate students for the 12-month pe-
23 riod beginning on July 1, 2019, and ending on
24 June 30, 2020; and

1 “(B) *in the case of a Federal Direct Refi-*
2 *nanced Private Loan for a private education*
3 *loan originally issued for graduate or profes-*
4 *sional degree postsecondary educational expenses,*
5 *a rate equal to the rate for Federal Direct Un-*
6 *subsidized Stafford Loans issued to graduate or*
7 *professional students for the 12-month period be-*
8 *ginning on July 1, 2019, and ending on June*
9 *30, 2020.*

10 “(2) *COMBINED UNDERGRADUATE AND GRAD-*
11 *UATE STUDY LOANS.—If a Federal Direct Refinanced*
12 *Private Loan is for a private education loan origi-*
13 *nally issued for both undergraduate and graduate or*
14 *professional postsecondary educational expenses, the*
15 *interest rate shall be a rate equal to the rate for Fed-*
16 *eral Direct PLUS Loans for the 12-month period be-*
17 *ginning on July 1, 2019, and ending on June 30,*
18 *2020.*

19 “(3) *FIXED RATE.—The applicable rate of inter-*
20 *est determined under this subsection for a Federal Di-*
21 *rect Refinanced Private Loan shall be fixed for the pe-*
22 *riod of the loan.*

23 “(d) *NO INCLUSION IN AGGREGATE LIMITS.—The*
24 *amount of a Federal Direct Refinanced Private Loan, or*
25 *a Federal Direct Consolidated Loan to the extent such loan*

1 *was used to repay a Federal Direct Refinanced Private*
2 *Loan, shall not be included in calculating a borrower’s an-*
3 *nual or aggregate loan limits under section 428 or 428H.*

4 “(e) *NO ELIGIBILITY FOR SERVICE-RELATED REPAY-*
5 *MENT.—A Federal Direct Refinanced Private Loan, or any*
6 *Federal Direct Consolidation Loan to the extent such loan*
7 *was used to repay a Federal Direct Refinanced Private*
8 *Loan, shall not be eligible for any loan repayment or loan*
9 *forgiveness program under section 428K, 428L, or 460 or*
10 *for the repayment plan for public service employees under*
11 *section 455(m).*

12 “(f) *PRIVATE EDUCATIONAL LENDER REPORTING RE-*
13 *QUIREMENT.—*

14 “(1) *REPORTING REQUIRED.—The Secretary, in*
15 *consultation with the Secretary of the Treasury and*
16 *the Director of the Bureau of Consumer Financial*
17 *Protection, shall establish a requirement that private*
18 *educational lenders report the data described in para-*
19 *graph (2) to the Secretary, to Congress, to the Sec-*
20 *retary of the Treasury, and to the Director of the Bu-*
21 *reau of Consumer Financial Protection, in order to*
22 *allow for an assessment of the private education loan*
23 *market.*

24 “(2) *CONTENTS OF REPORTING.—The data that*
25 *private educational lenders shall report in accordance*

1 *with paragraph (1) shall include each of the following*
2 *about private education loans (as defined in section*
3 *140(a) of the Truth in Lending Act (15 U.S.C.*
4 *1650(a))):*

5 *“(A) The total amount of private education*
6 *loan debt the lender holds.*

7 *“(B) The total number of private education*
8 *loan borrowers the lender serves.*

9 *“(C) The average interest rate on the out-*
10 *standing private education loan debt held by the*
11 *lender.*

12 *“(D) The proportion of private education*
13 *loan borrowers who are in default on a loan held*
14 *by the lender.*

15 *“(E) The proportion of the outstanding pri-*
16 *ivate education loan volume held by the lender*
17 *that is in default.*

18 *“(F) The proportions of outstanding private*
19 *education loan borrowers who are 30, 60, and 90*
20 *days delinquent.*

21 *“(G) The proportions of outstanding private*
22 *education loan volume that is 30, 60, and 90*
23 *days delinquent.*

24 *“(g) NOTIFICATION TO BORROWERS.—The Secretary,*
25 *in coordination with the Secretary of the Treasury and the*

1 *Director of the Bureau of Consumer Financial Protection,*
2 *shall undertake a campaign to alert borrowers about the*
3 *availability of private student loan refinancing under this*
4 *section.”.*

5 **PART E—FEDERAL PERKINS LOANS**

6 **SEC. 4401. AUTHORIZATION OF APPROPRIATIONS FOR PER-**
7 **KINS LOAN.**

8 *Section 461(b) of the Higher Education Act of 1965*
9 *(20 U.S.C. 1087aa(b)) is amended—*

- 10 *(1) by striking “(1) IN GENERAL.—”;*
11 *(2) by striking paragraphs (2) and (3); and*
12 *(3) by redesignating subparagraphs (A), (B),*
13 *and (C) as paragraphs (1), (2), and (3), respectively.*

14 **SEC. 4402. ALLOCATION OF FUNDS FOR PERKINS LOAN.**

15 *Section 462 of the Higher Education Act of 1965 (20*
16 *U.S.C. 1087bb) is amended—*

- 17 *(1) in subsection (a)(1), by striking “From” and*
18 *inserting “For any fiscal year before fiscal year 2021,*
19 *from”; and*
20 *(2) in subsection (i)(1), by striking “for any fis-*
21 *cal year,” and inserting “for any fiscal year before*
22 *fiscal year 2021.”.*

1 **SEC. 4403. FEDERAL DIRECT PERKINS LOAN ALLOCATION.**

2 *Part E of title IV of the Higher Education Act of 1965*
3 *(20 U.S.C. 1087aa et seq.) is amended by inserting after*
4 *section 462 the following:*

5 **“SEC. 462A. FEDERAL DIRECT PERKINS LOAN ALLOCATION.**

6 *“(a) PURPOSE.—The purpose of this section is to make*
7 *funds available, in accordance with section 452, to each*
8 *participating institution in an amount not to exceed the*
9 *sum of an institution’s allocation of funds under subsection*
10 *(b)(1)(B) to enable each such participating institution to*
11 *make Federal Direct Perkins Loans under section 455A to*
12 *eligible students at such participating institution.*

13 *“(b) AVAILABLE DIRECT PERKINS ANNUAL LOAN AU-*
14 *THORITY.—*

15 *“(1) AVAILABILITY AND ALLOCATIONS.—*

16 *“(A) IN GENERAL.—There are hereby made*
17 *available, from funds made available for loans*
18 *made under part D, not to exceed \$2,400,000,000*
19 *of annual loan authority for award year 2021–*
20 *2022 and each succeeding award year, to be allo-*
21 *cated as provided in subparagraph (B).*

22 *“(B) ALLOCATION FORMULA.—Except as*
23 *provided in paragraphs (2) and (3), for each*
24 *award year, the Secretary shall allocate an*
25 *amount to each participating institution that is*
26 *equal to—*

1 “(i) 100 percent of the institutional
2 undergraduate student need (as determined
3 under subparagraph (C)) for the preceding
4 award year; and

5 “(ii) 25 percent of the institutional
6 graduate student need (as determined under
7 subparagraph (D)) for the preceding award
8 year.

9 “(C) INSTITUTIONAL UNDERGRADUATE STU-
10 DENT NEED CALCULATION.—The institutional
11 undergraduate student need for a participating
12 institution for an award year shall be equal to
13 the sum of the following:

14 “(i) An amount equal to 50 percent of
15 the amount that bears the same proportion
16 to the amount made available under sub-
17 paragraph (A) for such award year as the
18 total amount of Federal Pell Grant funds
19 awarded at the participating institution for
20 the preceding award year bears to the total
21 amount of Federal Pell Grant funds award-
22 ed at all participating institutions for the
23 preceding award year.

24 “(ii) An amount equal to 50 percent of
25 the amount that bears the same proportion

1 to the amount made available under sub-
2 paragraph (A) for such award year as the
3 total amount of the undergraduate student
4 need at the participating institution for the
5 preceding award year bears to the total
6 amount of undergraduate student need at
7 all participating institutions for the pre-
8 ceding award year.

9 “(D) INSTITUTIONAL GRADUATE STUDENT
10 NEED CALCULATION.—The institutional graduate
11 student need for a participating institution for
12 an award year shall be equal to the amount that
13 bears the same proportion to the amount made
14 available under subparagraph (A) for such
15 award year as the total amount of the graduate
16 student need at the participating institution for
17 the preceding award year bears to the total
18 amount of graduate student need at all partici-
19 pating institutions for the preceding award year.

20 “(2) REQUIRED MINIMUM AMOUNT.—In no case
21 shall the sum of a participating institution’s alloca-
22 tion of loan authority computed under paragraph
23 (1)(B) be less than the average of the institution’s
24 total principal amount of loans made under this part

1 *for each of the academic years 2012–2013 through*
2 *2016–2017.*

3 “(3) *ADDITIONAL ADJUSTMENTS.—If the Sec-*
4 *retary determines that the sum of a participating in-*
5 *stitution’s allocation of loan authority under para-*
6 *graph (1)(B) is below the minimum amount required*
7 *under paragraph (3), the Secretary shall—*

8 “(A) *for each participating institution for*
9 *which the minimum amount under paragraph*
10 *(3) is not satisfied, increase the amount of such*
11 *sum to the amount of the required minimum*
12 *under such paragraph; and*

13 “(B) *ratably reduce the amount of the sum*
14 *of such loan authority of all participating insti-*
15 *tutions not described in subparagraph (A).*

16 “(c) *DEFINITIONS.—In this section:*

17 “(1) *ANNUAL LOAN AUTHORITY.—The term ‘an-*
18 *nual loan authority’ means the total original prin-*
19 *cipal amount of loans—*

20 “(A) *made available for loans under part*
21 *D; and*

22 “(B) *that may be allocated under subsection*
23 *(b)(1) for an award year to participating insti-*
24 *tutions to make Federal Direct Perkins Loans*
25 *under section 455A.*

1 “(2) *AVERAGE COST OF ATTENDANCE.*—*The term*
2 *‘average cost of attendance’ has the meaning given the*
3 *term in section 4202(e)(5)(B).*

4 “(3) *GRADUATE STUDENT NEED.*—*The term*
5 *‘graduate student need’ means, with respect to a grad-*
6 *uate student for an award year, the lesser of the fol-*
7 *lowing:*

8 “(A) *The amount equal to (except the*
9 *amount computed by this subparagraph shall not*
10 *be less than zero)—*

11 “(i) *the average cost of attendance for*
12 *the preceding award year, minus*

13 “(ii) *such graduate student’s expected*
14 *family contribution (computed in accord-*
15 *ance with part F of this title) for the pre-*
16 *ceding award year.*

17 “(B) *The total annual loan limit for a Fed-*
18 *eral Direct Unsubsidized Stafford Loan.*

19 “(4) *UNDERGRADUATE STUDENT NEED.*—*The*
20 *term ‘undergraduate student need’ means, with re-*
21 *spect to an undergraduate student for an award year,*
22 *the lesser of the following:*

23 “(A) *The total of the amount equal to (ex-*
24 *cept the amount computed by this clause shall*
25 *not be less than zero)—*

1 “(i) the average cost of attendance for
2 the award year, minus

3 “(ii) such undergraduate student’s ex-
4 pected family contribution (computed in ac-
5 cordance with part F of this title) for the
6 preceding award year.

7 “(B) The total loan annual limit for a Fed-
8 eral Direct Unsubsidized Stafford Loan and a
9 Federal Direct Loan.

10 “(5) *PARTICIPATING INSTITUTION.*—The term
11 ‘participating institution’ means an institution of
12 higher education—

13 “(A) that has an agreement under section
14 463(f);

15 “(B) that participates in the Federal Direct
16 Stafford Loan Program; and

17 “(C) is not an institution described in sec-
18 tion 102(a)(1)(C).”.

19 **SEC. 4404. AGREEMENTS WITH INSTITUTIONS OF HIGHER**
20 **EDUCATION FOR PURPOSES OF THE PERKINS**
21 **LOAN PROGRAM.**

22 (a) *AMENDMENTS.*—Section 463 of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1087cc) is amended—

24 (1) in subsection (a)—

1 (A) *in the heading, by inserting “FOR*
2 *LOANS MADE BEFORE JULY 1, 2021” after*
3 *“AGREEMENTS”;*

4 (B) *in paragraph (3)(A), by inserting “be-*
5 *fore July 1, 2021” after “students”;*

6 (C) *in paragraph (4), by striking “there-*
7 *on—” and all that follows and inserting “there-*
8 *on, if the institution has failed to maintain an*
9 *acceptable collection record with respect to such*
10 *loan, as determined by the Secretary in accord-*
11 *ance with criteria established by regulation, the*
12 *Secretary may require the institution to assign*
13 *such note or agreement to the Secretary, without*
14 *recompense;”;* and

15 (D) *in paragraph (5), by striking “and the*
16 *Secretary shall apportion” and all that follows*
17 *through “in accordance with section 462” and*
18 *inserting “and the Secretary shall return a por-*
19 *tion of funds from loan repayments to the insti-*
20 *tution as specified in section 466(b)”;*

21 (2) *by amending subsection (b) to read as fol-*
22 *lows:*

23 “(b) *ADMINISTRATIVE EXPENSES.—An institution*
24 *that has entered into an agreement under subsection (a)*
25 *shall be entitled, for each fiscal year during which it serv-*

1 *ices student loans from a student loan fund established*
2 *under such agreement, to a payment in lieu of reimburse-*
3 *ment for its expenses in servicing student loans made before*
4 *July 1, 2021. Such payment shall be equal to 0.50 percent*
5 *of the outstanding principal and interest balance of such*
6 *loans being serviced by the institution as of September 30*
7 *of each fiscal year.”; and*

8 *(3) by adding at the end the following:*

9 *“(f) CONTENTS OF AGREEMENTS FOR LOANS MADE ON*
10 *OR AFTER JULY 1, 2021.—An agreement with any institu-*
11 *tion of higher education that elects to participate in the*
12 *Federal Direct Perkins Loan program under section 455A*
13 *shall provide—*

14 *“(1) for the establishment and maintenance of a*
15 *Direct Perkins Loan program at the institution under*
16 *which the institution shall use annual loan authority*
17 *allocated under section 462A to make loans to eligible*
18 *students attending the institution;*

19 *“(2) that the institution, unless otherwise speci-*
20 *fied in this subsection, shall operate the program con-*
21 *sistent with the requirements of agreements estab-*
22 *lished under section 454; and*

23 *“(3) that if the institution ceases to be eligible to*
24 *receive Federal loans under this title based on loss of*
25 *eligibility under section 435(a), due to a high ad-*

1 *justed cohort default rate, the Secretary shall suspend*
2 *or terminate the institution’s eligibility to make Fed-*
3 *eral Direct Perkins Loans under section 455A unless*
4 *and until the institution would qualify for a resump-*
5 *tion of eligible institution status under such section*
6 *435(a).”.*

7 *(b) EFFECTIVE DATE.—The amendments made by*
8 *paragraph (2) of subsection (a) shall take effect on October*
9 *1, 2021.*

10 **SEC. 4405. STUDENT LOAN INFORMATION BY ELIGIBLE IN-**
11 **STITUTIONS FOR PURPOSES OF THE PERKINS**
12 **LOAN PROGRAM.**

13 *Section 463A of the Higher Education Act of 1965 (20*
14 *U.S.C. 1087cc–1) is amended—*

15 *(1) in subsection (a), by striking “Each institu-*
16 *tion” and inserting “For loans made before July 1,*
17 *2021, each institution”; and*

18 *(2) in subsection (b), by striking “Each institu-*
19 *tion” and inserting “For loans made before July 1,*
20 *2021, each institution”.*

21 **SEC. 4406. TERMS OF LOANS FOR PURPOSES OF THE PER-**
22 **KINS LOAN PROGRAM.**

23 *Section 464 of the Higher Education Act of 1965 (20*
24 *U.S.C. 1087dd) is amended—*

1 (1) *in subsection (a)(1), by striking “section*
2 *463” and inserting “section 463(a)”;*

3 (2) *in subsection (b)—*

4 (A) *in paragraph (1), by inserting “made*
5 *before July 1, 2021,” after “A loan”; and*

6 (B) *in paragraph (2), by inserting “(with*
7 *respect to a loan made before July 1, 2021) or*
8 *an allocation under section 462A (with respect to*
9 *a loan made on or after July 1, 2021)” after*
10 *“capital contribution under section 462”;*

11 (3) *in subsection (c)—*

12 (A) *in paragraph (1), by inserting “made*
13 *before July 1, 2021,” after “a loan”;*

14 (B) *in paragraph (2)—*

15 (i) *in subparagraph (A), by inserting*
16 *“made before July 1, 2021,” after “any*
17 *loan”; and*

18 (ii) *in subparagraph (B), by inserting*
19 *“made before July 1, 2021,” after “any*
20 *loan”;*

21 (C) *in paragraph (3)(B), by inserting “for*
22 *a loan made before July 1, 2021,” after “Sec-*
23 *retary, the repayment period”;*

24 (D) *in paragraph (4), by inserting “before*
25 *July 1, 2021,” after “for a loan made”;*

1 (E) in paragraph (5), by striking “The in-
2 stitution” and inserting “For loans made before
3 July 1, 2021, the institution”; and

4 (F) in paragraph (6), by inserting “made
5 before July 1, 2021,” after “of loans”;

6 (4) in subsection (d), by inserting “made before
7 July 1, 2021,” before “from the student loan fund”;

8 (5) in subsection (e), by inserting “with respect
9 to loans made before July 1, 2021, and” before “as
10 documented in accordance with paragraph (2),”;

11 (6) in subsection (f)(1), by inserting “before July
12 1, 2021” after “this part”;

13 (7) in subsection (g)(1), by inserting “and before
14 July 1, 2021,” after “January 1, 1986,”;

15 (8) in subsection (h)—

16 (A) in paragraph (1)(A) by inserting “be-
17 fore July 1, 2021,” after “made under this
18 part”; and

19 (B) in paragraph (2), by inserting “before
20 July 1, 2021,” after “under this part”; and

21 (9) in subsection (j)(1), by inserting “before July
22 1, 2021,” after “under this part”.

1 **SEC. 4407. REIMBURSEMENT FOR CANCELLATION OF PER-**
2 **KINS LOANS FOR CERTAIN PUBLIC SERVICE.**

3 *Section 465 of the Higher Education Act of 1965 (20*
4 *U.S.C. 1087ee) is amended—*

5 *(1) in subsection (a), by inserting “and before*
6 *July 1, 2021,” after “June 30, 1972,”; and*

7 *(2) by amending subsection (b) to read as fol-*
8 *lows:*

9 *“(b) REIMBURSEMENT FOR CANCELLATIONS.—*

10 *“(1) ASSIGNED LOANS.—In the case of loans*
11 *made under this part before July 1, 2021, and that*
12 *are assigned to the Secretary, the Secretary shall,*
13 *from amounts repaid each quarter on assigned Per-*
14 *kins Loans made before July 1, 2021, pay to each in-*
15 *stitution for each quarter an amount equal to—*

16 *“(A) the aggregate of the amounts of loans*
17 *from its student loan fund that are canceled pur-*
18 *suant to this section for such quarter, minus*

19 *“(B) an amount equal to the aggregate of*
20 *the amounts of any such loans so canceled that*
21 *were made from Federal capital contributions to*
22 *its student loan fund.*

23 *“(2) RETAINED LOANS.—In the case of loans*
24 *made under this part before July 1, 2021, and that*
25 *are retained by the institution for servicing, the insti-*

1 *tution shall deduct from loan repayments owed to the*
 2 *Secretary under section 466, an amount equal to—*

3 *“(A) the aggregate of the amounts of loans*
 4 *from its student loan fund that are canceled pur-*
 5 *suant to this section for such quarter, minus*

6 *“(B) an amount equal to the aggregate of*
 7 *the amounts of any such loans so canceled that*
 8 *were made from Federal capital contributions to*
 9 *its student loan fund.”.*

10 **SEC. 4408. DISTRIBUTION OF ASSETS FROM STUDENT LOAN**

11 **FUNDS FOR PURPOSES OF THE PERKINS**

12 **LOAN PROGRAM.**

13 *Section 466 of the Higher Education Act of 1965 (20*
 14 *U.S.C. 1087ff) is amended to read as follows:*

15 **“SEC. 466. DISTRIBUTION OF ASSETS FROM STUDENT LOAN**

16 **FUNDS.**

17 *“(a) CAPITAL DISTRIBUTION.—Beginning July 1,*
 18 *2021, there shall be a capital distribution of the balance*
 19 *of the student loan fund established under this part by each*
 20 *institution of higher education as follows:*

21 *“(1) For the quarter beginning July 1, 2021, the*
 22 *Secretary shall first be paid, no later than September*
 23 *30, 2021, an amount that bears the same ratio to the*
 24 *cash balance in such fund at the close of June 30,*
 25 *2021, as the total amount of the Federal capital con-*

1 *tributions to such fund by the Secretary under this*
2 *part bears to—*

3 *“(A) the sum of such Federal contributions*
4 *and the institution’s capital contributions to*
5 *such fund, less*

6 *“(B) an amount equal to—*

7 *“(i) the institution’s outstanding ad-*
8 *ministrative costs as calculated under sec-*
9 *tion 463(b);*

10 *“(ii) outstanding charges assessed*
11 *under section 464(c)(1)(H); and*

12 *“(iii) outstanding loan cancellation*
13 *costs incurred under section 465.*

14 *“(2) At the end of each quarter subsequent to the*
15 *quarter ending September 30, 2021, the Secretary*
16 *shall first be paid an amount that bears the same*
17 *ratio to the cash balance in such fund at the close of*
18 *the preceding quarter, as the total amount of the Fed-*
19 *eral capital contributions to such fund by the Sec-*
20 *retary under this part bears to—*

21 *“(A) the sum of such Federal contributions*
22 *and the institution’s capital contributions to*
23 *such fund, less*

24 *“(B) an amount equal to—*

1 “(i) *the institution’s administrative*
2 *costs incurred for that quarter as calculated*
3 *under section 463(b);*

4 “(ii) *charges assessed for that quarter*
5 *under section 464(c)(1)(H); and*

6 “(iii) *loan cancellation costs incurred*
7 *for that quarter under section 465.*

8 “(3)(A) *The Secretary shall calculate the*
9 *amounts due to the Secretary under paragraph (1)*
10 *(adjusted in accordance with subparagraph (B), as*
11 *appropriate) and paragraph (2) and shall promptly*
12 *inform the institution of such calculated amounts.*

13 “(B) *In the event that, prior to the date of enact-*
14 *ment of the College Affordability Act, an institution*
15 *made a short-term, interest-free loan to the institu-*
16 *tion’s student loan fund established under this part in*
17 *anticipation of collections or receipt of Federal cap-*
18 *ital contributions, and the institution demonstrates to*
19 *the Secretary, on or before June 30, 2021, that such*
20 *loan will still be outstanding after June 30, 2021, the*
21 *Secretary shall subtract the amount of such out-*
22 *standing loan from the cash balance of the institu-*
23 *tion’s student loan fund that is used to calculate the*
24 *amount due to the Secretary under paragraph (1). An*
25 *adjustment of an amount due to the Secretary under*

1 *this subparagraph shall be made by the Secretary on*
2 *a case-by-case basis.*

3 *“(4) Any remaining balance at the end of a*
4 *quarter after a payment under paragraph (1) or (2)*
5 *shall be retained by the institution for use at its dis-*
6 *cretion. Any balance so retained shall be withdrawn*
7 *from the student loan fund and shall not be counted*
8 *in calculating amounts owed to the Secretary for sub-*
9 *sequent quarters.*

10 *“(5) Each institution shall make the quarterly*
11 *payments to the Secretary described in paragraph (2)*
12 *until all outstanding Federal Perkins Loans at that*
13 *institution have been assigned to the Secretary and*
14 *there are no funds remaining in the institution’s stu-*
15 *dent loan fund.*

16 *“(6) In the event that the institution’s adminis-*
17 *trative costs, charges, and cancellation costs described*
18 *in paragraph (2) for a quarter exceed the amount*
19 *owed to the Secretary under paragraphs (1) and (2)*
20 *for that quarter, no payment shall be due to the Sec-*
21 *retary from the institution for that quarter and the*
22 *Secretary shall pay the institution, from funds real-*
23 *ized from the collection of assigned Federal Perkins*
24 *Loans made before July 1, 2021, an amount that,*
25 *when combined with the amount retained by the in-*

1 stitution under paragraphs (1) and (2), equals the
2 full amount of such administrative costs, charges, and
3 cancellation costs.

4 “(b) *ASSIGNMENT OF OUTSTANDING LOANS.*—Begin-
5 ning July 1, 2021, an institution of higher education may
6 assign all outstanding loans made under this part before
7 July 1, 2021, to the Secretary, consistent with the require-
8 ments of section 463(a)(5). In collecting loans so assigned,
9 the Secretary shall pay an institution an amount that con-
10 stitutes the same fraction of such collections as the fraction
11 of the cash balance that the institution retains under sub-
12 section (a)(2), but determining such fraction without regard
13 to subparagraph (B)(i) of such subsection.”.

14 **PART F—NEED ANALYSIS**

15 **SEC. 4501. AMENDMENTS TO FAMILY CONTRIBUTION.**

16 Section 473(b) of the Higher Education Act of 1965
17 (20 U.S.C. 1087mm) is amended—

18 (1) in paragraph (1), by striking “academic
19 year” and inserting “award year”; and

20 (2) in paragraph (2)—

21 (A) by striking “academic year” each place
22 it appears and inserting “award year”;

23 (B) by striking “academic years” and in-
24 serting “award years”;

1 (C) in subparagraph (B), by striking “par-
2 ent or guardian” and inserting “parent, guard-
3 ian, or spouse”; and

4 (D) in subparagraph (C), by inserting “in
5 the case of a student whose parent or guardian
6 is described in clause (i) or (ii) of subparagraph
7 (B),” before “who”.

8 **SEC. 4502. AMENDMENTS TO DATA ELEMENTS WHEN DE-**
9 **TERMINING THE EXPECTED FAMILY CON-**
10 **TRIBUTION.**

11 Section 474(b) of the Higher Education Act of 1965
12 (20 U.S.C. 1087nn(b)) is amended in paragraph (4), by
13 inserting before “the net” the following: “only in the case
14 of a pathway three applicant,”.

15 **SEC. 4503. AMENDMENTS TO FAMILY CONTRIBUTION FOR**
16 **DEPENDENT STUDENTS.**

17 (a) *DEPENDENT STUDENTS.*—Section 475 of the High-
18 er Education Act of 1965 (20 U.S.C. 1087oo) is amended—

19 (1) in subsection (a)(3), by inserting before “the
20 student” the following: “only in the case of a pathway
21 three applicant,”;

22 (2) in subsection (b)(1)(B), by inserting before
23 “the parents’” the following: “only in the case of a
24 pathway three applicant,”; and

1 (3) in subsection (b)(3), by striking “award pe-
2 riod” and inserting “award year”.

3 (b) *INCREASING SUPPORT FOR WORKING DEPENDENT*
4 *STUDENTS.*—Section 475(g)(2)(D) of the Higher Education
5 Act of 1965 (20 U.S.C. 1087oo(g)(2)(D)) is amended to read
6 as follows:

7 “(D) an income protection allowance (or a
8 successor amount prescribed by the Secretary
9 under section 478) of \$9,230 for award year
10 2021–2022;”.

11 **SEC. 4504. AMENDMENTS TO FAMILY CONTRIBUTION FOR**
12 **INDEPENDENT STUDENTS WITHOUT DEPEND-**
13 **ENTS OTHER THAN A SPOUSE.**

14 (a) *INDEPENDENT STUDENTS WITHOUT DEPENDENTS*
15 *OTHER THAN A SPOUSE.*—Section 476(a)(1)(B) of the
16 Higher Education Act of 1965 (20 U.S.C. 1087pp(a)(1)(B))
17 is amended by inserting before “the family’s contribution”
18 the following: “only in the case of a pathway three appli-
19 cant,”.

20 (b) *INCREASING SUPPORT FOR WORKING INDE-*
21 *PENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN*
22 *A SPOUSE.*—Section 476 of the Higher Education Act of
23 1965 (20 U.S.C. 1087pp) is further amended—

24 (1) in subsection (a)(2), by striking “award pe-
25 riod” and inserting “award year”; and

1 (2) by amending subsection (b)(1)(A)(iv) to read
2 as follows:

3 “(iv) an income protection allowance
4 (or a successor amount prescribed by the
5 Secretary under section 478)—

6 “(I) for single or separated stu-
7 dents, or married students where both
8 are enrolled pursuant to subsection
9 (a)(2), of \$14,360 for award year
10 2021–2022; and

11 “(II) for married students where 1
12 is enrolled pursuant to subsection
13 (a)(2), of \$23,030 for award year
14 2021–2022;”.

15 **SEC. 4505. AMENDMENTS TO FAMILY CONTRIBUTION FOR**
16 **INDEPENDENT STUDENTS WITH DEPEND-**
17 **ENTS OTHER THAN A SPOUSE.**

18 (a) **INDEPENDENT STUDENTS WITH DEPENDENTS**
19 **OTHER THAN A SPOUSE.**—Section 477(a)(1)(B) of the
20 *Higher Education Act of 1965* (20 U.S.C. 1087qq(a)(1)(B))
21 is amended by inserting before “the family’s contribution”
22 the following: “only in the case of a pathway three appli-
23 cant,”.

24 (b) **INCREASING SUPPORT FOR WORKING INDE-**
25 **PENDENT STUDENTS WITH DEPENDENTS OTHER THAN A**

1 *SPOUSE.—Section 477 of the Higher Education Act of 1965*
 2 *(20 U.S.C. 1087qq) is amended—*

3 *(1) in subsection (a)(3), by striking “award pe-*
 4 *riod” and inserting “award year”; and*

5 *(2) by amending subsection (b)(4) to read as fol-*
 6 *lows:*

7 *“(4) INCOME PROTECTION ALLOWANCE.—The in-*
 8 *come protection allowance is determined by the fol-*
 9 *lowing table (or a successor table prescribed by the*
 10 *Secretary under section 478), for award year 2021–*
 11 *2022:*

“Income Protection Allowance

<i>Family Size</i>	<i>Number in College</i>					<i>For each additional subtract:</i>
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	
<i>(including student)</i>						
<i>2</i>	<i>\$36,370</i>	<i>\$30,160</i>				<i>\$6,180</i>
<i>3</i>	<i>45,290</i>	<i>39,100</i>	<i>\$32,890</i>			
<i>4</i>	<i>55,920</i>	<i>49,720</i>	<i>43,540</i>	<i>\$37,300</i>		
<i>5</i>	<i>65,990</i>	<i>59,750</i>	<i>53,570</i>	<i>47,360</i>	<i>\$41,180</i>	
<i>6</i>	<i>77,170</i>	<i>70,960</i>	<i>64,790</i>	<i>58,540</i>	<i>52,350</i>	
<i>For each additional add:</i>	<i>8,710</i>					<i>”.</i>

12 **SEC. 4506. INSTITUTIONAL CALCULATIONS FOR OFF-CAM-**
 13 **PUS ROOM AND BOARD.**

14 *(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Sec-*
 15 *tion 478(a) of the Higher Education Act of 1965 (20 U.S.C.*
 16 *1087rr(a)) is amended—*

17 *(1) in paragraph (1)—*

18 *(A) by striking “or” at the end of subpara-*
 19 *graph (A);*

1 *(B) by striking the period at the end of sub-*
2 *paragraph (B) and inserting “; or”; and*

3 *(C) by adding at the end the following:*

4 *“(C) to prescribe—*

5 *“(i) one methodology that institutions of*
6 *higher education (other than institutions that re-*
7 *ceive a waiver under clause (ii)) shall use, or a*
8 *selection of two or more methodologies from*
9 *which such institutions shall select and use a*
10 *methodology, to determine the allowance for*
11 *room and board costs incurred by students de-*
12 *scribed in subparagraph (A) of section 472(3)*
13 *and by students described in subparagraph (D)*
14 *of such section, which shall—*

15 *“(I) ensure that each such allowance*
16 *determination is sufficient to cover reason-*
17 *able room and board costs incurred by the*
18 *students for whom such allowance is being*
19 *determined; and*

20 *“(II) include the sources of information*
21 *that institutions shall use in making each*
22 *such allowance determination; and*

23 *“(i) a process for granting institutions of*
24 *higher education a waiver from the requirements*
25 *of clause (i), including—*

1 “(I) a requirement that each institu-
2 tion of higher education seeking such a
3 waiver submit to the Secretary—

4 “(aa) a description of the method-
5 ology that the institution will use for
6 each allowance determination described
7 in clause (i);

8 “(bb) an assurance that each such
9 allowance determination meets the re-
10 quirements of clause (i)(I); and

11 “(cc) a demonstration that the in-
12 stitution will use reliable sources of in-
13 formation for each such allowance de-
14 termination; and

15 “(II) a requirement that each institu-
16 tion of higher education that receives such a
17 waiver publicly disclose on the website of
18 the institution the methodology and sources
19 of information used by the institution for
20 each allowance determination described in
21 clause (i).”; and

22 (2) by adding at the end the following:

23 “(3) Any regulation proposed by the Secretary under
24 paragraph (1)(C) of this subsection shall not be subject to
25 the requirements of paragraph (2).”.

1 (b) *REQUIREMENT TO PRESCRIBE REGULATIONS.*—
2 *Not later than 18 months after the date of enactment of*
3 *this Act, the Secretary of Education shall issue regulations*
4 *that meet the requirements of subparagraph (C) of section*
5 *478(a)(1) of the Higher Education Act of 1965 (20 U.S.C.*
6 *1087rr(a)(1)), as added by subsection (a).*

7 **SEC. 4507. UPDATED TABLES AND AMOUNTS TO NEED**
8 **ANALYSIS.**

9 *Section 478 of the Higher Education Act of 1965 (20*
10 *U.S.C. 1087rr) is further amended—*

11 (1) *in subsection (b)—*

12 (A) *in paragraph (1), by striking subpara-*
13 *graphs (A) and (B) and inserting the following:*

14 “(A) *IN GENERAL.*—*For each award year*
15 *after award year 2021–2022, the Secretary shall*
16 *publish in the Federal Register a revised table of*
17 *income protection allowances for the purpose of*
18 *sections 475(c)(4) and 477(b)(4), subject to sub-*
19 *paragraphs (B) and (C).*

20 “(B) *TABLE FOR INDEPENDENT STU-*
21 *DENTS.*—*For each award year after award year*
22 *2021–2022, the Secretary shall develop the re-*
23 *vised table of income protection allowances by*
24 *increasing each of the dollar amounts contained*
25 *in the table of income protection allowances*

1 *under section 477(b)(4) by a percentage equal to*
2 *the estimated percentage increase in the Con-*
3 *sumer Price Index (as determined by the Sec-*
4 *retary for the most recent calendar year ending*
5 *prior to the beginning of the award year for*
6 *which the determination is being made), and*
7 *rounding the result to the nearest \$10.”; and*

8 *(B) in paragraph (2)—*

9 *(i) in the first sentence, by striking*
10 *“academic year after academic year 2007–*
11 *2008” and inserting “award year after*
12 *award year 2021–2022”;* and

13 *(ii) in the second sentence, by striking*
14 *“shall be developed” and all that follows*
15 *through the period at the end and inserting*
16 *“shall be developed for each award year*
17 *after award year 2021–2022, by increasing*
18 *each of the dollar amounts contained in*
19 *such section for award year 2021–2022 by*
20 *a percentage equal to the estimated percent-*
21 *age increase in the Consumer Price Index*
22 *(as determined by the Secretary for the most*
23 *recent calendar year ending prior to the be-*
24 *ginning of the award year for which the de-*

1 *termination is being made), and rounding*
2 *the result to the nearest \$10.”; and*
3 (2) *in subsection (e)(1), by striking “academic*
4 *year” and inserting “award year”.*

5 **SEC. 4508. ZERO EXPECTED FAMILY CONTRIBUTION.**

6 *Section 479 of the Higher Education Act of 1965 (20*
7 *U.S.C. 1087ss) is amended to read as follows:*

8 **“SEC. 479. ZERO EXPECTED FAMILY CONTRIBUTION.**

9 “(a) *IN GENERAL.—The Secretary shall consider an*
10 *applicant to have an expected family contribution equal to*
11 *zero if—*

12 “(1) *in the case of a dependent student—*

13 “(A)(i) *the student’s parents are not re-*
14 *quired to file—*

15 “(I) *a Federal income tax return; or*

16 “(II) *with respect to Internal Revenue*
17 *Service Form 1040, any of the following*
18 *forms: Schedule A, Schedule B, Schedule C,*
19 *Schedule C–EZ, Schedule D, Schedule E,*
20 *Schedule F, Schedule H, Schedule J, and*
21 *Schedule SE; and*

22 “(ii) *the sum of the adjusted gross income*
23 *of the parents is less than or equal to \$37,000;*
24 *or*

1 “(B) the student’s parents, or the student,
2 received a benefit at some time during the pre-
3 vious 24-month period under a means-tested
4 Federal benefit program;

5 “(2) in the case of an independent student with-
6 out regard to whether the student has dependents
7 other than a spouse—

8 “(A)(i) the student (and the student’s
9 spouse, if any) certifies that the student (and the
10 student’s spouse, if any)—

11 “(I) is not required to file a Federal
12 income tax return; or

13 “(II) with respect to Internal Revenue
14 Service Form 1040, any of the following
15 forms: Schedule A, Schedule B, Schedule C,
16 Schedule C–EZ, Schedule D, Schedule E,
17 Schedule F, Schedule H, Schedule J, and
18 Schedule SE; and

19 “(ii) the sum of the adjusted gross income
20 of the student and spouse (if appropriate) is less
21 than or equal to \$37,000; or

22 “(B) the student received a benefit at some
23 time during the previous 24-month period under
24 a means-tested Federal benefit program; or

1 “(3) *the applicant is a pathway one applicant*
2 *under section 483(a)(13).*

3 “(b) *EARNED INCOME CREDIT.—An individual is not*
4 *required to qualify or file for the earned income credit in*
5 *order to be eligible under this section.*

6 “(c) *ADJUSTMENTS.—The Secretary shall annually*
7 *adjust the income level necessary to qualify an applicant*
8 *for the zero expected family contribution. The income level*
9 *shall be annually increased by the estimated percentage*
10 *change in the Consumer Price Index, as defined in section*
11 *478(f), for the most recent calendar year ending prior to*
12 *the beginning of an award year, and rounded to the nearest*
13 *\$1,000.*

14 “(d) *MEANS-TESTED FEDERAL BENEFIT PROGRAM*
15 *DEFINED.—For purposes of this title, a ‘means-tested Fed-*
16 *eral benefit program’ means a mandatory spending pro-*
17 *gram of the Federal Government, other than a program*
18 *under this title, in which eligibility for the program’s bene-*
19 *fits, or the amount of such benefits, are determined on the*
20 *basis of income or resources of the individual or family seek-*
21 *ing the benefit, and may include such programs as—*

22 “(1) *the supplemental security income program*
23 *under title XVI of the Social Security Act (42 U.S.C.*
24 *1381 et seq.);*

1 “(2) *the supplemental nutrition assistance pro-*
2 *gram under the Food and Nutrition Act of 2008 (7*
3 *U.S.C. 2011 et seq.), a nutrition assistance program*
4 *carried out under section 19 of such Act (7 U.S.C.*
5 *2028), and a supplemental nutrition assistance pro-*
6 *gram carried out under section 1841(c) of title 48 of*
7 *the United States Code;*

8 “(3) *the program of block grants for States for*
9 *temporary assistance for needy families established*
10 *under part A of title IV of the Social Security Act (42*
11 *U.S.C. 601 et seq.);*

12 “(4) *the special supplemental nutrition program*
13 *for women, infants, and children established by sec-*
14 *tion 17 of the Child Nutrition Act of 1966 (42 U.S.C.*
15 *1786);*

16 “(5) *the State Medicaid program under title XIX*
17 *of the Social Security Act (42 U.S.C. 1396 et seq.);*
18 *and*

19 “(6) *any other program identified by the Sec-*
20 *retary.”.*

21 **SEC. 4509. AMENDMENTS TO DEFINITIONS IN NEED ANAL-**
22 **YSIS.**

23 (a) *USING DATA FROM THE SECOND PRECEDING*
24 *YEAR.—Section 480(a)(1)(B) of the Higher Education Act*

1 of 1965 (20 U.S.C. 1087vv(a)(1)(B)) is amended by striking
2 “may” in both places it appears and inserting “shall”.

3 (b) *CHANGES TO UNTAXED INCOME AND BENEFITS.*—
4 Section 480(b) of the Higher Education Act of 1965 (20
5 U.S.C. 1087vv(b)) is amended—

6 (1) in paragraph (1), to read as follows:

7 “(1) The term ‘untaxed income and benefits’
8 means—

9 “(A) child support received;

10 “(B) untaxed portion of pensions;

11 “(C) payments to individual retirement ac-
12 counts and Keogh accounts excluded from income
13 for Federal income tax purposes; and

14 “(D) cash support or any money paid on
15 the student’s behalf, except, for dependent stu-
16 dents, funds provided by the student’s parents.”;
17 and

18 (2) in paragraph (2)—

19 (A) by striking “or” at the end of subpara-
20 graph (E);

21 (B) by striking the period at the end of sub-
22 paragraph (F) and inserting a semicolon; and

23 (C) by adding at the end the following:

24 “(G) worker’s compensation;

1 “(H) veteran’s benefits such as death pen-
2 sion, dependency, or indemnity compensation, or
3 veterans’ education benefits as defined in sub-
4 section (c);

5 “(I) interest on tax-free bonds;

6 “(J) housing, food, or other allowances (in-
7 cluding rent subsidies for low-income housing)
8 for military, clergy, and others (including cash
9 payments and cash value of benefits), or the
10 value of on-base military housing or the value of
11 basic allowance for housing determined under
12 section 403(b) of title 37, United States Code, re-
13 ceived by the parents, in the case of a dependent
14 student, or the student or student’s spouse, in the
15 case of an independent student; or

16 “(K) any other untaxed income and bene-
17 fits, such as Black Lung Benefits, Refugee Assist-
18 ance, or railroad retirement benefits, or benefits
19 received through participation in employment
20 and training activities under title I of the Work-
21 force Innovation and Opportunity Act (29
22 U.S.C. 3111 et seq.).”.

23 (c) AMENDMENT TO THE DEFINITION OF INDE-
24 PENDENT STUDENT AS IT RELATES TO FOSTER AND
25 HOMELESS YOUTH.—Section 480(d)(1)(H) of the Higher

1 *Education Act of 1965 (20 U.S.C. 1087vv(d)(1)(H)) is*
2 *amended—*

3 *(1) in the matter preceding clause (i)—*

4 *(A) by striking “during the school year in*
5 *which the application is submitted”;*

6 *(B) by inserting “age 23 or younger” after*
7 *“unaccompanied youth”; and*

8 *(C) by striking “terms are” and inserting*
9 *“term is”;*

10 *(2) in clause (i), by inserting “, or a designee of*
11 *the liaison” after “Act”;*

12 *(3) in clause (ii), by striking “a program funded*
13 *under the Runaway and Homeless Youth Act” and*
14 *inserting “an emergency or transitional shelter, street*
15 *outreach program, homeless youths drop-in center, or*
16 *other program serving homeless youths,”; and*

17 *(4) in clause (iii), by striking “program funded*
18 *under subtitle B of title IV of the McKinney-Vento*
19 *Homeless Assistance Act (relating to emergency shel-*
20 *ter grants)” and inserting “Federal TRIO program*
21 *or a Gaining Early Awareness and Readiness for Un-*
22 *dergraduate program under chapter 1 or 2 of subpart*
23 *2 of part A,”.*

24 *(d) STREAMLINING THE DETERMINATION AND*
25 *VERIFICATION PROCESS FOR FOSTER AND HOMELESS*

1 *YOUTH.—Section 480(d) of the Higher Education Act of*
2 *1965 (20 U.S.C. 1087vv(d)) is further amended by adding*
3 *at the end the following:*

4 “(3) *SIMPLIFYING THE DETERMINATION PROCESS*
5 *FOR UNACCOMPANIED YOUTH.—*

6 “(A) *VERIFICATION.—A financial aid ad-*
7 *ministrator shall accept a determination of inde-*
8 *pendence made by any individual authorized to*
9 *make such determinations under clause (i), (ii),*
10 *or (iii) of paragraph (1)(H) in the absence of*
11 *conflicting information. A documented phone call*
12 *with, or a written statement from, one of the au-*
13 *thorized individuals is sufficient verification*
14 *when needed. For purposes of this paragraph, a*
15 *financial aid administrator’s disagreement with*
16 *the determination made by an authorized indi-*
17 *vidual shall not be considered conflicting infor-*
18 *mation.*

19 “(B) *DETERMINATION OF INDEPEND-*
20 *ENCE.—A financial aid administrator shall*
21 *make a determination of independence under*
22 *paragraph (1)(H) if a student does not have,*
23 *and cannot obtain, documentation from any of*
24 *the other designated authorities described in such*
25 *paragraph. Such a determination shall be—*

1 “(i) based on the definitions outlined
2 in paragraph (1)(H);

3 “(ii) distinct from a determination of
4 independence under paragraph (1)(I);

5 “(iii) based on a documented interview
6 with the student; and

7 “(iv) limited to whether the student
8 meets the definitions in paragraph (1)(H)
9 and not about the reasons for the student’s
10 homelessness.

11 “(C) *ADDITIONAL STREAMLINING PER-*
12 *MITTED.—Nothing in this paragraph prohibits*
13 *an institution from implementing polices that—*

14 “(i) streamline the determination of
15 independence under paragraph (1)(H); and

16 “(ii) improve a student’s access to fi-
17 nancial aid because that student is an un-
18 accompanied youth.

19 “(4) *SIMPLIFYING THE VERIFICATION PROCESS*
20 *FOR FOSTER CARE YOUTH.—*

21 “(A) *VERIFICATION OF INDEPENDENCE.—If*
22 *an institution requires documentation to verify*
23 *that a student is independent based on a status*
24 *described in paragraph (1)(B), a financial aid*

1 *administrator shall consider any of the following*
2 *as adequate verification:*

3 “(i) *Submission of a court order or of-*
4 *icial State documentation that the student*
5 *received Federal or State support in foster*
6 *care.*

7 “(ii) *A documented phone call with, a*
8 *written statement from, or verifiable data*
9 *match with—*

10 “(I) *a child welfare agency au-*
11 *thorized by a State or county;*

12 “(II) *a Tribal child welfare au-*
13 *thority;*

14 “(III) *an Independent Living case*
15 *worker;*

16 “(IV) *a public or private foster*
17 *care placing agency or foster care facil-*
18 *ity or placement;*

19 “(V) *another program serving or-*
20 *phans, foster care youth, or wards of*
21 *the court; or*

22 “(VI) *a probation officer.*

23 “(iii) *A documented phone call with,*
24 *or a written statement from, an attorney, a*
25 *guardian ad litem, or a Court Appointed*

1 *Special Advocate, documenting that person’s*
2 *relationship to the student.*

3 “(iv) *A documented phone call with, or*
4 *a written statement from, a representative*
5 *of a Federal TRIO program or a Gaining*
6 *Early Awareness and Readiness for Under-*
7 *graduate program under chapter 1 or 2 of*
8 *subpart 2 of part A.*

9 “(v) *Verification of the student’s eligi-*
10 *bility for an education and training vouch-*
11 *er under the John H. Chafee Foster Care*
12 *Independence Program (42 U.S.C. 677).*

13 “(vi) *Documentation of foster care pro-*
14 *vided pursuant to section 475(5)(I) of the*
15 *Social Security Act (45 U.S.C. 675(5)(I)).*

16 “(vii) *Submission of a copy of the stu-*
17 *dent’s biological or adoptive parents’ or*
18 *legal guardians’—*

19 “(I) *Certificates of Death; or*

20 “(II) *verifiable obituaries.*

21 “(viii) *An attestation from the student,*
22 *which includes a description of why the stu-*
23 *dent may qualify for a status described in*
24 *paragraph (1)(B), including the approxi-*
25 *mate dates that the student was in foster*

1 *care, dependent, or a ward of the court, to*
2 *the best of the student's knowledge after*
3 *making reasonable efforts to provide any re-*
4 *quested documentation.*

5 “(B) *ADDITIONAL STREAMLINING PER-*
6 *MITTED.—Nothing in this paragraph prohibits*
7 *an institution from implementing policies that*
8 *streamline the determination of independent sta-*
9 *tus and improve a student's access to financial*
10 *aid because that student is an orphan, in foster*
11 *care, or a ward of the court, or was an orphan,*
12 *in foster care, or a ward of the court at any time*
13 *since such student was 13 years of age or older.*

14 “(5) *TIMING; USE OF EARLIER DETERMINA-*
15 *TION.—*

16 “(A) *TIMING.—A determination under sub-*
17 *paragraph (B) or (H) of paragraph (1) for a*
18 *student—*

19 “(i) *shall be made as quickly as prac-*
20 *ticable;*

21 “(ii) *may be made as early as the year*
22 *before the award year for which the student*
23 *initially submits an application; and*

1 “(iii) shall be made no later than dur-
2 ing the award year for which the student
3 initially submits an application.

4 “(B) USE OF EARLIER DETERMINATION.—
5 Any student who is determined to be independent
6 under subparagraph (B) or (H) of paragraph (1)
7 for a preceding award year at an institution
8 shall be presumed to be independent for each sub-
9 sequent award year at the same institution un-
10 less—

11 “(i) the student informs the institution
12 that circumstances have changed; or

13 “(ii) the institution has specific con-
14 flicting information about the student’s
15 independence, and has informed the student
16 of this information and the opportunity to
17 challenge such information through a docu-
18 mented interview or an impartial review by
19 the Borrower Advocate pursuant to section
20 141(f)(6)(C).

21 “(6) RETENTION OF DOCUMENTS.—A financial
22 aid administrator shall retain all documents related
23 to the determination of independence under subpara-
24 graph (B) or (H) of paragraph (1), including docu-
25 mented interviews, for the duration of the student’s

1 enrollment at the institution and for a minimum of
2 1 year after the student is no longer enrolled at the
3 institution.”.

4 (e) *EXCLUDABLE INCOME*.—Section 480(e) of the
5 Higher Education Act of 1965 (20 U.S.C. 1087vv(e)) is
6 amended by striking paragraph (5) and inserting the fol-
7 lowing:

8 “(5) payments made and services provided under
9 part E of title IV of the Social Security Act to or on
10 behalf of any child or youth over whom the State
11 agency has responsibility for placement, care, or su-
12 pervision, including the value of vouchers for edu-
13 cation and training and amounts expended for room
14 and board for youth who are not in foster care but
15 are receiving services under section 477 of such Act;
16 and”.

17 **PART G—GENERAL PROVISIONS RELATING TO**
18 **STUDENT ASSISTANCE PROGRAMS**

19 **SEC. 4601. DEFINITION OF ELIGIBLE PROGRAM.**

20 (a) *ELIGIBLE PROGRAM*.—Section 481(b) of the High-
21 er Education Act of 1965 (20 U.S.C. 1088(b))—

22 (1) in paragraph (1)(A)(i), by striking “profes-
23 sion” and inserting “occupation”;

24 (2) in paragraph (2)—

25 (A) in subparagraph (A)—

1 (i) by redesignating clause (iii) as
2 clause (vi); and

3 (ii) by inserting after clause (ii) the
4 following:

5 “(iii) has a verified annual earnings rate among
6 individuals who completed the program, as deter-
7 mined under subparagraph (D), that is not less than
8 the average or median annual earnings rate of indi-
9 viduals with only a high school diploma (or the
10 equivalent) based on the most recently available data
11 from the Bureau of Labor Statistics or the Bureau of
12 the Census with respect to—

13 “(I) such average or median earnings rate
14 in the United States; or

15 “(II) subject to subparagraph (E), such av-
16 erage or median earnings rate in the State or
17 local area in which the institution offering the
18 program is located;

19 “(iv) prepares students for gainful employment
20 in a recognized occupation;

21 “(v) has been in operation for not less than two
22 consecutive years; and”;

23 (B) by adding at the end the following:

24 “(C)(i) For each subsequent year for which a program
25 seeks eligibility under this paragraph, the Secretary shall

1 reevaluate whether the program continues to meet the re-
2 quirements of clauses (i), (iii), (iv), and (vi) of subpara-
3 graph (A). A program that does not meet such requirements
4 for two consecutive award years (or, in the case of a pro-
5 gram that does not meet the requirements under subpara-
6 graph (A)(iv), for a period of time determined by the Sec-
7 retary) shall be ineligible to participate in programs under
8 this title—

9 “(I) for the period of two award years following
10 the last award year for which the program was eligi-
11 ble to participate in such programs; and

12 “(II) for any subsequent award year, unless the
13 program reapplies for eligibility in accordance with
14 clause (iii) and the Secretary determines that the pro-
15 gram meets the requirements of such clauses.

16 “(ii) Not later than 60 days after receiving notifica-
17 tion from the Secretary of the loss of eligibility under clause
18 (i), a program may appeal a loss of eligibility to the Sec-
19 retary. The Secretary may restore the eligibility of a pro-
20 gram under this paragraph if the program demonstrates
21 to the Secretary that extenuating circumstances led to the
22 loss of eligibility.

23 “(iii) The Secretary shall issue a decision on any ap-
24 peal submitted by a program under clause (ii) not later
25 than 45 days after its submission.

1 “(iv) After the expiration of the two-year period de-
2 scribed in clause (i)(I), a program that lost eligibility under
3 clause (i) may reapply to the Secretary for a determination
4 of eligibility under this paragraph.

5 “(D)(i) In this subsection, the term ‘verified annual
6 earnings rate’ means the mean or median annual earnings
7 rate (whichever is higher) of individuals who completed a
8 program calculated as of the date that is approximately one
9 year after the date on which such individuals completed the
10 program.

11 “(ii) For the first year for which a program seeks eligi-
12 bility under this paragraph, the institution that offers such
13 program shall—

14 “(I) determine the verified annual earnings rate
15 using data obtained on individuals who completed the
16 program;

17 “(II) obtain an audit of such determination from
18 an independent auditor;

19 “(III) together with the auditor described in sub-
20 clause (II), certify the accuracy of the verified annual
21 earnings rate to the Secretary; and

22 “(IV) determine the completion rate for the pro-
23 gram, as described in subparagraph (A)(i), and cer-
24 tify to the Secretary the accuracy of such determina-
25 tion.

1 “(iii) For each subsequent year for which a program
2 seeks eligibility under this paragraph, the Secretary shall
3 determine the verified annual earnings rate and completion
4 rate for the program using data made available to the Sec-
5 retary through the postsecondary student data system estab-
6 lished under section 132(l) or a successor system (whichever
7 includes the most recent data).

8 “(E)(i) Except as provided in clause (ii), for purposes
9 of calculating the average annual earnings rate of individ-
10 uals with only a high school diploma (or the equivalent)
11 under subparagraph (A)(ii) the Secretary shall apply the
12 national average or median earnings rate in the United
13 States.

14 “(ii) The Secretary may apply the average or median
15 earnings rate in the State or local area in which the institu-
16 tion offering a program is located, in lieu of the national
17 average earnings rate, if the institution provides sufficient
18 justification to the Secretary.

19 “(F) Using the postsecondary student data system es-
20 tablished under section 132(l) or a successor system to
21 streamline reporting requirements and minimize reporting
22 burdens, and in coordination with the National Center for
23 Education Statistics and each institution of higher edu-
24 cation offering an eligible program under this paragraph,
25 the Secretary shall, on at least an annual basis, collect data

1 *with respect to each such eligible program, including the*
2 *following:*

3 “(i) *The number and demographics of students*
4 *who enroll in the program.*

5 “(ii) *The number of credits attempted and accu-*
6 *mulated annually by students enrolled in the pro-*
7 *gram.*

8 “(iii) *The share of such students who cease en-*
9 *rollment on or before the completion of 60 percent of*
10 *the payment period or period of enrollment.*

11 “(iv) *The verified completion rate for the pro-*
12 *gram, as described in subparagraph (A)(i).*

13 “(v) *The mean and median annual earnings of*
14 *graduates and the verified annual earnings rate for*
15 *the program, as described in subparagraph (A)(i).*

16 “(vi) *The number and demographics of students*
17 *who complete the program.*

18 “(vii) *The outcomes of the students who complete*
19 *the program, including—*

20 “(I) *the share of such students who continue*
21 *enrollment at the institution of higher education*
22 *offering the program;*

23 “(II) *the share of such students who transfer*
24 *to another institution of higher education;*

1 “(III) the share of such students who com-
2 plete a subsequent certificate or degree program;

3 “(IV) the share of such students who secure
4 employment 6 months and 1 year, respectively—

5 “(aa) after completion of such pro-
6 gram; or

7 “(bb) in the case of a program that
8 prepares students for a professional license
9 or certification exam, after acquiring such
10 license or certification; and

11 “(V) in the case of a program that prepares
12 students for a professional license or certification
13 exam, the share of such students who pass such
14 exam.”; and

15 (3) in paragraph (4), by inserting “or in addi-
16 tion to” after “in lieu of”.

17 (b) *REPORT.*—Not later than 3 years after the date
18 of enactment of this Act, the Secretary of Education shall—

19 (1) submit to the Committee on Education and
20 Labor of the House of Representatives and the Com-
21 mittee on Health, Education, Labor, and Pensions of
22 the Senate a report on the impact of eligible programs
23 described in section 481(b)(2) of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1088(b)(2)), as amend-

1 *ed by this Act, based on the most recent data collected*
2 *under subparagraph (F) of such section; and*

3 *(2) make the report described in paragraph (1)*
4 *publicly available on the website of the Department of*
5 *Education.*

6 **SEC. 4602. DEFINITION OF THIRD PARTY SERVICER.**

7 *Section 481(c) of the Higher Education Act of 1965*
8 *(20 U.S.C. 1088(c)) is amended—*

9 *(1) in paragraph (1), by striking “or” at the*
10 *end;*

11 *(2) by redesignating paragraph (2) as para-*
12 *graph (3); and*

13 *(3) by inserting after paragraph (1) the fol-*
14 *lowing:*

15 *“(2) any eligible institution of higher education*
16 *to recruit students; or”.*

17 **SEC. 4603. FAFSA SIMPLIFICATION.**

18 *Section 483 of the Higher Education Act of 1965 (20*
19 *U.S.C. 1090) is amended—*

20 *(1) in subsection (a)—*

21 *(A) in paragraph (2)—*

22 *(i) in subparagraph (A), by striking*
23 *“process” and all that follows through the*
24 *end of clause (ii) and inserting “process a*
25 *paper version of the forms described in this*

1 subsection, in accordance with subpara-
2 graph (B).”;

3 (ii) by striking subparagraph (B);

4 (iii) by redesignating subparagraph
5 (C) as subparagraph (B); and

6 (iv) in subparagraph (B), as so reded-
7 igned, by striking “subparagraphs (A)
8 and (B)” and inserting “subparagraph
9 (A)”;

10 (B) in paragraph (3)—

11 (i) in subparagraph (A), by striking
12 the last sentence;

13 (ii) by striking subparagraph (B), and
14 redesignating subparagraphs (C) through
15 (H) as subparagraphs (B) through (G), re-
16 spectively;

17 (iii) in subparagraph (D), as so reded-
18 igned—

19 (I) by striking “The Secretary”
20 and inserting the following:

21 “(i) IN GENERAL.—The Secretary”;

22 and

23 (II) by adding at the end the fol-
24 lowing:

1 “(i) *SCHOLARSHIP GRANTING ORGANI-*
2 *ZATIONS.—*

3 “(I) *AUTHORIZATION.—An insti-*
4 *tution of higher education may, with*
5 *explicit written consent of an appli-*
6 *cant who has completed a form devel-*
7 *oped under this section, provide such*
8 *information collected from such form*
9 *as is necessary to an organization de-*
10 *scribed in subclause (II) that is des-*
11 *ignated by the applicant to assist the*
12 *applicant in applying for and receiv-*
13 *ing financial assistance for any com-*
14 *ponent of the applicant’s cost of at-*
15 *tendance at that institution.*

16 “(II) *DEFINITION OF ORGANIZA-*
17 *TION.—An organization described in*
18 *this subclause—*

19 “(aa) *means a scholarship*
20 *granting organization, including*
21 *a tribal organization (defined in*
22 *section 4 of the Indian Self-Deter-*
23 *mination and Education Assist-*
24 *ance Act (25 U.S.C. 5304))) or an*
25 *organization assisting an appli-*

1 cant in applying for and receiv-
2 ing Federal, State, local, or tribal
3 assistance; and

4 “(bb) shall be subject to the
5 requirements of clause (i).”; and

6 (iv) in subparagraph (E), as so reded-
7 ignated, by striking “subparagraph (G)”
8 and inserting “subparagraph (F)”;

9 (C) in paragraph (4)—

10 (i) by striking “academic year” each
11 place it appears and inserting “award
12 year”;

13 (ii) in subparagraph (A), by striking
14 clause (iv); and

15 (iii) by adding at the end the fol-
16 lowing:

17 “(C) SINGLE QUESTION REGARDING HOME-
18 LESS STATUS.—The Secretary shall ensure that,
19 on each form developed under this section for
20 which the information is applicable, there is a
21 single, easily understood screening question to
22 identify an applicant for aid who is—

23 “(i) an unaccompanied homeless child
24 or youth (as such term is defined in section

1 725 of the McKinney-Vento Homeless Assist-
2 ance Act); or

3 “(ii) an unaccompanied youth who is
4 self-supporting and at risk of homelessness.

5 “(D) INCARCERATED INDIVIDUALS.—

6 “(i) IN GENERAL.—The Secretary shall
7 streamline the forms and processes for an
8 incarcerated individual (as defined in sec-
9 tion 401(n)(4)) to apply for a Federal Pell
10 Grant under section 401, which—

11 “(I) shall be used to determine the
12 expected family contribution for such
13 individual as of the date of enrollment
14 in the course for which the individual
15 is applying for such Federal Pell
16 Grant; and

17 “(II) may include—

18 “(aa) flexibility in the sub-
19 mission of any required docu-
20 mentation required to verify eligi-
21 bility for a Federal Pell Grant;
22 and

23 “(bb) assistance in rehabili-
24 tating loans under section 428F.

1 “(i) *REPORT*.—Not later than 1 year
2 after the date of enactment of the *College Af-*
3 *fordability Act*, the Secretary shall submit
4 to the Committee on Education and Labor
5 of the House of Representatives and the
6 Committee on Health, Education, Labor,
7 and Pensions of the Senate, and make pub-
8 licly available on the website of the Depart-
9 ment, a report on how the forms and proc-
10 esses are being streamlined under clause
11 (i).”;

12 (D) in paragraph (5)—

13 (i) in subparagraph (A), by striking
14 “paragraphs (2)(B)(iii), (3)(B), and
15 (4)(A)(ii)” and inserting “paragraph
16 (4)(A)(ii)”;

17 (ii) in subparagraph (B)—

18 (I) by striking “determine” and
19 all that follows through “which” and
20 inserting “determine which”;

21 (II) by striking “; and” and in-
22 serting a period; and

23 (III) by striking clause (ii);

24 (iii) in subparagraph (C), by striking
25 “Beginning” and all that follows through

1 *“of the State-specific” and inserting “The*
2 *Secretary shall publish on an annual basis*
3 *a notice in the Federal Register requiring*
4 *State agencies to inform the Secretary of the*
5 *State-specific”;* and

6 *(iv) by striking subparagraphs (D)*
7 *through (F), and redesignating subpara-*
8 *graph (G) as subparagraph (D); and*

9 *(E) by adding at the end the following:*

10 *“(13) FAFSA PATHWAYS.—*

11 *“(A) MEMORANDUM OF UNDERSTANDING.—*

12 *Not later than the effective date of the College Af-*
13 *fordability Act, the Secretary shall seek to enter*
14 *into a Memorandum of Understanding with the*
15 *Secretary of Health and Human Services, the*
16 *Secretary of Agriculture, and the Secretary of*
17 *the Treasury, under which any information ex-*
18 *changed under an income and eligibility*
19 *verification system established pursuant to sec-*
20 *tion 1137 of the Social Security Act by State*
21 *agencies administering a program listed in*
22 *paragraph (1), (4), or (5) of subsection (b) of*
23 *such section which may be of use in establishing*
24 *or verifying eligibility or benefit amounts under*
25 *such program shall be made available to the Sec-*

1 *retary of Education to assist in determining*
2 *whether the applicant (or, in the case of a de-*
3 *pendent applicant, whether the applicant or the*
4 *applicant's parents) received a benefit at some*
5 *time during the previous 24-month period under*
6 *a means-tested Federal benefit program, but sub-*
7 *ject to the requirements of Federal law.*

8 *“(B) REQUIREMENT FOR ALL APPLICANTS*
9 *AND THE SECRETARY.—For any award year for*
10 *which an applicant applies for financial assist-*
11 *ance under this title (except for any award year*
12 *for which, pursuant to paragraph (14), the ap-*
13 *plicant is not required to submit a FAFSA)—*

14 *“(i) the applicant shall provide on the*
15 *form described in this subsection whether*
16 *the applicant received (or, in the case of a*
17 *dependent applicant, whether the applicant*
18 *or the parents of the applicant received) a*
19 *benefit at some time during the previous 24-*
20 *month period under a means-tested Federal*
21 *benefit program; and*

22 *“(ii) the Secretary, to the extent prac-*
23 *ticable and pursuant to the Memorandum of*
24 *Understanding entered into under subpara-*
25 *graph (A), and without any further action*

1 by the applicant, shall verify the appli-
2 cant's (or, in the case of a dependent appli-
3 cant, the applicant's or the applicant's par-
4 ents') receipt of such benefit.

5 “(C) *PATHWAY ONE APPLICANTS.*—

6 “(i) *IN GENERAL.*—With respect to an
7 applicant who received (or, in the case of a
8 dependent applicant, an applicant who re-
9 ceived or whose parents received) a benefit
10 at some time during the previous 24-month
11 period under a means-tested Federal benefit
12 program, the applicant shall not be required
13 to provide any further income or asset in-
14 formation on the form under this subsection.

15 “(ii) *DESIGNATION.*—For purposes of
16 this section and part F, an applicant de-
17 scribed in clause (i) shall be referred to as
18 a ‘pathway one applicant’.

19 “(D) *PATHWAY TWO APPLICANTS.*—

20 “(i) *IN GENERAL.*—With respect to an
21 applicant who is not a pathway one appli-
22 cant and who is described in clause (ii), the
23 Secretary, to the extent practicable, shall
24 use the data retrieval tool under section
25 484(p) to obtain any information for the

1 *applicant beyond the information described*
2 *in subparagraph (A) for purposes of the*
3 *form under this subsection.*

4 “(i) *REQUIREMENTS.—An applicant*
5 *described in this clause is an applicant who*
6 *certifies that—*

7 “(I) *the applicant is not required*
8 *to file or, in the case of a dependent*
9 *applicant, no parent of the applicant*
10 *is required to file—*

11 “(aa) *a Federal income tax*
12 *return; or*

13 “(bb) *with respect to Internal*
14 *Revenue Service Form 1040, any*
15 *of the following forms: Schedule A,*
16 *Schedule B, Schedule C, Schedule*
17 *C–EZ, Schedule D, Schedule E,*
18 *Schedule F, Schedule H, Schedule*
19 *J, and Schedule SE; and*

20 “(II) *the sum of the adjusted gross*
21 *income of the applicant or, in the case*
22 *of a dependent applicant, the parents*
23 *of the applicant, is less than or equal*
24 *to \$60,000.*

1 “(iii) *DESIGNATION.*—For purposes of
2 this section and part F, an applicant de-
3 scribed in clause (i) shall be referred to as
4 a ‘pathway two applicant’.

5 “(E) *PATHWAY THREE APPLICANTS.*—

6 “(i) *IN GENERAL.*—With respect to an
7 applicant who is not a pathway one appli-
8 cant or a pathway two applicant, the Sec-
9 retary, to the extent practicable, shall use
10 the data retrieval tool under section 484(p)
11 to obtain any information for the applicant
12 beyond the information described in sub-
13 paragraph (A) for purposes of the form
14 under this subsection.

15 “(ii) *DESIGNATION.*—For purposes of
16 this section and part F, an applicant de-
17 scribed in clause (i) shall be referred to as
18 a ‘pathway three applicant’.

19 “(F) *MEANS-TESTED FEDERAL BENEFIT*
20 *PROGRAM DEFINED.*—For purposes of this para-
21 graph, the term ‘means-tested Federal benefit
22 program’ has the meaning given the term in sec-
23 tion 479(d).

24 “(14) *ONE-TIME FAFSA FILING.*—

1 “(A) *IN GENERAL.*—Notwithstanding any
2 other provision of this section and subject to sub-
3 paragraphs (B) and (C), an applicant who sub-
4 mits a *FAFSA* for the first time for an award
5 year for the period required for the completion of
6 the first undergraduate baccalaureate course of
7 study being pursued by such applicant and is el-
8 igible to receive a *Federal Pell Grant* for such
9 award year, for any succeeding award year—

10 “(i) for which the applicant does not
11 submit a *FAFSA* and for which the appli-
12 cant submits a certification form described
13 in subparagraph (D) that does not indicate
14 a change in the dependency status of such
15 applicant, such applicant—

16 “(I) shall not be required to sub-
17 mit a *FAFSA* to receive financial as-
18 sistance under this title; and

19 “(II) shall have an expected fam-
20 ily contribution for such year that is
21 equal to the expected family contribu-
22 tion of the applicant determined for
23 the award year for which the applicant
24 submitted a *FAFSA* for such period,
25 except that an adjustment may be

1 *made under section 479A that results*
2 *in a change in such expected family*
3 *contribution;*

4 “(ii) for which the applicant submits a
5 *certification form described in subpara-*
6 *graph (D) that indicates a change in the de-*
7 *pendency status of the applicant, such ap-*
8 *plicant—*

9 “(I) shall be required to submit a
10 *FAFSA with respect to such award*
11 *year to receive financial assistance*
12 *under this title; and*

13 “(II) shall have an expected fam-
14 *ily contribution for such year that is*
15 *determined based on such FAFSA;*

16 “(iii) for which the applicant submits
17 *a FAFSA, such applicant—*

18 “(I) shall have an expected family
19 *contribution for such year that is de-*
20 *termined based on such FAFSA; and*

21 “(II) shall be required to submit a
22 *FAFSA for any other award year for*
23 *which the applicant seeks financial as-*
24 *istance under this title; and*

1 “(iv) for which the applicant does not
2 submit a certification form described in
3 subparagraph (D), such applicant shall sub-
4 mit a FAFSA for such succeeding award
5 year and any other award year for which
6 the applicant seeks financial assistance
7 under this title.

8 “(B) *ADJUSTMENT OF EXPECTED FAMILY*
9 *CONTRIBUTION.*—With respect to an applicant
10 described in subparagraph (A)(i) who receives an
11 adjustment under section 479A that results in a
12 change to the expected family contribution of the
13 applicant, for any succeeding award year after
14 the award year for which the adjustment was
15 made, subclause (II) of such subparagraph shall
16 be applied to such applicant by substituting ‘ex-
17 pected family contribution of the applicant as
18 most recently changed as a result of an adjust-
19 ment under section 479A for such applicant’ for
20 the ‘expected family contribution of the applicant
21 determined for the award year for which the ap-
22 plicant submitted a FAFSA for such period’.

23 “(C) *RULE FOR CERTAIN STUDENTS.*—With
24 respect to an applicant who submits a FAFSA
25 for award year 2021–2022 and enrolls in an in-

1 *stitution of higher education for such year, sub-*
2 *paragraph (A) shall be applied—*

3 *“(i) in the matter preceding clause (i),*
4 *by substituting ‘award year 2021–2022’ for*
5 *‘the first time for an award year’; and*

6 *“(ii) in clause (i)(II), by substituting*
7 *‘award year 2021–2022’ for ‘the award year*
8 *for which the applicant submitted a FAFSA*
9 *for such period’.*

10 *“(D) STUDENT CERTIFICATION FORM.—The*
11 *Secretary, in cooperation with representatives of*
12 *agencies and organizations involved in student*
13 *financial assistance, shall use behavioral science*
14 *insights to produce, distribute, and process free*
15 *of charge a short and simple consumer-tested cer-*
16 *tification form that uses skip logic to bypass*
17 *fields that are inapplicable to an applicant.*
18 *Such form shall not require an applicant to pro-*
19 *vide data that the Secretary may otherwise ob-*
20 *tain with respect to the applicant (such as age*
21 *or active duty military status), and may only*
22 *contain the data elements required for purposes*
23 *of subparagraph (A)(i)—*

24 *“(i) to confirm whether the applicant*
25 *is—*

1 “(I) a dependent student;

2 “(II) a single independent student
3 or a married independent student
4 without dependents (other than a
5 spouse); or

6 “(III) an independent student
7 with dependents other than a spouse;

8 “(ii) to allow the applicant to update
9 the contact information of such applicant or
10 the Federal School Code of the institution of
11 higher education in which the applicant is,
12 or will be enrolled, for the award year for
13 which the applicant submits such form; and

14 “(iii) to ask whether the applicant’s
15 need and eligibility for financial assistance
16 under this title has not changed substan-
17 tially since the most recent of the following:

18 “(I) The applicant submitted a
19 FAFSA.

20 “(II) The applicant received an
21 adjustment under section 479A that re-
22 sults in a change to the expected fam-
23 ily contribution of the applicant.

24 “(E) DEFINITIONS.—In this paragraph:

1 “(i) *DEPENDENCY STATUS*.—The term
2 ‘dependency status’ means the status of an
3 applicant as—

4 “(I) a dependent student;

5 “(II) a single independent student
6 or a married independent student
7 without dependents (other than a
8 spouse); or

9 “(III) an independent student
10 with dependents other than a spouse.

11 “(ii) *SUCCEEDING AWARD YEAR*.—The
12 term ‘succeeding award year’—

13 “(I) when used with respect to an
14 applicant who submits a FAFSA for
15 the first time for an award year for the
16 period required for the completion of
17 the first undergraduate baccalaureate
18 course of study being pursued by such
19 applicant, means any award year for
20 such period that follows the award
21 year for which the applicant submits
22 such FAFSA; and

23 “(II) when used with respect to
24 an applicant described in subpara-
25 graph (C), means any award year

1 *after award year 2021–2022 for the pe-*
2 *riod required for the completion of the*
3 *first undergraduate baccalaureate*
4 *course of study being pursued by such*
5 *applicant.*

6 “(15) *FAFSA IN VARIOUS LANGUAGES.*—*The*
7 *Secretary shall—*

8 “(A) *translate the form developed under this*
9 *subsection into not fewer than 11 foreign lan-*
10 *guages based on the languages most often spoken*
11 *by English learner students and their parents,*
12 *and make the translated form available and ac-*
13 *cessible to applicants in paper and electronic*
14 *formats; and*

15 “(B) *ensure that the form developed under*
16 *this subsection is available in formats accessible*
17 *to individuals with disabilities.”;*

18 (2) *in subsection (c), by striking the last sen-*
19 *tence;*

20 (3) *in subsection (d)(3)—*

21 (A) *in subparagraph (A), by striking “and*
22 *EZ FAFSA”;* and

23 (B) *in subparagraph (B), by striking “and*
24 *EZ FAFSA”;*

25 (4) *in subsection (e)—*

1 (A) in paragraph (3) by striking “or, as
2 appropriate, an EZ FAFSA,”; and

3 (B) in paragraph (5)(D), by striking “or,
4 as appropriate, an EZ FAFSA,”;

5 (5) by amending subsection (f) to read as follows:

6 “(f) *USE OF INTERNAL REVENUE SERVICE DATA RE-*
7 *TRIEVAL TOOL TO POPULATE FAFSA.—*

8 “(1) *SIMPLIFICATION EFFORTS.—The Secretary*
9 *shall—*

10 “(A) *make every effort to allow applicants*
11 *to utilize the data retrieval tool to transfer data*
12 *available from the Internal Revenue Service to*
13 *reduce the amount of original data entry by ap-*
14 *plicants and strengthen the reliability of data*
15 *used to calculate expected family contributions,*
16 *including through the use of technology to—*

17 “(i) *allow an applicant to automati-*
18 *cally populate the electronic version of the*
19 *forms under this paragraph with data*
20 *available from the Internal Revenue Serv-*
21 *ice; and*

22 “(ii) *direct an applicant to appro-*
23 *priate questions on such forms based on the*
24 *applicant’s answers to previous questions;*
25 *and*

1 “(B) allow taxpayers, regardless of filing
2 status, to utilize the data retrieval tool to its full
3 capacity.

4 “(2) *USE OF TAX RETURN IN APPLICATION PROC-*
5 *ESS.—The Secretary shall continue to examine wheth-*
6 *er data provided by the Internal Revenue Service can*
7 *be used to generate an expected family contribution*
8 *without additional action on the part of the student*
9 *and taxpayer.*

10 “(3) *REPORTS ON FAFSA SIMPLIFICATION EF-*
11 *FORTS.—Not less than once every other year, the Sec-*
12 *retary shall report to the authorizing committees and*
13 *the Committees on Appropriations of the House of*
14 *Representatives and the Senate on the progress of the*
15 *simplification efforts under this subsection.”;*

16 (6) by repealing subsection (g);

17 (7) by redesignating subsection (h) as subsection
18 (g); and

19 (8) by adding at the end the following:

20 “(h) *DATA TRANSPARENCY ON THE NUMBER OF AP-*
21 *PLICANTS.—*

22 “(1) *IN GENERAL.—The Secretary shall annually*
23 *publish data on the number of individuals who apply*
24 *for Federal student aid pursuant to this section who*
25 *are homeless individuals described in section 725 of*

1 *the McKinney-Vento Homeless Assistance Act (42*
2 *U.S.C. 11434a), including unaccompanied youth and*
3 *foster care youth.*

4 “(2) *CONTENTS.—The data described in para-*
5 *graph (1) with respect to homeless individuals shall*
6 *include, at a minimum, for each application cycle—*

7 “(A) *the total number of all applicants who*
8 *were determined to be (or to be at risk of becom-*
9 *ing) unaccompanied homeless youth under sec-*
10 *tion 480(d)(1)(H);*

11 “(B) *the number of applicants described in*
12 *subparagraph (A), disaggregated—*

13 “(i) *by State; and*

14 “(ii) *by the sources of determination as*
15 *described in clauses (i) through (iv) of sec-*
16 *tion 480(d)(1)(H); and*

17 “(C) *the number of undetermined requests*
18 *for homelessness consideration, including statuses*
19 *that remain unknown because no determination*
20 *had been made in response to the applicant’s re-*
21 *quest for the institution to consider the appli-*
22 *cant’s special circumstance of being homeless.*

23 “(i) *PROHIBITION ON QUESTIONS RELATING TO DRUG*
24 *OFFENSES.—The Secretary may not include on the forms*
25 *developed under this subsection any data items relating to*

1 *whether an applicant has a conviction of any offense under*
2 *any Federal or State law involving the possession or sale*
3 *of a controlled substance (as defined in section 102(6) of*
4 *the Controlled Substances Act (21 U.S.C. 802(6)).*

5 “(j) *FAFSA VERIFICATION.*—

6 “(1) *IN GENERAL.*—*With respect to applicants*
7 *who submit a FAFSA for an award year and were*
8 *determined using data provided in such FAFSA to be*
9 *eligible to receive a Federal Pell Grant for such*
10 *award year, the Secretary shall submit to the author-*
11 *izing committees, and make publicly available, a re-*
12 *port for such award year on—*

13 “(A) *the number and share of such appli-*
14 *cants who received a Federal Pell Grant for such*
15 *award year;*

16 “(B) *the number and share of such appli-*
17 *cants who did not receive a Federal Pell Grant*
18 *for such year;*

19 “(C) *the number and share of such appli-*
20 *cants who were selected by the Secretary for*
21 *verification of the data provided in the FAFSA;*

22 “(D) *to the extent practicable, the number*
23 *and share of applicants described in subpara-*
24 *graph (C) who enrolled in an institution of high-*
25 *er education in a year after such selection;*

1 “(E) the number and share of applicants
2 described in subparagraph (C) who completed the
3 verification process;

4 “(F) of the applicants described in subpara-
5 graph (E)—

6 “(i) the average of the expected family
7 contribution for all such applicants as de-
8 termined using data provided in the
9 FAFSA;

10 “(ii) the average of the expected family
11 contribution difference for all such appli-
12 cants;

13 “(iii) the average of the expected fam-
14 ily contribution difference for all such ap-
15 plicants whose expected family contribution
16 as determined using data provided in the
17 verification process was greater than the ex-
18 pected family contribution as determined
19 using data provided in the FAFSA; and

20 “(iv) the average of the expected family
21 contribution difference for all such appli-
22 cants whose expected family contribution as
23 determined using data provided in the
24 FAFSA was greater than the expected fam-

1 *ily contribution as determined using data*
2 *provided in the verification process;*

3 *“(G) of the applicants described in subpara-*
4 *graph (E)—*

5 *“(i) the average Federal Pell Grant*
6 *amount for all such applicants as deter-*
7 *mined using data provided in the FAFSA;*

8 *“(ii) the average of the Federal Pell*
9 *Grant difference for all such applicants;*

10 *“(iii) the average of the Federal Pell*
11 *Grant difference for all such applicants*
12 *whose Federal Pell Grant amount as deter-*
13 *mined using data provided in the*
14 *verification process was greater than the*
15 *Federal Pell Grant amount as determined*
16 *using data provided in the FAFSA;*

17 *“(iv) the average of the Federal Pell*
18 *Grant difference for all such applicants*
19 *whose Federal Pell Grant amount as deter-*
20 *mined using data provided in the FAFSA*
21 *was greater than the Federal Pell Grant*
22 *amount as determined using data provided*
23 *in the verification process; and*

24 *“(v) the number and share of such ap-*
25 *plicants who were determined using the*

1 *data provided in the verification process to*
2 *be ineligible for a Federal Pell Grant;*

3 “(H) *the number and share of applicants*
4 *described in subparagraph (C) who received a*
5 *Federal Pell Grant for such award year; and*

6 “(I) *the number and share of applicants de-*
7 *scribed in subparagraph (C) who did not receive*
8 *a Federal Pell Grant for such award year.*

9 “(2) *DISAGGREGATION.—The data provided in a*
10 *report under paragraph (1) shall be disaggregated—*

11 “(A) *by applicants who were pathway one*
12 *applicants for such year;*

13 “(B) *by applicants who were pathway two*
14 *applicants for such year;*

15 “(C) *by applicants who were pathway three*
16 *applicants for such year; and*

17 “(D) *with respect to applicants described in*
18 *subparagraphs (C) and (E), the verification*
19 *tracking groups of such applicants.*

20 “(3) *DEFINITIONS.—In this subsection:*

21 “(A) *EXPECTED FAMILY CONTRIBUTION DIF-*
22 *ERENCE.—The term ‘expected family contribu-*
23 *tion difference’ means, with respect to an appli-*
24 *cant who completed a verification process with*
25 *respect to the FAFSA, the difference between—*

1 “(i) the expected family contribution of
2 such applicant as determined using data
3 provided in the FAFSA; and

4 “(ii) the expected family contribution
5 of such applicant as determined using data
6 provided in the verification process.

7 “(B) FEDERAL PELL GRANT DIFFERENCE.—
8 The term ‘Federal Pell Grant difference’ means,
9 with respect to an applicant who completed a
10 verification process with respect to the FAFSA,
11 the difference between—

12 “(i) the amount of the Federal Pell
13 Grant of such applicant as determined
14 using data provided in the FAFSA; and

15 “(ii) the amount of the Federal Pell
16 Grant of such applicant as determined
17 using data provided in the verification
18 process.

19 “(k) FINANCIAL AID OFFERS.—

20 “(1) REQUIREMENTS FOR OFFERS.—

21 “(A) SECRETARIAL REQUIREMENTS.—Not
22 later than 18 months after the date of enactment
23 of the College Affordability Act, the Secretary
24 shall, based on the consumer testing conducted

1 under subparagraph (E), publish requirements
2 for financial aid offers that shall—

3 “(i) include a requirement that finan-
4 cial aid offers shall serve as the primary
5 source for Federal, State, and institutional
6 financial aid information provided by an
7 institution of higher education partici-
8 pating in any program under this title to
9 each prospective student accepted for admis-
10 sion and each enrolled student at such insti-
11 tution;

12 “(ii) include a requirement that such
13 offers include a standardized quick reference
14 box described in subparagraph (D);

15 “(iii) establish standardized terms and
16 definitions, including for the elements listed
17 in subparagraph (C), that shall be included
18 in each such offer;

19 “(iv) establish formatting requirements
20 with respect to the organization of the ele-
21 ments listed in subparagraph (C)), which
22 shall include a requirement that prohibits
23 such offers from displaying loans in a man-
24 ner that indicates or implies that such loans

1 *reduce the amount owed to the institution*
2 *or reduce the net price; and*

3 “(v) *specify the simple, plain-language,*
4 *and consumer-friendly information to be in-*
5 *cluded in each such offer with respect to the*
6 *financial aid being offered to a student,*
7 *which shall include—*

8 “(I) *an explanation of differences*
9 *among each such type of financial aid,*
10 *including clear explanations that—*

11 “(aa) *grants and scholar-*
12 *ships do not have to be repaid;*

13 “(bb) *loans (including loans*
14 *made under part D and private*
15 *education loans (as defined in sec-*
16 *tion 140 of the Truth in Lending*
17 *Act)) must be repaid with inter-*
18 *est; and*

19 “(cc) *payments under Fed-*
20 *eral-work study programs under*
21 *part C are contingent on finding*
22 *qualified employment and are*
23 *typically disbursed incrementally*
24 *in paychecks;*

1 “(II) information encouraging
2 students to consider loans made under
3 part D before such private education
4 loans;

5 “(III) information clarifying that
6 students may—

7 “(aa) decline to accept a loan
8 made under part D; or

9 “(bb) accept an amount of
10 such loan that is less than the
11 amount of such loan included in
12 the financial aid offer; and

13 “(IV) in a case in which the insti-
14 tution offers a student such a loan in
15 an amount that is less than the max-
16 imum amount for which the student is
17 eligible, an explanation that the stu-
18 dent is eligible for additional loans
19 under part D.

20 “(B) INSTITUTIONAL REQUIREMENTS.—Be-
21 ginning with the award year that begins not less
22 than 1 year after the Secretary publishes require-
23 ments under subparagraph (A), each institution
24 of higher education described in subparagraph
25 (A)(i) shall provide a financial aid offer to each

1 *student described in such subparagraph prior to*
2 *each academic year that—*

3 *“(i) shall comply with the require-*
4 *ments published by the Secretary under sub-*
5 *paragraph (A); and*

6 *“(ii) may be supplemented by the in-*
7 *stitution with additional, non-contradictory*
8 *information related to financial aid as long*
9 *as such supplementary information uses the*
10 *standardized terms and definitions de-*
11 *scribed in subparagraph (A)(iii).*

12 *“(C) ELEMENTS.—A financial aid offer*
13 *provided by an institution of higher education*
14 *shall include the following elements with respect*
15 *to the academic year for which the offer is being*
16 *provided:*

17 *“(i) The cost of attendance, which shall*
18 *include separately calculated subtotals of—*

19 *“(I) an itemized list of estimated*
20 *direct costs owed to the institution;*
21 *and*

22 *“(II) an itemized list of antici-*
23 *ipated student expenses not covered*
24 *under subclause (I).*

1 “(ii) *Federal, State, and institutional*
2 *financial aid available to the student, which*
3 *shall include separately calculated subtotals*
4 *of—*

5 “(I) *grants and scholarships;*

6 “(II) *loans made under part D*
7 *(excluding Federal Direct Parent*
8 *PLUS Loans) and part E; and*

9 “(III) *Federal-work study pro-*
10 *grams under part C and other on-cam-*
11 *pus employment.*

12 “(iii) *Other options that may be avail-*
13 *able to students to cover the cost of attend-*
14 *ance (including Federal Direct Parent*
15 *PLUS Loans, tuition payment plans, sav-*
16 *ings, and earnings from other employment).*

17 “(iv) *The net price, which shall be de-*
18 *termined by calculating the difference be-*
19 *tween—*

20 “(I) *the cost of attendance de-*
21 *scribed in clause (i); and*

22 “(II) *the grants and scholarships*
23 *described in clause (ii)(I).*

24 “(v) *Next step instructions, includ-*
25 *ing—*

1 “(I) the process and deadlines for
2 accepting the financial aid; and

3 “(II) information about where to
4 find additional information on the fi-
5 nancial aid offered.

6 “(vi) Any other information deter-
7 mined necessary by the Secretary based on
8 the consumer testing conducted under sub-
9 paragraph (E), which may include the fol-
10 lowing:

11 “(I) An estimate of the net direct
12 cost, which shall be determined by cal-
13 culating the difference between—

14 “(aa) the direct costs owed to
15 the institution described in clause
16 (i)(I); and

17 “(bb) the grants and scholar-
18 ships described in clause (i)(I).

19 “(II) Information on average stu-
20 dent debt, loan repayment and default
21 rates, loan repayment options, and
22 graduation rates.

23 “(III) In the case of a prospective
24 student, the process and deadlines for
25 enrolling at the institution.

1 “(IV) Information regarding the
2 enrollment period covered by the aid
3 offer, and whether the cost and aid es-
4 timates are based on full-time or part-
5 time enrollment.

6 “(D) STANDARDIZED QUICK REFERENCE
7 BOX.—A financial aid offer provided by an in-
8 stitution of higher education shall include a
9 standardized quick reference box to enable stu-
10 dents to quickly and easily compare key infor-
11 mation on college costs and financial aid—

12 “(i) that shall be included in an iden-
13 tical fashion for each student receiving a fi-
14 nancial aid offer from the institution on the
15 first page of such offer;

16 “(ii) the contents and structure of
17 which shall be developed through consumer
18 testing conducted under paragraph (E); and

19 “(iii) that shall include not more than
20 8 elements, which, at a minimum, shall in-
21 clude—

22 “(I) the cost of attendance;

23 “(II) grants and scholarships; and

24 “(III) net price (as calculated
25 under subparagraph (C)(iv)).

1 “(E) *CONSUMER TESTING.*—*The Secretary*
2 *shall—*

3 “(i) *conduct consumer testing that*
4 *shall serve as the basis in determining the*
5 *requirements for financial aid offers pub-*
6 *lished under subparagraph (A), which shall*
7 *include students (including low-income stu-*
8 *dents, English learners, first generation col-*
9 *lege students, veteran students, graduate*
10 *students, and undergraduate students (in-*
11 *cluding prospective students and returning*
12 *students)), students’ families (including*
13 *low-income families, families of English*
14 *learners, and families with first generation*
15 *college students), institutions of higher edu-*
16 *cation (including representatives from two-*
17 *and four-year institutions, public and pri-*
18 *vate institutions, and minority-serving in-*
19 *stitutions), secondary school and postsec-*
20 *ondary counselors, financial aid adminis-*
21 *trators, nonprofit college access organiza-*
22 *tions, and nonprofit consumer groups; and*
23 “(ii) *not later than 60 days after the*
24 *publication of the requirements under sub-*
25 *paragraph (A)—*

1 “(I) issue a report on the findings
2 of the consumer testing under this sub-
3 paragraph; and

4 “(II) specify ways in which the
5 findings are reflected in such require-
6 ments.

7 “(2) DEFINITIONS.—In this subsection—

8 “(A) the term ‘English learner’ has the
9 meaning given the term in section 8101(20) of
10 the Elementary and Secondary Education Act of
11 1965 (20 U.S.C. 7801(20)), except that such term
12 does not include individuals described in sub-
13 paragraph (B) of such section;

14 “(B) the term ‘first generation college stu-
15 dent’ has the meaning given the term in section
16 402A(h);

17 “(C) the term ‘low-income student’ has the
18 meaning given the term in section 419N(b)(7);
19 and

20 “(D) the term ‘minority-serving institution’
21 means an institution of higher education de-
22 scribed in section 371(a).”.

1 **SEC. 4604. STUDENT ELIGIBILITY.**

2 (a) *IN GENERAL.*—Section 484(a) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1091(a)) is amended to read
4 as follows:

5 “(a) *IN GENERAL.*—

6 “(1) *GRANTS; LOANS; WORK ASSISTANCE.*—In
7 order to receive any grant, loan, or work assistance
8 under this title, a student must—

9 “(A) be enrolled or accepted for enrollment
10 in a degree, certificate, or other program (includ-
11 ing a program of study abroad approved for
12 credit by the eligible institution at which such
13 student is enrolled) leading to a recognized edu-
14 cational credential at an institution of higher
15 education that is an eligible institution in ac-
16 cordance with the provisions of section 487, ex-
17 cept as provided in subsections (b)(3) and (b)(4),
18 and not be enrolled in an elementary or sec-
19 ondary school;

20 “(B) if the student is presently enrolled at
21 an institution, be maintaining satisfactory
22 progress in the course of study the student is
23 pursuing in accordance with the provisions of
24 subsection (c);

25 “(C) not owe a refund on grants previously
26 received at any institution under this title, or be

1 *in default on any loan from a student loan fund*
2 *at any institution provided for in part E, or a*
3 *loan made, insured, or guaranteed by the Sec-*
4 *retary under this title for attendance at any in-*
5 *stitution;*

6 “(D) *file with the Secretary, as part of the*
7 *original financial aid application process, a cer-*
8 *tification, which need not be notarized, but*
9 *which shall include—*

10 “(i) *a statement of educational purpose*
11 *stating that the money attributable to such*
12 *grant, loan, or loan guarantee will be used*
13 *solely for expenses related to attendance or*
14 *continued attendance at such institution;*
15 *and*

16 “(ii) *such student’s social security*
17 *number; and*

18 “(E) *if the student has been convicted of, or*
19 *has pled nolo contendere or guilty to, a crime in-*
20 *volving fraud in obtaining funds under this title,*
21 *have completed the repayment of such funds to*
22 *the Secretary, or to the holder in the case of a*
23 *loan under this title obtained by fraud.*

24 “(2) *GRANTS; LOANS; WORK ASSISTANCE; SERV-*
25 *ICES.—*

1 “(A) *IN GENERAL.*—*In order to receive any*
2 *grant, loan, or work assistance under this title,*
3 *or any service provided pursuant to a program*
4 *or project funded under this title, a student*
5 *must—*

6 “(i) *be a citizen, national, or perma-*
7 *nent resident of the United States;*

8 “(ii) *be able to provide evidence from*
9 *the Department of Homeland Security that*
10 *he or she is in the United States for other*
11 *than a temporary purpose with the inten-*
12 *tion of becoming a citizen or permanent*
13 *resident;*

14 “(iii) *have temporary protected status*
15 *under section 244 of the Immigration and*
16 *Nationality Act (8 U.S.C. 1254a); or*

17 “(iv) *be a Dreamer student, as defined*
18 *in subsection (q).*

19 “(B) *EXCEPTIONS.*—*Subparagraph (A)*
20 *shall not be construed to affect eligibility for par-*
21 *ticipation in projects funded under chapter 2 of*
22 *subpart 2 of part A or section 418A(b).”.*

23 (b) *ABILITY TO BENEFIT.*—*Section 484(d)(1) of the*
24 *Higher Education Act of 1965 (20 U.S.C. 1091(d)(1)) is*
25 *amended—*

1 (1) *by redesignating subparagraph (B) as sub-*
2 *paragraph (C); and*

3 (2) *by inserting after subparagraph (A) the fol-*
4 *lowing:*

5 “(B) *The student—*

6 “(i) *is enrolled at an institution of*
7 *higher education (as defined in section 101)*
8 *in a program described in subsection (a)(3)*
9 *of such section that—*

10 “(I) *prepares an individual to be*
11 *successful in any of a full range of sec-*
12 *ondary and postsecondary education*
13 *options;*

14 “(II) *includes counseling to sup-*
15 *port an individual in achieving the in-*
16 *dividual’s education and career goals;*

17 “(III) *enables an individual to at-*
18 *tain a secondary school diploma or its*
19 *recognized equivalent; and*

20 “(IV) *helps an individual enter or*
21 *advance within a specific occupation*
22 *or occupational cluster, or to enter and*
23 *succeed in a graduate program; and*

24 “(ii) *is determined by such institution*
25 *as having the ability to benefit from the*

1 *education or training offered by the institu-*
2 *tion of higher education upon satisfactory*
3 *completion of 6 credit hours or the equiva-*
4 *lent coursework that are applicable toward*
5 *a degree offered by the institution of higher*
6 *education.”.*

7 *(c) EXCEPTION TO REQUIRED REGISTRATION WITH*
8 *SELECTIVE SERVICE SYSTEM.—Section 484 of the Higher*
9 *Education Act of 1965 (20 U.S.C. 1091) is further amend-*
10 *ed—*

11 *(1) by repealing subsection (n); and*
12 *(2) by redesignating subsections (o) through (q)*
13 *as subsections (n) through (p), respectively.*

14 *(d) DEFINITION OF DREAMER STUDENT.—Section 484*
15 *of the Higher Education Act of 1965 (20 U.S.C. 1091), as*
16 *amended by this section, is further amended by adding after*
17 *subsection (p), as redesignated, the following:*

18 “*(q) DREAMER STUDENT.—*

19 “*(1) IN GENERAL.—In this section, the term*
20 “*Dreamer student*” *means an alien (as defined in sec-*
21 “*tion 101(a)(3) of the Immigration and Nationality*
22 “*Act (8 U.S.C. 1101(a)(3))) who is inadmissible to the*
23 “*United States or deportable from the United States*
24 “*under the immigration laws (as defined in section*

1 *101(a)(17) of the Immigration and Nationality Act*
2 *(8 U.S.C. 1101(a)(17))) and who—*

3 *“(A)(i) was younger than 16 years of age*
4 *on the date on which the alien initially entered*
5 *the United States; and*

6 *“(i)(I) has earned a high school diploma,*
7 *the recognized equivalent of such diploma from a*
8 *secondary school, or a high school equivalency di-*
9 *ploma in the United States, or is scheduled to*
10 *complete the requirements for such a diploma or*
11 *equivalent before the next academic year begins;*

12 *“(II) is enrolled in an institution of higher*
13 *education pursuant to subsection (d); or*

14 *“(III) has served in the uniformed services,*
15 *as defined in section 101 of title 10, United*
16 *States Code, for not less than 4 years and, if dis-*
17 *charged, received an honorable discharge; or*

18 *“(B) would have been eligible, if the memo-*
19 *randum were fully in effect since the date issued,*
20 *for a grant of deferred action pursuant to the di-*
21 *rective in the November 20, 2014, memorandum*
22 *from the Secretary of Homeland Security enti-*
23 *tled ‘Exercising Prosecutorial Discretion with*
24 *Respect to Individuals Who Came to the United*
25 *States as Children and with Respect to Certain*

1 *Individuals Who Are the Parents of U.S. Citi-*
2 *zens or Permanent Residents’ to establish a proc-*
3 *ess for exercising prosecutorial discretion through*
4 *the use of deferred action for individuals who,*
5 *among other qualifications, had a son or daugh-*
6 *ter who was a United States citizen or lawful*
7 *permanent resident on such date.*

8 “(2) *HARDSHIP EXCEPTION.*—*The Secretary*
9 *shall issue regulations that direct when the Depart-*
10 *ment shall waive the age requirement of paragraph*
11 *(1)(A)(i) for an individual to qualify as a Dreamer*
12 *student under paragraph (1), if the individual dem-*
13 *onstrates, through documentation presented to the*
14 *Secretary of substantial economic or personal hard-*
15 *ship, that deprivation of the requested benefit under*
16 *this title would represent a substantial hardship.”.*

17 *(e) REPEAL OF SUSPENSION OF FINANCIAL AID ELIGI-*
18 *BILITY FOR DRUG-RELATED OFFENSES.*—*Subsection (r) of*
19 *section 484 of the Higher Education Act of 1965 (20 U.S.C.*
20 *1091(r)) is repealed.*

21 *(f) CONFORMING AMENDMENTS.*—*The Higher Edu-*
22 *cation Act of 1965 (20 U.S.C. 1001 et seq.) is amended—*
23 *(1) in section 102(a)(2)(A)(i)(I)(aa), by striking*
24 *“484(a)(5)” and inserting “484(a)(2)”;*

1 (2) in section 419N(b)(7)(B)(ii), by striking
2 “484(a)(5)” and inserting “484(a)(2)”;

3 (3) in section 484(c), by striking “subsection
4 (a)(2)” each place it appears and inserting “sub-
5 section (a)(1)(B)”;

6 (4) in section 484(g)—

7 (A) by striking “subsection (a)(5)” and in-
8 serting “subsection (a)(2)”; and

9 (B) by striking “Immigration and Natu-
10 ralization Service” each place it appears in
11 paragraph (4)(B)(i) and inserting “Department
12 of Homeland Security”;

13 (5) in section 484(h), by striking “Immigration
14 and Naturalization Service” each place it appears
15 and inserting “Department of Homeland Security”;

16 (6) in section 484(o), as so redesignated, by
17 striking “subsection (a)(4)” and inserting “subsection
18 (a)(1)(D)”;

19 (7) in section 485(a)(1)(K), by striking
20 “484(a)(2)” and inserting “484(a)(1)(B)”.

21 **SEC. 4605. REASONABLE COLLECTION COSTS ON DE-**
22 **FAULTED LOANS.**

23 Section 484A(b)(1) of the Higher Education Act of
24 1965 (20 U.S.C. 1091a(b)(1)) is amended by striking “col-
25 lection costs;” and inserting “collection costs that—

1 “(A) for purposes of the first collection ef-
2 forts, do not exceed 5 percent of the outstanding
3 principal and interest on such loan;

4 “(B) for purposes of the second collection ef-
5 forts, do not exceed 10 percent of the outstanding
6 balance of principal and interest on such loan;

7 “(C) for purposes of the third collection ef-
8 forts, do not exceed 15 percent of the outstanding
9 balance of principal and interest on such loan;
10 and

11 “(D) for purposes of the fourth collection ef-
12 forts and any succeeding collection efforts, do not
13 exceed 20 percent of the outstanding balance of
14 principal and interest on such loan;”.

15 **SEC. 4606. STUDENT ELIGIBILITY INFORMATION FOR NU-**
16 **TRITION ASSISTANCE PROGRAMS.**

17 (a) *INFORMATION DISSEMINATION ACTIVITIES.*—Sec-
18 *tion 485(a)(1) of the Higher Education Act of 1965 (20*
19 *U.S.C. 1092(a)(1)) is amended—*

20 (1) *in subparagraph (U), by striking the “and”*
21 *at the end;*

22 (2) *in subparagraph (V), by striking the period*
23 *at the end and inserting a semicolon; and*

24 (3) *by adding at the end the following:*

1 “(W) the most recent relevant student eligi-
2 bility guidance with respect to the nutrition as-
3 sistance programs established under—

4 “(i) the supplemental nutrition assist-
5 ance program under the Food and Nutri-
6 tion Act of 2008 (7 U.S.C. 2011 et seq.);
7 and

8 “(ii) the special supplemental nutri-
9 tion program for women, infants, and chil-
10 dren established by section 17 of the Child
11 Nutrition Act of 1966 (42 U.S.C. 1786);

12 “(X) the contact information for the State
13 agencies responsible for administration of the
14 programs specified in clauses (i) and (ii) of sub-
15 paragraph (W); and

16 “(Y) the food pantries and other food assist-
17 ance facilities and services available to students
18 enrolled in such institution.”.

19 (b) COLLEGE NAVIGATOR WEBSITE.—Not later than
20 30 days after the date of the enactment of this Act, the Sec-
21 retary of Education shall make available and annually up-
22 date on the College Navigator Website the most recent rel-
23 evant student eligibility guidance with respect to the nutri-
24 tion assistance programs established under—

1 (1) *the supplemental nutrition assistance pro-*
2 *gram under the Food and Nutrition Act of 2008 (7*
3 *U.S.C. 2011 et seq.); and*

4 (2) *the special supplemental nutrition program*
5 *for women, infants, and children established by sec-*
6 *tion 17 of the Child Nutrition Act of 1966 (42 U.S.C.*
7 *1786).*

8 **SEC. 4607. EXIT COUNSELING.**

9 (a) *AMENDMENTS TO EXIT COUNSELING FOR BOR-*
10 *ROWERS.—Section 485(b) of the Higher Education Act of*
11 *1965 (20 U.S.C. 1092(b)) is amended—*

12 (1) *in paragraph (1)(A)—*

13 (A) *in the matter preceding clause (i), strik-*
14 *ing “through financial aid offices or otherwise”*
15 *and inserting “through the use of an interactive*
16 *program, during an exit counseling session that*
17 *is in-person or online, or through the use of the*
18 *online counseling tool described in subsection*
19 *(n)(1)(A)”;*

20 (B) *by redesignating clauses (i) through (ix)*
21 *as clauses (iv) through (xii), respectively;*

22 (C) *by inserting before clause (iv), as so re-*
23 *designated, the following:*

1 “(i) a summary of the outstanding balance of
2 principal and interest due on the loans made to the
3 borrower under part B, D, or E;

4 “(ii) an explanation of the grace period pre-
5 ceding repayment and the expected date that the bor-
6 rower will enter repayment;

7 “(iii) an explanation that the borrower has the
8 option to pay any interest that has accrued while the
9 borrower was in school or that may accrue during the
10 grace period preceding repayment or during an au-
11 thorized period of deferment, prior to the capitaliza-
12 tion of the interest;”;

13 (D) in clause (iv), as so redesignated—

14 (i) by striking “sample information
15 showing the average” and inserting “infor-
16 mation, based on the borrower’s outstanding
17 balance described in clause (i), showing the
18 borrower’s”; and

19 (ii) by striking “of each plan” and in-
20 serting “of at least the fixed repayment
21 plan described in section 493E, the income-
22 based repayment plan under section
23 493C(f), and any other repayment plan for
24 which each loan may be eligible”;

25 (E) in clause (ix), as so redesignated—

1 (i) by inserting “decreased credit
2 score,” after “credit reports,”; and

3 (ii) by inserting “reduced ability to
4 rent or purchase a home or car, potential
5 difficulty in securing employment,” after
6 “Federal law,”;

7 (F) in clause (x), as so redesignated, by
8 striking “consolidation loan under section 428C
9 or a”;

10 (G) in clauses (xi) and (xii), as so redesign-
11 ated, by striking “and” at the end; and

12 (H) by adding at the end the following:

13 “(xiii) for each of the borrower’s loans made
14 under part B, D, or E for which the borrower is re-
15 ceiving counseling under this subsection, the contact
16 information for the loan servicer of the loan and a
17 link to such servicer’s website;

18 “(xiv) an explanation that an individual has a
19 right to annually request a disclosure of information
20 collected by a consumer reporting agency pursuant to
21 section 612(a) of the Fair Credit Reporting Act (15
22 U.S.C. 1681j(a)); and

23 “(xv) an explanation that—

1 “(I) the borrower may be contacted during
2 the repayment period by third-party student debt
3 relief companies;

4 “(II) the borrower should use caution when
5 dealing with those companies; and

6 “(III) the services that those companies
7 typically provide are already offered to bor-
8 rowers free of charge through the Department or
9 the borrower’s servicer.”;

10 (2) in paragraph (1)(B)—

11 (A) by inserting “online or” before “in
12 writing”; and

13 (B) by adding before the period at the end
14 the following: “, except that in the case of an in-
15 stitution using the online counseling tool de-
16 scribed in subsection (n)(1)(A), the Secretary
17 shall attempt to provide such information to the
18 student in the manner described in subsection
19 (n)(3)(C)”;

20 (3) in paragraph (2)(C), by inserting “, such as
21 the online counseling tool described in subsection
22 (n)(1)(A),” after “electronic means”.

23 (b) *CONFORMING AMENDMENT.*—Section 485(d)(1) of
24 the Higher Education Act of 1965 (20 U.S.C. 1092(d)(1))
25 is amended by striking “including income-sensitive” and

1 *all that follows through “part D” and inserting “including,*
2 *beginning on July 1, 2021, the income-based repayment*
3 *plan under section 493C(f) and the fixed repayment plan*
4 *described in section 493E”.*

5 **SEC. 4608. CLERY ACT AMENDMENTS.**

6 *(a) DISCLOSURE OF CAMPUS SECURITY POLICY AND*
7 *CAMPUS CRIME STATISTICS.—Section 485(f) of the Higher*
8 *Education Act of 1965 (20 U.S.C. 1092(f)) is amended—*

9 *(1) in paragraph (1)—*

10 *(A) in the matter preceding subparagraph*
11 *(A), by inserting “(including on a prominent lo-*
12 *cation on the institution’s website)” after “pub-*
13 *lish”;*

14 *(B) in subparagraph (E), strike “crimes.”*
15 *and insert “crimes, including a statement of cur-*
16 *rent campus policies regarding required back-*
17 *ground checks for employees and volunteers*
18 *working with student athletes, children, or youth*
19 *participating in university-sponsored programs*
20 *held in campus facilities.”; and*

21 *(C) in subparagraph (F)—*

22 *(i) in clause (i), by striking “and” at*
23 *the end;*

24 *(ii) in clause (ii), by striking “and” at*
25 *the end;*

1 (iii) in clause (iii), by striking the pe-
2 riod at the end and inserting “;”; and

3 (iv) by adding at the end the following:

4 “(iv) of harassment incidents that were
5 reported to campus security authorities or
6 local police agencies; and

7 “(v) of hazing incidents that were re-
8 ported to campus security authorities or
9 local police agencies.”; and

10 (D) by adding at the end the following:

11 “(K)(i) Each finding by the institution that,
12 during the most recent calendar year, and during the
13 2 preceding calendar years for which data are avail-
14 able, a student organization committed a violation of
15 the institution’s standards of conduct relating to haz-
16 ing, which—

17 “(I) shall include—

18 “(aa) the name of the student organi-
19 zation that committed the violation;

20 “(bb) a general description of the ac-
21 tivities that led to the violation, the charges,
22 such findings by the institution, and the
23 sanctions placed on the organization; and

24 “(cc) the dates on which—

1 “(AA) the violation was alleged to
2 have occurred;

3 “(BB) the student organization
4 was charged with misconduct;

5 “(CC) the investigation was initi-
6 ated; and

7 “(DD) the investigation ended
8 with a finding that a violation oc-
9 curred; and

10 “(II) may not include—

11 “(aa) any information related to alle-
12 gations or investigations of hazing that do
13 not result in a formal finding of a violation
14 of the standards of conduct of the institu-
15 tion; or

16 “(bb) any personally identifiable infor-
17 mation on any individual student or mem-
18 ber of a student organization.

19 “(ii) The anti-hazing policies (including the
20 standards of conduct with respect to hazing) of the in-
21 stitution, and the changes, if any, that have been
22 made in the preceding calendar year with respect to
23 such policies, and the justification for such changes.

24 “(iii) In the case of an allegation that a multi-
25 institution student organization was involved in a

1 *hazing incident, each institution at which the stu-*
2 *dents involved in such allegation are enrolled (or were*
3 *formerly enrolled), including any student who was a*
4 *victim in the alleged incident, shall comply with the*
5 *requirements of this subparagraph.”;*

6 *(2) in paragraph (6)(A), by adding at the end*
7 *the following:*

8 *“(vi) For purposes of reporting under this sec-*
9 *tion, the term ‘harassment’—*

10 *“(I) means unwelcome conduct, of a hostile,*
11 *intimidating, or offensive nature, based on a stu-*
12 *dent’s actual or perceived race, color, religion,*
13 *sex (including sexual orientation, gender iden-*
14 *tity, pregnancy, childbirth, a medical condition*
15 *related to pregnancy or childbirth, and sex*
16 *stereotype), disability, or national origin, that*
17 *unreasonably interferes with a student’s ability*
18 *to participate in a program or activity at an in-*
19 *stitution of higher education, including by cre-*
20 *ating an intimidating, hostile, or offensive envi-*
21 *ronment;*

22 *“(II) is not limited to physical acts, and in-*
23 *cludes conduct that is verbal or nonverbal, direct*
24 *or indirect, undertaken in whole or in part*
25 *through the use of electronic messaging services,*

1 *commercial mobile services, electronic commu-*
2 *nications, or other technology, or the placement*
3 *or display of hostile or offensive images or objects*
4 *based on a protected trait; and*

5 “(III) *includes sexual harassment, which is*
6 *unwelcome conduct of a sexual nature, includ-*
7 *ing—*

8 “(aa) *a sexual advance;*

9 “(bb) *a request for sexual favors;*

10 “(cc) *a sexual act, where such submis-*
11 *sion is made either explicitly or implicitly*
12 *a term or condition of a program or activ-*
13 *ity at an institution of higher education, re-*
14 *gardless of a student’s submission to or re-*
15 *jection of such sexual act;*

16 “(dd) *a sexual act, where such submis-*
17 *sion or rejection is used as the basis for a*
18 *decision affecting a term or condition of a*
19 *program or activity at an institution of*
20 *higher education, regardless of a student’s*
21 *submission to or rejection of such sexual act;*

22 *or*

23 “(ee) *other conduct of a sexual nature.*

24 “(vii) *The term ‘hazing’ means any intentional,*
25 *knowing, or reckless act committed by a student, or*

1 *a former student, of an institution of higher edu-*
2 *cation, whether individually or in concert with other*
3 *persons, against another student, that—*

4 *“(I) was committed in connection with an*
5 *initiation into, an affiliation with, or the main-*
6 *tenance of membership in, any student organiza-*
7 *tion; and*

8 *“(II) causes, or contributes to a substantial*
9 *risk of, physical injury, mental harm, or per-*
10 *sonal degradation.*

11 *“(viii) The term ‘commercial mobile service’ has*
12 *the meaning given the term in section 332(d) of the*
13 *Communications Act of 1934 (47 U.S.C. 332(d)).*

14 *“(ix) The term ‘electronic communication’ means*
15 *any transfer of signs, signals, writing, images,*
16 *sounds, or data of any nature transmitted in whole*
17 *or in part by a wire, radio, electromagnetic,*
18 *photoelectronic, or photooptical system.*

19 *“(x) The term ‘electronic messaging services’ has*
20 *the meaning given the term in section 102 of the*
21 *Communications Assistance for Law Enforcement Act*
22 *(47 U.S.C. 1001).*

23 *“(xi) The term ‘multi-institution student organi-*
24 *zation’ means a student organization that includes*
25 *students from more than one institution of higher*

1 *education, including city-wide, regional, State, and*
2 *national chapters of student organizations.*

3 *“(xii) The term ‘student organization’ means an*
4 *organization that is officially recognized by or other-*
5 *wise affiliated with an institution of higher education*
6 *and that has a membership that is made up pri-*
7 *marily of students enrolled at such institution.”;*

8 *(3) in paragraph (7), by inserting after the sec-*
9 *ond sentence the following: “For harassment inci-*
10 *dents, such statistics shall be compiled in accordance*
11 *with the definition of that term in paragraph*
12 *(6)(A)(vi). For hazing incidents, such statistics shall*
13 *be compiled in accordance with the definition of that*
14 *term in paragraph (6)(A)(vii).”;* and

15 *(4) in paragraph (8)—*

16 *(A) by adding “sexual harassment,” after*
17 *“sexual assault,” each place it appears;*

18 *(B) in subparagraph (B) in subclause*
19 *(iv)(I)(bb) by striking “an investigation” and*
20 *inserting “a trauma-informed investigation”;*
21 *and*

22 *(C) by adding at the end the following:*

23 *“(viii) Written notification of victims*
24 *about institutional policies regarding the*
25 *reimbursement of lost tuition and costs as-*

1 *sociated with student loan interest accrual*
2 *related to domestic violence, dating violence,*
3 *sexual assault, sexual harassment, or stalk-*
4 *ing incidents.”.*

5 **(b) STATEMENT OF POLICY REGARDING HARASS-**
6 *MENT.—Section 485(f) of the Higher Education Act of 1965*
7 *(20 U.S.C. 1092(f)) is further amended—*

8 *(1) by redesignating paragraphs (9) through (18)*
9 *as paragraphs (10) through (19), respectively; and*

10 *(2) by inserting after paragraph (8) the fol-*
11 *lowing:*

12 *“(9)(A) Each institution of higher education partici-*
13 *pating in any program under this title, other than a foreign*
14 *institution of higher education, shall, as part of the report*
15 *described in paragraph (1)—*

16 *“(i) develop and distribute a statement of policy*
17 *regarding harassment, which shall include—*

18 *“(I) a prohibition of harassment, including*
19 *harassment of enrolled students by other stu-*
20 *dents, faculty, and staff—*

21 *“(aa) on campus;*

22 *“(bb) in or on a noncampus building*
23 *or property;*

24 *“(cc) on public property;*

1 “(dd) in dormitories or other residen-
2 tial facilities for students on campus;

3 “(ee) through the use of electronic mail
4 addresses issued by the institution of higher
5 education;

6 “(ff) through the use of computers and
7 communication networks, including any
8 telecommunications service, owned, oper-
9 ated, or contracted for use by the institution
10 of higher education or its agents; and

11 “(gg) during an activity sponsored by
12 the institution of higher education or car-
13 ried out with the use of resources provided
14 by the institution of higher education;

15 “(II) a prohibition of such harassment that
16 is carried out in whole or in part through the
17 use of electronic messaging services, commercial
18 mobile services, electronic communications, or
19 other technology;

20 “(III) a description of the institution’s pro-
21 grams to combat harassment, which shall be
22 aimed at the prevention of harassment;

23 “(IV) a description of the procedures that a
24 student should follow if an incident of harass-
25 ment occurs; and

1 “(V) a description of the procedures that the
2 institution will follow once an incident of har-
3 assment has been reported, including a statement
4 of the standard of evidence that will be used dur-
5 ing any institutional conduct proceeding arising
6 from such a report; and

7 “(ii) provide, on a prominent location on the in-
8 stitution’s website, a link to the webpage that con-
9 tains the information required under paragraph
10 (1)(K), including statement notifying the public—

11 “(I) of the availability of such information,
12 including findings, sanctions, and the implemen-
13 tation of sanctions, except information protected
14 under section 444 of the General Education Pro-
15 visions Act (commonly known as the ‘Family
16 Education Rights and Privacy Act of 1974’);

17 “(II) a description of how a member of the
18 public may obtain such information; and

19 “(III) a statement that the institution is re-
20 quired to provide such information pursuant to
21 paragraph (1)(K).

22 “(B) The statement of policy described in subpara-
23 graph (A)(i) shall address the following areas:

24 “(i) Procedures for timely institutional action in
25 cases of alleged harassment, which shall include a

1 *clear statement that the accuser and the accused shall*
2 *be informed of the outcome of any disciplinary pro-*
3 *ceedings in response to an allegation of harassment.*

4 “(ii) *Possible sanctions to be imposed following*
5 *the final determination of an institutional discipli-*
6 *nary procedure regarding harassment.*”

7 “(iii) *Notification of existing counseling, mental*
8 *health, or student services for victims or perpetrators*
9 *of harassment, both on campus and in the commu-*
10 *nity.*”

11 “(iv) *Identification of a designated employee or*
12 *office at the institution that will be responsible for re-*
13 *ceiving and tracking each report of harassment.*”.

14 (c) *CIVIL PENALTIES.*—Section 485(f) of the *Higher*
15 *Education Act of 1965 (20 U.S.C. 1092(f)) is further*
16 *amended—*

17 (1) *in paragraph (14), as redesignated by sub-*
18 *section (b)—*

19 (A) *by striking “in the same amount and”;*
20 *and*

21 (B) *by inserting before the period at the end*
22 *the following: “, except that such section shall be*
23 *applied by substituting ‘\$100,000’ for*
24 *‘\$60,000’”; and*

1 (2) *in paragraph (17), as redesignated by sub-*
2 *section (b), by adding “sexual harassment,” after*
3 *“sexual assault,”.*

4 **SEC. 4609. ONLINE SURVEY TOOL FOR CAMPUS SAFETY.**

5 *Section 485(f) of the Higher Education Act of 1965*
6 *(20 U.S.C. 1092) is further amended—*

7 (1) *by redesignating paragraphs (18) and (19)*
8 *as so redesignated as paragraphs (19) and (20), re-*
9 *spectively; and*

10 (2) *by inserting after paragraph (17) the fol-*
11 *lowing:*

12 “(18) **ONLINE SURVEY TOOL FOR CAMPUS SAFE-**
13 **TY.—**

14 “(A) **IN GENERAL.—***The Secretary shall, in*
15 *consultation with the Attorney General, Director*
16 *of the Centers for Disease Control, and the Sec-*
17 *retary of the Department of Health and Human*
18 *Services and experts in domestic violence, dating*
19 *violence, sexual assault, sexual harassment, and*
20 *stalking, develop, design, and make available*
21 *through a secure and accessible online portal, a*
22 *standardized online survey tool regarding stu-*
23 *dent experiences with domestic violence, dating*
24 *violence, sexual assault, sexual harassment, and*
25 *stalking.*

1 “(B) *DEVELOPMENT OF SURVEY TOOL.*—*In*
2 *developing the survey tool required under sub-*
3 *paragraph (A), the Secretary shall—*

4 “(i) *use best practices from peer-re-*
5 *viewed research measuring domestic vio-*
6 *lence, dating violence, sexual assault, sexual*
7 *harassment, and stalking;*

8 “(ii) *consult with the higher education*
9 *community, experts in survey research re-*
10 *lated to domestic violence, dating violence,*
11 *sexual assault, sexual harassment, and*
12 *stalking, and organizations engaged in the*
13 *prevention of and response to, and advocacy*
14 *on behalf of victims of, domestic violence,*
15 *dating violence, sexual assault, sexual har-*
16 *assment, and stalking regarding the devel-*
17 *opment and design of such survey tool and*
18 *the methodology for administration of such*
19 *survey tool; and*

20 “(iii) *ensure that the survey tool is*
21 *readily accessible to and usable by individ-*
22 *uals with disabilities.*

23 “(C) *ELEMENTS.*—

24 “(i) *IN GENERAL.*—*The survey tool de-*
25 *veloped pursuant to this paragraph shall be*

1 *fair and unbiased, scientifically valid and*
2 *reliable, and meet the highest standards of*
3 *survey research.*

4 “(ii) *SURVEY QUESTIONS.—Survey*
5 *questions included in the survey tool devel-*
6 *oped pursuant to this paragraph shall—*

7 “(I) *be designed to gather infor-*
8 *mation on student experiences with do-*
9 *mestic violence, dating violence, sexual*
10 *assault, sexual harassment, and stalk-*
11 *ing, including the experiences of vic-*
12 *tims of such incidents;*

13 “(II) *use trauma-informed lan-*
14 *guage to prevent retraumatization; and*

15 “(III) *include the following:*

16 “(aa) *Questions designed to*
17 *determine the incidence and prev-*
18 *alence of domestic violence, dating*
19 *violence, sexual assault, sexual*
20 *harassment, and stalking.*

21 “(bb) *Questions regarding*
22 *whether students know about in-*
23 *stitutional policies and procedures*
24 *related to domestic violence, dat-*

1 *ing violence, sexual assault, sexual*
2 *harassment, and stalking.*

3 “(cc) Questions designed to
4 *determine, if victims reported do-*
5 *mestic violence, dating violence,*
6 *sexual assault, sexual harassment,*
7 *or stalking—*

8 “(AA) to whom the inci-
9 *dent was reported and what*
10 *response the victim may have*
11 *received;*

12 “(BB) whether the vic-
13 *tim was informed of, or re-*
14 *ferred to, national, State,*
15 *local, or on-campus re-*
16 *sources; and*

17 “(CC) whether the entity
18 *to whom the victim reported*
19 *the incident conducted an in-*
20 *vestigation and the duration*
21 *and final resolution of such*
22 *an investigation.*

23 “(dd) Questions regarding
24 *contextual factors, such as whether*

1 *force, incapacitation, or coercion*
2 *was involved.*

3 “(ee) *Questions to determine*
4 *whether an accused individual*
5 *was a student at the institution.*

6 “(ff) *Questions to determine*
7 *whether a victim reported an inci-*
8 *dent to State, local, or campus*
9 *law enforcement.*

10 “(gg) *Questions to determine*
11 *why the victim chose to report or*
12 *not report an incident to the in-*
13 *stitution or State, local, or cam-*
14 *pus law enforcement.*

15 “(hh) *Questions to determine*
16 *the impact of domestic violence,*
17 *dating violence, sexual assault,*
18 *sexual harassment, and stalking*
19 *on the victim’s education, includ-*
20 *ing diminished grades, dropped*
21 *classes, leaves of absence, and neg-*
22 *ative financial consequences (such*
23 *as costs associated with loss in*
24 *paid tuition due to leaves of ab-*
25 *sence, loss in scholarship awards*

1 due to diminished grades, and
2 cost associated with counseling,
3 medical services, or housing
4 changes).

5 “(i) Questions to determine
6 the impact and effectiveness of
7 prevention and awareness pro-
8 grams and complaints processes.

9 “(j) Questions to determine
10 attitudes toward sexual violence
11 and harassment, including the
12 willingness of individuals to in-
13 tervene as a bystander of sex-
14 based (including sexual orienta-
15 tion-based and gender identity-
16 based), race-based, national ori-
17 gin-based, and disability-based
18 discrimination, harassment, as-
19 sault, domestic violence, dating vi-
20 olence, sexual assault, sexual har-
21 assment, and stalking.

22 “(k) Other questions, as de-
23 termined by the Secretary.

24 “(iii) *ADDITIONAL ELEMENTS.*—In ad-
25 dition to the standardized questions devel-

1 *oped by the Secretary under clause (ii), an*
2 *institution may request additional informa-*
3 *tion from students that would increase the*
4 *understanding of the institution of school*
5 *climate factors unique to their campuses.*

6 *“(iv) RESPONSES.—The responses to*
7 *the survey questions described in clause (ii)*
8 *shall—*

9 *“(I) be submitted confidentially;*

10 *“(II) not be included in crime*
11 *statistics; and*

12 *“(III) in the case of such re-*
13 *sponses being included in a report,*
14 *shall not include personally identifi-*
15 *able information.*

16 *“(D) ADMINISTRATION OF SURVEY.—*

17 *“(i) FEDERAL ADMINISTRATION.—The*
18 *Secretary, in consultation with the Attorney*
19 *General, Director of the Centers for Disease*
20 *Control, and Secretary of the Department of*
21 *Health and Human Services, shall develop*
22 *a mechanism by which institutions of high-*
23 *er education may, with respect to the survey*
24 *tool developed pursuant to this paragraph—*

1 “(I) administer such survey tool;
2 and

3 “(II) modify such survey tool to
4 include additional elements or require-
5 ments, as determined by the institu-
6 tion.

7 “(ii) COSTS.—The Secretary may not
8 require an institution of higher education to
9 pay to modify the survey tool in accordance
10 with clause (i)(II).

11 “(iii) ACCESSIBILITY.—The Secretary
12 shall ensure that the survey tool is adminis-
13 tered in such a way as to be readily acces-
14 sible to and usable by individuals with dis-
15 abilities.

16 “(iv) INSTITUTIONAL ADMINISTRA-
17 TION.—Beginning not later than one year
18 after the date on which the Secretary makes
19 available to institutions the mechanism de-
20 scribed in clause (i), and every 2 years
21 thereafter, each institution shall administer
22 the survey tool developed pursuant to this
23 paragraph.

24 “(E) COMPLETED SURVEYS.—The Secretary
25 shall require each institution participating in

1 any program under this title to ensure, to the
2 maximum extent practicable, that an adequate,
3 random, and representative sample size of stu-
4 dents (as determined by the Secretary) enrolled
5 at the institution complete the survey tool devel-
6 oped pursuant to this paragraph.

7 “(F) *REPORT.*—Beginning not later than 2
8 years after the date of enactment of the College
9 Affordability Act, the Secretary shall prepare a
10 biennial report on the information gained from
11 the standardized elements of the survey under
12 this paragraph and publish such report in an
13 accessible format on the website of the Depart-
14 ment and submit such report to Congress. The
15 report shall include campus-level data for each
16 school and attributed by name of each campus in
17 a manner that permits comparisons across
18 schools and campuses.

19 “(G) *PUBLICATION.*—Each institution shall
20 publish, in a manner that is readily accessible
21 and usable by individuals, including individuals
22 with disabilities—

23 “(i) the campus-level results of the
24 standardized elements of the survey under
25 this paragraph on the website of the institu-

1 tion and in the annual security report re-
2 quired under paragraph 1 for the campuses
3 affiliated with the institution; and

4 “(ii) the campus-level results of the ad-
5 ditional elements modifying the survey by
6 the institution, if any, on the website of the
7 institution.

8 “(H) VIOLATION.—Upon a determination
9 pursuant to section 487(c)(3)(B) that an institu-
10 tion of higher education has violated or failed to
11 carry out any provision under this subsection,
12 the Secretary shall impose a civil penalty upon
13 the institution in the same amount and pursu-
14 ant to the same procedures as a civil penalty is
15 imposed under section 487(c)(3)(B).”.

16 **SEC. 4610. TRANSFER OF CREDIT POLICIES.**

17 Section 485(h)(1) of the Higher Education Act of 1965
18 (20 U.S.C. 1092(h)(1)) is amended—

19 (1) in the matter preceding subparagraph (A)—

20 (A) by inserting “on the website of the insti-
21 tution and in at least one other relevant publica-
22 tion (such as a course catalogue)” after “publicly
23 disclose”; and

24 (B) by inserting “, easy to find,” after
25 “readable”; and

1 (2) *in subparagraph (B), by striking the period*
2 *at the end and inserting the following: “, including*
3 *a link to the website of each institution of higher edu-*
4 *cation on such list and a link to or an explanation*
5 *of the provisions of each such articulation agreement;*
6 *and”;* and

7 (3) *by adding at the end the following:*

8 *“(C) a list of transfer-related resources and*
9 *information not otherwise provided under sub-*
10 *paragraphs (A) and (B) that the institution pro-*
11 *vides (such as deadlines, financial aid informa-*
12 *tion, and relevant staff contact information).”.*

13 **SEC. 4611. AMENDMENTS TO INSTITUTIONAL AND FINAN-**
14 **CIAL ASSISTANCE.**

15 (a) *NOTICE TO STUDENTS CONCERNING DRUG VIOLA-*
16 *TIONS.—Subsection (k) of section 485 (20 U.S.C. 1092) is*
17 *repealed.*

18 (b) *LIAISON FOR HOMELESS INDIVIDUALS AND FOS-*
19 *TER CARE YOUTH.—Section 485 of the Higher Education*
20 *Act of 1965 (20 U.S.C. 1092) is amended by inserting after*
21 *subsection (j) the following:*

22 *“(k) Each institution of higher education partici-*
23 *pating in any program under this title shall—*

24 *“(1) have designated an appropriate staff person*
25 *as a liaison to assist homeless individuals described*

1 *in section 725 of the McKinney-Vento Homeless As-*
2 *stance Act (42 U.S.C. 11434a) and foster care youth*
3 *in accessing and completing postsecondary education,*
4 *including by ensuring that such homeless individuals*
5 *and foster care youth are connected to applicable and*
6 *available student support services, programs, and*
7 *community resources in areas such as financial aid,*
8 *academic advising, housing, food, public benefits,*
9 *health care, health insurance, mental health, child*
10 *care, transportation benefits, and mentoring;*

11 *“(2) post public notice about student financial*
12 *assistance and other assistance available to such*
13 *homeless individuals and foster care youth, including*
14 *their eligibility as independent students under sub-*
15 *paragraphs (B) and (H) of sections 480(d)(1);*

16 *“(3) give priority for any institutionally owned*
17 *or operated housing facilities, including student hous-*
18 *ing facilities that remain open for occupation during*
19 *school breaks or on a year-round basis, to—*

20 *“(A) homeless individuals described in sec-*
21 *tion 725 of the McKinney-Vento Homeless Assist-*
22 *ance Act (42 U.S.C. 11434a);*

23 *“(B) youth who are unaccompanied, at risk*
24 *of homelessness, and self-supporting; and*

25 *“(C) foster care youth;*

1 “(4) have developed a plan for how such homeless
2 individuals, youth who are unaccompanied, at risk of
3 homelessness, and self-supporting, and foster care
4 youth can access housing resources during and be-
5 tween academic terms, through means that may in-
6 clude access to institutionally owned or operated
7 housing during breaks and a list of housing resources
8 in the community that provide short-term housing;
9 and

10 “(5) include, in its application for admission,
11 questions (to be answered voluntarily) regarding the
12 applicant’s status as a homeless individual or foster
13 care youth, that—

14 “(A) can be answered by the applicant vol-
15 untarily for the limited purpose of being pro-
16 vided information about financial aid or any
17 other available assistance;

18 “(B) explain the key terms in the question
19 in a manner children and youth can understand
20 in order to self-identify and declare eligibility as
21 a homeless individual or foster care youth; and

22 “(C) with consent of the applicant, may be
23 shared with the liaison after admission but prior
24 to the beginning of the next academic term.”.

1 (c) *ANNUAL FINANCIAL AID COUNSELING.*—Section
2 485(l) of the Higher Education Act of 1965 (20 U.S.C.
3 1092(l)) is amended to read as follows:

4 “(l) *ANNUAL FINANCIAL AID COUNSELING.*—

5 “(1) *ANNUAL DISCLOSURE REQUIRED.*—

6 “(A) *IN GENERAL.*—Each eligible institu-
7 tion shall ensure that each individual who re-
8 ceives a loan made under part D (other than a
9 Federal Direct Consolidation Loan or a loan
10 made under section 460A and 460B) receives
11 comprehensive information on the terms and
12 conditions of such loan and the responsibilities
13 the individual has with respect to such loan.
14 Such information shall be provided, for each
15 award year for which the individual receives
16 such loan, in a simple and understandable man-
17 ner—

18 “(i) during a counseling session con-
19 ducted in person;

20 “(ii) online, with the individual ac-
21 knowledging receipt of the information; or

22 “(iii) through the use of the online
23 counseling tool described in subsection
24 (n)(1)(B).

1 “(B) *USE OF INTERACTIVE PROGRAMS.*—*In*
2 *the case of institutions not using the online*
3 *counseling tool described in subsection (n)(1)(B),*
4 *the Secretary shall require such institutions to*
5 *carry out the requirements of subparagraph (A)*
6 *through the use of interactive programs, during*
7 *an annual counseling session that is in-person or*
8 *online, that tests the individual’s understanding*
9 *of the terms and conditions of the loan awarded*
10 *to the individual, using simple and understand-*
11 *able language and clear formatting.*

12 “(2) *ALL INDIVIDUALS.*—*The information to be*
13 *provided under paragraph (1)(A) to each individual*
14 *receiving counseling under this subsection shall in-*
15 *clude the following:*

16 “(A) *An explanation of how the individual*
17 *may budget for typical educational expenses and*
18 *a sample budget based on the cost of attendance*
19 *for the institution.*

20 “(B) *An explanation that an individual has*
21 *a right to annually request a disclosure of infor-*
22 *mation collected by a consumer reporting agency*
23 *pursuant to section 612(a) of the Fair Credit Re-*
24 *porting Act (15 U.S.C. 1681j(a)).*

1 “(C) *An introduction to the financial man-*
2 *agement resources provided by the Consumer Fi-*
3 *ancial Protection Bureau.*

4 “(D) *An explanation of how the student*
5 *may seek additional financial assistance from*
6 *the institution’s financial aid office due to a*
7 *change in the student’s financial circumstances,*
8 *and the contact information for such office.*

9 “(3) *BORROWERS RECEIVING LOANS MADE*
10 *UNDER PART D (OTHER THAN PARENT PLUS*
11 *LOANS).—The information to be provided under para-*
12 *graph (1)(A) to a borrower of a loan made under part*
13 *D (other than a Federal Direct PLUS Loan made on*
14 *behalf of a dependent student) shall include the fol-*
15 *lowing:*

16 “(A) *A notification that some students may*
17 *qualify for other financial aid and an expla-*
18 *nation that the borrower should consider accept-*
19 *ing any grant, scholarship, or State or Federal*
20 *work-study jobs for which the borrower is eligible*
21 *prior to accepting student loans.*

22 “(B) *To the extent practicable, the effect of*
23 *accepting the loan to be disbursed on the eligi-*
24 *bility of the borrower for other forms of student*
25 *financial assistance.*

1 “(C) *An explanation of the use of the stu-*
2 *dent loan contract referred to in section*
3 *432(m)(1)(D).*

4 “(D) *An explanation that the borrower is*
5 *not required to accept the full amount of the loan*
6 *offered to the borrower.*

7 “(E) *An explanation of the approved edu-*
8 *cational expenses for which the borrower may use*
9 *a loan made under part D.*

10 “(F) *A recommendation to the borrower to*
11 *exhaust the borrower’s Federal student loan op-*
12 *tions prior to taking out private education loans,*
13 *an explanation that Federal student loans typi-*
14 *cally offer better terms and conditions than pri-*
15 *vate education loans, an explanation that Fed-*
16 *eral student loans offer consumer protections*
17 *typically not available in the private education*
18 *loan market, an explanation of treatment of*
19 *loans made under part D and private education*
20 *loans in bankruptcy, and an explanation that if*
21 *a borrower decides to take out a private edu-*
22 *cation loan—*

23 “(i) *the borrower has the ability to se-*
24 *lect a private educational lender of the bor-*
25 *rower’s choice;*

1 “(ii) *the proposed private education*
2 *loan may impact the borrower’s potential*
3 *eligibility for other financial assistance, in-*
4 *cluding Federal financial assistance under*
5 *this title; and*

6 “(iii) *the borrower has a right—*

7 “(I) *to accept the terms of the pri-*
8 *vate education loan within 30 calendar*
9 *days following the date on which the*
10 *application for such loan is approved*
11 *and the borrower receives the required*
12 *disclosure documents, pursuant to sec-*
13 *tion 128(e) of the Truth in Lending*
14 *Act (15 U.S.C. 1638(e)); and*

15 “(II) *to cancel such loan within 3*
16 *business days of the date on which the*
17 *loan is consummated, pursuant to sec-*
18 *tion 128(e)(7) of such Act (15 U.S.C.*
19 *1638(e)(7)).*

20 “(G) *The interest rate for the loan, as of the*
21 *date of the counseling.*

22 “(H) *Information on how interest accrues*
23 *and is capitalized during periods when the inter-*
24 *est is not paid by either the borrower or the Sec-*
25 *retary.*

1 “(I) *In the case of a Federal Direct PLUS*
2 *Loan or a Federal Direct Unsubsidized Stafford*
3 *Loan, the option of the borrower to pay the in-*
4 *terest while the borrower is in school.*

5 “(J) *The definition of half-time enrollment*
6 *at the institution, during regular terms and*
7 *summer school, if applicable, and the con-*
8 *sequences of not maintaining at least half-time*
9 *enrollment.*

10 “(K) *An explanation of the importance of*
11 *contacting the appropriate offices at the institu-*
12 *tion of higher education if the borrower with-*
13 *draws prior to completing the borrower’s pro-*
14 *gram of study so that the institution can provide*
15 *exit counseling, including information regarding*
16 *the borrower’s repayment options and loan con-*
17 *solidation.*

18 “(L) *The obligation of the borrower to repay*
19 *the full amount of the loan, regardless of whether*
20 *the borrower completes or does not complete the*
21 *program in which the borrower is enrolled with-*
22 *in the regular time for program completion.*

23 “(M) *The likely consequences of default on*
24 *the loan, including adverse credit reports, delin-*

1 *quent debt collection procedures under Federal*
2 *law, and litigation.*

3 *“(N) Notice of the institution’s most recent*
4 *adjusted cohort default rate (calculated in ac-*
5 *cordance with section 435(m)(1)(D)), an expla-*
6 *nation of the adjusted cohort default rate, the*
7 *most recent national average adjusted cohort de-*
8 *fault rate, and the most recent national average*
9 *adjusted cohort default rate for the category of*
10 *institution described in section 435(m)(4) to*
11 *which the institution belongs.*

12 *“(O) Information on the National Student*
13 *Loan Data System and how the borrower can*
14 *access the borrower’s records.*

15 *“(P) The contact information for the insti-*
16 *tution’s financial aid office or other appropriate*
17 *office at the institution the borrower may contact*
18 *if the borrower has any questions about the bor-*
19 *rower’s rights and responsibilities or the terms*
20 *and conditions of the loan.*

21 *“(Q) For a first-time borrower, in addition*
22 *to all the information described in subpara-*
23 *graphs (A) through (P)—*

1 “(i) a statement of the anticipated bal-
2 ance on the loan for which the borrower is
3 receiving counseling under this subsection;

4 “(ii) based on such anticipated bal-
5 ance, the anticipated monthly payment
6 amount under, at minimum—

7 “(I) the fixed repayment plan de-
8 scribed in section 493E; and

9 “(II) the income-based repayment
10 plan under section 493C(f), as deter-
11 mined using regionally available data
12 from the Bureau of Labor Statistics of
13 the average starting salary for the oc-
14 cupation in which the borrower has an
15 interest in or intends to be employed;

16 “(iii) an estimate of the projected
17 monthly payment amount under each re-
18 payment plan described in clause (ii), based
19 on the average cumulative indebtedness at
20 graduation for borrowers of loans made
21 under part D who are in the same program
22 of study as the borrower and the expected
23 increase in the cost of attendance of such
24 program; and

1 “(iv) information on the annual and
2 aggregate loan limits for Federal Direct
3 Stafford Loans and Federal Direct Unsub-
4 sidized Stafford Loans as it pertains to the
5 loan for which the borrower is receiving
6 counseling, and a statement that such ag-
7 gregate borrowing limit may change based
8 on the borrower’s student status (whether
9 undergraduate or graduate) or if there is a
10 change in the borrower’s dependency status.

11 “(R) For a borrower with an outstanding
12 balance of principal or interest due on a loan
13 made under this title, in addition to all the in-
14 formation described in subparagraphs (A)
15 through (P)—

16 “(i) information on each student loan
17 that the institution is aware that the stu-
18 dent has borrowed, including Federal loans,
19 private loans, and loans from the institu-
20 tion;

21 “(ii) the total amount of the out-
22 standing balance and interest accrued from
23 the Federal student loans described in
24 clause (i);

1 “(iii) for each Federal loan described
2 in clause (i), the interest rate for the loan,
3 as of the date of the counseling, and a state-
4 ment that the interest rate on student loans
5 may vary based on when the loan was bor-
6 rowed and other factors;

7 “(iv) based on such outstanding bal-
8 ance for the Federal student loans, the an-
9 ticipated monthly payment amount under
10 the fixed repayment plan described in sec-
11 tion 493E, the income-based repayment
12 plan under section 493C(f), and any other
13 repayment plan for which each loan may be
14 eligible, calculated using regionally avail-
15 able data from the Bureau of Labor Statis-
16 tics of the average starting salary for the oc-
17 cupation the borrower intends to be em-
18 ployed;

19 “(v) an estimate of the projected
20 monthly payment amount under each re-
21 payment plan described in clause (iv),
22 based on—

23 “(I) the outstanding balance de-
24 scribed in clause (ii);

1 “(II) the anticipated outstanding
2 balance on the loan for which the stu-
3 dent is receiving counseling under this
4 subsection; and

5 “(III) a projection for any other
6 loans made under part D that the bor-
7 rower is reasonably expected to accept
8 during the borrower’s program of study
9 based on at least the average cumu-
10 lative indebtedness at graduation for
11 borrowers of loans made under part D
12 who are in the same program of study
13 as the borrower and the expected in-
14 crease in the cost of attendance of such
15 program;

16 “(vi) a statement that the outstanding
17 balance described in clause (ii), the interest
18 rate described in clause (iii), and the
19 monthly amount described in clause (iv)
20 and clause (v) does not include any
21 amounts that the student may be required
22 to repay for private or institutional loans;
23 and

24 “(vii) the percentage of the total aggre-
25 gate borrowing limit that the student has

1 reached, as of the date of the counseling, for
2 *Federal Direct Stafford Loans and Federal*
3 *Direct Unsubsidized Stafford Loans, and a*
4 *statement that such aggregate borrowing*
5 *limit may change based on the borrower’s*
6 *student status (whether undergraduate or*
7 *graduate) or if there is a change in the bor-*
8 *rower’s dependency status.*

9 “(4) *BORROWERS RECEIVING PARENT PLUS*
10 *LOANS FOR DEPENDENT STUDENTS.—The information*
11 *to be provided under paragraph (1)(A) to a borrower*
12 *of a Federal Direct PLUS Loan made on behalf of a*
13 *dependent student shall include the following:*

14 “(A) *A notification that some students may*
15 *qualify for other financial aid and an expla-*
16 *nation that the student for whom the borrower is*
17 *taking out the loan should consider accepting*
18 *any grant, scholarship, or State or Federal work-*
19 *study jobs for which the borrower is eligible prior*
20 *to borrowing Parent PLUS Loans.*

21 “(B) *The information described in subpara-*
22 *graphs (B) through (D) and (L) through (O) of*
23 *paragraph (3).*

24 “(C) *The interest rate for the loan, as of the*
25 *date of the counseling.*

1 “(D) *The option of the borrower to pay the*
2 *interest on the loan while the loan is in*
3 *deferral.*

4 “(E) *Debt management strategies that are*
5 *designed to facilitate the repayment of such in-*
6 *debtedness.*

7 “(F) *An explanation that the borrower has*
8 *the options to prepay each loan, pay each loan*
9 *on a shorter schedule, and change repayment*
10 *plans.*

11 “(G) *For each Federal Direct PLUS Loan*
12 *made on behalf of a dependent student for which*
13 *the borrower is receiving counseling under this*
14 *subsection, the contact information for the loan*
15 *servicer of the loan and a link to such servicer’s*
16 *website.*

17 “(H) *For a first-time borrower of such*
18 *loan—*

19 “(i) *a statement of the anticipated bal-*
20 *ance on the loan for which the borrower is*
21 *receiving counseling under this subsection;*

22 “(ii) *based on such anticipated bal-*
23 *ance, the anticipated monthly payment*
24 *amount under the fixed repayment plan de-*
25 *scribed in section 493E, the income-based*

1 *repayment plan under section 493C(f), and*
2 *any other repayment plan for which each*
3 *loan may be eligible; and*

4 “(iii) *an estimate of the projected*
5 *monthly payment amount under the fixed*
6 *repayment plan described in section 493E,*
7 *the income-based repayment plan under sec-*
8 *tion 493C(f), and any other repayment plan*
9 *for which each loan may be eligible, based*
10 *on the average cumulative indebtedness of*
11 *other borrowers of Federal Direct PLUS*
12 *Loans made on behalf of dependent students*
13 *who are in the same program of study as*
14 *the student on whose behalf the borrower*
15 *borrowed the loan and the expected increase*
16 *in the cost of attendance of such program.*

17 “(I) *For a borrower with an outstanding*
18 *balance of principal or interest due on such*
19 *loan—*

20 “(i) *a statement of the amount of such*
21 *outstanding balance;*

22 “(ii) *based on such outstanding bal-*
23 *ance, the anticipated monthly payment*
24 *amount under the fixed repayment plan de-*
25 *scribed in section 493E, the income-based*

1 *repayment plan under section 493C(f), and*
2 *any other repayment plan for which each*
3 *loan may be eligible; and*

4 *“(iii) an estimate of the projected*
5 *monthly payment amount under the fixed*
6 *and income-based repayment plans, based*
7 *on—*

8 *“(I) the anticipated outstanding*
9 *balance on the loan for which the bor-*
10 *rower is receiving counseling under*
11 *this subsection; and*

12 *“(II) a projection for any other*
13 *Federal Direct PLUS Loan made on*
14 *behalf of the dependent student that the*
15 *borrower is reasonably expected to ac-*
16 *cept during the program of study of*
17 *such student based on at least the aver-*
18 *age cumulative indebtedness of other*
19 *borrowers of Federal Direct PLUS*
20 *Loans made on behalf of dependent*
21 *students who are in the same program*
22 *of study as the student on whose behalf*
23 *the borrower borrowed the loan and the*
24 *expected increase in the cost of attend-*
25 *ance of such program.*

1 “(5) *ANNUAL LOAN ACCEPTANCE.*—Prior to mak-
2 ing the first disbursement of a loan made under part
3 D (other than a Federal Direct Consolidation Loan or
4 a loan made under section 460A and 460B) to a bor-
5 rower for an award year, an eligible institution,
6 shall, as part of carrying out the counseling require-
7 ments of this subsection for the loan, ensure that after
8 receiving the applicable counseling under paragraphs
9 (2), (3), and (4) for the loan the borrower accepts the
10 loan for such award year by—

11 “(A) signing and returning to the institu-
12 tion the student loan contract for the loan re-
13 ferred to in section 432(m)(1)(D) that affirma-
14 tively states that the borrower accepts the loan;
15 or

16 “(B) electronically signing an electronic
17 version of the student loan contract described in
18 subparagraph (A).

19 “(6) *RULE OF CONSTRUCTION.*—Nothing in this
20 section shall be construed to prohibit an eligible insti-
21 tution from providing additional information and
22 counseling services to recipients of Federal student
23 aid under this title, provided that any additional in-
24 formation and counseling services for recipients of

1 *Federal student aid shall not preclude or be consid-*
2 *ered a condition for disbursement of such aid.”.*

3 *(d) ONLINE COUNSELING TOOLS.—Section 485 of the*
4 *Higher Education Act of 1965 (20 U.S.C. 1092), as amend-*
5 *ed by this section, is further amended by adding at the end*
6 *the following:*

7 *“(n) ONLINE COUNSELING TOOLS.—*

8 *“(1) IN GENERAL.—Beginning not later than 18*
9 *months after the date of enactment of the College Af-*
10 *fordability Act, the Secretary shall maintain—*

11 *“(A) an online counseling tool that provides*
12 *the exit counseling required under subsection (b)*
13 *and meets the applicable requirements of this*
14 *subsection; and*

15 *“(B) an online counseling tool that provides*
16 *the annual counseling required under subsection*
17 *(l) and meets the applicable requirements of this*
18 *subsection.*

19 *“(2) REQUIREMENTS OF TOOLS.—In developing*
20 *and maintaining the online counseling tools described*
21 *in paragraph (1), the Secretary shall ensure that each*
22 *such tool is—*

23 *“(A) consumer tested, in consultation with*
24 *other relevant Federal agencies and including*
25 *students (low-income students and student vet-*

1 erans, and students' families) and borrowers, in-
2 stitutions of higher education, secondary school
3 and postsecondary counselors, and nonprofit con-
4 sumer groups, to ensure that the tool is effective
5 in helping individuals understand their options,
6 rights, and obligations with respect to borrowing
7 a loan made under part D; and

8 “(B) freely available to all eligible institu-
9 tions.

10 “(3) RECORD OF COUNSELING COMPLETION.—

11 *The Secretary shall—*

12 “(A) use each online counseling tool de-
13 scribed in paragraph (1) to keep a record of
14 which individuals have received counseling using
15 the tool, and notify the applicable institutions of
16 the individual's completion of such counseling;

17 “(B) in the case of a borrower who receives
18 annual counseling for a loan made under part D
19 using the tool described in paragraph (1)(B), no-
20 tify the borrower by when the borrower should
21 accept, in a manner described in subsection
22 (l)(5), the loan for which the borrower has re-
23 ceived such counseling; and

24 “(C) in the case of a borrower described in
25 subsection (b)(1)(B) at an institution that uses

1 *the online counseling tool described in paragraph*
2 *(1)(A) of this subsection, the Secretary shall at-*
3 *tempt to provide the information described in*
4 *subsection (b)(1)(A) to the borrower through such*
5 *tool.”.*

6 *(e) DISCLOSURE OF RELIGIOUS EXEMPTIONS TO*
7 *TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—*
8 *Section 485 of the Higher Education Act of 1965 (20 U.S.C.*
9 *1092), as amended by this section, is further amended by*
10 *adding at the end the following:*

11 *“(o) DISCLOSURE OF RELIGIOUS EXEMPTIONS TO*
12 *TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—*
13 *Each institution of higher education participating in any*
14 *program under this title that requests, receives, or exercises*
15 *or intends to exercise a religious exemption to the require-*
16 *ments of title IX of the Education Amendments of 1972 (20*
17 *U.S.C. 1681 et seq.) shall submit in writing to the Assistant*
18 *Secretary for Civil Rights a statement by the highest rank-*
19 *ing official of the institution, identifying the provisions of*
20 *part 106 of title 34 of the Code of Federal Regulations that*
21 *conflict with a specific tenet of the religious organization*
22 *and shall publish on its website, in a prominent location,*
23 *the following:*

1 “(1) *REQUEST LETTER.*—Each letter submitted
2 by the educational institution to the Department to
3 request such an exemption.

4 “(2) *EXEMPTION LETTER.*—Each letter from the
5 Department to the educational institution that grants
6 or denies such an exemption.

7 “(3) *NOTICE OF REQUEST.*—Notice that the edu-
8 cational institution has requested an exemption under
9 section 901(a)(3) of the Education Amendments of
10 1972 (20 U.S.C. 1681(a)(3)).

11 “(4) *NOTICE OF EXEMPTION.*—If applicable, no-
12 tice that the educational institution has received an
13 exemption under section 901(a)(3) of the Education
14 Amendments of 1972 (20 U.S.C. 1681(a)(3)).

15 “(5) *COVERED PERSONAL CHARACTERISTICS OR*
16 *BEHAVIORS.*—A list of the personal characteristics or
17 behaviors to which each requested or granted exemp-
18 tion applies.

19 “(6) *COVERED ACTIVITIES OR PROGRAMS.*—A
20 list of the activities or programs to which each exemp-
21 tion applies.

22 “(7) *STATEMENT OF RIGHTS.*—The statement
23 ‘Students continue to have rights under title IX of the
24 Education Amendments of 1972. Any student who ex-
25periences discrimination may contact the Office for

1 *Civil Rights at the United States Department of Edu-*
2 *cation at _____ or _____.*, with the first
3 blank space being filled with a link to the website of
4 the Office for Civil Rights and the second blank space
5 being filled with the telephone number of the Office for
6 Civil Rights.”.

7 (f) *EXPECTANT AND PARENTING STUDENTS POLI-*
8 *CIES.*—Section 485 of the Higher Education Act of 1965
9 (20 18 U.S.C. 1092), as amended by this section, is further
10 amended by adding at the end the following:

11 “(p) *EXPECTANT AND PARENTING STUDENTS POLI-*
12 *CIES.*—Each institution of higher education participating
13 in any program under this title shall develop and make
14 available, including on the institution’s website, a state-
15 ment of policy concerning expectant and parenting stu-
16 dents, which shall include, at a minimum—

17 “(1) the institution’s policy regarding leaves of
18 absence related to pregnancy (and related medical
19 conditions), and the birth or adoption of a child,
20 which shall include—

21 “(A) any policies related to the availability
22 of parental leave; and

23 “(B) options, including time requirements,
24 for making up missed work for students who take
25 a leave of absence;

1 “(2) information regarding lactation accom-
2 modations available to students;

3 “(3) a description of the process for requesting
4 accommodations, and the type of accommodations
5 available to expectant and parenting students, includ-
6 ing—

7 “(A) information on accommodations for
8 pregnancy-related medical conditions; and

9 “(B) information on accommodations for
10 students who have parental responsibilities;

11 “(4) information regarding financial aid eligi-
12 bility for expectant and parenting students, includ-
13 ing—

14 “(A) the availability of dependent care al-
15 lowances for a parenting student for the purposes
16 of determining the student’s cost of attendance;

17 “(B) the ability to change dependency sta-
18 tus, including during an award year, following
19 the birth of a child;

20 “(C) the availability of and eligibility re-
21 quirements for any emergency financial aid pro-
22 grams provided by the institution; and

23 “(D) an explanation of the effect that a
24 leave of absence may have on a student’s dem-
25 onstration of satisfactory academic progress, in-

1 *cluding for the purposes of eligibility to partici-*
2 *pate in financial aid programs under this title;*

3 “(5) *information on available student support*
4 *services, programs, and community resources, such as*
5 *academic advising, child care (including child care*
6 *subsidy and assistance programs), housing (including*
7 *housing subsidies and utility assistance programs),*
8 *food (including food assistance programs), public ben-*
9 *efits, health care, health insurance, mental health,*
10 *transportation benefits, mentoring, and other services*
11 *available for expectant and parenting students, both*
12 *on-campus and in the community, and under local,*
13 *State, and Federal law;*

14 “(6) *information regarding the availability of*
15 *on-campus housing that permits students to live with*
16 *dependents;*

17 “(7) *information on the rights and protections*
18 *that are guaranteed to expectant and parenting stu-*
19 *dents under applicable Federal and State laws;*

20 “(8) *the institution’s procedures for addressing*
21 *complaints under title IX of the Education Amend-*
22 *ments of 1972 (20 U.S.C. 1681 et seq.), including pro-*
23 *cedures for reporting complaints under such title;*

24 “(9) *the institution’s procedures for addressing*
25 *complaints alleging discrimination based on a preg-*

1 *nancy-related disability under section 504 of the Re-*
2 *habilitation Act of 1973 (29 U.S.C. 701 et seq.) or the*
3 *Americans with Disabilities Act of 1990 (42 U.S.C.*
4 *12101 et seq.), including procedures for reporting*
5 *complaints under such laws; and*

6 *“(10) the contact information for the institu-*
7 *tion’s Office of Accessibility, the institution’s Title IX*
8 *coordinator, and any other relevant staff members*
9 *who serve as a point of contact for, or offer services*
10 *available to, expectant and parenting students.”.*

11 **SEC. 4612. PREVENTION OF IMPROPER ACCESS.**

12 *Section 485B of the Higher Education Act of 1965 (20*
13 *U.S.C. 1092b) is amended—*

14 *(1) by redesignating subsections (e) through (h)*
15 *as subsections (f) through (i), respectively;*

16 *(2) in subsection (d)—*

17 *(A) in paragraph (5)(C), by striking “and”*
18 *after the semicolon;*

19 *(B) in paragraph (6)(C), by striking the pe-*
20 *riod at the end and inserting “; and”; and*

21 *(C) by adding at the end the following:*

22 *“(7) preventing access to the data system and*
23 *any other system used to administer a program under*
24 *this title by any person or entity for the purpose of*
25 *assisting a student in managing loan repayment or*

1 *applying for any repayment plan, consolidation loan,*
2 *or other benefit authorized by this title, unless such*
3 *access meets the requirements described in subsection*
4 *(e).”;*

5 *(3) by inserting after subsection (d) the fol-*
6 *lowing:*

7 *“(e) REQUIREMENTS FOR THIRD-PARTY DATA SYSTEM*
8 *ACCESS.—*

9 *“(1) IN GENERAL.—As provided in paragraph*
10 *(7) of subsection (d), an authorized person or entity*
11 *described in paragraph (2) may access the data sys-*
12 *tem and any other system used to administer a pro-*
13 *gram under this title if that access—*

14 *“(A) is in compliance with terms of service,*
15 *information security standards, and a code of*
16 *conduct which shall be established by the Sec-*
17 *retary and published in the Federal Register;*

18 *“(B) is obtained using an access device (as*
19 *defined in section 1029(e)(1) of title 18, United*
20 *States Code) issued by the Secretary to the au-*
21 *thorized person or entity; and*

22 *“(C) is obtained without using any access*
23 *device (as defined in section 1029(e)(1) of title*
24 *18, United States Code) issued by the Secretary*
25 *to a student, borrower, or parent.*

1 “(2) *AUTHORIZED PERSON OR ENTITY.*—An au-
2 thorized person or entity described in this paragraph
3 means—

4 “(A) a guaranty agency, eligible lender, or
5 eligible institution, or a third-party organization
6 acting on behalf of a guaranty agency, eligible
7 lender, or eligible institution, that is in compli-
8 ance with applicable Federal law (including reg-
9 ulations and guidance); or

10 “(B) a licensed attorney representing a stu-
11 dent, borrower, or parent, or another individual
12 who works for a Federal, State, local, or Tribal
13 government or agency, or for a nonprofit organi-
14 zation, providing financial or student loan re-
15 payment counseling to a student, borrower, or
16 parent, if—

17 “(i) that attorney or other individual
18 has never engaged in unfair, deceptive, or
19 abusive practices, as determined by the Sec-
20 retary;

21 “(ii) that attorney or other individual
22 does not work for an entity that has en-
23 gaged in unfair, deceptive, or abusive prac-
24 tices (including an entity that is owned or
25 operated by a person or entity that engaged

1 *in such practices), as determined by the*
2 *Secretary;*

3 *“(iii) system access is provided only*
4 *through a separate point of entry; and*

5 *“(iv) the attorney or other individual*
6 *has consent from the relevant student, bor-*
7 *rower, or parent to access the system.”; and*

8 *(4) in subsection (f)(1), as redesignated by para-*
9 *graph (1)—*

10 *(A) in subparagraph (A), by striking “stu-*
11 *dent and parent” and inserting “student, bor-*
12 *rower, and parent”;*

13 *(B) by redesignating subparagraphs (C)*
14 *and (D) as subparagraphs (D) and (E), respec-*
15 *tively;*

16 *(C) by inserting after subparagraph (B) the*
17 *following:*

18 *“(C) the reduction in improper data system*
19 *access as described in subsection (d)(7);”;* and

20 *(D) by striking subparagraph (E), as redesi-*
21 *gnated by subparagraph (B), and inserting the*
22 *following:*

23 *“(E) any protocols, codes of conduct, terms*
24 *of service, or information security standards de-*

1 developed under paragraphs (6) or (7) of sub-
2 section (d) during the preceding fiscal year.”.

3 **SEC. 4613. INFORMATION WITH RESPECT TO CRIME STATIS-**
4 **TICS FOR PROGRAMS OF STUDY ABROAD.**

5 Part G of title IV of the Higher Education Act of 1965
6 (20 U.S.C. 1088 et seq.), as amended by the preceding sec-
7 tions, is further amended by inserting after section 485E
8 (20 U.S.C. 1092f) the following:

9 **“SEC. 485F. INFORMATION WITH RESPECT TO CRIME STA-**
10 **TISTICS FOR PROGRAMS OF STUDY ABROAD.**

11 “(a) *IN GENERAL.*—Each institution participating in
12 any program under this title, other than a foreign institu-
13 tion of higher education, shall develop and distribute a
14 statement of policy with respect to students participating
15 in a program of study abroad approved for credit by the
16 institution concerning crime and harm that may occur
17 while participating in such program of study abroad that,
18 at a minimum, includes a biennial review by the institu-
19 tion of the programs of study abroad approved for credit
20 by the institution to determine—

21 “(1) the effectiveness of the programs at pro-
22 tecting students from crime and harm, and whether
23 changes to the programs are needed (based on the
24 most recent guidance or other assistance from the Sec-
25 retary) and will be implemented;

1 “(2) for the 5 years preceding the date of the re-
2 port, the number (in the aggregate for all programs
3 of study abroad approved for credit by the institu-
4 tion) of—

5 “(A) deaths of program participants occur-
6 ring during program participation or during
7 any other activities during the study abroad pe-
8 riod;

9 “(B) sexual assaults against program par-
10 ticipants occurring during program participa-
11 tion and reported to the institution;

12 “(C) accidents and illnesses occurring dur-
13 ing program participation that resulted in hos-
14 pitalization and were reported to the institution;
15 and

16 “(D) incidents involving program partici-
17 pants during the program participation that re-
18 sulted in police involvement or a police report
19 and were reported to the institution; and

20 “(3) with respect to the incidents described in
21 subparagraphs (A) and (B) of paragraph (2), whether
22 the incidents occurred—

23 “(A) on campus;

24 “(B) in or on noncampus buildings or
25 property;

1 “(C) on public property;

2 “(D) in dormitories or other residential fa-
3 cilities for students on campus; or

4 “(E) at a location not described in items
5 (A) through (D) of this clause, without regard to
6 whether the institution owns or controls a build-
7 ing or property at the location.

8 “(b) *OTHER DUTIES.*—An institution of higher edu-
9 cation described in subsection (a) shall—

10 “(1) provide each student who is interested in
11 participating in a program of study abroad approved
12 for credit by the institution, with an orientation ses-
13 sion and advising that includes—

14 “(A) a list of countries in which such pro-
15 grams of study abroad are located;

16 “(B) all current travel information, includ-
17 ing all travel warnings and travel alerts, issued
18 by the Bureau of Consular Affairs of the Depart-
19 ment of State for such countries; and

20 “(C) the information described in para-
21 graph (a), provided specifically for each program
22 of study abroad approved for credit by the insti-
23 tution in which the student is considering par-
24 ticipation; and

1 “(2) provide each student who returns from such
2 a program of study abroad with a post-trip debriefing
3 session, including an exit interview that assists the
4 institution in carrying out subsection (a).

5 “(c) *LIMITATIONS.*—An institution of higher education
6 shall not disaggregate or otherwise distinguish information
7 for purposes of subsection (a) or (b) in a case in which the
8 number of students in a category is insufficient to yield
9 statistically reliable information or the results would reveal
10 personally identifiable information about an individual
11 student.

12 “(d) *REVIEW.*—The Secretary shall periodically review
13 a representative sample of the policies described in sub-
14 section (a) that have been adopted by institutions of higher
15 education.

16 “(e) *DEFINITION.*—For the purpose of this section, the
17 definitions for ‘campus’, ‘noncampus building or property’,
18 and ‘public property’ shall have the same meaning as in
19 section 485(f)(6).”.

20 **SEC. 4614. REMEDIAL EDUCATION GRANTS.**

21 Part G of title IV of the Higher Education Act of 1965
22 (20 U.S.C. 1088 et seq.), as amended by the preceding sec-
23 tions, is further amended by inserting after section 486A
24 (20 U.S.C. 1093a) the following:

1 **“SEC. 486B. REMEDIAL EDUCATION GRANTS.**

2 “(a) *GRANTS AUTHORIZED.*—

3 “(1) *IN GENERAL.*—*From the funds appro-*
4 *propriated under subsection (k) (and not reserved under*
5 *subsection (c)(4)), the Secretary, in consultation with*
6 *the Director of the Institute of Education Sciences,*
7 *shall award grants, on a competitive basis, to eligible*
8 *entities to improve remedial education in higher edu-*
9 *cation.*

10 “(2) *DURATION.*—*A grant under this section*
11 *shall be awarded for a period of 5 years.*

12 “(3) *MINIMUM AWARDS.*—*The total amount of*
13 *funds provided under each grant awarded under this*
14 *section shall not be less than \$500,000.*

15 “(b) *APPLICATION.*—*An eligible entity that desires to*
16 *receive a grant under this section shall submit an applica-*
17 *tion to the Secretary at such time, in such manner, and*
18 *accompanied by such information as the Secretary may re-*
19 *quire, which shall include the following:*

20 “(1) *A description of how the eligible entity will*
21 *use the grant funds to develop or improve a remedial*
22 *education program that includes evidence-based, effec-*
23 *tive strategies for providing instruction to ensure that*
24 *students are prepared for courses at the postsecondary*
25 *level.*

1 “(2) *An assurance that the eligible entity will*
2 *use more than two measures (such as a student’s col-*
3 *lege entrance examination score, grade point average,*
4 *high school course list, or a placement examination)*
5 *to identify students in need of remedial education*
6 *who may be eligible to participate in the remedial*
7 *education program developed or improved under the*
8 *grant.*

9 “(3) *A description of how the eligible entity, in*
10 *developing or improving such a program, will consult*
11 *with stakeholders, including individuals with exper-*
12 *tise in remedial education, students enrolled in reme-*
13 *dial education, and faculty instructors for remedial*
14 *education.*

15 “(4) *The eligible entity’s plan for sustaining the*
16 *program after the grant period has ended.*

17 “(5) *The eligible entity’s plan for monitoring*
18 *and evaluating the program, including how the eligi-*
19 *ble entity will use the data collected under subsection*
20 *(h) to continually update and improve the program.*

21 “(c) *CONSULTATION AND INDEPENDENT EVALUA-*
22 *TION.—*

23 “(1) *IN GENERAL.—Before selecting eligible enti-*
24 *ties to receive grants under this section for a fiscal*
25 *year, the Secretary shall—*

1 “(A) ensure that the consultation required
2 under paragraph (3) is carried out; and

3 “(B) consider the results of the consultation
4 in selecting eligible entities to receive such
5 grants.

6 “(2) *CONTRACT AUTHORITY.*—The Secretary,
7 acting through the Director, shall seek to enter into a
8 contract with an independent evaluator under which
9 the evaluator will provide the consultation and eval-
10 uation required under paragraph (3).

11 “(3) *CONSULTATION AND INDEPENDENT EVALUA-*
12 *TION REQUIRED.*—The independent evaluator shall
13 carry out the following activities:

14 “(A) *CONSULTATION.*—For each fiscal year
15 of the grant program under this section, the
16 independent evaluator shall consult with, and
17 provide advice to, the Secretary regarding which
18 eligible entities should receive grants under this
19 section for such fiscal year.

20 “(B) *EVALUATION.*—Throughout the dura-
21 tion of the grant program under this section, the
22 independent evaluator shall independently evalu-
23 ate the impact of the remedial education pro-
24 grams funded with the grants, which shall in-
25 clude evaluation of—

1 “(i) the effectiveness of the remedial
2 education programs in increasing course
3 and degree completion at the postsecondary
4 level; and

5 “(ii) the outcomes of the remedial edu-
6 cation programs within and among models
7 of remedial education described in sub-
8 section (d).

9 “(4) RESERVATION.—The Secretary may reserve
10 not more than 15 percent of the funds appropriated
11 under subsection (k) for a fiscal year to carry out this
12 subsection for such fiscal year.

13 “(d) USE OF FUNDS.—An eligible entity that receives
14 a grant under this section shall use the grant to develop
15 or improve a remedial education program through one or
16 more of the following models:

17 “(1) ALIGNING COURSE WORK.—Working with a
18 local educational agency or State educational agency
19 that is part of the eligible entity to develop or im-
20 prove programs that provide alignment between high
21 school coursework and postsecondary education, and
22 that may include—

23 “(A) assessments in high school to measure
24 student readiness for courses at the postsec-
25 ondary level; or

1 “(B) interventions in high school that im-
2 prove student competencies for courses at the
3 postsecondary level.

4 “(2) ACCELERATED COURSE WORK.—Rede-
5 signing or improving remedial education that—

6 “(A) allows students to enroll in more than
7 one sequential remedial education course or
8 training in a semester, or the equivalent;

9 “(B) condenses the time of the remedial edu-
10 cation; or

11 “(C) provides shortened, intensive courses or
12 training to improve competencies of students for
13 courses at the postsecondary level.

14 “(3) MODULAR INSTRUCTIONAL METHODS.—De-
15 veloping or improving remedial education that—

16 “(A) specifically targets the skills that stu-
17 dents need to move forward in courses at the
18 postsecondary level; and

19 “(B) may be used to develop new assess-
20 ments, redesign courses to provide targeted skill
21 instruction, or provide faculty professional devel-
22 opment.

23 “(4) CO-REQUISITE MODEL.—Developing or im-
24 proving remedial education programs that allow a
25 student to enroll in remedial education (which may

1 *be provided through a modular instructional method)*
2 *while also enrolled in a course at the postsecondary*
3 *level.*

4 “(5) *SYSTEMIC REFORM TO IMPLEMENT COM-*
5 *PREHENSIVE, INTEGRATED SUPPORT PROGRAMS.—*
6 *Implementing and improving comprehensive, inte-*
7 *grated, evidence-based support programs that—*

8 “(A) *enable students enrolled in remedial*
9 *education to complete a course of study leading*
10 *to a recognized educational credential within*
11 *150 percent of the normal time for completion;*
12 *and*

13 “(B) *may include financial supports, aca-*
14 *demically tutoring or support, and advising that en-*
15 *able students to find success in remedial edu-*
16 *cation and courses at the postsecondary level.*

17 “(e) *CONSIDERATIONS.—In awarding grants under*
18 *this section, the Secretary, in consultation with the Direc-*
19 *tor, shall—*

20 “(1) *ensure—*

21 “(A) *a minimum of 30 eligible entities are*
22 *awarded grants for each 5-year grant period;*

23 “(B) *an equitable geographic distribution of*
24 *such grants, including an equitable distribution*
25 *between urban and rural areas; and*

1 “(C) that grants are used to develop or im-
2 prove remedial education programs—

3 “(i) under each model described in sub-
4 section (d) to enable, to the extent prac-
5 ticable, statistical comparisons of the rel-
6 ative effectiveness of the models and the pro-
7 grams within each model; and

8 “(ii) for a range of types and sizes of
9 institutions of higher education; and

10 “(2) give preference to eligible entities that pri-
11 marily serve low-income students.

12 “(f) FISCAL REQUIREMENTS.—

13 “(1) SUPPLEMENT NOT SUPPLANT.—A grant
14 awarded under this section shall be used to supple-
15 ment, not supplant, funds that would otherwise be
16 used to carry out the activities described in this sec-
17 tion.

18 “(2) MATCHING FUNDS.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), an eligible entity that receives a
21 grant under this section shall provide, from non-
22 Federal sources, an amount equal to 10 percent
23 of the amount of the grant for the cost of activi-
24 ties assisted under the grant.

1 “(B) *EXCEPTIONS.*—*The requirements of*
2 *subparagraph (A) shall not apply to—*

3 “*(i) Tribal Colleges or Universities; or*

4 “*(ii) institutions of higher education*
5 *located in the Commonwealth of Puerto*
6 *Rico, Guam, American Samoa, the United*
7 *States Virgin Islands, the Commonwealth of*
8 *the Northern Mariana Islands, the Republic*
9 *of the Marshall Islands, the Federated*
10 *States of Micronesia, or the Republic of*
11 *Palau.*

12 “(g) *EXPERIMENTAL AUTHORITY.*—*Notwithstanding*
13 *any other provision of this title, a student may be eligible*
14 *to receive loans or grants under this title for up to 2 aca-*
15 *demic years for enrollment in a remedial education pro-*
16 *gram under this section.*

17 “(h) *DATA COLLECTION, REPORTS, EVALUATIONS, AND*
18 *DISSEMINATION.*—

19 “*(1) INFORMATION.*—

20 “*(A) STUDENT-LEVEL DATA.*—*Each eligible*
21 *entity that receives a grant under this section*
22 *shall provide to the Director and the Secretary,*
23 *on an annual basis for each year of the grant pe-*
24 *riod and for 5 years after such grant period, the*
25 *student-level data with respect to the students*

1 *who are or were enrolled in a remedial education*
2 *program funded with the grant. The Director*
3 *and the Secretary shall share such data with the*
4 *independent evaluator to enable the evaluator,*
5 *for each such year, to determine the information*
6 *described in subparagraph (B) with respect to*
7 *each such remedial education program.*

8 “(B) *AGGREGATE STUDENT DATA.*—*The*
9 *independent evaluator shall determine, with re-*
10 *spect to each remedial education program for*
11 *which an eligible entity provides student-level*
12 *data under subparagraph (A), the following in-*
13 *formation:*

14 “(i) *The number of students who are or*
15 *were enrolled in such remedial education*
16 *program.*

17 “(ii) *The cost of such remedial edu-*
18 *cation program.*

19 “(iii) *The amount of grant or loan*
20 *funds under this title awarded to students*
21 *for enrollment in such remedial education*
22 *program.*

23 “(iv) *The type of remedial education*
24 *offered under the program.*

1 “(v) *The length of time students spend*
2 *in such remedial education program, as*
3 *measured by semester, trimester, or clock*
4 *hours.*

5 “(vi) *The number of students who com-*
6 *plete such remedial education program.*

7 “(vii) *Of the students who complete*
8 *such remedial education program—*

9 “(I) *the number and percentage of*
10 *such students who later enroll in post-*
11 *secondary-level courses at an institu-*
12 *tion of higher education;*

13 “(II) *the number and percentage*
14 *of such students who receive a recog-*
15 *nized educational credential from an*
16 *institution of higher education;*

17 “(III) *the average length of time*
18 *required for a student described in sub-*
19 *clause (II) to complete the course of*
20 *study leading to such credential; and*

21 “(IV) *the number and percentage*
22 *of students described in subclause (II)*
23 *who complete the course of study lead-*
24 *ing to such credential within 150 per-*
25 *cent of the normal time for completion.*

1 “(C) *DISAGGREGATION.*—*The information*
2 *determined under subparagraph (B) shall be*
3 *disaggregated by race, gender, socioeconomic sta-*
4 *tus, Federal Pell Grant eligibility status, status*
5 *as a first generation college student, veteran or*
6 *active duty status, and disability status.*

7 “(2) *EVALUATION RESULTS.*—*Not later than six*
8 *years after the first grant is awarded under this sec-*
9 *tion, the Director, in consultation with the Secretary*
10 *and using the information determined under para-*
11 *graph (1), shall submit to the authorizing committees*
12 *and make available on a publicly accessible website,*
13 *a report on the results of the multiyear, rigorous, and*
14 *independent evaluation of the impact of the remedial*
15 *education programs carried out by the independent*
16 *evaluator. The report shall include the results of such*
17 *evaluation with respect to—*

18 “(A) *the effectiveness of the remedial edu-*
19 *cation programs in increasing course and degree*
20 *completion at the postsecondary level; and*

21 “(B) *the outcomes of the remedial education*
22 *programs within and among models of remedial*
23 *education described in subsection (d).*

24 “(3) *REPORTS AND DISSEMINATION.*—

1 “(A) *INITIAL REPORT.*—Not later than one
2 year after the first grant is awarded under this
3 section, the Secretary, in consultation with the
4 independent evaluator, shall prepare and submit
5 to the authorizing committees a report on each
6 remedial education program funded under this
7 section.

8 “(B) *SUBSEQUENT REPORT.*—Not later
9 than five years after the last grant is awarded
10 under this section, the Secretary, in consultation
11 with the independent evaluator, shall prepare
12 and submit to the authorizing committees a re-
13 port that includes—

14 “(i) a review of the activities and pro-
15 gram performance of each remedial edu-
16 cation program funded under this section;
17 and

18 “(ii) guidance and recommendations
19 on how successful remedial education pro-
20 grams (as determined, at a minimum, by
21 the number and percentage of remedial edu-
22 cation students who later complete a course
23 of study at an institution of higher edu-
24 cation within 150 percent of the normal
25 time for completion) can be replicated.

1 “(C) *PUBLIC AVAILABILITY.*—*The reports*
2 *submitted under subparagraphs (A) and (B)*
3 *shall be made available on a publicly accessible*
4 *website of the Department of Education.*

5 “(i) *DATA PRIVACY.*—

6 “(1) *IN GENERAL.*—*It shall be unlawful for any*
7 *person who obtains or has access to personally identi-*
8 *fiable information pursuant to this section to know-*
9 *ingly disclose to any person (except as authorized in*
10 *this section or any Federal law) such personally iden-*
11 *tifiable information.*

12 “(2) *PENALTY.*—*Any person who violates para-*
13 *graph (1) shall be fined under title 18, United States*
14 *Code.*

15 “(3) *OFFICER OR EMPLOYEE OF THE UNITED*
16 *STATES.*—*If any officer or employee of the United*
17 *States violates paragraph (1), the officer or employee*
18 *shall be dismissed from office or discharged from em-*
19 *ployment upon conviction for the violation.*

20 “(4) *LAW ENFORCEMENT.*—*Personally identifi-*
21 *able information collected under this section shall not*
22 *be used for any law enforcement activity or any other*
23 *activity that would result in adverse action against*
24 *any student, including debt collection activity or en-*
25 *forcement of the immigration laws.*

1 “(j) *DEFINITIONS.*—*In this section:*

2 “(1) *DIRECTOR.*—*The term ‘Director’ means the*
3 *Director of the Institute of Education Sciences.*

4 “(2) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
5 *ty’ means—*

6 “(A) *an institution of higher education; or*

7 “(B) *a partnership between an institution*
8 *of higher education and at least 1 of the fol-*
9 *lowing:*

10 “(i) *A local educational agency.*

11 “(ii) *A State educational agency.*

12 “(3) *FIRST GENERATION COLLEGE STUDENT.*—
13 *The term ‘first generation college student’ has the*
14 *meaning given that term in section 402A(h).*

15 “(4) *INDEPENDENT EVALUATOR.*—*The term*
16 *‘independent evaluator’ means the independent eval-*
17 *uator with which the Secretary enters into a contract*
18 *under subsection (c)(2).*

19 “(5) *INSTITUTION OF HIGHER EDUCATION.*—*The*
20 *term ‘institution of higher education’ has the meaning*
21 *given that term in section 101.*

22 “(6) *REMEDIAL EDUCATION.*—*The term ‘reme-*
23 *dial education’—*

1 “(A) means education (such as courses or
2 training) offered at an institution of higher edu-
3 cation that—

4 “(i) is below the postsecondary level;
5 and

6 “(ii) is determined by the institution
7 to be necessary to help students be prepared
8 for the pursuit of a first undergraduate bac-
9 calaureate degree, associate’s degree, or cer-
10 tificate or, in the case of courses in English
11 language instruction, to be necessary to en-
12 able the student to utilize already existing
13 knowledge, training, or skills; and

14 “(B) includes developmental education that
15 meets the requirements of subparagraph (A).

16 “(7) TRIBAL COLLEGE OR UNIVERSITY.—The
17 term ‘Tribal College or University’ has the meaning
18 given that term in section 316(b).

19 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 \$162,500,000 for fiscal year 2021 and each of the 5 suc-
22 ceeding fiscal years.”.

23 **SEC. 4615. COMPETENCY-BASED EDUCATION.**

24 (a) IN GENERAL.—Part G of title IV of the Higher
25 Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended

1 *by the preceding sections, is further amended by inserting*
2 *after section 486B (as added by section 4614 of this Act)*
3 *the following:*

4 **“SEC. 486C. COMPETENCY-BASED EDUCATION DEMONSTRATION PROJECTS.**
5

6 “(a) *DEMONSTRATION PROJECTS AUTHORIZED.—The*
7 *Secretary shall select, in accordance with subsection (d), eli-*
8 *gible entities to voluntarily carry out competency-based*
9 *education demonstration projects for a duration of 5 years*
10 *and receive waivers or other flexibility described in sub-*
11 *section (e) to carry out such projects.*

12 “(b) *APPLICATION.—*

13 “(1) *IN GENERAL.—Each eligible entity desiring*
14 *to carry out a demonstration project under this sec-*
15 *tion shall submit an application to the Secretary, at*
16 *such time and in such manner as the Secretary may*
17 *require.*

18 “(2) *OUTREACH.—*

19 “(A) *IN GENERAL.—The Secretary shall,*
20 *prior to any deadline to submit applications*
21 *under paragraph (1), conduct outreach to insti-*
22 *tutions, including those described in subpara-*
23 *graph (B), to provide those institutions with in-*
24 *formation on the opportunity to apply to carry*
25 *out a demonstration project under this section.*

1 “(B) INSTITUTIONS.—*The institutions de-*
2 *scribed in this subparagraph are the following:*

3 “(i) *Part B institutions (as defined in*
4 *section 322).*

5 “(ii) *Hispanic-serving institutions (as*
6 *defined in section 502).*

7 “(iii) *Tribal Colleges or Universities*
8 *(as defined in section 316).*

9 “(iv) *Alaska Native-serving institu-*
10 *tions (as defined in section 317(b)).*

11 “(v) *Native Hawaiian-serving institu-*
12 *tions (as defined in section 317(b)).*

13 “(vi) *Predominantly Black Institutions*
14 *(as defined in section 318).*

15 “(vii) *Asian American and Native*
16 *American Pacific Islander-serving institu-*
17 *tions (as defined in section 320(b)).*

18 “(viii) *Native American-serving, non-*
19 *tribal institutions (as defined in section*
20 *319).*

21 “(ix) *Institutions predominately serv-*
22 *ing adult learners.*

23 “(x) *Institutions serving students with*
24 *disabilities.*

1 “(xi) *Institutions located in rural*
2 *areas.*

3 “(3) *AMENDMENTS.—*

4 “(A) *IN GENERAL.—An eligible entity that*
5 *has been selected to carry out a demonstration*
6 *project under this section may submit to the Sec-*
7 *retary amendments to the eligible entity’s ap-*
8 *proved application under paragraph (1), at such*
9 *time and in such manner as the Secretary may*
10 *require, which the Secretary shall approve or*
11 *deny within 30 days of receipt.*

12 “(B) *EXPANDING ENROLLMENT.—Notwith-*
13 *standing the assurance required with respect to*
14 *maximum enrollment under paragraph (4)(N)—*

15 “(i) *an eligible entity whose dem-*
16 *onstration project has been evaluated under*
17 *subsection (g)(2) not less than twice, may*
18 *submit to the Secretary an amendment to*
19 *the eligible entity’s application under para-*
20 *graph (1) to increase enrollment in the*
21 *project to more than 3,000 students, but not*
22 *more than 5,000 students, and which shall*
23 *specify—*

1 “(I) the proposed maximum en-
2 rollment and annual enrollment
3 growth for the project;

4 “(II) how the eligible entity will
5 successfully carry out the project with
6 such maximum enrollment and enroll-
7 ment growth; and

8 “(III) any other amendments to
9 the eligible entity’s application under
10 paragraph (1) that are related to such
11 maximum enrollment or enrollment
12 growth; and

13 “(ii) the Secretary shall determine
14 whether to approve or deny an amendment
15 submitted under clause (i) for a demonstra-
16 tion project based on the project’s evalua-
17 tions under subsection (g)(2).

18 “(4) CONTENTS.—Each application under para-
19 graph (1) shall include—

20 “(A) a description of each competency-based
21 education program to be offered by the eligible
22 entity under the demonstration project;

23 “(B) a description of the alignment of the
24 proposed competency-based education program to

1 *the institution’s mission, and evidence of institu-*
2 *tional commitment to such program;*

3 “(C) *a description of how each program*
4 *will work with employers and local industry to*
5 *assess and incorporate competencies that are rel-*
6 *evant in the labor market and how the program*
7 *aligns with employer needs;*

8 “(D) *a description of the proposed academic*
9 *design, academic and support services, delivery,*
10 *business, and financial models for the dem-*
11 *onstration project, including explanations and*
12 *supporting documents, including financial state-*
13 *ments, and, any revenue-sharing agreements*
14 *with third-party servicers or online program*
15 *managers, of how each competency-based edu-*
16 *cation program offered under the demonstration*
17 *project will—*

18 “(i) *result in the achievement of com-*
19 *petencies;*

20 “(ii) *differ from standard credit hour*
21 *approaches, in whole or in part;*

22 “(iii) *result in lower costs of a certifi-*
23 *cate or degree; and*

24 “(iv) *result in shortened time to com-*
25 *pletion of a certificate or degree;*

1 “(E) a description of how each competency-
2 based education program offered under the dem-
3 onstration project will award academic credit to
4 advance the progress of a student toward comple-
5 tion of a certificate or degree that is portable
6 and used by in-demand employers for making
7 employment decisions;

8 “(F) a description of how each credit-bear-
9 ing competency-based education program offered
10 under the demonstration project is aligned with
11 a career pathway;

12 “(G) a description of the meaningful role of
13 the appropriate instructors of the eligible entity
14 in the development, design, implementation, de-
15 livery, and evaluation of each such competency-
16 based education program;

17 “(H) a description of how each such com-
18 petency-based education program will provide
19 strong post-enrollment job placement, earnings,
20 and loan repayment outcomes;

21 “(I) a description of how the eligible entity
22 will facilitate transfer, postsecondary study, and
23 employer understanding by articulating a com-
24 petency-based transcript from a competency-
25 based education program offered under the dem-

1 *onstration project to a credit hour transcript at*
2 *another program at the eligible entity and to*
3 *other institutions of higher education;*

4 “(J) *a description of the statutory and reg-*
5 *ulatory requirements described in subsection (e)*
6 *for which the eligible entity is seeking a waiver*
7 *or other flexibility, and why such waiver or flexi-*
8 *bility is necessary to carry out the demonstra-*
9 *tion project;*

10 “(K) *a description of indicators of a pro-*
11 *gram’s effectiveness to inform how a third party*
12 *will reliably assess student learning for each*
13 *competency-based education program offered*
14 *under the demonstration project;*

15 “(L) *a description of how the eligible entity*
16 *will develop and evaluate the competencies and*
17 *assessments of student knowledge administered as*
18 *part of the demonstration project, including*
19 *whether there is a relationship between the com-*
20 *petency unit and a traditional credit or clock*
21 *hour, the average time it takes to earn a com-*
22 *petency, how such competencies and assessments*
23 *are aligned with workforce needs and any other*
24 *considerations the institution made when it de-*
25 *veloped its unit of competency;*

1 “(M) a description of the proposal for deter-
2 mining a student’s Federal student aid eligi-
3 bility under this title for participating in the
4 demonstration project, the award and distribu-
5 tion of such aid, and the safeguards to ensure
6 that students are making satisfactory progress
7 that warrants the disbursement of such aid;

8 “(N) an assurance that the demonstration
9 project at each eligible entity—

10 “(i) will enroll a minimum of 25 stu-
11 dents and a maximum of 3,000 students or,
12 in the case of an eligible entity with an ap-
13 plication amendment approved under para-
14 graph (3)(B), the maximum enrollment ap-
15 proved under such paragraph;

16 “(ii) will identify and disseminate best
17 practices with respect to the demonstration
18 project to the Secretary and to other eligible
19 entities carrying out a demonstration
20 project under this section;

21 “(iii) operates under an agreement
22 with the accrediting agency or association
23 of the eligible entity to establish the stand-
24 ards described in subsection (c); and

1 “(iv) uses available funds solely for
2 purposes of awarding academic credit to el-
3 igible students based on the achievement of
4 competencies and for the related costs or fees
5 of demonstrating the achievement of com-
6 petencies;

7 “(O) a description of the population of stu-
8 dents to whom competency-based education
9 under the demonstration project will be offered,
10 including demographic information and prior
11 educational experience, disaggregated (as prac-
12 ticable) by students who are Federal Pell Grant
13 recipients, students of color, Native students, stu-
14 dents with disabilities, students who are veterans
15 or members of the Armed Forces, adult learners,
16 and first generation college students, and how
17 such eligible entity will, when appropriate, ad-
18 dress the specific needs of each such population
19 of students when carrying out the demonstration
20 project;

21 “(P) a description of outreach and commu-
22 nication activities to students who may benefit
23 under the demonstration project, including those
24 described in subparagraph (O);

1 “(Q) a description of how the institution is
2 ensuring that students participating in the dem-
3 onstration project will not, on average, be eligible
4 for more or less Federal assistance under this
5 title than such students would have been eligible
6 for under a program measured in credit or clock
7 hours;

8 “(R) the cost of attendance for each com-
9 petency-based education program offered under
10 the demonstration project, disaggregated by each
11 of the applicable costs or allowances described in
12 paragraphs (1) through (13) of section 472, and
13 the estimated amount of the cost of attendance of
14 each such program to be covered by need-based
15 grant aid and merit-based grant aid from Fed-
16 eral, State, institutional, and private sources;

17 “(S) a description of other competency-
18 based education programs the eligible entity of-
19 fers or plans to offer outside of the demonstration
20 project;

21 “(T) a description of how the eligible entity
22 will use data to—

23 “(i) ensure that each competency-based
24 education program under the demonstration

1 *project meets the benchmarks established in*
2 *accordance with subsection (c)(2)(E);*

3 *“(ii) confirm relevancy of competencies*
4 *in the labor market; and*

5 *“(iii) improve each such program; and*

6 *“(U) other such elements as the Secretary*
7 *may require.*

8 *“(c) RECOGNITION BY ACCREDITING AGENCY OR ASSO-*
9 *CIATION.—Unless a program has already been recognized*
10 *as a direct assessment program by the accrediting agency*
11 *or association of the eligible entity, in order to carry out*
12 *a competency-based education program under a demonstra-*
13 *tion project under this section, an eligible entity shall in-*
14 *clude in its application under subsection (b), a letter from*
15 *the accrediting agency or association of the eligible entity*
16 *that describes how it will establish and enforce the following*
17 *standards with respect to such competency-based education*
18 *program:*

19 *“(1) Standards for determining whether the eli-*
20 *gible entity or the program requires students to dem-*
21 *onstrate competencies that are—*

22 *“(A) capable of being validly and reliably*
23 *assessed; and*

24 *“(B) appropriate in scope and rigor for the*
25 *award of the relevant certificate or degree.*

1 “(2) Standards for determining whether the eli-
2 gible entity or the program demonstrate—

3 “(A) the administrative capacity and exper-
4 tise that will ensure—

5 “(i) the validity and reliability of as-
6 sessments of competencies; and

7 “(ii) good practices in assessment and
8 measurement;

9 “(B) sufficient educational content, activi-
10 ties, and resources (including faculty support)—

11 “(i) to enable students to learn or de-
12 velop what is required to demonstrate or at-
13 tain mastery of competencies; and

14 “(ii) that are consistent with the quali-
15 fications of graduates of traditional pro-
16 grams;

17 “(C) that the quality of demonstration of
18 competence is judged at mastery for each com-
19 petency that is assessed for the award of a cer-
20 tificate or degree;

21 “(D) a standard for the amount of learning
22 that is included in a unit of competency;

23 “(E) reasonable, clear, and actionable
24 benchmarks for graduation rates and the employ-
25 ment and earnings of graduates, including job

1 *placements in a field for which the program pre-*
2 *pares students, debt-to-earnings ratios, loan re-*
3 *payment rates, and student satisfaction;*

4 *“(F) regular evaluation of whether the pro-*
5 *gram meets the benchmarks under subparagraph*
6 *(E), and address what may be the cause with*
7 *identified interventions; and*

8 *“(G) that students may not receive a subse-*
9 *quent disbursement until they have completed the*
10 *anticipated number of credits for the payment*
11 *period.*

12 *“(3) Standards for determining when to deny,*
13 *withdraw, suspend, or terminate the accreditation of*
14 *the program if the benchmarks under paragraph*
15 *(2)(E) are not achieved after 4 consecutive title IV*
16 *payment periods, including standards for providing*
17 *sufficient opportunity—*

18 *“(A) for the eligible entity or program to*
19 *provide a written response regarding the failure*
20 *to achieve such benchmarks be considered by the*
21 *agency or association in the manner described in*
22 *section 496(a)(6)(B); and*

23 *“(B) for the eligible entity or program to*
24 *appeal any adverse action under this subpara-*

1 *graph before an appeals panel that meets the re-*
2 *quirements of section 496(a)(6)(C).*

3 “(d) *SELECTION.—*

4 “(1) *IN GENERAL.—Not later than 12 months*
5 *after the date of enactment of the College Affordability*
6 *Act, the Secretary shall select not more than 100 eligi-*
7 *ble entities to carry out a demonstration project*
8 *under this section under which at least 1 competency-*
9 *based education program is offered at each eligible en-*
10 *tity.*

11 “(2) *CONSIDERATIONS.—In selecting eligible en-*
12 *tities under paragraph (1), the Secretary shall—*

13 “(A) *consider the number and quality of*
14 *applications received;*

15 “(B) *consider an eligible entity’s—*

16 “(i) *ability to successfully execute the*
17 *demonstration project as described in the el-*
18 *igible entity’s application under subsection*
19 *(b);*

20 “(ii) *commitment and ability to effec-*
21 *tively finance the demonstration project;*

22 “(iii) *ability to provide administrative*
23 *capability and the expertise to evaluate stu-*
24 *dent progress based on measures other than*
25 *credit hours or clock hours;*

1 “(iv) history of compliance with the re-
2 quirements of this Act;

3 “(v) commitment to work with the Di-
4 rector and the Secretary to evaluate the
5 demonstration project and the impact of the
6 demonstration project under subsection
7 (g)(2);

8 “(vi) commitment and ability to assess
9 student learning through a third party;

10 “(vii) commitment of the accrediting
11 agency or association of the eligible entity
12 to establish and enforce the standards de-
13 scribed in subsection (c); and

14 “(viii) commitment to collaboration
15 with an employer advisory group or specific
16 employers to determine how the demonstra-
17 tion project will meet employer needs;

18 “(C) ensure the selection of a diverse group
19 of eligible entities with respect to size, mission,
20 student population, and geographic distribution;

21 “(D) not limit the types of programs of
22 study or courses of study approved for participa-
23 tion in a demonstration project; and

24 “(E) not select an eligible entity—

1 “(i) that, for 1 of the preceding 2 fiscal
2 years—

3 “(I) had an adjusted cohort de-
4 fault rate (defined in section 435(m))
5 that is 20 percent or greater;

6 “(II) failed to meet the require-
7 ment under section 487(a)(24); or

8 “(III) was—

9 “(aa) under probation or an
10 equivalent status from the accred-
11 iting agency or association of the
12 eligible entity;

13 “(bb) under sanction from
14 the authorization agency of the
15 State in which the eligible entity
16 is located; or

17 “(cc) under public investiga-
18 tion or facing a pending lawsuit
19 from a State or Federal agency;

20 “(ii) if the Department has concerns
21 with the entity’s compliance based on pro-
22 gram reviews or audits; or

23 “(iii) if the eligible entity fails to meet
24 the financial responsibility standards pre-
25 scribed by the Secretary in accordance with

1 *section 498(c) or is placed on a reimburse-*
2 *ment payment method by the Secretary.*

3 “(e) *WAIVERS AND OTHER FLEXIBILITY.*—

4 “(1) *IN GENERAL.*—*With respect to any eligible*
5 *entity selected to carry out a demonstration project*
6 *under this section, the Secretary may—*

7 “(A) *waive any requirements of the provi-*
8 *sions of law (including any regulations promul-*
9 *gated under such provisions) listed in paragraph*
10 *(2) for which the eligible entity has provided a*
11 *reason for waiving under subsection (b)(4)(J); or*

12 “(B) *provide other flexibility, but not waive,*
13 *any requirements of the provisions of law (in-*
14 *cluding any regulations promulgated under such*
15 *provisions) listed in paragraph (3) for which the*
16 *eligible entity has provided a reason with which*
17 *the Secretary agrees for such flexibility under*
18 *subsection (b)(4)(J).*

19 “(2) *PROVISIONS ELIGIBLE FOR WAIVERS.*—*The*
20 *Secretary may waive the following under paragraph*
21 *(1)(A):*

22 “(A) *Subparagraphs (A) and (B) of section*
23 *102(a)(3).*

24 “(B) *Section 484(l)(1).*

1 “(3) *PROVISIONS ELIGIBLE FOR FLEXIBILITY.*—
2 *The Secretary may provide the flexibility described in*
3 *paragraph (1)(B) with respect to the requirements*
4 *under provisions in title I, part F of this title, or this*
5 *part, that inhibit the operation of a competency-based*
6 *education program, relating to the following:*

7 “(A) *Documenting attendance.*

8 “(B) *Weekly academic activity.*

9 “(C) *Minimum weeks of instructional time.*

10 “(D) *Requirements for credit hour or clock*
11 *hour equivalencies if an institution proposes a*
12 *measure clearly defined in its application that*
13 *accounts for the academic intensity of study.*

14 “(E) *Requirements for regular and sub-*
15 *stantive interaction with the instructor.*

16 “(F) *Definitions of the terms ‘academic*
17 *year’, ‘full-time student’, ‘part-time student’,*
18 *‘term’ (including ‘standard term’, ‘non-term’,*
19 *and ‘non-standard term’), ‘satisfactory academic*
20 *progress’, ‘educational activity’, ‘program of*
21 *study’, and ‘payment period’.*

22 “(G) *Methods of disbursing student finan-*
23 *cial aid by institutions of higher education se-*
24 *lected, as of the date of enactment of the College*
25 *Affordability Act, as experimental sites under*

1 *section 487A to carry out competency-based edu-*
2 *cation programs.*

3 “(H) *Restrictions regarding concurrent stu-*
4 *dent enrollment in Direct Assessment and non-*
5 *Direct Assessment programs.*

6 “(4) *MEASUREMENT OF ACTIVITY OR ACADEMIC*
7 *WORK.—An institution granted flexibility under*
8 *paragraph (3) related to requirements for credit hour*
9 *or clock hour equivalencies shall include a measure-*
10 *ment of activity or academic ‘work’ by students as*
11 *considered comparable to the standard practice for*
12 *measuring credit or clock hours for these areas.*

13 “(f) *NOTIFICATION.—Not later than 9 months after the*
14 *date of enactment of the College Affordability Act, the Sec-*
15 *retary shall make available to the authorizing committees*
16 *and the public a list of eligible entities selected to carry*
17 *out a demonstration project under this section, which shall*
18 *include for each such eligible entity—*

19 “(1) *the specific waiver or other flexibility from*
20 *statutory or regulatory requirements offered under*
21 *subsection (e); and*

22 “(2) *a description of the competency-based edu-*
23 *cation programs, and its associated accreditation*
24 *standards, to be offered under the project.*

25 “(g) *INFORMATION AND EVALUATION.—*

1 “(1) *INFORMATION.*—

2 “(A) *STUDENT-LEVEL DATA.*—*Each eligible*
3 *entity that carries out a demonstration project*
4 *under this section shall provide to the Director*
5 *the student-level data for the students enrolled in*
6 *a program described in subparagraph (C)(i)(I),*
7 *the student-level data for the students enrolled in*
8 *a program described in subparagraph (C)(i)(II),*
9 *and the student-level data for students enrolled*
10 *in a program described in subparagraph*
11 *(C)(i)(III) to enable the Director—*

12 “(i) *to determine the aggregate infor-*
13 *mation described in subparagraph (B) with*
14 *respect to each such program; and*

15 “(ii) *to the extent practicable, to com-*
16 *pare the programs using a rigorous evalua-*
17 *tion, such as propensity score matching.*

18 “(B) *AGGREGATE INFORMATION.*—*For pur-*
19 *poses of the evaluation under paragraph (2), the*
20 *Director shall use the student-level data provided*
21 *under subparagraph (A) by an eligible entity to*
22 *determine the following information with respect*
23 *to each program described in subparagraph*
24 *(C)(i) offered at such eligible entity:*

1 “(i) *The average number of credit*
2 *hours students earned prior to enrollment*
3 *in the program, if applicable.*

4 “(ii) *The number and percentage of*
5 *students enrolled in a competency-based*
6 *education program that are also enrolled in*
7 *programs of study or courses of study of-*
8 *fered in credit hours or clock hours,*
9 *disaggregated by student status as a first-*
10 *year, second-year, third-year, fourth-year,*
11 *or other student.*

12 “(iii) *The average period of time be-*
13 *tween the enrollment of a student in the*
14 *program and the first assessment of student*
15 *knowledge of such student.*

16 “(iv) *The average time to 25 percent,*
17 *50 percent, 75 percent, 100 percent, 150*
18 *percent, and 200 percent completion of a*
19 *certificate or degree.*

20 “(v) *The number and percentage of*
21 *students who begin in a certain cohort and*
22 *complete a certificate or degree.*

23 “(vi) *The number and percentage of*
24 *students who begin in a certain cohort and*

1 *withdraw without completing a certificate*
2 *or degree.*

3 “(vii) *The number and percentage of*
4 *students who begin in a certain cohort who*
5 *reach 25 percent, 50 percent, 75 percent,*
6 *and 100 percent completion of a certificate*
7 *or degree.*

8 “(viii) *The number and percentage of*
9 *students who begin in a certain cohort who*
10 *re-enroll in a second period.*

11 “(ix) *The median number of com-*
12 *petencies completed per period.*

13 “(x) *The average number of attempts it*
14 *takes students to pass all assessments of stu-*
15 *dent knowledge during the period of enroll-*
16 *ment in the program.*

17 “(xi) *The percentage of summative as-*
18 *sessments of student competence that stu-*
19 *dents passed on the first attempt during the*
20 *period of enrollment in the program.*

21 “(xii) *The percentage of summative as-*
22 *sessments of student competence that stu-*
23 *dents passed on the second attempt and the*
24 *average period of time between the first and*

1 *second attempts during the period of enroll-*
2 *ment in the program.*

3 “(xiii) *The average number of com-*
4 *petencies a student acquired and dem-*
5 *onstrated while enrolled in a program and*
6 *the period of time during which the student*
7 *acquired such competencies.*

8 “(xiv) *The number and percentage of*
9 *students completing the program who find*
10 *employment that lasts not less than 6*
11 *months within 6 months of graduation,*
12 *disaggregated by number and percentage of*
13 *such students finding employment in a field*
14 *related to the program.*

15 “(xv) *Student job placement rates 1, 2,*
16 *and 3 years after graduating from the pro-*
17 *gram, if available.*

18 “(xvi) *The median student earnings 1,*
19 *2, and 3 years after graduating from the*
20 *program, if available.*

21 “(xvii) *The number and percentage of*
22 *students completing the program who con-*
23 *tinue their education.*

24 “(xviii) *Such other information as the*
25 *Director may reasonably require.*

1 “(C) *DISAGGREGATION.*—*The information*
2 *determined under subparagraph (B) shall be*
3 *disaggregated as follows, provided that the*
4 *disaggregation of the information does not iden-*
5 *tify any individual student:*

6 “(i) *For each eligible entity that car-*
7 *ries out a demonstration project under this*
8 *section, disaggregation by—*

9 “(I) *the students enrolled in each*
10 *competency-based education program*
11 *under the project;*

12 “(II) *the students enrolled in each*
13 *competency-based education program*
14 *not being carried out under the project,*
15 *if the eligible entity has a competency-*
16 *based education program not being*
17 *carried out under the project; and*

18 “(III) *the students enrolled in a*
19 *program not described in subclause (I)*
20 *or (II).*

21 “(ii) *For each group of students de-*
22 *scribed in clause (i), disaggregation by*
23 *prior postsecondary experience, age group,*
24 *race, gender, disability status, students who*
25 *are Veterans or servicemembers, first gen-*

1 *eration college students, full-time and part-*
2 *time enrollment, and status as a recipient*
3 *of a Federal Pell Grant.*

4 “(D) COUNCIL.—*The Director shall provide*
5 *to the Competency-Based Education Council any*
6 *information described in subparagraph (A) or*
7 *(B) (other than personally identifiable informa-*
8 *tion) that may be necessary for the Council to*
9 *carry out its duties under section 4616(e) of the*
10 *College Affordability Act.*

11 “(2) EVALUATION.—

12 “(A) IN GENERAL.—*The Director, in con-*
13 *sultation with the Secretary and using the infor-*
14 *mation determined under paragraph (1), shall*
15 *annually evaluate each eligible entity carrying*
16 *out a demonstration project under this section.*
17 *Each evaluation shall be disaggregated in ac-*
18 *cordance with subparagraph (B) and include—*

19 “(i) *the extent to which the eligible en-*
20 *tity has met the elements of its application*
21 *under subsection (b)(4);*

22 “(ii) *whether the demonstration project*
23 *led to reduced cost, including as reflected by*
24 *median debt levels, or time to completion of*

1 *a certificate or degree, and the amount of*
2 *cost or time reduced for such completion;*

3 “(iii) *obstacles related to student fi-*
4 *nancial assistance for competency-based*
5 *education;*

6 “(iv) *the extent to which statutory or*
7 *regulatory requirements not waived or for*
8 *which flexibility is not provided under sub-*
9 *section (e) presented difficulties or unin-*
10 *tended consequences for students or eligible*
11 *entities;*

12 “(v) *a description of the waivers or*
13 *flexibility provided under subsection (e)*
14 *that were most beneficial to students or eli-*
15 *gible entities, and an explanation of such*
16 *benefits;*

17 “(vi) *the percentage of students who re-*
18 *ceived each of the following—*

19 “(I) *a grant under this title;*

20 “(II) *a loan under this title;*

21 “(III) *a State grant;*

22 “(IV) *a State loan;*

23 “(V) *an institutional grant;*

24 “(VI) *an institutional loan;*

25 “(VII) *a private loan; and*

1 “(VIII) an employer grant or sub-
2 sidy;

3 “(vii) median annual total cost and
4 net cost to the student of the program;

5 “(viii) median total cost and net cost
6 of the credential and associated examina-
7 tion or licensure calculated upon comple-
8 tion;

9 “(ix) median outstanding balance of
10 principal and interest on loans made under
11 this title that students have upon gradua-
12 tion;

13 “(x) the median 3-year adjusted cohort
14 default rate as defined under section
15 435(m);

16 “(xi) the median 1-year and 3-year re-
17 payment rate of loans made under this title;

18 “(xii) the median student earnings 1,
19 3, and 4 years after graduation;

20 “(xiii) a description of the curricular
21 infrastructure, including assessments of stu-
22 dent knowledge and the corresponding com-
23 petencies;

24 “(xiv) a description of the role of fac-
25 ulty and faculty involvement; and

1 “(xv) outcomes of the assessments of
2 student competency.

3 “(B) *DISAGGREGATION.*—The data collected
4 under clauses (vi) through (xii) shall be
5 disaggregated by each group of students described
6 in paragraph (1)(C).

7 “(3) *ANNUAL REPORT.*—The Director, in con-
8 sultation with the Secretary, shall annually provide
9 to the authorizing committees a report on—

10 “(A) the evaluations required under para-
11 graph (2);

12 “(B) the number and types of students re-
13 ceiving assistance under this title for com-
14 petency-based education programs offered under
15 projects under this section;

16 “(C) any proposed statutory or regulatory
17 changes designed to support and enhance the ex-
18 pansion of competency-based education pro-
19 grams, which may be independent of or com-
20 bined with traditional credit hour or clock hour
21 projects;

22 “(D) the most effective means of delivering
23 competency-based education programs through
24 projects under this section; and

1 “(E) the appropriate level and distribution
2 methodology of Federal assistance under this title
3 for students enrolled in a competency-based edu-
4 cation program.

5 “(h) COORDINATION.—An eligible entity or the Direc-
6 tor shall consult with the Secretary of Education or the Sec-
7 retary of the Treasury to obtain the employment, earnings,
8 and loan information that may be necessary for purposes
9 of subsection (c)(2)(F) or subsection (g), respectively.

10 “(i) OVERSIGHT.—In carrying out this section, the
11 Secretary shall, at least twice annually—

12 “(1) assure compliance of eligible entities with
13 the requirements of this title (other than the provi-
14 sions of law and regulations that are waived under
15 subsection (e));

16 “(2) provide technical assistance;

17 “(3) monitor fluctuations in the student popu-
18 lation enrolled in the eligible entities carrying out the
19 demonstration projects under this section;

20 “(4) consult with appropriate accrediting agen-
21 cies or associations and appropriate State regulatory
22 authorities for additional ways of improving the de-
23 livery of competency-based education programs; and

1 “(5) collect and disseminate to eligible entities
2 carrying out a demonstration project under this sec-
3 tion, best practices with respect to such projects.

4 “(j) DATA PRIVACY.—

5 “(1) IN GENERAL.—It shall be unlawful for any
6 person who obtains or has access to personally identi-
7 fiable information pursuant to this section to know-
8 ingly disclose to any person (except as authorized in
9 this section or any Federal law) such personally iden-
10 tifiable information.

11 “(2) PENALTY.—Any person who violates para-
12 graph (1) shall be fined under title 18, United States
13 Code.

14 “(3) OFFICER OR EMPLOYEE OF THE UNITED
15 STATES.—If any officer or employee of the United
16 States violates paragraph (1), the officer or employee
17 shall be dismissed from office or discharged from em-
18 ployment upon conviction for the violation.

19 “(4) LAW ENFORCEMENT.—Personally identifi-
20 able information collected under this section shall not
21 be used for any law enforcement activity or any other
22 activity that would result in adverse action against
23 any student, including debt collection activity or en-
24 forcement of the immigration laws.

1 “(k) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
2 *are authorized to be appropriated \$5,000,000 to the Depart-*
3 *ment to carry out the project under this section.*

4 “(l) *DEFINITIONS.*—*For the purpose of this section:*

5 “(1) *CAREER PATHWAY.*—*The term ‘career path-*
6 *way’ has the meaning given the term in section 3 of*
7 *the Workforce Innovation and Opportunity Act (29*
8 *U.S.C. 3102).*

9 “(2) *COMPETENCY.*—*The term ‘competency’*
10 *means the knowledge, skill, and abilities demonstrated*
11 *for a particular program of study.*

12 “(3) *COMPETENCY-BASED EDUCATION PRO-*
13 *GRAM.*—*The term ‘competency-based education pro-*
14 *gram’ means a postsecondary program that provides*
15 *competency-based education for which the accrediting*
16 *agency or association of the institution of higher edu-*
17 *cation offering such program has established or will*
18 *establish the standards described in subsection (c)*
19 *and, in accordance with such standards—*

20 “(A) *measures academic progress and cre-*
21 *dential attainment by the assessment of student*
22 *learning in lieu of, or in addition to, credit or*
23 *clock hours;*

24 “(B) *measures and assesses such academic*
25 *progress and attainment in terms of a student’s*

1 *mastery of competencies by identifying what stu-*
2 *dents know and the skills mastered through rig-*
3 *orous assessment;*

4 “(C) determines and reports to the Sec-
5 retary the number of credit or clock hours that
6 would be needed for the attainment of a similar
7 level of knowledge, skills, and characteristics in
8 a standard credit or clock hour program;

9 “(D) provides the educational content, ac-
10 tivities, support, and resources necessary to en-
11 able students to develop and attain the com-
12 petencies that are required to demonstrate mas-
13 tery of such competencies, including a system for
14 monitoring a student’s engagement and progress
15 in each competency, in which faculty are respon-
16 sible for providing proactive academic assist-
17 ance, when needed, on the basis of such moni-
18 toring;

19 “(E) upon a student’s demonstration or
20 mastery of a set of competencies identified and
21 required by the institution, leads to or results in
22 the awarding of a certificate or degree;

23 “(F) ensures that funds received under this
24 title may be used only for learning that results
25 from instruction provided or overseen by the in-

1 *stitution and not for the portion of the program*
2 *of which the student has demonstrated mastery*
3 *prior to enrollment in the program or tests of*
4 *learning that are not associated with educational*
5 *activities overseen by the institution;*

6 *“(G) is organized in a manner that an in-*
7 *stitution can determine, based on the method of*
8 *measurement selected by the institution, and ap-*
9 *proved by the accreditor as described in sub-*
10 *section (c), what constitutes a full-time, three-*
11 *quarter time, half-time, and less than half-time*
12 *workload for the purposes of awarding and ad-*
13 *ministering assistance under this title, or assist-*
14 *ance provided under another provision of Fed-*
15 *eral law to attend an institution of higher edu-*
16 *cation; and*

17 *“(H) may use a disaggregated faculty model*
18 *in which the educational responsibilities for an*
19 *academic course are divided among a number of*
20 *individuals, each performing specific tasks essen-*
21 *tial to instruction, including curriculum design,*
22 *content delivery, and student assessment.*

23 *“(4) DIRECTOR.—The term ‘Director’ means the*
24 *Director of the Institute of Education Sciences.*

1 “(5) *DUAL OR CONCURRENT ENROLLMENT PRO-*
2 *GRAM.*—*The term ‘dual or concurrent enrollment pro-*
3 *gram’ has the meaning given the term in section 8101*
4 *of the Elementary and Secondary Education Act of*
5 *1965 (20 U.S.C. 7801).*

6 “(6) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
7 *ty’ means an institution of higher education, which*
8 *may be an institution of higher education that offers*
9 *a dual or concurrent enrollment program.*

10 “(7) *FIRST GENERATION COLLEGE STUDENT.*—
11 *The term ‘first generation college student’ has the*
12 *meaning given the term in section 402A(h)(3).*

13 “(8) *INSTITUTION OF HIGHER EDUCATION.*—*The*
14 *term ‘institution of higher education’ has the meaning*
15 *given the term in section 102, except that such term*
16 *does not include institutions described in section*
17 *102(a)(1)(C).”.*

18 “(b) *RULE OF CONSTRUCTION.*—*Nothing in this section*
19 *or the amendments made by this section shall be construed*
20 *to alter the authority of the Secretary of Education to estab-*
21 *lish experimental sites under any other provision of law.*

22 **SEC. 4616. COMPETENCY-BASED EDUCATION COUNCIL.**

23 “(a) *ESTABLISHMENT OF A COMMITTEE ON COM-*
24 *PETENCY-BASED EDUCATION.*—*Not later than 6 months*
25 *after the date of enactment of this Act, there shall be estab-*

1 *lished the Competency-Based Education Council (referred*
2 *to in this section as the “Council”).*

3 *(b) MEMBERSHIP.—*

4 *(1) COMPOSITION.—The Council shall be com-*
5 *posed of—*

6 *(A) 3 individuals appointed by the Sec-*
7 *retary of Education;*

8 *(B) 2 individuals appointed by the Director*
9 *of the Bureau of Consumer Financial Protection;*

10 *(C) not less than 8 and not more than 13*
11 *individuals appointed by the Comptroller Gen-*
12 *eral of the United States, representing—*

13 *(i) experts in competency-based edu-*
14 *cation;*

15 *(ii) faculty members in competency-*
16 *based education programs;*

17 *(iii) faculty members in non-com-*
18 *petency based education programs;*

19 *(iv) administrators at institutions that*
20 *offer competency-based education programs;*

21 *(v) individuals currently enrolled in or*
22 *graduated from a competency-based edu-*
23 *cation program;*

1 (vi) accrediting agencies or associa-
2 tions that recognize competency-based edu-
3 cation programs;

4 (vii) experts from State educational
5 agencies; and

6 (viii) business and industry represent-
7 atives; and

8 (D) 4 members appointed by—

9 (i) the Majority Leader of the Senate;

10 (ii) the Minority Leader of the Senate;

11 (iii) the Speaker of the House of Rep-
12 resentatives; and

13 (iv) the Minority Leader of the House
14 of Representatives.

15 (2) CHAIRPERSON.—The Council shall select a
16 Chairperson from among its members.

17 (3) VACANCIES.—Any vacancy in the Council
18 shall not affect the powers of the Council and shall be
19 filled in the same manner as an initial appointment.

20 (c) MEETINGS.—The Council shall hold, at the call of
21 the Chairperson, not less than 6 meetings before completing
22 the study required under subsection (e) and the report re-
23 quired under subsection (f).

24 (d) PERSONNEL MATTERS.—

1 (1) *COMPENSATION OF MEMBERS.*—*Each mem-*
2 *ber of the Council shall serve without compensation in*
3 *addition to any such compensation received for the*
4 *member’s service as an officer or employee of the*
5 *United States, if applicable.*

6 (2) *TRAVEL EXPENSES.*—*The members of the*
7 *Council shall be allowed travel expenses, including*
8 *per diem in lieu of subsistence, at rates authorized for*
9 *employees of agencies under subchapter 1 of chapter*
10 *57 of title 5, United States Code, while away from*
11 *their homes or regular places of business in the per-*
12 *formance of services for the Council.*

13 (e) *DUTIES OF THE COUNCIL.*—

14 (1) *STUDY.*—*The Council shall conduct a study*
15 *on the ongoing innovation and development of com-*
16 *petency-based education programs.*

17 (2) *RECOMMENDATIONS.*—*Based on the findings*
18 *of the study under paragraph (1), and the annual*
19 *evaluations of the demonstration projects under sec-*
20 *tion 486C of the Higher Education Act of 1965, as*
21 *added by section 4615 of this Act, the Council shall*
22 *develop recommendations for the authorization of*
23 *competency-based education under the Higher Edu-*
24 *cation Act of 1965, including recommendations*
25 *that—*

1 (A) provide or update standard definitions,
2 if needed, for relevant terms, including—

3 (i) competency-based education;

4 (ii) competency-based education pro-
5 gram including quality indicators, that in-
6 clude appropriate student outcome metrics,
7 for such programs; and

8 (iii) any other relevant definitions
9 agreed upon; and

10 (B) address—

11 (i) the amount of learning in a com-
12 petency unit;

13 (ii) the transfer of competency-based
14 education credits to other institutions or
15 programs;

16 (iii) the minimum amount of time in
17 an academic year for competency-based edu-
18 cation programs, for financial aid purposes;

19 (iv) considerations for accreditation
20 agencies before recognizing competency-
21 based education programs;

22 (v) address the role of faculty and fac-
23 ulty involvement in competency-based edu-
24 cation programs;

1 (vi) additional resources that may be
2 needed for adequate oversight of com-
3 petency-based education programs; and

4 (vii) the responsiveness of competencies
5 to the labor market and employers.

6 (f) *REPORTS.*—

7 (1) *INTERIM REPORTS.*—Not later than 2 years
8 after the date of enactment of this Act, and biennially
9 thereafter until the final report is submitted under
10 paragraph (2), the Council shall prepare and submit
11 to the Secretary of Education and Congress, and
12 make available to the public, a report that provides
13 ongoing feedback to the annual evaluations of the
14 demonstration projects under section 486C(g)(2) of
15 the Higher Education Act of 1965, as added by sec-
16 tion 4615 of this Act, including a discussion of imple-
17 mentation challenges programs face, and the items
18 listed in subsection (e)(2)(B).

19 (2) *FINAL REPORT.*—Not later than 6 years after
20 the date of enactment of this Act, the Council shall
21 prepare and submit to the Secretary of Education
22 and Congress, and make available to the public, a re-
23 port containing the findings of the study under sub-
24 section (e)(1) and the recommendations developed
25 under subsection (e)(2).

1 **SEC. 4617. WRITTEN ARRANGEMENTS TO PROVIDE EDU-**
2 **CATIONAL PROGRAMS.**

3 *Part G of title IV of the Higher Education Act of 1965*
4 *(20 U.S.C. 1088 et seq.) is amended by inserting after sec-*
5 *tion 486C (as added by section 4615 of this Act) the fol-*
6 *lowing:*

7 **“SEC. 486D. WRITTEN ARRANGEMENTS TO PROVIDE EDU-**
8 **CATIONAL PROGRAMS.**

9 *“(a) WRITTEN ARRANGEMENTS BETWEEN ELIGIBLE*
10 *INSTITUTIONS.—*

11 *“(1) IN GENERAL.—Except as provided in para-*
12 *graph (2), if an eligible institution enters into a writ-*
13 *ten arrangement with another eligible institution, or*
14 *with a consortium of eligible institutions, under*
15 *which the other eligible institution or consortium pro-*
16 *vides part of the educational program to students en-*
17 *rolled in the first institution, the Secretary shall con-*
18 *sider that educational program to be an eligible pro-*
19 *gram if the educational program offered by the insti-*
20 *tution that grants the degree or certificate otherwise*
21 *satisfies the requirements for eligibility under this*
22 *title.*

23 *“(2) COMMON OWNERSHIP OR CONTROL.—If the*
24 *written arrangement described in paragraph (1) is*
25 *between two or more eligible institutions that are*
26 *owned or controlled by the same individual, partner-*

1 *ship, or corporation, the Secretary shall consider the*
2 *educational program to be an eligible program if—*

3 “(A) *the educational program offered by the*
4 *institution that grants the degree or certificate*
5 *otherwise satisfies the requirements for eligibility*
6 *under this title; and*

7 “(B) *the institution that grants the degree*
8 *or certificate provides more than 50 percent of*
9 *the educational program.*

10 “(b) *WRITTEN ARRANGEMENTS FOR STUDY-*
11 *ABROAD.—Under a study abroad program, if an eligible in-*
12 *stitution enters into a written arrangement under which*
13 *an institution in another country, or an organization act-*
14 *ing on behalf of an institution in another country, provides*
15 *part of the educational program of students enrolled in the*
16 *eligible institution, the Secretary considers that educational*
17 *program to be an eligible program if it otherwise satisfies*
18 *the requirements of paragraphs (1) through (3) of subsection*
19 *(c).*

20 “(c) *WRITTEN ARRANGEMENTS BETWEEN AN ELIGI-*
21 *BLE INSTITUTION AND AN INELIGIBLE INSTITUTION OR OR-*
22 *GANIZATION.—If an eligible institution enters into a writ-*
23 *ten arrangement with an institution or organization that*
24 *is not an eligible institution under which the ineligible in-*
25 *stitution or organization provides part of the educational*

1 *program of students enrolled in the eligible institution, the*
2 *Secretary shall consider that educational program to be an*
3 *eligible program if—*

4 “(1) *the ineligible institution or organization*
5 *has not—*

6 “(A) *had its eligibility to participate in the*
7 *programs under this title terminated by the Sec-*
8 *retary;*

9 “(B) *voluntarily withdrawn from partici-*
10 *pation programs under this title under a termi-*
11 *nation, show-cause, suspension, or similar type*
12 *proceeding initiated by the institution’s State li-*
13 *censing agency, accrediting agency, guarantor,*
14 *or by the Secretary;*

15 “(C) *had its certification to participate in*
16 *programs under this title revoked by the Sec-*
17 *retary;*

18 “(D) *had its application for re-certification*
19 *to participate in programs under this title de-*
20 *nyed by the Secretary; or*

21 “(E) *had its application for certification to*
22 *participate in programs under this title denied*
23 *by the Secretary;*

1 “(2) *the ineligible institution or organization*
2 *does not have any role in the admission of students*
3 *into the educational program;*

4 “(3) *the educational program offered by the in-*
5 *stitution that grants the degree or certificate otherwise*
6 *satisfies the requirements for eligibility under this*
7 *title; and*

8 “(4)(A) *the ineligible institution or organization*
9 *provides 25 percent or less of the educational pro-*
10 *gram; or*

11 “(B)(i) *the ineligible institution or organization*
12 *provides more than 25 percent but less than 50 per-*
13 *cent of the educational program;*

14 “(ii) *the eligible institution and the ineligible in-*
15 *stitution or organization are not owned or controlled*
16 *by the same individual, partnership, or corporation;*

17 “(iii) *the eligible institution’s accrediting agen-*
18 *cy, or if the institution is a public postsecondary vo-*
19 *cational educational institution, the State agency de-*
20 *termined by the Secretary to be a reliable authority*
21 *as to the quality of public postsecondary vocational*
22 *education pursuant to section 487(c)(4), has specifi-*
23 *cally determined that the institution’s arrangement*
24 *meets the agency’s standards for the contracting out*
25 *of educational services; and*

1 “(iv) the eligible institution provides to the Sec-
2 retary the institution’s expenditures on instruction,
3 student services, marketing, recruitment, advertising,
4 and lobbying made available under section
5 132(i)(1)(AA) with respect to the portion of the edu-
6 cational program covered by the written arrangement.

7 “(d) ADMINISTRATION OF TITLE IV PROGRAMS.—

8 “(1) IN GENERAL.—If an institution enters into
9 a written arrangement as described in subsection (a),
10 subsection (b), or subsection (c), except as provided in
11 paragraph (2), the institution at which the student is
12 enrolled as a regular student shall determine the stu-
13 dent’s eligibility for funds under this title, and shall
14 calculate and disburse those funds to that student.

15 “(2) SPECIAL RULE FOR ARRANGEMENTS BE-
16 TWEEN ELIGIBLE INSTITUTIONS.—In the case of a
17 written arrangement between eligible institutions, the
18 institutions may agree in writing to have any eligible
19 institution in the written arrangement calculate and
20 disburse funds under this title to the student and the
21 Secretary shall not consider that institution to be a
22 third party servicer for that arrangement.

23 “(3) CALCULATION AND DISBURSEMENT.—The
24 institution that calculates and disburses a student’s
25 funds under paragraph (1) or paragraph (2) must—

1 “(A) take into account all the hours in
2 which the student enrolls at each institution that
3 apply to the student’s degree or certificate when
4 determining the student’s enrollment status and
5 cost of attendance; and

6 “(B) maintain all records regarding the
7 student’s eligibility for and receipt of funds
8 under this title.

9 “(e) *INFORMATION MADE AVAILABLE TO STUDENTS.*—
10 If an institution enters into a written arrangement de-
11 scribed in subsection (a), subsection (b), or subsection (c),
12 the institution shall provide directly to enrolled and pro-
13 spective students, and make available on a publicly acces-
14 sible website of the institution, a description of written ar-
15 rangements the institution has entered into in accordance
16 with this section, including information on—

17 “(1) the portion of the educational program that
18 the institution that grants the degree or certificate is
19 not providing;

20 “(2) the name and location of the other institu-
21 tions or organizations that are providing the portion
22 of the educational program that the institution that
23 grants the degree or certificate is not providing;

1 “(3) the method of delivery of the portion of the
2 educational program that the institution that grants
3 the degree or certificate is not providing; and

4 “(4) estimated additional costs students may
5 incur as the result of enrolling in an educational pro-
6 gram that is provided, in part, under the written ar-
7 rangement.”.

8 **SEC. 4618. IMPROVEMENTS TO PROGRAM PARTICIPATION**
9 **AGREEMENTS.**

10 (a) *ALCOHOL AND SUBSTANCE MISUSE PREVEN-*
11 *TION.*—Section 487(a)(10) of the Higher Education Act of
12 1965 (20 U.S.C. 1094(a)(10)) is amended by striking “a
13 drug abuse prevention program” and inserting “an alcohol
14 and substance misuse prevention program in accordance
15 with section 120”.

16 (b) *ADJUSTED COHORT DEFAULT RATE.*—Section
17 487(a)(14) of the Higher Education Act of 1965 is amended
18 by adding at the end the following:

19 “(D) Beginning on the date on which the final
20 adjusted cohort default rates are published by the Sec-
21 retary for fiscal year 2018 under section 435(m), sub-
22 paragraph (C) shall be applied by substituting ‘ad-
23 justed cohort default rate in excess of 5 percent’ for
24 ‘cohort default rate in excess of 10 percent’ each place
25 it appears.”.

1 (c) *POSTSECONDARY DATA*.—Paragraph (17) of sec-
2 tion 487(a) of the Higher Education Act of 1965 (20 U.S.C.
3 1094(a)) is amended to read as follows:

4 “(17) The institution of higher education (or the
5 assigned agent of such institution) shall collect and
6 submit data to the Commissioner for Education Sta-
7 tistics in a timely manner in accordance with—

8 “(A) section 132(l);

9 “(B) nonstudent-related surveys within the
10 Integrated Postsecondary Education Data Sys-
11 tem (IPEDS); and

12 “(C) any other Federal postsecondary data
13 collection effort.”.

14 (d) *ACCESS TO HOUSING FOR FOSTER YOUTH*.—Sec-
15 tion 487(a)(19) of the Higher Education Act of 1965 (20
16 U.S.C. 1094(a)(19)) is amended—

17 (1) by striking “The institution will not” and
18 inserting the following: “The institution—

19 “(A) will not”;

20 (2) by inserting “housing facilities,” after “li-
21 braries,”;

22 (3) by striking “institution.” and inserting “in-
23 stitution; and”; and

24 (4) by adding at the end the following:

1 “(B) will provide a means for students to
 2 access institutionally owned or operated housing
 3 if a student is temporarily unable to meet finan-
 4 cial obligations related to housing, including de-
 5 posits, due to delayed disbursement of vouchers
 6 for education and training made available under
 7 section 477 of part E of title IV of the Social Se-
 8 curity Act or delays attributable to the institu-
 9 tion.”.

10 (e) *DISTRIBUTION OF VOTER REGISTRATION*

11 *FORMS.—*

12 Section 487(a)(23)(A) of the Higher Education
 13 Act of 1965 (20 U.S.C. 1094(a)(23)(A)) is amended
 14 by striking “, if located in a State to which section
 15 4(b) of the National Voter Registration Act of 1993
 16 (42 U.S.C. 1973gg-2(b)) does not apply,”.

17 (f) *PROPRIETARY INSTITUTIONS.—*

18 (1) *85/15 RULE.—*

19 (A) *AMENDMENT.—*Section 487(a)(24) of
 20 the Higher Education Act of 1965 (20 U.S.C.
 21 1094(a)(24)) is amended by striking “not less
 22 than ten percent of such institution’s revenues
 23 from sources other than funds provided under
 24 this title” and inserting “not less than 15 per-

1 *cent of such institution's revenues from sources*
2 *other than Federal education assistance funds”.*

3 (B) *EFFECTIVE DATE.*—*The amendment*
4 *made by this paragraph shall take effect on July*
5 *1, 2022.*

6 (2) *REPEALS.*—

7 (A) *IN GENERAL.*—*Subsections (a)(24) and*
8 *(d)(2) of section 487 the Higher Education Act*
9 *of 1965 (20 U.S.C. 1094) are repealed.*

10 (B) *EFFECTIVE DATE.*—*The repeals made*
11 *by this paragraph shall take effect on July 1,*
12 *2023.*

13 (g) *WRITTEN ARRANGEMENTS WITH OTHER INSTITU-*
14 *TIONS.*—*Section 487(a) of the Higher Education Act of*
15 *1965 (20 U.S.C. 1094(a)) is amended by adding at the end*
16 *the following:*

17 “(30) *In the case of an institution that enters*
18 *into a written arrangement with an organization or*
19 *another institution to provide part of an educational*
20 *program, the institution will comply with the appli-*
21 *cable requirements of section 486D.”.*

1 **SEC. 4619. COMPLIANCE WITH THE CIVIL RIGHTS ACT OF**
2 **1964.**

3 *Section 487(a) of the Higher Education Act of 1965*
4 *(20 U.S.C. 1094(a)), as amended by the preceding sections,*
5 *is further amended by adding at the end the following:*

6 *“(31) The institution will—*

7 *“(A) designate at least one employee to co-*
8 *ordinate compliance with title VI of the Civil*
9 *Rights Act of 1964 (42 U.S.C. 2000d et seq.), in-*
10 *cluding any investigation of any complaint al-*
11 *leging—*

12 *“(i) noncompliance with such title;*

13 *and*

14 *“(ii) any actions prohibited by such*
15 *title;*

16 *“(B) annually submit a report to the Sec-*
17 *retary that includes all complaints described in*
18 *subparagraph (A) with respect to such institu-*
19 *tion;*

20 *“(C) make the report under subparagraph*
21 *(B) publicly available on the internet website of*
22 *the institution; and*

23 *“(D) notify students and employees of—*

24 *“(i) the name, office address, and tele-*
25 *phone number of each employee designated*
26 *under subparagraph (A);*

1 “(ii) the report under subparagraph
2 (B);

3 “(iii) the enforcement policies of the
4 institution with respect to such title; and

5 “(iv) the procedure for reporting and
6 investigating complaints under such title.”.

7 **SEC. 4620. SUBMISSION OF DATA WITH RESPECT TO STU-**
8 **DENTS WITH DISABILITIES.**

9 Section 487(a) of the Higher Education Act of 1965
10 (20 U.S.C. 1094(a)), as amended by the preceding sections,
11 is further amended by adding at the end the following:

12 “(32) The institution will submit, for inclusion
13 in the postsecondary student data system established
14 under section 132(l), the Integrated Postsecondary
15 Education Data System of the Department, or any
16 other Federal postsecondary institution data collec-
17 tion effort, key data related to undergraduate and
18 graduate students enrolled at the institution who are
19 formally registered as students with disabilities with
20 the institution’s office of accessibility, including the
21 total number of students with disabilities enrolled, the
22 number of students accessing or receiving accommoda-
23 tion, the percentage of students with disabilities of all
24 undergraduate students, and the total number of un-
25 dergraduate certificates or degrees awarded to stu-

1 *dents with disabilities. An institution shall not be re-*
2 *quired to submit the information described in the pre-*
3 *ceding sentence if the number of such students would*
4 *reveal personally identifiable information about an*
5 *individual student.”.*

6 **SEC. 4621. EDUCATION PROGRAM ON HAZING.**

7 *(a) EDUCATIONAL PROGRAM ON HAZING.—Section*
8 *487(a) of the Higher Education Act of 1965 (20 U.S.C.*
9 *1094(a)), as amended by the preceding sections, is further*
10 *amended by adding at the end the following:*

11 *“(33) The institution will provide students with*
12 *an educational program on hazing (as that term is*
13 *defined in section 485(f)(6)(A)(vii)), which shall in-*
14 *clude information on hazing awareness, hazing pre-*
15 *vention, and the institution’s policies on hazing.”.*

16 **SEC. 4622. CHANGES TO PROGRAM PARTICIPATION AGREEMENTS TO STRENGTHEN CONSUMER PROTECTIONS.**

17 **MENTS TO STRENGTHEN CONSUMER PROTECTIONS.**
18 **TIONS.**
19 *(a) PROHIBITION ON LOSS OF ACCESS TO TRAN-*
20 *SCRIPTS FOR LOAN DEFAULT.—Section 487(a) of the High-*
21 *er Education Act of 1965 (20 U.S.C. 1094(a)) is further*
22 *amended by adding at the end the following:*

23 *“(34)(A) The institution will not prohibit a stu-*
24 *dent from accessing the student’s transcripts, degree*
25 *scrolls, or other certifications of coursework or edu-*

1 *ational attainments at the institution because the*
 2 *student is in default on the repayment of a loan*
 3 *made, insured, or guaranteed under this title.*

4 *“(B) For purposes of this paragraph, the term*
 5 *‘student’ includes former students.”.*

6 *(b) PROHIBITION ON LIMITATIONS ON ABILITY OF*
 7 *STUDENTS TO PURSUE CLAIMS AGAINST CERTAIN INSTI-*
 8 *TUTIONS OF HIGHER EDUCATION.—Section 487(a) of the*
 9 *Higher Education Act of 1965 (20 U.S.C. 1094(a)) is fur-*
 10 *ther amended by adding at the end the following:*

11 *“(35) No agreement between the institution and*
 12 *any student will contain any limitation or restriction*
 13 *(including a limitation or restriction on any avail-*
 14 *able choice of applicable law, a jury trial, or venue)*
 15 *on the ability of the student to pursue a claim, indi-*
 16 *vidually or with others, against an institution in*
 17 *court.”.*

18 **SEC. 4623. MISREPRESENTATION AND SUBSTANTIAL MIS-**

19 **REPRESENTATION DEFINED.**

20 *Section 487(c)(3) of the Higher Education Act of 1965*
 21 *(20 U.S.C. 1094(c)(3)) is amended—*

22 *(1) in subparagraph (B)(i), by striking*
 23 *“\$25,000” and inserting “\$60,000”; and*

24 *(2) by adding at the end the following:*

25 *“(C) In this paragraph:*

1 “(i) *The term ‘misleading’ means having the*
2 *likelihood or tendency to mislead under the cir-*
3 *cumstances.*

4 “(ii) *The term ‘misrepresentation’—*

5 “(I) *means any false, erroneous, or mis-*
6 *leading statement an institution, one of its rep-*
7 *resentatives, or a third-party servicer (as defined*
8 *in section 481(c)) makes directly or indirectly to*
9 *a student, prospective student or any member of*
10 *the public, or an accrediting agency, a State*
11 *agency, or to the Secretary; and*

12 “(II) *includes any statement that omits in-*
13 *formation in such a way as to make the state-*
14 *ment false, erroneous, or misleading.*

15 “(iii) *The term ‘statement’ means any commu-*
16 *nication made in writing, visually, orally, or through*
17 *other means.*

18 “(iv) *The term ‘substantial misrepresentation’*
19 *means any misrepresentation on which the person to*
20 *whom such misrepresentation was made could reason-*
21 *ably be expected to rely, or has reasonably relied, to*
22 *that person’s detriment.”.*

23 **SEC. 4624. REVENUE REQUIREMENT.**

24 (a) *AMENDMENTS.—Section 487(d) of the Higher Edu-*
25 *cation Act of 1965 (20 U.S.C. 1094(d)) is amended—*

1 (1) *in the subsection heading, by striking “TITLE*
2 *IV” and inserting “FEDERAL EDUCATION ASSIST-*
3 *ANCE FUNDS”;*

4 (2) *in paragraph (1)—*

5 (A) *in subparagraph (B)(iii)—*

6 (i) *in subclause (II), by striking “or”;*

7 (ii) *in subclause (III), by adding “or”*

8 *at the end; and*

9 (iii) *by adding at the end the fol-*
10 *lowing:*

11 “(IV) *provides industry-related*
12 *skills training pursuant to a contract*
13 *with an entity that is an independent*
14 *third-party (such as an employer), ex-*
15 *cept that revenues from such skills*
16 *training shall not exceed 5 percent of*
17 *the institution’s revenues for the pur-*
18 *poses of the calculation under this*
19 *paragraph, if the institution—*

20 “(aa) *does not offer more*
21 *than 50 percent of the institu-*
22 *tion’s courses exclusively through*
23 *distance education;*

24 “(bb) *ensures that less than*
25 *50 percent of students enrolled at*

1 *the institution are enrolled exclu-*
2 *sively in courses offered through*
3 *distance education; and*

4 *“(cc) was providing such*
5 *skills training pursuant to such*
6 *contract before the date of enact-*
7 *ment of the College Affordability*
8 *Act;”;*

9 *(B) in subparagraph (C), in the matter pre-*
10 *ceding clause (i), by striking “funds for a pro-*
11 *gram under this title” and inserting “Federal*
12 *education assistance funds”; and*

13 *(C) in subparagraph (D)(ii), by inserting*
14 *“(including any financing or credit instrument*
15 *of which the institution was a holder or guar-*
16 *antor)” after “proprietary institution of higher*
17 *education”;*

18 *(3) in paragraph (3)—*

19 *(A) in the paragraph heading, by striking*
20 *“COLLEGE NAVIGATOR” and inserting “DEPART-*
21 *MENT OF EDUCATION”;* and

22 *(B) in the matter preceding subparagraph*
23 *(A), by striking “on the College Navigator” and*
24 *inserting “on a Department of Education”; and*

25 *(4) in paragraph (4)—*

1 (A) in the matter preceding subparagraph
2 (A), by inserting “and make publicly available”
3 after “committees”; and

4 (B) in subparagraph (A), by striking
5 “sources under this title” and inserting “Federal
6 education assistance funds”.

7 (b) *EFFECTIVE DATE.*—The amendments made by this
8 section shall take effect on July 1, 2022.

9 **SEC. 4625. TEACH-OUT PLANS.**

10 Section 487(f)(2) of the Higher Education Act of 1965
11 (20 U.S.C. 1094(f)(2)) is amended to read as follows:

12 “(2) *TEACH-OUT PLAN DEFINED.*—In this sub-
13 section, the term ‘teach-out plan’ means a written
14 plan that provides for the equitable treatment of stu-
15 dents if an institution of higher education ceases to
16 operate before all students have completed their pro-
17 gram of study that—

18 “(A) shall include—

19 “(i) a process to maintain a complete
20 list of such students and the estimated date
21 of completion of each such student’s pro-
22 gram of study; and

23 “(ii) a record retention plan that in-
24 cludes—

1 “(I) a plan to provide each stu-
2 dent with the transcript of such stu-
3 dent, at no cost to such student, re-
4 gardless of whether such student choos-
5 es to participate in a teach-out or
6 transfer; and

7 “(II) the policies and procedures
8 required under subparagraphs (B) and
9 (C) of section 495(a)(6); and

10 “(B) may include—

11 “(i) if required by the institution’s ac-
12 crediting agency or association, an agree-
13 ment between institutions for such a teach-
14 out plan; and

15 “(ii) such other information as the
16 Secretary may require.”.

17 **SEC. 4626. EXPERIMENTAL PROGRAMS.**

18 Section 487A of the Higher Education Act of 1965 (20
19 U.S.C. 1094a) is amended to read as follows:

20 **“SEC. 487A. EXPERIMENTATION WITH STATUTORY AND**
21 **REGULATORY FLEXIBILITY.**

22 “(a) **EXPERIMENTAL SITES.**—The Secretary is author-
23 ized to periodically select a limited number of institutions
24 for voluntary participation as experimental sites to test the

1 *effectiveness of approaches to statutory and regulatory flexi-*
2 *bility that—*

3 “(1) *to the extent appropriate, may lead to a re-*
4 *duction of regulatory burden on institutions of higher*
5 *education or the Department of Education, except*
6 *that the Secretary shall not waive any requirement of*
7 *this title for any institution participating as an ex-*
8 *perimental site that would reduce the protections or*
9 *the information provided to a student under this Act;*
10 *and*

11 “(2) *aim to increase student success, as deter-*
12 *mined in accordance with subsection (g).*

13 “(b) *CONTINUING AND DISCONTINUING EXPERIMENTS*
14 *AND EXPERIMENTAL SITES.—The Secretary may continue*
15 *any experiment or the voluntary participation of any ex-*
16 *perimental site in existence as of the date of enactment of*
17 *the College Affordability Act, unless the Secretary deter-*
18 *mines that such experiment or site has not been successful*
19 *in increasing student success as determined in accordance*
20 *with subsection (g). Any experiment or experimental site*
21 *approved by the Secretary prior to the date of enactment*
22 *of the College Affordability Act that has not been successful*
23 *in increasing student success shall be discontinued before*
24 *the first day of the first award year beginning after such*
25 *date.*

1 “(c) *WAIVERS.*—*The Secretary is authorized to waive,*
2 *for any institution participating as an experimental site*
3 *under subsection (a), any requirements in this title, includ-*
4 *ing requirements related to the award process and disburse-*
5 *ment of student financial aid (such as innovative delivery*
6 *systems for modular or compressed courses, or other innova-*
7 *tive systems), verification of student financial aid applica-*
8 *tion data, entrance and exit interviews, or other manage-*
9 *ment procedures or processes as determined in the nego-*
10 *tiated rulemaking process under section 492, or regulations*
11 *prescribed under this title, that will bias the results of the*
12 *experiment, except that the Secretary shall not waive any*
13 *provisions with respect to award rules (other than an*
14 *award rule related to an experiment in modular or com-*
15 *pressed schedules), grant and loan maximum award*
16 *amounts, and need analysis requirements unless the waiver*
17 *of such provisions is authorized by another provision under*
18 *this title.*

19 “(d) *EVALUATION PLAN REQUIRED.*—*Before notifying*
20 *institutions of the intent of the Secretary to carry out an*
21 *experiment under this section, the Secretary, in consulta-*
22 *tion with the Director of the Institute of Education*
23 *Sciences, shall develop an evaluation plan for the experi-*
24 *ment. The evaluation plan shall include the following:*

1 “(1) *Identification of the methodology to be used*
2 *for collecting data on the experiment which shall in-*
3 *clude, to the extent practicable, a methodology that al-*
4 *lows for the disaggregation of data by age, race, gen-*
5 *der, disability status, status as a veteran or member*
6 *of the Armed Forces, status as a first generation col-*
7 *lege student, and status as a recipient of a Federal*
8 *Pell Grant under section 401.*

9 “(2) *Identification of the rigorous evaluation*
10 *methods to be used for determining the impact of the*
11 *experiment, which shall include, to the extent prac-*
12 *ticable—*

13 “(A) *a randomized controlled design; and*

14 “(B) *an assessment of whether the experi-*
15 *ment has a differential impact on any group de-*
16 *scribed in paragraph (1).*

17 “(3) *A schedule for conducting the experiment in*
18 *accordance with the duration limit specified in sub-*
19 *section (f).*

20 “(4) *An estimate of the cost of conducting the ex-*
21 *periment, to the extent practicable.*

22 “(5) *An estimate of the size of the study sample*
23 *(such as the number of participating students or in-*
24 *stitutions) needed to determine if the experiment has*
25 *statistically significant effects.*

1 “(e) *LIMITATION PENDING NOTICE TO CONGRESS.*—

2 “(1) *LIMITATION.*—*The Secretary may not carry*
3 *out an experiment at an experimental site under this*
4 *section until a period of 60 days has elapsed fol-*
5 *lowing the date on which the Secretary submits to the*
6 *authorizing committees the notice described in para-*
7 *graph (2).*

8 “(2) *NOTICE TO CONGRESS.*—*The notice de-*
9 *scribed in this paragraph is a written notice that in-*
10 *cludes—*

11 “(A) *a description of the experiment pro-*
12 *posed to be carried out by the Secretary, includ-*
13 *ing the rationale for the proposed experiment;*

14 “(B) *the policy-relevant questions the Sec-*
15 *retary intends to evaluate through the experi-*
16 *ment and an explanation of how the design of*
17 *the experiment will allow the Secretary to best*
18 *answer those questions;*

19 “(C) *a list of the specific statutory and reg-*
20 *ulatory requirements that the Secretary intends*
21 *to waive with respect to an institution partici-*
22 *pating as an experimental site and the legal au-*
23 *thority for such waivers;*

24 “(D) *an explanation of how the statutory*
25 *and regulatory flexibility provided to an institu-*

1 *tion participating as an experimental site is ex-*
2 *pected to increase student success, as required*
3 *under subsection (a); and*

4 *“(E) a copy of the evaluation plan devel-*
5 *oped under subsection (d).*

6 *“(f) DURATION.—*

7 *“(1) IN GENERAL.—Except as provided in para-*
8 *graph (2), the duration of an experiment under this*
9 *section shall not exceed a period of four years begin-*
10 *ning with the first award year for which Federal fi-*
11 *nancial aid is disbursed to students participating in*
12 *the experiment.*

13 *“(2) EXTENSION.—The Secretary may extend an*
14 *experiment for up to two years beyond the four-year*
15 *period specified in paragraph (1) on a case-by-case*
16 *basis.*

17 *“(g) DETERMINATION OF SUCCESS.—For the purposes*
18 *of subsection (a), the Secretary shall make a determination*
19 *of success regarding an institution’s participation as an ex-*
20 *perimental site based on—*

21 *“(1) whether, and to what extent, student out-*
22 *comes improve as a direct result of the experiment;*

23 *“(2) whether the experimental site improves the*
24 *delivery of services to, or otherwise benefitted, stu-*
25 *dents; and*

1 “(3) *the extent to which the experiment reduces*
2 *administrative burdens on institutions participating*
3 *as experimental sites, as documented in the Sec-*
4 *retary’s annual report under subsection (h)(3), with-*
5 *out harming students.*

6 “(h) *OUTCOMES REPORTING.*—

7 “(1) *DATA SUBMISSION.*—*Each institution par-*
8 *ticipating as an experimental site shall submit to the*
9 *Secretary, on a periodic basis to be determined by the*
10 *Secretary, data on outcomes relating to the experi-*
11 *ment carried out at the site.*

12 “(2) *REVIEW AND EVALUATION.*—

13 “(A) *IN GENERAL.*—*Subject to subpara-*
14 *graph (B), the Secretary shall review and rigor-*
15 *ously evaluate the activities of each institution*
16 *participating as an experimental site.*

17 “(B) *EVALUATION METHODOLOGY.*—*To the*
18 *extent practicable, the evaluation under subpara-*
19 *graph (A) shall be based on data collected in ac-*
20 *cordance with the data collection methodology*
21 *specified in the evaluation plan for the experi-*
22 *ment under subsection (d)(1).*

23 “(3) *ANNUAL REPORT.*—*On an annual basis, the*
24 *Secretary shall submit to the authorizing committees*
25 *a report based on the review and evaluation carried*

1 *out under paragraph (2). Each report shall include,*
2 *with respect to each experiment carried out by the*
3 *Secretary during the period covered by the report, the*
4 *following:*

5 *“(A) A summary of the status of the experi-*
6 *ment.*

7 *“(B) A list identifying each institution par-*
8 *ticipating as an experimental site.*

9 *“(C) The specific statutory or regulatory*
10 *waivers granted to each institution participating*
11 *as an experimental site.*

12 *“(D) In a case in which data on the experi-*
13 *ment is not collected in accordance with the*
14 *methodology specified in the evaluation plan*
15 *under subsection (d)(1)—*

16 *“(i) the reasons that such methodology*
17 *was not used to collect data on the experi-*
18 *ment; and*

19 *“(ii) a description of the alternative*
20 *data collection methodology used for the ex-*
21 *periment.*

22 *“(E) An evaluation of the quality of data*
23 *yielded by the experiment.*

24 *“(F) A summary and analysis of the find-*
25 *ings, to date, of the experiment.*

1 “(G) *An assessment of whether the experi-*
2 *ment has had a differential impact on any group*
3 *listed in subsection (d)(1).*

4 “(H) *An explanation of any current or fore-*
5 *seen barriers to conducting the experiment.*

6 “(I) *In the case of an experiment for which*
7 *the Secretary determines there is sufficient value*
8 *in continuing the experiment past the duration*
9 *limit specified in subsection (f)(1), adequate doc-*
10 *umentation to justify such continuation.*

11 “(4) *FINAL REPORT.*—*Not later than 180 days*
12 *after the conclusion of each experiment, the Secretary*
13 *shall submit to the authorizing committees a report*
14 *that includes the following:*

15 “(A) *A summary of the data yielded by the*
16 *experiment, including, to the extent practicable,*
17 *data on the results of the experiment*
18 *disaggregated by age, race, gender, disability sta-*
19 *tus, status as a veteran or member of the Armed*
20 *Forces, status as a first generation college stu-*
21 *dent, and status as a recipient of a Federal Pell*
22 *Grant under section 401.*

23 “(B) *The conclusions reached regarding*
24 *each experiment conducted.*

1 “(C) *Recommendations, based on the results*
2 *of the experiment—*

3 “(i) *to improve and streamline rel-*
4 *evant statutes, including this Act; and*

5 “(ii) *for improvements to relevant reg-*
6 *ulations.*

7 “(D) *An explanation of any changes to reg-*
8 *ulations that the Secretary intends to make as a*
9 *result of the experiment.*

10 “(5) *PUBLIC AVAILABILITY.—Each report sub-*
11 *mitted under paragraphs (3) and (4) shall be made*
12 *available on a publicly accessible website of the De-*
13 *partment of Education.*

14 “(i) *FAST-TRACK PROCESS TO COMPLY WITH INFOR-*
15 *MATION COLLECTION REQUIREMENTS.—The requirements*
16 *of section 3507 of title 44, United States Code, shall not*
17 *apply to the collection of information by the Department*
18 *of Education on experiments carried out in accordance with*
19 *this section.”.*

20 **SEC. 4627. ADMINISTRATIVE EXPENSES.**

21 *Section 489(a) of the Higher Education Act of 1965*
22 *(20 U.S.C. 1096(a)) is amended—*

23 (1) *in the second sentence, by striking “or under*
24 *part E of this title”;* and

25 (2) *in the third sentence—*

1 (A) by inserting “and” after “subpart 3 of
2 part A,”; and

3 (B) by striking “compensation of students,”
4 and all that follows through the period and in-
5 serting “compensation of students.”.

6 **SEC. 4628. CRIMINAL PENALTIES FOR MISUSE OF ACCESS**
7 **DEVICES.**

8 (a) *IN GENERAL.*—Section 490 (20 U.S.C. 1097) is
9 amended by adding at the end the following:

10 “(e) *ACCESS TO DEPARTMENT OF EDUCATION INFOR-*
11 *MATION TECHNOLOGY SYSTEMS FOR FRAUD, COMMERCIAL*
12 *ADVANTAGE, OR PRIVATE FINANCIAL GAIN.*—Any person
13 *who knowingly uses an access device, as defined in section*
14 *1029(e)(1) of title 18, United States Code, issued to another*
15 *person or obtained by fraud or false statement to access De-*
16 *partment information technology systems for purposes of*
17 *obtaining commercial advantage or private financial gain,*
18 *or in furtherance of any criminal or tortious act in viola-*
19 *tion of the Constitution or laws of the United States or of*
20 *any State, shall be fined not more than \$20,000, imprisoned*
21 *for not more than 5 years, or both.”.*

22 (b) *GUIDANCE.*—The Secretary shall issue guidance re-
23 *garding the use of access devices in a manner that complies*
24 *with this section, and the amendments made by this section.*

1 (c) *EFFECTIVE DATE OF PENALTIES.*—*The penalties*
2 *described in section 490(e) of the Higher Education Act of*
3 *1965 (20 U.S.C. 1097), as added by subsection (a), shall*
4 *take effect the day after the date on which the Secretary*
5 *issues guidance regarding the use of access devices, as de-*
6 *scribed in subsection (b).*

7 **SEC. 4629. REGIONAL MEETINGS AND NEGOTIATED RULE-**
8 **MAKING.**

9 Section 492 of the Higher Education Act of 1965 (20
10 U.S.C. 1098a) is amended—

11 (1) in subsection (a)(1), by striking “students,
12 institutions of higher education, State student grant
13 agencies, guaranty agencies, lenders, secondary mar-
14 kets, loan servicers, guaranty agency servicers, and
15 collection agencies” and inserting “students and bor-
16 rowers, consumer representatives, institutions of high-
17 er education, and contractors responsible for carrying
18 out student financial assistance programs under this
19 title”; and

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “both rep-
22 resentatives of such groups from Washington,
23 D.C., and industry participants” and inserting
24 “representatives that are broadly representative

1 *of constituencies in different sectors and geo-*
2 *graphic locations”;* and

3 *(B) by adding at the end the following:*

4 “(3) *NEGOTIATED RULEMAKING PROCESS.—In*
5 *carrying out a negotiated rulemaking process required*
6 *under this section, the Secretary shall—*

7 *“(A) to the extent practicable, comply with*
8 *requests from the participants in such negotiated*
9 *rulemaking process for data;*

10 *“(B) make publicly available issue papers*
11 *and the proposed regulations described in para-*
12 *graph (1) in a timely manner that allows for*
13 *public review;*

14 *“(C) make video recordings of each nego-*
15 *tiated rulemaking session publicly available*
16 *through simultaneous transmission;*

17 *“(D) archive the video recordings described*
18 *in subparagraph (C) in a publicly available*
19 *manner; and*

20 *“(E) make publicly available the transcripts*
21 *of each such negotiated rulemaking session.”.*

22 **SEC. 4630. INCOME-BASED REPAYMENT PLAN.**

23 *(a) OPTIONS TO ENTER INTO THE NEW FIXED REPAY-*
24 *MENT PLAN AND INCOME-BASED REPAYMENT PLAN.—Sec-*

1 *tion 493C(b) of the Higher Education Act of 1965 (20*
2 *U.S.C. 1098e) is amended—*

3 *(1) in paragraph (7)(B)—*

4 *(A) by striking “or” at the end of clause*
5 *(iv); and*

6 *(B) by adding at the end the following:*

7 *“(vi) has made payments under the in-*
8 *come-based repayment plan under section*
9 *493C(f); or*

10 *“(vii) has made payments under the*
11 *fixed repayment plan described in section*
12 *493E;”;*

13 *(2) by amending paragraph (8) to read as fol-*
14 *lows:*

15 *“(8) a borrower who is repaying a loan made*
16 *under part B or D pursuant to income-based repay-*
17 *ment may elect, at any time, to terminate repayment*
18 *pursuant to income-based repayment and repay such*
19 *loan under the income-based repayment plan under*
20 *section 493C(f) or the fixed repayment plan described*
21 *in section 493E;”;*

22 *(3) in paragraph (9), by striking the period at*
23 *the end and inserting “; and”; and*

24 *(4) by adding at the end the following:*

1 “(10) a borrower who is repaying a loan made,
2 insured, or guaranteed under part B or D pursuant
3 to this section may repay such loan in full at any
4 time without penalty.”.

5 (b) *AUTOMATIC RECERTIFICATION OF INCOME FOR IN-*
6 *COME-DRIVEN REPAYMENT PLANS.*—Section 493C(c) of the
7 *Higher Education Act of 1965 (20 U.S.C. 1098e(c)) is*
8 *amended—*

9 (1) by striking “The Secretary shall establish”
10 and inserting the following:

11 “(1) *IN GENERAL.*—The Secretary shall estab-
12 lish”;

13 (2) by striking “The Secretary shall consider”
14 and inserting the following:

15 “(2) *PROCEDURES FOR ELIGIBILITY.*—The Sec-
16 retary shall—

17 “(A) consider”; and

18 (3) by striking “428C(b)(1)(E).” and inserting
19 the following: “428C(b)(1)(E); and

20 “(B) beginning as soon as the Secretary de-
21 termines practicable after the Secretary finalizes
22 the procedures required under section 9004 of the
23 College Affordability Act, but not later than 2
24 years after the date of enactment of such Act,
25 carry out, with respect to borrowers of any cov-

1 *ered loan (as defined in section 455(d)(10)), in-*
2 *cluding such borrowers who select, or for whom*
3 *the Secretary selects under paragraph (8)(C) or*
4 *(9)(C) of subsection (d), or section 428(m)(1), the*
5 *income-based repayment plan under subsection*
6 *(f), procedures for income-based repayment plans*
7 *under this section that are equivalent to the pro-*
8 *cedures carried out under section 455(e)(9) with*
9 *respect to income contingent repayment plans.”.*

10 *(c) INCOME-BASED REPAYMENT.—Section 493C of the*
11 *Higher Education Act of 1965 (20 U.S.C. 1098e) is further*
12 *amended by adding at the end the following:*

13 *“(f) INCOME-BASED REPAYMENT FOR NEW LOANS ON*
14 *AND AFTER JULY 1, 2021, AND FOR BORROWERS WHO*
15 *ENTER INCOME-BASED REPAYMENT AFTER JUNE 30,*
16 *2021.—*

17 *“(1) IN GENERAL.—The income-based repayment*
18 *plan under this subsection shall be carried out in ac-*
19 *cordance with this section, except as otherwise speci-*
20 *fied in this subsection—*

21 *“(A) with respect to any loan made under*
22 *part D on or after July 1, 2021, if such borrower*
23 *elects such income-based repayment plan for the*
24 *loan; and*

1 “(B) with respect to any loan made, in-
2 sured, or guaranteed under part B or D on or
3 before June 30, 2021, if such borrower elects to
4 repay the loan under such income-based repay-
5 ment plan on or after July 1, 2021.

6 “(2) *SPECIAL TERMS.*—Notwithstanding any
7 other provision of this section, with respect to a loan
8 described under paragraph (1), the following terms
9 shall apply to the income-based repayment plan
10 under this subsection:

11 “(A)(i) Notwithstanding subsection
12 (a)(3)(B), the repayment amount under this sub-
13 section shall be an amount equal to 10 percent
14 of the result obtained by calculating, on at least
15 an annual basis, the amount by which the ad-
16 justed gross income of the borrower (subject to
17 clause (ii)) exceeds the applicable percentage of
18 the poverty line in accordance with clause (iii).

19 “(ii)(I) Subject to subclause (II), in the case
20 of a married borrower (regardless of tax filing
21 status), clause (i) shall be applied by sub-
22 stituting ‘the adjusted gross income of the bor-
23 rower and the borrower’s spouse’ for ‘the adjusted
24 gross income of the borrower’.

1 “(II) Subclause (I) shall not be applicable
2 to any borrower who is married and who cer-
3 tifies to the Secretary through a form approved
4 by the Secretary that the borrower is—

5 “(aa) separated from the spouse of the
6 borrower; or

7 “(bb) unable to reasonably access the
8 income information the spouse of such bor-
9 rower.

10 “(iii) For purposes of clause (i), the term
11 ‘applicable percentage’ means 250 percent of the
12 poverty line applicable to the borrower’s family
13 size (as determined under section 673(2) of the
14 Community Services Block Grant Act (42 U.S.C.
15 9902(2)))—

16 “(I) reduced by 10 percentage points
17 for each \$1,000 by which the borrower’s ad-
18 justed gross income (in the case of a single
19 borrower) exceeds \$80,000; and

20 “(II) reduced by 10 percentage points
21 for each \$2,000 by which the borrower’s ad-
22 justed gross income (in the case of a mar-
23 ried borrower (regardless of filing status)),
24 exceeds \$160,000.

1 “(B) Subsection (b)(7)(B) shall apply by
2 substituting ‘20 years’ for ‘25 years’.

3 “(C) A borrower of such a loan may elect,
4 and remain enrolled in, the income-based repay-
5 ment plan under this subsection regardless of—

6 “(i) whether such borrower has a par-
7 tial financial hardship; and

8 “(ii) the income level of the borrower.

9 “(D) Notwithstanding subparagraph (A) of
10 subsection (b)(6), a borrower’s monthly pay-
11 ment—

12 “(i) shall be equal to the repayment
13 amount determined under subparagraph
14 (A) divided by 12; and

15 “(ii) may exceed the monthly repay-
16 ment amount under a standard 10-year re-
17 payment plan or a fixed repayment plan
18 described in section 493E.

19 “(E) Subparagraph (B) of subsection (b)(3)
20 shall not apply.

21 “(F) Subsection (d) shall not apply.

22 “(G) In the case of a Federal Direct Con-
23 solidation Loan made on or after the date of en-
24 actment of the College Affordability Act that is
25 being repaid under this subsection, any monthly

1 *payment made pursuant to any repayment plan*
2 *listed in subsection (b)(7)(B) on a loan for which*
3 *the liability has been discharged by the proceeds*
4 *of such consolidation loan shall be treated as a*
5 *monthly payment under this subsection on the*
6 *portion of such consolidation loan that is attrib-*
7 *utable to such discharged loan, except that in the*
8 *case of a subsequent consolidation loan, for pur-*
9 *poses of this clause—*

10 “(i) *any monthly payment made on*
11 *the first consolidation loan or any other*
12 *loan for which the liability has been dis-*
13 *charged by such subsequent consolidation*
14 *loan shall be applicable; and*

15 “(ii) *any monthly payment made on a*
16 *loan for which the liability has been dis-*
17 *charged by such first consolidation loan*
18 *shall not be applicable.*

19 “(3) *ADDITIONAL SPECIAL TERMS FOR CERTAIN*
20 *BORROWERS.—A borrower described in paragraph*
21 *(1)(B)—*

22 “(A) *may—*

23 “(i) *choose to continue repayment pur-*
24 *suant to the repayment plan in which the*
25 *borrower is enrolled on June 30, 2021; or*

1 “(ii) make a one-time election to—

2 “(I) terminate repayment pursu-
3 ant to the repayment plan described in
4 clause (i) and enter the income-based
5 repayment plan under this subsection;
6 or

7 “(II) terminate repayment pursu-
8 ant to the repayment plan described in
9 clause (i) and enter a fixed repayment
10 plan described in section 493E; and

11 “(B) who makes an election under subpara-
12 graph (A)(ii), shall not repay a loan described
13 in paragraph (1)(B) under a repayment plan
14 that is not an income-based repayment plan
15 under this subsection or a fixed repayment plan
16 described in section 493E.

17 “(4) WRITTEN, ELECTRONIC, OR VERBAL EN-
18 ROLLMENT IN INCOME-BASED REPAYMENT.—

19 “(A) IN GENERAL.—The Secretary shall de-
20 velop and implement a process that is consistent
21 with any procedures (including verification pro-
22 cedures) established under subsection (c), which
23 enables a covered borrower of a loan made under
24 part D who desires to elect to repay such loan
25 under income-based repayment under this sub-

1 *section to make such election through written,*
2 *electronic, or verbal notice to the Secretary.*

3 “(B) *COVERED BORROWER DEFINED.*—*In*
4 *this paragraph, the term ‘covered borrower’*
5 *means a borrower of a loan made under part D*
6 *who—*

7 *“(i) is enrolled in the fixed repayment*
8 *plan under section 493E; or*

9 *“(ii) has not yet selected a repayment*
10 *plan.*

11 “(g) *SPECIAL RULE FOR REFINANCED LOANS.*—

12 “(1) *REFINANCED FEDERAL DIRECT AND FFEL*
13 *LOANS.*—*In calculating the period of time during*
14 *which a borrower of a loan that is refinanced under*
15 *section 460A has made monthly payments for pur-*
16 *poses of subsection (b)(7), the Secretary shall include*
17 *each month in which a monthly payment was made*
18 *for the original loan or the refinanced loan, if such*
19 *monthly payment otherwise meet the requirements of*
20 *this section.*

21 “(2) *FEDERAL DIRECT REFINANCED PRIVATE*
22 *LOANS.*—*In calculating the period of time during*
23 *which a borrower of a Federal Direct Refinanced Pri-*
24 *vate Loan under section 460B has made monthly*

1 *payments for purposes of subsection (b)(7), the Sec-*
2 *retary shall include only payments—*

3 *“(A) that are made after the date of the*
4 *issuance of the Federal Direct Refinanced Pri-*
5 *vate Loan; and*

6 *“(B) that otherwise meet the requirements of*
7 *this section.”.*

8 **SEC. 4631. FIXED REPAYMENT PLAN.**

9 *Part G of title IV of the Higher Education Act of 1965*
10 *(20 U.S.C. 1088 et seq.) is further amended by adding at*
11 *the end the following:*

12 **“SEC. 493E. FIXED REPAYMENT PLAN.**

13 *“(a) IN GENERAL.—A borrower of a loan made under*
14 *this part on or after July 1, 2021, and a borrower who*
15 *is in repayment on a loan made, insured, or guaranteed*
16 *under part B or part D before July 1, 2021, may elect to*
17 *repay such loan under the fixed repayment plan described*
18 *in this section.*

19 *“(b) FIXED REPAYMENT PLAN.—Under the fixed re-*
20 *payment plan, a borrower whose total outstanding amount*
21 *of principal and interest on such a loan (as of the day be-*
22 *fore entering repayment on such loan)—*

23 *“(1) is equal to or less than \$20,000, shall repay*
24 *such loan with a fixed monthly repayment amount*
25 *paid over a period of 10 years;*

1 “(2) is more than \$20,000 and less than \$30,000,
2 shall repay such loan with a fixed monthly repay-
3 ment amount paid over a period of—

4 “(A) 15 years; or

5 “(B) the period described in paragraph (1),
6 if the borrower elects such period;

7 “(3) is equal to or greater than \$30,000, and less
8 than \$40,000, shall repay such loan with a fixed
9 monthly repayment amount paid over a period of—

10 “(A) 20 years; or

11 “(B) the period described in paragraph (1)
12 or (2), if the borrower elects such period; and

13 “(4) is equal to or greater than \$40,000, shall
14 repay such loan with a fixed monthly repayment
15 amount paid over a period of—

16 “(A) 25 years; or

17 “(B) the period described in any of para-
18 graphs (1) through (3), if the borrower elects
19 such period.

20 “(c) *TREATMENT OF CERTAIN CONSOLIDATION*
21 *LOANS.*—*In the case of a Federal Direct Consolidation*
22 *Loan made on or after the date of enactment of the College*
23 *Affordability Act that is being repaid under this section,*
24 *any monthly payment made pursuant to any repayment*
25 *plan listed in section 493C(b)(7)(B) on a loan for which*

1 *the liability has been discharged by the proceeds of such con-*
2 *solidation loan shall be treated as a monthly payment*
3 *under this section on the portion of such consolidation loan*
4 *that is attributable to such discharged loan, except that in*
5 *the case of a subsequent consolidation loan, for purposes of*
6 *this subsection—*

7 “(1) *any monthly payment made on the first*
8 *consolidation loan or any other loan for which the li-*
9 *ability has been discharged by such subsequent con-*
10 *solidation loan shall be applicable; and*

11 “(2) *any monthly payment made on a loan for*
12 *which the liability has been discharged by such first*
13 *consolidation loan shall not be applicable.”.*

14 **SEC. 4632. REQUIRING A COMMON MANUAL FOR LOAN**
15 **SERVICERS.**

16 *Part G of title IV of the Higher Education Act of 1965*
17 *(20 U.S.C. 1088 et seq.), as amended by this part, is further*
18 *amended by adding at the end the following:*

19 **“SEC. 493F. REQUIRING A COMMON MANUAL FOR LOAN**
20 **SERVICERS.**

21 “(a) *IN GENERAL.—Not later than 1 year after the*
22 *date of enactment of the College Affordability Act, the Sec-*
23 *retary shall develop a manual of common procedures and*
24 *policies for entities with which the Secretary enters into*
25 *contracts for the origination, servicing, and collection of*

1 covered loans, to standardize procedures to ensure consist-
2 ency of quality and practice across such entities, and a
3 minimum standard of quality and practice, to ensure that
4 borrowers, including individuals pursuing public service
5 loan forgiveness under section 455(m) and teachers, are well
6 served.

7 “(b) *UPDATES.*—The Secretary shall update the man-
8 ual under subsection (a) as frequently as may be necessary,
9 but not less frequently than once every 5 years.

10 “(c) *COVERED LOANS DEFINED.*—The term ‘covered
11 loans’ means—

12 “(1) loans sold or assigned to the Secretary
13 under part B;

14 “(2) loans made or purchased under part D; and

15 “(3) loans referred, transferred, or assigned to
16 the Secretary under part E.”.

17 **SEC. 4633. REMOVAL OF RECORD OF DEFAULT.**

18 Part G of title IV of the Higher Education Act of 1965
19 (20 U.S.C. 1088 et seq.), as amended by the preceding sec-
20 tions, is further amended by adding at the end the fol-
21 lowing:

22 **“SEC. 493G. REMOVAL OF RECORD OF DEFAULT.**

23 “(a) *IN GENERAL.*—Upon repaying in full the amount
24 due on a defaulted loan made, insured, or guaranteed under
25 this title, the Secretary, guaranty agency, or other holder

1 of the loan shall request any consumer reporting agency to
 2 which the Secretary, guaranty agency, or holder, as appli-
 3 cable, reported the default of the loan, to remove any adverse
 4 item of information relating to such loan from the bor-
 5 rower's credit history.

6 “(b) *RETROACTIVE APPLICATION.*—With respect to a
 7 borrower that, prior to the date of enactment of the College
 8 Affordability Act, repaid in full the amount due on a de-
 9 faulted loan made, insured, or guaranteed under this title,
 10 the Secretary, guaranty agency, or holder that reported the
 11 default of the loan to a consumer reporting agency shall
 12 request that such consumer reporting agency remove any
 13 adverse item of information relating to such loan from the
 14 borrower's credit history, upon receiving a request from the
 15 borrower for such removal.”.

16 **SEC. 4634. AMENDMENTS TO TERMS AND CONDITIONS OF**
 17 **BORROWER DEFENSES.**

18 (a) *IN GENERAL.*—Part G of title IV of the Higher
 19 Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended
 20 by the preceding sections, is further amended by adding at
 21 the end the following:

22 **“SEC. 493H. BORROWER DEFENSES.**

23 “(a) *IN GENERAL.*—Notwithstanding any other provi-
 24 sion of State or Federal law, a defense to repayment of a
 25 loan under this title includes—

1 “(1) a substantial misrepresentation;

2 “(2) an act or omission that would give rise to
3 a cause of action against an institution of higher edu-
4 cation under applicable State law, to the extent that
5 such act or omission relates to—

6 “(A) a loan received by a borrower under
7 this title; or

8 “(B) educational services for which such a
9 loan was received; or

10 “(3) such further acts or omissions that the Sec-
11 retary determines to be appropriate in accordance
12 with subsection (b).

13 “(b) *REGULATIONS.*—The Secretary shall specify in
14 regulations which further acts or omissions of an institution
15 of higher education a borrower may assert as a defense to
16 repayment of a loan made under this title.

17 “(c) *SECRETARIAL DETERMINATION.*—

18 “(1) *IN GENERAL.*—The Secretary shall deter-
19 mine whether a borrower is entitled to relief under
20 this section based on all evidence available to the Sec-
21 retary.

22 “(2) *EVIDENTIARY STANDARD.*—A borrower shall
23 be entitled to relief under this section if a preponder-
24 ance of the evidence available to the Secretary dem-
25 onstrates that the borrower is entitled to such relief.

1 “(3) *INDEPENDENT DETERMINATION.*—A deter-
2 mination under paragraph (1) shall be independent
3 of any action that the Secretary may take to recoup
4 funds from the institution of higher education impli-
5 cated by the borrower defense claim.

6 “(d) *PROCEDURES FOR REVIEW AND RESOLUTION OF*
7 *CLAIMS.*—

8 “(1) *PROCEDURES REQUIRED.*—The Secretary
9 shall establish procedures for the fair and expeditious
10 review and resolution of borrower defense claims
11 brought under this section. In establishing such proce-
12 dures, the Secretary shall—

13 “(A) provide a fair process for the review
14 and resolution of borrower defense claims, which
15 shall include procedures for the consideration of
16 borrower defense claims on behalf of groups of
17 similarly situated borrowers without requiring
18 each borrower in the group to submit a separate
19 claim;

20 “(B) review a borrower defense claim at
21 any time without regard to the repayment status
22 of any loan subject to such claim;

23 “(C) allow a legal representative to bring a
24 borrower defense claim—

1 “(i) on behalf of an individual bor-
2 rower; or

3 “(ii) on behalf of a group of similarly
4 situated borrowers; and

5 “(D) specify a fixed timeframe for the reso-
6 lution of borrower defense claims, except that—

7 “(i) such timeframe shall not exceed a
8 12-month period beginning on the day on
9 which a borrower submits such a claim
10 under this section; and

11 “(ii) a borrower defense claim that was
12 submitted to the Secretary before the date of
13 enactment of the College Affordability Act
14 that has not been resolved as of such date of
15 enactment, shall be resolved not later than
16 12 months after such date of enactment.

17 “(2) DEFERMENT DURING PENDENCY OF
18 CLAIMS.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), a loan made under this title that is
21 subject to a pending borrower defense claim shall
22 be placed in deferment status, during which peri-
23 odic installments of principal need not be paid
24 and interest shall not accrue (or shall be paid by

1 *the Secretary), without regard to whether such*
2 *loan is in default.*

3 “(B) *OPT OUT.*—*The borrower of a loan*
4 *subject to deferment under subparagraph (A)*
5 *may opt out of such deferment at any time dur-*
6 *ing the pendency of the borrower defense claim.*

7 “(C) *SUSPENSION OF CREDIT REPORTING*
8 *AND COLLECTION.*—*The Secretary shall suspend*
9 *all adverse credit reporting and collection activ-*
10 *ity, including offsets and garnishments, with re-*
11 *spect to any loan in default that is subject to a*
12 *deferment under subparagraph (A).*

13 “(f) *TERMS OF RELIEF.*—

14 “(1) *IN GENERAL.*—*If the Secretary determines*
15 *under subsection (c) that a borrower is entitled to re-*
16 *lief, the Secretary shall, subject to paragraph (2)—*

17 “(A) *cancel or repay all or a portion of the*
18 *balance of interest and principal due on any*
19 *loan subject to the claim for relief; and*

20 “(B) *return to the borrower an amount not*
21 *in excess of the total amount of payments made*
22 *on the loan by the borrower.*

23 “(2) *CANCELLATION OF DEBT AND RETURN OF*
24 *PAYMENTS.*—

1 “(A) *SUBSTANTIAL MISREPRESENTATION*
2 *CLAIMS.—If the Secretary determines that a bor-*
3 *rower is entitled to relief based on a claim of*
4 *substantial misrepresentation, the Secretary*
5 *shall—*

6 “(i) *cancel or repay the full balance of*
7 *interest and principal due on any loan sub-*
8 *ject to the claim; and*

9 “(ii) *return to the borrower an amount*
10 *equal to the total amount of payments made*
11 *on the loan by the borrower.*

12 “(B) *OTHER CLAIMS.—If the Secretary de-*
13 *termines that a borrower is entitled to relief*
14 *based on a claim other than substantial mis-*
15 *representation, there shall be a presumption that*
16 *the Secretary will cancel or repay the full bal-*
17 *ance of principal and interest due on the loan*
18 *and return the full amount of payments made by*
19 *the borrower as described in subparagraph (A).*
20 *If the Secretary determines that full cancellation*
21 *or repayment of the debt and return of all funds*
22 *paid on the loan is not appropriate in a par-*
23 *ticular case, the Secretary shall provide the bor-*
24 *rower with a written explanation as to why par-*

1 *tial cancellation or repayment, or the partial re-*
2 *turn of funds is appropriate.*

3 “(g) *APPEALS.*—*Upon a determination by the Sec-*
4 *retary to deny a borrower defense claim under this section,*
5 *the borrower may file an appeal with the Department. The*
6 *Secretary shall develop and implement a standardized proc-*
7 *ess for the treatment of appeals under this subsection.*

8 “(h) *REFILING OF CLAIMS.*—*A borrower whose claim*
9 *was denied under this section may refile the claim for good*
10 *cause, which may include—*

11 “(1) *the availability of substantial evidence that*
12 *was not available to the Secretary at the time the ini-*
13 *tial claim was denied;*

14 “(2) *the emergence of facts or circumstances that*
15 *may have substantially altered the Secretary’s origi-*
16 *nal treatment of the initial claim; and*

17 “(3) *such other factors as may be determined by*
18 *the Secretary.*

19 “(i) *DESIGNATION OF PERSONNEL.*—*The Secretary*
20 *shall designate qualified personnel within the Department*
21 *whose principal responsibility shall be the processing of bor-*
22 *rower defense claims submitted under his section.*

23 “(j) *AVAILABILITY OF INFORMATION TO BOR-*
24 *ROWERS.*—

1 “(1) *BORROWER REQUESTS FOR INFORMA-*
2 *TION.—At the request of a borrower, the Secretary*
3 *shall identify and provide to the borrower or the legal*
4 *representative of the borrower any records the Sec-*
5 *retary is considering as part of the borrower’s claim.*

6 “(2) *STATUS OF CLAIM.—The Secretary shall es-*
7 *tablish a process under which each borrower with a*
8 *claim pending under this section shall be notified of*
9 *the status of the pending claim not fewer than once*
10 *every 90 days.*

11 “(3) *INFORMATION FROM INSTITUTIONS.—The*
12 *Secretary may request documents and other informa-*
13 *tion relating to a borrower defense claim from an in-*
14 *stitution of higher education. An institution that re-*
15 *ceives a request for information from the Secretary*
16 *under this subsection shall provide the information to*
17 *the Secretary at such time, in such form, and in such*
18 *manner as the Secretary may direct.*

19 “(k) *QUARTERLY REPORTS.—*

20 “(1) *IN GENERAL.—Not less than once every fis-*
21 *cal quarter, the Secretary shall submit to the author-*
22 *izing committees a report that includes the following:*

23 “(A) *The total number of claims submitted*
24 *to the Secretary pursuant to this subsection in*

1 *the fiscal quarter covered by the report and in*
2 *all previous fiscal quarters.*

3 “(B) *Of the claims described in subpara-*
4 *graph (A)—*

5 “(i) *the number of claims that remain*
6 *pending;*

7 “(ii) *the number of claims that were*
8 *denied by the Secretary, and the total dollar*
9 *amount of such claims; and*

10 “(iii) *the number of claims that were*
11 *approved by the Secretary, and the total*
12 *dollar amount of such claims.*

13 “(2) *DISAGGREGATION.—The information de-*
14 *scribed in subparagraphs (A) and (B) of paragraph*
15 *(1) shall be disaggregated by State and institution of*
16 *higher education (except that such disaggregation*
17 *shall not be required in a case in which the results*
18 *would reveal personally identifiable information*
19 *about an individual borrower).*

20 “(3) *PUBLIC AVAILABILITY.—The information*
21 *included in each report submitted under paragraph*
22 *(A) shall be made available on a publicly accessible*
23 *website of the Department.*

24 “(l) *DEFINITIONS.—In this section:*

1 “(1) *The term ‘legal representative’ means a li-*
2 *censed attorney working on behalf of a borrower or a*
3 *group of borrowers, including—*

4 “(A) *a State attorney general; and*

5 “(B) *an attorney employed by a State agen-*
6 *cy, a Federal agency, or a nonprofit organiza-*
7 *tion that is qualified to provide legal representa-*
8 *tion to borrowers.*

9 “(2) *The term ‘substantial misrepresentation’*
10 *has the meaning given that term in section*
11 *487(c)(3)(C).”.*

12 **(b) CONFORMING AMENDMENT.**—*Subsection (h) of sec-*
13 *tion 455 of the Higher Education Act of 1965 (20 U.S.C.*
14 *1087e) is repealed.*

15 **SEC. 4635. ON-TIME REPAYMENT RATES.**

16 *Part G of title IV of the Higher Education Act of 1965*
17 *(20 U.S.C. 1088 et seq.), as amended by the preceding sec-*
18 *tions, is further amended by adding at the end the fol-*
19 *lowing:*

20 **“SEC. 493I. ON-TIME REPAYMENT RATES.**

21 **“(a) CALCULATION OF ON-TIME REPAYMENT RATES.—**

22 **“(1) ON-TIME REPAYMENT RATE DEFINED.—**

23 **“(A) IN GENERAL.—***The term ‘on-time re-*
24 *payment rate’ means for any fiscal year in*
25 *which 30 or more current and former students at*

1 *an institution have been in repayment for 3*
2 *years on any covered loan received for attend-*
3 *ance at the institution, the percentage of such*
4 *current and former students who have paid at*
5 *least 90 percent of the monthly payments on*
6 *such loan during such 3-year repayment period.*

7 “(B) *SMALL COHORTS.*—*For any fiscal year*
8 *in which fewer than 30 of an institution’s cur-*
9 *rent and former students have been in repayment*
10 *for 3 years, the term ‘on-time repayment rate’*
11 *means the percentage of such current and former*
12 *students who entered their 3rd year of repayment*
13 *on any covered loan received for attendance at*
14 *the institution in any of the 3 most recent fiscal*
15 *years and who have paid at least 90 percent of*
16 *the monthly payments on such loan during such*
17 *3-year repayment period.*

18 “(2) *ADDITIONAL REQUIREMENTS FOR RATE DE-*
19 *TERMINATION.*—

20 “(A) *MULTIPLE INSTITUTIONS.*—*In the case*
21 *of a student who has attended and borrowed a*
22 *covered loan for attendance at more than one in-*
23 *stitution, the student (and such student’s subse-*
24 *quent repayment or monthly payment on such*
25 *loan) is attributed to each institution for attend-*

1 *ance at which the student received such loan for*
2 *which the student entered the 3rd year of repay-*
3 *ment in the fiscal year for which the on-time re-*
4 *payment rate is being determined.*

5 “(B) *TREATMENT OF CONSOLIDATION*
6 *LOANS.—For purposes of determining whether a*
7 *student is in repayment (or has paid a monthly*
8 *payment) on a loan under section 428C or a*
9 *Federal Direct Consolidation Loan, only the por-*
10 *tion of such loan that is used to repay a covered*
11 *loan received for attendance at the institution*
12 *whose on-time repayment rate is being deter-*
13 *mined shall be considered for purposes of such*
14 *rate.*

15 “(3) *DETERMINATION OF WHEN MONTHLY PAY-*
16 *MENT IS PAID.—For purposes of determining the on-*
17 *time repayment rate of an institution, a student shall*
18 *be considered to have paid a monthly payment on a*
19 *covered loan if one of the following applies:*

20 “(A) *The amount of such monthly payment*
21 *has been paid not later than 30 days after the*
22 *date on which such monthly payment is due, ex-*
23 *cept that a monthly payment by the institution,*
24 *such institution’s owner, agent, contractor, em-*
25 *ployee, or any other entity or individual affili-*

1 *ated with such institution made on behalf of a*
2 *student who is not employed by the institution*
3 *shall not be considered a paid monthly payment*
4 *on such loan.*

5 *“(B) The monthly payment amount due on*
6 *such loan is equal to zero.*

7 *“(C) The full amount due on the loan has*
8 *been repaid or the liability on the loan has been*
9 *otherwise discharged under this Act.*

10 *“(D) The student is in a period of*
11 *deferment, other than—*

12 *“(i) a deferment due to an economic*
13 *hardship described section 427(a)(2)(C)(iii),*
14 *428(b)(1)(M)(iv), or 455(f)(2)(D); or*

15 *“(ii) a deferment due to unemployment*
16 *described in section 427(a)(2)(C)(ii),*
17 *428(b)(1)(M)(ii), or 455(f)(2)(B)).*

18 *“(E) The student is in one of the following*
19 *periods of forbearance (as applicable to loans*
20 *made, insured, or guaranteed under part B or*
21 *this title):*

22 *“(i) Medical or dental internship or*
23 *residency forbearance under subclause (I) of*
24 *section 428(c)(3)(A)(i).*

1 “(ii) *National service forbearance*
2 *under subclause (III) of section*
3 *428(c)(3)(A)(i).*

4 “(iii) *Forbearance for active duty serv-*
5 *ice in the Armed Forces under subclause*
6 *(IV) of section 428(c)(3)(A)(i).*

7 “(iv) *Forbearance for National Guard*
8 *Duty under section 428(c)(3)(B).*

9 “(v) *Forbearance due to military mobi-*
10 *lization or other local or national emer-*
11 *gency as authorized by the Secretary under*
12 *section 685.205(b)(8) of title 34, Code of*
13 *Federal Regulations (as in effect on the date*
14 *of enactment of the College Affordability*
15 *Act).*

16 “(vi) *Teacher loan forgiveness forbear-*
17 *ance under section 682.213(e) or*
18 *685.205(a)(5) of title 34, Code of Federal*
19 *Regulations (as in effect on the date of en-*
20 *actment of the College Affordability Act).*

21 “(4) *PARTICIPATION RATE.—*

22 “(A) *IN GENERAL.—An institution that*
23 *demonstrates to the Secretary that the institu-*
24 *tion’s participation rate is equal to or less than*
25 *20 percent for any of the 3 most recent fiscal*

1 years for which data is available shall not be
2 subject to subsection (b).

3 “(B) *DETERMINATION.*—For purposes of
4 this paragraph, the term ‘participation rate’
5 means the percentage of the institution’s regular
6 students, enrolled on at least a half-time basis,
7 who received a covered loan for a 12-month pe-
8 riod ending during the 6 months immediately
9 preceding the fiscal year for which the cohort of
10 borrowers used to calculate the institution’s on-
11 time loan repayment rate is determined.

12 “(C) *DATA.*—An institution shall provide
13 the Secretary with sufficient data to determine
14 the institution’s participation rate within 30
15 days after receiving an initial notification of the
16 institution’s draft on-time repayment rate.

17 “(D) *NOTIFICATION.*—Prior to publication
18 of a final on-time repayment rate for an institu-
19 tion that provides the data described in subpara-
20 graph (C), the Secretary shall notify the institu-
21 tion of the institution’s compliance or non-
22 compliance with subparagraph (A).

23 “(b) *DETERMINATION OF ELIGIBILITY BASED ON RE-*
24 *PAYMENT RATES AND INSTRUCTIONAL SPENDING*
25 *AMOUNTS.*—

1 “(1) *INELIGIBILITY.*—

2 “(A) *IN GENERAL.*—*Except as provided in*
3 *subparagraphs (C) and (D), beginning on the*
4 *date that is one year after the date on which the*
5 *final on-time repayment rates are published by*
6 *the Secretary for not less than 3 fiscal years, an*
7 *institution shall not be eligible to participate in*
8 *a program under this title for the fiscal year for*
9 *which the determination under this subpara-*
10 *graph is made and for the two succeeding fiscal*
11 *years, if the Secretary determines the following*
12 *with respect to such institution—*

13 “(i) *the on-time repayment rate of such*
14 *institution is less than any threshold on-*
15 *time repayment rate specified under sub-*
16 *paragraph (B) for period determined ap-*
17 *propriate by the Secretary for such thresh-*
18 *old rate; and*

19 “(ii) *with respect to any of the 3 most*
20 *recent institutional fiscal years for which*
21 *the institution submits to the Secretary dis-*
22 *losures on the expenditures of the institu-*
23 *tion on instruction for purposes of section*
24 *132(i)(1)(AA), the amount expended by*
25 *such institution on instruction for such fis-*

1 *cal year is less than 1/3 of the institution's*
2 *revenues derived from tuition and fees.*

3 “(B) *THRESHOLD RATES.*—*For purposes of*
4 *determinations under subparagraph (A)(i), the*
5 *Secretary shall specify 1 or more threshold on-*
6 *time repayment rates, which rates—*

7 “(i) *shall require that a significant*
8 *percentage of students who have been in re-*
9 *payment for 3 years on a covered loan re-*
10 *ceived for attendance at an institution of*
11 *higher education have paid at least 90 per-*
12 *cent of the monthly payments on such cov-*
13 *ered loan during such 3-year repayment pe-*
14 *riod; and*

15 “(ii) *may be applicable with respect to*
16 *a period of 1 or more fiscal years, as deter-*
17 *mined appropriate for such a rate.*

18 “(C) *EXCEPTIONS FOR CERTAIN CAT-*
19 *EGORIES OF EDUCATIONAL PROGRAMS.*—

20 “(i) *EXCEPTIONS FOR CERTAIN CAT-*
21 *EGORIES OF EDUCATIONAL PROGRAMS.*—

22 *With respect to an institution that loses eli-*
23 *gibility to participate in a program under*
24 *this title in accordance with paragraph (1),*
25 *such institution may request and be granted*

1 *an exception to such loss of eligibility for a*
2 *category of educational programs at such*
3 *institution by demonstrating to the Sec-*
4 *retary that the on-time loan repayment rate*
5 *for such category of educational programs is*
6 *greater than the threshold percentage speci-*
7 *fied under paragraph (1)(B) for each fiscal*
8 *year of the period on which such loss of eli-*
9 *gibility for the institution is based.*

10 “(i) *DETERMINATIONS.—In deter-*
11 *mining the on-time loan repayment rate for*
12 *a category of educational programs, sub-*
13 *section (a)(1) shall be applied—*

14 “(I) *in subparagraph (A), by sub-*
15 *stituting ‘received for enrollment in the*
16 *category of educational programs for*
17 *which such rate is being determined’*
18 *for ‘received for attendance at the in-*
19 *stitution’; and*

20 “(II) *as if the following were*
21 *added at the end of such paragraph:*

22 “(C) *MULTIPLE CATEGORIES OF EDU-*
23 *CATIONAL PROGRAMS.—In the case of a student*
24 *who has received a covered loan for enrollment in*
25 *more than one category of educational programs,*

1 *the student (and such student's subsequent repay-*
2 *ment or monthly payment on such covered loan)*
3 *is attributed to the last category of educational*
4 *programs in which such student was enrolled.'.*

5 “(D) *APPEALS.*—*Not later than 60 days of*
6 *receiving notification from the Secretary of the*
7 *loss of eligibility under subparagraph (A), the*
8 *institution may appeal the loss of its eligibility*
9 *under subsection (c).*

10 “(2) *REPAYMENT MANAGEMENT PLAN REQUIRE-*
11 *MENT FOR CERTAIN INSTITUTIONS.*—

12 “(A) *IN GENERAL.*—*Beginning on the date*
13 *that is one year after the date on which the final*
14 *on-time repayment rates are published by the*
15 *Secretary for not less than 3 fiscal years, an in-*
16 *stitution shall be subject to the requirements of*
17 *subparagraph (B), if the Secretary determines*
18 *the following with respect to such institution—*

19 “(i) *the on-time repayment rate of such*
20 *institution is less than any threshold on-*
21 *time repayment rate specified under para-*
22 *graph (1)(B) for period determined appro-*
23 *priate by the Secretary for such threshold*
24 *rate; and*

1 “(i) for each of the 3 most recent in-
2 stitutional fiscal years for which the institu-
3 tion submits to the Secretary disclosures on
4 the expenditures of the institution on in-
5 struction for purposes of section
6 132(i)(1)(AA), the amount expended by the
7 institution for instructional spending is
8 greater than or equal to an amount equal to
9 1/3 of the amount of revenue derived from
10 tuition and fees.

11 “(B) REPAYMENT MANAGEMENT PLAN.—An
12 institution subject to the requirements of this
13 subparagraph, shall—

14 “(i) not later than 6 months after the
15 determination under subparagraph (A),
16 submit to the Secretary a repayment man-
17 agement plan which the Secretary, in the
18 Secretary’s discretion, after consideration of
19 the institution’s history, resources, expendi-
20 tures, and targets for improving on-time re-
21 payment, determines—

22 “(I) is acceptable and is in the
23 best interests of students; and

24 “(II) provides reasonable assur-
25 ance that the institution will have an

1 *on-time repayment rate that exceeds*
2 *the on-time threshold referred to in*
3 *subparagraph (A)(i) after a reasonable*
4 *period;*

5 “(ii) *engage an independent third-*
6 *party to provide technical assistance in im-*
7 *plementing such repayment management*
8 *plan; and*

9 “(iii) *provide to the Secretary, on an*
10 *annual basis or at such other intervals as*
11 *the Secretary may require, evidence of on-*
12 *time repayment rate improvement and suc-*
13 *cessful implementation of such repayment*
14 *management plan.*

15 “(c) *APPEALS.—*

16 “(1) *SECRETARIAL REQUIREMENTS.—The Sec-*
17 *retary shall issue a decision on any appeal submitted*
18 *by an institution under subsection (b)(1)(D) not later*
19 *than 45 days after its submission. Such decision may*
20 *permit the institution to continue to participate in a*
21 *program under this title if—*

22 “(A) *the institution demonstrates to the sat-*
23 *isfaction of the Secretary that the Secretary’s*
24 *calculation of its on-time repayment rate is not*
25 *accurate, and that recalculation would increase*

1 *its on-time repayment rate above the applicable*
2 *threshold percentage specified in subsection*
3 *(b)(1)(B) for the period on which the determina-*
4 *tion of the institution's ineligibility under sub-*
5 *section (b)(1)(A) was based;*

6 *“(B) the institution demonstrates to the sat-*
7 *isfaction of the Secretary that there has been im-*
8 *proper loan servicing, which, if remedied, would*
9 *increase its on-time repayment rate above the*
10 *applicable threshold percentage specified in sub-*
11 *section (b)(1)(B) for the period on which the de-*
12 *termination of the institution's ineligibility*
13 *under subsection (b)(1)(A) was based;*

14 *“(C) there are, in the judgment of the Sec-*
15 *retary, exceptional mitigating circumstances that*
16 *would make the application of this section in-*
17 *equitable;*

18 *“(D) for each of the 3 most recent fiscal*
19 *years for which the institution submits to the*
20 *Secretary disclosures on expenditures for pur-*
21 *poses of section 132(i)(1)(AA), the sum of the ex-*
22 *penditures on instruction and student services of*
23 *the institution is equal to an amount greater*
24 *than or equal to 50 percent of the institution's*
25 *revenues derived from tuition and fees, and the*

1 *institution complies with the requirements of*
2 *subsection (b)(2)(B).*

3 “(2) *INSTITUTIONAL REQUIREMENTS.*—*If an in-*
4 *stitution continues to participate in a program under*
5 *this title, and the institution’s appeal of the loss of*
6 *eligibility is unsuccessful, the institution shall be re-*
7 *quired to pay to the Secretary an amount equal to the*
8 *amount of interest, special allowance, reinsurance,*
9 *and any related payments made by the Secretary (or*
10 *which the Secretary is obligated to make) with respect*
11 *to covered loans to students attending, or planning to*
12 *attend, that institution during the pendency of such*
13 *appeal. During such appeal, the Secretary may per-*
14 *mit the institution to continue to participate in a*
15 *program under this title.*

16 “(d) *REGULATIONS.*—*The Secretary shall prescribe*
17 *regulations designed to prevent an institution from evading*
18 *the application to that institution of a on-time repayment*
19 *rate determination under this section through the use of*
20 *such measures as branching, consolidation, change of own-*
21 *ership or control, or any similar device.*

22 “(e) *PUBLICATION.*—*The Secretary shall publish not*
23 *less often than once every fiscal year (by September 30 of*
24 *each year) a report—*

1 “(1) for each category of institution, and for
2 each institution for which an on-time repayment rate
3 is determined under this section—

4 “(A) with respect to the preceding fiscal
5 year—

6 “(i) the on-time repayment rate for
7 such institution;

8 “(ii) the on-time repayment rate for
9 each category of educational programs; and

10 “(iii) the number of students on which
11 the rates described in clauses (i) and (ii)
12 are based; and

13 “(B) for each of the 3 most recent fiscal
14 years for which the institution submits to the
15 Secretary disclosures on expenditures for pur-
16 poses of section 132(i)(1)(AA)—

17 “(i) the amount of the institution’s ex-
18 penditures on instruction;

19 “(ii) the amount of revenue derived
20 from tuition and fees by the institution;
21 and

22 “(iii) the quotient of the amount de-
23 scribed in clause (i) divided by the amount
24 described in clause (ii), expressed as a per-
25 centage; and

1 “(2) each on-time repayment rate used for calcu-
2 lating each of the threshold rates under subsection
3 (b)(1)(B) for the period determined appropriate by
4 the Secretary for such threshold rate under such sub-
5 section.

6 “(f) DEFINITIONS.—In this section:

7 “(1) CATEGORY OF EDUCATIONAL PROGRAMS.—
8 The term ‘category of educational programs’ has the
9 meaning given the term in section 435(a)(9)(E).

10 “(2) CATEGORY OF INSTITUTION.—The term ‘cat-
11 egory of institution’ includes—

12 “(A) four-year public institutions;

13 “(B) four-year private nonprofit institu-
14 tions;

15 “(C) four-year proprietary institutions;

16 “(D) two-year public institutions;

17 “(E) two-year private nonprofit institu-
18 tions;

19 “(F) two-year proprietary institutions;

20 “(G) less-than-two year public institutions;

21 “(H) less-than-two year private nonprofit
22 institutions; and

23 “(I) less-than-two year proprietary institu-
24 tions.

25 “(3) COVERED LOAN.—

1 “(A) *IN GENERAL.*—*The term ‘covered loan’*
 2 *means a loan made, insured, or guaranteed*
 3 *under part B or D (other than an excepted*
 4 *PLUS Loan or an excepted consolidation Loan).*

5 “(B) *EXCEPTED PLUS LOAN; EXCEPTED*
 6 *CONSOLIDATION LOAN.*—*The terms ‘excepted*
 7 *PLUS Loan’ and ‘excepted consolidation Loan’*
 8 *have the meanings given such terms in section*
 9 *493C(a).*

10 “(4) *STUDENT SERVICES.*—*The term ‘student*
 11 *services’ has the meaning given the term in section*
 12 *498E(a)(2).”.*

13 **PART H—PROGRAM INTEGRITY**

14 **Subpart 1—State Role**

15 **SEC. 4701. STATE RESPONSIBILITIES.**

16 *Section 495(a) of the Higher Education Act of 1965*
 17 *(20 U.S.C. 1099a(a)) is amended—*

18 (1) *in paragraph (2)—*

19 (A) *by inserting “and the accrediting agen-*
 20 *cy or association involved” after “Secretary”;*

21 (B) *by striking “revokes a license” and in-*
 22 *serting “takes a negative action, or revokes a li-*
 23 *cence,”; and*

24 (C) *by striking “and” at the end;*

1 (2) *in paragraph (3), by striking the period at*
2 *the end and inserting a semicolon; and*

3 (3) *by adding at the end the following:*

4 “(4) *evaluate each institution of higher edu-*
5 *cation located in the State or seeking authorization to*
6 *operate in the State to determine if such institution*
7 *of higher education meets the applicable standards of*
8 *the State relating to—*

9 “(A) *facilities, equipment, and supplies;*

10 *and*

11 “(B) *measures of program length and other*
12 *factors relevant for a student or graduate to re-*
13 *ceive a professional license from the State;*

14 “(5) *certify to the Secretary that the State*
15 *shall—*

16 “(A) *accept student complaints from—*

17 “(i) *all students attending an institu-*
18 *tion of higher education located in the*
19 *State; and*

20 “(ii) *all students who are residents of*
21 *the State and attend an institution of high-*
22 *er education not located in the State*
23 *through correspondence or distance edu-*
24 *cation; and*

1 “(B) report to the Secretary and accrediting
2 bodies—

3 “(i) relevant student complaints re-
4 ceived by the State, including multiple stu-
5 dent complaints that present consistent alle-
6 gations with respect to an institution of
7 higher education in the State; and

8 “(ii) such other complaints the Sec-
9 retary determines necessary; and

10 “(6) establish policies and procedures to antici-
11 pate and respond to the closure of an institution of
12 higher education, which shall include—

13 “(A) the maintenance of sufficient cash re-
14 serves (or an equivalent alternative) in accord-
15 ance with regulations issued pursuant to section
16 498(c)(6)(A) to ensure repayment of any re-
17 quired refunds;

18 “(B) a plan to address ensuring custodial
19 record-keeping of institutional records and stu-
20 dent transcripts in the case of such a closure;

21 “(C) the maintenance of contact informa-
22 tion adequate to ensure communication directly
23 between the State and each student in the case
24 of such a closure; and

1 “(D) in the case of an institution of higher
2 education located in the State, to develop a proc-
3 ess to identify when a campus of such institution
4 of higher education closes in any State.”.

5 **Subpart 2—Accrediting Agency Recognition**

6 **SEC. 4711. ACCREDITING AGENCY RECOGNITION OF ELIGI-**
7 **BLE JOB TRAINING PROGRAMS.**

8 Section 496(a)(4) of the Higher Education Act of 1965
9 (20 U.S.C. 1099b(a)(4)) is amended—

10 (1) in subparagraph (A), by striking “and” after
11 the semicolon; and

12 (2) by adding at the end the following:

13 “(C) if such agency or association has or
14 seeks to include within its scope of recognition
15 the evaluation of the quality of institutions of
16 higher education participating in the job train-
17 ing Federal Pell Grant program under section
18 401(k), such agency or association shall, in addi-
19 tion to meeting the other requirements of this
20 subpart, demonstrate to the Secretary that, with
21 respect to such eligible job training program—

22 “(i) the agency or association’s stand-
23 ards include a process for determining if the
24 institution has the capability to effectively

1 *provide an eligible job training program;*

2 *and*

3 “(ii) *the agency or association requires*
4 *a demonstration that the program—*

5 “(I) *has identified each recognized*
6 *postsecondary credential offered and*
7 *the corresponding industry or sector*
8 *partnership that actively recognizes*
9 *each credential in the State or local*
10 *area in which the job training pro-*
11 *gram is provided; and*

12 “(II) *provides the academic con-*
13 *tent and amount of instructional time*
14 *that is sufficient to—*

15 “(aa) *meet the hiring re-*
16 *quirements of potential employers;*
17 *and*

18 “(bb) *satisfy any applicable*
19 *educational prerequisite require-*
20 *ment for professional license or*
21 *certification, so that a student*
22 *who completes the program and*
23 *seeks employment is qualified to*
24 *take any licensure or certification*
25 *examination needed to practice or*

1 *find employment in such sectors*
2 *or occupations; and”.*

3 **SEC. 4712. ACCREDITING AGENCY RECOGNITION OF INSTI-**
4 **TUTIONS ENROLLING INCARCERATED INDI-**
5 **VIDUALS.**

6 *Section 496(a)(4) of the Higher Education Act of 1965*
7 *(20 U.S.C. 1099b(a)(4)) is further amended by adding at*
8 *the end the following:*

9 *“(D) if such agency or association accredits*
10 *or seeks to accredit institutions of higher edu-*
11 *cation that seek to award Federal Pell Grants*
12 *under section 401(n) to incarcerated individuals*
13 *for a course of study at such institution, such*
14 *agency or association shall, in addition to meet-*
15 *ing the other requirements of this subpart, dem-*
16 *onstrate to the Secretary that—*

17 *“(i) the agency or association’s stand-*
18 *ards include a process for determining if the*
19 *institution has the capability to effectively*
20 *offer such a course of study to incarcerated*
21 *individuals; and*

22 *“(ii) the agency or association requires*
23 *a demonstration that—*

24 *“(I) such course of study is taught*
25 *by faculty with experience and creden-*

1 *tials comparable to the experience and*
2 *credentials of faculty who teach courses*
3 *of study available to non-incarcerated*
4 *students enrolled at the institution;*

5 *“(II) academic credits earned by*
6 *incarcerated individuals for completion*
7 *of a course of study are treated by the*
8 *institution as the equivalent to credits*
9 *earned by non-incarcerated students*
10 *for an equivalent course;*

11 *“(III) the institution provides suf-*
12 *ficient educational content and re-*
13 *sources to students enrolled in such a*
14 *course of study that are, to the extent*
15 *practicable, consistent with the edu-*
16 *cational content and resources avail-*
17 *able to non-incarcerated students; and*

18 *“(IV) the institution has the ca-*
19 *capacity, staffing, and expertise to pro-*
20 *vide incarcerated individuals with the*
21 *support and advising services nec-*
22 *essary to select and successfully par-*
23 *ticipate in such a course of study and,*
24 *to the extent practicable, with support*

1 upon reentry (including career and
2 academic advising);”.

3 **SEC. 4713. REQUIREMENTS FOR ACCREDITING AGENCY**
4 **RECOGNITION.**

5 (a) *WORKING GROUP; RULEMAKING.*—

6 (1) *WORKING GROUP.*—

7 (A) *IN GENERAL.*—Not later than 1 year
8 after the date of enactment of the Act, the Sec-
9 retary of Education shall establish a working
10 group comprised of individuals specified in sub-
11 paragraph (B), to establish a common glossary
12 of measures (and a definition for each such
13 measure)—

14 (i) that, for purposes of section
15 496(a)(5)(A) of the Higher Education Act of
16 1965 (20 U.S.C. 1099b(a)(5)(A))—

17 (I) accrediting agencies or asso-
18 ciations may use to assess each of the
19 outcomes described in subparagraph
20 (C);

21 (II) shall not restrict accrediting
22 agencies or associations from estab-
23 lishing, in accordance with such sec-
24 tion 496(a)(5)(A), other measures to
25 assess such outcomes;

1 (III) shall not include perform-
2 ance benchmarks or other thresholds
3 with respect to such measures; and

4 (IV) provides accrediting agencies
5 or associations described in subpara-
6 graphs (A)(i) and (C)(ii) of section
7 496(a)(2) (20 U.S.C. 1099b(a)(2)) with
8 enough flexibility for adequate assess-
9 ment of such outcomes; and

10 (ii) that may include measures (and
11 definitions for such measures) set forth
12 under the Integrated Postsecondary Edu-
13 cation Data Survey, the postsecondary data
14 system established under section 132(l), or a
15 successor system;

16 (iii) to which future working groups
17 which meet the requirements of this para-
18 graph may add additional measures; and

19 (iv) that the Secretary of Education
20 shall not have the authority to approve.

21 (B) COMPOSITION.—The working group es-
22 tablished under subparagraph (A) shall be of suf-
23 ficient size to ensure that a full range of relevant
24 accrediting agencies and institutions are rep-

1 resented on the panel and shall include, at a
2 minimum, the following members:

3 (i) *Representatives of national, re-*
4 *gional, and specialized accrediting agencies*
5 *and associations that shall be nominated for*
6 *inclusion on the panel by such representa-*
7 *tives.*

8 (ii) *Representatives of diverse postsec-*
9 *ondary institutions, which shall include*
10 *representation between 2-year and 4-year*
11 *institutions of higher education, and from*
12 *public, nonprofit, and proprietary institu-*
13 *tions of higher education, including minor-*
14 *ity-serving institutions.*

15 (iii) *The Commissioner of the National*
16 *Center for Education Statistics or the Com-*
17 *missioner's representative.*

18 (iv) *Student advocate representatives*
19 *familiar with the accreditation process.*

20 (C) *OUTCOMES.*—*The outcomes described in*
21 *this subparagraph are as follows:*

22 (i) *Completion (which may include*
23 *measures such as graduation rates and*
24 *rates of transfer).*

1 (ii) *Progress toward completion (which*
2 *may include measures such as retention*
3 *rates and credit accumulation).*

4 (iii) *Workforce participation (which*
5 *may include measures such as rates of licen-*
6 *sure and job placement).*

7 (2) *RULEMAKING.—Not later than 1 year after*
8 *the date of enactment of this Act, the Secretary of*
9 *Education shall initiate a negotiated rule-making—*

10 (A) *to develop procedures for identifying the*
11 *representative member institutions an accred-*
12 *iting agency or association shall use to dem-*
13 *onstrate to the Secretary, for purposes of the Sec-*
14 *retary’s review and evaluation of the perform-*
15 *ance of such agency or association under section*
16 *496(n)(1) of the Higher Education Act of 1965*
17 *(20 U.S.C. 1099b(n)(1)), as amended by this sec-*
18 *tion, that such accrediting agency or associa-*
19 *tion—*

20 (i) *consistently applies and enforces*
21 *standards; and*

22 (ii) *effectively evaluates the quality of*
23 *education or training offered by the institu-*
24 *tions of higher education accredited by such*
25 *agency or association; and*

1 (B) for purposes of section 496 of the High-
2 er Education Act of 1965 (20 U.S.C. 1099b), as
3 amended by this section, to—

4 (i) establish definitions for the terms
5 related to sanctions, adverse actions, and
6 any other action that an accrediting agency
7 or association may take with respect to an
8 institution of higher education under such
9 section (including monitoring, notice, warn-
10 ing, probation, show cause, denial, with-
11 drawal, suspension, revocation, accredita-
12 tion, and preaccreditation); and

13 (ii) in a case in which any action de-
14 fined in clause (i) is taken by an accred-
15 iting agency or association with respect to
16 an institution of higher education, establish
17 notice and disclosure requirements for such
18 agency or association and institution of
19 higher education with respect to the public
20 (including students), as long as such re-
21 quirements are consistent with the require-
22 ments of subsections (a)(7) and (c)(7) of sec-
23 tion 496 of the Higher Education Act of
24 1965 (20 U.S.C. 1099b).

1 (b) *AMENDMENTS.*—Section 496 of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1099b) is further amended—

3 (1) in subsection (a)—

4 (A) in paragraph (3)(A), by inserting before
5 the semicolon at the end the following: “, and
6 any institution described in clauses (i) through
7 (v) of subsection (b)(1)(B)”;

8 (B) in paragraph (5), by striking subpara-
9 graphs (A) through (J) and inserting the fol-
10 lowing:

11 “(A) success with respect to student achieve-
12 ment in relation to the institution’s mission (ex-
13 cept that the agencies and associations described
14 in paragraph (2)(A)(ii) shall not be subject to
15 this subparagraph), which—

16 “(i) shall be assessed using at least 1
17 measure selected by the agency or associa-
18 tion from the glossary of measures estab-
19 lished and defined under section 4713(a)(1)
20 of the College Affordability Act, or estab-
21 lished by the agency or association, for each
22 of the following outcomes—

23 “(I) completion;

24 “(II) progress toward completion;

25 and

1 “(III) workforce participation;

2 “(ii) may be assessed using different
3 measures selected or established under clause
4 (i) for different institutions;

5 “(iii) for each measure selected or es-
6 tablished under clause (i), shall be assessed
7 using a single performance benchmark es-
8 tablished by the agency or association, ex-
9 cept that an accrediting agency or associa-
10 tion may establish a different performance
11 benchmark for such a measure for each cat-
12 egory of educational programs (as defined
13 in section 435(a)(9)(E)); and

14 “(iv) in the case of an institution de-
15 fined in section 101(a), may include consid-
16 eration of—

17 “(I) the historical significance of
18 the institution; and

19 “(II) whether the institution is
20 one of the only physical locations at
21 which postsecondary education is pro-
22 vided in the geographic area;

23 “(B) student achievement outcomes,
24 disaggregated by the elements required in the
25 postsecondary student data system under sub-

1 *clauses (I) through (X) of section 132(l)(2)(C)(ii)*
2 *to facilitate institutional improvement and yield*
3 *statistically reliable information that does not*
4 *reveal personally identifiable information about*
5 *an individual student;*

6 *“(C) credentials, including consideration of*
7 *the non-monetary value accruing to students*
8 *pursuing such credentials;*

9 *“(D) curricula, including—*

10 *“(i) other than for the agencies and as-*
11 *sociations described in paragraph*
12 *(2)(A)(ii), program length;*

13 *“(ii) course sequencing; and*

14 *“(iii) objectives related to*
15 *credentialing;*

16 *“(E) faculty;*

17 *“(F) student support services;*

18 *“(G) recruiting and admissions practices,*
19 *academic calendars, catalogues, publications,*
20 *and grading; and*

21 *“(H) fiscal and administrative capacity*
22 *(which shall include the institution’s governance)*
23 *as appropriate to the specified scale of oper-*
24 *ations;”;*

1 (C) by redesignating paragraphs (6)
2 through (8) as paragraphs (7) through (9), re-
3 spectively; and

4 (D) by inserting after paragraph (5) the fol-
5 lowing:

6 “(6) such agency or association shall make avail-
7 able on a publicly accessible website, up-to-date infor-
8 mation on—

9 “(A) the institutions that are subject to the
10 jurisdiction of such agency or association;

11 “(B) the measures used to assess each of the
12 outcomes described in subclauses (I) through
13 (III) of paragraph (5)(A)(i);

14 “(C) the performance benchmark established
15 for each measure selected by the agency or asso-
16 ciation under paragraph (5)(A), the rationale for
17 the establishment of such performance bench-
18 mark, and how such benchmarks are factored
19 into the accreditation process;

20 “(D) the process such agency or association
21 follows when an institution subject to the juris-
22 diction of such agency or association does not
23 meet an accreditation standard under section
24 496(a)(5); and

1 “(E) any sanction or adverse action taken
2 with respect to an institution and the reason for
3 such sanction or adverse action;”;

4 (E) in paragraph (8), as so redesignated, by
5 striking “30 days” and inserting “10 days”;

6 (F) by amending paragraph (9), as so re-
7 designated, to read as follows:

8 “(9) such agency or association shall—

9 “(A) make available on its public website,
10 and to the Secretary, and the State licensing or
11 authorizing agency, a summary (including the
12 decision and rationale for such decision) of any
13 review resulting in a final accrediting decision
14 involving denial, termination, or suspension of
15 accreditation, together with the comments of the
16 affected institution; and

17 “(B) ensure that each institution that is the
18 subject of a final accrediting decision described
19 in subparagraph (A) makes available on its pub-
20 lic website the summary described in subpara-
21 graph (A) (including the decision and rationale
22 for such decision) with respect to such institution
23 and the institution’s comments; and”.

24 (G) by adding at the end the following:

25 “(10) such agency or association shall—

1 “(A) ensure that any substantive change to
2 the educational mission or a program of an in-
3 stitution after the agency or association has ac-
4 credited or preaccredited the institution does not
5 adversely affect the capacity of the institution to
6 continue to meet the standards of such agency or
7 association;

8 “(B) require such an institution to obtain
9 the approval of such agency or association with
10 respect to such substantive change before the
11 agency or association includes the change in the
12 scope of accreditation or preaccreditation pre-
13 viously granted to the institution by such agency
14 or association; and

15 “(C) make public and report to the Sec-
16 retary any decision made under subparagraph
17 (B) and the rationale of such decision.”;

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

20 “(b) *SEPARATE AND INDEPENDENT DEFINED.*—For
21 the purpose of subsection (a)(3), the term ‘separate and
22 independent’ means that—

23 “(1) the members of the postsecondary education
24 governing body and any other decision-making body
25 of the accrediting agency or association are not—

1 “(A) elected or selected by the board or chief
2 executive officer of any related, associated, or af-
3 filiated trade association or membership organi-
4 zation; or

5 “(B) individuals (such as executives and
6 owners of an institution) who exercise substan-
7 tial control over an institution—

8 “(i) that is required to provide the Sec-
9 retary with satisfactory evidence of its fi-
10 nancial responsibility in accordance with
11 paragraph (3)(A) of section 498(c) because
12 the institution fails to meet criteria under
13 paragraphs (1) and (2) of such section, ex-
14 cept that this clause shall not be applicable
15 to an institution until the Secretary has
16 completed the rulemaking required under
17 section 4721(b) of the College Affordability
18 Act;

19 “(ii) that is on a reimbursement pay-
20 ment method pursuant to section
21 487(c)(1)(B);

22 “(iii) against which the Secretary is
23 initiating or carrying out an emergency ac-
24 tion in accordance with section
25 487(c)(1)(G);

1 “(iv) against which the Secretary is
2 limiting, suspending, or terminating the in-
3 stitution’s participation in any program
4 under this title in accordance with section
5 487(c)(1)(F); or

6 “(v) that is on probation or show
7 cause, or that is not accredited by an ac-
8 crediting agency or association;

9 “(2) among the membership of the board of the
10 accrediting agency or association there shall be 1 pub-
11 lic member for each 4 members of the board, with a
12 minimum of 1 such public member, and guidelines
13 are established for such members to avoid conflicts of
14 interest, including guidelines ensuring that each such
15 public member—

16 “(A) is selected to serve on such board in
17 the same manner that other board members are
18 selected for such service;

19 “(B) has not served on such board as a non-
20 public member in the preceding 10 years;

21 “(C) is not (or has not been in the pre-
22 ceding 5-year period) a full-time employee of, or
23 a member of the governing board, an owner, or
24 shareholder of, or consultant to, an institution or
25 program that—

1 “(i) is accredited or preaccredited by
2 the agency or association; or

3 “(ii) has applied for accreditation or
4 preaccreditation from such agency or asso-
5 ciation;

6 “(D) is not a member of any trade associa-
7 tion or membership organization related to, af-
8 filiated with, or associated with the agency or
9 association or an institution that is accredited
10 by such agency or association; and

11 “(E) is not a spouse, parent, child, or sib-
12 ling of an individual identified in subparagraph
13 (C) or (D);

14 “(3) dues to the accrediting agency or associa-
15 tion are paid separately from any dues paid to any
16 related, associated, or affiliated trade association or
17 membership organization; and

18 “(4) the budget of the accrediting agency or asso-
19 ciation is developed and determined by the accred-
20 iting agency or association without review or resort
21 to consultation with any other entity or organiza-
22 tion.”;

23 (3) in subsection (c)—

24 (A) in paragraph (1), strike “those regard-
25 ing distance education” and inserting “regard-

1 *ing distance education and the history and mis-*
2 *sion of the institutions reviewed”;*

3 *(B) in paragraph (2)—*

4 *(i) by inserting “and decline” after*
5 *“the growth”; and*

6 *(ii) by inserting before the semicolon at*
7 *the end the following: “or decline”; and*

8 *(C) by amending paragraph (3) to read as*
9 *follows:*

10 *“(3) requires an institution to submit for ap-*
11 *proval to the accrediting agency or association a*
12 *teach-out plan (as defined in section 487(f)(2)) and*
13 *which shall meet the requirements of such agency or*
14 *association) upon the occurrence of any of the fol-*
15 *lowing events:*

16 *“(A) the Secretary notifies the agency or as-*
17 *sociation that the Secretary has determined*
18 *under section 498(c) that the institution does not*
19 *have the financial responsibility required by this*
20 *title, except that this subparagraph shall not be*
21 *applicable to an institution until the Secretary*
22 *has completed the rulemaking required under*
23 *section 4721(b) of the College Affordability Act;*

24 *“(B) the Secretary notifies the agency of a*
25 *determination by the institution’s independent*

1 *auditor expressing doubt with the institution’s*
2 *ability to operate as a going concern or indi-*
3 *cating an adverse opinion or finding of material*
4 *weakness related to financial stability, except*
5 *that this subparagraph shall not apply with re-*
6 *spect to a public institution;*

7 *“(C) the agency or association acts to place*
8 *an institution on probation, show cause, or*
9 *equivalent status; or*

10 *“(D) the Secretary notifies the agency that*
11 *the institution is participating in title IV under*
12 *a provisional program participation agree-*
13 *ment;”;*

14 *(D) by amending paragraph (6) to read as*
15 *follows:*

16 *“(6) requires that teach-out agreements among*
17 *institutions are subject to approval by the accrediting*
18 *agency or association consistent with standards pro-*
19 *mulgated by such agency or association, and that*
20 *such an agreement shall be required and subject to*
21 *such approval upon the occurrence of any of the fol-*
22 *lowing events:*

23 *“(A) the Secretary notifies the agency or as-*
24 *sociation that—*

1 “(i) the Secretary has placed the insti-
2 tution on the reimbursement payment meth-
3 od pursuant to section 487(c)(1)(B); and

4 “(ii) the institution fails to meet cri-
5 teria prescribed by the Secretary regarding
6 ratios that demonstrate financial responsi-
7 bility as described in section 498(c)(2);

8 “(B) the Secretary notifies the accrediting
9 agency or association that the Secretary has ini-
10 tiated—

11 “(i) an emergency action against the
12 institution pursuant to section
13 487(c)(1)(G); or

14 “(ii) an action under section
15 487(c)(1)(F) to limit, suspend, or terminate
16 the participation of the institution in any
17 program under this title;

18 “(C) the accrediting agency or association
19 acts to withdraw, terminate, or suspend the ac-
20 creditation of the institution;

21 “(D) the institution notifies the accrediting
22 agency or association that the institution intends
23 to cease operations;

24 “(E) the institution notifies the accrediting
25 agency or association that the institution intends

1 to close a location that provides one hundred
2 percent of at least one program; or

3 “(F) pursuant to section 495, the State no-
4 tifies the accrediting agency or association that
5 an institution’s license or legal authorization to
6 operate within the State has been or will be re-
7 voked;”;

8 (E) in paragraph (7), by inserting “not
9 later than 10 days after taking an action de-
10 scribed in this paragraph,” before “makes avail-
11 able”;

12 (F) in paragraph (9), by striking the period
13 at the end and inserting “; and”; and

14 (G) by adding at the end the following:

15 “(10) responds to complaints received with re-
16 spect to an institution during the period which the
17 accrediting agency or association accredits such insti-
18 tution not later than 30 days after receiving the com-
19 plaint (including complaints shared with the agency
20 or association by the Secretary or a State agency
21 under section 495), monitors and assesses an institu-
22 tion’s record of student complaints during such pe-
23 riod, and submits the complaints relevant to the Sec-
24 retary and to the State agency involved.”;

1 (4) *in subsection (m), by adding at the end the*
2 *following: “Nothing in this section shall prohibit the*
3 *Secretary from implementing a process of recognition*
4 *under this section which differs for the accrediting*
5 *agencies or associations described in subsection*
6 *(a)(2)(A)(ii) for the purposes of participation in pro-*
7 *grams (other than the programs under this Act) ad-*
8 *ministered by the Department or other Federal agen-*
9 *cies if such differentiation would be beneficial to tax-*
10 *payers and the performance of such agencies or asso-*
11 *ciations.”; and*

12 (5) *in subsection (n)—*

13 (A) *in paragraph (1)—*

14 (i) *in the second sentence of the matter*
15 *preceding subparagraph (A), by inserting*
16 *before the period the following: “, which*
17 *shall include information on at least one in-*
18 *stitution of higher education representing*
19 *each of the sectors subject to the jurisdiction*
20 *of the accrediting agency or association (in-*
21 *cluding public, nonprofit, and proprietary,*
22 *as applicable) of the representative member*
23 *institutions”;* and

24 (ii) *in subparagraph (A), by inserting*
25 *before the semicolon the following: “, and for*

1 *purposes of facilitating such third-party in-*
2 *formation, the Secretary shall make pub-*
3 *licly available the application of the accred-*
4 *iting agency or association seeking recogni-*
5 *tion by the Secretary upon publishing in*
6 *the Federal Register the solicitation for such*
7 *third-party information”;* and

8 *(B) by adding at the end the following:*

9 “(5) *In the case in which an official of the Department*
10 *(other than the Secretary) makes a decision on the recogni-*
11 *tion of an accrediting agency or association that differs*
12 *from the recommendation made by the National Advisory*
13 *Committee on Institutional Quality and Integrity on such*
14 *recognition, without regard to whether any appeals process*
15 *with respect to such decision has been concluded, the official*
16 *shall submit to the authorizing committees the rationale*
17 *and evidence for such decision.*

18 “(6) *During the first 90-day period of each fiscal year,*
19 *the Secretary shall submit to the authorizing committees the*
20 *following information with respect to the preceding fiscal*
21 *year—*

22 “(A) *information about each accrediting agency*
23 *that the Secretary reviews and evaluates under this*
24 *subsection;*

1 “(B) the recommendation of the National Advi-
2 sory Committee on Institutional Quality and Integ-
3 rity about whether to recognize such accrediting agen-
4 cy or association and the rationale for such rec-
5 ommendation;

6 “(C) in the case in which an official of the De-
7 partment (other than the Secretary) makes a decision
8 on the recognition of such accrediting agency or asso-
9 ciation (without regard to whether any appeals proc-
10 ess with respect to such decision has been concluded),
11 such decision and the rationale for such decision; and

12 “(D) the final decision of the Secretary on the
13 recognition of such accrediting agency or association
14 and the rationale for such final decision.”; and

15 (6) by adding at the end the following:

16 “(r) *EVALUATION OF QUALITY AND ACHIEVEMENT*
17 *MEASURES.*—

18 “(1) *IN GENERAL.*—The Secretary shall direct
19 the National Advisory Committee on Institutional
20 Quality and Integrity to—

21 “(A) regularly evaluate the effectiveness of
22 the measures selected and the performance bench-
23 marks established by accrediting agencies and
24 associations under subsection (a)(5)(A); and

1 “(B) compare similarly situated accrediting
2 agencies or associations, whose similarity may
3 not be determined solely by the educational sector
4 to which the institutions being evaluated belong,
5 based on the measures and performance bench-
6 marks used in subsection (a)(5)(A) by such agen-
7 cies and associations.

8 “(2) *REVISING PERFORMANCE BENCHMARKS.*—
9 The Secretary may require an accrediting agency or
10 association to review and revise a performance bench-
11 mark established by such agency or association if the
12 Secretary determines that such performance bench-
13 mark is too low for the measure for which such bench-
14 mark is established.

15 “(3) *RULE OF CONSTRUCTION.*—Nothing in this
16 subsection shall be construed to give the Secretary
17 that authority to require the use of a specific perform-
18 ance benchmark by an accrediting agency or associa-
19 tion for purposes of subsection (a)(5)(A).

20 “(s) *REPORT ON RECOGNIZED INSTITUTIONAL*
21 *ACCREDITORS REQUIRED.*—Not later than 180 days after
22 the date of the enactment of the College Affordability Act,
23 and annually thereafter, the Secretary shall publish a re-
24 port that includes with respect to each accrediting agency

1 *or association recognized under this section by the Sec-*
2 *retary, the following:*

3 “(1) *The number of institutions of higher edu-*
4 *cation evaluated by such accrediting agency or asso-*
5 *ciation in each educational sector.*

6 “(2) *The number of locations of such institutions*
7 *of higher education.*

8 “(3) *The number of students enrolled at such in-*
9 *stitutions of higher education.*

10 “(4) *The number of students receiving a Federal*
11 *Pell Grant at such institutions of higher education in*
12 *the preceding year.*

13 “(5) *The total amount of Federal student aid re-*
14 *ceived by students enrolled at such institutions of*
15 *higher education in the preceding year.*

16 “(6) *The graduation rates of such institutions of*
17 *higher education.*

18 “(7) *The median earnings of students 10 years*
19 *after enrollment.*

20 “(8) *The number of institutions placed on a re-*
21 *imbursement payment method pursuant to section*
22 *487(c)(1)(B).*

23 “(t) *RULE OF CONSTRUCTION.—Nothing in this sec-*
24 *tion shall be construed to prohibit an institution of higher*
25 *education from seeking accreditation, in a manner con-*

1 *sistent with the requirements of subsections (h), (i), and*
2 *(l)(2), from an accrediting agency or association that is ac-*
3 *crediting a branch campus of such institution in the State*
4 *in which the institution is located.”.*

5 ***Subpart 3—Program Review and Data***

6 ***SEC. 4721. ELIGIBILITY AND CERTIFICATION PROCEDURES.***

7 *(a) FINANCIAL RESPONSIBILITY STANDARDS.—Section*
8 *498 of the Higher Education Act of 1965 (20 U.S.C. 1099e)*
9 *is amended—*

10 *(1) in subsection (b)—*

11 *(A) in paragraph (4), by striking “and” at*
12 *the end;*

13 *(B) in paragraph (5), by striking the period*
14 *at the end and inserting “; and”; and*

15 *(C) by adding at the end the following:*

16 *“(6) includes an addendum under which an in-*
17 *stitution of higher education shall report a change in*
18 *circumstances described in subparagraph (A)(ii) or*
19 *clauses (ii) or (iii) of subparagraph (B) of subsection*
20 *(c)(8), not later than 30 days after the date on which*
21 *such change in circumstance occurs.”;*

22 *(2) in subsection (c)—*

23 *(A) in paragraph (1)—*

24 *(i) in subparagraph (B), by striking*
25 *“and” at the end;*

1 (ii) in subparagraph (C), by striking
2 the period at the end and inserting “; and”
3 ; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(D) the institution is not an institution de-
7 scribed in paragraph (7)(B).”;

8 (B) in paragraph (3)—

9 (i) by redesignating subparagraphs (C)
10 and (D) as subparagraphs (D) and (E), re-
11 spectively; and

12 (ii) by inserting after subparagraph
13 (B) the following:

14 “(C) such institution has a rating of investment
15 grade or above from a recognized credit rating agen-
16 cy;”;

17 (C) by adding at the end the following:

18 “(7) *PROHIBITED FINANCIAL RESPONSIBILITY*
19 *DETERMINATIONS.*—

20 “(A) *IN GENERAL.*—The Secretary may not
21 determine that an institution has the financial
22 responsibility required by this title if such insti-
23 tution is an institution described in subpara-
24 graph (B).

1 “(B) *SPECIFIED INSTITUTION*.—*An institu-*
2 *tion described in this subparagraph is—*

3 “(i) *a private non-profit institution of*
4 *higher education or a proprietary institu-*
5 *tion of higher education (as defined in sec-*
6 *tion 102(b)) that—*

7 “(I) *is required by the accrediting*
8 *agency of such institution to submit a*
9 *teach-out plan under section 487(f);*

10 “(II) *with respect to the preceding*
11 *2 fiscal years, has an adjusted cohort*
12 *default rate (as determined under sec-*
13 *tion 435(m)) of 20 percent or greater,*
14 *unless the institution files a challenge,*
15 *request for adjustment, or appeal*
16 *under section 435(a) with respect to*
17 *such rates for one or both of such fiscal*
18 *years; or*

19 “(III) *is subject to a number of*
20 *pending or approved borrower relief*
21 *claims under section 493H from bor-*
22 *rowers that equals or exceeds, with re-*
23 *spect to the prior academic year, half*
24 *of the enrollment of full-time equiva-*
25 *lent students at such institution;*

1 “(ii) a proprietary institution of high-
2 er education (as defined in section 102(b))
3 that—

4 “(I) is publicly traded; and

5 “(II)(aa) is sanctioned by the Se-
6 curities and Exchange Commission;

7 “(bb) fails to file a required
8 annual or quarterly report with
9 the Securities and Exchange Com-
10 mission; or

11 “(cc) the stock of which is
12 delisted; or

13 “(iii) a proprietary institution of high-
14 er education (as defined in section
15 102(b))—

16 “(I) that derived, for any award
17 year beginning on or after July 1,
18 2022, more than 85 percent of the rev-
19 enue of the institution from Federal
20 education assistance funds; or

21 “(II) fails to meet criteria pre-
22 scribed by the Secretary regarding ra-
23 tios that demonstrate financial respon-
24 sibility, and has any withdrawal of
25 owner’s equity from the institution by

1 *any means, including by declaring a*
2 *dividend.*

3 “(8) *CHANGE IN CIRCUMSTANCES.—*

4 “(A) *REQUIRED REDETERMINATION.—*

5 “(i) *IN GENERAL.—In the case of a*
6 *private non-profit institution of higher edu-*
7 *cation or a proprietary institution of higher*
8 *education (as defined in section 102(b)) that*
9 *submits an addendum described in clause*
10 *(ii) or (iii) to the Secretary, the Secretary*
11 *shall, not later than 30 days after such ad-*
12 *dendum is submitted, redetermine whether*
13 *such institution meets the requirements of*
14 *this subsection.*

15 “(ii) *SPECIFIED CIRCUMSTANCES.—An*
16 *institution of higher education shall submit*
17 *an addendum under subsection (b)(6) if,*
18 *with respect to such institution of higher*
19 *education, one of the following occurs:*

20 “(I) *The institution is required to*
21 *pay any material debt, as determined*
22 *by the Secretary, or incur any mate-*
23 *rial liability, as determined by the*
24 *Secretary, arising from a final judg-*
25 *ment in a judicial proceeding, an ad-*

1 *ministrative proceeding or determina-*
2 *tion, or settlement.*

3 “(II) *The institution is involved*
4 *in a lawsuit that is brought on or after*
5 *the date of the enactment of College Af-*
6 *fordability Act by a Federal or State*
7 *authority for financial relief on claims*
8 *related to the making of loans under*
9 *part D of title IV.*

10 “(III) *Such other circumstance*
11 *the Secretary determines necessary.*

12 “(iii) *GAINFUL EMPLOYMENT DETER-*
13 *MINATION BY SECRETARY.—An institution*
14 *of higher education shall submit an adden-*
15 *dum under subsection (b)(6) if the Secretary*
16 *makes a determination that such institution*
17 *has programs that could become ineligible*
18 *under gainful employment (as defined in*
19 *section 104) in the next award year.*

20 “(B) *PERMISSIBLE REDETERMINATION.—*

21 “(i) *REDETERMINATION.—In the case*
22 *of an institution that submits an addendum*
23 *under clause (ii), the Secretary may, not*
24 *later than 30 days after such addendum is*
25 *submitted, redetermine whether such insti-*

1 *tution meets the requirements of this sub-*
2 *section.*

3 “(ii) *SPECIFIED CIRCUMSTANCES.—*
4 *The Secretary shall require an institution*
5 *to submit an addendum under subsection*
6 *(b)(6) if the Secretary makes a determina-*
7 *tion—*

8 *“(I) that the Secretary will likely*
9 *receive a significant number of bor-*
10 *rower relief claims under section 493H*
11 *as the result of a lawsuit, settlement, or*
12 *judgement against the institution; or*

13 *“(II) that the institution experi-*
14 *enced one of the following:*

15 *“(aa) A significant fluctua-*
16 *tion in enrollments between con-*
17 *secutive award years or a period*
18 *of award years.*

19 *“(bb) A citation by a State*
20 *licensing or authorizing agency*
21 *for failing State or agency re-*
22 *quirements.*

23 *“(cc) High annual drop out*
24 *rates.*

1 “(dd) Pending borrower relief
2 claims under section 493H.

3 “(C) FINANCIAL CIRCUMSTANCES MATE-
4 RIALS.—If the institution’s financial cir-
5 cumstances materially change after the institu-
6 tion submits an addendum under subsection
7 (b)(6), such institution shall submit to the Sec-
8 retary such certified financial statements and
9 other information as the Secretary may require.

10 “(9) TRANSPARENCY.—Beginning not later than
11 90 days after the date of the enactment of this para-
12 graph, and not less than once every 120 days there-
13 after, the Secretary shall make publicly available on
14 the website of the Department the following:

15 “(A) The ratios used to demonstrate finan-
16 cial responsibility under this section.

17 “(B) Each reports made to the Secretary
18 under this section.

19 “(C) Each audited financial statement sub-
20 mitted to the Secretary by an institution of high-
21 er education under this section.

22 “(D) Each certified financial statement sub-
23 mitted to the Secretary under paragraph
24 (8)(C).”; and

25 (3) in subsection (i)(2)—

1 (A) in subparagraph (E), by striking “or”
2 at the end;

3 (B) in subparagraph (F), by striking the
4 period at the end and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(G) the transfer of ownership as a result of a
7 court-ordered receivership.”.

8 (b) *RULEMAKING.*—Not 1 year after the date of enact-
9 ment of this Act, the Secretary of Education shall carry
10 out a negotiated rulemaking to update the criteria used
11 under section 498(c)(2) of the Higher Education Act of 1965
12 (20 U.S.C. 1099c) to make a determination of the ability
13 of an institution of higher education to meet the standards
14 under such section in accordance with the amendments
15 made by this section.

16 (c) *AUDITS.*—Not later than 2 years after the criteria
17 used under section 498(c)(2) of the Higher Education Act
18 of 1965 (20 U.S.C. 1099c) is updated under subsection (b),
19 and every 2 years thereafter, the Inspector General of De-
20 partment of Education shall conduct audits of such criteria
21 to ensure that the criteria meets generally accepted account-
22 ing principles.

23 **SEC. 4722. PROGRAM REVIEW AND DATA.**

24 Section 498A of the Higher Education Act of 1965 (20
25 U.S.C. 1099c-1) is amended—

1 (1) *in subsection (a)(2), by striking subpara-*
2 *graph (A) and inserting the following:*

3 “*(A) institutions with an adjusted cohort*
4 *default rate for loans under part D in excess of*
5 *18 percent or which places such institutions in*
6 *the highest 25 percent of such institutions;”;*

7 (2) *by redesignating subsections (c) through (e)*
8 *as subsections (d) through (f), respectively; and*

9 (3) *by inserting after subsection (b) the fol-*
10 *lowing:*

11 “*(c) UNDERCOVER OPERATIONS.—In carrying out*
12 *paragraphs (1) and (2) of subsection (a) and any other rel-*
13 *evant provisions of this subpart, the Secretary—*

14 “*(1) shall conduct undercover and secret shopper*
15 *operations for the purpose of encouraging the ethical*
16 *treatment of students and prospective students and*
17 *detecting fraud and abuse in the Federal student aid*
18 *programs, including—*

19 “*(A) violations described in section*
20 *487(c)(3);*

21 “*(B) violations of section 487(a)(20); and*

22 “*(C) violations by any entity with which*
23 *the institution has contracted for student recruit-*
24 *ment or admission activity;*

1 *student achievement (as described in section 496(a)(5)(A))*
2 *at covered progress period institutions.*

3 “(c) *DURATION.*—*Grants and assistance may be pro-*
4 *vided under this section for a period of not less than one*
5 *year and not more than three years.*

6 “(d) *CONDITIONS.*—

7 “(1) *BENCHMARKS.*—

8 “(A) *IN GENERAL.*—*To continue to receive*
9 *support under this section after the first year in*
10 *which such support is provided, an institution*
11 *must show progress, as determined by the Sec-*
12 *retary, toward meeting the standards for student*
13 *achievement established by the relevant accred-*
14 *iting agency or association pursuant to section*
15 *496(a)(5)(A).*

16 “(B) *CONSIDERATIONS.*—*In determining*
17 *the progress of an institution under subpara-*
18 *graph (A), the Secretary may take into consider-*
19 *ation extenuating circumstances that may have*
20 *contributed to the poor performance of the insti-*
21 *tution in the first year of the review period.*

22 “(2) *DEADLINE FOR COMPLIANCE.*—*An institu-*
23 *tion that does not achieve an adjusted cohort default*
24 *rate of less than 10 percent after receiving support*

1 *under this section for three consecutive years shall be*
2 *ineligible to receive further support under this section.*

3 “(3) *PROHIBITION.—An institution shall be in-*
4 *eligible to receive further support under this section if,*
5 *while the institution was receiving such support, the*
6 *total enrollment of low-income students (as such term*
7 *is defined in section 419N(b)(7)) at the institution de-*
8 *creased by 10 percent or more.*

9 “(e) *COVERED PROGRESS PERIOD INSTITUTION.—In*
10 *this section, the term ‘covered progress period institution’*
11 *means—*

12 “(1) *a public institution of higher education that*
13 *is determined to be in progress period status;*

14 “(2) *a part B institution (as defined in section*
15 *322) that is determined to be in progress period sta-*
16 *tus; or*

17 “(3) *a private, nonprofit institution of higher*
18 *education—*

19 “(A) *that is determined to be in progress*
20 *period status; and*

21 “(B) *at which not less than 45 percent of*
22 *the total student enrollment consists of low-in-*
23 *come students (as such term is defined in section*
24 *419N(b)(7)).*

25 “(f) *FUNDING.—*

1 “(1) *IN GENERAL.*—*There are authorized to be*
2 *appropriated, and there are appropriated, such funds*
3 *as the Secretary, using the formula described in para-*
4 *graph (2), determines necessary to meet the needs of*
5 *all eligible institutions under this subsection, except*
6 *that such funds shall not exceed \$100,000,000 for fis-*
7 *cal year 2021 and each succeeding fiscal year. Such*
8 *funds shall be available until expended.*

9 “(2) *FORMULA.*—*Not later than 1 year after the*
10 *date of the enactment of this section, the Secretary*
11 *shall establish through negotiated rulemaking a for-*
12 *mula to determine the—*

13 “(A) *proportional amount of institutional*
14 *need under this section; and*

15 “(B) *total amount of institutional need*
16 *under this section.*

17 “(3) *SPECIAL RULE.*—*Such formula must at*
18 *minimum take into consideration the severity of the*
19 *problem, size of the institution, institutional re-*
20 *sources, historical underfunding, and the number of*
21 *low-income students (as such term is defined in sec-*
22 *tion 419N(b)(7)) being served.*

23 **“SEC. 498D. RESTRICTIONS ON CERTAIN EXPENDITURES.**

24 “(a) *ESTABLISHING DEFINITIONS.*—

1 “(1) *IN GENERAL.*—For purposes of each survey
2 conducted under the Integrated Postsecondary Edu-
3 cation Data System after the date of enactment of the
4 College Affordability Act and this Act, the Secretary
5 shall define the following terms:

6 “(A) *Marketing.*

7 “(B) *Recruitment.*

8 “(C) *Advertising.*

9 “(D) *Lobbying.*

10 “(E) *Student services.*

11 “(2) *EXCLUSION OF CERTAIN ACTIVITIES.*—In
12 defining the term ‘student services’ under paragraph
13 (1)(E), the Secretary shall ensure that such term does
14 not include marketing, recruitment, advertising, or
15 lobbying.

16 “(b) *LIMITATION ON EXPENDITURES.*—In a case in
17 which the Secretary determines with respect to an institu-
18 tion of higher education participating in any program
19 under this title that, for any of the 3 most recent institu-
20 tional fiscal years after the promulgation of regulations by
21 the Secretary defining the terms in subsection (a)(1) for
22 which the institution submits to the Secretary disclosures
23 on the expenditures of the institution on instruction for
24 purposes of section 132(i)(1)(AA), the amount expended by
25 such institution on instruction for such fiscal year is less

1 *than an amount equal to $\frac{1}{3}$ of institution's revenues de-*
2 *rived from tuition and fees—*

3 “(1) *for any institutional fiscal year after such*
4 *determination is made, the sum of the amount ex-*
5 *pended by the institution on marketing, recruitment,*
6 *advertising, and lobbying may not exceed the amount*
7 *of the institution's revenues derived from sources other*
8 *than Federal education assistance funds; and*

9 “(2) *in a case in which the institution fails to*
10 *meet the requirements of paragraph (1) for 2 consec-*
11 *utive institutional fiscal years, the institution shall be*
12 *ineligible to participate in the programs authorized*
13 *by this title for a period of not less than two institu-*
14 *tional fiscal years.*

15 “(c) *PUBLICATION ON WEBSITE.—The Secretary shall,*
16 *on an annual basis, publicly disclose on the Department's*
17 *website, information with respect to any institution of high-*
18 *er education that is subject to the requirements of subsection*
19 *(b)(1), including—*

20 “(1) *the quotient of the amount that the institu-*
21 *tion expends on instruction divided by the institu-*
22 *tion's revenues derived from tuition and fees, ex-*
23 *pressed as a percentage;*

24 “(2) *the sum of such institution's expenditures*
25 *on advertising, recruiting, marketing, and lobbying;*

1 “(3) the amount of such institution’s revenues re-
2 ceived from sources outside of Federal education as-
3 sistance funds; and

4 “(4) the difference between paragraphs (2) and
5 (3).

6 **“SEC. 498E. INSTITUTIONAL DISCLOSURE SYSTEM.**

7 “(a) *DEPARTMENTAL DISCLOSURE.*—The Secretary
8 shall make available, on a publicly accessible website of the
9 Department of Education, a list of institutions of higher
10 education that—

11 “(1) have failed to meet the requirements for ac-
12 creditation by an agency or association recognized by
13 the Secretary pursuant to section 496(a); or

14 “(2) have failed to meet the requirements for
15 participation in programs under this title.

16 “(b) *INSTITUTIONAL DISCLOSURE.*—

17 “(1) *IN GENERAL.*—To be eligible to participate
18 in programs under this title, an institution of higher
19 education shall, using the template developed by the
20 Secretary under subsection (c), disclose the accredita-
21 tion status of the institution on a publicly accessible
22 website of the institution.

23 “(2) *UPDATES.*—Any change in the accredita-
24 tion status of an institution of higher education shall

1 *be disclosed in accordance with paragraph (1) not*
 2 *later than 30 days after such change occurs.*

3 “(c) *TEMPLATE.—The Secretary shall develop a tem-*
 4 *plate that shall be used by institutions of higher education*
 5 *to make the disclosures required under subsection (b). The*
 6 *Secretary shall ensure that the template—*

7 “(1) *clearly identifies the information to be dis-*
 8 *closed; and*

9 “(2) *is in a format that is easily understood by*
 10 *consumers.”.*

11 ***PART I—AMERICA’S COLLEGE PROMISE FEDERAL-***
 12 ***STATE PARTNERSHIP***

13 ***SEC. 4801. PROGRAM AUTHORIZED.***

14 *Title IV of the Higher Education Act of 1965 (20*
 15 *U.S.C. 1070 et seq.) is amended by adding at the end the*
 16 *following:*

17 ***“PART J—AMERICA’S COLLEGE PROMISE***
 18 ***FEDERAL-STATE PARTNERSHIP***

19 ***“Subpart 1—State and Indian Tribe Grants for***
 20 ***Community Colleges***

21 ***“SEC. 499A. IN GENERAL.***

22 *“From amounts appropriated under section 499G for*
 23 *any fiscal year, the Secretary shall award grants to eligible*
 24 *States and Indian tribes to pay the Federal share of expend-*

1 *itures needed to carry out the activities and services de-*
2 *scribed in section 499E.*

3 **“SEC. 499B. FEDERAL SHARE; NON-FEDERAL SHARE.**

4 *“(a) FEDERAL SHARE.—*

5 *“(1) FORMULA.—Subject to paragraph (2), the*
6 *Federal share of a grant under this subpart shall be*
7 *based on a formula, determined by the Secretary,*
8 *that—*

9 *“(A) accounts for the State or Indian tribe’s*
10 *share of eligible students;*

11 *“(B) accounts for the ratio between a State*
12 *or Indian tribe’s funding per full-time equivalent*
13 *(FTE) student at public colleges and universities*
14 *and the average net price at State public four-*
15 *year colleges and universities, in such a way as*
16 *to reward States that keep net prices for students*
17 *low while maintaining their investment in high-*
18 *er education; and*

19 *“(C) provides, for each eligible student in*
20 *the State or Indian tribe, a per-student amount*
21 *that is at least 75 percent of—*

22 *“(i) for the 2021–2022 award year, the*
23 *average resident community college tuition*
24 *and fees per student in all States for the*

1 *most recent year for which data are avail-*
2 *able; and*

3 “(ii) *for each subsequent award year,*
4 *the amount determined under this subpara-*
5 *graph for the preceding award year, in-*
6 *creased by the lesser of—*

7 “(I) *a percentage equal to the esti-*
8 *mated percentage increase in the Con-*
9 *sumer Price Index (as determined by*
10 *the Secretary) since the date of such*
11 *determination; or*

12 “(II) *3 percent.*

13 “(2) *EXCEPTION FOR CERTAIN INDIAN TRIBES.—*

14 *In any case in which not less than 75 percent of the*
15 *students at the community colleges operated or con-*
16 *trolled by an Indian tribe are low-income students,*
17 *the amount of the Federal share for such Indian tribe*
18 *shall be not less than 95 percent of the total amount*
19 *needed to waive tuition and fees for all eligible stu-*
20 *dents enrolled in such community colleges.*

21 “(b) *STATE OR TRIBAL SHARE.—*

22 “(1) *FORMULA.—*

23 “(A) *IN GENERAL.—The State or tribal*
24 *share of a grant under this subpart for each fis-*
25 *cal year shall be the amount needed to pay 25*

1 *percent of the average community college resident*
2 *tuition and fees per student in all States in the*
3 *2021–2022 award year for all eligible students*
4 *in the State or Indian tribe, respectively, for*
5 *such fiscal year, except as provided in subpara-*
6 *graph (B).*

7 “(B) *EXCEPTION FOR CERTAIN INDIAN*
8 *TRIBES.—In the case of an Indian tribe de-*
9 *scribed in subsection (a)(2), the amount of such*
10 *Indian tribe’s tribal share shall not exceed 5 per-*
11 *cent of the total amount needed to waive tuition*
12 *and fees for all eligible students enrolled in such*
13 *community colleges.*

14 “(2) *NEED-BASED AID.—A State or Indian tribe*
15 *may include, as part of the State or tribal share, any*
16 *need-based financial aid that—*

17 “(A) *is provided from State or tribal funds*
18 *to an eligible student; and*

19 “(B) *may be used by such student to pay*
20 *costs of attendance other than tuition and fees.*

21 “(3) *NO IN-KIND CONTRIBUTIONS.—A State or*
22 *Indian tribe shall not include in-kind contributions*
23 *for purposes of the State or tribal share described in*
24 *paragraph (1).*

1 “(c) *DETERMINING NUMBER OF ELIGIBLE STU-*
2 *DENTS.—*

3 “(1) *IN GENERAL.—The Secretary of Education*
4 *shall develop and implement a process for accurately*
5 *estimating the number of eligible students in a State*
6 *or Indian tribe for purposes of subsection (a) and (b).*

7 “(2) *INITIAL DETERMINATION.—For the first*
8 *year for which grants are awarded under this sub-*
9 *part, the number of eligible students in a State or In-*
10 *dian tribe shall be considered to be equal to the num-*
11 *ber of eligible students that were in the State or tribe*
12 *for the preceding school year.*

13 “(d) *ADJUSTMENT OF GRANT AMOUNT.—Not later*
14 *than 180 days after the date on which a State or Indian*
15 *tribe receives a grant under this subpart, the Secretary*
16 *shall—*

17 “(1) *in consultation with the State or tribe con-*
18 *cerned, determine whether the actual number of eligi-*
19 *ble students in the State or Tribe for the year covered*
20 *by the grant is greater than the estimated number of*
21 *such students that was used to determine the amount*
22 *of the grant; and*

23 “(2) *if it is determined under paragraph (1)*
24 *that the actual number of eligible students in the*
25 *State or Tribe is higher than such estimate, issue a*

1 *supplementary grant payment to the State or tribe in*
2 *an amount that ensures that the total amount of the*
3 *grant funds received by the State or tribe under this*
4 *subpart for the year covered by the grant accurately*
5 *reflects the higher number of eligible students.*

6 **“SEC. 499C. APPLICATIONS.**

7 “(a) *SUBMISSION.—In order to receive a grant under*
8 *this subpart, a State or tribe shall submit an application*
9 *to the Secretary at such time, in such manner, and con-*
10 *taining such information as the Secretary may require.*

11 “(b) *CONTENTS.—Each application under subsection*
12 *(a) shall include, at a minimum—*

13 “(1) *an estimate of the number of eligible stu-*
14 *dents in the State or Indian tribe and the cost of*
15 *waiving community college resident tuition and fees*
16 *for all eligible students for each fiscal year covered by*
17 *the grant;*

18 “(2) *an assurance that all community colleges in*
19 *the State or under the jurisdiction of the Indian tribe,*
20 *respectively, will waive resident tuition and fees for*
21 *eligible students in accordance with section 499D(a);*

22 “(3) *a description of the promising and evidence-*
23 *based institutional reforms and innovative practices*
24 *to improve student outcomes, including transfer and*

1 *completion rates, that have been or will be adopted by*
2 *the participating community colleges, such as—*

3 *“(A) providing comprehensive academic*
4 *and student support services, including men-*
5 *toring and advising, especially for low-income,*
6 *first-generation, and adult students, and other*
7 *students belonging to racial and other groups*
8 *that are underrepresented in higher education;*

9 *“(B) the provision of direct support services*
10 *such as—*

11 *“(i) childcare, transportation, emer-*
12 *gency financial assistance, and mental*
13 *health and substance use disorder treatment;*

14 *“(ii) assistance in obtaining health in-*
15 *surance coverage;*

16 *“(iii) assistance securing affordable*
17 *housing;*

18 *“(iv) efforts to address food insecurity*
19 *and campus hunger; and*

20 *“(v) efforts to facilitate student partici-*
21 *pation in means-tested Federal benefit pro-*
22 *grams (as defined in section 479(d));*

23 *“(C) providing accelerated learning oppor-*
24 *tunities, such as dual or concurrent enrollment*

1 *programs, including early college high school*
2 *programs;*

3 *“(D) strengthening and reforming remedial*
4 *and developmental education, especially for low-*
5 *income, first-generation, and adult students, and*
6 *other students belonging to racial and other*
7 *groups that are underrepresented in higher edu-*
8 *cation, including through the use of multiple*
9 *measures (such as a student’s college entrance ex-*
10 *amination score, grade point average, high school*
11 *course list, or a placement examination) to iden-*
12 *tify students in need of remedial education; or*

13 *“(E) utilizing career pathways, including*
14 *through building capacity for career and tech-*
15 *nical education as defined in section 3(5) of the*
16 *Carl D. Perkins Career and Technical Education*
17 *Act of 2006 (20 U.S.C. 2302(5)) and programs*
18 *of study as defined in section 3(41) of such Act*
19 *(20 U.S.C. 2302(41)), or degree pathways;*

20 *“(4) a description of how the State or Indian*
21 *tribe will ensure that programs leading to a recog-*
22 *nized postsecondary credential meet the quality cri-*
23 *teria established by the State under section 123(a) of*
24 *the Workforce Innovation and Opportunity Act (29*

1 *U.S.C. 3153(a)) or other quality criteria determined*
2 *appropriate by the State or Indian tribe;*

3 “(5) *an assurance that all participating commu-*
4 *nity colleges in the State or under the authority of the*
5 *Indian tribe have entered into program participation*
6 *agreements under section 487;*

7 “(6) *an assurance that the State or Indian tribe*
8 *will, to the extent practicable, assist eligible students*
9 *in obtaining information about and accessing means-*
10 *tested Federal benefit programs (as defined in section*
11 *479(d)) for which such students may be eligible;*

12 “(7) *an assurance that, for each year of the*
13 *grant, the State or Indian tribe will notify each eligi-*
14 *ble student of the student’s remaining eligibility for*
15 *assistance under this subpart; and*

16 “(8) *if the application is submitted by a State—*

17 “(A) *an assurance that the State will, to the*
18 *extent practicable, consider changes to State law*
19 *that will enable more community college students*
20 *to be eligible for means-tested Federal benefit*
21 *programs (as defined in section 479(d));*

22 “(B) *an assurance that the State will meet*
23 *the requirements of section 499D(b)(1) relating*
24 *to the alignment of secondary and postsecondary*
25 *education; and*

1 “(C) an assurance that the State will meet
2 the requirements of section 499D(b)(2) relating
3 to the improvement of transfer pathways between
4 institutions of higher education.

5 **“SEC. 499D. PROGRAM REQUIREMENTS.**

6 “(a) *GENERAL REQUIREMENTS FOR STATES AND IN-*
7 *DIAN TRIBES.—As a condition of receiving a grant under*
8 *this subpart a State or Indian tribe shall meet the following*
9 *requirements:*

10 “(1) *For each year of the grant the total amount*
11 *of community college resident tuition and fees charged*
12 *to an eligible student in the State or Indian tribe*
13 *shall be \$0.*

14 “(2) *For each year of the grant no amount of fi-*
15 *nancial assistance for which an eligible student quali-*
16 *fies may be applied to such tuition or fees.*

17 “(b) *STATE REQUIREMENTS.—As a condition of re-*
18 *ceiving a grant under this subpart a State shall meet the*
19 *following requirements:*

20 “(1) *ALIGNMENT OF K–12 AND HIGHER EDU-*
21 *CATION.—*

22 “(A) *IN GENERAL.—The State shall—*

23 “(i) *submit a plan to align the require-*
24 *ments for receiving a regular high school di-*
25 *ploma from public high schools in the State*

1 *with the requirements for entering credit-*
2 *bearing coursework at participating com-*
3 *munity colleges in such State; and*

4 “(i) *not later than three years after*
5 *the date on which the State first receives a*
6 *grant under this subpart, certify to the Sec-*
7 *retary that such alignment has been*
8 *achieved.*

9 “(B) *FAILURE TO CERTIFY.— If a State*
10 *does not provide the certification required under*
11 *subparagraph (A) by the date specified in such*
12 *subparagraph, the State shall submit to the Sec-*
13 *retary, at such time and in such manner as the*
14 *Secretary may require—*

15 “(i) *a written explanation for the*
16 *delay in making the certification; and*

17 “(ii) *a plan that will enable the State*
18 *to make the certification by not later than*
19 *5 years after the date on which the State*
20 *first received a grant under this subpart.*

21 “(2) *TRANSFER PATHWAYS.—*

22 “(A) *IN GENERAL.—The State shall—*

23 “(i) *submit a plan, developed in col-*
24 *laboration with faculty from institutions of*
25 *higher education in the State, to improve*

1 *transfer pathways between institutions of*
2 *higher education in the State, including by*
3 *ensuring that associate degrees awarded by*
4 *public institutions in the State are fully*
5 *transferable to, and credited as, the first 2*
6 *years of related baccalaureate programs at*
7 *public institutions of higher education in*
8 *such State; and*

9 “(ii) not later than 3 years after the
10 *date on which the State first receives a*
11 *grant under this subpart, certify to the Sec-*
12 *retary that an associate degree in an aca-*
13 *demically major in the arts or sciences that is*
14 *awarded by a public institution of higher*
15 *education in the State on or after the date*
16 *that is not later than 3 years after the date*
17 *on which the State first receives a grant*
18 *under this subpart shall be fully*
19 *transferable to, and credited as, the first 2*
20 *years of a related baccalaureate program at*
21 *a public institution of higher education in*
22 *such State.*

23 “(B) *FAILURE TO CERTIFY.*— *If a State*
24 *does not provide the certification required under*
25 *subparagraph (A) by the date specified in such*

1 *subparagraph, the State shall submit to the Sec-*
2 *retary, at such time and in such manner as the*
3 *Secretary may require—*

4 “(i) *a written explanation for the*
5 *delay in making the certification; and*

6 “(ii) *a plan that will enable the State*
7 *to make the certification by not later than*
8 *5 years after the date on which the State*
9 *first received a grant under this subpart.*

10 “(3) *APPLICABILITY.—The Secretary may not*
11 *apply the requirements under this subsection to an*
12 *Indian tribe.*

13 **“SEC. 499E. ALLOWABLE USES OF FUNDS.**

14 “(a) *IN GENERAL.—Except as provided in subsection*
15 *(b), a State or Indian tribe shall use a grant under this*
16 *subpart only to provide funds to participating community*
17 *colleges to enable such community colleges to waive resident*
18 *tuition and fees for eligible students as required under sec-*
19 *tion 499D(a).*

20 “(b) *ADDITIONAL USES.—If a State or Indian tribe*
21 *demonstrates to the Secretary that it has grant funds re-*
22 *maining after meeting the demand for activities described*
23 *in subsection (a), the State or Indian tribe may use those*
24 *funds to carry out one or more of the following:*

1 “(1) *Enhancing the quality of public higher edu-*
2 *cation to improve student outcomes, including trans-*
3 *fer and completion rates, which may include invest-*
4 *ing in the academic workforce.*

5 “(2) *Expanding the scope and capacity of high-*
6 *quality academic and occupational skills training*
7 *programs at community colleges, which may include*
8 *collaboration with one or more industry or sector*
9 *partnership (as defined in section 3 of the Workforce*
10 *Innovation and Opportunity Act (29 U.S.C. 3201)).*

11 “(3) *Improving postsecondary education readi-*
12 *ness in the State or Indian tribe, including through*
13 *outreach and early intervention.*

14 “(4) *Expanding access to dual or concurrent en-*
15 *rollment programs, including early college high school*
16 *programs.*

17 “(5) *Improving affordability at 4-year public in-*
18 *stitutions of higher education.*

19 “(c) *USE OF FUNDS FOR ADMINISTRATIVE PUR-*
20 *POSES.—A State or Indian tribe that receives a grant*
21 *under this subpart may not use any funds provided under*
22 *this subpart for administrative purposes relating to the*
23 *grant under this subpart.*

24 “(d) *MAINTENANCE OF EFFORT.—A State or Indian*
25 *tribe receiving a grant under this subpart is entitled to re-*

1 *ceive its full allotment of funds under this subpart for a*
2 *fiscal year only if, for each year of the grant, the State or*
3 *Indian tribe provides—*

4 “(1) *financial support for public higher edu-*
5 *cation at a level equal to or exceeding the average*
6 *amount provided per full-time equivalent student for*
7 *public institutions of higher education for the three*
8 *consecutive preceding fiscal years. In making the cal-*
9 *culatation under this subsection, the State or Indian*
10 *tribe shall—*

11 “(A) *exclude capital expenses and research*
12 *and development costs; and*

13 “(B) *include need-based financial aid for*
14 *students who attend public institutions of higher*
15 *education;*

16 “(2) *financial support for operational expenses*
17 *for public, four-year colleges and universities at a*
18 *level equal to or exceeding the average amount pro-*
19 *vided for the three consecutive preceding State or In-*
20 *dian tribe fiscal years; and*

21 “(3) *financial support for need-based financial*
22 *aid at a level equal to or exceeding the average*
23 *amount provided for the three consecutive preceding*
24 *State or Indian tribe fiscal years.*

1 “(e) *ANNUAL REPORT.*—A State or Indian tribe re-
2 ceiving a grant under this subpart shall submit an annual
3 report to the Secretary describing the uses of grant funds
4 under this subpart, the progress made in fulfilling the re-
5 quirements of the grant, and rates of transfer, graduation,
6 and attainment of recognized postsecondary credentials at
7 participating community colleges, including such rates
8 disaggregated by race, income, and age, and including any
9 other information as the Secretary may require.

10 “(f) *REPORTING BY SECRETARY.*—The Secretary an-
11 nually shall—

12 “(1) compile and analyze the information de-
13 scribed in subsection (e); and

14 “(2) prepare and submit a report to the Com-
15 mittee on Health, Education, Labor, and Pensions of
16 the Senate and the Committee on Education and
17 Labor of the House of Representatives containing the
18 analysis described in paragraph (1) and an identi-
19 fication of State and Indian tribe best practices for
20 achieving the purpose of this subpart.

21 “(g) *TECHNICAL ASSISTANCE.*—The Secretary shall
22 provide technical assistance to eligible States and Indian
23 tribes concerning best practices regarding the promising
24 and evidence-based institutional reforms and innovative

1 *practices to improve student outcomes and shall dissemi-*
2 *nate such best practices among the States and Indian tribes.*

3 “(h) *CONTINUATION OF FUNDING.*—

4 “(1) *IN GENERAL.*—A State or Indian tribe re-
5 *ceiving a grant under this subpart for a fiscal year*
6 *may continue to receive funding under this subpart*
7 *for future fiscal years conditioned on the availability*
8 *of budget authority and on meeting the requirements*
9 *of the grant, as determined by the Secretary.*

10 “(2) *DISCONTINUATION.*—The Secretary may
11 *discontinue funding of the Federal share of a grant*
12 *under this subpart if the State or Indian tribe has*
13 *violated the terms of the grant or is not making ade-*
14 *quate progress in implementing the reforms described*
15 *in the application submitted under section 499C.*

16 “(i) *SUPPLEMENT, NOT SUPPLANT.*—Funds made
17 *available under this subpart shall be used to supplement,*
18 *and not supplant, other Federal, State, and local funds that*
19 *would otherwise be expended to carry out activities under*
20 *this section.*

21 **“SEC. 499F. DEFINITIONS.**

22 “In this subpart:

23 “(1) *CAREER PATHWAY.*—The term ‘career path-
24 *way’ has the meaning given the term in section 3 of*

1 *the Workforce Innovation and Opportunity Act (29*
2 *U.S.C. 3102).*

3 “(2) *COMMUNITY COLLEGE.*—*The term ‘commu-*
4 *nity college’ means a public institution of higher edu-*
5 *cation at which the highest degree that is predomi-*
6 *nantly awarded to students is an associate’s degree,*
7 *including 2-year tribally controlled colleges under sec-*
8 *tion 316 and public 2-year State institutions of high-*
9 *er education.*

10 “(3) *DUAL OR CONCURRENT ENROLLMENT PRO-*
11 *GRAM.*—*The term ‘dual or concurrent enrollment pro-*
12 *gram’ has the meaning given the term in section 8101*
13 *of the Elementary and Secondary Education Act of*
14 *1965 (20 U.S.C. 7801).*

15 “(4) *EARLY COLLEGE HIGH SCHOOL.*—*The term*
16 *‘early college high school’ has the meaning given the*
17 *term in section 8101 of the Elementary and Sec-*
18 *ondary Education Act of 1965 (20 U.S.C. 7801).*

19 “(5) *ELIGIBLE STUDENT.*—

20 “(A) *DEFINITION.*—*The term ‘eligible stu-*
21 *dent’ means a student who—*

22 “(i) *attends the community college on*
23 *not less than a half-time basis;*

1 “(ii) is maintaining satisfactory
2 progress (as defined in section 484(c)) in
3 the student’s course of study;

4 “(iii) is enrolled in an eligible pro-
5 gram (as defined in section 481(b)); and

6 “(iv) either—

7 “(I) qualifies for in-State resident
8 community college tuition, as deter-
9 mined by the State or Indian tribe; or

10 “(II) would qualify for such in-
11 State resident community college tui-
12 tion, but for the immigration status of
13 such student.

14 “(B) SPECIAL RULE.—An otherwise eligible
15 student shall lose eligibility 3 calendar years
16 after first receiving benefits under this subpart.

17 “(6) INDIAN TRIBE.—The term ‘Indian tribe’ has
18 the meaning given the term in section 102 of the Fed-
19 erally Recognized Indian Tribe List Act of 1994 (25
20 U.S.C. 479a).

21 “(7) INSTITUTION OF HIGHER EDUCATION.—The
22 term ‘institution of higher education’ has the meaning
23 given the term in section 101.

24 “(8) RECOGNIZED POSTSECONDARY CREDEN-
25 TIAL.—The term ‘recognized postsecondary credential’

1 *has the meaning as described in section 3 of the*
2 *Workforce Innovation and Opportunity Act (29*
3 *U.S.C. 3102).*

4 *“(9) STATE.—The term ‘State’ has the meaning*
5 *given the term in section 103.*

6 **“SEC. 499G. APPROPRIATIONS.**

7 *“(a) AUTHORIZATION AND APPROPRIATIONS.—For the*
8 *purpose of making grants under this subpart there are au-*
9 *thorized to be appropriated, and there are appropriated—*

10 *“(1) \$1,569,700,000 for fiscal year 2021;*

11 *“(2) \$3,472,880,000 for fiscal year 2022;*

12 *“(3) \$4,431,950,000 for fiscal year 2023;*

13 *“(4) \$6,204,030,000 for fiscal year 2024;*

14 *“(5) \$8,119,870,000 for fiscal year 2025;*

15 *“(6) \$9,297,430,000 for fiscal year 2026;*

16 *“(7) \$11,708,890,000 for fiscal year 2027;*

17 *“(8) \$14,971,330,000 for fiscal year 2028;*

18 *“(9) \$15,619,910,000 for fiscal year 2029; and*

19 *“(10) \$16,296,080,000 for fiscal year 2030 and*
20 *each succeeding fiscal year.*

21 *“(b) AVAILABILITY.—Funds appropriated under sub-*
22 *section (a) shall remain available to the Secretary until ex-*
23 *pended.*

24 *“(c) INSUFFICIENT FUNDS.—If the amount appro-*
25 *priated under subsection (a) for a fiscal year is not suffi-*

1 *cient to award each participating State and Indian tribe*
2 *a grant under this subpart that is equal to the minimum*
3 *amount of the Federal share described in section 499B, the*
4 *Secretary may ratably reduce the amount of each such*
5 *grant or take other actions necessary to ensure an equitable*
6 *distribution of such amount.”.*

7 **SEC. 4802. STUDENT SUCCESS FUND.**

8 *Part J of title IV of the Higher Education Act of 1965*
9 *(20 U.S.C. 1070 et seq.), as added by section 4801, is fur-*
10 *ther amended by adding at the end the following:*

11 **“Subpart 2—Student Success Fund**

12 **“SEC. 499H. IN GENERAL.**

13 *“From amounts appropriated under section 499N for*
14 *any fiscal year, the Secretary shall carry out a grant pro-*
15 *gram (to be known as the Student Success Fund) to make*
16 *grants to eligible entities to carry out the activities and*
17 *services described in section 499L.*

18 **“SEC. 499I. ALLOCATION.**

19 *“(a) FEDERAL SHARE ALLOCATION.—The Federal*
20 *share of a grant under this subpart shall be determined*
21 *using the formula determined under section 499B(1).*

22 **“(b) MATCHING FUNDS.—**

23 *“(1) IN GENERAL.—Except as provided in para-*
24 *graph (2), an eligible entity participating in the pro-*

1 *gram under this subpart shall provide, from non-Fed-*
2 *eral sources, in cash or in-kind—*

3 *“(A) in each of the first, second, third, and*
4 *fourth year of participation in the program, an*
5 *amount equal to 25 percent of the amount such*
6 *entity received under subsection (a) with respect*
7 *to such year;*

8 *“(B) in each of the fifth and sixth year of*
9 *participation in the program, an amount equal*
10 *to 50 percent of the amount such entity received*
11 *under subsection (a) with respect to such year;*

12 *“(C) in each of the seventh and eighth year*
13 *of participation in the program, an amount*
14 *equal to 75 percent of the amount such entity re-*
15 *ceived under subsection (a) with respect to such*
16 *year; and*

17 *“(D) in each ninth year and each subse-*
18 *quent year thereafter of participation in the pro-*
19 *gram, an amount equal to 100 percent of the*
20 *amount such entity received under subsection (a)*
21 *with respect to such year.*

22 *“(2) EXCEPTION FOR CERTAIN INDIAN TRIBES.—*
23 *The Secretary may waive the matching fund require-*
24 *ments under paragraph (1) in the case of an eligible*
25 *entity that is an Indian tribe if at least 75 percent*

1 *of the students at the institutions of higher education*
2 *operated or controlled by such Indian tribe are low-*
3 *income students.*

4 “(3) *REALLOTMENT.*—*If an eligible entity re-*
5 *turns to the Secretary any portion of the sums allo-*
6 *cated to such eligible entity under this section for any*
7 *fiscal year, the Secretary shall reallocate such excess as*
8 *part of the available appropriated amount for the*
9 *succeeding fiscal year.*

10 “(c) *SUPPLEMENT, NOT SUPPLANT.*—*Grant funds*
11 *awarded under this subpart shall be used to supplement,*
12 *and not supplant, other Federal, State, and local funds that*
13 *would otherwise be expended to carry out activities assisted*
14 *under this subpart.*

15 “(d) *LIMITATION.*—*An eligible entity may only par-*
16 *ticipate in the program under this subpart in a year in*
17 *which such entity receives a grant under subpart 1.*

18 **“SEC. 499J. APPLICATIONS.**

19 “(a) *IN GENERAL.*—*To be eligible to participate in the*
20 *program under this subpart, an eligible entity shall submit*
21 *an application to the Secretary at such time, in such man-*
22 *ner, and containing such information as the Secretary may*
23 *require, including—*

24 “(1) *a plan that includes—*

1 “(A) the amount of funds requested by the
2 eligible entity under this subpart and the in-
3 tended use of such funds;

4 “(B) how the eligibility entity will use the
5 requested funds to implement promising and evi-
6 dence-based institutional reforms and innovative
7 practices to improve student outcomes, including
8 those identified by such entity under section
9 499C(b)(3), and including annual implementa-
10 tion benchmarks that the entity will use to track
11 progress in implementing such reforms and prac-
12 tices;

13 “(C) how the eligible entity will meet its
14 matching fund requirements under section
15 499I(b);

16 “(D) if the eligible entity is a State, how
17 such eligible entity will prioritize spending on
18 the public institutions of higher education speci-
19 fied in paragraph (2)(B); and

20 “(E) the improvements the eligible entity
21 anticipates in student outcomes, including im-
22 provements in transfer rates or completion rates,
23 or both.

24 “(2) if the eligible entity is a State, an analysis
25 that includes—

1 “(A) with respect to each public institution
2 of higher education of the eligible entity—

3 “(i) the total per-student funding;

4 “(ii) the amount of per-student fund-
5 ing from State-appropriated funds;

6 “(iii) the student demographics (in-
7 cluding, data on race, income, disability
8 status, and remediation); and

9 “(iv) transfer and completion rates, in-
10 cluding such rates among low-income stu-
11 dents, students of color, students with dis-
12 abilities, and students in need of remedi-
13 ation; and

14 “(B) an analysis of whether, of the public
15 institutions of higher education of the eligible en-
16 tity, the public institutions of higher education
17 that received less funding on a per-student basis
18 described in clause (i) or (ii), or both, of sub-
19 paragraph (A), are serving disproportionately
20 high shares of low-income students, students of
21 color, students with disabilities, or students in
22 need of remediation.

23 “(b) APPROVAL.—

1 “(1) *IN GENERAL.*—Not later than 180 days
2 after receiving a plan under subsection (a), the Sec-
3 retary shall—

4 “(A) approve the plan; or

5 “(B) require revisions to such plan.

6 “(2) *REVISIONS REQUIRED.*—An eligible entity
7 shall make such revisions as required by the Secretary
8 under paragraph (1)(B).

9 “(c) *PUBLICATION.*—The Secretary shall make each
10 plan approved under subsection (b)(1)(A) and each plan
11 revised under subsection (b)(2) available to the public on
12 the website of the Department.

13 **“SEC. 499K. PROGRAM REQUIREMENTS.**

14 “(a) *GENERAL REQUIREMENTS.*—

15 “(1) *REPORT ON DEMONSTRATED PROGRESS.*—
16 For the third year in which an eligible entity partici-
17 pates in the program under this subpart, and every
18 2 years thereafter, the eligible entity shall submit a
19 report to the Secretary, in such manner and con-
20 taining such information as the Secretary may re-
21 quire, that includes—

22 “(A) the progress in meeting the annual im-
23 plementation benchmarks included in the appli-
24 cation of such eligible entity under section
25 499J(a)(1)(B);

1 “(B) the progress in improving the student
2 outcomes identified by the entity under section
3 499(J)(a)(1)(E); and

4 “(C) with respect to the 2 years after such
5 report is submitted—

6 “(i) a plan for the use of funds under
7 this subpart; and

8 “(ii) the amount of funds requested by
9 the eligible entity under this subpart .

10 “(2) APPROVAL.—Not later than 180 days after
11 receiving a plan under paragraph (1)(C)(i), the Sec-
12 retary shall—

13 “(A) approve the plan; or

14 “(B) require revisions to such plan.

15 “(3) REVISIONS REQUIRED.—An eligible entity
16 shall make such revisions as required by the Secretary
17 under paragraph (2)(B).

18 “(b) FAILURE TO MEET REQUIREMENTS.— If an eligi-
19 ble entity does not meet the annual implementation bench-
20 marks included in the application of such eligible entity
21 under section 499J(a)(1)(B), as required to be reported
22 under subsection (a)(1)(A), such eligible entity shall submit
23 to the Secretary, at such time and in such manner as the
24 Secretary may require—

1 “(1) a written explanation for the delay in meet-
2 ing such requirements; and

3 “(2) a plan that will enable such eligible entity
4 to meet such requirements not later than 1 year after
5 the date on which the eligible entity submitted the
6 written explanation under paragraph (1).

7 “(c) *PUBLICATION.*—The Secretary shall make each
8 plan approved under subsection (a)(2)(A), each plan revised
9 under subsection (a)(3), and each plan submitted under
10 subsection (b)(2) available to the public on the website of
11 the Department.

12 **“SEC. 499L. ALLOWABLE USES OF FUNDS.**

13 “(a) *IN GENERAL.*—Except as provided in subsection
14 (b), an eligible entity shall use a grant under this subpart
15 only to allocate funds in accordance with the plan sub-
16 mitted for such year under section 499J(a)(1).

17 “(b) *USE OF FUNDS FOR ADMINISTRATIVE PUR-*
18 *POSES.*—An eligible entity that receives a grant under this
19 subpart may use not more than 10 percent of such grant
20 for administrative purposes relating to the grant under this
21 subpart.

22 **“SEC. 499M. ELIGIBLE ENTITY DEFINED.**

23 “*In this subpart, the term ‘eligible entity’ means a*
24 *State or Indian tribe that received a grant under subpart*

1 *1 for the fiscal year in which such State or Indian tribe*
2 *receives a grant under this subpart.*

3 **“SEC. 499N. APPROPRIATIONS.**

4 “(a) *AUTHORIZATION AND APPROPRIATIONS.—For the*
5 *purpose of making grants under this subpart there are au-*
6 *thorized to be appropriated and there are appropriated*
7 *\$500,000,000 for fiscal year 2021 and each succeeding fiscal*
8 *year.*

9 “(b) *AVAILABILITY.—Funds appropriated under sub-*
10 *section (a) shall remain available to the Secretary until ex-*
11 *pended.”.*

12 **SEC. 4803. PATHWAYS TO STUDENT SUCCESS FOR HISTORI-**
13 **CALLY BLACK COLLEGES AND UNIVERSITIES,**
14 **TRIBAL COLLEGES AND UNIVERSITIES, AND**
15 **MINORITY-SERVING INSTITUTIONS.**

16 *Part J of title IV of the Higher Education Act of 1965*
17 *(20 U.S.C. 1070 et seq.), as added and amended by this*
18 *part, is further amended by adding at the end the following:*

1 **“Subpart 3—Grants to Historically Black Colleges**
2 **and Universities, Tribal Colleges and Univer-**
3 **sities, and Minority-Serving Institutions**

4 **“SEC. 4990. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
5 **TORICALLY BLACK COLLEGES AND UNIVER-**
6 **SITIES.**

7 *“(a) IN GENERAL.—From amounts appropriated*
8 *under section 499S(a) for any fiscal year, the Secretary*
9 *shall award grants to participating 4-year historically*
10 *black colleges or universities that meet the requirements of*
11 *subsection (b) to—*

12 *“(1) encourage students to enroll and successfully*
13 *complete a bachelor’s degree at participating institu-*
14 *tions;*

15 *“(2) provide incentives to community college stu-*
16 *dents to transfer to participating institutions through*
17 *strong transfer pathways to complete a bachelor’s de-*
18 *gree program; and*

19 *“(3) support participating institutions to better*
20 *serve new and existing students by engaging in re-*
21 *forms and innovations designed to improve comple-*
22 *tion rates and other student outcomes.*

23 *“(b) ELIGIBILITY.—To be eligible to receive a grant*
24 *under the program under this section, an institution shall*
25 *be a historically black college or university that—*

1 “(1) has a student body of which not less than
2 35 percent are low-income students;

3 “(2) commits to maintaining or adopting and
4 implementing promising and evidence-based institu-
5 tional reforms and innovative practices to improve
6 the completion rates and other student outcomes, such
7 as—

8 “(A) providing comprehensive academic
9 and student support services, including men-
10 toring and advising, especially for low-income,
11 first-generation, and adult students, and other
12 students belonging to racial and other groups
13 that are underrepresented in higher education;

14 “(B) providing direct support services such
15 as—

16 “(i) childcare, transportation, emer-
17 gency financial assistance, and mental
18 health and substance use disorder treatment;

19 “(ii) assistance in obtaining health in-
20 surance coverage;

21 “(iii) assistance securing affordable
22 housing;

23 “(iv) efforts to address food insecurity
24 and campus hunger; and

1 “(v) efforts to facilitate student partici-
2 pation in means-tested Federal benefit pro-
3 grams (as defined in section 479(d));

4 “(C) providing accelerated learning oppor-
5 tunities and degree pathways, such as dual en-
6 rollment and pathways to graduate and profes-
7 sional degree programs;

8 “(D) partnering with employers, industry,
9 not-for-profit associations, and other groups to
10 provide opportunities to advance learning out-
11 side the classroom, including work-based learn-
12 ing opportunities such as internships or appren-
13 ticeships or programs designed to improve inter-
14 cultural development and personal growth, such
15 as foreign exchange and study abroad programs;
16 or

17 “(E) strengthening remedial education, es-
18 pecially for low-income, first-generation, and
19 adult students, and other students belonging to
20 racial and other groups that are underrep-
21 resented in higher education, including through
22 the use of multiple measures (such as a student’s
23 college entrance examination score, grade point
24 average, high school course list, or a placement

1 examination) to identify students in need of re-
2 medial education;

3 “(3) sets performance goals for improving stu-
4 dent outcomes for the duration of the grant; and

5 “(4) if receiving a grant for transfer students,
6 has articulation agreements with community colleges
7 at the national, State, or local level to ensure that
8 community college credits can fully transfer to the
9 participating institution.

10 “(c) GRANT AMOUNT.—

11 “(1) INITIAL AMOUNT.—For the first year that
12 an eligible institution participates in the grant pro-
13 gram under this section and subject to paragraph (3),
14 such eligible institution shall receive a grant in an
15 amount based on the product of—

16 “(A) the actual cost of tuition and fees at
17 the eligible institution in such year (referred to
18 in this section as the per-student rebate); and

19 “(B) the number of eligible students enrolled
20 in the eligible institution for the preceding year.

21 “(2) SUBSEQUENT INCREASES.—For each suc-
22 ceeding year after the first year of the grant program
23 under this section, each participating eligible institu-
24 tion shall receive a grant in the amount determined
25 under paragraph (1) for such year, except that in no

1 case shall the amount of the per-student rebate for an
2 eligible institution increase by more than 3 percent as
3 compared to the amount of such rebate for the pre-
4 ceding year.

5 “(3) LIMITATIONS.—

6 “(A) MAXIMUM PER-STUDENT REBATE.—No
7 eligible institution participating in the grant
8 program under this section shall receive a per-
9 student rebate amount for any year that is
10 greater than the national average of annual tui-
11 tion and fees at public 4-year institutions of
12 higher education for such year, as determined by
13 the Secretary.

14 “(B) FIRST-YEAR TUITION AND FEES.—

15 During the first year of participation in the
16 grant program under this section, no eligible in-
17 stitution may increase tuition and fees at a rate
18 greater than any annual increase at the eligible
19 institution in the previous 5 years.

20 “(d) APPLICATION.—An eligible institution that de-

21 sires a grant under this section shall submit an application
22 to the Secretary at such time, in such manner, and con-
23 taining such information as the Secretary may require.

24 “(e) USE OF FUNDS.—Funds awarded under this sec-

25 tion to a participating eligible institution shall be used to

1 *waive or significantly reduce tuition and fees for eligible*
2 *students in an amount of not more than up to the annual*
3 *per-student rebate amount for each student, for not more*
4 *than the first 60 credits an eligible student enrolls in the*
5 *participating eligible institution.*

6 “(f) *SUPPLEMENT, NOT SUPPLANT.—Funds made*
7 *available under section 499S to carry out this section shall*
8 *be used to supplement, and not supplant, other Federal,*
9 *State, and local funds that would otherwise be expended to*
10 *carry out activities under this section.*

11 **“SEC. 499P. PATHWAYS TO STUDENT SUCCESS FOR TRIBAL**
12 **COLLEGES AND UNIVERSITIES.**

13 “(a) *IN GENERAL.—From amounts appropriated*
14 *under section 499S(a) for any fiscal year, the Secretary*
15 *shall award grants to participating 4-year Tribal Colleges*
16 *or Universities that meet the requirements of subsection (b)*
17 *to—*

18 “(1) *encourage students to enroll and successfully*
19 *complete a bachelor’s degree at participating institu-*
20 *tions;*

21 “(2) *provide incentives to community college stu-*
22 *dents to transfer to participating institutions through*
23 *strong transfer pathways to complete a bachelor’s de-*
24 *gree program; and*

1 “(3) support participating institutions to better
2 serve new and existing students by engaging in re-
3 forms and innovations designed to improve comple-
4 tion rates and other student outcomes.

5 “(b) *ELIGIBILITY*.—To be eligible to receive a grant
6 under the program under this section, an institution shall
7 be a Tribal College or University that—

8 “(1) has a student body of which not less than
9 35 percent are low-income students;

10 “(2) commits to maintaining or adopting and
11 implementing promising and evidence-based institu-
12 tional reforms and innovative practices to improve
13 the completion rates and other student outcomes, such
14 as—

15 “(A) providing comprehensive academic
16 and student support services, including men-
17 toring and advising, especially for low-income,
18 first-generation, and adult students, and other
19 students belonging to racial and other groups
20 that are underrepresented in higher education;

21 “(B) providing direct support services such
22 as—

23 “(i) childcare, transportation, emer-
24 gency financial assistance, and mental
25 health and substance use disorder treatment;

1 “(ii) assistance in obtaining health in-
2 surance coverage;

3 “(iii) assistance securing affordable
4 housing;

5 “(iv) efforts to address food insecurity
6 and campus hunger; and

7 “(v) efforts to facilitate student partici-
8 pation in means-tested Federal benefit pro-
9 grams (as defined in section 479(d));

10 “(C) providing accelerated learning oppor-
11 tunities and degree pathways, such as dual en-
12 rollment and pathways to graduate and profes-
13 sional degree programs;

14 “(D) partnering with employers, industry,
15 not-for-profit associations, and other groups to
16 provide opportunities to advance learning out-
17 side the classroom, including work-based learn-
18 ing opportunities such as internships or appren-
19 ticeships or programs designed to improve inter-
20 cultural development and personal growth, such
21 as foreign exchange and study abroad programs;
22 or

23 “(E) strengthening remedial education, es-
24 pecially for low-income, first-generation, and
25 adult students, and other students belonging to

1 *racial and other groups that are underrep-*
2 *resented in higher education, including through*
3 *the use of multiple measures (such as a student's*
4 *college entrance examination score, grade point*
5 *average, high school course list, or a placement*
6 *examination) to identify students in need of re-*
7 *medial education;*

8 *“(3) sets performance goals for improving stu-*
9 *dent outcomes for the duration of the grant; and*

10 *“(4) if receiving a grant for transfer students,*
11 *has articulation agreements with community colleges*
12 *at the national, State, or local level to ensure that*
13 *community college credits can fully transfer to the*
14 *participating institution.*

15 *“(c) GRANT AMOUNT.—*

16 *“(1) INITIAL AMOUNT.—For the first year that*
17 *an eligible institution participates in the grant pro-*
18 *gram under this section and subject to paragraph (3),*
19 *such eligible institution shall receive a grant in an*
20 *amount based on the product of—*

21 *“(A) the actual cost of tuition and fees at*
22 *the eligible institution in such year (referred to*
23 *in this section as the per-student rebate); and*

24 *“(B) the number of eligible students enrolled*
25 *in the eligible institution for the preceding year.*

1 “(2) *SUBSEQUENT INCREASES.*—*For each suc-*
2 *ceeding year after the first year of the grant program*
3 *under this section, each participating eligible institu-*
4 *tion shall receive a grant in the amount determined*
5 *under paragraph (1) for such year, except that in no*
6 *case shall the amount of the per-student rebate for an*
7 *eligible institution increase by more than 3 percent as*
8 *compared to the amount of such rebate for the pre-*
9 *ceding year.*

10 “(3) *LIMITATIONS.*—

11 “(A) *MAXIMUM PER-STUDENT REBATE.*—*No*
12 *eligible institution participating in the grant*
13 *program under this section shall receive a per-*
14 *student rebate amount for any year that is*
15 *greater than the national average of annual tui-*
16 *tion and fees at public 4-year institutions of*
17 *higher education for such year, as determined by*
18 *the Secretary.*

19 “(B) *FIRST-YEAR TUITION AND FEES.*—
20 *During the first year of participation in the*
21 *grant program under this section, no eligible in-*
22 *stitution may increase tuition and fees at a rate*
23 *greater than any annual increase at the eligible*
24 *institution in the previous 5 years.*

1 “(d) *APPLICATION.*—*An eligible institution that de-*
2 *sires a grant under this section shall submit an application*
3 *to the Secretary at such time, in such manner, and con-*
4 *taining such information as the Secretary may require.*

5 “(e) *USE OF FUNDS.*—*Funds awarded under this sec-*
6 *tion to a participating eligible institution shall be used to*
7 *wave or significantly reduce tuition and fees for eligible*
8 *students in an amount of not more than up to the annual*
9 *per-student rebate amount for each student, for not more*
10 *than the first 60 credits an eligible student enrolls in the*
11 *participating eligible institution.*

12 “(f) *SUPPLEMENT, NOT SUPPLANT.*—*Funds made*
13 *available under section 499S to carry out this section shall*
14 *be used to supplement, and not supplant, other Federal,*
15 *State, and local funds that would otherwise be expended to*
16 *carry out activities under this section.*

1 **“SEC. 499Q. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
2 **PANIC-SERVING INSTITUTIONS, ASIAN AMER-**
3 **ICAN AND NATIVE AMERICAN PACIFIC IS-**
4 **LANDER-SERVING INSTITUTIONS, ALASKA NA-**
5 **TIVE-SERVING INSTITUTIONS, NATIVE HAWAI-**
6 **IAN-SERVING INSTITUTIONS, PREDOMI-**
7 **NANTLY BLACK INSTITUTIONS, AND NATIVE**
8 **AMERICAN-SERVING NONTRIBAL INSTITU-**
9 **TIONS.**

10 *“(a) IN GENERAL.—From amounts appropriated*
11 *under section 499S(a) for any fiscal year, the Secretary*
12 *shall award grants to participating 4-year minority-serv-*
13 *ing institutions to—*

14 *“(1) encourage students to enroll and successfully*
15 *complete a bachelor’s degree at participating institu-*
16 *tions;*

17 *“(2) provide incentives to community college stu-*
18 *dents to transfer to participating institutions through*
19 *strong transfer pathways to complete a bachelor’s de-*
20 *gree program; and*

21 *“(3) support participating institutions to better*
22 *serve new and existing students by engaging in re-*
23 *forms and innovations designed to improve comple-*
24 *tion rates and other student outcomes.*

1 “(b) *INSTITUTIONAL ELIGIBILITY.*—*To be eligible to*
2 *participate and receive a grant under this section, an insti-*
3 *tution shall be a minority-serving institution that—*

4 “(1) *has a student body of which not less than*
5 *35 percent are low-income students;*

6 “(2) *commits to maintaining or adopting and*
7 *implementing promising and evidence-based institu-*
8 *tional reforms and innovative practices to improve*
9 *the completion rates and other student outcomes, such*
10 *as—*

11 “(A) *providing comprehensive academic*
12 *and student support services, including men-*
13 *toring and advising, especially for low-income,*
14 *first-generation, and adult students, and other*
15 *students belonging to racial and other groups*
16 *that are historically underrepresented in higher*
17 *education;*

18 “(B) *providing direct support services such*
19 *as—*

20 “(i) *childcare, transportation, emer-*
21 *gency financial assistance, and mental*
22 *health and substance use disorder treatment;*

23 “(ii) *assistance in obtaining health in-*
24 *surance coverage;*

1 “(iii) assistance securing affordable
2 housing;

3 “(iv) efforts to address food insecurity
4 and campus hunger; and

5 “(v) efforts to facilitate student partici-
6 pation in means-tested Federal benefit pro-
7 grams (as defined in section 479(d));

8 “(C) providing accelerated learning oppor-
9 tunities and degree pathways, such as dual en-
10 rollment and pathways to graduate and profes-
11 sional degree programs;

12 “(D) partnering with employers, industry,
13 not-for-profit associations, and other groups to
14 provide opportunities to advance learning out-
15 side the classroom, including work-based learn-
16 ing opportunities such as internships or appren-
17 ticeships or programs designed to improve inter-
18 cultural development and personal growth, such
19 as foreign exchange and study abroad programs;
20 or

21 “(E) strengthening remedial education, es-
22 pecially for low-income, first-generation, and
23 adult students, and other students belonging to
24 racial and other groups that are underrep-
25 resented in higher education, including through

1 *the use of multiple measures (such as a student’s*
2 *college entrance examination score, grade point*
3 *average, high school course list, or a placement*
4 *examination) to identify students in need of re-*
5 *medial education;*

6 “(3) *sets performance goals for improving stu-*
7 *dent outcomes for the duration of the grant; and*

8 “(4) *if receiving a grant for transfer students,*
9 *has articulation agreements with community colleges*
10 *at the national, State, or local levels to ensure that*
11 *community college credits can fully transfer to the*
12 *participating institution.*

13 “(c) *GRANT AMOUNT.—*

14 “(1) *INITIAL AMOUNT.—For the first year that*
15 *an eligible institution participates in the grant pro-*
16 *gram under this section and subject to paragraph (3),*
17 *such participating eligible institution shall receive a*
18 *grant in an amount based on the product of—*

19 “(A) *the actual cost of tuition and fees at*
20 *the eligible institution in such year (referred to*
21 *in this section as the per-student rebate); and*

22 “(B) *the number of eligible students enrolled*
23 *in the eligible institution for the preceding year.*

24 “(2) *SUBSEQUENT INCREASES.—For each suc-*
25 *ceeding year after the first year of the grant program*

1 *under this section, each participating eligible institu-*
2 *tion shall receive a grant in the amount determined*
3 *under paragraph (1) for such year, except that in no*
4 *case shall the amount of the per-student rebate in-*
5 *crease by more than 3 percent as compared to the*
6 *amount of such rebate for the preceding year.*

7 *“(3) LIMITATIONS.—*

8 *“(A) MAXIMUM PER-STUDENT REBATE.—No*
9 *eligible institution participating in the grant*
10 *program under this section shall receive a per-*
11 *student rebate amount for a grant year greater*
12 *than the national average of public four-year in-*
13 *stitutional tuition and fees, as determined by the*
14 *Secretary.*

15 *“(B) FIRST-YEAR TUITION AND FEES.—*

16 *During the first year of participation in the*
17 *grant program under this section, no eligible in-*
18 *stitution may increase tuition and fees at a rate*
19 *greater than any annual increase made by the*
20 *institution in the previous 5 years.*

21 *“(d) APPLICATION.—An eligible institution shall sub-*
22 *mit an application to the Secretary at such time, in such*
23 *a manner, and containing such information as determined*
24 *by the Secretary.*

1 “(e) *USE OF FUNDS.*—*Funds awarded under this sec-*
2 *tion to a participating eligible institution shall be used to*
3 *waive or significantly reduce tuition and fees for eligible*
4 *students in an amount of not more than up to the annual*
5 *per-student rebate amount for each student, for not more*
6 *than the first 60 credits an eligible student enrolls in the*
7 *participating eligible institution.*

8 “(f) *SUPPLEMENT, NOT SUPPLANT.*—*Funds made*
9 *available under section 499S to carry out this section shall*
10 *be used to supplement, and not supplant, other Federal,*
11 *State, and local funds that would otherwise be expended to*
12 *carry out activities under this section.*

13 **“SEC. 499R. DEFINITIONS.**

14 *“In this subpart:*

15 “(1) *ELIGIBLE STUDENT.*—

16 “(A) *DEFINITION.*—*The term ‘eligible stu-*
17 *dent’ means a student, regardless of age, who—*

18 “(i)(I) *enrolls in a historically black*
19 *college or university, Tribal College or Uni-*
20 *versity, or minority-serving institution; or*

21 “(II) *transfers from a community col-*
22 *lege into a historically black college or uni-*
23 *versity, Tribal College or University, or mi-*
24 *nority-serving institution;*

1 “(ii) attends the historically black col-
2 lege or university, Tribal College or Univer-
3 sity, or minority-serving institution, on at
4 least a half-time basis;

5 “(iii) maintains satisfactory academic
6 progress; and

7 “(iv) is a low-income student.

8 “(B) SPECIAL RULES.—

9 “(i) FIRST 3 YEARS.—An otherwise eli-
10 gible student shall lose eligibility 3 calendar
11 years after first receiving benefits under this
12 title.

13 “(ii) SPECIAL RULE FOR CERTAIN STU-
14 DENTS.—Notwithstanding subparagraph
15 (A)(i), an otherwise eligible student whose
16 parent or guardian was denied a Federal
17 Direct PLUS loan under part D after No-
18 vember 1, 2011, and before March 29, 2015,
19 and who subsequently withdrew from a his-
20 torically black college or university, Tribal
21 College or University, or minority-serving
22 institution, and has not yet completed a
23 program of study at such historically black
24 college or university or minority-serving in-
25 stitution, shall be eligible to participate

1 under sections 499O, 499P, or 499Q in
2 order to complete such program of study,
3 subject to all other requirements of sections
4 499O, 499P, or 499Q (as the case may be).

5 “(2) *HISTORICALLY BLACK COLLEGE OR UNIVER-*
6 *SITY.*—The term ‘historically black college or univer-

7 *sity’ means a part B institution described in section*
8 *322(2).*

9 “(3) *LOW-INCOME STUDENT.*—The term ‘low-in-

10 *come student’—*

11 “(A) shall include any student eligible for a
12 *Federal Pell Grant under section 401; and*

13 “(B) may include a student ineligible for a
14 *Federal Pell Grant under section 401 who is de-*
15 *termined by the institution to be a low-income*
16 *student based on an analysis of the student’s*
17 *ability to afford the cost of attendance at the in-*
18 *stitution.*

19 “(4) *MINORITY-SERVING INSTITUTION.*—The
20 term ‘minority-serving institution’ means any public
21 or not-for-profit institution of higher education—

22 “(A) described in paragraph (2) and para-

23 *graphs (4) through (7) of section 371(a); and*

24 “(B) designated as a minority-serving insti-

25 *tution by the Secretary.*

1 “(5) *TRIBAL COLLEGE OR UNIVERSITY.*—*The*
2 *term ‘Tribal College or University’ has the meaning*
3 *given the term in section 316.*

4 **“SEC. 499S. APPROPRIATIONS.**

5 “(a) *AUTHORIZATION AND APPROPRIATIONS FOR*
6 *HBCU, TCU, AND MSI GRANTS.*—*For the purpose of car-*
7 *rying out sections 499O, 499P, and 499Q there are author-*
8 *ized to be appropriated, and there are appropriated—*

9 “(1) *\$63,250,000 for fiscal year 2021;*

10 “(2) *\$206,990,000 for fiscal year 2022;*

11 “(3) *\$1,232,760,000 for fiscal year 2023;*

12 “(4) *\$1,282,210,000 for fiscal year 2024;*

13 “(5) *\$1,333,950,000 for fiscal year 2025;*

14 “(6) *\$1,386,850,000 for fiscal year 2026;*

15 “(7) *\$1,408,700,000 for fiscal year 2027;*

16 “(8) *\$1,501,850,000 for fiscal year 2028;*

17 “(9) *\$1,562,800,000 for fiscal year 2029; and*

18 “(10) *\$1,626,040,000 for fiscal year 2030 and*
19 *each succeeding fiscal year.*

20 “(b) *AVAILABILITY.*—*Funds appropriated under sub-*
21 *section (a) are to remain available to the Secretary until*
22 *expended.*

23 “(c) *INSUFFICIENT FUNDS.*—*If the amount appro-*
24 *priated under subsection (a) for a fiscal year is not suffi-*
25 *cient to award each participating institution in the grant*

1 *programs under sections 499O, 499P, and 499Q a grant*
 2 *under this part equal to 100 percent of the grant amount*
 3 *determined under section 499O(c), 499P(c), or 499Q(c), as*
 4 *appropriate, the Secretary may ratably reduce the amount*
 5 *of each such grant or take other actions necessary to ensure*
 6 *an equitable distribution of such amount.”.*

7 **SEC. 4804. UNMET NEED FOR FEDERAL PELL GRANT RE-**
 8 **CIPIENTS.**

9 *Part J of title IV of the Higher Education Act of 1965*
 10 *(20 U.S.C. 1070 et seq.), as added and amended by this*
 11 *part, is further amended by adding at the end the following:*

12 **“Subpart 4—Additional College Affordability Grants**
 13 **“SEC. 499T. UNMET NEED FOR FEDERAL PELL GRANT RE-**
 14 **CIPIENTS.**

15 *“(a) IN GENERAL.—*

16 *“(1) GRANT PROGRAM.—Subject to paragraph*
 17 *(2), from amounts appropriated under subsection (f)*
 18 *for any fiscal year, the Secretary may award grants*
 19 *to eligible States and Indian tribes described in para-*
 20 *graph (3) to pay the Federal share of expenditures*
 21 *needed to carry out the activities and services de-*
 22 *scribed in subsection (d).*

23 *“(2) LIMITATION.—The Secretary may not make*
 24 *grants under paragraph (1) in fiscal year unless all*

1 *grants eligible to be made under subpart 1 have been*
2 *made for such fiscal year.*

3 “(3) *ELIGIBILITY.*—*A State or Indian tribe may*
4 *only be eligible for a grant under this section in a fis-*
5 *cal year if such State or Indian tribe received a grant*
6 *under subpart 1 for such fiscal year.*

7 “(b) *FEDERAL SHARE; NON-FEDERAL SHARE.*—

8 “(1) *FEDERAL SHARE.*—

9 “(A) *FORMULA.*—*Subject to paragraph (2),*
10 *the Federal share of a grant under this section*
11 *shall be based on a formula, determined by the*
12 *Secretary, that—*

13 “(i) *accounts for the State or Indian*
14 *tribe’s share of Pell Grant recipients;*

15 “(ii) *provides, for each Pell Grant re-*
16 *cipient in the State or Indian tribe, a per-*
17 *student amount that is at least 75 percent*
18 *of—*

19 “(I) *for the first award year for*
20 *which grants are made under this sec-*
21 *tion, the average unmet need of Pell*
22 *Grant recipients in all States for the*
23 *most recent year for which data are*
24 *available; and*

1 “(II) for each subsequent award
2 year, the amount determined under
3 this subparagraph for the preceding
4 award year, increased by the lesser
5 of—

6 “(aa) a percentage equal to
7 the estimated percentage increase
8 in the Consumer Price Index (as
9 determined by the Secretary) since
10 the date of such determination; or

11 “(bb) 3 percent.

12 “(B) EXCEPTION FOR CERTAIN INDIAN
13 TRIBES.—In any case in which not less than 75
14 percent of the students at the institutions of
15 higher education operated or controlled by an In-
16 dian tribe are low-income students, the amount
17 of the Federal share for such Indian tribe shall
18 be not less than 95 percent of the total amount
19 needed to waive tuition and fees for all Pell
20 Grant recipients enrolled in such institutions of
21 higher education.

22 “(2) STATE OR TRIBAL SHARE.—

23 “(A) FORMULA.—

24 “(i) IN GENERAL.—The State or tribal
25 share of a grant under this section for each

1 *fiscal year shall be the amount needed to*
2 *pay 25 percent of the average unmet need of*
3 *Pell Grant recipients in all States in the*
4 *first award year for which grants are made*
5 *under this section for all Pell Grant recipi-*
6 *ents in the State or Indian tribe, respec-*
7 *tively, for such fiscal year, except as pro-*
8 *vided in clause (ii).*

9 “(i) *EXCEPTION FOR CERTAIN INDIAN*
10 *TRIBES.—In the case of an Indian tribe de-*
11 *scribed in paragraph (1)(B), the amount of*
12 *such Indian tribe’s tribal share shall not ex-*
13 *ceed 5 percent of the total amount needed to*
14 *pay the average unmet need for all Pell*
15 *Grant recipients enrolled in the institutions*
16 *of higher education described in such para-*
17 *graph.*

18 “(B) *NEED-BASED AID.—A State or Indian*
19 *tribe may include, as part of the State or tribal*
20 *share, any need-based financial aid that—*

21 “(i) *is provided from State or tribal*
22 *funds to a Pell Grant recipient; and*

23 “(ii) *may be used by such student to*
24 *pay costs of attendance other than tuition*
25 *and fees.*

1 “(3) *DETERMINING NUMBER OF PELL GRANT RE-*
2 *CIPIENTS.—*

3 “(A) *IN GENERAL.—The Secretary shall de-*
4 *velop and implement a process for accurately es-*
5 *timating the number of Pell Grant recipients in*
6 *a State or Indian tribe for purposes of para-*
7 *graphs (1) and (2).*

8 “(B) *INITIAL DETERMINATION.—For the*
9 *first year for which grants are awarded under*
10 *this section, the number of Pell Grant recipients*
11 *in a State or Indian tribe shall be considered to*
12 *be equal to the number of Pell Grant recipients*
13 *that were in the State or tribe for the preceding*
14 *school year.*

15 “(4) *ADJUSTMENT OF GRANT AMOUNT.—Not*
16 *later than 180 days after the date on which a State*
17 *or Indian tribe receives a grant under this section,*
18 *the Secretary shall—*

19 “(A) *in consultation with the State or tribe*
20 *concerned, determine whether the actual number*
21 *of Pell Grant recipients in the State or Tribe for*
22 *the year covered by the grant is greater than the*
23 *estimated number of such students that was used*
24 *to determine the amount of the grant; and*

1 “(B) if it is determined under paragraph
2 (1) that the actual number of Pell Grant recipi-
3 ents in the State or Tribe is higher than such es-
4 timate, issue a supplementary grant payment to
5 the State or tribe in an amount that ensures that
6 the total amount of the grant funds received by
7 the State or tribe under this section for the year
8 covered by the grant accurately reflects the higher
9 number of Pell Grant recipients.

10 “(c) *APPLICATIONS*.—In order to receive a grant under
11 this section, a State or tribe shall submit an application
12 to the Secretary at such time, in such manner, and con-
13 taining such information as the Secretary may require.

14 “(d) *ALLOWABLE USES OF FUNDS*.—

15 “(1) *IN GENERAL*.—A State or Indian tribe shall
16 use a grant under this section only to provide to each
17 Pell Grant recipient a grant that equals the unmet
18 need of such recipient.

19 “(2) *ANNUAL REPORT*.—A State or Indian tribe
20 receiving a grant under this section shall submit an
21 annual report to the Secretary describing the uses of
22 grant funds under this section, the progress made in
23 fulfilling the requirements of the grant, and rates of
24 transfer, graduation, and attainment of recognized
25 postsecondary credentials at institutions of higher

1 *education in the State or Indian tribe, including such*
2 *rates disaggregated by race, income, and age, and in-*
3 *cluding any other information as the Secretary may*
4 *require.*

5 *“(3) REPORTING BY THE SECRETARY.—The Sec-*
6 *retary annually shall—*

7 *“(A) compile and analyze the information*
8 *described in paragraph (2); and*

9 *“(B) prepare and submit a report to the*
10 *Committee on Health, Education, Labor, and*
11 *Pensions of the Senate and the Committee on*
12 *Education and Labor of the House of Represent-*
13 *atives containing the analysis described in sub-*
14 *paragraph (A) and an identification of State*
15 *and Indian tribe best practices for achieving the*
16 *purpose of this section.*

17 *“(4) TECHNICAL ASSISTANCE.—The Secretary*
18 *shall provide technical assistance to eligible States*
19 *and Indian tribes concerning best practices regarding*
20 *the promising and evidence-based institutional re-*
21 *forms and innovative practices to improve student*
22 *outcomes and shall disseminate such best practices*
23 *among the States and Indian tribes.*

24 *“(5) CONTINUATION OF FUNDING.—*

1 “(A) *IN GENERAL.*—*A State or Indian tribe*
2 *receiving a grant under this section for a fiscal*
3 *year may continue to receive funding under this*
4 *section for future fiscal years conditioned on the*
5 *availability of budget authority and on meeting*
6 *the requirements of the grant, as determined by*
7 *the Secretary.*

8 “(B) *DISCONTINUATION.*—*The Secretary*
9 *may discontinue funding of the Federal share of*
10 *a grant under this section if the State or Indian*
11 *tribe has violated the terms of the grant.*

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

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

18 “(1) *INDIAN TRIBE.*—*The term ‘Indian tribe’ has*
19 *the meaning given the term in section 102 of the Fed-*
20 *erally Recognized Indian Tribe List Act of 1994 (25*
21 *U.S.C. 479a).*

22 “(2) *INSTITUTION OF HIGHER EDUCATION.*—*The*
23 *term ‘institution of higher education’ has the meaning*
24 *given the term in section 101.*

25 “(3) *PELL GRANT RECIPIENT.*—

1 “(A) *DEFINITION.*—*The term ‘Pell Grant*
2 *recipient’ means a student who—*

3 “(i) *attends a public institution of*
4 *higher education on not less than a half-*
5 *time basis;*

6 “(ii) *is a recipient of a Federal Pell*
7 *Grant under subpart 1 of part A of title IV*
8 *of this Act;*

9 “(iii) *is maintaining satisfactory*
10 *progress (as defined in section 484(c)) in*
11 *the student’s course of study;*

12 “(iv) *is enrolled in an eligible program*
13 *(as defined in section 481(b)); and*

14 “(v) *either—*

15 “(I) *qualifies for in-State resident*
16 *institution of higher education tuition,*
17 *as determined by the State or Indian*
18 *tribe; or*

19 “(II) *would qualify for such in-*
20 *State tuition, but for the immigration*
21 *status of such student.*

22 “(B) *SPECIAL RULE.*—*An otherwise Pell*
23 *Grant recipient shall lose eligibility under this*
24 *section—*

1 “(i) after 3 years of receiving benefits
2 under this section for enrollment at a com-
3 munity college (as defined in section 499F);
4 and

5 “(ii) after 6 years of receiving benefits
6 under this section for enrollment in a 4-
7 year institution of higher education.

8 “(4) *RECOGNIZED POSTSECONDARY CREDEN-*
9 *TIAL.*—The term ‘recognized postsecondary credential’
10 has the meaning as described in section 3 of the
11 *Workforce Innovation and Opportunity Act* (29
12 U.S.C. 3102).

13 “(5) *STATE.*—The term ‘State’ has the meaning
14 given the term in section 103.

15 “(6) *UNMET NEED.*—The term ‘unmet need’
16 means, with respect to a Pell Grant recipient, the
17 amount determined by calculating the difference be-
18 tween—

19 “(A) the institution’s cost of attendance (as
20 defined in section 472) for the year for which the
21 determination is made; and

22 “(B) the sum of—

23 “(i) the total amount of need-based
24 grant aid and merit-based grant aid, from
25 Federal, State, and institutional sources,

1 *provided to such Pell Grant recipient for*
2 *the year for which the determination is*
3 *made; and*

4 *“(ii) the expected family contribution*
5 *for such Pell Grant recipient for the year*
6 *for which the determination is made.*

7 “(f) *APPROPRIATIONS.—*

8 “(1) *AUTHORIZATION AND APPROPRIATIONS.—*
9 *For the purpose of making grants under this section*
10 *there are authorized to be appropriated such sums as*
11 *may be necessary to carry out this section for fiscal*
12 *year 2021 and each succeeding fiscal year.*

13 “(2) *AVAILABILITY.—Funds appropriated under*
14 *paragraph (1) shall remain available to the Secretary*
15 *until expended.*

16 “(3) *INSUFFICIENT FUNDS.—If the amount ap-*
17 *propriated under paragraph (1) for a fiscal year is*
18 *not sufficient to award each participating State and*
19 *Indian tribe a grant under this section that is equal*
20 *to the minimum amount of the Federal share de-*
21 *scribed in subsection (b), the Secretary may ratably*
22 *reduce the amount of each such grant or take other*
23 *actions necessary to ensure an equitable distribution*
24 *of such amount.*

1 “(4) *TRANSFER AVAILABILITY.*—*The Secretary is*
2 *authorized, subject to the availability of appropria-*
3 *tions, to transfer amounts authorized to be appro-*
4 *priated to carry out subpart 1 for a fiscal year to*
5 *make grants under this section if all grants eligible*
6 *to be made under such subpart have been made for*
7 *such fiscal year.*”.

8 **SEC. 4805. UNMET NEED FOR STUDENTS.**

9 *Subpart 4 of part J of title IV of the Higher Education*
10 *Act of 1965 (20 U.S.C. 1070 et seq.), as added and amended*
11 *by this part, is further amended by adding at the end the*
12 *following:*

13 **“SEC. 499U. UNMET NEED FOR STUDENTS.**

14 “(a) *IN GENERAL.*—

15 “(1) *GRANT PROGRAM.*—*Subject to paragraph*
16 *(2), from amounts appropriated under subsection (f)*
17 *for any fiscal year, the Secretary may award grants*
18 *to eligible States and Indian tribes described in para-*
19 *graph (3) to pay the Federal share of expenditures*
20 *needed to carry out the activities and services de-*
21 *scribed in subsection (d).*

22 “(2) *LIMITATION.*—*The Secretary may not make*
23 *grants under paragraph (1) in fiscal year unless—*

1 “(A) all grants eligible to be made under
2 subpart 1 have been made for such fiscal year;
3 and

4 “(B) all grants eligible to be made under
5 section 499T have been made for such fiscal year.

6 “(3) *ELIGIBILITY*.—A State or Indian tribe may
7 only be eligible for a grant under this section in a fis-
8 cal year if such State or Indian tribe received—

9 “(A) a grant under subpart 1 for such fiscal
10 year; and

11 “(B) a grant under 499T for such fiscal
12 year.

13 “(b) *FEDERAL SHARE; NON-FEDERAL SHARE*.—

14 “(1) *FEDERAL SHARE*.—

15 “(A) *FORMULA*.—Subject to paragraph (2),
16 the Federal share of a grant under this section
17 shall be based on a formula, determined by the
18 Secretary, that—

19 “(i) accounts for the State or Indian
20 tribe’s share of eligible students;

21 “(ii) provides, for each eligible student
22 in the State or Indian tribe, a per-student
23 amount that is at least 75 percent of—

24 “(I) for the first award year for
25 which grants are made under this sec-

1 *tion, the average unmet need of eligible*
2 *students in all States for the most re-*
3 *cent year for which data are available;*
4 *and*

5 *“(II) for each subsequent award*
6 *year, the amount determined under*
7 *this subparagraph for the preceding*
8 *award year, increased by the lesser*
9 *of—*

10 *“(aa) a percentage equal to*
11 *the estimated percentage increase*
12 *in the Consumer Price Index (as*
13 *determined by the Secretary) since*
14 *the date of such determination; or*

15 *“(bb) 3 percent.*

16 *“(B) EXCEPTION FOR CERTAIN INDIAN*
17 *TRIBES.—In any case in which not less than 75*
18 *percent of the students at the institutions of*
19 *higher education operated or controlled by an In-*
20 *Indian tribe are low-income students, the amount*
21 *of the Federal share for such Indian tribe shall*
22 *be not less than 95 percent of the total amount*
23 *needed to waive tuition and fees for all eligible*
24 *students enrolled in such institutions of higher*
25 *education.*

1 “(2) *STATE OR TRIBAL SHARE.*—

2 “(A) *FORMULA.*—

3 “(i) *IN GENERAL.*—*The State or tribal*
4 *share of a grant under this section for each*
5 *fiscal year shall be the amount needed to*
6 *pay 25 percent of the average unmet need of*
7 *eligible students in all States in the first*
8 *award year for which grants are made*
9 *under this section for all eligible students in*
10 *the State or Indian tribe, respectively, for*
11 *such fiscal year, except as provided in*
12 *clause (ii).*

13 “(ii) *EXCEPTION FOR CERTAIN INDIAN*
14 *TRIBES.*—*In the case of an Indian tribe de-*
15 *scribed in paragraph (1)(B), the amount of*
16 *such Indian tribe’s tribal share shall not ex-*
17 *ceed 5 percent of the total amount needed to*
18 *pay the average unmet need for all eligible*
19 *students enrolled in the institutions of high-*
20 *er education described in such subpara-*
21 *graph.*

22 “(B) *NEED-BASED AID.*—*A State or Indian*
23 *tribe may include, as part of the State or tribal*
24 *share, any need-based financial aid that—*

1 “(i) is provided from State or tribal
2 funds to an eligible student; and

3 “(ii) may be used by such student to
4 pay costs of attendance other than tuition
5 and fees.

6 “(3) DETERMINING NUMBER OF ELIGIBLE STU-
7 DENTS.—

8 “(A) IN GENERAL.—The Secretary shall de-
9 velop and implement a process for accurately es-
10 timating the number of eligible students in a
11 State or Indian tribe for purposes of paragraphs
12 (1) and (2).

13 “(B) INITIAL DETERMINATION.—For the
14 first year for which grants are awarded under
15 this section, the number of eligible students in a
16 State or Indian tribe shall be considered to be
17 equal to the number of eligible students that were
18 in the State or tribe for the preceding school
19 year.

20 “(4) ADJUSTMENT OF GRANT AMOUNT.—Not
21 later than 180 days after the date on which a State
22 or Indian tribe receives a grant under this section,
23 the Secretary shall—

24 “(A) in consultation with the State or tribe
25 concerned, determine whether the actual number

1 *of eligible students in the State or Tribe for the*
2 *year covered by the grant is greater than the es-*
3 *timated number of such students that was used*
4 *to determine the amount of the grant; and*

5 “(B) *if it is determined under paragraph*
6 *(1) that the actual number of eligible students in*
7 *the State or Tribe is higher than such estimate,*
8 *issue a supplementary grant payment to the*
9 *State or tribe in an amount that ensures that the*
10 *total amount of the grant funds received by the*
11 *State or tribe under this section for the year cov-*
12 *ered by the grant accurately reflects the higher*
13 *number of eligible students.*

14 “(c) *APPLICATIONS.—In order to receive a grant under*
15 *this section, a State or tribe shall submit an application*
16 *to the Secretary at such time, in such manner, and con-*
17 *taining such information as the Secretary may require.*

18 “(d) *ALLOWABLE USES OF FUNDS.—*

19 “(1) *IN GENERAL.—A State or Indian tribe shall*
20 *use a grant under this section only to provide to each*
21 *eligible student a grant that equals the unmet need of*
22 *such recipient.*

23 “(2) *ANNUAL REPORT.—A State or Indian tribe*
24 *receiving a grant under this section shall submit an*
25 *annual report to the Secretary describing the uses of*

1 *grant funds under this section, the progress made in*
2 *fulfilling the requirements of the grant, and rates of*
3 *transfer, graduation, and attainment of recognized*
4 *postsecondary credentials at institutions of higher*
5 *education in the State or Indian tribe, including such*
6 *rates disaggregated by race, income, and age, and in-*
7 *cluding any other information as the Secretary may*
8 *require.*

9 *“(3) REPORTING BY THE SECRETARY.—The Sec-*
10 *retary annually shall—*

11 *“(A) compile and analyze the information*
12 *described in paragraph (2); and*

13 *“(B) prepare and submit a report to the*
14 *Committee on Health, Education, Labor, and*
15 *Pensions of the Senate and the Committee on*
16 *Education and Labor of the House of Represent-*
17 *atives containing the analysis described in sub-*
18 *paragraph (A) and an identification of State*
19 *and Indian tribe best practices for achieving the*
20 *purpose of this section.*

21 *“(4) TECHNICAL ASSISTANCE.—The Secretary*
22 *shall provide technical assistance to eligible States*
23 *and Indian tribes concerning best practices regarding*
24 *the promising and evidence-based institutional re-*
25 *forms and innovative practices to improve student*

1 *outcomes and shall disseminate such best practices*
2 *among the States and Indian tribes.*

3 “(5) *CONTINUATION OF FUNDING.*—

4 “(A) *IN GENERAL.*—*A State or Indian tribe*
5 *receiving a grant under this section for a fiscal*
6 *year may continue to receive funding under this*
7 *section for future fiscal years conditioned on the*
8 *availability of budget authority and on meeting*
9 *the requirements of the grant, as determined by*
10 *the Secretary.*

11 “(B) *DISCONTINUATION.*—*The Secretary*
12 *may discontinue funding of the Federal share of*
13 *a grant under this section if the State or Indian*
14 *tribe has violated the terms of the grant.*

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

20 “(e) *DEFINITIONS.*—*In this section:*

21 “(1) *ELIGIBLE STUDENT.*—

22 “(A) *DEFINITION.*—*The term ‘eligible stu-*
23 *dent’ means a student who—*

1 “(i) attends a public institution of
2 higher education on not less than a half-
3 time basis;

4 “(ii) is not a recipient of a Federal
5 Pell Grant under subpart 1 of part A of
6 title IV of this Act;

7 “(iii) is maintaining satisfactory
8 progress (as defined in section 484(c)) in
9 the student’s course of study;

10 “(iv) is enrolled in an eligible program
11 (as defined in section 481(b)); and

12 “(v) either—

13 “(I) qualifies for in-State resident
14 institution of higher education tuition,
15 as determined by the State or Indian
16 tribe; or

17 “(II) would qualify for such in-
18 State tuition, but for the immigration
19 status of such student.

20 “(B) SPECIAL RULE.—An otherwise eligible
21 student shall lose eligibility under this section—

22 “(i) after 3 years of receiving benefits
23 under this section for enrollment at a com-
24 munity college (as defined in section 499F);
25 and

1 “(ii) after 6 years of receiving benefits
2 under this section for enrollment in a 4-
3 year institution of higher education.

4 “(2) *INDIAN TRIBE*.—The term ‘Indian tribe’ has
5 the meaning given the term in section 102 of the Fed-
6 erally Recognized Indian Tribe List Act of 1994 (25
7 U.S.C. 479a).

8 “(3) *INSTITUTION OF HIGHER EDUCATION*.—The
9 term ‘institution of higher education’ has the meaning
10 given the term in section 101.

11 “(4) *RECOGNIZED POSTSECONDARY CREDEN-*
12 *TIAL*.—The term ‘recognized postsecondary credential’
13 has the meaning as described in section 3 of the
14 Workforce Innovation and Opportunity Act (29
15 U.S.C. 3102).

16 “(5) *STATE*.—The term ‘State’ has the meaning
17 given the term in section 103.

18 “(6) *UNMET NEED*.—The term ‘unmet need’
19 means, with respect to an eligible student, the amount
20 determined by calculating the difference between—

21 “(A) the institution’s cost of attendance (as
22 defined in section 472) for the year for which the
23 determination is made; and

24 “(B) the sum of—

1 “(i) *the total amount of need-based*
2 *grant aid and merit-based grant aid, from*
3 *Federal, State, and institutional sources,*
4 *provided to such eligible student for the*
5 *year for which the determination is made;*
6 *and*

7 “(ii) *the expected family contribution*
8 *for such eligible student for the year for*
9 *which the determination is made.*

10 “(f) *APPROPRIATIONS.—*

11 “(1) *AUTHORIZATION AND APPROPRIATIONS.—*
12 *For the purpose of making grants under this section*
13 *there are authorized to be appropriated such sums as*
14 *may be necessary to carry out this section for fiscal*
15 *year 2021 and each succeeding fiscal year.*

16 “(2) *AVAILABILITY.—Funds appropriated under*
17 *paragraph (1) shall remain available to the Secretary*
18 *until expended.*

19 “(3) *INSUFFICIENT FUNDS.—If the amount ap-*
20 *propriated under paragraph (1) for a fiscal year is*
21 *not sufficient to award each participating State and*
22 *Indian tribe a grant under this section that is equal*
23 *to the minimum amount of the Federal share de-*
24 *scribed in subsection (b), the Secretary may ratably*
25 *reduce the amount of each such grant or take other*

1 *actions necessary to ensure an equitable distribution*
 2 *of such amount.*

3 “(4) *TRANSFER AVAILABILITY.*—*The Secretary is*
 4 *authorized, subject to the availability of appropria-*
 5 *tions, to transfer amounts authorized to be appro-*
 6 *priated to carry out subpart 1 or to carry out section*
 7 *499T for a fiscal year to make grants under this sec-*
 8 *tion if—*

9 “(A) *all grants eligible to be made under*
 10 *such subpart have been made for such fiscal year;*
 11 *and*

12 “(B) *all grants eligible to be made under*
 13 *such section have been made for such fiscal*
 14 *year.”.*

15 **SEC. 4806. TUITION WAIVERS.**

16 *Subpart 4 of part J of title IV of the Higher Education*
 17 *Act of 1965 (20 U.S.C. 1070 et seq.), as added and amended*
 18 *by this part, is further amended by adding at the end the*
 19 *following:*

20 **“SEC. 499V. TUITION WAIVERS.**

21 “(a) *IN GENERAL.*—

22 “(1) *GRANT PROGRAM.*—*Subject to paragraph*
 23 *(2), from amounts appropriated under subsection (g)*
 24 *for any fiscal year, the Secretary may award grants*
 25 *to eligible States and Indian tribes to pay the Federal*

1 *share of expenditures needed to carry out the activi-*
2 *ties and services described in subsection (d).*

3 “(2) *LIMITATION.*—*The Secretary may not make*
4 *grants under paragraph (1) in fiscal year unless—*

5 “(A) *all grants eligible to be made under*
6 *subpart 1 have been made for such fiscal year;*

7 “(B) *all grants eligible to be made under*
8 *499T have been made for such fiscal year; and*

9 “(C) *all grants eligible to be made under*
10 *499U have been made for such fiscal year.*

11 “(3) *ELIGIBILITY.*—*A State or Indian tribe may*
12 *only be eligible for a grant under this section in a fis-*
13 *cal year if such State or Indian tribe received—*

14 “(A) *a grant under subpart 1 for such fiscal*
15 *year;*

16 “(B) *a grant under section 499T for such*
17 *fiscal year; and*

18 “(C) *a grant under 499U for such fiscal*
19 *year.*

20 “(b) *FEDERAL SHARE; NON-FEDERAL SHARE.*—

21 “(1) *FEDERAL SHARE.*—

22 “(A) *FORMULA.*—*Subject to paragraph (2),*
23 *the Federal share of a grant under this section*
24 *shall be based on a formula, determined by the*
25 *Secretary, that—*

1 “(i) accounts for the State or Indian
2 tribe’s share of eligible students;

3 “(ii) provides, for each eligible student
4 in the State or Indian tribe, a per-student
5 amount that is at least 75 percent of—

6 “(I) for the first award year for
7 which grants are made under this sec-
8 tion, the average resident public 4-year
9 institutions of higher education tuition
10 and fees per student in all States for
11 the most recent year for which data are
12 available; and

13 “(II) for each subsequent award
14 year, the amount determined under
15 this subparagraph for the preceding
16 award year, increased by the lesser
17 of—

18 “(aa) a percentage equal to
19 the estimated percentage increase
20 in the Consumer Price Index (as
21 determined by the Secretary) since
22 the date of such determination; or

23 “(bb) 3 percent.

24 “(B) EXCEPTION FOR CERTAIN INDIAN
25 TRIBES.—In any case in which not less than 75

1 *percent of the students at the institutions of*
2 *higher education operated or controlled by an In-*
3 *Indian tribe are low-income students, the amount*
4 *of the Federal share for such Indian tribe shall*
5 *be not less than 95 percent of the total amount*
6 *needed to waive tuition and fees for all eligible*
7 *students enrolled in such institutions of higher*
8 *education.*

9 “(2) *STATE OR TRIBAL SHARE.—*

10 “(A) *FORMULA.—*

11 “(i) *IN GENERAL.—The State or tribal*
12 *share of a grant under this section for each*
13 *fiscal year shall be the amount needed to*
14 *pay 25 percent of the average resident pub-*
15 *lic 4-year institutions of higher education*
16 *tuition and fees for eligible students in all*
17 *States in first award year for which grants*
18 *are made under this section for all eligible*
19 *students in the State or Indian tribe, re-*
20 *spectively, for such fiscal year, except as*
21 *provided in clause (ii).*

22 “(ii) *EXCEPTION FOR CERTAIN INDIAN*
23 *TRIBES.—In the case of an Indian tribe de-*
24 *scribed in paragraph (1)(B), the amount of*
25 *such Indian tribe’s tribal share shall not ex-*

1 *ceed 5 percent of the total amount needed to*
2 *waive tuition and fees for all eligible stu-*
3 *dents enrolled in the institutions of higher*
4 *education described in such paragraph.*

5 *“(B) NEED-BASED AID.—A State or Indian*
6 *tribe may include, as part of the State or tribal*
7 *share, any need-based financial aid that—*

8 *“(i) is provided from State or tribal*
9 *funds to an eligible student; and*

10 *“(ii) may be used by such student to*
11 *pay costs of attendance other than tuition*
12 *and fees.*

13 *“(3) DETERMINING NUMBER OF ELIGIBLE STU-*
14 *DENTS.—*

15 *“(A) IN GENERAL.—The Secretary shall de-*
16 *velop and implement a process for accurately es-*
17 *timating the number of eligible students in a*
18 *State or Indian tribe for purposes of paragraphs*
19 *(1) and (2).*

20 *“(B) INITIAL DETERMINATION.—For the*
21 *first year for which grants are awarded under*
22 *this section, the number of eligible students in a*
23 *State or Indian tribe shall be considered to be*
24 *equal to the number of eligible students that were*

1 *in the State or tribe for the preceding school*
2 *year.*

3 “(4) *ADJUSTMENT OF GRANT AMOUNT.*—*Not*
4 *later than 180 days after the date on which a State*
5 *or Indian tribe receives a grant under this section,*
6 *the Secretary shall—*

7 “(A) *in consultation with the State or tribe*
8 *concerned, determine whether the actual number*
9 *of eligible students in the State or Tribe for the*
10 *year covered by the grant is greater than the es-*
11 *timated number of such students that was used*
12 *to determine the amount of the grant; and*

13 “(B) *if it is determined under paragraph*
14 *(1) that the actual number of eligible students in*
15 *the State or Tribe is higher than such estimate,*
16 *issue a supplementary grant payment to the*
17 *State or tribe in an amount that ensures that the*
18 *total amount of the grant funds received by the*
19 *State or tribe under this section for the year cov-*
20 *ered by the grant accurately reflects the higher*
21 *number of eligible students.*

22 “(c) *APPLICATIONS.*—*In order to receive a grant under*
23 *this section, a State or tribe shall submit an application*
24 *to the Secretary at such time, in such manner, and con-*
25 *taining such information as the Secretary may require.*

1 “(d) *GENERAL REQUIREMENTS.*—As a condition of re-
2 ceiving a grant under this subpart a State or Indian tribe
3 shall meet the following requirements:

4 “(1) *For each year of the grant the total amount*
5 *of public 4-year institution of higher education resi-*
6 *dent tuition and fees charged to an eligible student in*
7 *the State or Indian tribe shall be \$0.*

8 “(2) *For each year of the grant no amount of fi-*
9 *nancial assistance for which an eligible student quali-*
10 *fies may be applied to such tuition or fees.*

11 “(e) *ALLOWABLE USES OF FUNDS.*—

12 “(1) *IN GENERAL.*—A State or Indian tribe shall
13 use a grant under this section only to provide funds
14 to participating public 4-year institutions to enable
15 such public 4-year institutions to waive resident tui-
16 tion and fees for eligible students as required under
17 subsection (d).

18 “(2) *ANNUAL REPORT.*—A State or Indian tribe
19 receiving a grant under this section shall submit an
20 annual report to the Secretary describing the uses of
21 grant funds under this section, the progress made in
22 fulfilling the requirements of the grant, and rates of
23 transfer, graduation, and attainment of recognized
24 postsecondary credentials at institutions of higher
25 education in the State or Indian tribe, including such

1 *rates disaggregated by race, income, and age, and in-*
2 *cluding any other information as the Secretary may*
3 *require.*

4 “(3) *REPORTING BY THE SECRETARY.*—*The Sec-*
5 *retary annually shall—*

6 “(A) *compile and analyze the information*
7 *described in paragraph (2); and*

8 “(B) *prepare and submit a report to the*
9 *Committee on Health, Education, Labor, and*
10 *Pensions of the Senate and the Committee on*
11 *Education and Labor of the House of Represent-*
12 *atives containing the analysis described in sub-*
13 *paragraph (A) and an identification of State*
14 *and Indian tribe best practices for achieving the*
15 *purpose of this section.*

16 “(4) *TECHNICAL ASSISTANCE.*—*The Secretary*
17 *shall provide technical assistance to eligible States*
18 *and Indian tribes concerning best practices regarding*
19 *the promising and evidence-based institutional re-*
20 *forms and innovative practices to improve student*
21 *outcomes and shall disseminate such best practices*
22 *among the States and Indian tribes.*

23 “(5) *CONTINUATION OF FUNDING.*—

24 “(A) *IN GENERAL.*—*A State or Indian tribe*
25 *receiving a grant under this section for a fiscal*

1 *year may continue to receive funding under this*
2 *section for future fiscal years conditioned on the*
3 *availability of budget authority and on meeting*
4 *the requirements of the grant, as determined by*
5 *the Secretary.*

6 “(B) *DISCONTINUATION.*—*The Secretary*
7 *may discontinue funding of the Federal share of*
8 *a grant under this section if the State or Indian*
9 *tribe has violated the terms of the grant.*

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

15 “(f) *DEFINITIONS.*—*In this section:*

16 “(1) *ELIGIBLE STUDENT.*—

17 “(A) *DEFINITION.*—*The term ‘eligible stu-*
18 *dent’ means a student who—*

19 “(i) *attends a public institution of*
20 *higher education on not less than a half-*
21 *time basis;*

22 “(ii) *is maintaining satisfactory*
23 *progress (as defined in section 484(c)) in*
24 *the student’s course of study;*

1 “(iii) is enrolled in an eligible pro-
2 gram (as defined in section 481(b)); and

3 “(iv) either—

4 “(I) qualifies for in-State resident
5 institution of higher education tuition,
6 as determined by the State or Indian
7 tribe; or

8 “(II) would qualify for such in-
9 State tuition, but for the immigration
10 status of such student.

11 “(B) SPECIAL RULE.—An otherwise eligible
12 student shall lose eligibility under this section
13 after 6 years of receiving benefits under this sec-
14 tion.

15 “(2) INDIAN TRIBE.—The term ‘Indian tribe’ has
16 the meaning given the term in section 102 of the Fed-
17 erally Recognized Indian Tribe List Act of 1994 (25
18 U.S.C. 479a).

19 “(3) INSTITUTION OF HIGHER EDUCATION.—The
20 term ‘institution of higher education’ has the meaning
21 given the term in section 101.

22 “(4) RECOGNIZED POSTSECONDARY CREDEN-
23 TIAL.—The term ‘recognized postsecondary credential’
24 has the meaning as described in section 3 of the

1 *Workforce Innovation and Opportunity Act (29*
2 *U.S.C. 3102).*

3 “(5) *STATE.*—*The term ‘State’ has the meaning*
4 *given the term in section 103.*

5 “(g) *APPROPRIATIONS.*—

6 “(1) *AUTHORIZATION AND APPROPRIATIONS.*—
7 *For the purpose of making grants under this section*
8 *there are authorized to be appropriated such sums as*
9 *may be necessary to carry out this section for fiscal*
10 *year 2021 and each succeeding fiscal year.*

11 “(2) *AVAILABILITY.*—*Funds appropriated under*
12 *paragraph (1) shall remain available to the Secretary*
13 *until expended.*

14 “(3) *INSUFFICIENT FUNDS.*—*If the amount ap-*
15 *propriated under paragraph (1) for a fiscal year is*
16 *not sufficient to award each participating State and*
17 *Indian tribe a grant under this section that is equal*
18 *to the minimum amount of the Federal share de-*
19 *scribed in subsection (b), the Secretary may ratably*
20 *reduce the amount of each such grant or take other*
21 *actions necessary to ensure an equitable distribution*
22 *of such amount.*

23 “(4) *TRANSFER AVAILABILITY.*—*The Secretary is*
24 *authorized, subject to the availability of appropri-*
25 *ations, to transfer amounts authorized to be appro-*

1 *priated to carry out subpart 1, to carry out 499T,*
2 *and to carry out 499U for a fiscal year to make*
3 *grants under this section if—*

4 *“(A) all grants eligible to be made under*
5 *such subpart have been made for such fiscal year;*

6 *“(B) all grants eligible to be made under*
7 *499T have been made for such year; and*

8 *“(C) all grants eligible to be made under*
9 *499U have been made for such fiscal year.”.*

10 **SEC. 4807. EXPANSION FOR PRIVATE INSTITUTIONS.**

11 *Subpart 4 of part J of title IV of the Higher Education*
12 *Act of 1965 (20 U.S.C. 1070 et seq.), as added and amended*
13 *by this part, is further amended by adding at the end the*
14 *following:*

15 **“SEC. 499W. EXPANSION FOR PRIVATE INSTITUTIONS.**

16 *“(a) AUTHORITY.—The Secretary may establish a pro-*
17 *gram under which—*

18 *“(1) a State that participates in section 499T*
19 *may elect to carry out the grant programs under such*
20 *section to students who—*

21 *“(A) meet the requirements under clauses*
22 *(ii) through (iv) of subparagraph (A) and sub-*
23 *paragraph (B) of subsection (e)(3) of such sec-*
24 *tion; and*

1 “(B) attend a nonprofit private institution
2 of higher education in such State on not less
3 than a half time basis; and

4 “(2) a State that participates in section 499U
5 may elect to carry out the grant programs under such
6 section to students who—

7 “(A) meet the requirements under clauses
8 (ii) through (iv) of subparagraph (A) and sub-
9 paragraph (B) of subsection (e)(1) of such sec-
10 tion; and

11 “(B) attend a nonprofit private institution
12 of higher education in such State on not less
13 than a half time basis.

14 “(b) PROGRAM REQUIREMENTS.—The Secretary shall
15 set eligibility standards for nonprofit private institutions
16 of higher education which shall, at a minimum, include—

17 “(1) benchmarks for the enrollment of low-income
18 students;

19 “(2) a requirement that any nonprofit private
20 institution of higher education that participates in a
21 grant program pursuant to this section may not re-
22 duce the funding for institutional need-based aid; or

23 “(3) a requirement that grant amounts for stu-
24 dents at such institutions of higher education shall
25 not exceed grants for students with similar levels of

1 *financial need (as measured by expected family con-*
 2 *tribution) at public institutions of higher education.*

3 “(c) *AUTHORIZATION OF APPROPRIATIONS.—For the*
 4 *purpose of making grants under this section there are au-*
 5 *thorized to be appropriated such sums as may be necessary*
 6 *to carry out this section for fiscal year 2021 and each suc-*
 7 *ceeding fiscal year.”.*

8 ***TITLE V—DEVELOPING***
 9 ***INSTITUTIONS***

10 ***SEC. 5001. HISPANIC-SERVING INSTITUTIONS.***

11 (a) *AUTHORIZED ACTIVITIES.—Section 503(b) of the*
 12 *Higher Education Act of 1965 (20 U.S.C. 1101b(b)) is*
 13 *amended—*

14 (1) *by redesignating paragraph (16) as para-*
 15 *graph (17); and*

16 (2) *by inserting after paragraph (15) the fol-*
 17 *lowing:*

18 “(16) *Promoting opportunities for international*
 19 *education, including through the development of part-*
 20 *nerships with institutions of higher education outside*
 21 *the United States.”.*

22 (b) *ENDOWMENT FUNDING LIMITATIONS.—Section*
 23 *503(c) of the Higher Education Act of 1965 (20 U.S.C.*
 24 *1101b(c)) is amended—*

25 (1) *in paragraph (2)—*

1 (A) by striking “non-Federal funds” and
2 inserting “non-Federal funds (which may in-
3 clude gifts to the endowment fund restricted for
4 a specific purpose)”; and

5 (B) by striking “equal to or greater than”
6 and inserting “equal to 50 percent of”; and

7 (2) by inserting after paragraph (3) the fol-
8 lowing:

9 “(4) *SCHOLARSHIPS.*—An eligible institution
10 that uses grant funds provided under this title to es-
11 tablish or increase an endowment fund may use the
12 interest proceeds from such endowment to provide
13 scholarships to students for the purposes of attending
14 such institution.”.

15 **SEC. 5002. PROMOTING POSTBACCALAUREATE OPPORTUNI-**
16 **TIES FOR HISPANIC AMERICANS.**

17 (a) *PROGRAM AUTHORITY.*—Section 512 of the Higher
18 Education Act of 1965 (20 U.S.C. 1102a) is amended by
19 adding at the end the following:

20 “(c) *MINIMUM GRANTS AWARDED.*—Of the funds ap-
21 propriated to carry out this part for a fiscal year, the Sec-
22 retary—

23 “(1) shall—

1 “(A) use not less than one-third of such
2 funds to award grants to carry out the activities
3 described in section 513(b); and

4 “(B) use not less than one-third of such
5 funds to award grants to carry out the activities
6 described in section 513(c); and

7 “(2) may use any funds remaining (after using
8 the funds in accordance with paragraph (1)) to
9 award grants to carry out activities described in sub-
10 section (b) or (c) of section 513.”.

11 (b) *AUTHORIZED ACTIVITIES.*—Section 513 of the
12 *Higher Education Act of 1965 (20 U.S.C. 1102b)* is amend-
13 *ed to read as follows:*

14 **“SEC. 513. AUTHORIZED ACTIVITIES.**

15 “(a) *REQUIREMENTS.*—

16 “(1) *IN GENERAL.*—Grants awarded under this
17 part shall be used for—

18 “(A) one or more of the activities described
19 in subsection (b); or

20 “(B) one or more of the activities described
21 in subsection (c).

22 “(2) *PROHIBITION.*—A grant awarded under this
23 part may not be used for activities under both sub-
24 sections (b) and (c).

1 “(b) *PROMOTING POSTBACCALAUREATE OPPORTUNI-*
2 *TIES FOR HISPANIC AMERICANS ACTIVITIES.*—Grants
3 *awarded under this part may be used for one or more of*
4 *the following activities promoting postbaccalaureate oppor-*
5 *tunities for Hispanic Americans:*

6 “(1) *Purchase, rental, or lease of scientific or*
7 *laboratory equipment for educational purposes, in-*
8 *cluding instructional and research purposes.*

9 “(2) *Construction, maintenance, renovation, and*
10 *improvement of classrooms, libraries, laboratories,*
11 *and other instructional facilities, including purchase*
12 *or rental of telecommunications technology equipment*
13 *or services.*

14 “(3) *Purchase of library books, periodicals, tech-*
15 *nical and other scientific journals, microfilm, micro-*
16 *fiche, and other educational materials, including tele-*
17 *communications program materials.*

18 “(4) *Support for low-income postbaccalaureate*
19 *students including outreach, academic support serv-*
20 *ices, mentoring, scholarships, fellowships, and other*
21 *financial assistance to permit the enrollment of such*
22 *students in postbaccalaureate certificate and*
23 *postbaccalaureate degree granting programs.*

24 “(5) *Creating or improving facilities for Internet*
25 *or other distance education technologies, including*

1 *purchase or rental of telecommunications technology*
2 *equipment or services.*

3 “(6) *Collaboration with other institutions of*
4 *higher education to expand postbaccalaureate certifi-*
5 *cate and postbaccalaureate degree offerings.*

6 “(7) *Other activities proposed in the application*
7 *submitted pursuant to section 514 that—*

8 “(A) *contribute to carrying out the purposes*
9 *of this part; and*

10 “(B) *are approved by the Secretary as part*
11 *of the review and acceptance of such application.*

12 “(c) *FACULTY DEVELOPMENT ACTIVITIES.—Grants*
13 *awarded under this part may be used for one or more of*
14 *the following activities for faculty development:*

15 “(1) *Support of faculty exchanges, faculty devel-*
16 *opment, faculty research, curriculum development,*
17 *and academic instruction.*

18 “(2) *Financial support to graduate students*
19 *planning to pursue academic careers who desire to be-*
20 *come faculty at Hispanic-serving institutions.*

21 “(3) *Career services in preparing for an aca-*
22 *ademic career and identifying opportunities.*

23 “(4) *Developing partnerships between Hispanic-*
24 *serving institutions to help graduate students and*
25 *hiring institutions connect with each other.*

1 “(5) *Faculty recruitment efforts with an empha-*
2 *sis on graduates from Hispanic-serving institutions*
3 *and other minority-serving institutions.*

4 “(6) *Recruitment and retention incentives to*
5 *allow Hispanic-serving institutions to make competi-*
6 *tive offers to potential faculty, including use of funds*
7 *for student loan repayment.*

8 “(7) *Research support specifically for early ca-*
9 *reer faculty.*”.

10 **SEC. 5003. GENERAL PROVISIONS.**

11 *Section 528(a) of the Higher Education Act of 1965*
12 *(20 U.S.C. 1103g(a)) is amended—*

13 (1) *in paragraph (1), by striking*
14 *“\$175,000,000” and inserting “\$350,000,000”;*

15 (2) *in paragraph (2), by striking*
16 *“\$100,000,000” and inserting “\$115,000,000”;*

17 (3) *by striking “2009” each place it appears and*
18 *inserting “2021”; and*

19 (4) *by adding at the end the following:*

20 “(3) **RESERVATION FOR TECHNICAL ASSIST-**
21 **ANCE.—***From the amounts appropriated under para-*
22 *graph (1) to carry out part A for a fiscal year, the*
23 *Secretary shall reserve 0.75 percent to carry out tech-*
24 *nical assistance and administrative training for staff*

1 *and faculty at Hispanic-serving institutions under*
 2 *such part.”.*

3 **TITLE VI—INTERNATIONAL**
 4 **EDUCATION PROGRAMS**

5 **SEC. 6001. INTERNATIONAL EDUCATION.**

6 (a) *GRADUATE AND UNDERGRADUATE LANGUAGE AND*
 7 *AREA CENTERS AND PROGRAMS.—Section 602(b)(2)(B)(ii)*
 8 *of the Higher Education Act of 1965 (20 U.S.C.*
 9 *1122(b)(2)(B)(ii)) is amended—*

10 (1) *in subclause (III), by striking “or”;*

11 (2) *in subclause (IV), by striking the period at*
 12 *the end and inserting “; or”;* and

13 (3) *by adding at the end the following:*

14 *“(V) the beginning, intermediate, or*
 15 *advanced study of a foreign language re-*
 16 *lated to the area of specialization.”.*

17 (b) *INTERNATIONAL RESEARCH AND INNOVATION.—*

18 *Section 605 of the Higher Education Act of 1965 (20 U.S.C.*
 19 *1125) is amended to read as follows:*

20 **“SEC. 605. INTERNATIONAL RESEARCH AND INNOVATION.**

21 *“(a) PURPOSE.—It is the purpose of this section to*
 22 *support essential international and foreign language edu-*
 23 *cation research and innovation projects with the goal of as-*
 24 *sessing and strengthening international education capacity,*

1 *coordination, delivery, and outcomes to meet national*
2 *needs.*

3 “(b) *AUTHORITY.*—

4 “(1) *IN GENERAL.*—*From the amount provided*
5 *to carry out this section, the Secretary shall carry out*
6 *the following activities:*

7 “(A) *Conduct research and studies that con-*
8 *tribute to the purpose described in subsection (a),*
9 *which shall include research to provide a system-*
10 *atic understanding of the United States’ inter-*
11 *national and foreign language education capac-*
12 *ity, structures, and effectiveness in meeting*
13 *growing demands by education, government, and*
14 *the private sector (including business and other*
15 *professions).*

16 “(B) *Create innovative paradigms or en-*
17 *hance or scale up proven strategies and practices*
18 *that address systemic challenges to developing*
19 *and delivering international and foreign lan-*
20 *guage education resources and expertise across*
21 *educational disciplines, institutions, employers,*
22 *and other stakeholders.*

23 “(C) *Develop and manage a national stand-*
24 *ardized database that—*

1 “(i) includes the strengths, gaps, and
2 trends in the United States’ international
3 and foreign language education capacity;
4 and

5 “(ii) documents the outcomes of pro-
6 grams funded under this title for every
7 grant cycle.

8 “(2) GRANTS OR CONTRACTS.—The Secretary
9 shall carry out activities to achieve the outcomes de-
10 scribed in paragraph (1)—

11 “(A) directly; or

12 “(B) through grants awarded under sub-
13 section (d) or (e).

14 “(c) ELIGIBLE ENTITY DEFINED.—In this section, the
15 term ‘eligible entity’ means—

16 “(1) an institution of higher education;

17 “(2) a public or private nonprofit library;

18 “(3) a nonprofit educational organization;

19 “(4) an entity that—

20 “(A) received a grant under this title for a
21 preceding fiscal year; or

22 “(B) is receiving a grant under this title as
23 of the date of application for a grant under this
24 section; or

1 “(5) a partnership of two or more entities de-
2 scribed in paragraphs (1) through (4).

3 “(d) RESEARCH GRANTS.—

4 “(1) PROGRAM AUTHORIZED.—For any fiscal
5 year for which the Secretary carries out activities
6 under subsection (b)(1) through research grants under
7 this subsection, the Secretary shall award such grants,
8 on a competitive basis, to eligible entities.

9 “(2) REQUIRED ACTIVITIES.—An eligible entity
10 that receives a grant under this subsection shall use
11 the grant funds for the systematic development, collec-
12 tion, analysis, publication, and dissemination of
13 data, and other information resources in a manner
14 that is easily understandable, made publicly avail-
15 able, and that contributes to achieving the purposes of
16 subsection (a) and carries out at least one activity
17 under subsection (b)(1).

18 “(3) DISCRETIONARY ACTIVITIES.—An eligible
19 entity that receives a grant under this subsection may
20 use the grant to carry out the following activities:

21 “(A) Assess and document international
22 and foreign language education capacity and
23 supply through studies or surveys that—

24 “(i) determine the number of foreign
25 language courses, programs, and enroll-

1 *ments at all levels of education and in all*
2 *languages, including a determination of*
3 *gaps in those deemed critical to the national*
4 *interest;*

5 *“(ii) measure the number and types of*
6 *degrees or certificates awarded in area stud-*
7 *ies, global studies, foreign language studies,*
8 *and international business and professional*
9 *studies, including identification of gaps in*
10 *those deemed critical to the national inter-*
11 *est;*

12 *“(iii) measure the number of foreign*
13 *language, area or international studies fac-*
14 *ulty, including international business fac-*
15 *ulty, and elementary school and secondary*
16 *school foreign language teachers by lan-*
17 *guage, degree, and world area; or*

18 *“(iv) measure the number of under-*
19 *graduate and graduate students engaging in*
20 *long- or short-term education or internship*
21 *abroad programs as part of their cur-*
22 *riculum, including countries of destination.*

23 *“(B) Assess the demands for, and outcomes*
24 *of, international and foreign language education*

1 *and their alignment, through studies, surveys,*
2 *and conferences to—*

3 “(i) *determine demands for increased*
4 *or improved instruction in foreign lan-*
5 *guage, area or global studies, or other inter-*
6 *national fields, and the demand for employ-*
7 *ees with such skills and knowledge in the*
8 *education, government, and private sectors*
9 *(including business and other professions);*

10 “(ii) *assess the employment or utiliza-*
11 *tion of graduates of programs supported*
12 *under this title by educational, govern-*
13 *mental, and private sector organizations*
14 *(including business and other professions);*
15 *or*

16 “(iii) *assess standardized outcomes and*
17 *effectiveness and benchmarking of programs*
18 *supported under this title.*

19 “(C) *Develop and publish specialized mate-*
20 *rials for use in foreign language, area, global, or*
21 *other international studies, including in inter-*
22 *national business or other professional education*
23 *or technical training, as appropriate.*

24 “(D) *Conduct studies or surveys that iden-*
25 *tify and document systemic challenges and*

1 *changes needed in higher education and elemen-*
2 *tary school and secondary school systems to make*
3 *international and foreign language education*
4 *available to all students as part of the basic cur-*
5 *riculum, including challenges in current evalua-*
6 *tion standards, entrance and graduation require-*
7 *ments, program accreditation, student degree re-*
8 *quirements, or teacher and faculty legal work-*
9 *place barriers to education and research abroad.*

10 “(E) *With respect to underrepresented insti-*
11 *tutions of higher education (including minority-*
12 *serving institutions or community colleges),*
13 *carry out studies or surveys that identify and*
14 *document—*

15 “(i) *current systemic challenges and*
16 *changes incentives, and partnerships needed*
17 *to comprehensively and sustainably inter-*
18 *nationalize educational programming; or*

19 “(ii) *short- and long-term outcomes of*
20 *successful internationalization strategies*
21 *and funding models.*

22 “(F) *Evaluate the extent to which programs*
23 *assisted under this title—*

24 “(i) *reflect diverse perspectives and a*
25 *wide range of views; and*

1 “(ii) generate debate on world regions
2 and international affairs

3 “(e) INNOVATION GRANTS.—

4 “(1) PROGRAM AUTHORIZED.—For any fiscal
5 year for which the Secretary carries out activities to
6 achieve the outcomes described in subsection (b)(1)
7 through innovation grants under this subsection, the
8 Secretary shall award such grants, on a competitive
9 basis, to eligible entities.

10 “(2) USES OF FUNDS.—An eligible entity that
11 receives an innovation grant under this subsection
12 shall use the grant funds to fund projects consistent
13 with this section, which may include one or more of
14 the following:

15 “(A) Innovative paradigms to improve com-
16 munication, sharing, and delivery of resources
17 that further the purposes described in subsection
18 (a) including the following:

19 “(i) Networking structures and systems
20 to more effectively match graduates pos-
21 sessing international and foreign language
22 education skills with employment needs.

23 “(ii) Sharing international specialist
24 expertise across institutions of higher edu-
25 cation or in the workforce to pursue spe-

1 *cialization or learning opportunities not*
2 *available at any single institution of higher*
3 *education, such as shared courses for study-*
4 *ing less commonly taught languages, world*
5 *areas or regions, international business or*
6 *other professional areas, or specialized re-*
7 *search topics of national strategic interest.*

8 *“(iii) Producing, collecting, orga-*
9 *nizing, preserving, and widely dissemi-*
10 *nating international and foreign language*
11 *education expertise, resources, courses, and*
12 *other information through the use of elec-*
13 *tronic technologies and other techniques.*

14 *“(iv) Collaborative initiatives to iden-*
15 *tify, capture, and provide consistent access*
16 *to, and creation of, digital global library re-*
17 *sources that are beyond the capacity of any*
18 *single eligible entity receiving a grant*
19 *under this section or any single institution*
20 *of higher education, including the profes-*
21 *sional development of library staff.*

22 *“(v) Utilization of technology to create*
23 *open-source resources in international, area,*
24 *global, and foreign language studies that*
25 *are adaptable to multiple educational set-*

1 *tings and promote interdisciplinary part-*
2 *nerships between technologists, curriculum*
3 *designers, international and foreign lan-*
4 *guage education experts, language teachers,*
5 *and librarians.*

6 *“(B) Innovative curriculum, teaching, and*
7 *learning strategies, including the following:*

8 *“(i) New initiatives for collaborations*
9 *of disciplinary programs with foreign lan-*
10 *guage, area, global, and international stud-*
11 *ies, and education abroad programs that*
12 *address the internationalization of such dis-*
13 *ciplinary studies with the purpose of pro-*
14 *ducing globally competent graduates.*

15 *“(ii) Innovative collaborations between*
16 *established centers of international and for-*
17 *ign language education excellence and*
18 *underrepresented institutions and popu-*
19 *lations seeking to further their goals for*
20 *strengthening international, area, global,*
21 *and foreign language studies, including at*
22 *minority-serving institutions or community*
23 *colleges.*

24 *“(iii) Teaching and learning collabora-*
25 *tions among foreign language, area, global,*

1 *or other international studies with diaspora*
2 *communities, including heritage students.*

3 *“(iv) New approaches and methods to*
4 *teaching emerging global issues, cross-re-*
5 *gional interactions, and underrepresented*
6 *regions or countries, such as project- and*
7 *team-based learning.*

8 *“(C) Innovative assessment and outcome*
9 *tools and techniques that further the purposes de-*
10 *scribed in subsection (a), including the following:*

11 *“(i) International and foreign lan-*
12 *guage education assessment techniques that*
13 *are coupled with outcome-focused training*
14 *modules, such as certificates or badges, im-*
15 *mersion learning, or e-portfolio systems.*

16 *“(ii) Effective and easily accessible*
17 *methods of assessing professionally useful*
18 *levels of proficiency in foreign languages or*
19 *competencies in area, culture, and global*
20 *knowledge or other international fields in*
21 *programs under this title, which may in-*
22 *clude use of open access online and other*
23 *cost-effective tools for students and educators*
24 *at all educational levels and in the work-*
25 *place.*

1 “(f) *APPLICATION.*—*Each eligible entity desiring a*
2 *grant under this section shall submit to the Secretary an*
3 *application at such time, in such manner, and containing*
4 *such information as the Secretary shall require, includ-*
5 *ing—*

6 “(1) *a description of each proposed project the el-*
7 *igible entity plans to carry out under this section and*
8 *how such project meets the purposes described in sub-*
9 *section (a);*

10 “(2) *if applicable, a demonstration of why the*
11 *entity needs a waiver or reduction of the matching re-*
12 *quirement under subsection (g); and*

13 “(3) *an assurance that each such proposed*
14 *project will be self-sustainable after the grant term is*
15 *completed.*

16 “(g) *MATCHING REQUIREMENT.*—

17 “(1) *IN GENERAL.*—*The Federal share of the*
18 *total cost for carrying out a project supported by a*
19 *grant under this section shall be no more than 66.66*
20 *percent of the cost of the project.*

21 “(2) *NON-FEDERAL SHARE CONTRIBUTIONS.*—
22 *The non-Federal share of such cost may be provided*
23 *either in-kind or in cash, from institutional and non-*
24 *institutional funds, including contributions from*

1 *State or private sector corporations, nonprofits, or*
2 *foundations.*

3 “(3) *SPECIAL RULE.—The Secretary may waive*
4 *or reduce the share required under paragraph (1) for*
5 *eligible entities that—*

6 “(A) *are minority-serving institutions or*
7 *are community colleges; or*

8 “(B) *demonstrate need in an application*
9 *for such a waiver or reduction under subsection*
10 *(f)(2).*

11 “(h) *DATABASE AND REPORTING.—The Secretary shall*
12 *directly, or through grants or contracts with an eligible*
13 *grant recipient—*

14 “(1) *establish, curate, maintain, and update at*
15 *least every grant cycle, a publically available website*
16 *which shall showcase the results of this section and*
17 *serve as a user-friendly repository of the information,*
18 *resources, and best practices generated through activi-*
19 *ties conducted under this section; and*

20 “(2) *prepare, publish, and disseminate to Con-*
21 *gress and the public at least once every 5 years, a re-*
22 *port that summarizes key findings and policy issues*
23 *from the activities conducted under this section, in-*
24 *cluding as such activities relate to international and*
25 *foreign language education and outcomes.”.*

1 (c) *DISCONTINUATION OF FOREIGN INFORMATION AC-*
2 *CESS PROGRAM.*—Part A of title VI of the Higher Edu-
3 *cation Act of 1965 (20 U.S.C. 1121 et seq.) is further*
4 *amended by striking sections 606 and 610, and redesign-*
5 *ating sections 607, 608, and 609 as sections 606, 607, and*
6 *608, respectively.*

7 **SEC. 6002. GLOBAL BUSINESS AND PROFESSIONAL EDU-**
8 **CATION PROGRAMS.**

9 (a) *FINDINGS; PURPOSE.*—Section 611 of the Higher
10 *Education Act of 1965 (20 U.S.C. 1130) is amended—*

11 (1) *in subsection (a)—*

12 (A) *by amending paragraph (1) to read as*
13 *follows:*

14 “(1) *the future welfare of the United States will*
15 *depend substantially on increasing international and*
16 *global skills in business, educational, and other pro-*
17 *fessional communities and creating an awareness*
18 *among the American public of the internationaliza-*
19 *tion of our economy and numerous other professional*
20 *areas important to the national interest;”;*

21 (B) *by amending paragraph (2) to read as*
22 *follows:*

23 “(2) *concerted efforts are necessary to engage*
24 *business and other professional education and tech-*
25 *nical training programs, language, area, and global*

1 *study programs, professional international affairs*
2 *education programs, public and private sector organi-*
3 *zations, and United States' business community in a*
4 *mutually productive relationship which benefits the*
5 *Nation's future economic and security interests;”;*

6 (C) *in paragraph (3), by striking “and the*
7 *international” and inserting “and other profes-*
8 *sional fields and the international and global”;*
9 *and*

10 (D) *in paragraph (4)—*

11 (i) *by inserting “, as well as other pro-*
12 *fessional organizations” after “departments*
13 *of commerce”; and*

14 (ii) *by inserting “or other professions”*
15 *after “business”; and*

16 (2) *in subsection (b)—*

17 (A) *in paragraph (1)—*

18 (i) *by striking “and economic enter-*
19 *prise” and inserting “, economic enterprise,*
20 *and security”; and*

21 (ii) *by inserting “and other profes-*
22 *sional” before “personnel”; and*

23 (B) *in paragraph (2), by striking “to pros-*
24 *per in an international” and inserting “and*
25 *other professional fields to prosper in a global”.*

1 **(b) PROFESSIONAL AND TECHNICAL EDUCATION FOR**
2 *GLOBAL COMPETITIVENESS.*—Section 613 of the Higher
3 *Education Act of 1965 (20 U.S.C. 1130a)* is amended to
4 *read as follows:*

5 **“SEC. 613. PROFESSIONAL AND TECHNICAL EDUCATION**
6 **FOR GLOBAL COMPETITIVENESS.**

7 “(a) *PURPOSE.*—The purpose of this section is to sup-
8 *port innovative strategies that provide undergraduate and*
9 *graduate students with the global professional competencies,*
10 *perspectives, and skills needed to strengthen and enrich*
11 *global engagement and competitiveness in a wide variety*
12 *of professional and technical fields important to the na-*
13 *tional interest.*

14 “(b) *PROGRAM AUTHORIZED.*—The Secretary shall
15 *make grants to, or enter into contracts with eligible entities*
16 *to pay the Federal share of the cost of programs designed*
17 *to—*

18 “(1) *establish an interdisciplinary global focus*
19 *in the undergraduate and graduate curricula of busi-*
20 *ness, science, technology, engineering, and other pro-*
21 *fessional education and technical training programs*
22 *to be determined by the Secretary based on national*
23 *needs;*

24 “(2) *produce graduates with proficiencies in both*
25 *the global aspects of their professional education or*

1 *technical training fields and international, cross-cultural,*
2 *and foreign language skills; and*

3 “(3) *provide appropriate services to or partnerships with the corporate, government, and nonprofit communities in order to expand knowledge and capacity for global engagement and competitiveness and provide internship or employment opportunities for students and graduates with international skills.*

9 “(c) *MANDATORY ACTIVITIES.—An eligible entity that*
10 *receives a grant under this section shall use the grant to*
11 *carry out the following:*

12 “(1) *With respect to undergraduate or graduate professional education and technical training curricula, incorporating—*

15 “(A) *foreign language programs that lead to proficiency, including immersion opportunities;*

17 “(B) *international, area, or global studies programs;*

19 “(C) *education, internships, or other innovative or technological linkages abroad; and*

21 “(D) *global business, economic, and trade studies, where appropriate.*

23 “(2) *Innovating and improving international, global, and foreign language education curricula to*
24 *serve the needs of business and other professional and*
25

1 *nonprofit communities, including development of new*
2 *programs for nontraditional, mid-career, or part-time*
3 *students.*

4 *“(3) Establishing education or internship abroad*
5 *programs, domestic globally focused internships, or*
6 *other innovative approaches to enable undergraduate*
7 *or graduate students in professional education or*
8 *technical training to develop foreign language skills*
9 *and knowledge of foreign cultures, societies, and glob-*
10 *al dimensions of their professional fields.*

11 *“(4) Developing collaborations between institu-*
12 *tions of higher education and corporations or non-*
13 *profit organizations in order to strengthen engage-*
14 *ment and competitiveness in global business, trade, or*
15 *other global professional activities.*

16 *“(d) DISCRETIONARY ACTIVITIES.—An eligible entity*
17 *that receives a grant under this section may use the grant*
18 *to carry out the following:*

19 *“(1) Developing specialized teaching materials*
20 *and courses, including foreign language and area or*
21 *global studies materials, and innovative technological*
22 *delivery systems appropriate for professionally ori-*
23 *ented students.*

24 *“(2) Establishing student fellowships or other in-*
25 *novative support opportunities, including for under-*

1 *represented populations, first generation college stu-*
2 *dents (defined in section 402A(h)), and heritage*
3 *learners, for education and training in global profes-*
4 *sional development activities.*

5 *“(3) Developing opportunities or fellowships for*
6 *faculty or junior faculty of professional education or*
7 *technical training (including the faculty of minority-*
8 *serving institutions or community colleges) to acquire*
9 *or strengthen international and global skills and per-*
10 *spectives.*

11 *“(4) Creating institutes that take place over aca-*
12 *demie breaks, like the summer, including through*
13 *technological means, and cover foreign language,*
14 *world area, global, or other international studies in*
15 *learning areas of global business, science, technology,*
16 *engineering, or other professional education and*
17 *training fields.*

18 *“(5) Internationalizing curricula at minority-*
19 *serving institutions or community colleges to further*
20 *the purposes of this section.*

21 *“(6) Establishing international linkages or part-*
22 *nerships with institutions of higher education, cor-*
23 *porations, or organizations that contribute to the ob-*
24 *jectives of this section.*

1 “(7) *Developing programs to inform the public of*
2 *increasing global interdependence in professional edu-*
3 *cation and technical training fields.*

4 “(8) *Establishing trade education programs*
5 *through agreements with regional, national, global,*
6 *bilateral, or multilateral trade centers, councils, or*
7 *associations.*

8 “(e) *APPLICATION.—Each eligible entity desiring a*
9 *grant under this section shall submit an application to the*
10 *Secretary at such time, in such manner, and including such*
11 *information as the Secretary may reasonably require, in-*
12 *cluding assurances that—*

13 “(1) *each proposed project will be self-sustainable*
14 *after the grant term is completed;*

15 “(2) *the institution of higher education will use*
16 *the assistance provided under this section to supple-*
17 *ment and not supplant activities described in sub-*
18 *section (c) or (d) that are conducted by the institution*
19 *of higher education;*

20 “(3) *in the case of eligible entities that are con-*
21 *sortia of institutions of higher education, or partner-*
22 *ship described in subsection (g)(1)(C), a copy of their*
23 *partnership agreement that demonstrates compliance*
24 *with subsection (c) will be provided to the Secretary;*

1 “(4) *the activities funded by the grant will re-*
2 *flect diverse perspectives and a wide range of views of*
3 *world regions and international affairs where appli-*
4 *cable; and*

5 “(5) *if applicable, a demonstration of why the el-*
6 *igible entity needs a waiver or reduction of the*
7 *matching requirement under subsection (f).*

8 “(f) *MATCHING REQUIREMENT.—*

9 “(1) *IN GENERAL.—The Federal share of the*
10 *total cost for carrying out a program supported by a*
11 *grant under this section shall be not more than 50*
12 *percent of the total cost of the project.*

13 “(2) *NON-FEDERAL SHARE CONTRIBUTIONS.—*
14 *The non-Federal share of such cost may be provided*
15 *either in-kind or in cash, from institutional and non-*
16 *institutional funds, including contributions from*
17 *State and private sector corporations, nonprofits, or*
18 *foundations.*

19 “(3) *SPECIAL RULE.—The Secretary may waive*
20 *or reduce the share required under paragraph (1) for*
21 *eligible entities that—*

22 “(A) *are minority-serving institutions or*
23 *are community colleges; or*

1 “(B) have submitted a grant application as
2 required by subsection (e) that demonstrates a
3 need for such a waiver or reduction.

4 “(g) DEFINITIONS.—In this section:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible enti-
6 ty’ means—

7 “(A) an institution of higher education;

8 “(B) a consortia of such institutions; or

9 “(C) a partnership between—

10 “(i) an institution of higher education
11 or a consortia of such institutions; and

12 “(ii) at least one corporate or non-
13 profit entity.

14 “(2) PROFESSIONAL EDUCATION AND TECHNICAL
15 TRAINING.—The term ‘professional education and
16 technical training’ means a program at an institu-
17 tion of higher education that offers undergraduate,
18 graduate, or postgraduate level education in a profes-
19 sional or technical field that is determined by the Sec-
20 retary as meeting a national need for global or inter-
21 national competency (which may include business,
22 science, technology, engineering, law, health, energy,
23 environment, agriculture, transportation, or edu-
24 cation).

1 “(h) *FUNDING RULE.*—Notwithstanding any other
2 *provision of this title, funds made available to the Secretary*
3 *for a fiscal year may not be obligated or expended to carry*
4 *out this section unless the funds appropriated for such fiscal*
5 *year to carry out this title exceeds \$65,103,000.”.*

6 (c) *DISCONTINUATION OF CERTAIN AUTHORIZATIONS*
7 *OF APPROPRIATIONS.*—Part B of the Higher Education Act
8 of 1965 (20 U.S.C. 1130 et seq.) is further amended by strik-
9 ing section 614.

10 **SEC. 6003. REPEAL OF ASSISTANCE PROGRAM FOR INSTI-**
11 **TUTE FOR INTERNATIONAL PUBLIC POLICY.**

12 Part C of title VI of the Higher Education Act of 1965
13 (20 U.S.C. 1131 et seq.) is repealed.

14 **SEC. 6004. GENERAL PROVISIONS.**

15 (a) *DEFINITIONS.*—Section 631(a) of the Higher Edu-
16 *cation Act of 1965 (20 U.S.C. 1132(a)) is amended—*

17 (1) *in paragraph (9), by striking “and” at the*
18 *end;*

19 (2) *in paragraph (10), by striking the period at*
20 *the end and inserting a semicolon; and*

21 (3) *by adding at the end the following:*

22 “(11) *the term ‘community college’ has the mean-*
23 *ing given the term ‘junior or community college’ in*
24 *section 312(f);*

1 “(12) the term ‘heritage student’ means a post-
2 secondary student who—

3 “(A) was born in the United States to im-
4 migrant parents or immigrated to the United
5 States at an early age;

6 “(B) is proficient in English, but raised in
7 a family primarily speaking 1 or more lan-
8 guages of the country of origin; and

9 “(C) maintains a close affinity with the
10 family’s culture and language of origin; and

11 “(13) the term ‘minority-serving institution’
12 means an institution of higher education that is eligi-
13 ble to receive a grant under part A or B of title III
14 or title V.”.

15 (b) *MINORITY-SERVING INSTITUTIONS.*—Part D of
16 title VI of the Higher Education Act of 1965 (20 U.S.C.
17 1132 *et seq.*) is amended—

18 (1) by striking section 637;

19 (2) by redesignating section 638 as section 637;

20 and

21 (3) by inserting after section 637, as so redesi-
22 gnated, the following:

1 **“SEC. 638. PRIORITY TO MINORITY-SERVING INSTITUTIONS.**

2 “(a) *PRIORITY.*—*In seeking applications and award-*
3 *ing grants under this title, the Secretary, may give priority*
4 *to—*

5 “(1) *minority-serving institutions; or*

6 “(2) *institutions of higher education that apply*
7 *for such grants that propose significant and sustained*
8 *collaborative activities with one or more minority-*
9 *serving institutions.*

10 “(b) *TECHNICAL ASSISTANCE.*—*The Secretary shall*
11 *provide technical assistance to minority-serving institu-*
12 *tions to ensure maximum distribution of grants to eligible*
13 *minority-serving institutions and among each category of*
14 *such institutions.”.*

15 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—*Part D of*
16 *title VI of the Higher Education Act of 1965 (20 U.S.C.*
17 *1132 et seq.) is further amended by adding at the end the*
18 *following new section:*

19 **“SEC. 639. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) *IN GENERAL.*—*Subject to subsection (b), there are*
21 *authorized to be appropriated to carry out this title*
22 *\$125,000,000 for fiscal year 2021 and each of the 5 suc-*
23 *ceeding fiscal years.*

24 “(b) *ADJUSTMENT FOR INFLATION.*—

25 “(1) *IN GENERAL.*—*The amount authorized to be*
26 *appropriated under subsection (a) for fiscal year 2022*

1 and each of the 4 succeeding fiscal years shall be
2 deemed increased by a percentage equal to the annual
3 adjustment percentage.

4 “(2) *DEFINITION.*—In this subsection, the term
5 ‘annual adjustment percentage’ as applied to a fiscal
6 year, means the estimated percentage change in the
7 Consumer Price Index (as determined by the Sec-
8 retary, using the definition in section 478(f)) for the
9 most recent calendar year ending prior to the begin-
10 ning of that fiscal year.”.

11 **TITLE VII—GRADUATE AND**
12 **POSTSECONDARY IMPROVE-**
13 **MENT PROGRAMS**

14 **SEC. 7001. GRADUATE ASSISTANCE IN AREAS OF NATIONAL**
15 **NEED.**

16 Section 716 of the Higher Education Act of 1965 (20
17 U.S.C. 1135e) is amended by striking “2009” and inserting
18 “2021”.

19 **SEC. 7002. GRADUATE EDUCATION PROGRAMS.**

20 (a) *HBCU.*—Section 723 of the Higher Education Act
21 of 1965 (20 U.S.C. 1136a) is amended—

22 (1) in subsection (b)(1), by adding at the end the
23 following:

24 “(S) Each institution not listed under sub-
25 paragraphs (A) through (R) that is eligible to re-

1 *ceive funds under part B of title III and that of-*
2 *fers a qualified masters degree program.”;*

3 (2) *in subsection (e), by striking “or 724” and*
4 *inserting “or 724, or subpart 5 or 6 of this part”;*
5 *and*

6 (3) *in subsection (f)(3)—*

7 (A) *by striking “any amount in excess of*
8 *\$9,000,000” and inserting “after the application*
9 *of paragraph (2), the remaining amount”;* and

10 (B) *by striking “(R)” and inserting “(S)”.*

11 (b) *PREDOMINANTLY BLACK INSTITUTIONS.—Section*
12 *724 of the Higher Education Act of 1965 (20 U.S.C. 1136b)*
13 *is amended—*

14 (1) *in subsection (b)(1), by adding at the end the*
15 *following:*

16 *“(F) Each institution not listed in subpara-*
17 *graph (A) through (E) that is eligible to receive*
18 *funds under section 318 and that offers a quali-*
19 *fied masters degree program.”;*

20 (2) *in subsection (e), by striking “or 723” and*
21 *inserting “or 723, or subpart 5 or 6”;* and

22 (3) *in subsection (f)(3), in the matter preceding*
23 *subparagraph (A)—*

1 (A) by striking “any amount in excess of
2 \$2,500,000” and inserting “after the application
3 of paragraph (2), any remaining amount”; and

4 (B) by striking “(E)” and inserting “(F)”.

5 (c) *ENHANCING SUPPORT FOR ASIAN AMERICAN AND*
6 *NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITU-*
7 *TIONS AND TRIBAL COLLEGES AND UNIVERSITIES.—Part*
8 *A of title VII of the Higher Education Act of 1965 (20*
9 *U.S.C. 1134 et seq.) is amended—*

10 (1) *in section 731—*

11 (A) by striking “1 through 4” each place it
12 appears (including in the section heading) and
13 inserting “1 through 6”; and

14 (B) by striking “subpart 1, 2, 3, or 4” and
15 inserting “subparts 1 through 6”;

16 (2) by redesignating subpart 5 as subpart 7;

17 (3) by redesignating section 731 as section 735;

18 and

19 (4) by inserting after subpart 4 the following:

20 **“Subpart 5—Graduate Opportunities at Asian Amer-**
21 **ican and Native American Pacific Islander Serv-**
22 **ing Institutions**

23 **“SEC. 726. GRANT PROGRAM ESTABLISHED.**

24 “(a) *IN GENERAL.—Subject to the availability of funds*
25 *appropriated to carry out this subpart, the Secretary shall*

1 *award grants, on a competitive basis, to eligible institutions*
2 *to enable the eligible institutions to carry out the activities*
3 *described in section 727.*

4 “(b) *AWARD OF GRANT FUNDS.*—*Of the funds appro-*
5 *priated to carry out this subpart for a fiscal year, the Sec-*
6 *retary—*

7 “(1) *shall reserve—*

8 “(A) *not less than one-third of such funds to*
9 *award grants to carry out the activities de-*
10 *scribed in section 727(b); and*

11 “(B) *not less than one-third of such funds*
12 *to award grants to carry out the activities de-*
13 *scribed in section 727(c); and*

14 “(2) *may use the amount of funds remaining*
15 *after the reservation required under paragraph (1) to*
16 *award grants to carry out the activities described in*
17 *subsections (b) and (c) of section 727.*

18 “(c) *DURATION.*—*Grants under this subpart shall be*
19 *awarded for a period not to exceed five years.*

20 “(d) *LIMITATION ON NUMBER OF AWARDS.*—*The Sec-*
21 *retary may not award more than one grant under this sub-*
22 *part in any fiscal year to any Asian American and Native*
23 *American Pacific Islander-serving institutions.*

24 “(e) *APPLICATION.*—*Any eligible institution may*
25 *apply for a grant under this subpart by submitting an ap-*

1 *plication to the Secretary at such time and in such manner*
2 *as the Secretary may require. Such application shall dem-*
3 *onstrate how the grant funds will be used to improve*
4 *postbaccalaureate education opportunities for Asian Amer-*
5 *ican and Native American Pacific Islander and low-income*
6 *students.*

7 “(f) *INTERACTION WITH OTHER GRANT PROGRAMS.—*
8 *No institution that is eligible for and receives an award*
9 *under section 326, 512, 723, or 724, or subpart 6 of this*
10 *part for a fiscal year shall be eligible to apply for a grant,*
11 *or receive grant funds, under this subpart for the same fis-*
12 *cal year.*

13 “(g) *ELIGIBLE INSTITUTION DEFINED.—For the pur-*
14 *poses of this subpart, an ‘eligible institution’ means an in-*
15 *stitution of higher education that—*

16 “(1) *is an Asian-American and Native American*
17 *Pacific Islander-serving institution (as defined in sec-*
18 *tion 320); and*

19 “(2) *offers a postbaccalaureate certificate or*
20 *postbaccalaureate degree granting program.*

21 **“SEC. 727. USE OF FUNDS.**

22 “(a) *IN GENERAL.—*

23 “(1) *ACTIVITIES.—An eligible institution that*
24 *receives a grant under this subpart shall use such*
25 *funds to carry out—*

1 “(A) one or more of the activities described
2 in subsection (b); or

3 “(B) one or more of the activities described
4 in subsection (c).

5 “(2) *REQUIREMENT.*—An eligible institution
6 that receives a grant under this subpart may not use
7 such funds for activities under both subsections (b)
8 and (c).

9 “(b) *GRADUATE PROGRAM ACTIVITIES.*—Grants
10 awarded under this subpart may be used for one or more
11 of the following activities promoting postbaccalaureate op-
12 portunities for Asian American and Native American Pa-
13 cific Islander students:

14 “(1) Purchase, rental, or lease of scientific or
15 laboratory equipment for educational purposes, in-
16 cluding instructional and research purposes.

17 “(2) Construction, maintenance, renovation, and
18 improvement of classrooms, libraries, laboratories,
19 and other instructional facilities, including purchase
20 or rental of telecommunications technology equipment
21 or services.

22 “(3) Purchase of library books, periodicals, tech-
23 nical and other scientific journals, microfilm, micro-
24 fiche, and other educational materials, including tele-
25 communications program materials.

1 “(4) *Support for low-income postbaccalaureate*
2 *students including outreach, academic support serv-*
3 *ices and mentoring, scholarships, fellowships, and*
4 *other financial assistance to permit the enrollment of*
5 *such students in postbaccalaureate certificate and*
6 *postbaccalaureate degree granting programs.*

7 “(5) *Creating or improving facilities for Internet*
8 *or other distance education technologies, including*
9 *purchase or rental of telecommunications technology*
10 *equipment or services.*

11 “(6) *Collaboration with other institutions of*
12 *higher education to expand postbaccalaureate certifi-*
13 *cate and postbaccalaureate degree offerings.*

14 “(7) *Other activities proposed in the application*
15 *submitted pursuant to section 726 that—*

16 “(A) *contribute to carrying out the purposes*
17 *of this subpart; and*

18 “(B) *are approved by the Secretary as part*
19 *of the review and acceptance of such application.*

20 “(c) *FACULTY DEVELOPMENT ACTIVITIES.—Grants*
21 *awarded under this subpart may be used for one or more*
22 *of the following activities for faculty development:*

23 “(1) *Support of faculty exchanges, faculty devel-*
24 *opment, faculty research, curriculum development,*
25 *and academic instruction.*

1 “(2) *Financial support to graduate students*
2 *planning to pursue academic careers who desire to be-*
3 *come faculty at Asian American and Native Amer-*
4 *ican Pacific Islander-serving institutions.*

5 “(3) *Career services in preparing for an aca-*
6 *demie career and identifying opportunities.*

7 “(4) *Developing partnerships between Asian*
8 *American and Native American Pacific Islander-serv-*
9 *ing institutions to facilitate connections between*
10 *graduate students and hiring institutions.*

11 “(5) *Faculty recruitment efforts with an empha-*
12 *sis on graduates from Asian American and Native*
13 *American Pacific Islander-serving institutions and*
14 *other minority-serving institutions.*

15 “(6) *Recruitment and retention incentives to*
16 *allow Asian American and Native American Pacific*
17 *Islander-serving institutions to make competitive of-*
18 *fers to potential faculty, including use of funds for*
19 *student loan repayment.*

20 “(7) *Research support for early career faculty.*

21 “(8) *Other activities proposed in the application*
22 *submitted pursuant to section 726 that—*

23 “(A) *contribute to carrying out the purposes*
24 *of this subpart; and*

1 “(B) are approved by the Secretary as part
2 of the review and acceptance of such application.

3 **“SEC. 728. AUTHORIZATION OF APPROPRIATIONS.**

4 “*There is authorized to be appropriated to carry out*
5 *this subpart \$30,000,000 for fiscal year 2021 and each of*
6 *the 5 succeeding fiscal years.*

7 **“Subpart 6—Graduate Opportunities at Tribal**
8 **Colleges and Universities**

9 **“SEC. 729. GRANT PROGRAM ESTABLISHED.**

10 “(a) *IN GENERAL.*—*Subject to the availability of funds*
11 *appropriated to carry out this subpart, the Secretary shall*
12 *award grants, on a competitive basis, to eligible institutions*
13 *to enable the eligible institutions to carry out the activities*
14 *described in section 730.*

15 “(b) *AWARD OF GRANT FUNDS.*—*Of the funds appro-*
16 *priated to carry out this subpart for a fiscal year, the Sec-*
17 *retary—*

18 “(1) *shall reserve—*

19 “(A) *not less than one-third of such funds to*
20 *award grants to carry out the activities de-*
21 *scribed in section 730(b); and*

22 “(B) *not less than one-third of such funds*
23 *to award grants to carry out the activities de-*
24 *scribed in section 730(c); and*

1 “(2) may use the amount of funds remaining
2 after the reservation required under paragraph (1) to
3 award grants to carry out the activities described in
4 subsections (b) and (c) of section 730.

5 “(c) *DURATION.*—Grants under this part shall be
6 awarded for a period not to exceed five years.

7 “(d) *LIMITATION ON NUMBER OF AWARDS.*—The Sec-
8 retary may not award more than one grant under this sub-
9 part in any fiscal year to any Tribal College and Univer-
10 sity.

11 “(e) *APPLICATION.*—Any eligible institution may
12 apply for a grant under this subpart by submitting an ap-
13 plication to the Secretary at such time and in such manner
14 as the Secretary may require. Such application shall dem-
15 onstrate how the grant funds will be used to improve
16 postbaccalaureate education opportunities for American In-
17 dian and Alaska Native students.

18 “(f) *INTERACTION WITH OTHER GRANT PROGRAMS.*—
19 No institution that is eligible for and receives an award
20 under section 326, 512, 723, or 724, or subpart 5 of this
21 part for a fiscal year shall be eligible to apply for a grant,
22 or receive grant funds, under this section for the same fiscal
23 year.

1 “(g) *ELIGIBLE INSTITUTION DEFINED.*—For the pur-
2 poses of this subpart, an ‘eligible institution’ means an in-
3 stitution of higher education that—

4 “(1) is a Tribal College or University (as defined
5 in section 316); and

6 “(2) offers a postbaccalaureate certificate or
7 postbaccalaureate degree granting program.

8 **“SEC. 730. USE OF FUNDS.**

9 “(a) *IN GENERAL.*—

10 “(1) *ACTIVITIES.*—An eligible institution that
11 receives a grant under this subpart shall use such
12 funds to carry out—

13 “(A) one or more of the activities described
14 in subsection (b); or

15 “(B) one or more of the activities described
16 in subsection (c).

17 “(2) *REQUIREMENT.*—An eligible institution
18 that receives a grant under this subpart may not use
19 such funds for activities under both subsections (b)
20 and (c).

21 “(b) *GRADUATE PROGRAM ACTIVITIES.*—Grants
22 awarded under this subpart may be used for one or more
23 of the following activities promoting postbaccalaureate op-
24 portunities for American Indian and Alaska Native stu-
25 dents:

1 “(1) *Purchase, rental, or lease of scientific or*
2 *laboratory equipment for educational purposes, in-*
3 *cluding instructional and research purposes.*

4 “(2) *Construction, maintenance, renovation, and*
5 *improvement of classrooms, libraries, laboratories,*
6 *and other instructional facilities, including purchase*
7 *or rental of telecommunications technology equipment*
8 *or services.*

9 “(3) *Purchase of library books, periodicals, tech-*
10 *nical and other scientific journals, microfilm, micro-*
11 *fiche, and other educational materials, including tele-*
12 *communications program materials.*

13 “(4) *Support for American Indian and Alaska*
14 *Native postbaccalaureate students including outreach,*
15 *academic support services and mentoring, scholar-*
16 *ships, fellowships, and other financial assistance to*
17 *permit the enrollment of such students in*
18 *postbaccalaureate certificate and postbaccalaureate*
19 *degree granting programs.*

20 “(5) *Creating or improving facilities for Internet*
21 *or other distance education technologies, including*
22 *purchase or rental of telecommunications technology*
23 *equipment or services.*

1 “(6) *Collaboration with other institutions of*
2 *higher education to expand postbaccalaureate certifi-*
3 *cate and postbaccalaureate degree offerings.*

4 “(7) *Other activities proposed in the application*
5 *submitted pursuant to section 729 that—*

6 “(A) *contribute to carrying out the purposes*
7 *of this subpart; and*

8 “(B) *are approved by the Secretary as part*
9 *of the review and acceptance of such application.*

10 “(c) *FACULTY DEVELOPMENT ACTIVITIES.—Grants*
11 *awarded under this subpart may be used for one or more*
12 *of the following activities for faculty development:*

13 “(1) *Support of faculty exchanges, faculty devel-*
14 *opment, faculty research, curriculum development,*
15 *and academic instruction.*

16 “(2) *Financial support to graduate students*
17 *planning to pursue academic careers who desire to be-*
18 *come faculty at Tribal Colleges and Universities.*

19 “(3) *Career services in preparing for an aca-*
20 *demie career and identifying opportunities.*

21 “(4) *Developing partnerships between Tribal*
22 *Colleges and Universities to facilitate connections be-*
23 *tween graduate students and hiring institutions.*

1 “(5) *Faculty recruitment efforts with an empha-*
2 *sis on graduates from Tribal Colleges and Univer-*
3 *sities and other minority-serving institutions.*

4 “(6) *Recruitment and retention incentives to*
5 *allow Tribal Colleges and Universities to make com-*
6 *petitive offers to potential faculty, including use of*
7 *funds for student loan repayment.*

8 “(7) *Research support for early career faculty.*

9 “(8) *Other activities proposed in the application*
10 *submitted pursuant to section 729 that—*

11 “(A) *contribute to carrying out the purposes*
12 *of this subpart; and*

13 “(B) *are approved by the Secretary as part*
14 *of the review and acceptance of such application.*

15 **“SEC. 731. AUTHORIZATION OF APPROPRIATIONS.**

16 *“There is authorized to be appropriated to carry out*
17 *this subpart \$5,000,000 for fiscal year 2021 and each of*
18 *the 5 succeeding fiscal years.”.*

19 **SEC. 7003. FUND FOR THE IMPROVEMENT OF POSTSEC-**
20 **ONDARY EDUCATION.**

21 *Section 745 of the Higher Education Act of 1965 (20*
22 *U.S.C. 1138d) is amended by striking “2009” and inserting*
23 *“2021”.*

1 **SEC. 7004. MINORITY-SERVING INSTITUTIONS INNOVATION**

2 **FUND.**

3 *Title VII of the Higher Education Act of 1965 (20*
4 *U.S.C. 1133 et seq.) is amended by inserting after part B*
5 *the following:*

6 **“PART C—FUNDING INNOVATIONS AT MINORITY-**
7 **SERVING INSTITUTIONS**

8 **“SEC. 751. PURPOSE.**

9 *“It is the purpose of this part to assist minority-serv-*
10 *ing institutions in planning, developing, implementing,*
11 *validating, and replicating innovations that provide solu-*
12 *tions to persistent challenges in enabling economically and*
13 *educationally disadvantaged students to enroll in, persist*
14 *through, and graduate from college, including innovations*
15 *designed to—*

16 *“(1) increase the successful recruitment at mi-*
17 *nority-serving institutions of—*

18 *“(A) students from low-income families of*
19 *all races;*

20 *“(B) students who begin college when over*
21 *21 years of age; and*

22 *“(C) military-affiliated students;*

23 *“(2) increase the rate at which students enrolled*
24 *in minority-serving institutions make adequate or ac-*
25 *celerated progress toward graduation, and successfully*
26 *graduate from such institutions;*

1 “(3) increase the number of students pursuing
2 and completing degrees in science, technology, engi-
3 neering, and mathematics at minority-serving insti-
4 tutions and pursuing graduate work in such fields,
5 including through the establishment of innovation eco-
6 systems on the campuses of such institutions;

7 “(4) redesign course offerings and other instruc-
8 tional strategies at minority-serving institutions to
9 improve student outcomes and reduce postsecondary
10 education costs;

11 “(5) enhance the quality and number of tradi-
12 tional and alternative route teacher preparation pro-
13 grams offered by minority-serving institutions;

14 “(6) expand the effective use of technology at mi-
15 nority-serving institutions; and

16 “(7) strengthen postgraduate employment out-
17 comes for students enrolled in minority-serving insti-
18 tutions.

19 **“SEC. 752. DEFINITION.**

20 *“In this part:*

21 “(1) *ELIGIBLE ENTITY.*—The term ‘eligible enti-
22 ty’ means—

23 “(A) a minority-serving institution; or

24 “(B) a consortium of a minority-serving in-
25 stitution and—

1 “(i) one or more other institutions of
2 higher education;

3 “(ii) a private nonprofit organization;

4 “(iii) a local educational agency;

5 “(iv) a high school that—

6 “(I) receives funding under part
7 A of title I of the Elementary and Sec-
8 ondary Education Act of 1965 (20
9 U.S.C. 6311 et seq.); and

10 “(II) has been identified for com-
11 prehensive support and improvement
12 under section 1111(c)(4)(D)(i) of such
13 Act (20 U.S.C. 6311(c)(4)(D)(i)); or

14 “(v) any combination of the entities
15 described in clauses (i) through (iv).

16 “(2) *MINORITY SERVING INSTITUTION.*—The
17 term ‘minority serving institution’ means an institu-
18 tion of higher education described in paragraph (1),
19 (2), (3), (4), (5), (6), or (7) of section 371(a).

20 **“SEC. 753. GRANTS AUTHORIZED.**

21 “(a) *IN GENERAL.*—Except as provided in subsection
22 (b)(2), with the funds made available for this part under
23 section 757, the Secretary shall make planning and imple-
24 mentation grants, as described in subsections (b) and (c),
25 to eligible entities to enable such entities to plan for the

1 *implementation of, in the case of a planning grant, and*
2 *implement, in the case of an implementation grant, innova-*
3 *tions described in section 751 and to support the planning,*
4 *development, implementation, validation, scaling up, and*
5 *replication of such innovations.*

6 “(b) *PLANNING GRANTS.*—

7 “(1) *IN GENERAL.*—*Except as provided in para-*
8 *graph (2), with the funds made available under sec-*
9 *tion 757 for a fiscal year, the Secretary shall use not*
10 *more than 5 percent or \$42,500,000 (whichever is*
11 *greater) to award planning grants to enable eligible*
12 *entities to plan, design, and develop innovations de-*
13 *scribed in section 751.*

14 “(2) *TYPE OF INSTITUTION.*—*Planning grants*
15 *shall be awarded to minority-serving institutions in*
16 *proportion to the allocations made in subparagraphs*
17 *(A) through (G) of section 757(1).*

18 “(3) *ORDER OF CONSIDERATION.*—*Subject to*
19 *paragraph (2) and the priority described in section*
20 *755(a), planning grants shall be awarded to eligible*
21 *entities satisfying the application requirements under*
22 *section 754 in the order in which received by the Sec-*
23 *retary.*

1 “(4) *DURATION.*—*A planning grant authorized*
2 *under this subsection shall be for the duration of 1*
3 *year.*

4 “(5) *GRANT AMOUNTS.*—*Each planning grant*
5 *authorized under this subsection shall be in an*
6 *amount that is not more than \$150,000.*

7 “(c) *IMPLEMENTATION GRANTS.*—

8 “(1) *IN GENERAL.*—*With funds made available*
9 *for this part under section 757, the Secretary shall*
10 *award implementation grants on a competitive basis*
11 *to enable eligible entities to further develop, pilot,*
12 *field-test, implement, document, validate, and, as ap-*
13 *plicable, scale up and replicate, innovations described*
14 *in section 751.*

15 “(2) *DURATION.*—*An implementation grant au-*
16 *thorized under this subsection shall be for a duration*
17 *of 5 years, except that the Secretary may not continue*
18 *providing funds under the grant after year 3 of the*
19 *grant period unless the eligible entity demonstrates*
20 *that the entity has achieved satisfactory progress to-*
21 *ward carrying out the educational innovations, ac-*
22 *tivities, and projects described in their application*
23 *pursuant to section 754(d), as determined by the Sec-*
24 *retary.*

1 “(3) *GRANT AMOUNT.*—*Each implementation*
2 *grant authorized under this subsection shall be in an*
3 *amount sufficient to enable the eligible entity to*
4 *achieve the purposes of its proposed activities and*
5 *projects, but shall not exceed \$10,000,000.*

6 “(d) *SPECIAL RULES FOR CONSORTIUMS.*—

7 “(1) *FISCAL AGENT.*—

8 “(A) *IN GENERAL.*—*In the case of an eligi-*
9 *ble entity applying for a grant under this part*
10 *as a consortium, each member of the consortium*
11 *shall agree on 1 such member of such eligibility*
12 *entity to serve as a fiscal agent of such entity.*

13 “(B) *RESPONSIBILITIES.*—*The fiscal agent*
14 *of an eligible entity, as described in subpara-*
15 *graph (A), shall act on behalf of such entity in*
16 *performing the financial duties of such entity*
17 *under this part.*

18 “(C) *WRITTEN AGREEMENT.*—*The agree-*
19 *ment described in subparagraph (A) shall be in*
20 *writing and signed by each member of the con-*
21 *sortium.*

22 “(2) *SUBGRANTS.*—*In the case of an eligible en-*
23 *tity applying for a grant under this part as a consor-*
24 *tium, the fiscal agent for such entity (as described in*
25 *paragraph (1)) may use the funds provided by the*

1 *grant to make subgrants to members of the consor-*
2 *tium.*

3 **“SEC. 754. APPLICATIONS.**

4 “(a) *IN GENERAL.*—*An eligible entity desiring to re-*
5 *ceive a grant under this part shall submit an application*
6 *to the Secretary at such time, in such manner, and con-*
7 *taining such information as the Secretary may reasonably*
8 *require.*

9 “(b) *CONSORTIUM ENTITIES.*—*An application under*
10 *this section which is submitted by an eligible entity apply-*
11 *ing as a consortium shall include the written agreement de-*
12 *scribed in section 753(d)(1)(C).*

13 “(c) *PLANNING GRANTS.*—*The Secretary shall ensure*
14 *that the application requirements under this section for a*
15 *planning grant authorized under section 753(b) include, in*
16 *addition to the requirement in subsection (b) (if applicable),*
17 *only those minimal requirements that are necessary to re-*
18 *view the proposed process of an eligible entity for the plan-*
19 *ning, design, and development of one or more of the innova-*
20 *tions described in section 751.*

21 “(d) *IMPLEMENTATION GRANTS.*—*An application*
22 *under this section for an innovation grant authorized under*
23 *section 753(c) shall include, in addition to the requirement*
24 *under subsection (b) (if applicable), descriptions of—*

1 “(1) each innovation described in section 751
2 that the eligible entity would implement using the
3 funds made available by such grant, including, as ap-
4 plicable, a description of the evidence base supporting
5 such innovation;

6 “(2) how each such innovation will address the
7 purpose of this part, as described in section 751, and
8 how each such innovation will further the institu-
9 tional or organizational mission of the minority-serv-
10 ing institution that is part of the eligible entity;

11 “(3) the specific activities that the eligible entity
12 will carry out with funds made available by such
13 grant, including, in the case of an eligible entity ap-
14 plying as a consortium, a description of the activities
15 that each member of the consortium will carry out
16 and a description of the capacity of each such member
17 to carry out those activities;

18 “(4) the performance measures that the eligible
19 entity will use to track its progress in implementing
20 each such innovation, including a description of how
21 the entity will implement those performance measures
22 and use information on performance to make adjust-
23 ments and improvements to its implementation ac-
24 tivities, as needed, over the course of the grant period;

1 “(5) how the eligible entity will provide for an
2 independent evaluation of the implementation and
3 impact of the projects funded by such grant, includ-
4 ing—

5 “(A) an interim report (evaluating the
6 progress made in the first 3 years of the grant);
7 and

8 “(B) a final report (completed at the end of
9 the grant period); and

10 “(6) the plan of the eligible entity for continuing
11 each proposed innovation after the grant has ended.

12 **“SEC. 755. PRIORITY.**

13 “(a) *PLANNING GRANTS.*—In awarding planning
14 grants under this part, the Secretary shall give priority to
15 applications that were submitted with respect to the prior
16 award year, but did not receive a planning grant due to
17 insufficient funds.

18 “(b) *IMPLEMENTATION GRANTS.*—In awarding imple-
19 mentation grants under this part, the Secretary shall
20 give—

21 “(1) first priority to applications for programs
22 at minority-serving institutions that have not pre-
23 viously received an implementation grant under this
24 part; and

1 “(2) second priority to applications that address
2 issues of major national need, including—

3 “(A) innovative partnerships between mi-
4 nority-serving institutions and local educational
5 agencies that are designed to increase the enroll-
6 ment of historically underrepresented popu-
7 lations in higher education;

8 “(B) educational innovations designed to
9 increase the rate of postsecondary degree attain-
10 ment for populations within minority groups
11 that have low relative rates of postsecondary de-
12 gree attainment;

13 “(C) educational innovations that support
14 programs and initiatives at minority-serving in-
15 stitutions to enhance undergraduate and grad-
16 uate programs in science, technology, engineer-
17 ing, and mathematics;

18 “(D) innovative partnerships between mi-
19 nority-serving institutions and other organiza-
20 tions to establish innovation ecosystems in sup-
21 port of economic development, entrepreneurship,
22 and the commercialization of technology sup-
23 ported by research funded through this grant;

24 “(E) educational innovations that enhance
25 the quality and number of traditional and alter-

1 *native route teacher preparation programs at*
2 *minority-serving institutions to enable teachers*
3 *to be highly effective in the classroom and to en-*
4 *able such programs to meet the demands for di-*
5 *versity and accountability in teacher education;*
6 *and*

7 *“(F) educational innovations that strength-*
8 *en postgraduate employment outcomes of minor-*
9 *ity-serving institutions through the implementa-*
10 *tion of comprehensive and strategic career path-*
11 *ways for students.*

12 **“SEC. 756. USES OF FUNDS.**

13 *“(a) PLANNING GRANTS.—An eligible entity receiving*
14 *a planning grant under section 753(b) shall use funds made*
15 *available by such grant to conduct an institutional plan-*
16 *ning process that includes—*

17 *“(1) an assessment of the needs of the minority-*
18 *serving institution;*

19 *“(2) research on educational innovations de-*
20 *scribed in section 751 that will meet the needs de-*
21 *scribed in paragraph (1);*

22 *“(3) the selection of one or more such educational*
23 *innovations for implementation;*

1 “(4) an assessment of the capacity of the minor-
2 ity-serving institution to implement such educational
3 innovation; and

4 “(5) activities to further develop such capacity.

5 “(b) *IMPLEMENTATION GRANTS.*—An eligible entity
6 receiving an implementation grant under section 753(c)
7 shall use the funds made available by such grant to further
8 develop, pilot, field-test, implement, document, validate,
9 and, as applicable, scale up, and replicate innovations de-
10 scribed in section 751, such as innovations designed to—

11 “(1) create a college-bound culture at secondary
12 schools (including efforts targeting high-achieving stu-
13 dents from low-income families) through activities un-
14 dertaken in partnership with local educational agen-
15 cies and nonprofit organizations, such as—

16 “(A) activities that promote postsecondary
17 school awareness, including recruitment, orga-
18 nizing campus visits, and providing assistance
19 with entrance and financial aid application
20 completion; and

21 “(B) postsecondary school preparation ef-
22 forts such as—

23 “(i) aligning high school coursework
24 and high school graduation requirements
25 with the requirements for entrance into

1 *credit-bearing coursework at 4-year institu-*
2 *tions of higher education;*

3 *“(ii) early identification and support*
4 *for students at risk of not graduating from*
5 *high school, or at risk of requiring remedi-*
6 *ation upon enrolling in postsecondary edu-*
7 *cation; and*

8 *“(iii) dual-enrollment programs;*

9 *“(2) improve student achievement, such as*
10 *through activities designed to increase the number or*
11 *percentage of students who successfully complete devel-*
12 *opmental or remedial coursework (which may be ac-*
13 *complished through the evidence-based redesign of*
14 *such coursework) and pursue and succeed in postsec-*
15 *ondary studies;*

16 *“(3) increase the number of minority males who*
17 *attain a postsecondary degree, such as through evi-*
18 *dence-based interventions that integrate academic ad-*
19 *vising with social and cultural supports and assist-*
20 *ance with job placement;*

21 *“(4) increase the number or percentage of stu-*
22 *dents who make satisfactory or accelerated progress*
23 *toward graduation from postsecondary school and the*
24 *number or percentage who graduate from postsec-*
25 *ondary school on time, such as through the provision*

1 *of comprehensive academic and nonacademic student*
2 *support services.*

3 “(5) *activities to promote a positive climate on*
4 *campuses of institutions of higher education and to*
5 *increase the sense of belonging among eligible stu-*
6 *dents, including through first year support programs*
7 *such as mentoring and peer networks and advisories;*

8 “(6) *increase the number or percentage of stu-*
9 *dents, particularly students who are members of his-*
10 *torically underrepresented populations, who enroll in*
11 *science, technology, engineering, and mathematics*
12 *courses, graduate with degrees in such fields, and pur-*
13 *sue advanced studies in such fields;*

14 “(7) *develop partnerships between minority-serv-*
15 *ing institutions and other organizations to establish*
16 *innovation ecosystems in support of economic develop-*
17 *ment, entrepreneurship, and the commercialization of*
18 *technology supported by funded research;*

19 “(8) *implement evidence-based improvements to*
20 *courses, particularly high-enrollment courses, to im-*
21 *prove student outcomes and reduce education costs for*
22 *students, including costs of remedial courses;*

23 “(9) *enhance the quality and number of tradi-*
24 *tional and alternative route teacher and school leader*
25 *preparation programs at minority-serving institu-*

1 *tions that enable graduates to be profession-ready and*
2 *highly effective in the classroom and to enable such*
3 *programs to meet the demands for diversity and ac-*
4 *countability in educator preparation;*

5 *“(10) expand the effective use of technology in*
6 *higher education, such as through collaboration be-*
7 *tween institutions on implementing technology-en-*
8 *abled delivery models (including hybrid models) or*
9 *through the use of open educational resources and dig-*
10 *ital content;*

11 *“(11) strengthen postgraduate employment out-*
12 *comes through the implementation of comprehensive*
13 *and strategic career pathways for students, which*
14 *may include aligning curricula with workforce needs,*
15 *experiential learning, integration of career services,*
16 *and developing partnerships with employers and*
17 *business organizations; and*

18 *“(12) provide a continuum of solutions by incor-*
19 *porating activities that address multiple objectives de-*
20 *scribed in paragraphs (1) through (11).*

21 **“SEC. 757. AUTHORIZATION OF APPROPRIATIONS.**

22 *“There are authorized to be appropriated to carry out*
23 *activities under this part \$850,000,000 for fiscal year 2021*
24 *and each of the 5 succeeding fiscal years, to be allocated*
25 *as follows:*

1 “(1) for institutions described in paragraph (1)
2 of section 371(a), \$224,987,083;

3 “(2) for institutions described in paragraph (2)
4 of section 371(a), \$214,446,428;

5 “(3) for institutions described in paragraph (3)
6 of section 371(a), \$78,056,743;

7 “(4) for institutions described in paragraph (4)
8 of section 371(a), \$20,662,079;

9 “(5) for institutions described in paragraph (5)
10 of section 371(a), \$130,859,834;

11 “(6) for institutions described in paragraph (6)
12 of section 371(a), \$122,305,533; and

13 “(7) for institutions described in paragraph (7)
14 of section 371(a), \$58,682,300.”

15 **SEC. 7005. DEFINITIONS.**

16 Section 760 of the Higher Education Act of 1965 (20
17 U.S.C. 1140) is amended to read as follows:

18 **“SEC. 760. DEFINITIONS.**

19 *“In this part:*

20 “(1) *COMPREHENSIVE TRANSITION AND POST-*
21 *SECONDARY PROGRAM FOR STUDENTS WITH INTEL-*
22 *LECTUAL DISABILITIES.—The term ‘comprehensive*
23 *transition and postsecondary program for students*
24 *with intellectual disabilities’ means a program that*
25 *leads to a degree, certificate, or recognized postsec-*

1 *ondary credential issued by an institution of higher*
2 *education that meets each of the following require-*
3 *ments:*

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

6 *“(B) Is designed to support students with*
7 *intellectual disabilities who are seeking to con-*
8 *tinue academic, career and technical, and inde-*
9 *pendent living instruction at an institution of*
10 *higher education in order to prepare for gainful*
11 *employment and competitive integrated employ-*
12 *ment.*

13 *“(C) Includes student advising and a pro-*
14 *gram of study.*

15 *“(D) Requires students with intellectual dis-*
16 *abilities to participate on not less than a half-*
17 *time basis as determined by the institution, with*
18 *such participation focusing on academic and ca-*
19 *reer development components and occurring*
20 *through one or more of the following activities:*

21 *“(i) Regular enrollment in credit-bear-*
22 *ing courses with students without disabil-*
23 *ities that are offered by the institution.*

24 *“(ii) Auditing or participating in*
25 *courses with students without disabilities*

1 that are offered by the institution and for
2 which the student does not receive regular
3 academic credit.

4 “(iii) Enrollment in noncredit-bearing,
5 nondegree courses with students without dis-
6 abilities.

7 “(iv) Participation in internships, reg-
8 istered apprenticeships, or work-based expe-
9 riences in competitive integrated settings for
10 a semester, or multiple semesters.

11 “(E) Requires students with intellectual dis-
12 abilities to be socially and academically inte-
13 grated with students without disabilities to the
14 maximum extent practicable.

15 “(F) Does not require the work components
16 (ii) to occur each semester.

17 “(2) DISABILITY.—The term ‘disability’ has the
18 meaning given such term in section 3 of the Ameri-
19 cans with Disabilities Act of 1990 (42 U.S.C. 12102).

20 “(3) INSTITUTION OF HIGHER EDUCATION.—The
21 term ‘institution of higher education’ has the meaning
22 given such term in section 101.

23 “(4) OFFICE OF ACCESSIBILITY.—The term ‘Of-
24 fice of Accessibility’ has the meaning given to the of-

1 *office of disability services of the institution or equivalent*
2 *office.*

3 “(5) *RECOGNIZED POSTSECONDARY CREDENTIAL.*—*The term ‘recognized postsecondary credential’*
4 *has the meaning given the term in section 101 of the*
5 *Workforce Innovation and Opportunity Act.*

6 “(6) *STUDENT WITH AN INTELLECTUAL DIS-*
7 *ABILITY.*—*The term ‘student with an intellectual dis-*
8 *ability’ means a student—*

9 “(A) *with a cognitive impairment, charac-*
10 *terized by significant limitations in—*

11 “(i) *intellectual and cognitive func-*
12 *tioning; and*

13 “(ii) *adaptive behavior as expressed in*
14 *conceptual, social, and practical adaptive*
15 *skills;*

16 “(B) *who is currently, or was formerly, eli-*
17 *gible for a free appropriate public education*
18 *under the Individuals with Disabilities Edu-*
19 *cation Act (20 U.S.C. 1400 et seq.); and*

20 “(C) *or, in the case of a student who has*
21 *not currently or formerly been found eligible for*
22 *a free appropriate education under the Individ-*
23 *uals with Disabilities Education Act, or a stu-*
24 *dent who has not previously been found eligible*
25

1 *as a student with an intellectual disability under*
2 *IDEA, documentation establishing that the stu-*
3 *dent has an intellectual disability, such as—*

4 “(i) *a documented comprehensive and*
5 *individualized psycho-educational evalua-*
6 *tion and diagnosis of an intellectual dis-*
7 *ability by a psychologist or other qualified*
8 *professional; or*

9 “(ii) *a record of the disability from a*
10 *local or State educational agency, or gov-*
11 *ernment agency, such as the Social Security*
12 *Administration or a vocational rehabilita-*
13 *tion agency, that identifies the intellectual*
14 *disability.”.*

15 **SEC. 7006. SUPPORTING POSTSECONDARY FACULTY, STAFF,**
16 **AND ADMINISTRATORS IN PROVIDING ACCES-**
17 **SIBLE EDUCATION.**

18 (a) *GRANTS.—Section 762 of the Higher Education*
19 *Act of 1965 (20 U.S.C. 1140b) is amended to read as fol-*
20 *lows:*

21 **“SEC. 762. GRANTS AUTHORIZED.**

22 “(a) *COMPETITIVE GRANTS AUTHORIZED TO SUPPORT*
23 *POSTSECONDARY FACULTY, STAFF, AND ADMINISTRATORS*
24 *IN PROVIDING AN ACCESSIBLE EDUCATION.—*

1 “(1) *IN GENERAL.*—*From amounts appropriated*
2 *under section 765C, the Secretary shall award grants,*
3 *on a competitive basis, to institutions of higher edu-*
4 *cation to enable the institutions to carry out the ac-*
5 *tivities under subsection (b).*

6 “(2) *AWARDS FOR PROFESSIONAL DEVELOPMENT*
7 *AND TECHNICAL ASSISTANCE.*—*Not less than 5 grants*
8 *shall be awarded to institutions of higher education*
9 *that provide professional development and technical*
10 *assistance in order to improve access to, and comple-*
11 *tion of, postsecondary education for students, includ-*
12 *ing students with disabilities.*

13 “(b) *DURATION; ACTIVITIES.*—

14 “(1) *DURATION.*—*A grant under this section*
15 *shall be awarded for a period of 5 years.*

16 “(2) *AUTHORIZED ACTIVITIES.*—*A grant award-*
17 *ed under this section shall be used to carry out one*
18 *or more of the following activities:*

19 “(A) *TEACHING METHODS AND STRATE-*
20 *GIES.*—*The development and implementation of*
21 *training to provide innovative, effective, and evi-*
22 *dence-based teaching methods and strategies, con-*
23 *sistent with the principles of universal design for*
24 *learning, to provide postsecondary faculty, staff,*
25 *and administrators with the skills and supports*

1 *necessary to teach and meet the academic and*
2 *programmatic needs of students (including stu-*
3 *dents with disabilities) in order to improve the*
4 *retention of such students in, and the completion*
5 *by such students of, postsecondary education.*
6 *Such methods and strategies may include in-*
7 *service training, professional development, cus-*
8 *tomized and general technical assistance, work-*
9 *shops, summer institutes, distance learning, and*
10 *training in the use of assistive and educational*
11 *technology.*

12 “(B) *IMPLEMENTING ACCOMMODATIONS.*—

13 *The development and implementation of training*
14 *to provide postsecondary faculty, staff, and ad-*
15 *ministrators methods and strategies of providing*
16 *appropriate accommodations consistent with the*
17 *principles of universal design for learning for*
18 *students with disabilities, including descriptions*
19 *of legal obligations of the institution of higher*
20 *education to provide such accommodations.*

21 “(C) *EFFECTIVE TRANSITION PRACTICES.*—

22 *The development and implementation of innova-*
23 *tive, effective, and evidence-based teaching meth-*
24 *ods and strategies to provide postsecondary fac-*
25 *ulty, staff, and administrators with the skills*

1 *and supports necessary to ensure the successful*
2 *and smooth transition of students with disabil-*
3 *ities from secondary school to postsecondary edu-*
4 *cation. The teaching methods and strategies may*
5 *include supporting students in the development*
6 *of self-advocacy skills to improve transition to,*
7 *and completion of, postsecondary education.*

8 “(D) *DISTANCE LEARNING.*—*The develop-*
9 *ment and implementation of training to provide*
10 *innovative, effective, and evidence-based teaching*
11 *methods and strategies to enable postsecondary*
12 *faculty, staff, and administrators to provide ac-*
13 *cessible distance education programs or classes*
14 *that would enhance the access of students (in-*
15 *cluding students with disabilities) to postsec-*
16 *ondary education, including the use of accessible*
17 *curricula and electronic communication for in-*
18 *struction and advising that meet the require-*
19 *ments of section 508 of the Rehabilitation Act of*
20 *1973 (29 U.S.C. 794d).*

21 “(E) *CAREER PATHWAY GUIDANCE.*—*The*
22 *development and implementation of effective and*
23 *evidence-based teaching methods and strategies to*
24 *provide postsecondary faculty, staff, and admin-*
25 *istrators with the ability to advise students with*

1 *disabilities with respect to their chosen career*
2 *pathway, which shall include at least one of the*
3 *following:*

4 “(i) *Supporting internships, appren-*
5 *ticeships, or work-based learning opportuni-*
6 *ties.*

7 “(ii) *Counseling on coursework to meet*
8 *the recognized educational credential or rec-*
9 *ognized postsecondary credential appro-*
10 *priate for the field chosen.*

11 “(iii) *Developing self-advocacy skills to*
12 *advocate for appropriate accommodations*
13 *once in the workplace.*

14 “(iv) *Support with selecting a career*
15 *pathway that leads to competitive, inte-*
16 *grated employment.*

17 “(3) *MANDATORY EVALUATION AND DISSEMINA-*
18 *TION.—An institution of higher education awarded a*
19 *grant under this section shall evaluate and dissemi-*
20 *nate to other institutions of higher education the in-*
21 *formation obtained through the activities described in*
22 *subparagraphs (A) through (E) of paragraph (2).*

23 “(c) *CONSIDERATIONS IN MAKING AWARDS.—In*
24 *awarding grants, contracts, or cooperative agreements*

1 *under this section, the Secretary shall consider the fol-*
2 *lowing:*

3 “(1) *GEOGRAPHIC DISTRIBUTION.*—*Providing an*
4 *equitable geographic distribution of such awards.*

5 “(2) *RURAL AND URBAN AREAS.*—*Distributing*
6 *such awards to urban and rural areas.*

7 “(3) *RANGE AND TYPE OF INSTITUTION.*—*Ensuring*
8 *that the activities to be assisted are developed for*
9 *a range of types and sizes of institutions of higher*
10 *education.*

11 “(d) *REPORTS.*—

12 “(1) *INITIAL REPORT.*—*Not later than one year*
13 *after the date of enactment of the College Affordability*
14 *Act, the Secretary shall prepare and submit to the au-*
15 *thorizing committees, and make available to the pub-*
16 *lic, a report on all projects awarded grants under this*
17 *part, including a review of the activities and program*
18 *performance of such projects based on existing infor-*
19 *mation as of the date of the report.*

20 “(2) *SUBSEQUENT REPORT.*—*Not later than five*
21 *years after the date of the first award of a grant*
22 *under this section after the date of enactment of the*
23 *College Affordability Act, the Secretary shall prepare*
24 *and submit to the authorizing committees, and make*
25 *available to the public, a report that—*

1 “(A) reviews the activities and program
2 performance of the projects authorized under sub-
3 section (b); and

4 “(B) provides guidance and recommenda-
5 tions on how effective projects can be rep-
6 licated.”.

7 (b) *APPLICATIONS.*—Section 763 of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1140c) is amended to read
9 as follows:

10 **“SEC. 763. APPLICATIONS.**

11 *“Each institution of higher education desiring to re-
12 ceive a grant under section 762 shall submit an application
13 to the Secretary at such time, in such manner, and accom-
14 panied by such information as the Secretary may require.
15 Each application shall include—*

16 *“(1) a description of the activities authorized
17 under section 762(b) that the institution proposes to
18 carry out, and how such institution plans to conduct
19 such activities in order to further the purposes of this
20 subpart;*

21 *“(2) a description of how the institution con-
22 sulted with a broad range of people including stu-
23 dents with disabilities and individuals with expertise
24 in disability supports or special education within the*

1 *institution to develop activities for which assistance is*
2 *sought;*

3 *“(3) a description of how the institution will co-*
4 *ordinate and collaborate with the office of accessi-*
5 *bility; and*

6 *“(4) a description of the extent to which the in-*
7 *stitution will work to replicate the research-based and*
8 *best practices of institutions of higher education with*
9 *demonstrated effectiveness in serving students with*
10 *disabilities.”.*

11 **SEC. 7007. OFFICE OF ACCESSIBILITY.**

12 *Subpart 1 of part D of title VII of the Higher Edu-*
13 *cation Act of 1965 (20 U.S.C. 1140a et seq.) is amended—*

14 *(1) by redesignating section 765 as section 765C;*

15 *(2) by inserting after section 764 the following:*

16 **“SEC. 765A. OFFICE OF ACCESSIBILITY.**

17 *“(a) ESTABLISHMENT.—Each institution of higher*
18 *education shall establish an office of accessibility to develop*
19 *and implement policies to support students who enter post-*
20 *secondary education with disabilities and students who ac-*
21 *quire a disability while enrolled in an institution of higher*
22 *education.*

23 *“(b) DUTIES.—Each office of accessibility shall—*

24 *“(1) inform students, during student orientation,*
25 *about services provided at the institution of higher*

1 *education, and continually update such information*
2 *through the accessibility office’s website and other*
3 *communications to improve accessibility of such serv-*
4 *ices;*

5 *“(2) provide information to students regarding*
6 *accommodations and modifications provided by the*
7 *institution of higher education with respect to intern-*
8 *ships, practicums, work-based learning, apprentice-*
9 *ships, or other work-related environments that—*

10 *“(A) the student may engage in through*
11 *courses; or*

12 *“(B) are necessary for completion of a rec-*
13 *ognized educational credential or recognized*
14 *postsecondary credential;*

15 *“(3) provide information to students regarding*
16 *their legal rights under the Americans with Disabil-*
17 *ities Act (42 U.S.C. 12101 et seq.) and section 504 of*
18 *the Rehabilitation Act (29 U.S.C. 794); and*

19 *“(4) in order to provide appropriate accom-*
20 *modations to students with disabilities, carry out the*
21 *following:*

22 *“(A) Adopt policies that, at a minimum,*
23 *make any of the following documentation sub-*
24 *mitted by an individual sufficient to establish*

1 *that such individual is an individual with a dis-*
2 *ability:*

3 “(i) *Documentation that the individual*
4 *has had an individualized education pro-*
5 *gram (in this clause referred to as an*
6 *‘IEP’) in accordance with section 614(d) of*
7 *the Individuals with Disabilities Education*
8 *Act (20 U.S.C. 1414(d)), including an IEP*
9 *that may not be current on the date of the*
10 *determination that the individual has a dis-*
11 *ability. The office of accessibility may ask*
12 *for additional documentation from an indi-*
13 *vidual who had an IEP but who was subse-*
14 *quently evaluated and determined to be in-*
15 *eligible for services under the Individuals*
16 *with Disabilities Education Act (20 U.S.C.*
17 *1400 et seq.), including an individual deter-*
18 *mined to be ineligible during elementary*
19 *school.*

20 “(ii) *Documentation describing services*
21 *or accommodations provided to the indi-*
22 *vidual pursuant to section 504 of the Reha-*
23 *ilitation Act of 1973 (29 U.S.C. 794)*
24 *(commonly referred to as a ‘Section 504*
25 *plan’).*

1 “(iii) A plan or record of service for
2 the individual from a private school, a local
3 educational agency, a State educational
4 agency, or an institution of higher edu-
5 cation provided in accordance with the
6 Americans with Disabilities Act of 1990 (42
7 U.S.C. 12101 et seq.).

8 “(iv) A record or evaluation from a
9 relevant licensed professional finding that
10 the individual has a disability.

11 “(v) A plan or record of disability
12 from another institution of higher edu-
13 cation.

14 “(vi) Documentation of a disability
15 due to service in the uniformed services, as
16 defined in section 484C(a).

17 “(B) Adopt policies that are transparent
18 and explicit regarding the process by which the
19 institution determines eligibility for accommoda-
20 tions.

21 “(C) Disseminate the information described
22 in subparagraph (B) to students, parents, and
23 faculty—

24 “(i) in an accessible format;

25 “(ii) during student orientation; and

1 “(iii) by making such information
2 readily available on a public website of the
3 institution.

4 “(D) Provide accommodations to students
5 with mental health disabilities, and students
6 with disabilities associated with pregnancy.

7 “(E) Provide outreach and consult with stu-
8 dents in inclusive higher education.

9 **“SEC. 765B. COMPETITIVE GRANT FOR INNOVATION AND**
10 **ACCESSIBILITY.**

11 “(a) GRANTS AUTHORIZED.—

12 “(1) IN GENERAL.—From amounts appropriated
13 under section 765C, the Secretary may award grants
14 on a competitive basis to institutions of higher edu-
15 cation to enable the institutions to carry out the ac-
16 tivities described under subsection (c).

17 “(2) DURATION.—A grant under this section
18 shall be awarded for a period of 5 years.

19 “(3) CONSIDERATION IN MAKING AWARDS.—In
20 awarding grants under this section, the Secretary
21 shall consider the following:

22 “(A) Providing an equitable geographic dis-
23 tribution of such awards.

1 “(B) *Ensuring that the activities to be as-*
2 *sisted are developed for a range of types and*
3 *sizes of institutions of higher education.*

4 “(b) *APPLICATION.—Each institution of higher edu-*
5 *cation desiring to receive a grant under this section shall*
6 *submit an application to the Secretary at such time, in*
7 *such manner, and accompanied by such information as the*
8 *Secretary may require. Each application shall include—*

9 “(1) *a description of how the institution will*
10 *carry out the activities under subsection (c);*

11 “(2) *a description of the consultation the institu-*
12 *tion has had with a broad range of people within the*
13 *institution, including students with disabilities and*
14 *individuals with expertise in disability supports or*
15 *special education, in developing the information*
16 *under paragraph (1);*

17 “(3) *a plan for the sustainability of the program*
18 *after the end of the grant period; and*

19 “(4) *a written business plan for revenue and ex-*
20 *penditures to be provided to the Department under*
21 *subsection (d).*

22 “(c) *ACTIVITIES.—A grant awarded under this section*
23 *shall be used to—*

24 “(1) *develop and implement across the institu-*
25 *tion of higher education, a universal design for learn-*

1 *ing framework for course design and instructional*
2 *materials to improve campus-wide accessibility to in-*
3 *struction, materials, and the learning environment; or*

4 *“(2) develop or improve distance education*
5 *courses consistent with the principles of universal de-*
6 *sign for learning to improve accessibility of instruc-*
7 *tion and materials.*

8 *“(d) REPORTS.—*

9 *“(1) GRANT RECIPIENT REPORTS.—An institu-*
10 *tion of higher education awarded a grant under this*
11 *section shall evaluate and disseminate to other insti-*
12 *tutions of higher education, the information obtained*
13 *through the activities described in subsection (c).*

14 *“(2) INITIAL REPORT BY SECRETARY.—Not later*
15 *than one year after the date of the enactment of this*
16 *section, the Secretary shall prepare and submit to the*
17 *authorizing committees, and make available to the*
18 *public, a report on all projects awarded grants under*
19 *this section, including a review of the activities and*
20 *program performance of such projects based on exist-*
21 *ing information as of the date of the report.*

22 *“(3) FINAL REPORT BY SECRETARY.—Not later*
23 *than 6 years after the date of the first award of a*
24 *grant under this section, the Secretary shall prepare*

1 **“SEC. 767. INCLUSIVE HIGHER EDUCATION PROGRAMS FOR**
2 **STUDENTS WITH INTELLECTUAL DISABIL-**
3 **ITIES.**

4 “(a) *GRANTS AUTHORIZED.*—

5 “(1) *IN GENERAL.*—*From amounts appropriated*
6 *under section 769(a), the Secretary shall annually*
7 *award grants, on a competitive basis, to institutions*
8 *of higher education (or consortia of three or more in-*
9 *stitutions of higher education), to enable such institu-*
10 *tions or consortia to create or expand a comprehen-*
11 *sive transition and postsecondary education program*
12 *for students with intellectual disabilities.*

13 “(2) *ELIGIBILITY AND APPROPRIATIONS LIM-*
14 *ITS.*—

15 “(A) *RELATION TO OTHER GRANTS.*—*An*
16 *institution of higher education that received a*
17 *grant under this section before the date of the en-*
18 *actment of the College Affordability Act may not*
19 *receive an additional grant under this section*
20 *unless—*

21 “(i) *the institution receives a grant as*
22 *part of a consortium of three or more insti-*
23 *tutions of higher education; or*

24 “(ii) *the grant term of such preceding*
25 *grant has ended.*

26 “(B) *LIMITATION ON AMOUNTS.*—

1 “(i) *INSTITUTION OF HIGHER EDU-*
2 *CATION.—A grant under this section made*
3 *to an institution of higher education may*
4 *not be in an amount greater than \$300,000.*

5 “(ii) *CONSORTIUM.—A grant under*
6 *this section made to a consortia of institu-*
7 *tions of higher education may not be in an*
8 *amount greater than \$500,000.*

9 “(3) *ADMINISTRATION.—The program under this*
10 *section shall be administered by the office in the De-*
11 *partment that administers other postsecondary edu-*
12 *cation programs in collaboration with the Office of*
13 *Postsecondary Education and the Office of Special*
14 *Education and Rehabilitative Services of the Depart-*
15 *ment of Education.*

16 “(4) *DURATION OF GRANTS.—A grant under this*
17 *section shall be awarded for a period of 5 years.*

18 “(b) *APPLICATION.—An institution of higher edu-*
19 *cation or a consortium desiring a grant under this section*
20 *shall submit an application to the Secretary at such time,*
21 *in such manner, and containing such information as the*
22 *Secretary may require.*

23 “(c) *AWARD BASIS.—In awarding grants under this*
24 *section, the Secretary shall—*

1 “(1) provide for an equitable geographic dis-
2 tribution of such grants;

3 “(2) to the extent possible, provide for an equi-
4 table distribution of such grants between 4-year insti-
5 tutions of higher education and 2-year institutions of
6 higher education, including community colleges;

7 “(3) provide grant funds for high-quality, inclu-
8 sive higher education programs for students with in-
9 tellectual disabilities, herein after referred to as inclu-
10 sive higher education programs, that will serve areas
11 that are underserved by programs of this type;

12 “(4) in the case of an institution of higher edu-
13 cation that provides institutionally owned or operated
14 housing for students attending the institution, award
15 grants only to such institutions that integrate stu-
16 dents with intellectual disabilities into the housing of-
17 fered to students without disabilities or to institutions
18 that provide such integrated housing through pro-
19 viding supports to students directly or through part-
20 nerships with other organizations;

21 “(5) provide grant funds to encourage involve-
22 ment of students attending institutions of higher edu-
23 cation in the fields of special education, general edu-
24 cation, vocational rehabilitation, assistive technology,
25 or related fields in the program;

1 “(6) *select applications that—*

2 “(A) *demonstrate an existing comprehensive*
3 *transition and postsecondary education program*
4 *for students with intellectual disabilities that is*
5 *title IV eligible; or*

6 “(B) *agree to establish such a program; and*

7 “(7) *give preference to applications submitted*
8 *under subsection (b) that agree to incorporate into the*
9 *inclusive higher education program for students with*
10 *intellectual disabilities carried out under the grant*
11 *one or more of the following elements:*

12 “(A) *The formation of a partnership with*
13 *any relevant agency serving students with intel-*
14 *lectual disabilities, such as a vocational rehabili-*
15 *tation agency.*

16 “(B) *Applications that represent geographi-*
17 *cally underserved States.*

18 “(d) *USE OF FUNDS; REQUIREMENTS.—An institution*
19 *of higher education or consortium receiving a grant under*
20 *this section shall—*

21 “(1) *use the grant funds to establish an inclusive*
22 *higher education program for students with intellec-*
23 *tual disabilities that—*

24 “(A) *serves students with intellectual dis-*
25 *abilities;*

1 “(B) provides individual supports and serv-
2 ices for the academic and social inclusion of stu-
3 dents with intellectual disabilities in academic
4 courses, extracurricular activities, and other as-
5 pects of the regular postsecondary program, in-
6 cluding access to health and mental health serv-
7 ices, offices of accessibility, and graduation cere-
8 monies;

9 “(C) with respect to the students with intel-
10 lectual disabilities participating in the program,
11 provides a focus on—

12 “(i) academic and career development;

13 “(ii) socialization and inclusion with
14 the general student population;

15 “(iii) independent living skills, includ-
16 ing self-advocacy skills; and

17 “(iv) integrated work experiences and
18 career skills that lead to competitive inte-
19 grated employment;

20 “(D) integrates person-centered planning in
21 the development of the course of study for each
22 student with an intellectual disability partici-
23 pating in the program;

24 “(E) plans for the sustainability of the pro-
25 gram after the end of the grant period, with a

1 *written business plan for revenue and expendi-*
2 *tures to be provided to the Department by the*
3 *end of year 3; and*

4 *“(F) awards a degree, certificate, or recog-*
5 *nized postsecondary credential for students with*
6 *intellectual disabilities upon the completion of*
7 *the program;*

8 *“(2) in the case of an institution of higher edu-*
9 *cation that provides institutionally owned or operated*
10 *housing for students attending the institution or inte-*
11 *grated housing through providing supports to students*
12 *directly or through partnerships with other organiza-*
13 *tions, provide for the integration of students with in-*
14 *tellectual disabilities into housing offered to students*
15 *without disabilities;*

16 *“(3) participate with the coordinating center es-*
17 *tablished under section 777(b) in the evaluation of the*
18 *program, including by regularly submitting data on*
19 *experiences and outcomes of individual students par-*
20 *ticipating in the program; and*

21 *“(4) partner with one or more local educational*
22 *agencies to support students with intellectual disabil-*
23 *ities participating in the program who are eligible for*
24 *special education and related services under the Indi-*
25 *viduals with Disabilities Education Act (20 U.S.C.*

1 1400 et seq.), including the use of funds available
2 under part B of such Act (20 U.S.C. 1411 et seq.) to
3 support the participation of such students in the pro-
4 gram.

5 “(e) *MATCHING REQUIREMENT.*—An institution of
6 higher education (or consortium) that receives a grant
7 under this section shall provide matching funds toward the
8 cost of the inclusive higher education program for students
9 with intellectual disabilities carried out under the grant.
10 Such matching funds may be provided in cash or in-kind,
11 and shall be in an amount of not less than 25 percent of
12 the amount of such costs.

13 “(f) *DATA COLLECTION AND TRANSMISSION.*—

14 “(1) *IN GENERAL.*—An institution or consortium
15 receiving a grant under this section shall collect and
16 transmit to the coordinating center established under
17 section 777(b) on an annual basis for each student
18 who is enrolled in the program, student-level informa-
19 tion related to the experiences and outcomes of stu-
20 dents who participate in the inclusive higher edu-
21 cation program for students with intellectual disabili-
22 ties.

23 “(2) *LONGITUDINAL DATA.*—Each grantee shall
24 collect longitudinal outcome data from each student
25 participating in the program and transmit such data

1 *to the coordinating center established under section*
2 *777(b). Such longitudinal data shall be collected for*
3 *every student each year for 5 years after the student*
4 *graduates from, or otherwise exits, the program.*

5 *“(3) DATA TO BE COLLECTED.—The program-*
6 *level information and data and student-level informa-*
7 *tion and data to be collected under this subsection*
8 *shall include—*

9 *“(A) the number and type of postsecondary*
10 *education courses taken and completed by the*
11 *student;*

12 *“(B) academic outcomes;*

13 *“(C) competitive, integrated employment*
14 *outcomes;*

15 *“(D) independent living outcomes; and*

16 *“(E) social outcomes, including community*
17 *integration.*

18 *“(4) DISAGGREGATION.—The information deter-*
19 *mined under paragraph (3) shall be disaggregated by*
20 *race, gender, socioeconomic status, Federal Pell Grant*
21 *eligibility status, status as a first generation college*
22 *student, and veteran or active duty status.*

23 *“(g) REPORT.—Not later than 5 years after the date*
24 *of the first grant awarded under this section, the Secretary*

1 *shall prepare and disseminate a report to the authorizing*
2 *committees and to the public that—*

3 *“(1) reviews the activities of the inclusive higher*
4 *education programs for students with intellectual dis-*
5 *abilities funded under this section; and*

6 *“(2) provides guidance and recommendations on*
7 *how effective programs can be replicated.”.*

8 *(c) AUTHORIZATION OF APPROPRIATIONS.—Section*
9 *769(a) of the Higher Education Act of 1965 (20 U.S.C.*
10 *1140i) is amended by striking “2009” and inserting*
11 *“2021”.*

12 **SEC. 7009. NATIONAL TECHNICAL ASSISTANCE CENTER**
13 **AND NATIONAL COORDINATING CENTER FOR**
14 **INCLUSION OF STUDENTS WITH INTELLEC-**
15 **TUAL DISABILITIES.**

16 *(a) IN GENERAL.—Section 777 of the Higher Edu-*
17 *cation Act of 1965 (20 U.S.C. 1140q) is amended to read*
18 *as follows:*

19 **“SEC. 777. NATIONAL TECHNICAL ASSISTANCE CENTER AND**
20 **NATIONAL COORDINATING CENTER FOR IN-**
21 **CLUSION OF STUDENTS WITH INTELLECTUAL**
22 **DISABILITIES.**

23 *“(a) NATIONAL TECHNICAL ASSISTANCE CENTER.—*

24 *“(1) IN GENERAL.—From amounts appropriated*
25 *under paragraph (5), the Secretary shall award a*

1 *grant to, or enter into a contract or cooperative agree-*
2 *ment with, an eligible entity to provide for the estab-*
3 *lishment and support of a National Technical Assist-*
4 *ance Center. The National Technical Assistance Cen-*
5 *ter shall carry out the duties set forth in paragraph*
6 *(4).*

7 *“(2) ADMINISTRATION.—The program under this*
8 *section shall be administered by the office in the De-*
9 *partment that administers other postsecondary edu-*
10 *cation programs in consultation with the Office of*
11 *Special Education and Rehabilitative Services.*

12 *“(3) ELIGIBLE ENTITY.—In this subpart, the*
13 *term ‘eligible entity’ means an institution of higher*
14 *education, a nonprofit organization, or partnership of*
15 *two or more such institutions or organizations, with*
16 *demonstrated expertise in—*

17 *“(A) transitioning students with disabilities*
18 *from secondary school to postsecondary edu-*
19 *cation;*

20 *“(B) supporting students with disabilities*
21 *in postsecondary education;*

22 *“(C) technical knowledge necessary for the*
23 *dissemination of information in accessible for-*
24 *mats; and*

1 “(D) working with diverse types of institu-
2 tions of higher education, including community
3 colleges.

4 “(4) DUTIES.—The duties of the National Tech-
5 nical Assistance Center shall include the following:

6 “(A) ASSISTANCE TO STUDENTS AND FAMI-
7 LIES.—The National Technical Assistance Center
8 shall provide information and technical assist-
9 ance to students with disabilities and the fami-
10 lies of students with disabilities to support stu-
11 dents across the broad spectrum of disabilities,
12 including—

13 “(i) information to assist individuals
14 with disabilities who are prospective stu-
15 dents of an institution of higher education
16 in planning for postsecondary education
17 while the students are in secondary school;

18 “(ii) information and technical assist-
19 ance provided to individualized education
20 program teams (as defined in section
21 614(d)(1) of the Individuals with Disabil-
22 ities Education Act) for secondary school
23 students with disabilities, and to early out-
24 reach and student services programs, in-
25 cluding programs authorized under sub-

1 *parts 2, 4, and 5 of part A of title IV, to*
2 *support students across a broad spectrum of*
3 *disabilities with the successful transition to*
4 *postsecondary education;*

5 *“(iii) research-based supports, services,*
6 *and accommodations which are available in*
7 *postsecondary settings, including services*
8 *provided by other agencies such as voca-*
9 *tional rehabilitation;*

10 *“(iv) information on student men-*
11 *toring and networking opportunities for*
12 *students with disabilities; and*

13 *“(v) effective recruitment and transi-*
14 *tion programs at postsecondary educational*
15 *institutions.*

16 *“(B) ASSISTANCE TO INSTITUTIONS OF*
17 *HIGHER EDUCATION.—The National Technical*
18 *Assistance Center shall provide information and*
19 *technical assistance to faculty, staff, and admin-*
20 *istrators of institutions of higher education to*
21 *improve the services provided to, the accommoda-*
22 *tions for, the retention rates of, and the comple-*
23 *tion rates of, students with disabilities in higher*
24 *education settings, which may include—*

1 “(i) collection and dissemination of
2 best and promising practices and materials
3 for accommodating and supporting students
4 with disabilities, including practices and
5 materials supported by the grants, con-
6 tracts, or cooperative agreements authorized
7 under subparts 1, 2, and 3;

8 “(ii) development and provision of
9 training modules for higher education fac-
10 ulty on exemplary practices for accommo-
11 dating and supporting postsecondary stu-
12 dents with disabilities across a range of
13 academic fields, which may include uni-
14 versal design for learning and practices
15 supported by the grants, contracts, or coop-
16 erative agreements authorized under sub-
17 parts 1, 2, and 3; and

18 “(iii) development of technology-based
19 tutorials for higher education faculty and
20 staff, including new faculty and graduate
21 students, on best and promising practices
22 related to support and retention of students
23 with disabilities in postsecondary edu-
24 cation.

1 “(C) *INFORMATION COLLECTION AND DIS-*
2 *SEMINATION.—The National Technical Assist-*
3 *ance Center shall be responsible for building,*
4 *maintaining, and updating a database of dis-*
5 *ability support services information with respect*
6 *to institutions of higher education, or for ex-*
7 *anding and updating an existing database of*
8 *disabilities support services information with re-*
9 *spect to institutions of higher education. Such*
10 *database shall be available to the general public*
11 *through a website built to high technical stand-*
12 *ards of accessibility practicable for the broad*
13 *spectrum of individuals with disabilities. Such*
14 *database and website shall include available in-*
15 *formation on—*

16 “(i) *disability documentation require-*
17 *ments;*

18 “(ii) *support services available;*

19 “(iii) *links to financial aid;*

20 “(iv) *accommodations policies;*

21 “(v) *accessible instructional materials;*

22 “(vi) *other topics relevant to students*
23 *with disabilities; and*

24 “(vii) *the information in the report de-*
25 *scribed in subparagraph (E).*

1 “(D) *DISABILITY SUPPORT SERVICES.*—*The*
2 *National Technical Assistance Center shall work*
3 *with organizations and individuals with proven*
4 *expertise related to disability support services for*
5 *postsecondary students with disabilities to evalu-*
6 *ate, improve, and disseminate information re-*
7 *lated to the delivery of high quality disability*
8 *support services at institutions of higher edu-*
9 *cation.*

10 “(E) *REVIEW AND REPORT.*—*Not later than*
11 *three years after the establishment of the Na-*
12 *tional Technical Assistance Center, and every*
13 *two years thereafter, the National Technical As-*
14 *stance Center shall prepare and disseminate a*
15 *report to the Secretary and the authorizing com-*
16 *mittees analyzing the condition of postsecondary*
17 *success for students with disabilities. Such report*
18 *shall include—*

19 “(i) *a review of the activities and the*
20 *effectiveness of the programs authorized*
21 *under this part;*

22 “(ii) *annual enrollment and gradua-*
23 *tion rates of students with disabilities in*
24 *institutions of higher education from pub-*
25 *licly reported data;*

1 “(iii) recommendations for effective
2 postsecondary supports and services for stu-
3 dents with disabilities, and how such sup-
4 ports and services may be widely imple-
5 mented at institutions of higher education;

6 “(iv) recommendations on reducing
7 barriers to full participation for students
8 with disabilities in higher education; and

9 “(v) a description of strategies with a
10 demonstrated record of effectiveness in im-
11 proving the success of such students in post-
12 secondary education.

13 “(F) STAFFING OF THE CENTER.—In hiring
14 employees of the National Technical Assistance
15 Center, the National Technical Assistance Center
16 shall consider the expertise and experience of
17 prospective employees in providing training and
18 technical assistance to practitioners.

19 “(5) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this subsection \$10,000,000.

22 “(b) THE NATIONAL COORDINATING CENTER FOR IN-
23 CLUSION OF STUDENTS WITH INTELLECTUAL DISABIL-
24 ITIES.—

1 “(1) *DEFINITION OF ELIGIBLE ENTITY.*—*In this*
2 *subsection, the term ‘eligible entity’ means an entity,*
3 *or a partnership of entities, that has demonstrated ex-*
4 *pertise in the fields of—*

5 “(A) *higher education;*

6 “(B) *the education of students with intellec-*
7 *tual disabilities;*

8 “(C) *the development of inclusive higher*
9 *education programs for students with intellectual*
10 *disabilities; and*

11 “(D) *evaluation and technical assistance.*

12 “(2) *IN GENERAL.*—*From amounts appropriated*
13 *under paragraph (7), the Secretary shall enter into a*
14 *cooperative agreement, on a competitive basis, with*
15 *an eligible entity for the purpose of establishing a co-*
16 *ordinating center for institutions of higher education*
17 *that offer inclusive higher education programs for stu-*
18 *dents with intellectual disabilities, including institu-*
19 *tions participating in grants authorized under sub-*
20 *part 2 to provide—*

21 “(A) *recommendations related to the devel-*
22 *opment of standards for such programs;*

23 “(B) *technical assistance for such programs;*
24 *and*

1 “(C) evaluations for such programs, includ-
2 ing systematic collection of data on the experi-
3 ences and outcomes of individuals with intellec-
4 tual disabilities.

5 “(3) ADMINISTRATION.—The program under this
6 subsection shall be administered by the Office of Post-
7 secondary Education, in collaboration with the Office
8 of Special Education and Rehabilitative Services.

9 “(4) DURATION.—The Secretary shall enter into
10 a cooperative agreement under this subsection for a
11 period of five years.

12 “(5) REQUIREMENTS OF COOPERATIVE AGREE-
13 MENT.—The eligible entity entering into a cooperative
14 agreement under this subsection shall establish and
15 maintain a coordinating center that shall—

16 “(A) serve as the technical assistance entity
17 for all inclusive higher education programs and
18 comprehensive transition and postsecondary pro-
19 grams for students with intellectual disabilities;

20 “(B) provide technical assistance regarding
21 the development, evaluation, and continuous im-
22 provement of such programs;

23 “(C) evaluate such programs using quali-
24 tative and quantitative methodologies for meas-
25 uring program strengths in the areas of aca-

1 *ademic access, academic enrichment, socialization,*
2 *competitive integrated employment, attainment*
3 *of a degree, certificate, or recognized postsec-*
4 *ondary credential, and independent living;*

5 “(D) evaluate participant progress by cre-
6 ating and maintaining a database of student-
7 level information and data related to the experi-
8 ences and outcomes of youth who participate in
9 each inclusive higher education program that re-
10 ceives a grant under this subpart;

11 “(E) create and maintain a mechanism for
12 continuing to collect outcome information from
13 students who participated in inclusive higher
14 education programs that were developed in pre-
15 vious grant award cycles;

16 “(F) assist recipients of a grant under this
17 subpart in efforts to award a degree, certificate,
18 or recognized postsecondary credential;

19 “(G) create and maintain a database of stu-
20 dent and program level data reflecting imple-
21 mentation of the inclusive higher education pro-
22 gram that receives a grant under this subpart;

23 “(H) create and maintain a mechanism to
24 consolidate follow up data on student outcomes

1 *collected by inclusive higher education programs*
2 *funded through previous grant cycles;*

3 “(I) assist recipients of grants under sub-
4 part 2 in efforts to award a degree, certificate,
5 or recognized postsecondary credential to stu-
6 dents with intellectual disabilities upon the com-
7 pletion of such programs;

8 “(J) identify model memoranda of agree-
9 ment for use between or among institutions of
10 higher education and State and local agencies
11 providing funding for such programs;

12 “(K) develop recommendations for the nec-
13 essary components of such programs, such as—

14 “(i) academic, career and technical, so-
15 cial, and independent living skills;

16 “(ii) evaluation of student progress;

17 “(iii) program administration and
18 evaluation;

19 “(iv) student eligibility;

20 “(v) issues regarding the equivalency of
21 a student’s participation in such programs
22 to semester, trimester, quarter, credit, or
23 clock hours at an institution of higher edu-
24 cation, as the case may be; and

1 “(vi) access to student housing for stu-
2 dents participating in the inclusive higher
3 education programs, including accommoda-
4 tions and services that support independent
5 living;

6 “(L) review and analyze—

7 “(i) the impact of State and Federal
8 policy on inclusive higher education legisla-
9 tion; and

10 “(ii) funding streams for such pro-
11 grams;

12 “(M) provide recommendations regarding
13 the funding streams described in paragraph
14 (H)(ii);

15 “(N) develop mechanisms for regular com-
16 munication, outreach and dissemination of in-
17 formation about inclusive higher education pro-
18 grams for students with intellectual disabilities
19 under subpart 2 between or among such pro-
20 grams and to families and prospective students;

21 “(O) host a meeting of all recipients of
22 grants under subpart 2 not less often than once
23 each year; and

24 “(P) convene a work group to continue the
25 development of and recommendations for model

1 *criteria, standards, and components of inclusive*
2 *higher education programs and comprehensive*
3 *transition and postsecondary programs for stu-*
4 *dents with intellectual disabilities, that are ap-*
5 *propriate for the development of accreditation*
6 *standards—*

7 “(i) *which work group shall include—*

8 “(I) *an expert in community col-*
9 *lege education;*

10 “(II) *an expert in career technical*
11 *education;*

12 “(III) *an expert in 4-year insti-*
13 *tutions of higher education;*

14 “(IV) *an expert in special edu-*
15 *cation;*

16 “(V) *a disability organization*
17 *that represents students with intellec-*
18 *tual disabilities;*

19 “(VI) *a representative from the*
20 *National Advisory Committee on Insti-*
21 *tutional Quality and Integrity; and*

22 “(VII) *a representative of a re-*
23 *gional or national accreditation agen-*
24 *cy or association; and*

1 “(ii) the work group will carry out the
2 following activities—

3 “(I) conduct outreach to accred-
4 iting agencies;

5 “(II) develop a technical guidance
6 document to support implementation of
7 the model standards;

8 “(III) develop and conduct a pro-
9 tocol for implementing the model
10 standards; and

11 “(IV) update recommendations for
12 the model standards, criteria, and com-
13 ponents of such programs, as applica-
14 ble.

15 “(6) REPORT.—Not later than 5 years after the
16 date of the establishment of the coordinating center
17 under this subsection, the coordinating center shall re-
18 port to the Secretary, the authorizing committees, and
19 the National Advisory Committee on Institutional
20 Quality and Integrity on the activities described in
21 paragraph (5).

22 “(7) AUTHORIZATION OF APPROPRIATIONS.—
23 There are authorized to be appropriated to carry out
24 this subsection such sums as may be necessary for fis-

1 *such Act (42 U.S.C. 672) on behalf of the indi-*
2 *vidual; and*

3 “(B) *includes any individual—*

4 “(i) *whose care and placement was the*
5 *responsibility of such a State or tribal agen-*
6 *cy when, or at any time after, the indi-*
7 *vidual attained 13 years of age, without re-*
8 *gard to whether foster care maintenance*
9 *payments were made under section 472 of*
10 *such Act (42 U.S.C. 672) on behalf of the*
11 *individual; and*

12 “(ii) *who is no longer under the care*
13 *and responsibility of such a State or tribal*
14 *agency, without regard to any subsequent*
15 *adoption, guardianship arrangement, or*
16 *other form of permanency option.*

17 “(2) *HOMELESS YOUTH.—The term ‘homeless*
18 *youth’ has the meaning given the term ‘homeless chil-*
19 *dren and youths’ in section 725 of the McKinney-*
20 *Vento Homeless Assistance Act (42 U.S.C. 11434a).*

21 “(3) *INDIAN TRIBE; TRIBAL ORGANIZATION.—The*
22 *terms ‘Indian Tribe’ and ‘tribal organization’ have*
23 *the meanings given the terms in section 4 of the In-*
24 *dian Self-Determination and Education Assistance*
25 *Act (25 U.S.C. 5304).*

1 “(4) *INSTITUTION OF HIGHER EDUCATION.*—*The*
2 *term ‘institution of higher education’ has the meaning*
3 *given the term in section 101.*

4 “(5) *STATE.*—*The term ‘State’ means each of the*
5 *several States and the District of Columbia.*

6 “(6) *TERRITORY.*—*The term ‘territory’ means*
7 *Puerto Rico, United States Virgin Islands, Guam,*
8 *American Samoa, and the Commonwealth of the*
9 *Northern Mariana Islands, the Republic of the Mar-*
10 *shall Islands, the Federated States of Micronesia, and*
11 *the Republic of Palau.*

12 **“SEC. 792. FORMULA GRANTS TO STATES TO IMPROVE AC-**
13 **CESS TO AND SUCCESS IN HIGHER EDU-**
14 **CATION FOR FOSTER YOUTH AND HOMELESS**
15 **YOUTH.**

16 “(a) *GRANT PROGRAM ESTABLISHED.*—*From the*
17 *amount appropriated under subsection (h), the Secretary*
18 *shall make allotments under subsection (b), to States having*
19 *applications approved under subsection (c), to enable each*
20 *State to—*

21 “(1) *carry out the Statewide transition initiative*
22 *described in subsection (d); and*

23 “(2) *make subgrants described in subsection (e).*

24 “(b) *ALLOCATIONS.*—

25 “(1) *FORMULA.*—

1 “(A) *RESERVATION FOR INDIAN TRIBES AND*
2 *TERRITORIES.*—

3 “(i) *IN GENERAL.*—*From the amount*
4 *appropriated under subsection (h) for a fis-*
5 *cal year and subject to clause (ii), the Sec-*
6 *retary shall reserve—*

7 “(I) *not more than 3 percent for*
8 *grants to Indian Tribes, consortia of*
9 *Indian Tribes, or Tribal organizations;*
10 *and*

11 “(II) *not more than 2 percent for*
12 *grants to territories.*

13 “(ii) *REQUIREMENTS.*—*In awarding*
14 *grants under this subparagraph, the Sec-*
15 *retary—*

16 “(I) *shall not award a grant*
17 *under subclause (I) or (II) of clause (i)*
18 *for a fiscal year for which no Indian*
19 *Tribe (or consortium of Indian Tribes)*
20 *or Tribal organization, or territory, re-*
21 *spectively, submits a satisfactory ap-*
22 *plication for a grant under such sub-*
23 *clause;*

24 “(II) *shall require that any In-*
25 *dian Tribe, consortium, Tribal organi-*

1 *zation, or territory that receives a*
2 *grant under this subparagraph provide*
3 *an assurance of a partnership among*
4 *relevant education, child welfare, and*
5 *homeless agencies or organizations; and*

6 *“(III) may determine any other*
7 *requirements with respect to such*
8 *grants (including the allocation, appli-*
9 *cation, and use of fund requirements),*
10 *which to the extent possible, shall be*
11 *consistent with the requirements for*
12 *States under this part, except that ap-*
13 *propriate adjustments shall be made*
14 *based on the needs and size of popu-*
15 *lations served by the Indian Tribe,*
16 *consortium, Tribal organization, or*
17 *territory applying for the grant.*

18 *“(B) RESERVATION FOR DEPARTMENT AC-*
19 *TIVITIES.—From the amount appropriated*
20 *under subsection (h) for a fiscal year, the Sec-*
21 *retary may reserve—*

22 *“(i) not more than 7 percent to—*

23 *“(I) provide technical assistance,*
24 *in consultation with Secretary of*
25 *Health and Human Services, to States*

1 *carrying out activities under this sec-*
2 *tion; and*

3 *“(II) complete the evaluations re-*
4 *quired by subsection (g)(1); and*

5 *“(ii) not more than 3 percent for ad-*
6 *ministrative expenses.*

7 *“(C) ALLOCATIONS.—From the amount ap-*
8 *propriated under subsection (h) for a fiscal year*
9 *and remaining after the Secretary reserves funds*
10 *under subparagraphs (A) and (B), the Secretary*
11 *shall allocate to each State the greater of—*

12 *“(i) \$500,000; or*

13 *“(ii) the amount that bears the same*
14 *proportion to the remaining appropriated*
15 *amount for such fiscal year as the number*
16 *of foster youth and homeless youth in the*
17 *State bears to the number of foster youth*
18 *and homeless youth in all States.*

19 *“(D) RATABLE REDUCTION.—If the amount*
20 *appropriated under subsection (h) for a fiscal*
21 *year and remaining after the Secretary reserves*
22 *funds under subparagraphs (A) and (B) is less*
23 *than the amount required to be allocated to*
24 *States under subparagraph (C), then the amount*

1 *of the allocation to each State shall be ratably re-*
2 *duced.*

3 “(2) *STATE RESERVATION.*—*From the amounts*
4 *awarded a State under paragraph (1)(C) for a fiscal*
5 *year, the State may reserve not more than 5 percent*
6 *for administrative expenses.*

7 “(3) *TEMPORARY INELIGIBILITY FOR SUBSE-*
8 *QUENT PAYMENTS.*—

9 “(A) *IN GENERAL.*—*The Secretary shall de-*
10 *termine a State to be temporarily ineligible to*
11 *receive a grant payment under this subsection*
12 *for a fiscal year if—*

13 “(i) *the State fails to submit an an-*
14 *ual report under subsection (f) for the pre-*
15 *ceding fiscal year; or*

16 “(ii) *the Secretary determines, based*
17 *on information in such annual report, that*
18 *the State is not effectively—*

19 “(I) *meeting the outcomes de-*
20 *scribed in the application of such State*
21 *under subsection (c)(2)(C), and does*
22 *not have a plan to improve the out-*
23 *comes;*

1 “(II) *monitoring and evaluating*
2 *the activities under subsections (d) and*
3 *(e); or*

4 “(III) *using funds as required*
5 *under subsections (d) and (e).*

6 “(B) *REINSTATEMENT.*—*If the Secretary*
7 *determines that a State is ineligible under sub-*
8 *paragraph (A), the Secretary may enter into an*
9 *agreement with the State setting forth the terms*
10 *and conditions under which the State may re-*
11 *gain eligibility to receive payments under this*
12 *section.*

13 “(c) *APPLICATIONS.*—

14 “(1) *IN GENERAL.*—*For each fiscal year for*
15 *which a State desires an allotment under subsection*
16 *(b), the State shall submit an application to the Sec-*
17 *retary at such time, in such manner, and containing*
18 *the information described in paragraph (2).*

19 “(2) *INFORMATION REQUIRED.*—*An application*
20 *submitted under paragraph (1) shall include the fol-*
21 *lowing:*

22 “(A) *A plan for how the State will carry*
23 *out the activities under subsections (d) and (e).*

24 “(B) *A description of the State’s capacity to*
25 *carry out such activities.*

1 “(C) A description of intended outcomes for
2 such activities.

3 “(D) A plan for how the State will monitor
4 and evaluate such activities, including how the
5 State will use data to continually update and
6 improve such activities.

7 “(E) A description of how students will be
8 identified and recruited for participation in the
9 Statewide transition initiative under subsection
10 (d).

11 “(F) An estimate of the number and charac-
12 teristics of the populations targeted for partici-
13 pation in the Statewide transition initiative
14 under subsection (d) with attention to the diverse
15 needs of homeless youth and foster youth in the
16 State.

17 “(G) A description of how the State will co-
18 ordinate services provided under the grant with
19 services provided to foster youth and homeless
20 youth under the McKinney-Vento Homeless As-
21 sistance Act (42 U.S.C. 11301 et seq.), the Ele-
22 mentary and Secondary Education Act of 1965
23 (20 U.S.C. 6301 et seq.), the Runaway and
24 Homeless Youth Act (42 U.S.C. 5701 et seq.),

1 *and other services provided to foster youth and*
2 *homeless youth by the State.*

3 “(H) *An assurance that the State will com-*
4 *ply with subtitle B of title VII of the McKinney-*
5 *Vento Homeless Assistance Act (42 U.S.C. 11431*
6 *et seq.).*

7 “(I) *An assurance that the State will part-*
8 *ner with State educational agencies, local edu-*
9 *cational agencies, institutions of higher edu-*
10 *cation, State and local child welfare authorities,*
11 *and other relevant organizations that serve foster*
12 *youth or homeless youth.*

13 “(J) *An assurance that the State will sub-*
14 *mit the annual report required under subsection*
15 *(f).*

16 “(K) *A budgetary analysis of the use of*
17 *funds awarded under this section.*

18 “(L) *Such other information as the Sec-*
19 *retary may require.*

20 “(d) *STATEWIDE TRANSITION INITIATIVE.—*

21 “(1) *USE OF FUNDS.—Subject to subsection*
22 *(b)(2), and in consultation and coordination with the*
23 *entities described in paragraph (2) of this subsection,*
24 *a State receiving a grant award under this section*
25 *shall use not less than 25 percent of the funds to—*

1 “(A) provide intensive outreach and support
2 to foster youth and homeless youth to—

3 “(i) improve the understanding and
4 preparation of such youth for enrollment in
5 institutions of higher education;

6 “(ii) increase the number of applica-
7 tions to institutions of higher education
8 submitted by such youth; and

9 “(iii) increase the number of enroll-
10 ments at institutions of higher education;

11 “(B) provide education to foster youth and
12 homeless youth with respect to—

13 “(i) the benefits and opportunities of
14 postsecondary education;

15 “(ii) planning for postsecondary edu-
16 cation;

17 “(iii) financial aid opportunities that
18 assist youth with covering the cost of at-
19 tendance of an institution of higher edu-
20 cation;

21 “(iv) the Federal and State services
22 and benefits available to foster youth and
23 homeless youth while enrolled at an institu-
24 tion of higher education, including health
25 and mental health services;

1 “(v) *career exploration; and*

2 “(vi) *financial literacy training, in-*
3 *cluding security from identity theft;*

4 “(C) *assist foster youth and homeless youth*
5 *with submitting applications for—*

6 “(i) *enrollment at an institution of*
7 *higher education;*

8 “(ii) *financial aid for such enrollment;*
9 *and*

10 “(iii) *scholarships available for such*
11 *students, including under a State edu-*
12 *cational and training voucher program re-*
13 *ferred to in section 477(i) of the Social Se-*
14 *curity Act; and*

15 “(D) *provide free programming, which may*
16 *include free transportation to and from such*
17 *programming, for foster youth and homeless*
18 *youth to prepare such individuals socially and*
19 *academically for the rigors of postsecondary edu-*
20 *cation during the summer before such individ-*
21 *uals first attend an institution of higher edu-*
22 *cation.*

23 “(2) *REQUIRED CONSULTATION AND COORDINA-*
24 *TION.—In carrying out the activities described in*
25 *paragraph (1), a State shall consult and coordinate*

1 *with State educational agencies, local educational*
2 *agencies, institutions of higher education, State and*
3 *local child welfare authorities, and other relevant or-*
4 *ganizations that serve foster youth or homeless youth.*

5 *“(e) SUBGRANTS TO CREATE INSTITUTIONS OF EX-*
6 *CELLENCE.—*

7 *“(1) IN GENERAL.—Subject to the subsection*
8 *(b)(2), a State receiving a grant under this section*
9 *shall, acting through the administering State agency,*
10 *use not less than 70 percent of the funds to award,*
11 *on a competitive basis, subgrants to eligible institu-*
12 *tions to enable such institutions to become institu-*
13 *tions of excellence by improving college access, reten-*
14 *tion, and completion rates for foster and homeless*
15 *youth as described in paragraph (3).*

16 *“(2) APPLICATION.—*

17 *“(A) IN GENERAL.—An eligible institution*
18 *desiring a subgrant under this subsection shall*
19 *submit an application to the State in which such*
20 *eligible institution is located, at such time, in*
21 *such manner, and containing such information*
22 *as the State may require.*

23 *“(B) TECHNICAL ASSISTANCE.—States shall*
24 *provide outreach and technical assistance to eli-*

1 *gible institutions with respect to applications for*
2 *subgrants under this subsection.*

3 “(3) *ACTIVITIES.*—*An eligible institution that*
4 *receives a grant under this subsection shall use the*
5 *grant funds to carry out the following activities with*
6 *respect to homeless youth and foster youth:*

7 “(A) *Provide flexibility and assistance in*
8 *completing the application process to enroll at*
9 *such institution.*

10 “(B) *Coordinate programs with relevant on-*
11 *and off-campus stakeholders to increase the en-*
12 *rollment of such youth at the institution and*
13 *align services at the institution for such youth.*

14 “(C) *Adjust the cost of attendance for such*
15 *youth at such eligible institution to include the*
16 *cost of housing during periods of non-enrollment.*

17 “(D) *Provide institutional aid to such stu-*
18 *dents to meet the cost of attendance that is not*
19 *covered by other Federal or State educational*
20 *grants.*

21 “(E) *Provide outreach to such students to*
22 *ensure that such youth are aware of housing re-*
23 *sources available during periods of non-enroll-*
24 *ment.*

1 “(F) Subsidize any fees for such students
2 associated with orientation and offer free trans-
3 portation to college orientation or move-in week.

4 “(G) Hire and provide training for at least
5 one full-time staff at the eligible institution to
6 serve as a point of contact to provide case man-
7 agement services and monthly face-to-face meet-
8 ings with students who are foster youth or home-
9 less youth. Such individual shall have an ad-
10 vanced degree and at least two years of relevant
11 experience.

12 “(H) Establish or enhance campus support
13 programs to provide such students with a wide-
14 range of on-campus services including—

15 “(i) assistance with financial aid;

16 “(ii) career advice; and

17 “(iii) leadership development.

18 “(I) Ensure the availability of robust stu-
19 dent health services (physical and mental) that
20 meet the specific needs of foster youth and home-
21 less youth.

22 “(J) Establish or expand early alert systems
23 to identify and support such students who may
24 be struggling academically.

1 “(K) For each such student with reasonable,
2 unanticipated expenses that would not be covered
3 by the institutional aid provided under subpara-
4 graph (D) and that would be necessary for the
5 student to persist in college during an academic
6 year, provide the student with access to an emer-
7 gency grant to help cover such expenses.

8 “(L) Collect, review, and monitor data for
9 program improvement.

10 “(4) RELIANCE ON INSTITUTIONAL AID.—Any
11 institutional aid provided to a student under para-
12 graph (3)(D) by an eligible institution during the
13 grant period of the institution’s grant under this sec-
14 tion shall continue to be provided during the student’s
15 continuous enrollment at the institution, without re-
16 gard to whether the grant period ends during such en-
17 rollment.

18 “(5) DEFINITIONS.—In this subsection:

19 “(A) ADMINISTERING STATE AGENCY.—The
20 term ‘administering State agency’ means a State
21 agency—

22 “(i) designated by the Governor or ex-
23 ecutive of the State to administer the sub-
24 grants under this subsection; and

1 “(ii) that, with respect to such State,
2 has jurisdiction over—

3 “(I) foster youth;

4 “(II) homeless youth;

5 “(III) elementary and secondary
6 education; or

7 “(IV) higher education.

8 “(B) *ELIGIBLE INSTITUTION*.—The term ‘el-
9 igible institution’ means an institution of higher
10 education—

11 “(i) that is in partnership with—

12 “(I) the State child welfare agency
13 that is responsible for the administra-
14 tion of the State plan under part B or
15 E of title IV of the Social Security Act
16 (42 U.S.C. 621 et seq.; 670 et seq.);
17 and

18 “(II) an organization that serves
19 homeless youth (such as a youth shelter
20 or outreach program); and

21 “(ii) that may partner with any other
22 provider, agency, official, or entity that
23 serves foster youth and homeless youth, or
24 former foster youth and homeless youth.

1 “(f) *STATE REPORTS.*—*For each year in which a State*
2 *receives an allotment under subsection (b), the State shall*
3 *prepare and submit a report to the Secretary that in-*
4 *cludes—*

5 “(1) *each activity or service that was carried out*
6 *under this section;*

7 “(2) *the cost of providing each such activity or*
8 *service;*

9 “(3) *the number of students who received each*
10 *activity or service disaggregated by each subgroup of*
11 *students described in subclauses (I) through (VI) of*
12 *section 1111(b)(2)(B)(xi) of the Elementary and Sec-*
13 *ondary Education Act of 1965 (20 U.S.C.*
14 *6311(b)(2)(B)(xi));*

15 “(4) *using qualitative and quantitative analysis,*
16 *how the State—*

17 “(A) *improved access to higher education*
18 *for foster youth and homeless youth; and*

19 “(B) *measured youth satisfaction with ac-*
20 *tivities carried out under this part;*

21 “(5) *an analysis of the implementation and*
22 *progress of the Statewide transition initiative under*
23 *subsection (d), including challenges and changes made*
24 *to the initiative throughout the preceding year;*

1 “(6) if, based on the analysis under paragraph
2 (5), the State determines that the program is not on
3 track to meet the intended outcomes described in the
4 application of the State under subsection (c)(2)(C), a
5 description of how the State plans to meet such in-
6 tended outcomes; and

7 “(7) information on the eligible institutions re-
8 ceiving subgrants, including how such institutions
9 used subgrant funds to carry out the activities de-
10 scribed in subsection (e)(3).

11 “(g) DEPARTMENT ACTIVITIES.—

12 “(1) EVALUATIONS.—Beginning on the date on
13 which funds are first allotted under subsection (b),
14 and annually thereafter, the Secretary shall evaluate
15 recipients of allotments and subgrants under this sec-
16 tion. The results of such evaluations shall be made
17 publicly available on the website of the Department.

18 “(2) REPORT TO CONGRESS.—Not later than 1
19 year after the date on which funds are first allocated
20 under subsection (b), and annually thereafter, the
21 Secretary shall submit a report to Congress that in-
22 cludes—

23 “(A) the amount of each allotment under
24 subsection (b);

1 “(B) *the amount of each subgrant under*
2 *subsection (e); and*

3 “(C) *with respect to the year for which such*
4 *report is made, the results of the evaluations*
5 *under paragraph (1).*

6 “(h) *AUTHORIZATION OF APPROPRIATIONS.—*

7 “(1) *IN GENERAL.—Subject to paragraph (2),*
8 *there are authorized to be appropriated to carry out*
9 *this part \$150,000,000 for fiscal year 2021 and each*
10 *of the 5 succeeding fiscal years.*

11 “(2) *ADJUSTMENT FOR INFLATION.—*

12 “(A) *IN GENERAL.—The amount authorized*
13 *to be appropriated under paragraph (1) for fis-*
14 *cal year 2022 and each of the 4 succeeding fiscal*
15 *years shall be deemed increased by the annual*
16 *adjustment percentage.*

17 “(B) *DEFINITION.—In this paragraph, the*
18 *term ‘annual adjustment percentage’, as applied*
19 *to a fiscal year, means the estimated percentage*
20 *change in the Consumer Price Index (as deter-*
21 *mined by the Secretary, using the definition in*
22 *section 478(f)) for the most recent calendar year*
23 *ending before the beginning of that fiscal year.”.*

1 **TITLE VIII—ADDITIONAL**
 2 **PROGRAMS**

3 **SEC. 8001. REPEALS.**

4 *Title VIII of the Higher Education Act of 1965 (20*
 5 *U.S.C. 1161a et seq.) is amended by repealing the following:*

6 (1) *Part A (20 U.S.C. 1161a).*

7 (2) *Parts C through E (20 U.S.C. 1161c et seq.).*

8 (3) *Parts H and I (20 U.S.C. 1161h et seq.).*

9 (4) *Parts K through P (20 U.S.C. 1161k et seq.).*

10 (5) *Part R (20 U.S.C. 1161r).*

11 (6) *Parts X through Z (20 U.S.C. 1161x et seq.).*

12 **SEC. 8002. RONALD V. DELLUMS MEMORIAL STEAM SCHOL-**
 13 **ARS PROGRAM.**

14 *Part B of title VIII of the Higher Education Act of*
 15 *1965 (20 U.S.C. 1161b)—*

16 (1) *is redesignated as part A of such title; and*

17 (2) *is amended to read as follows:*

18 **“PART A—RONALD V. DELLUMS MEMORIAL**
 19 **STEAM SCHOLARS**

20 **“SEC. 801. RONALD V. DELLUMS MEMORIAL STEAM SCHOL-**
 21 **ARS PROGRAM.**

22 **“(a) PROGRAM AUTHORIZED.—**

23 **“(1) GRANTS FOR SCHOLARSHIPS.—***The Sec-*
 24 *retary shall award grants under this section to insti-*
 25 *tutions of higher education (as defined in section 101)*

1 to provide scholarships to eligible students for the
2 purpose of enabling such students to enter into the
3 STEAM workforce and increasing the number of
4 underrepresented students in STEAM fields.

5 “(2) *ELIGIBLE STUDENTS.*—A student is eligible
6 for a scholarship under this section if the student—

7 “(A) meets the requirements of section
8 484(a);

9 “(B) is an at least half-time student who
10 has completed at least the first year of under-
11 graduate study;

12 “(C) is enrolled in a program of under-
13 graduate instruction leading to a bachelor’s de-
14 gree at the institution with a major in a
15 STEAM field; and

16 “(D) has obtained a cumulative grade point
17 average of at least a 3.0 (or the equivalent as de-
18 termined under regulations prescribed by the
19 Secretary) at the end of the most recently com-
20 pleted term.

21 “(3) *PRIORITY FOR SCHOLARSHIPS.*—The Sec-
22 retary shall set a priority for awarding scholarships
23 under this section for students agreeing to work after
24 graduation in a STEAM field.

1 “(4) *STUDENTS FROM MINORITY-SERVING INSTI-*
2 *TUTIONS AND HISTORICALLY BLACK COLLEGES AND*
3 *UNIVERSITIES.—The Secretary shall ensure that not*
4 *fewer than 50 percent of the scholarships awarded*
5 *under this section are awarded to eligible students*
6 *who attend historically Black colleges and universities*
7 *and other minority-serving institutions, including*
8 *Hispanic-serving institutions, Asian American and*
9 *Native American Pacific Islander-serving institu-*
10 *tions, American Indian Tribally controlled colleges*
11 *and universities, Alaska Native and Native Hawai-*
12 *ian-serving institutions, Predominantly Black Insti-*
13 *tutions, and Native American-serving, Nontribal in-*
14 *stitutions.*

15 “(5) *AMOUNT AND DURATION OF SCHOLAR-*
16 *SHIP.—Scholarship amounts awarded under this sec-*
17 *tion shall not exceed—*

18 “(A) *\$10,000 per student for an academic*
19 *year; and*

20 “(B) *\$40,000 per student in the aggregate.*

21 “(b) *MATCHING REQUIREMENT.—In order to receive a*
22 *grant under this section, an institution of higher education*
23 *shall provide matching funds for the scholarships awarded*
24 *under this section in an amount equal to 25 percent of the*
25 *Federal funds received.*

1 “(c) *APPLICATION.*—*An institution that desires a*
2 *grant under this section shall submit an application to the*
3 *Secretary at such time, in such manner, and containing*
4 *such information as the Secretary may require. Each appli-*
5 *cation shall include a description of how the institution will*
6 *meet the matching requirement of subsection (b).*

7 “(d) *REPORTS.*—*Not later than 2 years after the date*
8 *on which the first scholarship is awarded under this section,*
9 *and each academic year thereafter, the Secretary shall sub-*
10 *mit to the Congress a report containing—*

11 “(1) *a description and analysis of the demo-*
12 *graphic information of students who receive scholar-*
13 *ships under this section, including information with*
14 *respect to such students regarding—*

15 “(A) *race;*

16 “(B) *ethnicity;*

17 “(C) *gender; and*

18 “(D) *eligibility to receive a Pell Grant;*

19 “(2) *the total number of underrepresented stu-*
20 *dents in STEAM fields who obtain a degree with*
21 *scholarship funds each year; and*

22 “(3) *an analysis of the effects of the program on*
23 *the goals of increasing the number of underrep-*
24 *resented students in STEAM fields and the number of*
25 *such students who enter into the STEAM workforce.*

1 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to carry out this section*
3 *\$5,000,000 for fiscal year 2021 and each of the five suc-*
4 *ceeding fiscal years.*

5 “(f) *DEFINITIONS.*—*For purposes of this section:*

6 “(1) *The term ‘minority-serving institution’*
7 *means an institution eligible to receive assistance*
8 *under title III or V.*

9 “(2) *The term ‘STEAM’ means science, tech-*
10 *nology, engineering, arts, and mathematics.*

11 “(3) *The term ‘underrepresented student in*
12 *STEAM fields’ means a student who is a member of*
13 *a minority group for which the number of individuals*
14 *in such group who annually receive bachelor’s degrees*
15 *in the STEAM fields per 10,000 individuals in such*
16 *group is substantially less than the number of white,*
17 *non-Hispanic individuals who annually receive bach-*
18 *elor’s degrees in the STEAM fields per 10,000 such*
19 *individuals.’’.*

20 **SEC. 8003. TEACH FOR AMERICA.**

21 “(a) *REAUTHORIZATION.*—*Subparagraph (C) of section*
22 *806(f)(1) of the Higher Education Act of 1965 (20 U.S.C.*
23 *1161f(f)(1)) is amended to read as follows:*

24 “(C) *\$30,000,000 for fiscal year 2021 and*
25 *each of the 5 succeeding fiscal years.’’.*

1 (b) *REDESIGNATION*.—*Part F of title VIII of the High-*
2 *er Education Act of 1965 (20 U.S.C. 1161f) is redesignated*
3 *as part B of such title.*

4 **SEC. 8004. PATSY T. MINK FELLOWSHIP PROGRAM.**

5 (a) *REAUTHORIZATION*.—*Subsection (f) of section 807*
6 *of the Higher Education Act of 1965 (20 U.S.C. 1161g) is*
7 *amended to read as follows:*

8 “(f) *AUTHORIZATION OF APPROPRIATIONS*.—*There is*
9 *authorized to be appropriated to carry out this section*
10 *\$10,000,000 for fiscal year 2021 and each of the 5 suc-*
11 *ceeding fiscal years.”.*

12 (b) *REDESIGNATIONS*.—

13 (1) *PART*.—*Part G of title VIII of the Higher*
14 *Education Act of 1965 (20 U.S.C. 1161g) is redesign-*
15 *ated as part C of such title.*

16 (2) *SECTION*.—*Section 807 of the Higher Edu-*
17 *cation Act of 1965 (20 U.S.C. 1161g), as amended by*
18 *subsection (a), is redesignated as section 811.*

19 **SEC. 8005. IMPROVING SCIENCE, TECHNOLOGY, ENGINEER-**
20 **ING, AND MATHEMATICS EDUCATION WITH A**
21 **FOCUS ON AMERICAN INDIAN, ALASKA NA-**
22 **TIVE, AND NATIVE HAWAIIAN STUDENTS.**

23 (a) *IN GENERAL*.—*Section 819 of the Higher Edu-*
24 *cation Act of 1965 (20 U.S.C. 1161j) is amended—*

1 (1) *in the section heading, by striking “ALASKA*
2 *NATIVE AND NATIVE HAWAIIAN” and inserting*
3 *“NATIVE AMERICAN”;*

4 (2) *in subsection (a)(2), by striking “Alaska Na-*
5 *tives and Native Hawaiians” and inserting “Amer-*
6 *ican Indians, Alaska Natives, Native Hawaiians and*
7 *other Native American Pacific Islanders to enable*
8 *them to succeed in these fields”;*

9 (3) *in subsection (b)—*

10 (A) *by redesignating paragraphs (1), (2),*
11 *(3), and (4), as paragraphs (2), (4), (5), and (6),*
12 *respectively;*

13 (B) *by inserting before paragraph (2), as*
14 *redesignated by subparagraph (A), the following:*

15 “(1) *NATIVE AMERICAN.—The term ‘Native*
16 *American’ includes Alaska Natives, American Indi-*
17 *ans, Native Hawaiians and Native American Pacific*
18 *Islanders.’; and*

19 (C) *by inserting after paragraph (2), as re-*
20 *designated by subparagraph (A), the following:*

21 “(3) *AMERICAN INDIAN.—The term ‘American*
22 *Indian’ has the meaning given the term ‘Indian’ in*
23 *section 202 of the Indian Land Consolidation Act (25*
24 *U.S.C. 2201).’;*

25 (4) *in subsection (c)—*

1 (A) by inserting “create or” after “to enable
2 the eligible partnership to”;

3 (B) by inserting “Native American” after
4 “the development of”; and

5 (C) by striking “, including existing pro-
6 grams for Alaska Native and Native Hawaiian
7 students”;

8 (5) in subsection (d)—

9 (A) in paragraph (1), by striking “Alaska
10 Native or Native Hawaiian students” and in-
11 serting “programs that serve Native American
12 students”;

13 (B) in paragraph (2), by striking “Alaska
14 Native and Native Hawaiian students” and in-
15 serting “programs that serve Native American
16 students”; and

17 (C) in paragraph (3), by striking “Alaska
18 Native or Native Hawaiian students” and in-
19 serting “Native American students”;

20 (6) in subsection (f), by striking “30 percent or
21 more of the program participants are Alaska Native
22 or Native Hawaiian” and inserting “30 percent or
23 more of the program participants are Native Amer-
24 ican”; and

1 (7) *in subsection (i), by striking “to carry out*
2 *this section such sums as may be necessary for fiscal*
3 *year 2009 and each of the five succeeding fiscal*
4 *years” and inserting “\$5,000,000 for fiscal year 2021*
5 *and each of the 5 succeeding fiscal years”.*

6 **(b) REDESIGNATIONS.—**

7 **(1) PART.—***Part J of title VIII of the Higher*
8 *Education Act of 1965 (20 U.S.C. 1161j) is redesign-*
9 *ated as part D of such title.*

10 **(2) SECTION.—***Section 819 of the Higher Edu-*
11 *cation Act of 1965 (20 U.S.C. 1161j), as amended by*
12 *subsection (a), is redesignated as section 816.*

13 **SEC. 8006. GRANTS FOR RURAL-SERVING INSTITUTIONS OF**
14 **HIGHER EDUCATION.**

15 **(a) REAUTHORIZATION.—***Subsection (g) of section 861*
16 *of the Higher Education Act of 1965 (20 U.S.C. 1161q) is*
17 *amended to read as follows:*

18 **“(g) AUTHORIZATION OF APPROPRIATIONS.—***There is*
19 *authorized to be appropriated to carry out this section*
20 *\$20,000,000 for fiscal year 2021 and each of the 5 suc-*
21 *ceeding fiscal years.”.*

22 **(b) REDESIGNATIONS.—**

23 **(1) PART.—***Part Q of title VIII of the Higher*
24 *Education Act of 1965 (20 U.S.C. 1161q) is redesign-*
25 *ated as part E of such title.*

1 (2) *SECTION.*—Section 861 of the Higher Edu-
 2 cation Act of 1965 (20 U.S.C. 1161q), as amended by
 3 subsection (a), is redesignated as section 821.

4 **SEC. 8007. TRAINING FOR REALTIME WRITERS TO PROVIDE**
 5 **CLOSED CAPTIONING AND COURT REPORT-**
 6 **ING SERVICES.**

7 (a) *REAUTHORIZATION.*—Section 872(e) of the Higher
 8 Education Act of 1965 (20 U.S.C. 1161s(e)) is amended by
 9 striking “2009” and inserting “2021”.

10 (b) *REDESIGNATIONS.*—

11 (1) *PART.*—Part S of title VIII of the Higher
 12 Education Act of 1965 (20 U.S.C. 1161s) is redesi-
 13 gnated as part F of such title.

14 (2) *SECTION.*—Section 872 of the Higher Edu-
 15 cation Act of 1965 (20 U.S.C. 1161s), as amended by
 16 subsection (a), is redesignated as section 826.

17 **SEC. 8008. GRANT PROGRAM TO ESTABLISH, MAINTAIN, AND**
 18 **IMPROVE VETERAN STUDENT CENTERS.**

19 (a) *IN GENERAL.*—Part T of title VIII of the Higher
 20 Education Act of 1965 (20 U.S.C. 1161t)—

21 (1) is redesignated as part G of such title; and

22 (2) is amended to read as follows:

1 “(ii) a significant percentage of vet-
2 eran students, as measured by comparing
3 the overall enrollment of the institution or
4 consortium to the number, for the most re-
5 cent academic year for which data are
6 available, of veteran students, members of
7 the Armed Forces serving on active duty,
8 and members of a reserve component of the
9 Armed Forces who are enrolled in under-
10 graduate or graduate courses at the institu-
11 tion or consortium.

12 “(B) The institution or consortium presents
13 a sustainability plan to demonstrate that the
14 Veteran Student Center of such institution or
15 consortium will be maintained and will continue
16 operations upon conclusion of the grant period
17 under subsection (a).

18 “(3) *ADDITIONAL CRITERIA.*—

19 “(A) *MANDATORY CONSIDERATIONS.*—In
20 awarding grants under subsection (a), the Sec-
21 retary shall consider institutions or consortia
22 representing a broad spectrum of sectors and
23 sizes, including institutions or consortia from
24 urban, suburban, and rural regions of the United
25 States.

1 “(B) DISCRETIONARY CRITERIA.—In
2 *awarding grants under subsection (a), the Sec-*
3 *retary may provide consideration to institutions*
4 *or consortia that meet one or more of the fol-*
5 *lowing criteria:*

6 “(i) *The institution or consortium is*
7 *located in a region or community that has*
8 *a significant population of veterans.*

9 “(ii) *The institution or consortium*
10 *carries out programs or activities that as-*
11 *sist veterans in the local community and*
12 *the spouses of veteran students.*

13 “(iii) *The institution or consortium*
14 *partners in its veteran-specific program-*
15 *ming with nonprofit veteran service organi-*
16 *zations, local workforce development organi-*
17 *zations, or institutions of higher education.*

18 “(iv) *The institution or consortium*
19 *commits to hiring staff at the Veteran Stu-*
20 *dent Center that includes veterans (includ-*
21 *ing veteran student volunteers and veteran*
22 *students participating in a Federal work-*
23 *study program under part C of title IV, a*
24 *work-study program administered by the*

1 *Secretary of Veteran Affairs, or a State*
2 *work-study program).*

3 “(v) *The institution or consortium*
4 *commits to using a portion of the grant re-*
5 *ceived under this section to develop and im-*
6 *plement an early-warning veteran student*
7 *retention program designed to alert staff at*
8 *the Veteran Student Center that a veteran*
9 *student may be facing difficulties that could*
10 *lead to the non-completion of the course of*
11 *study of such veteran.*

12 “(vi) *The institution or consortium*
13 *commits to providing mental health coun-*
14 *seling to its veteran students and their*
15 *spouses.*

16 “(vii) *The institution or consortium*
17 *carries out programs or activities that as-*
18 *sist individuals pursuing a course of edu-*
19 *cation using educational assistance under*
20 *chapter 31 of title 38, United States Code.*

21 “(c) *USE OF FUNDS.—*

22 “(1) *IN GENERAL.—An institution or consortium*
23 *that is awarded a grant under subsection (a) shall use*
24 *such grant to establish, maintain, improve, or operate*
25 *a Veteran Student Center.*

1 “(2) *OTHER ALLOWABLE USES.*—*An institution*
2 *or consortium receiving a grant under subsection (a)*
3 *may use a portion of such funds to carry out sup-*
4 *portive instruction services for student veterans, in-*
5 *cluding—*

6 “(A) *assistance with special admissions and*
7 *transfer of credit from previous postsecondary*
8 *education or experience; and*

9 “(B) *any other support services the institu-*
10 *tion or consortium determines to be necessary to*
11 *ensure the success of veterans on campus in*
12 *achieving education and career goals.*

13 “(d) *AMOUNTS AWARDED.*—

14 “(1) *DURATION.*—*Each grant awarded under*
15 *subsection (a) shall be for a 4-year period.*

16 “(2) *TOTAL AMOUNT OF GRANT AND SCHED-*
17 *ULE.*—*Each grant awarded under subsection (a) may*
18 *not exceed a total of \$500,000. The Secretary shall*
19 *disburse to an institution or consortium the amounts*
20 *awarded under the grant in such amounts and at*
21 *such times during the grant period as the Secretary*
22 *determines appropriate.*

23 “(e) *REPORT.*—*From the amounts appropriated to*
24 *carry out this section, and not later than 3 years after the*
25 *date on which the first grant is awarded under subsection*

1 *(a), the Secretary shall submit to Congress a report on the*
2 *grant program established under subsection (a), includ-*
3 *ing—*

4 *“(1) the number of grants awarded;*

5 *“(2) the institutions of higher education and*
6 *consortia that have received grants;*

7 *“(3) with respect to each such institution of*
8 *higher education and consortium—*

9 *“(A) the amounts awarded;*

10 *“(B) how such institution or consortium*
11 *used such amounts;*

12 *“(C) a description of the students to whom*
13 *services were offered as a result of the award;*
14 *and*

15 *“(D) data enumerating whether the use of*
16 *the amounts awarded helped veteran students at*
17 *the institution or consortium toward completion*
18 *of a degree, certificate, or credential;*

19 *“(4) best practices for veteran student success,*
20 *identified by reviewing data provided by institutions*
21 *and consortia that received a grant under this section;*
22 *and*

23 *“(5) a determination by the Secretary with re-*
24 *spect to whether the grant program under this section*
25 *should be extended or expanded.*

1 “(f) *TERMINATION.*—*The authority of the Secretary to*
2 *carry out the grant program established under subsection*
3 *(a) shall terminate on the date that is 4 years after the*
4 *date on which the first grant is awarded under subsection*
5 *(a).*

6 “(g) *DEPARTMENT OF EDUCATION BEST PRACTICES*
7 *WEBSITE.*—*Subject to the availability of appropriations*
8 *under subsection (i) and not later than 3 years after the*
9 *date on which the first grant is awarded under subsection*
10 *(a), the Secretary shall develop and implement a website*
11 *for veteran student services at institutions of higher edu-*
12 *cation, which details best practices for serving veteran stu-*
13 *dents at institutions of higher education.*

14 “(h) *DEFINITIONS.*—*In this section:*

15 “(1) *INSTITUTION OF HIGHER EDUCATION.*—*The*
16 *term ‘institution of higher education’ has the meaning*
17 *given the term in section 101.*

18 “(2) *VETERAN STUDENT CENTER.*—*The term*
19 *‘Veteran Student Center’ means a dedicated space on*
20 *a campus of an institution of higher education that*
21 *provides students who are veterans or members of the*
22 *Armed Forces with the following:*

23 “(A) *A lounge or meeting space for such vet-*
24 *eran students, their spouses or partners, and vet-*
25 *erans in the community.*

1 “(B) *A centralized office for veteran services*
2 *that—*

3 “(i) *is a single point of contact to co-*
4 *ordinate comprehensive support services for*
5 *veteran students;*

6 “(ii) *is staffed by trained employees*
7 *and volunteers, which includes veterans and*
8 *at least one full-time employee or volunteer*
9 *who is trained as a veterans’ benefits coun-*
10 *selor;*

11 “(iii) *provides veteran students with*
12 *assistance relating to—*

13 “(I) *transitioning from the mili-*
14 *tary to student life;*

15 “(II) *transitioning from the mili-*
16 *tary to the civilian workforce;*

17 “(III) *networking with other vet-*
18 *eran students and veterans in the com-*
19 *munity;*

20 “(IV) *understanding and obtain-*
21 *ing benefits provided by the institution*
22 *of higher education, Federal Govern-*
23 *ment, and State for which such stu-*
24 *dents may be eligible;*

1 “(V) *understanding how to suc-*
2 *ceed in the institution of higher edu-*
3 *cation, including by understanding*
4 *academic policies, the course selection*
5 *process, and institutional policies and*
6 *practices related to the transfer of aca-*
7 *demie credits; and*

8 “(VI) *understanding their dis-*
9 *ability-related rights and protections*
10 *under the Americans with Disabilities*
11 *Act of 1990 (42 U.S.C. 12101 et seq.)*
12 *and section 504 of the Rehabilitation*
13 *Act of 1973 (29 U.S.C. 794); and*

14 “(iv) *provides comprehensive academic*
15 *and tutoring services for veteran students,*
16 *including peer-to-peer tutoring and aca-*
17 *demie mentorship.*

18 “(i) *AUTHORIZATION OF APPROPRIATIONS.—There are*
19 *authorized to be appropriated to carry out this part*
20 *\$15,000,000 for fiscal year 2021 and each of the 5 suc-*
21 *ceeding fiscal years.”.*

22 “(b) *CONTINUATION OF AWARDS.—An institution of*
23 *higher education that received a grant under section 873*
24 *of the Higher Education Act of 1965 (20 U.S.C. 1161t) be-*
25 *fore the date of enactment of this Act, as such section 873*

1 *(20 U.S.C. 1161t) was in effect on the day before the date*
2 *of enactment of this Act, shall continue to receive funds in*
3 *accordance with the terms and conditions of such grant.*

4 **SEC. 8009. UNIVERSITY SUSTAINABILITY PROGRAM AMEND-**
5 **MENTS.**

6 *(a) IN GENERAL.—Section 881 of the Higher Edu-*
7 *cation Act of 1965 (20 U.S.C. 1161u) is amended—*

8 *(1) in subsection (a)—*

9 *(A) by striking paragraph (1) and insert-*
10 *ing:*

11 *“(1) IN GENERAL.—From the amounts appro-*
12 *priated to carry out this section, the Secretary, in*
13 *consultation with the Administrator of the Environ-*
14 *mental Protection Agency, shall make grants to eligi-*
15 *ble entities to establish sustainability programs to de-*
16 *sign and implement the teaching and practice of sus-*
17 *tainability, including in the areas of staff and faculty*
18 *professional development, energy management, green-*
19 *house gas emissions reductions, green building, waste*
20 *management, transportation, resilience, green work-*
21 *force, and other aspects of sustainability that inte-*
22 *grate the local community with multidisciplinary*
23 *academic programs and are applicable to the private*
24 *and Government sectors.”; and*

1 (B) by striking paragraph (3)(B) and in-
2 serting:

3 “(B) a nonprofit consortium, association,
4 alliance, or collaboration operating in partner-
5 ship with more than one institution of higher
6 education.”;

7 (2) in subsection (c)—

8 (A) in paragraph (1)—

9 (i) by inserting “in alignment with
10 local community needs” after “following
11 purposes”;

12 (ii) in subparagraph (D)—

13 (I) by striking “establish” and in-
14 serting “scale established”;

15 (II) by striking “purchasing,
16 toxics management,”; and

17 (III) by inserting “resilience,
18 green workforce,” after “transporta-
19 tion,”; and

20 (iii) in subparagraph (G), by inserting
21 “economics, law, political science,” after
22 “business,”; and

23 (B) in paragraph (2)—

24 (i) in subparagraph (A), by striking
25 “of” and inserting “relating to”; and

1 (ii) in subparagraph (C), by inserting
2 “city and State governments,” after “busi-
3 ness,”;

4 (3) in subsection (e), by striking “\$250,000 or
5 more than \$2,000,000” and inserting “\$200,000 or
6 more than \$500,000”; and

7 (4) in subsection (f), by striking “2009” and in-
8 serting “2021”.

9 (b) *REDESIGNATIONS*.—

10 (1) *PART*.—Part U of title VIII of the Higher
11 Education Act of 1965 (20 U.S.C. 1161u) is redesi-
12 gnated as part H of such title.

13 (2) *SECTION*.—Section 881 of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1161u), as amended by
15 subsection (a), is redesignated as section 836.

16 **SEC. 8010. MODELING AND SIMULATION.**

17 (a) *REAUTHORIZATION*.—Subsection (e) of section 891
18 of the Higher Education Act of 1965 (20 U.S.C. 1161v) is
19 amended, in the matter preceding paragraph (1), by strik-
20 ing the first sentence and inserting the following: “There
21 is authorized to be appropriated to carry out this section
22 \$75,000,000 for fiscal year 2021 and each of the 5 suc-
23 ceeding fiscal years.”.

24 (b) *REDESIGNATIONS*.—

1 (1) *PART.*—*Part V of title VIII of the Higher*
2 *Education Act of 1965 (20 U.S.C. 1161v) is redesign-*
3 *ated as part I of such title.*

4 (2) *SECTION.*—*Section 891 of the Higher Edu-*
5 *cation Act of 1965 (20 U.S.C. 1161v), as amended by*
6 *subsection (a), is redesignated as section 841.*

7 **SEC. 8011. PATH TO SUCCESS.**

8 (a) *REAUTHORIZATION.*—*Section 892(g) of the Higher*
9 *Education Act of 1965 (20 U.S.C. 1161w(g)) is amended*
10 *by striking “2009” and inserting “2021”.*

11 (b) *REDESIGNATIONS.*—

12 (1) *PART.*—*Part W of title VIII of the Higher*
13 *Education Act of 1965 (20 U.S.C. 1161w) is redesign-*
14 *ated as part J of such title.*

15 (2) *SECTION.*—*Section 892 of the Higher Edu-*
16 *cation Act of 1965 (20 U.S.C. 1161w), as amended by*
17 *subsection (a), is redesignated as section 846.*

18 **SEC. 8012. MANDATORY FUNDING FOR MASTERS AND**
19 **POSTBACCALAUREATE PROGRAMS.**

20 (a) *MASTERS DEGREE PROGRAMS.*—*Section 897 of the*
21 *Higher Education Act of 1965 (20 U.S.C. 1161aa) is*
22 *amended by striking “\$11,500,000 for fiscal year 2009 and*
23 *for each of the five succeeding fiscal years” and inserting*
24 *“\$13,500,000 for fiscal year 2021 and each succeeding fiscal*
25 *year”.*

1 (b) *POSTBACCALAUREATE PROGRAMS.*—Section 898 of
2 *the Higher Education Act of 1965 (20 U.S.C. 1161aa–1)*
3 *is amended—*

4 (1) *by striking “In addition” and inserting “(a)*
5 *ADDITIONAL APPROPRIATIONS FOR PART B OF TITLE*
6 *V.—In addition”;*

7 (2) *by striking “\$11,500,000 for fiscal year 2009*
8 *and for each of the five succeeding fiscal years” and*
9 *inserting “\$21,000,000 for fiscal year 2021 and each*
10 *succeeding fiscal year”;* and

11 (3) *by adding at the end the following:*

12 “(b) *ADDITIONAL APPROPRIATIONS FOR PART A OF*
13 *TITLE VII.—In addition to any amounts appropriated*
14 *under subpart 5 of part A of title VII, there are authorized*
15 *to be appropriated, and there are appropriated, out of any*
16 *funds in the Treasury not otherwise appropriated,*
17 *\$13,000,000 for fiscal year 2021 and each of the 5 suc-*
18 *ceeding fiscal years to carry out subpart 5 of part A of*
19 *title VII.”.*

20 (c) *REDESIGNATIONS.*—

21 (1) *PART.*—*Part AA of title VIII of the Higher*
22 *Education Act of 1965 (20 U.S.C. 1161aa) is redesign-*
23 *ated as part K of such title.*

24 (2) *SECTIONS.*—*Sections 897 and 898 of the*
25 *Higher Education Act of 1965 (20 U.S.C. 1161aa et*

1 *such manner, and containing such information*
2 *as the Secretary may reasonably require.*

3 “(B) *CONTENTS.*—*Each application sub-*
4 *mitted under subparagraph (A) shall include—*

5 “(i) *a description of the proposed*
6 *project to be completed with grant funds;*

7 “(ii) *a plan for promoting and track-*
8 *ing the use of open textbooks in postsec-*
9 *ondary courses offered by the eligible entity,*
10 *including an estimate of the projected sav-*
11 *ings that will be achieved for students*
12 *through the use of such textbooks;*

13 “(iii) *a description of how the eligible*
14 *entity will evaluate whether existing open*
15 *educational resources could be used or*
16 *adapted into open educational resources be-*
17 *fore creating new open educational re-*
18 *sources;*

19 “(iv) *a plan for quality review (includ-*
20 *ing peer review), review of accuracy, and*
21 *review of accessibility of any open edu-*
22 *cational resources created or adapted*
23 *through the grant;*

1 “(v) a plan for assessing the impact of
2 open textbooks on instruction and student
3 learning outcomes at the eligible entity;

4 “(vi) a plan for disseminating infor-
5 mation about the results of the project to in-
6 stitutions of higher education outside of the
7 eligible entity, including promoting the
8 adoption of any open textbooks created or
9 adapted through the grant;

10 “(vii) a statement on consultation with
11 relevant faculty, including those engaged in
12 the creation of open educational resources,
13 in the development of the application; and

14 “(viii) an assurance that open edu-
15 cational resources utilized, developed, or re-
16 searched will be available in accessible for-
17 mats, which may include braille, audio
18 books, closed captioning, and audio descrip-
19 tions.

20 “(3) *SPECIAL CONSIDERATION.*—In awarding
21 grants under this section, the Secretary shall give spe-
22 cial consideration to applications that demonstrate
23 the greatest potential to—

24 “(A) achieve the highest level of savings for
25 students through sustainable expanded use of

1 *high-quality open textbooks in postsecondary*
2 *courses offered by the eligible entity;*

3 “(B) *achieve improvements in student*
4 *learning and student outcomes;*

5 “(C) *expand the use of open textbooks at in-*
6 *stitutions of higher education outside of the eligi-*
7 *ble entity; and*

8 “(D) *produce—*

9 “(i) *the highest quality and most acces-*
10 *sible open textbooks;*

11 “(ii) *open textbooks that can be most*
12 *easily utilized and adapted by faculty mem-*
13 *bers at institutions of higher education;*

14 “(iii) *open textbooks that correspond to*
15 *the highest enrollment courses at institu-*
16 *tions of higher education;*

17 “(iv) *open textbooks created or adapted*
18 *in partnership with entities, including cam-*
19 *pus bookstores, that will assist in marketing*
20 *and distribution of the open textbook; and*

21 “(v) *open textbooks that conform to ac-*
22 *cessibility standards under section 508 of*
23 *the Rehabilitation Act of 1973 (29 U.S.C.*
24 *794d).*

25 “(4) *USE OF FUNDS.—*

1 “(A) *MANDATORY USES OF FUNDS.*—*An eli-*
2 *gible entity that receives a grant under this sec-*
3 *tion shall use the grant funds to carry out the*
4 *following activities to expand the use of open*
5 *textbooks:*

6 “(i) *Professional development for any*
7 *faculty and staff members at institutions of*
8 *higher education, including the search for*
9 *and review of open textbooks.*

10 “(ii) *Creation or adaptation of high-*
11 *quality open educational resources that con-*
12 *form to accessibility standards under sec-*
13 *tion 508 of the Rehabilitation Act of 1973*
14 *(29 U.S.C. 794d), especially open textbooks,*
15 *and the quality assurance of such open edu-*
16 *cational resources.*

17 “(iii) *Development or improvement of*
18 *tools and informational resources that sup-*
19 *port the use of open textbooks, including im-*
20 *proving accessible instructional materials*
21 *for students with disabilities that conform*
22 *to accessibility standards under section 508*
23 *of the Rehabilitation Act of 1973 (29 U.S.C.*
24 *794d).*

1 “(iv) *Research evaluating the efficacy*
2 *of the use of open textbooks for achieving*
3 *savings for students and the impact on in-*
4 *struction and student learning outcomes.*

5 “(B) *DISCRETIONARY USE OF FUNDS.—An*
6 *eligible entity that receives a grant under this*
7 *section may use grant funds to purchase or*
8 *maintain electronic equipment necessary for the*
9 *operation or use of digital open educational re-*
10 *sources, including mobile computer devices and*
11 *accompanying hardware, software applications,*
12 *computer systems and platforms, and other dig-*
13 *ital and online services and support.*

14 “(5) *OPEN LICENSING REQUIREMENT.—*

15 “(A) *COPYRIGHT.—An eligible entity receiv-*
16 *ing a grant under this section may, with prior*
17 *approval from the Secretary, assert a copyright*
18 *in a copyrightable work first produced under the*
19 *grant.*

20 “(B) *OPEN LICENSE REQUIREMENT.—*

21 “(i) *REQUIREMENT.—With respect to*
22 *each copyrightable work first produced*
23 *under the grant, except as provided in*
24 *clause (ii), an eligible entity that asserts a*
25 *copyright under subparagraph (A) shall*

1 *provide to the public a non-exclusive, roy-*
2 *alty-free, perpetual, irrevocable, worldwide*
3 *license to carry out each exclusive right pro-*
4 *vided to that eligible entity under section*
5 *106 of title 17, United States Code.*

6 “(ii) *EXCEPTION.*—*With respect to a*
7 *copyrightable work first produced under the*
8 *grant that employs preexisting material, the*
9 *requirement described under such subpara-*
10 *graph shall apply to such work to the extent*
11 *that—*

12 “(I) *no copyright subsists in such*
13 *preexisting material; or*

14 “(II) *the eligible entity is author-*
15 *ized to license such material in the*
16 *manner described under such subpara-*
17 *graph.*

18 “(C) *RULE OF CONSTRUCTION.*—*Nothing in*
19 *this subsection may be construed as affecting the*
20 *application of the requirements of chapter 18 of*
21 *title 35, United States Code (commonly known*
22 *as the ‘Bayh-Dole Act’).*

23 “(D) *COPYRIGHTABLE WORK DEFINED.*—*In*
24 *this subsection, the term ‘copyrightable work’*
25 *means a work subject to protection under title*

1 17, *United States Code*, but does not include a
2 work that may be patentable or otherwise
3 protectable under title 35, *United States Code*.

4 “(6) *ACCESS AND DISTRIBUTION*.—*The full and*
5 *complete digital content of each educational resource*
6 *created or adapted under paragraph (5) shall be*
7 *made available free of charge to the public—*

8 “(A) *on an easily accessible and interoper-*
9 *able website, which shall be identified to the Sec-*
10 *retary by the eligible entity;*

11 “(B) *in a machine readable, digital format*
12 *that anyone can directly download, edit with at-*
13 *tribution, and redistribute; and*

14 “(C) *in a fully accessible format in compli-*
15 *ance with the Americans with Disabilities Act of*
16 *1990 (42 U.S.C. 12101 et seq.) and section 508*
17 *of the Rehabilitation Act of 1973 (29 U.S.C.*
18 *794d).*

19 “(7) *REPORT*.—*Upon an eligible entity’s comple-*
20 *tion of a project for which the eligible entity received*
21 *a grant under this section, the eligible entity shall*
22 *prepare and submit a report to the Secretary regard-*
23 *ing—*

1 “(A) the effectiveness of the project in ex-
2 panding the use of high-quality open textbooks
3 and in achieving savings for students;

4 “(B) the impact of the project on expanding
5 the use of open textbooks at institutions of higher
6 education outside of the eligible entity;

7 “(C) educational resources created or adapt-
8 ed under the grant, including instructions on
9 where the public can access each educational re-
10 source under the terms of paragraphs (5) and
11 (6);

12 “(D) information about the quality review
13 process that was used to ensure quality and ac-
14 curacy;

15 “(E) the impact of the project on instruc-
16 tion and student learning outcomes; and

17 “(F) all project costs, including the value of
18 any volunteer labor and institutional capital
19 used for the project.

20 “(8) *AUTHORIZATION OF APPROPRIATIONS.*—
21 *There are authorized to be appropriated to carry out*
22 *this section \$5,000,000 for fiscal year 2021 and each*
23 *of the 5 succeeding fiscal years.*

24 “(b) *REPORT TO CONGRESS.*—*Not later than 2 years*
25 *after the date of enactment of College Affordability Act, the*

1 *Secretary shall prepare and submit a report to authorizing*
2 *committees detailing—*

3 “(1) *the high-quality open textbooks created or*
4 *adapted under this section;*

5 “(2) *the adoption of such open textbooks;*

6 “(3) *the savings generated for students, States,*
7 *territories, and the Federal Government through the*
8 *use of open textbooks; and*

9 “(4) *the impact of open textbooks on instruction*
10 *and student learning outcomes.*

11 “(c) *GAO REPORT.—Not later than 3 years after the*
12 *date of enactment of College Affordability Act, the Comp-*
13 *troller General of the United States shall prepare and sub-*
14 *mit a report to the authorizing committees on the cost of*
15 *textbooks to students at institutions of higher education. The*
16 *report shall include—*

17 “(1) *the change of the cost of textbooks between*
18 *the date of the enactment of the College Affordability*
19 *Act and the date of such report;*

20 “(2) *the factors that have contributed to such*
21 *change in the cost of textbooks, including the impact*
22 *of open textbooks on the cost;*

23 “(3) *the extent to which open textbooks are used*
24 *at institutions of higher education compared to the*

1 *use of open textbooks before the date of the enactment*
2 *of this subsection;*

3 *“(4) how institutions are tracking the impact of*
4 *open textbooks on instruction and student learning*
5 *outcomes;*

6 *“(5) the availability of accessible forms of open*
7 *textbooks and the barriers faced by students with dis-*
8 *abilities in accessing accessible forms of open edu-*
9 *catinal resources compared to the barriers faced in*
10 *accessing traditional educational materials; and*

11 *“(6) the barriers faced by other student popu-*
12 *lations, including low-income students, in accessing*
13 *high-quality open educational resources compared to*
14 *the barriers faced in accessing traditional educational*
15 *materials.*

16 *“(d) DEFINITIONS.—In this section:*

17 *“(1) EDUCATIONAL RESOURCE.—The term ‘edu-*
18 *catinal resource’ means a print or digital edu-*
19 *catinal material that can be used in postsecondary*
20 *instruction, including textbooks and other written or*
21 *audiovisual works.*

22 *“(2) ELIGIBLE ENTITY.—The term ‘eligible enti-*
23 *ty’ means an institution of higher education or a con-*
24 *sortia of such institutions of higher education.*

1 “(3) *INSTITUTION OF HIGHER EDUCATION.*—The
2 term ‘institution of higher education’ has the meaning
3 given the term in section 101.

4 “(4) *OPEN EDUCATIONAL RESOURCE.*—The term
5 ‘open educational resource’ means a print or digital
6 educational resource that either resides in the public
7 domain or has been released under an intellectual
8 property license that permits its free use, reuse, modi-
9 fication, and sharing with others.

10 “(5) *OPEN TEXTBOOK.*—The term ‘open textbook’
11 means an open educational resource or set of open
12 educational resources that either is a textbook or can
13 be used in place of a textbook for a postsecondary
14 course at an institution of higher education.

15 “(6) *RELEVANT FACULTY.*—The term ‘relevant
16 faculty’ means both tenure track and contingent fac-
17 ulty members who may be involved in the creation of
18 open educational resources or the use of open edu-
19 cational resources created as part of the grant appli-
20 cation.”.

21 **SEC. 8014. ENCOURAGING CAMPUS COMPREHENSIVE MEN-**
22 **TAL HEALTH AND SUICIDE PREVENTION**
23 **PLANS.**

24 *Title VIII (20 U.S.C. 1161a et seq.) of the Higher Edu-*
25 *cation Act of 1965, as amended by the preceding provisions*

1 *of this title, is further amended by adding at the end the*
2 *following:*

3 **“PART M—MENTAL HEALTH AND SUICIDE**

4 **PREVENTION**

5 **“SEC. 861. ENCOURAGING CAMPUS COMPREHENSIVE MEN-**

6 **TAL HEALTH AND SUICIDE PREVENTION**

7 **PLANS.**

8 “(a) *IN GENERAL.*—*The Secretary shall make efforts*
9 *to encourage institutions of higher education to develop and*
10 *implement comprehensive campus mental health and sui-*
11 *cide prevention plans. Such efforts—*

12 “(1) *shall be conducted in coordination with the*
13 *Secretary of Health and Human Services (acting*
14 *through the Administrator of the Substance Abuse*
15 *and Mental Health Services Administration);*

16 “(2) *shall align with—*

17 “(A) *the efforts of the Suicide Prevention*
18 *Resource Center, specifically the Center’s model*
19 *of nine strategies that form a comprehensive ap-*
20 *proach to suicide prevention;*

21 “(B) *the 21st Century Cures Act (42 U.S.C.*
22 *201 note); and*

23 “(C) *the programs authorized under the*
24 *Garrett Lee Smith Memorial Act (42 U.S.C. 201*
25 *note; Public Law 108–355);*

1 “(3) shall take into consideration existing State
2 efforts to address mental health and suicide preven-
3 tion at institutions of higher education; and

4 “(4) may be carried out in collaboration with
5 nonprofit organizations and other experts and stake-
6 holders in the field of campus mental health and sui-
7 cide prevention.

8 “(b) *REPORTS.*—The Secretary, or a designee of the
9 Secretary, shall report to Congress on the efforts of the Sec-
10 retary carried out under this section—

11 “(1) not later than one year after the date of en-
12 actment of the College Affordability Act; and

13 “(2) three years after the date of enactment of
14 such Act.

15 “(c) *CONSTRUCTION.*—Nothing in this section shall be
16 construed as creating new statutory requirements for insti-
17 tutions of higher education or granting the Secretary new
18 regulatory authority.”.

1 **TITLE IX—DIRECTIVES TO THE**
 2 **SECRETARY OF EDUCATION**

3 **SEC. 9001. PROVIDING THAT THE SECRETARY OF EDU-**
 4 **CATION MAY NOT ISSUE OR ENFORCE CER-**
 5 **TAIN RULES THAT WEAKEN THE ENFORCE-**
 6 **MENT OF THE PROHIBITION OF SEX DIS-**
 7 **CRIMINATION APPLICABLE UNDER TITLE IX**
 8 **OF THE EDUCATION AMENDMENTS OF 1972.**

9 *The Secretary of Education may not—*

10 *(1) take any action to implement, enforce, or*
 11 *otherwise give effect to the proposed amendments to*
 12 *regulations relating to the enforcement of title IX of*
 13 *the Education Amendments of 1972, published on No-*
 14 *vember 29, 2018, under the heading “Nondiscrimina-*
 15 *tion on the Basis of Sex in Education Programs or*
 16 *Activities Receiving Federal Financial Assistance”*
 17 *(83 Fed. Reg. 61462); or*

18 *(2) propose or issue any rule that is in substan-*
 19 *tially the same form or substantially the same as any*
 20 *of such proposed amendments.*

21 **SEC. 9002. STUDY AND REPORT ON SINGLE CERTIFICATION**
 22 **FORM.**

23 *(a) STUDY.—Not later than 1 year after the date of*
 24 *the enactment of this Act, the Secretary of Education shall*
 25 *conduct a study on the feasibility of developing a single cer-*

1 *tification form that borrowers may use to electronically sub-*
2 *mit information with respect to—*

3 (1) *TEACH Grants under subpart 9 of part A*
4 *of title IV of the Higher Education Act of 1965 (20*
5 *U.S.C. 1070g et seq.);*

6 (2) *loan forgiveness under section 428J of the*
7 *Higher Education Act of 1965 (20 U.S.C. 1078–10);*

8 (3) *loan cancellation under section 460 of the*
9 *Higher Education Act of 1965 (20 U.S.C. 1087j); and*

10 (4) *public service loan forgiveness under section*
11 *455(m) of the Higher Education Act of 1965 (20*
12 *U.S.C. 1087e(m)).*

13 (b) *REPORT.—Not later than 1 year after the date of*
14 *the enactment of this Act, the Secretary of Education shall*
15 *submit a report to Congress that includes—*

16 (1) *the results of the study required under sub-*
17 *section (a); and*

18 (2) *recommendations with respect to using a sin-*
19 *gle certification form that borrowers may use to elec-*
20 *tronically submit information with respect to the pro-*
21 *grams specified in paragraphs (1) through (4) of such*
22 *subsection.*

1 **SEC. 9003. LONGITUDINAL STUDY ON THE EFFECTIVENESS**
2 **OF STUDENT LOAN COUNSELING.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, the Secretary of Education, acting
5 through the Director of the Institute of Education Sciences,
6 shall begin conducting a rigorous, longitudinal study of the
7 impact and effectiveness of the student loan counseling—

8 (1) *provided under subsections (b), (l), and (n)*
9 *of section 485 of the Higher Education Act of 1965*
10 *(20 U.S.C. 1092), as amended by this Act; and*

11 (2) *provided through such other means as the*
12 *Secretary of Education may determine.*

13 (b) *CONTENTS.*—

14 (1) *BORROWER INFORMATION.*—*The longitudinal*
15 *study carried out under subsection (a) shall include*
16 *borrower information, in the aggregate and*
17 *disaggregated by race, ethnicity, gender, income, sta-*
18 *tus as an individual with a disability, and status as*
19 *a first generation college student (defined in section*
20 *402A(h)(3)), on—*

21 (A) *student persistence;*

22 (B) *degree attainment;*

23 (C) *program completion;*

24 (D) *successful entry into student loan re-*
25 *payment;*

26 (E) *cumulative borrowing levels; and*

1 (F) such other factors as the Secretary of
2 Education may determine.

3 (2) *EXCEPTION.*—The disaggregation under
4 paragraph (1) shall not be required in a case in
5 which the number of borrowers in a category is insuf-
6 ficient to yield statistically reliable information or
7 the results would reveal personally identifiable infor-
8 mation about an individual borrower.

9 (c) *INTERIM REPORTS.*—Not later than 18 months
10 after the commencement of the study under subsection (a),
11 and annually thereafter, the Secretary of Education shall
12 evaluate the progress of the study and report any short-term
13 findings to the appropriate committees of Congress.

14 **SEC. 9004. STUDY AND PROCEDURES ON DETERMINING**
15 **FAMILY SIZE.**

16 (a) *IN GENERAL.*—Not later than 1 year after the date
17 of enactment of this Act, the Secretary of Education shall—

18 (1) conduct, in consultation with the Secretary
19 of the Treasury, a study which meets the specifica-
20 tions described in subsection (b), on the effect of using
21 data from the Internal Revenue Service on the deduc-
22 tion for personal exemptions provided by section 151
23 of the Internal Revenue Code of 1986 for a proxy for
24 family size in an income-driven repayment plan, and
25 publish such study in the Federal Register;

1 (2) *use the results of the study conducted under*
2 *paragraph (1) to develop procedures for determining*
3 *family size for the automatic recertification of income*
4 *for an income-driven repayment plan in a manner*
5 *that minimizes burdens and unintended harm to bor-*
6 *rowers;*

7 (3) *publish the procedures developed under para-*
8 *graph (2) in the Federal Register; and*

9 (4) *after a notice and comment period on such*
10 *procedures, use such comments to finalize the proce-*
11 *dures.*

12 (b) *SPECIFICATIONS.—The study conducted under sub-*
13 *section (a)(1) shall—*

14 (1) *determine how closely such personal exemp-*
15 *tions match the family size that borrowers report on*
16 *their income-driven repayment plan request form;*

17 (2) *compare the borrower’s actual monthly pay-*
18 *ment amount with the monthly payment amount bor-*
19 *rowers would have using family size information de-*
20 *rived from tax returns; and*

21 (3) *use data from more than one year, where*
22 *possible, to analyze how much family size changes*
23 *over time.*

24 (c) *DEFINITION.—The term “the income-driven repay-*
25 *ment plan” means a plan described in subparagraph (D)*

1 *or (E) of section 455(d)(1) of the Higher Education Act*
2 *of 1965 (20 U.S.C. 1087e(d)(1)) and the income-based re-*
3 *payment plan under section 493C(f) of such Act (20 U.S.C.*
4 *1098e(f)), as added by section 4631(c) of this Act.*

5 **SEC. 9005. UNIVERSAL UNIQUE NUMERIC DATA IDENTIFIER.**

6 *(a) ASSIGNMENT OF UNIQUE NUMERIC IDENTIFIER*
7 *REQUIRED.—Not later than 18 months after the date of the*
8 *enactment of this Act, the Secretary of Education shall as-*
9 *sign a unique numeric identifier to at least each campus*
10 *of each institution of higher education that participates in*
11 *a program under title IV of the Higher Education Act of*
12 *1965 (20 U.S.C. 1070 et seq.) to be used for reporting and*
13 *disaggregating data for the purposes of the following:*

14 *(1) Surveys conducted as a part of the Integrated*
15 *Postsecondary Education Data System (IPEDS) or*
16 *any other Federal postsecondary institution data col-*
17 *lection effort, as completed in accordance with section*
18 *487(a)(17) of the Higher Education Act of 1965 (20*
19 *U.S.C. 1094(a)(17)).*

20 *(2) Reports required to be filed under section*
21 *485(f) of the Higher Education Act of 1965 (20*
22 *U.S.C. 1092(f)).*

23 *(3) The electronic exchange of data under section*
24 *485B of the Higher Education Act of 1965 (20 U.S.C.*
25 *1092b).*

1 (4) *Determinations under section 496 of the*
2 *Higher Education Act of 1965 (20 U.S.C. 1099b).*

3 (5) *Reports filed on the College Scorecard website*
4 *of the Department of Education (or any successor*
5 *website).*

6 (6) *Reports filed on the College Navigator*
7 *website (as defined in section 132 of the Higher Edu-*
8 *cation Act of 1965 (20 U.S.C. 1015a)).*

9 (7) *Data submitted to the postsecondary student*
10 *data system established under section 132(l) of the*
11 *Higher Education Act of 1965 (20 U.S.C. 1015a(l)),*
12 *as added by section 1022 of this Act.*

13 (8) *To the extent determined to be appropriate*
14 *by the Secretary, any other data systems of the De-*
15 *partment of Education that include information on*
16 *institutions of higher education.*

17 (b) *CONSIDERATIONS.—In carrying out subsection (a),*
18 *the Secretary of Education shall—*

19 (1) *consider the ability to use the unique nu-*
20 *meric identifier assigned under such subsection to—*

21 (A) *disaggregate institutions of higher edu-*
22 *cation by corporate ownership;*

23 (B) *identify an institution of higher edu-*
24 *cation with more than one campus; and*

1 (C) in the case of institutions of higher edu-
2 cation described in subparagraph (B), distin-
3 guish between a campus with a specific location
4 and a distance education program;

5 (2) account for interactions of the unique nu-
6 meric identifier with requirements under title IV of
7 the Higher Education Act (20 U.S.C. 1070 et seq.),
8 including by preventing institutional attempts to
9 evade such requirements by changing the unique nu-
10 meric identifiers associated with the campuses of the
11 institution;

12 (3) to the extent practicable, minimize the paper-
13 work burden on institutions of higher education;

14 (4) create and make public a crosswalk indi-
15 cating changes in the unique numeric identifiers as-
16 signed by the Secretary to each campus under sub-
17 section (a) and the numeric identifiers used by the
18 Department of Education prior to the date on which
19 the Secretary assigns each campus a unique numeric
20 identifier; and

21 (5) annually create and make public an updated
22 crosswalk indicating changes in unique numeric iden-
23 tifiers assigned to campuses, including changes that
24 result from the establishment of new locations, the

1 closing of campuses, and changes in ownership and
2 affiliation.

3 **SEC. 9006. QUESTIONS ON FOOD AND HOUSING INSECURITY IN NATIONAL POSTSECONDARY STUDENT AID STUDY.**

4
5
6 *For purposes of each National Postsecondary Student*
7 *Aid Study conducted after the date of enactment of this Act,*
8 *the Secretary of Education shall include questions that*
9 *measure rates of food and housing insecurity in the Na-*
10 *tional Postsecondary Student Aid Study.*

11 **SEC. 9007. DISAGGREGATION OF DATA USING RACIAL GROUPS.**

12
13 *(a) STUDY REQUIRED.—Not later than 1 year after*
14 *the date of the enactment of this Act, the Secretary of Edu-*
15 *cation shall carry out a study on the feasibility of*
16 *disaggregating data reported under the Higher Education*
17 *Act of 1965 (20 U.S.C. 1001 et seq.) to the Secretary of*
18 *Education using the racial groups identified by the Amer-*
19 *ican Community Survey of the Bureau of the Census.*

20 *(b) ELEMENTS.—The study required by subsection (a)*
21 *shall, with respect to the data described in such sub-*
22 *section—*

23 *(1) survey each method by which such data re-*
24 *ported to the Secretary of Education is disaggregated*
25 *by race;*

1 (1) *survey the methods by which institutions of*
2 *higher education (as defined in section 102 of the*
3 *Higher Education Act of 1965 (20 U.S.C. 1002) col-*
4 *lect, report, and use data on sexual orientation and*
5 *gender identity;*

6 (2) *survey each method by which the Secretary*
7 *of Education disaggregates data by sexual orientation*
8 *and gender identity;*

9 (3) *survey the methods by which the Secretary of*
10 *Education disaggregates data for other similarly-sized*
11 *populations; and*

12 (4) *identify options for disaggregating data re-*
13 *ported under the Higher Education Act of 1965 (20*
14 *U.S.C. 1001 et seq.) by sexual orientation and gender*
15 *identity while protecting student privacy.*

16 (c) *BEST PRACTICES.—Not later than 6 months after*
17 *the completion of the study required under subsection (a),*
18 *the Secretary of Education shall issue best practices with*
19 *respect to disaggregating data reported to the Secretary of*
20 *Education by sexual orientation and gender identity.*

21 **SEC. 9009. ACCESSIBLE INSTRUCTIONAL MATERIALS AND**
22 **TECHNOLOGY.**

23 (a) *ESTABLISHMENT OF COMMISSION.—The Speaker*
24 *of the House of Representatives, the President pro tempore*
25 *of the Senate, and the Secretary of Education shall establish*

1 *an independent commission, comprised of key stakeholders,*
2 *to develop guidelines for accessible postsecondary electronic*
3 *instructional materials and related technologies in order—*

4 (1) *to ensure students with disabilities are af-*
5 *forded the same educational benefits provided to stu-*
6 *dents without disabilities through the use of electronic*
7 *instructional materials and related technologies;*

8 (2) *to improve the selection and use of such ma-*
9 *terials and technologies at institutions of higher edu-*
10 *cation; and*

11 (3) *to encourage entities that produce such mate-*
12 *rials and technologies to make accessible versions*
13 *more readily available in the market.*

14 (b) *REVIEW.—In carrying out subsection (a), the com-*
15 *mission shall—*

16 (1) *review applicable information technology ac-*
17 *cessibility standards; and*

18 (2) *compile and annotate such accessibility*
19 *standards as an additional information resource for*
20 *institutions of higher education and companies that*
21 *service the higher education market.*

22 (c) *MEMBERSHIP.—*

23 (1) *STAKEHOLDER GROUPS.—The commission*
24 *shall be composed of representatives from the fol-*
25 *lowing categories:*

1 (A) *Communities of persons with disabili-*
2 *ties for whom the accessibility of postsecondary*
3 *electronic instructional materials and related*
4 *technologies is a significant factor in ensuring*
5 *equal participation in higher education, and*
6 *nonprofit organizations that provide accessible*
7 *electronic materials to these communities.*

8 (B) *Higher education leadership, including*
9 *institution of higher education presidents, pro-*
10 *vests, deans, vice presidents or deans of libraries,*
11 *chief information officers, and other senior insti-*
12 *tutional executives.*

13 (C) *Developers of postsecondary electronic*
14 *instructional materials and manufacturers of re-*
15 *lated technologies.*

16 (2) *APPOINTMENT OF MEMBERS.—The commis-*
17 *sion members shall be appointed as follows:*

18 (A) *6 members, 2 from each category de-*
19 *scribed in paragraph (1), shall be appointed by*
20 *the Speaker of the House of Representatives, 3 of*
21 *whom shall be appointed on the recommendation*
22 *of the majority leader of the House of Represent-*
23 *atives and 3 of whom shall be appointed on the*
24 *recommendation of the minority leader of the*
25 *House of Representatives, with the Speaker en-*

1 *asuring that 1 developer of postsecondary elec-*
2 *tronic instructional materials and 1 manufac-*
3 *turer of related technologies are appointed. The*
4 *Speaker shall also appoint 2 additional mem-*
5 *bers, 1 student with a disability and 1 faculty*
6 *member from an institution of higher education.*

7 *(B) 6 members, 2 from each category de-*
8 *scribed in paragraph (1), shall be appointed by*
9 *the President pro tempore of the Senate, 3 of*
10 *whom shall be appointed on the recommendation*
11 *of the majority leader of the Senate and 3 of*
12 *whom shall be appointed on the recommendation*
13 *of the minority leader of the Senate, with the*
14 *President pro tempore ensuring that 1 developer*
15 *of postsecondary electronic instructional mate-*
16 *rials and 1 manufacturer of related technologies*
17 *are appointed. The President pro tempore shall*
18 *also appoint 2 additional members, 1 student*
19 *with a disability and 1 faculty member from an*
20 *institution of higher education.*

21 *(C) 3 members, each of whom must possess*
22 *extensive, demonstrated technical expertise in the*
23 *development and implementation of accessible*
24 *postsecondary electronic instructional materials,*
25 *shall be appointed by the Secretary of Edu-*

1 *cation. 1 of these members shall represent post-*
2 *secondary students with disabilities, 1 shall rep-*
3 *resent higher education leadership, and 1 shall*
4 *represent developers of postsecondary electronic*
5 *instructional materials.*

6 (3) *ELIGIBILITY TO SERVE AS A MEMBER.—Fed-*
7 *eral employees are ineligible for appointment to the*
8 *commission. An appointee to a volunteer or advisory*
9 *position with a Federal agency or related advisory*
10 *body may be appointed to the commission so long as*
11 *his or her primary employment is with a non-Federal*
12 *entity and he or she is not otherwise engaged in fi-*
13 *nancially compensated work on behalf of the Federal*
14 *Government, exclusive of any standard expense reim-*
15 *bursement or grant-funded activities.*

16 (d) *AUTHORITY AND ADMINISTRATION.—*

17 (1) *AUTHORITY.—The commission's execution of*
18 *its duties shall be independent of the Secretary of*
19 *Education, the Attorney General, and the head of any*
20 *other agency or department of the Federal Govern-*
21 *ment with regulatory or standard setting authority in*
22 *the areas addressed by the commission.*

23 (2) *ADMINISTRATION.—*

24 (A) *STAFFING.—There shall be no perma-*
25 *nent staffing for the commission.*

1 (B) *LEADERSHIP.*—*Commission members*
2 *shall elect a chairperson from among the ap-*
3 *pointees to the commission.*

4 (C) *ADMINISTRATIVE SUPPORT.*—*The Com-*
5 *mission shall be provided administrative sup-*
6 *port, as needed, by the Secretary of Education*
7 *through the Office of Postsecondary Education of*
8 *the Department of Education.*

9 (e) *DUTIES.*—

10 (1) *GUIDELINES.*—*Not later than 18 months*
11 *after the date of enactment of this Act, subject to a*
12 *6-month extension that it may exercise at its discre-*
13 *tion, the commission shall—*

14 (A) *develop and issue guidelines for acces-*
15 *sible postsecondary electronic instructional mate-*
16 *rials, and related technologies; and*

17 (B) *in developing the guidelines, the com-*
18 *mission shall—*

19 (i) *establish a technical panel pursuant*
20 *to paragraph (4) to support the commission*
21 *in developing the guidelines;*

22 (ii) *develop criteria for determining*
23 *which materials and technologies constitute*
24 *postsecondary electronic instructional mate-*
25 *rials and related technologies;*

1 (iii) identify existing national and
2 international accessibility standards that
3 are relevant to student use of postsecondary
4 electronic instructional materials and re-
5 lated technologies at institutions of higher
6 education;

7 (iv) identify and address any unique
8 pedagogical and accessibility requirements
9 of postsecondary electronic instructional
10 materials and related technologies that are
11 not addressed, or not adequately addressed,
12 by the identified, relevant existing accessi-
13 bility standards;

14 (v) identify those aspects of accessi-
15 bility, and types of postsecondary instruc-
16 tional materials and related technologies,
17 for which the commission cannot produce
18 guidelines or which cannot be addressed by
19 existing accessibility standards due to—

20 (I) inherent limitations of com-
21 mercially available technologies; or

22 (II) the challenges posed by a spe-
23 cific category of disability that covers a
24 wide spectrum of impairments and ca-
25 pabilities which makes it difficult to

1 *assess the benefits from particular*
2 *guidelines on a categorical basis;*

3 *(vi) ensure that the guidelines are con-*
4 *sistent with the requirements of section 504*
5 *of the Rehabilitation Act of 1973 (29 U.S.C.*
6 *794) and titles II and III of the Americans*
7 *with Disabilities Act (42 U.S.C. 12131 et*
8 *seq.; 42 U.S.C. 12181 et seq.);*

9 *(vii) ensure that the guidelines are*
10 *consistent, to the extent feasible and appro-*
11 *priate, with the technical and functional*
12 *performance criteria included in the na-*
13 *tional and international accessibility stand-*
14 *ards identified by the commission as rel-*
15 *evant to student use of postsecondary elec-*
16 *tronic instructional materials and related*
17 *technologies;*

18 *(viii) allow for the use of an alter-*
19 *native design or technology that results in*
20 *substantially equivalent or greater accessi-*
21 *bility and usability by individuals with*
22 *disabilities than would be provided by com-*
23 *pliance with the guidelines; and*

24 *(ix) provide that where electronic in-*
25 *structional materials, or related tech-*

1 *nologies, that comply fully with the guide-*
2 *lines are not commercially available, or*
3 *where such compliance is not technically*
4 *feasible, the institution may select the prod-*
5 *uct that best meets the guidelines consistent*
6 *with the institution's business and peda-*
7 *gogical needs.*

8 (2) *ANNOTATED LIST OF INFORMATION TECH-*
9 *NOLOGY STANDARDS.*—*Not later than 18 months after*
10 *the date of the enactment of this Act, subject to a 6-*
11 *month extension that it may exercise at its discretion,*
12 *the commission established in section 2 shall, with the*
13 *assistance of the technical panel established under*
14 *paragraph (4), develop and issue an annotated list of*
15 *information technology standards.*

16 (3) *APPROVAL.*—*Issuance of the guidelines and*
17 *annotated list of information technology standards*
18 *shall require approval of at least 75 percent of the*
19 *members of the commission.*

20 (4) *TECHNICAL PANEL.*—*Not later than 1 month*
21 *after first meeting, the Commission shall appoint and*
22 *convene a panel of 12 technical experts, each of whom*
23 *shall have extensive, demonstrated technical experi-*
24 *ence in developing, researching, or implementing ac-*
25 *cessible postsecondary electronic instructional mate-*

1 *rials, or related technologies. The commission has dis-*
2 *cretion to determine a process for nominating, vet-*
3 *ting, and confirming a panel of experts that fairly*
4 *represents the stakeholder communities on the com-*
5 *mission. The technical panel shall include a rep-*
6 *resentative from the United States Access Board.*

7 *(f) REVIEW OF GUIDELINES.—Not later than 5 years*
8 *after issuance of the guidelines and annotated list of infor-*
9 *mation technology standards described in subsections (a)*
10 *and (b), and every 5 years thereafter, the Secretary of Edu-*
11 *cation shall publish a notice in the Federal Register request-*
12 *ing public comment about whether there is a need to recon-*
13 *stitute the commission to update the guidelines and anno-*
14 *tated list of information technology standards to reflect*
15 *technological advances, changes in postsecondary electronic*
16 *instructional materials and related technologies, or updated*
17 *national and international accessibility standards. The*
18 *Secretary shall then submit a report and recommendation*
19 *to Congress regarding whether the Commission should be*
20 *reconstituted.*

21 *(g) RULE OF APPLICATION.—*

22 *(1) NONCONFORMING POSTSECONDARY ELEC-*
23 *TRONIC INSTRUCTIONAL MATERIALS OR RELATED*
24 *TECHNOLOGIES.—Nothing in this section shall be con-*
25 *strued to require an institution of higher education to*

1 *require, provide, or both recommend and provide,*
2 *postsecondary electronic instructional materials or re-*
3 *lated technologies that conform to the guidelines.*
4 *However, an institution that selects or uses noncon-*
5 *forming postsecondary electronic instructional mate-*
6 *rials or related technologies must otherwise comply*
7 *with existing obligations under section 504 of the Re-*
8 *habilitation Act of 1973 (29 U.S.C. 794) and titles II*
9 *and III of the Americans with Disabilities Act (42*
10 *U.S.C. 12131 et seq.; 42 U.S.C. 12181 et seq.) to pro-*
11 *vide access to the educational benefit afforded by such*
12 *materials and technologies through provision of ap-*
13 *propriate and reasonable modification, accommoda-*
14 *tion, and auxiliary aids or services.*

15 (2) *RELATIONSHIP TO EXISTING LAWS AND REG-*
16 *ULATIONS.—With respect to the Americans with Dis-*
17 *abilities Act of 1990 (42 U.S.C. 12101 et seq.) and the*
18 *Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.),*
19 *nothing in this Act may be construed—*

20 (A) *to authorize or require conduct prohib-*
21 *ited under the Americans with Disabilities Act of*
22 *1990 and the Rehabilitation Act of 1973, includ-*
23 *ing the regulations issued pursuant to those*
24 *laws;*

1 (B) to expand, limit, or alter the remedies
2 or defenses under the Americans with Disabil-
3 ities Act of 1990 and the Rehabilitation Act of
4 1973;

5 (C) to supersede, restrict, or limit the appli-
6 cation of the Americans with Disabilities Act of
7 1990 and the Rehabilitation Act of 1973; or

8 (D) to limit the authority of Federal agen-
9 cies to issue regulations pursuant to the Ameri-
10 cans with Disabilities Act of 1990 and the Reha-
11 bilitation Act of 1973.

12 (h) *DEFINITIONS.*—*In this section:*

13 (1) *ANNOTATED LIST OF INFORMATION TECH-*
14 *NOLOGY STANDARDS.*—*The term “annotated list of in-*
15 *formation technology standards” means a list of exist-*
16 *ing national and international accessibility standards*
17 *relevant to student use of postsecondary electronic in-*
18 *structional materials and related technologies, and to*
19 *other types of information technology common to in-*
20 *stitutions of higher education, such as institutional*
21 *websites or registration systems, annotated by the*
22 *commission established pursuant to this section. The*
23 *annotated list of information technology standards is*
24 *intended to serve solely as a reference tool to inform*

1 *any consideration of the relevance of such standards*
2 *in higher education contexts.*

3 (2) *POSTSECONDARY ELECTRONIC INSTRU-*
4 *TIONAL MATERIALS.—The term “postsecondary elec-*
5 *tronic instructional materials” means digital cur-*
6 *ricular content that is required, provided, or both rec-*
7 *ommended and provided by an institution of higher*
8 *education for use in a postsecondary instructional*
9 *program.*

10 (3) *RELATED TECHNOLOGIES.—The term “re-*
11 *lated technologies” refers to any software, applica-*
12 *tions, learning management or content management*
13 *systems, and hardware that an institution of higher*
14 *education requires, provides, or both recommends and*
15 *provides for student access to and use of postsec-*
16 *ondary electronic instructional materials in a postsec-*
17 *ondary instructional program.*

18 (4) *TECHNICAL PANEL.—The term “technical*
19 *panel” means a group of experts with extensive, dem-*
20 *onstrated technical experience in the development and*
21 *implementation of accessibility features for postsec-*
22 *ondary electronic instructional materials and related*
23 *technologies, established by the Commission pursuant*
24 *to subsection (e)(4), which will assist the commission*
25 *in the development of the guidelines and annotated*

1 *list of information technology standards authorized*
2 *under this section.*

3 **SEC. 9010. SERVING AND SUPPORTING STUDENTS WITH**
4 **MENTAL HEALTH DISABILITIES IN INSTITU-**
5 **TIONS OF HIGHER EDUCATION.**

6 *(a) FINDINGS AND PURPOSES.—*

7 *(1) FINDINGS.—Congress finds the following:*

8 *(A) More than 75 percent of mental health*
9 *conditions begin before the age of 24.*

10 *(B) More than 25 percent of students be-*
11 *tween the ages of 18 and 24 reported a mental*
12 *health concern.*

13 *(C) More than 50 percent of students be-*
14 *tween the ages of 18 and 24 reported having a*
15 *severe psychological problem.*

16 *(D) More than 50 percent of students be-*
17 *tween the ages of 18 and 24 reported feelings of*
18 *hopelessness.*

19 *(E) Higher education counseling centers are*
20 *devoting more time to rapid-response treatment*
21 *with more than 25 percent of students who*
22 *sought help reporting they had intentionally hurt*
23 *themselves.*

24 *(F) Over a 5-year period, counseling center*
25 *utilization increased by an average of 30 to 40*

1 *percent, while enrollment increased by only 5*
2 *percent, forcing institutions to stretch mental*
3 *health services to more students without increas-*
4 *ing resources.*

5 (2) *PURPOSES.*—*The purposes of this section are*
6 *the following:*

7 (A) *To ensure States and institutions of*
8 *higher education are provided with accurate in-*
9 *formation on the mental health concerns facing*
10 *students.*

11 (B) *To provide detailed recommendations*
12 *that institutions of higher education, States, and*
13 *the Federal Government can take to improve the*
14 *mental health services available to students and*
15 *properly treat the rising number of students with*
16 *mental health issues.*

17 (b) *ADVISORY COMMISSION ON SERVING AND SUP-*
18 *PORTING STUDENTS WITH MENTAL HEALTH DISABILITIES*
19 *IN INSTITUTIONS OF HIGHER EDUCATION.*—

20 (1) *IN GENERAL.*—*The Secretary of Education*
21 *shall establish a commission to be known as the Advi-*
22 *sory Commission on Serving and Supporting Stu-*
23 *dents with Mental Health Disabilities in Institutions*
24 *of Higher Education (referred to in this section as the*
25 *“Commission”).*

1 (2) *MEMBERSHIP.*—

2 (A) *TOTAL NUMBER OF MEMBERS.*—*The*
3 *Commission shall include not more than 20*
4 *members, who shall be appointed by the Sec-*
5 *retary of Education in accordance with subpara-*
6 *graphs (B) and (C).*

7 (B) *MEMBERS OF THE COMMISSION.*—*The*
8 *Commission shall include 1 representative from*
9 *each of the following:*

10 (i) *The Office of Postsecondary Edu-*
11 *cation of the Department of Education.*

12 (ii) *The Office of Special Education*
13 *and Rehabilitation Services of the Depart-*
14 *ment of Education.*

15 (iii) *The Office of Civil Rights of the*
16 *Department of Education.*

17 (iv) *The Office of Civil Rights of the*
18 *Department of Justice.*

19 (v) *The National Council on Dis-*
20 *ability.*

21 (vi) *A membership association for ad-*
22 *ministrative and personnel professionals fo-*
23 *cused on creating an inclusive higher edu-*
24 *cation environment for individuals with*
25 *disabilities, as determined by the Secretary.*

1 (vii) *An organization that represents*
2 *the Protection and Advocacy for Individuals*
3 *with Mental Illness program, as determined*
4 *by the Secretary.*

5 (viii) *An organization operated by and*
6 *representing secondary and postsecondary*
7 *education students with mental health dis-*
8 *abilities advocating for mental health serv-*
9 *ices and suicide prevention.*

10 (ix) *An organization representing col-*
11 *lege and university counseling directors.*

12 (C) *ADDITIONAL MEMBERS OF THE COMMIS-*
13 *SION.—In addition to the members included*
14 *under subparagraph (B), the Commission shall*
15 *include the following:*

16 (i) *Four members from leadership of*
17 *institutions of higher education who have*
18 *demonstrated experience in successfully sup-*
19 *porting the retention and graduation of stu-*
20 *dents with mental health disabilities, in-*
21 *cluding from counseling and psychiatric*
22 *services staff. With respect to such 4 mem-*
23 *bers, 1 member shall be a staff member of*
24 *a 2-year degree-granting institution of high-*
25 *er education, 1 member shall be a staff*

1 *member from a 4-year degree-granting in-*
2 *stitution of higher education, 1 member*
3 *shall be a member of campus law enforce-*
4 *ment, and 1 member shall serve as a general*
5 *counsel. Such 4 members shall represent in-*
6 *stitutions of differing sizes.*

7 *(ii) Three members from family mem-*
8 *bers of individuals who are—*

9 *(I) enrolled in an institution of*
10 *higher education on the date such fam-*
11 *ily member is appointed to the Com-*
12 *mission; or*

13 *(II) former students with a men-*
14 *tal health disability.*

15 *(iii) Four members from individuals*
16 *with mental health disabilities, including*
17 *not less than 2 individuals enrolled in an*
18 *institution of higher education on the date*
19 *of appointment to the Commission. Any re-*
20 *maining member shall be an individual*
21 *with a mental health disability who has at-*
22 *tended an institution of higher education.*

23 *(D) TIMING.—The Secretary of Education*
24 *shall establish the Commission and appoint the*

1 *members of the Commission not later than 60*
2 *days after the date of enactment of this Act.*

3 (3) *CHAIRPERSON AND VICE CHAIRPERSON.*—*The*
4 *Commission shall select a chairperson and vice chair-*
5 *person from among the members of the Commission.*
6 *Either the chairperson or the vice chairperson shall be*
7 *a student or former student with a mental health dis-*
8 *ability.*

9 (4) *MEETINGS.*—

10 (A) *IN GENERAL.*—*The Commission shall*
11 *meet at the call of the chairperson, but not less*
12 *often than 8 times.*

13 (B) *FIRST MEETING.*—*Not later than 60*
14 *days after the appointment of the members of the*
15 *Commission under paragraph (2), the Commis-*
16 *sion shall hold the Commission’s first meeting.*

17 (5) *DUTIES.*—*The Commission shall conduct a*
18 *study, using the highest quality and most representa-*
19 *tive data and research available, and prepare a re-*
20 *port for the Secretary of Education that includes the*
21 *following:*

22 (A) *Findings from stakeholders, including*
23 *through solicitation of public testimony, related*
24 *to the challenges faced by students with mental*

1 *health disabilities in institutions of higher edu-*
2 *cation, including—*

3 *(i) the services available to students*
4 *with mental health disabilities in institu-*
5 *tions of higher education and their effective-*
6 *ness in supporting these students;*

7 *(ii) the impact of policies and proce-*
8 *dures that help or hinder the goal of pro-*
9 *viding equal opportunity for students with*
10 *mental health disabilities, such as reason-*
11 *able accommodation policies, mandatory*
12 *and voluntary leave policies, and discipli-*
13 *nary policies;*

14 *(iii) the use of protected health infor-*
15 *mation of students with mental health dis-*
16 *abilities by institutions of higher education,*
17 *including the extent to which campus-based*
18 *mental health providers share this informa-*
19 *tion with college or university officials*
20 *without student consent; and*

21 *(iv) the impact of providing mental*
22 *health services on a student's academic per-*
23 *formance, well-being, and ability to com-*
24 *plete college.*

1 (B) *Conclusions on the major challenges fac-*
2 *ing students with mental health disabilities in*
3 *institutions of higher education.*

4 (C) *Recommendations to improve the over-*
5 *all education, and retention and graduation*
6 *rates, of students with mental health disabilities*
7 *in institutions of higher education, with the goal*
8 *of helping these students access educational op-*
9 *portunities equal to those of their peers without*
10 *disabilities.*

11 (6) *COMMISSION PERSONNEL MATTERS.—*

12 (A) *TRAVEL EXPENSES.—The members of*
13 *the Commission shall not receive compensation*
14 *for the performance of services for the Commis-*
15 *sion, but shall be allowed reasonable travel ex-*
16 *penditures, including per diem in lieu of subsistence,*
17 *at rates authorized for employees of agencies*
18 *under subchapter I of chapter 57 of title 5,*
19 *United States Code, while away from their*
20 *homes or regular places of business in the per-*
21 *formance of services for the Commission. Not-*
22 *withstanding section 1342 of title 31, United*
23 *States Code, the Secretary of Education may ac-*
24 *cept the voluntary and uncompensated services of*
25 *members of the Commission.*

1 (B) *STAFF.*—*The Secretary of Education*
2 *may designate such personnel as may be nec-*
3 *essary to enable the Commission to perform its*
4 *duties.*

5 (C) *DETAIL OF GOVERNMENT EMPLOY-*
6 *EES.*—*Any Federal Government employee, with*
7 *the approval of the head of the appropriate Fed-*
8 *eral agency, may be detailed to the Commission*
9 *without reimbursement, and such detail shall be*
10 *without interruption of loss of civil service status*
11 *or privilege.*

12 (D) *FACILITIES, EQUIPMENT, AND SERV-*
13 *ICES.*—*The Secretary of Education shall make*
14 *available to the Commission, under such ar-*
15 *rangements as may be appropriate, necessary*
16 *equipment, supplies, and services.*

17 (7) *REPORTS.*—

18 (A) *INTERIM AND FINAL REPORTS.*—*The*
19 *Commission shall prepare and submit to the Sec-*
20 *retary of Education, as well as the Committee on*
21 *Health, Education, Labor, and Pensions of the*
22 *Senate and the Committee on Education and*
23 *Labor of the House of Representatives—*

24 (i) *an interim report that summarizes*
25 *the progress of the Commission, along with*

1 *any interim findings, conclusions, and rec-*
2 *ommendations as described in paragraph*
3 *(5); and*

4 *(ii) a final report that states final*
5 *findings, conclusions, and recommendations*
6 *as described in such paragraph.*

7 *(B) PREPARATION AND SUBMISSION.—The*
8 *reports described in subparagraph (A) shall be*
9 *prepared and submitted—*

10 *(i) in the case of the interim report,*
11 *not later than 1 year after the date on*
12 *which all the members of the Commission*
13 *are appointed; and*

14 *(ii) in the case of the final report, not*
15 *later than 2 years after the date on which*
16 *all the members of the Commission are ap-*
17 *pointed.*

18 *(8) TERMINATION.—The Commission shall ter-*
19 *minate on the day after the date on which the Com-*
20 *mission submits the final report under paragraph (7).*

21 *(c) GAO STUDY.—The Comptroller General of the*
22 *United States shall submit to Congress a report that exam-*
23 *ines the challenges faced by students with mental health dis-*
24 *abilities in institutions of higher education, including—*

1 (1) *the services available to students with mental*
2 *health disabilities in institutions of higher education*
3 *and what is known about their effectiveness in sup-*
4 *porting these students;*

5 (2) *the impact of policies and procedures that*
6 *help or hinder the goal of providing equal oppor-*
7 *tunity for students with mental health disabilities,*
8 *such as reasonable accommodation policies, manda-*
9 *tory and voluntary leave policies, and disciplinary*
10 *policies;*

11 (3) *the use of protected health information of stu-*
12 *dents with mental health disabilities by institutions*
13 *of higher education, including campus-based mental*
14 *health providers sharing this information with college*
15 *or university officials without student consent;*

16 (4) *the impact of providing mental health serv-*
17 *ices on a student's academic performance, well-being,*
18 *and ability to complete college;*

19 (5) *information on the major challenges facing*
20 *students with mental health disabilities in institu-*
21 *tions of higher education; and*

22 (6) *recommendations to improve the overall edu-*
23 *cation, and retention and graduation rates, of stu-*
24 *dents with mental health disabilities in institutions of*
25 *higher education, with the goal of helping these stu-*

1 *dent loans and the impact of those loans on bor-*
2 *rowers, disaggregated by—*

3 *(A) Pell Grant recipient status;*

4 *(B) race or ethnicity (in accordance with*
5 *section 153(a)(3)(B) of the Education Sciences*
6 *Reform Act (20 U.S.C. 9543(a)(3)(B)), as*
7 *amended by section 10401 of this Act);*

8 *(C) completion and non-completion of each*
9 *category of educational programs (as defined in*
10 *section 435(a)(9)(E) of the Higher Education*
11 *Act of 1965, as added by section 4110(a)(1)(B)*
12 *of this Act); and*

13 *(D) post-graduation employment informa-*
14 *tion.*

15 *(3) Analyze evidentiary data on the following re-*
16 *lationships:*

17 *(A) The macroeconomic impacts of partial*
18 *and total student debt cancellation.*

19 *(B) The impact of student loan default on*
20 *long-term financial success and security.*

21 *(C) The impact of partial and total student*
22 *debt cancellation on income inequality, includ-*
23 *ing the racial wealth gap.*

1 (D) *The impact of the income inequality*
2 *and the racial wealth gap on student debt repay-*
3 *ment.*

4 (4) *Study proposals to cancel Federal student*
5 *loan debt in consideration of the Commission's find-*
6 *ings under paragraph (3).*

7 (5) *Study the feasibility of establishing a Federal*
8 *student loan cancellation program.*

9 (d) *REPORT.—*

10 (1) *IN GENERAL.—Not later than 24 months*
11 *after the date on which the last member of the Com-*
12 *mission is appointed, the Commission shall submit to*
13 *the Congress a report containing the data collected*
14 *and analyzed under paragraphs (1) through (3) of*
15 *subsection (c) and recommendations to create a Fed-*
16 *eral student loan cancellation program in consider-*
17 *ation of the Commission's findings under subsection*
18 *(c)(3).*

19 (2) *SPECIFIC QUESTIONS.—In making rec-*
20 *ommendations under paragraph (1), the Commission*
21 *shall address, among other issues, the following:*

22 (A) *Whether any borrowers should be*
23 *prioritized in loan cancellation and a rationale*
24 *for any such prioritization.*

1 (B) *How such recommendations and the*
2 *proposed loan cancellation program take into*
3 *consideration the wealth disparities faced by ra-*
4 *cial groups.*

5 (C) *How the proposed cancellation program*
6 *interacts with existing student loan cancellation*
7 *programs and policies.*

8 (D) *How the proposed cancellation program*
9 *protects future students from facing the same*
10 *debt burden.*

11 (E) *How the proposed cancellation program*
12 *should be funded and implemented.*

13 (e) *MEMBERSHIP.—*

14 (1) *NUMBER AND APPOINTMENT.—The Commis-*
15 *sion shall be composed of 13 members, who shall be*
16 *appointed, not later 180 days after the date of enact-*
17 *ment of this Act, as follows:*

18 (A) *One member shall be appointed by the*
19 *President.*

20 (B) *Four members shall be appointed by the*
21 *Speaker of the House of Representatives.*

22 (C) *Four members shall be appointed by the*
23 *President pro tempore of the Senate.*

24 (D) *Four members shall be appointed by the*
25 *Secretary of Education.*

1 (2) *COMPOSITION.*—*All members of the Commis-*
2 *sion shall be individuals who are qualified to serve on*
3 *the Commission by virtue of their expertise in Federal*
4 *student aid and student loan debt. The Commission*
5 *shall be composed, at a minimum, of Department of*
6 *Education officials, academic researchers, consumer*
7 *advocates, and an impacted individual.*

8 (f) *TERMS.*—*The term of office for members shall be*
9 *for the life of the Commission. A vacancy in the Commis-*
10 *sion shall not affect the powers of the Commission and shall*
11 *be filled in the same manner in which the original appoint-*
12 *ment was made.*

13 (g) *CHAIR AND VICE CHAIR.*—*The Commission shall*
14 *elect a Chair and Vice Chair from among its members. The*
15 *term of office of each shall be for the life of the Commission.*

16 (h) *COMPENSATION.*—*Each member of the Commission*
17 *shall serve without compensation. All members of the Com-*
18 *mission shall be reimbursed for travel, subsistence, and*
19 *other necessary expenses incurred by them in the perform-*
20 *ance of their duties to the extent authorized by chapter 57*
21 *of title 5, United States Code.*

22 (i) *POWERS OF THE COMMISSION.*—

23 (1) *HEARINGS AND SESSIONS.*—*The Commission*
24 *may, for the purpose of carrying out the provisions*
25 *of this section, hold such hearings and sit and act at*

1 *such times and at such places in the United States,*
2 *and request the attendance and testimony of such wit-*
3 *nesses and the production of such books, records, cor-*
4 *respondence, memoranda, papers, and documents, as*
5 *the Commission considers appropriate.*

6 (2) *POWERS OF SUBCOMMITTEES AND MEM-*
7 *BERS.—Any subcommittee or member of the Commis-*
8 *sion may, if authorized by the Commission, take any*
9 *action which the Commission is authorized to take by*
10 *this section.*

11 (3) *OBTAINING OFFICIAL DATA.—The Commis-*
12 *sion may acquire directly from the Secretary of Edu-*
13 *cation available information which the Commission*
14 *considers useful in the discharge of its duties. The*
15 *Secretary of Education shall cooperate with the Com-*
16 *mission with respect to such information and shall*
17 *furnish all information requested by the Commission*
18 *to the extent permitted by law.*

19 (j) *TERMINATION.—The Commission shall terminate*
20 *90 days after the date on which the Commission submits*
21 *its report to the Congress under subsection (d).*

22 **SEC. 9012. DISTRIBUTION OF RESOURCES TO PREVENT IN-**
23 **CIDENTS OF BIAS ON CAMPUS.**

24 *Not later than 1 year after the date of enactment of*
25 *this Act and every 2 years thereafter, the Secretary of Edu-*

1 cation shall, in consultation with the Attorney General, dis-
2 seminate to institutions of higher education resources (in-
3 cluding best practices information) about preventing and
4 responding to incidents of bias, including bias based on ac-
5 tual or perceived race, color, religion, national origin, sex
6 (including sexual orientation, gender identity, pregnancy,
7 childbirth, a medical condition related to pregnancy or
8 childbirth, and sex stereotype), or disability, at institutions
9 of higher education (including elements of institutional
10 policies that have proven successful).

11 **SEC. 9013. GAO STUDY ON RACIAL AND SOCIOECONOMIC**
12 **EQUITY GAPS AT PUBLIC 4-YEAR INSTITU-**
13 **TIONS.**

14 (a) *REPORT.*—The Comptroller General shall prepare
15 and submit a report to the authorizing committees that ex-
16 amines—

17 (1) *racial and socioeconomic equity gaps among*
18 *racial and income groups in enrollment, degree at-*
19 *tainment, and Federal student loan repayment rates,*
20 *and other outcomes at public 4-year degree granting*
21 *institutions of higher education, disaggregated by*
22 *State;*

23 (2) *the extent to which the rates and other out-*
24 *comes described in paragraph (1) have changed over*
25 *time;*

1 (3) *the factors that may contribute to differences*
2 *in the rates and other outcomes described in para-*
3 *graph (1) among racial and income groups (such as*
4 *State spending on public, 4-year institutions of high-*
5 *er education, the availability of Federal and State fi-*
6 *nancial aid, and FAFSA filing rates);*

7 (4) *efforts by States and institutions of higher*
8 *education to attempt to close racial and income gaps*
9 *in the rates and other outcomes described in para-*
10 *graph (1);*

11 (5) *the racial breakdown of faculty and staff at*
12 *public 4-year institutions of higher education and*
13 *how retention rates for minority faculty and staff*
14 *compare to non-minority faculty and staff; and*

15 (6) *efforts by States and institutions of higher*
16 *education to attempt to improve inclusion for stu-*
17 *dents belonging to racial and income groups that are*
18 *historically underrepresented in higher education.*

19 (b) *DEFINITIONS.—In this section—*

20 (1) *INSTITUTION OF HIGHER EDUCATION.—The*
21 *term “institution of higher education” has the mean-*
22 *ing given the term in section 101 of the Higher Edu-*
23 *cation Act of 1965 (20 U.S.C. 1001).*

24 (2) *AUTHORIZING COMMITTEES; STATES.—The*
25 *terms “authorizing committees” and “State” have the*

1 *meanings given the terms in section 103 of the Higher*
2 *Education Act of 1965 (20 U.S.C. 1003).*

3 **SEC. 9014. GAO STUDY ON LICENSE REVOCATIONS RELATED**
4 **TO STUDENT LOAN DEFAULTS.**

5 *(a) IN GENERAL.—The Comptroller General of the*
6 *United States shall conduct a study on State practices re-*
7 *lated to the denial, suspension, or revocation of an individ-*
8 *ual’s professional or driver’s license as a penalty for student*
9 *loan default.*

10 *(b) CONTENTS.—The study shall include a review of—*

11 *(1) State laws related to the denial, suspension,*
12 *or revocation of a professional or driver’s license as*
13 *a penalty for student loan default, and the types of*
14 *licenses included in such laws;*

15 *(2) the extent to which student loan borrowers*
16 *are affected by such license denials, suspensions, or*
17 *revocations; and*

18 *(3) the actual and potential consequences of such*
19 *actions on Federal student loan borrowers.*

20 *(c) REPORT.—The Comptroller General shall submit*
21 *a report to the Committee on Education and Labor of the*
22 *House of Representatives and the Committee on Health,*
23 *Education, Labor, and Pensions of the Senate containing*
24 *the results of the study, together with any recommendations*
25 *the Comptroller General determines appropriate.*

1 (d) *OUTREACH.*—*In conducting the study, the Com-*
2 *troller General shall seek information from State or local*
3 *licensing boards and other entities administering State*
4 *laws pertaining to the denial, suspension, or revocation of*
5 *a professional or driver’s license as a penalty for student*
6 *loan default, and other nonprofit entities that have re-*
7 *searched issues pertaining to State licensure.*

8 **TITLE X—AMENDMENTS TO**
9 **OTHER LAWS**

10 **PART A—EDUCATION OF THE DEAF ACT OF 1986**

11 **SEC. 1001. COMPOSITION OF BOARD OF TRUSTEES.**

12 *Section 103(a)(1) of the Education of the Deaf Act of*
13 *1986 (20 U.S.C. 4303(a)(1)) is amended—*

14 (1) *by striking “twenty-one” and inserting*
15 *“twenty-three”;*

16 (2) *in subparagraph (A)—*

17 (A) *by striking “three” and inserting*
18 *“four”;* and

19 (B) *in clause (i)—*

20 (i) *by striking “one” and inserting*
21 *“two”;* and

22 (ii) *by striking “Senator” and insert-*
23 *ing “Senators”;* and

24 (3) *in subparagraph (B), by striking “eighteen”*
25 *and inserting “nineteen”.*

1 **SEC. 10002. ADMINISTRATIVE REQUIREMENTS OF LAURENT**
2 **CLERC NATIONAL DEAF EDUCATION CENTER.**

3 *Section 104(b)(5) of the Education of the Deaf Act of*
4 *1986 (20 U.S.C. 4304(b)(5)) is amended to read as follows:*

5 *“(5) The University, for purposes of the elemen-*
6 *tary and secondary education programs carried out*
7 *by the Clerc Center, shall—*

8 *“(A)(i)(I) provide an assurance to the Sec-*
9 *retary that the University has adopted and is*
10 *implementing challenging State academic stand-*
11 *ards that meet the requirements of section*
12 *1111(b)(1) of the Elementary and Secondary*
13 *Education Act of 1965 (20 U.S.C. 6311(b)(1));*

14 *“(II) demonstrate to the Secretary that the*
15 *University is implementing a set of high-quality*
16 *student academic assessments in mathematics,*
17 *reading or language arts, and science, and any*
18 *other subjects chosen by the University, that meet*
19 *the requirements of section 1111(b)(2) of such*
20 *Act (20 U.S.C. 6311(b)(2)); and*

21 *“(III) demonstrate to the Secretary that the*
22 *University is implementing an accountability*
23 *system consistent with section 1111(c) of such*
24 *Act (20 U.S.C. 6311(c)); or*

25 *“(ii)(I) select the challenging State aca-*
26 *demical standards and State academic assessments*

1 *of a State, adopted and implemented, as appro-*
2 *priate, pursuant to paragraphs (1) and (2) of*
3 *section 1111(b) of such Act (20 U.S.C. 6311(b));*
4 *and*

5 *“(II) adopt the accountability system, con-*
6 *sistent with section 1111(c) of such Act (20*
7 *U.S.C. 6311(c)), of such State; and*

8 *“(B) publicly report, except in a case in*
9 *which such reporting would not yield statis-*
10 *tically reliable information or would reveal per-*
11 *sonally identifiable information about an indi-*
12 *vidual student—*

13 *“(i) the results of the academic assess-*
14 *ments implemented under subparagraph*
15 *(A); and*

16 *“(ii) the results of the annual evalua-*
17 *tion of the programs at the Clerc Center, as*
18 *determined using the accountability system*
19 *adopted under subparagraph (A).”.*

20 **SEC. 10003. FEDERAL ENDOWMENT PROGRAMS FOR GAL-**
21 **LAUDET UNIVERSITY AND THE NATIONAL**
22 **TECHNICAL INSTITUTE FOR THE DEAF.**

23 *Section 207 of the Education of the Deaf Act of 1986*
24 *(20 U.S.C. 4357) is amended—*

1 (1) *in subsection (e), by striking “(and its non-*
2 *Federal match)”*; and

3 (2) *in subsection (g)(1), by striking “amounts*
4 *contributed to the fund from non-Federal sources,*
5 *and” and inserting “and the related”.*

6 **PART B—TRIBALLY CONTROLLED COLLEGES AND**
7 **UNIVERSITIES ASSISTANCE ACT OF 1978**

8 **SEC. 10101. TRIBALLY CONTROLLED COLLEGES AND UNI-**
9 **VERSITIES ASSISTANCE ACT OF 1978.**

10 (a) *DEFINITIONS.*—*Section 2 of the Tribally Con-*
11 *trolled Colleges and Universities Assistance Act of 1978 (25*
12 *U.S.C. 1801) is amended—*

13 (1) *in subsection (a)—*

14 (A) *in paragraph (4), by striking “or has*
15 *been formally” and inserting “and has been for-*
16 *mally”*;

17 (B) *in paragraph (7), by adding “and” at*
18 *the end*;

19 (C) *in paragraph (8), by striking “; and”*
20 *and inserting a period*; and

21 (D) *by striking paragraph (9)*; and

22 (2) *in subsection (b)—*

23 (A) *by amending paragraph (1) to read as*
24 *follows:*

1 “(1) Such number shall be calculated based on
2 the number of Indian students who are enrolled—

3 “(A) at the conclusion of the third week of
4 each academic term; or

5 “(B) on the fifth day of a shortened pro-
6 gram beginning after the conclusion of the third
7 full week of an academic term.”;

8 (B) in paragraph (3), by striking “for pur-
9 poses of obtaining” and inserting “solely for the
10 purpose of obtaining”;

11 (C) in paragraph (4)—

12 (i) by striking “students” and insert-
13 ing “individuals 16 years of age or older”;
14 and

15 (ii) by striking “credit hours.” and in-
16 serting “credit hours, except that the provi-
17 sions of paragraphs (1) and (3) shall not
18 apply to any determination under this
19 paragraph.”;

20 (D) in paragraph (5)—

21 (i) in subparagraph (A)—

22 (I) by inserting “hour” after
23 “credit”;

24 (II) by striking “in the case of an
25 institution on a quarter system, or 15

1 *contact hours in the case of an institu-*
2 *tion on a semester system,”; and*

3 *(III) by striking “and” at the*
4 *end;*

5 *(ii) by redesignating subparagraph (B)*
6 *as subparagraph (C); and*

7 *(iii) by inserting after subparagraph*
8 *(A) the following:*

9 *“(B) shall be determined as one academic*
10 *credit hour for every three continuing education*
11 *program credits earned in the case of an institu-*
12 *tion on a semester system (which may be ad-*
13 *justed by the Secretary, if necessary, for institu-*
14 *tions using academic periods other than semes-*
15 *ters, such as trimesters or quarters); and”;* and

16 *(E) by inserting after paragraph (5), the*
17 *following:*

18 *“(6) Enrollment data from the prior-prior aca-*
19 *demie year shall be used.”.*

20 **(b) AUTHORIZATION OF APPROPRIATIONS.—**

21 **(1) IN GENERAL.—***The Tribally Controlled Col-*
22 *leges and Universities Assistance Act of 1978 (25*
23 *U.S.C. 1801 et seq.) is amended by inserting after sec-*
24 *tion 2 (25 U.S.C. 1801), the following:*

1 “AUTHORIZATION OF APPROPRIATIONS

2 “SEC. 3. (a)(1) *There are authorized to be appro-*
3 *priated to carry out sections 105, 107, 112(b), and 113 such*
4 *sums as may be necessary for fiscal year 2021 and each*
5 *of the five succeeding fiscal years.*

6 “(2) *Funds appropriated pursuant to the authoriza-*
7 *tion under paragraph (1) shall be transferred by the Sec-*
8 *retary of the Treasury through the most expeditious method*
9 *available, with each of the tribally controlled colleges or uni-*
10 *versities being designated as its own certifying agency.*

11 “(b) *There are authorized to be appropriated to carry*
12 *out title III such sums as may be necessary for fiscal year*
13 *2021 and each of the five succeeding fiscal years. Any funds*
14 *appropriated pursuant to this subsection are authorized to*
15 *remain available until expended.*

16 “(c) *There are authorized to be appropriated to carry*
17 *out titles IV and V such sums as may be necessary for fiscal*
18 *year 2021 and each of the five succeeding fiscal years.*

19 “(d)(1) *For the purpose of affording adequate notice*
20 *of funding available under this Act, amounts appropriated*
21 *in an appropriation Act for any fiscal year to carry out*
22 *this Act shall become available for obligation on July 1 of*
23 *that fiscal year and shall remain available until September*
24 *30 of the succeeding fiscal year.*

1 “(2) *In order to effect a transition to the forward fund-*
2 *ing method of timing appropriation action described in*
3 *paragraph (1), there are authorized to be appropriated, in*
4 *an appropriation Act or Acts for the same fiscal year, two*
5 *separate appropriations to carry out this Act, the first of*
6 *which shall not be subject to paragraph (1).”.*

7 (2) *CONFORMING AMENDMENTS.—*

8 (A) *Section 110 of the Tribally Controlled*
9 *Colleges and Universities Assistance Act of 1978*
10 *(25 U.S.C. 1810) is repealed.*

11 (B) *Section 111 of the Tribally Controlled*
12 *Colleges and Universities Assistance Act of 1978*
13 *(25 U.S.C. 1811) is amended by striking*
14 *“110(a)(2)” and inserting “3(a)(2)”.*

15 (C) *Section 306 of the Tribally Controlled*
16 *Colleges and Universities Assistance Act of 1978*
17 *(25 U.S.C. 1836) is repealed.*

18 (D) *Title III of the Tribally Controlled Col-*
19 *leges and Universities Assistance Act of 1978 (25*
20 *U.S.C. 1831 et seq.) is amended by striking “sec-*
21 *tion 306” each place it appears and inserting*
22 *“section 3(b)”*

23 (E) *Section 403 of the Tribally Controlled*
24 *Colleges and Universities Assistance Act of 1978*
25 *(25 U.S.C. 1852) is repealed.*

1 (F) Section 502 of the Tribally Controlled
2 Colleges and Universities Assistance Act of 1978
3 (25 U.S.C. 1862) is amended—

4 (i) in subsection (a), by striking “Sub-
5 ject to the availability of appropriations,
6 for fiscal year 2009 and each fiscal year
7 thereafter,” and inserting “From the
8 amount made available under section 3(c)
9 for each fiscal year,”; and

10 (ii) in subsection (d)(1), by striking
11 “For fiscal year 2009 and each fiscal year
12 thereafter, of amounts made available pur-
13 suant to section 504,” and inserting “From
14 the amount made available under section
15 3(c) for each fiscal year,”.

16 (G) Section 504 of the Tribally Controlled
17 Colleges and Universities Assistance Act of 1978
18 (25 U.S.C. 1864) is repealed.

19 (c) ANNUAL REPORT ON EMERGING TRIBAL COL-
20 LEGES.—Section 104 of the Tribally Controlled Colleges
21 and Universities Assistance Act of 1978 (25 U.S.C. 1804a)
22 is amended to read as follows:

23 “ANNUAL REPORT ON EMERGING TRIBAL COLLEGES

24 “SEC. 104. Not later than December 31 of each year,
25 the Secretary shall submit a report to the Senate Committee
26 on Indian Affairs, the Senate Committee on Health, Edu-

1 cation, Labor and Pensions, the House Committee on Nat-
2 ural Resources, the House Committee on Education and
3 Labor, the Senate Appropriations Subcommittee on the In-
4 terior, and the House Appropriations Subcommittee on the
5 Interior on developing and emerging tribally controlled col-
6 leges or universities. Such report shall include information
7 on—

8 “(1) inquiries received by the Secretary from fed-
9 erally recognized Indian Tribes and tribal organiza-
10 tions regarding the process for establishing a tribally
11 controlled college or university;

12 “(2) the status of ongoing efforts to establish trib-
13 ally controlled colleges or universities;

14 “(3) the geographic location, current and pro-
15 jected size, and anticipated application time frame of
16 each reported institution; and

17 “(4) such other data as the Secretary may deem
18 relevant.”.

19 (d) *ELIGIBILITY STUDIES*.—Section 106 of the Trib-
20 ally Controlled Colleges and Universities Assistance Act of
21 1978 (25 U.S.C. 1806) is amended—

22 (1) in subsection (b), by striking “for the fiscal
23 year succeeding” and inserting “for the second fiscal
24 year succeeding”; and

1 (2) *in subsection (c), by striking “drawn from”*
2 *and all that follows through the period at the end and*
3 *inserting “drawn from the general administrative ap-*
4 *propriations to the Secretary.”*

5 (e) *GRANTS TO TRIBALLY CONTROLLED COLLEGES OR*
6 *UNIVERSITIES.—Section 107 of the Tribally Controlled Col-*
7 *leges and Universities Assistance Act of 1978 (25 U.S.C.*
8 *1807) is amended—*

9 (1) *in subsection (c), by striking “given to insti-*
10 *tutions” and all that follows through the period at the*
11 *end and inserting “given to institutions which re-*
12 *ceived payments under this title in fiscal year 2019*
13 *or were affiliated with an institution which received*
14 *payments under this title in fiscal year 2019.”; and*

15 (2) *in subsection (d), by inserting “higher edu-*
16 *cation” after “national Indian”.*

17 (f) *AMOUNT OF GRANTS.—Section 108 of the Tribally*
18 *Controlled Colleges and Universities Assistance Act of 1978*
19 *(25 U.S.C. 1808) is amended—*

20 (1) *by striking subsection (a)(2) and inserting*
21 *the following:*

22 “(2) *EXCEPTIONS.—*

23 “(A) *If the sum appropriated for any fiscal*
24 *year for payments under this section is not suffi-*
25 *cient to pay in full the total amount that ap-*

1 *proved applicants are eligible to receive under*
2 *this section for such fiscal year, the Secretary*
3 *shall first allocate to each such applicant that re-*
4 *ceived funds under this part for the preceding*
5 *fiscal year an amount equal to 100 percent of the*
6 *product of the per capita payment for the pre-*
7 *ceding fiscal year and such applicant's Indian*
8 *student count for the current program year, plus*
9 *an amount equal to the actual cost of any in-*
10 *crease to the per capita figure resulting from in-*
11 *flationary increases to necessary costs beyond the*
12 *institution's control.*

13 *“(B) The amount of a grant under para-*
14 *graph (1) shall not exceed an amount equal to*
15 *the total cost of the education program provided*
16 *by the applicable tribally controlled college or*
17 *university.”; and*

18 *(2) in subsection (b)(1)—*

19 *(A) by striking “of the funds available for*
20 *allotment by October 15 or no later than 14 days*
21 *after appropriations become available” and in-*
22 *serting “of the amounts appropriated for any fis-*
23 *cal year on or before July 1 of that fiscal year”;*
24 *and*

1 (B) by striking “January 1” and inserting
2 “September 30”.

3 (g) *REPORT ON FACILITIES*.—Section 112 of the Trib-
4 *ally Controlled Colleges and Universities Assistance Act of*
5 *1978 (25 U.S.C. 1812) is amended to read as follows:*

6 “*REPORT ON FACILITIES*

7 “*SEC. 112. (a) The Secretary shall provide for the con-*
8 *duct of a study on the condition of tribally controlled college*
9 *or university facilities, which, for purposes of this section,*
10 *shall include the facilities of a Tribal College or University,*
11 *as defined in section 316(b) of the Higher Education Act*
12 *of 1965 (20 U.S.C. 1059c(b)). Such study shall identify the*
13 *need for new construction, renovation, and infrastructure*
14 *enhancements of tribally controlled college or university fa-*
15 *cilities.*

16 “(b) *The study required in subsection (a) may be con-*
17 *ducted directly by the Secretary or by contract.*

18 “(c) *A report on the results of the study required in*
19 *subsection (a) shall be submitted to the Senate Committee*
20 *on Indian Affairs, the Senate Committee on Health, Edu-*
21 *cation, Labor and Pensions, the House Committee on Nat-*
22 *ural Resources, the House Committee on Education and*
23 *Labor, the Senate Appropriations Subcommittee on the In-*
24 *terior, and the House Appropriations Subcommittee on the*
25 *Interior not later than 18 months after the date of the enact-*
26 *ment of the College Affordability Act.”.*

1 *(h) MODIFICATION OF FACILITIES PROGRAM.—Section*
2 *113 of the Tribally Controlled Colleges and Universities As-*
3 *sistance Act of 1978 (25 U.S.C. 1813) is amended—*

4 *(1) in subsection (a), by striking “of the Admin-*
5 *istrator of General Services under section 112(a) of*
6 *this Act” and inserting “under section 112(c)”;*

7 *(2) in subsection (b), by striking “a tribally con-*
8 *trolled college or university—” and all that follows*
9 *through the period at the end and inserting “a trib-*
10 *ally controlled college or university shall be a Tribal*
11 *College or University, as defined in section 316(b) of*
12 *the Higher Education Act of 1965 (20 U.S.C.*
13 *1059c(b)).”;*

14 *(3) by redesignating subsections (d) through (f)*
15 *as subsections (e) through (g), respectively; and*

16 *(4) by inserting after subsection (c) the fol-*
17 *lowing:*

18 *“(d) Activities eligible for a grant under this section*
19 *shall be activities that address a wide variety of facilities*
20 *and infrastructure needs including—*

21 *“(1) building of new facilities;*

22 *“(2) renovating or expanding existing or ac-*
23 *quired facilities;*

24 *“(3) providing new and existing facilities with*
25 *equipment and infrastructure, including laboratory*

1 *equipment, computer infrastructure and equipment,*
2 *broadband infrastructure and equipment, library*
3 *books, and furniture; and*

4 “(4) *property acquisition.*”.

5 (i) *CONFORMING AMENDMENT FOR THE NAVAJO*
6 *TRIBE.*—*Section 114(a) of the Tribally Controlled Colleges*
7 *and Universities Assistance Act of 1978 (25 U.S.C.*
8 *1814(a)) is amended striking “The Navajo” and inserting*
9 *“Except as provided in sections 112 and 113, the Navajo”.*

10 (j) *RULES AND REGULATIONS.*—*Section 115 of the*
11 *Tribally Controlled Colleges and Universities Assistance Act*
12 *of 1978 (25 U.S.C. 1815) is repealed.*

13 (k) *ENDOWMENT GRANTS.*—*Section 302 of the Trib-*
14 *ally Controlled Colleges and Universities Assistance Act of*
15 *1978 (25 U.S.C. 1832) is amended by adding at the end*
16 *the following:*

17 “(c) *The period of a grant under this section shall be*
18 *not more than 20 years. During the grant period, an insti-*
19 *tution may withdraw and expend interest income generated*
20 *by the endowment for any operating or academic purpose.*
21 *An institution may not withdraw or expend any of the en-*
22 *dowment fund corpus. After the termination of the grant*
23 *period, an institution may use the endowment fund corpus*
24 *for any operating or academic purpose.*

1 “(d)(1) *If at any time during the grant period an in-*
 2 *stitution withdraws part of the endowment fund corpus, the*
 3 *institution shall repay to the Secretary an amount equal*
 4 *to 150 percent of the withdrawn amount. The Secretary*
 5 *may use up to 75 percent of such repaid funds to make*
 6 *additional endowment grants to, or to increase existing en-*
 7 *dowment grants at, other eligible institutions.*

8 “(2) *Notwithstanding subsection (c) and para-*
 9 *graph(1), the Secretary may allow an institution to expend*
 10 *part of the endowment fund corpus if the institution dem-*
 11 *onstrates such an expenditure is necessary because of—*

12 “(A) *a financial emergency, such as a pending*
 13 *insolvency or temporary liquidity problem;*

14 “(B) *a life-threatening situation occasioned by a*
 15 *natural disaster or arson; or*

16 “(C) *any other unusual occurrence or exigent*
 17 *circumstance.”.*

18 *(l) PARTICIPATION OF TRIBALLY CONTROLLED POST-*
 19 *SECONDARY CAREER AND TECHNICAL INSTITUTIONS*
 20 *UNDER OTHER TITLES.—Section 503(a) of the Tribally*
 21 *Controlled Colleges and Universities Assistance Act of 1978*
 22 *(25 U.S.C. 1863(a)) is amended to read as follows:*

23 “(a) *PARTICIPATION OF TRIBALLY CONTROLLED*
 24 *POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS*
 25 *UNDER OTHER TITLES.—For purposes of the preceding ti-*

1 *ties of this Act, a tribally controlled postsecondary career*
2 *and technical institution shall not be considered to be a*
3 *tribally controlled college or university except as follows:*

4 “(1) *For purposes of section 105(a)(1), the Sec-*
5 *retary shall provide, upon request from a tribally*
6 *controlled postsecondary career and technical institu-*
7 *tion, technical assistance either directly or through*
8 *contract.*

9 “(2) *For purposes of section 113, title III, and*
10 *title IV, a tribally controlled postsecondary career*
11 *and technical institution shall be considered to be a*
12 *tribally controlled college or university.”.*

13 (m) *CLERICAL AMENDMENTS.—The Tribally Con-*
14 *trolled Colleges and Universities Assistance Act of 1978 (25*
15 *U.S.C. 1801 et seq.), as amended by the preceding provi-*
16 *sions of this section, is further amended—*

17 (1) *by striking “Bureau of Indian Affairs” each*
18 *place it appears and inserting “Bureau of Indian*
19 *Education”;*

20 (2) *by striking “Navajo Community College Act”*
21 *each place it appears and inserting “Diné College*
22 *Act”;* and

23 (3) *in section 109 (25 U.S.C. 1809), by redesign-*
24 *ating the second subsection (c) as subsection (d).*

1 **PART C—STRENGTHENING PROGRAM ALIGN-**
2 **MENT FOR POSTSECONDARY PERKINS CA-**
3 **REER AND TECHNICAL EDUCATION PRO-**
4 **GRAMS**

5 **SEC. 10201. STRENGTHENING PROGRAM ALIGNMENT FOR**
6 **POSTSECONDARY PERKINS CAREER AND**
7 **TECHNICAL EDUCATION PROGRAMS.**

8 (a) *AUTHORIZATION OF APPROPRIATIONS.—*

9 (1) *IN GENERAL.—There are authorized to be ap-*
10 *propriated to carry out this section \$181,000,000 for*
11 *fiscal year 2021 and each of the 5 succeeding fiscal*
12 *years.*

13 (2) *OUTLYING AREAS.—In addition to the*
14 *amounts authorized to be appropriated under para-*
15 *graph (1), there are authorized to be appropriated*
16 *\$1,520,000 for fiscal year 2021 and each of the 5 suc-*
17 *ceeding fiscal years, for the purpose of awarding*
18 *funds to carry out this section to the outlying areas*
19 *described in section 115(a) of the Carl D. Perkins Ca-*
20 *reer and Technical Education Act of 2006 (20 U.S.C.*
21 *2325(a)).*

22 (3) *TRIBALLY CONTROLLED POSTSECONDARY CA-*
23 *REER AND TECHNICAL INSTITUTIONS.—In addition to*
24 *the amounts authorized to be appropriated under*
25 *paragraphs (1) and (2), there are authorized to be ap-*
26 *propriated \$10,469,000 for fiscal year 2021 and each*

1 *of the 5 succeeding fiscal years, for the purpose of*
2 *awarding funds to carry out this section to tribally*
3 *controlled postsecondary career and technical institu-*
4 *tions described in section 117(a) of the Carl D. Per-*
5 *kins Career and Technical Education Act of 2006 (20*
6 *U.S.C. 2327(a)).*

7 ***(b) ALLOTMENT AND ALLOCATION.—***

8 ***(1) STATE ALLOTMENT.—***

9 ***(A) IN GENERAL.—****From the amount appro-*
10 *priated under subsection (a)(1) for each fiscal*
11 *year, the Secretary of Education shall allot funds*
12 *to States in the same manner as allotments are*
13 *made to States under 111(a)(2) of the Carl D.*
14 *Perkins Career and Technical Education Act of*
15 *2006 (20 U.S.C. 2321(a)(2)), except that such*
16 *section 111(a)(2) shall be applied by substituting*
17 *“From the amount appropriated under sub-*
18 *section (a)(1),” for “From the remainder of the*
19 *amount appropriated under section 9 and not*
20 *reserved under paragraph (1) for a fiscal year,”.*

21 ***(B) REALLOTMENT.—****If for any fiscal year*
22 *the amount appropriated for allotments under*
23 *this paragraph is insufficient to satisfy the pro-*
24 *visions of subparagraph (A), the payments to all*

1 *States under such subparagraph shall be ratably*
2 *reduced.*

3 (2) *REQUIREMENTS FOR STATE ALLOTMENT.—*

4 *From the amount allotted to each State under para-*
5 *graph (1) for a fiscal year, the eligible agency shall*
6 *use such funds in the same manner and in the same*
7 *amounts as described in paragraphs (2) and (3) of*
8 *section 112(a) of the Carl D. Perkins Career and*
9 *Technical Education Act of 2006 (20 U.S.C. 2321(a)).*

10 (3) *ELIGIBLE RECIPIENT ALLOCATION.—*

11 (A) *IN GENERAL.—From the amount allot-*
12 *ted to each State under paragraph (1) and not*
13 *used under paragraph (2) for a fiscal year, the*
14 *eligible agency shall allocate funds to each eligi-*
15 *ble recipient within the State in the same man-*
16 *ner that funds are allocated to eligible institu-*
17 *tions or consortium of eligible institutions under*
18 *section 132(a)(2) of the Carl D. Perkins Career*
19 *and Technical Education Act of 2006 (20 U.S.C.*
20 *2352(a)(2)), except that such section 132(a)(2)*
21 *shall be applied by substituting “the amount al-*
22 *lotted to the State under paragraph (1) and not*
23 *used under paragraph (2)” for “the portion of*
24 *funds made available under section 112(a)(1) to*
25 *carry out this section”.*

1 (B) *REQUIREMENTS FOR ALLOCATION.*—*To*
2 *receive an allocation under subparagraph (A),*
3 *an eligible recipient shall meet the following re-*
4 *quirements:*

5 (i) *Provide a description to the Sec-*
6 *retary, at such time and in such manner, as*
7 *may be required by the Secretary of how the*
8 *eligible recipient will use the allocation to*
9 *support and coordinate with—*

10 (I) *any funds received by such eli-*
11 *gible recipient under title I of the Carl*
12 *D. Perkins Career and Technical Edu-*
13 *cation Act of 2006 (20 U.S.C. 2321 et*
14 *seq.); and*

15 (II) *the activities described in the*
16 *State plan of the eligible agency that*
17 *distributes funds under such title to*
18 *such eligible recipient, and local appli-*
19 *cation of such eligible recipient under*
20 *such title.*

21 (ii) *Establish partnerships with each of*
22 *the following:*

23 (I) *A local educational agency or*
24 *a consortia of local educational agen-*
25 *cies.*

1 (II) *An area career and technical*
2 *education school, in a case in which*
3 *such a school is located in the State or*
4 *local area of the eligible recipient.*

5 (III) *A State or local workforce*
6 *development system.*

7 (IV) *A 4-year institution of higher*
8 *education.*

9 (4) *ALLOTMENTS TO OUTLYING AREAS.—From*
10 *funds appropriated under subsection (a)(2), the Sec-*
11 *retary shall—*

12 (A) *make a grant in the amount of*
13 *\$660,000 to Guam;*

14 (B) *make a grant in the amount of*
15 *\$350,000 to each of the Commonwealth of the*
16 *Northern Mariana Islands and American*
17 *Samoa; and*

18 (C) *make a grant in the amount of*
19 *\$160,000 to the Republic of Palau.*

20 (c) *USES OF FUNDS.—*

21 (1) *IN GENERAL.—Each eligible recipient that*
22 *receives an allocation under subsection (b)(2) shall*
23 *use such allocation to carry out a career and tech-*
24 *nical education program of study that shall—*

1 (A) include alignment to career pathways,
2 the use of articulation agreements, and career
3 guidance and academic counseling;

4 (B) combine a minimum of 2 years of sec-
5 ondary education (as determined under State
6 law) with a minimum of 2 years of postsec-
7 ondary education in a nonduplicative, sequential
8 course of study;

9 (C) include work-based learning or appren-
10 ticeship programs;

11 (D) be aligned with—

12 (i) the workforce development system;

13 and

14 (ii) institutions of higher education of-
15 fering baccalaureate or advanced degree
16 programs;

17 (E) offer education and training in high-
18 skill, high-wage, or in-demand industry sectors
19 and occupations to meet the regional needs and
20 support the priorities described in the most re-
21 cent comprehensive local needs assessment con-
22 ducted by the eligible recipient under section
23 134(c) of the Carl D. Perkins Career and Tech-
24 nical Education Act (20 U.S.C. 2354(c)); and

1 (F) carry out the requirements of subpara-
2 graph (A), (B), (C), (D), or (E) of paragraph
3 (2).

4 (2) *REQUIREMENTS.*—Each career and technical
5 education program of study described in paragraph
6 (1) shall carry out at least one of the following:

7 (A) Supporting the development, delivery,
8 or implementation of a statewide effort to scale
9 such program of study and career pathways.

10 (B) Establishing industry or sector partner-
11 ships inside or outside the State.

12 (C) Providing equal access to, and supports
13 for, successful completion of the career and tech-
14 nical education program of study to individuals
15 who are members of special populations, includ-
16 ing the development of services appropriate to
17 the needs of special populations.

18 (D) Improving career guidance, academic
19 counseling, and career exploration activities for
20 prospective or participating students through the
21 development and implementation of graduation
22 and career plans aligned to career pathways.

23 (E) Developing curriculum and supports for
24 effective transitions between the following:

1 (i) *The transition from a secondary ca-*
2 *reer and technical education program to a*
3 *postsecondary career and technical edu-*
4 *cation program.*

5 (ii) *The transition from postsecondary*
6 *career and technical education programs to*
7 *an institution of higher education offering a*
8 *baccalaureate or an advanced degree pro-*
9 *gram.*

10 (iii) *The transition from a workforce*
11 *development system to a postsecondary ca-*
12 *reer and technical education program.*

13 (iv) *The transition from a postsec-*
14 *ondary career and technical education pro-*
15 *gram to employment.*

16 (v) *The transition from a career and*
17 *technical education program to an appren-*
18 *ticeship program or from an apprenticeship*
19 *program to an institution of higher edu-*
20 *cation or employment.*

21 (3) *RESTRICTION ON USES OF FUNDS.—Each eli-*
22 *gible recipient that receives an allocation under sub-*
23 *section (b)(2) shall not use more than 5 percent of*
24 *such allocation for costs associated with the adminis-*
25 *tration of activities.*

1 (d) *DEFINITIONS.—In this section:*

2 (1) *APPRENTICESHIP PROGRAM.—The term “ap-*
3 *prenticeship program” means an apprenticeship reg-*
4 *istered under the Act of August 16, 1937 (commonly*
5 *known as the “National Apprenticeship Act”; 50 Stat.*
6 *664, chapter 663; 29 U.S.C. 50 et seq.).*

7 (2) *ELIGIBLE RECIPIENT.—The term “eligible re-*
8 *ipient” has the meaning given the term in section*
9 *3(21)(B) of the Carl D. Perkins Career and Technical*
10 *Education Act of 1965 (20 U.S.C. 2302(21)(B)).*

11 (3) *INSTITUTION OF HIGHER EDUCATION.—The*
12 *term “institution of higher education” has the mean-*
13 *ing given such term in section 101 of the Higher Edu-*
14 *cation Act of 1965 (20 U.S.C. 1001).*

15 (4) *LOCAL EDUCATIONAL AGENCY.—The term*
16 *“local educational agency” has the meaning given*
17 *such term in section 8101 of the Elementary and Sec-*
18 *ondary Education Act of 1965 (20 U.S.C. 7801).*

19 (5) *PERKINS CTE TERMS.—The terms “articula-*
20 *tion agreement”, “area career and technical education*
21 *school”, “career and technical education”, “eligible*
22 *agency”, “program of study”, “special population”,*
23 *and “work-based learning” have the meanings given*
24 *the terms in section 3 of the Carl D. Perkins Career*

1 *and Technical Education Act of 2006 (20 U.S.C.*
2 *2302).*

3 (6) *STATE.*—*The term “State” has the meaning*
4 *given the term in section 111(d) of the Carl D. Per-*
5 *kins Career and Technical Education Act of 2006.*

6 (7) *WIOA TERMS.*—*The terms “career path-*
7 *way”, “workforce development system”, “in-demand*
8 *industry sector or occupation”, and “industry or sec-*
9 *tor partnership” have the meanings given the terms*
10 *in section 3 of the Workforce Innovation and Oppor-*
11 *tunity Act (29 U.S.C. 3201).*

12 ***PART D—GENERAL EDUCATION PROVISIONS ACT***

13 ***SEC. 10301. RELEASE OF EDUCATION RECORDS TO FACILI-***
14 ***TATE THE AWARD OF A RECOGNIZED POST-***
15 ***SECONDARY CREDENTIAL.***

16 *Section 444(b) of the General Education Provisions*
17 *Act (20 U.S.C. 1232g(b)) is amended—*

18 (1) *in paragraph (1)—*

19 (A) *in subparagraph (K)(ii), by striking “;*
20 *and” and inserting a semicolon; and*

21 (B) *in subparagraph (L), by striking the*
22 *period at the end and inserting “; and”; and*

23 (2) *by inserting after subparagraph (L) the fol-*
24 *lowing:*

1 *includes the most recent data), that is*
2 *disaggregated by race in a manner that captures*
3 *all the racial groups specified in the American*
4 *Community Survey of the Bureau of the Cen-*
5 *sus;”.*

6 ***PART F—U.S. INSTITUTE OF PEACE***

7 ***SEC. 10501. REAUTHORIZATION OF THE U.S. INSTITUTE OF***
8 ***PEACE.***

9 *Section 1710 of the United States Institute of Peace*
10 *Act (22 U.S.C. 4609) is amended in subsection (a)(1) by*
11 *striking “fiscal years 2009 through 2014” and inserting*
12 *“fiscal year 2021 and each of the 5 succeeding fiscal years”.*

Union Calendar No. 583

116TH CONGRESS
2^D SESSION

H. R. 4674

[Report No. 116-700]

A BILL

To amend and strengthen the Higher Education Act of 1965 to lower the cost of college for students and families, to hold colleges accountable for students' success, and to give a new generation of students the opportunity to graduate on-time and transition to a successful career.

DECEMBER 28, 2020

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