

116TH CONGRESS
1ST SESSION

H. R. 4674

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

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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “College Affordability Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

Sec. 3. General effective date.

TITLE I—GENERAL PROVISIONS

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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. National Advisory Committee on Institutional Quality and Integrity.

Sec. 1012. Disclosures of foreign gifts.

Sec. 1013. Alcohol and substance misuse prevention.

Sec. 1014. Exception to required registration with selective service system.

Sec. 1015. Integrity of nonprofit institutions of higher education.

Sec. 1016. Support and guidance for homeless individuals and foster care youth.

Sec. 1017. Calculation of percentage of enrolled students receiving or eligible for Federal Pell Grants.

Sec. 1018. Certification regarding the use of certain Federal funds.

PART C—COST OF HIGHER EDUCATION

Sec. 1021. Consumer information.

Sec. 1022. Postsecondary student data system.

Sec. 1023. Avoiding duplicative reporting.

Sec. 1024. Textbook information.

Sec. 1025. Repeals.

Sec. 1026. 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 Historically Black Colleges and Universities.
- Sec. 3003. Historically Black College and University Capital Financing.
- Sec. 3004. Strengthening Historically Black Colleges and Universities and other minority-serving institutions.
- Sec. 3005. 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.
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- 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

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

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SUBPART 6—JUMPSTART TO COLLEGE GRANT PROGRAMS

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SUBPART 8—NORTHERN MARIANA ISLANDS AND AMERICAN SAMOA COLLEGE
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SUBPART 9—COMMUNITY COLLEGE STUDENT SUCCESS

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- Sec. 4304. Federal Direct Perkins Loans terms and conditions.
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PART E—FEDERAL PERKINS LOANS

- Sec. 4401. Authorization of appropriations for Perkins loan.
- Sec. 4402. Allocation of funds for Perkins loan.
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- Sec. 4404. Agreements with institutions of higher education for purposes of the Perkins loan program.
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- Sec. 4408. Distribution of assets from student loan funds for purposes of the Perkins loan program.

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- Sec. 4502. Amendments to data elements when determining the expected family contribution.
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- Sec. 4614. Remedial education grants.
- Sec. 4615. Competency-based education.
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- 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.
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- Sec. 8005. Grants for rural-serving institutions of higher education.
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- Sec. 10002. Administrative requirements of Laurent Clerc National Deaf Education Center.
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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 E—GENERAL EDUCATION PROVISIONS ACT

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

PART F—EDUCATION SCIENCES REFORM ACT OF 2002

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

PART G—UNITED STATES INSTITUTE OF PEACE ACT

- Sec. 10501. Reauthorization of the United States 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
 4 of an amendment to, or repeal of, a section or other provi-

1 sion, the reference shall be considered to be made to a
 2 section or other provision of the Higher Education Act of
 3 1965 (20 U.S.C. 1001 et seq.).

4 **SEC. 3. GENERAL EFFECTIVE DATE.**

5 Except as otherwise provided in this Act or the
 6 amendments made by this Act, this Act and the amend-
 7 ments made by this Act shall take effect on the date of
 8 enactment of this Act.

9 **TITLE I—GENERAL PROVISIONS**

10 **PART A—DEFINITIONS**

11 **SEC. 1001. DEFINITION OF INSTITUTION OF HIGHER EDU-**
 12 **CATION FOR PURPOSES OF TITLE IV PRO-**
 13 **GRAMS.**

14 Section 102(a)(4)(A) of Higher Education Act of
 15 1965 (20 U.S.C. 1002(a)(4)(A)) is amended by inserting
 16 “or receivership” after “that files for bankruptcy”.

17 **SEC. 1002. ADDITIONAL DEFINITIONS.**

18 Section 103 of the Higher Education Act of 1965 (20
 19 U.S.C. 1003) is amended—

20 (1) in paragraph (6), by striking “section 3(2)”
 21 and inserting “section 3”;

22 (2) in paragraph (13), by inserting “con-
 23 trolled,” before “owned”; and

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

1 “(25) PUBLIC INSTITUTION OF HIGHER EDU-
2 CATION.—The term ‘public institution of higher edu-
3 cation’ means an institution of higher education—

4 “(A) for which all obligations of the insti-
5 tution are valid and binding obligations of a
6 State (or of an equivalent governmental entity);
7 and

8 “(B) for which the full faith and credit of
9 such State (or equivalent governmental entity)
10 is pledged for the timely payment of such obli-
11 gations.

12 “(26) FOSTER CARE YOUTH.—The term ‘foster
13 care youth’ means an individual whose care and
14 placement is the responsibility of the State or tribal
15 agency that administers a State or tribal plan under
16 part B or E of title IV of the Social Security Act
17 (42 U.S.C. 621 et seq.; 670 et seq.), without regard
18 to whether foster care maintenance payments are
19 made under section 472 of such Act (42 U.S.C. 672)
20 on behalf of the individual, including any such indi-
21 vidual who was in such care on or after attaining 13
22 years of age and without regard to the reason the
23 individual left such care.

1 “(27) FEDERAL EDUCATION ASSISTANCE
2 FUNDS.—The term ‘Federal education assistance
3 funds’—

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

12 “(B) does not include any monthly housing
13 stipend provided under the Post-9/11 Edu-
14 cational Assistance Program under chapter 33
15 of title 38, United States Code.

16 “(28) PROGRESS PERIOD STATUS.—The term
17 ‘progress period status’ means the status of an insti-
18 tution of higher education that is determined by the
19 Secretary to be in danger of failing to meet title IV
20 eligibility criteria relating to student debt because
21 the institution has an adjusted cohort default rate of
22 not less than 10 percent and not more than 15 per-
23 cent.”.

1 **SEC. 1003. GAINFUL EMPLOYMENT PROGRAMS.**

2 Part A of title I of the Higher Education Act of 1965
3 (20 U.S.C. 1001 et seq.) is amended by adding at the end
4 the following:

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

8 “(a) GAINFUL EMPLOYMENT PROGRAM DEFINED.—
9 In this Act (including for purposes of sections 101 and
10 102), the term ‘program of training to prepare students
11 for gainful employment in a recognized occupation’ means
12 a training program that—

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

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

18 “(3) is otherwise eligible to receive funds under
19 title IV; and

20 “(4) is not a training program that is substan-
21 tially similar to a training program which, during a
22 period determined by the Secretary, did not meet
23 one or more of the performance metrics (such as an
24 eligibility threshold) described in paragraph (1).

25 “(b) SECRETARIAL REQUIREMENTS.—

26 “(1) ESTABLISHMENT OF REQUIREMENTS.—

1 “(A) IN GENERAL.—Not later than 18
2 months after the date of enactment of the Col-
3 lege Affordability Act, the Secretary shall estab-
4 lish requirements that training programs shall
5 meet to be programs of training to prepare stu-
6 dents for gainful employment in a recognized
7 occupation, which shall include—

8 “(i) establishing performance metrics
9 (including eligibility thresholds for each
10 such metric) described in subparagraph
11 (B); and

12 “(ii) developing a disclosure template
13 and a verification process for disclosures
14 described in subparagraph (C).

15 “(B) PERFORMANCE METRICS.—

16 “(i) IN GENERAL.—In establishing the
17 performance metrics under subparagraph
18 (A)(i), the Secretary shall, at a minimum,
19 establish the requirements for a debt-to-
20 earnings rate that serves the best interests
21 of students and taxpayers, which shall in-
22 clude—

23 “(I) a methodology for calcu-
24 lating such debt-to-earnings rate for a
25 training program, including—

1 “(aa) a definition of the co-
2 hort of individuals on whom such
3 rate shall be based, who shall be
4 selected from the individuals who
5 were enrolled in such training
6 program (without regard to
7 whether the individuals received
8 a loan for such enrollment);

9 “(bb) a determination of the
10 debt amount for such rate based
11 on the median annual loan pay-
12 ment for the loans made under
13 title IV and the private education
14 loans received for such enroll-
15 ment by such cohort; and

16 “(cc) a determination of the
17 earnings amount for such rate
18 based on the mean or median of
19 the actual, student-level annual
20 earnings for such cohort;

21 “(II) establishing a process (such
22 as an appeals process) to authorize
23 training programs to use alternate
24 earnings in lieu of the mean or me-

1 dian of the actual, student-level an-
2 nual earnings of a cohort; and

3 “(III) establishing a threshold
4 rate that each training program shall
5 meet to be eligible to receive funds
6 under title IV.

7 “(ii) EARNINGS DATA.—In deter-
8 mining the mean or median of the actual,
9 student-level annual earnings for purposes
10 of this subparagraph, the Secretary shall
11 obtain and use the most appropriate avail-
12 able Federal data on such earnings.

13 “(C) DISCLOSURE TEMPLATE.—The Sec-
14 retary shall develop—

15 “(i) a disclosure template that—

16 “(I) is consumer tested; and

17 “(II) is used by each institution
18 of higher education that offers a
19 training program to provide enrolled
20 and prospective students (including
21 through publication on the website of
22 such institution of higher education
23 for such training program)—

24 “(aa) on an annual basis,
25 student outcome information for

1 such program (including the
2 debt-to-earnings rate and wheth-
3 er the eligibility threshold for any
4 other performance metric estab-
5 lished under subparagraph (A)(i)
6 has been met); and

7 “(bb) in a case in which the
8 training program receives a no-
9 tice of determination under para-
10 graph (2)(B) that the program
11 may be ineligible for funds under
12 title IV, or may receive other
13 sanctions, not later than 30 days
14 after receipt of such notice, an
15 explanation of such notice of de-
16 termination; and

17 “(ii) a process to annually verify that
18 each institution of higher education that
19 offers a training program is providing the
20 disclosures required under clause (i)(II).

21 “(2) ENFORCEMENT OF REQUIREMENTS.—Not
22 later than 2 years after the Secretary establishes re-
23 quirements under paragraph (1), and annually
24 thereafter, the Secretary shall, with respect to each

1 training program that meets the definition of sub-
 2 section (a) or that seeks to meet such definition—

3 “(A) calculate the debt-to-earnings rate
 4 and assess performance with respect to any
 5 other metric established under paragraph
 6 (1)(A)(i) for the preceding award year, and
 7 make such information publicly available on the
 8 website of the Department;

9 “(B) issue a notice of determination on
 10 whether the program is meeting the require-
 11 ments established by the Secretary, including
 12 whether the program shall be subject to sanc-
 13 tions (such as loss of eligibility under title IV);
 14 and

15 “(C) enforce the applicable sanctions.”.

16 **PART B—ADDITIONAL GENERAL PROVISIONS**

17 **SEC. 1011. NATIONAL ADVISORY COMMITTEE ON INSTITU-** 18 **TIONAL QUALITY AND INTEGRITY.**

19 Section 114 of the Higher Education Act of 1965 (20
 20 U.S.C. 1011c) is amended by striking subsection (f).

21 **SEC. 1012. DISCLOSURES OF FOREIGN GIFTS.**

22 (a) IN GENERAL.—Section 117 of the Higher Edu-
 23 cation Act of 1965 (20 U.S.C. 1011f) is amended—

24 (1) in subsection (b)—

1 (A) in paragraph (1), by adding at the end
2 the following: “In this paragraph, the term ‘ag-
3 gregate dollar amount’ includes the fair market
4 value of staff members, textbooks, and other in-
5 kind gifts.”; and

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

11 (2) in subsection (d)—

12 (A) in paragraph (1) by striking “are sub-
13 stantially” and all that follows through “this
14 section,” and inserting “includes all information
15 required by this section,”; and

16 (B) in paragraph (2) by striking “require-
17 ments substantially similar to those” and in-
18 serting “all the information”;

19 (3) in subsection (e), by adding at the end the
20 following: “Not later than 30 days after receiving a
21 disclosure report under this section, the Secretary
22 shall make such report electronically available to the
23 public for downloading on searchable database under
24 which institutions can be individually identified and
25 compared. Not later than 60 days after the date of

1 the enactment of the College Affordability Act, the
 2 Secretary shall make available in the same manner
 3 as described in the preceding sentence, each disclo-
 4 sure report received under this section on or after
 5 January 1, 2000, to the extent that the Secretary
 6 has access to such report.”;

7 (4) by amending subsection (g) to read as fol-
 8 lows:

9 “(g) REGULATIONS.—

10 “(1) IN GENERAL.—Not later than 2 years
 11 after the date of the enactment of the College Af-
 12 fordability Act, the Secretary shall issue regulations
 13 to carry out this section.

14 “(2) PROCEDURE.—Regulations under para-
 15 graph (1) shall be—

16 “(A) developed through the negotiated
 17 rulemaking process under section 492;

18 “(B) developed with consultation from
 19 stakeholders; and

20 “(C) published in the Federal Register in
 21 accordance with section 482.”; and

22 (5) in subsection (h)—

23 (A) in paragraph (3), by striking “or prop-
 24 erty” and inserting “property, human re-
 25 sources, or payment of any staff;”; and

1 (B) in paragraph (5)(B), by inserting “in-
 2 stitutes, instructional programs,” after “cen-
 3 ters,”.

4 (b) APPLICABILITY.—The amendments made by this
 5 section shall apply to institutions under section 117 of the
 6 Higher Education Act of 1965 (20 U.S.C. 1011f) on the
 7 date that is 2 years after the date of the enactment of
 8 this section.

9 **SEC. 1013. ALCOHOL AND SUBSTANCE MISUSE PREVEN-**
 10 **TION.**

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

13 (1) in the section heading, by striking “**DRUG**
 14 **AND ALCOHOL ABUSE**” and inserting “**ALCOHOL**
 15 **AND SUBSTANCE MISUSE**”;

16 (2) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
 18 by striking “a program to prevent the use of il-
 19 licit drugs and the abuse of alcohol by students
 20 and employees that,” and inserting “an evi-
 21 dence-based program to prevent alcohol and
 22 substance misuse by students and employees
 23 that,”;

24 (B) by amending paragraph (1)(C) to read
 25 as follows:

1 “(C) a description of the health-risks asso-
2 ciated with the use of illicit drugs and alcohol
3 and substance misuse;”;

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

6 “(D) a description of any alcohol or sub-
7 stance misuse counseling, treatment, rehabilita-
8 tion, recovery, re-entry, or recovery support
9 programs provided by the institution (including
10 in partnership with a community-based organi-
11 zation) that are available to employees or stu-
12 dents;”;

13 (D) in paragraph (1)(E), by striking “that
14 the institution will impose” and inserting “of
15 the policies of the institution regarding”;

16 (3) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) by striking “and” at the end of
19 subparagraph (A);

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

22 (iii) by adding at the end the fol-
23 lowing:

1 “(C) compliance assistance to assist insti-
2 tutions in complying with the requirements of
3 this section.”;

4 (B) by redesignating paragraph (2) as
5 paragraph (4); and

6 (C) by inserting after paragraph (1) the
7 following:

8 “(2) INTERAGENCY AGREEMENT.—Not later
9 than 180 days after the date of enactment of the
10 College Affordability Act, the Secretary shall enter
11 into a interagency agreement with the Secretary of
12 Health and Human Services to—

13 “(A) determine criteria that satisfy the re-
14 quirement of subsection (a) that an institution
15 of higher education has adopted and has imple-
16 mented an evidence-based program described in
17 such subsection;

18 “(B) establish a process for disseminating
19 the best practices for adopting and imple-
20 menting such an evidence-based program; and

21 “(C) establish a process that promotes co-
22 ordination and collaboration between institu-
23 tions of higher education and the respective
24 State agencies that administer the Substance
25 Abuse Prevention and Treatment Block Grants

1 pursuant to subpart II of part B of title XIX
2 of the Public Health Service Act (42 U.S.C.
3 300x-21).

4 “(3) GUIDANCE.—Not later than 1 year after
5 the date of enactment of the College Affordability
6 Act, the Secretary shall, in coordination with the
7 Secretary of Health and Human Services, issue
8 guidance with respect to the criteria described in
9 paragraph (2)(A).”; and

10 (4) in subsection (e)—

11 (A) in the subsection heading, by striking
12 “**DRUG ABUSE**” in the heading and inserting
13 “**SUBSTANCE MISUSE**”;

14 (B) in paragraph (1)—

15 (i) by striking “other organizations”
16 and inserting “community-based organiza-
17 tions that partner with institutions of high-
18 er education”;

19 (ii) by striking “programs of preven-
20 tion, and education (including treatment-
21 referral) to reduce and eliminate the illegal
22 use of drugs and alcohol and the violence
23 associated with such use” and inserting
24 “evidence-based programs of alcohol and
25 substance misuse prevention and education

(including programs to improve access to treatment, referral for treatment services, or crisis intervention services) to eliminate illegal substance use, decrease substance misuse, and improve public health and safety”; and

(iii) by striking “alcohol and drug abuse” and inserting “substance use disorder”;

(C) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(D) by inserting after paragraph (1) the following:

“(2) ADDITIONAL USES.—In addition to the activities described in paragraph (1), a grant or contract awarded under paragraph (1) may be used to carry out 1 or more of the following evidence-based programs or activities:

“(A) Providing programs for recovery support services, and peer-to-peer support services and counseling for students with a substance use disorder.

“(B) Promoting integration and collaboration in campus-based health services between

1 primary care, substance use disorder services,
2 and mental health services.

3 “(C) Promoting integrated care services
4 for students related to screening, diagnosis, pre-
5 vention, and treatment of mental, behavioral,
6 and substance use disorders.

7 “(D) Providing re-entry assistance for stu-
8 dents on academic probation due to their sub-
9 stance use disorder.

10 “(E) Preventing fatal and nonfatal
11 overdoses.

12 “(F) Providing education to students, fac-
13 ulty, or other personnel on—

14 “(i) recognizing the signs and symp-
15 toms of substance use disorder, and how to
16 engage and support a person in a crisis sit-
17 uation;

18 “(ii) resources available in the com-
19 munity, within the institution of higher
20 education, and other relevant resources for
21 individuals with a substance use disorder;
22 and

23 “(iii) safely de-escalating crisis situa-
24 tions involving individuals with a substance
25 use disorder.”; and

1 (E) by amending paragraph (6), as reded-
 2 icated by subparagraph (C), to read as fol-
 3 lows:

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

8 (b) EFFECTIVE DATES.—

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

13 (2) DELAYED EFFECTIVE DATES.—The amend-
 14 ments made by subsection (a)(2) shall apply to insti-
 15 tutions of higher education on the date that is 2
 16 years after the date of enactment of this Act.

17 **SEC. 1014. EXCEPTION TO REQUIRED REGISTRATION WITH**
 18 **SELECTIVE SERVICE SYSTEM.**

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

22 **“SEC. 124. EXCEPTION TO REQUIRED REGISTRATION WITH**
 23 **SELECTIVE SERVICE SYSTEM.**

24 “Notwithstanding section 12(f) of the Military Selec-
 25 tive Service Act (50 U.S.C. 3811(f)), a person shall not

1 be ineligible for assistance or a benefit provided under title
 2 IV if the person is required under section 3 of such Act
 3 (50 U.S.C. 3802) to present himself for and submit to
 4 registration under such section, and fails to do so in ac-
 5 cordance with any proclamation, rule, or regulation issued
 6 under such section.”.

7 **SEC. 1015. INTEGRITY OF NONPROFIT INSTITUTIONS OF**
 8 **HIGHER EDUCATION.**

9 Part B of title I of the Higher Education Act of 1965
 10 (20 U.S.C. 1011 et seq.), as amended by this part, is fur-
 11 ther amended by adding at the end the following:

12 **“SEC. 125. INTEGRITY OF NONPROFIT INSTITUTIONS OF**
 13 **HIGHER EDUCATION.**

14 “(a) DETERMINATION.—The Secretary may approve
 15 the conversion of an institution of higher education to a
 16 nonprofit institution of higher education only if the Sec-
 17 retary determines that such institution of higher education
 18 meets the requirements under subsection (b).

19 “(b) APPLICATION.—To be eligible to convert and
 20 participate as a nonprofit institution of higher education
 21 under this Act, an institution of higher education shall
 22 submit an application to the Secretary that demonstrates
 23 each of the following:

24 “(1) That the institution of higher education
 25 that submits such application is controlled, owned,

1 and operated by one or more nonprofit corporations
2 or associations, no part of the net earnings of which
3 inures, or may lawfully inure, to the benefit of any
4 private shareholder or individual.

5 “(2) That any assets or services acquired by the
6 institution of higher education that submits such ap-
7 plication from former owners of such institution of
8 higher education were not acquired for more than
9 the value of such assets or services.

10 “(3) That no member of the governing board of
11 the institution of higher education that submits such
12 application (other than ex officio members serving at
13 the pleasure of the remainder of the governing board
14 and receiving a fixed salary), or any person with the
15 power to appoint or remove members of such gov-
16 erning board or any immediate family member of
17 such a member of the board or such a person with
18 power of appointment, receives any substantial di-
19 rect or indirect economic benefit (including a lease,
20 promissory note, or other contract) from such insti-
21 tution of higher education.

22 “(4) That the institution of higher education
23 that submits such application is an organization de-
24 scribed in section 501(c)(3) of the Internal Revenue

1 Code of 1986 and is exempt from taxation under
2 section 501(a) of such Code.

3 “(5) Subject to subsection (c), that none of the
4 core functions of the institution of higher education
5 that submits such application are under the control
6 of, or subject to significant direction from, an entity
7 that is not a public institution of higher education
8 or other nonprofit entity.

9 “(c) PRESUMPTION OF SIGNIFICANT DIRECTION.—
10 For purposes of paragraph (5) of subsection (b), in the
11 case of an institution of higher education that submits an
12 application under such subsection, there shall be a conclu-
13 sive presumption that an entity (other than such institu-
14 tion of higher education) exercises significant direction
15 over such institution if one or more of the employees or
16 owners of the entity serves as an officer, member of the
17 board, or person holding similar authority for such institu-
18 tion.

19 “(d) TRANSITION PERIOD.—In the case of a propri-
20 etary institution of higher education (as defined in section
21 102(b)) approved for conversion under subsection (a), for
22 a period of at least 5 years that begins on the date such
23 institution is approved for such conversion, the institution
24 shall be subject to any provision of this Act and any regu-

1 lations that apply to proprietary institutions of higher edu-
 2 cation.

3 “(e) VALUE.—The term ‘value’, with respect to an
 4 acquisition under subsection (b)(2)—

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

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

10 “(A) a third-party appraisal based on com-
 11 parable assets acquired by, or goods or services
 12 procured by, nonprofit corporations in similar
 13 market conditions;

14 “(B) an independent financing of the ac-
 15 quisition based upon the assets acquired; or

16 “(C) a full and open competition in the ac-
 17 quisition of services or assets, as such term is
 18 defined in section 2.101(b) of title 48, Code of
 19 Federal Regulations, as in effect on the date of
 20 the enactment of this section; and

21 “(3) shall be subject to such other demonstra-
 22 tion process determined appropriate by the Secretary
 23 in a case in which the Secretary does not accept a
 24 demonstration process described in paragraph (2).

25 “(f) PUBLICATION.—

1 “(1) APPLICATION.—Before the Secretary may
2 approve the conversion of an institution of higher
3 education under subsection (a), the application of
4 such institution submitted to the Secretary under
5 subsection (b) shall be published in the Federal Reg-
6 ister with an appropriate notice and comment pe-
7 riod.

8 “(2) DETERMINATION.—The Secretary shall
9 publish each determination under this section, and
10 the reasons for such determination, under the Fed-
11 eral Register.

12 “(g) PUBLIC REPRESENTATION AND MARKETING OF
13 NONPROFIT STATUS.—An institution of higher education
14 shall not promote or market itself, in any manner, as a
15 nonprofit institution of higher education unless—

16 “(1) in the case of an institution of higher edu-
17 cation that seeks to convert to a nonprofit institu-
18 tion of higher education under this section—

19 “(A) the Secretary has given final approval
20 of the conversion of the institution to a non-
21 profit institution of higher education under this
22 section;

23 “(B) an accrediting agency or association
24 recognized by the Secretary pursuant to section

1 496 has approved the nonprofit status of the
2 institution; and

3 “(C) the State has given final approval to
4 the institution as a nonprofit institution of
5 higher education, as applicable; and

6 “(2) the Commissioner of Internal Revenue has
7 approved the institution as tax exempt for purposes
8 of the Internal Revenue Code of 1986.

9 “(h) OFFICE TO MONITOR NONPROFIT INTEG-
10 RITY.—Not later than 1 year after the date of enactment
11 of the College Affordability Act, the Secretary shall estab-
12 lish an office within the Department with the expertise
13 necessary to carry out this section.

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

15 “The Secretary shall review the governance of an in-
16 stitution of higher education when such institution has en-
17 gaged in transactions or arrangements determined by the
18 Secretary as potential indicators of private inurement, in
19 order to promote the highest standards of nonprofit integ-
20 rity.”.

21 **SEC. 1016. SUPPORT AND GUIDANCE FOR HOMELESS INDIV-**
22 **VIDUALS AND FOSTER CARE YOUTH.**

23 Part B of title I of the Higher Education Act of 1965
24 (20 U.S.C. 1011 et seq.), as amended by this part, is fur-
25 ther amended by adding at the end the following:

10 “(b) PROFESSIONAL DEVELOPMENT.—Beginning not
11 later than 1 year after the date of enactment of the Col-
12 lege Affordability Act, the Secretary shall conduct an an-
13 nual professional development or training program, such
14 as a webinar, for liaisons described under section 485(k)
15 and interested faculty or staff regarding postsecondary
16 education services for such homeless individuals and foster
17 care youth.

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1 lining financial aid policies and procedures and postsec-
 2 ondary education recruitment, retention, and completion.

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

6 **SEC. 1017. CALCULATION OF PERCENTAGE OF ENROLLED**
 7 **STUDENTS RECEIVING OR ELIGIBLE FOR**
 8 **FEDERAL PELL GRANTS.**

9 Part B of title I of the Higher Education Act of 1965
 10 (20 U.S.C. 1011 et seq.), as amended by this part, is fur-
 11 ther amended by adding at the end the following:

12 **“SEC. 128. CALCULATION OF PERCENTAGE OF ENROLLED**
 13 **STUDENTS RECEIVING OR ELIGIBLE FOR**
 14 **FEDERAL PELL GRANTS.**

15 “Beginning on the date of enactment of the College
 16 Affordability Act, for purposes of calculating under this
 17 Act the percentage of students enrolled at an institution
 18 of higher education or in a program who are receiving
 19 Federal Pell Grants under section 401 or who are eligible
 20 to receive such grants, the total number of students who
 21 are counted as enrolled in such institution or program
 22 shall not include students who are dually or concurrently
 23 enrolled in the institution or program and a secondary
 24 school.”.

1 **SEC. 1018. CERTIFICATION REGARDING THE USE OF CER-**
 2 **TAIN FEDERAL FUNDS.**

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

7 **“SEC. 129. CERTIFICATION REGARDING THE USE OF CER-**
 8 **TAIN FEDERAL FUNDS.**

9 “(a) PROHIBITION.—No Federal funds received
 10 under this Act by an institution of higher education or
 11 other postsecondary educational institution may be used
 12 to pay any person for influencing or attempting to influ-
 13 ence an officer or employee of any agency, a Member of
 14 Congress, an officer or employee of Congress, or an em-
 15 ployee of a Member of Congress in connection with any
 16 Federal action described in subsection (b).

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

19 “(1) The awarding of any Federal contract.

20 “(2) The making of any Federal grant.

21 “(3) The making of any Federal loan.

22 “(4) The entering into of any Federal coopera-
 23 tive agreement.

24 “(5) The extension, continuation, renewal,
 25 amendment, or modification of any Federal contract,
 26 grant, loan, or cooperative agreement.

1 “(c) LOBBYING AND EARMARKS.—No Federal stu-
 2 dent aid funding under this Act may be used to hire a
 3 registered lobbyist or pay any person or entity for securing
 4 an earmark.

5 “(d) CERTIFICATION.—Each institution of higher
 6 education or other postsecondary educational institution
 7 receiving Federal funding under this Act, as a condition
 8 for receiving such funding, shall annually certify to the
 9 Secretary that the requirements of subsections (a) through
 10 (c) have been met.

11 “(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The
 12 Secretary shall take such actions as are necessary to en-
 13 sure that the provisions of this section are implemented
 14 and enforced.”.

15 (b) CONFORMING AMENDMENT.—Section 119 of the
 16 Higher Education Opportunity Act (20 U.S.C. 1011m) is
 17 repealed.

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

19 **SEC. 1021. CONSUMER INFORMATION.**

20 Section 132(i)(1) of the Higher Education Act of
 21 1965 (20 U.S.C. 1015a(i)(1)) is amended—

22 (1) in subparagraph (T), by striking “rate,”
 23 and inserting “rate and adjusted cohort default
 24 rate,”; and

25 (2) by adding at the end the following:

1 “(AA) The institution’s expenditures on
2 each of the following:

3 “(i) Instruction.

4 “(ii) Student services.

5 “(iii) Marketing.

6 “(iv) Recruitment.

7 “(v) Advertising.

8 “(vi) Lobbying.”.

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

10 (a) POSTSECONDARY STUDENT DATA SYSTEM.—Sec-
11 tion 132 of the Higher Education Act of 1965 (20 U.S.C.
12 1015a) is amended—

13 (1) by redesignating subsection (l) as subsection
14 (m); and

15 (2) by inserting after subsection (k) the fol-
16 lowing:

17 “(l) POSTSECONDARY STUDENT DATA SYSTEM.—

18 “(1) IN GENERAL.—

19 “(A) ESTABLISHMENT OF SYSTEM.—The
20 Commissioner of the National Center for Edu-
21 cation Statistics (referred to in this subsection
22 as the ‘Commissioner’) shall develop and main-
23 tain a secure, privacy-protected postsecondary
24 student-level data system in order to—

1 “(i) accurately evaluate student en-
2 rollment patterns, progression, completion,
3 and postcollegiate outcomes, and higher
4 education costs and financial aid;

5 “(ii) assist with transparency, institu-
6 tional improvement, and analysis of Fed-
7 eral aid programs;

8 “(iii) provide accurate, complete, and
9 customizable information for students and
10 families making decisions about postsec-
11 ondary education; and

12 “(iv) reduce the reporting burden on
13 institutions of higher education, in accord-
14 ance with section 1022(b)(2) of the College
15 Affordability Act.

16 “(B) AVOIDING DUPLICATED REPORT-
17 ING.—Notwithstanding any other provision of
18 this section, to the extent that another provi-
19 sion of this section requires the same reporting
20 or collection of data that is required under this
21 subsection, an institution of higher education,
22 or the Secretary or Commissioner, may use the
23 reporting or data required for the postsec-
24 ondary student data system under this sub-
25 section to satisfy both requirements.

“(C) DEVELOPMENT PROCESS.—In developing the postsecondary student data system described in this subsection, the Commissioner shall—

“(i) focus on the needs of—

“(I) users of the data system;

and

“(II) entities, including institu-

tions of higher education, reporting to

the data system;

“(ii) take into consideration, to the extent practicable—

“(I) the guidelines outlined in the

U.S. Web Design Standards main-

tained by the General Services Admin-

istration and the Digital Services

Playbook and TechFAR Handbook for

Procuring Digital Services Using

Agile Processes of the U.S. Digital

Service; and

“(II) the relevant successor docu-

ments or recommendations of such

guidelines;

“(iii) use modern, relevant privacy- and security-enhancing technology, and en-

1 hance and update the data system as nec-
2 essary to carry out the purpose of this sub-
3 section;

4 “(iv) ensure data privacy and security
5 is consistent with any Federal law relating
6 to privacy or data security, including—

7 “(I) the requirements of sub-
8 chapter II of chapter 35 of title 44,
9 United States Code, specifying secu-
10 rity categorization under the Federal
11 Information Processing Standards or
12 any relevant successor of such stand-
13 ards;

14 “(II) security requirements that
15 are consistent with the Federal agency
16 responsibilities in section 3554 of title
17 44, United States Code, or any rel-
18 evant successor of such responsibil-
19 ities; and

20 “(III) security requirements,
21 guidelines, and controls consistent
22 with cybersecurity standards and best
23 practices developed by the National
24 Institute of Standards and Tech-
25 nology, including frameworks, con-

1 sistent with section 2(c) of the Na-
2 tional Institute of Standards and
3 Technology Act (15 U.S.C. 272(c)), or
4 any relevant successor of such frame-
5 works;

6 “(v) follow Federal data minimization
7 practices to ensure only the minimum
8 amount of data is collected to meet the
9 system’s goals, in accordance with Federal
10 data minimization standards and guide-
11 lines developed by the National Institute of
12 Standards and Technology; and

13 “(vi) provide notice to students out-
14 lining the data included in the system and
15 how the data are used.

16 “(2) DATA ELEMENTS.—

17 “(A) IN GENERAL.—The Commissioner, in
18 consultation with the Postsecondary Student
19 Data System Advisory Committee established
20 under subparagraph (B), shall determine—

21 “(i) the data elements to be included
22 in the postsecondary student data system,
23 in accordance with subparagraphs (C) and
24 (D); and

1 “(ii) how to include the data elements
2 required under subparagraph (C), and any
3 additional data elements selected under
4 subparagraph (D), in the postsecondary
5 student data system.

6 “(B) POSTSECONDARY STUDENT DATA
7 SYSTEM ADVISORY COMMITTEE.—

8 “(i) ESTABLISHMENT.—The Commis-
9 sioner shall establish a Postsecondary Stu-
10 dent Data System Advisory Committee (re-
11 ferred to in this subsection as the ‘Advi-
12 sory Committee’), whose members shall in-
13 clude—

14 “(I) the Chief Privacy Officer of
15 the Department or an official of the
16 Department delegated the duties of
17 overseeing data privacy at the Depart-
18 ment;

19 “(II) the Chief Security Officer
20 of the Department or an official of
21 the Department delegated the duties
22 of overseeing data security at the De-
23 partment;

24 “(III) representatives of diverse
25 institutions of higher education, which

1 shall include equal representation be-
2 tween 2-year and 4-year institutions
3 of higher education, and from public,
4 nonprofit, and proprietary institutions
5 of higher education, including minor-
6 ity-serving institutions;

7 “(IV) representatives from State
8 higher education agencies, entities,
9 bodies, or boards;

10 “(V) representatives of postsec-
11 ondary students;

12 “(VI) representatives from rel-
13 evant Federal agencies; and

14 “(VII) other stakeholders (in-
15 cluding individuals with expertise in
16 data privacy and security, consumer
17 protection, and postsecondary edu-
18 cation research).

19 “(ii) REQUIREMENTS.—The Commis-
20 sioner shall ensure that the Advisory Com-
21 mittee—

22 “(I) adheres to all requirements
23 under the Federal Advisory Com-
24 mittee Act (5 U.S.C. App.);

1 “(II) establishes operating and
2 meeting procedures and guidelines
3 necessary to execute its advisory du-
4 ties; and

5 “(III) is provided with appro-
6 priate staffing and resources to exe-
7 cute its advisory duties.

8 “(C) REQUIRED DATA ELEMENTS.—The
9 data elements in the postsecondary student
10 data system shall include, at a minimum, the
11 following:

12 “(i) Student-level data elements nec-
13 essary to calculate the information within
14 the surveys designated by the Commis-
15 sioner as ‘student-related surveys’ in the
16 Integrated Postsecondary Education Data
17 System (IPEDS), as such surveys are in
18 effect on the day before the date of enact-
19 ment of the College Affordability Act, ex-
20 cept that in the case that collection of such
21 elements would conflict with subparagraph
22 (F), such elements in conflict with sub-
23 paragraph (F) shall be included in the ag-
24 gregate instead of at the student level.

1 “(ii) Student-level data elements nec-
2 essary to allow for reporting student en-
3 rollment, persistence, retention, transfer,
4 and completion measures for all credential
5 levels separately (including certificate, as-
6 sociate, baccalaureate, and advanced de-
7 gree levels), within and across institutions
8 of higher education (including across all
9 categories of institution level, control, and
10 predominant degree awarded). The data
11 elements shall allow for reporting about all
12 such data disaggregated by the following
13 categories:

14 “(I) Enrollment status as a first-
15 time student, recent transfer student,
16 or other non-first-time student.

17 “(II) Attendance intensity,
18 whether full-time or part-time.

19 “(III) Credential-seeking status,
20 by credential level.

21 “(IV) Race or ethnicity (in ac-
22 cordance with section 153(a)(3)(B) of
23 the Education Sciences Reform Act
24 (20 U.S.C. 9543(a)(3)(B))).

25 “(V) Age intervals.

1 “(VI) Gender.

2 “(VII) Program of study (as ap-
3 plicable).

4 “(VIII) Military or veteran ben-
5 efit status (as determined based on
6 receipt of veteran’s education benefits,
7 as defined in section 480(c)).

8 “(IX) Status as a distance edu-
9 cation student, whether exclusively or
10 partially enrolled in distance edu-
11 cation.

12 “(X) Federal Pell Grant and
13 Federal loan recipient status, provided
14 that the collection of such information
15 complies with paragraph (1)(B).

16 “(D) OTHER DATA ELEMENTS.—

17 “(i) IN GENERAL.—The Commissioner
18 may, after consultation with the Advisory
19 Committee and provision of a public com-
20 ment period, include additional data ele-
21 ments in the postsecondary student data
22 system, such as those described in clause
23 (ii), if those data elements—

24 “(I) are necessary to ensure that
25 the postsecondary data system fulfills

1 the purposes described in paragraph
2 (1)(A); and

3 “(II) are consistent with data
4 minimization principles, including the
5 collection of only those additional ele-
6 ments that are necessary to ensure
7 such purposes.

8 “(ii) DATA ELEMENTS.—The data ele-
9 ments described in clause (i) may in-
10 clude—

11 “(I) status as a first generation
12 college student (as defined in section
13 402A(h));

14 “(II) economic status;

15 “(III) participation in postsec-
16 ondary remedial coursework or gate-
17 way course completion; or

18 “(IV) other data elements that
19 are necessary in accordance with
20 clause (i).

21 “(E) REEVALUATION.—Not less than once
22 every 3 years after the implementation of the
23 postsecondary student data system described in
24 this subsection, the Commissioner, in consulta-
25 tion with the Advisory Committee described in

1 subparagraph (B), shall review the data ele-
2 ments included in the postsecondary student
3 data system and may revise the data elements
4 to be included in such system.

5 “(F) PROHIBITIONS.—The Commissioner
6 shall not include individual health data (includ-
7 ing data relating to physical health or mental
8 health), student discipline records or data, ele-
9 mentary and secondary education data, an
10 exact address, citizenship status, migrant sta-
11 tus, or national origin status for students or
12 their families, course grades, postsecondary en-
13 trance examination results, political affiliation,
14 or religion in the postsecondary student data
15 system under this subsection.

16 “(3) PERIODIC MATCHING WITH OTHER FED-
17 ERAL DATA SYSTEMS.—

18 “(A) DATA SHARING AGREEMENTS.—

19 “(i) The Commissioner shall ensure
20 secure, periodic data matches by entering
21 into data sharing agreements with each of
22 the following Federal agencies and offices:

23 “(I) The Secretary of the Treas-
24 ury and the Commissioner of the In-
25 ternal Revenue Service, in order to

1 calculate aggregate program- and in-
2 stitution-level earnings of postsec-
3 ondary students.

4 “(II) The Secretary of Defense,
5 in order to assess the use of postsec-
6 ondary educational benefits and the
7 outcomes of servicemembers.

8 “(III) The Secretary of Veterans
9 Affairs, in order to assess the use of
10 postsecondary educational benefits
11 and outcomes of veterans.

12 “(IV) The Director of the Bu-
13 reau of the Census, in order to assess
14 the occupational and earnings out-
15 comes of former postsecondary edu-
16 cation students.

17 “(V) The Chief Operating Officer
18 of the Office of Federal Student Aid,
19 in order to analyze the use of postsec-
20 ondary educational benefits provided
21 under this Act.

22 “(ii) The heads of Federal agencies
23 and offices described under clause (i) shall
24 enter into data sharing agreements with
25 the Commissioner to ensure secure, peri-

1 odic data matches as described in this
2 paragraph.

3 “(B) CATEGORIES OF DATA.—The Com-
4 missioner shall, at a minimum, seek to ensure
5 that the secure periodic data system matches
6 described in subparagraph (A) permit con-
7 sistent reporting of the following categories of
8 data for all postsecondary students:

9 “(i) Enrollment, retention, transfer,
10 and completion outcomes for all postsec-
11 ondary students.

12 “(ii) Financial indicators for postsec-
13 ondary students receiving Federal grants
14 and loans, including grant and loan aid by
15 source, cumulative student debt, loan re-
16 payment status, and repayment plan.

17 “(iii) Post-completion outcomes for all
18 postsecondary students, including earnings,
19 employment, and further education, by
20 program of study and credential level and
21 as measured—

22 “(I) immediately after leaving
23 postsecondary education; and

1 “(II) at time intervals appro-
2 priate to the credential sought and
3 earned.

4 “(C) PERIODIC DATA MATCH STREAM-
5 LINING AND CONFIDENTIALITY.—

6 “(i) STREAMLINING.—In carrying out
7 the secure periodic data system matches
8 under this paragraph, the Commissioner
9 shall—

10 “(I) ensure that such matches
11 are not continuous, but occur at ap-
12 propriate intervals, as determined by
13 the Commissioner; and

14 “(II) seek to—

15 “(aa) streamline the data
16 collection and reporting require-
17 ments for institutions of higher
18 education;

19 “(bb) minimize duplicative
20 reporting across or within Fed-
21 eral agencies or departments, in-
22 cluding reporting requirements
23 applicable to institutions of high-
24 er education under the Workforce
25 Innovation and Opportunity Act

1 (29 U.S.C. 3101 et seq.) and the
2 Carl D. Perkins Career and
3 Technical Education Act of 2006;

4 “(cc) protect student pri-
5 vacy; and

6 “(dd) streamline the applica-
7 tion process for student loan ben-
8 efit programs available to bor-
9 rowers based on data available
10 from different Federal data sys-
11 tems.

12 “(ii) REVIEW.—Not less often than
13 once every 3 years after the establishment
14 of the postsecondary student data system
15 under this subsection, the Commissioner,
16 in consultation with the Advisory Com-
17 mittee, shall review methods for stream-
18 lining data collection from institutions of
19 higher education and minimizing duplica-
20 tive reporting within the Department and
21 across Federal agencies that provide data
22 for the postsecondary student data system.

23 “(iii) CONFIDENTIALITY.—The Com-
24 missioner shall ensure that any periodic
25 matching or sharing of data through peri-

1 odic data system matches established in
2 accordance with this paragraph—

3 “(I) complies with the security
4 and privacy protections described in
5 paragraph (1)(C)(iv) and other Fed-
6 eral data protection protocols;

7 “(II) follows industry best prac-
8 tices commensurate with the sensi-
9 tivity of specific data elements or
10 metrics;

11 “(III) does not result in the cre-
12 ation of a single standing, linked Fed-
13 eral database at the Department that
14 maintains the information reported
15 across other Federal agencies; and

16 “(IV) discloses to postsecondary
17 students what data are included in the
18 data system and periodically matched
19 and how the data are used.

20 “(iv) CORRECTION.—The Commis-
21 sioner, in consultation with the Advisory
22 Committee, shall establish a process for
23 students to request access to only their
24 personal information for inspection and re-
25 quest corrections to inaccuracies in a man-

ner that protects the student’s personally identifiable information. The Commissioner shall respond in writing to every request for a correction from a student.

“(4) PUBLICLY AVAILABLE INFORMATION.—

“(A) IN GENERAL.—The Commissioner shall make the summary aggregate information described in subparagraph (C), at a minimum, publicly available through a user-friendly consumer information website and analytic tool that—

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

“(ii) allows users to build summary aggregate reports of information, including reports that allow comparisons across multiple institutions and programs, subject to subparagraph (B);

“(iii) uses appropriate statistical disclosure limitation techniques necessary to ensure that the data released to the public cannot be used to identify specific individuals; and

1 “(iv) provides users with appropriate
2 contextual factors to make comparisons,
3 which may include national median figures
4 of the summary aggregate information de-
5 scribed in subparagraph (C).

6 “(B) NO PERSONALLY IDENTIFIABLE IN-
7 FORMATION AVAILABLE.—The summary aggre-
8 gate information described in this paragraph
9 shall not include personally identifiable informa-
10 tion.

11 “(C) SUMMARY AGGREGATE INFORMATION
12 AVAILABLE.—The summary aggregate informa-
13 tion described in this paragraph shall, at a min-
14 imum, include each of the following for each in-
15 stitution of higher education:

16 “(i) Measures of student access, in-
17 cluding—

18 “(I) admissions selectivity and
19 yield; and

20 “(II) enrollment, disaggregated
21 by each category described in para-
22 graph (2)(C)(ii).

23 “(ii) Measures of student progression,
24 including retention rates and persistence

1 rates, disaggregated by each category de-
2 scribed in paragraph (2)(C)(ii).

3 “(iii) Measures of student completion,
4 including—

5 “(I) transfer rates and comple-
6 tion rates, disaggregated by each cat-
7 egory described in paragraph
8 (2)(C)(ii); and

9 “(II) number of completions,
10 disaggregated by each category de-
11 scribed in paragraph (2)(C)(ii).

12 “(iv) Measures of student costs, in-
13 cluding—

14 “(I) tuition, required fees, total
15 cost of attendance, and net price after
16 total grant aid, disaggregated by in-
17 State tuition or in-district tuition sta-
18 tus (if applicable), program of study
19 (if applicable), and credential level;
20 and

21 “(II) typical grant amounts and
22 loan amounts received by students re-
23 ported separately from Federal, State,
24 local, and institutional sources, and
25 cumulative debt, disaggregated by

1 each category described in paragraph
2 (2)(C)(ii) and completion status.

3 “(v) Measures of postcollegiate stu-
4 dent outcomes, including employment
5 rates, mean and median earnings, loan re-
6 payment and default rates, and further
7 education rates. These measures shall—

8 “(I) be disaggregated by each
9 category described in paragraph
10 (2)(C)(ii) and completion status; and

11 “(II) be measured immediately
12 after leaving postsecondary education
13 and at time intervals appropriate to
14 the credential sought or earned.

15 “(D) DEVELOPMENT CRITERIA.—In devel-
16 oping the method and format of making the in-
17 formation described in this paragraph publicly
18 available, the Commissioner shall—

19 “(i) focus on the needs of the users of
20 the information, which will include stu-
21 dents, families of students, potential stu-
22 dents, researchers, and other consumers of
23 education data;

24 “(ii) take into consideration, to the
25 extent practicable, the guidelines described

1 in paragraph (1)(C)(ii)(I), and relevant
2 successor documents or recommendations
3 of such guidelines;

4 “(iii) use modern, relevant technology
5 and enhance and update the postsecondary
6 student data system with information, as
7 necessary to carry out the purpose of this
8 paragraph;

9 “(iv) ensure data privacy and security
10 in accordance with standards and guide-
11 lines developed by the National Institute of
12 Standards and Technology, and in accord-
13 ance with any other Federal law relating to
14 privacy or security, including complying
15 with the requirements of subchapter II of
16 chapter 35 of title 44, United States Code,
17 specifying security categorization under the
18 Federal Information Processing Standards,
19 and security requirements, and setting of
20 National Institute of Standards and Tech-
21 nology security baseline controls at the ap-
22 propriate level; and

23 “(v) conduct consumer testing to de-
24 termine how to make the information as
25 meaningful to users as possible.

1 “(5) PERMISSIBLE DISCLOSURES OF DATA.—

2 “(A) DATA REPORTS AND QUERIES.—

3 “(i) IN GENERAL.—The Commissioner
4 shall develop and implement a secure proc-
5 ess for making student-level, non-person-
6 ally identifiable information, with direct
7 identifiers removed, from the postsec-
8 ondary student data system available for
9 vetted research and evaluation purposes
10 approved by the Commissioner in a man-
11 ner compatible with practices for disclosing
12 National Center for Education Statistics
13 restricted-use survey data as in effect on
14 the day before the date of enactment of the
15 College Affordability Act, or by applying
16 other research and disclosure restrictions
17 to ensure data privacy and security. Such
18 process shall be approved by the National
19 Center for Education Statistics’ Disclosure
20 Review Board (or successor body).

21 “(ii) PROVIDING DATA REPORTS AND
22 QUERIES TO INSTITUTIONS AND STATES.—

23 “(I) IN GENERAL.—The Commis-
24 sioner shall provide feedback reports,
25 at least annually, to each institution

1 of higher education, each postsec-
2 ondary education system that fully
3 participates in the postsecondary stu-
4 dent data system, and each State
5 higher education body as designated
6 by the governor.

7 “(II) FEEDBACK REPORTS.—The
8 feedback reports provided under this
9 clause shall include program-level and
10 institution-level information from the
11 postsecondary student data system re-
12 garding students who are associated
13 with the institution or, for State rep-
14 resentatives, the institutions within
15 that State, on or before the date of
16 the report, on measures including stu-
17 dent mobility and workforce outcomes,
18 provided that the feedback aggregate
19 summary reports protect the privacy
20 of individuals.

21 “(III) DETERMINATION OF CON-
22 TENT.—The content of the feedback
23 reports shall be determined by the
24 Commissioner, in consultation with
25 the Advisory Committee.

1 “(iii) PERMITTING STATE DATA QUE-
2 RIES.—The Commissioner shall, in con-
3 sultation with the Advisory Committee and
4 as soon as practicable, create a process
5 through which States may submit lists of
6 secondary school graduates within the
7 State to receive summary aggregate out-
8 comes for those students who enrolled at
9 an institution of higher education, includ-
10 ing postsecondary enrollment and college
11 completion, provided that those data pro-
12 tect the privacy of individuals and that the
13 State data submitted to the Commissioner
14 are not stored in the postsecondary edu-
15 cation system.

16 “(iv) REGULATIONS.—The Commis-
17 sioner shall promulgate regulations to en-
18 sure fair, secure, and equitable access to
19 data reports and queries under this para-
20 graph.

21 “(B) DISCLOSURE LIMITATIONS.—In car-
22 rying out the public reporting and disclosure re-
23 quirements of this subsection, the Commis-
24 sioner shall use appropriate statistical disclo-
25 sure limitation techniques necessary to ensure

1 that the data released to the public cannot in-
2 clude personally identifiable information or be
3 used to identify specific individuals.

4 “(C) SALE OF DATA PROHIBITED.—Data
5 collected under this subsection, including the
6 public-use data set and data comprising the
7 summary aggregate information available under
8 paragraph (4), shall not be sold to any third
9 party by the Commissioner, including any insti-
10 tution of higher education or any other entity.

11 “(D) LIMITATION ON USE BY OTHER FED-
12 ERAL AGENCIES.—

13 “(i) IN GENERAL.—The Commissioner
14 shall not allow any other Federal agency to
15 use data collected under this subsection for
16 any purpose except—

17 “(I) for vetted research and eval-
18 uation conducted by the other Federal
19 agency, as described in subparagraph
20 (A)(i); or

21 “(II) for a purpose explicitly au-
22 thorized by this subsection.

23 “(ii) PROHIBITION ON LIMITATION OF
24 SERVICES.—The Secretary, or the head of
25 any other Federal agency, shall not use

1 data collected under this subsection to
2 limit services to students.

3 “(E) LAW ENFORCEMENT.—Personally
4 identifiable information collected under this
5 subsection shall not be used for any Federal,
6 State, or local law enforcement activity or any
7 other activity that would result in adverse ac-
8 tion against any student or a student’s family,
9 including debt collection activity or enforcement
10 of immigration laws.

11 “(F) LIMITATION OF USE FOR FEDERAL
12 RANKINGS OR SUMMATIVE RATING SYSTEM.—
13 The comprehensive data collection and analysis
14 necessary for the postsecondary student data
15 system under this subsection shall not be used
16 by the Secretary or any Federal entity to estab-
17 lish any Federal ranking system of institutions
18 of higher education or a system that results in
19 a summative Federal rating of institutions of
20 higher education.

21 “(G) RULE OF CONSTRUCTION.—Nothing
22 in this paragraph shall be construed to prevent
23 the use of individual categories of aggregate in-
24 formation to be used for accountability pur-
25 poses.

1 “(H) RULE OF CONSTRUCTION REGARDING
2 COMMERCIAL USE OF DATA.—Nothing in this
3 paragraph shall be construed to prohibit third-
4 party entities from using publicly available in-
5 formation in this data system for commercial
6 use.

7 “(6) SUBMISSION OF DATA.—

8 “(A) REQUIRED SUBMISSION.—Each insti-
9 tution of higher education participating in a
10 program under title IV, or the assigned agent
11 of such institution, shall, in accordance with
12 section 487(a)(17), collect, and submit to the
13 Commissioner, the data requested by the Com-
14 missioner to carry out this subsection.

15 “(B) VOLUNTARY SUBMISSION.—Any post-
16 secondary institution not participating in a pro-
17 gram under title IV may voluntarily participate
18 in the postsecondary student data system under
19 this subsection by collecting and submitting
20 data to the Commissioner, as the Commissioner
21 may request to carry out this subsection.

22 “(C) PERSONALLY IDENTIFIABLE INFOR-
23 MATION.—In accordance with paragraph
24 (2)(C)(i), if the submission of an element of
25 student-level data is prohibited under para-

graph (2)(F) (or otherwise prohibited by law),
the institution of higher education shall submit
that data to the Commissioner in the aggregate.

“(7) UNLAWFUL WILLFUL DISCLOSURE.—

“(A) IN GENERAL.—It shall be unlawful
for any person who obtains or has access to
personally identifiable information in connection
with the postsecondary student data system de-
scribed in this subsection to willfully disclose to
any person (except as authorized by Federal
law) such personally identifiable information.

“(B) PENALTY.—Any person who violates
subparagraph (A) shall be subject to a penalty
described under section 513 of the Confidential
Information Protection and Statistical Effi-
ciency Act of 2002 (44 U.S.C. 3501 note) and
section 183(d)(6) of the Education Sciences Re-
form Act of 2002 (20 U.S.C. 9573(d)(6)).

“(C) EMPLOYEE OF OFFICER OF THE
UNITED STATES.—If a violation of subpara-
graph (A) is committed by any officer or em-
ployee of the United States, the officer or em-
ployee shall be dismissed from office or dis-
charged from employment upon conviction for
the violation.

1 “(8) DATA SECURITY.—The Commissioner shall
2 produce and update as needed guidance and regula-
3 tions relating to privacy, security, and access which
4 shall govern the use and disclosure of data collected
5 in connection with the activities authorized in this
6 subsection. The guidance and regulations developed
7 and reviewed shall protect data from unauthorized
8 access, use, and disclosure, and shall include—

9 “(A) an audit capability, including manda-
10 tory and regularly conducted audits;

11 “(B) access controls;

12 “(C) requirements to ensure sufficient data
13 security, quality, validity, and reliability;

14 “(D) student confidentiality protection in
15 accordance with the Confidential Information
16 Protection and Statistical Efficiency Act;

17 “(E) appropriate and applicable privacy
18 and security protection, including data retention
19 and destruction protocols and data minimiza-
20 tion, in accordance with the most recent Fed-
21 eral standards developed by the National Insti-
22 tute of Standards and Technology; and

23 “(F) protocols for managing a breach, in-
24 cluding breach notifications, in accordance with

1 the standards of National Center for Education
2 Statistics.

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

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

8 “(A) INSTITUTION OF HIGHER EDU-
9 CATION.—The term ‘institution of higher edu-
10 cation’ has the meaning given the term in sec-
11 tion 102.

12 “(B) PERSONALLY IDENTIFIABLE INFOR-
13 MATION.—The term ‘personally identifiable in-
14 formation’ has the meaning given the term in
15 section 444 of the General Education Provi-
16 sions Act (20 U.S.C. 1232g).”.

17 (b) EFFECTIVE DATE; TRANSITION PROVISIONS.—

18 (1) EFFECTIVE DATE.—This section, and the
19 amendments made by this section, shall take effect
20 on the date that is 4 years after the date of enact-
21 ment of this section.

22 (2) IN GENERAL.—The Secretary of Education
23 and the Commissioner for Education Statistics shall
24 take such steps as are necessary to ensure that the
25 transition to, and implementation of, the postsec-

1 ondary student data system required under section
2 132(l) of the Higher Education Act of 1965, as
3 added by this section, is carried out in a manner
4 that reduces the reporting burden for entities that
5 reported into the Integrated Postsecondary Edu-
6 cation Data System (IPEDS).

7 **SEC. 1023. AVOIDING DUPLICATIVE REPORTING.**

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

11 “(n) AVOIDING DUPLICATIVE REPORTING.—If the
12 Secretary determines that the same reporting or collection
13 of data that is required under subsection (l) is required
14 by another reporting or collection of data requirement
15 under this Act (other than under subsection (l)), the Sec-
16 retary may—

17 “(1) use the data reported or collected under
18 subsection (l); and

19 “(2) waive the other reporting or collection of
20 data requirement.”.

21 **SEC. 1024. TEXTBOOK INFORMATION.**

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

1 (1) in subsection (a), by striking “identify ways
2 to decrease” and inserting “identify and adopt inno-
3 vative tools to decrease”;

4 (2) in subsection (b)(9)—

5 (A) by striking “to accompany a” and in-
6 serting “to accompany or support a” in the
7 matter preceding subparagraph (A); and

8 (B) in subparagraph (A), by striking “ma-
9 terials, computer disks, website access” and in-
10 serting “materials, online and digital learning
11 platforms and materials, website access”;

12 (3) in subsection (c)(1)(D)(i), by striking “pa-
13 perback, and unbound” and inserting “paperback,
14 digital, and unbound”; and

15 (4) in subsection (f)—

16 (A) in paragraph (1), by inserting “access-
17 ing lower-cost digital course materials and dig-
18 ital textbooks,” after “programs for”; and

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

23 **SEC. 1025. REPEALS.**

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

1 **SEC. 1026. 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
6 each public institution of higher education in a State
7 that receives assistance under this Act for the first
8 period of enrollment at such institution that begins
9 during the first full award year following the date of
10 enactment of the College Affordability Act.

11 “(d) DEFINITIONS.—In this section:

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

16 “(2) HOMELESS YOUTH.—The term ‘homeless
17 youth’ has the meaning given the term ‘homeless
18 children and youths’ in section 725 of the McKin-
19 ney-Vento Homeless Assistance Act (42 U.S.C.
20 11434a).”.

1 **PART D—ADMINISTRATIVE PROVISIONS FOR**
2 **DELIVERY OF STUDENT FINANCIAL ASSISTANCE**
3 **SEC. 1031. IMPROVEMENTS TO THE FEDERAL STUDENT AID**
4 **OFFICE.**

5 Section 141 of the Higher Education Act of 1965 (20
6 U.S.C. 1018) is amended—

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

9 “(2) PURPOSES.—The purposes of the PBO are
10 as follows:

11 “(A) To prioritize students and borrowers
12 in the decision-making processes related to all
13 aspects of the management and administration
14 of the Federal student financial assistance pro-
15 grams authorized under title IV.

16 “(B) To improve service to students and
17 other participants in the Federal student finan-
18 cial assistance programs authorized under title
19 IV.

20 “(C) To make such programs more under-
21 standable to students and their families.

22 “(D) To increase the efficiency and effec-
23 tiveness of such programs for students and
24 their families.

25 “(E) To manage the costs of administering
26 such programs.

1 “(F) To increase the accountability of the
2 officials responsible for administering the oper-
3 ational aspects of such programs.

4 “(G) To oversee institutions, contractors,
5 and third party servicers that participate in the
6 Federal student financial assistance programs
7 authorized under title IV.

8 “(H) To provide greater flexibility in the
9 management and administration of such pro-
10 grams.

11 “(I) To implement open, common, inte-
12 grated systems for the delivery of Federal stu-
13 dent financial assistance programs authorized
14 under title IV.

15 “(J) To develop and maintain a student fi-
16 nancial assistance system that contains com-
17 plete, accurate, and timely data to ensure pro-
18 gram integrity.

19 “(K) To increase transparency in the oper-
20 ations and outcomes of Federal student finan-
21 cial assistance programs authorized under title
22 IV.”;

23 (2) in subsection (b)—

24 (A) in paragraph (1)—

1 (i) by redesignating subparagraphs
2 (B) and (C) as subparagraphs (C) and
3 (D), respectively; and

4 (ii) by inserting after subparagraph
5 (A) the following:

6 “(B) implement oversight and account-
7 ability measures to ensure that the PBO carries
8 out its duties under this section efficiently, ef-
9 fectively, and in a manner that accomplishes
10 the purposes specified in subsection (a)(2);”;

11 (B) in paragraph (2)(A)—

12 (i) by redesignating clauses (ii)
13 through (vi) as clauses (iii) through (vii);

14 (ii) by inserting after clause (i) the
15 following:

16 “(ii) in accordance with paragraph
17 (3), the collection, publication, and sharing
18 of aggregate and longitudinal data that
19 may be used to evaluate Federal student
20 financial assistance programs authorized
21 under title IV, including the outcomes such
22 programs achieve;” and

23 (iii) in clause (vii), as so redesignated,
24 by inserting “, including oversight of insti-
25 tutions, contractors, and third party

1 servicers that participate in such pro-
2 grams” after “title IV” ;

3 (C) by redesignating paragraphs (3)
4 through (6) as paragraphs (4) through (7), re-
5 spectively; and

6 (D) by inserting after paragraph (2) the
7 following:

8 “(3) COLLECTION, SHARING, AND PUBLICATION
9 OF DATA.—

10 “(A) COLLECTION.—The PBO shall collect
11 student-level data that shall be used to evaluate
12 Federal student financial assistance programs
13 authorized under title IV.

14 “(B) SHARING WITH NCES.—The PBO
15 shall make the data collected under subpara-
16 graph (A) available to the Commissioner of the
17 National Center for Education Statistics for
18 purposes of research and policy analysis.

19 “(C) RESEARCH.—The Commissioner of
20 the National Center for Education Statistics
21 shall ensure the data shared under subpara-
22 graph (B) is made available, with direct identi-
23 fiers removed and with appropriate restrictions
24 to ensure data privacy and security, for vetted
25 research and evaluation purposes in a manner

consistent with the process under section
132(l)(5)(A)(i).

“(D) PUBLICATION.—

“(i) IN GENERAL.—Not less frequently than once annually, and subject to clause (ii), the PBO shall make the data collected under subparagraph (A) available on a publicly accessible website of the Department of Education in a format that enables members of the public to easily retrieve, sort, and analyze the data.

“(ii) PRIVACY PROTECTIONS.—The data made available under clause (i) shall not include—

“(I) student-level data; or

“(II) any data that would reveal personally identifiable information about an individual student.”.

(3) by amending subsection (c) to read as follows:

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

“(1) PERFORMANCE PLAN.—

“(A) IN GENERAL.—Not later than one year after the date of the enactment of the Col-

1 lege Affordability Act, and not less than once
2 every five years thereafter, the Secretary and
3 Chief Operating Officer shall agree on a per-
4 formance plan for the PBO for the succeeding
5 5 years that—

6 “(i) establishes measurable quan-
7 titative and qualitative goals and objectives
8 for the organization; and

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

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

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

1 sultation required under subparagraph (B) that
2 are accepted by the Secretary and the Chief
3 Operating 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
9 financial 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
5 the Secretary.

6 “(E) PUBLIC AVAILABILITY.—Each plan
7 developed under subparagraph (A) shall be
8 made available on a publicly accessible website
9 of the 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
15 Operating Officer, shall submit to Congress an
16 annual 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 objec-
21 tives contained in the five-year perform-
22 ance plan described in paragraph (1) for
23 the preceding year.

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

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

6 “(iii) An independent financial audit
7 of the expenditures of both the PBO and
8 the 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);
18 or

19 “(II) the Government Perform-
20 ance and Results Act of 1993 (Public
21 Law 103–62).

22 “(vi) The results achieved by the PBO
23 during the preceding year and whether
24 such results met the goals specified in the
25 performance 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
4 senior managers under subsections (d)(5)
5 and (e)(2), including the amounts of bonus
6 compensation awarded to the Chief Oper-
7 ating Officer and senior managers.

8 “(viii) Recommendations for legisla-
9 tive and regulatory changes to improve
10 service to students and their families, and
11 to improve the efficiency and integrity of
12 Federal student financial assistance pro-
13 grams authorized 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
3 specific measurable organization and indi-
4 vidual goals specified in subsection
5 (d)(5)(A).

6 “(xv) The report submitted to the
7 Secretary 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.—
13 The Chief Operating Officer, in preparing the an-
14 nual report described in paragraph (2), shall estab-
15 lish appropriate means to consult with students, bor-
16 rowers, institutions, student aid experts, including
17 consumer advocacy and research groups, the Direc-
18 tor of the Bureau of Consumer Financial Protection,
19 and others involved in the delivery and evaluation of
20 student aid 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
3 the authorizing committees, provide to the author-
4 izing committees a briefing on the steps the Depart-
5 ment of 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, ex-
5 pertise in the Federal student financial assist-
6 ance programs authorized under title IV, expe-
7 rience with financial systems, and knowledge of
8 consumer financial protection laws, and without
9 regard 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
13 following:

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
20 the 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 in-
24 dividual’s appointment as the Chief Oper-
25 ating Officer.

“(B) POSTSERVICE RESTRICTIONS.—An individual who served as the Chief Operating Officer may not accept employment with an entity that contracts with the PBO until a period of five years has elapsed following the date on which such individual’s service as the Chief Operating Officer terminated.”;

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

(i) in subparagraph (A)—

(I) by inserting “specific” before “measurable”; and

(II) by inserting “and metrics used to measure progress toward such goals” before the period; and

(ii) in subparagraph (B), by inserting “on the website of the Department” before the period; and

(E) in paragraph (6), as so redesignated, by amending subparagraph (B) to read as follows:

“(B) BONUS AUTHORIZED.—The Secretary may pay to the Chief Operating Officer a bonus in an amount that does not exceed 50 percent of such annual rate of basic pay. The decision to pay such a bonus, and the amount of the

1 bonus, shall be based solely on the Secretary’s
 2 evaluation of the performance of the Chief Op-
 3 erating Officer with respect to the goals set
 4 forth in the performance agreement as de-
 5 scribed in paragraph (5)(A).”;

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

13 (6) by amending subsection (f) to read as fol-
 14 lows:

15 “(f) BORROWER ADVOCATE.—

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

23 “(2) HEAD OF OFFICE.—There shall be an offi-
 24 cial known as the ‘Borrower Advocate’ who shall
 25 serve as the head of the Office. The Borrower Advoc-

1 cate shall be appointed by the Secretary from among
2 individuals who have worked closely with the Federal
3 student loan programs authorized under title IV.

4 “(3) REMOVAL.—The Borrower Advocate may
5 be removed only by the Secretary who shall commu-
6 nicate the reasons for any such removal to the au-
7 thorizing committees.

8 “(4) RESTRICTIONS.—

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

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

15 “(ii) was employed by, or had a finan-
16 cial interest in, any such entity in any of
17 the five years preceding the date of the in-
18 dividual’s appointment as the Borrower
19 Advocate.

20 “(B) POSTSERVICE RESTRICTIONS.—An
21 individual who served as the Borrower Advocate
22 may not accept employment with an entity that
23 contracts with the PBO until a period of five
24 years has elapsed following the date on which

1 such individual’s service as the Borrower Advo-
2 cate terminated.

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

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

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

12 “(i) receiving and reviewing com-
13 plaints of such problems from borrowers;

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

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

20 “(B) attempt to resolve complaints within
21 the Department of Education and with institu-
22 tions of higher education, lenders, guaranty
23 agencies, loan servicers, and other participants
24 in the Federal student loan programs author-

1 ized under title IV in a manner that will im-
2 prove the experience of the borrower;

3 “(C) conduct impartial reviews regarding a
4 student’s independence under subparagraph (B)
5 or (H) of section 480(d)(1), in consultation
6 with knowledgeable parties, including institu-
7 tions of higher education, child welfare agen-
8 cies, local educational agency liaisons for home-
9 less individuals designated under section
10 722(g)(1)(J)(ii) of the McKinney-Vento Home-
11 less Assistance Act (42 U.S.C.
12 11432(g)(1)(J)(ii)), or State Coordinators for
13 Education of Homeless Children and Youth es-
14 tablished in accordance with section 722 of
15 such Act (42 U.S.C. 11432);

16 “(D) compile and analyze data on bor-
17 rower complaints and share such data with the
18 Director of the Bureau of Consumer Financial
19 Protection;

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

24 “(F) make appropriate recommendations
25 to Congress, the Chief Operating Officer, and

1 Secretary with respect to Federal student loan
2 programs authorized under title IV and the ex-
3 periences of borrowers in repayment of loans
4 under such programs.

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

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

18 “(A) identifies the activities carried out by
19 the Borrower Advocate;

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

1 “(C) proposes changes in the administra-
2 tive practices of the PBO to mitigate problems
3 experienced by borrowers; and

4 “(D) identifies potential legislative changes
5 which may be appropriate to mitigate such
6 problems.”;

7 (7) by redesignating subsection (i) as subsection
8 (k); and

9 (8) by inserting after subsection (h) the fol-
10 lowing:

11 “(i) ENFORCEMENT UNIT.—

12 “(1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of the College Afford-
14 ability Act, the Secretary shall establish within the
15 PBO an enforcement unit (referred to in this section
16 as the ‘Unit’) to review and investigate violations of
17 this Act and recommend enforcement actions in ac-
18 cordance with paragraph (3).

19 “(2) CHIEF ENFORCEMENT OFFICER.—

20 “(A) APPOINTMENT.—The Secretary shall
21 appoint an official to be known as the ‘Chief
22 Enforcement Officer’ who shall serve as the
23 head of the Unit. The Secretary shall appoint
24 an individual to serve as the Chief Enforcement
25 Officer solely on the basis of such individual’s

1 integrity and expertise in law and investigations
2 and without regard to such individual's political
3 affiliation.

4 “(B) AUTHORITY.—The Chief Enforce-
5 ment Officer shall report directly to the Sec-
6 retary without being required to report through
7 any other official of the Department of Edu-
8 cation.

9 “(C) TERM.—The Chief Enforcement Offi-
10 cer shall be appointed for a term of 6 years and
11 may be reappointed for additional terms of 6
12 years at the discretion of the Secretary.

13 “(D) REMOVAL.—

14 “(i) IN GENERAL.—The Chief En-
15 forcement Officer may not be removed dur-
16 ing the Officer's term except for cause.

17 “(ii) NOTICE TO CONGRESS.—If the
18 Secretary removes the Chief Enforcement
19 Officer before the expiration of the Offi-
20 cer's term, the Secretary shall submit to
21 the authorizing committees a report that
22 explains the reasons for such removal. The
23 report shall be submitted to the author-
24 izing committees not later than 30 days

1 after the date on which the removal takes
2 effect.

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

5 “(A) Receive, process, and analyze allega-
6 tions that a covered entity has violated Federal
7 law or has engaged in unfair, deceptive, or abu-
8 sive practices.

9 “(B) Review and investigate such allega-
10 tions or refer such allegations to an entity de-
11 scribed in subparagraphs (A) through (E) of
12 paragraph (6).

13 “(C) After reviewing and investigating an
14 allegation under subparagraph (B), in consulta-
15 tion with the Chief Operating Officer—

16 “(i) if the covered entity subject to
17 such allegation is an entity described in
18 clause (i) or (iii) of paragraph (8)(A),
19 make recommendations with respect to
20 such covered entity, including—

21 “(I) whether such covered entity
22 should be limited, suspended, or ter-
23 minated from participation in one or
24 more programs under title IV;

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

4 “(III) whether such covered enti-
5 ty should be subject to a civil penalty
6 described in section 487(c)(3)(B);

7 “(IV) whether such covered enti-
8 ty should be subject to a criminal pen-
9 alty described in section 490; or

10 “(V) whether such covered entity
11 should be subject to a combination of
12 any of the actions described in sub-
13 clauses (I) through (IV);

14 “(ii) if the covered entity subject to
15 such allegation is an entity described in
16 clause (ii) of paragraph (8)(A), make rec-
17 ommendations with respect to such covered
18 entity, including whether such covered en-
19 tity should be limited, suspended, or termi-
20 nated from administering or providing
21 services with respect to one or more pro-
22 grams under title IV; and

23 “(iii) provide the Secretary with such
24 recommendations.

1 “(4) SECRETARIAL REVIEW AND ACTION.—

2 After receiving notice of a determination of the Chief
3 Enforcement Officer under paragraph (3)(C), the
4 Secretary shall decide whether or not to pursue en-
5 forcement action against the entity concerned, in ac-
6 cordance with the procedures established under sec-
7 tion 487(c)(3). In a case in which the Chief Enforce-
8 ment Officer recommends enforcement action
9 against an entity, but the Secretary decides not to
10 pursue such enforcement action, the Secretary shall
11 notify the Chief Enforcement Officer, in writing, of
12 the rationale for such decision.

13 “(5) COORDINATION AND STAFFING.—The
14 Chief Enforcement Officer shall—

15 “(A) coordinate with relevant Federal and
16 State agencies and oversight bodies; and

17 “(B) hire staff with the expertise necessary
18 to conduct investigations, respond to allegations
19 against covered entities, and enforce compliance
20 with laws governing Federal student financial
21 assistance programs under title IV.

22 “(6) INFORMATION SHARING.—The Chief En-
23 forcement Officer shall develop and implement a
24 process for sharing relevant information about alle-
25 gations against covered entities with—

1 “(A) the Borrower Advocate appointed
2 under subsection (f);

3 “(B) personnel of the Department respon-
4 sible for processing borrower defense claims
5 submitted under section 493H;

6 “(C) other relevant Federal agencies;

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

9 “(E) recognized accrediting agencies or as-
10 sociations.

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

14 “(A) the number of allegations about cov-
15 ered entities received by Unit in the year cov-
16 ered by the report;

17 “(B) the number of such allegations inves-
18 tigated by the Unit;

19 “(C) the number of such allegations that
20 were referred to the Secretary under paragraph
21 (3)(C) and a summary of any action taken by
22 the Secretary with respect to such allegations;

23 “(D) the number of such allegations that
24 were referred to other Federal agencies and the

1 names of the agencies to which the allegations
2 were referred; and

3 “(E) the number of such allegations that
4 remain under review or investigation as of the
5 date of the report.

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

7 “(A) COVERED ENTITY.—In this sub-
8 section, the term ‘covered entity’ means—

9 “(i) an institution of higher education
10 (as defined in section 102) that partici-
11 pates in the Federal student financial as-
12 sistance programs authorized under title
13 IV;

14 “(ii) a contractor that contracts with
15 the PBO to provide services relating to
16 such programs, or a subcontractor of such
17 contractor; or

18 “(iii) a third party servicer.

19 “(B) THIRD PARTY SERVICER.—the term
20 ‘third party servicer’ has the meaning given
21 that term in section 481(c).”.

TITLE II—TEACHER QUALITY ENHANCEMENT

PART A—TEACHER AND SCHOOL LEADER QUALITY PARTNERSHIP GRANTS

SEC. 2001. DEFINITIONS.

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

“SEC. 200. DEFINITIONS.

“Except as otherwise provided, in this title:

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

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

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

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

1 “(3) CHILDREN FROM LOW-INCOME FAMI-
2 LIES.—The term ‘children from low-income families’
3 means children described in section 1124(c)(1)(A) of
4 the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 6333(c)(1)(A)).

6 “(4) COMPREHENSIVE LITERACY INSTRUCC-
7 TION.—The term ‘comprehensive literacy instruc-
8 tion’ has the meaning given the term in section
9 2221(b)(1) of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 6641(b)(1)).

11 “(5) DIGITAL LEARNING.—The term ‘digital
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 “(6) DIVERSE TEACHER CANDIDATES.—The
16 term ‘diverse teacher candidates’ means teacher can-
17 didates who are—

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

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

22 “(7) EARLY CHILDHOOD EDUCATOR.—The
23 term ‘early childhood educator’ means an individual
24 with primary responsibility for the education of chil-
25 dren in an early childhood education program.

1 “(8) EDUCATIONAL SERVICE AGENCY.—The
2 term ‘educational service agency’ has the meaning
3 given the term in section 8101 of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C.
5 7801).

6 “(9) EDUCATOR.—The term ‘educator’ means a
7 teacher, principal or other school leader, specialized
8 instructional support personnel, or other staff mem-
9 ber who provides or directly supports instruction,
10 such as a school librarian, counselor, or paraprofes-
11 sional.

12 “(10) ELIGIBLE PARTNERSHIP.—The term ‘eli-
13 gible partnership’ means an entity—

14 “(A) that—

15 “(i) shall include—

16 “(I) a high-need local educational
17 agency;

18 “(II)(aa) a high-need school or a
19 consortium of high-need schools
20 served by such high-need local edu-
21 cational agency; or

22 “(bb) as applicable, a high-need
23 early childhood education program;

24 “(III) a partner institution;

1 “(IV) a school, department, or
2 program of education within such
3 partner institution, which may include
4 an existing teacher professional devel-
5 opment program with proven out-
6 comes within a four-year institution of
7 higher education that provides inten-
8 sive and sustained collaboration be-
9 tween faculty and local educational
10 agencies consistent with the require-
11 ments of this title; and

12 “(V) a school or department of
13 arts and sciences within such partner
14 institution; or

15 “(ii) shall include—

16 “(I)(aa) a partner education in-
17 stitution;

18 “(bb) a school, department, or
19 program of education within such
20 partner institution, which may include
21 an existing teacher professional devel-
22 opment program with proven out-
23 comes within a four-year institution of
24 higher education that provides inten-
25 sive and sustained collaboration be-

1 tween faculty and local educational
2 agencies consistent with the require-
3 ments of this title; or

4 “(cc) a school or department of
5 arts and sciences within such partner
6 institution; and

7 “(II) a State educational agency
8 that will serve to place graduates of
9 partnership programs into high-need
10 local educational agencies, schools, or
11 early childhood programs, or schools
12 that have been identified for com-
13 prehensive support and improvement
14 under section 1111(d)(2) of the Ele-
15 mentary and Secondary Education
16 Act of 1965 (20 U.S.C. 6311(d)(2));
17 and

18 “(B) that may include any of the following:

19 “(i) The Governor of the State.

20 “(ii) The State educational agency.

21 “(iii) The State board of education.

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

24 “(v) A public or private nonprofit edu-
25 cational organization.

1 “(vi) An educational service agency.

2 “(vii) A public school teacher, prin-
3 cipal, or school leader organization.

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

8 “(ix) A charter school (as defined in
9 section 4310 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C.
11 7221i)).

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

15 “(xi) A school or department within
16 the partner institution for teacher or
17 school leader preparation with comparable
18 expertise in the disciplines of teaching,
19 learning, and child and adolescent develop-
20 ment.

21 “(xii) An entity operating a program
22 that provides alternative routes to State
23 certification of teachers or principals.

24 “(11) ENGLISH LEARNER.—The term ‘English
25 learner’ has the meaning given the term in section

1 8101 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7801).

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

8 “(13) EVIDENCE OF STUDENT LEARNING.—The
9 term ‘evidence of student learning’ means multiple
10 measures of student learning that include the fol-
11 lowing:

12 “(A) Valid and reliable student assessment
13 data, which may include data—

14 “(i) on student learning gains on
15 statewide academic assessments under sec-
16 tion 1111(b)(2) of the Elementary and
17 Secondary Education Act of 1965;

18 “(ii) from student academic achieve-
19 ment assessments used at the national,
20 State, or local levels, where available and
21 appropriate for the curriculum and stu-
22 dents taught;

23 “(iii) from classroom-based summative
24 assessments; and

1 “(iv) from high quality validated per-
2 formance-based assessments that are
3 aligned with challenging State academic
4 standards adopted under section
5 1111(b)(1) of the Elementary and Sec-
6 ondary Education Act of 1965 (20 U.S.C.
7 6311(b)(1)).

8 “(B) Not less than one of the following ad-
9 ditional measures:

10 “(i) Student work, including measures
11 of performance criteria and evidence of
12 student growth.

13 “(ii) Teacher-generated information
14 about student goals and growth.

15 “(iii) Parental feedback about student
16 goals and growth.

17 “(iv) Student feedback about learning
18 and teaching supports.

19 “(v) Assessments of affective engage-
20 ment and self-efficacy.

21 “(vi) Other appropriate measures, as
22 determined by the State.

23 “(14) FOSTER CARE.—

24 “(A) IN GENERAL.—The term ‘foster care’
25 means 24-hour substitute care for a child

1 placed away from the child’s parents or guard-
2 ians and for whom the State agency has place-
3 ment and care responsibility. The term includes
4 care through a placement in a foster family
5 home, a foster home of a relative, a group
6 home, an emergency shelter, a residential facil-
7 ity, a child care institution, or a pre-adoptive
8 home.

9 “(B) RULE.—A child shall be considered
10 to be in foster care under subparagraph (A)
11 without regard to whether—

12 “(i) the foster care facility is licensed
13 and payments are made by the State or
14 local agency for the care of the child;

15 “(ii) adoption subsidy payments are
16 being made prior to the finalization of an
17 adoption; or

18 “(iii) Federal matching funds for any
19 payments described in clause (i) or (ii) are
20 being made.

21 “(15) HIGH-NEED EARLY CHILDHOOD EDU-
22 CATION PROGRAM.—The term ‘high-need early child-
23 hood education program’ means an early childhood
24 education program serving children from low-income

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

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

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

8 “(ii) for which not less than 40 percent of
9 the children served by the agency are low-in-
10 come children;

11 “(iii) that meets the eligibility require-
12 ments for funding under the Small, Rural
13 School Achievement Program under section
14 5211(b) of the Elementary and Secondary Edu-
15 cation Act of 1965 or the Rural and Low-In-
16 come School Program under section 6221(b) of
17 such Act; or

18 “(iv) that has a percentage of low-income
19 children that is in the highest quartile among
20 such agencies in the State; and

21 “(B)(i) for which one or more schools
22 served by the agency is identified by the State
23 for comprehensive supports and interventions
24 under section 1111(c)(4)(D)(i) of the Elemen-
25 tary and Secondary Education Act of 1965; or

1 “(ii) for which one or more schools served
2 by the agency has a high teacher turnover rate
3 or is experiencing a teacher shortage in a high-
4 needs field, as determined by the State.

5 “(17) HIGH-NEED SCHOOL.—

6 “(A) IN GENERAL.—The term ‘high-need
7 school’ means a school that, based on the most
8 recent data available, is—

9 “(i) an elementary school, in which
10 not less than 60 percent of students are el-
11 igible for a free or reduced price school
12 lunch under the Richard B. Russell Na-
13 tional School Lunch Act;

14 “(ii) any other school that is not an
15 elementary school, in which not less than
16 45 percent of students are eligible for a
17 free or reduced price school lunch under
18 the Richard B. Russell National School
19 Lunch Act (42 U.S.C. 1751 et seq.); or

20 “(iii) identified for comprehensive
21 support and improvement under section
22 1111(c)(4)(D) of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C.
24 6311(c)(4)(D)), targeted support and im-
25 provement under section 1111(d)(2) of

1 such Act (20 U.S.C. 6311(d)(2)), or addi-
2 tional targeted support under section
3 1111(d)(2)(C) of such Act (20 U.S.C.
4 6311(d)(2)(C)).

5 “(B) SPECIAL RULE.—

6 “(i) DESIGNATION BY THE SEC-
7 RETARY.—The Secretary may, upon ap-
8 proval of an application submitted by an
9 eligible partnership seeking a grant under
10 this title, designate a school that does not
11 qualify as a high-need school under sub-
12 paragraph (A) as a high-need school for
13 the purpose of this title. The Secretary
14 shall base the approval of an application
15 for designation of a school under this
16 clause on a consideration of the informa-
17 tion required under clause (ii), and may
18 also take into account other information
19 submitted by the eligible partnership.

20 “(ii) APPLICATION REQUIREMENTS.—
21 An application for designation of a school
22 under clause (i) shall include—

23 “(I) the number and percentage
24 of students attending such school who
25 are—

1 “(aa) aged 5 through 17 in
2 poverty counted in the most re-
3 cent census data approved by the
4 Secretary;

5 “(bb) eligible for a free or
6 reduced price school lunch under
7 the Richard B. Russell National
8 School Lunch Act;

9 “(cc) in families receiving
10 assistance under the State pro-
11 gram funded under part A of
12 title IV of the Social Security
13 Act; or

14 “(dd) eligible to receive med-
15 ical assistance under the Med-
16 icaid program;

17 “(II) information about the stu-
18 dent academic achievement of stu-
19 dents at such school; and

20 “(III) for a secondary school, the
21 four-year adjusted cohort graduation
22 rate for such school.

23 “(18) HIGHLY COMPETENT.—The term ‘highly
24 competent’, when used with respect to an early

1 childhood educator, means an early childhood educa-
2 tor—

3 “(A) with specialized education and train-
4 ing in development and education of young chil-
5 dren from birth until entry into kindergarten or
6 a specialization in infants and toddlers or pre-
7 school children;

8 “(B) with a baccalaureate degree in an
9 academic major in an early childhood or related
10 field; and

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

15 “(19) HOMELESS CHILD.—The term ‘homeless
16 child’ means an individual who is a homeless child
17 or youth under section 725 of the McKinney-Vento
18 Homeless Assistance Act (42 U.S.C. 11434a).

19 “(20) INDUCTION PROGRAM.—The term ‘induc-
20 tion program’ means a formalized program for new
21 teachers, principals, or school leaders, during not
22 less than the teachers’, principals, or school leaders’
23 first 2 years of, respectively, teaching or leading,
24 that is designed to provide support for, and improve
25 the professional performance and increase the reten-

1 tion in the education field of, beginning teachers,
2 principals, or school leaders. Such program shall
3 promote effective teaching or leadership skills and
4 shall include the following components:

5 “(A) High-quality and structured teacher
6 or school leader mentoring led by a trained and
7 expert mentor who has demonstrated high skill
8 and effectiveness and who teaches or leads, or
9 has taught or led, in the same or similar field,
10 grade, or subject as the mentee.

11 “(B) Periodic, structured time for collabo-
12 ration, including with mentors, as well as time
13 for information-sharing among teachers, prin-
14 cipals, other school leaders and administrators,
15 other appropriate instructional staff, and par-
16 ticipating faculty or program staff in the part-
17 ner institution.

18 “(C) The application of evidence-based in-
19 structional practices.

20 “(D) Opportunities for new teachers, prin-
21 cipals, or school leaders to draw directly on the
22 expertise of mentors, faculty or program staff,
23 and researchers, including through mentor ob-
24 servation and feedback, to support the integra-
25 tion of evidence-based research and practice.

1 “(E) The development of skills in evidence-
2 based instructional and behavioral supports and
3 interventions.

4 “(F) Faculty or program staff who—

5 “(i) model the integration of research
6 and practice in the classroom and school;
7 and

8 “(ii) as appropriate, assist new teach-
9 ers or school leaders with the effective use
10 and integration of educational technology
11 and the principles of universal design for
12 learning into the classroom or school.

13 “(G) Interdisciplinary collaboration among
14 teacher leaders or school leaders, faculty or pro-
15 gram staff, researchers, and other staff who
16 prepare new teachers or school leaders with re-
17 spect to, as applicable, the learning process, the
18 assessment of learning, or the leadership of a
19 school.

20 “(H) As applicable to the role, assistance
21 with understanding of the effective use of data,
22 particularly student achievement data, and the
23 applicability of such data to inform and improve
24 classroom instruction and school leadership.

1 “(I) Regular and structured observation
2 and evaluation of new teachers, principals, or
3 other school leaders that are based in part on
4 evidence of student learning, shall include mul-
5 tiple measures of educator performance, and
6 shall provide clear, timely, and useful feedback
7 to teachers, principals, or other school leaders
8 to be used to improve instruction, as applicable.

9 “(J) With respect to a principal induction
10 program, the development of local-educational-
11 agency-wide systems such as rigorous leader
12 standards, continuous ongoing identification of
13 goals for improvement, and support for achiev-
14 ing those goals.

15 “(K) The development of skills in improv-
16 ing the school culture and climate related to
17 school leadership and the role of the principal,
18 including to—

19 “(i) nurture teacher and staff develop-
20 ment to strengthen classroom practice;

21 “(ii) build and sustain an inclusive
22 culture of learning among adults and chil-
23 dren;

24 “(iii) strengthen communications and
25 relationships with teachers, parents, care-

1 givers, paraprofessionals, and community
2 stakeholders;

3 “(iv) facilitate the sharing of knowl-
4 edge, insight, and best practices in the
5 community served by the school, preschool
6 program, or early childhood education pro-
7 gram, including with youth serving pro-
8 grams (such as before- and after-school
9 and summer programs); and

10 “(v) 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
16 632 of the Individuals with Disabilities Education
17 Act (20 U.S.C. 1432).

18 “(22) MENTORING.—The term ‘mentoring’
19 means the mentoring or coaching of new or prospec-
20 tive teachers, principals, or school leaders through a
21 program that—

22 “(A) includes clear criteria for the selec-
23 tion of teacher, principal, or school leader men-
24 tors who may be program staff and who will
25 provide role model relationships for mentees,

1 which criteria shall be developed by the eligible
2 partnership and based on measures of teacher
3 or school leader effectiveness;

4 “(B) provides high-quality training for
5 such mentors, including instructional strategies
6 for culturally relevant teaching practices, lit-
7 eracy instruction and classroom management
8 (including approaches that improve the
9 schoolwide climate for learning, create inclusive
10 classroom environments, and address the social
11 and emotional needs of students, which may in-
12 clude positive behavioral interventions and sup-
13 ports);

14 “(C) provides regular and ongoing oppor-
15 tunities for mentors and mentees to observe
16 each other’s teaching or leading methods in
17 classroom or school settings during the day in
18 a high-need school in the high-need local edu-
19 cational agency in the eligible partnership;

20 “(D) provides paid release time for men-
21 tors;

22 “(E) for teachers, provides mentoring to
23 each mentee by a colleague who teaches in the
24 same field, grade, or subject as the mentee;

“(F) for teachers, promotes empirically-based practice of, and evidence-based research on, where applicable—

“(i) teaching and learning;

“(ii) assessment of student learning;

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

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

“(G) includes—

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

“(ii) as applicable, joint professional development opportunities.

“(23) PARENT.—The term ‘parent’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

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

1 an eligible partnership that has a teacher or school
2 leader preparation program that is accredited by the
3 State—

4 “(A) in the case of a teacher preparation
5 program—

6 “(i) whose graduates exhibit strong
7 performance on State-determined quali-
8 fying assessments for new teachers
9 through—

10 “(I) demonstrating that 80 per-
11 cent or more of the graduates of the
12 program who intend to enter the field
13 of teaching have passed all of the ap-
14 plicable State qualification assess-
15 ments for new teachers, which shall
16 include an assessment of each pro-
17 spective teacher’s subject matter
18 knowledge in the content area in
19 which the teacher intends to teach; or

20 “(II) that is not designated as a
21 low-performing teacher preparation
22 program in the State as determined
23 by the State—

24 “(aa) using criteria con-
25 sistent with the requirements for

1 the State assessment under sec-
2 tion 207(a) before the first publi-
3 cation of such report card; and

4 “(bb) using the State assess-
5 ment required under section
6 207(a), after the first publication
7 of such report card and for every
8 year thereafter; and

9 “(ii) that requires—

10 “(I) each student in the program
11 to meet high academic standards or
12 demonstrate a record of success, as
13 determined by the institution (includ-
14 ing prior to entering and being ac-
15 cepted into a program), and partici-
16 pate in intensive clinical experience;

17 “(II) each student in the pro-
18 gram preparing to become a teacher
19 who meets the applicable State certifi-
20 cation and licensure requirements, in-
21 cluding any requirements for certifi-
22 cation obtained through alternative
23 routes to certification, or, with regard
24 to special education teachers, the
25 qualifications described in section

1 612(a)(14)(C) of the Individuals with
2 Disabilities Education Act; 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 prepa-
8 ration 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 assist-
14 ant 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
19 support systems (as described in sec-
20 tion 2101(c)(4)(B)(ii) of the Elemen-
21 tary and Secondary Education Act of
22 1965) or, if no such ratings are avail-
23 able, other, comparable indicators of
24 performance; and

1 “(ii) that requires each student in the
2 program to participate in intensive clinical
3 experience in an authentic setting (includ-
4 ing by assuming substantial leadership re-
5 sponsibilities) in which the student can be
6 evaluated on leadership skills and the stu-
7 dent’s effect on student outcomes as part
8 of program completion.

9 “(25) PROFESSIONAL DEVELOPMENT.—The
10 term ‘professional development’ has the meaning
11 given the term in section 8101 of the Elementary
12 and Secondary Education Act of 1965.

13 “(26) PROFESSION-READY.—The term ‘profes-
14 sion-ready’—

15 “(A) when used with respect to a principal
16 or other school leader, means a principal or
17 other school leader who—

18 “(i) has an advanced degree, or other
19 appropriate credential;

20 “(ii) has completed a principal or
21 other school leader preparation process and
22 is fully certified and licensed by the State
23 in which the principal or other school lead-
24 er is employed;

1 “(iii) has demonstrated instructional
2 leadership, including the ability to collect,
3 analyze, and utilize data on evidence of
4 student learning and evidence of classroom
5 practice;

6 “(iv) has demonstrated proficiency in
7 professionally recognized leadership stand-
8 ards, such as through—

9 “(I) a performance assessment;

10 “(II) completion of a residency
11 program; or

12 “(III) other measures of leader-
13 ship effectiveness, as determined by
14 the State; and

15 “(v) has demonstrated the ability to
16 work with students who are culturally and
17 linguistically diverse;

18 “(B) when used with respect to a teacher,
19 means a teacher who—

20 “(i) has completed a teacher prepara-
21 tion program and is fully certified and li-
22 censed to teach by the State in which the
23 teacher is employed;

24 “(ii) has a baccalaureate degree or
25 higher;

1 “(iii) has demonstrated content
2 knowledge in the subject or subjects the
3 teacher teaches;

4 “(iv) has demonstrated the ability to
5 work with students who are culturally and
6 linguistically diverse;

7 “(v) has demonstrated teaching skills,
8 such as through—

9 “(I) a teacher performance as-
10 sessment; or

11 “(II) other measures of teaching
12 skills, as determined by the State; and

13 “(vi) has demonstrated proficiency
14 with the use of educational technology; and

15 “(C) when used with respect to any other
16 educator not described in subparagraph (A) or
17 (B), means an educator who has completed an
18 appropriate preparation program and is fully
19 certified or licensed by the State in which the
20 educator is employed.

21 “(27) RESIDENCY PROGRAM.—The term ‘resi-
22 dency program’ means a school-based educator prep-
23 aration program in which a prospective teacher,
24 principal, or other school leader—

1 “(A) for 1 academic year, works alongside
2 a mentor teacher, principal, or other school
3 leader who is—

4 “(i) the educator of record; and

5 “(ii) is rated as effective or above in
6 the State’s school leader evaluation and
7 support system (as described in section
8 2101(c)(4)(B)(ii) of the Elementary and
9 Secondary Education Act of 1965 (20
10 U.S.C. 6611(c)(4)(B)(ii))) or, if no such
11 ratings are available, other, on comparable
12 indicators of performance;

13 “(B) receives concurrent instruction during
14 the year described in subparagraph (A) from
15 the partner institution, which may be courses
16 taught by local educational agency personnel or
17 residency program faculty, in, as applicable—

18 “(i) the teaching of the content area
19 in which the teacher will become certified
20 or licensed;

21 “(ii) pedagogical practices; and

22 “(iii) leadership, management, organi-
23 zational, and instructional skills necessary
24 to serve as a principal or other school lead-
25 er;

1 “(C) acquires effective teaching or leader-
2 ship skills; and

3 “(D) prior to completion of the program,
4 attains full State teacher, principal, or school
5 leader certification or licensure, and becomes
6 profession-ready.

7 “(28) SCHOOL LEADER.—The term ‘school
8 leader’ has the meaning given the term in section
9 8101 of the Elementary and Secondary Education
10 Act of 1965.

11 “(29) SCHOOL LEADER PREPARATION ENTI-
12 TY.—The term ‘school leader preparation entity’
13 means an institution of higher education or a non-
14 profit organization, including those institutions or
15 organizations that provide alternative routes to cer-
16 tification, that is approved by the State to prepare
17 school leaders to be effective.

18 “(30) SCHOOL LEADER PREPARATION PRO-
19 GRAM.—The term ‘school leader preparation pro-
20 gram’ means a program offered by a school leader
21 preparation entity, whether a traditional or alter-
22 native route, that is approved by the State to pre-
23 pare school leaders to be effective and that leads to
24 a specific State certification to be a school leader.

1 “(31) SCHOOL LEADER SKILLS.—The term
2 ‘school leader skills’ refers to evidenced-based com-
3 petencies for principals and other school leaders
4 such as—

5 “(A) shaping a vision of academic success
6 for all students;

7 “(B) creating a safe and inclusive learning
8 environment;

9 “(C) cultivating leadership in others;

10 “(D) improving instruction; and

11 “(E) managing people, data, and processes
12 to foster school improvement.

13 “(32) TEACHER LEADER.—The term ‘teacher
14 leader’ means an effective educator who carries out
15 formalized leadership responsibilities based on the
16 demonstrated needs of the elementary school or sec-
17 ondary school in which the teacher is employed,
18 while maintaining a role as a classroom instructor
19 who—

20 “(A) is trained in and practices teacher
21 leadership; and

22 “(B) fosters a collaborative culture to—

23 “(i) support educator development, ef-
24 fectiveness, and student learning;

1 “(ii) support access and use research
2 to improve practice and student learning;

3 “(iii) promote professional learning
4 for continuous improvement;

5 “(iv) facilitate improvements in in-
6 struction and student learning; promote
7 the appropriate use of assessments and
8 data for school and district improvement;

9 “(v) improve outreach and collabora-
10 tion with families and community;

11 “(vi) advance the profession by shap-
12 ing and implementing policy;

13 “(vii) advocate for increased access to
14 great teaching and learning for all stu-
15 dents; and

16 “(viii) demonstrate cultural com-
17 petencies and provide instruction and sup-
18 port as such.

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

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

23 “(B) effectively convey, explain, and pro-
24 vide opportunities for students to develop the
25 skills aligned with the full depth and breadth of

1 the State challenging academic standards, in-
2 cluding the application of academic subject
3 matter;

4 “(C) effectively teach higher-order analyt-
5 ical, evaluation, problem-solving, critical think-
6 ing, social and emotional, collaboration, and
7 communication skills;

8 “(D) employ strategies grounded in the
9 disciplines of teaching and learning that—

10 “(i) are based on empirically based
11 practice and evidence-based research,
12 where applicable, related to teaching and
13 learning;

14 “(ii) are specific to academic subject
15 matter; and

16 “(iii) focus on the identification of
17 students’ specific learning needs, particu-
18 larly students with disabilities, students
19 who are English learners, students who are
20 gifted and talented, and students with low
21 literacy levels, and the tailoring of aca-
22 demic instruction to such needs;

23 “(E) design and conduct ongoing assess-
24 ments of student learning, which may include
25 the use of formative assessments, performance-

1 based assessments, project-based assessments,
2 or portfolio assessments, that measures higher-
3 order thinking skills (including application,
4 analysis, synthesis, and evaluation) and use this
5 information to inform and personalize instruc-
6 tion;

7 “(F) support the social, emotional, and
8 academic achievement of all students including
9 effectively manage a classroom creating a posi-
10 tive and inclusive classroom environment, in-
11 cluding the ability to implement positive behav-
12 ioral interventions, trauma-informed care, and
13 other support strategies;

14 “(G) support an inclusive learning environ-
15 ment through culturally responsive teaching;

16 “(H) support technology-rich instruction,
17 assessment and learning management in con-
18 tent areas, technology literacy, and under-
19 standing of the principles of universal design;

20 “(I) demonstrate proficiency with the use
21 of educational technology;

22 “(J) communicate and work with families,
23 and involve families in their children’s edu-
24 cation; and

1 “(K) use, in the case of an early childhood
2 educator or an educator at the elementary
3 school or secondary school level, age-appropriate
4 and developmentally appropriate strategies and
5 practices for children and youth in early child-
6 hood education and elementary school or sec-
7 ondary school programs, respectively.

8 “(34) TEACHER PERFORMANCE ASSESSMENT.—
9 The term ‘teacher performance assessment’ means a
10 pre-service assessment used to measure teacher per-
11 formance that is approved by the State and is—

12 “(A) based on professional teaching stand-
13 ards;

14 “(B) used to measure the effectiveness of
15 a teacher’s—

16 “(i) curriculum planning;

17 “(ii) instruction of students, including
18 appropriate plans and modifications for
19 students who are limited English proficient
20 and students who are children with disabil-
21 ities;

22 “(iii) assessment of students, includ-
23 ing analysis of evidence of student learn-
24 ing;

1 “(iv) ability to advance student learn-
2 ing; and

3 “(v) demonstrate cultural com-
4 petencies through curriculum planning and
5 instruction;

6 “(C) validated based on professional as-
7 sessment standards;

8 “(D) reliably scored by trained evaluators,
9 with appropriate oversight of the process to en-
10 sure consistency; and

11 “(E) used to support continuous improve-
12 ment of educator practice.

13 “(35) TEACHER PREPARATION ENTITY.—The
14 term ‘teacher preparation entity’ means an institu-
15 tion of higher education, a nonprofit organization, or
16 other organization that is approved by a State to
17 prepare teachers to be effective in the classroom.

18 “(36) TEACHER PREPARATION PROGRAM.—The
19 term ‘teacher preparation program’ means a pro-
20 gram offered by a teacher preparation entity that
21 leads to a specific State teacher certification.

22 “(37) TRAUMA-INFORMED CARE.—The term
23 ‘trauma-informed care’ is defined as the evidence-
24 based practices outlined in section 4108(B)(II)(aa)

1 of the Elementary and Secondary Education Act of
2 1965.”.

3 **SEC. 2002. PURPOSES.**

4 Section 201 of the Higher Education Act of 1965 (20
5 U.S.C. 1022) is amended—

6 (1) in paragraph (2), by striking “by improving
7 the preparation of prospective teachers and enhanc-
8 ing professional development activities for new
9 teachers” and inserting “, school leaders, including
10 teacher leaders, and other educators by improving
11 the preparation of prospective teachers, school lead-
12 ers, and other educators and enhancing professional
13 development activities for new teachers, school lead-
14 ers, and other educators”;

15 (2) in paragraph (3), by striking “; and” and
16 inserting a semicolon;

17 (3) by striking paragraph (4) and inserting the
18 following new paragraphs:

19 “(4) hold teacher, principal and school leader,
20 and other educator preparation programs account-
21 able for preparing effective teachers, principals and
22 school leaders, and other educators;

23 “(5) recruit individuals, including members of
24 racial and ethnic groups underrepresented in the
25 teaching profession and individuals from other occu-

1 pations (including informal education and youth de-
2 velopment fields), as profession-ready teachers and
3 other educators, with an emphasis on areas of State-
4 identified teacher shortage; and

5 “(6) meet the staffing needs of high-need local
6 educational agencies and high-need schools through
7 close partnerships with educator preparation pro-
8 grams within institutions of higher education.”.

9 **SEC. 2003. PARTNERSHIP GRANTS.**

10 Section 202 of the Higher Education Act of 1965 (20
11 U.S.C. 1022a) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1), by inserting “equi-
14 table distribution,” after “professional develop-
15 ment,”;

16 (B) by amending paragraph (2) to read as
17 follows:

18 “(2) a description of the extent to which the
19 program to be carried out with grant funds, as de-
20 scribed in subsection (c), will prepare prospective
21 teachers, school leaders, and new educators with
22 strong teaching, school leadership, and other profes-
23 sional skills necessary to increase learning and aca-
24 demic achievement;”;

1 (C) in paragraph (3), by inserting “,
2 school leaders, and other educators,” after
3 “new teachers”;

4 (D) in paragraph (4)—

5 (i) in subparagraph (A), by inserting
6 “, school leader, and other educator” after
7 “other teacher”; and

8 (ii) in subparagraph (B), by inserting
9 “, school leader, and other educator” after
10 “promote teacher”;

11 (E) in paragraph (6)—

12 (i) by redesignating subparagraphs
13 (I), (J), and (K) as subparagraphs (J),
14 (K), and (M), respectively;

15 (ii) by striking subparagraphs (F),
16 (G), and (H) and inserting the following:

17 “(F) how the partnership will prepare edu-
18 cators to teach and work with students with
19 disabilities, including training related to early
20 identification of students with disabilities and
21 participation as a member of individualized edu-
22 cation program teams, as defined in section
23 614(d)(1)(B) of the Individuals with Disabil-
24 ities Education Act to ensure that students with
25 disabilities receive effective services, consistent

1 with the requirements of the Individuals with
2 Disabilities Education Act, that are needed for
3 such students to achieve to challenging State
4 academic standards;

5 “(G) how the partnership will prepare edu-
6 cators to teach and work with students who are
7 English learners to ensure that students who
8 are English learners receive the services that
9 are needed for such students to achieve to chal-
10 lenging State academic standards;

11 “(H) in the case of activities related to
12 principal and school leader preparation pro-
13 grams, how the partnership will prepare prin-
14 cipals and other school leaders to foster instruc-
15 tion that supports the success of all students,
16 including students with disabilities, students
17 who are English learners, and students in early
18 childhood education in alignment with State
19 early learning standards for early childhood
20 education programs;

21 “(I) how faculty at the partner institution
22 will work, during the term of the grant, with
23 mentor educators in the classrooms and admin-
24 istrators of high-need schools served by the

1 high-need local educational agency in the part-
2 nership to—

3 “(i) provide high-quality professional
4 development activities to strengthen the
5 content knowledge and teaching skills of
6 elementary school and secondary school
7 teachers and other educators, including
8 multi-tiered systems of support and uni-
9 versal design for learning;

10 “(ii) train other classroom teachers,
11 principals or other school leaders, school li-
12 brarians, and other educators to implement
13 literacy programs that incorporate the
14 components of comprehensive literacy in-
15 struction; and

16 “(iii) provide evidence-based, high-
17 quality professional development activities
18 to strengthen the instructional and leader-
19 ship skills of elementary school and sec-
20 ondary school principals or other school
21 leaders and district superintendents, if the
22 partner institution has a principal or
23 school leader preparation program;”;

1 (iii) in subparagraph (J) (as so rededesignated), by inserting “as applicable” before “how the partnership”;

2
3
4 (iv) in subparagraph (K) (as so redesignated)—

5
6 (I) by inserting “, principals or
7 other school leaders” after “teachers”;
8 and

9 (II) by striking “and” at the end;
10 and

11 (v) by inserting after subparagraph
12 (K) (as so redesignated) the following:

13 “(L) how faculty at the partner institution
14 for school leader preparation will work, during
15 the term of the grant, with their—

16 “(i) State to use rigorous, research-based leader standards and align program accreditation criteria and principal licensure requirements with those standards;
17
18
19
20 and

21 “(ii) high-needs local education agencies that hire their graduates to use rigorous, evidence-based leader standards and
22
23 align program content and local edu-
24

1 cational agencies’ evaluation systems with
2 those standards; and”.

3 (F) in paragraph (7)—

4 (i) in the matter before subparagraph
5 (A), by striking “under this section” and
6 inserting “under paragraphs (1)(B)(iv)
7 and (3) of subsection (d)”;

8 (ii) in subparagraph (A), by inserting
9 “as applicable,” before “a demonstration”;
10 and

11 (iii) in subparagraph (B), by striking
12 “scientifically valid” and inserting “evi-
13 dence-based”;

14 (2) by amending subsection (c) to read as fol-
15 lows:

16 “(c) USE OF GRANT FUNDS.—An eligible partner-
17 ship that receives a grant under this section—

18 “(1) shall use such grant to carry out —

19 “(A) a program for the pre-baccalaureate
20 or post-baccalaureate preparation of teachers
21 described in subsection (d);

22 “(B) a teaching residency program, or a
23 principal or other school leader residency pro-
24 gram, described in subsection (e);

1 “(C) a high-quality ‘Grow Your Own’ pro-
2 gram; or

3 “(D) a combination of such programs; and

4 “(2) may use such grant to carry out other edu-
5 cator development programs under subsection (f),
6 based upon the results of the needs assessment in
7 subsection (b)(1).”;

8 (3) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) by striking “limited English pro-
11 ficient” both places it appears and insert-
12 ing “English learners”;

13 (ii) by striking “scientifically valid”
14 both places it appears and inserting “evi-
15 dence-based”; and

16 (iii) in subparagraph (B)(ii)(VI), by
17 striking “reading instruction” both places
18 it appears and inserting “comprehensive
19 literacy instruction”;

20 (B) in paragraph (5)(B), by striking “lim-
21 ited English proficient students” and inserting
22 “students who are English learners”;

23 (C) in paragraph (5)(C), by inserting
24 “paraprofessionals,” after “occupations,”; and

1 (D) in paragraph (6)(A), by striking
2 “reading instruction” and inserting “com-
3 prehensive literacy instruction”;

4 (4) by amending subsection (e) to read as fol-
5 lows:

6 “(e) PARTNERSHIP GRANTS FOR THE ESTABLISH-
7 MENT OF TEACHING AND PRINCIPAL OR OTHER SCHOOL
8 LEADER RESIDENCY PROGRAMS.—

9 “(1) IN GENERAL.—An eligible partnership re-
10 ceiving a grant to carry out an effective teaching
11 residency program or principal or other school leader
12 residency program that meets the following require-
13 ments:

14 “(A) TEACHING RESIDENCY PROGRAM.—
15 An eligible partnership carrying out a teaching
16 residency program shall—

17 “(i) support a teaching residency pro-
18 gram described in paragraph (2) for high-
19 need schools, as determined by the needs
20 of high-need local educational agency in
21 the partnership, and in high-need subjects
22 and areas, as defined by such local edu-
23 cational agency; and

24 “(ii) place graduates of the teaching
25 residency program in cohorts that facilitate

1 professional collaboration, both among
2 graduates of the residency program and
3 between such graduates and mentor teach-
4 ers in the receiving school.

5 “(B) PRINCIPAL OR SCHOOL LEADER RESI-
6 DENCY PROGRAM.—An eligible partnership car-
7 rying out a principal or school leader residency
8 program shall support a program described in
9 paragraph (3) for high-need schools, as deter-
10 mined by the needs of the high-need local edu-
11 cational agency in the partnership.

12 “(2) TEACHING RESIDENCY PROGRAM.—

13 “(A) ESTABLISHMENT AND DESIGN.—A
14 teaching residency program under this para-
15 graph shall be a program based upon models of
16 successful teaching residencies that serves as a
17 mechanism to prepare teachers for success in
18 high-need schools in the eligible partnership and
19 shall be designed to include the following char-
20 acteristics of successful programs:

21 “(i) The integration of pedagogy,
22 classroom practice and teacher mentoring.

23 “(ii) The exposure to principles of
24 child and youth development, and under-
25 standing and applying principles of learn-

1 ing, behavior, and community and family
2 engagement.

3 “(iii) The exposure to principles of
4 universal design for learning and multi-
5 tiered systems of support.

6 “(iv) Engagement of teaching resi-
7 dents in rigorous coursework that results
8 in a baccalaureate or master’s degree while
9 undertaking a guided teaching clinical ex-
10 perience.

11 “(v) Experience and learning opportu-
12 nities alongside a trained and experienced
13 mentor teacher—

14 “(I) whose teaching shall com-
15 plement the residency program so that
16 school-based clinical practice is tightly
17 aligned and integrated with course-
18 work;

19 “(II) who shall have extra re-
20 sponsibilities as a teacher leader of
21 the teaching residency program, as a
22 mentor for residents, and as a teacher
23 coach during the induction program
24 for new teachers, and for establishing,
25 within the program, a learning com-

1 munity in which all individuals are ex-
2 pected to continually improve their ca-
3 pacity to advance student learning;
4 and

5 “(III) who may be relieved from
6 teaching duties or may be offered a
7 stipend as a result of such additional
8 responsibilities.

9 “(vi) The establishment of clear cri-
10 teria for the selection of mentor teachers
11 based on the appropriate subject area
12 knowledge and measures of teacher effec-
13 tiveness, which shall be based on, but not
14 limited to, observations of the following:

15 “(I) Planning and preparation,
16 including demonstrated knowledge of
17 content, pedagogy, and assessment,
18 including the use of formative,
19 summative, and diagnostic assess-
20 ments to inform instruction and im-
21 prove student learning.

22 “(II) Appropriate instruction
23 that engages all students.

24 “(III) Collaboration with col-
25 leagues to improve instruction.

1 “(IV) Analysis of evidence of stu-
2 dent learning.

3 “(V) Collaboration and the cul-
4 tivation of relationships with external
5 stakeholders (which may include pro-
6 fessional disciplinary organizations
7 and nonprofit advocacy organizations)
8 to foster the sharing of evidence-based
9 resources to promote high-quality, ef-
10 fective practices.

11 “(vii) The development of admissions
12 goals and priorities—

13 “(I) that are aligned with the
14 hiring objectives of the local edu-
15 cational agency partnering with the
16 program, as well as the instructional
17 initiatives and curriculum of such
18 agency to hire qualified graduates
19 from the teaching residency program;
20 and

21 “(II) which may include consider-
22 ation of applicants who reflect the
23 communities in which they will teach
24 as well as consideration of individuals

1 from underrepresented populations in
2 the teaching profession.

3 “(viii) Continued support for residents
4 once such residents are hired as the teach-
5 ers of record, through an induction pro-
6 gram, evidence-based professional develop-
7 ment, and networking opportunities to sup-
8 port the residents through not less than
9 the residents’ first 2 years of teaching.

10 “(B) SELECTION OF INDIVIDUALS AS
11 TEACHER RESIDENTS.—

12 “(i) ELIGIBLE INDIVIDUAL.—In order
13 to be eligible to be a teacher resident in a
14 teaching residency program under this
15 paragraph, an individual shall—

16 “(I) be a recent graduate of a 4-
17 year institution of higher education or
18 a mid-career professional possessing
19 strong content knowledge or a record
20 of professional accomplishment;

21 “(II) in the case of an under-
22 graduate residency, enrolled as an un-
23 dergraduate student in a partner in-
24 stitution as defined in this title; and

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

3 “(ii) SELECTION CRITERIA.—An eligi-
4 ble partnership carrying out a teaching
5 residency program under this subsection
6 shall establish criteria for the selection of
7 eligible individuals to participate in the
8 teaching residency program based on the
9 following characteristics:

10 “(I) Strong content knowledge or
11 record of accomplishment in the field
12 or subject area to be taught.

13 “(II) Strong verbal and written
14 communication skills, which may be
15 demonstrated by performance on ap-
16 propriate assessments.

17 “(III) Other attributes linked to
18 effective teaching, which may be de-
19 termined by interviews or performance
20 assessments, as specified by the eligi-
21 ble partnership.

22 “(3) PARTNERSHIP GRANTS FOR THE DEVEL-
23 OPMENT OF PRINCIPAL AND OTHER SCHOOL LEADER
24 RESIDENCY PROGRAMS.—

1 “(A) ESTABLISHMENT AND DESIGN.—A
2 principal or other school leader residency pro-
3 gram under this paragraph shall be a program
4 based upon models of successful principal or
5 other school leader residencies, and may include
6 the development or support of principal pipe-
7 lines, that serve as a mechanism to prepare
8 principals and other school leaders for success
9 in high-need schools in the eligible partnership
10 and shall be designed to include the following
11 characteristics of successful programs:

12 “(i) Engagement of principal or other
13 school leader residents in rigorous grad-
14 uate-level coursework to earn an appro-
15 priate advanced credential while under-
16 taking a guided principal or other school
17 leader clinical experience.

18 “(ii) Experience and learning opportu-
19 nities, including those that provide contin-
20 uous feedback throughout the program on
21 a participants’ progress, alongside a
22 trained and experienced mentor principal
23 or other school leader—

24 “(I) whose mentoring shall be
25 based on standards of effective men-

1 toring practice and shall complement
2 the residence program so that school-
3 based clinical practice is tightly
4 aligned with coursework; and

5 “(II) who may be relieved from
6 some portion of principal or other
7 school leader duties or may be offered
8 a stipend as a result of such addi-
9 tional responsibilities.

10 “(iii) The establishment of clear cri-
11 teria for the selection of mentor principals
12 or other school leaders, which may be
13 based on observations of the following:

14 “(I) Demonstrating awareness of,
15 and having experience with, the
16 knowledge, skills, and attitudes to—

17 “(aa) establish and maintain
18 a professional learning commu-
19 nity that effectively extracts in-
20 formation from data to improve
21 the school culture and climate,
22 and personalize instruction for all
23 students to result in improved
24 student achievement;

1 “(bb) create and maintain a
2 learning culture within the school
3 that provides an inclusive climate
4 conducive to the development of
5 all members of the school com-
6 munity, including one of contin-
7 uous improvement and learning
8 for adults tied to student learn-
9 ing and other school goals;

10 “(cc) develop the profes-
11 sional capacity and practice of
12 school personnel and foster a
13 professional community of teach-
14 ers and other professional staff;

15 “(dd) engage in continuous
16 professional development, uti-
17 lizing a combination of academic
18 study, developmental simulation
19 exercises, self-reflection, mentor-
20 ship, and internship;

21 “(ee) understand youth de-
22 velopment appropriate to the age
23 level served by the school, and
24 use this knowledge to set high ex-
25 pectations and standards for the

1 academic, social, emotional, and
2 physical development of all stu-
3 dents; and

4 “(ff) actively engage with
5 families and the community to
6 create shared responsibility for
7 student academic performance
8 and successful development.

9 “(II) Planning and articulating a
10 shared and coherent schoolwide direc-
11 tion and policy for achieving high
12 standards of student performance,
13 and closing gaps in achievement
14 among subgroups of students.

15 “(III) Identifying and imple-
16 menting the activities and rigorous
17 curriculum necessary for achieving
18 such standards of student perform-
19 ance.

20 “(IV) Supporting a culture of
21 learning, collaboration, and profes-
22 sional behavior and ensuring quality
23 measures of instructional practice.

1 “(V) Communicating with, and
2 engaging, parents, families, and other
3 external communities.

4 “(VI) Cultivating relationships
5 and collaborating with external stake-
6 holders, which may include profes-
7 sional disciplinary organizations and
8 nonprofit advocacy organizations, to
9 foster the sharing of evidence-based
10 resources to promote high-quality, ef-
11 fective practices.

12 “(VII) Collecting, analyzing, and
13 utilizing data and other evidence of
14 student learning and evidence of class-
15 room practice to guide decisions and
16 actions for continuous improvement
17 and to ensure performance account-
18 ability.

19 “(iv) The development of admissions
20 goals and priorities—

21 “(I) that are aligned with the
22 hiring objectives of the local edu-
23 cational agency partnering with the
24 program, as well as the instructional
25 initiatives and curriculum of such

1 agency to hire qualified graduates
2 from the principal residency program;
3 and

4 “(II) which may include consider-
5 ation of applicants who reflect the
6 communities in which they will serve
7 and consideration of individuals from
8 underrepresented populations in
9 school leadership positions.

10 “(v) Continued support for residents
11 once such residents are hired as principals
12 or other school leaders, through an induc-
13 tion program, evidence-based professional
14 development to support the knowledge and
15 skills of the principal or other school leader
16 in a continuum of learning and content ex-
17 pertise in developmentally appropriate or
18 age-appropriate educational practices, and
19 networking opportunities to support the
20 residents through not less than the resi-
21 dents’ first 2 years of serving as principal
22 or other school leader of a school.

23 “(B) SELECTION OF INDIVIDUALS AS
24 PRINCIPAL OR OTHER SCHOOL LEADER RESI-
25 DENTS.—

1 “(i) ELIGIBLE INDIVIDUAL.—In order
2 to be eligible to be a principal or other
3 school leader resident in a principal or
4 other school leader residency program
5 under this paragraph, an individual shall—

6 “(I) have prior prekindergarten
7 through grade 12 teaching experience;

8 “(II) have experience as an effective leader, manager, and written and
9 oral communicator; and
10

11 “(III) submit an application to
12 the residency program.

13 “(ii) SELECTION CRITERIA.—An eligible
14 partnership carrying out a principal or
15 other school leader residency program
16 under this subsection shall establish criteria
17 for the selection of eligible individuals
18 to participate in the principal residency
19 program based on the following characteristics:
20

21 “(I) Strong instructional leadership skills in an elementary school or
22 secondary school setting.
23

24 “(II) Strong verbal and written
25 communication skills, which may be

1 demonstrated by performance on ap-
2 propriate assessments.

3 “(III) Other attributes linked to
4 effective leadership, such as sound
5 judgment, organizational capacity, col-
6 laboration, commitment to equity and
7 inclusiveness, and openness to contin-
8 uous learning, which may be deter-
9 mined by interviews or performance
10 assessment, as specified by the eligible
11 partnership.

12 “(4) STIPENDS OR SALARIES; APPLICATIONS;
13 AGREEMENTS; AND REPAYMENTS.—

14 “(A) STIPENDS OR SALARIES.—A teaching
15 residency program, or a principal or other
16 school leader residency program, under this
17 subsection—

18 “(i) shall provide a 1-year living sti-
19 pend or salary to residents during the
20 teaching residency program or the prin-
21 cipal or other school leader residency pro-
22 gram; and

23 “(ii) may provide a stipend to a men-
24 tor teacher or mentor principal.

25 “(B) APPLICATIONS.—

1 “(i) IN GENERAL.—Each residency
2 candidate desiring a stipend or salary dur-
3 ing the period of residency shall submit an
4 application to the eligible partnership at
5 such time, in such manner, and containing
6 such information and assurances, as the el-
7 igible partnership may require, and which
8 shall include an agreement to serve de-
9 scribed in clause (ii).

10 “(ii) AGREEMENTS TO SERVE.—Each
11 application submitted under clause (i) shall
12 contain or be accompanied by an agree-
13 ment that the applicant will—

14 “(I) upon successfully completing
15 the 1-year teaching residency pro-
16 gram, or principal or other school
17 leader residency program, serve as a
18 full-time teacher, principal, or other
19 school leader for a total of not less
20 than 3 school years at—

21 “(aa) a high-need school
22 served by the high-need local
23 educational agency in the eligible
24 partnership and, in the case of a
25 teacher, teach a subject or area

1 that is designated as high-need
2 by the partnership; or

3 “(bb) in a case in which no
4 appropriate position is available
5 in a high-need school served by
6 the high-need local educational
7 agency in the eligible partner-
8 ship, any other high-need school;

9 “(II) provide to the eligible part-
10 nership a certificate, from the chief
11 administrative officer of the local edu-
12 cational agency in which the teacher
13 or principal or other school leader is
14 employed, of the employment required
15 under subclause (I) at the beginning
16 of, and upon completion of, each year
17 or partial year of service;

18 “(III) in the case of a teacher
19 resident, meet the requirements to be
20 a profession-ready teacher;

21 “(IV) in the case of a principal
22 or other school leader resident, meet
23 the requirements to be a profession-
24 ready principal or other school leader;
25 and

1 “(V) comply with the require-
2 ments set by the eligible partnership
3 under subparagraph (C) if the appli-
4 cant is unable or unwilling to com-
5 plete the service obligation required by
6 this subparagraph.

7 “(C) REPAYMENTS.—

8 “(i) IN GENERAL.—An eligible part-
9 nership carrying out a teaching residency
10 program, or a principal or other school
11 leader residency program, under this sub-
12 section shall require a recipient of a sti-
13 pend or salary under subparagraph (A)
14 who does not complete, or who notifies the
15 partnership that the recipient intends not
16 to complete, the service obligation required
17 by subparagraph (B) to repay such stipend
18 or salary to the eligible partnership, to-
19 gether with interest, at a rate specified by
20 the partnership in the agreement, and in
21 accordance with such other terms and con-
22 ditions specified by the eligible partnership,
23 as necessary.

24 “(ii) OTHER TERMS AND CONDI-
25 TIONS.—Any other terms and conditions

1 specified by the eligible partnership may
2 include reasonable provisions for prorated
3 repayment of the stipend or salary de-
4 scribed in subparagraph (A) or for deferral
5 of a resident's service obligation required
6 by subparagraph (B), on grounds of
7 health, incapacitation, inability to secure
8 employment in a school served by the eligi-
9 ble partnership, being called to active duty
10 in the Armed Forces of the United States,
11 or other extraordinary circumstances.

12 “(iii) USE OF REPAYMENTS.—An eli-
13 gible partnership shall use any repayment
14 received under this subparagraph to carry
15 out additional activities that are consistent
16 with the purposes of this section.”; and

17 (5) by striking subsection (f) and inserting the
18 following:

19 “(f) TEACHER LEADER DEVELOPMENT PROGRAM.—

20 “(1) IN GENERAL.—A teacher leader develop-
21 ment program carried out with a grant awarded
22 under this section shall provide for the professional
23 development of teachers, as described in paragraph
24 (2), who maintain their roles as classroom teachers
25 and who also carry out formalized leadership respon-

sibilities to increase the academic achievement of students and promote data-driven instructional practices that address the demonstrated needs at the elementary schools and secondary schools in which the teachers are employed, such as—

“(A) development of curriculum and curricular resources;

“(B) facilitating the work of committees and teams;

“(C) family and community engagement;

“(D) school discipline and culture;

“(E) peer observations and coaching;

“(F) dual enrollment instruction; or

“(G) cultural competencies.

“(2) PROFESSIONAL DEVELOPMENT.—The professional development of teachers in a teacher leader development program carried out with a grant awarded under this section shall include—

“(A) one year of professional development, training, and support that may—

“(i) include—

“(I) the engagement of teachers in rigorous coursework and fieldwork relevant to their role as a teacher

1 leader, including available teacher
2 leader standards; and

3 “(II) regular observations and
4 professional support from—

5 “(aa) a principal, vice prin-
6 cipal, or a designated instruc-
7 tional leader of the school;

8 “(bb) a representative from
9 the institution of higher edu-
10 cation that is a partner in the eli-
11 gible partnership;

12 “(cc) a representative from
13 another entity that is a partner
14 in the eligible partnership; and

15 “(dd) another member of
16 the teacher leader cohort, if ap-
17 plicable, or a peer teacher; and

18 “(ii) result in the awarding of a cre-
19 dential in teacher leadership; and

20 “(B) one or 2 additional years of support
21 from a principal, vice principal, or a designated
22 instructional leader of the school, a representa-
23 tive from the institution of higher education
24 that is a partner in the eligible partnership, and

1 a representative from another entity that is a
2 partner in the eligible partnership.

3 “(3) TEACHER LEADER DEVELOPMENT PRO-
4 GRAM PLAN.—In carrying out a teacher leader devel-
5 opment program under this section, an eligible part-
6 nership shall develop a plan that shall describe—

7 “(A) how the work hours of teacher leaders
8 will be allocated between their classroom re-
9 sponsibilities and responsibilities as a teacher
10 leader, which may include a description of
11 whether the teacher leader will be relieved from
12 teaching duties during their participation in the
13 teacher leader development program;

14 “(B) how the partnership will support
15 teacher leaders after the first year of profes-
16 sional development in the program; and

17 “(C) how teacher leader activities could be
18 sustained by the eligible partnership after the
19 program concludes, which may include a de-
20 scription of opportunities for the teacher lead-
21 ers to assist in the educator preparation pro-
22 gram at the institution of higher education in
23 the partnership.

24 “(4) SELECTION OF TEACHER LEADERS; USE
25 OF FUNDS.—In carrying out a teacher leader devel-

1 opment program under this section, an eligible part-
2 nership—

3 “(A) shall select a teacher for participation
4 in the program—

5 “(i) who—

6 “(I) is fully certified to teach in
7 the State of the high-need local edu-
8 cational agency that is a partner in
9 the eligible partnership;

10 “(II) is employed by such high-
11 need local educational agency;

12 “(III) has not less than 3 years
13 of teaching experience; and

14 “(IV) submits an application for
15 participation to the eligible partner-
16 ship; and

17 “(ii) based on selection criteria that
18 includes—

19 “(I) demonstration of strong con-
20 tent knowledge or a record of accom-
21 plishment in the field or subject area
22 the teacher will support as a teacher
23 leader; and

24 “(II) demonstration of attributes
25 linked to effective teaching that are

1 determined through interviews, obser-
2 vations, other exhibits, student
3 achievement, or performance assess-
4 ments, such as those leading to an ad-
5 vanced credential;

6 “(B) may develop admissions goals and
7 priorities for the teacher leader development
8 program that—

9 “(i) are aligned with the demonstrated
10 needs of the school or high-need local edu-
11 cational agency in which the teacher is em-
12 ployed;

13 “(ii) considers cultural competencies
14 that would make the applicant effective in
15 the applicant’s teacher leader role; and

16 “(iii) considers whether the teacher
17 has substantial teaching experience in the
18 school in which the teacher is employed or
19 in a school that is similar to the school in
20 which the teacher is employed;

21 “(C) shall use the grant funds to pay for
22 costs of training and supporting teacher leaders
23 for not less than 2 years and not more than 3
24 years;

1 “(D) may use the grant funds to pay for
2 a portion of a stipend for teacher leaders if
3 such grant funds are matched by additional
4 non-Federal public or private funds as follows:

5 “(i) during each of the first and sec-
6 ond years of the grant period, grant funds
7 may pay not more than 50 percent of such
8 stipend; and

9 “(ii) during the third year of the
10 grant period, grant funds may pay not
11 more than 33 percent of such stipend; and

12 “(E) may require teacher leaders to pay
13 back the cost of attaining the credential de-
14 scribed in paragraph (2)(A)(ii) if they do not
15 complete their term of service in the teacher
16 leader development program.

17 “(g) PARTNERSHIP GRANTS FOR THE ESTABLISH-
18 MENT OF GROW YOUR OWN PROGRAMS.—

19 “(1) IN GENERAL.—An eligible partnership that
20 receives a grant under this section may use such
21 grant to carry out a high-quality ‘Grow Your Own’
22 program to address subject or geographic areas of
23 teacher or school leader shortages or to increase the
24 diversity of the teacher or school leader workforce.

1 “(2) ELEMENTS OF A GROW YOUR OWN PRO-
2 GRAM.—A Grow Your Own program carried out
3 under this section shall—

4 “(A) integrate career-focused courses on
5 education topics with school-based learning ex-
6 perience;

7 “(B) provide opportunities for candidates
8 to practice and develop the skills and dispo-
9 sitions that will help them become skilled edu-
10 cators and leaders;

11 “(C) support candidates as they complete
12 their associate, baccalaureate, or master’s de-
13 gree and earn their teaching or school leader-
14 ship credential; and

15 “(D) offer financial aid, in addition to fi-
16 nancial assistance that may be received under
17 title IV, to candidates and work in partnership
18 with members of the eligible partnership to pro-
19 vide academic, counseling, and programmatic
20 supports.

21 “(3) ESTABLISHMENT AND DESIGN.—To create
22 and enhance multiple pathways to enter the educator
23 and leadership workforce, an eligible partnership
24 carrying out a Grow Your Own program under this
25 section, in collaboration with organizations rep-

1 resenting educators and leaders and additional
2 stakeholders—

3 “(A) shall—

4 “(i) establish an advisory group to re-
5 view barriers impacting underrepresented
6 populations entering the teaching and
7 school leadership profession, identify local
8 teacher and leader workforce needs, de-
9 velop policies on the creation or expansion
10 of Grow Your Own programs, and provide
11 guidance and oversight on the implementa-
12 tion of such programs;

13 “(ii) track and evaluate the effective-
14 ness of the program, including, at a min-
15 imum, using the data required under sec-
16 tion 204(a)(1);

17 “(iii) require candidates to complete
18 all State requirements to become fully cer-
19 tified;

20 “(iv) provide academic and testing
21 supports, including advising and financial
22 assistance, to candidates for admission and
23 completion of education preparation pro-
24 grams as well as State licensure assess-
25 ments;

1 “(v) include efforts, to the extent fea-
2 sible, to recruit current paraprofessionals,
3 as defined under section 8101 of the Ele-
4 mentary and Secondary Education Act of
5 1965, instructional assistants, district em-
6 ployees not certified to teach or lead (such
7 as long-term substitute teachers), after
8 school and summer program staff, parent
9 school volunteers, retired military per-
10 sonnel, and other career changers with ex-
11 perience in hard to staff areas who are not
12 currently certified to teach or lead with a
13 specific focus on recruiting individuals who
14 are reflective of the race, ethnicity, and na-
15 tive language of the existing community’s
16 student population; and

17 “(vi) provide a year-long clinical expe-
18 rience or teaching or school leadership resi-
19 dency in which candidates teach or lead
20 alongside an expert mentor teacher or
21 school leader; and

22 “(B) may include—

23 “(i) a stipend to cover candidate living
24 expenses or childcare costs; and

25 “(ii) compensation for mentors.”.

1 **SEC. 2004. ADMINISTRATIVE PROVISIONS.**

2 Section 203 of the Higher Education Act of 1965 (20
3 U.S.C. 1022b) is amended—

4 (1) in subsection (a)(2), by striking “five-year
5 period” and inserting “five-year period, except such
6 partnership may receive an additional grant during
7 such period if such grant is used to establish a
8 teaching residency program, or a principal or other
9 school leader residency program, if such residency
10 program was not established with the prior grant”;
11 and

12 (2) in subsection (b)(2)—

13 (A) in subparagraph (A)—

14 (i) striking “teacher preparation pro-
15 gram” and inserting “teacher education,
16 school leader preparation, or educator de-
17 velopment program”;

18 (ii) inserting “and demonstrated suc-
19 cess in having a diverse set of candidates
20 complete the program, and entering and
21 remaining in the profession”, after “such
22 program”; and

23 (iii) striking “; and” at the end;

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

1 (C) by inserting after subparagraph (A)
2 the following:

3 “(B) provide a 1–year preservice clinical or
4 residency experience that includes the integra-
5 tion of coursework and clinical practice and of-
6 fers cohorts of candidates the opportunity to
7 learn to teach or lead in partner schools or
8 teaching academies; and”.

9 **SEC. 2005. ACCOUNTABILITY AND EVALUATION.**

10 Section 204(a) of the Higher Education Act of 1965
11 (20 U.S.C. 1022c(a)) is amended to read as follows:

12 “(a) **ELIGIBLE PARTNERSHIP EVALUATION.**—Each
13 eligible partnership submitting an application for a grant
14 under this part shall establish, and include in such appli-
15 cation, an evaluation plan that includes rigorous, com-
16 prehensive, and measurable performance objectives. The
17 plan shall include objectives and measures for—

18 “(1) achievement for all prospective and new
19 educators as measured by the eligible partnership;

20 “(2) after the completion of the partnership
21 program, educator retention at the end of year 3
22 and year 5;

23 “(3) pass rates and scaled scores for initial
24 State certification or licensure of teachers or pass

1 rates and average scores on valid and reliable teach-
2 er performance assessments; and

3 “(4)(A) the percentage of profession-ready
4 teachers, principals or other school leaders hired by
5 the high-need local educational agency participating
6 in the eligible partnership;

7 “(B) the percentage of profession-ready teach-
8 ers, principals, and other educators hired by the
9 high-need local educational agency who are members
10 of underrepresented groups;

11 “(C) the percentage of profession-ready teach-
12 ers hired by the high-need local educational agency
13 who teach high-need academic subject areas, such as
14 reading, science, technology, engineering, mathe-
15 matics, computer science, and foreign language (in-
16 cluding less commonly taught languages and critical
17 foreign languages);

18 “(D) the percentage of profession-ready teach-
19 ers hired by the high-need local educational agency
20 who teach in high-need areas, including special edu-
21 cation, bilingual education, language instruction edu-
22 cational programs for English language learners,
23 and early childhood education;

24 “(E) the percentage of profession-ready teach-
25 ers, principals or other school leaders, and other

1 educators hired by the high-need local educational
2 agency who teach in high-need schools,
3 disaggregated by the elementary school and sec-
4 ondary school levels;

5 “(F) as applicable, the percentage of early
6 childhood education program classes in the geo-
7 graphic area served by the eligible partnership
8 taught by early childhood educators who are highly
9 competent as a result of participation in the partner-
10 ship program;

11 “(G) as applicable, the percentage of educators
12 who have completed the partnership program able
13 to—

14 “(i) integrate technology effectively into
15 curricula and instruction, including technology
16 consistent with the principles of universal de-
17 sign for learning; and

18 “(ii) use technology effectively to collect,
19 manage, and analyze data to improve teaching
20 and learning for the purpose of improving stu-
21 dent learning outcomes; and

22 “(H) as applicable, the percentage of educators
23 who have completed the partnership program taking
24 school leadership positions who, after 3 years in the
25 role, receive ratings of effective or above in State

1 school leader evaluation and support systems (as de-
 2 scribed in section 2014(c)(4)(B)(ii) of the Elemen-
 3 tary and Secondary Education Act of 1965) or, if no
 4 such ratings are available, other comparable indica-
 5 tors of performance.”.

6 **SEC. 2006. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**
 7 **PARE TEACHERS, PRINCIPALS, OR OTHER**
 8 **SCHOOL LEADERS.**

9 Section 205 of the Higher Education Act of 1965 (20
 10 U.S.C. 1022d) is amended—

11 (1) in subsection (a)—

12 (A) by striking the subsection header and
 13 inserting the following: “INSTITUTIONAL AND
 14 PROGRAM REPORT CARDS ON THE QUALITY OF
 15 TEACHER AND SCHOOL LEADER PREPARA-
 16 TION”; and

17 (B) by striking paragraph (1) and insert-
 18 ing the following:

19 “(1) REPORT CARD.—Each teacher preparation
 20 or school leader preparation entity approved to oper-
 21 ate teacher preparation or school leader preparation
 22 programs in the State and that receives or enrolls
 23 students receiving Federal assistance shall report
 24 annually to the State and the general public, in a
 25 uniform and comprehensive manner that conforms

1 with the definitions and methods established by the
2 Secretary, the following:

3 “(A) PASS RATES AND SCALED SCORES.—

4 For the most recent year for which the informa-
5 tion is available for each teacher or school lead-
6 er preparation program offered by the teacher
7 preparation or school leader preparation entity
8 the following:

9 “(i) Except as provided in clause (ii),
10 for those students who took the assess-
11 ments used for teacher or school leader
12 certification or licensure by the State in
13 which the entity is located and are enrolled
14 in the teacher or school leader preparation
15 program, and for those who have taken
16 such assessments and have completed the
17 teacher or school preparation program dur-
18 ing the 2-year period preceding such year,
19 for each of such assessments—

20 “(I) the percentages of students
21 enrolled in the preparation program,
22 and those who have completed such
23 program, who passed such assess-
24 ment;

1 “(II) the percentage of students
2 who have taken such assessment who
3 enrolled in and completed the teacher
4 or school leader preparation program;
5 and

6 “(III) the average scaled score
7 for all students who took such assess-
8 ment.

9 “(ii) In the case of an entity that re-
10 quires a valid and reliable teacher perform-
11 ance assessment in order to complete the
12 preparation program, the entity may sub-
13 mit in lieu of the information described in
14 clause (i) the pass rate and average score
15 of students taking the teacher performance
16 assessment.

17 “(B) ENTITY INFORMATION.—A descrip-
18 tion of the following:

19 “(i) The median grade point average
20 and range of grade point averages for ad-
21 mitted students.

22 “(ii) The number of students in the
23 entity, disaggregated by race, ethnicity,
24 and gender, except that such disaggrega-
25 tion shall not be required in a case in

1 which the result would reveal personally
2 identifiable information about an individual
3 student.

4 “(iii) The number of hours and types
5 of supervised clinical preparation required
6 for each program.

7 “(iv) The total number and percent-
8 age of students who have completed pro-
9 grams for certification or licensure
10 disaggregated by subject area and by race,
11 ethnicity, gender, income status, and lan-
12 guage diversity (graduates who have bilin-
13 gual or dual language immersion endorse-
14 ments), except that such disaggregation
15 shall not be required in a case in which the
16 result would reveal personally identifiable
17 information about an individual student.

18 “(v) The percentage and total number
19 of program completers who have been cer-
20 tified or licensed as teachers or school
21 leaders (disaggregated by subject area of
22 certification or licensure and by race, eth-
23 nicity, and gender, except that such
24 disaggregation shall not be required in a
25 case in which the number of students in a

1 category is insufficient to yield statistically
2 reliable information or the results would
3 reveal personally identifiable information
4 about an individual student).

5 “(vi) The 3- and 5-year teacher or
6 school leader retention rates, including, at
7 a minimum, in the same school and local
8 educational agency, and within the profes-
9 sion (disaggregated by race, ethnicity, and
10 gender, except that such disaggregation
11 shall not be required in a case in which the
12 number of students in a category is insuffi-
13 cient to yield statistically reliable informa-
14 tion or the results would reveal personally
15 identifiable information about an individual
16 student).

17 “(C) ACCREDITATION.—Whether the pro-
18 gram or entity is accredited by a specialized ac-
19 crediting agency recognized by the Secretary for
20 accreditation of professional teacher or school
21 leader education programs.

22 “(D) DESIGNATION AS LOW-PER-
23 FORMING.—Which programs (if any) offered by
24 the entity have been designated as low-per-
25 forming by the State under section 207(a).”;

1 (2) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (A)—

4 (I) by inserting “and school lead-
5 er” after “teacher”; and

6 (II) by inserting “, including
7 teacher performance assessments”
8 after “the State”;

9 (ii) by amending subparagraph (D) to
10 read as follows:

11 “(D)(i) Except as provided in clause (ii),
12 for each of the assessments used by the State
13 for teacher or school leader certification or li-
14 censure, disaggregated by subject area, race,
15 ethnicity, and gender, except that such
16 disaggregation shall not be required in a case in
17 which the result would reveal personally identi-
18 fiable information about an individual stu-
19 dent—

20 “(I) for each entity located in the
21 State, the percentage of students at each
22 entity who have completed 100 percent of
23 the nonclinical coursework and taken the
24 assessment who pass such assessment;

1 “(II) the percentage of all such stu-
2 dents in all such programs and entities
3 who have taken the assessment who pass
4 such assessment;

5 “(III) the percentage of students who
6 have taken the assessment and who en-
7 rolled in and completed a teacher or school
8 leader preparation program; and

9 “(IV) the average scaled score of indi-
10 viduals participating in such a program, or
11 who have completed such a program dur-
12 ing the 2-year period preceding the first
13 year for which the annual State report
14 card is provided, who took each such as-
15 sessment.

16 “(ii) In the case of a State that has imple-
17 mented a valid and reliable teacher performance
18 assessment, the State may submit in lieu of the
19 information described in clause (i) the pass rate
20 and average score of students taking the teach-
21 er performance assessment, disaggregated by
22 subject area, race, ethnicity, and gender, except
23 that such disaggregation shall not be required
24 in a case in which the result would reveal per-

1 sonally identifiable information about an indi-
2 vidual student.”;

3 (iii) by striking subparagraphs (G)
4 through (L) and inserting the following:

5 “(G) For each teacher and school leader
6 preparation program in the State the following:

7 “(i) The programs’ admission rate,
8 median grade point average, and range of
9 grade point averages for admitted stu-
10 dents.

11 “(ii) The number of students in the
12 program disaggregated by race, ethnicity,
13 and gender, except that such disaggrega-
14 tion shall not be required in a case in
15 which the result would reveal personally
16 identifiable information about an individual
17 student.

18 “(iii) The number of hours and types
19 of supervised clinical preparation required.

20 “(iv) Whether such program has been
21 identified as low-performing, as designated
22 by the State under section 207(a).

23 “(v) For each school leader prepara-
24 tion program in the State, the total num-
25 ber and percentage of program completers

1 placed as principals who are rated as effective
2 tive or above on the State school leader
3 evaluation and support systems (as described
4 in section 2101(c)(4)(B)(2) of the
5 Elementary and Secondary Education Act
6 of 1965) or, if no such ratings are available,
7 other comparable indicators of performance
8 after three years of leading a
9 school.

10 “(H) For the State as a whole, and for
11 each teacher preparation entity in the State,
12 the number of teachers prepared, in the aggregate
13 and reported separately by the following:

14 “(i) Area of certification or licensure.

15 “(ii) Route of certification (traditional
16 versus alternative).

17 “(iii) Academic major.

18 “(iv) Degree type (baccalaureate,
19 post-baccalaureate, and master’s degrees).

20 “(v) Subject area for which the teacher
21 has been prepared to teach.

22 “(vi) The relationship of the subject
23 area and grade span of teachers graduated
24 by the teacher preparation entity to identified
25 teacher shortage areas of the State.

1 “(vii) The percentage of teachers
2 graduated teaching in high-need schools.

3 “(viii) Placement in a teaching or
4 school leadership position within 6 months
5 of program completion.

6 “(ix) Rates of 3- and 5-year teacher
7 or school leadership retention including, at
8 a minimum, in the same school and local
9 educational agency, and within the profes-
10 sion.”; and

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

12 “(3) NO REQUIREMENT FOR REPORTING ON
13 STUDENTS NOT WORKING IN THE STATE.—Nothing
14 in this section shall require a State to report data
15 on program completers who do not work as teachers,
16 principals, or school leaders in such State.”; and

17 (3) in subsection (d)(2), by adding at the end
18 the following:

19 “(D) The relationship of the subject area
20 and grade span of teachers graduated by teach-
21 er preparation entities across the States to
22 identified teacher shortage areas.

23 “(E) The number and percentages of such
24 graduates teaching in high-need schools.”.

1 **SEC. 2007. TEACHER DEVELOPMENT.**

2 Section 206 of the Higher Education Act of 1965 (20
3 U.S.C. 1022e) is amended by striking “limited English
4 proficient” both places it appears and inserting “English
5 learner”.

6 **SEC. 2008. STATE FUNCTIONS.**

7 Section 207 of the Higher Education Act of 1965 (20
8 U.S.C. 1022f) is amended to read as follows:

9 **“SEC. 207. STATE FUNCTIONS.**

10 **“(a) STATE ASSESSMENT.—**

11 **“(1) IN GENERAL.—**In order to receive funds
12 under this Act or under title II of the Elementary
13 and Secondary Education Act of 1965 (20 U.S.C.
14 6601 et seq.), a State shall conduct an assessment
15 to identify at-risk and low-performing teacher and
16 school leader preparation programs in the State and
17 to assist such programs through the provision of
18 technical assistance.

19 **“(2) PROVISION OF LOW-PERFORMING LIST.—**

20 Each State described in paragraph (1) shall—

21 **“(A)** provide the Secretary and the general
22 public an annual list of low-performing teacher
23 and school leader preparation programs and an
24 identification of those programs at risk of being
25 placed on such list, as applicable;

1 “(B) report any teacher and school leader
2 preparation program that has been closed and
3 the reasons for such closure; and

4 “(C) describe the assessment, described in
5 paragraph (1), in the report under section
6 205(b).

7 “(3) DETERMINATION OF AT-RISK AND LOW-
8 PERFORMING PROGRAMS.—The levels of perform-
9 ance and the criteria for meeting those levels for
10 purposes of the assessment under paragraph (1)
11 shall be determined by the State in consultation with
12 a representative group of community stakeholders,
13 including, at a minimum, representatives of leaders
14 and faculty of traditional and alternative route
15 teacher and school leader preparation programs, pre-
16 kindergarten through 12th grade leaders and in-
17 structional staff, current teacher and school leader
18 candidates participating in traditional and alter-
19 native route teacher or school leader preparation
20 programs, the State’s standards board or other ap-
21 propriate standards body, and other stakeholders
22 identified by the State. In making such determina-
23 tion, the State shall consider multiple measures and
24 the information reported by teacher preparation en-
25 tities under section 205.

1 “(b) REPORTING AND IMPROVEMENT.—In order to
2 receive funds under this Act or under title II of the Ele-
3 mentary and Secondary Education Act of 1965 (20 U.S.C.
4 6601 et seq.), a State shall—

5 “(1) report to the Secretary and the general
6 public any programs described in subsection (a);

7 “(2) establish a period of improvement and re-
8 design (as established by the State) for programs
9 identified as at-risk under subsection (a);

10 “(3) provide programs identified as at-risk
11 under subsection (a) with technical assistance for a
12 period of not longer than 3 years;

13 “(4) identify at-risk programs as low-per-
14 forming if there is not sufficient improvement fol-
15 lowing the period of technical assistance provided by
16 the State; and

17 “(5) subject low-performing programs to the
18 provisions described in subsection (c) (as determined
19 by the State) not later than 1 year after the date
20 of such identification as a low-performing program.

21 “(c) TERMINATION OF ELIGIBILITY.—Any teacher or
22 school leader preparation program that is projected to
23 close—

1 “(1) shall be ineligible for any funding for pro-
 2 fessional development activities awarded by the De-
 3 partment;

4 “(2) may not be permitted to provide new
 5 awards under subpart 9 of part A of title IV; and

6 “(3) shall provide transitional support, includ-
 7 ing remedial services if necessary, for students en-
 8 rolled in the program in the year prior to such clo-
 9 sure.

10 “(d) NEGOTIATED RULEMAKING.—If the Secretary
 11 develops any regulations implementing subsection (c)(2),
 12 the Secretary shall submit such proposed regulations to
 13 a negotiated rulemaking process, which shall include rep-
 14 resentatives of States, institutions of higher education,
 15 and educational and student organizations.

16 “(e) APPLICATION OF REQUIREMENTS.—The re-
 17 quirements of this section shall apply to both traditional
 18 teacher preparation programs and alternative routes to
 19 State certification and licensure programs.”.

20 **SEC. 2009. GENERAL PROVISIONS.**

21 Section 208(a) of the Higher Education Act of 1965
 22 (20 U.S.C. 1022g(a)) is amended by striking “sections
 23 205 and 206” and inserting “section 205”.

1 **SEC. 2010. ELEVATION OF THE EDUCATION PROFESSION**
2 **STUDY.**

3 Part A of title II of the Higher Education Act of
4 1965 (20 U.S.C. 1022 et seq.) is amended by inserting
5 after section 208 the following:

6 **“SEC. 209. ELEVATION OF THE EDUCATION PROFESSION**
7 **STUDY.**

8 “(a) PURPOSE.—The purpose of this section is to au-
9 thorize a feasibility study on the elevation of the education
10 profession by examining State policies related to teacher
11 and school leader education and certification, produce a
12 comprehensive set of expectations that sets a high bar for
13 entry into the profession and ensures that all entering
14 teachers and school leaders are profession-ready, and de-
15 velop recommendations to Congress on best practices with
16 respect to elevating the education profession that are evi-
17 dence-based, reliable, and verified by the field.

18 “(b) ESTABLISHMENT.—

19 “(1) IN GENERAL.—The Secretary of Education
20 shall establish an Advisory Committee to carry out
21 the elevation of the education profession study de-
22 scribed in subsection (c) and make recommendations
23 to Congress on the findings.

24 “(2) MEMBERSHIP OF THE ADVISORY COM-
25 MITTEE.—The Advisory Committee shall include

1 representatives or advocates from the following cat-
2 egories:

3 “(A) Teacher unions.

4 “(B) School leader organizations.

5 “(C) State and local chief executives or
6 their representatives.

7 “(D) State educational agencies and local
8 educational agencies.

9 “(E) Teacher and school leader advocacy
10 organizations.

11 “(F) School administrator organizations.

12 “(G) Institutions of higher education, in-
13 cluding colleges of teacher education.

14 “(H) Civil rights organizations.

15 “(I) Organizations representing students
16 with disabilities.

17 “(J) Organizations representing English
18 learners.

19 “(K) Nonprofit organizations representing
20 subject-fields, such as STEM Educator organi-
21 zations, comprehensive literacy Educator orga-
22 nizations, and arts and humanities educator or-
23 ganizations.

24 “(L) Professional development organiza-
25 tions.

1 “(M) Educational technology organiza-
2 tions.

3 “(N) Nonprofit research organizations.

4 “(O) Organizations representing nontradi-
5 tional pathways into teacher and school leader
6 education.

7 “(P) Organizations representing parents.

8 “(c) DUTIES OF THE ADVISORY COMMITTEE.—

9 “(1) FEASIBILITY STUDY.—The Advisory Com-
10 mittee shall conduct a feasibility study to—

11 “(A) assess the state of policies and prac-
12 tices related to teacher and school leader edu-
13 cation and entry into the profession including
14 barriers to achieving certification and licensure,
15 best practices in producing profession-ready
16 teachers and school leaders, and recruitment
17 and retention of teachers and school leaders in
18 schools;

19 “(B) compile best practices for educating
20 and training profession-ready teachers and
21 school leaders including evidence-based prac-
22 tices for training teachers and school leaders to
23 support diverse learners, developing teacher and
24 school leaders, and successful pre-service and
25 in-service educational activities;

1 “(C) review certification and credentialing
2 practices throughout the Nation including min-
3 imum standards in each State, differences in
4 types of credentials, and impact of different
5 certification processes in each State for teach-
6 ers and school leaders who relocate; and

7 “(D) recommend a comprehensive set of
8 rigorous expectations for States standards to
9 elevate the profession of teaching and to
10 produce profession-ready teachers and school
11 leaders prepared to educate diverse learners in
12 inclusive educational settings.

13 “(2) REPORTS.—

14 “(A) Not later than 1 year after the Advi-
15 sory Committee’s first meeting, the Committee
16 shall submit an interim report to the Secretary
17 and to the authorizing committees detailing the
18 methods of the study and progress in devel-
19 oping the set of comprehensive and rigorous ex-
20 pectations.

21 “(B) Not later than 3 years after the Advi-
22 sory Committee’s first meeting, the Committee
23 shall submit a final report to the Secretary and
24 to the authorizing committees detailing the

1 findings, recommendations, and suggested set
2 of comprehensive and rigorous expectations.

3 “(3) DISSEMINATION OF INFORMATION.—In
4 carrying out the study under paragraph (1), the Sec-
5 retary shall, after the release of the study, dissemi-
6 nate information found in the study in an accessible
7 format to all stakeholders.

8 “(4) DATABASE.—Not later than 180 days
9 after the date of the enactment of this subsection,
10 the Secretary shall produce an electronically acces-
11 sible clearinghouse of State certification procedures
12 and best State practices for producing and retaining
13 profession-ready teachers and school leaders.”.

14 **SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.**

15 Part A of title II of the Higher Education Act of
16 1965 (20 U.S.C. 1022 et seq.) is amended—

17 (1) by redesignating section 209 as section 210;

18 and

19 (2) in section 210, as so redesignated—

20 (A) by striking “\$300,000,000” and in-
21 serting “\$500,000,000”;

22 (B) by striking “2009” and inserting
23 “2019”; and

24 (C) by striking “two succeeding” and in-
25 serting “5 succeeding”.

1 **PART B—ENHANCING TEACHER AND SCHOOL**

2 **LEADER EDUCATION**

3 **SEC. 2101. ENHANCING TEACHER AND SCHOOL LEADER**

4 **EDUCATION.**

5 Part B of title II of the Higher Education Act of
6 1965 (20 U.S.C. 1031 et seq.) is amended to read as fol-
7 lows:

8 **“PART B—ENHANCING TEACHER AND SCHOOL**

9 **LEADER EDUCATION**

10 **“SEC. 230. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) IN GENERAL.—There are authorized to be ap-
12 propriated to carry out this part \$100,000,000 for fiscal
13 year 2021 and each of the 5 succeeding fiscal years.

14 “(b) DISTRIBUTION OF FUNDS.—Subparts 1 through
15 4 of this part shall each receive a minimum of 20 percent
16 of the amount appropriated for a fiscal year, and the Sec-
17 retary shall have discretion over the distribution under
18 this part of the remaining amount appropriated for such
19 fiscal year.

20 **“Subpart 1—Honorable Augustus F. Hawkins Centers**
21 **of Excellence**

22 **“SEC. 231. FINDINGS.**

23 “Congress finds the following:

24 “(1) Our Nation’s schools are experiencing a
25 severe teacher diversity gap that negatively impacts
26 student achievement and school culture—50 percent

1 of current students are students of color while only
2 18 percent of teachers are of color, according to a
3 2016 study by the Brookings Institution.

4 “(2) A 2016 report conducted by the Depart-
5 ment of Education shows that teachers of color tend
6 to provide more culturally relevant teaching and bet-
7 ter understand the situations that students of color
8 may face. These factors help in the development of
9 trusting teacher-student relationships. Researchers
10 from Vanderbilt University also found that greater
11 racial and ethnic diversity in the principal corps ben-
12 efits students, especially students of color.

13 “(3) Teachers and school leaders of color can
14 also serve as cultural ambassadors who help stu-
15 dents feel more welcome at school or as role models.

16 “(4) Research consistently shows that increas-
17 ing diversity in the teaching profession can have
18 positive impacts on student educational experiences
19 and outcomes. Students of color demonstrate greater
20 academic achievement and social-emotional develop-
21 ment in classes with teachers of color. Studies also
22 suggest that all students, including White students,
23 benefit from having teachers of color offering their
24 distinctive knowledge, experiences, and role modeling
25 to the student body as a whole.

1 **“SEC. 232. PURPOSE.**

2 “The purpose of this subpart is to strengthen and
3 expand the recruitment, training, and retention of can-
4 didates of color into the teaching profession.

5 **“SEC. 233. ELIGIBLE INSTITUTION DEFINED.**

6 “In this subpart, the term ‘eligible institution’ means
7 an institution of higher education that has a teacher or
8 school leader preparation program that is a accredited by
9 the State and that is—

10 “(1) a part B institution (as defined in section
11 322);

12 “(2) a Hispanic-serving institution (as defined
13 in section 502);

14 “(3) a Tribal college or university (as defined in
15 section 316);

16 “(4) an Alaska Native-serving institution (as
17 defined in section 317(b));

18 “(5) a Native Hawaiian-serving institution (as
19 defined in section 317(b));

20 “(6) a predominantly Black institution (as de-
21 fined in section 318);

22 “(7) an Asian-American and Native American
23 Pacific Islander-serving institution (as defined in
24 section 320(b));

25 “(8) a Native American-serving, nontribal insti-
26 tution (as defined in section 319);

1 “(9) a consortium of any of the institutions de-
2 scribed in paragraphs (1) through (8); or

3 “(10) an institution described in paragraphs (1)
4 through (8), or a consortium described in paragraph
5 (9), in partnership with any other institution of
6 higher education, but only if the center of excellence
7 established under section 234 is located at an insti-
8 tution described in paragraphs (1) through (8).

9 **“SEC. 234. AUGUSTUS F. HAWKINS CENTERS OF EXCEL-**
10 **LENCE.**

11 “(a) PROGRAM AUTHORIZED.—From the amounts
12 provided to carry out this subpart, the Secretary shall
13 award grants, on a competitive basis, to eligible institu-
14 tions to establish centers of excellence.

15 “(b) USE OF FUNDS.—An eligible institution shall
16 use a grant received under this subpart to ensure that pro-
17 grams offered at a center of excellence established by such
18 institution prepare current and future teachers or school
19 leaders to be profession-ready, and meet the applicable
20 State certification and licensure requirements, including
21 any requirements for certification obtained through alter-
22 native routes to certification, or, with regard to special
23 education teachers, the qualifications described in section
24 612(a)(14)(C) of the Individuals with Disabilities Edu-

1 cation Act, by carrying out one or more of the following
2 activities:

3 “(1) Implementing reforms within teacher or
4 school leader preparation programs to ensure that
5 such programs are preparing teachers or school lead-
6 ers who meet such applicable State certification and
7 licensure requirements or qualifications, and are
8 using evidence-based instructional practices to im-
9 prove student academic achievement, by—

10 “(A) retraining or recruiting faculty; and

11 “(B) designing (or redesigning) teacher or
12 school leader preparation programs that—

13 “(i) prepare teachers or school leaders
14 to serve in low-performing schools and
15 close student achievement gaps; and

16 “(ii) are based on—

17 “(I) rigorous academic content;

18 “(II) evidence-based research;

19 and

20 “(III) challenging State academic
21 standards as described in section
22 1111(b)(1) of the Elementary and
23 Secondary Education Act of 1965 (20
24 U.S.C. 6311(b)(1)); and

25 “(iii) promote effective teaching skills.

1 “(2) Providing sustained and high-quality
2 preservice clinical experience, including the men-
3 toring of prospective teachers by exemplary teachers
4 or teacher leaders, substantially increasing inter-
5 action between faculty at institutions of higher edu-
6 cation and new and experienced teachers, principals,
7 school leaders, and other administrators at elemen-
8 tary schools or secondary schools, and providing sup-
9 port, including preparation time, for such inter-
10 action.

11 “(3) Developing and implementing initiatives to
12 promote retention of teachers who meet such appli-
13 cable State certification and licensure requirements
14 or qualifications, and principals and other school
15 leaders, including teachers, principals, and other
16 school leaders of color, including programs that pro-
17 vide—

18 “(A) teacher or principal and other school
19 leader mentoring; and

20 “(B) induction and support for teachers
21 and principals and other school leaders during
22 their first three years of employment as teach-
23 ers, principals, or other school leaders, respec-
24 tively.

1 “(4) Awarding scholarships based on financial
2 need to help students pay the costs of tuition, room,
3 board, and other expenses of completing a teacher or
4 other school leader preparation program at the Cen-
5 ter of Excellence, not to exceed the cost of attend-
6 ance as defined in section 472.

7 “(5) Disseminating information on effective
8 practices for teacher or other school leader prepara-
9 tion and successful teacher or other school leader
10 certification and licensure assessment preparation
11 strategies.

12 “(6) Activities authorized under section 202.

13 “(c) APPLICATION.—Any eligible institution desiring
14 a grant under this subpart shall submit an application to
15 the Secretary at such time, in such manner, and accom-
16 panied by such information as the Secretary may require.

17 “(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—
18 An eligible institution that receives a grant under this sub-
19 part may use not more than 2 percent of the funds pro-
20 vided to administer the grant.

21 “(e) REGULATIONS.—The Secretary shall prescribe
22 such regulations as may be necessary to carry out this
23 subpart.

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,
8 behavior management skills, and cultural com-
9 petencies of teacher candidates prepares them to ef-
10 fectively teach students from diverse backgrounds
11 and increases the likelihood they will remain in the
12 profession; and

13 “(3) teachers who hold dual certification and
14 receive training in social and emotional learning
15 competencies and nonexclusionary, positive behavior
16 management practices are better prepared to create
17 a supportive school climate and meet the needs of all
18 students, including English learners, racially diverse
19 students, students with disabilities, low-income stu-
20 dents, and students who have experienced trauma.

21 “(b) PURPOSE.—The purpose of this subpart is to—

22 “(1) strengthen and expand teacher preparation
23 programs that embed dual certification for teacher
24 candidates in special education; and

25 “(2) strengthen and expand teacher preparation
26 programs that embed training on inclusive practices,

1 culturally responsive teaching, social and emotional
2 learning competencies and nonexclusionary, positive
3 behavior management practices to teacher can-
4 didates.

5 “(c) AUTHORIZATION OF PROGRAM.—

6 “(1) IN GENERAL.—From the amounts pro-
7 vided to carry out this subpart, the Secretary shall
8 award grants, on a competitive basis, to eligible
9 partnerships to improve the preparation of general
10 education teacher candidates to ensure that such
11 teacher candidates possess the knowledge, skills, and
12 credentials necessary to effectively instruct students
13 with disabilities in general education classrooms, and
14 an understanding of positive behavior-management
15 practices that reduce the use of exclusionary and
16 aversive disciplinary practices and create a sup-
17 portive school climate.

18 “(2) DURATION OF GRANTS.—A grant under
19 this subpart shall be awarded for a period of not
20 more than 5 years.

21 “(3) NON-FEDERAL SHARE.—An eligible part-
22 nership that receives a grant under this subpart
23 shall provide not less than 25 percent of the cost of
24 the activities carried out with such grant from non-

1 Federal sources, which may be provided in cash or
2 in-kind.

3 “(d) DEFINITION OF ELIGIBLE PARTNERSHIP.—In
4 this section, the term ‘eligible partnership’ means a part-
5 nership that—

6 “(1) shall include—

7 “(A) one or more departments or programs
8 at an institution of higher education—

9 “(i) that prepare elementary or sec-
10 ondary general education teachers;

11 “(ii) that have a program of study
12 that leads to an undergraduate degree, a
13 master’s degree, or completion of a
14 postbaccalaureate program required for
15 teacher certification; and

16 “(iii) the profession-ready graduates
17 of which meet the applicable State certifi-
18 cation and licensure requirements, includ-
19 ing any requirements for certification ob-
20 tained through alternative routes to certifi-
21 cation, or, with regard to special education
22 teachers, the qualifications described in
23 section 612(a)(14)(C) of the Individuals
24 with Disabilities Education Act;

1 “(B) a department or program that has
2 expertise in special education at an institution
3 of 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 re-
14 ceives 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 teach-
18 er preparation program by integrating special
19 education pedagogy into the general education
20 curriculum 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 teach-
25 er preparation program by embedding social

1 and emotional learning strategies, inclusive
2 practices, culturally responsive teaching, and
3 nonexclusionary, positive behavior-management
4 practices into the general education curriculum
5 and academic content;

6 “(C) provide teacher candidates partici-
7 pating 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 accom-
20 modations for instruction and assessments
21 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
2 and 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
15 support;

16 “(iii) trauma-informed care;

17 “(iv) evidenced-based restorative jus-
18 tice practices;

19 “(v) culturally responsive teaching
20 and anti-bias training that is evidence-
21 based; 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 eligi-
5 ble partnership seeking a grant under this section
6 shall submit an application to the Secretary at such
7 time, in such manner, and containing such informa-
8 tion as the Secretary may require. Such application
9 shall include—

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 per-
17 sonnel needs for general education teachers who
18 instruct students with disabilities, performed by
19 the high-need local educational agency described
20 in subsection (d)(1)(C).

21 “(2) PEER REVIEW.—

22 “(A) IN GENERAL.—The Secretary shall
23 convene a peer review committee to review ap-
24 plications for grants under this subpart and to
25 make recommendations to the Secretary regard-

1 ing the selection of eligible partnerships for
2 such 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 gen-
7 eral education and shall not be in a position to
8 benefit financially from any grants awarded
9 under 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 partner-
17 ship receiving a grant under this subpart shall
18 conduct an evaluation at the end of the grant
19 period to determine—

20 “(i) the effectiveness of the general
21 education teachers who completed a pro-
22 gram under subsection (c)(1) with respect
23 to instruction of students with disabilities
24 in 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 teach-
 5 ers for instruction in elementary schools
 6 and secondary schools.

7 “(B) REPORT TO THE SECRETARY.—Each
 8 eligible partnership performing an evaluation
 9 under subparagraph (A) shall report the find-
 10 ings 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
 16 of the evaluations submitted under paragraph (1),
 17 and information on best practices related to effective
 18 instruction of students with disabilities in general
 19 education 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 knowl-
2 edge and skills necessary to effectively instruct English
3 learners.

4 “(b) DURATION OF GRANTS.—A grant under this
5 section shall be awarded for a period of not more than
6 5 years.

7 “(c) NON-FEDERAL SHARE.—An eligible partnership
8 that receives a grant under this section shall provide not
9 less than 25 percent of the cost of the activities carried
10 out with such grant from non-Federal sources, which may
11 be provided in cash or in kind.

12 “(d) ELIGIBLE PARTNERSHIP.—The term ‘eligible
13 partnership’ means an eligible institution of higher edu-
14 cation in partnership with a high-need local educational
15 agency or a high-need early childhood education program.

16 “(e) USES OF FUNDS.—An eligible partnership that
17 receives a grant under this section shall use the grant to—

18 “(1) develop or strengthen an undergraduate,
19 postbaccalaureate, or master’s teacher preparation
20 program by integrating strategies for teaching
21 English learners into the education curriculum and
22 academic content;

23 “(2) provide teacher candidates participating in
24 a program under paragraph (1) with skills related
25 to—

1 “(A) helping English learners—

2 “(i) achieve at high levels in pre-
3 kindergarten programs, and elementary
4 schools and secondary schools so that such
5 English learners can meet the challenging
6 State academic standards adopted under
7 section 1111(b)(1) of the Elementary and
8 Secondary Education Act of 1965 (20
9 U.S.C. 6311(b)(1)) by the State of the
10 school attended by the English learners,
11 which all children in the State are expected
12 to meet; and

13 “(ii) attain English proficiency;

14 “(B) appropriately identifying and meeting
15 the specific learning needs of children with dis-
16 abilities who are English learners;

17 “(C) recognizing and addressing the social
18 and emotional needs of English learners; and

19 “(D) promoting parental, family, and com-
20 munity engagement in educational programs
21 that serve English learners;

22 “(3) provide authentic clinical learning opportu-
23 nities for teacher candidates participating in the pro-
24 gram involving sustained interactions with teachers
25 and English learners at public prekindergarten pro-

1 grams, or elementary schools or secondary schools,
2 to the extent practicable, or simulated environments
3 at the eligible institution of higher education in-
4 volved, that foster in-depth, first-hand engagement
5 with tasks required of a teacher providing instruc-
6 tion to English learners; and

7 “(4) provide teacher candidates with the re-
8 quired coursework to qualify for an English-as-a-sec-
9 ond-language certification, endorsement, or initial
10 teaching credential, as recognized by the State of the
11 eligible partnership.

12 “(f) APPLICATION.—An eligible partnership seeking
13 a grant under this section shall submit an application to
14 the Secretary at such time, in such manner, and con-
15 taining such information as the Secretary may require.
16 Such application shall include—

17 “(1) a self-assessment by the eligible partner-
18 ship of the existing teacher preparation program at
19 the institution of higher education and the needs re-
20 lated to preparing teacher candidates to instruct
21 English learners in the manner described in sub-
22 section (d)(2); and

23 “(2) a self-assessment by the eligible partner-
24 ship of the personnel needs for teachers who instruct
25 English learners at local, public prekindergarten

1 programs, and elementary schools and secondary
2 schools.

3 “(g) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In
4 awarding grants under this section, the Secretary shall,
5 to the maximum extent possible, provide for an equitable
6 geographic distribution of such grants.

7 “(h) EVALUATIONS.—

8 “(1) REPORT FROM ELIGIBLE PARTNER-
9 SHIPS.—An eligible partnership receiving a grant
10 under this section shall submit to the Secretary the
11 results of an evaluation conducted by the partner-
12 ship at the end of 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
22 later than 180 days after the last day of the grant
23 period under this section, the Secretary shall make
24 available to the authorizing committees and the pub-
25 lic—

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 FAC-**
8 **ULTY IN HIGH-NEED AREAS AT COLLEGES OF**
9 **EDUCATION.**

10 “(a) GRANTS BY SECRETARY.—From the amounts
11 provided to carry out this subpart, the Secretary shall
12 award grants, on a competitive basis, to eligible institu-
13 tions to enable such institutions to make graduate fellow-
14 ship awards to qualified individuals in accordance with the
15 provisions 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
4 grant funds to provide graduate fellowships to indi-
5 viduals who are preparing for the professorate in
6 order to prepare individuals to become elementary
7 school and secondary school science, technology, en-
8 gineering, and math teachers, special education
9 teachers, and teachers who provide instruction for
10 English-learners, who meet the applicable State cer-
11 tification and licensure requirements, including any
12 requirements for certification obtained through alter-
13 native routes to certification, or, with regard to spe-
14 cial education teachers, the qualifications described
15 in section 612(a)(14)(C) of the Individuals with Dis-
16 abilities Education Act.

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 mas-
21 ter’s degree as part of such study, related to teacher
22 preparation and pedagogy in one of the following
23 areas:

24 “(A) Science, technology, engineering,
25 mathematics, and computer science, and their

1 related subfields, if the individual has completed
2 a master's degree in mathematics, engineering,
3 science, or computer science and is pursuing a
4 doctoral degree in mathematics, science, engi-
5 neering, or education.

6 “(B) Special education.

7 “(C) The instruction of English-learners,
8 including postbaccalaureate study in language
9 instruction educational programs.

10 “(e) FELLOWSHIP TERMS AND CONDITIONS.—

11 “(1) SELECTION OF FELLOWS.—The Secretary
12 shall ensure that an eligible institution that receives
13 a grant under this subpart—

14 “(A) shall provide graduate fellowship
15 awards to individuals who plan to pursue a ca-
16 reer in instruction at an institution of higher
17 education that has a teacher preparation pro-
18 gram; and

19 “(B) may not provide a graduate fellow-
20 ship to an otherwise eligible individual—

21 “(i) during periods in which such indi-
22 vidual is enrolled at an institution of high-
23 er education unless such individual is
24 maintaining satisfactory academic progress
25 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,
6 or a similar activity determined by the in-
7 stitution to be consistent with and sup-
8 portive of the individual’s progress toward
9 the degree for which the fellowship support
10 was 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 sti-
17 pend provided under this subpart shall be in an
18 amount equal to the level of support provided
19 by the National Science Foundation graduate
20 fellowships, except that such stipend shall be
21 adjusted as necessary so as not to exceed the
22 fellowship recipient’s demonstrated need, as de-
23 termined 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, with-
14 in 3 years of receiving a doctoral degree, begin
15 employment at an institution of higher edu-
16 cation that has a teacher preparation program,
17 as required by this section.

18 “(C) AGREEMENT REQUIRED.—Prior to
19 receiving an initial graduate fellowship award,
20 and upon the annual renewal of the graduate
21 fellowship award, an individual selected to re-
22 ceive a graduate fellowship under this section
23 shall sign an agreement with the Secretary
24 agreeing to pursue a career in instruction at an
25 institution of higher education that has a teach-

1 er preparation program in accordance with sub-
2 paragraph (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
6 agreement signed pursuant to subparagraph
7 (C), the sum of the amounts of any graduate
8 fellowship award received by such recipient
9 shall, upon a determination of such a failure, be
10 treated as a Federal Direct Unsubsidized Staf-
11 ford Loan under part D of title IV, and shall
12 be subject to repayment, together with interest
13 thereon accruing from the date of the fellowship
14 award, in accordance with terms and conditions
15 specified by the Secretary in regulations under
16 this subpart.

17 “(E) MODIFIED SERVICE REQUIREMENT.—
18 The Secretary may waive or modify the service
19 requirement of this paragraph in accordance
20 with regulations promulgated by the Secretary
21 with respect to the criteria to determine the cir-
22 cumstances under which compliance with such
23 service requirement is inequitable or represents
24 a substantial hardship. The Secretary may
25 waive the service requirement if compliance by

1 the fellowship recipient is determined to be in-
 2 equitable 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 pre-
 7 sented to the Secretary of substantial eco-
 8 nomic or personal hardship.

9 “(f) INSTITUTIONAL SUPPORT FOR FELLOWS.—An
 10 eligible institution that receives a grant under this section
 11 may reserve not more than ten percent of the grant
 12 amount for academic and career transition support for
 13 graduate fellowship recipients and for meeting the institu-
 14 tional obligation described in subsection (e)(3)(B).

15 “(g) RESTRICTION ON USE OF FUNDS.—An eligible
 16 institution that receives a grant under this section may
 17 not use grant funds for general operational overhead of
 18 the institution.

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
 24 demonstrate in the application for such a grant a plan
 25 to—

1 “(1) increase the diversity in the educator
2 workforce through—

3 “(A) recruiting, enrolling, and preparing
4 diverse teacher candidates; and

5 “(B) efforts that help retain diverse teach-
6 er candidates in high-needs schools;

7 “(2) address the shortage of teachers in high-
8 needs fields including science, technology, engineer-
9 ing, arts, mathematics, or computer science
10 through—

11 “(A) recruiting, enrolling, and preparing
12 teacher candidates to achieve certification, as
13 required by the State, to offer instruction in
14 high-needs fields, including science, technology,
15 engineering, arts, mathematics, or computer
16 science; and

17 “(B) efforts that help retain teachers of
18 high-needs fields in high-needs schools;

19 “(3) expand the pipeline of school leaders
20 through preparing teacher leaders, which may be
21 achieved by efforts that may include—

22 “(A) embedding pedagogical coursework
23 for teacher candidates that fosters—

24 “(i) leadership and advocacy skills;

1 “(ii) knowledge of school management
2 and finance;

3 “(iii) school operations and business
4 skills;

5 “(iv) effective use and management of
6 educational technology;

7 “(v) strategies for community and
8 family engagement; and

9 “(vi) mentorship and coaching strate-
10 gies; and

11 “(B) providing opportunities for teacher
12 candidates to receive—

13 “(i) exposure to and modeling from
14 teacher leaders and school leaders; and

15 “(ii) ongoing support and continu-
16 ation of professional development on teach-
17 er or other school leadership once exiting
18 the teacher or other school leader prepara-
19 tion program.”.

20 **TITLE III—INSTITUTIONAL AID**

21 **SEC. 3001. STRENGTHENING INSTITUTIONS.**

22 (a) PROGRAM PURPOSE.—Section 311(d) of the
23 Higher Education Act of 1965 (20 U.S.C. 1057(d)) is
24 amended—

25 (1) in paragraph (2)—

1 (A) by striking “non-Federal sources” and
2 inserting “non-Federal sources (which may in-
3 clude gifts to the endowment fund restricted for
4 a specific purpose)”; and

5 (B) by striking “or greater than” and in-
6 serting “50 percent of”; and

7 (2) by inserting after paragraph (3) the fol-
8 lowing:

9 “(4) SCHOLARSHIP.—An eligible institution
10 that uses grant funds provided under this section to
11 establish or increase an endowment fund may use
12 the interest proceeds from such endowment to pro-
13 vide scholarships to students for the purposes of at-
14 tending such institution.”.

15 (b) TRIBALLY CONTROLLED COLLEGES AND UNI-
16 VERSITIES.—Section 316(c) of the Higher Education Act
17 of 1965 (20 U.S.C. 1059c(c)) is amended—

18 (1) in paragraph (2)—

19 (A) in subparagraph (D), by striking “In-
20 dians” and all that follows through “policy”
21 and inserting “American Indians and Alaska
22 Natives are underrepresented, instruction in
23 Native American language, and instruction to
24 support tribal governance, tribal public policy,
25 and tribal history and sovereignty;” and

1 (B) in subparagraph (L) by striking “out-
2 reach” and all that follows through “education”
3 and inserting “outreach and recruitment activi-
4 ties and programs that encourage American In-
5 dian and Alaska Native elementary school stu-
6 dents, secondary school students, and adults to
7 develop the academic skills and the interest to
8 pursue and succeed in postsecondary edu-
9 cation”; and

10 (2) in paragraph (3)—

11 (A) in subparagraph (B)—

12 (i) by striking “matching funds” and
13 inserting “matching funds (which may in-
14 clude gifts to the endowment fund re-
15 stricted for a specific purpose)”; and

16 (ii) by striking “equal to the Federal
17 funds” and inserting “equal to 50 percent
18 of the Federal funds”; and

19 (B) by inserting after subparagraph (C)
20 the following:

21 “(D) SCHOLARSHIPS.—An eligible institu-
22 tion that uses grant funds provided under this
23 section to establish or increase an endowment
24 fund may use the interest proceeds from such

1 endowment to provide scholarships to students
2 for the purposes of attending such institution.”.

3 (c) ELIMINATION OF PRE-APPROVAL REQUIREMENT;
4 USE OF UNEXPENDED FUNDS.—Section 316(d) of the
5 Higher Education Act of 1965 (20 U.S.C. 1059c(d)) is
6 amended—

7 (1) by striking paragraph (1);
8 (2) by redesignating paragraphs (2) through
9 (4) as paragraphs (1) through (3), respectively; and
10 (3) in paragraph (2), as so redesignated, by
11 adding at the end the following:

12 “(C) USE OF UNEXPENDED FUNDS.—Any
13 funds paid to an institution and not expended
14 or used for the purposes for which the funds
15 were paid during the 5-year period following the
16 date of the initial grant award, may be carried
17 over and expended during the succeeding 5-year
18 period, if such funds were obligated for a pur-
19 pose for which the funds were paid during the
20 5-year period following the date of the initial
21 grant award.”.

22 (d) PROMOTING THE SUSTAINABILITY OF NATIVE
23 AMERICAN LANGUAGES.—Part A of title III of the Higher
24 Education Act of 1965 (20 U.S.C. 1057 et seq.) is further

1 amended by inserting after section 316 (20 U.S.C. 1059c)
2 the following:

3 **“SEC. 316A. NATIVE AMERICAN LANGUAGE VITALIZATION**
4 **AND TRAINING PROGRAM.**

5 “(a) ESTABLISHMENT.—

6 “(1) IN GENERAL.—From the amount appro-
7 priated under subsection (d), the Secretary shall es-
8 tablish the Native American Language Vitalization
9 and Training Program under which the Secretary
10 shall award grants, on a competitive basis, to eligible
11 institutions to promote the preservation, revitaliza-
12 tion, relevancy, and use of Native American lan-
13 guages.

14 “(2) TERM.—The term of a grant under this
15 section shall be not more than 5 years.

16 “(3) APPLICATION.—

17 “(A) STREAMLINED PROCESS.—In car-
18 rying out the program under this section, the
19 Secretary shall establish application require-
20 ments in such a manner as to simplify and
21 streamline the process for the grant application
22 under this section.

23 “(B) IN GENERAL.—To be eligible to re-
24 ceive a grant under this subsection, an eligible
25 institution shall submit to the Secretary an ap-

1 plication at such time, in such manner, and in
2 accordance with any other application require-
3 ments described in subparagraph (A), that the
4 Secretary may prescribe, and including the fol-
5 lowing:

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
24 be provided under the program, including
25 the manner in which the services will be in-

1 tegrated with other appropriate language
2 programs available in the relevant commu-
3 nity.

4 “(iv) A description, to be prepared in
5 consultation with the Secretary, of the per-
6 formance measures to be used to assess
7 the performance of the eligible institution
8 in carrying out the program.

9 “(b) USE OF FUNDS.—An eligible institution may
10 use a grant under this section to carry out activities con-
11 sistent with the purposes described in subsection (a)(1),
12 including—

13 “(1) curriculum development and academic in-
14 struction, including educational activities, programs,
15 and partnerships relating to students in early child-
16 hood education programs through grade 12;

17 “(2) professional development for faculty at the
18 eligible institution and in-service training programs
19 for early childhood education programs through
20 grade 12 instructors and administrators; and

21 “(3) innovative Native American language pro-
22 grams for students in early childhood education pro-
23 grams through grade 12, including language immer-
24 sion programs.

25 “(c) APPLICABILITY OF OTHER PROVISIONS.—

1 “(1) CONCURRENT FUNDING.—

2 “(A) TRIBAL COLLEGE OR UNIVERSITY.—

3 An eligible institution that is a Tribal College
4 or University may, concurrently, receive a grant
5 under this section and funds under section 316.

6 “(B) ALASKA NATIVE-SERVING INSTITU-
7 TION OR NATIVE HAWAIIAN-SERVING INSTITU-
8 TION.—An eligible institution that is an Alaska
9 Native-serving institution or Native Hawaiian-
10 serving institution may, concurrently, receive a
11 grant under this section and funds under sec-
12 tion 317.

13 “(C) ASIAN AMERICAN AND NATIVE AMER-
14 ICAN PACIFIC ISLANDER-SERVING INSTITU-
15 TION.—An eligible institution that is an Asian
16 American and Native American Pacific Is-
17 lander-serving institution may, concurrently, re-
18 ceive a grant under this section and funds
19 under section 320.

20 “(2) EXEMPTION.—Sections 312(b) and 313(d)
21 shall not apply to an eligible institution that receives
22 a grant under this section.

23 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 \$20,000,000 (of which \$15,000,000 shall be available for

1 Tribal Colleges or Universities and \$5,000,000 shall be
2 available for the institutions described in subparagraphs
3 (B) through (D) of subsection (e)(1)) for fiscal year 2021
4 and each of the 5 succeeding fiscal years.

5 “(e) DEFINITIONS.—In this section:

6 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
7 ble institution’ means—

8 “(A) a Tribal College or University, as de-
9 fined in section 316;

10 “(B) an Alaska Native-serving institution,
11 as defined in section 317;

12 “(C) a Native Hawaiian-serving institu-
13 tion, as defined in section 317; or

14 “(D) an Asian American and Native Amer-
15 ican Pacific Islander-serving institution, as de-
16 fined in section 320, which is located in Amer-
17 ican Samoa, Guam, or the Commonwealth of
18 the Northern Mariana Islands.

19 “(2) NATIVE AMERICAN.—The term ‘Native
20 American’ has the meaning given the term in section
21 371(c)(6).”.

22 (e) PREDOMINANTLY BLACK INSTITUTIONS.—Sec-
23 tion 318(d)(3) of the Higher Education Act of 1965 (20
24 U.S.C. 1059e(d)(3)) is amended—

25 (1) in subparagraph (B)—

1 (A) by striking “non-Federal sources” and
2 inserting “non-Federal sources (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 the Federal funds” and inserting “equal to 50
7 percent of the Federal funds”; and

8 (2) by inserting after subparagraph (C) the fol-
9 lowing:

10 “(D) SCHOLARSHIPS.—An eligible institu-
11 tion that uses grant funds provided under this
12 section to establish or increase an endowment
13 fund may use the interest proceeds from such
14 endowment to provide scholarships to students
15 for the purposes of attending such institution.”.

16 (f) TECHNICAL CORRECTION TO SECTION 317.—Sec-
17 tion 317(d)(3)(A) of the Higher Education Act of 1965
18 (20 U.S.C. 1059d(d)(3)(A)) is amended to read as follows:

19 “(A) ELIGIBILITY.—No Alaskan Native-
20 serving institution of Native Hawaiian-serving
21 institution that receives funds under this sec-
22 tion shall concurrently receive funds under
23 other provisions of this part, part B, or part A
24 of title V.”.

1 (g) TECHNICAL CORRECTION TO SECTION 318.—
 2 Section 318(i) of the Higher Education Act of 1965 (20
 3 U.S.C. 1059e) is amended—

4 (1) in the subsection heading, by striking “SPE-
 5 CIAL RULE ON ELIGIBILITY” and inserting “SPE-
 6 CIAL RULES” ;

7 (2) by striking “No Predominantly” and insert-
 8 ing the following:

9 “(1) ELIGIBILITY.—No Predominantly”; and

10 (3) by adding at the end the following:

11 “(2) EXEMPTION.—Section 313(d) shall not
 12 apply to institutions that are eligible to receive funds
 13 under this section.”.

14 (h) TECHNICAL CORRECTION TO SECTION 320.—
 15 Section 320(d)(3)(A) of the Higher Education Act of 1965
 16 (20 U.S.C. 1059g(d)(3)(A)) is amended by inserting “part
 17 A of” after “or”.

18 **SEC. 3002. STRENGTHENING HISTORICALLY BLACK COL-**
 19 **LEGES AND UNIVERSITIES.**

20 (a) ALLOWABLE USES OF FUNDS.—Section 323(a)
 21 of the Higher Education Act of 1965 (20 U.S.C. 1062(a))
 22 is amended—

23 (1) by striking paragraphs (6) and (7) and in-
 24 serting the following:

1 “(6) Tutoring, counseling, advising, and stu-
2 dent service programs designed to improve academic
3 success, including innovative and customized instruc-
4 tional courses (which may include remedial edu-
5 cation and English language instruction) designed to
6 help retain students and move students rapidly into
7 core courses and through program completion.

8 “(7) Funds and administrative management,
9 and acquisition of technology, services, and equip-
10 ment for use in strengthening funds and administra-
11 tive management.”;

12 (2) in paragraph (10)—

13 (A) by striking “teacher education” and
14 inserting “traditional or alternative route teach-
15 er preparation”; and

16 (B) by striking “preparation for teacher
17 certification” and inserting “preparation of
18 graduates for teacher certification or licensure”;

19 (3) by redesignating paragraph (15) as para-
20 graph (19); and

21 (4) by inserting after paragraph (14) the fol-
22 lowing:

23 “(15) Distance education programs and cre-
24 ating or improving facilities for internet or other dis-
25 tance learning academic instruction capabilities, in-

1 including the purchase or rental of telecommunications
2 technology equipment or services.

3 “(16) Establishing or improving a program that
4 produces improved results in the educational out-
5 comes of African American males.

6 “(17) Scholarships, fellowships, and other fi-
7 nancial assistance for financially needy under-
8 graduate students, as determined by the institution,
9 to permit the enrollment and degree completion of
10 such students in the physical or natural sciences, en-
11 gineering, mathematics or other scientific disciplines
12 in which African Americans are underrepresented,
13 except that not more than 30 percent of the grant
14 amount may be used for this purpose.

15 “(18) Establishing or improving an office of
16 sponsored programs to assist with identifying exter-
17 nal funding opportunities, applying for external
18 funding, and administering grant awards.”.

19 (b) HISTORICALLY BLACK COLLEGES AND UNIVER-
20 SITIES.—Section 323(b) of the Higher Education Act of
21 1965 (20 U.S.C. 1062(b)) is amended—

22 (1) in paragraph (2)—

23 (A) by striking “non-Federal sources” and
24 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 paragraph (3) the fol-
7 lowing:

8 “(4) SCHOLARSHIPS.—An eligible institution
9 that uses grant funds provided under this section to
10 establish or increase an endowment fund may use
11 the interest proceeds from such endowment to pro-
12 vide scholarships to students for the purposes of at-
13 tending such institution.”.

14 (c) ALLOTMENTS AND APPLICATION PROCESS.—

15 (1) ALLOTMENTS.—Section 324 of the Higher
16 Education Act of 1965 (20 U.S.C. 1063) is amend-
17 ed—

18 (A) in subsection (c), by striking “5” and
19 inserting “6”;

20 (B) in subsection (d)(1), by striking sub-
21 paragraphs (A) and (B) and inserting the fol-
22 lowing:

23 “(A) less than \$500,000 for a part B insti-
24 tution which has received a grant under this
25 part, the Secretary shall award the part B insti-

1 tution an allotment in the amount of \$500,000;
2 and

3 “(B) less than \$250,000 for a part B insti-
4 tution which has not received a grant under
5 this part for a fiscal year prior to fiscal year
6 2019, the Secretary shall award the part B in-
7 stitution an allotment in the amount of
8 \$250,000.”; and

9 (C) in subsection (h)—

10 (i) in paragraphs (1)(C) and (2)(C),
11 by striking “within 5 years” each time it
12 appears and inserting “within 6 years”;
13 and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(3) LIMITATION FOR NEW INSTITUTIONS.—
17 Notwithstanding any other provision of this section,
18 no part B institution that would otherwise be eligible
19 for funds under this part shall receive an allotment
20 under this part for a fiscal year, unless—

21 “(A) such institution received an allotment
22 under this part for fiscal year 2019; or

23 “(B) the amount appropriated under sec-
24 tion 399(a)(2)(A) for such fiscal year is not less
25 than \$282,420,000.”.

1 (2) APPLICATIONS.—Section 325(c) of the
2 Higher Education Act of 1965 (20 U.S.C. 1063a(c))
3 is amended by inserting “, including goals to en-
4 hance student retention, graduation, and post-
5 graduate outcomes,” after “management and aca-
6 demic programs”.

7 (d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—
8 Section 326(c) of the Higher Education Act of 1965 (20
9 U.S.C. 1063b(c)) is amended—

10 (1) in paragraph (7)—

11 (A) by striking “equipment,” and inserting
12 “equipment, technology, and services,”; and

13 (B) by inserting “and administrative”
14 after “in strengthening funds”;

15 (2) by redesignating paragraph (12) as para-
16 graph (13); and

17 (3) by striking paragraph (11) and inserting
18 the following:

19 “(11) tutoring, counseling, advising, and stu-
20 dent service programs designed to improve academic
21 success, including innovative and customized instruc-
22 tional courses (which may include remedial edu-
23 cation and English language instruction) designed to
24 help retain students and move students rapidly into
25 core courses and through program completion; and

1 “(12) distance education programs and creating
2 or improving facilities for internet or other distance
3 learning academic instruction capabilities, including
4 the purchase or rental of telecommunications tech-
5 nology equipment or services; and”.

6 (e) ELIGIBILITY.—Section 326(e)(1) of the Higher
7 Education Act of 1965 (20 U.S.C. 1063b(e)) is amend-
8 ed—

9 (1) in subparagraph (W), by striking “and” at
10 the end;

11 (2) in subparagraph (X), by striking the period
12 at the end and inserting “; and”; and

13 (3) by adding at the end the following:

14 “(Y) University of the Virgin Islands
15 School of Medicine.”.

16 (f) CONFORMING AMENDMENT.—Section 326(f) of
17 the Higher Education Act of 1965 (20 U.S.C. 1063b(f))
18 is amended by striking “through (X)” both places it ap-
19 pears and inserting “through (Y)”.

20 (g) INTERACTION WITH OTHER GRANT PRO-
21 GRAMS.—Section 326(h) of the Higher Education Act of
22 1965 (20 U.S.C. 1063b(h)) is amended by striking “or
23 724” and inserting “724, 727, or 729.”.

1 **SEC. 3003. HISTORICALLY BLACK COLLEGE AND UNIVER-**
2 **SITY CAPITAL FINANCING.**

3 (a) BOND INSURANCE AND CAPITAL FINANCE OF
4 STEM FACILITIES.—Section 343 of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1066b) is amended—

6 (1) in subsection (b)—

7 (A) in paragraph (1), by striking “an es-
8 crow account” and inserting “a bond insurance
9 fund”;

10 (B) in paragraph (3), by inserting “(except
11 that loans for the purpose of science, tech-
12 nology, engineering, or mathematics related
13 academic facilities shall carry not more than a
14 1 percent rate of interest)” after “charge such
15 interest on loans”;

16 (C) in paragraph (8)—

17 (i) in the matter preceding subpara-
18 graph (A), by striking “an escrow ac-
19 count” and inserting “a bond insurance
20 fund”; and

21 (ii) in subparagraph (A), by striking
22 “the escrow account” and inserting “the
23 bond insurance fund”;

24 (D) in paragraph (9), by striking “escrow
25 account” each place it appears and inserting
26 “bond insurance fund”; and

1 (E) in paragraph (12), by striking “, ex-
2 cept as otherwise required by the Secretary”;
3 and

4 (2) in subsection (c), by striking “escrow ac-
5 count” each place it appears and inserting “bond in-
6 surance fund”.

7 (b) INCREASED AGGREGATE BOND LIMIT.—Section
8 344 of the Higher Education Act of 1965 (20 U.S.C.
9 1066c) is amended—

10 (1) in the matter preceding paragraph (1), by
11 striking “\$1,100,000,000” and inserting
12 “\$3,600,000,000”;

13 (2) in paragraph (1), by striking
14 “\$733,333,333” and inserting “two-thirds”; and

15 (3) in paragraph (2), by striking
16 “\$366,666,667” and inserting “one-third”.

17 (c) STRENGTHENING TECHNICAL ASSISTANCE.—
18 Section 345 of the Higher Education Act of 1965 (20
19 U.S.C. 1066d) is amended—

20 (1) in paragraph (8), by inserting “and” at the
21 end;

22 (2) by striking paragraph (9) and inserting the
23 following:

24 “(9) may, directly or by grant or contract, pro-
25 vide financial counseling and technical assistance to

1 eligible institutions to prepare the institutions to
2 qualify, apply for, and maintain a capital improve-
3 ment loan, including a loan under this part.”; and

4 (3) by striking paragraph (10) and inserting
5 the following:

6 “(10) may provide for the modification or
7 deferment of a loan made under this part based on
8 need of the institution, as defined by the Secretary,
9 for a period not to exceed 6 fiscal years, and, during
10 the period of deferment of such a loan, interest on
11 the loan will not accrue or be capitalized.”.

12 (d) HBCU CAPITAL FINANCING ADVISORY
13 BOARD.—Paragraph (2) of Section 347(c) of the Higher
14 Education Act of 1965 (20 U.S.C. 1066f(c)) is amended
15 to read as follows:

16 “(2) REPORT.—On an annual basis, the Advi-
17 sory Board shall prepare and submit to the author-
18 izing committees a report on—

19 “(A) the financial status of the historically
20 Black colleges and universities described in
21 paragraph (1)(A);

22 “(B) an overview of all loans awarded
23 under the program under this part, including
24 the most recent loans awarded for the fiscal
25 year in which the report is submitted; and

1 “(C) administrative and legislative rec-
 2 ommendations for addressing the issues related
 3 to construction financing facing historically
 4 Black colleges and universities.”.

5 **SEC. 3004. STRENGTHENING HISTORICALLY BLACK COL-**
 6 **LEGES AND UNIVERSITIES AND OTHER MI-**
 7 **NORITY-SERVING INSTITUTIONS.**

8 Section 371(b) of the Higher Education Act of 1965
 9 (20 U.S.C. 1067q(b)) is amended—

10 (1) in paragraph (1)(A)—

11 (A) in the first sentence, by striking “ap-
 12 propriated,” and all that follows through
 13 “2019” and inserting the following: “appro-
 14 priated, \$300,000,000 for fiscal year 2021 and
 15 each succeeding fiscal year”; and

16 (B) by striking the second sentence; and

17 (2) in paragraph (2)—

18 (A) in subparagraph (A)—

19 (i) in clause (i), by striking
 20 “\$100,000,000” and inserting
 21 “\$117,500,000”;

22 (ii) in clause (ii), by striking
 23 “\$100,000,000” and inserting
 24 “\$99,875,000”;

25 (iii) in clause (iii)—

1 (I) by striking “\$55,000,000”
 2 and inserting “\$65,000,000”; and

3 (II) by striking “(D)” and insert-
 4 ing “(E)”;

5 (iv) by redesignating clause (iii) as
 6 clause (iv); and

7 (v) by inserting after clause (ii) the
 8 following:

9 “(iii) \$17,625,000 shall be available
 10 for allocation under subparagraph (D);”;

11 (B) by redesignating subparagraph (D) as
 12 subparagraph (E) and—

13 (i) in clause (i), by striking
 14 “\$30,000,000” each place it appears and
 15 inserting “\$35,000,000”;

16 (ii) in clause (ii), by striking
 17 “\$15,000,000” each place it appears and
 18 inserting “\$18,000,000”; and

19 (iii) in clauses (iii) and (iv), by strik-
 20 ing “\$5,000,000” each place it appears
 21 and inserting “\$6,000,000”; and

22 (C) by striking subparagraph (C) and in-
 23 serting the following:

24 “(C) ALLOCATION AND ALLOTMENT
 25 HBCUS.—The amount made available for alloca-

tion under this subparagraph by subparagraph (A)(ii) for any fiscal year shall be available to eligible institutions described in subsection (a)(1) and shall be made available as grants under section 323 and allotted among such institutions under section 324, treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out part B of this title, as the amount appropriated to carry out part B of this title for purposes of allotments under section 324, for use by such institutions with a priority for—

“(i) activities described in paragraphs (1), (2), (4), (5), and (10) of section 323(a); and

“(ii) other activities, consistent with the institution’s comprehensive plan and designed to increase the institution’s capacity to prepare students for careers in the physical or natural sciences, mathematics, computer science or information technology or sciences, engineering, language instruction in the less-commonly

1 taught languages or international affairs,
2 or nursing or allied health professions.

3 “(D) ALLOCATION AND ALLOTMENT
4 PBIS.—The amount made available for alloca-
5 tion under this subparagraph by subparagraph
6 (A)(iii) for any fiscal year shall be available to
7 eligible institutions described in subsection
8 (a)(5) and shall be available for a competitive
9 grant program to award grants of \$600,000 an-
10 nually for programs in any of the following
11 areas:

12 “(i) science, technology, engineering,
13 or mathematics (STEM);

14 “(ii) health education;

15 “(iii) internationalization or globaliza-
16 tion;

17 “(iv) teacher preparation; or

18 “(v) improving educational outcomes
19 of African American males.”.

20 **SEC. 3005. GENERAL PROVISIONS.**

21 Section 399(a) of the Higher Education Act of 1965
22 (20 U.S.C. 1068h(a)) is amended—

23 (1) by striking “2009” each place it appears
24 and inserting “2021”;

25 (2) in paragraph (1)—

1 (A) in subparagraph (A), by striking
2 “\$135,000,000” and inserting “\$150,000,000”;

3 (B) in subparagraph (B), by striking
4 “\$30,000,000” and inserting “\$45,000,000”;

5 (C) in subparagraph (C), by striking
6 “\$15,000,000” and inserting “\$25,000,000”;

7 (D) in subparagraph (D), by striking
8 “\$75,000,000” and inserting “\$90,000,000”;

9 (E) in subparagraph (E), by striking
10 “\$25,000,000” and inserting “\$30,000,000”;

11 and

12 (F) in subparagraph (F), by striking
13 “\$30,000,000” and inserting “\$60,000,000”;

14 (3) in paragraph (2)—

15 (A) in subparagraph (A), by striking
16 “\$375,000,000” and inserting “\$400,000,000”;

17 and

18 (B) in subparagraph (B), by striking
19 “\$125,000,000” and inserting “\$135,000,000”;

20 (4) in paragraph (3), by striking
21 “\$10,000,000” and inserting “\$220,000,000”; and

22 (5) in paragraph (4)(A), by striking
23 “\$185,000” and inserting “\$225,000”.

1 **TITLE IV—STUDENT ASSISTANCE**

2 **SEC. 4001. EFFECTIVE DATE.**

3 Except as otherwise provided in this title or the
4 amendments made by this title, this title and the amend-
5 ments made by this title shall take effect on July 1, 2021.

6 **PART A—GRANTS TO STUDENTS IN ATTENDANCE**

7 **AT INSTITUTIONS OF HIGHER EDUCATION**

8 **Subpart 1—Federal Pell Grants**

9 **SEC. 4011. AMOUNT OF GRANTS.**

10 Section 401 of the Higher Education Act of 1965 (20
11 U.S.C. 1070a) is amended—

12 (1) in subsection (a)(1)—

13 (A) by striking “through fiscal year 2017”;

14 and

15 (B) by inserting “or as a postbaccalaureate
16 in accordance with subsection (c)(1)(B)” after
17 “as an undergraduate”;

18 (2) in subsection (b)—

19 (A) in paragraph (2)(A)(ii), by striking
20 “paragraph (7)(B)” and inserting “paragraph
21 (6)(B)”;

22 (B) by striking paragraph (6), and redesign-
23 nating paragraph (7) as paragraph (6); and

1 (C) in paragraph (6)(C) (as so redesign-
2 nated), by amending clause (iii) to read as fol-
3 lows:

4 “(iii) SUBSEQUENT AWARD YEARS.—

5 “(I) AWARD YEARS 2018–2019,
6 2019–2020 AND 2020–2021.—For each
7 of the award years 2018–2019, 2019–
8 2020, and 2020–2021 the amount de-
9 termined under this subparagraph for
10 purposes of subparagraph (B)(iii)
11 shall be equal to the amount deter-
12 mined under clause (ii) for award year
13 2017–2018.

14 “(II) AWARD YEAR 2021–2022.—

15 For award year 2021–2022, the
16 amount determined under this sub-
17 paragraph for purposes of subpara-
18 graph (B)(iii) shall be equal to—

19 “(aa) \$6,195 or the total
20 maximum Federal Pell Grant for
21 the preceding award year (as de-
22 termined under clause (iv)(II)),
23 whichever is greater, increased by
24 \$500; reduced by

1 “(bb) \$5,135 or the max-
2 imum Federal Pell Grant for
3 which a student was eligible for
4 the preceding award year, as
5 specified in the last enacted ap-
6 propriation Act applicable to that
7 year, whichever is greater, and

8 “(cc) rounded to the nearest
9 \$5.

10 “(III) AWARD YEAR 2022–2023
11 AND EACH SUBSEQUENT AWARD
12 YEAR.—For award year 2022–2023
13 and each subsequent award year, the
14 amount determined under this sub-
15 paragraph for purposes of subpara-
16 graph (B)(iii) shall be equal to—

17 “(aa) \$6,695 or the total
18 maximum Federal Pell Grant for
19 the preceding award year (as de-
20 termined under clause (iv)(II)),
21 whichever is greater, increased by
22 a percentage equal to the annual
23 adjustment percentage for the
24 award year for which the amount

1 under this subparagraph is being
2 determined; reduced by

3 “(bb) \$5,135 or the max-
4 imum Federal Pell Grant for
5 which a student was eligible for
6 the preceding award year, as
7 specified in the last enacted ap-
8 propriation Act applicable to that
9 year, whichever is greater; and

10 “(cc) rounded to the nearest
11 \$5.”;

12 (3) in subsection (f)—

13 (A) in paragraph (1), by striking the mat-
14 ter preceding subparagraph (A) and inserting
15 the following: “After receiving an application
16 for a Federal Pell Grant under this subpart, the
17 Secretary (including any contractor of the Sec-
18 retary processing applications for Federal Pell
19 Grants under this subpart) shall, in a timely
20 manner, furnish to the student financial aid ad-
21 ministrator at each institution of higher edu-
22 cation that a student awarded a Federal Pell
23 Grant under this subpart is attending, the ex-
24 pected family contribution for each such stu-

1 dent. Each such student financial administrator
2 shall—”; and

3 (B) in paragraph (3), by striking “after
4 academic year 1986–1987”; and
5 (4) in subsection (j)—

6 (A) in paragraph (1) by inserting before
7 the period the following: “, or if such institution
8 of higher education is subject to an ineligibility
9 determination under section 435(a)(9) or
10 493I(b)”; and

11 (B) in paragraph (2) by inserting “, final
12 adjusted cohort default rate, or on-time repay-
13 ment rate” before “determination”.

14 **SEC. 4012. GRANT ELIGIBILITY.**

15 Section 401(c) of the Higher Education Act of 1965
16 (20 U.S.C. 1070a(c)) is amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) PERIOD OF ELIGIBILITY FOR GRANTS.—

20 The period during which a student may receive Fed-
21 eral Pell Grants shall be the period required for the
22 completion of the first undergraduate baccalaureate
23 course of study being pursued by that student at the
24 institution at which the student is in attendance ex-
25 cept that—

1 “(A) any period during which the student
2 is enrolled in a noncredit or remedial course of
3 study as defined in paragraph (2) shall not be
4 counted for the purpose of this paragraph; and

5 “(B) the period during which a student
6 may receive Federal Pell Grants shall also in-
7 clude the period required for the completion of
8 the first postbaccalaureate course of study at
9 an eligible institution that meets the definition
10 of institution of higher education in section
11 101, in a case in which—

12 “(i) the student received a Federal
13 Pell Grant during the period required for
14 the completion of the student’s first under-
15 graduate baccalaureate course of study for
16 fewer than 14 semesters, or the equivalent
17 of fewer than 14 semesters, as determined
18 under paragraph (5);

19 “(ii) the student would otherwise be
20 eligible for a Federal Pell Grant, but for
21 the completion of such baccalaureate
22 course of study; and

23 “(iii) the period during which the stu-
24 dent receives Federal Pell Grants does not

1 exceed the student's duration limits under
2 paragraph (5)."; and

3 (2) in paragraph (5)—

4 (A) by striking "(5) The period" and in-
5 serting the following: "(5) MAXIMUM PERIOD.—

6 "(A) IN GENERAL.—Except as provided in
7 subparagraph (B), the period";

8 (B) by striking "12" each place the term
9 appears and inserting "14"; and

10 (C) by adding at the end the following:

11 "(B) EXCEPTION.—

12 "(i) IN GENERAL.—Any Federal Pell
13 Grant that a student received during a pe-
14 riod described in subclause (I) or (II) of
15 clause (ii) shall not count toward the stu-
16 dent's duration limits under this para-
17 graph.

18 "(ii) APPLICABLE PERIODS.—Clause
19 (i) shall apply with respect to any Federal
20 Pell Grant awarded to a student to attend
21 an institution—

22 "(I) during a period—

23 "(aa) for which the student
24 received a loan under this title;
25 and

1 “(bb) for which the loan de-
2 scribed in item (aa) is forgiven
3 under—

4 “(AA) section 437(c)(1)
5 or 464(g)(1) due to the clos-
6 ing of the institution;

7 “(BB) section 493H
8 due to the student’s success-
9 ful assertion of a defense to
10 repayment of the loan; or

11 “(CC) section
12 432(a)(6), section 685.215
13 of title 34, Code of Federal
14 Regulations (or a successor
15 regulation), or any other
16 loan forgiveness provision or
17 regulation under this Act, as
18 a result of a determination
19 by the Secretary or a court
20 that the institution com-
21 mitted fraud or other mis-
22 conduct; or

23 “(II) during a period for which
24 the student did not receive a loan
25 under this title but for which, if the

1 student had received such a loan, the
2 student would have qualified for loan
3 forgiveness under subclause (I)(bb).”.

4 **SEC. 4013. EXTENDING FEDERAL PELL GRANT ELIGIBILITY**
5 **OF CERTAIN SHORT-TERM PROGRAMS.**

6 (a) IN GENERAL.—Section 401 of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1070a) is amended by in-
8 serting after subsection (j) the following:

9 “(k) JOB TRAINING FEDERAL PELL GRANT PRO-
10 GRAM.—

11 “(1) IN GENERAL.—For the award year begin-
12 ning on July 1, 2021, and each subsequent award
13 year, the Secretary shall carry out a program
14 through which the Secretary shall award job training
15 Federal Pell Grants to students in eligible job train-
16 ing programs approved by the Secretary in accord-
17 ance with paragraph (4).

18 “(2) TERMS AND CONDITIONS.—Each job train-
19 ing Federal Pell Grant awarded under this sub-
20 section shall have the same terms and conditions,
21 and be awarded in the same manner, as a Federal
22 Pell Grant awarded under subsection (a), except as
23 follows:

1 “(A) A student who is eligible to receive a
2 job training Federal Pell Grant under this sub-
3 section is a student who—

4 “(i) has not yet attained a
5 postbaccalaureate degree; and

6 “(ii) is enrolled, or accepted for en-
7 rollment, in an eligible job training pro-
8 gram at an institution of higher education.

9 “(B) The amount of a job training Federal
10 Pell Grant for an eligible student shall be deter-
11 mined under subsection (b), except that sub-
12 section (b)(4) shall not apply.

13 “(3) TREATMENT OF JOB TRAINING FEDERAL
14 PELL GRANT.—

15 “(A) INCLUSION IN TOTAL ELIGIBILITY
16 PERIOD.—The period during which a student
17 received a job training Federal Pell Grant
18 under this subsection shall be included in calcu-
19 lating the duration limits with respect to such
20 student under subsection (c)(5) and to the ex-
21 tent that such period was a fraction of a semes-
22 ter or the equivalent, only that same fraction of
23 such semester or equivalent shall count towards
24 such duration limits.

1 “(B) PREVENTION OF DOUBLE BENE-
2 FITS.—No student may for the same payment
3 period receive both a job training Federal Pell
4 Grant under this subsection and a Federal Pell
5 Grant under subsection (a).

6 “(4) APPROVAL OF ELIGIBLE JOB TRAINING
7 PROGRAMS.—

8 “(A) ELIGIBLE JOB TRAINING PROGRAM.—
9 An eligible job training program shall be a ca-
10 reer and technical education program at an in-
11 stitution of higher education that the Secretary
12 determines meets the following requirements:

13 “(i) The job training program pro-
14 vides not less than 150, and less than 600,
15 clock hours of instructional time over a pe-
16 riod of not less than 8, and less than 15,
17 weeks.

18 “(ii) The job training program pro-
19 vides training aligned with the require-
20 ments of high-skill, high-wage, or in-de-
21 mand industry sectors or occupations in
22 the State or local area in which the job
23 training program is provided, as deter-
24 mined by an industry or sector partnership
25 in such State or local area.

1 “(iii) The job training program has
2 been determined by the institution of high-
3 er education and by such industry or sec-
4 tor partnership to provide academic con-
5 tent, an amount of instructional time, and
6 a recognized postsecondary credential that
7 are sufficient to—

8 “(I) meet the hiring requirements
9 of potential employers in the sectors
10 or occupations described in clause (ii);
11 and

12 “(II) satisfy any applicable edu-
13 cational prerequisite requirement for
14 professional license or certification, so
15 that a student who completes the pro-
16 gram and seeks employment is quali-
17 fied to take any licensure or certifi-
18 cation examination needed to practice
19 or find employment in such sectors or
20 occupations.

21 “(iv) The job training program pre-
22 pares students to pursue related certificate
23 or degree programs at an institution of
24 higher education, including—

1 “(I) by ensuring the acceptability
2 of the credits received under the job
3 training program toward meeting such
4 certificate or degree program require-
5 ments (such as through an articula-
6 tion agreement); and

7 “(II) by ensuring that a student
8 who completes noncredit coursework
9 in the job training program, upon
10 completion of the job training pro-
11 gram and enrollment in such a related
12 certificate or degree program, will re-
13 ceive academic credit for such non-
14 credit coursework that will be accept-
15 ed toward meeting such certificate or
16 degree program requirements.

17 “(v) The job training program pro-
18 vides to the Secretary the annual earnings
19 expected to be paid in the sectors or occu-
20 pations for which the program provides
21 training not later than 6 months after
22 completion of such program (in this sub-
23 section referred to as the ‘expected earn-
24 ings’), as such earnings are determined by
25 an industry or sector partnership in the

1 State or local area in which the program is
2 provided, and which shall be—

3 “(I) greater than the average or
4 median annual earnings paid to indi-
5 viduals with only a high school di-
6 ploma (or the equivalent) based on the
7 most recently available data from the
8 Bureau of Labor Statistics or the Bu-
9 reau of the Census with respect to
10 such State or local area, or the Nation
11 as a whole, as selected by such pro-
12 gram;

13 “(II) validated by the Secretary;
14 and

15 “(III) used to review the job
16 training program under subparagraph
17 (C).

18 “(vi) The job training program is part
19 of a career pathway, and includes coun-
20 seling for students to—

21 “(I) support each such student in
22 achieving the student’s education and
23 career goals; and

24 “(II) ensure that each such stu-
25 dent receives information on—

1 “(aa) the sectors or occupa-
2 tions described in clause (ii) for
3 which the job training program
4 provides training (including the
5 expected earnings to be paid,
6 and, if available, the mean and
7 median earnings (described in
8 subparagraph (C)(ii)) paid, in
9 such sectors or occupations); and

10 “(bb) the related certificate
11 or degree programs described in
12 clause (iv) for which the job
13 training program provides prepa-
14 ration.

15 “(vii) The job training program meets
16 the requirements under section 104 that
17 are applicable to a program of training to
18 prepare students for gainful employment in
19 a recognized occupation.

20 “(viii) The job training program does
21 not exceed by more than 50 percent the
22 minimum number of clock hours required
23 by a State to receive a professional license
24 or certification in the State.

1 “(ix) The job training program is pro-
2 vided by an institution of higher education
3 that—

4 “(I) is approved by an accred-
5 iting agency or association that meets
6 the requirements of section
7 496(a)(4)(C);

8 “(II) during the preceding 5
9 years, has not been subject to any ad-
10 verse actions or negative actions by
11 the accrediting agency or association
12 of the institution, State or Federal en-
13 forcement agencies, or the Secretary;

14 “(III) is listed on the provider
15 list under section 122(d) of the Work-
16 force Innovation and Opportunity Act
17 (29 U.S.C. 3152(d)); and

18 “(IV) has a designated official
19 responsible for engaging with the
20 workforce development system in the
21 State or local area in which the job
22 training program is provided.

23 “(x) The job training program has a
24 verified completion rate and a verified an-
25 nual earnings rate that meets the require-

1 ments of clauses (i) and (iii) of section
2 481(b)(2)(A), respectively, and satisfies
3 the criteria described in clause (v) of such
4 section.

5 “(xi) The State board representing
6 the State in which the job training pro-
7 gram is provided certifies to the Secretary
8 that the program meets the requirements
9 of clauses (ii), (viii), and (ix)(III).

10 “(B) INITIAL APPROVAL BY THE SEC-
11 RETARY.—Not later than 180 days after the
12 date on which a job training program is sub-
13 mitted for approval under this subparagraph,
14 the Secretary shall make a determination as to
15 whether such job training program is an eligible
16 job training program in accordance with sub-
17 paragraph (A).

18 “(C) REVIEW OF APPROVAL.—

19 “(i) IN GENERAL.—Not later than 3
20 years after the date an eligible job training
21 program is approved under subparagraph
22 (B), and not less than once every 3 years
23 thereafter, the Secretary shall, using the
24 data collected under paragraph (5) and
25 such other information as the Secretary

1 may require, determine whether such job
2 training program continues to meet the re-
3 quirements of subparagraph (A).

4 “(ii) REQUIREMENTS.—Subject to
5 clause (iii), a determination under clause
6 (i) that a job training program continues
7 to meet the requirements of subparagraph
8 (A) shall, at a minimum, require the Sec-
9 retary to determine that the mean or me-
10 dian earnings (whichever is higher) paid to
11 students not later than 6 months after
12 completing such program is equal to or
13 greater than the expected earnings of the
14 program.

15 “(iii) EXCEPTION AND APPEALS.—

16 “(I) EXCEPTION.—The Secretary
17 may extend, by not more than an ad-
18 ditional 6 months, the period by when,
19 after completion of the job training
20 program, the mean or median earn-
21 ings (whichever is higher) paid to stu-
22 dents meets the requirements of
23 clause (ii), in a case in which the job
24 training program requesting such ex-
25 tension provides sufficient justification

1 for such extension (as determined by
2 the Secretary).

3 “(II) APPEALS.—Not later than
4 60 days after receiving notification
5 from the Secretary of the loss of eligi-
6 bility resulting from the review under
7 subparagraph (C), a job training pro-
8 gram may appeal any loss of eligibility
9 under this subparagraph by dem-
10 onstrating extenuating circumstances.

11 “(III) SECRETARIAL REQUIRE-
12 MENTS.—The Secretary shall issue a
13 decision on any appeal submitted by a
14 job training program under subclause
15 (II) not later than 45 days after its
16 submission.

17 “(5) DATA COLLECTION.—Using the postsec-
18 ondary student data system established under sec-
19 tion 132(l) or a successor system (whichever in-
20 cludes the most recent data) to streamline reporting
21 requirements and minimize reporting burdens, and
22 in coordination with the National Center for Edu-
23 cation Statistics, the Secretary of Labor, and each
24 institution of higher education offering an eligible
25 job training program under this subsection, the Sec-

1 retary shall, on at least an annual basis, collect data
2 with respect to each such eligible job training pro-
3 gram, including the following:

4 “(A) The number and demographics of
5 students who enroll in the program.

6 “(B) The number of credits attempted and
7 accumulated annually by students enrolled in
8 the program.

9 “(C) The share of such students who cease
10 enrollment on or before the completion of 60
11 percent of the payment period or period of en-
12 rollment.

13 “(D) The verified completion rate and the
14 verified annual earnings rate described in
15 clauses (i) and (iii) of section 481(b)(2)(A), re-
16 spectively, for the program.

17 “(E) The number and demographics of—

18 “(i) students who complete the pro-
19 gram; and

20 “(ii) students who do not complete the
21 program.

22 “(F) The outcomes of the students who
23 complete the program, including—

1 “(i) the share of such students who
2 continue enrollment at the institution of
3 higher education offering the program;

4 “(ii) the share of such students who
5 transfer to another institution of higher
6 education;

7 “(iii) the share of such students who
8 complete a subsequent certificate or degree
9 program;

10 “(iv) the share of such students who
11 secure employment 6 months and 1 year,
12 respectively—

13 “(I) after completion of such pro-
14 gram; or

15 “(II) in the case of a program
16 that prepares students for a profes-
17 sional license or certification exam,
18 after acquiring such license or certifi-
19 cation;

20 “(v) the expected earnings in the sec-
21 tors or occupations for which the program
22 provides training;

23 “(vi) the mean and median earnings
24 paid in such sectors or occupations to such
25 students not later than 6 months after

1 completing such program (as described in
2 paragraph (4)(C)(ii)); and

3 “(vii) in the case of a job training
4 program that prepares students for a pro-
5 fessional license or certification exams, the
6 share of such students who pass such
7 exams.

8 “(6) TITLE OF JOB TRAINING FEDERAL PELL
9 GRANT.—Grants made under this subsection shall be
10 known as ‘job training Federal Pell Grants’.

11 “(7) DEFINITIONS.—In this subsection:

12 “(A) ARTICULATION AGREEMENT.—The
13 term ‘articulation agreement’ has the meaning
14 given the term in section 486A.

15 “(B) CAREER AND TECHNICAL EDU-
16 CATION.—The term ‘career and technical edu-
17 cation’ has the meaning given the term in sec-
18 tion 3 of the Carl D. Perkins Career and Tech-
19 nical Education Act (20 U.S.C. 2302).

20 “(C) INSTITUTION OF HIGHER EDU-
21 CATION.—The term ‘institution of higher edu-
22 cation’ means an eligible institution for pur-
23 poses of this subpart that is an institution of
24 higher education (as defined in section 101) or

1 a postsecondary vocational institution (as de-
2 fined in section 102(c)).

3 “(D) WIOA DEFINITIONS.—The terms ‘ca-
4 reer pathway’, ‘industry or sector partnership’,
5 ‘in-demand industry sector or occupation’, ‘rec-
6 ognized postsecondary credential’, ‘State board’,
7 and ‘workforce development system’ have the
8 meanings given such terms in section 3 of the
9 Workforce Innovation and Opportunity Act (29
10 U.S.C. 3102).”.

11 (b) REPORT.—Not later than 3 years after the date
12 of enactment of this Act, the Secretary of Education
13 shall—

14 (1) submit to the Committee on Education and
15 Labor of the House of Representatives and the Com-
16 mittee on Health, Education, Labor, and Pensions
17 of the Senate a report on the impact of eligible job
18 training programs described in subsection (k) of sec-
19 tion 401 of the Higher Education Act of 1965 (20
20 U.S.C. 1079a), as added by this section, based on
21 the most recent data collected under paragraph (5)
22 of such subsection (k); and

23 (2) make the report described in paragraph (1)
24 available publicly on the website of the Department
25 of Education.

1 **SEC. 4014. PROVIDING FEDERAL PELL GRANTS FOR IRAQ**
 2 **AND AFGHANISTAN VETERAN'S DEPENDENTS.**

3 (a) AMENDMENT.—Section 401 of the Higher Edu-
 4 cation Act of 1965 (20 U.S.C. 1070a et seq.) as amended
 5 by this subpart, is further amended by inserting after sub-
 6 section (k) the following:

7 “(l) SCHOLARSHIPS FOR VETERAN’S DEPEND-
 8 ENTS.—

9 “(1) DEFINITION OF ELIGIBLE VETERAN’S DE-
 10 PENDENT.—In this subsection, the term ‘eligible vet-
 11 eran’s dependent’ means a dependent or an inde-
 12 pendent student—

13 “(A) whose parent or guardian was a
 14 member of the Armed Forces of the United
 15 States and died as a result of performing mili-
 16 tary service in Iraq or Afghanistan after Sep-
 17 tember 11, 2001; and

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

20 “(i) less than 24 years of age; or

21 “(ii) enrolled at an institution of high-
 22 er education on a part-time or full-time
 23 basis.

24 “(2) GRANTS.—

25 “(A) IN GENERAL.—The Secretary shall
 26 award a Federal Pell Grant, as modified in ac-

1 cordance with the requirements of this sub-
2 section, to each eligible veteran's dependent to
3 assist in paying the eligible veteran's depend-
4 ent's cost of attendance at an institution of
5 higher education.

6 “(B) DESIGNATION.—Federal Pell Grants
7 made under this subsection may be known as
8 ‘Iraq and Afghanistan Service Grants’.

9 “(3) PREVENTION OF DOUBLE BENEFITS.—No
10 eligible veteran's dependent may receive a grant
11 under both this subsection and subsection (a) or (k).

12 “(4) TERMS AND CONDITIONS.—The Secretary
13 shall award Iraq and Afghanistan Service Grants
14 under this subsection in the same manner and with
15 the same terms and conditions, including the length
16 of the period of eligibility, as the Secretary awards
17 Federal Pell Grants under subsection (a), except
18 that—

19 “(A) the award rules and determination of
20 need applicable to the calculation of Federal
21 Pell Grants under subsection (a) shall not apply
22 to Iraq and Afghanistan Service Grants;

23 “(B) the provisions of paragraph
24 (2)(A)(iii) and (3) of subsection (b), and sub-
25 section (f), shall not apply;

1 “(C) the maximum period determined
2 under subsection (c)(5) shall be determined by
3 including all Iraq and Afghanistan Service
4 Grants received by the eligible veteran’s de-
5 pendent, including such Grants received under
6 subpart 10 before the date of enactment of the
7 College Affordability Act; and

8 “(D) an Iraq and Afghanistan Service
9 Grant to an eligible veteran’s dependent for any
10 award year shall equal the maximum Federal
11 Pell Grant available under subsection (b)(5) for
12 that award year, except that an Iraq and Af-
13 ghanistan Service Grant—

14 “(i) shall not exceed the cost of at-
15 tendance of the eligible veteran’s depend-
16 ent for that award year; and

17 “(ii) shall be adjusted to reflect the
18 attendance by the eligible veteran’s de-
19 pendent on a less than full-time basis in
20 the same manner as such adjustments are
21 made for a Federal Pell Grant under sub-
22 section (a).

23 “(5) ESTIMATED FINANCIAL ASSISTANCE.—For
24 purposes of determinations of need under part F, an
25 Iraq and Afghanistan Service Grant shall not be

1 treated as estimated financial assistance as de-
2 scribed in sections 471(3) and 480(j).”.

3 (b) EFFECTIVE DATE; TRANSITION.—

4 (1) EFFECTIVE DATE.—The amendments made
5 by this section shall take effect with respect to the
6 award year that begins following the date of enact-
7 ment of this Act, and each succeeding award year.

8 (2) TRANSITION.—The Secretary shall take
9 such steps as are necessary to transition from the
10 Iraq and Afghanistan Service Grants program under
11 subpart 10 of part A of title IV of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1070h), as in effect
13 on the day before the effective date of this Act, and
14 the Iraq and Afghanistan Service Grants program
15 under section 401(l) of the Higher Education Act of
16 1965 (20 U.S.C. 1070a(j)), as added by this section.

17 **SEC. 4015. FEDERAL PELL GRANT FRAUD PREVENTION.**

18 Section 401 of the Higher Education Act of 1965 (20
19 U.S.C. 1070a et seq.), as amended by this subpart, is fur-
20 ther amended by inserting after subsection (l) the fol-
21 lowing:

22 “(m) PREVENTION OF FRAUD.—

23 “(1) REPORT.—Not later than December 31 of
24 each year, the Secretary shall prepare and submit a
25 report to the authorizing committees that includes

1 the following information with respect to unusual en-
2 rollment history:

3 “(A) The number and percentage of total
4 applicants who were flagged for an unusual en-
5 rollment history in the preceding award year.

6 “(B) The number and percentage of insti-
7 tutions that have had fewer than 2 percent of
8 applicants flagged for an unusual enrollment
9 history in the preceding award year.

10 “(C) The name of each institution that has
11 had more than 2 percent of total applicants
12 flagged for an unusual enrollment history in the
13 preceding award year.

14 “(D) If the percentage of total applicants
15 in subparagraph (A) is greater than 2 percent,
16 a detailed plan from the Secretary as to how to
17 reduce that percentage below 2 percent by the
18 following award year.

19 “(2) DEFINITION.—For the purposes of this
20 subsection the term ‘unusual enrollment history’
21 means, with respect to the application for Federal
22 student aid—

23 “(A) a pattern in which a student attends
24 an institution long enough to receive a disburse-
25 ment of credit balance funds authorized by this

1 title, does not complete the enrollment period,
 2 enrolls at another institution and repeats this
 3 pattern to collect an additional credit balance of
 4 funds authorized by this title without earning
 5 academic credit; or

6 “(B) any other enrollment pattern that the
 7 Department believes may signal an attempt by
 8 a student to receive funds authorized under this
 9 title in a fraudulent manner.”.

10 **SEC. 4016. FEDERAL PELL GRANTS ON BEHALF OF INCAR-**
 11 **CERATED INDIVIDUALS.**

12 (a) IN GENERAL.—Section 401 of the Higher Edu-
 13 cation Act of 1965 (20 U.S.C. 1070a), as amended by this
 14 subpart, is further amended by adding at the end the fol-
 15 lowing:

16 “(n) FEDERAL PELL GRANTS ON BEHALF OF INCAR-
 17 CERATED INDIVIDUALS.—

18 “(1) INSTITUTIONAL REQUIREMENTS.—An eli-
 19 gible institution may not award a Federal Pell Grant
 20 to an incarcerated individual or on behalf of such in-
 21 dividual, unless the institution meets the following:

22 “(A) The institution is approved to enroll
 23 incarcerated individuals by—

24 “(i) the Secretary in accordance with
 25 paragraph (2); and

1 “(ii) an accrediting agency or associa-
2 tion that meets the requirements of section
3 496(a)(4)(D).

4 “(B) The eligible institution—

5 “(i) is an institution of higher edu-
6 cation (as defined in section 101) or a
7 postsecondary vocational institution (as de-
8 fined in section 102(c)); and

9 “(ii) during the preceding 5 years, has
10 not been subject to the denial, withdrawal,
11 suspension, or termination of accreditation.

12 “(C) The institution provides each incar-
13 cerated individual, upon completion of a course
14 offered by the institution, with academic credits
15 that are the equivalent to credits earned by
16 non-incarcerated students for an equivalent
17 course of study.

18 “(D) The institution provides to the Sec-
19 retary confirmation from each facility involved
20 that the course of study offered by the institu-
21 tion at such facility is accessible to incarcerated
22 individuals (including such individuals who are
23 individuals with disabilities).

24 “(E) The institution does not enroll incar-
25 cerated individuals in a course of study offered

1 primarily as a distance education program, ex-
2 cept in a case in which the institution provides
3 to the Secretary—

4 “(i) confirmation that the distance
5 education program offers levels of faculty
6 interaction, peer engagement, and student
7 support sufficient to enable incarcerated
8 individuals to successfully participate in
9 such a program; and

10 “(ii) evidence of the institution’s suc-
11 cess in offering other distance education
12 programs.

13 “(F) The institution develops and carries
14 out a process to allow each incarcerated indi-
15 vidual to access the transcripts and any other
16 educational records of such individual held by
17 the institution, without regard to the facility at
18 which the individual is being held or whether
19 the individual has been released from such a fa-
20 cility.

21 “(G) The institution develops and carries
22 out a process to allow each incarcerated indi-
23 vidual an opportunity to provide feedback on
24 courses that is comparable to the opportunity to

1 provide such feedback that the institution offers
2 to non-incarcerated students.

3 “(H) The institution does not directly
4 charge an incarcerated individual—

5 “(i) in the case of such an individual
6 who is an individual with a disability, for
7 any cost of the provision of reasonable ac-
8 commodations for the individual to partici-
9 pate in a course of study offered by the in-
10 stitution;

11 “(ii) in the case of such an individual
12 with an expected family contribution for an
13 award year that would not disqualify the
14 individual from receiving a Federal Pell
15 Grant, for any amount of the cost of at-
16 tendance not covered by the Federal Pell
17 Grant or other Federal assistance received
18 by the institution on behalf of the indi-
19 vidual by ensuring that any such amount
20 is offset—

21 “(I) by a State or institutional
22 grant; or

23 “(II) other non-Federal financial
24 assistance that does not have to be re-
25 paid by such individual; or

1 “(iii) in the case of such an individual
2 with an expected family contribution for an
3 award year that would disqualify the indi-
4 vidual from receiving a Federal Pell Grant,
5 an amount that exceeds such expected
6 family contribution.

7 “(I) The institution makes available to in-
8 carcerated individuals who are considering en-
9 rolling in a course of study offered by the insti-
10 tution, in simple and understandable terms, the
11 following:

12 “(i) Information with respect to each
13 course of study at the institution for which
14 such an individual may receive a Federal
15 Pell Grant, including—

16 “(I) the cost of attendance;

17 “(II) the mode of instruction
18 (such as distance education, in-person
19 instruction, or a combination of such
20 modes);

21 “(III) how enrollment in such
22 course of study will impact the period
23 of eligibility for Federal Pell Grants
24 for such an individual, including in a
25 case in which the individual is trans-

1 ferred to another facility or released
2 before the completion of such course;

3 “(IV) the transferability of cred-
4 its earned, and the acceptability of
5 such credits toward a certificate or
6 degree program offered by the institu-
7 tion;

8 “(V) the process for continuing
9 postsecondary education—

10 “(aa) upon transfer to an-
11 other facility; or

12 “(bb) after the student’s pe-
13 riod of incarceration or confine-
14 ment; and

15 “(VI) the process for continuing
16 enrollment at the institution after the
17 student’s period of incarceration or
18 confinement, including any barriers to
19 admission (such as criminal history
20 questions on applications for admis-
21 sion to such institution).

22 “(ii) In the case of an institution that
23 offers a program to prepare incarcerated
24 individuals for gainful employment in a

1 recognized occupation (as such term is de-
2 fined in section 104)—

3 “(I) information on any applica-
4 ble State licensure and certification
5 requirements, including the require-
6 ments of the State in which the facil-
7 ity involved is located and each State
8 in which such individuals permanently
9 reside; and

10 “(II) restrictions related to the
11 employment of formerly incarcerated
12 individuals for each recognized occu-
13 pation for which the course of study
14 prepares students, including such re-
15 strictions—

16 “(aa) in Federal law; and

17 “(bb) in the laws of the
18 State in which the facility in-
19 volved is located and each State
20 in which such individuals perma-
21 nently reside.

22 “(J) The institution submits the informa-
23 tion described in subparagraph (I) to each facil-
24 ity involved, the Secretary, and the accrediting

1 agency or association described in subparagraph
2 (A)(ii).

3 “(2) APPROVAL BY THE SECRETARY.—

4 “(A) INITIAL ELIGIBILITY.—With respect
5 to an eligible institution that seeks to award
6 Federal Pell Grants to incarcerated individuals
7 under this subsection, the Secretary shall make
8 an initial determination about whether such in-
9 stitution meets the requirements of this sub-
10 section, which shall include a confirmation that
11 the institution—

12 “(i) has secured the approval required
13 under paragraph (1)(A)(ii); and

14 “(ii) meets the requirements of para-
15 graph (1)(B).

16 “(B) ONGOING ELIGIBILITY.—Not later
17 than 5 years after the Secretary makes an ini-
18 tial determination under subparagraph (A) that
19 an institution meets the requirements of this
20 subsection, and not less than every 5 years
21 thereafter, the Secretary shall determine wheth-
22 er such institution continues to meet the re-
23 quirements of this subsection, based on—

24 “(i) a review of the data collected
25 under paragraph (3) with respect to the

1 courses of study offered by such institution
2 in which incarcerated individuals are en-
3 rolled, and other applicable information
4 that may be available to the Secretary; and
5 “(ii) whether such institution meets
6 the requirements of paragraph (1).

7 “(3) DATA COLLECTION.—The Secretary shall,
8 on at least an annual basis, collect data with respect
9 to each course of study offered by each institution
10 at which incarcerated individuals are enrolled, in-
11 cluding—

12 “(A) the demographics of such individuals;

13 “(B) the share of such individuals receiv-
14 ing Federal Pell Grants;

15 “(C) information on the academic out-
16 comes of such individuals (such as credits at-
17 tempted and earned, and credential and degree
18 completion);

19 “(D) to the extent practicable, information
20 on post-release outcomes of such individuals
21 (such as continued postsecondary enrollment,
22 employment, and recidivism); and

23 “(E) any data from student satisfaction
24 surveys conducted by the institution or the fa-
25 cility involved regarding such course of study.

1 “(4) BEST PRACTICES IN EDUCATING INCAR-
2 CERATED INDIVIDUALS.—Not later than 3 years
3 after the date of enactment of the College Afford-
4 ability Act, and at least once every 3 years there-
5 after, the Secretary shall collect and disseminate to
6 institutions awarding Federal Pell Grants to incar-
7 cerated individuals under this subsection, best prac-
8 tices with respect to the postsecondary education of
9 such individuals.

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

11 “(A) FACILITY.—The term ‘facility’
12 means—

13 “(i) a place used for the confinement
14 of individuals convicted of a criminal of-
15 fense that is owned by, or under contract
16 to, the Bureau of Prisons, a State, or a
17 unit of local government; or

18 “(ii) a facility to which an individual
19 subject to involuntary civil confinement is
20 committed.

21 “(B) FACILITY INVOLVED.—The term ‘fa-
22 cility involved’ means, when used with respect
23 to an institution of higher education, a facility
24 at which a course of study of the institution is
25 offered to incarcerated individuals.

1 “(C) INCARCERATED INDIVIDUAL.—The
 2 term ‘incarcerated individual’ means an indi-
 3 vidual who is incarcerated in a facility or who
 4 is subject to an involuntary civil commitment.

5 “(D) NON-INCARCERATED STUDENT.—The
 6 term ‘non-incarcerated student’ means a stu-
 7 dent at an institution of higher education who
 8 is not an incarcerated individual.”.

9 (b) REPORT ON IMPACTS OF FEDERAL PELL GRANTS
 10 AWARDED TO INCARCERATED INDIVIDUALS.—Not later
 11 than 3 years after the date of enactment of this Act, the
 12 Secretary of Education shall submit to the authorizing
 13 committees and make publicly available on the website of
 14 the Department of Education, a report on the impacts of
 15 subsection (n) of section 401 of the Higher Education Act
 16 of 1965 (20 U.S.C. 1070a), as added by this section,
 17 based on the most recent data collected under paragraph
 18 (3) of such subsection (n).

19 **Subpart 2—Federal Early Outreach and Student**
 20 **Services Programs**

21 **CHAPTER 1—FEDERAL TRIO PROGRAMS**

22 **SEC. 4021. PROGRAM AUTHORITY; AUTHORIZATION OF AP-**
 23 **PROPRIATIONS.**

24 (a) IN GENERAL.—Section 402A of the Higher Edu-
 25 cation Act of 1965 (20 U.S.C. 1070a–11) is amended—

1 (1) in subsection (b)(3), by striking “\$200,000”
2 and all that follows through the period at the end
3 and inserting the following: “\$220,000, except that
4 for any fiscal year for which such minimum indi-
5 vidual grant amount would result in fewer than
6 2,780 grants awarded under this chapter, an indi-
7 vidual grant authorized under this chapter shall be
8 awarded in an amount that would result in not fewer
9 than 2,780 grants awarded under this chapter for
10 such fiscal year.”;

11 (2) in subsection (c)—

12 (A) by amending subparagraph (A) of
13 paragraph (2) to read as follows:

14 “(A) ACCOUNTABILITY FOR OUTCOMES.—

15 In making grants under this chapter, the Sec-
16 retary shall consider each applicant’s prior suc-
17 cess in achieving high-quality service delivery,
18 as determined under subsection (f) under the
19 particular program for which funds are sought.
20 The level of consideration given the factor of
21 prior success in achieving high-quality service
22 delivery shall not vary from the level of consid-
23 eration given such factor during fiscal years
24 1994 through 1997, except that grants made

1 under section 402H shall not be given such con-
2 sideration.”;

3 (B) in paragraph (6)—

4 (i) in the heading, by striking “WITH
5 OTHER PROGRAMS FOR DISADVANTAGED
6 STUDENTS”; and

7 (ii) by striking the last sentence;

8 (C) by redesignating paragraphs (7) and
9 (8) as paragraphs (8) and (9), respectively;

10 (D) by inserting after paragraph (6) the
11 following:

12 “(7) INCLUSION OF HOMELESS AND FOSTER
13 STUDENTS.—The Secretary shall, as appropriate, re-
14 quire each applicant for funds under the programs
15 authorized by this chapter (other than the programs
16 authorized under section 402E or 402G) to identify
17 and conduct outreach to foster care youth and home-
18 less individuals and make available to foster care
19 youth and homeless individuals services under such
20 programs, including mentoring, tutoring, and other
21 services provided by such programs.”;

22 (E) in paragraph (8), as so redesignated,
23 by striking “8 months” both places it appears
24 and inserting “90 days”; and

25 (F) in paragraph (9), as so redesignated—

1 (i) in subparagraph (A)—

2 (I) by striking “Not later than
3 180 days after the date of enactment
4 of the Higher Education Opportunity
5 Act,” and inserting “Not less than 90
6 days before the date on which a com-
7 petition for a grant under this chapter
8 begins,”;

9 (II) in clause (iii), by striking
10 “prior experience” and inserting “ac-
11 countability for outcomes”; and

12 (III) in clause (v), by striking
13 “prior experience” and inserting “ac-
14 countability for outcomes”;

15 (ii) by striking subparagraph (B) and
16 redesignating subparagraph (C) as sub-
17 paragraph (B); and

18 (iii) in subparagraph (B), as so redes-
19 ignated, by adding at the end the fol-
20 lowing:

21 “(vii) TECHNICAL COMPONENTS OF
22 APPLICATIONS.—

23 “(I) TREATMENT OF NONSUB-
24 STANTIVE TECHNICAL COMPONENTS
25 OF APPLICATIONS.—With respect to

1 any competition for a grant under this
2 chapter, the Secretary may not reject
3 grant applications on the sole basis of
4 a failure to meet page limits and for-
5 matting standards (including with re-
6 spect to font size, font style, font
7 type, line spacing, paragraph justifica-
8 tion, and page margins).

9 “(II) TREATMENT OF TECHNICAL
10 BUDGET ERRORS IN APPLICATIONS.—

11 “(aa) IN GENERAL.—With
12 respect to any competition for a
13 grant under this chapter, the
14 Secretary may not reject grant
15 applications on the sole basis of a
16 typographical or rounding error
17 in a proposed budget until the
18 Secretary has given the applicant
19 an opportunity for correction in
20 accordance with item (bb).

21 “(bb) NOTICE AND OPPOR-
22 TUNITY FOR CORRECTION.—The
23 Secretary shall provide notice
24 and identification of an error de-
25 scribed in item (aa) to the appli-

1 cant before awarding grants for
2 each competition and shall allow
3 the applicant to submit a revised
4 application that corrects the
5 identified error.

6 “(cc) TREATMENT OF RE-
7 VISED APPLICATIONS.—The Sec-
8 retary shall treat the revised ap-
9 plication in the same manner as
10 a timely submitted application.

11 “(dd) FAILURE TO COR-
12 RECT.—If an applicant has re-
13 ceived a notice and opportunity
14 for correction of a typographical
15 or rounding error in a proposed
16 budget in accordance with item
17 (bb) and the applicant fails to
18 correct the error and submit a
19 revised application, the Secretary
20 may reject or penalize that grant
21 application.”;

22 (3) in subsection (d)(3), by adding at the end
23 the following: “In addition, the Secretary shall host
24 at least one virtual, interactive training to ensure

1 that any interested applicants have access to tech-
2 nical assistance.”;

3 (4) in subsection (e)—

4 (A) in paragraph (1)—

5 (i) by striking “or” at the end of sub-
6 paragraph (C);

7 (ii) by striking the period at the end
8 of subparagraph (D) and inserting a semi-
9 colon; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(E) documentation that the student has been
13 determined eligible for a Federal Pell Grant author-
14 ized under section 401; or

15 “(F) for a grant authorized under section 402B
16 or 402F of this chapter, documentation that a stu-
17 dent is attending a school that—

18 “(i) elects, or for which the local edu-
19 cational agency serving the school elects on be-
20 half of the school, to receive special assistance
21 payment under section 11(a)(1)(F)(ii) of the
22 Richard B. Russell National School Lunch Act
23 (42 U.S.C. 1759a(a)(1)(F)(ii)); or

24 “(ii) had a percentage of enrolled students
25 who were identified students (defined in clause

1 (i) of section 11(a)(1)(F) of such Act (42
2 U.S.C. 1759a(a)(1)(F))) that meets or exceeds
3 the threshold described in clause (viii) of such
4 section (42 U.S.C. 1759a(a)(1)(F)) during the
5 school year that ends prior to the first period
6 for which such grant is awarded.”; and

7 (B) in paragraph (2)—

8 (i) by striking “or” at the end of sub-
9 paragraph (C);

10 (ii) by striking the period at the end
11 of 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
16 determined to be eligible for a Federal Pell Grant
17 authorized under section 401; or

18 “(F) for a grant authorized under section 402B
19 or 402F of this chapter, documentation that a stu-
20 dent is attending a school that—

21 “(i) elects, or for which the local edu-
22 cational agency serving the school elects on be-
23 half of the school, to receive special assistance
24 payment under section 11(a)(1)(F)(ii) of the

1 Richard B. Russell National School Lunch Act
2 (42 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
6 U.S.C. 1759a(a)(1)(F))) that meets or exceeds
7 the threshold described in clause (viii) of such
8 section (42 U.S.C. 1759a(a)(1)(F)) during the
9 school year that ends prior to the first period
10 for which such grant is awarded.”;

11 (5) in subsection (f)—

12 (A) in paragraph (1)—

13 (i) by striking “PRIOR EXPERIENCE”
14 and inserting “ACCOUNTABILITY IN OUT-
15 COMES” in the heading;

16 (ii) by striking “on or after January
17 1, 2009” and inserting “on or after the
18 date of enactment of the College Afford-
19 ability Act”; and

20 (iii) by striking “prior experience of”
21 and inserting “success in achieving”;

22 (B) in paragraph (2), by striking “college
23 students, and” and inserting “college students,
24 foster care youth, homeless individuals, and”;
25 and

1 (C) in paragraph (3)—

2 (i) in subparagraph (A)—

3 (I) in clause (iv), by striking
4 “will make such students eligible for
5 programs such as the Academic Com-
6 petitiveness Grants Program” and in-
7 serting “includes at least 4 years of
8 mathematics, 3 years of science, and
9 2 years of a foreign language”;

10 (II) by redesignating clauses (v)
11 and (vi) as clauses (vi) and (vii), re-
12 spectively; and

13 (III) by inserting after clause (iv)
14 the following:

15 “(v) the completion of financial aid
16 applications, including the Free Applica-
17 tion for Federal Student Aid described in
18 section 483(a) and college admissions ap-
19 plications;”.

20 (ii) in subparagraph (B)—

21 (I) by inserting “except in the
22 case of programs that specifically tar-
23 get veterans,” after “under section
24 402C,”;

1 (II) in clause (v), by striking
2 “will make such students eligible for
3 programs such as the Academic Com-
4 petitiveness Grants Program” and in-
5 serting “includes at least 4 years of
6 mathematics, 3 years of science, and
7 2 years of a foreign language”;

8 (III) by redesignating clauses (vi)
9 and (vii) as clauses (vii) and (viii), re-
10 spectively; and

11 (IV) by inserting after clause (v)
12 the following:

13 “(vi) the completion of financial aid
14 applications, including the Free Applica-
15 tion for Federal Student Aid described in
16 section 483(a) and college admission appli-
17 cations;”;

18 (iii) by redesignating subparagraphs
19 (C), (D), and (E), as subparagraphs (D),
20 (E), and (F), respectively;

21 (iv) by inserting after subparagraph
22 (B) the following:

23 “(C) For programs authorized under sec-
24 tion 402C that specifically target veterans, the
25 extent to which the eligible entity met or ex-

ceeded the entity’s objectives for such program
regarding—

“(i) the delivery of service to a total
number of students served by the program,
as agreed upon by the entity and the Sec-
retary for the period of the program;

“(ii) such students’ academic perform-
ance as measured by standardized tests;

“(iii) the retention and completion of
participants in the program;

“(iv) the provision of assistance to
students served by the program in com-
pleting financial aid applications, including
the Free Application for Federal Student
Aid described in section 483(a) and college
admission applications;

“(v) the enrollment of such students
in an institution of higher education; and

“(vi) to the extent practicable, the
postsecondary completion of such stu-
dents.”;

(v) in subparagraph (D)(ii), as redes-
ignated in clause (iii)—

(I) in subclause (I), by striking

“in which such students were en-

1 rolled” and inserting “at any bacca-
2 laureate granting institution within 6
3 years of initial enrollment in the
4 project”; and

5 (II) in subclause (II), by striking
6 items (aa) and (bb) and inserting the
7 following:

8 “(aa) the transfer of such stu-
9 dents to institutions of higher edu-
10 cation that offer baccalaureate de-
11 grees, regardless of whether the trans-
12 ferring student completes a degree or
13 certificate; or

14 “(bb) the completion of a degree
15 or certificate by such students at any
16 accredited institution within 4 years
17 of initial enrollment in the project;”;

18 (vi) in subparagraph (E), as redesign-
19 nated—

20 (I) in clause (iii), by striking “;
21 and” and inserting “within 2 years of
22 receiving the baccalaureate degree;”;
23 and

24 (II) in clause (iv), by striking
25 “graduate study and the attainment

1 of doctoral degrees by former program
2 participants.” and inserting “graduate
3 study; and

4 “(v) the attainment of doctoral de-
5 grees by former program participants with-
6 in 10 years of receiving the baccalaureate
7 degree.”; and

8 (vii) in subparagraph (F), as redesign-
9 nated—

10 (I) in clause (i), by inserting
11 “within 2 years of service” before the
12 semicolon; and

13 (II) in clause (ii), by inserting
14 “or re-enrollment” after “the enroll-
15 ment”;

16 (6) in subsection (g)—

17 (A) by striking “\$900,000,000 for fiscal
18 year 2009 and such sums as may be necessary
19 for each of the five succeeding fiscal years.”
20 and inserting “\$1,120,000,000 for fiscal year
21 2021, and each of the 5 succeeding fiscal years.
22 The amount authorized to be appropriated in
23 the preceding sentence for fiscal year 2022 and
24 each of the 4 succeeding fiscal years shall be
25 deemed increased by the annual adjustment

percentage. For purposes of this subsection, the term ‘adjustment percentage’ as applied to a fiscal year, means the estimated percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending before the beginning of that fiscal year.”;

(B) by striking “ $\frac{1}{2}$ of”;

(C) by striking “, and to provide” and inserting “, to provide”; and

(D) by striking “current grantees.” and all that follows through “additional readers.” and inserting “current grantees, and to carry out the requirements of subsection (c)(9)(A).”;

(7) in subsection (h)—

(A) by striking paragraph (4) and inserting the following:

“(4) HOMELESS INDIVIDUAL.—The term ‘homeless individual’ has the meaning given the term ‘homeless children and youth’ under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

“(5) LOW-INCOME INDIVIDUAL.—The term ‘low-income individual’ means—

1 “(A) an individual from a family whose
2 taxable income for the preceding year did not
3 exceed 150 percent of the poverty line applica-
4 ble to the individual’s family size as determined
5 under section 673(2) of the Community Serv-
6 ices Block Grant Act (42 U.S.C. 9902(2));

7 “(B) an individual whose taxable income
8 as reported on the individual’s most recently
9 completed Free Application for Federal Student
10 Aid under section 483(a) did not exceed 150
11 percent of such poverty line;

12 “(C) an individual who has been deter-
13 mined to be eligible for a Federal Pell Grant
14 authorized under section 401; or

15 “(D) for grants authorized under 402B
16 and 402F of this chapter, a student who is at-
17 tending a school that—

18 “(i) elects, or for which the local edu-
19 cational agency serving the school elects on
20 behalf of the school, to receive special as-
21 sistance payment under section
22 11(a)(1)(F)(ii) of the Richard B. Russell
23 National School Lunch Act (42 U.S.C.
24 1759a(a)(1)(F)(ii)); or

1 “(ii) had a percentage of enrolled stu-
 2 dents who were identified students (defined
 3 in clause (i) of section 11(a)(1)(F) of such
 4 Act (42 U.S.C. 1759a(a)(1)(F))) that
 5 meets or exceeds the threshold described in
 6 clause (viii) of such section (42 U.S.C.
 7 1759a(a)(1)(F)) during the school year
 8 that ends prior to the first year of the pe-
 9 riod for which such grant is awarded.”;

10 (B) by redesignating paragraph (5) as sub-
 11 section (i) and subparagraphs (A) through (D)
 12 as paragraphs (1) through (4); and

13 (C) by redesignating paragraph (6) as sub-
 14 section (j); and

15 (8) in subsection (j), as redesignated, by strik-
 16 ing “subparagraph (A), (B), or (C) of paragraph
 17 (5)” and inserting “paragraph (1), (2), or (3) of
 18 subsection (i)”.

19 (b) CONFORMING AMENDMENTS.—Chapter 1 of sub-
 20 part 2 of part A of title IV of the Higher Education Act
 21 of 1965 (20 U.S.C. 1070a–11) is amended—

22 (1) by striking “homeless children and youths
 23 as defined in section 725 of the McKinney-Vento
 24 Homeless Assistance Act” each place it appears and
 25 inserting “homeless individuals”; and

1 (2) by striking “homeless children and youths
2 (as such term is defined in section 725 of the
3 McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11434a))” each place it appears and insert-
5 ing “homeless individuals”.

6 **SEC. 4022. TALENT SEARCH.**

7 Section 402B of the Higher Education Act of 1965
8 (20 U.S.C. 1070a–12) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2), by striking “and” at
11 the end;

12 (B) by redesignating paragraph (3) as
13 paragraph (4); and

14 (C) by inserting after paragraph (2) the
15 following:

16 “(3) to advise such youths regarding the post-
17 secondary education selection process, including con-
18 sideration of financial aid awards offered, potential
19 Federal loan burden, and likelihood of graduating;
20 and”;

21 (2) in subsection (b)—

22 (A) by striking “and” at the end of para-
23 graph (5); and

24 (B) by striking paragraph (6) and insert-
25 ing the following:

1 “(6) education or counseling services to assist
2 students and their families regarding career choice;
3 and

4 “(7) connections to programs providing finan-
5 cial literacy and economic literacy so that students
6 and their families are able to make informed choices
7 regarding postsecondary education, including consid-
8 ering degree choices and potential Federal loan bur-
9 dens.”;

10 (3) in subsection (c)(2), by striking “career”
11 and inserting “academic”; and

12 (4) in subsection (d)—

13 (A) in paragraph (3), by striking “and”
14 after the semicolon;

15 (B) in paragraph (4), by striking the pe-
16 riod at the end and inserting a semicolon; and

17 (C) by adding at the end the following:

18 “(5) require an assurance that the entity car-
19 rying out the project has reviewed and revised poli-
20 cies and practices as needed to remove barriers to
21 the participation and retention in the project of
22 homeless individuals, including unaccompanied youth
23 and foster care youth;

24 “(6) require that such entity submit, as part of
25 the application for the project, a description of the

1 activities that will be undertaken to reach out to
2 such homeless individuals and foster care youth as
3 part of the project; and

4 “(7) require an assurance that such entity will
5 prepare and submit the report required under sec-
6 tion 402H(e) at the conclusion of the project regard-
7 ing such homeless individuals and foster care
8 youth.”.

9 **SEC. 4023. UPWARD BOUND.**

10 Section 402C of the Higher Education Act of 1965
11 (20 U.S.C. 1070a–13) is amended—

12 (1) in subsection (b), by striking paragraphs
13 (5) and (6) and inserting the following:

14 “(5) assistance to students and their families
15 regarding career choice;

16 “(6) education or counseling services designed
17 to education improve the financial literacy and eco-
18 nomic literacy of students or the students’ parents
19 in order to aid them in making informed decisions
20 about the postsecondary education selection process
21 and assist students and their families in making in-
22 formed choices regarding the postsecondary edu-
23 cation selection process; and

24 “(7) in the case of such a project that is not
25 specifically designed for veterans, as part of core

1 curriculum, instruction in mathematics through pre-
2 calculus, science, foreign language, language arts,
3 and literature, and in the case of such a project that
4 is 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 re-
8 designating 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 pe-
2 riod 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 poli-
6 cies and practices as needed to remove barriers to
7 the participation and retention in the project of
8 homeless individuals, including unaccompanied youth
9 and foster 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 in-
13 dividuals and foster care youth regarding the
14 project; and

15 “(8) require an assurance that such entity will
16 prepare and submit the report required under sec-
17 tion 402H(e) at the conclusion of the project regard-
18 ing such homeless individuals and foster care
19 youth.”; and

20 (5) in subsection (e), as so redesignated—

21 (A) by striking “\$60” and inserting
22 “\$90”;

23 (B) by striking “\$300” and inserting
24 “\$450”;

1 (C) by striking “\$40” and inserting
2 “\$60”; and

3 (D) by adding at the end the following:
4 “Adults participating in a project specifically
5 targeting veterans under this section may be
6 paid stipends not in excess of \$100 per month
7 during the year.”.

8 **SEC. 4024. STUDENT SUPPORT SERVICES.**

9 Section 402D of the Higher Education Act of 1965
10 (20 U.S.C. 1070a–14) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (3), by striking “limited
13 English proficient” and inserting “low-income
14 and first generation college students, including
15 limited English proficient students”; and

16 (B) in paragraph (4), by striking “, includ-
17 ing—” and all that follows through the end of
18 the paragraph and inserting a period;

19 (2) in subsection (b)—

20 (A) in paragraph (4), by striking “includ-
21 ing financial planning for postsecondary edu-
22 cation;” and inserting “including—

23 “(A) financial planning for postsecondary
24 education, including loan burdens required, re-

1 payment options, and expected earnings in po-
2 tential career fields;

3 “(B) basic personal income, household
4 money management, and financial planning
5 skills; and

6 “(C) basic economic decisionmaking
7 skills.”;

8 (B) in paragraph (5), by striking “and” at
9 the end;

10 (C) in paragraph (6), by striking the pe-
11 riod at the end and inserting “; and”; and

12 (D) by adding at the end the following:

13 “(7) basic and emergency supplemental living
14 assistance grants in accordance with subsection
15 (f).”;

16 (3) in subsection (e)—

17 (A) in paragraph (5), by striking “and”
18 after the semicolon;

19 (B) in paragraph (6)(B), by striking the
20 period at the end and inserting a semicolon;
21 and

22 (C) by adding at the end the following:

23 “(7) require an assurance that the entity car-
24 rying out the project has reviewed and revised poli-
25 cies and practices as needed to remove barriers to

1 the participation and retention in the project of
2 homeless individuals, including unaccompanied youth
3 and foster care youth;

4 “(8) require that such entity submit, in the ap-
5 plication for the project, a description of the activi-
6 ties that will be undertaken to reach out to such
7 homeless individuals and foster care youth, who are
8 enrolled or accepted for enrollment at the institu-
9 tion; and

10 “(9) require an assurance that such entity will
11 prepare and submit the report required under sec-
12 tion 402H(e) at the conclusion of the project regard-
13 ing such homeless individuals and foster care
14 youth.”; and

15 (4) by adding at the end the following:

16 “(f) BASIC AND EMERGENCY SUPPLEMENTAL LIV-
17 ING ASSISTANCE GRANTS.—

18 “(1) IN GENERAL.—In carrying out the activi-
19 ties required under subsection (b)(7) with a grant
20 received under this section, the recipient of such
21 grant shall provide basic and emergency supple-
22 mental living assistance grants to assist students
23 who are current participants in the student support
24 services program offered by the institution (in this
25 subsection referred to as ‘eligible students’)—

1 “(A) in the case of a basic supplemental
2 living assistance grant, in covering reasonable,
3 anticipated expenses necessary for the comple-
4 tion of an academic year of the students’ first
5 undergraduate baccalaureate course of study;
6 and

7 “(B) in the case of an emergency supple-
8 mental living assistance grant, in covering rea-
9 sonable, unanticipated expenses necessary for
10 the students to persist in college during such
11 academic year.

12 “(2) AMOUNT OF GRANTS.—The recipient may
13 determine—

14 “(A) the appropriate division of the funds
15 between basic and emergency supplemental as-
16 sistance grants, except that funds shall be pro-
17 vided for both basic and emergency grants;

18 “(B) the amount of each such grant and
19 the total grant funds that an eligible student
20 may receive, except that a student may not re-
21 ceive more than a total of \$500 in emergency
22 supplemental assistance grants per academic
23 year; and

24 “(C) the anticipated and unanticipated ex-
25 penses referred to in paragraph (1) that such

1 grants will cover based on the needs of eligible
2 students, which—

3 “(i) may vary by factors including
4 academic year, housing, parental status, lo-
5 cation in urban or rural area, or other cir-
6 cumstances; and

7 “(ii) for an individual student, may
8 cover—

9 “(I) any component of the cost of
10 attendance for the student;

11 “(II) an allowance for actual or
12 expected expenses incurred for de-
13 pendent care that exceeds such ex-
14 penses determined for the student
15 under section 472(8);

16 “(III) an allowance for actual or
17 expected expenses for transportation
18 that exceeds such expenses deter-
19 mined for the student under section
20 472; and

21 “(IV) personal items or expenses
22 not otherwise covered by the cost of
23 attendance for the student.

24 “(3) PERCENTAGE OF TOTAL FUNDS.—The re-
25 cipient may use not more than 2 percent of the

1 funds awarded under this section for grants under
2 this subsection.

3 “(4) DETERMINATION OF NEED.—A grant pro-
4 vided to a student under this subsection shall not be
5 considered in determining that student’s need for
6 grant or work assistance under this title, except that
7 in no case shall the total amount of student financial
8 assistance awarded to a student under this title ex-
9 ceed that student’s cost of attendance by more than
10 \$500.

11 “(5) CONSULTATION.—In making grants to
12 students under this subsection, an institution shall
13 ensure that adequate consultation takes place be-
14 tween the student support service program office
15 and the institution’s financial aid office.

16 “(6) SUPPLEMENT, NOT SUPPLANT.—Funds re-
17 ceived by a grant recipient that are used under this
18 subsection shall be used to supplement, and not sup-
19 plant, non-Federal funds expended for student sup-
20 port services programs.

21 “(7) FUNDS.—For a fiscal year for which the
22 funds allocated for projects authorized under this
23 section from the amounts appropriated pursuant to
24 the authority of section 402A(g) exceeds the funds
25 allocated for such purpose for fiscal year 2020, not

1 more than 2 percent of such excess funds may be
 2 made available for grants under this subsection.”.

3 **SEC. 4025. POSTBACCALAUREATE ACHIEVEMENT PROGRAM**

4 **AUTHORITY.**

5 Section 402E of the Higher Education Act of 1965
 6 (20 U.S.C. 1070a–15) is amended—

7 (1) in subsection (b)(2)—

8 (A) by striking “summer”; and

9 (B) by inserting “or faculty-led research
 10 experiences” before the semicolon;

11 (2) in subsection (d)(4)—

12 (A) by striking “summer”; and

13 (B) by inserting “or faculty-led experiences
 14 who have stipends” after “internships”; and

15 (3) in subsection (f)(1), by striking “\$2,800”
 16 and inserting “\$4,000”.

17 **SEC. 4026. EDUCATIONAL OPPORTUNITY CENTERS.**

18 Section 402F of the Higher Education Act of 1965
 19 (20 U.S.C. 1070a–16) is amended—

20 (1) in subsection (a)(1), by striking “pursue”
 21 and inserting “begin or re-enter”;

22 (2) in subsection (b)(5), by striking “students;”
 23 and inserting “students, including—

24 “(A) financial planning for postsecondary
 25 education, including student loan debt, repay-

1 ment options, and expected earnings in poten-
2 tial career fields;

3 “(B) basic personal income, household
4 money management, and financial planning
5 skills; and

6 “(C) basic economic decisionmaking
7 skills;”; and

8 (3) in subsection (c)—

9 (A) in paragraph (2), by striking “and”
10 after the semicolon;

11 (B) in paragraph (3), by striking the pe-
12 riod at the end and inserting a semicolon; and

13 (C) by adding at the end the following:

14 “(4) require an assurance that the entity car-
15 rying out the project has reviewed and revised poli-
16 cies and practices as needed to remove barriers to
17 the participation and retention in the project of
18 homeless individuals, including unaccompanied youth
19 and foster care youth;

20 “(5) require that such entity submit, as part of
21 the application, a description of the activities that
22 will be undertaken to reach out to such homeless in-
23 dividuals and foster care youth regarding the
24 project; and

1 “(6) require an assurance that such entity will
2 prepare and submit the report required under sec-
3 tion 402H(e) at the conclusion of the project regard-
4 ing such homeless individuals and foster care
5 youth.”.

6 **SEC. 4027. STAFF DEVELOPMENTAL ACTIVITIES.**

7 Section 402G(b) of the Higher Education Act of
8 1965 (20 U.S.C. 1070a–17(b)) is amended—

9 (1) by inserting “webinars, online classes,”
10 after “seminars, workshops,”;

11 (2) by striking “new directors” and inserting
12 “staff”;

13 (3) by redesignating paragraphs (1) through
14 (5) as paragraphs (2) through (6), respectively;

15 (4) by inserting before paragraph (2), as so re-
16 designated, the following:

17 “(1) Legislative and regulatory requirements
18 and program management for new directors of pro-
19 grams funded under this chapter.”;

20 (5) in paragraph (2), as redesignated, by insert-
21 ing “for continuing directors and staff of programs”
22 after “operation of programs”; and

23 (6) in paragraph (4), as redesignated, by strik-
24 ing “model programs” and inserting “innovations”.

1 **SEC. 4028. REPORTS AND EVALUATIONS.**

2 (a) OTHER REPORTING REQUIREMENTS.—Section
3 402H of the Higher Education Act of 1965 (20 U.S.C.
4 1070a–18) is further amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A), by striking “,
8 including a rigorous evaluation of the pro-
9 grams and projects assisted under section
10 402C. The evaluation of the programs and
11 projects assisted under section 402C shall
12 be implemented not later than June 30,
13 2010” and inserting “The issues such eval-
14 uations shall measure shall include the ef-
15 fectiveness of programs and projects as-
16 sisted under this chapter in—

17 “(i) meeting or exceeding the stated
18 objectives regarding the outcome criteria
19 under 402A(f);

20 “(ii) enhancing the access of low-in-
21 come individuals and first-generation col-
22 lege students to postsecondary education;

23 “(iii) preparing individuals for post-
24 secondary education; and

25 “(iv) comparing students who partici-
26 pate in the programs funded under this

1 chapter with students who do not partici-
2 pate in such programs with respect to—

3 “(I) level of education completed;

4 “(II) retention rates;

5 “(III) graduation rates;

6 “(IV) college admission and com-
7 pletion rates; and

8 “(V) other issues as the Sec-
9 retary considers appropriate.”; and

10 (ii) in subparagraph (C), by inserting

11 “and take into account the agreed upon
12 target determined under section
13 402A(f)(4)” before the period; and

14 (B) by amending paragraph (2) to read as
15 follows:

16 “(2) PRACTICES.—The evaluations described in
17 paragraph (1) shall identify institutional, commu-
18 nity, and program or project practices that are effec-
19 tive in—

20 “(A) enhancing the access of low-income
21 individuals and first-generation college students
22 to postsecondary education;

23 “(B) the preparation of such individuals
24 and students for postsecondary education;

1 “(C) fostering the success of the individ-
2 uals and students in postsecondary education;
3 and

4 “(D) for programs and projects assisted
5 under section 402C, the characteristics of stu-
6 dents who benefit most from such programs
7 and projects.”; and

8 (2) in subsection (d), by inserting “, including
9 the authorizing committees” before the period.

10 (b) HOMELESS INDIVIDUALS AND FOSTER CARE
11 YOUTH.—Section 402H of the Higher Education Act of
12 1965 (20 U.S.C. 1070a–18) is further amended by adding
13 at the end the following:

14 “(e) REPORT REGARDING HOMELESS INDIVIDUALS
15 AND FOSTER CARE YOUTH.—Each entity carrying out a
16 project under section 402B, 402C, 402D, or 402F shall,
17 at the conclusion of the project, prepare and submit a re-
18 port to the Secretary that includes—

19 “(1) where available, data on the number of
20 homeless individuals and foster care youth served
21 through the project; and

22 “(2) a description of any strategies or program
23 enhancements that were used in the project and that
24 were effective in meeting the needs of such homeless
25 individuals and foster care youth.”.

1 **CHAPTER 2—GAINING EARLY AWARENESS**
 2 **AND READINESS FOR UNDER-**
 3 **GRADUATE PROGRAMS**

4 **SEC. 4031. GAINING EARLY AWARENESS AND READINESS**
 5 **FOR UNDERGRADUATE PROGRAMS.**

6 Chapter 2 of part A of title IV of the Higher Edu-
 7 cation Act of 1965 (20 U.S.C. 1070a–21 et seq.) is
 8 amended—

9 (1) in section 404A (20 U.S.C. 1070a–21)—

10 (A) in the matter preceding subparagraph

11 (A) of subsection (a)(1), by inserting “, includ-
 12 ing for college readiness” after “academic sup-
 13 port”; and

14 (B) in subsection (b)—

15 (i) by amending paragraph (3) to read
 16 as follows:

17 “(3) PRIORITY.—In making awards to eligible
 18 entities described in subsection (c), the Secretary
 19 may give a competitive priority—

20 “(A) to eligible entities that—

21 “(i) on the day before the date of en-
 22 actment of the College Affordability Act,
 23 carried out successful educational oppor-
 24 tunity programs under this chapter (as

1 this chapter was in effect on such day);
2 and

3 “(ii) have a prior, demonstrated com-
4 mitment to early intervention leading to
5 college access and readiness through col-
6 laboration and replication of successful
7 strategies; or

8 “(B) to eligible entities that ensure that
9 students that received assistance under this
10 chapter on the day before the date of enactment
11 of the College Affordability Act continue to re-
12 ceive such assistance through the completion of
13 secondary school.”;

14 (ii) by adding at the end the fol-
15 lowing:

16 “(4) MULTIPLE AWARD PROHIBITION.—

17 “(A) IN GENERAL.—An eligible entity de-
18 scribed in subsection (c)(1) that receives a
19 grant under this chapter shall not be eligible to
20 receive an additional grant under this chapter
21 until after the date on which the grant period
22 with respect to such grant expires.

23 “(B) EXCEPTION FOR NO-COST EXTEN-
24 SION.—Notwithstanding subparagraph (A), an
25 eligible entity described in subsection (c)(1)

1 that receives a grant under this chapter that
2 has been extended under section 75.261 of title
3 34, Code of Federal Regulations may receive an
4 additional grant under this chapter prior to the
5 date on which the grant period applicable to
6 such extension expires.”; and

7 (2) in section 404B (20 U.S.C. 1070a–22)—

8 (A) in subsection (a), in the matter pre-
9 ceding paragraph (1), by inserting “(except
10 with respect to continuation awards under this
11 chapter)” after “grants”; and

12 (B) in subsection (d)(1)—

13 (i) in subparagraph (A), by inserting
14 “and” after the semicolon;

15 (ii) in subparagraph (B), by striking
16 “; and” and inserting a period; and

17 (iii) by striking subparagraph (C);

18 (3) in section 404C (20 U.S.C. 1070a–23)—

19 (A) in subsection (a)(2)—

20 (i) in subparagraph (I), by striking
21 “and” after the semicolon;

22 (ii) in subparagraph (J), by striking
23 the period at the end and inserting a semi-
24 colon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(K) provide an assurance that the eligible
4 entity has reviewed and revised policies and
5 practices as needed to remove barriers to the
6 participation and retention of homeless individ-
7 uals (as defined in section 402A) in the pro-
8 gram, including unaccompanied youth and fos-
9 ter care youth;

10 “(L) describe the activities that will be un-
11 dertaken to reach out to such homeless individ-
12 uals and foster care youth as part of the pro-
13 gram; and

14 “(M) provide an assurance that the eligible
15 entity will prepare and submit the report re-
16 quired under section 404G(c) at the conclusion
17 of the grant regarding such homeless individ-
18 uals and foster care youth.”;

19 (B) in subsection (b)(1)(A)—

20 (i) by inserting “matching funds”
21 after “will provide”;

22 (ii) by inserting “equaling” after “pri-
23 vate funds,”; and

24 (iii) by striking “the cost of the pro-
25 gram, which matching funds” and insert-

1 ing “the total Federal grant award under
2 this chapter, which”;

3 (C) in subsection (c)(1), by inserting “at
4 any point during the grant award period” after
5 “obligated to students”; and

6 (D) by striking subsection (d) and insert-
7 ing the following:

8 “(d) PEER REVIEW PANELS AND COMPETITIONS.—
9 The Secretary shall—

10 “(1) convene peer review panels to assist in
11 making determinations regarding the awarding of
12 grants under this chapter; and

13 “(2) host a grant competition to make new
14 awards under this chapter in any year in which
15 there are funds available to make new awards.”;

16 (4) in section 404D (20 U.S.C. 1070a–24)—

17 (A) in subsection (b)—

18 (i) in paragraph (1), by striking “or
19 former participants of a program under
20 this chapter” and inserting “, former par-
21 ticipants of a program under this chapter,
22 or peers and near peers” after “adults”;

23 (ii) in paragraph (3), by inserting
24 “academic, social, and postsecondary plan-
25 ning” after “supportive”;

1 (iii) in paragraph (10)—

2 (I) by redesignating subpara-
3 graphs (E) through (K) as subpara-
4 graphs (F) through (L), respectively;

5 (II) by inserting after subpara-
6 graph (D) the following:

7 “(E) counseling or referral services to ad-
8 dress the behavioral, social-emotional, and men-
9 tal health needs of at-risk students;”;

10 (III) in subparagraph (I), as re-
11 designated by subclause (I), by insert-
12 ing “, cognitive, non-cognitive, and
13 credit-by-examination” after “skills”;

14 (IV) in subparagraph (K), as re-
15 designated by subclause (I), by strik-
16 ing “and” after the semicolon;

17 (V) in subparagraph (L), as re-
18 designated by subclause (I), by strik-
19 ing the period at the end and insert-
20 ing “; and”; and

21 (VI) by adding at the end the fol-
22 lowing:

23 “(M) capacity building activities that cre-
24 ate college-going cultures in participating
25 schools and local educational agencies.”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(16) Creating or expanding secondary school
4 drop-out recovery programs that allow students who
5 have dropped out of secondary school to complete a
6 regular secondary school diploma and begin college-
7 level work.

8 “(17) Establishing data collection and data
9 sharing agreements to obtain, analyze, and report
10 postsecondary outcome data for eligible students for
11 a period of not more than 72 months after the end
12 of the grant award period, which may include post-
13 secondary enrollment, persistence, and completion
14 data.

15 “(18) Establishing or maintaining an agree-
16 ment with a consortium of eligible entities described
17 in section 404A(c) to—

18 “(A) foster collaborative approaches to re-
19 search and evaluation;

20 “(B) improve the quality of data collection,
21 data sharing, analysis and reporting; and

22 “(C) apply evidence to improve programs
23 and evaluation under this chapter.

24 “(19) Facilitating the recruitment, participa-
25 tion, and retention of homeless individuals (as de-

1 fined in section 402A) and foster care youth in the
2 services provided under this chapter, including—

3 “(A) establishing partnerships with com-
4 munity-based organizations, child welfare agen-
5 cies, homeless shelters, and local educational
6 agency liaisons for homeless individuals to iden-
7 tify such individuals and youth, improve policies
8 and practices, and to establish data sharing
9 agreements;

10 “(B) carrying out activities (consistent
11 with the McKinney-Vento Homeless Assistance
12 Act (42 U.S.C. 11301 et seq.)) to facilitate con-
13 tinued participation of students who are no
14 longer enrolled in a school served under this
15 chapter due to changes in residence resulting
16 from homelessness or foster care placement, in-
17 cluding—

18 “(i) allowing continued participation
19 when such a student is no longer enrolled,
20 on a temporary basis, in a school served
21 under this chapter; or

22 “(ii) providing transitional services
23 and referrals when such a student is no
24 longer enrolled, on a permanent basis, in a
25 school served under this chapter; and

1 “(C) carrying out other activities to meet
2 the needs of such homeless individuals and fos-
3 ter care youth.

4 “(20) Providing services under this chapter to
5 students who have received services under a previous
6 grant award under this chapter but have not yet
7 completed grade 12.”;

8 (B) in subsection (c)—

9 (i) in paragraph (3), by inserting
10 “and technical assistance” after “support”;
11 and

12 (ii) by striking paragraph (9); and

13 (C) in subsection (d)—

14 (i) in paragraph (3), by striking “or”;

15 (ii) by redesignating paragraph (4) as
16 paragraph (5); and

17 (iii) by inserting after paragraph (3)

18 the following:

19 “(4) eligible for free or reduced-price lunch
20 under the Richard B. Russell National School Lunch
21 Act (42 U.S.C. 1751 et seq.); or”;

22 (5) in section 404E (20 U.S.C. 1070a–25)—

23 (A) in subsection (a)—

24 (i) by redesignating paragraph (2) as
25 paragraph (3);

1 (ii) by inserting after paragraph (1)
2 the following:

3 “(2) APPLICATION REQUIREMENTS.—

4 “(A) PLAN FOR MAINTENANCE OF FINAN-
5 CIAL ASSISTANCE.—An eligible entity proposing
6 to establish or maintain a financial assistance
7 program providing scholarships for students as-
8 sisted by the program of the eligible entity
9 under this chapter shall include a plan regard-
10 ing the financial application program with the
11 application submitted under section 404C.

12 “(B) SCHOLARSHIP DETAILS.—Under a
13 plan described in subparagraph (A), an eligible
14 entity—

15 “(i) may elect to offer 1 or more types
16 of scholarships; and

17 “(ii) shall describe, for each type of
18 scholarship—

19 “(I) the minimum and maximum
20 awards for the scholarships, consistent
21 with subsection (d), based on criteria
22 and disbursement priorities estab-
23 lished by the eligible entity;

1 “(II) the duration of the scholar-
2 ships, which may be single-year or
3 multi-year awards;

4 “(III) the enrollment require-
5 ments for participating students,
6 which may include providing scholar-
7 ships for participating students who
8 are enrolled in an institution of higher
9 education on less than a full-time
10 basis during any award year; and

11 “(IV) any additional student eli-
12 gibility criteria established by the eli-
13 gible entity for earning and maintain-
14 ing scholarships under this section, in-
15 cluding—

16 “(aa) financial need;

17 “(bb) meeting participation
18 milestones in the activities of-
19 fered by the eligible entity under
20 section 404D;

21 “(cc) meeting and maintain-
22 ing satisfactory academic mile-
23 stones; and

24 “(dd) other criteria aligned
25 with State and local goals to

1 incentivize postsecondary readi-
2 ness, access, and success.”; and

3 (iii) in paragraph (3), as redesignated
4 by clause (i), by striking “may award” and
5 inserting “may use not less than 10 per-
6 cent and not more than 50 percent of
7 funds made available under this chapter to
8 award”;

9 (B) in subsection (b)—

10 (i) in the subsection heading, by strik-
11 ing “Limitation” and inserting “State limi-
12 tation”; and

13 (ii) in paragraph (2), by striking “eli-
14 gible entity demonstrates” and all that fol-
15 lows through the period at the end and in-
16 serting the following: “eligible entity—

17 “(A) demonstrates that the eligible entity
18 has another means of providing the students
19 with the financial assistance described in this
20 section or eligible students have reasonable ac-
21 cess to State and local financial assistance pro-
22 grams; and

23 “(B) describes such means or access in the
24 application submitted under section 404C.”;

25 (C) in subsection (e)—

1 (i) by striking paragraph (1) and in-
2 serting the following:

3 “(1) IN GENERAL.—

4 “(A) SCHOLARSHIP PLAN.—Each eligible
5 entity described in section 404A(c)(1) that re-
6 ceives a grant under this chapter shall hold in
7 reserve, for the students served by such grant
8 as described in section 404B(d)(1)(A) or
9 404D(d), an estimated amount that is based on
10 the eligible entity’s scholarship plan described
11 in subsection (a)(1).

12 “(B) INTEREST USE.—Interest earned on
13 funds held in reserve under subparagraph (A)
14 may be used by the eligible entity to administer
15 the scholarship program during the award pe-
16 riod and through the post-award period de-
17 scribed in paragraph (4).”;

18 (ii) in paragraph (2)(B), by inserting
19 “, or been accepted for enrollment,” after
20 “enrolled”; and

21 (iii) in paragraph (3)—

22 (I) in subparagraph (A), by strik-
23 ing “and” after the semicolon;

24 (II) by redesignating subpara-
25 graph (B) as subparagraph (C); and

1 (III) by inserting after subpara-
2 graph (A) the following:

3 “(B) the costs associated with enrolling in
4 an institution of higher education; and”; and

5 (D) in subsection (g)—

6 (i) in paragraph (3)—

7 (I) by inserting “or, if the eligible
8 entity chooses, in another program of
9 study or credential program for which
10 an individual could use funds received
11 under a Federal Pell Grant to at-
12 tend,” before “that is located”; and

13 (II) by striking “except that, at
14 the State’s option” and inserting “ex-
15 cept that, at the eligible entity’s op-
16 tion”; and

17 (ii) in paragraph (4), by inserting
18 “and qualifies for an award, consistent
19 with the eligible entity’s scholarship plan
20 as described in subsection (a)(2)” after
21 “404D(a)”;

22 (6) in section 404G (20 U.S.C. 1070a–27)—

23 (A) in subsection (b)—

24 (i) in paragraph (1), by striking
25 “and” after the semicolon;

1 (ii) in paragraph (2), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iii) by inserting after paragraph (2)
5 the following:

6 “(3) include the following metrics:

7 “(A) The number of students completing
8 the Free Application for Federal Student Aid
9 under section 483.

10 “(B) If applicable, the number of students
11 receiving a scholarship under section 404E.

12 “(C) The graduation rate of participating
13 students from high school.

14 “(D) The enrollment of participating stu-
15 dents in postsecondary education.

16 “(E) Such other metrics as the Secretary
17 may require.”;

18 (B) by redesignating subsections (c) and
19 (d) as subsections (e) and (f), respectively;

20 (C) by inserting after subsection (b) the
21 following:

22 “(c) REPORT ON HOMELESS INDIVIDUALS AND FOS-
23 TER CARE YOUTH.—Each eligible entity that receives a
24 grant under section 404A shall, at the conclusion of such

1 grant, prepare and submit a report to the Secretary that
2 includes—

3 “(1) where available, the number of homeless
4 individuals (as defined in section 402A) and foster
5 care youth served through the program; and

6 “(2) a description of any strategies or program
7 enhancements that were used by the eligible entity
8 in carrying out the program that were effective in
9 meeting the needs of such homeless individuals and
10 foster care youth.”;

11 (D) in subsection (d), as so redesignated—

12 (i) in the subsection heading, by in-
13 serting “and technical assistance” after
14 “Federal evaluation”;

15 (ii) in the matter preceding paragraph
16 (1)—

17 (I) by inserting “after consulta-
18 tion with the community of eligible
19 entities receiving grants under this
20 chapter and” after “Secretary shall,”;

21 (II) by striking “0.75” and in-
22 serting “1”; and

23 (III) by striking “evaluate the ef-
24 fectiveness of the program and, as ap-
25 propriate, disseminate the results of

1 the evaluation. Such evaluation shall
2 include a separate analysis of”;

3 (iii) by redesignating paragraphs (1)
4 and (2) as subparagraphs (A) and (B), re-
5 spectively, and indenting the margins ap-
6 propriately; and

7 (iv) before subparagraph (A) (as re-
8 designated by clause (iii)), by inserting the
9 following:

10 “(1) provide pre-application technical assistance
11 workshops for eligible entities and potential appli-
12 cants in any year in which new awards are expected
13 to be made;

14 “(2) support initiatives designed to improve the
15 research, data collection and infrastructure, and
16 evaluation capacity of eligible entities; and

17 “(3) evaluate the effectiveness of the program
18 and, as appropriate, disseminate the results of the
19 evaluation. Such evaluation may include a separate
20 analysis of—”; and

21 (7) in section 404H, by striking “\$400,000,000
22 for fiscal year 2009” and inserting “\$500,000,000
23 for fiscal year 2021”.

**Subpart 3—Federal Supplemental Educational
Opportunity Grants**

SEC. 4041. PURPOSE; APPROPRIATIONS AUTHORIZED.

Section 413A of the Higher Education Act of 1965
(20 U.S.C. 1070b) is amended—

(1) by amending subsection (a) to read as follows:

“(a) PURPOSE OF SUBPART.—It is the purpose of
this subpart to—

“(1) provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who demonstrate financial need in accordance with the provisions of part F of this title; and

“(2) to establish grant programs at various institutions of higher education, as defined in section 101, to determine best practices and policies regarding the distribution of emergency grant aid to assist students in completing their program of study, notwithstanding aid they may have received in accordance with the provisions of part F of this title.”;

(2) in subsection (b)(1), by striking “appropriated” and all that follows through the end and inserting “appropriated—

“(A) \$1,150,000,000 for fiscal year 2021;

1 “(B) \$1,300,000,000 for fiscal year 2022;

2 “(C) \$1,450,000,000, for fiscal year 2023;

3 “(D) \$1,600,000,000 for fiscal year 2024;

4 and

5 “(E) \$1,750,000,000 for fiscal year 2025

6 and each succeeding fiscal year.”;

7 (3) by redesignating paragraph (2) as para-
8 graph (3); and

9 (4) by inserting after paragraph (1) the fol-
10 lowing:

11 “(2) For the purpose of enabling the Secretary
12 to fund emergency grant aid programs under section
13 440D, there are allocated, from funds authorized
14 under paragraph (b)(1), \$12,500,000 for fiscal year
15 2021 and each of the 5 succeeding fiscal years.”.

16 **SEC. 4042. INSTITUTIONAL ELIGIBILITY.**

17 Section 413C(a) of the Higher Education Act of 1965
18 (20 U.S.C. 1070b–2) is amended—

19 (1) in paragraph (2)—

20 (A) by striking “agrees” inserting “except
21 as provided in paragraph (4), agrees”; and

22 (B) by striking “and” at the end;

23 (2) in paragraph (3)(D), by striking the period
24 and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(4) agrees that the Federal share of an award
 2 under this subpart to an institution eligible for as-
 3 sistance under title III or title V shall equal 100
 4 percent of such award.”.

5 **SEC. 4043. ALLOCATION OF FUNDS.**

6 Section 413D of the Higher Education Act of 1965
 7 (20 U.S.C. 1070b–3) is amended to read as follows:

8 **“SEC. 413D. ALLOCATION OF FUNDS.**

9 “(a) ALLOCATION FORMULA FOR FISCAL YEARS
 10 2021 THROUGH 2025.—

11 “(1) IN GENERAL.—From the amount appro-
 12 priated under section 413A(b)(1) for a fiscal year,
 13 the Secretary shall allocate to each institution—

14 “(A) for fiscal year 2021, an amount equal
 15 to the greater of—

16 “(i) 90 percent of the amount the in-
 17 stitution received under subsection (a) for
 18 fiscal year 2020, as such subsection was in
 19 effect with respect to such fiscal year (in
 20 this subparagraph referred to as ‘the 2020
 21 amount for the institution’); or

22 “(ii) the fair share amount for the in-
 23 stitution determined under subsection (c);

24 “(B) for fiscal year 2022, an amount equal
 25 to the greater of—

1 “(i) 80 percent of the 2020 amount
2 for the institution; or

3 “(ii) the fair share amount for the in-
4 stitution determined under subsection (c);

5 “(C) for fiscal year 2023, an amount equal
6 to the greater of—

7 “(i) 60 percent of the fiscal year 2020
8 amount for the institution; or

9 “(ii) the fair share amount for the in-
10 stitution determined under subsection (c);

11 “(D) for fiscal year 2024, an amount equal
12 to the greater of—

13 “(i) 40 percent of the 2020 amount
14 for the institution; or

15 “(ii) the fair share amount for the in-
16 stitution determined under subsection (c);

17 and

18 “(E) for fiscal year 2025, an amount equal
19 to the greater of—

20 “(i) 20 percent of the 2020 amount
21 for the institution; or

22 “(ii) the fair share amount for the in-
23 stitution determined under subsection (c).

24 “(2) RATABLE REDUCTION.—

1 “(A) IN GENERAL.—If the amount appro-
2 priated under section 413A(b)(1) for a fiscal
3 year is less than the amount required to be allo-
4 cated to the institutions under this subsection,
5 then the amount of the allocation to each insti-
6 tution shall be ratably reduced.

7 “(B) ADDITIONAL APPROPRIATIONS.—If
8 the amounts allocated to each institution are
9 ratably reduced under subparagraph (A) for a
10 fiscal year and additional amounts are appro-
11 priated for such fiscal year, the amount allo-
12 cated to each institution from the additional
13 amounts shall be increased on the same basis as
14 the amounts under subparagraph (A) were re-
15 duced (until each institution receives the
16 amount required to be allocated under this sub-
17 section).

18 “(b) ALLOCATION FORMULA FOR FISCAL YEAR 2026
19 AND EACH SUCCEEDING FISCAL YEAR.—From the
20 amount appropriated under section 413A(b)(1) for fiscal
21 year 2026 and each succeeding fiscal year, the Secretary
22 shall allocate to each institution the fair share amount for
23 the institution determined under subsection (c).

24 “(c) DETERMINATION OF FAIR SHARE AMOUNT.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 the fair share amount for an institution for a fiscal
3 year shall be equal to the sum of the institution’s
4 undergraduate student need described in paragraph
5 (2) for the preceding fiscal year.

6 “(2) INSTITUTIONAL UNDERGRADUATE STU-
7 DENT NEED CALCULATION.—The institutional un-
8 dergraduate student need for an institution for a fis-
9 cal year shall be equal to the sum of the following:

10 “(A) An amount equal to 50 percent of the
11 amount that bears the same proportion to the
12 available appropriated amount for such fiscal
13 year as the total amount of Federal Pell Grant
14 funds awarded at the institution for the pre-
15 ceding fiscal year bears to the total amount of
16 Federal Pell Grant funds awarded at all institu-
17 tions participating under this part for the pre-
18 ceding fiscal year.

19 “(B) 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 the undergraduate
23 student need at the institution for the preceding
24 fiscal year bears to the total amount of under-
25 graduate student need at all institutions partici-

1 pating under this part for the preceding fiscal
2 year.

3 “(3) ELIGIBILITY FOR FAIR SHARE AMOUNT.—

4 The Secretary may not allocate funds under this
5 subpart to any institution that, for 2 or more fiscal
6 years during any 3 fiscal year period beginning not
7 earlier than the first day of the first fiscal year that
8 is 2 years after the date of the enactment of this
9 paragraph, has a student population with less than
10 7 percent of undergraduate students who are recipi-
11 ents of Federal Pell Grants.

12 “(d) DEFINITIONS.—In this section:

13 “(1) AVERAGE COST OF ATTENDANCE.—The
14 term ‘average cost of attendance’ has the meaning
15 given the term in section 4202(e)(5)(B).

16 “(2) UNDERGRADUATE STUDENT NEED.—The
17 term ‘undergraduate student need’ means, with re-
18 spect to an undergraduate student for an award
19 year, the lesser of the following:

20 “(A) The total of the amount equal to (ex-
21 cept the amount computed by this clause shall
22 not be less than zero)—

23 “(i) the average cost of attendance for
24 the award year, minus

1 “(ii) such undergraduate student’s ex-
 2 pected family contribution (computed in
 3 accordance with part F of this title) for
 4 the preceding award year.

5 “(B) The total loan annual limit for a
 6 Federal Direct Unsubsidized Stafford Loan and
 7 a Federal Direct Loan.”.

8 **SEC. 4044. EMERGENCY FINANCIAL AID GRANT PROGRAM.**

9 Part A of title IV of the Higher Education Act of
 10 1965 (20 U.S.C. 1070b et seq.) is amended by adding at
 11 the end the following:

12 **“Subpart 11—Emergency Financial Aid Grants**

13 **“SEC. 440D. EMERGENCY FINANCIAL AID GRANT PROGRAM.**

14 “(a) EMERGENCY FINANCIAL AID GRANT PROGRAMS
 15 AUTHORIZED.—The Secretary shall carry out a grant pro-
 16 gram to make grants, in accordance with subsection (c),
 17 to eligible entities to provide emergency financial aid
 18 grants to students in accordance with subsection (d).

19 “(b) MATCHING FUNDS.—

20 “(1) LIMITATION ON AMOUNT OF FEDERAL
 21 SHARE.—Except as provided in paragraph (3), the
 22 Federal share of the cost of any emergency grant
 23 aid program carried out under this section may not
 24 exceed 50 percent.

1 “(2) LIMITATION.—Matching funds provided by
2 an eligible entity under this subsection may not in-
3 clude in-kind contributions.

4 “(3) EXCEPTIONS.—The Federal share of the
5 cost of an emergency grant aid program carried out
6 under this section shall equal 100 percent if the in-
7 stitution carrying out the emergency grant aid is an
8 institution of higher education eligible for assistance
9 under title III or V.

10 “(c) APPLICATION.—

11 “(1) IN GENERAL.—Each eligible entity desir-
12 ing to carry out an emergency grant aid program
13 under this section shall submit an application to the
14 Secretary, at such time, in such manner, and con-
15 taining such information as the Secretary may re-
16 quire.

17 “(2) OUTREACH.—The Secretary shall, at least
18 30 days before each deadline to submit applications
19 under paragraph (1), conduct outreach to institu-
20 tions of higher education described in subsection
21 (b)(3) to provide such institutions with information
22 on the opportunity to apply under paragraph (1) to
23 carry out an emergency grant aid program under
24 this section.

1 “(3) CONTENTS.—Each application under para-
2 graph (1) shall include a description of the emer-
3 gency grant aid program to be carried out by the eli-
4 gible entity, including—

5 “(A) an estimate of the number of emer-
6 gency financial aid grants that such entity will
7 make in an award year and how such eligible
8 entity assessed such estimate;

9 “(B) the criteria the eligible entity will use
10 to determine an emergency for which an eligible
11 student will be eligible to receive an emergency
12 financial aid grant;

13 “(C) an assurance that an emergency for
14 which an eligible student will be eligible to re-
15 ceive an emergency financial aid grant will in-
16 clude financial challenges that would directly
17 impact the ability of an eligible student to con-
18 tinue and complete the course of study of such
19 student, including—

20 “(i) a loss of employment, transpor-
21 tation, child care, utilities, or housing of
22 the student;

23 “(ii) a medical condition (including
24 pregnancy) of the student, or a dependent
25 of the student;

1 “(iii) with respect to the eligible stu-
2 dent, food insecurity; and

3 “(iv) in the case of an eligible student
4 who is a dependent student—

5 “(I) the death of a parent or
6 guardian of such eligible student; or

7 “(II) a medical condition of the
8 parent or guardian of such eligible
9 student which results in the loss of
10 employment of such parent or guard-
11 ian;

12 “(D) a description of the process by which
13 an eligible student may apply and receive an
14 emergency financial aid grant;

15 “(E) an assurance that the eligible entity,
16 when applicable, will make information available
17 to eligible students about the eligibility of such
18 students and their dependents for assistance
19 under the supplemental nutrition assistance
20 program under the Food and Nutrition Act of
21 2008 (7 U.S.C. 2011 et seq.), the special sup-
22 plemental nutrition program for women, in-
23 fants, and children under the Child Nutrition
24 Act of 1966 (42 U.S.C. 1786), and the pro-
25 gram of block grants for States for temporary

1 assistance for needy families established under
2 part A of title IV of the Social Security Act (42
3 U.S.C. 601 et seq.);

4 “(F) how the eligible entity will administer
5 the emergency grant aid program, including the
6 processes the eligible entity will use to respond
7 to applications, approve applications, and dis-
8 burse emergency financial aid grants outside of
9 normal business hours;

10 “(G) an assurance that the process by
11 which an eligible student applies for an emer-
12 gency financial aid grant includes—

13 “(i) to the extent practicable, an
14 interview; and

15 “(ii) at least one opportunity to ap-
16 peal a denial of such a grant;

17 “(H) an assurance that the eligible entity
18 will acknowledge receipt of a student’s request
19 and distribute funds in a timely manner as de-
20 termined by the Secretary;

21 “(I) a description of how the school in-
22 tends to limit fraud or abuse; and

23 “(J) any other information the Secretary
24 may require.

1 “(4) PRIORITY.—In selecting eligible entities to
2 carry out an emergency grant aid program under
3 this section, the Secretary shall give priority to an
4 eligible entity in which at least 30 percent of the
5 students enrolled at such eligible entity are eligible
6 to receive a Federal Pell Grant.

7 “(d) USE OF FUNDS.—

8 “(1) IN GENERAL.—An eligible entity may only
9 use funds provided under this section to make emer-
10 gency financial aid grants to eligible students.

11 “(2) LIMITATIONS.—

12 “(A) AMOUNT.—An emergency financial
13 aid grant to an eligible student may not be in
14 an amount greater than \$750.

15 “(B) TOTAL AMOUNT.—The total amount
16 of the Federal share of emergency financial aid
17 grants that an eligible student may receive from
18 an eligible entity may not exceed \$2,000. An el-
19 igible student may receive an amount under
20 this section that would cause the amount of
21 total financial aid received by such student to
22 exceed the cost of attendance of the institution
23 of higher education in which the student is en-
24 rolled.

25 “(e) REPORTING AND OVERSIGHT.—

1 “(1) IN GENERAL.—Not less frequently than
2 once annually, each eligible entity that receives a
3 grant under this subpart shall submit to the Sec-
4 retary a report on the progress of the eligible entity
5 in carrying out the programs supported by such
6 grant.

7 “(2) FORM OF REPORT.—The report under
8 paragraph (1) shall be submitted to the Secretary at
9 such time, in such manner, and containing such in-
10 formation as the Secretary may require. The Sec-
11 retary shall issue uniform guidelines describing the
12 information that shall be reported by grantees under
13 such paragraph.

14 “(3) CONTENT OF REPORT.—

15 “(A) IN GENERAL.—The report under
16 paragraph (1) shall include, at minimum, the
17 following:

18 “(i) The number of students that re-
19 ceived a grant, including the number of
20 students who received more than one
21 grant.

22 “(ii) The average award amount
23 awarded to eligible students.

1 “(iii) The types of emergencies de-
2 clared and frequencies emergencies de-
3 clared by eligible students.

4 “(iv) The number of students that ap-
5 plied for emergency grant aid.

6 “(v) The number of students that
7 were denied such grants.

8 “(vi) The average amount of time it
9 took an eligible entity to respond to re-
10 quests for emergency grant aid and aver-
11 age amount of time it took the eligible en-
12 tity to award or deny the emergency grant
13 aid.

14 “(vii) Outcomes of the eligible stu-
15 dents that received emergency grant aid,
16 including rates of persistence, retention,
17 and completion, and a comparison of such
18 rates for such students as compared to
19 such rates for Federal Pell recipients at
20 the institution.

21 “(f) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
23 tity’ means an institution of higher education that
24 on the date such entity receives a grant under this

1 section, is participating in the FSEOG program
2 under subpart 3.

3 “(2) ELIGIBLE STUDENT.—The term ‘eligible
4 student’ means a student who—

5 “(A) is enrolled in an eligible entity on an
6 at least half-time basis; and

7 “(B) who is making satisfactory academic
8 progress.

9 “(3) INSTITUTION OF HIGHER EDUCATION.—
10 The term ‘institution of higher education’ has the
11 meaning given the term in section 101.”.

12 **Subpart 4—Special Programs for Students Whose**
13 **Families Are Engaged in Migrant and Seasonal**
14 **Farmwork**

15 **SEC. 4051. SPECIAL PROGRAMS FOR STUDENTS WHOSE**
16 **FAMILIES ARE ENGAGED IN MIGRANT AND**
17 **SEASONAL FARMWORK.**

18 Section 418A(i) of the Higher Education Act of 1965
19 (20 U.S.C. 1070d–2(i)) is amended by striking “2009”
20 and inserting “2021”.

21 **Subpart 5—Child Care Access Means Parents in**
22 **School**

23 **SEC. 4061. CCAMPIS REAUTHORIZATION.**

24 Section 419N of the Higher Education Act of 1965
25 (20 U.S.C. 1070e) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (2)—

3 (i) in subparagraph (A)—

4 (I) by striking “The amount”
5 and inserting “Except as provided in
6 subparagraph (C), the amount”; and

7 (II) by striking “1 percent” and
8 inserting “2 percent”;

9 (ii) in subparagraph (B)(ii), by strik-
10 ing “subsection (g)” and inserting “sub-
11 section (h)”; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(C) PERFORMANCE BONUS.—

15 “(i) IN GENERAL.—Notwithstanding
16 subparagraph (A), for any fiscal year for
17 which the amount appropriated under sub-
18 section (h) is not less than \$140,000,000,
19 the Secretary may pay a performance
20 bonus to an eligible institution of higher
21 education.

22 “(ii) MAXIMUM AMOUNT.—A bonus
23 paid to an eligible institution of higher
24 education under clause (i) for a fiscal year
25 shall not exceed an amount equal to 20

1 percent of the amount of the annual grant
2 payment received by the institution under
3 paragraph (3)(B) for the fiscal year pre-
4 ceding the fiscal year for which the bonus
5 is paid.

6 “(iii) USE OF BONUS.—A bonus re-
7 ceived by an institution under clause (i)
8 shall be used by the institution in the same
9 manner as a grant under this section and
10 shall be treated as grant funds for pur-
11 poses of the application of paragraph (5),
12 except that the Secretary may extend the
13 grant period as necessary for the institu-
14 tion to use such bonus.

15 “(iv) ELIGIBLE INSTITUTION OF
16 HIGHER EDUCATION.—In this subpara-
17 graph, the term ‘eligible institution of
18 higher education’ means an institution of
19 higher education that—

20 “(I) has received a grant under
21 this section for not less than the pe-
22 riod of three consecutive fiscal years
23 preceding the fiscal year in which the
24 bonus is paid under clause (i);

1 “(II) for each such preceding fis-
 2 cal year, has met or exceeded the per-
 3 formance levels established by the in-
 4 stitution for such year under sub-
 5 section (e)(1)(B)(v); and

6 “(III) has demonstrated the need
 7 for such bonus.”; and

8 (B) in paragraph (3)—

9 (i) in subparagraph (A), by striking
 10 “4 years” and inserting “5 years”; and

11 (ii) in subparagraph (B), by striking
 12 “subsection (e)(2)” and inserting “sub-
 13 section (e)(3)”;

14 (2) by amending subsection (c) to read as fol-
 15 lows:

16 “(c) APPLICATIONS.—

17 “(1) IN GENERAL.—An institution of higher
 18 education desiring a grant under this section shall
 19 submit an application to the Secretary at such time,
 20 in such manner, and accompanied by such informa-
 21 tion as the Secretary may require. Such application
 22 shall—

23 “(A) demonstrate that the institution is an
 24 eligible institution described in subsection
 25 (b)(4);

1 “(B) specify the amount of funds re-
2 quested;

3 “(C) demonstrate the need of low-income
4 students at the institution for campus-based
5 child care services by including in the applica-
6 tion—

7 “(i) information regarding student de-
8 mographics, including whether the student
9 is a full-time or part-time student;

10 “(ii) an assessment of child care ca-
11 pacity on or near campus;

12 “(iii) information regarding the wait-
13 ing lists for child care services on or near
14 campus;

15 “(iv) information regarding additional
16 needs created by concentrations of poverty
17 or by geographic isolation;

18 “(v) information about the number of
19 low-income student parents being served
20 through campus-based child care services;
21 and

22 “(vi) other relevant data;

23 “(D) specify the estimated percentage of
24 the institution’s grant that will be used directly
25 to subsidize the fee charged for on-campus and

1 off-campus childcare, respectively, for low-in-
2 come students;

3 “(E) contain a description of the activities
4 to be assisted, including whether the grant
5 funds will support an existing child care pro-
6 gram or a new child care program;

7 “(F) identify the resources, including tech-
8 nical expertise and financial support, that the
9 institution will draw upon to support the child
10 care program and the participation of low-in-
11 come students in the program (such as access-
12 ing social services funding, using student activ-
13 ity fees to help pay the costs of child care,
14 using resources obtained by meeting the needs
15 of parents who are not low-income students,
16 and accessing foundation, corporate, or other
17 institutional support) and demonstrate that the
18 use of the resources will not result in increases
19 in student tuition;

20 “(G) contain an assurance that the institu-
21 tion will meet the child care needs of low-in-
22 come students through the provision of services,
23 or through a contract for the provision of serv-
24 ices;

1 “(H) describe the extent to which the child
2 care program will coordinate with the institu-
3 tion’s early childhood education curriculum, to
4 the extent the curriculum is available, to meet
5 the needs of the students in the early childhood
6 education program at the institution, and the
7 needs of the parents and children participating
8 in the child care program assisted under this
9 section;

10 “(I) in the case of an institution seeking
11 assistance for a new child care program—

12 “(i) provide a timeline, covering the
13 period from receipt of the grant through
14 the provision of the child care services, de-
15 lineating the specific steps the institution
16 will take to achieve the goal of providing
17 low-income students with child care serv-
18 ices;

19 “(ii) specify any measures the institu-
20 tion will take to assist low-income students
21 with child care during the period before
22 the institution provides child care services;
23 and

24 “(iii) include a plan for identifying re-
25 sources needed for the child care services,

1 including space in which to provide child
2 care services, and technical assistance if
3 necessary;

4 “(J) contain an assurance that any child
5 care facility assisted under this section will
6 meet the applicable State and local government
7 licensing, certification, approval, or registration
8 requirements;

9 “(K) in the case of an institution that is
10 awarded a grant under this section after the
11 date of the enactment of the College Afford-
12 ability Act, provide an assurance that, not later
13 than three years after the date on which such
14 grant is awarded, any child care facility assisted
15 with such grant will—

16 “(i) meet Head Start performance
17 standards under subchapter B of chapter
18 13 of title 45, Code of Federal Regulations
19 (as in effect on the date of enactment of
20 the College Affordability Act) and any suc-
21 cessor regulations;

22 “(ii) be in the top tier of the quality
23 rating improvement system for such facili-
24 ties used by the State in which the facility
25 is located;

1 “(iii) meet the licensing requirements
2 of the State in which the facility is located
3 and the quality requirements under the
4 Child Care and Development Block Grant
5 Act of 1990 (42 U.S.C. 9858 et seq.); or

6 “(iv) be accredited by a national early
7 childhood accrediting body with dem-
8 onstrated valid and reliable program qual-
9 ity standards;

10 “(L) contain an assurance that the institu-
11 tion, when applicable, will make information
12 available to students receiving child care serv-
13 ices provided under this section about the eligi-
14 bility of such students and their dependents for
15 assistance under the supplemental nutrition as-
16 sistance program under the Food and Nutrition
17 Act of 2008 (7 U.S.C. 2011 et seq.), the special
18 supplemental nutrition program for women, in-
19 fants, and children under the Child Nutrition
20 Act of 1966 (42 U.S.C. 1786), and the pro-
21 gram of block grants for States for temporary
22 assistance for needy families established under
23 part A of title IV of the Social Security Act (42
24 U.S.C. 601 et seq.); and

1 “(M) contain an abstract summarizing the
2 contents of such application and how the insti-
3 tution intends to achieve the purpose under
4 subsection (a).

5 “(2) TECHNICAL ASSISTANCE.—The Secretary
6 may provide technical assistance to eligible institu-
7 tions to help such institutions qualify, apply for, and
8 maintain a grant under this section.”;

9 (3) in subsection (d)—

10 (A) in the matter preceding paragraph (1),
11 by striking “to institutions of higher education
12 that submit applications describing programs
13 that”;

14 (B) by amending paragraph (1) to read as
15 follows:

16 “(1) based on the extent to which institutions
17 of higher education that submit applications for such
18 a grant leverage local or institutional resources, in-
19 cluding in-kind contributions, to support the activi-
20 ties assisted under this section;”;

21 (C) by redesignating paragraph (2) as
22 paragraph (3);

23 (D) by inserting after paragraph (1), the
24 following:

1 “(2) to institutions of higher education that,
2 compared to other institutions of higher education
3 that submit applications for such a grant, dem-
4 onstrate a high likelihood of need for campus-based
5 child care based on student demographics (such as
6 a high proportion of low-income students or inde-
7 pendent students); and”;

8 (E) in paragraph (3) (as redesignated by
9 subparagraph (C)), by inserting “to institutions
10 of higher education that submit applications de-
11 scribing programs that” before “utilize”; and
12 (4) in subsection (e)—

13 (A) in paragraph (1)(B)—

14 (i) by redesignating clauses (ii), (iii),
15 and (iv) as clauses (vi), (vii), and (viii), re-
16 spectively; and

17 (ii) by striking the semicolon at the
18 end of clause (i) and inserting the fol-
19 lowing: “which shall include—

20 “(I) the number of full- and part-
21 time students, respectively, receiving
22 child care services under this section
23 at least once per week during the aca-
24 demic year;

1 “(II) the number of credits accu-
2 mulated by students receiving such
3 child care services;

4 “(III) the number of students re-
5 ceiving child care services under this
6 section at least once per week during
7 the academic year who—

8 “(aa) remain enrolled at the
9 institution during the academic
10 year for which they received such
11 services;

12 “(bb) enroll at the institu-
13 tion for the following academic
14 year; and

15 “(cc) graduate or transfer
16 within—

17 “(AA) 150 percent of
18 the normal time for comple-
19 tion of a student’s four-year
20 degree granting program; or

21 “(BB) 200 percent of
22 the normal time for comple-
23 tion of a student’s two-year
24 degree-granting program;

1 “(ii) with respect to the total student
2 enrollment at the institution and the total
3 enrollment of low-income students at the
4 institution, respectively—

5 “(I) the rate at which students
6 who complete an academic year at the
7 institution re-enroll in the institution
8 for the following academic year; and

9 “(II) the percentage of students
10 graduating or transferring within—

11 “(aa) 150 percent of the
12 normal time for completion of a
13 student’s four-year degree grant-
14 ing program; or

15 “(bb) 200 percent of the
16 normal time for completion of a
17 student’s two-year degree grant-
18 ing program;

19 “(iii) the percentage of the institu-
20 tion’s grant that was used directly to sub-
21 sidize the fee charged for on-campus and
22 off-campus childcare, respectively, for low-
23 income students;

1 “(iv) whether the institution restricts
2 eligibility for child care services to only
3 full-time students;

4 “(v) the sufficiently ambitious levels
5 of performance established for such year
6 by the institution that demonstrate mean-
7 ingful progress and allow for meaningful
8 evaluation of program quality based on the
9 information in clauses (i)(III) and (iii);”;

10 (B) by redesignating paragraph (2) as
11 paragraph (3);

12 (C) by inserting after paragraph (1) the
13 following:

14 “(2) REPORT.—

15 “(A) REPORT REQUIRED.—On an annual
16 basis, the Secretary shall submit to the author-
17 izing committees a report that includes—

18 “(i) a summary of the information de-
19 scribed in paragraph (1); and

20 “(ii) each abstract submitted under
21 subsection (c)(1)(M) by an institution of
22 higher education that receives a grant
23 under this section.

1 “(B) PUBLIC AVAILABILITY.—The Sec-
2 retary shall make each report submitted under
3 subparagraph (A) publicly available.”;

4 (D) in paragraph (3), as so redesignated,
5 by inserting “(other than the information pro-
6 vided under subparagraph (B)(v) of such para-
7 graph)” after “paragraph (1)”; and

8 (E) by adding at the end the following:

9 “(4) TECHNICAL ASSISTANCE.—The Secretary
10 shall provide technical assistance to institutions of
11 higher education receiving grants under this section
12 to help such institutions meet the reporting require-
13 ments under this subsection.”;

14 (5) by redesignating subsection (g) as sub-
15 section (h);

16 (6) by inserting after subsection (f) the fol-
17 lowing:

18 “(g) NONDISCRIMINATION.—No person in the United
19 States shall, on the basis of actual or perceived race, color,
20 religion, national origin, sex (including sexual orientation,
21 gender identity, pregnancy, childbirth, a medical condition
22 related to pregnancy or childbirth, and sex stereotype), or
23 disability, be excluded from participation in, be denied the
24 benefits of, or be subjected to discrimination by any pro-
25 gram funded, in whole or in part, with funds made avail-

1 able under this section or with amounts appropriated for
 2 grants, contracts, or certificates administered with such
 3 funds.”; and

4 (7) in subsection (h), as so redesignated, by
 5 striking “such sums as may be necessary for fiscal
 6 year 2009” and inserting “\$200,000,000 for fiscal
 7 year 2021”.

8 **Subpart 6—Jumpstart to College Grant Programs**

9 **SEC. 4071. JUMPSTART TO COLLEGE GRANT PROGRAMS.**

10 Part A of title IV of the Higher Education Act of
 11 1965 (20 U.S.C. 1070 et seq.) is further amended by in-
 12 serting after subpart 7 the following:

13 **“Subpart 8—Jumpstart to College**

14 **“SEC. 4190. DEFINITIONS.**

15 “In this subpart:

16 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 17 tity’ means an institution of higher education in
 18 partnership with one or more local educational agen-
 19 cies (which may be an educational service agency).
 20 Such partnership may also include other entities
 21 such as nonprofit organizations or businesses, and
 22 schools in juvenile detention centers.

23 “(2) INSTITUTION OF HIGHER EDUCATION.—

24 The term ‘institution of higher education’ has the

1 meaning given the term in section 101 (20 U.S.C.
2 1001).

3 “(3) ESEA TERMS.—The terms ‘dual or con-
4 current enrollment program’, ‘early college high
5 school’, ‘educational service agency’, ‘four-year ad-
6 justed cohort graduation rate’, ‘local educational
7 agency’, ‘secondary school’, and ‘State’ have mean-
8 ings given the terms in section 8101 of the Elemen-
9 tary and Secondary Education Act of 1965 (20
10 U.S.C. 7801).

11 “(4) LOW-INCOME STUDENT.—The term ‘low-
12 income student’ means a student counted under sec-
13 tion 1124(c) of the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 6333(e)).

15 “(5) RECOGNIZED POSTSECONDARY CREDEN-
16 TIAL.—The term ‘recognized postsecondary creden-
17 tial’ has the meaning given the term in section 3 of
18 the Workforce Innovation and Opportunity Act (29
19 U.S.C. 3102).

20 **“SEC. 419P. AUTHORIZATION OF APPROPRIATIONS; RES-**
21 **ERVATIONS.**

22 “(a) IN GENERAL.—To carry out this subpart, there
23 are authorized to be appropriated \$250,000,000 for fiscal
24 year 2021 and each of the five succeeding fiscal years.

1 “(b) RESERVATIONS.—From the funds appropriated
2 under subsection (a) for each fiscal year, the Secretary
3 shall reserve—

4 “(1) not less than 40 percent for grants to eli-
5 gible entities under section 419Q;

6 “(2) not less than 55 percent for grants to
7 States under section 419R; and

8 “(3) not less than 5 percent for national activi-
9 ties under section 419T.

10 **“SEC. 419Q. GRANTS TO ELIGIBLE ENTITIES.**

11 “(a) IN GENERAL.—The Secretary shall award
12 grants to eligible entities, on a competitive basis, to assist
13 such entities in establishing or supporting an early college
14 high school or dual or concurrent enrollment program in
15 accordance with this section.

16 “(b) DURATION.—Each grant under this section shall
17 be awarded for a period of 6 years.

18 “(c) GRANT AMOUNT.—The Secretary shall ensure
19 that the amount of each grant under this section is suffi-
20 cient to enable each grantee to carry out the activities de-
21 scribed in subsection (h), except that a grant under this
22 section may not exceed \$2,000,000.

23 “(d) MATCHING REQUIREMENT.—

24 “(1) IN GENERAL.—For each year that an eligi-
25 ble entity receives a grant under this section, the en-

1 tity shall contribute matching funds, in the amounts
2 described in paragraph (2), for the activities sup-
3 ported by the grant.

4 “(2) AMOUNTS DESCRIBED.—The amounts de-
5 scribed in this paragraph are—

6 “(A) for each of the first and second years
7 of the grant period, 20 percent of the grant
8 amount;

9 “(B) for each of the third and fourth years
10 of the grant period, 30 percent of the grant
11 amount;

12 “(C) for the fifth year of the grant period,
13 40 percent of the grant amount; and

14 “(D) for the sixth year of the grant period,
15 50 percent of the grant amount.

16 “(3) DETERMINATION OF AMOUNT CONTRIB-
17 UTED.—

18 “(A) IN-KIND CONTRIBUTIONS.—The Sec-
19 retary shall allow an eligible entity to meet the
20 requirements of this subsection through in-kind
21 contributions.

22 “(B) NON-FEDERAL SOURCES.—Not less
23 than half of each amount described in para-
24 graph (2) shall be provided by the eligible entity
25 from non-Federal sources.

1 “(e) SUPPLEMENT, NOT SUPPLANT.—An eligible en-
2 tity shall use a grant received under this section only to
3 supplement funds that would, in the absence of such
4 grant, be made available from other Federal, State, or
5 local sources for activities supported by the grant, not to
6 supplant such funds.

7 “(f) PRIORITY.—In awarding grants under this sec-
8 tion, the Secretary shall give priority to eligible entities
9 that—

10 “(1) propose to establish or support an early
11 college high school or other dual or concurrent en-
12 rollment program that will serve a student popu-
13 lation of which not less than 51 percent are low-in-
14 come students;

15 “(2) include a local educational agency which
16 serves a high school that is—

17 “(A) identified for comprehensive support
18 and improvement under section
19 1111(c)(4)(D)(i) of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 6311(c)(4)(D)(i)); or

22 “(B) implementing a targeted support and
23 improvement plan as described in section
24 1111(d)(2) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6311(d)(2));

1 “(3) are from States that provide assistance to
2 early college high schools or other dual enrollment
3 programs, such as assistance to defray the costs of
4 higher education (including costs of tuition, fees,
5 and textbooks); and

6 “(4) propose to establish or support an early
7 college high school or dual or concurrent enrollment
8 program that meets quality standards established
9 by—

10 “(A) a nationally recognized accrediting
11 agency or association that offers accreditation
12 specifically for such programs; or

13 “(B) a State process specifically for the re-
14 view and approval of such programs.

15 “(g) EQUITABLE DISTRIBUTION.—The Secretary
16 shall ensure, to the extent practicable, that eligible entities
17 receiving grants under this section—

18 “(1) are from a representative cross section
19 of—

20 “(A) urban, suburban, and rural areas;
21 and

22 “(B) regions of the United States; and

23 “(2) include both two-year and four-year insti-
24 tutions of higher education.

25 “(h) USES OF FUNDS.—

1 “(1) MANDATORY ACTIVITIES.—

2 “(A) IN GENERAL.—An eligible entity shall
3 use grant funds received under this section—

4 “(i) to support the activities described
5 in its application under subsection (i);

6 “(ii) to create and maintain a coher-
7 ent system of supports for students, teach-
8 ers, principals, and faculty under the pro-
9 gram, including—

10 “(I) college and career readiness,
11 academic, and social support services
12 for students; and

13 “(II) professional development
14 for secondary school teachers, faculty,
15 and principals, and faculty from the
16 institution of higher education, includ-
17 ing—

18 “(aa) joint professional de-
19 velopment activities; and

20 “(bb) activities to assist
21 such teachers, faculty, and prin-
22 cipals in using effective parent
23 and community engagement
24 strategies and to help ensure the
25 success of students academically

1 at risk of not enrolling in or com-
2 pleting postsecondary education,
3 first-generation college students,
4 and students described in section
5 1111(b)(2)(B)(xi) of the Elemen-
6 tary and Secondary Education
7 Act of 1965 (20 U.S.C.
8 6311(b)(2)(B)(xi));

9 “(iii) to carry out liaison activities
10 among the partners that comprise the eli-
11 gible entity pursuant to an agreement or
12 memorandum of understanding docu-
13 menting commitments, resources, roles,
14 and responsibilities of the partners con-
15 sistent with the design of the program;

16 “(iv) for outreach programs to ensure
17 that secondary school students and their
18 families, including students academically at
19 risk of not enrolling in or completing post-
20 secondary education, first-generation col-
21 lege students, and students described in
22 section 1111(b)(2)(B)(xi) of the Elemen-
23 tary and Secondary Education Act of 1965
24 (20 U.S.C. 6311(b)(2)(B)(xi)), are—

1 “(I) aware of, and recruited into,
2 the early college high school or dual
3 or concurrent enrollment program;
4 and

5 “(II) assisted with the process of
6 enrolling and succeeding in the early
7 college high school or dual or concur-
8 rent enrollment program, which may
9 include providing academic support;

10 “(v) to collect, share, and use data (in
11 compliance with section 444 of the General
12 Education Provisions Act (20 U.S.C.
13 1232g)) for program improvement and
14 program evaluation; and

15 “(vi) to review and strengthen its pro-
16 gram to maximize the potential that stu-
17 dents participating in the program will
18 eventually complete a recognized postsec-
19 ondary credential, including by opti-
20 mizing—

21 “(I) the curriculum of the pro-
22 gram;

23 “(II) the use of high-quality as-
24 sessments of student learning, such as
25 performance-based, project-based, or

1 portfolio assessments that measure
2 higher-order thinking skills;

3 “(III) the sequence of courses of-
4 fered by the program; and

5 “(IV) the alignment of academic
6 calendars between the secondary
7 schools and the institution of higher
8 education participating in the pro-
9 gram.

10 “(B) NEW PROGRAMS.—In the case of an
11 eligible entity that uses a grant under this sec-
12 tion to establish an early college high school or
13 dual or concurrent enrollment program, the en-
14 tity shall use such funds during the first year
15 of the grant period—

16 “(i) to design the curriculum and se-
17 quence of courses in collaboration with, at
18 a minimum—

19 “(I) faculty from the institution
20 of higher education;

21 “(II) teachers and faculty from
22 the local educational agency; and

23 “(III) in the case of a career and
24 technical education program, employ-
25 ers or workforce development entities

1 to ensure that the program is aligned
2 with labor market demand;

3 “(ii) to develop and implement an ar-
4 ticulation agreement between the institu-
5 tion of higher education and the local edu-
6 cational agency that governs how sec-
7 ondary and postsecondary credits will be
8 awarded under the program; and

9 “(iii) to carry out the activities de-
10 scribed in subparagraph (A).

11 “(2) ALLOWABLE ACTIVITIES.—An eligible enti-
12 ty may use grant funds received under this section
13 to support the activities described in its application
14 under subsection (i), including by—

15 “(A) purchasing textbooks and equipment
16 that support the program’s curriculum;

17 “(B) pursuant to the assurance provided
18 by the eligible entity under subsection (i)(3)(A),
19 paying tuition and fees for postsecondary
20 courses taken by students under the program;

21 “(C) incorporating work-based learning op-
22 portunities (other than by paying wages of stu-
23 dents) into the program (which may include
24 partnering with entities that provide such op-
25 portunities), including—

1 “(i) internships;

2 “(ii) career-based capstone projects;

3 “(iii) pre-apprenticeships and reg-
4 istered apprenticeships provided by eligible
5 providers of apprenticeship programs de-
6 scribed in section 122(a)(2)(B) of the
7 Workforce Innovation and Opportunity Act
8 (29 U.S.C. 3152(a)(2)(B)); and

9 “(iv) work-based learning opportuni-
10 ties provided under chapters 1 and 2 of
11 subpart 2 of part A of title IV of the High-
12 er Education Act of 1965 (20 U.S.C.
13 1070a–11 et seq.);

14 “(D) providing students with transpor-
15 tation to and from the program;

16 “(E) paying costs for—

17 “(i) high school teachers to obtain the
18 skills, credentials, or industry certifications
19 necessary to teach for the institution of
20 higher education participating in the pro-
21 gram; or

22 “(ii) postsecondary faculty to become
23 certified to teach high school; or

24 “(F) providing time during which sec-
25 ondary school teachers and faculty and faculty

1 from an institution of higher education can col-
2 laborate, which may include professional devel-
3 opment, the planning of team activities for such
4 teachers and faculty and curricular design and
5 student assessment.

6 “(i) APPLICATION.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 grant under this section, an eligible entity shall sub-
9 mit to the Secretary an application at such time, in
10 such manner, and containing such information as
11 the Secretary may require.

12 “(2) CONTENTS OF APPLICATION.—The appli-
13 cation under paragraph (1) shall include, at min-
14 imum, a description of—

15 “(A) the partnership that comprises the el-
16 igible entity, including documentation of part-
17 ner commitments, resources and budget, roles,
18 and responsibilities;

19 “(B) how the partners that comprise the
20 eligible entity will coordinate to carry out the
21 mandatory activities described in subsection
22 (h)(1);

23 “(C) the number of students intended to
24 be served by the program and demographic in-
25 formation relating to such students;

1 “(D) how the eligible entity’s curriculum
2 and sequence of courses form a program of
3 study leading to a recognized postsecondary cre-
4 dential;

5 “(E) how postsecondary credits earned will
6 be transferable to institutions of higher edu-
7 cation within the State, including any applicable
8 statewide transfer agreements and any provi-
9 sions of such agreements that are specific to
10 dual or concurrent enrollment programs;

11 “(F) how the eligible entity will conduct
12 outreach to students;

13 “(G) how the eligible entity will determine
14 the eligibility of students for postsecondary
15 courses, including an explanation of the mul-
16 tiple factors the entity will take into account to
17 assess the readiness of students for such
18 courses; and

19 “(H) the sustainability plan for the early
20 college high school or other dual or concurrent
21 enrollment program.

22 “(3) ASSURANCES.—The application under
23 paragraph (1) shall include assurances from the eli-
24 gible entity that—

1 “(A) students participating in a program
2 funded with a grant under this section will not
3 be required to pay tuition or fees for postsec-
4 ondary courses taken under the program;

5 “(B) postsecondary credits earned by stu-
6 dents under the program will be transcribed
7 upon completion of the required course work;
8 and

9 “(C) instructors of postsecondary courses
10 under the program will meet the same stand-
11 ards applicable to other faculty at the institu-
12 tion of higher education that is participating in
13 the program.

14 **“SEC. 419R. GRANTS TO STATES.**

15 “(a) IN GENERAL.—The Secretary shall award
16 grants to States, on a competitive basis, to assist States
17 in supporting or establishing early college high schools or
18 dual or concurrent enrollment programs.

19 “(b) DURATION.—Each grant under this section shall
20 be awarded for a period of 6 years.

21 “(c) GRANT AMOUNT.—The Secretary shall ensure
22 that the amount of each grant under this section is suffi-
23 cient to enable each grantee to carry out the activities de-
24 scribed in subsection (f).

1 “(d) MATCHING REQUIREMENT.—For each year that
2 a State receives a grant under this section, the State shall
3 provide, from non-Federal sources, an amount equal to 50
4 percent of the amount of the grant received by the State
5 for such year to carry out the activities supported by the
6 grant.

7 “(e) SUPPLEMENT, NOT SUPPLANT.—A State shall
8 use a grant received under this section only to supplement
9 funds that would, in the absence of such grant, be made
10 available from other Federal, State, or local sources for
11 activities supported by the grant, not to supplant such
12 funds.

13 “(f) USES OF FUNDS.—

14 “(1) MANDATORY ACTIVITIES.—A State shall
15 use grant funds received under this section to—

16 “(A) support the activities described in its
17 application under subsection (g);

18 “(B) plan and implement a statewide
19 strategy for expanding access to early college
20 high schools and dual or concurrent enrollment
21 programs for students who are underrep-
22 resented in higher education to raise statewide
23 rates of secondary school graduation, readiness
24 for postsecondary education, and completion of
25 recognized postsecondary credentials, with a

1 focus on students academically at risk of not
2 enrolling in or completing postsecondary edu-
3 cation;

4 “(C) identify any obstacles to such a strat-
5 egy under State law or policy;

6 “(D) provide technical assistance (either
7 directly or through a knowledgeable inter-
8 mediary) to early college high schools and other
9 dual or concurrent enrollment programs, which
10 may include—

11 “(i) brokering relationships and agree-
12 ments that forge a strong partnership be-
13 tween elementary and secondary and post-
14 secondary partners; and

15 “(ii) offering statewide training, pro-
16 fessional development, and peer learning
17 opportunities for school leaders, instruc-
18 tors, and counselors or advisors;

19 “(E) identify and implement policies that
20 will improve the effectiveness and ensure the
21 quality of early college high schools and dual or
22 concurrent enrollment programs, such as eligi-
23 bility and access, funding, data and quality as-
24 surance, governance, accountability, and align-
25 ment policies;

1 “(F) update the State’s requirements for a
2 student to receive a regular high school diploma
3 to align with the challenging State academic
4 standards and entrance requirements for credit-
5 bearing coursework as described in subpara-
6 graphs (A) and (D) of section 1111(b)(1) of the
7 Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 6311(b)(1));

9 “(G) incorporate indicators regarding stu-
10 dent access to and completion of early college
11 high schools and dual or concurrent enrollment
12 programs into the school quality and student
13 success indicators included in the State system
14 of annual meaningful differentiation as de-
15 scribed under section 1111(c)(4)(B)(v)(I) of the
16 Elementary and Secondary Education Act of
17 1965 (20 U.S.C. 6311(c)(4)(B)(v)(I));

18 “(H) disseminate best practices for early
19 college high schools and dual or concurrent en-
20 rollment programs, which may include best
21 practices from programs in the State or other
22 States;

23 “(I) facilitate statewide secondary and
24 postsecondary data collection, research and

1 evaluation, and reporting to policymakers and
2 other stakeholders; and

3 “(J) conduct outreach programs to ensure
4 that secondary school students, their families,
5 and community members are aware of early col-
6 lege high schools and dual or concurrent enroll-
7 ment programs in the State.

8 “(2) ALLOWABLE ACTIVITIES.—A State may
9 use grant funds received under this section to—

10 “(A) establish a mechanism to offset the
11 costs of tuition, fees, standardized testing and
12 performance assessment costs, and support
13 services for low-income students, and students
14 from underrepresented populations enrolled in
15 early college and high schools or dual or concu-
16 rent enrollment;

17 “(B) establish formal transfer systems
18 within and across State higher education sys-
19 tems, including two-year and four-year public
20 and private institutions, to maximize the trans-
21 ferability of college courses;

22 “(C) provide incentives to school districts
23 that—

24 “(i) assist high school teachers in get-
25 ting the credentials needed to participate

1 in early college high school programs and
2 dual or concurrent enrollment; and

3 “(ii) encourage the use of college in-
4 structors to teach college courses in high
5 schools;

6 “(D) support initiatives to improve the
7 quality of early college high school and dual or
8 concurrent enrollment programs at partici-
9 pating institutions, including by assisting such
10 institutions in aligning programs with the qual-
11 ity standards described in section 419Q(f)(3);
12 and

13 “(E) reimburse low-income students to
14 cover part or all of the costs of an Advanced
15 Placement or International Baccalaureate ex-
16 amination.

17 “(g) STATE APPLICATIONS.—

18 “(1) APPLICATION.—To be eligible to receive a
19 grant under this section, a State shall submit to the
20 Secretary an application at such time, in such man-
21 ner, and containing such information as the Sec-
22 retary may require.

23 “(2) CONTENTS OF APPLICATION.—The appli-
24 cation under paragraph (1) shall include, at min-
25 imum, a description of—

1 “(A) how the State will carry out the man-
2 datory State activities described in subsection
3 (f)(1);

4 “(B) how the State will ensure that any
5 programs funded with a grant under this sec-
6 tion are coordinated with programs under—

7 “(i) the Carl D. Perkins Career and
8 Technical Education Act of 2006 (20
9 U.S.C. 2301 et seq.);

10 “(ii) the Workforce Innovation and
11 Opportunity Act (29 U.S.C. 3101 et seq.);

12 “(iii) the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6301 et
14 seq.); and

15 “(iv) the Individuals with Disabilities
16 Education Act (20 U.S.C. 1400 et seq.);

17 “(C) how the State intends to use grant
18 funds to address achievement gaps for each cat-
19 egory of students described in section
20 1111(b)(2)(B)(xi) of the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C.
22 6311(b)(2)(B)(xi));

23 “(D) how the State will access and lever-
24 age additional resources necessary to sustain

1 early college high schools or other dual or con-
2 current enrollment programs;

3 “(E) how the State will identify and elimi-
4 nate barriers to implementing effective early
5 college high schools and dual or concurrent en-
6 rollment programs after the grant expires, in-
7 cluding by engaging businesses and nonprofit
8 organizations; and

9 “(F) such other information as the Sec-
10 retary determines to be appropriate.

11 **“SEC. 419S. REPORTING AND OVERSIGHT.**

12 “(a) IN GENERAL.—Not less frequently than once
13 annually, each State and eligible entity that receives a
14 grant under this subpart shall submit to the Secretary a
15 report on the progress of the State or eligible entity in
16 carrying out the programs supported by such grant.

17 “(b) FORM OF REPORT.—The report under sub-
18 section (a) shall be submitted to the Secretary at such
19 time, in such manner, and containing such information as
20 the Secretary may require. The Secretary shall issue uni-
21 form guidelines describing the information that shall be
22 reported by grantees under such subsection.

23 “(c) CONTENTS OF REPORT.—

24 “(1) IN GENERAL.—The report under sub-
25 section (a) shall include, at minimum, the following:

1 “(A) The number of students enrolled in
2 the early college high school or dual or concu-
3 rent enrollment program.

4 “(B) The number and percentage of stu-
5 dents reimbursed by the State for part or all of
6 the costs of an Advanced Placement or Inter-
7 national Baccalaureate examination and the
8 student test scores.

9 “(C) The number and percentage of stu-
10 dents enrolled in the early college high school or
11 dual or concurrent enrollment program who
12 earn a recognized postsecondary credential con-
13 currently with a high school diploma.

14 “(D) The number of postsecondary credits
15 earned by eligible students while enrolled in the
16 early college high school or dual or concurrent
17 enrollment program that may be applied toward
18 a recognized postsecondary credential.

19 “(E) The number and percentage of stu-
20 dents who earn a high school diploma.

21 “(F) The number and percentage of grad-
22 uates who enroll in postsecondary education.

23 “(2) CATEGORIES OF STUDENTS.—The infor-
24 mation described in each of subparagraphs (A)
25 through (G) of paragraph (1) shall be set forth sepa-

1 rately for each category of students described in sec-
2 tion 1111(b)(2)(B)(xi) of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C.
4 6311(b)(2)(B)(xi)).

5 **“SEC. 419T. NATIONAL ACTIVITIES.**

6 “(a) REPORTING BY SECRETARY.—Not less fre-
7 quently than once annually, the Secretary shall submit to
8 Congress a report that includes—

9 “(1) an analysis of the information received
10 from States and eligible entities under section 419S;

11 “(2) an identification of best practices for car-
12 rying out programs supported by grants under this
13 subpart; and

14 “(3) the results of the evaluation under sub-
15 section (b).

16 “(b) NATIONAL EVALUATION.—Not later than 6
17 months after the date of the enactment of the College Af-
18 fordability Act, the Secretary shall seek to enter into a
19 contract with an independent entity to perform an evalua-
20 tion of the grants awarded under this subtitle. Such eval-
21 uation shall apply rigorous procedures to obtain valid and
22 reliable data concerning student outcomes by social and
23 academic characteristics and monitor the progress of stu-
24 dents from secondary school to and through postsecondary
25 education.

1 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance to States and eligible entities
3 concerning best practices and quality improvement pro-
4 grams in early college high schools and dual or concurrent
5 enrollment programs and shall disseminate such best prac-
6 tices among eligible entities, States, and local educational
7 agencies.

8 “(d) ADMINISTRATIVE COSTS.—From amounts re-
9 served to carry out this section under section 419P(b)(3),
10 the Secretary may reserve such sums as may be necessary
11 for the direct administrative costs of carrying out the Sec-
12 retary’s responsibilities under this subtitle.

13 **“SEC. 419U. RULES OF CONSTRUCTION.**

14 “(a) EMPLOYEES.—Nothing in this subpart shall be
15 construed to alter or otherwise affect the rights, remedies,
16 and procedures afforded to the employees of local edu-
17 cational agencies (including schools) or institutions of
18 higher education under Federal, State, or local laws (in-
19 cluding applicable regulations or court orders) or under
20 the terms of collective bargaining agreements, memoranda
21 of understanding, or other agreements between such em-
22 ployees and their employers.

23 “(b) GRADUATION RATE.—A student who graduates
24 from an early college high school supported by a grant
25 under section 419Q within 100 percent of the normal time

1 for completion described in the eligible entity’s application
 2 under such section shall be counted in the four-year ad-
 3 justed cohort graduation rate for such high school.”.

4 **Subpart 7—TEACH Grants**

5 **SEC. 4081. REVISED DEFINITIONS OF TEACH GRANTS.**

6 Section 420L of the Higher Education Act of 1965
 7 (20 U.S.C. 1070g) is amended by adding at the end the
 8 following:

9 “(4) **TEACHER PREPARATION PROGRAM.**—The
 10 term ‘teacher preparation program’ means a State-
 11 approved course of study provided by an institution
 12 of higher education, the completion of which sig-
 13 nifies that an enrollee has met all the State’s edu-
 14 cational or training requirements for initial certifi-
 15 cation or licensure to teach in the State’s elementary
 16 schools or secondary schools.”.

17 **SEC. 4082. REVISIONS TO ESTABLISHING TEACH GRANT**
 18 **PROGRAM.**

19 Section 420M of the Higher Education Act of 1965
 20 (20 U.S.C. 1070g–1) is amended—

21 (1) in subsection (a)(1)—

22 (A) by striking “an application” and in-
 23 serting “a Free Application for Federal Student
 24 Aid authorized under section 483(a)”; and

1 (B) by striking “in the amount of” and all
2 that follows through the period at the end and
3 inserting the following: “except as provided in
4 subsection (d)(4), in the amount of—

5 “(A) \$8,000, to be available to a teacher
6 candidate who is enrolled as an undergraduate
7 junior at the eligible institution;

8 “(B) \$8,000, to be available to a teacher
9 candidate who is enrolled as an undergraduate
10 senior at the eligible institution; and

11 “(C) \$4,000, to be available to a teacher
12 candidate who is enrolled at the eligible institu-
13 tion for any year not described in subparagraph
14 (A) or (B) or a teacher candidate who is en-
15 rolled in the second year of an associate’s de-
16 gree program and intends to teach in an early
17 childhood education program; and”;

18 (2) in subsection (d)—

19 (A) in paragraph (1), by striking “under-
20 graduate” and inserting “associate, under-
21 graduate,”; and

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

23 “(4) ASSOCIATE DEGREE STUDENTS.—

24 “(A) MAXIMUM AMOUNT FOR ASSOCIATE
25 DEGREE STUDY.—The period during which an

1 associate degree student intending to teach in
2 an early childhood education program may re-
3 ceive grants under this subpart shall be the pe-
4 riod required for the completion of an associ-
5 ate's degree course of study pursued by the
6 teacher candidate at the eligible institution at
7 which the teacher candidate is in attendance,
8 except that the total amount that a teacher
9 candidate may receive under this subpart for an
10 associate's degree course of study shall not ex-
11 ceed \$8,000.

12 “(B) EFFECT ON FURTHER UNDER-
13 GRADUATE OR POST-BACCALAUREATE STUDY.—
14 In the case of a teacher candidate intending to
15 teach in an early childhood education program
16 who receives a grant under this subpart for an
17 associate's degree course of study and who
18 seeks to receive a grant described in subpara-
19 graph (A) or (B) of subsection (a)(1), the
20 amount of such grant shall be equal to—

21 “(i) one half of the amount that is
22 equal to \$16,000, minus the amount the
23 teacher candidate received under this sub-
24 part for the associate's degree course of
25 study of such candidate, to be available to

1 a teacher candidate who is enrolled as an
 2 undergraduate junior at the eligible insti-
 3 tution; and

4 “(ii) one half of the amount that is
 5 equal to \$16,000, minus the amount the
 6 teacher candidate received under this sub-
 7 part for the associate’s degree course of
 8 study of such candidate, to be available to
 9 a teacher candidate who is enrolled as an
 10 undergraduate senior at the eligible insti-
 11 tution.”.

12 **SEC. 4083. REVISIONS TO TEACH GRANT AGREEMENTS TO**
 13 **SERVE AND ELIGIBILITY.**

14 Section 420N of the Higher Education Act of 1965
 15 (20 U.S.C. 1070g–2) is amended—

16 (1) in subsection (a)—

17 (A) in the heading of paragraph (2), by
 18 striking “DEMONSTRATION OF TEACH” and in-
 19 sert “TEACH”;

20 (B) in paragraph (2)(A)(ii)(II), by striking
 21 “batteries in an undergraduate, post-bacca-
 22 laureate, or graduate school admissions test”
 23 and inserting “assessments used for admission
 24 to an undergraduate, post-baccalaureate, or
 25 graduate school program”;

1 (C) in paragraphs (2)(B)(i), by striking
2 “or another high-need” and inserting “early
3 childhood education, or another high-need”; and

4 (D) in paragraph (2)(B)(ii), by striking “,
5 such as Teach for America,”;

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (B), by inserting
9 before the semicolon at the end the fol-
10 lowing: “or in a high-need early childhood
11 education program (as defined in section
12 200(15));”;

13 (ii) in subparagraph (C)—

14 (I) by striking “or” at the end of
15 clause (vi);

16 (II) by redesignating clause (vii)
17 as clause (viii);

18 (III) by inserting after clause
19 (vi), as so amended, the following:

20 “(vii) early childhood education; or”;

21 and

22 (IV) in clause (viii), as so red-
23 igned, by adding “and” at the end;

24 (iii) in subparagraph (D)—

1 (I) by inserting “or early child-
2 hood education program” after
3 “school”; and

4 (II) by striking “and” at the end;
5 and

6 (iv) by striking subparagraph (E);

7 (B) by striking “and” at the end of para-
8 graph (2);

9 (C) by striking the period at the end of
10 paragraph (3) and inserting “; and”; and

11 (D) by adding at the end the following:

12 “(4) the Secretary will—

13 “(A) notify, or ensure that the applicable
14 loan servicer will notify, the applicant of—

15 “(i) the date on which submission of
16 the certification under paragraph (1)(D) is
17 required; and

18 “(ii) any failure to submit such cer-
19 tification; and

20 “(B) allow employers and borrowers to use
21 electronic signatures to certify such employ-
22 ment.”;

23 (3) in subsection (c)—

24 (A) by striking “In the event” and insert-
25 ing the following:

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 in the event”; and

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

4 “(2) CLARIFICATION.—

5 “(A) APPLICATION.—Paragraph (1) may
6 only apply with respect to a recipient of a grant
7 under this subpart if—

8 “(i) after completing the course of
9 study for which the recipient received the
10 grant, such recipient does not serve as a
11 full-time teacher as required under sub-
12 section (b)(1) for at least—

13 “(I) 1 year, as certified under
14 subsection (b)(1)(D) on a date that is
15 not later than 5 years after the date
16 such course of study was completed;

17 “(II) 2 years, as certified under
18 subsection (b)(1)(D) on a date that is
19 not later than 6 years after the date
20 such course of study was completed;

21 “(III) 3 years, as certified under
22 subsection (b)(1)(D) on a date that is
23 not later than 7 years after the date
24 such course of study was completed;

25 or

1 “(IV) 4 years, as certified under
2 subsection (b)(1)(D) on a date that is
3 not later than 8 years after the date
4 such course of study was completed;
5 or

6 “(ii) the recipient elects to have such
7 grant treated as a loan in accordance with
8 such paragraph (1).

9 “(B) APPEAL.—A recipient of a grant may
10 appeal a decision to convert a loan under para-
11 graph (1).”; and
12 (4) in subsection (d)—

13 (A) by redesignating paragraph (2) as
14 paragraph (5);

15 (B) in paragraph (1), by striking “sub-
16 section (b)(1)(C)(vii)” and inserting “sub-
17 section (b)(1)(C)(viii)”;

18 (C) by inserting after paragraph (1), the
19 following:

20 “(2) CHANGE OF SCHOOL DESCRIPTION OR
21 PROGRAM DEFINITION.—If a recipient of an initial
22 grant under this subpart teaches in a school or an
23 early childhood education program for an academic
24 year during which the school is identified as a school
25 described in section 465(a)(2)(A) or a program that

1 meets the definition of section 200(15), but the
2 school or program no longer meets such description
3 or definition during a subsequent academic year, the
4 grant recipient may fulfill the service obligation de-
5 scribed in subsection (b)(1) by continuing to teach
6 at that school or program.

7 “(3) CHANGE OF TEACHER DUTIES OR ASSIGN-
8 MENT.—If a recipient of an initial grant under this
9 subpart teaches as a full-time teacher described in
10 subsection (b)(1)(A), but the recipient no longer
11 meets such description during a subsequent aca-
12 demic year due to switching academic roles to that
13 of a full-time co-teacher, teacher leader, instruc-
14 tional or academic coach, department chairperson,
15 special education case manager, guidance counselor,
16 or school administrator within a school or program,
17 the grant recipient may fulfill the service obligation
18 described in subsection (b)(1) by continuing to work
19 in any such academic role on a full-time basis at
20 that school or program

21 “(4) CHANGE IN HIGH-NEED FIELD STATUS.—
22 If a recipient of an initial grant under this subpart
23 teaches in a field at a school or an early childhood
24 education program for an academic year during
25 which the field is designated under subsection

1 (b)(1)(C)(viii), but the field no longer is so des-
2 ignated during a subsequent academic year, the
3 grant recipient may fulfill the service obligation de-
4 scribed in subsection (b)(1) by continuing to teach
5 in such field at such school or early childhood edu-
6 cation program.”.

7 **SEC. 4084. REVISIONS TO TEACH GRANT DATA COLLECTION**
8 **AND REPORTING.**

9 Section 420P of the Higher Education Act of 1965
10 (20 U.S.C. 1070g–4) is amended to read as follows:

11 **“SEC. 420P. DATA COLLECTION AND REPORTING.**

12 **“(a) DATA COLLECTION.—**

13 **“(1) AGGREGATE STUDENT DATA.—**On an an-
14 nual basis, using the postsecondary student data
15 system established under section 132(l) or a suc-
16 cessor system (whichever includes the most recent
17 data) to streamline reporting requirements and mini-
18 mize reporting burdens, and in coordination with the
19 National Center for Education Statistics, the Sec-
20 retary shall determine, disaggregate in accordance
21 with paragraph (2), and make available to the public
22 in accordance with paragraph (3), with respect to
23 each institution (and each category of institution
24 listed in section 132(d)) that received a payment

1 under this subpart in the previous academic year,
2 the following information:

3 “(A) The number and mean dollar amount
4 of TEACH Grants awarded to students at the
5 institution.

6 “(B) The number and proportion of
7 TEACH Grant recipients who exit their pro-
8 gram of study before completing the program.

9 “(C) The number and proportion of
10 TEACH Grant recipients who complete their
11 program of study and begin employment as a
12 teacher in the first academic year following the
13 year of such completion.

14 “(D) The number and proportion of indi-
15 viduals employed as teachers who received a
16 TEACH Grant and whose TEACH Grants are
17 converted into loans during the 8-year period
18 following the year in which the recipient com-
19 pleted the recipient’s program of study, set
20 forth separately for each year in such period.

21 “(E) The number and proportion of
22 TEACH Grant recipients who fulfill the terms
23 of their agreement to serve under section
24 420N(b) during the 8-year period following the
25 year in which the recipient completed the recipi-

1 ent's program of study, set forth separately for
2 each year in such period.

3 “(2) DISAGGREGATION.—The information de-
4 termined under paragraph (1)—

5 “(A) except in cases in which such
6 disaggregation would reveal personally identifi-
7 able information about an individual student,
8 shall be disaggregated by—

9 “(i) race;

10 “(ii) ethnicity;

11 “(iii) gender;

12 “(iv) socioeconomic status;

13 “(v) Federal Pell Grant eligibility sta-
14 tus;

15 “(vi) status as a first-generation col-
16 lege student (as defined in section
17 402A(h));

18 “(vii) military or veteran status;

19 “(viii) disability status;

20 “(ix) level of study (associate, under-
21 graduate, postbaccalaureate, or graduate,
22 as applicable); and

23 “(x) each teacher preparation pro-
24 gram offered by an institution; and

1 “(B) may be disaggregated by any com-
2 bination of subgroups or descriptions described
3 in subparagraph (A).

4 “(3) AVAILABILITY OF DATA.—The information
5 determined under paragraph (1) shall—

6 “(A) remain available to the public for a
7 period of not less than 10 years after its initial
8 release by the Secretary; and

9 “(B) be updated as necessary to reflect the
10 most accurate and up-to-date information for
11 each institution for each year of data collection.

12 “(b) INFORMATION FROM INSTITUTIONS.—Each in-
13 stitution that receives a payment under this subpart shall
14 provide to the Secretary, on an annual basis, such infor-
15 mation as may be necessary for the Secretary to carry out
16 subsection (a).

17 “(c) REPORTS AND DISSEMINATION.—

18 “(1) INITIAL AND INTERIM REPORTS.—Not
19 later than 3 years after the date on which the first
20 TEACH Grant is awarded under this subpart after
21 the date of enactment of the College Affordability
22 Act, and at least once every 3 years thereafter, the
23 Secretary shall submit to the authorizing committees
24 a report that includes the information required
25 under paragraph (2).

1 “(2) ELEMENTS.—Each report under this sub-
2 section shall include, based on information deter-
3 mined under subsection (a), the following:

4 “(A) A review of the utilization of TEACH
5 Grants at teacher preparation programs at in-
6 stitutions that received a payment under this
7 subpart.

8 “(B) A review of TEACH Grant practices
9 that correlate with higher rates of completion of
10 agreements under section 420N(b).

11 “(C) Guidance and recommendations on
12 how effective utilization of TEACH Grants can
13 be replicated.

14 “(3) AVAILABILITY.—Each report under this
15 subsection shall be made available to the public in
16 an accessible format—

17 “(A) on a website of the Department of
18 Education; and

19 “(B) in any other format determined to be
20 appropriate by the Secretary.”.

1 **Subpart 8—Northern Mariana Islands and American**
 2 **Samoa College Access**

3 **SEC. 4091. NORTHERN MARIANA ISLANDS AND AMERICAN**
 4 **SAMOA COLLEGE ACCESS.**

5 Subpart 10 of part A of title IV (20 U.S.C. 1070(h))
 6 is amended to read as follows:

7 **“Subpart 10—Northern Mariana Islands and**
 8 **American Samoa College Access**

9 **“SEC. 420R. PUBLIC SCHOOL GRANTS.**

10 “(a) PURPOSE.—It is the purpose of this subpart to
 11 establish a program that enables college-bound residents
 12 of the Northern Mariana Islands and American Samoa to
 13 have greater choices among institutions of higher edu-
 14 cation.

15 “(b) GRANTS.—

16 “(1) IN GENERAL.—From amounts appro-
 17 priated under subsection (j), the Secretary shall pro-
 18 vide—

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
 23 the tuition and fees charged for in-State stu-
 24 dents and the tuition and fees charged for out-
 25 of-State students on behalf of each eligible stu-
 26 dent enrolled in the eligible institution; and

1 “(B) 50 percent of such amount to the
2 American Samoa for the Governor to award
3 grants to eligible institutions that enroll eligible
4 students to pay the difference between the tui-
5 tion and fees charged for in-State students and
6 the tuition and fees charged for out-of-State
7 students on behalf of each eligible student en-
8 rolled in the eligible institution.

9 “(2) MAXIMUM STUDENT AMOUNTS.—The
10 amount paid on behalf of an eligible student under
11 this section shall be—

12 “(A) not more than \$15,000 for any one
13 award year (as defined in section 481); and

14 “(B) not more than \$45,000 in the aggre-
15 gate.

16 “(3) PRORATION.—The Governor shall prorate
17 payments under this section for students who attend
18 an eligible institution on less than a full-time basis.

19 “(c) REDUCTION FOR INSUFFICIENT APPROPRIA-
20 TIONS.—

21 “(1) IN GENERAL.—If the funds appropriated
22 pursuant to subsection (j) for any fiscal year are in-
23 sufficient to award a grant in the amount deter-
24 mined under subsection (a) on behalf of each eligible
25 student enrolled in an eligible institution, then the

1 Governor, in consultation with the Secretary of Edu-
2 cation, shall—

3 “(A) first, ratably reduce the amount of
4 the tuition and fee payment made on behalf of
5 each eligible student who has not received funds
6 under this section for a preceding year; and

7 “(B) after making reductions under sub-
8 paragraph (A), ratably reduce the amount of
9 the tuition and fee payments made on behalf of
10 all other eligible students.

11 “(2) ADJUSTMENTS.—The Governor, in con-
12 sultation with the Secretary of Education, may ad-
13 just the amount of tuition and fee payments made
14 under paragraph (1) based on—

15 “(A) the financial need of the eligible stu-
16 dents to avoid undue hardship to the eligible
17 students; or

18 “(B) undue administrative burdens on the
19 Governor.

20 “(3) FURTHER ADJUSTMENTS.—Notwith-
21 standing paragraphs (1) and (2), the Governor may
22 prioritize the making or amount of tuition and fee
23 payments under this subsection based on the income
24 and financial need of eligible students.

25 “(d) DEFINITIONS.—In this subpart:

1 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
2 ble institution’ means an institution that—

3 “(A) is a public four-year institution of
4 higher education located in one of the several
5 States, the District of Columbia, Puerto Rico,
6 the United States Virgin Islands, or Guam;

7 “(B) is eligible to participate in the stu-
8 dent financial assistance programs under title
9 IV; and

10 “(C) enters into an agreement with the
11 Governors of the Northern Mariana Islands and
12 American Samoa containing such conditions as
13 each Governor may specify, including a require-
14 ment that the institution use the funds made
15 available under this section to supplement and
16 not supplant assistance that otherwise would be
17 provided to eligible students from the Northern
18 Mariana Islands and American Samoa.

19 “(2) ELIGIBLE STUDENT.—The term ‘eligible
20 student’ means an individual who—

21 “(A) graduated from a public institution of
22 higher education located in the Northern Mar-
23 iana Islands or American Samoa;

24 “(B) begins the individual’s course of
25 study within the 3 calendar years (excluding

1 any period of service on active duty in the
2 Armed Forces or service under the Peace Corps
3 Act (22 U.S.C. 2501 et seq.) or subtitle D of
4 title I of the National and Community Service
5 Act of 1990 (42 U.S.C. 12571 et seq.)) of grad-
6 uation from a public institution of higher edu-
7 cation located in the Northern Mariana Islands
8 or American Samoa;

9 “(C) is enrolled or accepted for enrollment,
10 on at least a half-time basis, in a baccalaureate
11 degree or other program (including a program
12 of study abroad approved for credit by the insti-
13 tution at which such student is enrolled) lead-
14 ing to a recognized educational credential at an
15 eligible institution;

16 “(D) if enrolled in an eligible institution, is
17 maintaining satisfactory progress in the course
18 of study the student is pursuing in accordance
19 with section 484(c); and

20 “(E) has not completed the individual’s
21 first undergraduate baccalaureate course of
22 study.

23 “(3) INSTITUTION OF HIGHER EDUCATION.—

24 The term ‘institution of higher education’ has the
25 meaning given the term in section 101.

1 “(4) GOVERNOR.—The term ‘Governor’ means
2 the Governor of the Commonwealth of the Northern
3 Mariana Islands or American Samoa.

4 “(e) CONSTRUCTION.—Nothing in this subpart shall
5 be construed to require an institution of higher education
6 to alter the institution’s admissions policies or standards
7 in any manner to enable an eligible student to enroll in
8 the institution.

9 “(f) APPLICATIONS.—Each student desiring a tuition
10 payment under this section shall submit an application to
11 the eligible institution at such time, in such manner, and
12 accompanied by such information as the eligible institution
13 may require.

14 “(g) ADMINISTRATION OF PROGRAM.—

15 “(1) IN GENERAL.—Each Governor shall carry
16 out the program under this section in consultation
17 with the Secretary. Each Governor may enter into a
18 grant, contract, or cooperative agreement with an-
19 other public or private entity to administer the pro-
20 gram under this section if the Governor determines
21 that doing so is a more efficient way of carrying out
22 the program.

23 “(2) POLICIES AND PROCEDURES.—Each Gov-
24 ernor, in consultation with institutions of higher
25 education eligible for participation in the program

1 authorized under this section, shall develop policies
2 and procedures for the administration of the pro-
3 gram.

4 “(3) MEMORANDUM OF AGREEMENT.—Each
5 Governor and the Secretary shall enter into a Memo-
6 randum of Agreement that describes—

7 “(A) the manner in which the Governor
8 shall consult with the Secretary with respect to
9 administering the program under this section;
10 and

11 “(B) any technical or other assistance to
12 be provided to the Governor by the Secretary
13 for purposes of administering the program
14 under this section (which may include access to
15 the information in the common financial report-
16 ing form developed under section 483).

17 “(h) GOVERNOR’S REPORT.—Each Governor shall re-
18 port to the Secretary and the authorizing committees an-
19 nually regarding—

20 “(1) the number of eligible students attending
21 each eligible institution and the amount of the grant
22 awards paid to those institutions on behalf of the eli-
23 gible students;

1 “(2) the extent, if any, to which a ratable re-
2 duction was made in the amount of tuition and fee
3 payments made on behalf of eligible students; and

4 “(3) the progress in obtaining recognized aca-
5 demic credentials of the cohort of eligible students
6 for each year.

7 “(i) GAO REPORT.—Not later than 24 months of the
8 date of the enactment of this College Affordability Act,
9 the Comptroller General of the United States shall report
10 on the effect of the program assisted under this section
11 on educational opportunities for eligible students. The
12 Comptroller General shall analyze whether eligible stu-
13 dents had difficulty gaining admission to eligible institu-
14 tions because of any preference afforded to in-State resi-
15 dents by eligible institutions, and shall expeditiously report
16 any findings regarding such difficulty to Congress. In ad-
17 dition the Comptroller General shall—

18 “(1) analyze and identify any challenges eligible
19 students face in gaining admission to eligible institu-
20 tions, including admission aided by assistance pro-
21 vided under this subpart, due to—

22 “(A) caps on the number of out-of-State
23 students the institution will enroll;

24 “(B) significant barriers imposed by aca-
25 demic entrance requirements (such as grade

1 point average and standardized scholastic ad-
2 missions tests); and

3 “(C) absence of admission programs bene-
4 fitting minority students; and

5 “(2) report the findings of the analysis de-
6 scribed in paragraph (1) and the assessment de-
7 scribed in paragraph (2) to Congress and the Gov-
8 ernor.

9 “(j) **AUTHORIZATION OF APPROPRIATIONS.**—There
10 are authorized to be appropriated to the Commonwealth
11 of the Northern Mariana Islands and American Samoa to
12 carry out this subpart \$5,000,000, to be available until
13 expended, for fiscal year 2021 and each of the 5 suc-
14 ceeding fiscal years.

15 “(k) **EFFECTIVE DATE.**—This subpart shall take ef-
16 fect with respect to payments for periods of instruction
17 that begin on or after January 1, 2021.

18 **“SEC. 420S. GENERAL REQUIREMENTS.**

19 “(a) **PERSONNEL.**—The Secretary shall arrange for
20 the assignment of an individual, pursuant to subchapter
21 VI of chapter 33 of title 5, United States Code, to serve
22 as an adviser to each Governor with respect to the pro-
23 grams assisted under this subpart.

24 “(b) **ADMINISTRATIVE EXPENSES.**—Each Governor
25 may use not more than 5 percent of the funds made avail-

1 able for a program under section 420R for a fiscal year
 2 to pay the administrative expenses of a program under
 3 section 420R for the fiscal year.

4 “(c) INSPECTOR GENERAL REVIEW.—Each of the
 5 programs assisted under this subpart shall be subject to
 6 audit and other review by the Inspector General of the
 7 Department of Education in the same manner as pro-
 8 grams are audited and reviewed under the Inspector Gen-
 9 eral Act of 1978 (5 U.S.C. App.).

10 “(d) GIFTS.—The Governor may accept, use, and dis-
 11 pose of donations of services or property for purposes of
 12 carrying out this subpart.

13 “(e) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—
 14 Each Governor shall establish rules to adjust the max-
 15 imum student amounts described in section 440S(b)(2) for
 16 eligible students described in section 440S(d)(2) who
 17 transfer between the eligible institutions described in sec-
 18 tion 440S(d)(1).”.

19 **Subpart 9—Community College Student Success**

20 **SEC. 4092. COMMUNITY COLLEGE STUDENT SUCCESS**
 21 **GRANT PROGRAM AUTHORIZED.**

22 Part A of title IV (20 U.S.C. 1070 et seq.) is further
 23 amended by adding at the end the following:

1 **“Subpart 11—Community College Student Success**

2 **“SEC. 420T. COMMUNITY COLLEGE STUDENT SUCCESS**

3 **GRANT PROGRAM AUTHORIZED.**

4 “From the amounts appropriated under 420BB, the
5 Secretary of Education shall establish and carry out the
6 community college student success grant program to
7 award grants under sections 420U and 420V, on a com-
8 petitive basis, to eligible institutions to plan and imple-
9 ment community college student success programs de-
10 signed to increase—

11 “(1) the rate at which program participants
12 graduate from a program of study at such eligible
13 institution within 150 percent of the normal time for
14 graduation; and

15 “(2) transfer rates of program participants.

16 **“SEC. 420U. GRANTS TO PLAN COMMUNITY COLLEGE STU-**
17 **DENT SUCCESS PROGRAMS.**

18 “(a) PLANNING GRANTS AUTHORIZED.—From the
19 amounts appropriated to carry out this section under sec-
20 tion 420BB for a fiscal year, the Secretary shall award
21 planning grants for such fiscal year, on a competitive
22 basis, to eligible institutions to develop plans for commu-
23 nity college student success programs.

24 “(b) DURATION.—A grant awarded under this sec-
25 tion shall be for a 1-year period.

1 “(c) PEER REVIEW PROCESS; PRIORITY.—In award-
2 ing grants under this section for a fiscal year, the Sec-
3 retary shall—

4 “(1) carry out a peer review process that—

5 “(A) requires that each application sub-
6 mitted under subsection (d) be peer reviewed by
7 a panel of readers composed of individuals se-
8 lected by the Secretary, which shall include—

9 “(i) not less than 50 percent of read-
10 ers—

11 “(I) who are not employees of the
12 Federal Government; and

13 “(II) who have relevant research
14 or practical experience with respect to
15 student support programs designed to
16 increase graduation rates and transfer
17 rates at public 2-year institutions of
18 higher education; and

19 “(ii) to the maximum extent prac-
20 ticable, individuals who are members of
21 groups underrepresented in higher edu-
22 cation, including African Americans, His-
23 panics, Native Americans, Alaska Natives,
24 Asian Americans, Native American Pacific

1 Islanders (including Native Hawaiians),
2 and individuals with disabilities; and

3 “(B) ensures that no individual assigned
4 under subparagraph (A) to review an applica-
5 tion has any conflict of interest with regard to
6 that application that may make the individual
7 unable to impartially conduct such review; and

8 “(2) give priority to eligible institutions that
9 are eligible to receive funding under title III or V.

10 “(d) APPLICATION.—An eligible institution desiring
11 a grant under this section shall submit an application to
12 the Secretary at such time, in such manner, and con-
13 taining such information as the Secretary may require,
14 which shall include—

15 “(1) the graduation rate and transfer rate for
16 the most recent academic year for which data are
17 available for eligible students and all students, re-
18 spectively;

19 “(2) an analysis of how implementing a commu-
20 nity college student success program may improve
21 the graduation rate or transfer rate for eligible stu-
22 dents; and

23 “(3) a description of the methods the eligible
24 institution has previously used to improve the grad-

1 uation rate or transfer rate with respect to eligible
2 students and all students, respectively.

3 “(e) USE OF FUNDS.—An eligible institution that re-
4 ceives a grant under this section shall use the grant to
5 develop a plan to implement a community college student
6 success program at the eligible institution.

7 “(f) REPORT.—Not later than 1 year after the date
8 on which an eligible institution receives a grant under this
9 section, such eligible institution shall submit to the Sec-
10 retary a report that includes—

11 “(1) a plan for implementing a community col-
12 lege student success program at the eligible institu-
13 tion, including—

14 “(A) the sufficiently ambitious outcome
15 goals for achieving significant improvements in
16 graduation rates and transfer rates for program
17 participants, as such rates are defined by the
18 eligible institution, in consultation with the Sec-
19 retary, before the end of the grant period;

20 “(B) the number of such eligible students
21 who will participate in such program, including
22 how such eligible students will be identified, re-
23 ferred, and selected, in cases where the interest
24 in the program is larger than the budget for the
25 program;

1 “(C) based on the most recent academic
2 year for which data are available, disaggregated
3 by full-time students and all students—

4 “(i) graduation rates; and

5 “(ii) transfer rates;

6 “(D) an analysis of the financial needs of
7 the full-time students;

8 “(E) a description of how the eligible insti-
9 tution will effectively staff a community college
10 student success program; and

11 “(F) a timeline for the implementation of
12 such program;

13 “(2) a budgetary analysis that includes—

14 “(A) a description of how the eligible insti-
15 tution will provide non-Federal funds for such
16 program under subsection (d) of section 420V;
17 and

18 “(B) a description of how the eligible insti-
19 tution will continue to fund such program after
20 the end of the grant period for the grant
21 awarded to the institution under section 420V;
22 and

23 “(3) such other information as the Secretary
24 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 priated to carry out this section under section
6 420BB for a fiscal year, the Secretary shall award
7 grants for such fiscal year, on a competitive basis,
8 to eligible institutions awarded a grant under section
9 420U to implement community college student suc-
10 cess programs.

11 “(2) CONSULTATION.—In awarding grants
12 under this section for a fiscal year, the Secretary
13 shall consult with the independent evaluator before
14 finalizing which eligible institutions will receive such
15 a grant for such fiscal year.

16 “(b) REQUIREMENTS FOR SELECTION.—To be eligi-
17 ble to receive a grant under this section, an eligible institu-
18 tion shall meet the following requirements:

19 “(1) The eligible institution was awarded a
20 grant under section 420U at least 1 year before
21 such eligible institution submits an application under
22 subsection (e).

23 “(2) The eligible institution submits an applica-
24 tion under subsection (e).

25 “(3) The eligible institution demonstrates, on
26 the date of the application described in subsection

1 (e), the availability of non-Federal funding for the
2 matching funds required under subparagraphs (A),
3 (B), and (C) of subsection (d)(1).

4 “(c) DURATION.—A grant awarded under this section
5 shall be for a 5-year period.

6 “(d) NON-FEDERAL CONTRIBUTION.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (2), an eligible institution awarded a grant
9 under this section shall contribute in cash from non-
10 Federal sources, the following:

11 “(A) For the second year of the grant pe-
12 riod, an amount equal to 20 percent of the cost
13 of carrying out the community college student
14 success program at the institution for such
15 year.

16 “(B) For the third year of the grant pe-
17 riod, an amount equal to 30 percent of the cost
18 of carrying out such program for such year.

19 “(C) For the fourth year of the grant pe-
20 riod, an amount equal to 40 percent of the cost
21 of carrying out such program for such year.

22 “(D) For the fifth year of the grant pe-
23 riod, an amount equal to 50 percent of the cost
24 of carrying out such program for such year.

25 “(2) EXCEPTION.—

1 “(A) IN GENERAL.—Notwithstanding para-
2 graph (1), with respect to an exempt institution
3 awarded a grant under this section, for each
4 year of the grant period beginning with the sec-
5 ond year through the fifth year, the Secretary
6 shall not require the institution to make a cash
7 contribution from non-Federal sources in an
8 amount that is greater than the amount equal
9 to 5 percent of the cost of carrying out the
10 community college student success program at
11 the institution for such year.

12 “(B) DEFINITIONS.—For purposes of this
13 paragraph:

14 “(i) EXEMPT INSTITUTION.—The
15 term ‘exempt institution’ means an eligible
16 institution that is a—

17 “(I) Tribal college or university;

18 or

19 “(II) an institution located in the
20 Commonwealth of Puerto Rico, Guam,
21 American Samoa, the United States
22 Virgin Islands, the Commonwealth of
23 the Northern Mariana Islands, the
24 Republic of the Marshall Islands, the

1 Federated States of Micronesia, or the
2 Republic of Palau.

3 “(ii) TRIBAL COLLEGE OR UNIVER-
4 SITY.—The term ‘Tribal college or univer-
5 sity’ has the meaning given the term in
6 section 316 of the Higher Education Act
7 of 1965 (20 U.S.C. 1059c).

8 “(e) APPLICATION.—An eligible institution desiring a
9 grant under this section shall submit an application to the
10 Secretary at such time, in such manner, and containing
11 such information as the Secretary may require, which shall
12 include a copy of the report described in 420U(e).

13 “(f) REQUIRED USE OF FUNDS.—An eligible institu-
14 tion that receives a grant under this section shall use the
15 grant funds to—

16 “(1) implement a community college student
17 success program; and

18 “(2) regularly review—

19 “(A) data to monitor the academic
20 progress of eligible students participating in
21 such program; and

22 “(B) the meeting and program participa-
23 tion requirements described in section
24 420AA(1).

1 “(g) PERMISSIBLE USE OF FUNDS.—An eligible in-
2 stitution that receives a grant under this section may use
3 the grant to—

4 “(1) establish or expand a data tracking system
5 that includes early alerts to complete the regular re-
6 views required under subsection (f)(2);

7 “(2) provide eligible students participating in
8 the community college student success program for
9 which the grant is awarded with financial assistance
10 to cover the costs described in paragraph (2), (3), or
11 (8) of section 472;

12 “(3) establish or expand career development
13 services for such students, such as career workshops
14 or career counseling;

15 “(4) establish or expand tutoring services for
16 such students;

17 “(5) cover the employment of administrators
18 for the program whose sole job shall be to admin-
19 ister the program, without regard to whether the
20 employment is full-time or less than full-time; and

21 “(6) provide financial support for eligible stu-
22 dents participating in such program to enroll in
23 courses offered during enrollment periods that are
24 outside the fall and spring semesters (or equivalent
25 terms).

1 “(h) REPORTS.—Using the postsecondary student
2 data system established under section 132(l) or a suc-
3 cessor system (whichever includes the most recent data)
4 to streamline reporting requirements and minimize report-
5 ing burdens, and in coordination with the National Center
6 for Education Statistics, the Secretary shall, on at least
7 an annual basis, collect data with respect to each commu-
8 nity college student success program, including the fol-
9 lowing:

10 “(1) Each eligible institution that receives a
11 grant under this subpart shall, on an annual basis,
12 provide to the Secretary such information as may be
13 necessary for the Secretary to collect such data, in-
14 cluding—

15 “(A) the demographic characteristics of
16 the students participating in the community
17 college student success program;

18 “(B) the average number of credits at-
19 tempted and average number of credits earned,
20 rate of retention, rate of degree completion, and
21 rates of transfer of such eligible students; and

22 “(C) the graduation rate of such eligible
23 students.

24 “(2) Each such eligible institution shall, not
25 less than once for each year of the grant period,

1 submit to the Secretary an annual performance re-
2 port for such year of the grant period that in-
3 cludes—

4 “(A) an analysis of the implementation
5 and progress of such program based on the suf-
6 ficiently ambitious outcome goals described in
7 the report submitted by the institution under
8 section 420U(e)(1)(A), including challenges to
9 and changes made to such program;

10 “(B) if according to the analysis under
11 subparagraph (A), the program is not on track
12 to meet such sufficiently ambitious outcome
13 goals, a description of the plans to adjust the
14 program to improve the performance of the pro-
15 gram;

16 “(C) the participation of such eligible stu-
17 dents in tutoring, career services (which can in-
18 clude benefit counseling), and meetings with
19 program advisors; and

20 “(D) when data is available, which shall
21 compare the data collected for such year under
22 this paragraph with such data collected for each
23 of the 2 years preceding the date on which the
24 grant was awarded.

1 “(3) Not later than 6 years after the date on
2 which the eligible institution received such grant,
3 submit a final report to the Secretary that includes
4 an analysis of—

5 “(A) the factors that contributed to the
6 success or failure of the community college stu-
7 dent success program in meeting the ambitious
8 outcome goals described in the report submitted
9 by the institution under section 3(e)(1)(A);

10 “(B) the challenges faced in attempting to
11 implement such program;

12 “(C) information on how to improve such
13 program;

14 “(D) whether the program has created an
15 institution-wide reform with respect to gradua-
16 tion rates and transfer rates for all students,
17 and if so, how such reform was created; and

18 “(E) how the eligible institution will con-
19 tinue to fund such program after the end of the
20 grant period.

21 **“SEC. 420W. EVALUATIONS.**

22 “(a) INDEPENDENT EVALUATIONS.—Before final-
23 izing which eligible institutions will receive grants under
24 section 420V for a fiscal year, the Secretary, acting
25 through the Director of the Institute of Education

1 Sciences, shall enter into a contract with an independent
2 evaluator—

3 “(1) to consult with the Secretary on which eli-
4 gible institutions should receive the grants; and

5 “(2) to use the What Works Clearinghouse
6 Standards (without reservations) to evaluate,
7 throughout the duration of the grant period of such
8 grants—

9 “(A) each community college student suc-
10 cess program for which such grant is awarded,
11 including whether the program met its ambi-
12 tious outcome goals described in the report sub-
13 mitted by the institution under section
14 420U(e)(1)(A);

15 “(B) the average impact of community col-
16 lege student success programs on graduation
17 rates and transfer rates for eligible students;

18 “(C) the variation in program impact
19 across eligible institutions with respect to such
20 rates; and

21 “(D) whether such programs lead to higher
22 graduation rates and transfer rates of eligible
23 students per dollar spent for such students by
24 such institutions compared with such rates at
25 eligible institutions without such programs.

1 “(b) RESULTS OF EVALUATIONS.—The results of the
2 evaluations under subsection (a) shall be made publicly
3 available on the website of the Department of Education.

4 “(c) FUNDING FOR EVALUATIONS.—The Secretary
5 may reserve not more than 15 percent of the funds appro-
6 priated under section 420BB for a fiscal year to carry out
7 this section for such fiscal year.

8 **“SEC. 420X. OUTREACH AND TECHNICAL ASSISTANCE.**

9 “(a) OUTREACH.—The Secretary shall conduct out-
10 reach activities to notify eligible institutions of the avail-
11 ability of grants under this subpart.

12 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
13 provide technical assistance—

14 “(1) to eligible institutions that may be inter-
15 ested in applying for grants under this subpart, in-
16 cluding assistance with applications for such grants;
17 and

18 “(2) to eligible institutions awarded grants
19 under this subpart, including assistance with—

20 “(A) establishing ambitious outcome goals
21 described in section 420U(e)(1)(A); and

22 “(B) the implementation of a community
23 college student success program.

24 “(c) FUNDING FOR TECHNICAL ASSISTANCE FOR
25 EVALUATIONS.—The Secretary may reserve not more

1 than 7 percent of the funds appropriated under section
2 420BB for a fiscal year for technical assistance under this
3 section for such fiscal year.

4 **“SEC. 420Y. REPORT TO CONGRESS.**

5 “Not later than 1 year after the date on which the
6 Secretary receives the final evaluation results under sec-
7 tion 420W for eligible institutions that were awarded
8 grants under section 420V for the same fiscal year, the
9 Secretary shall submit to Congress a report that in-
10 cludes—

11 “(1) the number of grants awarded under sec-
12 tion 420V for such fiscal year, and the amount of
13 such grants;

14 “(2) the number of grants awarded under sec-
15 tion 420U to eligible institutions that received the
16 grants described in paragraph (1), and the amount
17 of such grants;

18 “(3) the number of grants awarded under sec-
19 tion 420U to eligible institutions that would have
20 been eligible but did not receive the grants in para-
21 graph (1);

22 “(4) such final evaluation results; and

23 “(5) any other information the Secretary may
24 deem relevant.

1 **“SEC. 420Z. SUPPLEMENT, NOT SUPPLANT.**

2 “Funds awarded to an eligible institution under this
3 subpart shall be used only to supplement the amount of
4 funds that would, in the absence of the Federal funds pro-
5 vided under this subpart, be made available from non-Fed-
6 eral sources or other Federal sources to carry out the ac-
7 tivities under this subpart, and not to supplant such
8 funds.

9 **“SEC. 420AA. DEFINITIONS.**

10 “In this subpart:

11 “(1) COMMUNITY COLLEGE STUDENT SUCCESS
12 PROGRAM.—The term ‘community college student
13 success program’ means a program carried out by
14 an eligible institution under which the institution
15 carries out the following:

16 “(A) Provides eligible students partici-
17 pating in such program with an amount that
18 covers the cost of tuition and fees that are not
19 covered by any Federal, State, or institutional
20 financial assistance received by the student.

21 “(B) Requires eligible students partici-
22 pating in such program to—

23 “(i) be enrolled in the eligible institu-
24 tion and carry a full-time academic work-
25 load during each fall and spring semester

(or equivalent terms) during which the student participates in such program;

“(ii) if the eligible student is referred to remedial courses or is on academic probation, meet, on at least a weekly basis or under an alternate schedule, as determined by the institution, with a tutor, except that in the case of an eligible student who is academically struggling, but who is not referred to remedial courses or on academic probation, the student may meet with a tutor as often as the program advisor for such student requires or under an alternate schedule, as determined by the institution;

“(iii) meet with a program advisor—

“(I) twice each month during the first semester (or equivalent term) of participation in such program; and

“(II) as directed by the program advisor in subsequent semesters (or equivalent terms) under subparagraph (C)(ii); and

“(iv) meet with an on-campus career advisor or participate in a career services

1 event once each semester (or equivalent
2 term) or under an alternate schedule, as
3 determined by the institution.

4 “(C) Provides a program advisor to each
5 eligible student participating in such program
6 who—

7 “(i) provides comprehensive academic
8 and personal advising to the eligible stu-
9 dent, including—

10 “(I) the creation and implemen-
11 tation of an academic plan for the
12 student to graduate from a program
13 of study at the eligible institution
14 within 150 percent of the normal time
15 for graduation from such program;

16 “(II) if an eligible student is re-
17 ferred to remedial courses, encour-
18 aging such student to complete such
19 courses as quickly as possible; and

20 “(III) assisting the eligible stu-
21 dent with developing and achieving
22 academic goals, including creating
23 strong transfer pathways that dem-
24 onstrate programmatic transfer for
25 students interested in transferring to

1 a 4-year institution of higher edu-
2 cation;

3 “(ii) after the eligible student partici-
4 pating in such program completes a semes-
5 ter (or equivalent term), creates for the eli-
6 gible student a needs-based advising sched-
7 ule that indicates, based on the eligible
8 student’s academic performance, the fre-
9 quency with which such eligible student
10 shall be required to meet with a program
11 advisor for each subsequent semester (or
12 equivalent term) of program participation;

13 “(iii) has a caseload of not more than
14 150 eligible students;

15 “(iv) tracks the attendance of the eli-
16 gible student at the meetings described in
17 clauses (ii), (iii), and (iv) of subparagraph
18 (B);

19 “(v) monitors the academic progress
20 of the eligible student; and

21 “(vi) provides each eligible student
22 who meets the requirements of subpara-
23 graph (B), on at least a monthly basis,
24 with financial incentives, such as a trans-
25 portation pass or a gas card.

1 “(D) Provides free tutoring and career
2 services (which can include benefit counseling)
3 to eligible students participating in such pro-
4 gram, and may reserve places in select courses
5 for such eligible students in order to create a
6 community within cohorts of eligible students.

7 “(E) Provides information to eligible stu-
8 dents participating in such program about the
9 eligibility of such students for assistance under
10 the supplemental nutrition assistance program
11 under the Food and Nutrition Act of 2008 (7
12 U.S.C. 2011 et seq.) and the program of block
13 grants for States for temporary assistance for
14 needy families established under part A of title
15 IV of the Social Security Act (42 U.S.C. 601 et
16 seq.).

17 “(2) ELIGIBLE INSTITUTION.—The term ‘eligi-
18 ble institution’ means a public 2-year institution of
19 higher education.

20 “(3) ELIGIBLE STUDENT.—The term ‘eligible
21 student’ means a student enrolled at an eligible in-
22 stitution who—

23 “(A) on the date such eligible student
24 would begin participation in a community col-

1 lege student success program at such eligible
2 institution—

3 “(i) is enrolled in a program of study
4 leading to an associate degree;

5 “(ii) is enrolled at such institution
6 and carrying a full-time academic workload
7 during each fall and spring semester (or
8 equivalent terms) during which the student
9 participates in such program;

10 “(iii) is—

11 “(I) a first-time undergraduate
12 student; or

13 “(II) a continuing or transfer
14 student with not more than 15 credits
15 and a minimum grade point average
16 of 2.0 (or its equivalent); and

17 “(iv) is considered by the eligible in-
18 stitution to need no more than two reme-
19 dial courses; and

20 “(B) if the student is eligible for financial
21 aid under title IV, has completed the Free Ap-
22 plication for Federal Student Aid or other com-
23 mon financial reporting form under section
24 483(a); and

1 “(C) meets any other requirements estab-
2 lished by the institution.

3 “(4) FULL-TIME ACADEMIC WORKLOAD.—The
4 term ‘full-time academic workload’, when used with
5 respect to a semester or equivalent term, means at
6 least 12 credits (or the equivalent).

7 “(5) INSTITUTION OF HIGHER EDUCATION.—
8 The term ‘institution of higher education’ has the
9 meaning given the term under section 101.

10 “(6) TRANSFER RATE.—The term ‘transfer
11 rate’, when used with respect to students enrolled in
12 a program of study at an eligible institution, means
13 the rate at which such students transfer to a 4-year
14 institution of higher education.

15 **“SEC. 420BB. AUTHORIZATION OF APPROPRIATIONS.**

16 “‘There are authorized to be appropriated to carry out
17 this subpart \$1,000,000,000, to be available until ex-
18 pended for fiscal year 2021 and each of the 5 succeeding
19 fiscal years.’”.

20 **SEC. 4093. FEDERAL PELL BONUS PROGRAM.**

21 Part A of title IV of the Higher Education Act of
22 1965 (20 U.S.C. 1070 et seq.) is amended by adding at
23 the end the following:

1 **“Subpart 12—Federal Pell Grant Bonus Program**

2 **“SEC. 420CC. FEDERAL PELL GRANT BONUS PROGRAM.**

3 “(a) IN GENERAL.—The Secretary shall allot funds
4 in an amount determined under subsection (b) to each eli-
5 gible institution to support the attainment of bachelor’s
6 degrees among low-income students, which may include
7 providing financial aid and student support services to
8 such students.

9 “(b) ALLOTMENT FORMULA.—For each fiscal year,
10 each eligible institution shall be allotted an amount under
11 subsection (a) that bears the same proportion to the
12 amount appropriated under subsection (c) for such fiscal
13 year as the number of bachelor’s degrees awarded by the
14 institution for the award year ending prior to the begin-
15 ning of the preceding fiscal year to students who, during
16 such award year, received a Federal Pell Grant and grad-
17 uated from the program in which such students were en-
18 rolled in the normal time for completion of such program
19 (within the meaning of section 132(i)(1)(J)(i)) bears to
20 the total number of bachelor’s degrees awarded to such
21 students by all eligible institutions for such award year.

22 “(c) DATA.—In determining the allotments under
23 subsection (b), the Secretary may request from eligible in-
24 stitutions any data that may be necessary.

25 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
26 are authorized to be appropriated, and there are appro-

1 priated, to carry out this section \$500,000,000 for fiscal
2 year 2021 and each succeeding fiscal year. Any amounts
3 appropriated under this subsection shall be available until
4 expended.

5 “(e) DEFINITIONS.—In this section:

6 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
7 ble institution’ means an institution of higher edu-
8 cation (as defined in section 101)—

9 “(A) in which, for the 3 most recent award
10 years, the average percentage of undergraduate
11 students enrolled at the institution who received
12 Federal Pell Grants is not less than 25 percent
13 of the total number of undergraduate students
14 enrolled at such institution; and

15 “(B) that has not opted out of receiving an
16 allotment under this section.

17 “(2) LOW-INCOME STUDENT.—The term ‘low-
18 income student’ has the meaning given such term in
19 section 499R(3).”.

1 **PART B—FEDERAL FAMILY EDUCATION LOAN**

2 **PROGRAM**

3 **SEC. 4101. TERMINATION OF CERTAIN REPAYMENT PLAN**

4 **OPTIONS AND OPPORTUNITY TO CHANGE RE-**

5 **PAYMENT PLANS.**

6 (a) SELECTION OF REPAYMENT PLANS.—Section
7 428(b) of the Higher Education Act of 1965 (20 U.S.C.
8 1078(b)) is amended—

9 (1) in paragraph (1)—

10 (A) in subparagraph (D)—

11 (i) in clause (ii), by striking “may an-
12 nually change the selection of a repayment
13 plan under this part,” and inserting “may
14 at any time after July 1, 2021, change the
15 selection of a repayment plan under this
16 part to one of the 2 repayment plans de-
17 scribed in paragraph (9)(C),”; and

18 (ii) in clause (iii), by striking “be sub-
19 ject to income contingent repayment in ac-
20 cordance with subsection (m);” and insert-
21 ing “be subject to income-based repayment
22 in accordance with section 493C(f);”; and

23 (B) in subparagraph (E)(i), by striking
24 “the option of repaying the loan in accordance
25 with a standard, graduated, income-sensitive, or
26 extended repayment schedule (as described in

paragraph (9)) established by the lender in accordance with regulations of the Secretary; and” and inserting “the option of repaying the loan in accordance with a repayment plan described in paragraph (9)(C) established by the lender in accordance with regulations of the Secretary; and”; and

(2) in paragraph (9), by adding at the end the following:

“(C) SELECTION OF REPAYMENT PLANS
ON AND AFTER JULY 1, 2021.—

“(i) OPPORTUNITY TO CHANGE REPAYMENT PLANS.—Notwithstanding any other provision of this paragraph, or any other provision of law, and in accordance with regulations, beginning on July 1, 2021, the lender shall offer a borrower of a loan made, insured, or guaranteed under this part the opportunity to change repayment plans, and to enroll in one of the following repayment plans:

“(I) A fixed repayment plan described in section 493E.

“(II) The income-based repayment plan under section 493C(f).”.

1 (b) ASSIGNMENT BY THE SECRETARY.—Section
2 428(m) of the Higher Education Act of 1965 (20 U.S.C.
3 1078(m)) is amended—

4 (1) in the subsection heading, by striking “In-
5 come-contingent and”;

6 (2) by amending paragraph (1) to read as fol-
7 lows:

8 “(1) AUTHORITY OF SECRETARY TO RE-
9 QUIRE.—The Secretary may require borrowers who
10 have defaulted on loans made under this part that
11 are assigned to the Secretary under subsection
12 (c)(8) to repay those loans under the income-based
13 repayment plan under section 493C(f).”; and

14 (3) in the heading for paragraph (2), by strik-
15 ing “income contingent or”.

16 **SEC. 4102. TERMINATION OF INTEREST CAPITALIZATION**
17 **FOR SUBSIDIZED LOANS AFTER CERTAIN PE-**
18 **RIODS.**

19 Section 428(c)(3)(C) of the Higher Education Act of
20 1965 (20 U.S.C. 1078(c)(3)(C)) is amended—

21 (1) in clause (iii), by inserting before the semi-
22 colon the following: “, and with respect to a forbear-
23 ance granted to a borrower on or after the date of
24 enactment of the College Affordability Act on a loan
25 made, insured or guaranteed under this section or

1 on a Federal Direct Stafford Loan, provide informa-
 2 tion to the borrower to assist the borrower in under-
 3 standing that interest shall accrue on the loan but
 4 not be capitalized at the expiration of such period of
 5 forbearance”; and

6 (2) in clause (iv)—

7 (A) in subclause (III), by inserting before
 8 the semicolon at the end the following: “, except
 9 that this subclause shall not apply with respect
 10 to any period of forbearance beginning on or
 11 after the date of enactment of the College Af-
 12 fordability Act”; and

13 (B) in subclause (IV), by inserting before
 14 the semicolon at the end the following: “except
 15 that this subclause shall not apply with respect
 16 to any period of forbearance beginning on or
 17 after the date of enactment of the College Af-
 18 fordability Act”.

19 **SEC. 4103. TERMINATION OF INTEREST CAPITALIZATION**
 20 **FOR PLUS LOANS AFTER CERTAIN PERIODS.**

21 Section 428B(d)(2) of the Higher Education Act of
 22 1965 (20 U.S.C. 1078–2(d)(2)) is amended—

23 (1) in subparagraph (A), by striking “Interest
 24 on” and inserting “Subject to subparagraph (C), in-
 25 terest on”; and

1 (2) by adding at the end the following:

2 “(C) INTEREST CAPITALIZATION.—With
3 respect to a deferment during any period de-
4 scribed in clause (i)(II), (ii), (ii), or (iv) of sec-
5 tion 427(a)(2)(C) or clause (i)(II), (ii), (iii),
6 (iv), or (v) of section 428(b)(1)(M), or any pe-
7 riod of forbearance, beginning on or after the
8 date of enactment of the College Affordability
9 Act on a loan made under this section, interest
10 shall not be added to the principal amount of
11 the loan at the expiration of such deferment or
12 forbearance period.”.

13 **SEC. 4104. SUBSEQUENT CONSOLIDATION LOANS.**

14 Section 428C(a)(3)(B)(i)(V) of the Higher Education
15 Act of 1965 (20 U.S.C. 1078–3(a)(3)(B)(i)(V)) is amend-
16 ed—

17 (1) by striking “or” at the end of item (bb);

18 (2) by striking the period at the end of item
19 (cc); and

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

21 “(dd) for the purpose of sep-
22 arating a joint consolidation loan
23 into 2 separate Federal Direct
24 Consolidation Loans under sec-
25 tion 455(g)(2); or

1 “(ee) for the purpose of sec-
2 tion 455(m)(9)(A)(ii),
3 493C(f)(2)(G), or 493E(c).”.

4 **SEC. 4105. DEFAULT REDUCTION PROGRAM.**

5 Section 428F(a)(1)(C) of the Higher Education Act
6 of 1965 (20 U.S.C. 1078–6(a)(1)(C)) is amended by strik-
7 ing “to remove the record of the default from the bor-
8 rower’s credit history” and inserting “to remove any ad-
9 verse item of information relating to such loan from the
10 borrower’s credit history”.

11 **SEC. 4106. TERMINATION OF INTEREST CAPITALIZATION**
12 **FOR UNSUBSIDIZED LOANS AFTER CERTAIN**
13 **PERIODS.**

14 Section 428H(e)(2)(A)(ii)(III) of the Higher Edu-
15 cation Act of 1965 (20 U.S.C. 1078–8(e)(2)(A)(ii)(III))
16 is amended by inserting before the semicolon the following:
17 “, except that with respect to a deferment during any pe-
18 riod described in clause (i)(II), (ii), (iii), or (iv) of section
19 427(a)(2)(C) or clause (i)(II), (ii), (iii), (iv), or (v) of sec-
20 tion 428(b)(1)(M), or any period of forbearance, beginning
21 on or after the date of enactment of the College Afford-
22 ability Act on a loan made, insured, or guaranteed under
23 this section or on a Federal Direct Unsubsidized Stafford
24 Loan, interest shall not be added to the principal amount

1 of the loan at the expiration of such deferment or forbear-
2 ance period”.

3 **SEC. 4107. DISBURSEMENT OF STUDENT LOANS.**

4 Section 428G of the Higher Education Act of 1965
5 (20 U.S.C. 1078–7(a)) is amended—

6 (1) in subsection (a) by adding at the end the
7 following:

8 “(5) ADJUSTED COHORT DEFAULT RATE.—Be-
9 ginning on the date on which the final adjusted co-
10 hort default rates are published by the Secretary for
11 not less than 3 fiscal years under section 435(m), an
12 institution whose adjusted cohort default rate (as de-
13 termined under section 435(m)) for each of the 3
14 most recent fiscal years for which data are available
15 is less than 5 percent may disburse any loan made,
16 insured, or guaranteed under this part in a single in-
17 stallment for any period of enrollment that is not
18 more than 1 semester, 1 trimester, 1 quarter, or 4
19 months.”; and

20 (2) in subsection (e), by inserting before the pe-
21 riod the following: “, or beginning on the date on
22 which the final adjusted cohort default rates are
23 published by the Secretary for fiscal year 2018
24 under section 435(m), an adjusted cohort default

1 rate (as determined under section 435(m)) of less
2 than 2 percent”.

3 **SEC. 4108. STUDENT LOAN CONTRACT AND LOAN DISCLO-**
4 **SURES.**

5 (a) STUDENT LOAN CONTRACT.—Section
6 432(m)(1)(D) of the Higher Education Act of 1965 (20
7 U.S.C. 1082(m)(1)(D)) is amended by adding at the end
8 the following:

9 “(iv) STUDENT LOAN CONTRACT.—

10 “(I) IN GENERAL.—Any master
11 promissory note form described in this
12 subparagraph that is developed or
13 used for loans made under part D for
14 periods of enrollment beginning on or
15 after the date of enactment of the
16 College Affordability Act shall be re-
17 ferred to as a ‘student loan contract’.

18 “(II) CLARIFICATION ON USE.—
19 Notwithstanding clause (i), each stu-
20 dent loan contract for a part D loan
21 made for periods of enrollment begin-
22 ning on or after the date of enactment
23 of the College Affordability Act
24 shall—

1 “(aa) not be entered into by
2 a student unless the student has
3 completed all required counseling
4 related to such loan, including
5 counseling required under section
6 485(l);

7 “(bb) be signed by the stu-
8 dent entering such student loan
9 contract after completion of such
10 counseling; and

11 “(cc) be used only for the
12 academic year for which the ini-
13 tial loans are made under the
14 contract, and shall not be valid
15 for additional loans for the same
16 or subsequent periods of enroll-
17 ment.”.

18 (b) LOAN DISCLOSURES.—Section 432(m)(1)(D) of
19 the Higher Education Act of 1965 (20 U.S.C.
20 1082(m)(1)(D)) is further amended by adding after clause
21 (iv) (as amended) the following:

22 “(v) LOAN DISCLOSURES.—For loans
23 made for periods of enrollment beginning
24 on or after the date of enactment of the
25 College Affordability Act, the Secretary

1 shall take such steps as are necessary to
2 streamline the student loan disclosure re-
3 quirements under this Act. The Secretary
4 shall ensure that information required to
5 be disclosed to a student who is applying
6 for, receiving, or preparing to repay a loan
7 under part D of this Act shall be stream-
8 lined in a manner that—

9 “(I) based upon consumer test-
10 ing, reduces and simplifies the paper-
11 work students are required to com-
12 plete; and

13 “(II) limits the number of times
14 students are presented with disclo-
15 sures by incorporating the streamlined
16 disclosures into required student loan
17 counseling under section 485(l), the
18 student loan contract under this sub-
19 paragraph, or both.”.

20 **SEC. 4109. BORROWER ADVOCATE CONFORMING AMEND-**
21 **MENTS.**

22 Section 433 of the Higher Education Act of 1965 (20
23 U.S.C. 1083) is amended—

1 (1) in subsection (b)(13), by striking “Student
2 Loan Ombudsman” and inserting “Borrower Advo-
3 cate”; and

4 (2) in subsection (e)(3)(E), by striking “Stu-
5 dent Loan Ombudsman” and inserting “Borrower
6 Advocate”.

7 **SEC. 4110. COHORT DEFAULT RATES.**

8 (a) INELIGIBILITY BASED ON HIGH DEFAULT
9 RATES.—

10 (1) IN GENERAL.—Section 435(a) of the High-
11 er Education Act of 1965 (20 U.S.C. 1085(a)) is
12 amended—

13 (A) in paragraph (7)(A), by adding at the
14 end the following:

15 “(iii) DEFAULT MANAGEMENT
16 PLAN.—The default management plan re-
17 quired under clause (i) may not include
18 placing students in forbearance as a means
19 of reducing the cohort default rate or the
20 adjusted cohort default rate of the institu-
21 tion.”; and

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

23 “(9) INELIGIBILITY BASED ON HIGH ADJUSTED
24 COHORT DEFAULT RATES.—

1 “(A) IN GENERAL.—Except as provided in
2 subparagraphs (B) and (D), beginning on the
3 date that is one year after the date on which
4 the final adjusted cohort default rates are pub-
5 lished by the Secretary for not less than 3 fiscal
6 years, in a case in which one of the following
7 determinations is made with respect to an insti-
8 tution, such institution shall be ineligible to
9 participate in a program under this title for the
10 fiscal year for which the determination is made
11 and for the two succeeding fiscal years:

12 “(i) The institution’s adjusted cohort
13 default rate is greater than 20 percent for
14 each of the 3 most recent fiscal years for
15 which the final adjusted cohort default
16 rates are published.

17 “(ii) With respect to the 6 most re-
18 cent fiscal years for which the final ad-
19 justed cohort default rates are published—

20 “(I) the institution’s adjusted co-
21 hort default rate is greater than 15
22 percent for each such fiscal year; and

23 “(II) the Secretary determines
24 that, during such 6-year period, the
25 institution has not made adequate

1 progress in meeting standards for stu-
2 dent achievement established by the
3 relevant accrediting agency or associa-
4 tion pursuant to section 496(a)(5)(A).

5 “(iii) With respect to the 8 most re-
6 cent fiscal years for which the final ad-
7 justed cohort default rates are published—

8 “(I) the institution’s adjusted co-
9 hort default rate is greater than 10
10 percent for each such fiscal year; and

11 “(II) the Secretary determines
12 that, during such 8-year period, the
13 institution has not made adequate
14 progress in meeting standards for stu-
15 dent achievement established by the
16 relevant accrediting agency or associa-
17 tion pursuant to section 496(a)(5)(A).

18 “(B) EXCEPTIONS FOR CERTAIN CAT-
19 EGORIES OF EDUCATIONAL PROGRAMS.—With
20 respect to an institution that loses eligibility to
21 participate in a program under this title in ac-
22 cordance with subparagraph (A)(ii), such insti-
23 tution may request and be granted an exception
24 to such loss of eligibility for a category of edu-
25 cational programs at such institution by dem-

onstrating to the Secretary that the adjusted cohort default rate for the category of educational programs is 15 percent or less for each fiscal year of the 6-year period on which such loss of eligibility for the institution is based.

“(C) DETERMINATION OF THE ADJUSTED COHORT RATE FOR A CATEGORY OF EDUCATIONAL PROGRAMS.—In determining the adjusted cohort default rate for a category of educational programs for purposes of this paragraph—

“(i) subsection (m) shall be applied—

“(I) in paragraph (1)—

“(aa) in subparagraph (A), by substituting ‘received for enrollment in the category of educational programs for which such rate is being determined’ for ‘received for attendance at the institution’; and

“(bb) in subparagraph (E)(i)(II), by substituting, ‘percentage of students enrolled in the category of educational programs for which such rate is

1 being determined' for 'percentage
2 of students enrolled at the insti-
3 tution'; and

4 “(II) as if the following were
5 added at the end of paragraph (2):

6 ““(E) In the case of a student who has re-
7 ceived a loan for enrollment in more than one
8 category of educational programs, the student
9 (and such student's subsequent repayment or
10 default) is attributed to the last category of
11 educational programs in which such student
12 was enrolled.’.

13 “(D) TRANSITION EXCEPTION.—

14 “(i) IN GENERAL.—A covered institu-
15 tion with an adjusted cohort default rate
16 that is greater than 20 percent for the
17 first fiscal year for which such rates are
18 published by the Secretary may request
19 that any determination of such institu-
20 tion's ineligibility under paragraph (9)(A)
21 not be based on the adjusted cohort default
22 rate of such institution for any or all of
23 the first 3 fiscal years for which such rates
24 are published by the Secretary.

1 “(ii) REQUIREMENT.—To be granted
2 a request under clause (i), an institution
3 shall submit to the Secretary a default
4 management plan as specified in para-
5 graph (7).

6 “(iii) DEFINITION OF COVERED INSTI-
7 TUTION.—In this subparagraph, the term
8 ‘covered institution’ means—

9 “(I) a public institution of higher
10 education;

11 “(II) a part B institution (as de-
12 fined in section 322); or

13 “(III) a private, nonprofit insti-
14 tution of higher education at which
15 not less than 45 percent of the total
16 student enrollment consists of low-in-
17 come students (as such term is de-
18 fined in section 419N(b)(7)).

19 “(E) CATEGORY OF EDUCATIONAL PRO-
20 GRAMS DEFINED.—The term ‘category of edu-
21 cational programs’, when used with respect to
22 an institution, means one of the following:

23 “(i) The educational programs at the
24 institution leading to an undergraduate,
25 non-degree credential.

1 “(ii) The educational programs at the
2 institution leading to an associate’s degree.

3 “(iii) The educational programs at the
4 institution leading to a bachelor’s degree.

5 “(iv) The educational programs at the
6 institution leading to a graduate, non-de-
7 gree credential.

8 “(v) The educational program at the
9 institution leading to a graduate degree.

10 “(10) APPLICATION OF ADJUSTED COHORT DE-
11 FAULT RATE.—Beginning on the date on which the
12 final adjusted cohort default rates are published by
13 the Secretary for not less than 3 fiscal years—

14 “(A) paragraph (1) shall be applied by
15 substituting ‘paragraph (9)’ for ‘paragraph (2)’;

16 “(B) paragraph (3) shall be applied by
17 substituting ‘adjusted cohort default rate, cal-
18 culated in accordance with subsection
19 (m)(1)(D), is greater than 20 percent for any
20 3 consecutive fiscal years’ for ‘cohort default
21 rate, calculated in accordance with subsection
22 (m), is equal to or greater than the threshold
23 percentage specified in paragraph (2)(B)(iv) for
24 any two consecutive fiscal years’;

25 “(C) paragraph (4) shall be applied—

1 “(i) in subparagraph (C), by sub-
2 stituting ‘adjusted cohort default rate is
3 greater than 15 percent’ for ‘cohort default
4 rate equals or exceeds 20 percent’; and

5 “(ii) in the matter following subpara-
6 graph (C), by substituting ‘adjusted cohort
7 default rate to reflect the percentage of de-
8 faulted loans in the representative sample
9 that are required to be excluded pursuant
10 to subsection (m)(1)(B)’ for ‘cohort default
11 rate to reflect the percentage of defaulted
12 loans in the representative sample that are
13 required to be excluded pursuant to sub-
14 section (m)(1)(B)’;

15 “(D) paragraph (5)(A) shall be applied by
16 substituting ‘paragraph (9)’ for ‘paragraph (2)’;
17 and

18 “(E) paragraph (7) shall be applied—

19 “(i) in subparagraph (A)(i)—

20 “(I) in the matter preceding sub-
21 clause (I), by substituting ‘adjusted
22 cohort default rate is greater than 20
23 percent’ for ‘cohort default rate is
24 equal to or greater than the threshold

1 percentage specified in paragraph
2 (2)(B)(iv)'; and

3 “(II) in subclauses (I) and (II),
4 by substituting ‘adjusted cohort de-
5 fault rate’ for ‘cohort default rate’;
6 and

7 “(ii) in subparagraph (B)(i), by sub-
8 stituting ‘adjusted cohort default rate is
9 greater than 20 percent’ for ‘cohort default
10 rate is equal to or greater than the thresh-
11 old percentage specified in paragraph
12 (2)(B)(iv)’. ”.

13 (2) CONFORMING AMENDMENTS.—Section
14 435(a)(2) of the Higher Education Act of 1965 (20
15 U.S.C. 1085(a)) is amended—

16 (A) in the paragraph heading, by adding at
17 the end the following: “BEFORE FISCAL YEAR
18 2018”; and

19 (B) in subparagraph (B)(iv), by striking
20 “and any succeeding fiscal year” and inserting
21 “through fiscal year 2017”.

22 (b) ADJUSTED COHORT DEFAULT RATE DEFINED.—
23 Section 435(m)(1) of the Higher Education Act of 1965
24 (20 U.S.C. 1085(m)(1)) is amended by adding at the end
25 the following:

1 “(D)(i) With respect to a cohort default
2 rate calculated for an institution under this
3 paragraph for fiscal year 2018 and for each
4 succeeding fiscal year, such cohort default rate
5 shall be adjusted as follows:

6 “(I) In determining the number of
7 current and former students at an institu-
8 tion who enter repayment for such fiscal
9 year—

10 “(aa) any such student who is in
11 nonmandatory forbearance for such
12 fiscal year for a period of greater than
13 18 months but less than 36 months
14 shall not be counted as entering re-
15 payment for such fiscal year;

16 “(bb) such a student shall be
17 counted as entering repayment for the
18 first fiscal year for which the student
19 ceases to be in a period of forbearance
20 and otherwise meets the requirements
21 for being in repayment; and

22 “(cc) any such student who is in
23 a period of forbearance for 3 or more
24 years shall be counted as in default

1 and included in the institution's total
2 number of students in default.

3 “(II) Such rate shall be multiplied by
4 the percentage of students enrolled at the
5 institution for such fiscal year who are
6 borrowing a loan under part D of this title.

7 “(ii) The result obtained under this sub-
8 paragraph for an institution shall be referred to
9 in this Act as the ‘adjusted cohort default
10 rate’.”.

11 (c) PUBLICATION OF ADJUSTED COHORT DEFAULT
12 RATE.—Section 435(m) of the Higher Education Act of
13 1965 (20 U.S.C. 1085(m)) is amended by adding at the
14 end the following:

15 “(5) Beginning on the date on which the final
16 adjusted cohort default rates for fiscal year 2018 are
17 made available for publication by the Secretary,
18 paragraph (4) shall be applied by substituting ‘ad-
19 justed cohort default’ for ‘cohort default’ each place
20 it appears.”.

1 **SEC. 4111. AUTOMATIC INCOME MONITORING PROCEDURES**
2 **AFTER A TOTAL AND PERMANENT DIS-**
3 **ABILITY DISCHARGE.**

4 Section 437(a) of the Higher Education Act of 1965
5 (20 U.S.C. 1087(a)) is amended by adding at the end the
6 following:

7 “(3) AUTOMATIC INCOME MONITORING.—

8 “(A) IN GENERAL.—Not later than 2 years
9 after the date of enactment of the College Af-
10 fordability Act, the Secretary shall establish
11 and implement, with respect to any borrower
12 described in subparagraph (B), procedures to—

13 “(i) obtain (for each year of the in-
14 come-monitoring period described in sub-
15 paragraph (B) and without further action
16 by the borrower) such information as is
17 reasonably necessary regarding the income
18 of such borrower for the purpose of deter-
19 mining the borrower’s continued eligibility
20 for the loan discharge described in sub-
21 paragraph (B) for such year, and any
22 other information necessary to determine
23 such continued eligibility of the borrower
24 for such year, except that in the case of a
25 borrower whose returns and return infor-
26 mation indicate that the borrower has no

1 earned income for any year of such in-
2 come-monitoring period, such borrower
3 shall be treated as not having earned in-
4 come in excess of the poverty line for such
5 year subject to clause (ii);

6 “(ii) allow the borrower, at any time,
7 to opt out of clause (i) and prevent the
8 Secretary from obtaining information
9 under such clause without further action
10 by the borrower; and

11 “(iii) provide the borrower with an op-
12 portunity to update the information ob-
13 tained under clause (i) before the deter-
14 mination of the borrower’s continued eligi-
15 bility for such loan discharge for such
16 year.

17 “(B) APPLICABILITY.—Subparagraph (A)
18 shall apply—

19 “(i) to each borrower of a covered
20 loan (defined in section 455(d)(10)) that is
21 discharged under this subsection or section
22 464(c)(1)(F) due to the permanent and
23 total disability of the borrower; and

“(ii) during the income-monitoring period under this subsection, defined in this paragraph as the period—

“(I) beginning on the date on which such loan is so discharged; and

“(II) during which the Secretary determines whether a reinstatement of the obligation of, and resumption of collection on, such loan may be necessary.”.

SEC. 4112. REPAYMENT OF PARENT LOANS DUE TO STUDENT DISABILITY.

Section 437(d) of the Higher Education Act of 1965 (20 U.S.C. 1087(d)) is amended—

(1) by striking “If a student” and inserting the following:

“(1) DEATH.—If a student”; and

(2) by adding at the end the following:

“(2) DISABILITY.—

“(A) IN GENERAL.—The Secretary shall discharge a parent’s liability on a loan described in section 428B by repaying the amount owed on the loan if the student on whose behalf the parent 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 pe-
9 riod of not less than 60 months, or can be
10 expected to last for a continuous period of
11 not 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
18 prevent fraud and abuse developed under sub-
19 section (a)(1) shall apply under this paragraph.

20 “(D) REINSTATEMENT OF LOANS.—The
21 Secretary may promulgate regulations to rein-
22 state the obligation of, and resume collection
23 on, loans discharged under this paragraph in
24 cases in which the Secretary determines that
25 the reinstatement and resumption is necessary

1 and appropriate based upon the regulations de-
2 veloped 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 insert-
11 ing “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
2 period 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
11 sustained interactions with industry, community, or aca-
12 demic professionals in real workplace settings that shall—

13 “(1) include on campus opportunities;

14 “(2) foster in-depth, first-hand engagement
15 with the tasks required of a given career field that
16 are aligned to a student’s field of study; and

17 “(3) may include internships, fellowships, re-
18 search assistant positions, teacher residencies, and
19 apprenticeships registered under the Act of August
20 16, 1937 (commonly known as the “National Ap-
21 prenticeship Act”; 50 Stat. 664, chapter 663; 29
22 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. 4202. 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
8 of the enactment of the College Affordability
9 Act, for a fiscal year in which the amount ap-
10 propriated 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
26 funds awarded at the improved insti-

1 tution for the second preceding fiscal
2 year bears to the total amount of Fed-
3 eral Pell Grant funds awarded at im-
4 proved institutions participating under
5 this part for the second preceding fis-
6 cal year.

7 “(II) \$5,000.

8 “(B) IMPROVED INSTITUTION DE-
9 SCRIBED.—For purposes of this paragraph, an
10 improved institution is an institution that, on
11 the date the Secretary makes an allocation
12 under subparagraph (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-
25 tion, in the top 50 percent of the in-

stitutions described in subclause (I);
and

“(III) the annual increase in the
completion rate or graduation rate of
Federal Pell Grant recipients at the
institution, in the top 50 percent of
the institutions described in sub-
clauses (I) and (II).

“(C) COMPLETION RATE OR GRADUATION
RATE.—For purposes of determining the com-
pletion rate or graduation rate under this sec-
tion, a Federal Pell Grant recipient who is ei-
ther a full-time student or a part-time student
shall be counted as a completer or graduate if,
within 150 percent of the normal time for com-
pletion of or graduation from the program, the
student has completed or graduated from the
program, or enrolled in any program of an in-
stitution participating in any program under
this title for which the prior program provides
substantial preparation.

“(2) RESERVATION FOR GRANT PROGRAM.—
From the amount appropriated under section 441(b)
for a fiscal year and remaining after the Secretary
reserves funds under subparagraph (A), the Sec-

1 retary shall reserve \$30,000,000 to carry out grants
2 under 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
6 to such institution under this subsection for any fis-
7 cal year, the Secretary shall reallocate such excess to
8 improved institutions on the same basis as under
9 paragraph (1)(A).

10 “(4) PUBLICATION.—Beginning 1 year after
11 the first allocations are made to improved institu-
12 tions under paragraph (1)(A) and annually there-
13 after, the Secretary shall make publicly available—

14 “(A) a list of the improved institutions
15 that received funding under such paragraph in
16 the prior fiscal year;

17 “(B) the percentage of students at each
18 such improved institution that are Federal Pell
19 Grant recipients;

20 “(C) the completion rate or graduation
21 rate for the students described in subparagraph
22 (B) with respect to each such improved institu-
23 tion; and

24 “(D) a comparison between the informa-
25 tion described in subparagraphs (A), (B), and

1 (C) for the prior fiscal year for such improved
2 institution, and such information for the year
3 prior to such year.

4 “(c) ALLOCATION FORMULA FOR FISCAL YEARS
5 2021 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
9 subsection (a), the Secretary shall allocate to each
10 institution—

11 “(A) for fiscal year 2021, an amount equal
12 to the greater of—

13 “(i) 90 percent of the amount the in-
14 stitution received under this subsection
15 and subsection (a) for fiscal year 2020, as
16 such subsections were in effect with re-
17 spect to such fiscal year (in this subpara-
18 graph referred to as ‘the 2020 amount for
19 the institution’); 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
25 for the institution; or

1 “(ii) 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
6 for 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
12 for 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
19 for 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

1 funds under subsection (a) is less than the
2 amount required to be allocated to the institu-
3 tions under this subsection, then the amount of
4 the allocation to each institution shall be rat-
5 ably reduced.

6 “(B) ADDITIONAL APPROPRIATIONS.—If
7 the amounts allocated to each institution are
8 ratably reduced under subparagraph (A) for a
9 fiscal year and additional amounts are appro-
10 priated for such fiscal year, the amount allo-
11 cated to each institution from the additional
12 amounts shall be increased on the same basis as
13 the amounts under subparagraph (A) were re-
14 duced (until each institution receives the
15 amount required to be allocated under this sub-
16 section).

17 “(d) ALLOCATION FORMULA FOR FISCAL YEAR 2026
18 AND EACH SUCCEEDING FISCAL YEAR.—Except as pro-
19 vided in subsection (d)(5), from the amount appropriated
20 under section 441(b) for fiscal year 2026 and each suc-
21 ceeding fiscal year and remaining after the Secretary re-
22 serves funds under subsection (a), the Secretary shall allo-
23 cate to each institution the fair share amount for the insti-
24 tution determined under subsection (d).

25 “(e) DETERMINATION OF FAIR SHARE AMOUNT.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 the fair share amount for an institution for a fiscal
3 year shall be equal to the sum of—

4 “(A) 100 percent of the institution’s un-
5 dergraduate student need described in para-
6 graph (2) for the preceding fiscal year; and

7 “(B) 25 percent of the institution’s grad-
8 uate student need described in paragraph (3)
9 for the preceding fiscal year.

10 “(2) INSTITUTIONAL UNDERGRADUATE STU-
11 DENT NEED CALCULATION.—The undergraduate
12 student need for an institution for a fiscal year shall
13 be equal 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
8 NEED CALCULATION.—The graduate student need
9 for an institution for a fiscal year shall be equal to
10 the amount that bears the same proportion to the
11 available appropriated amount for such fiscal year as
12 the total amount of the graduate student need at the
13 institution for the preceding fiscal year bears to the
14 total amount of graduate student need at all institu-
15 tions participating under this part for the preceding
16 fiscal year.

17 “(4) ELIGIBILITY FOR FAIR SHARE AMOUNT.—
18 The Secretary may not allocate funds under this
19 part to any institution that, for two or more fiscal
20 years during any three fiscal year period beginning
21 not earlier than the first day of the first fiscal year
22 that is 2 years after the date of the enactment of
23 this paragraph, 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 grad-
5 uate students, a student population with less
6 than 5 percent of students that have an ex-
7 pected family contribution of zero.

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

9 “(A) AVAILABLE APPROPRIATED
10 AMOUNT.—In this section, the term ‘available
11 appropriated 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.—
17 The term ‘average cost of attendance’ means,
18 with respect to an institution, the average of
19 the attendance costs for a fiscal year for stu-
20 dents which shall include—

21 “(i) tuition and fees, computed on the
22 basis of information reported by the insti-
23 tution to the Secretary, which shall in-
24 clude—

1 “(I) total revenue received by the
2 institution from undergraduate and
3 graduate tuition and fees for the sec-
4 ond year preceding the year for which
5 it is applying for an allocation; and

6 “(II) the institution’s enrollment
7 for such second preceding year;

8 “(ii) standard living expenses equal to
9 150 percent of the difference between the
10 income protection allowance for a family of
11 five with one in college and the income
12 protection allowance for a family of six
13 with one in college for a single independent
14 student; and

15 “(iii) books and supplies, in an
16 amount not exceeding \$1,000.

17 “(C) GRADUATE STUDENT NEED.—The
18 term ‘graduate student need’ means, with re-
19 spect to a graduate student for a fiscal year,
20 the lesser of the following:

21 “(i) The amount equal to (except the
22 amount computed by this clause shall not
23 be less than zero)—

1 “(I) the average cost of attend-
2 ance for the preceding fiscal year,
3 minus

4 “(II) such graduate student’s ex-
5 pected family contribution (computed
6 in accordance with part F of this
7 title) for the preceding fiscal year.

8 “(ii) The total annual loan limit for a
9 Federal Direct Unsubsidized Stafford
10 Loan.

11 “(D) UNDERGRADUATE STUDENT NEED.—
12 The term ‘undergraduate student need’ means,
13 with respect to an undergraduate student for a
14 fiscal year, the lesser of the following:

15 “(i) The total of the amount equal to
16 (except the amount computed by this
17 clause shall not be less than zero)—

18 “(I) the average cost of attend-
19 ance for the fiscal year, minus

20 “(II) such undergraduate stu-
21 dent’s expected family contribution
22 (computed in accordance with part F
23 of this title) for the preceding fiscal
24 year.

1 “(ii) The total annual loan limit for a
2 Federal Direct Unsubsidized Stafford
3 Loan and a Federal Direct Loan.

4 “(f) RETURN OF SURPLUS ALLOCATED FUNDS.—

5 “(1) IN GENERAL.—Except with respect to
6 funds returned under subsection (a)(3), if an institu-
7 tion returns to the Secretary any portion of the
8 sums allocated to such institution under this section
9 for any fiscal year, the Secretary shall reallocate such
10 excess to institutions that used at least 10 percent
11 of the total amount of funds granted to such institu-
12 tion under this section to compensate students em-
13 ployed during a qualified period of nonenrollment
14 (as such term is defined in section 443(f)) on the
15 same basis as excess eligible amounts are allocated
16 under subsection (d).

17 “(2) USE OF FUNDS.—Funds received by insti-
18 tutions pursuant to this subsection shall, to max-
19 imum extent practicable, be used to compensate stu-
20 dents employed in work-based learning positions.

21 “(3) RETAINED FUNDS.—

22 “(A) AMOUNT RETURNED.—If an institu-
23 tion returns more than 10 percent of its alloca-
24 tion under paragraph (1), the institution’s allo-

1 cation for the next fiscal year shall be reduced
2 by the amount returned.

3 “(B) WAIVER.—The Secretary may waive
4 this paragraph for a specific institution if the
5 Secretary finds that enforcing this paragraph
6 would be contrary to the interest of the pro-
7 gram.

8 “(g) FILING DEADLINES.—The Secretary may re-
9 quire applications under this section, at such time, in such
10 manner, and containing such information as the Secretary
11 may require.”.

12 **SEC. 4203. GRANTS FOR FEDERAL WORK-STUDY PRO-**
13 **GRAMS.**

14 Section 443 of the Higher Education Act of 1965 (20
15 U.S.C. 1087–53) is amended—

16 (1) in subsection (b)—

17 (A) by amending paragraph (2) to read as
18 follows:

19 “(2) provide that funds granted an institution
20 of higher education, pursuant to this section may
21 only be used to make payments to students partici-
22 pating in work-study programs except that an insti-
23 tution—

24 “(A) shall, beginning fiscal year 2023—

1 “(i) use at least 3 percent of the total
2 amount of funds granted to such institu-
3 tion under this section for such fiscal year
4 to compensate students who have excep-
5 tional need (as defined in section
6 413C(c)(2)) and are employed in a work-
7 based learning position during a qualified
8 period of nonenrollment, as defined in sub-
9 section (f), except that the Secretary may
10 waive this clause if the Secretary deter-
11 mines that enforcing this clause would
12 cause hardship for students at the institu-
13 tion; and

14 “(ii) use at least 7 percent of the total
15 amount of funds granted to such institu-
16 tion under this section for such fiscal year
17 to compensate students employed in work-
18 based learning positions, except that the
19 Secretary may waive this clause if the Sec-
20 retary determines that enforcing this
21 clause would cause hardship for students
22 at the institution;

23 “(B) may—

1 “(i) use a portion of the sums granted
2 to it to compensate students employed in
3 community service;

4 “(ii) use a portion of the sums grant-
5 ed to it to meet administrative expenses in
6 accordance with section 489;

7 “(iii) use a portion of the sums grant-
8 ed to it to meet the cost of a job location
9 and development program in accordance
10 with section 446 of this part; and

11 “(iv) transfer funds in accordance
12 with the provisions of section 488;”;

13 (B) in paragraph (4)—

14 (i) by striking “\$300” and inserting
15 “\$500”; and

16 (ii) by inserting “except as provided
17 under subsection (f),” before “provide”;

18 (C) in paragraph (5)—

19 (i) in subparagraph (A)(ii), by strik-
20 ing “and” at the end;

21 (ii) in subparagraph (B), by inserting
22 “and” after the semicolon; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(C) the Federal share shall equal 100
2 percent if the institution is eligible for assist-
3 ance under title III or title V;”.

4 (D) in paragraph (6)—

5 (i) by inserting “who demonstrate ex-
6 ceptional need (as defined in section
7 413C(c)(2))” after “students”; and

8 (ii) by inserting “and prioritize em-
9 ployment for students who are currently
10 homeless individuals described in section
11 725 of the McKinney-Vento Homeless As-
12 sistance Act (42 U.S.C. 11434a) or foster
13 care youth” after “institution”;

14 (E) in paragraph (7), by striking “voca-
15 tional” and inserting “career”;

16 (F) in paragraph (8)(A)(i), by striking “or
17 vocational goals” and inserting “career goals”;

18 (G) in paragraph (10), by striking “; and”
19 and inserting a semicolon;

20 (H) in paragraph (11), by striking the pe-
21 riod at the end and inserting a semicolon; and

22 (I) by adding at the end the following:

23 “(12) provide assurances that compensation of
24 students employed in the work-study program in ac-
25 cordance with the agreement shall include reim-

1 bursement for reasonable travel (not including the
2 purchase of a vehicle) directly related to such work-
3 study program;

4 “(13) provide assurances that the institution
5 will administer and use feedback from the surveys
6 required under section 450, to improve the experi-
7 ences of students employed in the work-study pro-
8 gram in accordance with the agreement;

9 “(14) provide assurances that the institution
10 will collect data from students and employers such
11 that the employment made available from funds
12 under this part will, to the maximum extent prac-
13 ticable, complement and reinforce the educational
14 goals or career goals of each student receiving as-
15 sistance under this part; and

16 “(15) provide assurances that if the institution
17 receives funds under section 442(a)(1)(A), such in-
18 stitution shall—

19 “(A) use such funds to compensate stu-
20 dents employed in the work-study program in
21 accordance with the agreement; and

22 “(B) prioritize the awarding of such funds
23 (and increasing the amount of each award) to
24 students—

1 “(i) who demonstrate exceptional need
2 (as defined in section 413C(c)(2)); and

3 “(ii) who are employed in work-based
4 learning opportunities through the work
5 study program in accordance with the
6 agreement.”;

7 (2) in subsection (c)—

8 (A) by amending paragraph (2) to read as
9 follows:

10 “(2) provide that—

11 “(A) in the case of an institution that has
12 not received a waiver from the Secretary, such
13 institution will not use more than 25 percent of
14 the funds made available to such institution
15 under this part for any fiscal year for the oper-
16 ation of the program described in paragraph
17 (1); and

18 “(B) in the case of an institution that has
19 received a waiver from the Secretary, such in-
20 stitution will not use more than 50 percent of
21 the funds made available to such institution
22 under this part for any fiscal year for the oper-
23 ation of the program described in paragraph
24 (1);”.

25 (B) in paragraph (4)—

1 (i) by inserting “and complement and
 2 reinforce the educational goals or career
 3 goals of each student receiving assistance
 4 under this part” after “academically rel-
 5 evant”; and

6 (ii) by striking “and” at the end;

7 (C) in paragraph (5), by striking the pe-
 8 riod at the end and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(6) provide assurances that compensation of
 11 students employed in the work-study program in ac-
 12 cordance with the agreement shall include reim-
 13 bursement for reasonable travel (not including the
 14 purchase of a vehicle) directly related to such work-
 15 study program.”;

16 (3) in subsection (d)(1)—

17 (A) by striking “In any academic year to
 18 which subsection (b)(2)(A) applies, an institu-
 19 tion shall ensure that” and inserting “An insti-
 20 tution may use the”; and

21 (B) by striking “travel” and inserting
 22 “reasonable travel (not including the purchase
 23 of a vehicle)”; and

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

25 “(f) QUALIFIED PERIOD OF NONENROLLMENT.—

1 “(1) IN GENERAL.—A student may be awarded
2 work-study employment during a qualified period of
3 nonenrollment if—

4 “(A) the student demonstrates exceptional
5 need (as defined in section 413C(c)(2)) in the
6 award year prior to the qualified period of non-
7 enrollment;

8 “(B) the student is employed in a work-
9 based learning position; and

10 “(C) the employment—

11 “(i) involves less than 25 percent ad-
12 ministrative work; and

13 “(ii) is for at least 20 hours per week,
14 unless the institution waives such require-
15 ment—

16 “(I) at the request of the stu-
17 dent; or

18 “(II) based on a finding by the
19 institution that such requirement pre-
20 sents a hardship in finding a work-
21 based learning position for the stu-
22 dent.

23 “(2) FUNDS EARNED.—

24 “(A) IN GENERAL.—Any funds earned by
25 a student (beyond standard living expenses (as

such term is described in section 413D(c)(3)(C))) during the qualified period of nonenrollment less than or equal to \$2,500 may not be applied to such student's cost of attendance for the next period in which the student is enrolled.

“(B) EXCESS FUNDS.—Any funds earned by a student (beyond standard living expenses (as such term is described in section 413D(c)(3)(C))) during the qualified period of nonenrollment in excess of \$2,500 shall be applied to such student's cost of attendance for the next period in which the student is enrolled.

“(3) DEFINITION OF QUALIFIED PERIOD OF NONENROLLMENT.—In this subsection, the term ‘qualified period of nonenrollment’ means, with respect to a student, a period of nonenrollment that—

“(A) occurs between a period of enrollment and a period of anticipated enrollment; and

“(B) the duration of which is no longer than 6 months.”.

SEC. 4204. FLEXIBLE USE OF FUNDS.

Section 445 of the Higher Education Act of 1965 (20 U.S.C. 1087–55) is amended—

1 (1) in subsection (a), by adding at the end the
2 following:

3 “(3) In addition to the carry-over sums author-
4 ized under paragraph (1) of this section, an institu-
5 tion may permit a student who completed the pre-
6 vious award period to continue to earn unearned
7 portions of the student’s work-study award from
8 that previous period if—

9 “(A) any reduction in the student’s need
10 upon which the award was based is accounted
11 for in the remaining portion; and

12 “(B) the student is currently employed in
13 a work-based learning position.”; and

14 (2) by striking “10 percent” both places it ap-
15 pears and inserting “20 percent”.

16 **SEC. 4205. JOB LOCATION AND DEVELOPMENT PROGRAMS.**

17 (a) AMENDMENTS.—Section 446 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1087–56) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1), by striking “10 per-
21 cent or \$75,000” and inserting “20 percent or
22 \$150,000”; and

23 (B) in paragraph (2), by striking “voca-
24 tional” and inserting “career”; and

25 (2) in subsection (b)—

1 (A) by striking paragraphs (1) and (2);

2 (B) by inserting before paragraph (3) the
3 following:

4 “(1) provide satisfactory assurance that the in-
5 stitution will prioritize placing students with excep-
6 tional need (as defined in section 413C(c)(2)) and
7 Federal work-study recipients in jobs located and de-
8 veloped under this section; and

9 “(2) provide satisfactory assurances that the
10 funds available under this section will be used to lo-
11 cate and develop work-based learning positions;”;
12 and

13 (C) in paragraph (6), by striking the pe-
14 riod and inserting “, including—

15 “(A) the number of students employed in
16 work-based learning positions through such pro-
17 gram;

18 “(B) the number of students dem-
19 onstrating exceptional need (as defined in sec-
20 tion 413C(c)(2)) and Federal work-study recipi-
21 ents employed through such program; and

22 “(C) the number of students dem-
23 onstrating exceptional need (as defined in sec-
24 tion 413C(c)(2)) and Federal work-study recipi-

1 ents employed in work-based learning positions
2 through such program.”.

3 (b) CLARIFICATION ON CARRY-OVER AUTHORITY.—
4 Of the sums granted to an eligible institution under part
5 C of title IV of the Higher Education Act (20 U.S.C.
6 1087–51) for any fiscal year, 10 percent may, at the dis-
7 cretion of the institution, remain available for expenditure
8 during the succeeding fiscal year to carry out programs
9 under such part, including the job location and develop-
10 ment programs under section 446 of such Act (20 U.S.C.
11 1087–56).

12 **SEC. 4206. COMMUNITY SERVICE.**

13 Section 447 of the Higher Education Act of 1965 (20
14 U.S.C. 1087–57) is amended to read as follows:

15 **“SEC. 447. ADDITIONAL FUNDS TO CONDUCT COMMUNITY**
16 **SERVICE WORK STUDY PROGRAMS.**

17 “Each institution participating under this part may
18 use up to 10 percent of the funds made available under
19 section 489(a) and attributable to the amount of the insti-
20 tution’s expenditures under this part to conduct that insti-
21 tution’s program of community service-learning, includ-
22 ing—

23 “(1) development of mechanisms to assure the
24 academic quality of the student experience;

1 “(2) assuring student access to educational re-
2 sources, expertise, and supervision necessary to
3 achieve community service objectives;

4 “(3) assuring, to the maximum extent prac-
5 ticable, that the community service-learning program
6 will support the educational goals or career goals of
7 students participating in such program;

8 “(4) collaboration with public and private non-
9 profit agencies, and programs assisted under the
10 National and Community Service Act of 1990 in the
11 planning, development, and administration of such
12 programs; and

13 “(5) to recruit and compensate students for
14 community service-learning (including compensation
15 for time spent in training and for reasonable travel
16 (not including the purchase of a vehicle) directly re-
17 lated to such community service).”.

18 **SEC. 4207. PILOT GRANT PROGRAM.**

19 Part C of title IV of the Higher Education Act (20
20 U.S.C. 1087–51 et seq.) is amended by adding at the end
21 the following:

22 **“SEC. 449. WORK-BASED LEARNING OPPORTUNITIES PILOT**
23 **GRANT PROGRAM.**

24 “(a) ESTABLISHMENT.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a program to provide grants to eligible institu-
3 tions participating under this part to establish or ex-
4 pand a program to develop work-based learning posi-
5 tions.

6 “(2) LIMITATIONS.—

7 “(A) DURATION.—A grant awarded under
8 this section shall be for a period of not more
9 than 4 years, but may be renewed by the Sec-
10 retary for a period of 2 years.

11 “(B) AMOUNT.—A grant under this sec-
12 tion may not be in an amount greater than
13 \$1,000,000.

14 “(b) APPLICATION.—To be selected to receive a grant
15 under this section an eligible institution participating
16 under this part shall submit an application to the Sec-
17 retary at such time, in such manner, and containing such
18 information as the Secretary may require, including a plan
19 that describes how the eligible institution will establish or
20 expand a program to develop work-based learning posi-
21 tions that will—

22 “(1) benefit students who demonstrate excep-
23 tional need (as defined in section 413C(c)(2));

24 “(2) identify high-demand occupations (as de-
25 termined by the Bureau of Labor and Statistics,

1 State departments of labor, and local workforce in-
2 vestment boards) and develop partnerships with
3 high-demand employers (including nonprofit organi-
4 zations, for-profit firms, or public agencies);

5 “(3) involve participating employers in evalu-
6 ating and improving such program;

7 “(4) track and report academic and employ-
8 ment outcomes for participating students; and

9 “(5) be able to continue after the end of the
10 grant term.

11 “(c) USE OF FUNDS.—Grant funds awarded under
12 this program shall be used to pay wages for students par-
13 ticipating under this program and develop work-based
14 learning positions that—

15 “(1) are for a period of at least 12 weeks;

16 “(2) serve students who demonstrate excep-
17 tional need (as defined in section 413C(c)(2));

18 “(3) limit administrative work to no more than
19 25 percent of such position;

20 “(4) provide a minimum of 15 hours of work
21 per week during periods of enrollment and 30 hours
22 per week during periods of nonenrollment, except
23 such requirement may be waived by the institution
24 in consultation with a student;

1 “(5) include career coaching from participating
2 employers (including mock interviews, resume writ-
3 ing assistance, and counseling on applying for and
4 attaining employment); and

5 “(6) provide participating students with oppor-
6 tunities to meet with employers in fields or indus-
7 tries related to those of participating employers.

8 “(d) REPORT.—On a date that is before the date on
9 which the period of the grant received by an eligible insti-
10 tution under this section terminates, such institution shall
11 submit a report to the Secretary including—

12 “(1) the graduation rate or completion rate (as
13 described under section 442(a)(1)(C)) with respect
14 to students participating in work-based learning po-
15 sitions under the pilot program; and

16 “(2) the results of the work-based learning op-
17 portunities program for which such institution re-
18 ceived such grant, including—

19 “(A) participating students’ satisfaction
20 with the program as reported in surveys under
21 section 450, as amended by section 4208 of the
22 College Affordability Act;

23 “(B) the types of jobs in which partici-
24 pating students were employed and the types of
25 duties performed in such jobs;

1 “(C) the academic programs of the partici-
2 pating students;

3 “(D) the share of participating students
4 who worked at another job, in addition to the
5 one under the pilot program;

6 “(E) the percentage of participating stu-
7 dents who, during the second quarter after
8 completing their academic program, are in edu-
9 cation or training activities or unsubsidized em-
10 ployment;

11 “(F) the percentage of participating stu-
12 dents employed in high-demand occupations
13 within 2 quarters of completing their academic
14 programs; and

15 “(G) other items as deemed relevant by the
16 Secretary.

17 “(e) RESERVATION OF FUNDING FOR SUCH PRO-
18 GRAM.—From the amount appropriated under section
19 441(b) for a fiscal year and remaining after the Secretary
20 reserves funds under section 442(a)(1), the Secretary shall
21 reserve \$30,000,000 to carry out grants under this sec-
22 tion.”.

23 **SEC. 4208. DEPARTMENT ACTIVITIES.**

24 Part C of title IV of the Higher Education Act of
25 1965 (20 U.S.C. 1087–51 et seq.), as amended by section

1 4207, is further amended by adding at the end the fol-
2 lowing:

3 **“SEC. 450. DEPARTMENT ACTIVITIES.**

4 “(a) SURVEYS.—Not later than 1 year after the date
5 of the enactment of this section, the Secretary shall de-
6 velop, in consultation with work-study administrators from
7 institutions of higher education, participating employers,
8 and participating students—

9 “(1) a consumer-tested electronic survey for
10 students awarded work-study employment under the
11 Federal work-study program under this part that—

12 “(A) measures each such student’s satis-
13 faction with the Federal work-study program,
14 including—

15 “(i) any complaints the student has
16 with respect to the program;

17 “(ii) the amount and quality of the
18 on-the-job training the student received;

19 “(iii) the amount and quality of on-
20 the-job supervision and employer feedback
21 the student received;

22 “(iv) the amount and quality of infor-
23 mation provided by the institution about
24 the work-study program and job opportuni-

1 ties and the availability of work-study staff
2 at the institution;

3 “(v) the quality of the assistance pro-
4 vided by the institution to the student in
5 finding a work-study job and the avail-
6 ability of types of jobs; and

7 “(vi) the student’s overall satisfaction
8 with the work-study program;

9 “(B) measures the applicability of work-
10 study employment to the educational goals and
11 career goals of each such student;

12 “(C) elicits an assessment by each such
13 student of the capacity to manage time between
14 work-study employment and coursework;

15 “(D) measures, with respect to the pro-
16 gram—

17 “(i) the award amounts under the
18 program;

19 “(ii) the average number of hours stu-
20 dents worked per week, and the wages re-
21 ceived for such work;

22 “(iii) the number of on campus jobs
23 and off campus jobs;

24 “(iv) how students located work-study
25 positions;

1 “(v) the work performed at each job;

2 “(vi) whether students worked addi-
3 tional jobs while employed in a work-study
4 job (and the reason for such additional
5 job);

6 “(vii) whether the work-study employ-
7 ment had an impact on the student’s aca-
8 demic performance; and

9 “(viii) the voluntarily disclosed demo-
10 graphics of students awarded work-study
11 employment; and

12 “(E) includes such information as the Sec-
13 retary may require; and

14 “(2) a consumer-tested electronic survey for
15 employers of students described in paragraph (1)
16 that—

17 “(A) measures each such employer’s satis-
18 faction with the Federal work-study program,
19 including—

20 “(i) the extent to which the employer
21 is satisfied with its ability to accommodate
22 students’ schedules;

23 “(ii) the extent to which student-em-
24 ployees are prepared for the duties adver-
25 tised for the job; and

1 “(iii) the extent to which the employer
2 is satisfied with opportunities to make rec-
3 ommendations for improving institutions’
4 academic programs;

5 “(B) elicits an assessment by each such
6 employer of—

7 “(i) any complaints the employer had
8 with respect to the program;

9 “(ii) any skills or knowledge necessary
10 for the job that student-employees are
11 lacking; and

12 “(iii) the extent of outreach from in-
13 stitutions to the employer; and

14 “(C) includes such information as the Sec-
15 retary may require; and

16 “(3) a consumer-tested electronic survey that,
17 not less than once every 4 years, with respect to
18 each institution of higher education participating in
19 the Federal work-study program, measures—

20 “(A) methods used to recruit on-campus
21 and off-campus employers;

22 “(B) if an institution operates a job loca-
23 tion development program—

24 “(i) the share of jobs filled on-campus
25 and off-campus;

1 “(ii) the share of jobs filled by—

2 “(I) work-study recipients; and

3 “(II) students who demonstrate
4 exceptional need (as defined in section
5 413C(c)(2));

6 “(iii) the primary factors considered
7 in matching work-study students and jobs;

8 “(iv) the share of students employed
9 in work-based learning opportunities; and

10 “(v) the share of students employed
11 during qualified periods of nonenrollment,
12 including the share of students with excep-
13 tional need (as defined in section
14 413C(c)(2)) employed during qualified pe-
15 riods of nonenrollment;

16 “(C) the institution’s Federal and non-
17 Federal contributions toward work-study wages;

18 “(D) the primary factors considered in
19 awarding students work-study and in deter-
20 mining the amount of the award;

21 “(E) the acceptance rate among students
22 who were offered work-study aid; and

23 “(F) other information the Secretary may
24 require.

1 “(b) RESULTS.—The Secretary shall develop an on-
2 line portal—

3 “(1) for students, employers, and institutions of
4 higher education to access the surveys required
5 under subsection (a); and

6 “(2) to compile the results of such surveys.

7 “(c) REPORT.—Not less than once every 4 years after
8 the date of the enactment of this subsection, the Secretary
9 shall submit a report to Congress that includes—

10 “(1) the data collected under this section (re-
11 dacted for personal information);

12 “(2) with respect to students employed in work-
13 study through the Federal work-study program—

14 “(A) the types of jobs such students par-
15 ticipated in;

16 “(B) the average hours worked per week;

17 “(C) the average award amount;

18 “(D) the average wage rates;

19 “(E) the extent to which students enter
20 employment with skills and knowledge gained
21 from work-study participation that have pre-
22 pared them for the job; and

23 “(F) the students’ satisfaction with the
24 program and primary complaints;

1 “(3) the extent to which institutions conduct
2 outreach to employers and engage them in discus-
3 sions on improving academic programs;

4 “(4) the extent to which institutions conduct
5 outreach to students and make jobs readily avail-
6 able;

7 “(5) the extent to which the work-study employ-
8 ment aligns with students’ academic programs or ca-
9 reer goals;

10 “(6) the employers’ satisfaction with the pro-
11 gram and primary complaints; and

12 “(7) recommendations for improving the pro-
13 gram.

14 “(d) CONSULTATION.—

15 “(1) IN GENERAL.—In consulting with the enti-
16 ties described in subsection (a) to create the elec-
17 tronic surveys required under such subsection, the
18 Secretary shall engage with—

19 “(A) a representative sample of institu-
20 tions of higher education participating in the
21 Federal work-study program;

22 “(B) a representative sample of employers
23 participating in the Federal work-study pro-
24 gram; and

1 “(C) a representative sample of students
2 participating in the Federal work-study pro-
3 gram.

4 “(2) RESPONSE RATE.—The Secretary shall—

5 “(A) consult with a survey consultant to
6 develop a target response rate with respect to
7 the electronic surveys required under subsection
8 (a); and

9 “(B) provide guidance to institution with
10 respect to such developed target response rate.

11 “(e) TECHNICAL ASSISTANCE.—The Secretary
12 shall—

13 “(1) provide technical assistance to institutions
14 participating under the Federal work-study program
15 under this part to—

16 “(A) comply with the amendments made
17 by part C of title IV of the College Affordability
18 Act and the regulations issued pursuant to such
19 part;

20 “(B) administer the surveys described in
21 subsection (a) to students and employers par-
22 ticipating in the Federal work-study program;
23 and

24 “(C) ensure that Federal work-study posi-
25 tions align with students’ educational goals or

1 career goals to the maximum extent practicable;
2 and

3 “(2) issue guidance and provide technical as-
4 sistance to institutions to support improved partner-
5 ships and coordination among financial aid, career
6 services, and academic advisors to administer the
7 Federal work-study program.

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated \$2,000,000 to carry out
10 subsection (a).”.

11 **SEC. 4209. STUDY AND REPORT.**

12 (a) STUDY.—The Comptroller General of the United
13 States shall, not later than a reasonable amount of time
14 after the date of the enactment of this Act, conduct a
15 study on best practices for assisting students participating
16 in the Federal work-study program under part C of title
17 IV of the Higher Education Act (42 U.S.C. 1087–51 et
18 seq.) with—

19 (1) connecting to off-campus employers;

20 (2) procuring work-based learning opportunities
21 through such program;

22 (3) procuring employment that aligns with stu-
23 dents’ educational goals or career goals;

24 (4) locating employment through job location
25 and development programs;

1 (5) procuring employment in high-demand occu-
2 pations;

3 (6) balancing employment with academic pro-
4 grams to improve graduation and completion rates;
5 and

6 (7) with respect to students with exceptional
7 need (as defined in section 413C(e)(2) of the Higher
8 Education Act of 1965 (20 U.S.C. 1070b–
9 2(c)(2)))—

10 (A) locating and coordinating work-study
11 employment during qualified periods of non-
12 enrollment;

13 (B) increasing participation of such stu-
14 dents in such work-study program; and

15 (C) limiting the need for additional em-
16 ployment outside the work-study program.

17 (b) REPORT.—Not later than one year after the date
18 on which the study required under subsection (a) is com-
19 pleted, the Comptroller General of the United States shall
20 submit to Congress a report summarizing the findings of
21 such study.

22 (c) PUBLISH REPORT.—The Comptroller General of
23 the United States shall make the report required under
24 subsection (b) available to the public on the website of the
25 Government Accountability Office.

1 **PART D—FEDERAL DIRECT LOAN PROGRAM**

2 **SEC. 4301. PROGRAM AUTHORITY.**

3 Section 451(a) of the Higher Education Act of 1965
4 (20 U.S.C. 1087a(a)) is amended—

5 (1) by striking “and (2)” and inserting “(2)”;
6 and

7 (2) by inserting “; and (3) to make loans under
8 section 460A and section 460B” after “section
9 459A”.

10 **SEC. 4302. AMENDMENTS TO TERMS AND CONDITIONS OF**
11 **LOANS AND REPAYMENT PLANS.**

12 (a) **REPEAL OF ORIGATION FEES.**—Subsection (c)
13 of section 455 of the Higher Education Act of 1965 (20
14 U.S.C. 1087e(c)) is repealed.

15 (b) **RULEMAKING REGARDING TERMINATION OF**
16 **CERTAIN REPAYMENT PLANS.**—Beginning on the date of
17 enactment of this Act, the Secretary of Education shall
18 carry out a plan to end all eligibility for repayment plans
19 other than a fixed repayment plan described in section
20 493E and an income-based repayment plan described
21 under section 493C(f) for loans made under part B or D
22 of title IV of the Higher Education Act of 1965, unless
23 the borrower is enrolled in another repayment plan before
24 such effective date, in accordance with the amendments
25 made by this Act.

1 (c) REPAYMENT PLANS.—Section 455(d) of the
2 Higher Education Act of 1965 (20 U.S.C. 1087e(d)) is
3 amended—

4 (1) by redesignating paragraphs (2) through
5 (5) as paragraphs (3) through (6), respectively;

6 (2) by inserting after paragraph (1), the fol-
7 lowing:

8 “(2) DESIGN AND SELECTION ON AND AFTER
9 JULY 1, 2021.—

10 “(A) IN GENERAL.—Notwithstanding para-
11 graph (1), for the borrower of a loan made on
12 or after July 1, 2021, and for other borrowers
13 subject to paragraph (7), the Secretary shall
14 offer a borrower of a loan made under this part
15 2 plans for repayment of such loan, including
16 principal and interest on the loan. The borrower
17 shall be entitled to accelerate, without penalty,
18 repayment on the borrower’s loans under this
19 part. The borrower may choose—

20 “(i) a fixed repayment plan described
21 in section 493E; or

22 “(ii) the income-based repayment plan
23 under section 493C(f).

24 “(B) SELECTION BY THE SECRETARY.—If
25 a borrower of a loan made under this part on

1 or after July 1, 2021, does not select a repay-
2 ment plan described in subparagraph (A), the
3 Secretary may provide the borrower with a
4 fixed repayment plan described in section 493E.

5 “(C) CHANGES IN SELECTIONS.—Begin-
6 ning on July 1, 2021, a borrower of a loan
7 made under this part may change the bor-
8 rower’s selection of a repayment plan in accord-
9 ance with paragraph (7) and under such terms
10 and conditions as may be established by the
11 Secretary.”;

12 (3) in paragraph (6)(B), as redesignated, by
13 striking “an income contingent repayment plan.”
14 and inserting “the income-based repayment plan
15 under section 493C(f).”; and

16 (4) by adding at the end the following:

17 “(7) BORROWERS OF LOANS MADE BEFORE
18 JULY 1, 2021.—A borrower who is in repayment on
19 a loan made under part B or part D before July 1,
20 2021—

21 “(A) may choose to retain the repayment
22 plan that the borrower was enrolled in on the
23 day before such date;

24 “(B) may elect to—

1 “(i) enter the income-based repayment
2 plan under section 493C(f); or

3 “(ii) enter a fixed repayment plan de-
4 scribed in section 493E; and

5 “(C) after electing to leave a repayment
6 plan other than an income-based repayment
7 plan described under section 493C(f) or a fixed
8 repayment plan described in section 493E, shall
9 not be permitted to re-elect a repayment plan
10 that is not an income-based repayment plan
11 under section 493C(f) or a fixed repayment
12 plan described in section 493E.

13 “(8) NOTIFICATION AND AUTOMATIC ENROLL-
14 MENT PROCEDURES FOR BORROWERS WHO ARE DE-
15 LINQUENT ON LOANS.—

16 “(A) AUTHORITY TO OBTAIN INCOME IN-
17 FORMATION.—In the case of any borrower who
18 is at least 60 days delinquent on a covered loan,
19 the Secretary may obtain such information as is
20 reasonably necessary regarding the income and
21 family size of the borrower (and the borrower’s
22 spouse, if applicable).

23 “(B) BORROWER NOTIFICATION.—With re-
24 spect to each borrower of a covered loan who is
25 at least 60 days delinquent on such loan and

1 who has not been subject to the procedures
2 under this paragraph for such loan in the pre-
3 ceding 120 days, the Secretary shall, as soon as
4 practicable after such 60-day delinquency, pro-
5 vide to the borrower the following:

6 “(i) Notification that the borrower is
7 at least 60 days delinquent on at least 1
8 covered loan, and a description of all delin-
9 quent covered loans, nondelinquent covered
10 loans, and noncovered loans of the bor-
11 rower.

12 “(ii) A brief description of the repay-
13 ment plans for which the borrower is eligi-
14 ble and the covered loans and noncovered
15 loans of the borrower that may be eligible
16 for such plans, based on information avail-
17 able to the Secretary.

18 “(iii) The amount of monthly pay-
19 ments for the covered and noncovered
20 loans under the income-based repayment
21 plan under section 493C(f) and the fixed
22 repayment plan described in section 493E,
23 based on information available to the Sec-
24 retary, including, if the income information

1 of the borrower is available to the Sec-
2 retary under subparagraph (A)—

3 “(I) the amount of the monthly
4 payment under the income-based re-
5 payment plan under section 493C(f)
6 and the fixed repayment plan de-
7 scribed in section 493E for which the
8 borrower is eligible for the borrower’s
9 covered and noncovered loans, based
10 on such income information; and

11 “(II) the income, family size, tax
12 filing status, and tax year information
13 on which each monthly payment is
14 based.

15 “(iv) Clear and simple instructions on
16 how to select the repayment plans.

17 “(v) An explanation that, in the case
18 of a borrower for whom adjusted gross in-
19 come is unavailable—

20 “(I) if the borrower selects to
21 repay the covered loans of such bor-
22 rower pursuant to the income-based
23 repayment plan under section 493C(f)
24 that defines discretionary income in
25 such a manner that an individual not

1 required under section 6012(a)(1) of
2 the Internal Revenue Code of 1986 to
3 file a return with respect to income
4 taxes imposed by subtitle A of such
5 Code may have a calculated monthly
6 payment greater than \$0, the bor-
7 rower will be required to provide the
8 Secretary with other documentation of
9 income satisfactory to the Secretary,
10 which documentation the Secretary
11 may use to determine an appropriate
12 repayment schedule; and

13 “(II) if the borrower selects to
14 repay such loans pursuant to an in-
15 come-driven repayment plan that is
16 not described in subclause (I), the
17 borrower will not be required to pro-
18 vide the Secretary with such other
19 documentation of income, and the bor-
20 rower will have a calculated monthly
21 payment of \$0.

22 “(vi) An explanation that the Sec-
23 retary shall take the actions under sub-
24 paragraph (C) with respect to such bor-
25 rower, if—

1 “(I) the borrower is 120 days de-
2 linquent on 1 or more covered loans
3 and has not selected a new repayment
4 plan for the covered loans of the bor-
5 rower; and

6 “(II) in the case of such a bor-
7 rower whose repayment plan for the
8 covered loans of the borrower is not
9 an income-driven repayment plan de-
10 scribed in subparagraph (D) or (E) of
11 paragraph (1), the monthly payments
12 under such repayment plan are higher
13 than such monthly payments would be
14 under the income-based repayment
15 plan under section 493C(f).

16 “(vii) Instructions on updating the in-
17 formation of the borrower obtained under
18 subparagraph (A).

19 “(C) SECRETARY’S INITIAL SELECTION OF
20 A PLAN.—With respect to each borrower de-
21 scribed in subparagraph (B) who has a repay-
22 ment plan for the covered loans of the borrower
23 that meets the requirements of clause (vi)(II) of
24 subparagraph (B) and has not selected a new
25 repayment plan for such loans in accordance

1 with the notice received under such subpara-
2 graph, and who is at least 120 days delinquent
3 on such a loan, the Secretary shall, as soon as
4 practicable—

5 “(i) provide the borrower with the in-
6 come-based repayment plan under section
7 493C(f); and

8 “(ii) authorize the borrower to change
9 the Secretary’s selection of a plan under
10 this clause to the fixed repayment plan de-
11 scribed in section 493E.

12 “(D) OPT-OUT.—A borrower of a covered
13 loan shall have the right to opt out of the pro-
14 cedures under this paragraph.

15 “(E) PROCEDURES.—The Secretary shall
16 establish procedures as are necessary to effec-
17 tively implement this paragraph.

18 “(9) NOTIFICATION AND AUTOMATIC ENROLL-
19 MENT PROCEDURES FOR BORROWERS WHO ARE RE-
20 HABILITATING DEFAULTED LOANS.—

21 “(A) AUTHORITY TO OBTAIN INCOME IN-
22 FORMATION.—In the case of any borrower who
23 is rehabilitating a covered loan pursuant to sec-
24 tion 428F(a), the Secretary may obtain such in-
25 formation as is reasonably necessary regarding

1 the income and family size of the borrower (and
2 the borrower's spouse, if applicable).

3 “(B) BORROWER NOTIFICATION.—Not
4 later than 30 days after a borrower makes the
5 6th payment required for the loan rehabilitation
6 described in subparagraph (A), the Secretary
7 shall notify the borrower of the process under
8 subparagraph (C) with respect to such loan.

9 “(C) SECRETARY'S SELECTION OF PLAN.—
10 With respect to each borrower who has made
11 the 9th payment required for the loan rehabili-
12 tation described in subparagraph (A), the Sec-
13 retary shall, as soon as practicable after such
14 payment, provide the borrower with the income-
15 based repayment plan under section 493C(f),
16 without regard to whether the loan has been so
17 rehabilitated.

18 “(D) OPT-OUT.—A borrower of a covered
19 loan shall have the right to opt out of the pro-
20 cedures under this paragraph.

21 “(E) PROCEDURES.—The Secretary shall
22 establish procedures as are necessary to effec-
23 tively implement this paragraph.

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

1 “(A) COVERED LOAN.—The term ‘covered
2 loan’ means—

3 “(i) a loan made under this part;

4 “(ii) a loan purchased under section
5 459A; or

6 “(iii) a loan that has been assigned to
7 the Secretary under section 428(c)(8) or
8 part E.

9 “(B) NONCOVERED LOAN.—The term
10 ‘noncovered loan’ means a loan made, insured,
11 or guaranteed under this title that is not a cov-
12 ered loan.

13 “(11) APPLICATION OF PREPAYMENT
14 AMOUNTS.—

15 “(A) REQUIREMENT.—Notwithstanding
16 any other provision of this subsection or any
17 other provision of law—

18 “(i) with respect to loans made to an
19 eligible borrower under this part or part B,
20 which are held by the same holder and
21 which have different applicable rates of in-
22 terest, the holder of such loans shall, un-
23 less otherwise requested by the borrower in
24 writing, apply the borrower’s prepayment
25 amount (within the meaning of section

1 682.209(b) of title 34, Code of Federal
2 Regulations, or a successor regulation) for
3 one or more of such loans, first toward the
4 outstanding balance of principal due on the
5 loan with the highest applicable rate of in-
6 terest among such loans; and

7 “(ii) except as provided in clause (i),
8 with respect to loans made to an eligible
9 borrower under this part or part B, which
10 are held by the same holder and which
11 have the same applicable rates of interest,
12 the holder of such loans shall, unless other-
13 wise requested by the borrower in writing,
14 apply the borrower’s prepayment amount
15 (within the meaning of section 682.209(b)
16 of title 34, Code of Federal Regulations, or
17 a successor regulation) for one or more of
18 such loans, first toward the outstanding
19 balance of principal due on the loan with
20 the highest principal balance among such
21 loans.

22 “(B) ELIGIBLE BORROWER.—

23 “(i) IN GENERAL.—For purposes of
24 this paragraph, the term ‘eligible borrower’
25 means a borrower with no outstanding bal-

1 ance of fees, including collection costs and
2 authorized late charges, due on any loan
3 made under this part or part B.

4 “(ii) PREPAYMENT AMOUNTS.—A pre-
5 payment amount (as described in subpara-
6 graph (A)) made by a borrower who is not
7 an eligible borrower to a holder shall be
8 applied first toward the borrower’s out-
9 standing balance of fees, including collec-
10 tion costs and authorized late charges, due
11 on any loan made under this part or part
12 B held by such holder.”.

13 (d) APPLICATION.—The amendments made by sub-
14 section (c)(4) shall—

15 (1) take effect as soon as the Secretary of Edu-
16 cation determines practicable after the Secretary fi-
17 nalizes the procedures under section 9004, but not
18 later than 2 years after the date of enactment of
19 this Act; and

20 (2) apply to all borrowers of covered loans (as
21 defined in section 455(d)(10) of the Higher Edu-
22 cation Act of 1965, as added by subsection (c)(4)).

23 (e) MAXIMUM REPAYMENT PERIOD FOR INCOME-
24 CONTINGENT REPAYMENT.—Section 455(e) of the Higher

1 Education Act of 1965 (20 U.S.C. 1087e(e)) is further
2 amended—

3 (1) in paragraph (7)(B)—

4 (A) by striking “or” at the end of clause
5 (iv);

6 (B) by striking the period at the end of
7 clause (v) and inserting a semicolon; and

8 (C) by adding at the end the following:

9 “(vi) makes payments under the in-
10 come-based repayment plan under section
11 493C(f); or

12 “(vii) makes payments under the fixed
13 repayment plan described in section
14 493E.”; and

15 “(8) ADDITIONAL QUALIFYING REPAYMENT
16 PLANS.—A borrower repaying a loan pursuant to in-
17 come-contingent repayment under this subsection
18 may elect at any time to terminate repayment under
19 such repayment plan and repay such loan under the
20 income-based repayment plan under section 493C(f)
21 or the fixed repayment plan described in section
22 493E.”.

23 (f) AUTOMATIC RECERTIFICATION OF INCOME FOR
24 INCOME-DRIVEN REPAYMENT PLANS.—Section 455(e) of

1 the Higher Education Act of 1965 (20 U.S.C. 1087e(e))
2 is amended—

3 (1) in paragraph (3)—

4 (A) by striking “does not reasonably re-
5 flect the borrower’s current income” and insert-
6 ing “whose income has decreased relative to the
7 adjusted gross income available to the Sec-
8 retary”; and

9 (B) by inserting “, consistent with the pro-
10 cedures established under paragraph
11 (9)(B)(iv)” before the period at the end; and
12 (2) by adding at the end the following:

13 “(9) AUTOMATIC RECERTIFICATION.—

14 “(A) DEFINITION.—In this paragraph, the
15 term ‘covered loan’ has the meaning given the
16 term in subsection (d)(10).

17 “(B) IN GENERAL.—Beginning as soon as
18 the Secretary determines practicable after the
19 Secretary finalizes the procedures under section
20 9004 of the College Affordability Act, but not
21 later than 2 years after the date of enactment
22 of such Act, the Secretary shall establish and
23 implement, with respect to any borrower de-
24 scribed in subparagraph (C), procedures to—

1 “(i) obtain (for each year of repay-
2 ment and without further action by the
3 borrower) such information as is reason-
4 ably necessary regarding the income of
5 such borrower (and the borrower’s spouse,
6 if applicable), for the purpose of deter-
7 mining the repayment obligation of the
8 borrower for such year, including informa-
9 tion with respect to the borrower’s family
10 size in accordance with the procedures
11 under section 9004 of the College Afford-
12 ability Act, subject to clause (ii);

13 “(ii) allow the borrower, at any time,
14 to opt out of clause (i) and prevent the
15 Secretary from obtaining information
16 under such clause without further action
17 by the borrower;

18 “(iii) provide the borrower with an op-
19 portunity to update the information ob-
20 tained under clause (i) before the deter-
21 mination of the annual repayment obliga-
22 tion of the borrower; and

23 “(iv) in the case of a borrower for
24 whom adjusted gross income is unavail-
25 able—

1 “(I) if the borrower has selected
2 to repay the covered loans of such
3 borrower pursuant to an income con-
4 tingent repayment plan that defines
5 discretionary income in such a man-
6 ner that an individual not required
7 under section 6012(a)(1) of the Inter-
8 nal Revenue Code of 1986 to file a re-
9 turn with respect to income taxes im-
10 posed by subtitle A of such Code may
11 have a calculated monthly payment
12 greater than \$0, the borrower will be
13 required to provide the Secretary with
14 other documentation of income satis-
15 factory to the Secretary, which docu-
16 mentation the Secretary may use to
17 determine an appropriate repayment
18 schedule; or

19 “(II) if the borrower has selected
20 to repay such loans pursuant to an in-
21 come contingent repayment that is not
22 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 bor-

1 rower will have a calculated monthly
2 payment of \$0.

3 “(C) APPLICABILITY.—Subparagraph (B)
4 shall apply to each borrower of a covered loan
5 who, on or after the date on which the Sec-
6 retary establishes procedures under such sub-
7 paragraph, recertifies income and family size
8 under such plan.

9 “(D) OTHER REQUIREMENTS.—The proce-
10 dures established by the Secretary under this
11 paragraph shall be consistent with the require-
12 ments of paragraphs (1) through (7), except as
13 otherwise provided in this paragraph.”.

14 (g) DEFERMENT.—Subparagraph (B) of section
15 455(f)(1) of the Higher Education Act of 1965 (20 U.S.C.
16 1087e(f)(1)) is amended to read as follows:

17 “(B) in the case of a Federal Direct PLUS
18 Loan, a Federal Direct Unsubsidized Stafford
19 Loan, or a Federal Direct Consolidation Loan
20 not described in subparagraph (A)(ii), begin-
21 ning on or after the date of enactment of the
22 College Affordability Act—

23 “(i) for a deferment during a period
24 described in paragraph (2)(A)(i), shall ac-

1 crue and be capitalized or paid by the bor-
 2 rower; and

3 “(ii) for a deferment during a period
 4 described in subparagraphs (B) through
 5 (D) of paragraph (2), shall accrue but not
 6 be capitalized.”.

7 (h) SEPARATING JOINT CONSOLIDATION LOANS.—
 8 Section 455(g) of the Higher Education Act of 1965 (20
 9 U.S.C. 1087e(g)) is amended—

10 (1) by striking “A borrower” and inserting the
 11 following:

12 “(1) IN GENERAL.—A borrower”; and

13 (2) by adding at the end the following:

14 “(2) SEPARATING JOINT CONSOLIDATION
 15 LOANS.—

16 “(A) IN GENERAL.—A married couple, or
 17 2 individuals who were previously a married
 18 couple, and who received a joint consolidation
 19 loan as such married couple under subpara-
 20 graph (C) of section 428C(a)(3) (as such sub-
 21 paragraph was in effect on or before June 30,
 22 2006), may apply to the Secretary for each in-
 23 dividual borrower in the married couple (or pre-
 24 viously married couple) to receive a separate

1 Federal Direct Consolidation Loan under this
2 part—

3 “(i) that shall—

4 “(I) unless the Secretary receives
5 notice of an agreement described in
6 subclause (II)(aa), be equal to the
7 sum of—

8 “(aa) the unpaid principal
9 and accrued unpaid interest of
10 the percentage of the joint con-
11 solidation loan that, as of the day
12 before such joint consolidation
13 loan was made, was attributable
14 to the loans of the individual bor-
15 rower for whom such separate
16 consolidation loan is being made;
17 and

18 “(bb) any other loans de-
19 scribed in section 428C(a)(4)
20 that such individual borrower se-
21 lects for consolidation under this
22 part; or

23 “(II) be equal to the sum of—

24 “(aa) the unpaid principal
25 and accrued unpaid interest of

1 the percentage of the joint con-
2 solidation loan that, as of the
3 date of application under this
4 paragraph, the married couple
5 (or previously married couple)
6 agrees shall be considered attrib-
7 utable to the loans of the indi-
8 vidual borrower for whom such
9 separate consolidation loan is
10 being made; and

11 “(bb) any other loans de-
12 scribed in section 428C(a)(4)
13 that such individual borrower se-
14 lects for consolidation under this
15 part;

16 “(ii) the proceeds of which shall be
17 paid by the Secretary to the holder or
18 holders—

19 “(I) of the joint consolidation
20 loan for the purpose of discharging
21 the liability on the percentage of such
22 joint consolidation loan described in
23 subclause (I)(aa) or (II)(aa) of clause
24 (i); and

1 “(II) of the loans selected for
2 consolidation under subclause (I)(bb)
3 or subclause (II)(bb) of clause (i) for
4 the purpose of discharging the liability
5 on such loans;

6 “(iii) except as otherwise provided in
7 this paragraph, that has the same terms
8 and conditions, and rate of interest as the
9 joint consolidation loan;

10 “(iv) for which any payment made
11 under section 455(m)(1)(A) on the joint
12 consolidation loan during a period in which
13 the individual borrower for whom such sep-
14 arate consolidation loan is being made was
15 employed in a public service job described
16 in section 455(m)(1)(B) shall be treated as
17 if such payment were made on the portion
18 of the separate consolidation loan described
19 in clause (i)(I)(aa); and

20 “(v) for which any payment made
21 under any repayment plan described in
22 section 455(d)(1) on the joint consolidation
23 loan shall be treated as if such payment
24 were made on such portion of such sepa-
25 rate consolidation loan.

1 “(B) APPLICATION FOR SEPARATE DIRECT
2 CONSOLIDATION LOAN.—

3 “(i) JOINT APPLICATION.—Except as
4 provided in clause (ii), to receive separate
5 consolidation loans under subparagraph
6 (A), both individual borrowers in a married
7 couple (or previously married couple) shall
8 jointly apply under subparagraph (A).

9 “(ii) SEPARATE APPLICATION.—An
10 individual borrower in a married couple (or
11 previously married couple) may apply for a
12 separate consolidation loan under subpara-
13 graph (A) separately and without regard to
14 whether or when the other individual bor-
15 rower in the married couple (or previously
16 married couple) applies under subpara-
17 graph (A), in a case in which—

18 “(I) the individual borrower has
19 experienced from the other individual
20 borrower—

21 “(aa) domestic violence (as
22 defined in section 40002(a) of
23 the Violence Against Women Act
24 of 1994 (34 U.S.C. 12291(a)));
25 or

1 “(bb) economic abuse (in-
2 cluding behaviors that control
3 such borrower’s ability to ac-
4 quire, use, and maintain access
5 to money, credit, or the joint fi-
6 nancial obligations of both bor-
7 rowers);

8 “(II) the individual borrower cer-
9 tifies, on a form approved by the Sec-
10 retary, that such borrower is unable
11 to reasonably reach or access the loan
12 information of the other individual
13 borrower; or

14 “(III) the Secretary determines
15 that authorizing each individual bor-
16 rower to apply separately under sub-
17 paragraph (A) would be in the best
18 fiscal interests of the Federal Govern-
19 ment.

20 “(C) BORROWER ELIGIBILITY.—Notwith-
21 standing section 428C(a)(3)(A), the Secretary
22 shall award a consolidation loan under this part
23 to each borrower who—

24 “(i) applies for such loan under sub-
25 paragraph (A); and

1 “(ii) meets the requirements of sub-
2 paragraphs (A) and (B).

3 “(3) CONSUMER REPORTING AGENCIES.—Upon
4 obtaining a Federal Direct Consolidation Loan that
5 discharges the liability on a defaulted loan made, in-
6 sured, or guaranteed under this title, the Secretary,
7 guaranty agency, or other holder of the loan shall
8 request any consumer reporting agency to which the
9 Secretary, guaranty agency or holder, as applicable,
10 reported the default of the loan, to remove any ad-
11 verse item of information relating to a delinquent or
12 defaulted loan made, insured, or guaranteed under
13 this title from the borrower’s credit history.”.

14 (i) REPEAL OF SUBSIDIZED LOAN USAGE LIMITA-
15 TION.—Subsection (q) of section 455 of the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1087e) is repealed.

17 **SEC. 4303. AMENDMENTS TO TERMS AND CONDITIONS OF**
18 **PUBLIC SERVICE LOAN FORGIVENESS.**

19 Section 455(m) of the Higher Education Act of 1965
20 (20 U.S.C. 1087e(m)) is amended—

21 (1) in paragraph (1)—

22 (A) in subparagraph (A)—

23 (i) by striking “or” at the end of
24 clause (iii);

1 (ii) in clause (iv), by striking “and”;

2 and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(v) payments under the income-based
6 repayment plan under section 493C(f); or

7 “(vi) payments under the fixed repay-
8 ment plan described in section 493E;
9 and”; and

10 (B) in subparagraph (B), by striking “(i)
11 is employed” and all that follows through “has
12 been” and inserting “has been”;

13 (2) in paragraph (2), by adding at the end the
14 following: “In the case of a borrower who meets the
15 requirements under paragraph (1) for such cancella-
16 tion, such cancellation shall occur without further
17 action by the borrower.”;

18 (3) by redesignating paragraphs (3) and (4) as
19 paragraphs (9) and (10), respectively; and

20 (4) by inserting after paragraph (2) the fol-
21 lowing:

22 “(3) TREATMENT OF LOAN REFINANCED
23 UNDER SECTIONS 460A OR 460B.—In the case of an
24 eligible Federal Direct Loan refinanced under sec-
25 tion 460A or 460B, any monthly payment pursuant

1 to any repayment plan listed in paragraph (1)(A)
2 made on a loan, for which the liability has been dis-
3 charged by such refinanced loan and without regard
4 to whether such loan is an eligible Federal Direct
5 Loan, shall be treated as a monthly payment under
6 paragraph (1)(A) on the portion of such refinanced
7 loan that is attributable to such discharged loan.

8 “(4) ON-LINE PORTAL.—

9 “(A) BORROWERS.—The Secretary shall
10 ensure that borrowers have access to an on-line
11 portal that provides each borrower who signs on
12 to such portal with the following:

13 “(i) Instructions on how to access the
14 database under paragraph (5) so that the
15 borrower can determine whether the bor-
16 rower is employed in a public service job.

17 “(ii) An identification of the loans of
18 the borrower that are eligible Federal Di-
19 rect Loans.

20 “(iii) With respect to each such eligi-
21 ble Federal Direct Loan, the number of
22 monthly payments on such loan that qual-
23 ify as a monthly payment under paragraph
24 (1)(A), and the estimated number of
25 monthly payments under paragraph (1)(A)

1 remaining on such loan before the bor-
2 rower may be eligible for loan cancellation
3 under this subsection.

4 “(iv) With respect to each loan of the
5 borrower that is not eligible for loan can-
6 cellation under this subsection, an expla-
7 nation of why the loan is not so eligible
8 and instructions on how what, if anything,
9 the borrower may do to make the loan so
10 eligible.

11 “(v) Instructions for the submission of
12 any forms associated with such loan can-
13 cellation, and an ability for the borrower to
14 use the portal to electronically sign and
15 submit such forms.

16 “(vi) In the case of a borrower who
17 disputes a determination of the Secretary
18 relating to the entitlement of the borrower
19 to loan cancellation under paragraph (2)—

20 “(I) an ability for the borrower
21 to file a claim with the Secretary to
22 dispute such determination through
23 the portal; and

24 “(II) in the case of such a claim
25 that has been filed, the status of such

1 claim, for which updates shall be pro-
2 vided not fewer than once every 90
3 days.

4 “(B) EMPLOYERS.—The Secretary shall
5 ensure that an employer of a borrower has the
6 ability to electronically sign and submit any
7 forms associated with loan cancellation under
8 this subsection.

9 “(C) INFORMATION.—The Secretary shall
10 ensure that any information provided through
11 the on-line portal described in this paragraph is
12 up-to-date information.

13 “(5) DATABASE OF PUBLIC SERVICE JOBS.—

14 “(A) IN GENERAL.—The Secretary, in con-
15 sultation with the Commissioner of the Internal
16 Revenue Service, shall establish and regularly
17 update a database that lists public service jobs.

18 “(B) PUBLIC AVAILABILITY.—The data-
19 base established under subparagraph (A) shall
20 be made available on a publicly accessible
21 website of the Department in an easily search-
22 able format.”;

23 (5) in paragraph (9), as so redesignated—

24 (A) in subparagraph (A)—

1 (i) by inserting before the period at
2 the end the following: “(including any Fed-
3 eral Direct Stafford Loan, Federal Direct
4 PLUS Loan, Federal Direct Unsubsidized
5 Stafford Loan, or Federal Direct Consoli-
6 dation Loan refinanced under section
7 460A)”;

8 (ii) by striking “The term” and in-
9 serting the following:

10 “(i) IN GENERAL.—The term”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(ii) TREATMENT OF CERTAIN CON-
14 SOLIDATION LOAN PAYMENTS.—In the
15 case of an eligible Federal Direct Loan
16 that is a Federal Direct Consolidation
17 Loan made on or after the date of enact-
18 ment of the College Affordability Act, any
19 monthly payment pursuant to any repay-
20 ment plan listed in paragraph (1)(A) made
21 on a loan, for which the liability has been
22 discharged by the proceeds of such Federal
23 Direct Consolidation Loan and without re-
24 gard to whether the loan is an eligible Fed-
25 eral Direct Loan, shall be treated as a

1 monthly payment under paragraph (1)(A)
2 on the portion of such Federal Direct Con-
3 solidation Loan that is attributable to such
4 discharged loan, except that in the case of
5 a subsequent consolidation loan, for pur-
6 poses of this clause—

7 “(I) any monthly payment made
8 on the first consolidation loan or any
9 other loan for which the liability has
10 been discharged by such subsequent
11 consolidation loan shall be applicable;
12 and

13 “(II) any monthly payment made
14 on a loan for which the liability has
15 been discharged by such first consoli-
16 dation loan shall not be applicable.”;

17 (B) in subparagraph (B)—

18 (i) in clause (i), by striking “or” at
19 the end;

20 (ii) in clause (ii), by striking the pe-
21 riod at the end and inserting a semicolon;
22 and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(iii) a full-time job as an employee or
2 manager of a farm or ranch that, with re-
3 spect to a fiscal year, has earnings of gross
4 revenue during such year from the sale of
5 agricultural products equal to or greater
6 than—

7 “(I) in the case of 2019,
8 \$35,000; or

9 “(II) in the case of any suc-
10 ceeding year, the amount applicable
11 under this subparagraph for the pre-
12 vious year, increased by the estimated
13 percentage change in the Consumer
14 Price Index for the most recent year
15 preceding such year; or

16 “(iv) a full-time job with a veterans or
17 military service organization as described
18 in paragraph (19) or (23) of section 501(c)
19 of the Internal Revenue Code, that does
20 not engage in partisan political campaign
21 activity.”; and

22 (C) by adding at the end the following:

23 “(C) FULL-TIME JOB AS HEALTH CARE
24 PRACTITIONER.—The term ‘full-time profes-

1 sionals engaged in health care practitioner occu-
 2 pations’ includes an individual who—

3 “(i) has a full-time job as a health
 4 care practitioner;

5 “(ii) provides medical services in such
 6 full-time job at a nonprofit or public hos-
 7 pital or other nonprofit or public health
 8 care facility; and

9 “(iii) is prohibited from being em-
 10 ployed directly by such hospital or other
 11 health care facility by State law.”; and

12 (6) in paragraph (10), as so redesignated, by
 13 striking “section 428J, 428K, 428L, or 460” and
 14 inserting “section 428K or 428L”.

15 **SEC. 4304. FEDERAL DIRECT PERKINS LOANS TERMS AND**
 16 **CONDITIONS.**

17 Part D of title IV of the Higher Education Act of
 18 1965 (20 U.S.C. 1087a et seq.) is amended by inserting
 19 after section 455 the following new section:

20 **“SEC. 455A. FEDERAL DIRECT PERKINS LOANS.**

21 “(a) DESIGNATION OF LOANS.—Loans made to bor-
 22 rowers under this section shall be known as ‘Federal Di-
 23 rect Perkins Loans’.

24 “(b) IN GENERAL.—It is the purpose of this section
 25 to authorize loans to be awarded by institutions of higher

1 education through agreements established under section
2 463(f). Unless otherwise specified in this section, all terms
3 and conditions and other requirements applicable to Fed-
4 eral Direct Unsubsidized Stafford loans established under
5 section 455(a)(2)(D) shall apply to loans made pursuant
6 to this section.

7 “(c) ELIGIBLE BORROWERS.—Any student meeting
8 the requirements for student eligibility under section
9 464(b) (including graduate and professional students as
10 defined in regulations promulgated by the Secretary) shall
11 be eligible to borrow a Federal Direct Perkins Loan, pro-
12 vided the student attends an eligible institution with an
13 agreement with the Secretary under section 463(f), and
14 the institution uses its authority under that agreement to
15 award the student a loan.

16 “(d) LOAN LIMITS.—The annual and aggregate lim-
17 its for loans under this section shall be the same as those
18 established under section 464, and aggregate limits shall
19 include loans made by institutions under agreements
20 under section 463(a).

21 “(e) APPLICABLE RATES OF INTEREST.—Loans
22 made pursuant to this section shall bear interest, on the
23 unpaid principal balance of the loan, at the rate of 5 per-
24 cent per year.”.

1 **SEC. 4305. COMMON MANUAL FOR LOAN SERVICERS.**

2 Section 456(a)(2) of the Higher Education Act of
 3 1965 (20 U.S.C. 1087f(a)(2)) is amended in the first sen-
 4 tence by inserting before the period at the end the fol-
 5 lowing: “, including the applicable procedures and policies
 6 described in the manual developed under section 493F”.

7 **SEC. 4306. REFINANCING FFEL AND FEDERAL DIRECT**
 8 **LOANS.**

9 Part D of title IV of the Higher Education Act of
 10 1965 (20 U.S.C. 1087a et seq.) is amended by adding at
 11 the end the following:

12 **“SEC. 460A. REFINANCING FFEL AND FEDERAL DIRECT**
 13 **LOANS.**

14 “(a) IN GENERAL.—The Secretary shall establish a
 15 program under which the Secretary, upon the receipt of
 16 an application from a qualified borrower, makes a loan
 17 under this part, in accordance with the provisions of this
 18 section, in order to permit the borrower to obtain the in-
 19 terest rate provided under subsection (c).

20 “(b) REFINANCING DIRECT LOANS.—

21 “(1) FEDERAL DIRECT LOANS.—Upon applica-
 22 tion of a qualified borrower, the Secretary shall
 23 repay a Federal Direct Stafford Loan, a Federal Di-
 24 rect Unsubsidized Stafford Loan, a Federal Direct
 25 PLUS Loan, or a Federal Direct Consolidation
 26 Loan of the qualified borrower, for which the first

1 disbursement was made, or the application for the
2 consolidation loan was received, before July 1, 2020,
3 with the proceeds of a refinanced Federal Direct
4 Stafford Loan, a Federal Direct Unsubsidized Staf-
5 ford Loan, a Federal Direct PLUS Loan, or a Fed-
6 eral Direct Consolidation Loan, respectively, issued
7 to the borrower in an amount equal to the sum of
8 the unpaid principal, accrued unpaid interest, and
9 late charges of the original loan.

10 “(2) REFINANCING FFEL PROGRAM LOANS AS
11 REFINANCED FEDERAL DIRECT LOANS.—Upon ap-
12 plication of a qualified borrower for any loan that
13 was made, insured, or guaranteed under part B and
14 for which the first disbursement was made, or the
15 application for the consolidation loan was received,
16 before July 1, 2010, the Secretary shall make a loan
17 under this part, in an amount equal to the sum of
18 the unpaid principal, accrued unpaid interest, and
19 late charges of the original loan to the borrower in
20 accordance with the following:

21 “(A) The Secretary shall pay the proceeds
22 of such loan to the eligible lender of the loan
23 made, insured, or guaranteed under part B, in
24 order to discharge the borrower from any re-

1 maintaining obligation to the lender with respect to
2 the original loan.

3 “(B) A loan made under this section that
4 was originally—

5 “(i) a loan originally made, insured,
6 or guaranteed under section 428 shall be a
7 Federal Direct Stafford Loan;

8 “(ii) a loan originally made, insured,
9 or guaranteed under section 428B shall be
10 a Federal Direct PLUS Loan;

11 “(iii) a loan originally made, insured,
12 or guaranteed under section 428H shall be
13 a Federal Direct Unsubsidized Stafford
14 Loan; and

15 “(iv) a loan originally made, insured,
16 or guaranteed under section 428C shall be
17 a Federal Direct Consolidation Loan.

18 “(C) The interest rate for each loan made
19 by the Secretary under this paragraph shall be
20 the rate provided under subsection (c).

21 “(c) INTEREST RATES.—

22 “(1) IN GENERAL.—The interest rate for the
23 refinanced Federal Direct Stafford Loans, Federal
24 Direct Unsubsidized Stafford Loans, Federal Direct

1 PLUS Loans, and Federal Direct Consolidation
2 Loans, shall be a rate equal to—

3 “(A) in any case where the original loan
4 was a loan under section 428 or 428H, a Fed-
5 eral Direct Stafford loan, or a Federal Direct
6 Unsubsidized Stafford Loan, that was issued to
7 an undergraduate student, a rate equal to the
8 rate for Federal Direct Stafford Loans and
9 Federal Direct Unsubsidized Stafford Loans
10 issued to undergraduate students for the 12-
11 month period beginning on July 1, 2019, and
12 ending on June 30, 2020;

13 “(B) in any case where the original loan
14 was a loan under section 428 or 428H, a Fed-
15 eral Direct Stafford Loan, or a Federal Direct
16 Unsubsidized Stafford Loan, that was issued to
17 a graduate or professional student, a rate equal
18 to the rate for Federal Direct Unsubsidized
19 Stafford Loans issued to graduate or profes-
20 sional students for the 12-month period begin-
21 ning on July 1, 2019, and ending on June 30,
22 2020;

23 “(C) in any case where the original loan
24 was a loan under section 428B or a Federal Di-
25 rect PLUS Loan, a rate equal to the rate for

1 Federal Direct PLUS Loans for the 12-month
2 period beginning on July 1, 2019, and ending
3 on June 30, 2020; and

4 “(D) in any case where the original loan
5 was a loan under section 428C or a Federal Di-
6 rect Consolidation Loan, a rate calculated in ac-
7 cordance with paragraph (2).

8 “(2) INTEREST RATES FOR CONSOLIDATION
9 LOANS.—

10 “(A) METHOD OF CALCULATION.—In
11 order to determine the interest rate for any re-
12 financed Federal Direct Consolidation Loan
13 under paragraph (1)(D), the Secretary shall—

14 “(i) determine each of the component
15 loans that were originally consolidated in
16 the loan under section 428C or the Federal
17 Direct Consolidation Loan, and calculate
18 the proportion of the unpaid principal bal-
19 ance of the loan under section 428C or the
20 Federal Direct Consolidation Loan that
21 each component loan represents;

22 “(ii) use the proportions determined
23 in accordance with clause (i) and the inter-
24 est rate applicable for each component
25 loan, as determined under subparagraph

1 (B), to calculate the weighted average of
2 the interest rates on the loans consolidated
3 into the loan under section 428C or the
4 Federal Direct Consolidation Loan; and

5 “(iii) apply the weighted average cal-
6 culated under clause (ii) as the interest
7 rate for the refinanced Federal Direct Con-
8 solidation Loan.

9 “(B) INTEREST RATES FOR COMPONENT
10 LOANS.—The interest rates for the component
11 loans of a loan made under section 428C or a
12 Federal Direct Consolidation Loan shall be the
13 following:

14 “(i) The interest rate for any loan
15 under section 428 or 428H, Federal Direct
16 Stafford Loan, or Federal Direct Unsub-
17 sidized Stafford Loan issued to an under-
18 graduate student shall be a rate equal to
19 the lesser of—

20 “(I) the rate for Federal Direct
21 Stafford Loans and Federal Direct
22 Unsubsidized Stafford Loans issued
23 to undergraduate students for the 12-
24 month period beginning on July 1,

1 2019, and ending on June 30, 2020;
2 or

3 “(II) the original interest rate of
4 the component loan.

5 “(ii) The interest rate for any loan
6 under section 428 or 428H, Federal Direct
7 Stafford Loan, or Federal Direct Unsub-
8 sidized Stafford Loan issued to a graduate
9 or professional student shall be a rate
10 equal to the lesser of—

11 “(I) the rate for Federal Direct
12 Unsubsidized Stafford Loans issued
13 to graduate or professional students
14 for the 12-month period beginning on
15 July 1, 2019, and ending on June 30,
16 2020; or

17 “(II) the original interest rate of
18 the component loan.

19 “(iii) The interest rate for any loan
20 under section 428B or Federal Direct
21 PLUS Loan shall be a rate equal to the
22 lesser of—

23 “(I) the rate for Federal Direct
24 PLUS Loans for the 12-month period

1 beginning on July 1, 2019, and end-
2 ing on June 30, 2020; or

3 “(II) the original interest rate of
4 the component loan.

5 “(iv) The interest rate for any compo-
6 nent loan that is a loan under section
7 428C or a Federal Direct Consolidation
8 Loan shall be the weighted average of the
9 interest rates that would apply under this
10 subparagraph for each loan comprising the
11 component consolidation loan.

12 “(v) The interest rate for any eligible
13 loan that is a component of a loan made
14 under section 428C or a Federal Direct
15 Consolidation Loan and is not described in
16 clauses (i) through (iv) shall be the inter-
17 est rate on the original component loan.

18 “(3) FIXED RATE.—The applicable rate of in-
19 terest determined under paragraph (1) for a refi-
20 nanced loan under this section shall be fixed for the
21 period of the loan.

22 “(d) TERMS AND CONDITIONS OF LOANS.—

23 “(1) IN GENERAL.—A loan that is refinanced
24 under this section shall have the same terms and

1 conditions as the original loan, except as otherwise
2 provided in this section.

3 “(2) NO AUTOMATIC EXTENSION OF REPAY-
4 MENT PERIOD.—Refinancing a loan under this sec-
5 tion shall not result in the extension of the duration
6 of the repayment period of the loan, and the bor-
7 rower shall retain the same repayment term that
8 was in effect on the original loan. Nothing in this
9 paragraph shall be construed to prevent a borrower
10 from electing a different repayment plan at any time
11 in accordance with section 455(d)(4).

12 “(e) DEFINITION OF QUALIFIED BORROWER.—

13 “(1) IN GENERAL.—For purposes of this sec-
14 tion, the term ‘qualified borrower’ means a bor-
15 rower—

16 “(A) of a loan under this part or part B
17 for which the first disbursement was made, or
18 the application for a consolidation loan was re-
19 ceived, before July 1, 2020; and

20 “(B) who meets the eligibility requirements
21 based on income or debt-to-income ratio estab-
22 lished by the Secretary.

23 “(2) INCOME REQUIREMENTS.—The Secretary
24 shall establish eligibility requirements based on in-
25 come or debt-to-income ratio that take into consider-

1 ation providing access to refinancing under this sec-
2 tion for borrowers with the greatest financial need.

3 “(f) NOTIFICATION TO BORROWERS.—The Secretary,
4 in coordination with the Director of the Bureau of Con-
5 sumer Financial Protection, shall undertake a campaign
6 to alert borrowers of loans that are eligible for refinancing
7 under this section that the borrowers are eligible to apply
8 for such refinancing. The campaign shall include the fol-
9 lowing activities:

10 “(1) Developing consumer information mate-
11 rials about the availability of Federal student loan
12 refinancing.

13 “(2) Requiring servicers of loans under this
14 part or part B to provide such consumer information
15 to borrowers in a manner determined appropriate by
16 the Secretary, in consultation with the Director of
17 the Bureau of Consumer Financial Protection.”.

18 **SEC. 4307. REFINANCING PRIVATE STUDENT LOANS.**

19 Part D of title IV of the Higher Education Act of
20 1965 (20 U.S.C. 1087a et seq.) is amended by adding at
21 the end the following:

22 **“SEC. 460B. FEDERAL DIRECT REFINANCED PRIVATE LOAN**
23 **PROGRAM.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE PRIVATE EDUCATION LOAN.—

2 The term ‘eligible private education loan’ means a
3 private education loan, as defined in section 140(a)
4 of the Truth in Lending Act (15 U.S.C. 1650(a)),
5 that—

6 “(A) was disbursed to the borrower before
7 July 1, 2020; and

8 “(B) was for the borrower’s own postsec-
9 ondary educational expenses for an eligible pro-
10 gram at an institution of higher education par-
11 ticipating in the loan program under this part,
12 as of the date that the loan was disbursed.

13 “(2) FEDERAL DIRECT REFINANCED PRIVATE
14 LOAN.—The term ‘Federal Direct Refinanced Pri-
15 vate Loan’ means a loan issued under subsection
16 (b)(1).

17 “(3) PRIVATE EDUCATIONAL LENDER.—The
18 term ‘private educational lender’ has the meaning
19 given the term in section 140(a) of the Truth in
20 Lending Act (15 U.S.C. 1650(a)).

21 “(4) QUALIFIED BORROWER.—The term ‘quali-
22 fied borrower’ means an individual who—

23 “(A) has an eligible private education loan;

24 “(B) has been current on payments on the
25 eligible private education loan for the 6 months

1 prior to the date of the qualified borrower's ap-
2 plication for refinancing under this section, and
3 is in good standing on the loan at the time of
4 such application;

5 “(C) is not in default on the eligible pri-
6 vate education loan or on any loan made, in-
7 sured, or guaranteed under this part or part B
8 or E; and

9 “(D) meets the eligibility requirements de-
10 scribed in subsection (b)(2).

11 “(b) PROGRAM AUTHORIZED.—

12 “(1) IN GENERAL.—The Secretary, in consulta-
13 tion with the Secretary of the Treasury, shall carry
14 out a program under which the Secretary, upon ap-
15 plication by a qualified borrower who has an eligible
16 private education loan, shall issue such borrower a
17 loan under this part in accordance with the fol-
18 lowing:

19 “(A) The loan issued under this program
20 shall be in an amount equal to the sum of the
21 unpaid principal, accrued unpaid interest, and
22 late charges of the private education loan.

23 “(B) The Secretary shall pay the proceeds
24 of the loan issued under this program to the
25 private educational lender of the private edu-

1 cation loan, in order to discharge the qualified
2 borrower from any remaining obligation to the
3 lender with respect to the original loan.

4 “(C) The Secretary shall require that the
5 qualified borrower undergo loan counseling that
6 provides all of the information and counseling
7 required under clause (i) and clauses (iv)
8 through (xiv) of section 485(b)(1)(A) (as
9 amended by the College Affordability Act) be-
10 fore the loan is refinanced in accordance with
11 this section, and before the proceeds of such
12 loan are paid to the private educational lender.

13 “(D) The Secretary shall issue the loan as
14 a Federal Direct Refinanced Private Loan,
15 which shall have the same terms, conditions,
16 and benefits as a Federal Direct Unsubsidized
17 Stafford Loan, except as otherwise provided in
18 this section.

19 “(2) BORROWER ELIGIBILITY.—The Secretary,
20 in consultation with the Secretary of the Treasury
21 and the Director of the Bureau of Consumer Finan-
22 cial Protection, shall establish eligibility require-
23 ments—

24 “(A) based on income or debt-to-income
25 ratio that take into consideration providing ac-

1 cess to refinancing under this section for bor-
2 rowers with the greatest financial need;

3 “(B) to ensure eligibility only for bor-
4 rowers in good standing;

5 “(C) to minimize inequities between Fed-
6 eral Direct Refinanced Private Loans and other
7 Federal student loans;

8 “(D) to preclude windfall profits for pri-
9 vate educational lenders; and

10 “(E) to ensure full access to the program
11 authorized in this subsection for borrowers with
12 private loans who otherwise meet the criteria
13 established in accordance with subparagraphs
14 (A) and (B).

15 “(c) INTEREST RATE.—

16 “(1) IN GENERAL.—The interest rate for a
17 Federal Direct Refinanced Private Loan is—

18 “(A) in the case of a Federal Direct Refi-
19 nanced Private Loan for a private education
20 loan originally issued for undergraduate post-
21 secondary educational expenses, a rate equal to
22 the rate for Federal Direct Stafford Loans and
23 Federal Direct Unsubsidized Stafford Loans
24 issued to undergraduate students for the 12-

1 month period beginning on July 1, 2019, and
2 ending on June 30, 2020; and

3 “(B) in the case of a Federal Direct Refi-
4 nanced Private Loan for a private education
5 loan originally issued for graduate or profes-
6 sional degree postsecondary educational ex-
7 penses, a rate equal to the rate for Federal Di-
8 rect Unsubsidized Stafford Loans issued to
9 graduate or professional students for the 12-
10 month period beginning on July 1, 2019, and
11 ending on June 30, 2020.

12 “(2) COMBINED UNDERGRADUATE AND GRAD-
13 UATE STUDY LOANS.—If a Federal Direct Refi-
14 nanced Private Loan is for a private education loan
15 originally issued for both undergraduate and grad-
16 uate or professional postsecondary educational ex-
17 penses, the interest rate shall be a rate equal to the
18 rate for Federal Direct PLUS Loans for the 12-
19 month period beginning on July 1, 2019, and ending
20 on June 30, 2020.

21 “(3) FIXED RATE.—The applicable rate of in-
22 terest determined under this subsection for a Fed-
23 eral Direct Refinanced Private Loan shall be fixed
24 for the period of the loan.

1 “(d) NO INCLUSION IN AGGREGATE LIMITS.—The
2 amount of a Federal Direct Refinanced Private Loan, or
3 a Federal Direct Consolidated Loan to the extent such
4 loan was used to repay a Federal Direct Refinanced Pri-
5 vate Loan, shall not be included in calculating a bor-
6 rower’s annual or aggregate loan limits under section 428
7 or 428H.

8 “(e) NO ELIGIBILITY FOR SERVICE-RELATED RE-
9 PAYMENT.—A Federal Direct Refinanced Private Loan, or
10 any Federal Direct Consolidation Loan to the extent such
11 loan was used to repay a Federal Direct Refinanced Pri-
12 vate Loan, shall not be eligible for any loan repayment
13 or loan forgiveness program under section 428K, 428L,
14 or 460 or for the repayment plan for public service em-
15 ployees under section 455(m).

16 “(f) PRIVATE EDUCATIONAL LENDER REPORTING
17 REQUIREMENT.—

18 “(1) REPORTING REQUIRED.—The Secretary,
19 in consultation with the Secretary of the Treasury
20 and the Director of the Bureau of Consumer Finan-
21 cial Protection, shall establish a requirement that
22 private educational lenders report the data described
23 in paragraph (2) to the Secretary, to Congress, to
24 the Secretary of the Treasury, and to the Director
25 of the Bureau of Consumer Financial Protection, in

1 order to allow for an assessment of the private edu-
2 cation loan market.

3 “(2) CONTENTS OF REPORTING.—The data
4 that private educational lenders shall report in ac-
5 cordance with paragraph (1) shall include each of
6 the following about private education loans (as de-
7 fined in section 140(a) of the Truth in Lending Act
8 (15 U.S.C. 1650(a))):

9 “(A) The total amount of private education
10 loan debt the lender holds.

11 “(B) The total number of private edu-
12 cation loan borrowers the lender serves.

13 “(C) The average interest rate on the out-
14 standing private education loan debt held by the
15 lender.

16 “(D) The proportion of private education
17 loan borrowers who are in default on a loan
18 held by the lender.

19 “(E) The proportion of the outstanding
20 private education loan volume held by the lend-
21 er that is in default.

22 “(F) The proportions of outstanding pri-
23 vate education loan borrowers who are 30, 60,
24 and 90 days delinquent.

1 “(G) The proportions of outstanding pri-
 2 vate education loan volume that is 30, 60, and
 3 90 days delinquent.

4 “(g) NOTIFICATION TO BORROWERS.—The Sec-
 5 retary, in coordination with the Secretary of the Treasury
 6 and the Director of the Bureau of Consumer Financial
 7 Protection, shall undertake a campaign to alert borrowers
 8 about the availability of private student loan refinancing
 9 under this section.”.

10 **PART E—FEDERAL PERKINS LOANS**

11 **SEC. 4401. AUTHORIZATION OF APPROPRIATIONS FOR PER-** 12 **KINS LOAN.**

13 Section 461(b) of the Higher Education Act of 1965
 14 (20 U.S.C. 1087aa(b)) is amended—

- 15 (1) by striking “(1) IN GENERAL.—”;
- 16 (2) by striking paragraphs (2) and (3); and
- 17 (3) by redesignating subparagraphs (A), (B),
 18 and (C) as paragraphs (1), (2), and (3), respectively.

19 **SEC. 4402. ALLOCATION OF FUNDS FOR PERKINS LOAN.**

20 Section 462 of the Higher Education Act of 1965 (20
 21 U.S.C. 1087bb) is amended—

- 22 (1) in subsection (a)(1), by striking “From”
 23 and inserting “For any fiscal year before fiscal year
 24 2021, from”; and

1 (2) in subsection (i)(1), by striking “for any fis-
2 cal year,” and inserting “for any fiscal year before
3 fiscal year 2021,”.

4 **SEC. 4403. FEDERAL DIRECT PERKINS LOAN ALLOCATION.**

5 Part E of title IV of the Higher Education Act of
6 1965 (20 U.S.C. 1087aa et seq.) is amended by inserting
7 after section 462 the following:

8 **“SEC. 462A. FEDERAL DIRECT PERKINS LOAN ALLOCATION.**

9 “(a) PURPOSES.—The purposes of this section are—

10 “(1) to allocate, among eligible and partici-
11 pating institutions (as such terms are defined in this
12 section), the authority to make Federal Direct Per-
13 kins Loans under section 455A with a portion of the
14 annual loan authority described in subsection (b)(1);
15 and

16 “(2) to make funds available, in accordance
17 with section 452, to each participating institution
18 from a portion of the annual loan authority de-
19 scribed in subsection (b), in an amount not to exceed
20 the sum of an institution’s allocation of funds under
21 subparagraph (B) of subsection (b)(1) to enable
22 each such institution to make Federal Direct Per-
23 kins Loans to eligible students at the institution.

24 “(b) AVAILABLE DIRECT PERKINS ANNUAL LOAN
25 AUTHORITY.—

1 “(1) AVAILABILITY AND ALLOCATIONS.—

2 “(A) IN GENERAL.—There are hereby
3 made available, from funds made available for
4 loans made under part D, not to exceed
5 \$2,400,000,000 of annual loan authority for
6 award year 2021–2022 and each succeeding
7 award year, to be allocated as provided in sub-
8 paragraph (B).

9 “(B) ALLOCATION FORMULA.—Except as
10 provided in paragraphs (3), (4), and (5), for
11 each award year, the Secretary shall allocate an
12 amount to each participating institution that is
13 equal to—

14 “(i) 100 percent of the institutional
15 undergraduate student need (as deter-
16 mined under subparagraph (C)) for the
17 preceding award year; and

18 “(ii) 25 percent of the institutional
19 graduate student need (as determined
20 under subparagraph (D)) for the preceding
21 award year.

22 “(C) INSTITUTIONAL UNDERGRADUATE
23 STUDENT NEED CALCULATION.—The institu-
24 tional undergraduate student need for a partici-

1 participating institution for an award year shall be
2 equal to the sum of the following:

3 “(i) An amount equal to 50 percent of
4 the amount that bears the same proportion
5 to the amount made available under sub-
6 paragraph (A) for such award year as the
7 total amount of Federal Pell Grant funds
8 awarded at the participating institution for
9 the preceding award year bears to the total
10 amount of Federal Pell Grant funds
11 awarded at all participating institutions for
12 the preceding award year.

13 “(ii) An amount equal to 50 percent
14 of the amount that bears the same propor-
15 tion to the amount made available under
16 subparagraph (A) for such award year as
17 the total amount of the undergraduate stu-
18 dent need at the participating institution
19 for the preceding award year bears to the
20 total amount of undergraduate student
21 need at all participating institutions for
22 the preceding award year.

23 “(D) INSTITUTIONAL GRADUATE STUDENT
24 NEED CALCULATION.—The institutional grad-
25 uate student need for a participating institution

1 for an award year shall be equal to the amount
2 that bears the same proportion to the amount
3 made available under subparagraph (A) for
4 such award year as the total amount of the
5 graduate student need at the participating in-
6 stitution for the preceding award year bears to
7 the total amount of graduate student need at
8 all participating institutions for the preceding
9 award year.

10 “(2) NO FUNDS TO NON-PARTICIPATING INSTI-
11 TUTIONS.—The Secretary shall not make funds
12 available under this subsection to any eligible insti-
13 tution that is not a participating institution.

14 “(3) REQUIRED MINIMUM AMOUNT.—In no case
15 shall the sum of a participating institution’s alloca-
16 tion of loan authority computed under paragraph
17 (1)(B) be less than the average of the institution’s
18 total principal amount of loans made under this part
19 for each of the academic years 2012–2013 through
20 2016–2017.

21 “(4) ADDITIONAL ADJUSTMENTS.—If the Sec-
22 retary determines that the sum of a participating in-
23 stitution’s allocation of loan authority under para-
24 graph (1)(B) is below the minimum amount required
25 under paragraph (3), the Secretary shall—

1 “(A) for each participating institution for
 2 which the minimum amount under paragraph
 3 (3) is not satisfied, increase the amount of such
 4 sum to the amount of the required minimum
 5 under such paragraph; and

6 “(B) ratably reduce the amount of the sum
 7 of such loan authority of all participating insti-
 8 tutions not described in subparagraph (A).

9 “(5) ESTIMATING THE YEAR PRECEDING THE
 10 FIRST YEAR OF ALLOCATIONS.—For award year
 11 2021–2022, in calculating an institution’s under-
 12 graduate student need under paragraph (1)(C) and
 13 an institution’s graduate student need under para-
 14 graph (1)(D), the Secretary may estimate the data
 15 with respect to the preceding award year required to
 16 make such calculations.

17 “(c) DEFINITIONS.—In this section:

18 “(1) ANNUAL LOAN AUTHORITY.—The term
 19 ‘annual loan authority’ means the total original prin-
 20 cipal amount of loans that may be allocated and
 21 made available for an award year to make Federal
 22 Direct Perkins Loans under section 455A.

23 “(2) AVERAGE COST OF ATTENDANCE.—The
 24 term ‘average cost of attendance’ has the meaning
 25 given the term in section 4202(e)(5)(B).

1 “(3) GRADUATE STUDENT NEED.—The term
2 ‘graduate student need’ means, with respect to a
3 graduate student for an award year, the lesser of the
4 following:

5 “(A) The amount equal to (except the
6 amount computed by this subparagraph shall
7 not be less than zero)—

8 “(i) the average cost of attendance for
9 the preceding award year, minus

10 “(ii) such graduate student’s expected
11 family contribution (computed in accord-
12 ance with part F of this title) for the pre-
13 ceding award year.

14 “(B) The total annual loan limit for a
15 Federal Direct Unsubsidized Stafford Loan.

16 “(4) UNDERGRADUATE STUDENT NEED.—The
17 term ‘undergraduate student need’ means, with re-
18 spect to an undergraduate student for an award
19 year, the lesser of the following:

20 “(A) The total of the amount equal to (ex-
21 cept the amount computed by this clause shall
22 not be less than zero)—

23 “(i) the average cost of attendance for
24 the award year, minus

1 “(ii) such undergraduate student’s ex-
 2 pected family contribution (computed in
 3 accordance with part F of this title) for
 4 the preceding award year.

5 “(B) The total loan annual limit for a
 6 Federal Direct Unsubsidized Stafford Loan and
 7 a Federal Direct Loan.

8 “(5) ELIGIBLE INSTITUTION.—The term ‘eligi-
 9 ble institution’ means an institution of higher edu-
 10 cation that participates in the Federal Direct Staf-
 11 ford Loan Program.

12 “(6) PARTICIPATING INSTITUTION.—The term
 13 ‘participating institution’ means an institution of
 14 higher education that has an agreement under sec-
 15 tion 463(f).”.

16 **SEC. 4404. AGREEMENTS WITH INSTITUTIONS OF HIGHER**
 17 **EDUCATION FOR PURPOSES OF THE PERKINS**
 18 **LOAN PROGRAM.**

19 (a) AMENDMENTS.—Section 463 of the Higher Edu-
 20 cation Act (20 U.S.C. 1087cc) is amended—

21 (1) in subsection (a)—

22 (A) in the heading, by inserting “FOR
 23 LOANS MADE BEFORE JULY 1, 2021” after
 24 “AGREEMENTS”;

1 (B) in paragraph (3)(A), by inserting “be-
2 fore July 1, 2021” after “students”;

3 (C) in paragraph (4), by striking “there-
4 on—” and all that follows and inserting “there-
5 on, if the institution has failed to maintain an
6 acceptable collection record with respect to such
7 loan, as determined by the Secretary in accord-
8 ance with criteria established by regulation, the
9 Secretary may require the institution to assign
10 such note or agreement to the Secretary, with-
11 out recompense;”; and

12 (D) in paragraph (5), by striking “and the
13 Secretary shall apportion” and all that follows
14 through “in accordance with section 462” and
15 inserting “and the Secretary shall return a por-
16 tion of funds from loan repayments to the insti-
17 tution as specified in section 466(b)”;

18 (2) by amending subsection (b) to read as fol-
19 lows:

20 “(b) ADMINISTRATIVE EXPENSES.—An institution
21 that has entered into an agreement under subsection (a)
22 shall be entitled, for each fiscal year during which it serv-
23 ices student loans from a student loan fund established
24 under such agreement, to a payment in lieu of reimburse-
25 ment for its expenses in servicing student loans made be-

1 fore July 1, 2021. Such payment shall be equal to 0.50
2 percent of the outstanding principal and interest balance
3 of such loans being serviced by the institution as of Sep-
4 tember 30 of each fiscal year.”; and

5 (3) by adding at the end the following:

6 “(f) CONTENTS OF AGREEMENTS FOR LOANS MADE
7 ON OR AFTER JULY 1, 2021.—An agreement with any
8 institution of higher education that elects to participate
9 in the Federal Direct Perkins Loan program under section
10 455A shall provide—

11 “(1) for the establishment and maintenance of
12 a Direct Perkins Loan program at the institution
13 under which the institution shall use loan authority
14 allocated under section 462A to make loans to eligi-
15 ble students attending the institution;

16 “(2) that the institution, unless otherwise speci-
17 fied in this subsection, shall operate the program
18 consistent with the requirements of agreements es-
19 tablished under section 454; and

20 “(3) that if the institution ceases to be eligible
21 to receive Federal loans under this title based on
22 loss of eligibility under section 435(a), as amended,
23 due to a high adjusted cohort default rate, the Sec-
24 retary shall suspend or terminate the institution’s
25 eligibility to make Federal Direct Perkins Loans

1 under section 455A unless and until the institution
2 would qualify for a resumption of eligible institution
3 status under such section.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 paragraph (2) of subsection (a) shall take effect on Octo-
6 ber 1, 2021.

7 **SEC. 4405. STUDENT LOAN INFORMATION BY ELIGIBLE IN-**
8 **STITUTIONS FOR PURPOSES OF THE PERKINS**
9 **LOAN PROGRAM.**

10 Section 463A of the Higher Education Act of 1965
11 (20 U.S.C. 1087cc–1) is amended—

12 (1) in subsection (a), by striking “Each institu-
13 tion” and inserting “For loans made before July 1,
14 2021, each institution”; and

15 (2) in subsection (b), by striking “Each institu-
16 tion” and inserting “For loans made before July 1,
17 2021, each institution”.

18 **SEC. 4406. TERMS OF LOANS FOR PURPOSES OF THE PER-**
19 **KINS LOAN PROGRAM.**

20 Section 464 of the Higher Education Act of 1965 (20
21 U.S.C. 1087dd) is amended—

22 (1) in subsection (a)(1), by striking “section
23 463” and inserting “section 463(a)”;

24 (2) in subsection (b)(1), by inserting “made be-
25 fore July 1, 2021,” after “A loan”;

1 (3) in subsection (c)—

2 (A) in paragraph (1), by inserting “made
3 before July 1, 2021,” after “a loan”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by inserting
6 “made before July 1, 2021,” after “any
7 loan”; and

8 (ii) in subparagraph (B), by inserting
9 “made before July 1, 2021,” after “any
10 loan”;

11 (C) in paragraph (3)(B), by inserting “for
12 a loan made before July 1, 2021,” after “Sec-
13 retary, the repayment period”;

14 (D) in paragraph (4), by inserting “before
15 July 1, 2021,” after “for a loan made”;

16 (E) in paragraph (5), by striking “The in-
17 stitution” and inserting “For loans made before
18 July 1, 2021, the institution”; and

19 (F) in paragraph (6), by inserting “made
20 before July 1, 2021,” after “of loans”;

21 (4) in subsection (d), by inserting “made before
22 July 1, 2021,” before “from the student loan fund”;

23 (5) in subsection (e), by inserting “with respect
24 to loans made before July 1, 2021, and” before “as
25 documented in accordance with paragraph (2),”;

(6) in subsection (g)(1), by inserting “and before July 1, 2021,” after “January 1, 1986,”;

(7) in subsection (h)—

(A) in paragraph (1)(A) by inserting “before July 1, 2021,” after “made under this part”; and

(B) in paragraph (2), by inserting “before July 1, 2021,” after “under this part”; and

(8) in subsection (j)(1), by inserting “before July 1, 2021,” after “under this part”.

SEC. 4407. REIMBURSEMENT FOR CANCELLATION OF PERKINS LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee) is amended—

(1) in subsection (a), by inserting “and before July 1, 2021,” after “June 30, 1972,”; and

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

“(b) REIMBURSEMENT FOR CANCELLATIONS.—

“(1) ASSIGNED LOANS.—In the case of loans made under this part before July 1, 2021, and that are assigned to the Secretary, the Secretary shall, from amounts repaid each quarter on assigned Perkins Loans made before July 1, 2021, pay to each institution for each quarter an amount equal to—

1 “(A) the aggregate of the amounts of loans
 2 from its student loan fund that are canceled
 3 pursuant to this section for such quarter, minus

4 “(B) an amount equal to the aggregate of
 5 the amounts of any such loans so canceled that
 6 were made from Federal capital contributions
 7 to its student loan fund.

8 “(2) RETAINED LOANS.—In the case of loans
 9 made under this part before July 1, 2021, and that
 10 are retained by the institution for servicing, the in-
 11 stitution shall deduct from loan repayments owed to
 12 the Secretary under section 466, an amount equal
 13 to—

14 “(A) the aggregate of the amounts of loans
 15 from its student loan fund that are canceled
 16 pursuant to this section for such quarter, minus

17 “(B) an amount equal to the aggregate of
 18 the amounts of any such loans so canceled that
 19 were made from Federal capital contributions
 20 to its student loan fund.”.

21 **SEC. 4408. DISTRIBUTION OF ASSETS FROM STUDENT LOAN**
 22 **FUNDS FOR PURPOSES OF THE PERKINS**
 23 **LOAN PROGRAM.**

24 Section 466 of the Higher Education Act of 1965 (20
 25 U.S.C. 1087ff) is amended to read as follows:

1 **“SEC. 466. DISTRIBUTION OF ASSETS FROM STUDENT LOAN**
2 **FUNDS.**

3 “(a) CAPITAL DISTRIBUTION.—Beginning July 1,
4 2021, there shall be a capital distribution of the balance
5 of the student loan fund established under this part by
6 each institution of higher education as follows:

7 “(1) For the quarter beginning July 1, 2021,
8 the Secretary shall first be paid, no later than Sep-
9 tember 30, 2021, an amount that bears the same
10 ratio to the cash balance in such fund at the close
11 of June 30, 2021, as the total amount of the Fed-
12 eral capital contributions to such fund by the Sec-
13 retary under this part bears to—

14 “(A) the sum of such Federal contribu-
15 tions and the institution’s capital contributions
16 to such fund, less

17 “(B) an amount equal to—

18 “(i) the institution’s outstanding ad-
19 ministrative costs as calculated under sec-
20 tion 463(b);

21 “(ii) outstanding charges assessed
22 under section 464(c)(1)(H); and

23 “(iii) outstanding loan cancellation
24 costs incurred under section 465.

25 “(2) At the end of each quarter subsequent to
26 the quarter ending September 30, 2021, the Sec-

1 retary shall first be paid an amount that bears the
2 same ratio to the cash balance in such fund at the
3 close of the preceding quarter, as the total amount
4 of the Federal capital contributions to such fund by
5 the Secretary under this part bears to—

6 “(A) the sum of such Federal contribu-
7 tions and the institution’s capital contributions
8 to such fund, less

9 “(B) an amount equal to—

10 “(i) the institution’s administrative
11 costs incurred for that quarter as cal-
12 culated under section 463(b);

13 “(ii) charges assessed for that quarter
14 under section 464(c)(1)(H); and

15 “(iii) loan cancellation costs incurred
16 for that quarter under section 465.

17 “(3)(A) The Secretary shall calculate the
18 amounts due to the Secretary under paragraph (1)
19 (adjusted in accordance with subparagraph (B), as
20 appropriate) and paragraph (2) and shall promptly
21 inform the institution of such calculated amounts.

22 “(B) In the event that, prior to the date of en-
23 actment of the College Affordability Act, an institu-
24 tion made a short-term, interest-free loan to the in-
25 stitution’s student loan fund established under this

1 part in anticipation of collections or receipt of Fed-
2 eral capital contributions, and the institution dem-
3 onstrates to the Secretary, on or before June 30,
4 2021, that such loan will still be outstanding after
5 June 30, 2021, the Secretary shall subtract the
6 amount of such outstanding loan from the cash bal-
7 ance of the institution's student loan fund that is
8 used to calculate the amount due to the Secretary
9 under paragraph (1). An adjustment of an amount
10 due to the Secretary under this subparagraph shall
11 be made by the Secretary on a case-by-case basis.

12 “(4) Any remaining balance at the end of a
13 quarter after a payment under paragraph (1) or (2)
14 shall be retained by the institution for use at its dis-
15 cretion. Any balance so retained shall be withdrawn
16 from the student loan fund and shall not be counted
17 in calculating amounts owed to the Secretary for
18 subsequent quarters.

19 “(5) Each institution shall make the quarterly
20 payments to the Secretary described in paragraph
21 (2) until all outstanding Federal Perkins Loans at
22 that institution have been assigned to the Secretary
23 and there are no funds remaining in the institution's
24 student loan fund.

1 “(6) In the event that the institution’s adminis-
2 trative costs, charges, and cancellation costs de-
3 scribed in paragraph (2) for a quarter exceed the
4 amount owed to the Secretary under paragraphs (1)
5 and (2) for that quarter, no payment shall be due
6 to the Secretary from the institution for that quarter
7 and the Secretary shall pay the institution, from
8 funds realized from the collection of assigned Fed-
9 eral Perkins Loans made before July 1, 2021, an
10 amount that, when combined with the amount re-
11 tained by the institution under paragraphs (1) and
12 (2), equals the full amount of such administrative
13 costs, charges, and cancellation costs.

14 “(b) ASSIGNMENT OF OUTSTANDING LOANS.—Be-
15 ginning July 1, 2021, an institution of higher education
16 may assign all outstanding loans made under this part be-
17 fore July 1, 2021, to the Secretary, consistent with the
18 requirements of section 463(a)(5). In collecting loans so
19 assigned, the Secretary shall pay an institution an amount
20 that constitutes the same fraction of such collections as
21 the fraction of the cash balance that the institution retains
22 under subsection (a)(2), but determining such fraction
23 without regard to subparagraph (B)(i) of such sub-
24 section.”.

1 **PART F—NEED ANALYSIS**

2 **SEC. 4501. CONFORMING AMENDMENT TO FAMILY CON-**
3 **TRIBUTION.**

4 Section 473(b) of the Higher Education Act of 1965
5 (20 U.S.C. 1087mm) is amended—

6 (1) in paragraph (1), by striking “academic
7 year” and inserting “award year”; and

8 (2) in paragraph (2)—

9 (A) by striking “academic year” each place
10 it appears and inserting “award year”; and

11 (B) by striking “academic years” and in-
12 serting “award years”.

13 **SEC. 4502. AMENDMENTS TO DATA ELEMENTS WHEN DE-**
14 **TERMINING THE EXPECTED FAMILY CON-**
15 **TRIBUTION.**

16 Section 474(b) of the Higher Education Act of 1965
17 (20 U.S.C. 1087nn(b)) is amended in paragraph (4), by
18 inserting before “the net” the following: “only in the case
19 of a pathway three applicant,”.

20 **SEC. 4503. AMENDMENTS TO FAMILY CONTRIBUTION FOR**
21 **DEPENDENT STUDENTS.**

22 (a) **DEPENDENT STUDENTS.**—Section 475 of the
23 Higher Education Act of 1965 (20 U.S.C. 1087oo) is
24 amended—

1 (1) in subsection (a)(3), by inserting before
 2 “the student” the following: “only in the case of a
 3 pathway three applicant,”;

4 (2) in subsection (b)(1)(B), by inserting before
 5 “the parents” the following: “only in the case of a
 6 pathway three applicant,”; and

7 (3) in subsection (b)(3), by striking “award pe-
 8 riod” and inserting “award year”.

9 (b) INCREASING SUPPORT FOR WORKING DEPEND-
 10 ENT STUDENTS.—Section 475(g)(2)(D) of the Higher
 11 Education Act of 1965 (20 U.S.C. 1087oo(g)(2)(D)) is
 12 amended to read as follows:

13 “(D) an income protection allowance (or a
 14 successor amount prescribed by the Secretary
 15 under section 478) of \$9,230 for award year
 16 2021–2022;”.

17 **SEC. 4504. AMENDMENTS TO FAMILY CONTRIBUTION FOR**
 18 **INDEPENDENT STUDENTS WITHOUT DEPEND-**
 19 **ENTS OTHER THAN A SPOUSE.**

20 (a) INDEPENDENT STUDENTS WITHOUT DEPEND-
 21 ENTS OTHER THAN A SPOUSE.—Section 476(a)(1)(B) of
 22 the Higher Education Act of 1965 (20 U.S.C.
 23 1087pp(a)(1)(B)) is amended by inserting before “the
 24 family’s contribution” the following: “only in the case of
 25 a pathway three applicant,”.

1 (b) INCREASING SUPPORT FOR WORKING INDE-
 2 PENDENT STUDENTS WITHOUT DEPENDENTS OTHER
 3 THAN A SPOUSE.—Section 476 of the Higher Education
 4 Act of 1965 (20 U.S.C. 1087pp) is further amended—

5 (1) in subsection (a)(2), by striking “award pe-
 6 riod” and inserting “award year”; and

7 (2) by amending subsection (b)(1)(A)(iv) to
 8 read as follows:

9 “(iv) an income protection allowance
 10 (or a successor amount prescribed by the
 11 Secretary under section 478)—

12 “(I) for single or separated stu-
 13 dents, or married students where both
 14 are enrolled pursuant to subsection
 15 (a)(2), of \$14,360 for award year
 16 2021–2022; and

17 “(II) for married students where
 18 1 is enrolled pursuant to subsection
 19 (a)(2), of \$23,030 for award year
 20 2021–2022;”.

21 **SEC. 4505. AMENDMENTS TO FAMILY CONTRIBUTION FOR**
 22 **INDEPENDENT STUDENTS WITH DEPEND-**
 23 **ENTS OTHER THAN A SPOUSE.**

24 (a) INDEPENDENT STUDENTS WITH DEPENDENTS
 25 OTHER THAN A SPOUSE.—Section 477(a)(1)(B) of the

1 Higher Education Act of 1965 (20 U.S.C.
 2 1087qq(a)(1)(B)) is amended by inserting before “the
 3 family’s contribution” the following: “only in the case of
 4 a pathway three applicant,”.

5 (b) INCREASING SUPPORT FOR WORKING INDE-
 6 PENDENT STUDENTS WITH DEPENDENTS OTHER THAN
 7 A SPOUSE.—Section 477 of the Higher Education Act of
 8 1965 (20 U.S.C. 1087qq) is amended—

9 (1) in subsection (a)(3), by striking “award pe-
 10 riod” and inserting “award year”; and

11 (2) by amending subsection (b)(4) to read as
 12 follows:

13 “(4) INCOME PROTECTION ALLOWANCE.—The
 14 income protection allowance is determined by the fol-
 15 lowing table (or a successor table prescribed by the
 16 Secretary under section 478), for award year 2021–
 17 2022:

“Income Protection Allowance						
Family Size (including student)	Number in College					For each additional subtract:
	1	2	3	4	5	
2	\$36,370	\$30,160				\$6,180
3	45,290	39,100	\$32,890			
4	55,920	49,720	43,540	\$37,300		
5	65,990	59,750	53,570	47,360	\$41,180	
6	77,170	70,960	64,790	58,540	52,350	
For each additional add:	8,710					”.

1 **SEC. 4506. INSTITUTIONAL CALCULATIONS FOR OFF-CAM-**
2 **PUS ROOM AND BOARD.**

3 (a) AUTHORITY TO PRESCRIBE REGULATIONS.—Sec-
4 tion 478(a) of the Higher Education Act of 1965 (20
5 U.S.C. 1087rr(a)) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “or” at the end of subpara-
8 graph (A);

9 (B) by striking the period at the end of
10 subparagraph (B) and inserting “; or”; and

11 (C) by adding at the end the following:

12 “(C) to prescribe—

13 “(i) one methodology that institutions
14 of higher education (other than institutions
15 that receive a waiver under clause (ii))
16 shall use, or a selection of two or more
17 methodologies from which such institutions
18 shall select and use a methodology, to de-
19 termine the allowance for room and board
20 costs incurred by students described in
21 subparagraph (A) of section 472(3) and by
22 students described in subparagraph (D) of
23 such section, which shall—

24 “(I) ensure that each such allow-
25 ance determination is sufficient to
26 cover reasonable room and board costs

1 incurred by the students for whom
2 such allowance is being determined;
3 and

4 “(II) include the sources of infor-
5 mation that institutions shall use in
6 making each such allowance deter-
7 mination; and

8 “(ii) a process for granting institu-
9 tions of higher education a waiver from the
10 requirements of clause (i), including—

11 “(I) a requirement that each in-
12 stitution of higher education seeking
13 such a waiver submit to the Sec-
14 retary—

15 “(aa) a description of the
16 methodology that the institution
17 will use for each allowance deter-
18 mination described in clause (i);

19 “(bb) an assurance that
20 each such allowance determina-
21 tion meets the requirements of
22 clause (i)(I); and

23 “(cc) a demonstration that
24 the institution will use reliable
25 sources of information for each

1 such allowance determination;
2 and

3 “(II) a requirement that each in-
4 stitution of higher education that re-
5 ceives such a waiver publicly disclose
6 on the website of the institution the
7 methodology and sources of informa-
8 tion used by the institution for each
9 allowance determination described in
10 clause (i).”; and

11 (2) by adding at the end the following:

12 “(3) Any regulation proposed by the Secretary
13 under paragraph (1)(C) of this subsection shall not
14 be subject to the requirements of paragraph (2).”.

15 (b) REQUIREMENT TO PRESCRIBE REGULATIONS.—
16 Not later than 18 months after the date of enactment of
17 this Act, the Secretary of Education shall issue regulations
18 that meet the requirements of subparagraph (C) of section
19 478(a)(1) of the Higher Education Act of 1965 (20 U.S.C.
20 1087rr(a)(1)), as added by subsection (a).

21 **SEC. 4507. UPDATED TABLES AND AMOUNTS TO NEED**
22 **ANALYSIS.**

23 Section 478 of the Higher Education Act of 1965 (20
24 U.S.C. 1087rr) is further amended—

25 (1) in subsection (b)—

1 (A) in paragraph (1), by striking subpara-
2 graphs (A) and (B) and inserting the following:

3 “(A) IN GENERAL.—For each award year
4 after award year 2021–2022, the Secretary
5 shall publish in the Federal Register a revised
6 table of income protection allowances for the
7 purpose of sections 475(c)(4) and 477(b)(4),
8 subject to subparagraphs (B) and (C).

9 “(B) TABLE FOR INDEPENDENT STU-
10 DENTS.—For each award year after award year
11 2021–2022, the Secretary shall develop the re-
12 vised table of income protection allowances by
13 increasing each of the dollar amounts contained
14 in the table of income protection allowances
15 under section 477(b)(4) by a percentage equal
16 to the estimated percentage increase in the
17 Consumer Price Index (as determined by the
18 Secretary for the most recent calendar year
19 ending prior to the beginning of the award year
20 for which the determination is being made), and
21 rounding the result to the nearest \$10.”; and

22 (B) in paragraph (2)—

23 (i) in the first sentence, by striking
24 “academic year after academic year 2007–

1 2008” and inserting “award year after
2 award year 2021–2022”; and

3 (ii) in the second sentence, by striking
4 “shall be developed” and all that follows
5 through the period at the end and insert-
6 ing “shall be developed for each award
7 year after award year 2021–2022, by in-
8 creasing each of the dollar amounts con-
9 tained in such section for award year
10 2021–2022 by a percentage equal to the
11 estimated percentage increase in the Con-
12 sumer Price Index (as determined by the
13 Secretary for the most recent calendar
14 year ending prior to the beginning of the
15 award year for which the determination is
16 being made), and rounding the result to
17 the nearest \$10.”; and

18 (2) in subsection (e)(1), by striking “academic
19 year” and inserting “award year”.

20 **SEC. 4508. ZERO EXPECTED FAMILY CONTRIBUTION.**

21 Section 479 of the Higher Education Act of 1965 (20
22 U.S.C. 1087ss) is amended to read as follows:

1 **“SEC. 479. ZERO EXPECTED FAMILY CONTRIBUTION.**

2 “(a) IN GENERAL.—The Secretary shall consider an
3 applicant to have an expected family contribution equal
4 to zero if—

5 “(1) in the case of a dependent student—

6 “(A)(i) the student’s parents are not re-
7 quired to file—

8 “(I) a Federal income tax return; or

9 “(II) with respect to Internal Revenue
10 Service Form 1040, any of the following
11 forms: Schedule A, Schedule B, Schedule
12 C, Schedule C–EZ, Schedule D, Schedule
13 E, Schedule F, Schedule H, Schedule J,
14 and Schedule SE; and

15 “(ii) the sum of the adjusted gross income
16 of the parents is less than or equal to \$34,000;
17 or

18 “(B) the student’s parents, or the student,
19 received a benefit at some time during the pre-
20 vious 24-month period under a means-tested
21 Federal benefit program;

22 “(2) in the case of an independent student
23 without regard to whether the student has depend-
24 ents other than a spouse—

1 “(A)(i) the student (and the student’s
2 spouse, if any) certifies that the student (and
3 the student’s spouse, if any)—

4 “(I) is not required to file a Federal
5 income tax return; or

6 “(II) with respect to Internal Revenue
7 Service Form 1040, any of the following
8 forms: Schedule A, Schedule B, Schedule
9 C, Schedule C–EZ, Schedule D, Schedule
10 E, Schedule F, Schedule H, Schedule J,
11 and Schedule SE; and

12 “(ii) the sum of the adjusted gross income
13 of the student and spouse (if appropriate) is
14 less than or equal to \$34,000; or

15 “(B) the student received a benefit at some
16 time during the previous 24-month period
17 under a means-tested Federal benefit program;
18 or

19 “(3) the applicant is a pathway one applicant
20 under section 483(a)(13).

21 “(b) EARNED INCOME CREDIT.—An individual is not
22 required to qualify or file for the earned income credit in
23 order to be eligible under this section.

24 “(c) ADJUSTMENTS.—The Secretary shall annually
25 adjust the income level necessary to qualify an applicant

1 for the zero expected family contribution. The income level
2 shall be annually increased by the estimated percentage
3 change in the Consumer Price Index, as defined in section
4 478(f), for the most recent calendar year ending prior to
5 the beginning of an award year, and rounded to the near-
6 est \$1,000.

7 “(d) MEANS-TESTED FEDERAL BENEFIT PROGRAM
8 DEFINED.—For purposes of this title, a ‘means-tested
9 Federal benefit program’ means a mandatory spending
10 program of the Federal Government, other than a pro-
11 gram under this title, in which eligibility for the program’s
12 benefits, or the amount of such benefits, are determined
13 on the basis of income or resources of the individual or
14 family seeking the benefit, and may include such programs
15 as—

16 “(1) the supplemental security income program
17 under title XVI of the Social Security Act (42
18 U.S.C. 1381 et seq.);

19 “(2) the supplemental nutrition assistance pro-
20 gram under the Food and Nutrition Act of 2008 (7
21 U.S.C. 2011 et seq.), a nutrition assistance program
22 carried out under section 19 of such Act (7 U.S.C.
23 2028), and a supplemental nutrition assistance pro-
24 gram carried out under section 1841(c) of title 48
25 of the United States Code;

1 “(3) the program of block grants for States for
2 temporary assistance for needy families established
3 under part A of title IV of the Social Security Act
4 (42 U.S.C. 601 et seq.);

5 “(4) the special supplemental nutrition program
6 for women, infants, and children established by sec-
7 tion 17 of the Child Nutrition Act of 1966 (42
8 U.S.C. 1786);

9 “(5) the State Medicaid program under title
10 XIX of the Social Security Act (42 U.S.C. 1396 et
11 seq.); and

12 “(6) any other program identified by the Sec-
13 retary.”.

14 **SEC. 4509. AMENDMENTS TO DEFINITIONS IN NEED ANAL-**
15 **YSIS.**

16 (a) USING DATA FROM THE SECOND PRECEDING
17 YEAR.—Section 480(a)(1)(B) of the Higher Education
18 Act of 1965 (20 U.S.C. 1087vv(a)(1)(B)) is amended by
19 striking “may” in both places it appears and inserting
20 “shall”.

21 (b) CHANGES TO UNTAXED INCOME AND BENE-
22 FITS.—Section 480(b) of the Higher Education Act of
23 1965 (20 U.S.C. 1087vv(b)) is amended—

24 (1) in paragraph (1), to read as follows:

1 “(1) The term ‘untaxed income and benefits’
2 means—

3 “(A) child support received;

4 “(B) untaxed portion of pensions;

5 “(C) payments to individual retirement ac-
6 counts and Keogh accounts excluded from in-
7 come for Federal income tax purposes; and

8 “(D) cash support or any money paid on
9 the student’s behalf, except, for dependent stu-
10 dents, funds provided by the student’s par-
11 ents.”; and

12 (2) in paragraph (2)—

13 (A) by striking “or” at the end of subpara-
14 graph (E);

15 (B) by striking the period at the end of
16 subparagraph (F) and inserting a semicolon;
17 and

18 (C) by adding at the end the following:

19 “(G) worker’s compensation;

20 “(H) veteran’s benefits such as death pen-
21 sion, dependency, or indemnity compensation,
22 or veterans’ education benefits as defined in
23 subsection (c);

24 “(I) interest on tax-free bonds;

1 “(J) housing, food, or other allowances (in-
2 cluding rent subsidies for low-income housing)
3 for military, clergy, and others (including cash
4 payments and cash value of benefits), or the
5 value of on-base military housing or the value
6 of basic allowance for housing determined under
7 section 403(b) of title 37, United States Code,
8 received by the parents, in the case of a de-
9 pendent student, or the student or student’s
10 spouse, in the case of an independent student;
11 or

12 “(K) any other untaxed income and bene-
13 fits, such as Black Lung Benefits, Refugee As-
14 sistance, or railroad retirement benefits, or ben-
15 efits received through participation in employ-
16 ment and training activities under title I of the
17 Workforce Innovation and Opportunity Act (29
18 U.S.C. 3111 et seq.).”.

19 (c) AMENDMENT TO THE DEFINITION OF INDE-
20 PENDENT STUDENT AS IT RELATES TO FOSTER AND
21 HOMELESS YOUTH.—Section 480(d)(1)(H) of the Higher
22 Education Act of 1965 (20 U.S.C. 1087vv(d)(1)(H)) is
23 amended—

24 (1) in the matter preceding clause (i)—

1 (A) by striking “during the school year in
2 which the application is submitted”;

3 (B) by inserting “age 23 or younger” after
4 “unaccompanied youth”; and

5 (C) by striking “terms are” and inserting
6 “term is”;

7 (2) in clause (i), by inserting “, or a designee
8 of the liaison” after “Act”;

9 (3) in clause (ii), by striking “a program fund-
10 ed under the Runaway and Homeless Youth Act”
11 and inserting “an emergency or transitional shelter,
12 street outreach program, homeless youths drop-in
13 center, or other program serving homeless youths,”;
14 and

15 (4) in clause (iii), by striking “program funded
16 under subtitle B of title IV of the McKinney-Vento
17 Homeless Assistance Act (relating to emergency
18 shelter grants)” and inserting “Federal TRIO pro-
19 gram or a Gaining Early Awareness and Readiness
20 for Undergraduate program under chapter 1 or 2 of
21 subpart 2 of part A,”.

22 (d) STREAMLINING THE DETERMINATION AND
23 VERIFICATION PROCESS FOR FOSTER AND HOMELESS
24 YOUTH.—Section 480(d) of the Higher Education Act of

1 1965 (20 U.S.C. 1087vv(d)) is further amended by adding
2 at the end the following:

3 “(3) SIMPLIFYING THE DETERMINATION PROC-
4 ESS FOR UNACCOMPANIED YOUTH.—

5 “(A) VERIFICATION.—A financial aid ad-
6 ministrator shall accept a determination of
7 independence made by any individual author-
8 ized to make such determinations under clause
9 (i), (ii), or (iii) of paragraph (1)(H) in the ab-
10 sence of conflicting information. A documented
11 phone call with, or a written statement from,
12 one of the authorized individuals is sufficient
13 verification when needed. For purposes of this
14 paragraph, a financial aid administrator’s dis-
15 agreement with the determination made by an
16 authorized individual shall not be considered
17 conflicting information.

18 “(B) DETERMINATION OF INDEPEND-
19 ENCE.—A financial aid administrator shall
20 make a determination of independence under
21 paragraph (1)(H) if a student does not have,
22 and cannot obtain, documentation from any of
23 the other designated authorities described in
24 such paragraph. Such a determination shall
25 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 inter-
6 view 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 policies 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.—

22 If an institution requires documentation to
23 verify that a student is independent based on a
24 status described in paragraph (1)(B), a finan-

1 cial aid administrator shall consider any of the
2 following as adequate verification:

3 “(i) Submission of a court order or of-
4 ficial 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
15 case worker;

16 “(IV) a public or private foster
17 care placing agency or foster care fa-
18 cility 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,
25 a guardian ad litem, or a Court Appointed

1 Special Advocate, documenting that per-
2 son's relationship to the student.

3 “(iv) A documented phone call with,
4 or a written statement from, a representa-
5 tive of a Federal TRIO program or a
6 Gaining Early Awareness and Readiness
7 for Undergraduate program under chapter
8 1 or 2 of 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
14 provided pursuant to section 475(5)(I) of
15 the Social Security Act (45 U.S.C.
16 675(5)(I)).

17 “(vii) Submission of a copy of the stu-
18 dent's biological or adoptive parents' or
19 legal guardians'—

20 “(I) Certificates of Death; or

21 “(II) verifiable obituaries.

22 “(viii) An attestation from the stu-
23 dent, which includes a description of why
24 the student may qualify for a status de-
25 scribed in paragraph (1)(B), including the

1 approximate dates that the student was in
2 foster care, dependent, or a ward of the
3 court, to the best of the student’s knowl-
4 edge after making reasonable efforts to
5 provide any requested documentation.

6 “(B) ADDITIONAL STREAMLINING PER-
7 MITTED.—Nothing in this paragraph prohibits
8 an institution from implementing policies that
9 streamline the determination of independent
10 status and improve a student’s access to finan-
11 cial aid because that student is an orphan, in
12 foster care, or a ward of the court, or was an
13 orphan, in foster care, or a ward of the court
14 at any time since such student was 13 years of
15 age or older.

16 “(5) TIMING; USE OF EARLIER DETERMINA-
17 TION.—

18 “(A) TIMING.—A determination under
19 subparagraph (B) or (H) of paragraph (1) for
20 a student—

21 “(i) shall be made as quickly as prac-
22 ticable;

23 “(ii) may be made as early as the year
24 before the award year for which the stu-
25 dent 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 inde-
6 pendent under subparagraph (B) or (H) of
7 paragraph (1) for a preceding award year at an
8 institution shall be presumed to be independent
9 for each subsequent award year at the same in-
10 stitution unless—

11 “(i) the student informs the institu-
12 tion 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 stu-
16 dent of this information and the oppor-
17 tunity to challenge such information
18 through a documented interview or an im-
19 partial review by the Borrower Advocate
20 pursuant to section 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
 9 under part E of title IV of the Social Security Act
 10 to or on behalf of any child or youth over whom the
 11 State agency has responsibility for placement, care,
 12 or supervision, including the value of vouchers for
 13 education and training and amounts expended for
 14 room and board for youth who are not in foster care
 15 but are receiving services under section 477 of such
 16 Act; 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
 21 Higher 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
6 among individuals who completed the program,
7 as determined under subparagraph (D), that is
8 not less than the average or median annual
9 earnings rate of individuals with only a high
10 school diploma (or the equivalent) based on the
11 most recently available data from the Bureau of
12 Labor Statistics or the Bureau of the Census
13 with respect to—

14 “(I) such average or median earnings
15 rate in the United States; or

16 “(II) subject to subparagraph (E),
17 such average or median earnings rate in
18 the State or local area in which the institu-
19 tion offering the program is located;

20 “(iv) prepares students for gainful employ-
21 ment in a recognized occupation;

22 “(v) has been in operation for not less
23 than two consecutive years; and”; and

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

1 “(C)(i) For each subsequent year for which a
2 program seeks eligibility under this paragraph, the
3 Secretary shall reevaluate whether the program con-
4 tinues to meet the requirements of clauses (i), (iii),
5 (iv), and (vi) of subparagraph (A). A program that
6 does not meet such requirements for two consecutive
7 award years (or, in the case of a program that does
8 not meet the requirements under subparagraph
9 (A)(iv), for a period of time determined by the Sec-
10 retary) shall be ineligible to participate in programs
11 under this title—

12 “(I) for the period of two award years fol-
13 lowing the last award year for which the pro-
14 gram was eligible to participate in such pro-
15 grams; and

16 “(II) for any subsequent award year, un-
17 less the program reapplies for eligibility in ac-
18 cordance with clause (iii) and the Secretary de-
19 termines that the program meets the require-
20 ments of such clauses.

21 “(ii) Not later than 60 days after receiving no-
22 tification from the Secretary of the loss of eligibility
23 under clause (i), a program may appeal a loss of eli-
24 gibility to the Secretary. The Secretary may restore
25 the eligibility of a program under this paragraph if

1 the program demonstrates to the Secretary that ex-
2 tenuating circumstances led to the loss of eligibility.

3 “(iii) The Secretary shall issue a decision on
4 any appeal submitted by a program under clause (ii)
5 not later than 45 days after its submission.

6 “(iv) After the expiration of the two-year period
7 described in clause (i)(I), a program that lost eligi-
8 bility under clause (i) may reapply to the Secretary
9 for a determination of eligibility under this para-
10 graph.

11 “(D)(i) In this subsection, the term ‘verified an-
12 nual earnings rate’ means the mean or median an-
13 nual earnings rate (whichever is higher) of individ-
14 uals who completed a program calculated as of the
15 date that is approximately one year after the date on
16 which such individuals completed the program.

17 “(ii) For the first year for which a program
18 seeks eligibility under this paragraph, the institution
19 that offers such program shall—

20 “(I) determine the verified annual earnings
21 rate using data obtained on individuals who
22 completed the program;

23 “(II) obtain an audit of such determination
24 from an independent auditor;

1 “(III) together with the auditor described
2 in subclause (II), certify the accuracy of the
3 verified annual earnings rate to the Secretary;
4 and

5 “(IV) determine the completion rate for
6 the program, as described in subparagraph
7 (A)(i), and certify to the Secretary the accuracy
8 of such determination.

9 “(iii) For each subsequent year for which a pro-
10 gram seeks eligibility under this paragraph, the Sec-
11 retary shall determine the verified annual earnings
12 rate and completion rate for the program using data
13 made available to the Secretary through the postsec-
14 ondary student data system established under sec-
15 tion 132(l) or a successor system (whichever in-
16 cludes the most recent data).

17 “(E)(i) Except as provided in clause (ii), for
18 purposes of calculating the average annual earnings
19 rate of individuals with only a high school diploma
20 (or the equivalent) under subparagraph (A)(ii) the
21 Secretary shall apply the national average or median
22 earnings rate in the United States.

23 “(ii) The Secretary may apply the average or
24 median earnings rate in the State or local area in
25 which the institution offering a program is located,

1 in lieu of the national average earnings rate, if the
2 institution provides sufficient justification to the
3 Secretary.

4 “(F) Using the postsecondary student data sys-
5 tem established under section 132(l) or a successor
6 system to streamline reporting requirements and
7 minimize reporting burdens, and in coordination
8 with the National Center for Education Statistics
9 and each institution of higher education offering an
10 eligible program under this paragraph, the Secretary
11 shall, on at least an annual basis, collect data with
12 respect to each such eligible program, including the
13 following:

14 “(i) The number and demographics of stu-
15 dents who enroll in the program.

16 “(ii) The number of credits attempted and
17 accumulated annually by students enrolled in
18 the program.

19 “(iii) The share of such students who cease
20 enrollment on or before the completion of 60
21 percent of the payment period or period of en-
22 rollment.

23 “(iv) The verified completion rate for the
24 program, as described in subparagraph (A)(i).

1 “(v) The mean and median annual earn-
2 ings of graduates and the verified annual earn-
3 ings rate for the program, as described in sub-
4 paragraph (A)(ii).

5 “(vi) The number and demographics of
6 students who complete the program.

7 “(vii) The outcomes of the students who
8 complete the program, including—

9 “(I) the share of such students who
10 continue enrollment at the institution of
11 higher education offering the program;

12 “(II) the share of such students who
13 transfer to another institution of higher
14 education;

15 “(III) the share of such students who
16 complete a subsequent certificate or degree
17 program;

18 “(IV) the share of such students who
19 secure employment 6 months and 1 year,
20 respectively—

21 “(aa) after completion of such
22 program; or

23 “(bb) in the case of a program
24 that prepares students for a profes-
25 sional license or certification exam,

1 after acquiring such license or certifi-
2 cation; and

3 “(V) in the case of a program that
4 prepares students for a professional license
5 or certification exam, the share of such
6 students who pass such exam.”; and

7 (3) in paragraph (4), by inserting “or in addi-
8 tion to” after “in lieu of”.

9 (b) REPORT.—Not later than 3 years after the date
10 of enactment of this Act, the Secretary of Education
11 shall—

12 (1) submit to the Committee on Education and
13 Labor of the House of Representatives and the Com-
14 mittee on Health, Education, Labor, and Pensions
15 of the Senate a report on the impact of eligible pro-
16 grams described in section 481(b)(2) of the Higher
17 Education Act of 1965 (20 U.S.C. 1088(b)(2)), as
18 amended by this Act, based on the most recent data
19 collected under subparagraph (F) of such section;
20 and

21 (2) make the report described in paragraph (1)
22 publicly available on the website of the Department
23 of Education.

1 **SEC. 4602. DEFINITION OF THIRD PARTY SERVICER.**

2 Section 481(c) of the Higher Education Act of 1965
3 (20 U.S.C. 1088(c)) is amended—

4 (1) in paragraph (1), by striking “or” at the
5 end;

6 (2) by redesignating paragraph (2) as para-
7 graph (3); and

8 (3) by inserting after paragraph (1) the fol-
9 lowing:

10 “(2) any eligible institution of higher education
11 to recruit students; or”.

12 **SEC. 4603. FAFSA SIMPLIFICATION.**

13 Section 483 of the Higher Education Act of 1965 (20
14 U.S.C. 1090) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A), by striking
18 “process” and all that follows through the
19 end of clause (ii) and inserting “process a
20 paper version of the forms described in
21 this subsection, in accordance with sub-
22 paragraph (B).”;

23 (ii) by striking subparagraph (B);

24 (iii) by redesignating subparagraph
25 (C) as subparagraph (B); and

1 (iv) in subparagraph (B), as so rededesignated,
2 by striking “subparagraphs (A) and (B)” and inserting “subparagraph
3 (A)”;
4
5 (B) in paragraph (3)—

6 (i) in subparagraph (A), by striking
7 the end sentence;

8 (ii) by striking subparagraph (B), and
9 redesignating subparagraphs (C) through
10 (H) as subparagraphs (B) through (G), respectively;
11

12 (iii) in subparagraph (D), as so redesignated—
13

14 (I) by striking “The Secretary”
15 and inserting the following:

16 “(i) IN GENERAL.—The Secretary”;
17 and

18 (II) by adding at the end the following:
19

20 “(ii) SCHOLARSHIP GRANTING ORGANIZATIONS.—
21

22 “(I) AUTHORIZATION.—An institution of higher education may, with
23 explicit written consent of an applicant who has completed a form devel-
24
25

1 oped under this section, provide such
2 information collected from such form
3 as is necessary to an organization de-
4 scribed in subclause (II) that is des-
5 ignated by the applicant to assist the
6 applicant in applying for and receiving
7 financial assistance for any component
8 of the applicant's cost of attendance
9 at that institution.

10 “(II) DEFINITION OF ORGANIZA-
11 TION.—An organization described in
12 this subclause—

13 “(aa) means a scholarship
14 granting organization, including
15 a tribal organization (defined in
16 section 4 of the Indian Self-De-
17 termination and Education As-
18 sistance Act (25 U.S.C. 5304))
19 or an organization assisting an
20 applicant in applying for and re-
21 ceiving Federal, State, local, or
22 tribal assistance; and

23 “(bb) shall be subject to the
24 requirements of clause (i).”; and

(iv) in subparagraph (E), as so redesignated, by striking “subparagraph (G)” and inserting “subparagraph (F)”;
(C) in paragraph (4)—

(i) by striking “academic year” each place it appears and inserting “award year”;

(ii) in subparagraph (A), by striking clause (iv); and

(iii) by adding at the end the following:

“(C) SINGLE QUESTION REGARDING HOMELESS STATUS.—The Secretary shall ensure that, on each form developed under this section for which the information is applicable, there is a single, easily understood screening question to identify an applicant for aid who is—

“(i) an unaccompanied homeless child or youth (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act); or

“(ii) an unaccompanied youth who is self-supporting and at risk of homelessness.

1 “(D) INCARCERATED INDIVIDUALS.—

2 “(i) IN GENERAL.—The Secretary
3 shall streamline the forms and processes
4 for an incarcerated individual (as defined
5 in section 401(n)(4)) to apply for a Fed-
6 eral Pell Grant under section 401, which—

7 “(I) shall be used to determine
8 the expected family contribution for
9 such individual as of the date of en-
10 rollment in the course for which the
11 individual is applying for such Federal
12 Pell Grant; and

13 “(II) may include—

14 “(aa) flexibility in the sub-
15 mission of any required docu-
16 mentation required to verify eligi-
17 bility for a Federal Pell Grant;
18 and

19 “(bb) assistance in rehabili-
20 tating loans under section 428F.

21 “(ii) REPORT.—Not later than 1 year
22 after the date of enactment of the College
23 Affordability Act, the Secretary shall sub-
24 mit to the Committee on Education and
25 Labor of the House of Representatives and

1 the Committee on Health, Education,
2 Labor, and Pensions of the Senate, and
3 make publicly available on the website of
4 the Department, a report on how the
5 forms and processes are being streamlined
6 under clause (i).”;

7 (D) in paragraph (5)—

8 (i) in subparagraph (A), by striking
9 “paragraphs (2)(B)(iii), (3)(B), and
10 (4)(A)(ii)” and inserting “paragraph
11 (4)(A)(ii)”;

12 (ii) in subparagraph (B)—

13 (I) by striking “determine” and
14 all that follows through “which” and
15 inserting “determine which”; and

16 (II) by striking clause (ii);

17 (iii) in subparagraph (C), by striking
18 “Beginning” and all that follows through
19 “of the State-specific” and inserting “The
20 Secretary shall publish on an annual basis
21 a notice in the Federal Register requiring
22 State agencies to inform the Secretary of
23 the State-specific”; and

1 (iv) by striking subparagraphs (D)
2 through (F), and redesignating subpara-
3 graph (G) as subparagraph (D); and
4 (E) by adding at the end the following:

5 “(13) FAFSA PATHWAYS.—

6 “(A) MEMORANDUM OF UNDER-
7 STANDING.—Not later than the effective date of
8 the College Affordability Act, the Secretary
9 shall seek to enter into a Memorandum of Un-
10 derstanding with the Secretary of Health and
11 Human Services, the Secretary of Agriculture,
12 and the Secretary of the Treasury, under which
13 any information exchanged under an income
14 and eligibility verification system established
15 pursuant to section 1137 of the Social Security
16 Act by State agencies administering a program
17 listed in paragraph (1), (4), or (5) of subsection
18 (b) of such section which may be of use in es-
19 tablishing or verifying eligibility or benefit
20 amounts under such program shall be made
21 available to the Secretary of Education to assist
22 in determining whether the applicant (or, in the
23 case of a dependent applicant, whether the ap-
24 plicant or the applicant’s parents) received a
25 benefit at some time during the previous 24-

1 month period under a means-tested Federal
2 benefit program, but subject to the require-
3 ments of Federal law.

4 “(B) REQUIREMENT FOR ALL APPLICANTS
5 AND THE SECRETARY.—For any award year for
6 which an applicant applies for financial assist-
7 ance under this title (except for any award year
8 for which, pursuant to paragraph (14), the ap-
9 plicant is not required to submit a FAFSA)—

10 “(i) the applicant shall provide on the
11 form described in this subsection whether
12 the applicant received (or, in the case of a
13 dependent applicant, whether the applicant
14 or the parents of the applicant received) a
15 benefit at some time during the previous
16 24-month period under a means-tested
17 Federal benefit program; and

18 “(ii) the Secretary, to the extent prac-
19 ticable and pursuant to the Memorandum
20 of Understanding entered into under sub-
21 paragraph (A), and without any further
22 action by the applicant, shall verify the ap-
23 plicant’s (or, in the case of a dependent
24 applicant, the applicant’s or the applicant’s
25 parents’) receipt of such benefit.

1 “(C) PATHWAY ONE APPLICANTS.—

2 “(i) IN GENERAL.—With respect to an
3 applicant who received (or, in the case of
4 a dependent applicant, an applicant who
5 received or whose parents received) a ben-
6 efit at some time during the previous 24-
7 month period under a means-tested Fed-
8 eral benefit program, the applicant shall
9 not be required to provide any further in-
10 come or asset information on the form
11 under this subsection.

12 “(ii) DESIGNATION.—For purposes of
13 this section and part F, an applicant de-
14 scribed in clause (i) shall be referred to as
15 a ‘pathway one applicant’.

16 “(D) PATHWAY TWO APPLICANTS.—

17 “(i) IN GENERAL.—With respect to an
18 applicant who is not a pathway one appli-
19 cant and who is described in clause (ii),
20 the Secretary, to the extent practicable,
21 shall use the data retrieval tool under sec-
22 tion 484(p) to obtain any information for
23 the applicant beyond the information de-
24 scribed in subparagraph (A) for purposes
25 of the form under this subsection.

1 “(ii) REQUIREMENTS.—An applicant
2 described in this clause is an applicant who
3 certifies that—

4 “(I) the applicant is not required
5 to file or, in the case of a dependent
6 applicant, no parent of the applicant
7 is required to file—

8 “(aa) a Federal income tax
9 return; or

10 “(bb) with respect to Inter-
11 nal Revenue Service Form 1040,
12 any of the following forms:
13 Schedule A, Schedule B, Sched-
14 ule C, Schedule C–EZ, Schedule
15 D, Schedule E, Schedule F,
16 Schedule H, Schedule J, and
17 Schedule SE; and

18 “(II) the sum of the adjusted
19 gross income of the applicant or, in
20 the case of a dependent applicant, the
21 parents of the applicant, is less than
22 or equal to \$60,000.

23 “(iii) DESIGNATION.—For purposes of
24 this section and part F, an applicant de-

scribed in clause (i) shall be referred to as
a ‘pathway two applicant’.

“(E) PATHWAY THREE APPLICANTS.—

“(i) IN GENERAL.—With respect to an
applicant who is not a pathway one appli-
cant or a pathway two applicant, the Sec-
retary, to the extent practicable, shall use
the data retrieval tool under section 484(p)
to obtain any information for the applicant
beyond the information described in sub-
paragraph (A) for purposes of the form
under this subsection.

“(ii) DESIGNATION.—For purposes of
this section and part F, an applicant de-
scribed in clause (i) shall be referred to as
a ‘pathway three applicant’.

“(F) MEANS-TESTED FEDERAL BENEFIT
PROGRAM DEFINED.—For purposes of this
paragraph, the term ‘means-tested Federal ben-
efit program’ has the meaning given the term
in section 479(d).

“(14) ONE-TIME FAFSA FILING.—

“(A) IN GENERAL.—Notwithstanding any
other provision of this section and subject to
subparagraphs (B) and (C), an applicant who

1 submits a FAFSA for the first time for an
2 award year for the period required for the com-
3 pletion of the first undergraduate baccalaureate
4 course of study being pursued by such applicant
5 and is eligible to receive a Federal Pell Grant
6 for such award year, for any succeeding award
7 year—

8 “(i) for which the applicant does not
9 submit a FAFSA and for which the appli-
10 cant submits a certification form described
11 in subparagraph (D) that does not indicate
12 a change in the dependency status of such
13 applicant, such applicant—

14 “(I) shall not be required to sub-
15 mit a FAFSA to receive financial as-
16 sistance under this title; and

17 “(II) shall have an expected fam-
18 ily contribution for such year that is
19 equal to the expected family contribu-
20 tion of the applicant determined for
21 the award year for which the appli-
22 cant submitted a FAFSA for such pe-
23 riod, except that an adjustment may
24 be made under section 479A that re-

1 sults in a change in such expected
2 family contribution;

3 “(ii) for which the applicant submits a
4 certification form described in subpara-
5 graph (D) that indicates a change in the
6 dependency status of the applicant, such
7 applicant—

8 “(I) shall be required to submit a
9 FAFSA with respect to such award
10 year to receive financial assistance
11 under this title; and

12 “(II) shall have an expected fam-
13 ily contribution for such year that is
14 determined based on such FAFSA;

15 “(iii) for which the applicant submits
16 a FAFSA, such applicant—

17 “(I) shall have an expected fam-
18 ily contribution for such year that is
19 determined based on such FAFSA;
20 and

21 “(II) shall be required to submit
22 a FAFSA for any other award year
23 for which the applicant seeks financial
24 assistance 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
4 submit a FAFSA for such succeeding
5 award year and any other award year for
6 which the applicant seeks financial assist-
7 ance under this title.

8 “(B) ADJUSTMENT OF EXPECTED FAMILY
9 CONTRIBUTION.—With respect to an applicant
10 described in subparagraph (A)(i) who receives
11 an adjustment under section 479A that results
12 in a change to the expected family contribution
13 of the applicant, for any succeeding award year
14 after the award year for which the adjustment
15 was made, subclause (II) of such subparagraph
16 shall be applied to such applicant by sub-
17 stituting ‘expected family contribution of the
18 applicant as most recently changed as a result
19 of an adjustment under section 479A for such
20 applicant’ for the ‘expected family contribution
21 of the applicant determined for the award year
22 for which the applicant submitted a FAFSA for
23 such period’.

24 “(C) RULE FOR CERTAIN STUDENTS.—
25 With respect to an applicant who submits a

1 FAFSA for award year 2021–2022 and enrolls
2 in an institution of higher education for such
3 year, subparagraph (A) shall be applied—

4 “(i) in the matter preceding clause (i),
5 by substituting ‘award year 2021–2022’
6 for ‘the first time for an award year’; and

7 “(ii) in clause (i)(II), by substituting
8 ‘award year 2021–2022’ for ‘the award
9 year for which the applicant submitted a
10 FAFSA for such period’.

11 “(D) STUDENT CERTIFICATION FORM.—

12 The Secretary, in cooperation with representa-
13 tives of agencies and organizations involved in
14 student financial assistance, shall use behav-
15 ioral science insights to produce, distribute, and
16 process free of charge a short and simple con-
17 sumer-tested certification form that uses skip
18 logic to bypass fields that are inapplicable to an
19 applicant. Such form shall not require an appli-
20 cant to provide data that the Secretary may
21 otherwise obtain with respect to the applicant
22 (such as age or active duty military status), and
23 may only contain the data elements required for
24 purposes of subparagraph (A)(i)—

1 “(i) to confirm whether the applicant
2 is—

3 “(I) a dependent student;

4 “(II) a single independent stu-
5 dent or a married independent stu-
6 dent without dependents (other than a
7 spouse); or

8 “(III) an independent student
9 with dependents other than a spouse;

10 “(ii) to allow the applicant to update
11 the contact information of such applicant
12 or the Federal School Code of the institu-
13 tion of higher education in which the appli-
14 cant is, or will be enrolled, for the award
15 year for which the applicant submits such
16 form; and

17 “(iii) to ask whether the applicant’s
18 need and eligibility for financial assistance
19 under this title has not changed substan-
20 tially since the most recent of the fol-
21 lowing:

22 “(I) The applicant submitted a
23 FAFSA.

24 “(II) The applicant received an
25 adjustment under section 479A that

1 results in a change to the expected
2 family contribution of the applicant.

3 “(E) DEFINITIONS.—In this paragraph:

4 “(i) DEPENDENCY STATUS.—The
5 term ‘dependency status’ means the status
6 of an applicant as—

7 “(I) a dependent student;

8 “(II) a single independent stu-
9 dent or a married independent stu-
10 dent without dependents (other than a
11 spouse); or

12 “(III) an independent student
13 with dependents other than a spouse.

14 “(ii) SUCCEEDING AWARD YEAR.—

15 The term ‘succeeding award year’—

16 “(I) when used with respect to
17 an applicant who submits a FAFSA
18 for the first time for an award year
19 for the period required for the comple-
20 tion of the first undergraduate baccalaureate course of study being pur-
21 sued by such applicant, means any
22 award year for such period that fol-
23 lows the award year for which the ap-
24 plicant submits such FAFSA; and
25

1 “(II) when used with respect to
2 an applicant described in subpara-
3 graph (C), means any award year
4 after award year 2021–2022 for the
5 period required for the completion of
6 the first undergraduate baccalaureate
7 course of study being pursued by such
8 applicant.

9 “(15) FAFSA IN VARIOUS LANGUAGES.—The
10 Secretary shall—

11 “(A) translate the form developed under
12 this subsection into not fewer than 11 foreign
13 languages based on the languages most often
14 spoken by English learner students and their
15 parents, and make the translated form available
16 and accessible to applicants in paper and elec-
17 tronic formats; and

18 “(B) ensure that the form developed under
19 this subsection is available in formats accessible
20 to individuals with disabilities.”;

21 (2) in subsection (c), by striking the last sen-
22 tence;

23 (3) in subsection (d)(3)—

24 (A) in subparagraph (A), by striking “and
25 EZ FAFSA”; and

1 (B) in subparagraph (B), by striking “and
2 EZ FAFSA”;

3 (4) in subsection (e)—

4 (A) in paragraph (3) by striking “or, as
5 appropriate, an EZ FAFSA”; and

6 (B) in paragraph (5)(D), by striking “or,
7 as appropriate, an EZ FAFSA,”;

8 (5) by amending subsection (f) to read as fol-
9 lows:

10 “(f) USE OF INTERNAL REVENUE SERVICE DATA
11 RETRIEVAL TOOL TO POPULATE FAFSA.—

12 “(1) SIMPLIFICATION EFFORTS.—The Sec-
13 retary shall—

14 “(A) make every effort to allow applicants
15 to utilize the data retrieval tool to transfer data
16 available from the Internal Revenue Service to
17 reduce the amount of original data entry by ap-
18 plicants and strengthen the reliability of data
19 used to calculate expected family contributions,
20 including through the use of technology to—

21 “(i) allow an applicant to automati-
22 cally populate the electronic version of the
23 forms under this paragraph with data
24 available from the Internal Revenue Serv-
25 ice; and

1 “(ii) direct an applicant to appro-
2 priate questions on such forms based on
3 the applicant’s answers to previous ques-
4 tions; and

5 “(B) allow taxpayers, regardless of filing
6 status, to utilize the data retrieval tool to its
7 full capacity.

8 “(2) USE OF TAX RETURN IN APPLICATION
9 PROCESS.—The Secretary shall continue to examine
10 whether data provided by the Internal Revenue Serv-
11 ice can be used to generate an expected family con-
12 tribution without additional action on the part of the
13 student and taxpayer.

14 “(3) REPORTS ON FAFSA SIMPLIFICATION EF-
15 FORTS.—Not less than once every other year, the
16 Secretary shall report to the authorizing committees
17 and the Committees on Appropriations of the House
18 of Representatives and the Senate on the progress of
19 the simplification efforts under this subsection.”;

20 (6) by repealing subsection (g);

21 (7) redesignating subsection (h) as subsection
22 (g); and

23 (8) by adding at the end the following:

24 “(h) DATA TRANSPARENCY ON THE NUMBER OF AP-
25 PLICANTS.—

1 “(1) IN GENERAL.—The Secretary shall annu-
2 ally publish data on the number of individuals who
3 apply for Federal student aid pursuant to this sec-
4 tion who are homeless individuals described in sec-
5 tion 725 of the McKinney-Vento Homeless Assist-
6 ance Act (42 U.S.C. 11434a), including unaccom-
7 panied youth and foster care youth.

8 “(2) CONTENTS.—The data described in para-
9 graph (1) with respect to homeless individuals shall
10 include, at a minimum, for each application cycle—

11 “(A) the total number of all applicants
12 who were determined to be (or to be at risk of
13 becoming) unaccompanied homeless youth
14 under section 480(d)(1)(H);

15 “(B) the number of applicants described in
16 subparagraph (A), disaggregated—

17 “(i) by State; and

18 “(ii) by the sources of determination
19 as described in clauses (i) through (iv) of
20 section 480(d)(1)(H); and

21 “(C) the number of undetermined requests
22 for homelessness consideration, including
23 statuses that remain unknown because no de-
24 termination had been made in response to the
25 applicant’s request for the institution to con-

1 sider the applicant’s special circumstance of
2 being homeless.

3 “(i) PROHIBITION ON QUESTIONS RELATING TO
4 DRUG OFFENSES.—The Secretary may not include on the
5 forms developed under this subsection any data items re-
6 lating to whether an applicant has a conviction of any of-
7 fense under any Federal or State law involving the posses-
8 sion or sale of a controlled substance (as defined in section
9 102(6) of the Controlled Substances Act (21 U.S.C.
10 802(6)).

11 “(j) FAFSA VERIFICATION.—

12 “(1) IN GENERAL.—With respect to applicants
13 who submit a FAFSA for an award year and were
14 determined using data provided in such FAFSA to
15 be eligible to receive a Federal Pell Grant for such
16 award year, the Secretary shall submit to the au-
17 thorizing committees, and make publicly available, a
18 report for such award year on—

19 “(A) the number and share of such appli-
20 cants who received a Federal Pell Grant for
21 such award year;

22 “(B) the number and share of such appli-
23 cants who did not receive a Federal Pell Grant
24 for such year;

1 “(C) the number and share of such appli-
2 cants who were selected by the Secretary for
3 verification of the data provided in the FAFSA;

4 “(D) to the extent practicable, the number
5 and share of applicants described in subpara-
6 graph (C) who enrolled in an institution of
7 higher education in a year after such selection;

8 “(E) the number and share of applicants
9 described in subparagraph (C) who completed
10 the verification process;

11 “(F) of the applicants described in sub-
12 paragraph (E)—

13 “(i) the average of the expected family
14 contribution for all such applicants as de-
15 termined using data provided in the
16 FAFSA;

17 “(ii) the average of the expected fam-
18 ily contribution difference for all such ap-
19 plicants;

20 “(iii) the average of the expected fam-
21 ily contribution difference for all such ap-
22 plicants whose expected family contribution
23 as determined using data provided in the
24 verification process was greater than the

1 expected family contribution as determined
2 using data provided in the FAFSA; and

3 “(iv) the average of the expected fam-
4 ily contribution difference for all such ap-
5 plicants whose expected family contribution
6 as determined using data provided in the
7 FAFSA was greater than the expected
8 family contribution as determined using
9 data provided in the verification process;

10 “(G) of the applicants described in sub-
11 paragraph (E)—

12 “(i) the average Federal Pell Grant
13 amount for all such applicants as deter-
14 mined using data provided in the FAFSA;

15 “(ii) the average of the Federal Pell
16 Grant difference for all such applicants;

17 “(iii) 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
21 verification process was greater than the
22 Federal Pell Grant amount as determined
23 using data provided in the FAFSA;

24 “(iv) the average of the Federal Pell
25 Grant difference for all such applicants

1 whose Federal Pell Grant amount as deter-
2 mined using data provided in the FAFSA
3 was greater than the Federal Pell Grant
4 amount as determined using data provided
5 in the verification process; and

6 “(v) the number and share of such
7 applicants who were determined using the
8 data provided in the verification process to
9 be ineligible for a Federal Pell Grant;

10 “(H) the number and share of applicants
11 described in subparagraph (C) who received a
12 Federal Pell Grant for such award year; and

13 “(I) the number and share of applicants
14 described in subparagraph (C) who did not re-
15 ceive a Federal Pell Grant for such award year.

16 “(2) DISAGGREGATION.—The data provided in
17 a report under paragraph (1) shall be
18 disaggregated—

19 “(A) by applicants who were pathway one
20 applicants for such year;

21 “(B) by applicants who were pathway two
22 applicants for such year;

23 “(C) by applicants who were pathway three
24 applicants for such year; and

1 “(D) with respect to applicants described
2 in subparagraphs (C) and (E), the verification
3 tracking groups of such applicants.

4 “(3) DEFINITIONS.—In this subsection:

5 “(A) EXPECTED FAMILY CONTRIBUTION
6 DIFFERENCE.—The term ‘expected family con-
7 tribution difference’ means, with respect to an
8 applicant who completed a verification process
9 with respect to the FAFSA, the difference be-
10 tween—

11 “(i) the expected family contribution
12 of such applicant as determined using data
13 provided in the FAFSA; and

14 “(ii) the expected family contribution
15 of such applicant as determined using data
16 provided in the verification process.

17 “(B) FEDERAL PELL GRANT DIF-
18 FERENCE.—The term ‘Federal Pell Grant dif-
19 ference’ means, with respect to an applicant
20 who completed a verification process with re-
21 spect to the FAFSA, the difference between—

22 “(i) the amount of the Federal Pell
23 Grant of such applicant as determined
24 using data provided in the FAFSA; and

1 “(ii) the amount of the Federal Pell
2 Grant of such applicant as determined
3 using data provided in the verification
4 process.

5 “(k) FINANCIAL AID OFFERS.—

6 “(1) REQUIREMENTS FOR OFFERS.—

7 “(A) SECRETARIAL REQUIREMENTS.—Not
8 later than 18 months after the date of enact-
9 ment of the College Affordability Act, the Sec-
10 retary shall, based on the consumer testing con-
11 ducted under subparagraph (E), publish re-
12 quirements for financial aid offers that shall—

13 “(i) include a requirement that finan-
14 cial aid offers shall serve as the primary
15 source for Federal, State, and institutional
16 financial aid information provided by an
17 institution of higher education partici-
18 pating in any program under this title to
19 each prospective student accepted for ad-
20 mission and each enrolled student at such
21 institution;

22 “(ii) include a requirement that such
23 offers include a standardized quick ref-
24 erence box described in subparagraph (D);

1 “(iii) establish standardized terms and
2 definitions, including for the elements list-
3 ed in subparagraph (C), that shall be in-
4 cluded in each such offer;

5 “(iv) establish formatting require-
6 ments with respect to the organization of
7 the elements listed in subparagraph (C),
8 which shall include a requirement that pro-
9 hibits such offers from displaying loans in
10 a manner that indicates or implies that
11 such loans reduce the amount owed to the
12 institution or reduce the net price; and

13 “(v) specify the simple, plain-lan-
14 guage, and consumer-friendly information
15 to be included in each such offer with re-
16 spect to the financial aid being offered to
17 a student, which shall include—

18 “(I) an explanation of differences
19 among each such type of financial aid,
20 including clear explanations that—

21 “(aa) grants and scholar-
22 ships do not have to be repaid;

23 “(bb) loans (including loans
24 made under part D and private
25 education loans (as defined in

1 section 140 of the Truth in
2 Lending Act)) must be repaid
3 with interest; and

4 “(cc) payments under Fed-
5 eral-work study programs under
6 part C are contingent on finding
7 qualified employment and are
8 typically disbursed incrementally
9 in paychecks;

10 “(II) information encouraging
11 students to consider loans made under
12 part D before such private education
13 loans;

14 “(III) information clarifying that
15 students may—

16 “(aa) decline to accept a
17 loan made under part D; or

18 “(bb) accept an amount of
19 such loan that is less than the
20 amount of such loan included in
21 the financial aid offer; and

22 “(IV) in a case in which the in-
23 stitution offers a student such a loan
24 in an amount that is less than the
25 maximum amount for which the stu-

1 dent is eligible, an explanation that
2 the student is eligible for additional
3 loans under part D.

4 “(B) INSTITUTIONAL REQUIREMENTS.—

5 Beginning with the award year that begins not
6 less than 1 year after the Secretary publishes
7 requirements under subparagraph (A), each in-
8 stitution of higher education described in sub-
9 paragraph (A)(i) shall provide a financial aid
10 offer to each student described in such subpara-
11 graph prior to each academic year that—

12 “(i) shall comply with the require-
13 ments published by the Secretary under
14 subparagraph (A); and

15 “(ii) may be supplemented by the in-
16 stitution with additional, non-contradictory
17 information related to financial aid as long
18 as such supplementary information uses
19 the standardized terms and definitions de-
20 scribed in subparagraph (A)(iii).

21 “(C) ELEMENTS.—A financial aid offer
22 provided by an institution of higher education
23 shall include the following elements with respect
24 to the academic year for which the offer is
25 being provided:

1 “(i) The cost of attendance, which
2 shall include separately calculated sub-
3 totals of—

4 “(I) an itemized list of estimated
5 direct costs owed to the institution;
6 and

7 “(II) an itemized list of antici-
8 pated student expenses not covered
9 under subclause (I).

10 “(ii) Federal, State, and institutional
11 financial aid available to the student,
12 which shall include separately calculated
13 subtotals of—

14 “(I) grants and scholarships;

15 “(II) loans made under part D
16 (excluding Federal Direct Parent
17 PLUS Loans) and part E; and

18 “(III) Federal-work study pro-
19 grams under part C and other on-
20 campus employment.

21 “(iii) Other options that may be avail-
22 able to students to cover the cost of at-
23 tendance (including Federal Direct Parent
24 PLUS Loans, tuition payment plans, sav-

1 ings, and earnings from other employ-
2 ment).

3 “(iv) The net price, which shall be de-
4 termined by calculating the difference be-
5 tween—

6 “(I) the cost of attendance de-
7 scribed in clause (i); and

8 “(II) the grants and scholarships
9 described in clause (ii)(I).

10 “(v) Next step instructions, includ-
11 ing—

12 “(I) the process and deadlines for
13 accepting the financial aid; and

14 “(II) information about where to
15 find additional information on the fi-
16 nancial aid offered.

17 “(vi) Any other information deter-
18 mined necessary by the Secretary based on
19 the consumer testing conducted under sub-
20 paragraph (E), which may include the fol-
21 lowing:

22 “(I) An estimate of the net direct
23 cost, which shall be determined by cal-
24 culating the difference between—

1 “(aa) the direct costs owed
2 to the institution described in
3 clause (i)(I); and

4 “(bb) the grants and schol-
5 arships described in clause (ii)(I).

6 “(II) Information on average stu-
7 dent debt, loan repayment and default
8 rates, loan repayment options, and
9 graduation rates.

10 “(III) In the case of a prospec-
11 tive student, the process and deadlines
12 for enrolling at the institution.

13 “(IV) Information regarding the
14 enrollment period covered by the aid
15 offer, and whether the cost and aid
16 estimates are based on full-time or
17 part-time enrollment.

18 “(D) STANDARDIZED QUICK REFERENCE
19 BOX.—A financial aid offer provided by an in-
20 stitution of higher education shall include a
21 standardized quick reference box to enable stu-
22 dents to quickly and easily compare key infor-
23 mation on college costs and financial aid—

24 “(i) that shall be included in an iden-
25 tical fashion for each student receiving a

1 financial aid offer from the institution on
2 the first page of such offer;

3 “(ii) the contents and structure of
4 which shall be developed through consumer
5 testing conducted under paragraph (E);
6 and

7 “(iii) that shall include not more than
8 8 elements, which, at a minimum, shall in-
9 clude—

10 “(I) the cost of attendance;

11 “(II) grants and scholarships;

12 and

13 “(III) net price (as calculated
14 under subparagraph (C)(iv)).

15 “(E) CONSUMER TESTING.—The Secretary
16 shall—

17 “(i) conduct consumer testing that
18 shall serve as the basis in determining the
19 requirements for financial aid offers pub-
20 lished under subparagraph (A), which shall
21 include students (including low-income stu-
22 dents, English learners, first generation
23 college students, veteran students, grad-
24 uate students, and undergraduate students
25 (including prospective students and return-

ing students)), students’ families (including low-income families, families of English learners, and families with first generation college students), institutions of higher education (including representatives from two- and four-year institutions, public and private institutions, and minority-serving institutions), secondary school and postsecondary counselors, financial aid administrators, nonprofit college access organizations, and nonprofit consumer groups; and

“(ii) not later than 60 days after the publication of the requirements under subparagraph (A)—

“(I) issue a report on the findings of the consumer testing under this subparagraph; and

“(II) specify ways in which the findings are reflected in such requirements.

“(2) DEFINITIONS.—In this subsection—

“(A) the term ‘English learner’ has the meaning given the term in section 8101(20) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(20)), except that such

1 term does not include individuals described in
2 subparagraph (B) of such section;

3 “(B) the term ‘first generation college stu-
4 dent’ has the meaning given the term in section
5 402A(h);

6 “(C) the term ‘low-income student’ has the
7 meaning given the term in section 419N(b)(7);
8 and

9 “(D) the term ‘minority-serving institution’
10 means an institution of higher education de-
11 scribed in section 371(a).”.

12 **SEC. 4604. STUDENT ELIGIBILITY.**

13 (a) IN GENERAL.—Section 484(a) of the Higher
14 Education Act of 1965 (20 U.S.C. 1091(a)) is amended
15 to read as follows:

16 “(a) IN GENERAL.—

17 “(1) GRANTS; LOANS; WORK ASSISTANCE.—In
18 order to receive any grant, loan, or work assistance
19 under this title, a student must—

20 “(A) be enrolled or accepted for enrollment
21 in a degree, certificate, or other program (in-
22 cluding a program of study abroad approved for
23 credit by the eligible institution at which such
24 student is enrolled) leading to a recognized edu-
25 cational credential at an institution of higher

1 education that is an eligible institution in ac-
2 cordance with the provisions of section 487, ex-
3 cept as provided in subsections (b)(3) and
4 (b)(4), and not be enrolled in an elementary or
5 secondary school;

6 “(B) if the student is presently enrolled at
7 an institution, be maintaining satisfactory
8 progress in the course of study the student is
9 pursuing in accordance with the provisions of
10 subsection (c);

11 “(C) not owe a refund on grants previously
12 received at any institution under this title, or be
13 in default on any loan from a student loan fund
14 at any institution provided for in part E, or a
15 loan made, insured, or guaranteed by the Sec-
16 retary under this title for attendance at any in-
17 stitution;

18 “(D) file with the Secretary, as part of the
19 original financial aid application process, a cer-
20 tification, which need not be notarized, but
21 which shall include—

22 “(i) a statement of educational pur-
23 pose stating that the money attributable to
24 such grant, loan, or loan guarantee will be
25 used solely for expenses related to attend-

1 ance or continued attendance at such insti-
2 tution; and

3 “(ii) such student’s social security
4 number; and

5 “(E) if the student has been convicted of,
6 or has pled nolo contendere or guilty to, a crime
7 involving fraud in obtaining funds under this
8 title, have completed the repayment of such
9 funds to the Secretary, or to the holder in the
10 case of a loan under this title obtained by
11 fraud.

12 “(2) GRANTS; LOANS; WORK ASSISTANCE; SERV-
13 ICES.—

14 “(A) IN GENERAL.—In order to receive
15 any grant, loan, or work assistance under this
16 title, or any service provided pursuant to a pro-
17 gram or project funded under this title, a stu-
18 dent must—

19 “(i) be a citizen, national, or perma-
20 nent resident of the United States;

21 “(ii) be able to provide evidence from
22 the Department of Homeland Security that
23 he or she is in the United States for other
24 than a temporary purpose with the inten-

1 tion of becoming a citizen or permanent
2 resident;

3 “(iii) have temporary protected status
4 under section 244 of the Immigration and
5 Nationality Act (8 U.S.C. 1254a); or

6 “(iv) be a Dreamer student, as de-
7 fined in subsection (q).

8 “(B) EXCEPTIONS.—Subparagraph (A)
9 shall not be construed to affect eligibility for
10 participation in projects funded under chapter 2
11 of subpart 2 of part A or section 418A(b).”.

12 (b) EXCEPTION TO REQUIRED REGISTRATION WITH
13 SELECTIVE SERVICE SYSTEM.—Section 484 of the Higher
14 Education Act of 1965 (20 U.S.C. 1091) is further
15 amended—

16 (1) by repealing subsection (n); and

17 (2) by redesignating subsections (o) through (q)
18 as subsections (n) through (p), respectively.

19 (c) DEFINITION OF DREAMER STUDENT.—Section
20 484 of the Higher Education Act of 1965 (20 U.S.C.
21 1091), as amended by subsection (b), is further amended
22 by adding at the end the following:

23 “(q) DREAMER STUDENT.—

24 “(1) IN GENERAL.—In this section, the term
25 ‘Dreamer student’ means an alien (as defined in sec-

tion 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)) who—

“(A) was younger than 16 years of age on the date on which the alien initially entered the United States and—

“(i) has earned a high school diploma, the recognized equivalent of such diploma from a secondary school, or a high school equivalency diploma in the United States, or is scheduled to complete the requirements for such a diploma or equivalent before the next academic year begins;

“(ii) is enrolled in an institution of higher education pursuant to subsection (d); or

“(iii) has served in the uniformed services, as defined in section 101 of title 10, United States Code, for not less than 4 years and, if discharged, received an honorable discharge; or

“(B) would have been eligible, if the memorandum were fully in effect since the date issued, for a grant of deferred action pursuant to the directive in the November 20, 2014, memorandum from the Secretary of Homeland

1 Security entitled ‘Exercising Prosecutorial Dis-
2 cretion with Respect to Individuals Who Came
3 to the United States as Children and with Re-
4 spect to Certain Individuals Who Are the Par-
5 ents of U.S. Citizens or Permanent Residents’
6 to establish a process for exercising prosecu-
7 torial discretion through the use of deferred ac-
8 tion for individuals who, among other qualifica-
9 tions, had a son or daughter who was a United
10 States citizen or lawful permanent resident on
11 such date.

12 “(2) HARDSHIP EXCEPTION.—The Secretary
13 shall issue regulations that direct when the Depart-
14 ment shall waive the age requirement of paragraph
15 (1)(A) for an individual to qualify as a Dreamer stu-
16 dent under such paragraph, if the individual dem-
17 onstrates, through documentation presented to the
18 Secretary of substantial economic or personal hard-
19 ship, that deprivation of the requested benefit under
20 this title would represent a substantial hardship.”.

21 (d) REPEAL OF SUSPENSION OF FINANCIAL AID ELI-
22 GIBILITY FOR DRUG-RELATED OFFENSES.—Subsection
23 (r) of section 484 of the Higher Education Act of 1965
24 (20 U.S.C. 1091(r)) is repealed.

1 (e) CONFORMING AMENDMENTS.—The Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

3 (1) in section 102(a)(2)(A)(i)(I), by striking
4 “484(a)(5)” and inserting “484(a)(2)”;

5 (2) in section 419N(b)(7)(B)(ii), by striking
6 “484(a)(5)” and inserting “484(a)(2)”;

7 (3) in section 484(c), by striking “subsection
8 (a)(2)” each place it appears and inserting “sub-
9 section (a)(1)(B)”;

10 (4) in section 484(g)—

11 (A) by striking “subsection (a)(5)” and in-
12 serting “subsection (a)(2)”;

13 (B) by striking “Immigration and Natu-
14 ralization Service” each place it appears in
15 paragraph (4)(B)(i) and inserting “Department
16 of Homeland Security”;

17 (5) in section 484(h), by striking “Immigration
18 and Naturalization Service” each place it appears
19 and inserting “Department of Homeland Security”;

20 (6) in section 484(o), as so redesignated, by
21 striking “subsection (a)(4)” and inserting “sub-
22 section (a)(1)(D)”;

23 (7) in section 485(a)(1)(K), by striking
24 “484(a)(2)” and inserting “484(a)(1)(B)”.

1 **SEC. 4606. REINSTATEMENT OF THE 6-YEAR STATUTE OF**
2 **LIMITATIONS FOR STUDENT LOANS.**

3 Section 484A(a) of the Higher Education Act of
4 1965 (20 U.S.C. 1091a(a)) is amended to read as follows:

5 “(a) STATUTE OF LIMITATIONS.—Notwithstanding
6 any Federal or State statutory, regulatory, or administra-
7 tive limitation on the period within which debts may be
8 enforced—

9 “(1) an institution that receives funds under
10 this title may file a suit or initiate or take another
11 action for collection of a refund due from a student
12 on a grant made, or work assistance awarded, under
13 this title, during the 6-year period beginning on the
14 day after the refund first became due (exclusive of
15 the period during which the State statute of limita-
16 tions otherwise applicable to a suit under this para-
17 graph would be tolled under State law);

18 “(2) a guaranty agency that has an agreement
19 with the Secretary under section 428(c) may file a
20 suit or initiate or take another action for collection
21 of the amount due from a borrower on a loan made
22 under part B during the 6-year period beginning on
23 the day after such guaranty agency reimburses the
24 previous holder of the loan for its loss on account of
25 the default of the borrower (exclusive of the period
26 during which the State statute of limitations other-

1 wise applicable to a suit under this paragraph would
2 be tolled under State law);

3 “(3) an institution that has an agreement with
4 the Secretary pursuant to section 487 may file a suit
5 or initiate or take another action for collection of the
6 amount due from a borrower on a loan made under
7 part D or E after the default of the borrower on
8 such loan during the 6-year period beginning on the
9 day after the date of the default of the borrower
10 with respect to such amount (exclusive of the period
11 during which the State statute of limitations other-
12 wise applicable to a suit under this paragraph would
13 be tolled under State law); or

14 “(4) the Secretary, the Attorney General, or the
15 administrative head of another Federal agency, as
16 the case may be, may file a suit or initiate or take
17 another action for collection of a refund due from a
18 student on a grant made under this title, or for the
19 repayment of the amount due from a borrower on a
20 loan made under this title that has been assigned to
21 the Secretary under this title, during the 6-year pe-
22 riod beginning on the day after the refund or the
23 amount first became due.”.

1 **SEC. 4607. STUDENT ELIGIBILITY INFORMATION FOR NU-**
2 **TRITION ASSISTANCE PROGRAMS.**

3 (a) INFORMATION DISSEMINATION ACTIVITIES.—
4 Section 485(a)(1) of the Higher Education Act of 1965
5 (20 U.S.C. 1092(a)(1)) is amended—

6 (1) in subparagraph (U), by striking the “and”
7 at the end;

8 (2) in subparagraph (V), by striking the period
9 at the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(W) the most recent relevant student eli-
12 gibility guidance with respect to the nutrition
13 assistance programs established under—

14 “(i) the supplemental nutrition assist-
15 ance program under the Food and Nutri-
16 tion Act of 2008 (7 U.S.C. 2011 et seq.);
17 and

18 “(ii) the special supplemental nutri-
19 tion program for women, infants, and chil-
20 dren established by section 17 of the Child
21 Nutrition Act of 1966 (42 U.S.C. 1786);

22 “(X) the contact information for the State
23 agencies responsible for administration of the
24 programs specified in clauses (i) and (ii) of sub-
25 paragraph (W); and

1 “(Y) the food pantries and other food as-
2 sistance facilities and services available to stu-
3 dents enrolled in such institution.”.

4 (b) COLLEGE NAVIGATOR WEBSITE.—Not later than
5 30 days after the date of the enactment of this Act, the
6 Secretary of Education shall make available and annually
7 update on the College Navigator Website the most recent
8 relevant student eligibility guidance with respect to the nu-
9 trition assistance programs established under—

10 (1) the supplemental nutrition assistance pro-
11 gram under the Food and Nutrition Act of 2008 (7
12 U.S.C. 2011 et seq.); and

13 (2) the special supplemental nutrition program
14 for women, infants, and children established by sec-
15 tion 17 of the Child Nutrition Act of 1966 (42
16 U.S.C. 1786).

17 **SEC. 4608. EXIT COUNSELING.**

18 (a) AMENDMENTS TO EXIT COUNSELING FOR BOR-
19 ROWERS.—Section 485(b) of the Higher Education Act of
20 1965 (20 U.S.C. 1092(b)) is amended—

21 (1) in paragraph (1)(A)—

22 (A) in the matter preceding clause (i),
23 striking “through financial aid offices or other-
24 wise” and inserting “through the use of an
25 interactive program, during an exit counseling

1 session that is in-person or online, or through
2 the use of the online counseling tool described
3 in subsection (n)(1)(A)”;

4 (B) by redesignating clauses (i) through
5 (ix) as clauses (iv) through (xii), respectively;

6 (C) by inserting before clause (iv), as so
7 redesignated, the following:

8 “(i) a summary of the outstanding
9 balance of principal and interest due on
10 the loans made to the borrower under part
11 B, D, or E;

12 “(ii) an explanation of the grace pe-
13 riod preceding repayment and the expected
14 date that the borrower will enter repay-
15 ment;

16 “(iii) an explanation that the borrower
17 has the option to pay any interest that has
18 accrued while the borrower was in school
19 or that may accrue during the grace period
20 preceding repayment or during an author-
21 ized period of deferment or forbearance,
22 prior to the capitalization of the interest;”;

23 (D) in clause (iv), as so redesignated—

24 (i) by striking “sample information
25 showing the average” and inserting “infor-

1 mation, based on the borrower’s out-
2 standing balance described in clause (i),
3 showing the borrower’s”; and

4 (ii) by striking “of each plan” and in-
5 serting “of at least the fixed repayment
6 plan described in section 493E, the in-
7 come-based repayment plan under section
8 493C(f), and any other repayment plan for
9 which each loan may be eligible”;

10 (E) in clause (ix), as so redesignated—

11 (i) by inserting “decreased credit
12 score,” after “credit reports,”; and

13 (ii) by inserting “reduced ability to
14 rent or purchase a home or car, potential
15 difficulty in securing employment,” after
16 “Federal law,”;

17 (F) in clause (x), as so redesignated, by
18 striking “consolidation loan under section 428C
19 or a”;

20 (G) in clauses (xi) and (xii), as so redesign-
21 ated, by striking “and” at the end; and

22 (H) by adding at the end the following:

23 “(xiii) for each of the borrower’s loans
24 made under part B, D, or E for which the
25 borrower is receiving counseling under this

subsection, the contact information for the loan servicer of the loan and a link to such servicer’s website; and

“(xiv) an explanation that an individual has a right to annually request a disclosure of information collected by a consumer reporting agency pursuant to section 612(a) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)).”;

(2) in paragraph (1)(B)—

(A) by inserting “online or” before “in writing”; and

(B) by adding before the period at the end the following: “, except that in the case of an institution using the online counseling tool described in subsection (n)(1)(A), the Secretary shall attempt to provide such information to the student in the manner described in subsection (n)(3)(C)”; and

(3) in paragraph (2)(C), by inserting “, such as the online counseling tool described in subsection (n)(1)(A),” after “electronic means”.

(b) CONFORMING AMENDMENT.—Section 485(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(d)(1)) is amended by striking “including income-

1 sensitive” and all that follows through “part D” and in-
 2 serting “including, beginning on July 1, 2021, the income-
 3 based repayment plan under section 493C(f) and the fixed
 4 repayment plan described in section 493E”.

5 **SEC. 4609. CLERY ACT AMENDMENTS.**

6 (a) DISCLOSURE OF CAMPUS SECURITY POLICY AND
 7 CAMPUS CRIME STATISTICS.—Section 485(f) of the High-
 8 er Education Act of 1965 (20 U.S.C. 1092(f)) is amend-
 9 ed—

10 (1) in paragraph (1)—

11 (A) in the matter preceding subparagraph
 12 (A), by inserting “(including on a prominent lo-
 13 cation on the institution’s website)” after “pub-
 14 lish”; and

15 (B) in subparagraph (F)—

16 (i) in clause (i), by striking “and” at
 17 the end;

18 (ii) in clause (ii), by striking “and” at
 19 the end;

20 (iii) in clause (iii), by striking the pe-
 21 riod at the end and inserting “;”;

22 (iv) by adding at the end the fol-
 23 lowing:

1 “(iv) of harassment incidents that
2 were reported to campus security authori-
3 ties or local police agencies; and

4 “(v) of hazing incidents that were re-
5 ported to campus security authorities or
6 local police agencies.”; and

7 (C) by adding at the end the following:

8 “(K)(i) Each finding by the institution
9 that, during the most recent calendar year, and
10 during the 2 preceding calendar years for which
11 data are available, a student organization com-
12 mitted a violation of the institution’s standards
13 of conduct, or of Federal, State, or local law,
14 relating to hazing, which—

15 “(I) shall include—

16 “(aa) the name of the stu-
17 dent organization that committed
18 the violation;

19 “(bb) a general description
20 of the activities that led to the
21 violation, the charges, such find-
22 ings by the institution, and the
23 sanctions placed on the organiza-
24 tion; and

25 “(cc) the dates on which—

1 “(AA) the violation was
2 alleged to have occurred;

3 “(BB) the student or-
4 ganization was charged with
5 misconduct;

6 “(CC) the investigation
7 was initiated; and

8 “(DD) the investigation
9 ended with a finding that a
10 violation occurred; and

11 “(II) may not include—

12 “(aa) any information re-
13 lated to allegations or investiga-
14 tions of hazing that do not result
15 in a formal finding of a violation
16 of the standards of conduct of
17 the institution or of Federal,
18 State or local law; or

19 “(bb) any personally identi-
20 fiable information on any indi-
21 vidual student or member of a
22 student organization.

23 “(ii) The anti-hazing policies (includ-
24 ing the standards of conduct with respect
25 to hazing) of the institution, and the

1 changes, if any, that have been made in
2 the preceding calendar year with respect to
3 such policies, and the justification for such
4 changes.

5 “(iii) In the case of an allegation that
6 a multi-institution student organization
7 was involved in a hazing incident, each in-
8 stitution at which the students involved in
9 such allegation are enrolled (or were for-
10 merly enrolled), including any student who
11 was a victim in the alleged incident, shall
12 comply with the requirements of this sub-
13 paragraph.”;

14 (2) in paragraph (6)(A), by adding at the end
15 the following:

16 “(vi) For purposes of reporting under this
17 section, the term ‘harassment’—

18 “(I) means unwelcome conduct, of a
19 hostile, intimidating, or offensive nature,
20 based on a student’s actual or perceived
21 race, color, religion, sex (including sexual
22 orientation, gender identity, pregnancy,
23 childbirth, a medical condition related to
24 pregnancy or childbirth, and sex stereo-
25 type), disability, or national origin, that

1 unreasonably interferes with a student's
2 ability to participate in a program or activ-
3 ity at an institution of higher education,
4 including by creating an intimidating, hos-
5 tile, or offensive environment;

6 “(II) is not limited to physical acts,
7 and includes conduct that is verbal or non-
8 verbal, direct or indirect, undertaken in
9 whole or in part through the use of elec-
10 tronic messaging services, commercial mo-
11 bile services, electronic communications, or
12 other technology, or the placement or dis-
13 play of hostile or offensive images or ob-
14 jects based on a protected trait; and

15 “(III) includes sexual harassment,
16 which is unwelcome conduct of a sexual
17 nature, including—

18 “(aa) a sexual advance;

19 “(bb) a request for sexual favors;

20 “(cc) a sexual act, where such
21 submission is made either explicitly or
22 implicitly a term or condition of a
23 program or activity at an institution
24 of higher education, regardless of a

1 student's submission to or rejection of
2 such sexual act;

3 “(dd) a sexual act, where such
4 submission or rejection is used as the
5 basis for a decision affecting a term
6 or condition of a program or activity
7 at an institution of higher education,
8 regardless of a student's submission
9 to or rejection of such sexual act; or
10 “(ee) other conduct of a sexual
11 nature.

12 “(vii) The term ‘hazing’ means any inten-
13 tional, knowing, or reckless act committed by a
14 student, or a former student, of an institution
15 of higher education, whether individually or in
16 concert with other persons, against another stu-
17 dent, that—

18 “(I) was committed in connection with
19 an initiation into, an affiliation with, or
20 the maintenance of membership in, any
21 student organization; and

22 “(II) causes, or contributes to a sub-
23 stantial risk of, physical injury, mental
24 harm, or personal degradation.

1 “(viii) The term ‘commercial mobile serv-
2 ice’ has the meaning given the term in section
3 332(d) of the Communications Act of 1934 (47
4 U.S.C. 332(d)).

5 “(ix) The term ‘electronic communication’
6 means any transfer of signs, signals, writing,
7 images, sounds, or data of any nature trans-
8 mitted in whole or in part by a wire, radio, elec-
9 tromagnetic, photoelectronic, or photooptical
10 system.

11 “(x) The term ‘electronic messaging serv-
12 ices’ has the meaning given the term in section
13 102 of the Communications Assistance for Law
14 Enforcement Act (47 U.S.C. 1001).

15 “(xi) The term ‘multi-institution student
16 organization’ means a student organization that
17 includes students from more than one institu-
18 tion of higher education, including city-wide, re-
19 gional, State, and national chapters of student
20 organizations.

21 “(xii) The term ‘student organization’
22 means an organization that is officially recog-
23 nized by or otherwise affiliated with an institu-
24 tion of higher education and that has a mem-

1 bership that is made up primarily of students
2 enrolled at such institution.”;

3 (3) in paragraph (7), by inserting after the sec-
4 ond sentence the following: “For harassment inci-
5 dents, such statistics shall be compiled in accordance
6 with the definition of that term in paragraph
7 (6)(A)(vi). For hazing incidents, such statistics shall
8 be compiled in accordance with the definition of that
9 term in paragraph (6)(A)(vii).”; and

10 (4) in paragraph (8)—

11 (A) by adding “sexual harassment,” after
12 “sexual assault,” each place it appears;

13 (B) in subparagraph (B) in subclause
14 (iv)(I)(bb) by striking “an investigation” and
15 inserting “a trauma-informed investigation”;
16 and

17 (C) by adding at the end the following:

18 “(viii) Written notification of victims
19 about institutional policies regarding the
20 reimbursement of lost tuition and costs as-
21 sociated with student loan interest accrual
22 related to domestic violence, dating vio-
23 lence, sexual assault, sexual harassment, or
24 stalking incidents.”.

1 (b) STATEMENT OF POLICY REGARDING HARASS-
2 MENT.—Section 485(f) of the Higher Education Act of
3 1965 (20 U.S.C. 1092(f)) is further amended—

4 (1) by redesignating paragraphs (9) through
5 (18) as paragraphs (10) through (19), respectively;
6 and

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

9 “(9)(A) Each institution of higher education
10 participating in any program under this title, other
11 than a foreign institution of higher education, shall,
12 as part of the report described in paragraph (1)—

13 “(i) develop and distribute a state-
14 ment of policy regarding harassment,
15 which shall include—

16 “(I) a prohibition of harass-
17 ment—

18 “(aa) on campus;

19 “(bb) in or on a noncampus
20 building or property;

21 “(cc) on public property;

22 “(dd) in dormitories or other
23 residential facilities for students
24 on campus;

1 “(ee) through the use of
2 electronic mail addresses issued
3 by the institution of higher edu-
4 cation;

5 “(ff) through the use of
6 computers and communication
7 networks, including any tele-
8 communications service, owned,
9 operated, or contracted for use
10 by the institution of higher edu-
11 cation or its agents; and

12 “(gg) during an activity
13 sponsored by the institution of
14 higher education or carried out
15 with the use of resources pro-
16 vided by the institution of higher
17 education;

18 “(II) a description of the institu-
19 tion’s programs to combat harass-
20 ment, which shall be aimed at the pre-
21 vention of harassment;

22 “(III) a description of the proce-
23 dures that a student should follow if
24 an incident of harassment occurs; and

1 “(IV) a description of the proce-
2 dures that the institution will follow
3 once an incident of harassment has
4 been reported, including a statement
5 of the standard of evidence that will
6 be used during any institutional con-
7 duct proceeding arising from such a
8 report; and

9 “(ii) provide, on a prominent location
10 on the institution’s website, a link to the
11 webpage that contains the information re-
12 quired under paragraph (1)(K), including
13 statement notifying the public—

14 “(I) of the availability of such in-
15 formation, including findings, sanc-
16 tions, and the implementation of sanc-
17 tions, except information protected
18 under section 444 of the General
19 Education Provisions Act (commonly
20 known as the ‘Family Education
21 Rights and Privacy Act of 1974’);

22 “(II) a description of how a
23 member of the public may obtain such
24 information; and

1 “(III) a statement that the insti-
2 tution is required to provide such in-
3 formation pursuant to paragraph
4 (1)(K).

5 “(B) The statement of policy described in
6 subparagraph (A)(i) shall address the following
7 areas:

8 “(i) Procedures for timely institu-
9 tional action in cases of alleged harass-
10 ment, which shall include a clear statement
11 that the accuser and the accused shall be
12 informed of the outcome of any discipli-
13 nary proceedings in response to an allega-
14 tion of harassment.

15 “(ii) Possible sanctions to be imposed
16 following the final determination of an in-
17 stitutional disciplinary procedure regarding
18 harassment.

19 “(iii) Notification of existing coun-
20 seling, mental health, or student services
21 for victims or perpetrators of harassment,
22 both on campus and in the community.

23 “(iv) Identification of a designated
24 employee or office at the institution that

1 will be responsible for receiving and track-
2 ing each report of harassment.”.

3 (c) CIVIL PENALTIES.—Section 485(f) of the Higher
4 Education Act of 1965 (20 U.S.C. 1092(f)) is further
5 amended—

6 (1) in paragraph (14), as redesignated by sub-
7 section (b)—

8 (A) by striking “in the same amount and”;
9 and

10 (B) by inserting before the period at the
11 end the following: “, expect that such section
12 shall be applied by substituting \$100,000 for
13 \$25,000”.

14 (2) in paragraph (17), as redesignated by sub-
15 section (b), by adding “sexual harassment,” after
16 “sexual assault,”.

17 **SEC. 4610. ONLINE SURVEY TOOL FOR CAMPUS SAFETY.**

18 Section 485(f) of the Higher Education Act of 1965
19 (20 U.S.C. 1092) is further amended—

20 (1) by redesignating paragraphs (19) and (20)
21 as so redesignated as paragraphs (20) and (21), re-
22 spectively; and

23 (2) by inserting after paragraph (17) the fol-
24 lowing:

1 “(18) ONLINE SURVEY TOOL FOR CAMPUS
2 SAFETY.—

3 “(A) IN GENERAL.—The Secretary shall,
4 in consultation with the Attorney General, Di-
5 rector of the Centers for Disease Control, and
6 the Secretary of the Department of Health and
7 Human Services and experts in domestic vio-
8 lence, dating violence, sexual assault, sexual
9 harassment, and stalking, develop, design, and
10 make available through a secure and accessible
11 online portal, a standardized online survey tool
12 regarding student experiences with domestic vi-
13 olence, dating violence, sexual assault, sexual
14 harassment, and stalking.

15 “(B) DEVELOPMENT OF SURVEY TOOL.—
16 In developing the survey tool required under
17 subparagraph (A), the Secretary shall—

18 “(i) use best practices from peer-re-
19 viewed research measuring domestic vio-
20 lence, dating violence, sexual assault, sex-
21 ual harassment, and stalking;

22 “(ii) consult with the higher education
23 community, experts in survey research re-
24 lated to domestic violence, dating violence,
25 sexual assault, sexual harassment, and

1 stalking, and organizations engaged in the
2 prevention of and response to, and advo-
3 cacy on behalf of victims of, domestic vio-
4 lence, dating violence, sexual assault, sex-
5 ual harassment, and stalking regarding the
6 development and design of such survey tool
7 and the methodology for administration of
8 such survey tool; and

9 “(iii) ensure that the survey tool is
10 readily accessible to and usable by individ-
11 uals with disabilities.

12 “(C) ELEMENTS.—

13 “(i) IN GENERAL.—The survey tool
14 developed pursuant to this paragraph shall
15 be fair and unbiased, scientifically valid
16 and reliable, and meet the highest stand-
17 ards of survey research.

18 “(ii) SURVEY QUESTIONS.—Survey
19 questions included in the survey tool devel-
20 oped pursuant to this paragraph shall—

21 “(I) be designed to gather infor-
22 mation on student experiences with
23 domestic violence, dating violence, sex-
24 ual assault, sexual harassment, and

1 stalking, including the experiences of
2 victims of such incidents;

3 “(II) use trauma-informed lan-
4 guage to prevent retraumatization;
5 and

6 “(III) include the following:

7 “(aa) Questions designed to
8 determine the incidence and prev-
9 alence of domestic violence, dat-
10 ing violence, sexual assault, sex-
11 ual harassment, and stalking.

12 “(bb) Questions regarding
13 whether students know about in-
14 stitutional policies and proce-
15 dures related to domestic vio-
16 lence, dating violence, sexual as-
17 sault, sexual harassment, and
18 stalking.

19 “(cc) Questions designed to
20 determine, if victims reported do-
21 mestic violence, dating violence,
22 sexual assault, sexual harass-
23 ment, or stalking—

24 “(AA) to whom the in-
25 cident was reported and

1 what response the victim
2 may have received;

3 “(BB) whether the vic-
4 tim was informed of, or re-
5 ferred to, national, State,
6 local, or on-campus re-
7 sources; and

8 “(CC) whether the enti-
9 ty to whom the victim re-
10 ported the incident con-
11 ducted an investigation and
12 the duration and final reso-
13 lution of such an investiga-
14 tion.

15 “(dd) Questions regarding
16 contextual factors, such as
17 whether force, incapacitation, or
18 coercion was involved.

19 “(ee) Questions to determine
20 whether an accused individual
21 was a student at the institution.

22 “(ff) Questions to determine
23 whether a victim reported an in-
24 cident to State, local, or campus
25 law enforcement.

1 “(gg) Questions to deter-
2 mine why the victim chose to re-
3 port or not report an incident to
4 the institution or State, local, or
5 campus law enforcement.

6 “(hh) Questions to deter-
7 mine the impact of domestic vio-
8 lence, dating violence, sexual as-
9 sault, sexual harassment, and
10 stalking on the victim’s edu-
11 cation, including diminished
12 grades, dropped classes, leaves of
13 absence, and negative financial
14 consequences (such as costs asso-
15 ciated with loss in paid tuition
16 due to leaves of absence, loss in
17 scholarship awards due to dimin-
18 ished grades, and cost associated
19 with counseling, medical services,
20 or housing changes).

21 “(ii) Questions to determine
22 the impact and effectiveness of
23 prevention and awareness pro-
24 grams and complaints processes.

1 “(jj) Questions to determine
2 attitudes toward sexual violence
3 and harassment, including the
4 willingness of individuals to inter-
5 vene as a bystander of sex-based
6 (including sexual orientation-
7 based and gender identity-based),
8 race-based, national origin-based,
9 and disability-based discrimina-
10 tion, harassment, assault, domes-
11 tic violence, dating violence, sex-
12 ual assault, sexual harassment,
13 and stalking.

14 “(kk) Other questions, as
15 determined by the Secretary.

16 “(iii) ADDITIONAL ELEMENTS.—In
17 addition to the standardized questions de-
18 veloped by the Secretary under clause (ii),
19 an institution may request additional infor-
20 mation from students that would increase
21 the understanding of the institution of
22 school climate factors unique to their cam-
23 puses.

1 “(iv) RESPONSES.—The responses to
2 the survey questions described in clause
3 (ii) shall—

4 “(I) be submitted confidentially;

5 “(II) not be included in crime
6 statistics; and

7 “(III) in the case of such re-
8 sponses being included in a report,
9 shall not include personally identifi-
10 able information.

11 “(D) ADMINISTRATION OF SURVEY.—

12 “(i) FEDERAL ADMINISTRATION.—
13 The Secretary, in consultation with the At-
14 torney General, Director of the Centers for
15 Disease Control, and Secretary of the De-
16 partment of Health and Human Services,
17 shall develop a mechanism by which insti-
18 tutions of higher education may, with re-
19 spect to the survey tool developed pursuant
20 to this paragraph—

21 “(I) administer such survey tool;

22 and

23 “(II) modify such survey tool to
24 include additional elements or require-

1 ments, as determined by the institu-
2 tion.

3 “(ii) COSTS.—The Secretary may not
4 require an institution of higher education
5 to pay to modify the survey tool in accord-
6 ance with clause (ii)(II).

7 “(iii) ACCESSIBILITY.—The Secretary
8 shall ensure that the survey tool is admin-
9 istered in such a way as to be readily ac-
10 cessible to and usable by individuals with
11 disabilities.

12 “(iv) INSTITUTIONAL ADMINISTRA-
13 TION.—Beginning not later than one year
14 after the date on which the Secretary
15 makes available to institutions the mecha-
16 nism described in clause (i), and every 2
17 years thereafter, each institution shall ad-
18 minister the survey tool developed pursu-
19 ant to this paragraph.

20 “(E) COMPLETED SURVEYS.—The Sec-
21 retary shall require each institution partici-
22 pating in any program under this title to en-
23 sure, to the maximum extent practicable, that
24 an adequate, random, and representative sam-
25 ple size of students (as determined by the Sec-

retary) enrolled at the institution complete the survey tool developed pursuant to this paragraph.

“(F) REPORT.—Beginning not later than 2 years after the date of enactment of the College Affordability Act, the Secretary shall prepare a biennial report on the information gained from the standardized elements of the survey under this paragraph and publish such report in an accessible format on the website of the Department and submit such report to Congress. The report shall include campus-level data for each school and attributed by name of each campus in a manner that permits comparisons across schools and campuses.

“(G) PUBLICATION.—Each institution shall publish, in a manner that is readily accessible and usable by individuals, including individuals with disabilities—

“(i) the campus-level results of the standardized elements of the survey under this paragraph on the website of the institution and in the annual security report required under paragraph 1 for the campuses affiliated with the institution; and

1 “(ii) the campus-level results of the
 2 additional elements modifying the survey
 3 by the institution, if any, on the website of
 4 the institution.

5 “(H) VIOLATION.—Upon a determination
 6 pursuant to section 487(c)(3)(B) that an insti-
 7 tution of higher education has violated or failed
 8 to carry out any provision under this sub-
 9 section, the Secretary shall impose a civil pen-
 10 alty upon the institution in the same amount
 11 and pursuant to the same procedures as a civil
 12 penalty is imposed under section
 13 487(c)(3)(B).”.

14 **SEC. 4611. TRANSFER OF CREDIT POLICIES.**

15 Section 485(h)(1) of the Higher Education Act of
 16 1965 (20 U.S.C. 1092(h)(1)) is amended—

17 (1) in the matter preceding subparagraph (A)—

18 (A) by inserting “on the website of the in-
 19 stitution and in at least one other relevant pub-
 20 lication (such as a course catalogue)” after
 21 “publicly disclose”; and

22 (B) by inserting “, easy to find,” after
 23 “readable”; and

24 (2) in subparagraph (B), by striking the period
 25 at the end and inserting the following: “, including

1 a link to the website of each institution of higher
 2 education on such list and a link to or an expla-
 3 nation of the provisions of each such articulation
 4 agreement; and”;

5 (3) by adding at the end the following:

6 “(C) a list of transfer-related resources
 7 and information not otherwise provided under
 8 subparagraphs (A) and (B) that the institution
 9 provides (such as deadlines, financial aid infor-
 10 mation, and relevant staff contact informa-
 11 tion).”.

12 **SEC. 4612. AMENDMENTS TO INSTITUTIONAL AND FINAN-**
 13 **CIAL ASSISTANCE.**

14 (a) NOTICE TO STUDENTS CONCERNING DRUG VIO-
 15 LATIONS.—Subsection (k) of section 485 (20 U.S.C.
 16 1092) is repealed.

17 (b) LIAISON FOR HOMELESS INDIVIDUALS AND FOS-
 18 TER CARE YOUTH.—Section 485 of the Higher Education
 19 Act of 1965 (20 U.S.C. 1092) is amended by inserting
 20 after subsection (j) the following:

21 “(k) Each institution of higher education partici-
 22 pating in any program under this title shall—

23 “(1) have designated an appropriate staff per-
 24 son as a liaison to assist homeless individuals de-
 25 scribed in section 725 of the McKinney-Vento

1 Homeless Assistance Act (42 U.S.C. 11434a) and
2 foster care youth in accessing and completing post-
3 secondary education, including by ensuring that such
4 homeless individuals and foster care youth are con-
5 nected to applicable and available student support
6 services, programs, and community resources in
7 areas such as financial aid, academic advising, hous-
8 ing, food, public benefits, health care, health insur-
9 ance, mental health, child care, transportation bene-
10 fits, 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
18 housing facilities that remain open for occupation
19 during school breaks or on a year-round basis, to—

20 “(A) homeless individuals described in sec-
21 tion 725 of the McKinney-Vento Homeless As-
22 sistance Act (42 U.S.C. 11434a);

23 “(B) youth who are unaccompanied, at
24 risk of homelessness, and self-supporting; and

25 “(C) foster care youth;

1 “(4) have developed a plan for how such home-
2 less individuals, youth who are unaccompanied, at
3 risk of homelessness, and self-supporting, and foster
4 care youth can access housing resources during and
5 between academic terms, through means that may
6 include access to institutionally owned or operated
7 housing during breaks and a list of housing re-
8 sources in the community that provide short-term
9 housing; 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
24 prior to the beginning of the next academic
25 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.—

2 In the case of institutions not using the online
3 counseling tool described in subsection
4 (n)(1)(B), the Secretary shall require such in-
5 stitutions to carry out the requirements of sub-
6 paragraph (A) through the use of interactive
7 programs, during an annual counseling session
8 that is in-person or online, that tests the indi-
9 vidual’s understanding of the terms and condi-
10 tions of the loan awarded to the individual,
11 using simple and understandable language and
12 clear formatting.

13 “(2) ALL INDIVIDUALS.—The information to be
14 provided under paragraph (1)(A) to each individual
15 receiving counseling under this subsection shall in-
16 clude the following:

17 “(A) An explanation of how the individual
18 may budget for typical educational expenses
19 and a sample budget based on the cost of at-
20 tendance for the institution.

21 “(B) An explanation that an individual has
22 a right to annually request a disclosure of infor-
23 mation collected by a consumer reporting agen-
24 cy pursuant to section 612(a) of the Fair Credit
25 Reporting Act (15 U.S.C. 1681j(a)).

1 “(C) An introduction to the financial man-
2 agement resources provided by the Consumer
3 Financial Protection Bureau.

4 “(3) BORROWERS RECEIVING LOANS MADE
5 UNDER PART D (OTHER THAN PARENT PLUS
6 LOANS).—The information to be provided under
7 paragraph (1)(A) to a borrower of a loan made
8 under part D (other than a Federal Direct PLUS
9 Loan made on behalf of a dependent student) shall
10 include the following:

11 “(A) A notification that some students
12 may qualify for other financial aid and an ex-
13 planation that the borrower should consider ac-
14 cepting any grant, scholarship, or State or Fed-
15 eral work-study jobs for which the borrower is
16 eligible prior to accepting student loans.

17 “(B) To the extent practicable, the effect
18 of accepting the loan to be disbursed on the eli-
19 gibility of the borrower for other forms of stu-
20 dent financial assistance.

21 “(C) An explanation of the use of the stu-
22 dent loan contract referred to in section
23 432(m)(1)(D).

1 “(D) An explanation that the borrower is
2 not required to accept the full amount of the
3 loan offered to the borrower.

4 “(E) An explanation of the approved edu-
5 cational expenses for which the borrower may
6 use a loan made under part D.

7 “(F) A recommendation to the borrower to
8 exhaust the borrower’s Federal student loan op-
9 tions prior to taking out private education
10 loans, an explanation that Federal student
11 loans typically offer better terms and conditions
12 than private education loans, an explanation
13 that Federal student loans offer consumer pro-
14 tections typically not available in the private
15 education loan market, an explanation of treat-
16 ment of loans made under part D and private
17 education loans in bankruptcy, and an expla-
18 nation that if a borrower decides to take out a
19 private education loan—

20 “(i) the borrower has the ability to se-
21 lect a private educational lender of the bor-
22 rower’s choice;

23 “(ii) the proposed private education
24 loan may impact the borrower’s potential
25 eligibility for other financial assistance, in-

cluding Federal financial assistance under
this title; and

“(iii) the borrower has a right—

“(I) to accept the terms of the
private education loan within 30 cal-
endar days following the date on
which the application for such loan is
approved and the borrower receives
the required disclosure documents,
pursuant to section 128(e) of the
Truth in Lending Act (15 U.S.C.
1638(e)); and

“(II) to cancel such loan within 3
business days of the date on which the
loan is consummated, pursuant to sec-
tion 128(e)(7) of such Act (15 U.S.C.
1638(e)(7)).

“(G) The interest rate for the loan, as of
the date of the counseling.

“(H) Information on how interest accrues
and is capitalized during periods when the in-
terest is not paid by either the borrower or the
Secretary.

“(I) In the case of a Federal Direct PLUS
Loan or a Federal Direct Unsubsidized Staf-

1 ford Loan, the option of the borrower to pay
2 the interest while the borrower is in school.

3 “(J) The definition of half-time enrollment
4 at the institution, during regular terms and
5 summer school, if applicable, and the con-
6 sequences of not maintaining at least half-time
7 enrollment.

8 “(K) An explanation of the importance of
9 contacting the appropriate offices at the institu-
10 tion of higher education if the borrower with-
11 draws prior to completing the borrower’s pro-
12 gram of study so that the institution can pro-
13 vide exit counseling, including information re-
14 garding the borrower’s repayment options and
15 loan consolidation.

16 “(L) The obligation of the borrower to
17 repay the full amount of the loan, regardless of
18 whether the borrower completes or does not
19 complete the program in which the borrower is
20 enrolled within the regular time for program
21 completion.

22 “(M) The likely consequences of default on
23 the loan, including adverse credit reports, delin-
24 quent debt collection procedures under Federal
25 law, and litigation.

1 “(N) Notice of the institution’s most re-
2 cent adjusted cohort default rate (calculated in
3 accordance with section 435(m)(1)(D)), an ex-
4 planation of the adjusted cohort default rate,
5 the most recent national average adjusted co-
6 hort default rate, and the most recent national
7 average adjusted cohort default rate for the cat-
8 egory of institution described in section
9 435(m)(4) to which the institution belongs.

10 “(O) Information on the National Student
11 Loan Data System and how the borrower can
12 access the borrower’s records.

13 “(P) The contact information for the insti-
14 tution’s financial aid office or other appropriate
15 office at the institution the borrower may con-
16 tact if the borrower has any questions about the
17 borrower’s rights and responsibilities or the
18 terms and conditions of the loan.

19 “(Q) For a first-time borrower, in addition
20 to all the information described in subpara-
21 graphs (A) through (P)—

22 “(i) a statement of the anticipated
23 balance on the loan for which the borrower
24 is receiving counseling under this sub-
25 section;

1 “(ii) based on such anticipated bal-
2 ance, the anticipated monthly payment
3 amount under, at minimum—

4 “(I) the fixed repayment plan de-
5 scribed in section 493E; and

6 “(II) the income-based repay-
7 ment plan under section 493C(f), as
8 determined using regionally available
9 data from the Bureau of Labor Sta-
10 tistics of the average starting salary
11 for the occupation in which the bor-
12 rower has an interest in or intends to
13 be employed;

14 “(iii) an estimate of the projected
15 monthly payment amount under each re-
16 payment plan described in clause (ii),
17 based on the average cumulative indebted-
18 ness at graduation for borrowers of loans
19 made under part D who are in the same
20 program of study as the borrower and the
21 expected increase in the cost of attendance
22 of such program; and

23 “(iv) information on the annual and
24 aggregate loan limits for Federal Direct
25 Stafford Loans and Federal Direct Unsub-

1 sidized Stafford Loans as it pertains to the
2 loan for which the borrower is receiving
3 counseling, and a statement that such ag-
4 gregate borrowing limit may change based
5 on the borrower’s student status (whether
6 undergraduate or graduate) or if there is a
7 change in the borrower’s dependency sta-
8 tus.

9 “(R) For a borrower with an outstanding
10 balance of principal or interest due on a loan
11 made under this title, in addition to all the in-
12 formation described in subparagraphs (A)
13 through (P)—

14 “(i) information on each student loan
15 that the institution is aware that the stu-
16 dent has borrowed, including Federal
17 loans, private loans, and loans from the in-
18 stitution;

19 “(ii) the total amount of the out-
20 standing balance and interest accrued from
21 the Federal student loans described in
22 clause (i);

23 “(iii) for each Federal loan described
24 in clause (i), the interest rate for the loan,
25 as of the date of the counseling, and a

1 statement that the interest rate on student
2 loans may vary based on when the loan
3 was borrowed and other factors;

4 “(iv) based on such outstanding bal-
5 ance for the Federal student loans, the an-
6 ticipated monthly payment amount under
7 the fixed repayment plan described in sec-
8 tion 493E, the income-based repayment
9 plan under section 493C(f), and any other
10 repayment plan for which each loan may
11 be eligible, calculated using regionally
12 available data from the Bureau of Labor
13 Statistics of the average starting salary for
14 the occupation the borrower intends to be
15 employed;

16 “(v) an estimate of the projected
17 monthly payment amount under each re-
18 payment plan described in clause (iv),
19 based on—

20 “(I) the outstanding balance de-
21 scribed in clause (ii);

22 “(II) the anticipated outstanding
23 balance on the loan for which the stu-
24 dent is receiving counseling under this
25 subsection; and

1 “(III) a projection for any other
2 loans made under part D that the
3 borrower is reasonably expected to ac-
4 cept during the borrower’s program of
5 study based on at least the average
6 cumulative indebtedness at graduation
7 for borrowers of loans made under
8 part D who are in the same program
9 of study as the borrower and the ex-
10 pected increase in the cost of attend-
11 ance of such program;

12 “(vi) a statement that the outstanding
13 balance described in clause (ii), the interest
14 rate described in clause (iii), and the
15 monthly amount described in clause (iv)
16 and clause (v) does not include any
17 amounts that the student may be required
18 to repay for private or institutional loans;
19 and

20 “(vii) the percentage of the total ag-
21 gregate borrowing limit that the student
22 has reached, as of the date of the coun-
23 seling, for Federal Direct Stafford Loans
24 and Federal Direct Unsubsidized Stafford
25 Loans, and a statement that such aggre-

1 gate borrowing limit may change based on
2 the borrower's student status (whether un-
3 dergraduate or graduate) or if there is a
4 change in the borrower's dependency sta-
5 tus.

6 “(4) BORROWERS RECEIVING PARENT PLUS
7 LOANS FOR DEPENDENT STUDENTS.—The informa-
8 tion to be provided under paragraph (1)(A) to a bor-
9 rower of a Federal Direct PLUS Loan made on be-
10 half of a dependent student shall include the fol-
11 lowing:

12 “(A) A notification that some students
13 may qualify for other financial aid and an ex-
14 planation that the student for whom the bor-
15 rower is taking out the loan should consider ac-
16 cepting any grant, scholarship, or State or Fed-
17 eral work-study jobs for which the borrower is
18 eligible prior to borrowing Parent PLUS Loans.

19 “(B) The information described in sub-
20 paragraphs (B) through (D) and (L) through
21 (O) of paragraph (3).

22 “(C) The interest rate for the loan, as of
23 the 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 deferment.

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
13 which the borrower is receiving counseling
14 under this subsection, the contact information
15 for the loan servicer of the loan and a link to
16 such servicer’s Website.

17 “(H) For a first-time borrower of such
18 loan—

19 “(i) a statement of the anticipated
20 balance on the loan for which the borrower
21 is receiving counseling under this sub-
22 section;

23 “(ii) based on such anticipated bal-
24 ance, the anticipated monthly payment
25 amount under the fixed repayment plan

described in section 493E, the income-based repayment plan under section 493C(f), and any other repayment plan for which each loan may be eligible; and

“(iii) an estimate of the projected monthly payment amount under the fixed repayment plan described in section 493E, the income-based repayment plan under section 493C(f), and any other repayment plan for which each loan may be eligible, based on the average cumulative indebtedness of other borrowers of Federal Direct PLUS Loans made on behalf of dependent students who are in the same program of study as the student on whose behalf the borrower borrowed the loan and the expected increase in the cost of attendance of such program.

“(I) For a borrower with an outstanding balance of principal or interest due on such loan—

“(i) a statement of the amount of such outstanding balance;

“(ii) based on such outstanding balance, the anticipated monthly payment

1 amount under the fixed repayment plan
2 described in section 493E, the income-
3 based repayment plan under section
4 493C(f), and any other repayment plan for
5 which each loan may be eligible; and

6 “(iii) an estimate of the projected
7 monthly payment amount under the fixed
8 and income-based repayment plans, based
9 on—

10 “(I) the anticipated outstanding
11 balance on the loan for which the bor-
12 rower is receiving counseling under
13 this subsection; and

14 “(II) a projection for any other
15 Federal Direct PLUS Loan made on
16 behalf of the dependent student that
17 the borrower is reasonably expected to
18 accept during the program of study of
19 such student based on at least the av-
20 erage cumulative indebtedness of
21 other borrowers of Federal Direct
22 PLUS Loans made on behalf of de-
23 pendent students who are in the same
24 program of study as the student on
25 whose behalf the borrower borrowed

1 the loan and the expected increase in
2 the cost of attendance of such pro-
3 gram.

4 “(5) ANNUAL LOAN ACCEPTANCE.—Prior to
5 making the first disbursement of a loan made under
6 part D (other than a Federal Direct Consolidation
7 Loan or a loan made under section 460A and 460B)
8 to a borrower for an award year, an eligible institu-
9 tion, shall, as part of carrying out the counseling re-
10 quirements of this subsection for the loan, ensure
11 that after receiving the applicable counseling under
12 paragraphs (2), (3), and (4) for the loan the bor-
13 rower accepts the loan for such award year by—

14 “(A) signing and returning to the institu-
15 tion the student loan contract for the loan re-
16 ferred to in section 432(m)(1)(D) that affirma-
17 tively states that the borrower accepts the loan;
18 or

19 “(B) electronically signing an electronic
20 version of the student loan contract described in
21 subparagraph (A).”.

22 (d) ONLINE COUNSELING TOOLS.—Section 485 of
23 the Higher Education Act of 1965 (20 U.S.C. 1092), as
24 amended by this section, is further amended by adding
25 at the end the following:

1 “(n) ONLINE COUNSELING TOOLS.—

2 “(1) IN GENERAL.—Beginning not later than
3 18 months after the date of enactment of the Col-
4 lege Affordability Act, the Secretary shall main-
5 tain—

6 “(A) an online counseling tool that pro-
7 vides the exit counseling required under sub-
8 section (b) and meets the applicable require-
9 ments of this subsection; and

10 “(B) an online counseling tool that pro-
11 vides the annual counseling required under sub-
12 section (l) and meets the applicable require-
13 ments of this subsection.

14 “(2) REQUIREMENTS OF TOOLS.—In developing
15 and maintaining the online counseling tools de-
16 scribed in paragraph (1), the Secretary shall ensure
17 that each such tool is—

18 “(A) consumer tested, in consultation with
19 other relevant Federal agencies and including
20 students (low-income students and student vet-
21 erans, and students’ families) and borrowers,
22 institutions of higher education, secondary
23 school and postsecondary counselors, and non-
24 profit consumer groups, to ensure that the tool
25 is effective in helping individuals understand

1 their options, rights, and obligations with re-
2 spect to borrowing a loan made under part D;
3 and

4 “(B) freely available to all eligible institu-
5 tions.

6 “(3) RECORD OF COUNSELING COMPLETION.—

7 The Secretary shall—

8 “(A) use each online counseling tool de-
9 scribed in paragraph (1) to keep a record of
10 which individuals have received counseling using
11 the tool, and notify the applicable institutions
12 of the individual’s completion of such coun-
13 seling;

14 “(B) in the case of a borrower who re-
15 ceives annual counseling for a loan made under
16 part D using the tool described in paragraph
17 (1)(B), notify the borrower by when the bor-
18 rower should accept, in a manner described in
19 subsection (l)(5), the loan for which the bor-
20 rower has received such counseling; and

21 “(C) in the case of a borrower described in
22 subsection (b)(1)(B) at an institution that uses
23 the online counseling tool described in para-
24 graph (1)(A) of this subsection, the Secretary
25 shall attempt to provide the information de-

1 scribed in subsection (b)(1)(A) to the borrower
2 through such tool.”.

3 (e) DISCLOSURE OF RELIGIOUS EXEMPTIONS TO
4 TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—
5 Section 485 of the Higher Education Act of 1965 (20
6 U.S.C. 1092), as amended by this section, is further
7 amended by adding at the end the following:

8 “(o) DISCLOSURE OF RELIGIOUS EXEMPTIONS TO
9 TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—
10 Each institution of higher education participating in any
11 program under this title that requests, receives, or exer-
12 cises or intends to exercise a religious exemption to the
13 requirements of title IX of the Education Amendments of
14 1972 (20 U.S.C. 1681 et seq.) shall submit in writing to
15 the Assistant Secretary for Civil Rights a statement by
16 the highest ranking official of the institution, identifying
17 the provisions of part 106 of title 34 of the Code of Fed-
18 eral Regulations that conflict with a specific tenet of the
19 religious organization and shall publish on its website, in
20 a prominent location, the following:

21 “(1) REQUEST LETTER.—Each letter submitted
22 by the educational institution to the Department to
23 request such an exemption.

1 “(2) EXEMPTION LETTER.—Each letter from
2 the Department to the educational institution that
3 grants or denies such an exemption.

4 “(3) NOTICE OF REQUEST.—Notice that the
5 educational institution has requested an exemption
6 under section 901(a)(3) of the Education Amend-
7 ments of 1972 (20 U.S.C. 1681(a)(3)).

8 “(4) NOTICE OF EXEMPTION.—If applicable,
9 notice that the educational institution has received
10 an exemption under section 901(a)(3) of the Edu-
11 cation Amendments of 1972 (20 U.S.C. 1681(a)(3)).

12 “(5) COVERED PERSONAL CHARACTERISTICS OR
13 BEHAVIORS.—A list of the personal characteristics
14 or behaviors to which each requested or granted ex-
15 emption applies.

16 “(6) COVERED ACTIVITIES OR PROGRAMS.—A
17 list of the activities or programs to which each ex-
18 emption applies.

19 “(7) STATEMENT OF RIGHTS.—The statement
20 ‘Students continue to have rights under title IX of
21 the Education Amendments of 1972. Any student
22 who experiences discrimination may contact the Of-
23 fice for Civil Rights at the United States Depart-
24 ment of Education at _____ or _____.’,
25 with the first blank space being filled with a link to

1 the website of the Office for Civil Rights and the
2 second blank space being filled with the telephone
3 number of the Office for Civil Rights.”.

4 (f) EXPECTANT AND PARENTING STUDENTS POLI-
5 CIES.—Section 485 of the Higher Education Act of 1965
6 (20 U.S.C. 1092), as amended by this section, is further
7 amended by adding at the end the following:

8 “(p) EXPECTANT AND PARENTING STUDENTS POLI-
9 CIES.—Each institution of higher education participating
10 in any program under this title shall develop and make
11 available, including on the institution’s website, a state-
12 ment of policy concerning expectant and parenting stu-
13 dents, which shall include, at a minimum—

14 “(1) the institution’s policy regarding leaves of
15 absence related to pregnancy (and related medical
16 conditions), and the birth or adoption of a child,
17 which shall include—

18 “(A) any policies related to the availability
19 of parental leave;

20 “(B) options, including time requirements,
21 for making up missed work for students who
22 take a leave of absence; and

23 “(2) information regarding lactation accom-
24 modations available to students;

1 “(3) a description of the process for requesting
2 accommodations, and the type of accommodations
3 available to expectant and parenting students, in-
4 cluding—

5 “(A) information on accommodations for
6 pregnancy-related medical conditions; and

7 “(B) information on accommodations for
8 students who have parental responsibilities;

9 “(4) information regarding financial aid eligi-
10 bility for expectant and parenting students, includ-
11 ing—

12 “(A) the availability of dependent care al-
13 lowances for a parenting student for the pur-
14 poses of determining the student’s cost of at-
15 tendance;

16 “(B) the ability to change dependency sta-
17 tus, including during an award year, following
18 the birth of a child; and

19 “(C) an explanation of the effect that a
20 leave of absence may have on a student’s dem-
21 onstration of satisfactory academic progress, in-
22 cluding for the purposes of eligibility to partici-
23 pate in financial aid programs under this title;

24 “(5) information on available student support
25 services, programs, and community resources, such

1 as academic advising, child care (including child care
2 subsidy and assistance programs), housing (includ-
3 ing housing subsidies and utility assistance pro-
4 grams), food (including food assistance programs),
5 public benefits, health care, health insurance, mental
6 health, transportation benefits, mentoring, and other
7 services available for expectant and parenting stu-
8 dents, both on-campus and in the community, and
9 under local, State, and Federal law;

10 “(6) information regarding the availability of
11 on-campus housing that permits students to live
12 with dependents;

13 “(7) information on the rights and protections
14 that are guaranteed to expectant and parenting stu-
15 dents under applicable Federal and State laws;

16 “(8) the institution’s procedures for addressing
17 complaints under title IX of the Education Amend-
18 ments of 1972 (20 U.S.C. 1681 et seq.), including
19 procedures for reporting complaints under such title;

20 “(9) the institution’s procedures for addressing
21 complaints alleging discrimination based on a preg-
22 nancy-related disability under section 504 of the Re-
23 habilitation Act of 1973 (29 U.S.C. 701 et seq.) or
24 the Americans with Disabilities Act of 1990 (42

1 U.S.C. 12101 et seq.), including procedures for re-
 2 porting complaints under such laws; and

3 “(10) the contact information for the institu-
 4 tion’s Office of Accessibility, the institution’s Title
 5 IX coordinator, and any other relevant staff mem-
 6 bers who serve as a point of contact for, or offer
 7 services available to, expectant and parenting stu-
 8 dents.”.

9 **SEC. 4613. INFORMATION WITH RESPECT TO CRIME STATIS-**
 10 **TICS FOR PROGRAMS OF STUDY ABROAD.**

11 Part G of title IV of the Higher Education Act of
 12 1965 (20 U.S.C. 1088 et seq.), as amended by the pre-
 13 ceding sections, is further amended by inserting after sec-
 14 tion 485E (20 U.S.C. 1092f) the following:

15 **“SEC. 485F. INFORMATION WITH RESPECT TO CRIME STA-**
 16 **TISTICS FOR PROGRAMS OF STUDY ABROAD.**

17 “(a) IN GENERAL.—Each institution participating in
 18 any program under this title, other than a foreign institu-
 19 tion of higher education, shall develop and distribute a
 20 statement of policy with respect to students participating
 21 in a program of study abroad approved for credit by the
 22 institution concerning crime and harm that may occur
 23 while participating in such program of study abroad that,
 24 at a minimum, includes a biennial review by the institution

1 of the programs of study abroad approved for credit by
2 the institution to determine—

3 “(1) the effectiveness of the programs at pro-
4 tecting students from crime and harm, and whether
5 changes to the programs are needed (based on the
6 most recent guidance or other assistance from the
7 Secretary) and will be implemented;

8 “(2) for the 5 years preceding the date of the
9 report, the number (in the aggregate for all pro-
10 grams of study abroad approved for credit by the in-
11 stitution) of—

12 “(A) deaths of program participants occur-
13 ring during program participation or during
14 any other activities during the study abroad pe-
15 riod;

16 “(B) sexual assaults against program par-
17 ticipants occurring during program participa-
18 tion and reported to the institution;

19 “(C) accidents and illnesses occurring dur-
20 ing program participation that resulted in hos-
21 pitalization and were reported to the institution;
22 and

23 “(D) incidents involving program partici-
24 pants during the program participation that re-

1 sulted in police involvement or a police report
2 and were reported to the institution; and

3 “(3) with respect to the incidents described in
4 subparagraphs (A) and (B) of paragraph (2), wheth-
5 er the incidents occurred—

6 “(A) on campus;

7 “(B) in or on noncampus buildings or
8 property;

9 “(C) on public property;

10 “(D) in dormitories or other residential fa-
11 cilities for students on campus; or

12 “(E) at a location not described in items
13 (A) through (D) of this clause, without regard
14 to whether the institution owns or controls a
15 building or property at the location.

16 “(b) OTHER DUTIES.—An institution of higher edu-
17 cation described in subsection (a) shall—

18 “(1) provide each student who is interested in
19 participating in a program of study abroad approved
20 for credit by the institution, with an orientation ses-
21 sion and advising that includes—

22 “(A) a list of countries in which such pro-
23 grams of study abroad are located;

24 “(B) all current travel information, includ-
25 ing all travel warnings and travel alerts, issued

1 by the Bureau of Consular Affairs of the De-
2 partment of State for such countries; and

3 “(C) the information described in para-
4 graph (a), provided specifically for each pro-
5 gram of study abroad approved for credit by
6 the institution in which the student is consid-
7 ering participation; and

8 “(2) provide each student who returns from
9 such a program of study abroad with a post-trip de-
10 briefing session, including an exit interview that as-
11 sists the institution in carrying out subsection (a).

12 “(c) LIMITATIONS.—An institution of higher edu-
13 cation shall not disaggregate or otherwise distinguish in-
14 formation for purposes of subsection (a) or (b) in a case
15 in which the number of students in a category is insuffi-
16 cient to yield statistically reliable information or the re-
17 sults would reveal personally identifiable information
18 about an individual student.

19 “(d) REVIEW.—The Secretary shall periodically re-
20 view a representative sample of the policies described in
21 subsection (a) that have been adopted by institutions of
22 higher education.

23 “(e) DEFINITION.—For the purpose of this section,
24 the definitions for ‘campus’, ‘noncampus building or prop-

erty’, and ‘public property’ shall have the same meaning as in section 485(f)(6).”.

SEC. 4614. REMEDIAL EDUCATION GRANTS.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended by the preceding sections, is further amended by inserting after section 486A (20 U.S.C. 1093a) the following:

“SEC. 486B. REMEDIAL EDUCATION GRANTS.

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—From the funds appropriated under subsection (k) (and not reserved under subsection (c)(4)), the Secretary, in consultation with the Director of the Institute of Education Sciences, shall award grants, on a competitive basis, to eligible entities to improve remedial education in higher education.

“(2) DURATION.—A grant under this section shall be awarded for a period of 5 years.

“(3) MINIMUM AWARDS.—The total amount of funds provided under each grant awarded under this section shall not be less than \$500,000.

“(b) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and

1 accompanied by such information as the Secretary may
2 require, which shall include the following:

3 “(1) A description of how the eligible entity will
4 use the grant funds to develop or improve a remedial
5 education program that includes evidence-based, ef-
6 fective strategies for providing instruction to ensure
7 that students are prepared for courses at the post-
8 secondary level.

9 “(2) An assurance that the eligible entity will
10 use more than two measures (such as a student’s
11 college entrance examination score, grade point aver-
12 age, high school course list, or a placement examina-
13 tion) to identify students in need of remedial edu-
14 cation who may be eligible to participate in the re-
15 medial education program developed or improved
16 under the grant.

17 “(3) A description of how the eligible entity, in
18 developing or improving such a program, will consult
19 with stakeholders, including individuals with exper-
20 tise in remedial education, students enrolled in reme-
21 dial education, and faculty instructors for remedial
22 education.

23 “(4) The eligible entity’s plan for sustaining the
24 program after the grant period has ended.

1 “(5) The eligible entity’s plan for monitoring
2 and evaluating the program, including how the eligi-
3 ble entity will use the data collected under sub-
4 section (h) to continually update and improve the
5 program.

6 “(c) CONSULTATION AND INDEPENDENT EVALUA-
7 TION.—

8 “(1) IN GENERAL.—Before selecting eligible en-
9 tities to receive grants under this section for a fiscal
10 year, the Secretary shall—

11 “(A) ensure that the consultation required
12 under paragraph (3) is carried out; and

13 “(B) consider the results of the consulta-
14 tion in selecting eligible entities to receive such
15 grants.

16 “(2) CONTRACT AUTHORITY.—The Secretary,
17 acting through the Director, shall seek to enter into
18 a contract with an independent evaluator under
19 which the evaluator will provide the consultation and
20 evaluation required under paragraph (3).

21 “(3) CONSULTATION AND INDEPENDENT EVAL-
22 UATION REQUIRED.—The independent evaluator
23 shall carry out the following activities:

24 “(A) CONSULTATION.—For each fiscal
25 year of the grant program under this section,

1 the independent evaluator shall consult with,
2 and provide advice to, the Secretary regarding
3 which eligible entities should receive grants
4 under this section for such fiscal year.

5 “(B) EVALUATION.—Throughout the dura-
6 tion of the grant program under this section,
7 the independent evaluator shall independently
8 evaluate the impact of the remedial education
9 programs funded with the grants, which shall
10 include evaluation of—

11 “(i) the effectiveness of the remedial
12 education programs in increasing course
13 and degree completion at the postsec-
14 ondary level; and

15 “(ii) the outcomes of the remedial
16 education programs within and among
17 models of remedial education described in
18 subsection (d).

19 “(4) RESERVATION.—The Secretary may re-
20 serve not more than 15 percent of the funds appro-
21 priated under subsection (k) for a fiscal year to
22 carry out this subsection for such fiscal year.

23 “(d) USE OF FUNDS.—An eligible entity that receives
24 a grant under this section shall use the grant to develop

1 or improve a remedial education program through one or
2 more of the following models:

3 “(1) ALIGNING COURSE WORK.—Working with
4 a local educational agency or State educational agen-
5 cy that is part of the eligible entity to develop or im-
6 prove programs that provide alignment between high
7 school coursework and postsecondary education, and
8 that may include—

9 “(A) assessments in high school to meas-
10 ure student readiness for courses at the post-
11 secondary level; or

12 “(B) interventions in high school that im-
13 prove student competencies for courses at the
14 postsecondary level.

15 “(2) ACCELERATED COURSE WORK.—Rede-
16 signing or improving remedial education that—

17 “(A) allows students to enroll in more than
18 one sequential remedial education course or
19 training in a semester, or the equivalent;

20 “(B) condenses the time of the remedial
21 education; or

22 “(C) provides shortened, intensive courses
23 or training to improve competencies of students
24 for courses at the postsecondary level.

1 “(3) MODULAR INSTRUCTIONAL METHODS.—

2 Developing or improving remedial education that—

3 “(A) specifically targets the skills that stu-

4 dents need to move forward in courses at the

5 postsecondary level; and

6 “(B) may be used to develop new assess-

7 ments, redesign courses to provide targeted skill

8 instruction, or provide faculty professional de-

9 velopment.

10 “(4) CO-REQUISITE MODEL.—Developing or im-

11 proving remedial education programs that allow a

12 student to enroll in remedial education (which may

13 be provided through a modular instructional meth-

14 od) while also enrolled in a course at the postsec-

15 ondary level.

16 “(5) SYSTEMIC REFORM TO IMPLEMENT COM-

17 PREHENSIVE, INTEGRATED SUPPORT PROGRAMS.—

18 Implementing and improving comprehensive, inte-

19 grated, evidence-based support programs that—

20 “(A) enable students enrolled in remedial

21 education to complete a course of study leading

22 to a recognized educational credential within

23 150 percent of the normal time for completion;

24 and

1 “(B) may include financial supports, aca-
2 demic tutoring or support, and advising that
3 enable students to find success in remedial edu-
4 cation and courses at the postsecondary level.

5 “(e) CONSIDERATIONS.—In awarding grants under
6 this section, the Secretary, in consultation with the Direc-
7 tor, shall—

8 “(1) ensure—

9 “(A) a minimum of 30 eligible entities are
10 awarded grants for each 5-year grant period;

11 “(B) an equitable geographic distribution
12 of such grants, including an equitable distribu-
13 tion between urban and rural areas; and

14 “(C) that grants are used to develop or im-
15 prove remedial education programs—

16 “(i) under each model described in
17 subsection (d) to enable, to the extent
18 practicable, statistical comparisons of the
19 relative effectiveness of the models and the
20 programs within each model; and

21 “(ii) for a range of types and sizes of
22 institutions of higher education; and

23 “(2) give preference to eligible entities that pri-
24 marily serve low-income students.

25 “(f) FISCAL REQUIREMENTS.—

1 “(1) SUPPLEMENT NOT SUPPLANT.—A grant
2 awarded under this section shall be used to supple-
3 ment, not supplant, funds that would otherwise be
4 used to carry out the activities described in this sec-
5 tion.

6 “(2) MATCHING FUNDS.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), an eligible entity that receives a
9 grant under this section shall provide, from
10 non-Federal sources, an amount equal to 10
11 percent of the amount of the grant for the cost
12 of activities assisted under the grant.

13 “(B) EXCEPTIONS.—The requirements of
14 subparagraph (A) shall not apply to—

15 “(i) Tribal Colleges or Universities; or

16 “(ii) institutions of higher education
17 located in the Commonwealth of Puerto
18 Rico, Guam, American Samoa, the United
19 States Virgin Islands, the Commonwealth
20 of the Northern Mariana Islands, the Re-
21 public of the Marshall Islands, the Fed-
22 erated States of Micronesia, or the Repub-
23 lic of Palau.

24 “(g) EXPERIMENTAL AUTHORITY.—Notwithstanding
25 any other provision of this title, a student may be eligible

1 to receive loans or grants under this title for up to 2 aca-
2 demic years for enrollment in a remedial education pro-
3 gram under this section.

4 “(h) DATA COLLECTION, REPORTS, EVALUATIONS,
5 AND DISSEMINATION.—

6 “(1) INFORMATION.—

7 “(A) STUDENT-LEVEL DATA.—Each eligi-
8 ble entity that receives a grant under this sec-
9 tion shall provide to the Director and the Sec-
10 retary, on an annual basis for each year of the
11 grant period and for 5 years after such grant
12 period, the student-level data with respect to
13 the students who are or were enrolled in a re-
14 medial education program funded with the
15 grant. The Director and the Secretary shall
16 share such data with the independent evaluator
17 to enable the evaluator, for each such year, to
18 determine the information described in subpara-
19 graph (B) with respect to each such remedial
20 education program.

21 “(B) AGGREGATE STUDENT DATA.—The
22 independent evaluator shall determine, with re-
23 spect to each remedial education program for
24 which an eligible entity provides student-level

1 data under subparagraph (A), the following in-
2 formation:

3 “(i) The number of students who are
4 or were enrolled in such remedial education
5 program.

6 “(ii) The cost of such remedial edu-
7 cation program.

8 “(iii) The amount of grant or loan
9 funds under this title awarded to students
10 for enrollment in such remedial education
11 program.

12 “(iv) The type of remedial education
13 offered under the program.

14 “(v) The length of time students
15 spend in such remedial education program,
16 as measured by semester, trimester, or
17 clock hours.

18 “(vi) The number of students who
19 complete such remedial education program.

20 “(vii) Of the students who complete
21 such remedial education program—

22 “(I) the number and percentage
23 of such students who later enroll in
24 postsecondary-level courses at an in-
25 stitution of higher education;

1 “(II) the number and percentage
2 of such students who receive a recog-
3 nized educational credential from an
4 institution of higher education;

5 “(III) the average length of time
6 required for a student described in
7 subclause (II) to complete the course
8 of study leading to such credential;
9 and

10 “(IV) the number and percentage
11 of students described in subclause (II)
12 who complete the course of study
13 leading to such credential within 150
14 percent of the normal time for com-
15 pletion.

16 “(C) DISAGGREGATION.—The information
17 determined under subparagraph (B) shall be
18 disaggregated by race, gender, socioeconomic
19 status, Federal Pell Grant eligibility status, sta-
20 tus as a first generation college student, vet-
21 eran or active duty status, and disability status.

22 “(2) EVALUATION RESULTS.—Not later than
23 six years after the first grant is awarded under this
24 section, the Director, in consultation with the Sec-
25 retary and using the information determined under

1 paragraph (1), shall submit to the authorizing com-
2 mittees and make available on a publicly accessible
3 website, a report on the results of the multiyear, rig-
4 orous, and independent evaluation of the impact of
5 the remedial education programs carried out by the
6 independent evaluator. The report shall include the
7 results of such evaluation with respect to—

8 “(A) the effectiveness of the remedial edu-
9 cation programs in increasing course and de-
10 gree completion at the postsecondary level; and

11 “(B) the outcomes of the remedial edu-
12 cation programs within and among models of
13 remedial education described in subsection (d).

14 “(3) REPORTS AND DISSEMINATION.—

15 “(A) INITIAL REPORT.—Not later than one
16 year after the first grant is awarded under this
17 section, the Secretary, in consultation with the
18 independent evaluator, shall prepare and submit
19 to the authorizing committees a report on each
20 remedial education program funded under this
21 section.

22 “(B) SUBSEQUENT REPORT.—Not later
23 than five years after the last grant is awarded
24 under this section, the Secretary, in consulta-
25 tion with the independent evaluator, shall pre-

1 pare and submit to the authorizing committees
2 a report that includes—

3 “(i) a review of the activities and pro-
4 gram performance of each remedial edu-
5 cation program funded under this section;
6 and

7 “(ii) guidance and recommendations
8 on how successful remedial education pro-
9 grams (as determined, at a minimum, by
10 the number and percentage of remedial
11 education students who later complete a
12 course of study at an institution of higher
13 education within 150 percent of the normal
14 time for completion) can be replicated.

15 “(C) PUBLIC AVAILABILITY.—The reports
16 submitted under subparagraphs (A) and (B)
17 shall be made available on a publicly accessible
18 website of the Department of Education.

19 “(i) DATA PRIVACY.—

20 “(1) IN GENERAL.—It shall be unlawful for any
21 person who obtains or has access to personally iden-
22 tifiable information pursuant to this section to
23 knowingly disclose to any person (except as author-
24 ized in this section or any Federal law) such person-
25 ally identifiable information.

1 “(2) PENALTY.—Any person who violates para-
2 graph (1) shall be fined under title 18, United
3 States Code.

4 “(3) OFFICER OR EMPLOYEE OF THE UNITED
5 STATES.—If any officer or employee of the United
6 States violates paragraph (1), the officer or em-
7 ployee shall be dismissed from office or discharged
8 from employment upon conviction for the violation.

9 “(4) LAW ENFORCEMENT.—Personally identifi-
10 able information collected under this section shall
11 not be used for any law enforcement activity or any
12 other activity that would result in adverse action
13 against any student, including debt collection activ-
14 ity or enforcement of the immigration laws.

15 “(j) DEFINITIONS.—In this section:

16 “(1) DIRECTOR.—The term ‘Director’ means
17 the Director of the Institute of Education Sciences.

18 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) an institution of higher education; or

21 “(B) a partnership between an institution
22 of higher education and at least one of the fol-
23 lowing:

24 “(i) A local educational agency.

25 “(ii) A State educational agency.

1 “(3) FIRST GENERATION COLLEGE STUDENT.—

2 The term ‘first generation college student’ has the
3 meaning given that term in section 402A(h).

4 “(4) INDEPENDENT EVALUATOR.—The term

5 ‘independent evaluator’ means the independent eval-
6 uator with which the Secretary enters into a con-
7 tract under subsection (c)(2).

8 “(5) INSTITUTION OF HIGHER EDUCATION.—

9 The term ‘institution of higher education’ has the
10 meaning given that term in section 101.

11 “(6) REMEDIAL EDUCATION.—The term ‘reme-
12 dial education’—

13 “(A) means education (such as courses or
14 training) offered at an institution of higher
15 education that—

16 “(i) is below the postsecondary level;
17 and

18 “(ii) is determined by the institution
19 to be necessary to help students be pre-
20 pared for the pursuit of a first under-
21 graduate baccalaureate degree, associate’s
22 degree, or certificate or, in the case of
23 courses in English language instruction, to
24 be necessary to enable the student to uti-

1 lize already existing knowledge, training, or
2 skills; and

3 “(B) includes developmental education that
4 meets the requirements of subparagraph (A).

5 “(7) TRIBAL COLLEGE OR UNIVERSITY.—The
6 term ‘Tribal College or University’ has the meaning
7 given that term in section 316(b).

8 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$162,500,000 for fiscal year 2021 and each of the 5 suc-
11 ceeding fiscal years.”.

12 **SEC. 4615. COMPETENCY-BASED EDUCATION.**

13 (a) IN GENERAL.—Part G of title IV of the Higher
14 Education Act of 1965 (20 U.S.C. 1088 et seq.), as
15 amended by the preceding sections, is further amended by
16 inserting after section 486B (as added by section 4613
17 of this Act) the following:

18 **“SEC. 486C. COMPETENCY-BASED EDUCATION DEMONSTRA-**
19 **TION PROJECTS.**

20 “(a) DEMONSTRATION PROJECTS AUTHORIZED.—
21 The Secretary shall select, in accordance with subsection
22 (d), eligible entities to voluntarily carry out competency-
23 based education demonstration projects for a duration of
24 5 years and receive waivers or other flexibility described
25 in subsection (e) to carry out such projects.

1 “(b) APPLICATION.—

2 “(1) IN GENERAL.—Each eligible entity desir-
3 ing to carry out a demonstration project under this
4 section shall submit an application to the Secretary,
5 at such time and in such manner as the Secretary
6 may require.

7 “(2) OUTREACH.—

8 “(A) IN GENERAL.—The Secretary shall,
9 prior to any deadline to submit applications
10 under paragraph (1), conduct outreach to insti-
11 tutions, including those described in subpara-
12 graph (B), to provide those institutions with in-
13 formation on the opportunity to apply to carry
14 out a demonstration project under this section.

15 “(B) INSTITUTIONS.—The institutions de-
16 scribed in this subparagraph are the following:

17 “(i) Part B institutions (as defined in
18 section 322).

19 “(ii) Hispanic-serving institutions (as
20 defined in section 502).

21 “(iii) Tribal Colleges or Universities
22 (as defined in section 316).

23 “(iv) Alaska Native-serving institu-
24 tions (as defined in section 317(b)).

1 “(v) Native Hawaiian-serving institu-
2 tions (as defined in section 317(b)).

3 “(vi) Predominantly Black Institu-
4 tions (as defined in section 318).

5 “(vii) Asian American and Native
6 American Pacific Islander-serving institu-
7 tions (as defined in section 320(b)).

8 “(viii) Native American-serving, non-
9 tribal institutions (as defined in section
10 319).

11 “(ix) Institutions predominately serv-
12 ing adult learners.

13 “(x) Institutions serving students with
14 special needs.

15 “(xi) Institutions located in rural
16 areas.

17 “(3) AMENDMENTS.—

18 “(A) IN GENERAL.—An eligible entity that
19 has been selected to carry out a demonstration
20 project under this section may submit to the
21 Secretary amendments to the eligible entity’s
22 approved application under paragraph (1), at
23 such time and in such manner as the Secretary
24 may require, which the Secretary shall approve
25 or deny within 30 days of receipt.

1 “(B) EXPANDING ENROLLMENT.—Not-
2 withstanding the assurance required with re-
3 spect to maximum enrollment under paragraph
4 (4)(N)—

5 “(i) an eligible entity whose dem-
6 onstration project has been evaluated
7 under subsection (g)(2) not less than
8 twice, may submit to the Secretary an
9 amendment to the eligible entity’s applica-
10 tion under paragraph (1) to increase en-
11 rollment in the project to more than 3,000
12 students, but not more than 5,000 stu-
13 dents, and which shall specify—

14 “(I) the proposed maximum en-
15 rollment and annual enrollment
16 growth for the project;

17 “(II) how the eligible entity will
18 successfully carry out the project with
19 such maximum enrollment and enroll-
20 ment growth; and

21 “(III) any other amendments to
22 the eligible entity’s application under
23 paragraph (1) that are related to such
24 maximum enrollment or enrollment
25 growth; and

1 “(ii) the Secretary shall determine
2 whether to approve or deny an amendment
3 submitted under clause (i) for a dem-
4 onstration project based on the project’s
5 evaluations under subsection (g)(2).

6 “(4) CONTENTS.—Each application under para-
7 graph (1) shall include—

8 “(A) a description of each competency-
9 based education program to be offered by the
10 eligible entity under the demonstration project;

11 “(B) a description of the alignment of the
12 proposed competency-based education program
13 to the institution’s mission, and evidence of in-
14 stitutional commitment to such program;

15 “(C) a description of how each program
16 will work with employers and local industry to
17 assess and incorporate competencies that are
18 relevant in the labor market and how the pro-
19 gram aligns with employer needs;

20 “(D) a description of the proposed aca-
21 demic design, academic and support services,
22 delivery, business, and financial models for the
23 demonstration project, including explanations
24 and supporting documents, including financial
25 statements, and, any revenue-sharing agree-

1 ments with third-party servicers or online pro-
2 gram managers, of how each competency-based
3 education program offered under the dem-
4 onstration project will—

5 “(i) result in the achievement of com-
6 petencies;

7 “(ii) differ from standard credit hour
8 approaches, in whole or in part;

9 “(iii) result in lower costs of a certifi-
10 cate or degree; and

11 “(iv) result in shortened time to com-
12 pletion of a certificate or degree;

13 “(E) a description of how each com-
14 petency-based education program offered under
15 the demonstration project will award academic
16 credit to advance the progress of a student to-
17 ward completion of a certificate or degree that
18 is portable and used by in-demand employers
19 for making employment decisions;

20 “(F) a description of how each credit-bear-
21 ing competency-based education program of-
22 fered under the demonstration project is aligned
23 with a career pathway;

24 “(G) a description of the meaningful role
25 of the appropriate instructors of the eligible en-

1 tity in the development, design, implementation,
2 delivery, and evaluation of each such com-
3 petency-based education program;

4 “(H) a description of how each such com-
5 petency-based education program will provide
6 strong post-enrollment job placement, earnings,
7 and loan repayment outcomes;

8 “(I) a description of how the eligible entity
9 will facilitate transfer, postsecondary study, and
10 employer understanding by articulating a com-
11 petency-based transcript from a competency-
12 based education program offered under the
13 demonstration project to a credit hour tran-
14 script at another program at the eligible entity
15 and to other institutions of higher education;

16 “(J) a description of the statutory and reg-
17 ulatory requirements described in subsection (e)
18 for which the eligible entity is seeking a waiver
19 or other flexibility, and why such waiver or
20 flexibility is necessary to carry out the dem-
21 onstration project;

22 “(K) a description of indicators of a pro-
23 gram’s effectiveness to inform how a third
24 party will reliably assess student learning for

1 each competency-based education program of-
2 fered under the demonstration project;

3 “(L) a description of how the eligible enti-
4 ty will develop and evaluate the competencies
5 and assessments of student knowledge adminis-
6 tered as part of the demonstration project, in-
7 cluding whether there is a relationship between
8 the competency unit and a traditional credit or
9 clock hour, the average time it takes to earn a
10 competency, how such competencies and assess-
11 ments are aligned with workforce needs and any
12 other considerations the institution made when
13 it developed its unit of competency;

14 “(M) a description of the proposal for de-
15 termining a student’s Federal student aid eligi-
16 bility under this title for participating in the
17 demonstration project, the award and distribu-
18 tion of such aid, and the safeguards to ensure
19 that students are making satisfactory progress
20 that warrants the disbursement of such aid;

21 “(N) an assurance that the demonstration
22 project at each eligible entity—

23 “(i) will enroll a minimum of 25 stu-
24 dents and a maximum of 3,000 students
25 or, in the case of an eligible entity with an

1 application amendment approved under
2 paragraph (3)(B), the maximum enroll-
3 ment approved under such paragraph;

4 “(ii) will identify and disseminate best
5 practices with respect to the demonstration
6 project to the Secretary and to other eligi-
7 ble entities carrying out a demonstration
8 project under this section;

9 “(iii) operates under an agreement
10 with the accrediting agency or association
11 of the eligible entity to establish the stand-
12 ards described in subsection (c); and

13 “(iv) uses available funds solely for
14 purposes of awarding academic credit to el-
15 igible students based on the achievement of
16 competencies and for the related costs or
17 fees of demonstrating the achievement of
18 competencies;

19 “(O) a description of the population of stu-
20 dents to whom competency-based education
21 under the demonstration project will be offered,
22 including demographic information and prior
23 educational experience, disaggregated (as prac-
24 ticable) by students who are Federal Pell Grant
25 recipients, students of color, Native students,

1 students with disabilities, students who are vet-
2 erans or members of the Armed Forces, adult
3 learners, and first generation college students,
4 and how such eligible entity will, when appro-
5 priate, address the specific needs of each such
6 population of students when carrying out the
7 demonstration project;

8 “(P) a description of outreach and commu-
9 nication activities to students who may benefit
10 under the demonstration project, including
11 those described in subparagraph (O);

12 “(Q) a description of how the institution is
13 ensuring that students participating in the dem-
14 onstration project will not, on average, be eligi-
15 ble for more or less Federal assistance under
16 this title than such students would have been
17 eligible for under a program measured in credit
18 or clock hours;

19 “(R) the cost of attendance for each com-
20 petency-based education program offered under
21 the demonstration project, disaggregated by
22 each of the applicable costs or allowances de-
23 scribed in paragraphs (1) through (13) of sec-
24 tion 472, and the estimated amount of the cost
25 of attendance of each such program to be cov-

1 ered by need-based grant aid and merit-based
2 grant aid from Federal, State, institutional, and
3 private sources;

4 “(S) a description of other competency-
5 based education programs the eligible entity of-
6 fers or plans to offer outside of the demonstra-
7 tion project;

8 “(T) a description of how the eligible enti-
9 ty will use data to—

10 “(i) ensure that each competency-
11 based education program under the dem-
12 onstration project meets the benchmarks
13 established in accordance with subsection
14 (c)(2)(E);

15 “(ii) confirm relevancy of com-
16 petencies in the labor market; and

17 “(iii) improve each such program; and

18 “(U) other such elements as the Secretary
19 may require.

20 “(c) RECOGNITION BY ACCREDITING AGENCY OR AS-
21 SOCIATION.—Unless a program has already been recog-
22 nized as a direct assessment program by the accrediting
23 agency or association of the eligible entity, in order to
24 carry out a competency-based education program under
25 a demonstration project under this section, an eligible en-

1 tity shall include in its application under subsection (b),
2 a letter from the accrediting agency or association of the
3 eligible entity that describes how it will establish and en-
4 force the following standards with respect to such com-
5 petency-based education program:

6 “(1) Standards for determining whether the eli-
7 gible entity or the program requires students to
8 demonstrate competencies that are—

9 “(A) capable of being validly and reliably
10 assessed; and

11 “(B) appropriate in scope and rigor for the
12 award of the relevant certificate or degree.

13 “(2) Standards for determining whether the eli-
14 gible entity or the program demonstrate—

15 “(A) the administrative capacity and ex-
16 pertise that will ensure—

17 “(i) the validity and reliability of as-
18 sessments of competencies; and

19 “(ii) good practices in assessment and
20 measurement;

21 “(B) sufficient educational content, activi-
22 ties, and resources (including faculty sup-
23 port)—

1 “(i) to enable students to learn or de-
2 velop what is required to demonstrate or
3 attain mastery of competencies; and

4 “(ii) that are consistent with the
5 qualifications of graduates of traditional
6 programs;

7 “(C) that the quality of demonstration of
8 competence is judged at mastery for each com-
9 petency that is assessed for the award of a cer-
10 tificate or degree;

11 “(D) a standard for the amount of learn-
12 ing that is included in a unit of competency;

13 “(E) reasonable, clear, and actionable
14 benchmarks for graduation rates and the em-
15 ployment and earnings of graduates, including
16 job placements in a field for which the program
17 prepares students, debt-to-earnings ratios, loan
18 repayment rates, and student satisfaction;

19 “(F) regular evaluation of whether the pro-
20 gram meets the benchmarks under subpara-
21 graph (E), and address what may be the cause
22 with identified interventions; and

23 “(G) that students may not receive a sub-
24 sequent disbursement until they have completed

1 the anticipated number of credits for the pay-
2 ment period.

3 “(3) Standards for determining when to deny,
4 withdraw, suspend, or terminate the accreditation of
5 the program if the benchmarks under paragraph
6 (2)(E) are not achieved after 4 consecutive title IV
7 payment periods, including standards for providing
8 sufficient opportunity—

9 “(A) for the eligible entity or program to
10 provide a written response regarding the failure
11 to achieve such benchmarks be considered by
12 the agency or association in the manner de-
13 scribed in section 496(a)(6)(B); and

14 “(B) for the eligible entity or program to
15 appeal any adverse action under this subpara-
16 graph before an appeals panel that meets the
17 requirements of section 496(a)(6)(C).

18 “(d) SELECTION.—

19 “(1) IN GENERAL.—Not later than 12 months
20 after the date of enactment of the College Afford-
21 ability Act, the Secretary shall select not more than
22 100 eligible entities to carry out a demonstration
23 project under this section under which at least 1
24 competency-based education program is offered at
25 each eligible entity.

1 “(2) CONSIDERATIONS.—In selecting eligible
2 entities under paragraph (1), the Secretary shall—

3 “(A) consider the number and quality of
4 applications received;

5 “(B) consider an eligible entity’s—

6 “(i) ability to successfully execute the
7 demonstration project as described in the
8 eligible entity’s application under sub-
9 section (b);

10 “(ii) commitment and ability to effec-
11 tively finance the demonstration project;

12 “(iii) ability to provide administrative
13 capability and the expertise to evaluate
14 student progress based on measures other
15 than credit hours or clock hours;

16 “(iv) history of compliance with the
17 requirements of this Act;

18 “(v) commitment to work with the Di-
19 rector and the Secretary to evaluate the
20 demonstration project and the impact of
21 the demonstration project under subsection
22 (g)(2);

23 “(vi) commitment and ability to as-
24 sess student learning through a third
25 party;

1 “(vii) commitment of the accrediting
2 agency or association of the eligible entity
3 to establish and enforce the standards de-
4 scribed in subsection (c); and

5 “(viii) commitment to collaboration
6 with an employer advisory group or spe-
7 cific employers to determine how the dem-
8 onstration project will meet employer
9 needs;

10 “(C) ensure the selection of a diverse
11 group of eligible entities with respect to size,
12 mission, student population, and geographic
13 distribution;

14 “(D) not limit the types of programs of
15 study or courses of study approved for partici-
16 pation in a demonstration project; and

17 “(E) not select an eligible entity—

18 “(i) that, for one of the preceding 2
19 fiscal years—

20 “(I) had an adjusted cohort de-
21 fault rate (defined in section 435(m))
22 that is 20 percent or greater;

23 “(II) failed to meet the require-
24 ment under section 487(a)(24); or

25 “(III) was—

1 “(aa) under probation or an
2 equivalent status from the ac-
3 crediting agency or association of
4 the eligible entity;

5 “(bb) under sanction from
6 the authorization agency of the
7 State in which the eligible entity
8 is located; or

9 “(cc) under public investiga-
10 tion or facing a pending lawsuit
11 from a State or Federal agency;

12 “(ii) if the Department has concerns
13 with the entity’s compliance based on pro-
14 gram reviews or audits; or

15 “(iii) if the eligible entity fails to meet
16 the financial responsibility standards pre-
17 scribed by the Secretary in accordance
18 with section 498(c) or is placed on a reim-
19 bursement payment method by the Sec-
20 retary.

21 “(e) WAIVERS AND OTHER FLEXIBILITY.—

22 “(1) IN GENERAL.—With respect to any eligible
23 entity selected to carry out a demonstration project
24 under this section, the Secretary may—

“(A) waive any requirements of the provisions of law (including any regulations promulgated under such provisions) listed in paragraph (2) for which the eligible entity has provided a reason for waiving under subsection (b)(4)(J); or

“(B) provide other flexibility, but not waive, any requirements of the provisions of law (including any regulations promulgated under such provisions) listed in paragraph (3) for which the eligible entity has provided a reason with which the Secretary agrees for such flexibility under subsection (b)(4)(J).

“(2) PROVISIONS ELIGIBLE FOR WAIVERS.—

The Secretary may waive the following under paragraph (1)(A):

“(A) Subparagraphs (A) and (B) of section 102(a)(3).

“(B) Section 484(l)(1).

“(3) PROVISIONS ELIGIBLE FOR FLEXI-

BILITY.—The Secretary may provide the flexibility described in paragraph (1)(B) with respect to the requirements under provisions in title I, part F of this title, or this part, that inhibit the operation of a

1 competency-based education program, relating to the
2 following:

3 “(A) Documenting attendance.

4 “(B) Weekly academic activity.

5 “(C) Minimum weeks of instructional time.

6 “(D) Requirements for credit hour or clock
7 hour equivalencies if an institution proposes a
8 measure clearly defined in its application that
9 accounts for the academic intensity of study.

10 “(E) Requirements for regular and sub-
11 stantive interaction with the instructor.

12 “(F) Definitions of the terms ‘academic
13 year’, ‘full-time student’, ‘part-time student’,
14 ‘term’ (including ‘standard term’, ‘non-term’,
15 and ‘non-standard term’), ‘satisfactory aca-
16 demic progress’, ‘educational activity’, ‘program
17 of study’, and ‘payment period’.

18 “(G) Methods of disbursing student finan-
19 cial aid by institutions of higher education se-
20 lected, as of the date of enactment of the Col-
21 lege Affordability Act, as experimental sites
22 under section 487A to carry out competency-
23 based education programs.

1 “(H) Restrictions regarding concurrent
2 student enrollment in Direct Assessment and
3 non-Direct Assessment programs.

4 “(4) MEASUREMENT OF ACTIVITY OR ACADEMIC
5 WORK.—An institution granted flexibility under
6 paragraph (3) related to requirements for credit
7 hour or clock hour equivalencies shall include a
8 measurement of activity or academic ‘work’ by stu-
9 dents as considered comparable to the standard
10 practice for measuring credit or clock hours for
11 these areas.

12 “(f) NOTIFICATION.—Not later than 9 months after
13 the date of enactment of the College Affordability Act, the
14 Secretary shall make available to the authorizing commit-
15 tees and the public a list of eligible entities selected to
16 carry out a demonstration project under this section,
17 which shall include for each such eligible entity—

18 “(1) the specific waiver or other flexibility from
19 statutory or regulatory requirements offered under
20 subsection (e); and

21 “(2) a description of the competency-based edu-
22 cation programs, and its associated accreditation
23 standards, to be offered under the project.

24 “(g) INFORMATION AND EVALUATION.—

25 “(1) INFORMATION.—

1 “(A) STUDENT-LEVEL DATA.—Each eligi-
2 ble entity that carries out a demonstration
3 project under this section shall provide to the
4 Director the student-level data for the students
5 enrolled in a program described in subpara-
6 graph (C)(i)(I), the student-level data for the
7 students enrolled in a program described in
8 subparagraph (C)(i)(II), and the student-level
9 data for students enrolled in a program de-
10 scribed in subparagraph (C)(i)(III) to enable
11 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
19 purposes of the evaluation under paragraph (2),
20 the Director shall use the student-level data
21 provided under subparagraph (A) by an eligible
22 entity to determine the following information
23 with respect to each program described in sub-
24 paragraph (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 stu-
15 dent 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
14 it takes students to pass all assessments of
15 student knowledge during the period of en-
16 rollment 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
20 the period of enrollment in the program.

21 “(xii) The percentage of summative
22 assessments of student competence that
23 students passed on the second attempt and
24 the average period of time between the

1 first and second attempts during the pe-
2 riod of enrollment 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 stu-
7 dent 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
13 of such students finding employment in a
14 field related to the program.

15 “(xv) Student job placement rates 1,
16 2, and 3 years after graduating from the
17 program, 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
13 each competency-based education pro-
14 gram not being carried out under the
15 project, if the eligible entity has a
16 competency-based education program
17 not being carried out under the
18 project; and

19 “(III) the students enrolled in a
20 program not described in subclause
21 (I) or (II).

22 “(ii) For each group of students de-
23 scribed in clause (i), disaggregation by
24 prior postsecondary experience, age group,
25 race, gender, disability status, students

1 who are Veterans or servicemembers, first
2 generation college students, full-time and
3 part-time enrollment, and status as a re-
4 cipient of a Federal Pell Grant.

5 “(D) COUNCIL.—The Director shall pro-
6 vide to the Competency-Based Education Coun-
7 cil any information described in subparagraph
8 (A) or (B) (other than personally identifiable
9 information) that may be necessary for the
10 Council to carry out its duties under section
11 4615(e) of the College Affordability Act.

12 “(2) EVALUATION.—

13 “(A) IN GENERAL.—The Director, in con-
14 sultation with the Secretary and using the in-
15 formation determined under paragraph (1),
16 shall annually evaluate each eligible entity car-
17 rying out a demonstration project under this
18 section. Each evaluation shall be disaggregated
19 in accordance with subparagraph (B) and in-
20 clude—

21 “(i) the extent to which the eligible
22 entity has met the elements of its applica-
23 tion under subsection (b)(4);

24 “(ii) whether the demonstration
25 project led to reduced cost, including as re-

1 flected by median debt levels, or time to
2 completion of a certificate or degree, and
3 the amount of cost or time reduced for
4 such completion;

5 “(iii) obstacles related to student fi-
6 nancial assistance for competency-based
7 education;

8 “(iv) the extent to which statutory or
9 regulatory requirements not waived or for
10 which flexibility is not provided under sub-
11 section (e) presented difficulties or unin-
12 tended consequences for students or eligi-
13 ble entities;

14 “(v) a description of the waivers or
15 flexibility provided under subsection (e)
16 that were most beneficial to students or el-
17 igible entities, and an explanation of such
18 benefits;

19 “(vi) the percentage of students who
20 received each of the following—

21 “(I) a grant under this title;

22 “(II) a loan under this title;

23 “(III) a State grant;

24 “(IV) a State loan;

25 “(V) an institutional grant;

1 “(VI) an institutional loan;

2 “(VII) a private loan; and

3 “(VIII) an employer grant or
4 subsidy;

5 “(vii) median annual total cost and
6 net cost to the student of the program;

7 “(viii) median total cost and net cost
8 of the credential and associated examina-
9 tion or licensure calculated upon comple-
10 tion;

11 “(ix) median outstanding balance of
12 principal and interest on loans made under
13 this title that students have upon gradua-
14 tion;

15 “(x) the median 3-year adjusted co-
16 hort default rate as defined under section
17 435(m);

18 “(xi) the median 1-year and 3-year re-
19 payment rate of loans made under this
20 title;

21 “(xii) the median student earnings 1,
22 3, and 4 years after graduation;

23 “(xiii) a description of the curricular
24 infrastructure, including assessments of

1 student knowledge and the corresponding
2 competencies;

3 “(xiv) a description of the role of fac-
4 ulty and faculty involvement; and

5 “(xv) outcomes of the assessments of
6 student competency.

7 “(B) DISAGGREGATION.—The data col-
8 lected under clauses (vi) through (xii) shall be
9 disaggregated by each group of students de-
10 scribed in paragraph (1)(C).

11 “(3) ANNUAL REPORT.—The Director, in con-
12 sultation with the Secretary, shall annually provide
13 to the authorizing committees a report on—

14 “(A) the evaluations required under para-
15 graph (2);

16 “(B) the number and types of students re-
17 ceiving assistance under this title for com-
18 petency-based education programs offered
19 under projects under this section;

20 “(C) any proposed statutory or regulatory
21 changes designed to support and enhance the
22 expansion of competency-based education pro-
23 grams, which may be independent of or com-
24 bined with traditional credit hour or clock hour
25 projects;

1 “(D) the most effective means of delivering
2 competency-based education programs through
3 projects under this section; and

4 “(E) the appropriate level and distribution
5 methodology of Federal assistance under this
6 title for students enrolled in a competency-
7 based education program.

8 “(h) COORDINATION.—An eligible entity or the Di-
9 rector shall consult with the Secretary of Education or the
10 Secretary of the Treasury to obtain the employment, earn-
11 ings, and loan information that may be necessary for pur-
12 poses of subsection (c)(2)(F) or subsection (g), respec-
13 tively.

14 “(i) OVERSIGHT.—In carrying out this section, the
15 Secretary shall, at least twice annually—

16 “(1) assure compliance of eligible entities with
17 the requirements of this title (other than the provi-
18 sions of law and regulations that are waived under
19 subsection (e));

20 “(2) provide technical assistance;

21 “(3) monitor fluctuations in the student popu-
22 lation enrolled in the eligible entities carrying out
23 the demonstration projects under this section;

24 “(4) consult with appropriate accrediting agen-
25 cies or associations and appropriate State regulatory

1 authorities for additional ways of improving the de-
2 livery of competency-based education programs; and

3 “(5) collect and disseminate to eligible entities
4 carrying out a demonstration project under this sec-
5 tion, best practices with respect to such projects.

6 “(j) DATA PRIVACY.—

7 “(1) IN GENERAL.—It shall be unlawful for any
8 person who obtains or has access to personally iden-
9 tifiable information pursuant to this section to
10 knowingly disclose to any person (except as author-
11 ized in this section or any Federal law) such person-
12 ally identifiable information.

13 “(2) PENALTY.—Any person who violates para-
14 graph (1) shall be fined under title 18, United
15 States Code.

16 “(3) OFFICER OR EMPLOYEE OF THE UNITED
17 STATES.—If any officer or employee of the United
18 States violates paragraph (1), the officer or em-
19 ployee shall be dismissed from office or discharged
20 from employment upon conviction for the violation.

21 “(4) LAW ENFORCEMENT.—Personally identifi-
22 able information collected under this section shall
23 not be used for any law enforcement activity or any
24 other activity that would result in adverse action

1 against any student, including debt collection activ-
2 ity or enforcement of the immigration laws.

3 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$5,000,000 to the De-
5 partment to carry out the project under this section.

6 “(l) DEFINITIONS.—For the purpose of this section:

7 “(1) CAREER PATHWAY.—The term ‘career
8 pathway’ has the meaning given the term in section
9 3 of the Workforce Innovation and Opportunity Act
10 (29 U.S.C. 3102).

11 “(2) COMPETENCY.—The term ‘competency’
12 means the knowledge, skill, and abilities dem-
13 onstrated for a particular program of study.

14 “(3) COMPETENCY-BASED EDUCATION PRO-
15 GRAM.—The term ‘competency-based education pro-
16 gram’ means a postsecondary program that provides
17 competency-based education for which the accred-
18 iting agency or association of the institution of high-
19 er education offering such program has established
20 or will establish the standards described in sub-
21 section (c) and, in accordance with such standards—

22 “(A) measures academic progress and cre-
23 dential attainment by the assessment of student
24 learning in lieu of, or in addition to, credit or
25 clock hours;

1 “(B) measures and assesses such academic
2 progress and attainment in terms of a student’s
3 mastery of competencies by identifying what
4 students know and the skills mastered through
5 rigorous assessment;

6 “(C) determines and reports to the Sec-
7 retary the number of credit or clock hours that
8 would be needed for the attainment of a similar
9 level of knowledge, skills, and characteristics in
10 a standard credit or clock hour program;

11 “(D) provides the educational content, ac-
12 tivities, support, and resources necessary to en-
13 able students to develop and attain the com-
14 petencies that are required to demonstrate mas-
15 tery of such competencies, including a system
16 for monitoring a student’s engagement and
17 progress in each competency, in which faculty
18 are responsible for providing proactive academic
19 assistance, when needed, on the basis of such
20 monitoring;

21 “(E) upon a student’s demonstration or
22 mastery of a set of competencies identified and
23 required by the institution, leads to or results
24 in the awarding of a certificate or degree;

1 “(F) ensures that funds received under
2 this title may be used only for learning that re-
3 sults from instruction provided or overseen by
4 the institution and not for the portion of the
5 program of which the student has demonstrated
6 mastery prior to enrollment in the program or
7 tests of learning that are not associated with
8 educational activities overseen by the institu-
9 tion;

10 “(G) is organized in a manner that an in-
11 stitution can determine, based on the method of
12 measurement selected by the institution, and
13 approved by the accreditor as described in sub-
14 section (c), what constitutes a full-time, three-
15 quarter time, half-time, and less than half-time
16 workload for the purposes of awarding and ad-
17 ministering assistance under this title, or assist-
18 ance provided under another provision of Fed-
19 eral law to attend an institution of higher edu-
20 cation; and

21 “(H) may use a disaggregated faculty
22 model in which the educational responsibilities
23 for an academic course are divided among a
24 number of individuals, each performing specific
25 tasks essential to instruction, including cur-

1 riculum design, content delivery, and student
2 assessment.

3 “(4) DIRECTOR.—The term ‘Director’ means
4 the Director of the Institute of Education Sciences.

5 “(5) DUAL OR CONCURRENT ENROLLMENT
6 PROGRAM.—The term ‘dual or concurrent enrollment
7 program’ has the meaning given the term in section
8 8101 of the Elementary and Secondary Education
9 Act of 1965 (20 U.S.C. 7801).

10 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means an institution of higher education, which
12 may be an institution of higher education that offers
13 a dual or concurrent enrollment program.

14 “(7) FIRST GENERATION COLLEGE STUDENT.—
15 The term ‘first generation college student’ has the
16 meaning given the term in section 402A(h)(3).

17 “(8) INSTITUTION OF HIGHER EDUCATION.—
18 The term ‘institution of higher education’ has the
19 meaning given the term in section 102, except that
20 such term does not include institutions described in
21 section 102(a)(1)(C).”.

22 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion or the amendments made by this section shall be con-
24 strued to alter the authority of the Secretary of Education

1 to establish experimental sites under any other provision
2 of law.

3 **SEC. 4616. COMPETENCY-BASED EDUCATION COUNCIL.**

4 (a) ESTABLISHMENT OF A COMMITTEE ON COM-
5 PETENCY-BASED EDUCATION.—Not later than 6 months
6 after the date of enactment of this Act, there shall be es-
7 tablished the Competency-Based Education Council (re-
8 ferred to in this section as the “Council”).

9 (b) MEMBERSHIP.—

10 (1) COMPOSITION.—The Council shall be com-
11 posed of—

12 (A) 3 individuals appointed by the Sec-
13 retary of Education;

14 (B) 2 individuals appointed by the Director
15 of the Bureau of Consumer Financial Protec-
16 tion;

17 (C) not less than 8 and not more than 13
18 individuals appointed by the Comptroller Gen-
19 eral of the United States, representing—

20 (i) experts in competency-based edu-
21 cation;

22 (ii) faculty members in competency-
23 based education programs;

24 (iii) faculty members in non-com-
25 petency based education programs;

1 (iv) administrators at institutions that
2 offer competency-based education pro-
3 grams;

4 (v) individuals currently enrolled in or
5 graduated from a competency-based edu-
6 cation program;

7 (vi) accrediting agencies or associa-
8 tions that recognize competency-based edu-
9 cation programs;

10 (vii) experts from State educational
11 agencies; and

12 (viii) business and industry represent-
13 atives; and

14 (D) 4 members appointed by—

15 (i) the majority leader of the Senate;

16 (ii) the minority leader of the Senate;

17 (iii) the Speaker of the House of Rep-
18 resentatives; and

19 (iv) the minority leader of the House
20 of Representatives.

21 (2) CHAIRPERSON.—The Council shall select a
22 Chairperson from among its members.

23 (3) VACANCIES.—Any vacancy in the Council
24 shall not affect the powers of the Council and shall

1 be filled in the same manner as an initial appoint-
2 ment.

3 (c) MEETINGS.—The Council shall hold, at the call
4 of the Chairperson, not less than 6 meetings before com-
5 pleting the study required under subsection (e) and the
6 report required under subsection (f).

7 (d) PERSONNEL MATTERS.—

8 (1) COMPENSATION OF MEMBERS.—Each mem-
9 ber of the Council shall serve without compensation
10 in addition to any such compensation received for
11 the member's service as an officer or employee of the
12 United States, if applicable.

13 (2) TRAVEL EXPENSES.—The members of the
14 Council shall be allowed travel expenses, including
15 per diem in lieu of subsistence, at rates authorized
16 for employees of agencies under subchapter 1 of
17 chapter 57 of title 5, United States Code, while
18 away from their homes or regular places of business
19 in the performance of services for the Council.

20 (e) DUTIES OF THE COUNCIL.—

21 (1) STUDY.—The Council shall conduct a study
22 on the ongoing innovation and development of com-
23 petency-based education programs.

24 (2) RECOMMENDATIONS.—Based on the find-
25 ings of the study under paragraph (1), and the an-

1 nual evaluations of the demonstration projects under
2 section 486C of the Higher Education Act of 1965,
3 as added by section 4613 of this Act, the Council
4 shall develop recommendations for the authorization
5 of competency-based education under the Higher
6 Education Act of 1965, including recommendations
7 that—

8 (A) provide or update standard definitions,
9 if needed, for relevant terms, including—

10 (i) competency-based education;

11 (ii) competency-based education pro-
12 gram including quality indicators, that in-
13 clude appropriate student outcome metrics,
14 for such programs; and

15 (iii) any other relevant definitions
16 agreed upon; and

17 (B) address—

18 (i) the amount of learning in a com-
19 petency unit;

20 (ii) the transfer of competency-based
21 education credits to other institutions or
22 programs;

23 (iii) the minimum amount of time in
24 an academic year for competency-based

1 education programs, for financial aid pur-
2 poses;

3 (iv) considerations for accreditation
4 agencies before recognizing competency-
5 based education programs;

6 (v) address the role of faculty and fac-
7 ulty involvement in competency-based edu-
8 cation programs;

9 (vi) additional resources that may be
10 needed for adequate oversight of com-
11 petency-based education programs; and

12 (vii) the responsiveness of com-
13 petencies to the labor market and employ-
14 ers.

15 (f) REPORTS.—

16 (1) INTERIM REPORTS.—Not later than 2 years
17 after the date of enactment of this Act, and bienni-
18 ally thereafter until the final report is submitted
19 under paragraph (2), the Council shall prepare and
20 submit to the Secretary of Education and Congress,
21 and make available to the public, a report that pro-
22 vides ongoing feedback to the annual evaluations of
23 the demonstration projects under section 486C(g)(2)
24 of the Higher Education Act of 1965, as added by
25 section 4613 of this Act, including a discussion of

1 implementation challenges programs face, and the
2 items listed in subsection (e)(2)(B).

3 (2) FINAL REPORT.—Not later than 6 years
4 after the date of enactment of this Act, the Council
5 shall prepare and submit to the Secretary of Edu-
6 cation and Congress, and make available to the pub-
7 lic, a report containing the findings of the study
8 under subsection (e)(1) and the recommendations
9 developed under subsection (e)(2).

10 **SEC. 4617. WRITTEN ARRANGEMENTS TO PROVIDE EDU-**
11 **CATIONAL PROGRAMS.**

12 Part G of title IV of the Higher Education Act of
13 1965 (20 U.S.C. 1088 et seq.) is amended by inserting
14 after section 486C (as added by section 4614 of this Act)
15 the following:

16 **“SEC. 486D. WRITTEN ARRANGEMENTS TO PROVIDE EDU-**
17 **CATIONAL PROGRAMS.**

18 **“(a) WRITTEN ARRANGEMENTS BETWEEN ELIGIBLE**
19 **INSTITUTIONS.—**

20 **“(1) IN GENERAL.—**Except as provided in para-
21 graph (2), if an eligible institution enters into a
22 written arrangement with another eligible institu-
23 tion, or with a consortium of eligible institutions,
24 under which the other eligible institution or consor-
25 tium provides part of the educational program to

1 students enrolled in the first institution, the Sec-
2 retary shall consider that educational program to be
3 an eligible program if the educational program of-
4 fered by the institution that grants the degree or
5 certificate otherwise satisfies the requirements for
6 eligibility under this title.

7 “(2) COMMON OWNERSHIP OR CONTROL.—If
8 the written arrangement described in paragraph (1)
9 is between two or more eligible institutions that are
10 owned or controlled by the same individual, partner-
11 ship, or corporation, the Secretary shall consider the
12 educational program to be an eligible program if—

13 “(A) the educational program offered by
14 the institution that grants the degree or certifi-
15 cate otherwise satisfies the requirements for eli-
16 gibility under this title; and

17 “(B) the institution that grants the degree
18 or certificate provides more than 50 percent of
19 the educational program.

20 “(b) WRITTEN ARRANGEMENTS FOR STUDY-
21 ABROAD.—Under a study abroad program, if an eligible
22 institution enters into a written arrangement under which
23 an institution in another country, or an organization act-
24 ing on behalf of an institution in another country, provides
25 part of the educational program of students enrolled in

1 the eligible institution, the Secretary considers that edu-
2 cational program to be an eligible program if it otherwise
3 satisfies the requirements of paragraphs (1) through (3)
4 of subsection (c).

5 “(c) WRITTEN ARRANGEMENTS BETWEEN AN ELIGI-
6 BLE INSTITUTION AND AN INELIGIBLE INSTITUTION OR
7 ORGANIZATION.—If an eligible institution enters into a
8 written arrangement with an institution or organization
9 that is not an eligible institution under which the ineligible
10 institution or organization provides part of the educational
11 program of students enrolled in the eligible institution, the
12 Secretary shall consider that educational program to be
13 an eligible program if—

14 “(1) the ineligible institution or organization
15 has not—

16 “(A) had its eligibility to participate in the
17 programs under this title terminated by the
18 Secretary;

19 “(B) voluntarily withdrawn from participa-
20 tion programs under this title under a termi-
21 nation, show-cause, suspension, or similar type
22 proceeding initiated by the institution’s State li-
23 censing agency, accrediting agency, guarantor,
24 or by the Secretary;

1 “(C) had its certification to participate in
2 programs under this title revoked by the Sec-
3 retary;

4 “(D) had its application for re-certification
5 to participate in programs under this title de-
6 nied by the Secretary; or

7 “(E) had its application for certification to
8 participate in programs under this title denied
9 by the Secretary;

10 “(2) the ineligible institution or organization
11 does not have any role in the admission of students
12 into the educational program;

13 “(3) the educational program offered by the in-
14 stitution that grants the degree or certificate other-
15 wise satisfies the requirements for eligibility under
16 this title; and

17 “(4)(A) the ineligible institution or organization
18 provides 25 percent or less of the educational pro-
19 gram; or

20 “(B)(i) the ineligible institution or organization
21 provides more than 25 percent but less than 50 per-
22 cent of the educational program;

23 “(ii) the eligible institution and the ineligible in-
24 stitution or organization are not owned or controlled
25 by the same individual, partnership, or corporation;

1 “(iii) the eligible institution’s accrediting agen-
2 cy, or if the institution is a public postsecondary vo-
3 cational educational institution, the State agency de-
4 termined by the Secretary to be a reliable authority
5 as to the quality of public postsecondary vocational
6 education pursuant to section 487(c)(4), has specifi-
7 cally determined that the institution’s arrangement
8 meets the agency’s standards for the contracting out
9 of educational services; and

10 “(iv) the eligible institution provides to the Sec-
11 retary the institution’s expenditures on instruction,
12 student services, marketing, recruitment, adver-
13 tising, and lobbying made available under section
14 132(i)(1)(AA) with respect to the portion of the edu-
15 cational program covered by the written arrange-
16 ment.

17 “(d) ADMINISTRATION OF TITLE IV PROGRAMS.—

18 “(1) IN GENERAL.—If an institution enters into
19 a written arrangement as described in subsection
20 (a), subsection (b), or subsection (c), except as pro-
21 vided in paragraph (2), the institution at which the
22 student is enrolled as a regular student shall deter-
23 mine the student’s eligibility for funds under this
24 title, and shall calculate and disburse those funds to
25 that student.

1 “(2) SPECIAL RULE FOR ARRANGEMENTS BE-
2 TWEEN ELIGIBLE INSTITUTIONS.—In the case of a
3 written arrangement between eligible institutions,
4 the institutions may agree in writing to have any eli-
5 gible institution in the written arrangement calculate
6 and disburse funds under this title to the student
7 and the Secretary shall not consider that institution
8 to be a third party servicer for that arrangement.

9 “(3) CALCULATION AND DISBURSEMENT.—The
10 institution that calculates and disburses a student’s
11 funds under paragraph (1) or paragraph (2) must—

12 “(A) take into account all the hours in
13 which the student enrolls at each institution
14 that apply to the student’s degree or certificate
15 when determining the student’s enrollment sta-
16 tus and cost of attendance; and

17 “(B) maintain all records regarding the
18 student’s eligibility for and receipt of funds
19 under this title.

20 “(e) INFORMATION MADE AVAILABLE TO STU-
21 DENTS.—If an institution enters into a written arrange-
22 ment described in subsection (a), subsection (b), or sub-
23 section (c), the institution shall provide directly to enrolled
24 and prospective students, and make available on a publicly
25 accessible website of the institution, a description of writ-

1 ten arrangements the institution has entered into in ac-
2 cordance with this section, including information on—

3 “(1) the portion of the educational program
4 that the institution that grants the degree or certifi-
5 cate is not providing;

6 “(2) the name and location of the other institu-
7 tions or organizations that are providing the portion
8 of the educational program that the institution that
9 grants the degree or certificate is not providing;

10 “(3) the method of delivery of the portion of
11 the educational program that the institution that
12 grants the degree or certificate is not providing; and

13 “(4) estimated additional costs students may
14 incur as the result of enrolling in an educational
15 program that is provided, in part, under the written
16 arrangement.”.

17 **SEC. 4618. IMPROVEMENTS TO PROGRAM PARTICIPATION**
18 **AGREEMENTS.**

19 (a) ALCOHOL AND SUBSTANCE MISUSE PREVEN-
20 TION.—Section 487(a)(10) of the Higher Education Act
21 of 1965 (20 U.S.C. 1094(a)(10)) is amended by striking
22 “a drug abuse prevention program” and inserting “an al-
23 cohol and substance misuse prevention program in accord-
24 ance with section 120”.

1 (b) ADJUSTED COHORT DEFAULT RATE.—Section
2 487(a)(14) of the Higher Education Act of 1965 is
3 amended by adding at the end the following:

4 “(D) Beginning on the date on which the
5 final adjusted cohort default rates are published
6 by the Secretary for fiscal year 2018 under sec-
7 tion 435(m), subparagraph (C) shall be applied
8 by substituting ‘adjusted cohort default rate in
9 excess of 5 percent’ for ‘cohort default rate in
10 excess of 10 percent’ each place it appears.”.

11 (c) POSTSECONDARY DATA.—Paragraph (17) of sec-
12 tion 487(a) of the Higher Education Act of 1965 (20
13 U.S.C. 1094(a)) is amended to read as follows:

14 “(17) The institution of higher education (or
15 the assigned agent of such institution) shall collect
16 and submit data to the Commissioner for Education
17 Statistics in a timely manner in accordance with—

18 “(A) section 132(l);

19 “(B) nonstudent-related surveys within the
20 Integrated Postsecondary Education Data Sys-
21 tem (IPEDS); and

22 “(C) any other Federal postsecondary data
23 collection effort.”.

1 (d) ACCESS TO HOUSING FOR FOSTER YOUTH.—Sec-
2 tion 487(a)(19) of the Higher Education Act of 1965 (20
3 U.S.C. 1094(a)(19)) is amended—

4 (1) by striking “The institution will not” and
5 inserting the following: “The institution—

6 “(A) will not”;

7 (2) by inserting “housing facilities,” after “li-
8 braries,”;

9 (3) by striking “institution.” and inserting “in-
10 stitution; and”; and

11 (4) by adding at the end the following:

12 “(B) will provide a means for students to
13 access institutionally owned or operated housing
14 if a student is temporarily unable to meet fi-
15 nancial obligations related to housing, including
16 deposits, due to delayed disbursement of vouch-
17 ers for education and training made available
18 under section 477 of part E of title IV of the
19 Social Security Act or delays attributable to the
20 institution.”.

21 (e) DISTRIBUTION OF VOTER REGISTRATION
22 FORMS.—

23 Section 487(a)(23)(A) of the Higher Education
24 Act of 1965 (20 U.S.C. 1094(a)(23)(A)) is amended
25 by striking “, if located in a state to which section

1 (4)(b) of the National Voter Registration Act of
2 1993 (42 U.S.C. 1973gg-2(b)) does not apply.”.

3 (f) PROPRIETARY INSTITUTIONS.—Section
4 487(a)(24) of the Higher Education Act of 1965 (20
5 U.S.C. 1094(a)(24)) is amended by striking “not less than
6 ten percent of such institution’s revenues from sources
7 other than funds provided under this title” and inserting
8 “not less than 15 percent of such institution’s revenues
9 from sources other than Federal education assistance
10 funds”.

11 (g) WRITTEN ARRANGEMENTS WITH OTHER INSTI-
12 TUTIONS.—Section 487(a) of the Higher Education Act
13 of 1965 (20 U.S.C. 1094(a)) is amended by adding at the
14 end the following:

15 “(30) In the case of an institution that enters
16 into a written arrangement with an organization or
17 another institution to provide part of an educational
18 program, the institution will comply with the appli-
19 cable requirements of section 486D.”.

20 **SEC. 4619. COMPLIANCE WITH THE CIVIL RIGHTS ACT OF**
21 **1964.**

22 Section 487(a) of the Higher Education Act of 1965
23 (20 U.S.C. 1094(a)), as amended by the preceding sec-
24 tions, is further amended by adding at the end the fol-
25 lowing:

1 “(31) The institution will—

2 “(A) designate at least one employee to co-
3 ordinate compliance with title VI of the Civil
4 Rights Act of 1964 (42 U.S.C. 2000d et seq.),
5 including any investigation of any complaint al-
6 leging—

7 “(i) noncompliance with such title;
8 and

9 “(ii) any actions prohibited by such
10 title;

11 “(B) annually submit a report to the Sec-
12 retary that includes all complaints described in
13 subparagraph (A) with respect to such institu-
14 tion;

15 “(C) make the report under subparagraph
16 (B) publicly available on the internet website of
17 the institution; and

18 “(D) notify students and employees of—

19 “(i) the name, office address, and
20 telephone number of each employee des-
21 ignated under subparagraph (A);

22 “(ii) the report under subparagraph
23 (B);

24 “(iii) the enforcement policies of the
25 institution with respect to such title; and

1 “(iv) the procedure for reporting and
2 investigating complaints under such title.”.

3 **SEC. 4620. SUBMISSION OF DATA WITH RESPECT TO STU-**
4 **DENTS WITH DISABILITIES.**

5 Section 487(a) of the Higher Education Act of 1965
6 (20 U.S.C. 1094(a)), as amended by the preceding sec-
7 tions, is further amended by adding at the end the fol-
8 lowing:

9 “(32) The institution will submit, for inclusion
10 in the postsecondary student data system established
11 under section 132(l), the Integrated Postsecondary
12 Education Data System of the Department, or any
13 other Federal postsecondary institution data collec-
14 tion effort, key data related to undergraduate and
15 graduate students enrolled at the institution who are
16 formally registered as students with disabilities with
17 the institution’s office of accessibility, including the
18 total number of students with disabilities enrolled,
19 the number of students accessing or receiving ac-
20 commodation, the percentage of students with dis-
21 abilities of all undergraduate students, and the total
22 number of undergraduate certificates or degrees
23 awarded to students with disabilities. An institution
24 shall not be required to submit the information de-
25 scribed in the preceding sentence if the number of

1 such students would reveal personally identifiable in-
2 formation about an individual student.”.

3 **SEC. 4621. EDUCATION PROGRAM ON HAZING.**

4 (a) EDUCATIONAL PROGRAM ON HAZING.—Section
5 487(a) of the Higher Education Act of 1965 (20 U.S.C.
6 1094(a)), as amended by the preceding sections, is further
7 amended by adding at the end the following:

8 “(33) The institution will provide students with
9 an educational program on hazing (as that term is
10 defined in section 485(f)(6)(A)(vii)), which shall in-
11 clude information on hazing awareness, hazing pre-
12 vention, and the institution’s policies on hazing.”.

13 **SEC. 4622. CHANGES TO PROGRAM PARTICIPATION AGREE-**
14 **MENTS TO STRENGTHEN CONSUMER PRO-**
15 **TECTIONS.**

16 (a) PROHIBITION ON LOSS OF ACCESS TO TRAN-
17 SCRIPTS FOR LOAN DEFAULT.—Section 487(a) of the
18 Higher Education Act of 1965 (20 U.S.C. 1094(a)) is fur-
19 ther amended by adding at the end the following:

20 “(34)(A) The institution will not prohibit a stu-
21 dent from accessing the student’s transcripts, degree
22 scrolls, or other certifications of coursework or edu-
23 cational attainments at the institution because the
24 student is in default on the repayment of a loan
25 made, insured, or guaranteed under this title.

1 “(B) For purposes of this paragraph, the term
2 ‘student’ includes former students.”.

3 (b) PROHIBITION ON LIMITATIONS ON ABILITY OF
4 STUDENTS TO PURSUE CLAIMS AGAINST CERTAIN INSTI-
5 TUTIONS OF HIGHER EDUCATION.—Section 487(a) of the
6 Higher Education Act of 1965 (20 U.S.C. 1094(a)) is fur-
7 ther amended by adding at the end the following:

8 “(35) No agreement between the institution
9 and any student will contain any limitation or re-
10 striction (including a limitation or restriction on any
11 available choice of applicable law, a jury trial, or
12 venue) on the ability of the student to pursue a
13 claim, individually or with others, against an institu-
14 tion in court.”.

15 **SEC. 4623. MISREPRESENTATION AND SUBSTANTIAL MIS-**
16 **REPRESENTATION DEFINED.**

17 Section 487(c)(3) of the Higher Education Act of
18 1965 (20 U.S.C. 1094(c)(3)) is amended—

19 (1) in subparagraph (B)(i)(II), by striking
20 “\$25,000” and inserting “\$60,000”; and

21 (2) by adding at the end the following:

22 “(C) In this paragraph:

23 “(i) The term ‘misleading’ means having
24 the likelihood or tendency to mislead under the
25 circumstances.

1 “(ii) The term ‘misrepresentation’—

2 “(I) means any false, erroneous, or
3 misleading statement an institution, one of
4 its representatives, or a third-party
5 servicer (as defined in section 481(c))
6 makes directly or indirectly to a student,
7 prospective student or any member of the
8 public, or an accrediting agency, a State
9 agency, or to the Secretary; and

10 “(II) includes any statement that
11 omits information in such a way as to
12 make the statement false, erroneous, or
13 misleading.

14 “(iii) The term ‘statement’ means any
15 communication made in writing, visually, orally,
16 or through other means.

17 “(iv) The term ‘substantial misrepresenta-
18 tion’ means any misrepresentation on which the
19 person to whom such misrepresentation was
20 made could reasonably be expected to rely, or
21 has reasonably relied, to that person’s det-
22 riment.”.

1 **SEC. 4624. TEACH-OUT PLANS.**

2 Section 487(f)(2) of the Higher Education Act of
3 1965 (20 U.S.C. 1094(f)(2)) is amended to read as fol-
4 lows:

5 “(2) TEACH-OUT PLAN DEFINED.—In this sub-
6 section, the term ‘teach-out plan’ means a written
7 plan that provides for the equitable treatment of stu-
8 dents if an institution of higher education ceases to
9 operate before all students have completed their pro-
10 gram of study that—

11 “(A) shall include—

12 “(i) a process to maintain a complete
13 list of such students and the estimated
14 date of completion of each such student’s
15 program of study; and

16 “(ii) a record retention plan that in-
17 cludes—

18 “(I) a plan to provide each stu-
19 dent with the transcript of such stu-
20 dent, at no cost to such student; and

21 “(II) the policies and procedures
22 required under subparagraphs (B)
23 and (C) of section 495(a)(6).

24 “(B) may include—

25 “(i) if required by the institution’s ac-
26 crediting agency or association, an agree-

1 ment between institutions for such a teach-
2 out plan; and
3 “(ii) such other information as the
4 Secretary may require.”.

5 **SEC. 4625. EXPERIMENTAL PROGRAMS.**

6 Section 487A of the Higher Education Act of 1965
7 (20 U.S.C. 1094a) is amended to read as follows:

8 **“SEC. 487A. EXPERIMENTATION WITH STATUTORY AND**
9 **REGULATORY FLEXIBILITY.**

10 “(a) **EXPERIMENTAL SITES.**—The Secretary is au-
11 thorized to periodically select a limited number of institu-
12 tions for voluntary participation as experimental sites to
13 test the effectiveness of approaches to statutory and regu-
14 latory flexibility that—

15 “(1) to the extent appropriate, may lead to a
16 reduction of regulatory burden on institutions of
17 higher education or the Department of Education,
18 except that the Secretary shall not waive any re-
19 quirement of this title for any institution partici-
20 pating as an experimental site that would reduce the
21 protections or the information provided to a student
22 under this Act; and

23 “(2) aim to increase student success, as deter-
24 mined in accordance with subsection (g).

1 “(b) CONTINUING AND DISCONTINUING EXPERI-
2 MENTS AND EXPERIMENTAL SITES.—The Secretary may
3 continue any experiment or the voluntary participation of
4 any experimental site in existence as of the date of enact-
5 ment of the College Affordability Act, unless the Secretary
6 determines that such experiment or site has not been suc-
7 cessful in increasing student success as determined in ac-
8 cordance with subsection (g). Any experiment or experi-
9 mental site approved by the Secretary prior to the date
10 of enactment of the College Affordability Act that has not
11 been successful in increasing student success shall be dis-
12 continued before the first day of the first award year begin-
13 ning after such date.

14 “(c) WAIVERS.—The Secretary is authorized to
15 waive, for any institution participating as an experimental
16 site under subsection (a), any requirements in this title,
17 including requirements related to the award process and
18 disbursement of student financial aid (such as innovative
19 delivery systems for modular or compressed courses, or
20 other innovative systems), verification of student financial
21 aid application data, entrance and exit interviews, or other
22 management procedures or processes as determined in the
23 negotiated rulemaking process under section 492, or regu-
24 lations prescribed under this title, that will bias the results
25 of the experiment, except that the Secretary shall not

1 waive any provisions with respect to award rules (other
2 than an award rule related to an experiment in modular
3 or compressed schedules), grant and loan maximum award
4 amounts, and need analysis requirements unless the waiv-
5 er of such provisions is authorized by another provision
6 under this title.

7 “(d) EVALUATION PLAN REQUIRED.—Before noti-
8 fying institutions of the intent of the Secretary to carry
9 out an experiment under this section, the Secretary, in
10 consultation with the Director of the Institute of Edu-
11 cation Sciences, shall develop an evaluation plan for the
12 experiment. The evaluation plan shall include the fol-
13 lowing:

14 “(1) Identification of the methodology to be
15 used for collecting data on the experiment which
16 shall include, to the extent practicable, a method-
17 ology that allows for the disaggregation of data by
18 age, race, gender, disability status, status as a vet-
19 eran or member of the Armed Forces, status as a
20 first generation college student, and status as a re-
21 cipient of a Federal Pell Grant under section 401.

22 “(2) Identification of the rigorous evaluation
23 methods to be used for determining the impact of
24 the experiment, which shall include, to the extent
25 practicable—

1 “(A) a randomized controlled design; and

2 “(B) an assessment of whether the experi-
3 ment has a differential impact on any group de-
4 scribed in paragraph (1).

5 “(3) A schedule for conducting the experiment
6 in accordance with the duration limit specified in
7 subsection (f).

8 “(4) An estimate of the cost of conducting the
9 experiment, to the extent practicable.

10 “(5) An estimate of the size of the study sam-
11 ple (such as the number of participating students or
12 institutions) needed to determine if the experiment
13 has statistically significant effects.

14 “(e) LIMITATION PENDING NOTICE TO CONGRESS.—

15 “(1) LIMITATION.—The Secretary may not
16 carry out an experiment at an experimental site
17 under this section until a period of 60 days has
18 elapsed following the date on which the Secretary
19 submits to the authorizing committees the notice de-
20 scribed in paragraph (2).

21 “(2) NOTICE TO CONGRESS.—The notice de-
22 scribed in this paragraph is a written notice that in-
23 cludes—

1 “(A) a description of the experiment pro-
2 posed to be carried out by the Secretary, includ-
3 ing the rationale for the proposed experiment;

4 “(B) the policy-relevant questions the Sec-
5 retary intends to evaluate through the experi-
6 ment and an explanation of how the design of
7 the experiment will allow the Secretary to best
8 answer those questions;

9 “(C) a list of the specific statutory and
10 regulatory requirements that the Secretary in-
11 tends to waive with respect to an institution
12 participating as an experimental site and the
13 legal authority for such waivers;

14 “(D) an explanation of how the statutory
15 and regulatory flexibility provided to an institu-
16 tion participating as an experimental site is ex-
17 pected to increase student success, as required
18 under subsection (a); and

19 “(E) a copy of the evaluation plan devel-
20 oped under subsection (d).

21 “(f) DURATION.—

22 “(1) IN GENERAL.—Except as provided in para-
23 graph (2), the duration of an experiment under this
24 section shall not exceed a period of four years begin-
25 ning with the first award year for which Federal fi-

1 nancial aid is disbursed to students participating in
2 the experiment.

3 “(2) EXTENSION.—The Secretary may extend
4 an experiment for up to two years beyond the four-
5 year period specified in paragraph (1) on a case-by-
6 case basis.

7 “(g) DETERMINATION OF SUCCESS.—For the pur-
8 poses of subsection (a), the Secretary shall make a deter-
9 mination of success regarding an institution’s participa-
10 tion as an experimental site based on—

11 “(1) whether, and to what extent, student out-
12 comes improve as a direct result of the experiment;

13 “(2) whether the experimental site improves the
14 delivery of services to, or otherwise benefitted, stu-
15 dents; and

16 “(3) the extent to which the experiment reduces
17 administrative burdens on institutions participating
18 as experimental sites, as documented in the Sec-
19 retary’s annual report under subsection (h)(3), with-
20 out harming students.

21 “(h) OUTCOMES REPORTING.—

22 “(1) DATA SUBMISSION.—Each institution par-
23 ticipating as an experimental site shall submit to the
24 Secretary, on a periodic basis to be determined by

1 the Secretary, data on outcomes relating to the ex-
2 periment carried out at the site.

3 “(2) REVIEW AND EVALUATION.—

4 “(A) IN GENERAL.—Subject to subpara-
5 graph (B), the Secretary shall review and rigor-
6 ously evaluate the activities of each institution
7 participating as an experimental site.

8 “(B) EVALUATION METHODOLOGY.—To
9 the extent practicable, the evaluation under
10 subparagraph (A) shall be based on data col-
11 lected in accordance with the data collection
12 methodology specified in the evaluation plan for
13 the experiment under subsection (d)(1).

14 “(3) ANNUAL REPORT.—On an annual basis,
15 the Secretary shall submit to the authorizing com-
16 mittees a report based on the review and evaluation
17 carried out under paragraph (2). Each report shall
18 include, with respect to each experiment carried out
19 by the Secretary during the period covered by the
20 report, the following:

21 “(A) A summary of the status of the ex-
22 periment.

23 “(B) A list identifying each institution par-
24 ticipating as an experimental site.

1 “(C) The specific statutory or regulatory
2 waivers granted to each institution participating
3 as an experimental site.

4 “(D) In a case in which data on the exper-
5 iment is not collected in accordance with the
6 methodology specified in the evaluation plan
7 under subsection (d)(1)—

8 “(i) the reasons that such method-
9 ology was not used to collect data on the
10 experiment; and

11 “(ii) a description of the alternative
12 data collection methodology used for the
13 experiment.

14 “(E) An evaluation of the quality of data
15 yielded by the experiment.

16 “(F) A summary and analysis of the find-
17 ings, to date, of the experiment.

18 “(G) An assessment of whether the experi-
19 ment has had a differential impact on any
20 group listed in subsection (d)(1).

21 “(H) An explanation of any current or
22 foreseen barriers to conducting the experiment.

23 “(I) In the case of an experiment for which
24 the Secretary determines there is sufficient
25 value in continuing the experiment past the du-

1 ration limit specified in subsection (f)(1), ade-
2 quate documentation to justify such continu-
3 ation.

4 “(4) FINAL REPORT.—Not later than 180 days
5 after the conclusion of each experiment, the Sec-
6 retary shall submit to the authorizing committees a
7 report that includes the following:

8 “(A) A summary of the data yielded by the
9 experiment, including, to the extent practicable,
10 data on the results of the experiment
11 disaggregated by age, race, gender, disability
12 status, status as a veteran or member of the
13 Armed Forces, status as a first generation col-
14 lege student, and status as a recipient of a Fed-
15 eral Pell Grant under section 401.

16 “(B) The conclusions reached regarding
17 each experiment conducted.

18 “(C) Recommendations, based on the re-
19 sults of the experiment—

20 “(i) to improve and streamline rel-
21 evant statutes, including this Act; and

22 “(ii) for improvements to relevant reg-
23 ulations.

1 “(D) An explanation of any changes to
2 regulations that the Secretary intends to make
3 as a result of the experiment.

4 “(5) PUBLIC AVAILABILITY.—Each report sub-
5 mitted under paragraphs (3) and (4) shall be made
6 available on a publicly accessible website of the De-
7 partment of Education.

8 “(i) FAST-TRACK PROCESS TO COMPLY WITH IN-
9 FORMATION COLLECTION REQUIREMENTS.—The require-
10 ments of section 3507 of title 44, United States Code,
11 shall not apply to the collection of information by the De-
12 partment of Education on experiments carried out in ac-
13 cordance with this section.”.

14 **SEC. 4626. ADMINISTRATIVE EXPENSES.**

15 Section 489(a) of the Higher Education Act of 1965
16 (20 U.S.C. 1096(a)) is amended—

17 (1) in the second sentence, by striking “or
18 under part E of this title”; and

19 (2) in the third sentence—

20 (A) by inserting “and” after “subpart 3 of
21 part A,”; and

22 (B) by striking “compensation of stu-
23 dents,” and all that follows through the period
24 and inserting “compensation of students.”.

1 **SEC. 4627. REGIONAL MEETINGS AND NEGOTIATED RULE-**
2 **MAKING.**

3 Section 492 of the Higher Education Act (20 U.S.C.
4 1098a) is amended—

5 (1) in subsection (a)(1), by striking “students,
6 institutions of higher education, State student grant
7 agencies, guaranty agencies, lenders, secondary mar-
8 kets, loan servicers, guaranty agency servicers, and
9 collection agencies” and inserting “students and bor-
10 rowers, consumer representatives, institutions of
11 higher education, and contractors responsible for
12 carrying out student financial assistance programs
13 under this title”; and

14 (2) in subsection (b)—

15 (A) in paragraph (1), by striking “both
16 representatives of such groups from Wash-
17 ington, D.C., and industry participants” and in-
18 serting “representatives that are broadly rep-
19 resentative of constituencies in different sectors
20 and geographic locations”; and

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

22 “(3) NEGOTIATED RULEMAKING PROCESS.—In
23 carrying out a negotiated rulemaking process re-
24 quired under this section, the Secretary shall—

1 “(A) to the extent practicable, comply with
 2 requests from the participants in such nego-
 3 tiated rulemaking process for data;

4 “(B) make publicly available issue papers
 5 and the proposed regulations described in para-
 6 graph (1) in a timely manner that allows for
 7 public review;

8 “(C) make video recordings of each nego-
 9 tiated rulemaking session publicly available
 10 through simultaneous transmission;

11 “(D) archive the video recordings described
 12 in subparagraph (C) in a publicly available
 13 manner; and

14 “(E) make publicly available the tran-
 15 scripts of each such negotiated rulemaking ses-
 16 sion.”.

17 **SEC. 4628. INCOME-BASED REPAYMENT PLAN.**

18 (a) OPTIONS TO ENTER INTO THE NEW FIXED RE-
 19 PAYMENT PLAN AND INCOME-BASED REPAYMENT
 20 PLAN.—Section 493C(b) of the Higher Education Act of
 21 1965 (20 U.S.C. 1098e) is amended—

22 (1) in paragraph (7)(B)—

23 (A) by striking “or” at the end of clause
 24 (iv); and

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

1 “(vi) has made payments under the
2 income-based repayment plan under sec-
3 tion 493C(f); or

4 “(vii) has made payments under the
5 fixed repayment plan described in section
6 493E;”;

7 (2) by amending paragraph (8) to read as fol-
8 lows:

9 “(8) a borrower who is repaying a loan made
10 under part B or D pursuant to income-based repay-
11 ment may elect, at any time, to terminate repayment
12 pursuant to income-based repayment and repay such
13 loan under the income-based repayment plan under
14 section 493C(f) or the fixed repayment plan de-
15 scribed in section 493E;”;

16 (3) in paragraph (9), by striking the period at
17 the end and inserting “; and”; and

18 (4) by adding at the end the following:

19 “(10) a borrower who is repaying a loan made,
20 insured, or guaranteed under part B or D pursuant
21 to this section may repay such loan in full at any
22 time without penalty.”.

23 (b) AUTOMATIC RECERTIFICATION OF INCOME FOR
24 INCOME-DRIVEN REPAYMENT PLANS.—Section 493C(c)

1 of the Higher Education Act of 1965 (20 U.S.C. 1098e(c))
2 is amended—

3 (1) by striking “The Secretary shall establish”
4 and inserting the following:

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish”;

7 (2) by striking “The Secretary shall consider”
8 and inserting the following:

9 “(2) PROCEDURES FOR ELIGIBILITY.—The Sec-
10 retary shall—

11 “(A) consider”; and

12 (3) by striking “428C(b)(1)(E).” and inserting
13 the following: “428C(b)(1)(E); and

14 “(B) beginning as soon as the Secretary
15 determines practicable after the Secretary final-
16 izes the procedures required under section 9004
17 of the College Affordability Act, but not later
18 than 2 years after the date of enactment of
19 such Act, carry out, with respect to borrowers
20 of any covered loan (as defined in section
21 455(d)(10)), including such borrowers who se-
22 lect, or for whom the Secretary selects under
23 paragraph (8)(C) or (9)(C) of subsection (d), or
24 section 428(m)(1), the income-based repayment
25 plan under subsection (f), procedures for in-

1 come-based repayment plans under this section
2 that are equivalent to the procedures carried
3 out under section 455(e)(9) with respect to in-
4 come contingent repayment plans.”.

5 (c) INCOME-BASED REPAYMENT.—Section 493C of
6 the Higher Education Act of 1965 (20 U.S.C. 1098e) is
7 amended by adding at the end the following:

8 “(f) INCOME-BASED REPAYMENT FOR NEW LOANS
9 ON AND AFTER JULY 1, 2021, AND FOR BORROWERS
10 WHO ENTER INCOME-BASED REPAYMENT AFTER JUNE
11 30, 2021.—

12 “(1) IN GENERAL.—The income-based repay-
13 ment plan under this subsection shall be carried out
14 in accordance with this section, except as otherwise
15 specified in this subsection—

16 “(A) with respect to any loan made under
17 part D on or after July 1, 2021, if such bor-
18 rower elects such income-based repayment plan
19 for the loan; and

20 “(B) with respect to any loan made, in-
21 sured, or guaranteed under part B or D on or
22 before June 30, 2021, if such borrower elects to
23 repay the loan under such income-based repay-
24 ment plan on or after July 1, 2021.

1 “(2) SPECIAL TERMS.—Notwithstanding any
2 other provision of this section, with respect to a loan
3 described under paragraph (1), the following terms
4 shall apply to the income-based repayment plan
5 under this subsection:

6 “(A)(i) Notwithstanding subsection
7 (a)(3)(B), the repayment amount under this
8 subsection shall be an amount equal to 10 per-
9 cent of the result obtained by calculating, on at
10 least an annual basis, the amount by which the
11 adjusted gross income of the borrower (subject
12 to clause (ii)) exceeds the applicable percentage
13 of the poverty line in accordance with clause
14 (iii).

15 “(ii)(I) Subject to subclause (II), in the
16 case of a married borrower (regardless of tax
17 filing status), clause (i) shall be applied by sub-
18 stituting ‘the adjusted gross income of the bor-
19 rower and the borrower’s spouse’ for ‘the ad-
20 justed gross income of the borrower’.

21 “(II) Subclause (I) shall not be applicable
22 to any borrower who is married and who cer-
23 tifies to the Secretary through a form approved
24 by the Secretary that the borrower is—

1 “(aa) separated from the spouse of
2 the borrower; or

3 “(bb) unable to reasonably access the
4 income information the spouse of such bor-
5 rower.

6 “(iii) For purposes of clause (i), the term
7 ‘applicable percentage’ means 250 percent of
8 the poverty line applicable to the borrower’s
9 family size (as determined under section 673(2)
10 of the Community Services Block Grant Act
11 (42 U.S.C. 9902(2)))—

12 “(I) reduced by 10 percentage points
13 for each \$1,000 by which the borrower’s
14 adjusted gross income (in the case of a sin-
15 gle borrower) exceeds \$80,000; and

16 “(II) reduced by 10 percentage points
17 for each \$2,000 by which the borrower’s
18 adjusted gross income (in the case of a
19 married borrower (regardless of filing sta-
20 tus)), exceeds \$160,000.

21 “(B) Subsection (b)(7)(B) shall apply by
22 substituting ‘20 years’ for ‘25 years’.

23 “(C) A borrower of such a loan may elect,
24 and remain enrolled in, the income-based repay-
25 ment plan under this subsection regardless of—

1 “(i) whether such borrower has a par-
2 tial financial hardship; and

3 “(ii) the income level of the borrower.

4 “(D) Notwithstanding subparagraph (A) of
5 subsection (b)(6), a borrower’s monthly pay-
6 ment—

7 “(i) shall be equal to the repayment
8 amount determined under subparagraph
9 (A) divided by 12; and

10 “(ii) may exceed the monthly repay-
11 ment amount under a standard 10-year re-
12 payment plan or a fixed repayment plan
13 described in section 493E.

14 “(E) Subparagraph (B) of subsection
15 (b)(3) shall not apply.

16 “(F) Subsection (d) shall not apply.

17 “(G) In the case of a Federal Direct Con-
18 solidation Loan made on or after the date of
19 enactment of the College Affordability Act that
20 is being repaid under this subsection, any
21 monthly payment made pursuant to any repay-
22 ment plan listed in subsection (b)(7)(B) on a
23 loan for which the liability has been discharged
24 by the proceeds of such consolidation loan shall
25 be treated as a monthly payment under this

1 subsection on the portion of such consolidation
2 loan that is attributable to such discharged
3 loan, except that in the case of a subsequent
4 consolidation loan, for purposes of this clause—

5 “(i) any monthly payment made on
6 the first consolidation loan or any other
7 loan for which the liability has been dis-
8 charged by such subsequent consolidation
9 loan shall be applicable; and

10 “(ii) any monthly payment made on a
11 loan for which the liability has been dis-
12 charged by such first consolidation loan
13 shall not be applicable.

14 “(3) ADDITIONAL SPECIAL TERMS FOR CER-
15 TAIN BORROWERS.—A borrower described in para-
16 graph (1)(B)—

17 “(A) may—

18 “(i) choose to continue repayment
19 pursuant to the repayment plan in which
20 the borrower is enrolled on June 30, 2021;
21 or

22 “(ii) make a one-time election to—

23 “(I) terminate repayment pursu-
24 ant to the repayment plan described
25 in clause (i) and enter the income-

1 based repayment plan under this sub-
2 section; or

3 “(II) terminate repayment pursu-
4 ant to the repayment plan described
5 in clause (i) and enter a fixed repay-
6 ment plan described in section 493E;
7 and

8 “(B) who makes an election under sub-
9 paragraph (A)(ii), shall not repay a loan de-
10 scribed in paragraph (1)(B) under a repayment
11 plan that is not an income-based repayment
12 plan under this subsection or a fixed repayment
13 plan described in section 493E.

14 “(4) WRITTEN, ELECTRONIC, OR VERBAL EN-
15 ROLLMENT IN INCOME-BASED REPAYMENT.—

16 “(A) IN GENERAL.—The Secretary shall
17 develop and implement a process that is con-
18 sistent with any procedures (including
19 verification procedures) established under sub-
20 section (c), which enables a covered borrower of
21 a loan made under part D who desires to elect
22 to repay such loan under income-based repay-
23 ment under this subsection to make such elec-
24 tion through written, electronic, or verbal notice
25 to the Secretary.

1 “(B) COVERED BORROWER DEFINED.—In
2 this paragraph, the term ‘covered borrower’
3 means a borrower of a loan made under part D
4 who—

5 “(i) is enrolled in the fixed repayment
6 plan under section 493E; or

7 “(ii) has not yet selected a repayment
8 plan.

9 “(g) SPECIAL RULE FOR REFINANCED LOANS.—

10 “(1) REFINANCED FEDERAL DIRECT AND FFEL
11 LOANS.—In calculating the period of time during
12 which a borrower of a loan that is refinanced under
13 section 460A has made monthly payments for pur-
14 poses of subsection (b)(7), the Secretary shall in-
15 clude each month in which a monthly payment was
16 made for the original loan or the refinanced loan, if
17 such monthly payment otherwise meet the require-
18 ments of this section.

19 “(2) FEDERAL DIRECT REFINANCED PRIVATE
20 LOANS.—In calculating the period of time during
21 which a borrower of a Federal Direct Refinanced
22 Private Loan under section 460B has made monthly
23 payments for purposes of subsection (b)(7), the Sec-
24 retary shall include only payments—

1 “(A) that are made after the date of the
2 issuance of the Federal Direct Refinanced Pri-
3 vate Loan; and

4 “(B) that otherwise meet the requirements
5 of this section.”.

6 **SEC. 4629. FIXED REPAYMENT PLAN.**

7 Part G of title IV of the Higher Education Act of
8 1965 (20 U.S.C. 1088 et seq.) is further amended by add-
9 ing at the end the following:

10 **“SEC. 493E. FIXED REPAYMENT PLAN.**

11 “(a) IN GENERAL.—A borrower of a loan made under
12 this part on or after July 1, 2021, and a borrower who
13 is in repayment on a loan made, insured, or guaranteed
14 under part B or part D before July 1, 2021, may elect
15 to repay such loan under the fixed repayment plan de-
16 scribed in this section.

17 “(b) FIXED REPAYMENT PLAN.—Under the fixed re-
18 payment plan, a borrower whose total outstanding amount
19 of principal and interest on such a loan (as of the day
20 before entering repayment on such loan)—

21 “(1) is equal to or less than \$20,000, shall
22 repay such loan with a fixed monthly repayment
23 amount paid over a period of 10 years;

1 “(2) is more than \$20,000 and less than
2 \$30,000, shall repay such loan with a fixed monthly
3 repayment amount paid over a period of—

4 “(A) 15 years; or

5 “(B) the period described in paragraph
6 (1), if the borrower elects such period;

7 “(3) is equal to or greater than \$30,000, and
8 less 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 Col-
23 lege Affordability Act that is being repaid under this sec-
24 tion, any monthly payment made pursuant to any repay-
25 ment plan listed in section 493C(b)(7)(B) on a loan for

1 which the liability has been discharged by the proceeds
2 of such consolidation loan shall be treated as a monthly
3 payment under this section on the portion of such consoli-
4 dation loan that is attributable to such discharged loan,
5 except that in the case of a subsequent consolidation loan,
6 for purposes of 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. 4630. REQUIRING A COMMON MANUAL FOR LOAN**
15 **SERVICERS.**

16 Part G of title IV of the Higher Education Act of
17 1965 (20 U.S.C. 1088 et seq.), as amended by this part,
18 is further 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
23 Secretary shall develop a manual of common procedures
24 and policies for entities with which the Secretary enters
25 into contracts for the origination, servicing, and collection

1 of covered loans, to standardize procedures to ensure con-
 2 sistency of quality and practice across such entities, and
 3 a minimum standard of quality and practice, to ensure
 4 that borrowers, including individuals pursuing public serv-
 5 ice loan forgiveness under section 455(m) and teachers,
 6 are well served.

7 “(b) UPDATES.—The Secretary shall update the
 8 manual under subsection (a) as frequently as may be nec-
 9 essary, 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;
 15 and

16 “(3) loans referred, transferred, or assigned to
 17 the Secretary under part E.”.

18 **SEC. 4631. REMOVAL OF RECORD OF DEFAULT.**

19 Part G of title IV of the Higher Education Act of
 20 1965 (20 U.S.C. 1088 et seq.), as amended by the pre-
 21 ceding sections, is further amended by adding at the end
 22 the following:

23 **“SEC. 493G. REMOVAL OF RECORD OF DEFAULT.**

24 “Upon repaying in full the amount due on a defaulted
 25 loan made, insured, or guaranteed under this title, the

1 Secretary, guaranty agency, or other holder of the loan
 2 shall request any consumer reporting agency to which the
 3 Secretary, guaranty agency or holder, as applicable, re-
 4 ported the default of the loan, to remove any adverse item
 5 of information relating to a delinquent or defaulted loan
 6 made, insured, or guaranteed under this title from the bor-
 7 rower's credit history.”.

8 **SEC. 4632. AMENDMENTS TO TERMS AND CONDITIONS OF**
 9 **BORROWER DEFENSES.**

10 (a) IN GENERAL.—Part G of title IV of the Higher
 11 Education Act of 1965 (20 U.S.C. 1088 et seq.), as
 12 amended by the preceding sections, is further amended by
 13 adding at the end the following:

14 **“SEC. 493H. BORROWER DEFENSES.**

15 “(a) IN GENERAL.—Notwithstanding any other pro-
 16 vision of State or Federal law, a defense to repayment of
 17 a loan under this title includes—

18 “(1) a substantial misrepresentation;

19 “(2) an act or omission that would give rise to
 20 a cause of action against an institution of higher
 21 education under applicable State law, to the extent
 22 that such act or omission relates to—

23 “(A) a loan received by a borrower under
 24 this title; or

1 “(B) educational services for which such a
2 loan was received; or

3 “(3) such further acts or omissions that the
4 Secretary determines to be appropriate in accord-
5 ance with subsection (b).

6 “(b) REGULATIONS.—The Secretary shall specify in
7 regulations which further acts or omissions of an institu-
8 tion of higher education a borrower may assert as a de-
9 fense to repayment of a loan made under this title.

10 “(c) SECRETARIAL DETERMINATION.—

11 “(1) IN GENERAL.—The Secretary shall deter-
12 mine whether a borrower is entitled to relief under
13 this section based on all evidence available to the
14 Secretary.

15 “(2) EVIDENTIARY STANDARD.—A borrower
16 shall be entitled to relief under this section if a pre-
17 ponderance of the evidence available to the Secretary
18 demonstrates that the borrower is entitled to such
19 relief.

20 “(3) INDEPENDENT DETERMINATION.—A de-
21 termination under paragraph (1) shall be inde-
22 pendent of any action that the Secretary may take
23 to recoup funds from the institution of higher edu-
24 cation implicated by the borrower defense claim.

1 “(d) PROCEDURES FOR REVIEW AND RESOLUTION
2 OF CLAIMS.—

3 “(1) PROCEDURES REQUIRED.—The Secretary
4 shall establish procedures for the fair and expedi-
5 tious review and resolution of borrower defense
6 claims brought under this section. In establishing
7 such procedures, the Secretary shall—

8 “(A) provide a fair process for the review
9 and resolution of borrower defense claims,
10 which shall include procedures for the consider-
11 ation of borrower defense claims on behalf of
12 groups of similarly situated borrowers without
13 requiring each borrower in the group to submit
14 a separate claim;

15 “(B) review a borrower defense claim at
16 any time without regard to the repayment sta-
17 tus of any loan subject to such claim;

18 “(C) allow a legal representative to bring
19 a borrower defense claim—

20 “(i) on behalf of an individual bor-
21 rower; or

22 “(ii) on behalf of a group of similarly
23 situated borrowers; and

24 “(D) specify a fixed timeframe for the res-
25 olution of borrower defense claims.

1 “(2) DEFERMENT DURING PENDENCY OF
2 CLAIMS.—

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), a loan made under this title that is
5 subject to a pending borrower defense claim
6 shall be placed in deferment status, during
7 which periodic installments of principal need
8 not be paid and interest shall not accrue (or
9 shall be paid by the Secretary), without regard
10 to whether such loan is in default.

11 “(B) OPT OUT.—The borrower of a loan
12 subject to deferment under subparagraph (A)
13 may opt out of such deferment at any time dur-
14 ing the pendency of the borrower defense claim.

15 “(C) SUSPENSION OF CREDIT REPORTING
16 AND COLLECTION.—The Secretary shall sus-
17 pend all adverse credit reporting and collection
18 activity, including offsets and garnishments,
19 with respect to any loan in default that is sub-
20 ject to a deferment under subparagraph (A).

21 “(f) TERMS OF RELIEF.—

22 “(1) IN GENERAL.—If the Secretary determines
23 under subsection (c) that a borrower is entitled to
24 relief, the Secretary shall, subject to paragraph
25 (2)—

1 “(A) cancel or repay all or a portion of the
2 balance of interest and principal due on any
3 loan subject to the claim for relief; and

4 “(B) return to the borrower an amount not
5 in excess of the total amount of payments made
6 on the loan by the borrower.

7 “(2) CANCELLATION OF DEBT AND RETURN OF
8 PAYMENTS.—

9 “(A) SUBSTANTIAL MISREPRESENTATION
10 CLAIMS.—If the Secretary determines that a
11 borrower is entitled to relief based on a claim
12 of substantial misrepresentation, the Secretary
13 shall—

14 “(i) cancel or repay the full balance of
15 interest and principal due on any loan sub-
16 ject to the claim; and

17 “(ii) return to the borrower an
18 amount equal to the total amount of pay-
19 ments made on the loan by the borrower.

20 “(B) OTHER CLAIMS.—If the Secretary de-
21 termines that a borrower is entitled to relief
22 based on a claim other than substantial mis-
23 representation, there shall be a presumption
24 that the Secretary will cancel or repay the full
25 balance of principal and interest due on the

1 loan and return the full amount of payments
2 made by the borrower as described in subpara-
3 graph (A). If the Secretary determines that full
4 cancellation or repayment of the debt and re-
5 turn of all funds paid on the loan is not appro-
6 priate in a particular case, the Secretary shall
7 provide the borrower with a written explanation
8 as to why partial cancellation or repayment, or
9 the partial return of funds is appropriate.

10 “(g) APPEALS.—Upon a determination by the Sec-
11 retary to deny a borrower defense claim under this section,
12 the borrower may file an appeal with the Department. The
13 Secretary shall develop and implement a standardized
14 process for the treatment of appeals under this subsection.

15 “(h) REFILING OF CLAIMS.—A borrower whose claim
16 was denied under this section may refile the claim for good
17 cause, which may include—

18 “(1) the availability of substantial evidence that
19 was not available to the Secretary at the time the
20 initial claim was denied;

21 “(2) the emergence of facts or circumstances
22 that may have substantially altered the Secretary’s
23 original treatment of the initial claim; and

24 “(3) such other factors as may be determined
25 by the Secretary.

1 “(i) DESIGNATION OF PERSONNEL.—The Secretary
2 shall designate qualified personnel within the Department
3 whose principal responsibility shall be the processing of
4 borrower defense claims submitted under his section.

5 “(j) AVAILABILITY OF INFORMATION TO BOR-
6 ROWERS.—

7 “(1) BORROWER REQUESTS FOR INFORMA-
8 TION.—At the request of a borrower, the Secretary
9 shall identify and provide to the borrower or the
10 legal representative of the borrower any records the
11 Secretary is considering as part of the borrower’s
12 claim.

13 “(2) STATUS OF CLAIM.—The Secretary shall
14 establish a process under which each borrower with
15 a claim pending under this section shall be notified
16 of the status of the pending claim not fewer than
17 once every 90 days.

18 “(3) INFORMATION FROM INSTITUTIONS.—The
19 Secretary may request documents and other infor-
20 mation relating to a borrower defense claim from an
21 institution of higher education. An institution that
22 receives a request for information from the Sec-
23 retary under this subsection shall provide the infor-
24 mation to the Secretary at such time, in such form,
25 and in such manner as the Secretary may direct.

1 “(k) QUARTERLY REPORTS.—

2 “(1) IN GENERAL.—Not less than once every
3 fiscal quarter, the Secretary shall submit to the au-
4 thorizing committees a report that includes the fol-
5 lowing:

6 “(A) The total number of claims submitted
7 to the Secretary pursuant to this subsection in
8 the fiscal quarter covered by the report and in
9 all previous fiscal quarters.

10 “(B) Of the claims described in subpara-
11 graph (A)—

12 “(i) the number of claims that remain
13 pending;

14 “(ii) the number of claims that were
15 denied by the Secretary, and the total dol-
16 lar amount of such claims; and

17 “(iii) the number of claims that were
18 approved by the Secretary, and the total
19 dollar amount of such claims.

20 “(2) DISAGGREGATION.—The information de-
21 scribed in subparagraphs (A) and (B) of paragraph
22 (1) shall be disaggregated by State and institution
23 of higher education (except that such disaggregation
24 shall not be required in a case in which the results

1 would reveal personally identifiable information
2 about an individual borrower).

3 “(3) PUBLIC AVAILABILITY.—The information
4 included in each report submitted under paragraph
5 (A) shall be made available on a publicly accessible
6 website of the Department.

7 “(1) DEFINITIONS.—In this section:

8 “(1) The term ‘legal representative’ means a li-
9 censed attorney working on behalf of a borrower or
10 a group of borrowers, including—

11 “(A) a State attorney general; and

12 “(B) an attorney employed by a State
13 agency, a Federal agency, or a nonprofit orga-
14 nization that is qualified to provide legal rep-
15 resentation to borrowers.

16 “(2) The term ‘substantial misrepresentation’
17 has the meaning given that term in section
18 487(c)(3)(C).”.

19 (b) CONFORMING AMENDMENT.—Subsection (h) of
20 section 455 of the Higher Education Act of 1965 (20
21 U.S.C. 1087e) is repealed.

22 **SEC. 4633. ON-TIME REPAYMENT RATES.**

23 Part G of title IV of the Higher Education Act of
24 1965 (20 U.S.C. 1088 et seq.), as amended by the pre-

ceding sections, is further amended by adding at the end
the following:

“SEC. 493I. ON-TIME REPAYMENT RATES.

“(a) CALCULATION OF ON-TIME REPAYMENT
RATES.—

“(1) ON-TIME REPAYMENT RATE DEFINED.—

“(A) IN GENERAL.—The term ‘on-time repayment rate’ means for any fiscal year in which 30 or more current and former students at an institution have been in repayment for 3 years on any covered loan received for attendance at the institution, the percentage of such current and former students who have paid at least 90 percent of the monthly payments on such loan during such 3-year repayment period.

“(B) SMALL COHORTS.—For any fiscal year in which fewer than 30 of an institution’s current and former students have been in repayment for 3 years, the term ‘on-time repayment rate’ means the percentage of such current and former students who entered their 3rd year of repayment on any covered loan received for attendance at the institution in any of the 3 most recent fiscal years and who have paid at

1 least 90 percent of the monthly payments on
2 such loan during such 3-year repayment period.

3 “(2) ADDITIONAL REQUIREMENTS FOR RATE
4 DETERMINATION.—

5 “(A) MULTIPLE INSTITUTIONS.—In the
6 case of a student who has attended and bor-
7 rowed a covered loan for attendance at more
8 than one institution, the student (and such stu-
9 dent’s subsequent repayment or monthly pay-
10 ment on such loan) is attributed to each institu-
11 tion for attendance at which the student re-
12 ceived such loan for which the student entered
13 the 3rd year of repayment in the fiscal year for
14 which the on-time repayment rate is being de-
15 termined.

16 “(B) TREATMENT OF CONSOLIDATION
17 LOANS.—For purposes of determining whether
18 a student is in repayment (or has paid a
19 monthly payment) on a loan under section
20 428C or a Federal Direct Consolidation Loan,
21 only the portion of such loan that is used to
22 repay a covered loan received for attendance at
23 the institution whose on-time repayment rate is
24 being determined shall be considered for pur-
25 poses of such rate.

1 “(3) DETERMINATION OF WHEN MONTHLY PAY-
2 MENT IS PAID.—For purposes of determining the
3 on-time repayment rate of an institution, a student
4 shall be considered to have paid a monthly payment
5 on a covered loan if one of the following applies:

6 “(A) The amount of such monthly pay-
7 ment has been paid not later than 30 days after
8 the date on which such monthly payment is
9 due, except that a monthly payment by the in-
10 stitution, such institution’s owner, agent, con-
11 tractor, employee, or any other entity or indi-
12 vidual affiliated with such institution made on
13 behalf of a student who is not employed by the
14 institution shall not be considered a paid
15 monthly payment on such loan.

16 “(B) The monthly payment amount due on
17 such loan is equal to zero.

18 “(C) The full amount due on the loan has
19 been repaid or the liability on the loan has been
20 otherwise discharged under this Act.

21 “(D) The student is in a period of
22 deferment, other than—

23 “(i) a deferment due to an economic
24 hardship described section

1 427(a)(2)(C)(iii), 428(b)(1)(M)(iv), or
2 455(f)(2)(D); or

3 “(ii) a deferment due to unemploy-
4 ment described in section 427(a)(2)(C)(ii),
5 428(b)(1)(M)(ii), or 455(f)(2)(B).

6 “(E) The student is in one of the following
7 periods of forbearance (as applicable to loans
8 made, insured, or guaranteed under part B or
9 this title):

10 “(i) Medical or dental internship or
11 residency forbearance under subclause (I)
12 of section 428(c)(3)(A)(i).

13 “(ii) National service forbearance
14 under subclause (III) of section
15 428(c)(3)(A)(i).

16 “(iii) Forbearance for active duty
17 service in the Armed Forces under sub-
18 clause (IV) of section 428(c)(3)(A)(i).

19 “(iv) Forbearance for National Guard
20 Duty under section 428(c)(3)(B).

21 “(v) Forbearance due to military mo-
22 bilization or other local or national emer-
23 gency as authorized by the Secretary under
24 section 685.205(b)(8) of title 34, Code of
25 Federal Regulations (as in effect on the

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

3 “(vi) Teacher loan forgiveness for-
4 bearance under section 682.213(e) or
5 685.205(a)(5) of title 34, Code of Federal
6 Regulations (as in effect on the date of en-
7 actment of the College Affordability Act).

8 “(4) PARTICIPATION RATE.—

9 “(A) IN GENERAL.—An institution that
10 demonstrates to the Secretary that the institu-
11 tion’s participation rate is equal to or less than
12 20 percent for any of the 3 most recent fiscal
13 years for which data is available shall not be
14 subject to subsection (b).

15 “(B) DETERMINATION.—For purposes of
16 this paragraph, the term ‘participation rate’
17 means the percentage of the institution’s reg-
18 ular students, enrolled on at least a half-time
19 basis, who received a covered loan for a 12-
20 month period ending during the 6 months im-
21 mediately preceding the fiscal year for which
22 the cohort of borrowers used to calculate the in-
23 stitution’s on-time loan repayment rate is deter-
24 mined.

1 “(C) DATA.—An institution shall provide
2 the Secretary with sufficient data to determine
3 the institution’s participation rate within 30
4 days after receiving an initial notification of the
5 institution’s draft on-time repayment rate.

6 “(D) NOTIFICATION.—Prior to publication
7 of a final on-time repayment rate for an institu-
8 tion that provides the data described in sub-
9 paragraph (C), the Secretary shall notify the in-
10 stitution of the institution’s compliance or non-
11 compliance with subparagraph (A).

12 “(b) DETERMINATION OF ELIGIBILITY BASED ON
13 REPAYMENT RATES AND INSTRUCTIONAL SPENDING
14 AMOUNTS.—

15 “(1) INELIGIBILITY.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraphs (C) and (D), beginning on the
18 date that is one year after the date on which
19 the final on-time repayment rates are published
20 by the Secretary for not less than 3 fiscal years,
21 an institution shall not be eligible to participate
22 in a program under this title for the fiscal year
23 for which the determination under this subpara-
24 graph is made and for the two succeeding fiscal

1 years, if the Secretary determines the following
2 with respect to such institution—

3 “(i) the on-time repayment rate of
4 such institution is less than any threshold
5 on-time repayment rate specified under
6 subparagraph (B) for period determined
7 appropriate by the Secretary for such
8 threshold rate; and

9 “(ii) with respect to any of the 3 most
10 recent institutional fiscal years for which
11 the institution submits to the Secretary
12 disclosures on the expenditures of the in-
13 stitution on instruction for purposes of sec-
14 tion 132(i)(1)(AA), the amount expended
15 by such institution on instruction for such
16 fiscal year is less than $\frac{1}{3}$ of the institu-
17 tion’s revenues derived from tuition and
18 fees.

19 “(B) THRESHOLD RATES.—For purposes
20 of determinations under subparagraph (A)(i),
21 the Secretary shall specify 1 or more threshold
22 on-time repayment rates, which rates—

23 “(i) shall require that a significant
24 percentage of students who have been in
25 repayment for 3 years on a covered loan

1 received for attendance at an institution of
2 higher education have paid at least 90 per-
3 cent of the monthly payments on such cov-
4 ered loan during such 3-year repayment
5 period; and

6 “(ii) may be applicable with respect to
7 a period of 1 or more fiscal years, as deter-
8 mined appropriate for such a rate.

9 “(C) EXCEPTIONS FOR CERTAIN CAT-
10 EGORIES OF EDUCATIONAL PROGRAMS.—

11 “(i) EXCEPTIONS FOR CERTAIN CAT-
12 EGORIES OF EDUCATIONAL PROGRAMS.—

13 With respect to an institution that loses
14 eligibility to participate in a program
15 under this title in accordance with para-
16 graph (1), such institution may request
17 and be granted an exception to such loss of
18 eligibility for a category of educational pro-
19 grams at such institution by demonstrating
20 to the Secretary that the on-time loan re-
21 payment rate for such category of edu-
22 cational programs is greater than the
23 threshold percentage specified under para-
24 graph (1)(B) for each fiscal year of the pe-

1 riod on which such loss of eligibility for the
2 institution is based.

3 “(ii) DETERMINATIONS.—In deter-
4 mining the on-time loan repayment rate
5 for a category of educational programs,
6 subsection (a)(1) shall be applied—

7 “(I) in subparagraph (A), by
8 substituting ‘received for enrollment
9 in the category of educational pro-
10 grams for which such rate is being de-
11 termined’ for ‘received for attendance
12 at the institution’; and

13 “(II) as if the following were
14 added at the end of such paragraph:

15 “(C) MULTIPLE CATEGORIES OF EDU-
16 CATIONAL PROGRAMS.—In the case of a student
17 who has received a covered loan for enrollment
18 in more than one category of educational pro-
19 grams, the student (and such student’s subse-
20 quent repayment or monthly payment on such
21 covered loan) is attributed to the last category
22 of educational programs in which such student
23 was enrolled.’.

24 “(D) APPEALS.—Not later than 60 days of
25 receiving notification from the Secretary of the

1 loss of eligibility under subparagraph (A), the
2 institution may appeal the loss of its eligibility
3 under subsection (c).

4 “(2) REPAYMENT MANAGEMENT PLAN RE-
5 QUIREMENT FOR CERTAIN INSTITUTIONS.—

6 “(A) IN GENERAL.—Beginning on the date
7 that is one year after the date on which the
8 final on-time repayment rates are published by
9 the Secretary for not less than 3 fiscal years,
10 an institution shall be subject to the require-
11 ments of subparagraph (B), if the Secretary de-
12 termines the following with respect to such in-
13 stitution—

14 “(i) the on-time repayment rate of
15 such institution is less than any threshold
16 on-time repayment rate specified under
17 paragraph (1)(B) for period determined
18 appropriate by the Secretary for such
19 threshold rate; and

20 “(ii) for each of the 3 most recent in-
21 stitutional fiscal years for which the insti-
22 tution submits to the Secretary disclosures
23 on the expenditures of the institution on
24 instruction for purposes of section
25 132(i)(1)(AA), the amount expended by

1 the institution for instructional spending is
2 greater than or equal to an amount equal
3 to $\frac{1}{3}$ of the amount of revenue derived
4 from tuition and fees.

5 “(B) REPAYMENT MANAGEMENT PLAN.—

6 An institution subject to the requirements of
7 this subparagraph, shall—

8 “(i) not later than 6 months after the
9 determination under subparagraph (A),
10 submit to the Secretary a repayment man-
11 agement plan which the Secretary, in the
12 Secretary’s discretion, after consideration
13 of the institution’s history, resources, ex-
14 penditures, and targets for improving on-
15 time repayment, determines—

16 “(I) is acceptable and is in the
17 best interests of students; and

18 “(II) provides reasonable assur-
19 ance that the institution will have an
20 on-time repayment rate that exceeds
21 the on-time threshold referred to in
22 subparagraph (A)(i) after a reason-
23 able period;

24 “(ii) engage an independent third-
25 party to provide technical assistance in im-

plementing such repayment management plan; and

“(iii) provide to the Secretary, on an annual basis or at such other intervals as the Secretary may require, evidence of on-time repayment rate improvement and successful implementation of such repayment management plan.

“(c) APPEALS.—

“(1) SECRETARIAL REQUIREMENTS.—The Secretary shall issue a decision on any appeal submitted by an institution under subsection (b)(1)(D) not later than 45 days after its submission. Such decision may permit the institution to continue to participate in a program under this title if—

“(A) the institution demonstrates to the satisfaction of the Secretary that the Secretary’s calculation of its on-time repayment rate is not accurate, and that recalculation would increase its on-time repayment rate above the applicable threshold percentage specified in subsection (b)(1)(B) for the period on which the determination of the institution’s ineligibility under subsection (b)(1)(A) was based;

1 “(B) the institution demonstrates to the
2 satisfaction of the Secretary that there has been
3 improper loan servicing, which, if remedied,
4 would increase its on-time repayment rate above
5 the applicable threshold percentage specified in
6 subsection (b)(1)(B) for the period on which
7 the determination of the institution’s ineligi-
8 bility under subsection (b)(1)(A) was based;

9 “(C) there are, in the judgment of the Sec-
10 retary, exceptional mitigating circumstances
11 that would make the application of this section
12 inequitable;

13 “(D) 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), the sum of the
17 expenditures on instruction and student services
18 of the institution is equal to an amount greater
19 than or equal to 50 percent of the institution’s
20 revenues derived from tuition and fees, and the
21 institution complies with the requirements of
22 subsection (b)(2)(B).

23 “(2) INSTITUTIONAL REQUIREMENTS.—If an
24 institution continues to participate in a program
25 under this title, and the institution’s appeal of the

1 loss of eligibility is unsuccessful, the institution shall
2 be required to pay to the Secretary an amount equal
3 to the amount of interest, special allowance, reinsur-
4 ance, and any related payments made by the Sec-
5 retary (or which the Secretary is obligated to make)
6 with respect to covered loans to students attending,
7 or planning to attend, that institution during the
8 pendency of such appeal. During such appeal, the
9 Secretary may permit the institution to continue to
10 participate in a program under this title.

11 “(d) REGULATIONS.—The Secretary shall prescribe
12 regulations designed to prevent an institution from evad-
13 ing the application to that institution of a on-time repay-
14 ment rate determination under this section through the
15 use of such measures as branching, consolidation, change
16 of ownership or control, or any similar device.

17 “(e) PUBLICATION.—The Secretary shall publish not
18 less often than once every fiscal year (by September 30
19 of each year) a report—

20 “(1) for each category of institution, and for
21 each institution for which an on-time repayment rate
22 is determined under this section—

23 “(A) with respect to the preceding fiscal
24 year—

1 “(i) the on-time repayment rate for
2 such institution;

3 “(ii) the on-time repayment rate for
4 each category of educational programs;
5 and

6 “(iii) the number of students on which
7 the rates described in clauses (i) and (ii)
8 are based; and

9 “(B) for each of the 3 most recent fiscal
10 years for which the institution submits to the
11 Secretary disclosures on expenditures for pur-
12 poses of section 132(i)(1)(AA)—

13 “(i) the amount of the institution’s
14 expenditures on instruction;

15 “(ii) the amount of revenue derived
16 from tuition and fees by the institution;
17 and

18 “(iii) the quotient of the amount de-
19 scribed in clause (i) divided by the amount
20 described in clause (ii), expressed as a per-
21 centage; and

22 “(2) each on-time repayment rate used for cal-
23 culating each of the threshold rates under subsection
24 (b)(1)(B) for the period determined appropriate by

1 the Secretary for such threshold rate under such
2 subsection.

3 “(f) DEFINITIONS.—In this section:

4 “(1) CATEGORY OF EDUCATIONAL PRO-
5 GRAMS.—The term ‘category of educational pro-
6 grams’ has the meaning given the term in section
7 435(a)(9)(E).

8 “(2) CATEGORY OF INSTITUTION.—The term
9 ‘category of institution’ includes—

10 “(A) four-year public institutions;

11 “(B) four-year private nonprofit institu-
12 tions;

13 “(C) four-year proprietary institutions;

14 “(D) two-year public institutions;

15 “(E) two-year private nonprofit institu-
16 tions;

17 “(F) two-year proprietary institutions;

18 “(G) less-than-two year public institutions;

19 “(H) less-than-two year private nonprofit
20 institutions; and

21 “(I) less-than-two year proprietary institu-
22 tions.

23 “(3) COVERED LOAN.—

24 “(A) IN GENERAL.—The term ‘covered
25 loan’ means a loan made, insured, or guaran-

1 teed under part B or D (other than an excepted
2 PLUS Loan or an excepted consolidation
3 Loan).

4 “(B) EXCEPTED PLUS LOAN; EXCEPTED
5 CONSOLIDATION LOAN.—The terms ‘excepted
6 PLUS Loan’ and ‘excepted consolidation Loan’
7 have the meanings given such terms in section
8 493C(a).

9 “(4) STUDENT SERVICES.—The term ‘student
10 services’ has the meaning given the term in section
11 498E(a)(2).”.

12 **PART H—PROGRAM INTEGRITY**

13 **Subpart 1—State Role**

14 **SEC. 4701. STATE RESPONSIBILITIES.**

15 Section 495(a) of the Higher Education Act of 1965
16 (20 U.S.C. 1099a(a)) is amended—

17 (1) in paragraph (2)—

18 (A) by inserting “and the accrediting agen-
19 cy or association involved” after “Secretary”;

20 (B) by striking “revokes a license” and in-
21 serting “takes a negative action, or revokes a li-
22 cense,”; and

23 (C) by striking “and” at the end;

24 (2) in paragraph (3), by striking the period at
25 the end and inserting a semicolon; and

1 (3) by adding at the end the following:

2 “(4) evaluate each institution of higher edu-
3 cation located in the State or seeking authorization
4 to operate in the State to determine if such institu-
5 tion of higher education meets the applicable stand-
6 ards of the State relating to—

7 “(A) facilities, equipment, and supplies;
8 and

9 “(B) measures of program length and
10 other factors relevant for a student or graduate
11 to receive a professional license from the State;

12 “(5) certify to the Secretary that the State
13 shall—

14 “(A) accept student complaints from—

15 “(i) all students attending an institu-
16 tion of higher education located in the
17 State; and

18 “(ii) all students who are residents of
19 the State and attend an institution of
20 higher education not located in the State
21 through correspondence or distance edu-
22 cation; and

23 “(B) report to the Secretary and accred-
24 iting bodies—

1 “(i) relevant student complaints re-
2 ceived by the State, including multiple stu-
3 dent complaints that present consistent al-
4 legations with respect to an institution of
5 higher education in the State; and

6 “(ii) such other complaints the Sec-
7 retary determines necessary; and

8 “(6) establish policies and procedures to antici-
9 pate and respond to the closure of an institution of
10 higher education, which shall include—

11 “(A) the maintenance of sufficient cash re-
12 serves (or an equivalent alternative) in accord-
13 ance with regulations issued pursuant to section
14 498(c)(6)(A) to ensure repayment of any re-
15 quired refunds;

16 “(B) a plan to address ensuring custodial
17 record-keeping of institutional records and stu-
18 dent transcripts in the case of such a closure;

19 “(C) the maintenance of contact informa-
20 tion adequate to ensure communication directly
21 between the State and each student in the case
22 of such a closure; and

23 “(D) in the case of an institution of higher
24 education located in the State, to develop a

1 process to identify when a campus of such insti-
2 tution of higher education closes in any State.”.

3 **Subpart A—Accrediting Agency Recognition**

4 **SEC. 4711. ACCREDITING AGENCY RECOGNITION OF ELIGI-**
5 **BLE JOB TRAINING PROGRAMS.**

6 Section 496(a)(4) of the Higher Education Act of
7 1965 (20 U.S.C. 1099b(a)(4)) is amended—

8 (1) in subparagraph (A), by striking “and”
9 after the semicolon;

10 (2) in subparagraph (B)(ii), by inserting “and”
11 after the semicolon; and

12 (3) 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 ad-
19 dition to meeting the other requirements of this
20 subpart, demonstrate to the Secretary that,
21 with respect to such eligible job training pro-
22 gram—

23 “(i) the agency or association’s stand-
24 ards include a process for determining if
25 the institution has the capability to effec-

1 tively provide an eligible job training pro-
2 gram; and

3 “(ii) the agency or association re-
4 quires a demonstration that the program—

5 “(I) has identified each recog-
6 nized postsecondary credential offered
7 and the corresponding industry or sec-
8 tor partnership that actively recog-
9 nizes each credential in the State or
10 local area in which the job training
11 program 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 employ-
17 ers; 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

find employment in such sectors
or occupations.”.

**SEC. 4712. ACCREDITING AGENCY RECOGNITION OF INSTI-
TUTIONS ENROLLING INCARCERATED INDIVIDUALS.**

Section 496(a)(4) of the Higher Education Act of
1965 (20 U.S.C. 1099b(a)(4)) is further amended by add-
ing at the end the following:

“(D) if such agency or association accred-
its or seeks to accredit institutions of higher
education that seek to award Federal Pell
Grants under section 401(n) to incarcerated in-
dividuals for a course of study at such institu-
tion, such agency or association shall, in addi-
tion to meeting the other requirements of this
subpart, demonstrate to the Secretary that—

“(i) the agency or association’s stand-
ards include a process for determining if
the institution has the capability to effec-
tively offer such a course of study to incar-
cerated individuals; and

“(ii) the agency or association re-
quires a demonstration that—

“(I) such course of study is
taught by faculty with experience and

1 credentials comparable to the experi-
2 ence and credentials of faculty who
3 teach courses of study available to
4 non-incarcerated students enrolled at
5 the institution;

6 “(II) academic credits earned by
7 incarcerated individuals for comple-
8 tion of a course of study are treated
9 by the institution as the equivalent to
10 credits earned by non-incarcerated
11 students for an equivalent course;

12 “(III) the institution provides
13 sufficient educational content and re-
14 sources to students enrolled in such a
15 course of study that are, to the extent
16 practicable, consistent with the edu-
17 cational content and resources avail-
18 able to non-incarcerated students; and

19 “(IV) the institution has the ca-
20 pacity, staffing, and expertise to pro-
21 vide incarcerated individuals with the
22 support and advising services nec-
23 essary to select and successfully par-
24 ticipate in such a course of study and,
25 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) TECHNICAL REVIEW PANEL; RULEMAKING.—

6 (1) TECHNICAL REVIEW PANEL.—

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 technical
10 review panel comprised of individuals specified
11 in subparagraph (B), to establish a list of
12 measures (and a definition for each such meas-
13 ure)—

14 (i) that, for purposes of section
15 496(a)(5)(A) of the Higher Education Act
16 of 1965 (20 U.S.C. 1099b(a)(5)(A))—

17 (I) accrediting agencies or asso-
18 ciations shall use to assess each of the
19 outcomes described in subparagraph
20 (C); and

21 (II) provides accrediting agencies
22 or associations with enough flexibility
23 for adequate assessment of such out-
24 comes;

1 (ii) that may include measures (and
2 definitions for such measures) set forth
3 under the Integrated Postsecondary Edu-
4 cation Data Survey, the postsecondary
5 data system established under section
6 132(l), or a successor system;

7 (iii) to which future technical review
8 panels which meet the requirements of this
9 paragraph may add additional measures;
10 and

11 (iv) that the Secretary of Education
12 shall not have the authority to approve.

13 (B) COMPOSITION.—The technical review
14 panel established under subparagraph (A) shall
15 be of sufficient size to ensure that a full range
16 of relevant accrediting agencies and institutions
17 are represented on the panel and shall include,
18 at a minimum, the following members:

19 (i) Representatives of national, re-
20 gional, and specialized accrediting agencies
21 and associations that shall be nominated
22 for inclusion on the panel by such rep-
23 resentatives.

24 (ii) Representatives of diverse postsec-
25 ondary institutions, which shall include

1 representation between 2-year and 4-year
2 institutions of higher education, and from
3 public, nonprofit, and proprietary institu-
4 tions of higher education, including minor-
5 ity-serving institutions.

6 (iii) The Commissioner of the Na-
7 tional Center for Education Statistics or
8 the Commissioner's representative.

9 (iv) Student advocate representatives
10 familiar with the accreditation process.

11 (C) OUTCOMES.—The outcomes described
12 in this subparagraph are as follows:

13 (i) Completion (which may include
14 measures such as graduation rates and
15 rates of transfer).

16 (ii) Progress toward completion
17 (which may include measures such as re-
18 tention rates and credit accumulation).

19 (iii) Workforce participation (which
20 may include measures such as rates of li-
21 censure and job placement).

22 (2) RULEMAKING.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary of
24 Education shall initiate a negotiated rule-making—

1 (A) to develop procedures for identifying
2 the representative member institutions an ac-
3 crediting agency or association shall use to
4 demonstrate to the Secretary, for purposes of
5 the Secretary's review and evaluation of the
6 performance of such agency or association
7 under section 496(n)(1) of the Higher Edu-
8 cation Act of 1965 (20 U.S.C. 1099b(n)(1)), as
9 amended by this section, that such accrediting
10 agency or association—

11 (i) consistently applies and enforces
12 standards; and

13 (ii) effectively evaluates the quality of
14 education or training offered by the insti-
15 tutions of higher education accredited by
16 such agency or association; and

17 (B) for purposes of section 496 of the
18 Higher Education Act of 1965 (20 U.S.C.
19 1099b), as amended by this section, to—

20 (i) establish definitions for the terms
21 related to sanctions, adverse actions, and
22 any other action that an accrediting agen-
23 cy or association may take with respect to
24 an institution of higher education under
25 such section (including monitoring, notice,

1 warning, probation, show cause, denial,
2 withdrawal, suspension, revocation, accred-
3 itation, and preaccreditation); and

4 (ii) in a case in which any action de-
5 fined in clause (i) is taken by an accred-
6 iting agency or association with respect to
7 an institution of higher education, estab-
8 lish notice and disclosure requirements for
9 such agency or association and institution
10 of higher education with respect to the
11 public (including students), as long as such
12 requirements are consistent with the re-
13 quirements of subsections (a)(7) and (c)(7)
14 of section 496 of the Higher Education
15 Act of 1965 (20 U.S.C. 1099b).

16 (b) AMENDMENTS.—Section 496 of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1099b) is further amend-
18 ed—

19 (1) in subsection (a)—

20 (A) in paragraph (3)(A), by inserting be-
21 fore the semicolon at the end the following: “,
22 and any institution described in clauses (i)
23 through (v) of subsection (b)(1)(B)”;

1 (B) in paragraph (5), by striking subpara-
2 graphs (A) through (J) and inserting the fol-
3 lowing:

4 “(A) success with respect to student
5 achievement in relation to the institution’s mis-
6 sion (except that the agencies and associations
7 described in paragraph (2)(A)(ii) shall not be
8 subject to this subparagraph), which—

9 “(i) shall be assessed using at least 1
10 measure selected by the agency or associa-
11 tion from the list of measures established
12 and defined under section 4713(a)(1) of
13 the College Affordability Act for each of
14 the following outcomes—

15 “(I) completion;

16 “(II) progress toward completion;

17 and

18 “(III) workforce participation;

19 “(ii) may be assessed using different
20 measures selected under clause (i) for dif-
21 ferent institutions;

22 “(iii) for each measure selected under
23 clause (i), shall be assessed using a single
24 performance benchmark established by the
25 agency or association, except that an ac-

crediting agency or association may establish a different performance benchmark for such a measure for each category of educational programs (as defined in section 435(a)(9)(E)); and

“(iv) in the case of an institution defined in section 101(a), may include consideration of—

“(I) the historical significance of the institution; and

“(II) whether the institution is one of the only physical locations at which postsecondary education is provided in the geographic area;

“(B) student achievement outcomes, disaggregated by the elements required in the postsecondary student data system under subclauses (I) through (XV) of section 132(l)(2)(C)(ii) to facilitate institutional improvement and yield statistically reliable information that does not reveal personally identifiable information about an individual student;

“(C) credentials, including consideration of the non-monetary value accruing to students pursuing such credentials;

1 “(D) curricula, including—

2 “(i) other than for the agencies and
3 associations described in paragraph
4 (2)(A)(ii), program length;

5 “(ii) course sequencing; and

6 “(iii) objectives related to
7 credentialing;

8 “(E) faculty;

9 “(F) student support services;

10 “(G) recruiting and admissions practices,
11 academic calendars, catalogues, publications,
12 and grading; and

13 “(H) fiscal and administrative capacity
14 (which shall include the institution’s govern-
15 ance) as appropriate to the specified scale of
16 operations;”;

17 (C) by redesignating paragraphs (6)
18 through (8) as paragraphs (7) through (9), re-
19 spectively; and

20 (D) by inserting after paragraph (5) the
21 following:

22 “(6) such agency or association shall make
23 available on a publicly accessible website, up-to-date
24 information on—

1 “(A) the institutions that are subject to
2 the jurisdiction of such agency or association;

3 “(B) the performance benchmark estab-
4 lished for each measure selected by the agency
5 or association under paragraph (5)(A), the ra-
6 tionale for the establishment of such perform-
7 ance benchmark, and how such benchmarks are
8 factored into the accreditation process;

9 “(C) the process such agency or associa-
10 tion follows when an institution subject to the
11 jurisdiction of such agency or association does
12 not meet an accreditation standard under sec-
13 tion 496(a)(5);

14 “(D) any sanction or adverse action taken
15 with respect to an institution and the reason for
16 such sanction or adverse action; and”;

17 (E) in paragraph (8), as so redesignated,
18 by striking “30 days” and inserting “10 days”;

19 (F) amend paragraph (9), as so redesign-
20 ated, to read as follows:

21 “(9) such agency or association shall—

22 “(A) make available on its public website,
23 and to the Secretary, and the State licensing or
24 authorizing agency, a summary (including the
25 decision and rationale for such decision) of any

1 review resulting in a final accrediting decision
2 involving denial, termination, or suspension of
3 accreditation, together with the comments of
4 the affected institution; and

5 “(B) ensure that each institution that is
6 the subject of a final accrediting decision de-
7 scribed in subparagraph (A) makes available on
8 its public website the summary described in
9 subparagraph (A) (including the decision and
10 rationale for such decision) with respect to such
11 institution and the institution’s comments;
12 and”.

13 (G) by adding at the end the following:

14 “(10) such agency or association shall—

15 “(A) ensure that any substantive change to
16 the educational mission or a program of an in-
17 stitution after the agency or association has ac-
18 credited or preaccredited the institution does
19 not adversely affect the capacity of the institu-
20 tion to continue to meet the standards of such
21 agency or association;

22 “(B) require such an institution to obtain
23 the approval of such agency or association with
24 respect to such substantive change before the
25 agency or association includes the change in the

1 scope of accreditation or preaccreditation pre-
2 viously granted to the institution by such agen-
3 cy or association; and

4 “(C) make public and report to the Sec-
5 retary any decision made under subparagraph
6 (B) and the rationale of such decision.”;

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

9 “(b) SEPARATE AND INDEPENDENT DEFINED.—For
10 the purpose of subsection (a)(3), the term ‘separate and
11 independent’ means that—

12 “(1) the members of the postsecondary edu-
13 cation governing body and any other decision-mak-
14 ing body of the accrediting agency or association are
15 not—

16 “(A) elected or selected by the board or
17 chief executive officer of any related, associated,
18 or affiliated trade association or membership
19 organization; or

20 “(B) individuals (such as executives and
21 owners of an institution) who exercise substan-
22 tial control over an institution—

23 “(i) that is required to provide the
24 Secretary with satisfactory evidence of its
25 financial responsibility in accordance with

1 paragraph (3)(A) of section 498(c) because
2 the institution fails to meet criteria under
3 paragraphs (1) and (2) of such section, ex-
4 cept that this clause shall not be applicable
5 to an institution until the Secretary has
6 completed the rulemaking required under
7 section 4721(b) of the College Affordability
8 Act;

9 “(ii) that is on a reimbursement pay-
10 ment method pursuant to section
11 487(c)(1)(B);

12 “(iii) against which the Secretary is
13 initiating or carrying out an emergency ac-
14 tion in accordance with section
15 487(c)(1)(G);

16 “(iv) against which the Secretary is
17 limiting, suspending, or terminating the in-
18 stitution’s participation in any program
19 under this title in accordance with section
20 487(c)(1)(F); or

21 “(v) that is on probation or show
22 cause, or that is not accredited by an ac-
23 crediting agency or association;

24 “(2) among the membership of the board of the
25 accrediting agency or association there shall be 1

1 public member for each 4 members of the board,
2 with a minimum of 1 such public member, and
3 guidelines are established for such members to avoid
4 conflicts of interest, including guidelines ensuring
5 that each such public member—

6 “(A) is selected to serve on such board in
7 the same manner that other board members are
8 selected for such service;

9 “(B) has not served on such board as a
10 non-public member in the preceding 10 years;

11 “(C) is not (or has not been in the pre-
12 ceding 5-year period) a full-time employee of, or
13 a member of the governing board, an owner, or
14 shareholder of, or consultant to, an institution
15 or program that—

16 “(i) is accredited or preaccredited by
17 the agency or association; or

18 “(ii) has applied for accreditation or
19 preaccreditation from such agency or asso-
20 ciation;

21 “(D) is not a member of any trade associa-
22 tion or membership organization related to, af-
23 filiated with, or associated with the agency or
24 association or an institution that is accredited
25 by such agency or association; and

1 “(E) is not a spouse, parent, child, or sib-
2 ling of an individual identified in subparagraph
3 (C) or (D);

4 “(3) dues to the accrediting agency or associa-
5 tion are paid separately from any dues paid to any
6 related, associated, or affiliated trade association or
7 membership organization; and

8 “(4) the budget of the accrediting agency or as-
9 sociation is developed and determined by the accred-
10 iting agency or association without review or resort
11 to consultation with any other entity or organiza-
12 tion.”;

13 (3) in subsection (c)—

14 (A) in paragraph (1), strike “those regard-
15 ing distance education” and inserting “regard-
16 ing distance education and the history and mis-
17 sion of the institutions reviewed”;

18 (B) in paragraph (2)—

19 (i) by inserting “and decline” after
20 “the growth”; and

21 (ii) by inserting before the semicolon
22 at the end the following: “or decline”; and

23 (C) by amending paragraph (3) to read as
24 follows:

1 “(3) requires an institution to submit for ap-
2 proval to the accrediting agency or association a
3 teach-out plan (as defined in section 487(f)(2)) and
4 which shall meet the requirements of such agency or
5 association) upon the occurrence of any of the fol-
6 lowing events:

7 “(A) the Secretary notifies the agency or
8 association that the Secretary has determined
9 under section 498(c) that the institution does
10 not have the financial responsibility required by
11 this title, except that this subparagraph shall
12 not be applicable to an institution until the Sec-
13 retary has completed the rulemaking required
14 under section 4721(b) of the College Afford-
15 ability Act;

16 “(B) the Secretary notifies the agency of a
17 determination by the institution’s independent
18 auditor expressing doubt with the institution’s
19 ability to operate as a going concern or indi-
20 cating an adverse opinion or finding of material
21 weakness related to financial stability, except
22 that this subparagraph shall not apply with re-
23 spect to a public institution;

1 “(C) the agency or association acts to
2 place an institution on probation, show cause,
3 or equivalent status; or

4 “(D) the Secretary notifies the agency that
5 the institution is participating in title IV under
6 a provisional program participation agree-
7 ment;”;

8 (D) by amending paragraph (6) to read as
9 follows:

10 “(6) requires that teach-out agreements among
11 institutions are subject to approval by the accred-
12 iting agency or association consistent with standards
13 promulgated by such agency or association, and that
14 such an agreement shall be required and subject to
15 such approval upon the occurrence of any of the fol-
16 lowing events:

17 “(A) the Secretary notifies the agency or
18 association that—

19 “(i) the Secretary has placed the in-
20 stitution on the reimbursement payment
21 method pursuant to section 487(c)(1)(B);
22 and

23 “(ii) the institution fails to meet cri-
24 teria prescribed by the Secretary regarding

1 ratios that demonstrate financial responsi-
2 bility as described in section 498(c)(2);

3 “(B) the Secretary notifies the accrediting
4 agency or association that the Secretary has
5 initiated—

6 “(i) an emergency action against the
7 institution pursuant to section
8 487(c)(1)(G); or

9 “(ii) an action under section
10 487(c)(1)(F) to limit, suspend, or termi-
11 nate the participation of the institution in
12 any program under this title;

13 “(C) the accrediting agency or association
14 acts to withdraw, terminate, or suspend the ac-
15 creditation of the institution;

16 “(D) the institution notifies the accrediting
17 agency or association that the institution in-
18 tends to cease operations;

19 “(E) the institution notifies the accrediting
20 agency or association that the institution in-
21 tends to close a location that provides one hun-
22 dred percent of at least one program; or

23 “(F) pursuant to section 495, the State
24 notifies the accrediting agency or association
25 that an institution’s license or legal authoriza-

1 tion to operate within the State has been or will
2 be revoked;”;

3 (E) in paragraph (7), by inserting “not
4 later than 10 days after taking an action de-
5 scribed in this paragraph,” before “makes avail-
6 able”;

7 (F) in paragraph (9), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (G) by adding at the end the following:

10 “(10) responds to complaints received with re-
11 spect to an institution during the period which the
12 accrediting agency or association accredits such in-
13 stitution not later than 30 days after receiving the
14 complaint (including complaints shared with the
15 agency or association by the Secretary or a State
16 agency under section 495), monitors and assesses an
17 institution’s record of student complaints during
18 such period, and submits the complaints relevant to
19 the Secretary and to the State agency involved.”;

20 (4) in subsection (m), by adding at the end the
21 following: “Nothing in this section shall prohibit the
22 Secretary from implementing a process of recogni-
23 tion under this section which differs for the accred-
24 iting agencies or associations described in subsection
25 (a)(2)(A)(ii) for the purposes of participation in pro-

grams (other than the programs under this Act) administered by the Department or other Federal agencies if such differentiation would be beneficial to taxpayers and the performance of such agencies or associations.”; and

(5) in subsection (n)—

(A) in paragraph (1)—

(i) in the second sentence of the matter preceding subparagraph (A), by inserting before the period the following: “, which shall include information on at least one institution of higher education representing each of the sectors (including public, nonprofit, and proprietary) of the representative member institutions”; and

(ii) in subparagraph (A), by inserting before the semicolon the following: “, and for purposes of facilitating such third-party information, the Secretary shall make publicly available the application of the accrediting agency or association seeking recognition by the Secretary upon publishing in the Federal Register the solicitation for such third-party information”; and

(B) by adding at the end the following:

1 “(5) In the case in which an official of the De-
2 partment (other than the Secretary) makes a deci-
3 sion on the recognition of an accrediting agency or
4 association that differs from the recommendation
5 made by the National Advisory Committee on Insti-
6 tutional Quality and Integrity on such recognition,
7 without regard to whether any appeals process with
8 respect to such decision has been concluded, the offi-
9 cial shall submit to the authorizing committees the
10 rationale and evidence for such decision.

11 “(6) During the first 90-day period of each fis-
12 cal year, the Secretary shall submit to the author-
13 izing committees the following information with re-
14 spect to the preceding fiscal year—

15 “(A) information about each accrediting
16 agency that the Secretary reviews and evaluates
17 under this subsection;

18 “(B) the recommendation of the National
19 Advisory Committee on Institutional Quality
20 and Integrity about whether to recognize such
21 accrediting agency or association and the ra-
22 tionale for such recommendation;

23 “(C) in the case in which an official of the
24 Department (other than the Secretary) makes a
25 decision on the recognition of such accrediting

1 agency or association (without regard to wheth-
 2 er any appeals process with respect to such de-
 3 cision has been concluded), such decision and
 4 the rationale for such decision; and

5 “(D) the final decision of the Secretary on
 6 the recognition of such accrediting agency or
 7 association and the rationale for such final deci-
 8 sion.”; and

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

10 “(r) EVALUATION OF QUALITY AND ACHIEVEMENT
 11 MEASURES.—

12 “(1) IN GENERAL.—The Secretary shall direct
 13 the National Advisory Committee on Institutional
 14 Quality and Integrity to—

15 “(A) regularly evaluate the effectiveness of
 16 the measures selected and the performance
 17 benchmarks established by accrediting agencies
 18 and associations under subsection (a)(5)(A);
 19 and

20 “(B) compare similarly situated accrediting
 21 agencies or associations, whose similarity may
 22 not be determined solely by the educational sec-
 23 tor to which the institutions being evaluated be-
 24 long, based on the measures and performance

1 benchmarks used in subsection (a)(5)(A) by
2 such agencies and associations.

3 “(2) REVISING PERFORMANCE BENCHMARKS.—

4 The Secretary may require an accrediting agency or
5 association to review and revise a performance
6 benchmark established by such agency or association
7 if the Secretary determines that such performance
8 benchmark is too low for the measure for which such
9 benchmark is established.

10 “(s) REPORT ON RECOGNIZED INSTITUTIONAL
11 ACCREDITORS REQUIRED.—Not later than 180 days after
12 the date of the enactment of the College Affordability Act,
13 and annually thereafter, the Secretary shall publish a re-
14 port that includes with respect to each accrediting agency
15 or association recognized under this section by the Sec-
16 retary, the following:

17 “(1) The number of institutions of higher edu-
18 cation evaluated by such accrediting agency or asso-
19 ciation in each educational sector.

20 “(2) The number of locations of such institu-
21 tions of higher education.

22 “(3) The number of students enrolled at such
23 institutions of higher education.

1 “(4) The number of students receiving a Fed-
 2 eral Pell Grant at such institutions of higher edu-
 3 cation in the preceding year.

4 “(5) The total amount of Federal student aid
 5 received by students enrolled at such institutions of
 6 higher education in the preceding year.

7 “(6) The graduation rates of such institutions
 8 of higher education.

9 “(7) The median earnings of students 10 years
 10 after enrollment.

11 “(8) The number of institutions placed on a re-
 12 imbursement payment method pursuant to section
 13 487(c)(1)(B).”.

14 **Subpart B—Program Review and Data**

15 **SEC. 4721. ELIGIBILITY AND CERTIFICATION PROCEDURES.**

16 (a) FINANCIAL RESPONSIBILITY STANDARDS.—Sec-
 17 tion 498 of the Higher Education Act of 1965 (20 U.S.C.
 18 1099c) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (4), by striking “and” at
 21 the end;

22 (B) in paragraph (5), by striking the pe-
 23 riod at the end and inserting “; and”; and

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

“(6) includes an addendum under which an institution of higher education shall report a change in circumstances described in subparagraph (A)(ii) or clauses (ii) or (iii) of subparagraph (B) of subsection (c)(8), not later than 30 days after the date on which such change in circumstance occurs.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”
; and

(iii) by adding at the end the following:

“(D) the institution is not an institution described in paragraph (7)(B).”; and

(B) by adding at the end the following:

“(7) PROHIBITED FINANCIAL RESPONSIBILITY DETERMINATIONS.—

“(A) IN GENERAL.—The Secretary may not determine that an institution has the financial responsibility required by this title if such institution is an institution described in subparagraph (B).

1 “(B) SPECIFIED INSTITUTION.—An institution
2 described in this subparagraph is—

3 “(i) a private non-profit institution of
4 higher education or a proprietary institution of
5 higher education (as defined in section 102(b))
6 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 2
11 fiscal years, has an adjusted cohort default
12 rate (as determined under section 435(m))
13 of 20 percent or greater, unless the institu-
14 tion files a challenge, request for adjust-
15 ment, or appeal under section 435(a) with
16 respect to such rates for one or both of
17 such fiscal years;

18 “(III) is subject to a number of pend-
19 ing or approved borrower relief claims
20 under section 493H from borrowers that
21 equals or exceeds, with respect to the prior
22 academic year, half of the enrollment of
23 full-time equivalent students at such insti-
24 tution;

1 “(ii) a proprietary institution of higher
2 education (as defined in section 102(b)) that—

3 “(I) is publicly traded; and

4 “(II)(aa) is sanctioned by the Securi-
5 ties and Exchange Commission;

6 “(bb) fails to file a required an-
7 nual or quarterly report with the Se-
8 curities and Exchange Commission; or

9 “(cc) the stock of which is
10 delisted; or

11 “(iii) a proprietary institution of higher
12 education (as defined in section 102(b))—

13 “(I) that derived, in the most recent
14 award year, more than 85 percent of the
15 revenue of the institution from Federal
16 education assistance funds; or

17 “(II) from which shareholder equity is
18 reduced by over 10 percent of the value of
19 the title IV revenues received by such pro-
20 prietary institution of higher education in
21 the prior academic year.

22 “(8) CHANGE IN CIRCUMSTANCES.—

23 “(A) REQUIRED REDETERMINATION.—

24 “(i) IN GENERAL.—In the case of a private
25 non-profit institution of higher education or a

1 proprietary institution of higher education (as
2 defined in section 102(b)) that submits an ad-
3 dendum described in clause (ii) or (iii) to the
4 Secretary, the Secretary shall, not later than 30
5 days after such addendum is submitted, rede-
6 termine whether such institution meets the re-
7 quirements of this subsection.

8 “(ii) SPECIFIED CIRCUMSTANCES.—An in-
9 stitution of higher education shall submit an
10 addendum under subsection (b)(6) if, with re-
11 spect to such institution of higher education,
12 one of the following occurs:

13 “(I) The institution is required to pay
14 any material debt, as determined by the
15 Secretary, or incur any material liability,
16 as determined by the Secretary, arising
17 from a final judgment in a judicial pro-
18 ceeding, an administrative proceeding or
19 determination, or settlement.

20 “(II) The institution is involved in a
21 lawsuit that is brought on or after the date
22 of the enactment of College Affordability
23 Act by a Federal or State authority for fi-
24 nancial relief on claims related to the mak-
25 ing of loans under part D of title IV.

1 “(III) Such other circumstance the
2 Secretary determines necessary.

3 “(iii) GAINFUL EMPLOYMENT DETERMINA-
4 TION BY SECRETARY.—An institution of higher
5 education shall submit an addendum under sub-
6 section (b)(6) if the Secretary makes a deter-
7 mination that such institution has programs
8 that could become ineligible under gainful em-
9 ployment (as defined in section 104) in the next
10 award year.

11 “(B) PERMISSIBLE REDETERMINATION.—

12 “(i) REDETERMINATION.—In the case of
13 an institution that submits an addendum under
14 clause (ii), the Secretary may, not later than 30
15 days after such addendum is submitted, rede-
16 termine whether such institution meets the re-
17 quirements of this subsection.

18 “(ii) SPECIFIED CIRCUMSTANCES.—The
19 Secretary shall require an institution to submit
20 an addendum under subsection (b)(6) if the
21 Secretary makes a determination—

22 “(I) that the Secretary will likely re-
23 ceive a significant number of borrower re-
24 lief claims under section 493H as the re-

1 sult of a lawsuit, settlement, or judgement
2 against the institution; or

3 “(II) that the institution experienced
4 one of the following:

5 “(aa) A significant fluctuation in
6 enrollments between consecutive
7 award years or a period of award
8 years.

9 “(bb) A citation by a State li-
10 censing or authorizing agency for fail-
11 ing State or agency requirements.

12 “(cc) High annual drop out
13 rates.

14 “(dd) Pending borrower relief
15 claims under section 493H.

16 “(C) FINANCIAL CIRCUMSTANCES MATE-
17 RIALS.—If the institution’s financial circumstances
18 materially change after the institution submits an
19 addendum under subsection (b)(6), such institution
20 shall submit to the Secretary such certified financial
21 statements and other information as the Secretary
22 may require.

23 “(9) TRANSPARENCY.—Beginning not later than 90
24 days after the date of the enactment of this paragraph,
25 and not less than once every 120 days thereafter, the Sec-

1 retary shall make publicly available on the website of the
2 Department the following:

3 “(A) The ratios used to demonstrate financial
4 responsibility under this section.

5 “(B) Each reports made to the Secretary under
6 this section.

7 “(C) Each audited financial statement sub-
8 mitted to the Secretary by an institution of higher
9 education under this section.

10 “(D) Each certified financial statement sub-
11 mitted to the Secretary under paragraph (8)(C).”;
12 and

13 (3) in subsection (i)(2)—

14 (A) in subparagraph (E), by striking “or”
15 at the end;

16 (B) in subparagraph (F), by striking the
17 period at the end and inserting “; or”; and

18 (C) by adding at the end the following:

19 “(G) the transfer of ownership as a result of a
20 court-ordered receivership.”.

21 (b) RULEMAKING.—Not 1 year after the date of the
22 enactment of this Act, the Secretary of Education shall
23 carry out a negotiated rulemaking to update the criteria
24 used under section 498(c)(2) of the Higher Education Act
25 of 1965 (20 U.S.C. 1099c) to make a determination of

1 the ability of an institution of higher education to meet
2 the standards under such section in accordance with the
3 amendments made by this section.

4 **SEC. 4722. PROGRAM REVIEW AND DATA.**

5 Section 498A of the Higher Education Act of 1965
6 (20 U.S.C. 1099c–1) is amended—

7 (1) in subsection (a)(2), by striking subpara-
8 graph (A) and inserting the following:

9 “(A) institutions with an adjusted cohort
10 default rate for loans under part D in excess of
11 18 percent or which places such institutions in
12 the highest 25 percent of such institutions;”;

13 (2) by redesignating subsections (c) through (e)
14 as subsections (d) through (f), respectively; and

15 (3) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) UNDERCOVER OPERATIONS.—In carrying out
18 paragraphs (1) and (2) of subsection (a) and any other
19 relevant provisions of this subpart, the Secretary—

20 “(1) shall conduct undercover and secret shop-
21 per operations for the purpose of encouraging the
22 ethical treatment of students and prospective stu-
23 dents and detecting fraud and abuse in the Federal
24 student aid programs, including—

1 “(A) violations described in section
2 487(c)(3);

3 “(B) violations of section 487(a)(20); and

4 “(C) violations by any entity with which
5 the institution has contracted for student re-
6 cruitment or admission activity;

7 “(2) shall develop written guidelines for the
8 conduct of activities under paragraph (1) in accord-
9 ance with commonly-accepted Federal practices for
10 undercover operations and in consultation with other
11 relevant agencies, including the Department of Jus-
12 tice, Federal Trade Commission, Consumer Finan-
13 cial Protection Bureau, and the Department of Edu-
14 cation’s Office of Inspector General; and

15 “(3) shall provide an annual report on the re-
16 sults of activities under paragraph (1) to the author-
17 izing committees, and thereafter shall make the re-
18 port available to the public.”.

19 **Subpart C—Strengthening Institutional Quality**

20 **SEC. 4731. STRENGTHENING INSTITUTIONAL QUALITY.**

21 Part H of title IV of the Higher Education Act of
22 1965 (20 U.S.C. 1099a et seq.) is amended by adding at
23 the end the following:

1 **“Subpart 4—Strengthening Institutional Quality**

2 **“SEC. 498C. ASSISTANCE TO PROGRESS PERIOD INSTITU-**
3 **TIONS.**

4 “(a) IN GENERAL.—The Secretary shall provide
5 grants and technical assistance to covered progress period
6 institutions in accordance with this section.

7 “(b) AUTHORIZED ACTIVITIES.—Grants and assist-
8 ance provided under this section shall be used to improve
9 student achievement (as described in section
10 496(a)(5)(A)) at covered progress period institutions.

11 “(c) DURATION.—Grants and assistance may be pro-
12 vided under this section for a period of not less than one
13 year and not more than three years.

14 “(d) CONDITIONS.—

15 “(1) BENCHMARKS.—

16 “(A) IN GENERAL.—To continue to receive
17 support under this section after the first year in
18 which such support is provided, an institution
19 must show progress, as determined by the Sec-
20 retary, toward meeting the standards for stu-
21 dent achievement established by the relevant ac-
22 crediting agency or association pursuant to sec-
23 tion 496(a)(5)(A).

24 “(B) CONSIDERATIONS.—In determining
25 the progress of an institution under subpara-
26 graph (A), the Secretary may take into consid-

1 eration extenuating circumstances that may
2 have contributed to the poor performance of the
3 institution in the first year of the review period.

4 “(2) DEADLINE FOR COMPLIANCE.—An institu-
5 tion that does not achieve an adjusted cohort default
6 rate of less than 10 percent after receiving support
7 under this section for three consecutive years shall
8 be ineligible to receive further support under this
9 section.

10 “(3) PROHIBITION.—An institution shall be in-
11 eligible to receive further support under this section
12 if, while the institution was receiving such support,
13 the total enrollment of low-income students (as such
14 term is defined in section 419N(b)(7)) at the institu-
15 tion decreased by 10 percent or more.

16 “(e) COVERED PROGRESS PERIOD INSTITUTION.—In
17 this section, the term ‘covered progress period institution’
18 means—

19 “(1) a public institution of higher education
20 that is determined to be in progress period status;

21 “(2) a part B institution (as defined in section
22 322) that is determined to be in progress period sta-
23 tus; or

24 “(3) a private, nonprofit institution of higher
25 education—

1 “(A) that is determined to be in progress
2 period status; and

3 “(B) at which not less than 45 percent of
4 the total student enrollment consists of low-in-
5 come students (as such term is defined in sec-
6 tion 419N(b)(7)).

7 “(f) FUNDING.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated, and there are appropriated, such
10 funds as the Secretary, using the formula described
11 in paragraph (2), determines necessary to meet the
12 needs of all eligible institutions under this sub-
13 section, except that such funds shall not exceed
14 \$100,000,000 for fiscal year 2021 and each suc-
15 ceeding fiscal year. Such funds shall be available
16 until expended.

17 “(2) FORMULA.—Not later than 1 year after
18 the date of the enactment of this section, the Sec-
19 retary shall establish through negotiated rulemaking
20 a formula to determine the—

21 “(A) proportional amount of institutional
22 need under this section; and

23 “(B) total amount of institutional need
24 under this section.

1 “(3) SPECIAL RULE.—Such formula must at
2 minimum take into consideration the severity of the
3 problem, size of the institution, institutional re-
4 sources, historical underfunding, and the number of
5 low-income students (as such term is defined in sec-
6 tion 419N(b)(7)) being served.

7 **“SEC. 498D. RESTRICTIONS ON CERTAIN EXPENDITURES.**

8 “(a) ESTABLISHING DEFINITIONS.—

9 “(1) IN GENERAL.—For purposes of each sur-
10 vey conducted under the Integrated Postsecondary
11 Education Data System after the date of enactment
12 of the College Affordability Act and this Act, the
13 Secretary shall define the following terms:

14 “(A) Marketing.

15 “(B) Recruitment.

16 “(C) Advertising.

17 “(D) Lobbying.

18 “(E) Student services.

19 “(2) EXCLUSION OF CERTAIN ACTIVITIES.—In
20 defining the term ‘student services’ under paragraph
21 (1)(E), the Secretary shall ensure that such term
22 does not include marketing, recruitment, advertising,
23 or lobbying.

24 “(b) LIMITATION ON EXPENDITURES.—In a case in
25 which the Secretary determines with respect to an institu-

1 tion of higher education participating in any program
2 under this title that, for any of the 3 most recent institu-
3 tional fiscal years after the promulgation of regulations
4 by the Secretary defining the terms in subsection (a)(1)
5 for which the institution submits to the Secretary disclo-
6 sures on the expenditures of the institution on instruction
7 for purposes of section 132(i)(1)(AA), the amount ex-
8 pended by such institution on instruction for such fiscal
9 year is less than an amount equal to $\frac{1}{3}$ of institution's
10 revenues derived from tuition and fees—

11 “(1) for any institutional fiscal year after such
12 determination is made, the sum of the amount ex-
13 pended by the institution on marketing, recruitment,
14 advertising, and lobbying may not exceed the
15 amount of the institution's revenues derived from
16 sources other than Federal education assistance
17 funds; and

18 “(2) in a case in which the institution fails to
19 meet the requirements of paragraph (1) for 2 con-
20 secutive institutional fiscal years, the institution
21 shall be ineligible to participate in the programs au-
22 thorized by this title for a period of not less than
23 two institutional fiscal years.

24 “(c) PUBLICATION ON WEBSITE.—The Secretary
25 shall, on an annual basis, publicly disclose on the Depart-

1 ment’s website, information with respect to any institution
2 of higher education that is subject to the requirements of
3 subsection (b)(1), including—

4 “(1) the quotient of the amount that the insti-
5 tution expends on instruction divided by the institu-
6 tion’s revenues derived from tuition and fees, ex-
7 pressed as a percentage;

8 “(2) the sum of such institution’s expenditures
9 on advertising, recruiting, marketing, and lobbying;

10 “(3) the amount of such institution’s revenues
11 received from sources outside of Federal education
12 assistance funds; and

13 “(4) the difference between paragraphs (2) and
14 (3).

15 **“SEC. 498E. INSTITUTIONAL DISCLOSURE SYSTEM.**

16 “(a) DEPARTMENTAL DISCLOSURE.—The Secretary
17 shall make available, on a publicly accessible website of
18 the Department of Education, a list of institutions of high-
19 er education that—

20 “(1) have failed to meet the requirements for
21 accreditation by an agency or association recognized
22 by the Secretary pursuant to section 496(a); or

23 “(2) have failed to meet the requirements for
24 participation in programs under this title.

25 “(b) INSTITUTIONAL DISCLOSURE.—

1 “(1) IN GENERAL.—To be eligible to participate
2 in programs under this title, an institution of higher
3 education shall, using the template developed by the
4 Secretary under subsection (c), disclose the accredi-
5 tation status of the institution on a publicly acces-
6 sible website of the institution. Any failure of the in-
7 stitution to meet an accreditation standard shall be
8 specifically identified by the institution as part of
9 the disclosure under this paragraph.

10 “(2) UPDATES.—Any change in the accredita-
11 tion status of an institution of higher education shall
12 be disclosed in accordance with paragraph (1) not
13 later than 30 days after such change occurs.

14 “(c) TEMPLATE.—The Secretary shall develop a tem-
15 plate that shall be used by institutions of higher education
16 to make the disclosures required under subsection (b). The
17 Secretary shall ensure that the template—

18 “(1) clearly identifies the information to be dis-
19 closed; and

20 “(2) is in a format that is easily understood by
21 consumers.”.

PART I—AMERICA’S COLLEGE PROMISE

FEDERAL-STATE PARTNERSHIP

SEC. 4801. PROGRAM AUTHORIZED.

Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

“PART I—AMERICA’S COLLEGE PROMISE

FEDERAL-STATE PARTNERSHIP

**“Subpart 1—State and Indian Tribe Grants for
Community Colleges**

“SEC. 499A. IN GENERAL.

“From amounts appropriated under section 499G for any fiscal year, the Secretary shall award grants to eligible States and Indian tribes to pay the Federal share of expenditures needed to carry out the activities and services described in section 499E.

“SEC. 499B. FEDERAL SHARE; NON-FEDERAL SHARE.

“(a) FEDERAL SHARE.—

“(1) FORMULA.—Subject to paragraph (2), the Federal share of a grant under this subpart shall be based on a formula, determined by the Secretary, that—

“(A) accounts for the State or Indian tribe’s share of eligible students;

“(B) accounts for the ratio between a State or Indian tribe’s funding per full-time

1 equivalent (FTE) student at public colleges and
2 universities and the average net price at State
3 public four-year colleges and universities, in
4 such a way as to reward States that keep net
5 prices for students low while maintaining their
6 investment in higher education; and

7 “(C) provides, for each eligible student in
8 the State or Indian tribe, a per-student amount
9 that is at least 75 percent of—

10 “(i) for the 2021–2022 award year,
11 the average resident community college tui-
12 tion and fees per student in all States for
13 the most recent year for which data are
14 available; and

15 “(ii) for each subsequent award year,
16 the amount determined under this sub-
17 paragraph for the preceding award year,
18 increased by the lesser of—

19 “(I) a percentage equal to the es-
20 timated percentage increase in the
21 Consumer Price Index (as determined
22 by the Secretary) since the date of
23 such determination; or

24 “(II) 3 percent.

1 “(2) EXCEPTION FOR CERTAIN INDIAN
2 TRIBES.—In any case in which not less than 75 per-
3 cent of the students at the community colleges oper-
4 ated or controlled by an Indian tribe are low-income
5 students, the amount of the Federal share for such
6 Indian tribe shall be not less than 95 percent of the
7 total amount needed to waive tuition and fees for all
8 eligible students enrolled in such community col-
9 leges.

10 “(b) STATE OR TRIBAL SHARE.—

11 “(1) FORMULA.—

12 “(A) IN GENERAL.—The State or tribal
13 share of a grant under this subpart for each fis-
14 cal year shall be the amount needed to pay 25
15 percent of the average community college resi-
16 dent tuition and fees per student in all States
17 in the 2021–2022 award year for all eligible
18 students in the State or Indian tribe, respec-
19 tively, for such fiscal year, except as provided in
20 subparagraph (B).

21 “(B) EXCEPTION FOR CERTAIN INDIAN
22 TRIBES.—In the case of an Indian tribe de-
23 scribed in subsection (a)(2), the amount of such
24 Indian tribe’s tribal share shall not exceed 5
25 percent of the total amount needed to waive tui-

1 tion and fees for all eligible students enrolled in
2 such community colleges.

3 “(2) NEED-BASED AID.—A State or Indian
4 tribe may include, as part of the State or tribal
5 share, any need-based financial aid that—

6 “(A) is provided from State or tribal funds
7 to an eligible student; and

8 “(B) may be used by such student to pay
9 costs of attendance other than tuition and fees.

10 “(3) NO IN-KIND CONTRIBUTIONS.—A State or
11 Indian tribe shall not include in-kind contributions
12 for purposes of the State or tribal share described
13 in paragraph (1).

14 “(c) DETERMINING NUMBER OF ELIGIBLE STU-
15 DENTS.—

16 “(1) IN GENERAL.—The Secretary of Education
17 shall develop and implement a process for accurately
18 estimating the number of eligible students in a State
19 or Indian tribe for purposes of subsection (a) and
20 (b).

21 “(2) INITIAL DETERMINATION.—For the first
22 year for which grants are awarded under this sub-
23 part, the number of eligible students in a State or
24 Indian tribe shall be considered to be equal to the

1 number of eligible students that were in the State or
2 tribe for the preceding school year.

3 “(d) ADJUSTMENT OF GRANT AMOUNT.—Not later
4 than 180 days after the date on which a State or Indian
5 tribe receives a grant under this subpart, the Secretary
6 shall—

7 “(1) in consultation with the State or tribe con-
8 cerned, determine whether the actual number of eli-
9 gible students in the State or Tribe for the year cov-
10 ered by the grant is greater than the estimated num-
11 ber of such students that was used to determine the
12 amount of the grant; and

13 “(2) if it is determined under paragraph (1)
14 that the actual number of eligible students in the
15 State or Tribe is higher than such estimate, issue a
16 supplementary grant payment to the State or tribe
17 in an amount that ensures that the total amount of
18 the grant funds received by the State or tribe under
19 this subpart for the year covered by the grant accu-
20 rately reflects the higher number of eligible students.

21 **“SEC. 499C. APPLICATIONS.**

22 “(a) SUBMISSION.—In order to receive a grant under
23 this subpart, 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 “(b) CONTENTS.—Each application under subsection
2 (a) shall include, at a minimum—

3 “(1) an estimate of the number of eligible stu-
4 dents in the State or Indian tribe and the cost of
5 waiving community college resident tuition and fees
6 for all eligible students for each fiscal year covered
7 by the grant;

8 “(2) an assurance that all community colleges
9 in the State or under the jurisdiction of the Indian
10 tribe, respectively, will waive resident tuition and
11 fees for eligible students in accordance with section
12 499D(a);

13 “(3) a description of the promising and evi-
14 dence-based institutional reforms and innovative
15 practices to improve student outcomes, including
16 transfer and completion rates, that have been or will
17 be adopted by the participating community colleges,
18 such as—

19 “(A) providing comprehensive academic
20 and student support services, including men-
21 toring and advising, especially for low-income,
22 first-generation, and adult students, and other
23 students belonging to racial and other groups
24 that are underrepresented in higher education;

1 “(B) the provision of direct support serv-
2 ices such as—

3 “(i) childcare, transportation, emer-
4 gency financial assistance, and mental
5 health and substance use disorder treat-
6 ment;

7 “(ii) assistance in obtaining health in-
8 surance coverage;

9 “(iii) assistance securing affordable
10 housing;

11 “(iv) efforts to address food insecurity
12 and campus hunger; and

13 “(v) efforts to facilitate student par-
14 ticipation in means-tested Federal benefit
15 programs (as defined in section 479(d));

16 “(C) providing accelerated learning oppor-
17 tunities, such as dual or concurrent enrollment
18 programs, including early college high school
19 programs;

20 “(D) strengthening and reforming remedial
21 and developmental education, especially for low-
22 income, first-generation, and adult students,
23 and other students belonging to racial and
24 other groups that are underrepresented in high-
25 er education, including through the use of mul-

1 multiple measures (such as a student’s college en-
2 trance examination score, grade point average,
3 high school course list, or a placement examina-
4 tion) to identify students in need of remedial
5 education; or

6 “(E) utilizing career pathways or degree
7 pathways;

8 “(4) a description of how the State or Indian
9 tribe will ensure that programs leading to a recog-
10 nized postsecondary credential meet the quality cri-
11 teria established by the State under section 123(a)
12 of the Workforce Innovation and Opportunity Act
13 (29 U.S.C. 3153(a)) or other quality criteria deter-
14 mined appropriate by the State or Indian tribe;

15 “(5) an assurance that all participating commu-
16 nity colleges in the State or under the authority of
17 the Indian tribe have entered into program partici-
18 pation agreements under section 487;

19 “(6) an assurance that the State or Indian tribe
20 will, to the extent practicable, assist eligible students
21 in obtaining information about and accessing means-
22 tested Federal benefit programs (as defined in sec-
23 tion 479(d)) for which such students may be eligible;

24 “(7) an assurance that, for each year of the
25 grant, the State or Indian tribe will notify each eligi-

1 ble student of the student’s remaining eligibility for
2 assistance under this subpart; and

3 “(8) if the application is submitted by a
4 State—

5 “(A) an assurance that the State will, to
6 the extent practicable, consider changes to
7 State law that will enable more community col-
8 lege students to be eligible for means-tested
9 Federal benefit programs (as defined in section
10 479(d));

11 “(B) an assurance that the State will meet
12 the requirements of section 499D(b)(1) relating
13 to the alignment of secondary and postsec-
14 ondary education; and

15 “(C) an assurance that the State will meet
16 the requirements of section 499D(b)(2) relating
17 to the improvement of transfer pathways be-
18 tween institutions of higher education.

19 **“SEC. 499D. PROGRAM REQUIREMENTS.**

20 “(a) GENERAL REQUIREMENTS FOR STATES AND IN-
21 DIAN TRIBES.—As a condition of receiving a grant under
22 this subpart a State or Indian tribe shall meet the fol-
23 lowing requirements:

24 “(1) For each year of the grant the total
25 amount of community college resident tuition and

1 fees charged to an eligible student in the State or
2 Indian tribe shall be \$0.

3 “(2) For each year of the grant no amount of
4 financial assistance for which an eligible student
5 qualifies may be applied to such tuition or fees.

6 “(b) STATE REQUIREMENTS.—As a condition of re-
7 ceiving a grant under this subpart a State shall meet the
8 following requirements:

9 “(1) ALIGNMENT OF K–12 AND HIGHER EDU-
10 CATION.—

11 “(A) IN GENERAL.—The State shall—

12 “(i) submit a plan to align the re-
13 quirements for receiving a regular high
14 school diploma from a public high school
15 with the requirements for entering credit-
16 bearing coursework at a participating com-
17 munity college; and

18 “(ii) not later than three years after
19 the date on which the State first receives
20 a grant under this subpart, certify to the
21 Secretary that such alignment has been
22 achieved.

23 “(B) FAILURE TO CERTIFY.—If a State
24 does not provide the certification required
25 under subparagraph (A) by the date specified in

1 such subparagraph, the State shall submit to
2 the Secretary, at such time and in such manner
3 as the 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 “(2) TRANSFER PATHWAYS.—

11 “(A) IN GENERAL.—The State shall—

12 “(i) submit a plan, developed in col-
13 laboration with faculty from institutions of
14 higher education in the State, to improve
15 transfer pathways between institutions of
16 higher education in the State, including by
17 ensuring that associate degrees awarded by
18 public institutions in the State are fully
19 transferable to, and credited as, the first 2
20 years of related baccalaureate programs at
21 public institutions of higher education in
22 such State; and

23 “(ii) not later than 3 years after the
24 date on which the State first receives a
25 grant under this subpart, certify to the

1 Secretary that an associate degree in an
2 academic major in the arts or sciences that
3 is awarded by a public institution of higher
4 education in the State on or after the date
5 that is not later than 3 years after the
6 date on which the State first receives a
7 grant under this subpart shall be fully
8 transferrable to, and credited as, the first
9 2 years of a related baccalaureate program
10 at a public institution of higher education
11 in such State.

12 “(B) FAILURE TO CERTIFY.—If a State
13 does not provide the certification required
14 under subparagraph (A) by the date specified in
15 such subparagraph, the State shall submit to
16 the Secretary, at such time and in such manner
17 as the Secretary may require—

18 “(i) a written explanation for the
19 delay in making the certification; and

20 “(ii) a plan that will enable the State
21 to make the certification by not later than
22 5 years after the date on which the State
23 first received a grant under this subpart.

1 “(3) APPLICABILITY.—The Secretary may not
2 apply the requirements under this subsection to an
3 Indian tribe.

4 **“SEC. 499E. ALLOWABLE USES OF FUNDS.**

5 “(a) IN GENERAL.—Except as provided in subsection
6 (b), a State or Indian tribe shall use a grant under this
7 subpart only to provide funds to participating community
8 colleges to enable such community colleges to waive resi-
9 dent tuition and fees for eligible students as required
10 under section 499D(a).

11 “(b) ADDITIONAL USES.—If a State or Indian tribe
12 demonstrates to the Secretary that it has grant funds re-
13 maining after meeting the demand for activities described
14 in subsection (a), the State or Indian tribe may use those
15 funds to carry out one or more of the following:

16 “(1) Enhancing the quality of public higher
17 education to improve student outcomes, including
18 transfer and completion rates.

19 “(2) Expanding the scope and capacity of high-
20 quality academic and occupational skills training
21 programs at community colleges.

22 “(3) Improving postsecondary education readi-
23 ness in the State or Indian tribe, including through
24 outreach and early intervention.

1 “(4) Expanding access to dual or concurrent
2 enrollment programs, including early college high
3 school programs.

4 “(5) Improving affordability at 4-year public in-
5 stitutions of higher education.

6 “(c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
7 POSES.—A State or Indian tribe that receives a grant
8 under this subpart may not use any funds provided under
9 this subpart for administrative purposes relating to the
10 grant under this subpart.

11 “(d) MAINTENANCE OF EFFORT.—A State or Indian
12 tribe receiving a grant under this subpart is entitled to
13 receive its full allotment of funds under this subpart for
14 a fiscal year only if, for each year of the grant, the State
15 or Indian tribe provides—

16 “(1) financial support for public higher edu-
17 cation at a level equal to or exceeding the average
18 amount provided per full-time equivalent student for
19 public institutions of higher education for the three
20 consecutive preceding fiscal years. In making the
21 calculation under this subsection, the State or In-
22 dian tribe shall—

23 “(A) exclude capital expenses and research
24 and development costs; and

1 “(B) include need-based financial aid for
2 students who attend public institutions of high-
3 er education;

4 “(2) financial support for operational expenses
5 for public, four-year colleges and universities at a
6 level equal to or exceeding the average amount pro-
7 vided for the three consecutive preceding State or
8 Indian tribe fiscal years; and

9 “(3) financial support for need-based financial
10 aid at a level equal to or exceeding the average
11 amount provided for the three consecutive preceding
12 State or Indian tribe fiscal years.

13 “(e) ANNUAL REPORT.—A State or Indian tribe re-
14 ceiving a grant under this subpart shall submit an annual
15 report to the Secretary describing the uses of grant funds
16 under this subpart, the progress made in fulfilling the re-
17 quirements of the grant, and rates of transfer, graduation,
18 and attainment of recognized postsecondary credentials at
19 participating community colleges, including such rates
20 disaggregated by race, income, and age, and including any
21 other information as the Secretary may require.

22 “(f) REPORTING BY SECRETARY.—The Secretary an-
23 nually shall—

24 “(1) compile and analyze the information de-
25 scribed in subsection (e); and

1 “(2) prepare and submit a report to the Com-
2 mittee on Health, Education, Labor, and Pensions
3 of the Senate and the Committee on Education and
4 Labor of the House of Representatives containing
5 the analysis described in paragraph (1) and an iden-
6 tification of State and Indian tribe best practices for
7 achieving the purpose of this subpart.

8 “(g) TECHNICAL ASSISTANCE.—The Secretary shall
9 provide technical assistance to eligible States and Indian
10 tribes concerning best practices regarding the promising
11 and evidence-based institutional reforms and innovative
12 practices to improve student outcomes and shall dissemi-
13 nate such best practices among the States and Indian
14 tribes.

15 “(h) CONTINUATION OF FUNDING.—

16 “(1) IN GENERAL.—A State or Indian tribe re-
17 ceiving a grant under this subpart for a fiscal year
18 may continue to receive funding under this subpart
19 for future fiscal years conditioned on the availability
20 of budget authority and on meeting the require-
21 ments of the grant, as determined by the Secretary.

22 “(2) DISCONTINUATION.—The Secretary may
23 discontinue funding of the Federal share of a grant
24 under this subpart if the State or Indian tribe has
25 violated the terms of the grant or is not making ade-

1 quate progress in implementing the reforms de-
2 scribed in the application submitted under section
3 499C.

4 “(i) SUPPLEMENT, NOT SUPPLANT.—Funds made
5 available under this subpart shall be used to supplement,
6 and not supplant, other Federal, State, and local funds
7 that would otherwise be expended to carry out activities
8 under this section.

9 **“SEC. 499F. DEFINITIONS.**

10 “In this subpart:

11 “(1) CAREER PATHWAY.—The term ‘career
12 pathway’ has the meaning given the term in section
13 3 of the Workforce Innovation and Opportunity Act
14 (29 U.S.C. 3102).

15 “(2) COMMUNITY COLLEGE.—The term ‘com-
16 munity college’ means a public institution of higher
17 education at which the highest degree that is pre-
18 dominantly awarded to students is an associate’s de-
19 gree, including 2-year tribally controlled colleges
20 under section 316 and public 2-year State institu-
21 tions of higher education.

22 “(3) DUAL OR CONCURRENT ENROLLMENT
23 PROGRAM.—The term ‘dual or concurrent enrollment
24 program’ has the meaning given the term in section

1 8101 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7801).

3 “(4) EARLY COLLEGE HIGH SCHOOL.—The
4 term ‘early college high school’ has the meaning
5 given the term in section 8101 of the Elementary
6 and Secondary Education Act of 1965 (20 U.S.C.
7 7801).

8 “(5) ELIGIBLE STUDENT.—

9 “(A) DEFINITION.—The term ‘eligible stu-
10 dent’ means a student who—

11 “(i) attends the community college on
12 not less than a half-time basis;

13 “(ii) is maintaining satisfactory
14 progress (as defined in section 484(c)) in
15 the student’s course of study;

16 “(iii) is enrolled in an eligible pro-
17 gram (as defined in section 481(b)); and

18 “(iv) either—

19 “(I) qualifies for in-State resi-
20 dent community college tuition, as de-
21 termined by the State or Indian tribe;
22 or

23 “(II) would qualify for such in-
24 State resident community college tui-

1 tion, but for the immigration status of
2 such student.

3 “(B) SPECIAL RULE.—An otherwise eligi-
4 ble student shall lose eligibility 3 calendar years
5 after first receiving benefits under this subpart.

6 “(6) INDIAN TRIBE.—The term ‘Indian tribe’
7 has the meaning given the term in section 102 of the
8 Federally Recognized Indian Tribe List Act of 1994
9 (25 U.S.C. 479a).

10 “(7) INSTITUTION OF HIGHER EDUCATION.—
11 The term ‘institution of higher education’ has the
12 meaning given the term in section 101.

13 “(8) RECOGNIZED POSTSECONDARY CREDEN-
14 TIAL.—The term ‘recognized postsecondary creden-
15 tial’ has the meaning as described in section 3 of the
16 Workforce Innovation and Opportunity Act (29
17 U.S.C. 3102).

18 “(9) STATE.—The term ‘State’ has the mean-
19 ing given the term in section 103.

20 **“SEC. 499G. APPROPRIATIONS.**

21 “(a) AUTHORIZATION AND APPROPRIATIONS.—For
22 the purpose of making grants under this subpart there are
23 authorized to be appropriated, and there are appro-
24 priated—

25 “(1) \$1,569,700,000 for fiscal year 2021;

1 “(2) \$3,472,880,000 for fiscal year 2022;
2 “(3) \$4,431,950,000 for fiscal year 2023;
3 “(4) \$6,204,030,000 for fiscal year 2024;
4 “(5) \$8,119,870,000 for fiscal year 2025;
5 “(6) \$9,297,430,000 for fiscal year 2026;
6 “(7) \$11,708,890,000 for fiscal year 2027;
7 “(8) \$14,971,330,000 for fiscal year 2028;
8 “(9) \$15,619,910,000 for fiscal year 2029; and
9 “(10) \$16,296,080,000 for fiscal year 2030 and
10 each succeeding fiscal year.

11 “(b) AVAILABILITY.—Funds appropriated under sub-
12 section (a) shall remain available to the Secretary until
13 expended.

14 “(c) INSUFFICIENT FUNDS.—If the amount appro-
15 priated under subsection (a) for a fiscal year is not suffi-
16 cient to award each participating State and Indian tribe
17 a grant under this subpart that is equal to the minimum
18 amount of the Federal share described in section 499B,
19 the Secretary may ratably reduce the amount of each such
20 grant or take other actions necessary to ensure an equi-
21 table distribution of such amount.”.

22 **SEC. 4802. STUDENT SUCCESS FUND.**

23 Part I of title IV of the Higher Education Act of
24 1965 (20 U.S.C. 1070 et seq.), as added by section 4801,
25 is further amended by adding at the end the following:

1 **“Subpart 2—Student Success Fund**

2 **“SEC. 499H. IN GENERAL.**

3 “From amounts appropriated under section 499N for
4 any fiscal year, the Secretary shall carry out a grant pro-
5 gram (to be known as the Student Success Fund) to make
6 grants to eligible entities to carry out the activities and
7 services described in section 499L.

8 **“SEC. 499I. ALLOCATION.**

9 “(a) FEDERAL SHARE ALLOCATION.—The Federal
10 share of a grant under this subpart shall be determined
11 using the formula determined under section 499B(1).

12 “(b) MATCHING FUNDS.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), an eligible entity participating in the pro-
15 gram under this subpart shall provide, from non-
16 Federal sources, in cash or in-kind—

17 “(A) in each of the first, second, third, and
18 fourth year of participation in the program, an
19 amount equal to 25 percent of the amount such
20 entity received under subsection (a) with re-
21 spect to such year;

22 “(B) in each of the fifth and sixth year of
23 participation in the program, an amount equal
24 to 50 percent of the amount such entity re-
25 ceived under subsection (a) with respect to such
26 year;

1 “(C) in each of the seventh and eighth
2 year of participation in the program, an amount
3 equal to 75 percent of the amount such entity
4 received under subsection (a) with respect to
5 such year; and

6 “(D) in each ninth year and each subse-
7 quent year thereafter of participation in the
8 program, an amount equal to 100 percent of
9 the amount such entity received under sub-
10 section (a) with respect to such year.

11 “(2) EXCEPTION FOR CERTAIN INDIAN
12 TRIBES.—The Secretary may waive the matching
13 fund requirements under paragraph (1) in the case
14 of an eligible entity that is an Indian tribe if at least
15 75 percent of the students at the institutions of
16 higher education operated or controlled by such In-
17 dian tribe are low-income students.

18 “(3) REALLOTMENT.—If an eligible entity re-
19 turns to the Secretary any portion of the sums allo-
20 cated to such eligible entity under this section for
21 any fiscal year, the Secretary shall realLOT such ex-
22 cess as part of the available appropriated amount for
23 the succeeding fiscal year.

24 “(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds
25 awarded under this subpart shall be used to supplement,

1 and not supplant, other Federal, State, and local funds
2 that would otherwise be expended to carry out activities
3 assisted under this subpart.

4 “(d) LIMITATION.—An eligible entity may only par-
5 ticipate in the program under this subpart in a year in
6 which such entity receives a grant under subpart 1.

7 **“SEC. 499J. APPLICATIONS.**

8 “(a) IN GENERAL.—To be eligible to participate in
9 the program under this subpart, an eligible entity shall
10 submit an application to the Secretary at such time, in
11 such manner, and containing such information as the Sec-
12 retary may require, including—

13 “(1) a plan that includes—

14 “(A) the amount of funds requested by the
15 eligible entity under this subpart and the in-
16 tended use of such funds;

17 “(B) how the eligibility entity will use the
18 requested funds to implement the promising
19 and evidence-based institutional reforms and in-
20 novative practices to improve student outcomes
21 identified by such entity under section
22 499C(b)(3), including annual implementation
23 benchmarks that the entity will use to track
24 progress in implementing such reforms and
25 practices;

1 “(C) how the eligible entity will meet its
2 matching fund requirements under section
3 499I(b);

4 “(D) if the eligible entity is a State, how
5 such eligible entity will prioritize spending on
6 the public institutions of higher education speci-
7 fied in paragraph (2)(B); and

8 “(E) the improvements the eligible entity
9 anticipates in student outcomes, including im-
10 provements in transfer rates or completion
11 rates, or both.

12 “(2) if the eligible entity is a State, an analysis
13 that includes—

14 “(A) with respect to each public institution
15 of higher education of the eligible entity—

16 “(i) the total per-student funding;

17 “(ii) the amount of per-student fund-
18 ing from State-appropriated funds;

19 “(iii) the student demographics (in-
20 cluding, data on race, income, disability
21 status, and remediation); and

22 “(iv) transfer and completion rates,
23 including such rates among low-income
24 students, students of color, students with

1 disabilities, and students in need of reme-
2 diation; and

3 “(B) an analysis of whether, of the public
4 institutions of higher education of the eligible
5 entity, the public institutions of higher edu-
6 cation that received less funding on a per-stu-
7 dent basis described in clause (i) or (ii), or
8 both, of subparagraph (A), are serving dis-
9 proportionately high shares of low-income stu-
10 dents, students of color, students with disabil-
11 ities, or students in need of remediation.

12 “(b) APPROVAL.—

13 “(1) IN GENERAL.—Not later than 180 days
14 after receiving a plan under subsection (a), the Sec-
15 retary shall—

16 “(A) approve the plan; or

17 “(B) require revisions to such plan.

18 “(2) REVISIONS REQUIRED.—An eligible entity
19 shall make such revisions as required by the Sec-
20 retary under paragraph (1)(B).

21 “(c) PUBLICATION.—The Secretary shall make each
22 plan approved under subsection (b)(1)(A) and each plan
23 revised under subsection (b)(2) available to the public on
24 the website of the Department.

1 **“SEC. 499K. PROGRAM REQUIREMENTS.**

2 “(a) GENERAL REQUIREMENTS.—

3 “(1) REPORT ON DEMONSTRATED PROGRESS.—

4 For the third year in which an eligible entity partici-
5 pates in the program under this subpart, and every
6 2 years thereafter, the eligible entity shall submit a
7 report to the Secretary, in such manner and con-
8 taining such information as the Secretary may re-
9 quire, that includes—

10 “(A) the progress in meeting the annual
11 implementation benchmarks included in the ap-
12 plication of such eligible entity under section
13 499J(a)(1)(B);

14 “(B) the progress in improving the student
15 outcomes identified by the entity under section
16 499(J)(a)(1)(E); and

17 “(C) with respect to the 2 years after such
18 report is submitted—

19 “(i) a plan for the use of funds under
20 this subpart; and

21 “(ii) the amount of funds requested
22 by the eligible entity under this subpart .

23 “(2) APPROVAL.—Not later than 180 days
24 after receiving a plan under paragraph (1)(C)(i), the
25 Secretary shall—

26 “(A) approve the plan; or

1 “(B) require revisions to such plan.

2 “(3) REVISIONS REQUIRED.—An eligible entity
3 shall make such revisions as required by the Sec-
4 retary under paragraph (2)(B).

5 “(b) FAILURE TO MEET REQUIREMENTS.—If an eli-
6 gible entity does not meet the annual implementation
7 benchmarks included in the application of such eligible en-
8 tity under section 499J(a)(1)(B), as required to be re-
9 ported under subsection (a)(1)(A), such eligible entity
10 shall submit to the Secretary, at such time and in such
11 manner as the Secretary may require—

12 “(1) a written explanation for the delay in
13 meeting such requirements; and

14 “(2) a plan that will enable such eligible entity
15 to meet such requirements not later than 1 year
16 after the date on which the eligible entity submitted
17 the written explanation under paragraph (1).

18 “(c) PUBLICATION.—The Secretary shall make each
19 plan approved under subsection (a)(2)(A), each plan re-
20 vised under subsection (a)(3), and each plan submitted
21 under subsection (b)(2) available to the public on the
22 website of the Department.

23 **“SEC. 499L. ALLOWABLE USES OF FUNDS.**

24 “(a) IN GENERAL.—Except as provided in subsection
25 (b), an eligible entity shall use a grant under this subpart

1 only to allocate funds in accordance with the plan sub-
2 mitted for such year under section 499J(a)(1).

3 “(b) USE OF FUNDS FOR ADMINISTRATIVE PUR-
4 POSES.—An eligible entity that receives a grant under this
5 subpart may use not more than 10 percent of such grant
6 for administrative purposes relating to the grant under
7 this subpart.

8 **“SEC. 499M. ELIGIBLE ENTITY DEFINED.**

9 “In this subpart, the term ‘eligible entity’ means a
10 State or Indian tribe that received a grant under subpart
11 1 for the fiscal year in which such State or Indian tribe
12 receives a grant under this subpart.

13 **“SEC. 499N. APPROPRIATIONS.**

14 “(a) AUTHORIZATION AND APPROPRIATIONS.—For
15 the purpose of making grants under this subpart there are
16 authorized to be appropriated and there are appropriated
17 \$500,000,000 for fiscal year 2021 and each succeeding
18 fiscal year.

19 “(b) AVAILABILITY.—Funds appropriated under sub-
20 section (a) shall remain available to the Secretary until
21 expended.”.

1 **SEC. 4803. PATHWAYS TO STUDENT SUCCESS FOR HISTORI-**
2 **CALLY BLACK COLLEGES AND UNIVERSITIES,**
3 **TRIBAL COLLEGES AND UNIVERSITIES, AND**
4 **MINORITY-SERVING INSTITUTIONS.**

5 Part I of title IV of the Higher Education Act of
6 1965 (20 U.S.C. 1070 et seq.), as added by section 4801,
7 is further amended by adding at the end the following:

8 **“Subpart 3—Grants to Historically Black Colleges**
9 **and Universities, Tribal Colleges and Univer-**
10 **sities, and Minority-Serving Institutions**

11 **“SEC. 4990. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
12 **TORICALLY BLACK COLLEGES AND UNIVER-**
13 **SITIES.**

14 “(a) IN GENERAL.—From amounts appropriated
15 under section 499S(a) for any fiscal year, the Secretary
16 shall award grants to participating 4-year historically
17 black colleges or universities that meet the requirements
18 of subsection (b) to—

19 “(1) encourage students to enroll and success-
20 fully complete a bachelor’s degree at participating
21 institutions;

22 “(2) provide incentives to community college
23 students to transfer to participating institutions
24 through strong transfer pathways to complete a
25 bachelor’s degree 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 historically black 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,
14 such 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

1 health and substance use disorder treat-
2 ment;

3 “(ii) assistance in obtaining health in-
4 surance coverage;

5 “(iii) assistance securing affordable
6 housing;

7 “(iv) efforts to address food insecurity
8 and campus hunger; and

9 “(v) efforts to facilitate student par-
10 ticipation in means-tested Federal benefit
11 programs (as defined in section 479(d));

12 “(C) providing accelerated learning oppor-
13 tunities and degree pathways, such as dual en-
14 rollment and pathways to graduate and profes-
15 sional degree programs;

16 “(D) partnering with employers, industry,
17 not-for-profit associations, and other groups to
18 provide opportunities to advance learning out-
19 side the classroom, including work-based learn-
20 ing opportunities such as internships or appren-
21 ticeships or programs designed to improve
22 inter-cultural development and personal growth,
23 such as foreign exchange and study abroad pro-
24 grams; or

1 “(E) strengthening remedial education, es-
2 pecially for low-income, first-generation, and
3 adult students, and other students belonging to
4 racial and other groups that are underrep-
5 resented in higher education, including through
6 the use of multiple measures (such as a stu-
7 dent’s college entrance examination score, grade
8 point average, high school course list, or a
9 placement examination) to identify students in
10 need of remedial education;

11 “(3) sets performance goals for improving stu-
12 dent outcomes for the duration of the grant; and

13 “(4) if receiving a grant for transfer students,
14 has articulation agreements with community colleges
15 at the national, State, or local level to ensure that
16 community college credits can fully transfer to the
17 participating institution.

18 “(c) GRANT AMOUNT.—

19 “(1) INITIAL AMOUNT.—For the first year that
20 an eligible institution participates in the grant pro-
21 gram under this section and subject to paragraph
22 (3), such eligible institution shall receive a grant in
23 an amount based on the product of—

1 “(A) the actual cost of tuition and fees at
2 the eligible institution in such year (referred to
3 in this section as the per-student rebate); and

4 “(B) the number of eligible students en-
5 rolled in the eligible institution for the pre-
6 ceding year.

7 “(2) SUBSEQUENT INCREASES.—For each suc-
8 ceeding year after the first year of the grant pro-
9 gram under this section, each participating eligible
10 institution shall receive a grant in the amount deter-
11 mined under paragraph (1) for such year, except
12 that in no case shall the amount of the per-student
13 rebate for an eligible institution increase by more
14 than 3 percent as compared to the amount of such
15 rebate for the preceding year.

16 “(3) LIMITATIONS.—

17 “(A) MAXIMUM PER-STUDENT REBATE.—
18 No eligible institution participating in the grant
19 program under this section shall receive a per-
20 student rebate amount for any year that is
21 greater than the national average of annual tui-
22 tion and fees at public 4-year institutions of
23 higher education for such year, as determined
24 by the Secretary.

1 “(B) FIRST-YEAR TUITION AND FEES.—

2 During the first year of participation in the
3 grant program under this section, no eligible in-
4 stitution may increase tuition and fees at a rate
5 greater than any annual increase at the eligible
6 institution in the previous 5 years.

7 “(d) APPLICATION.—An eligible institution that de-
8 sires a grant under this section 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 “(e) USE OF FUNDS.—Funds awarded under this
12 section to a participating eligible institution shall be used
13 to waive or significantly reduce tuition and fees for eligible
14 students in an amount of not more than up to the annual
15 per-student rebate amount for each student, for not more
16 than the first 60 credits an eligible student enrolls in the
17 participating eligible institution.

18 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made
19 available under section 499S to carry out this section shall
20 be used to supplement, and not supplant, other Federal,
21 State, and local funds that would otherwise be expended
22 to carry out activities under this section.

1 **“SEC. 499P. PATHWAYS TO STUDENT SUCCESS FOR TRIBAL**
2 **COLLEGES AND UNIVERSITIES.**

3 “(a) IN GENERAL.—From amounts appropriated
4 under section 499S(a) for any fiscal year, the Secretary
5 shall award grants to participating 4-year Tribal Colleges
6 or Universities that meet the requirements of subsection
7 (b) to—

8 “(1) encourage students to enroll and success-
9 fully complete a bachelor’s degree at participating
10 institutions;

11 “(2) provide incentives to community college
12 students to transfer to participating institutions
13 through strong transfer pathways to complete a
14 bachelor’s degree program; and

15 “(3) support participating institutions to better
16 serve new and existing students by engaging in re-
17 forms and innovations designed to improve comple-
18 tion rates and other student outcomes.

19 “(b) ELIGIBILITY.—To be eligible to receive a grant
20 under the program under this section, an institution shall
21 be a Tribal College or University that—

22 “(1) has a student body of which not less than
23 35 percent are low-income students;

24 “(2) commits to maintaining or adopting and
25 implementing promising and evidence-based institu-
26 tional reforms and innovative practices to improve

1 the completion rates and other student outcomes,
2 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) providing direct support services such
10 as—

11 “(i) childcare, transportation, emer-
12 gency financial assistance, and mental
13 health and substance use disorder treat-
14 ment;

15 “(ii) assistance in obtaining health in-
16 surance coverage;

17 “(iii) assistance securing affordable
18 housing;

19 “(iv) efforts to address food insecurity
20 and campus hunger; and

21 “(v) efforts to facilitate student par-
22 ticipation in means-tested Federal benefit
23 programs (as defined in section 479(d));

24 “(C) providing accelerated learning oppor-
25 tunities and degree pathways, such as dual en-

rollment and pathways to graduate and professional degree programs;

“(D) partnering with employers, industry, not-for-profit associations, and other groups to provide opportunities to advance learning outside the classroom, including work-based learning opportunities such as internships or apprenticeships or programs designed to improve inter-cultural development and personal growth, such as foreign exchange and study abroad programs; or

“(E) strengthening remedial education, especially for low-income, first-generation, and adult students, and other students belonging to racial and other groups that are underrepresented in higher education, including through the use of multiple measures (such as a student’s college entrance examination score, grade point average, high school course list, or a placement examination) to identify students in need of remedial education;

“(3) sets performance goals for improving student outcomes for the duration of the grant; and

“(4) if receiving a grant for transfer students, has articulation agreements with community colleges

1 at the national, State, or local level to ensure that
2 community college credits can fully transfer to the
3 participating institution.

4 “(c) GRANT AMOUNT.—

5 “(1) INITIAL AMOUNT.—For the first year that
6 an eligible institution participates in the grant pro-
7 gram under this section and subject to paragraph
8 (3), such eligible institution shall receive a grant in
9 an amount based on the product of—

10 “(A) the actual cost of tuition and fees at
11 the eligible institution in such year (referred to
12 in this section as the per-student rebate); and

13 “(B) the number of eligible students en-
14 rolled in the eligible institution for the pre-
15 ceding year.

16 “(2) SUBSEQUENT INCREASES.—For each suc-
17 ceeding year after the first year of the grant pro-
18 gram under this section, each participating eligible
19 institution shall receive a grant in the amount deter-
20 mined under paragraph (1) for such year, except
21 that in no case shall the amount of the per-student
22 rebate for an eligible institution increase by more
23 than 3 percent as compared to the amount of such
24 rebate for the preceding year.

25 “(3) LIMITATIONS.—

1 “(A) MAXIMUM PER-STUDENT REBATE.—

2 No eligible institution participating in the grant
3 program under this section shall receive a per-
4 student rebate amount for any year that is
5 greater than the national average of annual tui-
6 tion and fees at public 4-year institutions of
7 higher education for such year, as determined
8 by the Secretary.

9 “(B) FIRST-YEAR TUITION AND FEES.—

10 During the first year of participation in the
11 grant program under this section, no eligible in-
12 stitution may increase tuition and fees at a rate
13 greater than any annual increase at the eligible
14 institution in the previous 5 years.

15 “(d) APPLICATION.—An eligible institution that de-
16 sires a grant under this section shall submit an application
17 to the Secretary at such time, in such manner, and con-
18 taining such information as the Secretary may require.

19 “(e) USE OF FUNDS.—Funds awarded under this
20 section to a participating eligible institution shall be used
21 to waive or significantly reduce tuition and fees for eligible
22 students in an amount of not more than up to the annual
23 per-student rebate amount for each student, for not more
24 than the first 60 credits an eligible student enrolls in the
25 participating eligible institution.

1 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made
 2 available under section 499S to carry out this section shall
 3 be used to supplement, and not supplant, other Federal,
 4 State, and local funds that would otherwise be expended
 5 to carry out activities under this section.

6 **“SEC. 499Q. PATHWAYS TO STUDENT SUCCESS FOR HIS-**
 7 **PANIC-SERVING INSTITUTIONS, ASIAN AMER-**
 8 **ICAN AND NATIVE AMERICAN PACIFIC IS-**
 9 **LANDER-SERVING INSTITUTIONS, ALASKA NA-**
 10 **TIVE-SERVING INSTITUTIONS, NATIVE HAWAI-**
 11 **IAN-SERVING INSTITUTIONS, PREDOMI-**
 12 **NANTLY BLACK INSTITUTIONS, AND NATIVE**
 13 **AMERICAN-SERVING NONTRIBAL INSTITU-**
 14 **TIONS.**

15 “(a) IN GENERAL.—From amounts appropriated
 16 under section 499S(a) for any fiscal year, the Secretary
 17 shall award grants to participating 4-year minority-serving
 18 institutions to—

19 “(1) encourage students to enroll and success-
 20 fully complete a bachelor’s degree at participating
 21 institutions;

22 “(2) provide incentives to community college
 23 students to transfer to participating institutions
 24 through strong transfer pathways to complete a
 25 bachelor’s degree 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) INSTITUTIONAL ELIGIBILITY.—To be eligible to
6 participate and receive a grant under this section, an insti-
7 tution shall be a minority-serving institution 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,
14 such 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 historically underrepresented in higher
21 education;

22 “(B) providing direct support services such
23 as—

24 “(i) childcare, transportation, emer-
25 gency financial assistance, and mental

1 health and substance use disorder treat-
2 ment;

3 “(ii) assistance in obtaining health in-
4 surance coverage;

5 “(iii) assistance securing affordable
6 housing;

7 “(iv) efforts to address food insecurity
8 and campus hunger; and

9 “(v) efforts to facilitate student par-
10 ticipation in means-tested Federal benefit
11 programs (as defined in section 479(d));

12 “(C) providing accelerated learning oppor-
13 tunities and degree pathways, such as dual en-
14 rollment and pathways to graduate and profes-
15 sional degree programs;

16 “(D) partnering with employers, industry,
17 not-for-profit associations, and other groups to
18 provide opportunities to advance learning out-
19 side the classroom, including work-based learn-
20 ing opportunities such as internships or appren-
21 ticeships or programs designed to improve
22 inter-cultural development and personal growth,
23 such as foreign exchange and study abroad pro-
24 grams; or

1 “(E) strengthening remedial education, es-
2 pecially for low-income, first-generation, and
3 adult students, and other students belonging to
4 racial and other groups that are underrep-
5 resented in higher education, including through
6 the use of multiple measures (such as a stu-
7 dent’s college entrance examination score, grade
8 point average, high school course list, or a
9 placement examination) to identify students in
10 need of remedial education;

11 “(3) sets performance goals for improving stu-
12 dent outcomes for the duration of the grant; and

13 “(4) if receiving a grant for transfer students,
14 has articulation agreements with community colleges
15 at the national, State, or local levels to ensure that
16 community college credits can fully transfer to the
17 participating institution.

18 “(c) GRANT AMOUNT.—

19 “(1) INITIAL AMOUNT.—For the first year that
20 an eligible institution participates in the grant pro-
21 gram under this section and subject to paragraph
22 (3), such participating eligible institution shall re-
23 ceive a grant in an amount based on the product
24 of—

1 “(A) the actual cost of tuition and fees at
2 the eligible institution in such year (referred to
3 in this section as the per-student rebate); and

4 “(B) the number of eligible students en-
5 rolled in the eligible institution for the pre-
6 ceding year.

7 “(2) SUBSEQUENT INCREASES.—For each suc-
8 ceeding year after the first year of the grant pro-
9 gram under this section, each participating eligible
10 institution shall receive a grant in the amount deter-
11 mined under paragraph (1) for such year, except
12 that in no case shall the amount of the per-student
13 rebate increase by more than 3 percent as compared
14 to the amount of such rebate for the preceding year.

15 “(3) LIMITATIONS.—

16 “(A) MAXIMUM PER-STUDENT REBATE.—
17 No eligible institution participating in the grant
18 program under this section shall receive a per-
19 student rebate amount for a grant year greater
20 than the national average of public four-year in-
21 stitutional tuition and fees, as determined by
22 the Secretary.

23 “(B) FIRST-YEAR TUITION AND FEES.—
24 During the first year of participation in the
25 grant program under this section, no eligible in-

1 stitution may increase tuition and fees at a rate
2 greater than any annual increase made by the
3 institution in the previous 5 years.

4 “(d) APPLICATION.—An eligible institution shall sub-
5 mit an application to the Secretary at such time, in such
6 a manner, and containing such information as determined
7 by the Secretary.

8 “(e) USE OF FUNDS.—Funds awarded under this
9 section to a participating eligible institution shall be used
10 to waive or significantly reduce tuition and fees for eligible
11 students in an amount of not more than up to the annual
12 per-student rebate amount for each student, for not more
13 than the first 60 credits an eligible student enrolls in the
14 participating eligible institution.

15 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made
16 available under section 499S to carry out this section shall
17 be used to supplement, and not supplant, other Federal,
18 State, and local funds that would otherwise be expended
19 to carry out activities under this section.

20 **“SEC. 499R. DEFINITIONS.**

21 “In this subpart:

22 “(1) ELIGIBLE STUDENT.—

23 “(A) DEFINITION.—The term ‘eligible stu-
24 dent’ means a student, regardless of age, who—

1 “(i)(I) enrolls in a historically black
2 college or university, Tribal College or Uni-
3 versity, or minority-serving institution; or

4 “(II) transfers from a community col-
5 lege into a historically black college or uni-
6 versity, Tribal College or University, or mi-
7 nority-serving institution;

8 “(ii) attends the historically black col-
9 lege or university, Tribal College or Uni-
10 versity, or minority-serving institution, on
11 at least a half-time basis;

12 “(iii) maintains satisfactory academic
13 progress; and

14 “(iv) is a low-income student.

15 “(B) SPECIAL RULES.—

16 “(i) FIRST 3 YEARS.—An otherwise el-
17 igible student shall lose eligibility 3 cal-
18 endar years after first receiving benefits
19 under this title.

20 “(ii) SPECIAL RULE FOR CERTAIN
21 STUDENTS.—Notwithstanding subpara-
22 graph (A)(i), an otherwise eligible student
23 whose parent or guardian was denied a
24 Federal Direct PLUS loan under part D
25 after November 1, 2011, and before March

1 29, 2015, and who subsequently withdrew
2 from a historically black college or univer-
3 sity, Tribal College or University, or mi-
4 nority-serving institution, and has not yet
5 completed a program of study at such his-
6 torically black college or university or mi-
7 nority-serving institution, shall be eligible
8 to participate under sections 499O, 499P,
9 or 499Q in order to complete such pro-
10 gram of study, subject to all other require-
11 ments of sections 499O, 499P, or 499Q
12 (as the case may be).

13 “(2) HISTORICALLY BLACK COLLEGE OR UNI-
14 VERSITY.—The term ‘historically black college or
15 university’ means a part B institution described in
16 section 322(2).

17 “(3) LOW-INCOME STUDENT.—The term ‘low-
18 income student’—

19 “(A) shall include any student eligible for
20 a Federal Pell Grant under section 401; and

21 “(B) may include a student ineligible for a
22 Federal Pell Grant under section 401 who is
23 determined by the institution to be a low-in-
24 come student based on an analysis of the stu-

1 dent’s ability to afford the cost of attendance at
2 the institution.

3 “(4) MINORITY-SERVING INSTITUTION.—The
4 term ‘minority-serving institution’ means any public
5 or not-for-profit institution of higher education—

6 “(A) described in paragraph (2) and para-
7 graphs (4) through (7) of section 371(a); and

8 “(B) designated as a minority-serving in-
9 stitution by the Secretary.

10 “(5) TRIBAL COLLEGE OR UNIVERSITY.—The
11 term ‘Tribal College or University’ has the meaning
12 given the term in section 316.

13 **“SEC. 499S. APPROPRIATIONS.**

14 “(a) AUTHORIZATION AND APPROPRIATIONS FOR
15 HBCU, TCU, AND MSI GRANTS.—For the purpose of
16 carrying out sections 499O, 499P, and 499Q there are
17 authorized to be appropriated, and there are appro-
18 priated—

19 “(1) \$63,250,000 for fiscal year 2021;

20 “(2) \$206,990,000 for fiscal year 2022;

21 “(3) \$1,232,760,000 for fiscal year 2023;

22 “(4) \$1,282,210,000 for fiscal year 2024;

23 “(5) \$1,333,950,000 for fiscal year 2025;

24 “(6) \$1,386,850,000 for fiscal year 2026;

25 “(7) \$1,408,700,000 for fiscal year 2027;

1 “(8) \$1,501,850,000 for fiscal year 2028;

2 “(9) \$1,562,800,000 for fiscal year 2029; and

3 “(10) \$1,626,040,000 for fiscal year 2030 and

4 each succeeding fiscal year.

5 “(b) AVAILABILITY.—Funds appropriated under sub-

6 section (a) are to remain available to the Secretary until

7 expended.

8 “(c) INSUFFICIENT FUNDS.—If the amount appro-

9 priated under subsection (a) for a fiscal year is not suffi-

10 cient to award each participating institution in the grant

11 programs under sections 499O, 499P, and 499Q a grant

12 under this part equal to 100 percent of the grant amount

13 determined under section 499O(c), 499P(c), or 499Q(c),

14 as appropriate, the Secretary may ratably reduce the

15 amount of each such grant or take other actions necessary

16 to ensure an equitable distribution of such amount.”.

17 **SEC. 4804. UNMET NEED FOR FEDERAL PELL GRANT RE-**

18 **CIPIENTS.**

19 Part I of title IV of the Higher Education Act of

20 1965 (20 U.S.C. 1070 et seq.), as added by section 4801,

21 is further amended by adding at the end the following:

22 **“Subpart 4—Additional College Affordability Grants**

23 **“SEC. 499T. UNMET NEED FOR FEDERAL PELL GRANT RE-**

24 **CIPIENTS.**

25 **“(a) IN GENERAL.—**

1 “(1) GRANT PROGRAM.—Subject to paragraph
2 (2), from amounts appropriated under subsection (f)
3 for any fiscal year, the Secretary may award grants
4 to eligible States and Indian tribes described in
5 paragraph (3) to pay the Federal share of expendi-
6 tures needed to carry out the activities and services
7 described in subsection (d).

8 “(2) LIMITATION.—The Secretary may not
9 make grants under paragraph (1) in fiscal year un-
10 less all grants eligible to be made under subpart 1
11 have been made for such fiscal year.

12 “(3) ELIGIBILITY.—A State or Indian tribe
13 may only be eligible for a grant under this section
14 in a fiscal year if such State or Indian tribe received
15 a grant under subpart 1 for such fiscal year.

16 “(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

17 “(1) FEDERAL SHARE.—

18 “(A) FORMULA.—Subject to paragraph
19 (2), the Federal share of a grant under this
20 section shall be based on a formula, determined
21 by the Secretary, that—

22 “(i) accounts for the State or Indian
23 tribe’s share of Pell Grant recipients;

24 “(ii) provides, for each Pell Grant re-
25 cipient in the State or Indian tribe, a per-

1 student amount that is at least 75 percent
2 of—

3 “(I) for the first award year for
4 which grants are made under this sec-
5 tion, the average unmet need of Pell
6 Grant recipients in all States for the
7 most recent year for which data are
8 available; and

9 “(II) for each subsequent award
10 year, the amount determined under
11 this subparagraph for the preceding
12 award year, increased by the lesser
13 of—

14 “(aa) a percentage equal to
15 the estimated percentage increase
16 in the Consumer Price Index (as
17 determined by the Secretary)
18 since the date of such determina-
19 tion; or

20 “(bb) 3 percent.

21 “(B) EXCEPTION FOR CERTAIN INDIAN
22 TRIBES.—In any case in which not less than 75
23 percent of the students at the institutions of
24 higher education operated or controlled by an
25 Indian tribe are low-income students, the

1 amount of the Federal share for such Indian
2 tribe shall be not less than 95 percent of the
3 total amount needed to waive tuition and fees
4 for all Pell Grant recipients enrolled in such in-
5 stitutions of higher education.

6 “(2) STATE OR TRIBAL SHARE.—

7 “(A) FORMULA.—

8 “(i) IN GENERAL.—The State or trib-
9 al share of a grant under this section for
10 each fiscal year shall be the amount needed
11 to pay 25 percent of the average unmet
12 need of Pell Grant recipients in all States
13 in the first award year for which grants
14 are made under this section for all Pell
15 Grant recipients in the State or Indian
16 tribe, respectively, for such fiscal year, ex-
17 cept as provided in clause (ii).

18 “(ii) EXCEPTION FOR CERTAIN IN-
19 DIAN TRIBES.—In the case of an Indian
20 tribe described in paragraph (1)(B), the
21 amount of such Indian tribe’s tribal share
22 shall not exceed 5 percent of the total
23 amount needed to pay the average unmet
24 need for all Pell Grant recipients enrolled

1 in the institutions of higher education de-
2 scribed in such paragraph.

3 “(B) NEED-BASED AID.—A State or In-
4 dian tribe may include, as part of the State or
5 tribal share, any need-based financial aid
6 that—

7 “(i) is provided from State or tribal
8 funds to a Pell Grant recipient; and

9 “(ii) may be used by such student to
10 pay costs of attendance other than tuition
11 and fees.

12 “(3) DETERMINING NUMBER OF PELL GRANT
13 RECIPIENTS.—

14 “(A) IN GENERAL.—The Secretary shall
15 develop and implement a process for accurately
16 estimating the number of Pell Grant recipients
17 in a State or Indian tribe for purposes of para-
18 graphs (1) and (2).

19 “(B) INITIAL DETERMINATION.—For the
20 first year for which grants are awarded under
21 this section, the number of Pell Grant recipi-
22 ents in a State or Indian tribe shall be consid-
23 ered to be equal to the number of Pell Grant
24 recipients that were in the State or tribe for the
25 preceding school year.

1 “(4) ADJUSTMENT OF GRANT AMOUNT.—Not
2 later than 180 days after the date on which a State
3 or Indian tribe receives a grant under this section,
4 the Secretary shall—

5 “(A) in consultation with the State or tribe
6 concerned, determine whether the actual num-
7 ber of Pell Grant recipients in the State or
8 Tribe for the year covered by the grant is great-
9 er than the estimated number of such students
10 that was used to determine the amount of the
11 grant; and

12 “(B) if it is determined under paragraph
13 (1) that the actual number of Pell Grant recipi-
14 ents in the State or Tribe is higher than such
15 estimate, issue a supplementary grant payment
16 to the State or tribe in an amount that ensures
17 that the total amount of the grant funds re-
18 ceived by the State or tribe under this section
19 for the year covered by the grant accurately re-
20 flects the higher number of Pell Grant recipi-
21 ents.

22 “(c) APPLICATIONS.—In order to receive a grant
23 under this section, a State or tribe shall submit an appli-
24 cation to the Secretary at such time, in such manner, and
25 containing such information as the Secretary may require.

1 “(d) ALLOWABLE USES OF FUNDS.—

2 “(1) IN GENERAL.—A State or Indian tribe
3 shall use a grant under this section only to provide
4 to each Pell Grant recipient a grant that equals the
5 unmet need of such recipient.

6 “(2) ANNUAL REPORT.—A State or Indian
7 tribe receiving a grant under this section shall sub-
8 mit an annual report to the Secretary describing the
9 uses of grant funds under this section, the progress
10 made in fulfilling the requirements of the grant, and
11 rates of transfer, graduation, and attainment of rec-
12 ognized postsecondary credentials at institutions of
13 higher education in the State or Indian tribe, includ-
14 ing such rates disaggregated by race, income, and
15 age, and including any other information as the Sec-
16 retary may require.

17 “(3) REPORTING BY THE SECRETARY.—The
18 Secretary annually shall—

19 “(A) compile and analyze the information
20 described in paragraph (2); and

21 “(B) prepare and submit a report to the
22 Committee on Health, Education, Labor, and
23 Pensions of the Senate and the Committee on
24 Education and Labor of the House of Rep-
25 resentatives containing the analysis described in

1 subparagraph (A) and an identification of State
2 and Indian tribe best practices for achieving the
3 purpose of this section.

4 “(4) TECHNICAL ASSISTANCE.—The Secretary
5 shall provide technical assistance to eligible States
6 and Indian tribes concerning best practices regard-
7 ing the promising and evidence-based institutional
8 reforms and innovative practices to improve student
9 outcomes and shall disseminate such best practices
10 among the States and Indian tribes.

11 “(5) CONTINUATION OF FUNDING.—

12 “(A) IN GENERAL.—A State or Indian
13 tribe receiving a grant under this section for a
14 fiscal year may continue to receive funding
15 under this section for future fiscal years condi-
16 tioned on the availability of budget authority
17 and on meeting the requirements of the grant,
18 as determined by the Secretary.

19 “(B) DISCONTINUATION.—The Secretary
20 may discontinue funding of the Federal share of
21 a grant under this section if the State or Indian
22 tribe has violated the terms of the grant.

23 “(6) SUPPLEMENT, NOT SUPPLANT.—Funds
24 made available under this section shall be used to
25 supplement, and not supplant, other Federal, State,

1 and local funds that would otherwise be expended to
2 carry out activities under this section.

3 “(e) DEFINITIONS.—In this section:

4 “(1) INDIAN TRIBE.—The term ‘Indian tribe’
5 has the meaning given the term in section 102 of the
6 Federally Recognized Indian Tribe List Act of 1994
7 (25 U.S.C. 479a).

8 “(2) INSTITUTION OF HIGHER EDUCATION.—
9 The term ‘institution of higher education’ has the
10 meaning given the term in section 101.

11 “(3) PELL GRANT RECIPIENT.—

12 “(A) DEFINITION.—The term ‘Pell Grant
13 recipient’ means a student who—

14 “(i) attends a public institution of
15 higher education on not less than a half-
16 time basis;

17 “(ii) is a recipient of a Federal Pell
18 Grant under subpart 1 of part A of title
19 IV of this Act;

20 “(iii) is maintaining satisfactory
21 progress (as defined in section 484(c)) in
22 the student’s course of study;

23 “(iv) is enrolled in an eligible program
24 (as defined in section 481(b)); and

25 “(v) either—

1 “(I) qualifies for in-State resi-
2 dent institution of higher education
3 tuition, as determined by the State or
4 Indian tribe; or

5 “(II) would qualify for such in-
6 State tuition, but for the immigration
7 status of such student.

8 “(B) SPECIAL RULE.—An otherwise Pell
9 Grant recipient shall lose eligibility under this
10 section—

11 “(i) after 3 years of receiving benefits
12 under this section for enrollment at a com-
13 munity college (as defined in section
14 499F); and

15 “(ii) after 6 years of receiving benefits
16 under this section for enrollment in a 4-
17 year institution of higher education.

18 “(4) RECOGNIZED POSTSECONDARY CREDEN-
19 TIAL.—The term ‘recognized postsecondary creden-
20 tial’ has the meaning as described in section 3 of the
21 Workforce Innovation and Opportunity Act (29
22 U.S.C. 3102).

23 “(5) STATE.—The term ‘State’ has the mean-
24 ing given the term in section 103.

1 “(6) UNMET NEED.—The term ‘unmet need’
2 means, with respect to a Pell Grant recipient, the
3 amount determined by calculating the difference be-
4 tween—

5 “(A) the institution’s cost of attendance
6 (as defined in section 472) for the year for
7 which the determination is made; and

8 “(B) the sum of—

9 “(i) the total amount of need-based
10 grant aid and merit-based grant aid, from
11 Federal, State, and institutional sources,
12 provided to such Pell Grant recipient for
13 the year for which the determination is
14 made; and

15 “(ii) the expected family contribution
16 for such Pell Grant recipient for the year
17 for which the determination is made.

18 “(f) APPROPRIATIONS.—

19 “(1) AUTHORIZATION AND APPROPRIATIONS.—
20 For the purpose of making grants under this section
21 there are authorized to be appropriated such sums
22 as may be necessary to carry out this section for fis-
23 cal year 2021 and each succeeding fiscal year.

1 “(2) AVAILABILITY.—Funds appropriated
2 under paragraph (1) shall remain available to the
3 Secretary until expended.

4 “(3) INSUFFICIENT FUNDS.—If the amount ap-
5 propriated under paragraph (1) for a fiscal year is
6 not sufficient to award each participating State and
7 Indian tribe a grant under this section that is equal
8 to the minimum amount of the Federal share de-
9 scribed in subsection (b), the Secretary may ratably
10 reduce the amount of each such grant or take other
11 actions necessary to ensure an equitable distribution
12 of such amount.

13 “(4) TRANSFER AVAILABILITY.—The Secretary
14 is authorized, subject to the availability of appro-
15 priations, to transfer amounts authorized to be ap-
16 propriated to carry out subpart 1 for a fiscal year
17 to make grants under this section if all grants eligi-
18 ble to be made under such subpart have been made
19 for such fiscal year.”.

20 **SEC. 4805. UNMET NEED FOR STUDENTS.**

21 Subpart 4 of part I of title IV of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1070 et seq.), as added
23 by section 4804, is further amended by adding at the end
24 the following:

1 **“SEC. 499U. UNMET NEED FOR STUDENTS.**

2 “(a) IN GENERAL.—

3 “(1) GRANT PROGRAM.—Subject to paragraph
4 (2), from amounts appropriated under subsection (f)
5 for any fiscal year, the Secretary may award grants
6 to eligible States and Indian tribes described in
7 paragraph (3) to pay the Federal share of expendi-
8 tures needed to carry out the activities and services
9 described in subsection (d).

10 “(2) LIMITATION.—The Secretary may not
11 make grants under paragraph (1) in fiscal year un-
12 less—

13 “(A) all grants eligible to be made under
14 subpart 1 have been made for such fiscal year;
15 and

16 “(B) all grants eligible to be made under
17 section 499T have been made for such fiscal
18 year.

19 “(3) ELIGIBILITY.—A State or Indian tribe
20 may only be eligible for a grant under this section
21 in a fiscal year if such State or Indian tribe re-
22 ceived—

23 “(A) a grant under subpart 1 for such fis-
24 cal year; and

25 “(B) a grant under 499T for such fiscal
26 year.

1 “(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

2 “(1) FEDERAL SHARE.—

3 “(A) FORMULA.—Subject to paragraph
4 (2), the Federal share of a grant under this
5 section shall be based on a formula, determined
6 by the Secretary, that—

7 “(i) accounts for the State or Indian
8 tribe’s share of eligible students;

9 “(ii) provides, for each eligible student
10 in the State or Indian tribe, a per-student
11 amount that is at least 75 percent of—

12 “(I) for the first award year for
13 which grants are made under this sec-
14 tion, the average unmet need of eligi-
15 ble students in all States for the most
16 recent year for which data are avail-
17 able; and

18 “(II) for each subsequent award
19 year, the amount determined under
20 this subparagraph for the preceding
21 award year, increased by the lesser
22 of—

23 “(aa) a percentage equal to
24 the estimated percentage increase
25 in the Consumer Price Index (as

determined by the Secretary)
since the date of such determina-
tion; or

“(bb) 3 percent.

“(B) EXCEPTION FOR CERTAIN INDIAN
TRIBES.—In any case in which not less than 75
percent of the students at the institutions of
higher education operated or controlled by an
Indian tribe are low-income students, the
amount of the Federal share for such Indian
tribe shall be not less than 95 percent of the
total amount needed to waive tuition and fees
for all eligible students enrolled in such institu-
tions of higher education.

“(2) STATE OR TRIBAL SHARE.—

“(A) FORMULA.—

“(i) IN GENERAL.—The State or trib-
al share of a grant under this section for
each fiscal year shall be the amount needed
to pay 25 percent of the average unmet
need of eligible students in all States in
the first award year for which grants are
made under this section for all eligible stu-
dents in the State or Indian tribe, respec-

1 tively, for such fiscal year, except as pro-
2 vided in clause (ii).

3 “(ii) EXCEPTION FOR CERTAIN IN-
4 DIAN TRIBES.—In the case of an Indian
5 tribe described in paragraph (1)(B), the
6 amount of such Indian tribe’s tribal share
7 shall not exceed 5 percent of the total
8 amount needed to pay the average unmet
9 need for all eligible students enrolled in the
10 institutions of higher education described
11 in such subparagraph.

12 “(B) NEED-BASED AID.—A State or In-
13 dian tribe may include, as part of the State or
14 tribal share, any need-based financial aid
15 that—

16 “(i) is provided from State or tribal
17 funds to an eligible student; and

18 “(ii) may be used by such student to
19 pay costs of attendance other than tuition
20 and fees.

21 “(3) DETERMINING NUMBER OF ELIGIBLE STU-
22 DENTS.—

23 “(A) IN GENERAL.—The Secretary shall
24 develop and implement a process for accurately
25 estimating the number of eligible students in a

1 State or Indian tribe for purposes of para-
2 graphs (1) and (2).

3 “(B) INITIAL DETERMINATION.—For the
4 first year for which grants are awarded under
5 this section, the number of eligible students in
6 a State or Indian tribe shall be considered to be
7 equal to the number of eligible students that
8 were in the State or tribe for the preceding
9 school year.

10 “(4) ADJUSTMENT OF GRANT AMOUNT.—Not
11 later than 180 days after the date on which a State
12 or Indian tribe receives a grant under this section,
13 the Secretary shall—

14 “(A) in consultation with the State or tribe
15 concerned, determine whether the actual num-
16 ber of eligible students in the State or Tribe for
17 the year covered by the grant is greater than
18 the estimated number of such students that was
19 used to determine the amount of the grant; and

20 “(B) if it is determined under paragraph
21 (1) that the actual number of eligible students
22 in the State or Tribe is higher than such esti-
23 mate, issue a supplementary grant payment to
24 the State or tribe in an amount that ensures
25 that the total amount of the grant funds re-

1 ceived by the State or tribe under this section
2 for the year covered by the grant accurately re-
3 flects the higher number of eligible students.

4 “(c) APPLICATIONS.—In order to receive a grant
5 under this section, a State or tribe shall submit an appli-
6 cation to the Secretary at such time, in such manner, and
7 containing such information as the Secretary may require.

8 “(d) ALLOWABLE USES OF FUNDS.—

9 “(1) IN GENERAL.—A State or Indian tribe
10 shall use a grant under this section only to provide
11 to each eligible student a grant that equals the
12 unmet need of such recipient.

13 “(2) ANNUAL REPORT.—A State or Indian
14 tribe receiving a grant under this section shall sub-
15 mit an annual report to the Secretary describing the
16 uses of grant funds under this section, the progress
17 made in fulfilling the requirements of the grant, and
18 rates of transfer, graduation, and attainment of rec-
19 ognized postsecondary credentials at institutions of
20 higher education in the State or Indian tribe, includ-
21 ing such rates disaggregated by race, income, and
22 age, and including any other information as the Sec-
23 retary may require.

24 “(3) REPORTING BY THE SECRETARY.—The
25 Secretary annually shall—

1 “(A) compile and analyze the information
2 described in paragraph (2); and

3 “(B) prepare and submit a report to the
4 Committee on Health, Education, Labor, and
5 Pensions of the Senate and the Committee on
6 Education and Labor of the House of Rep-
7 resentatives containing the analysis described in
8 subparagraph (A) and an identification of State
9 and Indian tribe best practices for achieving the
10 purpose of this section.

11 “(4) TECHNICAL ASSISTANCE.—The Secretary
12 shall provide technical assistance to eligible States
13 and Indian tribes concerning best practices regard-
14 ing the promising and evidence-based institutional
15 reforms and innovative practices to improve student
16 outcomes and shall disseminate such best practices
17 among the States and Indian tribes.

18 “(5) CONTINUATION OF FUNDING.—

19 “(A) IN GENERAL.—A State or Indian
20 tribe receiving a grant under this section for a
21 fiscal year may continue to receive funding
22 under this section for future fiscal years condi-
23 tioned on the availability of budget authority
24 and on meeting the requirements of the grant,
25 as determined by the Secretary.

1 “(B) DISCONTINUATION.—The Secretary
2 may discontinue funding of the Federal share of
3 a grant under this section if the State or Indian
4 tribe has violated the terms of the grant.

5 “(6) SUPPLEMENT, NOT SUPPLANT.—Funds
6 made available under this section shall be used to
7 supplement, and not supplant, other Federal, State,
8 and local funds that would otherwise be expended to
9 carry out activities under this section.

10 “(e) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE STUDENT.—

12 “(A) DEFINITION.—The term ‘eligible stu-
13 dent’ means a student who—

14 “(i) attends a public institution of
15 higher education on not less than a half-
16 time basis;

17 “(ii) is not a recipient of a Federal
18 Pell Grant under subpart 1 of part A of
19 title IV of this Act;

20 “(iii) is maintaining satisfactory
21 progress (as defined in section 484(c)) in
22 the student’s course of study;

23 “(iv) is enrolled in an eligible program
24 (as defined in section 481(b)); and

25 “(v) either—

1 “(I) qualifies for in-State resi-
2 dent institution of higher education
3 tuition, as determined by the State or
4 Indian tribe; or

5 “(II) would qualify for such in-
6 State tuition, but for the immigration
7 status of such student.

8 “(B) SPECIAL RULE.—An otherwise eligi-
9 ble student shall lose eligibility under this sec-
10 tion—

11 “(i) after 3 years of receiving benefits
12 under this section for enrollment at a com-
13 munity college (as defined in section
14 499F); and

15 “(ii) after 6 years of receiving benefits
16 under this section for enrollment in a 4-
17 year institution of higher education.

18 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
19 has the meaning given the term in section 102 of the
20 Federally Recognized Indian Tribe List Act of 1994
21 (25 U.S.C. 479a).

22 “(3) INSTITUTION OF HIGHER EDUCATION.—
23 The term ‘institution of higher education’ has the
24 meaning given the term in section 101.

1 “(4) RECOGNIZED POSTSECONDARY CREDEN-
2 TIAL.—The term ‘recognized postsecondary creden-
3 tial’ has the meaning as described in section 3 of the
4 Workforce Innovation and Opportunity Act (29
5 U.S.C. 3102).

6 “(5) STATE.—The term ‘State’ has the mean-
7 ing given the term in section 103.

8 “(6) UNMET NEED.—The term ‘unmet need’
9 means, with respect to an eligible student, the
10 amount determined by calculating the difference be-
11 tween—

12 “(A) the institution’s cost of attendance
13 (as defined in section 472) for the year for
14 which the determination is made; and

15 “(B) the sum of—

16 “(i) the total amount of need-based
17 grant aid and merit-based grant aid, from
18 Federal, State, and institutional sources,
19 provided to such eligible student for the
20 year for which the determination is made;
21 and

22 “(ii) the expected family contribution
23 for such eligible student for the year for
24 which the determination is made.

25 “(f) APPROPRIATIONS.—

1 “(1) AUTHORIZATION AND APPROPRIATIONS.—

2 For the purpose of making grants under this section
3 there are authorized to be appropriated such sums
4 as may be necessary to carry out this section for fis-
5 cal year 2021 and each succeeding fiscal year.

6 “(2) AVAILABILITY.—Funds appropriated
7 under paragraph (1) shall remain available to the
8 Secretary until expended.

9 “(3) INSUFFICIENT FUNDS.—If the amount ap-
10 propriated under paragraph (1) for a fiscal year is
11 not sufficient to award each participating State and
12 Indian tribe a grant under this section that is equal
13 to the minimum amount of the Federal share de-
14 scribed in subsection (b), the Secretary may ratably
15 reduce the amount of each such grant or take other
16 actions necessary to ensure an equitable distribution
17 of such amount.

18 “(4) TRANSFER AVAILABILITY.—The Secretary
19 is authorized, subject to the availability of appro-
20 priations, to transfer amounts authorized to be ap-
21 propriated to carry out subpart 1 or to carry out
22 section 499T for a fiscal year to make grants under
23 this section if—

1 “(A) all grants eligible to be made under
2 such subpart have been made for such fiscal
3 year; and

4 “(B) all grants eligible to be made under
5 such section have been made for such fiscal
6 year.”.

7 **SEC. 4806. TUITION WAIVERS.**

8 Subpart 4 of part I of title IV of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1070 et seq.), as added
10 by section 4804, is further amended by adding at the end
11 the following:

12 **“SEC. 499V. TUITION WAIVERS.**

13 “(a) IN GENERAL.—

14 “(1) GRANT PROGRAM.—Subject to paragraph
15 (2), from amounts appropriated under subsection (g)
16 for any fiscal year, the Secretary may award grants
17 to eligible States and Indian tribes to pay the Fed-
18 eral share of expenditures needed to carry out the
19 activities and services described in subsection (d).

20 “(2) LIMITATION.—The Secretary may not
21 make grants under paragraph (1) in fiscal year un-
22 less—

23 “(A) all grants eligible to be made under
24 subpart 1 have been made for such fiscal year;

1 “(B) all grants eligible to be made under
2 499T have been made for such fiscal year; and

3 “(C) all grants eligible to be made under
4 499U have been made for such fiscal year.

5 “(3) ELIGIBILITY.—A State or Indian tribe
6 may only be eligible for a grant under this section
7 in a fiscal year if such State or Indian tribe re-
8 ceived—

9 “(A) a grant under subpart 1 for such fis-
10 cal year;

11 “(B) a grant under section 499T for such
12 fiscal year; and

13 “(C) a grant under 499U for such fiscal
14 year.

15 “(b) FEDERAL SHARE; NON-FEDERAL SHARE.—

16 “(1) FEDERAL SHARE.—

17 “(A) FORMULA.—Subject to paragraph
18 (2), the Federal share of a grant under this
19 section shall be based on a formula, determined
20 by the Secretary, that—

21 “(i) accounts for the State or Indian
22 tribe’s share of eligible students;

23 “(ii) provides, for each eligible student
24 in the State or Indian tribe, a per-student
25 amount that is at least 75 percent of—

1 “(I) for the first award year for
2 which grants are made under this sec-
3 tion, the average resident public 4-
4 year institutions of higher education
5 tuition and fees per student in all
6 States for the most recent year for
7 which data are available; and

8 “(II) for each subsequent award
9 year, the amount determined under
10 this subparagraph for the preceding
11 award year, increased by the lesser
12 of—

13 “(aa) a percentage equal to
14 the estimated percentage increase
15 in the Consumer Price Index (as
16 determined by the Secretary)
17 since the date of such determina-
18 tion; or

19 “(bb) 3 percent.

20 “(B) EXCEPTION FOR CERTAIN INDIAN
21 TRIBES.—In any case in which not less than 75
22 percent of the students at the institutions of
23 higher education operated or controlled by an
24 Indian tribe are low-income students, the
25 amount of the Federal share for such Indian

1 tribe shall be not less than 95 percent of the
2 total amount needed to waive tuition and fees
3 for all eligible students enrolled in such institu-
4 tions of higher education.

5 “(2) STATE OR TRIBAL SHARE.—

6 “(A) FORMULA.—

7 “(i) IN GENERAL.—The State or trib-
8 al share of a grant under this section for
9 each fiscal year shall be the amount needed
10 to pay 25 percent of the average resident
11 public 4-year institutions of higher edu-
12 cation tuition and fees for eligible students
13 in all States in first award year for which
14 grants are made under this section for all
15 eligible students in the State or Indian
16 tribe, respectively, for such fiscal year, ex-
17 cept as provided in clause (ii).

18 “(ii) EXCEPTION FOR CERTAIN IN-
19 DIAN TRIBES.—In the case of an Indian
20 tribe described in paragraph (1)(B), the
21 amount of such Indian tribe’s tribal share
22 shall not exceed 5 percent of the total
23 amount needed to waive tuition and fees
24 for all eligible students enrolled in the in-

1 stitutions of higher education described in
2 such paragraph.

3 “(B) NEED-BASED AID.—A State or In-
4 dian tribe may include, as part of the State or
5 tribal share, any need-based financial aid
6 that—

7 “(i) is provided from State or tribal
8 funds to an eligible student; and

9 “(ii) may be used by such student to
10 pay costs of attendance other than tuition
11 and fees.

12 “(3) DETERMINING NUMBER OF ELIGIBLE STU-
13 DENTS.—

14 “(A) IN GENERAL.—The Secretary shall
15 develop and implement a process for accurately
16 estimating the number of eligible students in a
17 State or Indian tribe for purposes of para-
18 graphs (1) and (2).

19 “(B) INITIAL DETERMINATION.—For the
20 first year for which grants are awarded under
21 this section, the number of eligible students in
22 a State or Indian tribe shall be considered to be
23 equal to the number of eligible students that
24 were in the State or tribe for the preceding
25 school year.

1 “(4) ADJUSTMENT OF GRANT AMOUNT.—Not
2 later than 180 days after the date on which a State
3 or Indian tribe receives a grant under this section,
4 the Secretary shall—

5 “(A) in consultation with the State or tribe
6 concerned, determine whether the actual num-
7 ber of eligible students in the State or Tribe for
8 the year covered by the grant is greater than
9 the estimated number of such students that was
10 used to determine the amount of the grant; and

11 “(B) if it is determined under paragraph
12 (1) that the actual number of eligible students
13 in the State or Tribe is higher than such esti-
14 mate, issue a supplementary grant payment to
15 the State or tribe in an amount that ensures
16 that the total amount of the grant funds re-
17 ceived by the State or tribe under this section
18 for the year covered by the grant accurately re-
19 flects the higher number of eligible students.

20 “(c) APPLICATIONS.—In order to receive a grant
21 under this section, a State or tribe shall submit an appli-
22 cation to the Secretary at such time, in such manner, and
23 containing such information as the Secretary may require.

1 “(d) GENERAL REQUIREMENTS.—As a condition of
2 receiving a grant under this subpart a State or Indian
3 tribe shall meet the following requirements:

4 “(1) For each year of the grant the total
5 amount of public 4-year institution of higher edu-
6 cation resident tuition and fees charged to an eligi-
7 ble student in the State or Indian tribe shall be \$0.

8 “(2) For each year of the grant no amount of
9 financial assistance for which an eligible student
10 qualifies may be applied to such tuition or fees.

11 “(e) ALLOWABLE USES OF FUNDS.—

12 “(1) IN GENERAL.—A State or Indian tribe
13 shall use a grant under this section only to provide
14 funds to participating public 4-year institutions to
15 enable such public 4-year institutions to waive resi-
16 dent tuition and fees for eligible students as required
17 under subsection (d).

18 “(2) ANNUAL REPORT.—A State or Indian
19 tribe receiving a grant under this section shall sub-
20 mit an annual report to the Secretary describing the
21 uses of grant funds under this section, the progress
22 made in fulfilling the requirements of the grant, and
23 rates of transfer, graduation, and attainment of rec-
24 ognized postsecondary credentials at institutions of
25 higher education in the State or Indian tribe, includ-

1 ing such rates disaggregated by race, income, and
2 age, and including any other information as the Sec-
3 retary may require.

4 “(3) REPORTING BY THE SECRETARY.—The
5 Secretary 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 Rep-
12 resentatives containing the analysis described in
13 subparagraph (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 regard-
19 ing the promising and evidence-based institutional
20 reforms 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
25 tribe receiving a grant under this section for a

1 fiscal year may continue to receive funding
2 under this section for future fiscal years condi-
3 tioned on the availability of budget authority
4 and on meeting the requirements of the grant,
5 as determined by 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 resi-
5 dent institution of higher education
6 tuition, as determined by the State or
7 Indian 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 eligi-
12 ble student shall lose eligibility under this sec-
13 tion after 6 years of receiving benefits under
14 this section.

15 “(2) INDIAN TRIBE.—The term ‘Indian tribe’
16 has the meaning given the term in section 102 of the
17 Federally Recognized Indian Tribe List Act of 1994
18 (25 U.S.C. 479a).

19 “(3) INSTITUTION OF HIGHER EDUCATION.—
20 The term ‘institution of higher education’ has the
21 meaning given the term in section 101.

22 “(4) RECOGNIZED POSTSECONDARY CREDEN-
23 TIAL.—The term ‘recognized postsecondary creden-
24 tial’ 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 mean-
4 ing 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
9 as may be necessary to carry out this section for fis-
10 cal year 2021 and each succeeding fiscal year.

11 “(2) AVAILABILITY.—Funds appropriated
12 under paragraph (1) shall remain available to the
13 Secretary 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
24 is authorized, subject to the availability of appro-
25 priations, to transfer amounts authorized to be ap-

1 appropriated to carry out subpart 1, to carry out
 2 499T, and to carry out 499U for a fiscal year to
 3 make grants under this section if—

4 “(A) all grants eligible to be made under
 5 such subpart have been made for such fiscal
 6 year;

7 “(B) all grants eligible to be made under
 8 499T have been made for such year; and

9 “(C) all grants eligible to be made under
 10 499U have been made for such fiscal year.”.

11 **SEC. 4807. EXPANSION FOR PRIVATE INSTITUTIONS.**

12 Subpart 4 of part I of title IV of the Higher Edu-
 13 cation Act of 1965 (20 U.S.C. 1070 et seq.), as added
 14 by section 4804, is further amended by adding at the end
 15 the following:

16 **“SEC. 499W. EXPANSION FOR PRIVATE INSTITUTIONS.**

17 “(a) **AUTHORITY.**—The Secretary may establish a
 18 program under which—

19 “(1) a State that participates in section 499T
 20 may elect to carry out the grant programs under
 21 such section to students who—

22 “(A) meet the requirements under clauses
 23 (i) through (iv) of subparagraph (A) and sub-
 24 paragraph (B) of subsection (e)(3) of such sec-
 25 tion; and

1 “(B) are enrolled in nonprofit private insti-
2 tution of higher education in such State; and

3 “(2) a State that participates in section 499U
4 may elect to carry out the grant programs under
5 such section to students who—

6 “(A) meet the requirements under clauses
7 (i) through (iv) of subparagraph (A) and sub-
8 paragraph (B) of subsection (e)(1) of such sec-
9 tion; and

10 “(B) and are enrolled in nonprofit private
11 institution of higher education in such States.

12 “(b) PROGRAM REQUIREMENTS.—The Secretary
13 shall set eligibility standards for nonprofit private institu-
14 tions of higher education which shall, at a minimum, in-
15 clude—

16 “(1) benchmarks for the enrollment of low-in-
17 come students;

18 “(2) a requirement that any nonprofit private
19 institution of higher education that participates in a
20 grant program pursuant to this section may not re-
21 duce the funding for institutional need-based aid; or

22 “(3) a requirement that grant amounts for stu-
23 dents at such institutions of higher education shall
24 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 nec-
6 essary to carry out this section for fiscal year 2021 and
7 each succeeding 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
20 partnerships with institutions of higher education
21 outside 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 attend-
14 ing such institution.”.

15 **SEC. 5002. PROMOTING POSTBACCALAUREATE OPPORTUNI-**
16 **TIES FOR HISPANIC AMERICANS.**

17 (a) PROGRAM AUTHORITY.—Section 512 of the
18 Higher Education Act of 1965 (20 U.S.C. 1102a) is
19 amended by 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
13 amended 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 de-
21 scribed in subsection (c).

22 “(2) PROHIBITION.—A grant awarded under
23 this part may not be used for activities under both
24 subsections (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 op-
5 portunities 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,
10 and improvement of classrooms, libraries, labora-
11 tories, and other instructional facilities, including
12 purchase or rental of telecommunications technology
13 equipment or services.

14 “(3) Purchase of library books, periodicals,
15 technical and other scientific journals, microfilm,
16 microfiche, and other educational materials, includ-
17 ing telecommunications 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 Inter-
25 net or other distance education technologies, includ-

1 ing purchase or rental of telecommunications tech-
2 nology 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 pur-
9 poses of this part; and

10 “(B) are approved by the Secretary as part
11 of the review and acceptance of such applica-
12 tion.

13 “(c) FACULTY DEVELOPMENT ACTIVITIES.—Grants
14 awarded under this part may be used for one or more of
15 the following activities for faculty development:

16 “(1) Support of faculty exchanges, faculty de-
17 velopment, faculty research, curriculum development,
18 and academic instruction.

19 “(2) Financial support to graduate students
20 planning to pursue academic careers who desire to
21 become faculty at Hispanic-serving institutions.

22 “(3) Career services in preparing for an aca-
23 demic career and identifying opportunities.

1 “(4) Developing partnerships between Hispanic-
2 serving institutions to help graduate students and
3 hiring institutions connect with each other.

4 “(5) Faculty recruitment efforts with an em-
5 phasis on graduates from Hispanic-serving institu-
6 tions and other minority-serving institutions.

7 “(6) Recruitment and retention incentives to
8 allow Hispanic-serving institutions to make competi-
9 tive offers to potential faculty, including use of
10 funds for student loan repayment.

11 “(7) Research support specifically for early ca-
12 reer faculty.”.

13 **SEC. 5003. GENERAL PROVISIONS.**

14 Section 528(a) of the Higher Education Act of 1965
15 (20 U.S.C. 1103g(a)) is amended—

16 (1) in paragraph (1), by striking
17 “\$175,000,000” and inserting “\$350,000,000”;

18 (2) in paragraph (2), by striking
19 “\$100,000,000” and inserting “\$115,000,000”;

20 (3) by striking “2009” each place it appears
21 and inserting “2021”; and

22 (4) by adding at the end the following:

23 “(3) RESERVATION FOR TECHNICAL ASSIST-
24 ANCE.—From the amounts appropriated under para-
25 graph (1) to carry out part A for a fiscal year, the

1 Secretary shall reserve 0.75 percent to carry out
 2 technical assistance and administrative training for
 3 staff and faculty at Hispanic-serving institutions
 4 under such part.”.

5 **TITLE VI—INTERNATIONAL** 6 **EDUCATION PROGRAMS**

7 **SEC. 6001. INTERNATIONAL EDUCATION.**

8 (a) GRADUATE AND UNDERGRADUATE LANGUAGE
 9 AND AREA CENTERS AND PROGRAMS.—Section
 10 602(b)(2)(B)(ii) of the Higher Education Act of 1965 (20
 11 U.S.C. 1122(b)(2)(B)(ii)) is amended—

12 (1) in subclause (III), by striking “or”;

13 (2) in subclause (IV), by striking the period at
 14 the end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(V) the beginning, intermediate, or
 17 advanced study of a foreign language re-
 18 lated to the area of specialization.”.

19 (b) INTERNATIONAL RESEARCH AND INNOVATION.—
 20 Section 605 of the Higher Education Act of 1965 (20
 21 U.S.C. 1125) is amended to read as follows:

22 **“SEC. 605. INTERNATIONAL RESEARCH AND INNOVATION.**

23 “(a) PURPOSE.—It is the purpose of this section to
 24 support essential international and foreign language edu-
 25 cation research and innovation projects with the goal of

1 assessing and strengthening international education ca-
2 pacity, coordination, delivery, and outcomes to meet na-
3 tional needs.

4 “(b) AUTHORITY.—

5 “(1) IN GENERAL.—From the amount provided
6 to carry out this section, the Secretary shall carry
7 out the following activities:

8 “(A) Conduct research and studies that
9 contribute to the purpose described in sub-
10 section (a), which shall include research to pro-
11 vide a systematic understanding of the United
12 States’ international and foreign language edu-
13 cation capacity, structures, and effectiveness in
14 meeting growing demands by education, govern-
15 ment, and the private sector (including business
16 and other professions).

17 “(B) Create innovative paradigms or en-
18 hance or scale up proven strategies and prac-
19 tices that address systemic challenges to devel-
20 oping and delivering international and foreign
21 language education resources and expertise
22 across educational disciplines, institutions, em-
23 ployers, and other stakeholders.

24 “(C) Develop and manage a national
25 standardized 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,
15 the 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
21 a 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
7 under this subsection, the Secretary shall award
8 such grants, on a competitive basis, to eligible enti-
9 ties.

10 “(2) REQUIRED ACTIVITIES.—An eligible entity
11 that receives a grant under this subsection shall use
12 the grant funds for the systematic development, col-
13 lection, analysis, publication, and dissemination of
14 data, and other information resources in a manner
15 that is easily understandable, made publicly avail-
16 able, and that contributes to achieving the purposes
17 of subsection (a) and carries out at least one activity
18 under subsection (b)(1).

19 “(3) DISCRETIONARY ACTIVITIES.—An eligible
20 entity that receives a grant under this subsection
21 may use the grant to carry out the following activi-
22 ties:

23 “(A) Assess and document international
24 and foreign language education capacity and
25 supply through studies or surveys that—

1 “(i) determine the number of foreign
2 language courses, programs, and enroll-
3 ments at all levels of education and in all
4 languages, including a determination of
5 gaps in those deemed critical to the na-
6 tional interest;

7 “(ii) measure the number and types of
8 degrees or certificates awarded in area
9 studies, global studies, foreign language
10 studies, and international business and
11 professional studies, including identifica-
12 tion of gaps in those deemed critical to the
13 national interest;

14 “(iii) measure the number of foreign
15 language, area or international studies fac-
16 ulty, including international business fac-
17 ulty, and elementary school and secondary
18 school foreign language teachers by lan-
19 guage, degree, and world area; or

20 “(iv) measure the number of under-
21 graduate and graduate students engaging
22 in long- or short-term education or intern-
23 ship abroad programs as part of their cur-
24 riculum, including countries of destination.

1 “(B) Assess the demands for, and out-
2 comes of, international and foreign language
3 education and their alignment, through studies,
4 surveys, and conferences to—

5 “(i) determine demands for increased
6 or improved instruction in foreign lan-
7 guage, area or global studies, or other
8 international fields, and the demand for
9 employees with such skills and knowledge
10 in the education, government, and private
11 sectors (including business and other pro-
12 fessions);

13 “(ii) assess the employment or utiliza-
14 tion of graduates of programs supported
15 under this title by educational, govern-
16 mental, and private sector organizations
17 (including business and other professions);
18 or

19 “(iii) assess standardized outcomes
20 and effectiveness and benchmarking of
21 programs supported under this title.

22 “(C) Develop and publish specialized mate-
23 rials for use in foreign language, area, global,
24 or other international studies, including in

1 international business or other professional edu-
2 cation or technical training, as appropriate.

3 “(D) Conduct studies or surveys that iden-
4 tify and document systemic challenges and
5 changes needed in higher education and elemen-
6 tary school and secondary school systems to
7 make international and foreign language edu-
8 cation available to all students as part of the
9 basic curriculum, including challenges in cur-
10 rent evaluation standards, entrance and gradua-
11 tion requirements, program accreditation, stu-
12 dent degree requirements, or teacher and fac-
13 ulty legal workplace barriers to education and
14 research abroad.

15 “(E) With respect to underrepresented in-
16 stitutions of higher education (including minor-
17 ity-serving institutions or community colleges),
18 carry out studies or surveys that identify and
19 document—

20 “(i) current systemic challenges and
21 changes incentives, and partnerships need-
22 ed to comprehensively and sustainably
23 internationalize educational programming;
24 or

1 “(ii) short- and long-term outcomes of
2 successful internationalization strategies
3 and funding models.

4 “(F) Evaluate the extent to which pro-
5 grams assisted under this title—

6 “(i) reflect diverse perspectives and a
7 wide range of views; and

8 “(ii) generate debate on world regions
9 and international affairs

10 “(e) INNOVATION GRANTS.—

11 “(1) PROGRAM AUTHORIZED.—For any fiscal
12 year for which the Secretary carries out activities to
13 achieve the outcomes described in subsection (b)(1)
14 through innovation grants under this subsection, the
15 Secretary shall award such grants, on a competitive
16 basis, to eligible entities.

17 “(2) USES OF FUNDS.—An eligible entity that
18 receives an innovation grant under this subsection
19 shall use the grant funds to fund projects consistent
20 with this section, which may include one or more of
21 the following:

22 “(A) Innovative paradigms to improve
23 communication, sharing, and delivery of re-
24 sources that further the purposes described in
25 subsection (a) including the following:

1 “(i) Networking structures and sys-
2 tems to more effectively match graduates
3 possessing international and foreign lan-
4 guage education skills with employment
5 needs.

6 “(ii) Sharing international specialist
7 expertise across institutions of higher edu-
8 cation or in the workforce to pursue spe-
9 cialization or learning opportunities not
10 available at any single institution of higher
11 education, such as shared courses for
12 studying less commonly taught languages,
13 world areas or regions, international busi-
14 ness or other professional areas, or special-
15 ized research topics of national strategic
16 interest.

17 “(iii) Producing, collecting, orga-
18 nizing, preserving, and widely dissemi-
19 nating international and foreign language
20 education expertise, resources, courses, and
21 other information through the use of elec-
22 tronic technologies and other techniques.

23 “(iv) Collaborative initiatives to iden-
24 tify, capture, and provide consistent access
25 to, and creation of, digital global library

resources that are beyond the capacity of any single eligible entity receiving a grant under this section or any single institution of higher education, including the professional development of library staff.

“(v) Utilization of technology to create open-source resources in international, area, global, and foreign language studies that are adaptable to multiple educational settings and promote interdisciplinary partnerships between technologists, curriculum designers, international and foreign language education experts, language teachers, and librarians.

“(B) Innovative curriculum, teaching, and learning strategies, including the following:

“(i) New initiatives for collaborations of disciplinary programs with foreign language, area, global, and international studies, and education abroad programs that address the internationalization of such disciplinary studies with the purpose of producing globally competent graduates.

“(ii) Innovative collaborations between established centers of international and

1 foreign language education excellence and
2 underrepresented institutions and popu-
3 lations seeking to further their goals for
4 strengthening international, area, global,
5 and foreign language studies, including at
6 minority-serving institutions or community
7 colleges.

8 “(iii) Teaching and learning collabora-
9 tions among foreign language, area, global,
10 or other international studies with diaspora
11 communities, including heritage students.

12 “(iv) New approaches and methods to
13 teaching emerging global issues, cross-re-
14 gional interactions, and underrepresented
15 regions or countries, such as project- and
16 team-based learning.

17 “(C) Innovative assessment and outcome
18 tools and techniques that further the purposes
19 described in subsection (a), including the fol-
20 lowing:

21 “(i) International and foreign lan-
22 guage education assessment techniques
23 that are coupled with outcome-focused
24 training modules, such as certificates or

1 badges, immersion learning, or e-portfolio
2 systems.

3 “(ii) Effective and easily accessible
4 methods of assessing professionally useful
5 levels of proficiency in foreign languages or
6 competencies in area, culture, and global
7 knowledge or other international fields in
8 programs under this title, which may in-
9 clude use of open access online and other
10 cost-effective tools for students and edu-
11 cators at all educational levels and in the
12 workplace.

13 “(f) APPLICATION.—Each eligible entity desiring a
14 grant under this section shall submit to the Secretary an
15 application at such time, in such manner, and containing
16 such information as the Secretary shall require, includ-
17 ing—

18 “(1) a description of each proposed project the
19 eligible entity plans to carry out under this section
20 and how such project meets the purposes described
21 in subsection (a);

22 “(2) if applicable, a demonstration of why the
23 entity needs a waiver or reduction of the matching
24 requirement under subsection (g); and

1 “(3) an assurance that each such proposed
2 project will be self-sustainable after the grant term
3 is completed.

4 “(g) MATCHING REQUIREMENT.—

5 “(1) IN GENERAL.—The Federal share of the
6 total cost for carrying out a project supported by a
7 grant under this section shall be no more than 66.66
8 percent of the cost of the project.

9 “(2) NON-FEDERAL SHARE CONTRIBUTIONS.—

10 The non-Federal share of such cost may be provided
11 either in-kind or in cash, from institutional and non-
12 institutional funds, including contributions from
13 State or private sector corporations, nonprofits, or
14 foundations.

15 “(3) SPECIAL RULE.—The Secretary may waive
16 or reduce the share required under paragraph (1)
17 for eligible entities that—

18 “(A) are minority-serving institutions or
19 are community colleges; or

20 “(B) demonstrate need in an application
21 for such a waiver or reduction under subsection
22 (f)(2).

23 “(h) DATABASE AND REPORTING.—The Secretary
24 shall directly, or through grants or contracts with an eligi-
25 ble grant recipient—

(c) DISCONTINUATION OF FOREIGN INFORMATION
ACCESS PROGRAM.—Part A of title VI of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1121 et seq.) is further
amended by striking sections 606 and 610, and redesign-
ating sections 607, 608, and 609 as sections 606, 607,
and 608, respectively.

(a) FINDINGS; PURPOSE.—Section 611 of the Higher Education Act of 1965 (20 U.S.C. 1130) is amended—

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

3 “(1) the future welfare of the United States will
4 depend substantially on increasing international and
5 global skills in business, educational, and other pro-
6 fessional communities and creating an awareness
7 among the American public of the internationaliza-
8 tion of our economy and numerous other profes-
9 sional areas important to the national interest;”;

10 (B) by amending paragraph (2) to read as
11 follows:

12 “(2) concerted efforts are necessary to engage
13 business and other professional education and tech-
14 nical training programs, language, area, and global
15 study programs, professional international affairs
16 education programs, public and private sector orga-
17 nizations, and United States’ business community in
18 a mutually productive relationship which benefits the
19 Nation’s future economic and security interests;”;

20 (C) in paragraph (3), by striking “and the
21 international” and inserting “and other profes-
22 sional fields and the international and global”;
23 and

24 (D) in paragraph (4)—

1 (i) by inserting “, as well as other
2 professional organizations” after “depart-
3 ments of commerce”; and

4 (ii) by inserting “or other professions”
5 after “business”; and

6 (2) in subsection (b)—

7 (A) in paragraph (1)—

8 (i) by striking “and economic enter-
9 prise” and inserting “, economic enter-
10 prise, and security”; and

11 (ii) by inserting “and other profes-
12 sional” before “personnel”; and

13 (B) in paragraph (2), by striking “to pros-
14 per in an international” and inserting “and
15 other professional fields to prosper in a global”.

16 (b) PROFESSIONAL AND TECHNICAL EDUCATION FOR
17 GLOBAL COMPETITIVENESS.—Section 613 of the Higher
18 Education Act of 1965 (20 U.S.C. 1130a) is amended to
19 read as follows:

20 **“SEC. 613. PROFESSIONAL AND TECHNICAL EDUCATION**
21 **FOR GLOBAL COMPETITIVENESS.**

22 “(a) PURPOSE.—The purpose of this section is to
23 support innovative strategies that provide undergraduate
24 and graduate students with the global professional com-
25 petencies, perspectives, and skills needed to strengthen

1 and enrich global engagement and competitiveness in a
2 wide variety of professional and technical fields important
3 to the national interest.

4 “(b) PROGRAM AUTHORIZED.—The Secretary shall
5 make grants to, or enter into contracts with eligible enti-
6 ties to pay the Federal share of the cost of programs de-
7 signed to—

8 “(1) establish an interdisciplinary global focus
9 in the undergraduate and graduate curricula of busi-
10 ness, science, technology, engineering, and other pro-
11 fessional education and technical training programs
12 to be determined by the Secretary based on national
13 needs;

14 “(2) produce graduates with proficiencies in
15 both the global aspects of their professional edu-
16 cation or technical training fields and international,
17 cross-cultural, and foreign language skills; and

18 “(3) provide appropriate services to or partner-
19 ships with the corporate, government, and nonprofit
20 communities in order to expand knowledge and ca-
21 pacity for global engagement and competitiveness
22 and provide internship or employment opportunities
23 for students and graduates with international skills.

1 “(c) MANDATORY ACTIVITIES.—An eligible entity
2 that receives a grant under this section shall use the grant
3 to carry out the following:

4 “(1) With respect to undergraduate or graduate
5 professional education and technical training cur-
6 ricula, incorporating—

7 “(A) foreign language programs that lead
8 to proficiency, including immersion opportuni-
9 ties;

10 “(B) international, area, or global studies
11 programs;

12 “(C) education, internships, or other inno-
13 vative or technological linkages abroad; and

14 “(D) global business, economic, and trade
15 studies, where appropriate.

16 “(2) Innovating and improving international,
17 global, and foreign language education curricula to
18 serve the needs of business and other professional
19 and nonprofit communities, including development of
20 new programs for nontraditional, mid-career, or
21 part-time students.

22 “(3) Establishing education or internship
23 abroad programs, domestic globally focused intern-
24 ships, or other innovative approaches to enable un-
25 dergraduate or graduate students in professional

1 education or technical training to develop foreign
2 language skills and knowledge of foreign cultures,
3 societies, and global dimensions of their professional
4 fields.

5 “(4) Developing collaborations between institu-
6 tions of higher education and corporations or non-
7 profit organizations in order to strengthen engage-
8 ment and competitiveness in global business, trade,
9 or other global professional activities.

10 “(d) DISCRETIONARY ACTIVITIES.—An eligible entity
11 that receives a grant under this section may use the grant
12 to carry out the following:

13 “(1) Developing specialized teaching materials
14 and courses, including foreign language and area or
15 global studies materials, and innovative technological
16 delivery systems appropriate for professionally ori-
17 ented students.

18 “(2) Establishing student fellowships or other
19 innovative support opportunities, including for
20 underrepresented populations, first generation col-
21 lege students (defined in section 402A(h)), and her-
22 itage learners, for education and training in global
23 professional development activities.

24 “(3) Developing opportunities or fellowships for
25 faculty or junior faculty of professional education or

1 technical training (including the faculty of minority-
2 serving institutions or community colleges) to ac-
3 quire or strengthen international and global skills
4 and perspectives.

5 “(4) Creating institutes that take place over
6 academic breaks, like the summer, including through
7 technological means, and cover foreign language,
8 world area, global, or other international studies in
9 learning areas of global business, science, tech-
10 nology, engineering, or other professional education
11 and training fields.

12 “(5) Internationalizing curricula at minority-
13 serving institutions or community colleges to further
14 the purposes of this section.

15 “(6) Establishing international linkages or part-
16 nerships with institutions of higher education, cor-
17 porations, or organizations that contribute to the ob-
18 jectives of this section.

19 “(7) Developing programs to inform the public
20 of increasing global interdependence in professional
21 education and technical training fields.

22 “(8) Establishing trade education programs
23 through agreements with regional, national, global,
24 bilateral, or multilateral trade centers, councils, or
25 associations.

1 “(e) APPLICATION.—Each eligible entity desiring a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and including
4 such information as the Secretary may reasonably require,
5 including assurances that—

6 “(1) each proposed project will be self-sustain-
7 able after the grant term is completed;

8 “(2) the institution of higher education will use
9 the assistance provided under this section to supple-
10 ment and not supplant activities conducted by insti-
11 tutions of higher education described in (c);

12 “(3) in the case of eligible entities that are con-
13 sortia of institutions of higher education, or partner-
14 ship described in subsection (g)(1)(C), a copy of
15 their partnership agreement that demonstrates com-
16 pliance with subsection (c) will be provided to the
17 Secretary;

18 “(4) the activities funded by the grant will re-
19 flect diverse perspectives and a wide range of views
20 of world regions and international affairs where ap-
21 plicable; and

22 “(5) if applicable, a demonstration of why the
23 eligible entity needs a waiver or reduction of the
24 matching requirement under subsection (f).

25 “(f) MATCHING REQUIREMENT.—

1 “(1) IN GENERAL.—The Federal share of the
2 total cost for carrying out a program supported by
3 a grant under this section shall be not more than 50
4 percent of the total cost of the project.

5 “(2) NON-FEDERAL SHARE CONTRIBUTIONS.—
6 The non-Federal share of such cost may be provided
7 either in-kind or in cash, from institutional and non-
8 institutional funds, including contributions from
9 State and private sector corporations, nonprofits, or
10 foundations.

11 “(3) SPECIAL RULE.—The Secretary may waive
12 or reduce the share required under paragraph (1)
13 for eligible entities that—

14 “(A) are minority-serving institutions or
15 are community colleges; or

16 “(B) have submitted a grant application as
17 required by subsection (e) that demonstrates a
18 need for such a waiver or reduction.

19 “(g) DEFINITIONS.—In this section:

20 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
21 tity’ means—

22 “(A) an institution of higher education;

23 “(B) a consortia of such institutions; or

24 “(C) a partnership between—

1 “(i) an institution of higher education
2 or a consortia of such institutions; and

3 “(ii) at least one corporate or non-
4 profit entity.

5 “(2) PROFESSIONAL EDUCATION AND TECH-
6 NICAL TRAINING.—The term ‘professional education
7 and technical training’ means a program at an insti-
8 tution of higher education that offers undergraduate,
9 graduate, or postgraduate level education in a pro-
10 fessional or technical field that is determined by the
11 Secretary as meeting a national need for global or
12 international competency (which may include busi-
13 ness, science, technology, engineering, law, health,
14 energy, environment, agriculture, transportation, or
15 education).

16 “(h) FUNDING RULE.—Notwithstanding any other
17 provision of this title, funds made available to the Sec-
18 retary for a fiscal year may not be obligated or expended
19 to carry out this section unless the funds appropriated for
20 such fiscal year to carry out this title exceeds
21 \$65,103,000.”.

22 (c) DISCONTINUATION OF CERTAIN AUTHORIZA-
23 TIONS OF APPROPRIATIONS.—Part B of the Higher Edu-
24 cation Act of 1965 (20 U.S.C. 1130 et seq.) is further
25 amended by striking section 614.

1 **SEC. 6003. REPEAL OF ASSISTANCE PROGRAM FOR INSTI-**
2 **TUTE FOR INTERNATIONAL PUBLIC POLICY.**

3 Part C of title VI of the Higher Education Act of
4 1965 (20 U.S.C. 1131 et seq.) is repealed.

5 **SEC. 6004. GENERAL PROVISIONS.**

6 (a) DEFINITIONS.—Section 631(a) of the Higher
7 Education Act of 1965 (20 U.S.C. 1132(a)) is amended—

8 (1) in paragraph (9), by striking “and” at the
9 end;

10 (2) in paragraph (10), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(11) the term ‘community college’ has the
14 meaning given the term ‘junior or community col-
15 lege’ in section 312(f);

16 “(12) the term ‘heritage student’ means a post-
17 secondary student who—

18 “(A) was born in the United States to im-
19 migrant parents or immigrated to the United
20 States at an early age;

21 “(B) is proficient in English, but raised in
22 a family primarily speaking 1 or more lan-
23 guages of the country of origin; and

24 “(C) maintains a close affinity with the
25 family’s culture and language of origin; and

1 “(13) the term ‘minority-serving institution’
2 means an institution of higher education that is eli-
3 gible to receive a grant under part A or B of title
4 III or title V.”.

5 (b) MINORITY-SERVING INSTITUTIONS.—Part D of
6 title VI of the Higher Education Act of 1965 (20 U.S.C.
7 1132 et seq.) is amended—

8 (1) by striking section 637;

9 (2) by redesignating section 638 as section 637;

10 and

11 (3) by inserting after section 637, as so redesign-
12 nated, the following:

13 **“SEC. 638. PRIORITY TO MINORITY-SERVING INSTITUTIONS.**

14 “(a) PRIORITY.—In seeking applications and award-
15 ing grants under this title, the Secretary, may give priority
16 to—

17 “(1) minority-serving institutions; or

18 “(2) institutions of higher education that apply
19 for such grants that propose significant and sus-
20 tained collaborative activities with one or more mi-
21 nority-serving institutions.

22 “(b) TECHNICAL ASSISTANCE.—The Secretary shall
23 provide technical assistance to minority-serving institu-
24 tions to ensure maximum distribution of grants to eligible

1 minority-serving institutions and among each category of
2 such institutions.”.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—Part D
4 of title VI of the Higher Education Act of 1965 (20 U.S.C.
5 1132 et seq.) is further amended by adding at the end
6 the following new section:

7 **“SEC. 639. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) IN GENERAL.—Subject to subsection (b), there
9 are authorized to be appropriated to carry out this title
10 \$125,000,000 for fiscal year 2021 and each of the 5 suc-
11 ceeding fiscal years.

12 “(b) ADJUSTMENT FOR INFLATION.—

13 “(1) IN GENERAL.—The amount authorized to
14 be appropriated under subsection (a) for fiscal year
15 2022 and each of the 4 succeeding fiscal years shall
16 be deemed increased by a percentage equal to the
17 annual adjustment percentage.

18 “(2) DEFINITION.—In this subsection, the term
19 ‘annual adjustment percentage’ as applied to a fiscal
20 year, means the estimated percentage change in the
21 Consumer Price Index (as determined by the Sec-
22 retary, using the definition in section 478(f)) for the
23 most recent calendar year ending prior to the begin-
24 ning of that fiscal year.”.

1 **TITLE VII—GRADUATE AND**
2 **POSTSECONDARY IMPROVE-**
3 **MENT PROGRAMS**

4 **SEC. 7001. GRADUATE EDUCATION PROGRAMS.**

5 (a) HBCU.—Section 723 of the Higher Education
6 Act of 1965 (20 U.S.C. 1136a) is amended—

7 (1) in subsection (b)(1), by adding at the end
8 the following:

9 “(S) Each institution not listed under sub-
10 paragraphs (A) through (R) that is eligible to
11 receive funds under part B of title III and that
12 offers a qualified masters degree program.”;

13 (2) in subsection (e), by striking “or 724” and
14 inserting “or 724, or subpart 5 or 6 of this part”;
15 and

16 (3) in subsection (f)(3)—

17 (A) by striking “any amount in excess of
18 \$9,000,000” and inserting “after the applica-
19 tion of paragraph (2), the remaining amount”;
20 and

21 (B) by striking “(R)” and inserting “(S)”.

22 (b) PREDOMINANTLY BLACK INSTITUTIONS.—Sec-
23 tion 724 of the Higher Education Act of 1965 (20 U.S.C.
24 1136b) is amended—

1 (1) in subsection (b)(1), by adding at the end
 2 the following:

3 “(F) Each institution not listed in sub-
 4 paragraph (A) through (E) that is eligible to
 5 receive funds under section 318 and that offers
 6 a qualified masters degree program.”;

7 (2) in subsection (e), by striking “or 723” and
 8 inserting “or 723, or subpart 5 or 6”; and

9 (3) in subsection (f)(3)—

10 (A) by striking “any amount in excess of
 11 \$2,500,000” and inserting “after the applica-
 12 tion of paragraph (2), any remaining amount”;
 13 and

14 (B) by striking “(E)” and inserting “(F)”.

15 (c) ENHANCING SUPPORT FOR ASIAN AMERICAN AND
 16 NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITU-
 17 TIONS AND TRIBAL COLLEGES AND UNIVERSITIES.—Part
 18 A of title VII of the Higher Education Act of 1965 (20
 19 U.S.C. 1134 et seq.) is amended—

20 (1) in section 731—

21 (A) by striking “1 through 4” each place
 22 it appears and inserting “1 through 6”; and

23 (B) by striking “subpart 1, 2, 3, or 4” and
 24 inserting “subparts 1 through 6”;

25 (2) by redesignating subpart 5 as subpart 7;

1 (3) by redesignating section 731 as section 735;

2 and

3 (4) by inserting after subpart 4 the following:

4 **“Subpart 5—Graduate Opportunities at Asian Amer-**
5 **ican and Native American Pacific Islander-Serv-**
6 **ing Institutions**

7 **“SEC. 726. GRANT PROGRAM ESTABLISHED.**

8 “(a) IN GENERAL.—Subject to the availability of
9 funds appropriated to carry out this subpart, the Sec-
10 retary shall award grants, on a competitive basis, to eligi-
11 ble institutions to enable the eligible institutions to carry
12 out the activities described in section 727.

13 “(b) AWARD OF GRANT FUNDS.—Of the funds ap-
14 propriated to carry out this subpart for a fiscal year, the
15 Secretary—

16 “(1) shall reserve—

17 “(A) not less than one-third of such funds
18 to award grants to carry out the activities de-
19 scribed in section 727(b); and

20 “(B) not less than one-third of such funds
21 to award grants to carry out the activities de-
22 scribed in section 727(c); and

23 “(2) may use the amount of funds remaining
24 after the reservation required under paragraph (1)

1 to award grants to carry out the activities described
2 in subsections (b) and (c) of section 727.

3 “(c) DURATION.—Grants under this subpart shall be
4 awarded for a period not to exceed five years.

5 “(d) LIMITATION ON NUMBER OF AWARDS.—The
6 Secretary may not award more than one grant under this
7 subpart in any fiscal year to any Asian American and Na-
8 tive American Pacific Islander-serving institutions.

9 “(e) APPLICATION.—Any eligible institution may
10 apply for a grant under this subpart by submitting an ap-
11 plication to the Secretary at such time and in such manner
12 as the Secretary may require. Such application shall dem-
13 onstrate how the grant funds will be used to improve
14 postbaccalaureate education opportunities for Asian
15 American and Native American Pacific Islander and low-
16 income students.

17 “(f) INTERACTION WITH OTHER GRANT PRO-
18 GRAMS.—No institution that is eligible for and receives an
19 award under section 326, 512, 723, or 724, or subpart
20 6 of this part for a fiscal year shall be eligible to apply
21 for a grant, or receive grant funds, under this subpart for
22 the same fiscal year.

23 “(g) ELIGIBLE INSTITUTION DEFINED.—For the
24 purposes of this subpart, an ‘eligible institution’ means an
25 institution of higher education that—

1 “(1) is an Asian-American and Native Amer-
2 ican Pacific Islander-serving institution (as defined
3 in section 320); and

4 “(2) offers a postbaccalaureate certificate or
5 postbaccalaureate degree granting program.

6 **“SEC. 727. USE OF FUNDS.**

7 “(a) IN GENERAL.—

8 “(1) ACTIVITIES.—An eligible institution that
9 receives a grant under this subpart shall use such
10 funds to carry out—

11 “(A) one or more of the activities described
12 in subsection (b); or

13 “(B) one or more of the activities de-
14 scribed in subsection (c).

15 “(2) REQUIREMENT.—An eligible institution
16 that receives a grant under this subpart may not use
17 such funds for activities under both subsections (b)
18 and (c).

19 “(b) GRADUATE PROGRAM ACTIVITIES.—Grants
20 awarded under this subpart may be used for one or more
21 of the following activities promoting postbaccalaureate
22 opportunities for Asian American and Native American
23 Pacific Islander students:

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,
5 and improvement of classrooms, libraries, labora-
6 tories, and other instructional facilities, including
7 purchase or rental of telecommunications technology
8 equipment or services.

9 “(3) Purchase of library books, periodicals,
10 technical and other scientific journals, microfilm,
11 microfiche, and other educational materials, includ-
12 ing telecommunications program materials.

13 “(4) Support for low-income postbaccalaureate
14 students including outreach, academic support serv-
15 ices and mentoring, scholarships, fellowships, and
16 other financial assistance to permit the enrollment of
17 such students in postbaccalaureate certificate and
18 postbaccalaureate degree granting programs.

19 “(5) Creating or improving facilities for Inter-
20 net or other distance education technologies, includ-
21 ing purchase or rental of telecommunications tech-
22 nology equipment or services.

23 “(6) Collaboration with other institutions of
24 higher education to expand postbaccalaureate certifi-
25 cate and postbaccalaureate degree offerings.

1 “(7) Other activities proposed in the application
2 submitted pursuant to section 726 that—

3 “(A) contribute to carrying out the pur-
4 poses of this subpart; and

5 “(B) are approved by the Secretary as part
6 of the review and acceptance of such applica-
7 tion.

8 “(c) FACULTY DEVELOPMENT ACTIVITIES.—Grants
9 awarded under this subpart may be used for one or more
10 of the following activities for faculty development:

11 “(1) Support of faculty exchanges, faculty de-
12 velopment, faculty research, curriculum development,
13 and academic instruction.

14 “(2) Financial support to graduate students
15 planning to pursue academic careers who desire to
16 become faculty at Asian American and Native Amer-
17 ican Pacific Islander-serving institutions.

18 “(3) Career services in preparing for an aca-
19 demic career and identifying opportunities.

20 “(4) Developing partnerships between Asian
21 American and Native American Pacific Islander-
22 serving institutions to facilitate connections between
23 graduate students and hiring institutions.

24 “(5) Faculty recruitment efforts with an em-
25 phasis on graduates from Asian American and Na-

1 tive American Pacific Islander-serving institutions
2 and other minority-serving institutions.

3 “(6) Recruitment and retention incentives to
4 allow Asian American and Native American Pacific
5 Islander-serving institutions to make competitive of-
6 fers to potential faculty, including use of funds for
7 student loan repayment.

8 “(7) Research support for early career faculty.

9 “(8) Other activities proposed in the application
10 submitted pursuant to section 726 that—

11 “(A) contribute to carrying out the pur-
12 poses of this subpart; and

13 “(B) are approved by the Secretary as part
14 of the review and acceptance of such applica-
15 tion.

16 **“SEC. 728. AUTHORIZATION OF APPROPRIATIONS.**

17 “‘There is authorized to be appropriated to carry out
18 this subpart \$30,000,000 for fiscal year 2021 and each
19 of the 5 succeeding fiscal years.

20 **“Subpart 6—Graduate Opportunities at Tribal**
21 **Colleges and Universities**

22 **“SEC. 729. GRANT PROGRAM ESTABLISHED.**

23 “(a) IN GENERAL.—Subject to the availability of
24 funds appropriated to carry out this subpart, the Sec-
25 retary shall award grants, on a competitive basis, to eligi-

1 ble institutions to enable the eligible institutions to carry
2 out the activities described in section 730.

3 “(b) AWARD OF GRANT FUNDS.—Of the funds ap-
4 propriated to carry out this subpart for a fiscal year, the
5 Secretary—

6 “(1) shall reserve—

7 “(A) not less than one-third of such funds
8 to award grants to carry out the activities de-
9 scribed in section 730(b); and

10 “(B) not less than one-third of such funds
11 to award grants to carry out the activities de-
12 scribed in section 730(c); and

13 “(2) may use the amount of funds remaining
14 after the reservation required under paragraph (1)
15 to award grants to carry out the activities described
16 in subsections (b) and (c) of section 730.

17 “(c) DURATION.—Grants under this part shall be
18 awarded for a period not to exceed five years.

19 “(d) LIMITATION ON NUMBER OF AWARDS.—The
20 Secretary may not award more than one grant under this
21 subpart in any fiscal year to any Tribal College and Uni-
22 versity.

23 “(e) APPLICATION.—Any eligible institution may
24 apply for a grant under this subpart by submitting an ap-
25 plication to the Secretary at such time and in such manner

1 as the Secretary may require. Such application shall dem-
 2 onstrate how the grant funds will be used to improve
 3 postbaccalaureate education opportunities for American
 4 Indian and Alaska Native students.

5 “(f) INTERACTION WITH OTHER GRANT PRO-
 6 GRAMS.—No institution that is eligible for and receives an
 7 award under section 326, 512, 723, or 724, or subpart
 8 5 of this part for a fiscal year shall be eligible to apply
 9 for a grant, or receive grant funds, under this section for
 10 the same fiscal year.

11 “(g) ELIGIBLE INSTITUTION DEFINED.—For the
 12 purposes of this subpart, an ‘eligible institution’ means an
 13 institution of higher education that—

14 “(1) is a Tribal College or University (as de-
 15 fined in section 316); and

16 “(2) offers a postbaccalaureate certificate or
 17 postbaccalaureate degree granting program.

18 **“SEC. 730. USE OF FUNDS.**

19 “(a) IN GENERAL.—

20 “(1) ACTIVITIES.—An eligible institution that
 21 receives a grant under this subpart shall use such
 22 funds to carry out—

23 “(A) one or more of the activities described
 24 in subsection (b); or

1 “(B) one or more of the activities de-
2 scribed in subsection (c).

3 “(2) REQUIREMENT.—An eligible institution
4 that receives a grant under this subpart may not use
5 such funds for activities under both subsections (b)
6 and (c).

7 “(b) GRADUATE PROGRAM ACTIVITIES.—Grants
8 awarded under this subpart may be used for one or more
9 of the following activities promoting postbaccalaureate op-
10 portunities for American Indian and Alaska Native stu-
11 dents:

12 “(1) Purchase, rental, or lease of scientific or
13 laboratory equipment for educational purposes, in-
14 cluding instructional and research purposes.

15 “(2) Construction, maintenance, renovation,
16 and improvement of classrooms, libraries, labora-
17 tories, and other instructional facilities, including
18 purchase or rental of telecommunications technology
19 equipment or services.

20 “(3) Purchase of library books, periodicals,
21 technical and other scientific journals, microfilm,
22 microfiche, and other educational materials, includ-
23 ing telecommunications program materials.

24 “(4) Support for American Indian and Alaska
25 Native postbaccalaureate students including out-

1 reach, academic support services and mentoring,
2 scholarships, fellowships, and other financial assist-
3 ance to permit the enrollment of such students in
4 postbaccalaureate certificate and postbaccalaureate
5 degree granting programs.

6 “(5) Creating or improving facilities for Inter-
7 net or other distance education technologies, includ-
8 ing purchase or rental of telecommunications tech-
9 nology equipment or services.

10 “(6) Collaboration with other institutions of
11 higher education to expand postbaccalaureate certifi-
12 cate and postbaccalaureate degree offerings.

13 “(7) Other activities proposed in the application
14 submitted pursuant to section 729 that—

15 “(A) contribute to carrying out the pur-
16 poses of this subpart; and

17 “(B) are approved by the Secretary as part
18 of the review and acceptance of such applica-
19 tion.

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 de-
24 velopment, faculty research, curriculum development,
25 and academic instruction.

1 “(2) Financial support to graduate students
2 planning to pursue academic careers who desire to
3 become faculty at Tribal Colleges and Universities.

4 “(3) Career services in preparing for an aca-
5 demic career and identifying opportunities.

6 “(4) Developing partnerships between Tribal
7 Colleges and Universities to facilitate connections
8 between graduate students and hiring institutions.

9 “(5) Faculty recruitment efforts with an em-
10 phasis on graduates from Tribal Colleges and Uni-
11 versities and other minority-serving institutions.

12 “(6) Recruitment and retention incentives to
13 allow Tribal Colleges and Universities to make com-
14 petitive offers to potential faculty, including use of
15 funds for student loan repayment.

16 “(7) Research support for early career faculty.

17 “(8) Other activities proposed in the application
18 submitted pursuant to section 729 that—

19 “(A) contribute to carrying out the pur-
20 poses of this subpart; and

21 “(B) are approved by the Secretary as part
22 of the review and acceptance of such applica-
23 tion.

1 **“SEC. 731. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out
3 this subpart \$5,000,000 for fiscal year 2021 and each of
4 the 5 succeeding fiscal years.”.

5 **SEC. 7002. FUND FOR THE IMPROVEMENT OF POSTSEC-**
6 **ONDARY EDUCATION.**

7 Section 745 of the Higher Education Act of 1965 (20
8 U.S.C. 1138d) is amended by striking “2009” and insert-
9 ing “2021”.

10 **SEC. 7003. MINORITY-SERVING INSTITUTIONS INNOVATION**
11 **FUND.**

12 Title VII of the Higher Education Act of 1965 (20
13 U.S.C. 1133 et seq.) is amended by inserting after part
14 B the following:

15 **“PART C—FUNDING INNOVATIONS AT MINORITY-**
16 **SERVING INSTITUTIONS**

17 **“SEC. 751. PURPOSE.**

18 “It is the purpose of this part to assist minority-serv-
19 ing institutions in planning, developing, implementing,
20 validating, and replicating innovations that provide solu-
21 tions to persistent challenges in enabling economically and
22 educationally disadvantaged students to enroll in, persist
23 through, and graduate from college, including innovations
24 designed to—

25 “(1) increase the successful recruitment at mi-
26 nority-serving institutions of—

1 “(A) students from low-income families of
2 all races;

3 “(B) students who begin college when over
4 21 years of age; and

5 “(C) military-affiliated students;

6 “(2) increase the rate at which students en-
7 rolled in minority-serving institutions make adequate
8 or accelerated progress toward graduation, and suc-
9 cessfully graduate from such institutions;

10 “(3) increase the number of students pursuing
11 and completing degrees in science, technology, engi-
12 neering, and mathematics at minority-serving insti-
13 tutions and pursuing graduate work in such fields,
14 including through the establishment of innovation
15 ecosystems on the campuses of such institutions;

16 “(4) redesign course offerings and other in-
17 structional strategies at minority-serving institutions
18 to improve student outcomes and reduce postsec-
19 ondary education costs;

20 “(5) enhance the quality and number of tradi-
21 tional and alternative route teacher preparation pro-
22 grams offered by minority-serving institutions;

23 “(6) expand the effective use of technology at
24 minority-serving institutions; and

1 “(7) strengthen postgraduate employment out-
2 comes for students enrolled in minority-serving insti-
3 tutions.

4 **“SEC. 752. DEFINITION.**

5 “‘In this part:

6 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means—

8 “(A) a minority-serving institution; or

9 “(B) a consortium of a minority-serving in-
10 stitution and—

11 “(i) one or more other institutions of
12 higher education;

13 “(ii) a private nonprofit organization;

14 “(iii) a local educational agency;

15 “(iv) a high school that—

16 “(I) receives funding under part
17 A of title I of the Elementary and
18 Secondary Education Act of 1965 (20
19 U.S.C. 6311 et seq.); and

20 “(II) has been identified for com-
21 prehensive support and improvement
22 under section 1111(c)(4)(D)(i) of
23 such Act (20 U.S.C.
24 6311(c)(4)(D)(i)); or

1 “(v) any combination of the entities
2 described in clauses (i) through (iv).

3 “(2) MINORITY SERVING INSTITUTION.—The
4 term ‘minority serving institution’ means an institu-
5 tion of higher education described in paragraph (1),
6 (2), (3), (4), (5), (6), or (7) of section 371(a).

7 **“SEC. 753. GRANTS AUTHORIZED.**

8 “(a) IN GENERAL.—Except as provided in subsection
9 (b)(2), with the funds made available for this part under
10 section 757, the Secretary shall make planning and imple-
11 mentation grants, as described in subsections (b) and (c),
12 to eligible entities to enable such entities to plan for the
13 implementation of, in the case of a planning grant, and
14 implement, in the case of an implementation grant, inno-
15 vations described in section 751 and to support the plan-
16 ning, development, implementation, validation, scaling up,
17 and replication of such innovations.

18 “(b) PLANNING GRANTS.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), with the funds made available under sec-
21 tion 757 for a fiscal year, the Secretary shall use not
22 more than 5 percent or \$42,500,000 (whichever is
23 greater) to award planning grants to enable eligible
24 entities to plan, design, and develop innovations de-
25 scribed in section 751.

1 “(2) TYPE OF INSTITUTION.—Planning grants
2 shall be awarded to minority-serving institutions in
3 proportion to the allocations made in subparagraphs
4 (A) through (G) of section 757(1).

5 “(3) ORDER OF CONSIDERATION.—Subject to
6 paragraph (2) and the priority described in section
7 755(a), planning grants shall be awarded to eligible
8 entities satisfying the application requirements
9 under section 754 in the order in which received by
10 the Secretary.

11 “(4) DURATION.—A planning grant authorized
12 under this subsection shall be for the duration of 1
13 year.

14 “(5) GRANT AMOUNTS.—Each planning grant
15 authorized under this subsection shall be in an
16 amount that is not more than \$150,000.

17 “(c) IMPLEMENTATION GRANTS.—

18 “(1) IN GENERAL.—With funds made available
19 for this part under section 757, the Secretary shall
20 award implementation grants on a competitive basis
21 to enable eligible entities to further develop, pilot,
22 field-test, implement, document, validate, and, as ap-
23 plicable, scale up and replicate, innovations de-
24 scribed in section 751.

1 “(2) DURATION.—An implementation grant au-
2 thorized under this subsection shall be for a dura-
3 tion of 5 years, except that the Secretary may not
4 continue providing funds under the grant after year
5 3 of the grant period unless the eligible entity dem-
6 onstrates that the entity has achieved satisfactory
7 progress toward carrying out the educational innova-
8 tions, activities, and projects described in their appli-
9 cation pursuant to section 754(d), as determined by
10 the Secretary.

11 “(3) GRANT AMOUNT.—Each implementation
12 grant authorized under this subsection shall be in an
13 amount sufficient to enable the eligible entity to
14 achieve the purposes of its proposed activities and
15 projects, but shall not exceed \$10,000,000.

16 “(d) SPECIAL RULES FOR CONSORTIUMS.—

17 “(1) FISCAL AGENT.—

18 “(A) IN GENERAL.—In the case of an eligi-
19 ble entity applying for a grant under this part
20 as a consortium, each member of the consor-
21 tium shall agree on 1 such member of such eli-
22 gibility entity to serve as a fiscal agent of such
23 entity.

24 “(B) RESPONSIBILITIES.—The fiscal agent
25 of an eligible entity, as described in subpara-

1 graph (A), shall act on behalf of such entity in
2 performing the financial duties of such entity
3 under this part.

4 “(C) WRITTEN AGREEMENT.—The agree-
5 ment described in subparagraph (A) shall be in
6 writing and signed by each member of the con-
7 sortium.

8 “(2) SUBGRANTS.—In the case of an eligible
9 entity applying for a grant under this part as a con-
10 sortium, the fiscal agent for such entity (as de-
11 scribed in paragraph (1)) may use the funds pro-
12 vided by the grant to make subgrants to members
13 of the consortium.

14 **“SEC. 754. APPLICATIONS.**

15 “(a) IN GENERAL.—An eligible entity desiring to re-
16 ceive a grant under this part shall submit an application
17 to the Secretary at such time, in such manner, and con-
18 taining such information as the Secretary may reasonably
19 require.

20 “(b) CONSORTIUM ENTITIES.—An application under
21 this section which is submitted by an eligible entity apply-
22 ing as a consortium shall include the written agreement
23 described in section 753(d)(1)(C).

24 “(c) PLANNING GRANTS.—The Secretary shall en-
25 sure that the application requirements under this section

1 for a planning grant authorized under section 753(b) in-
2 clude, in addition to the requirement in subsection (b) (if
3 applicable), only those minimal requirements that are nec-
4 essary to review the proposed process of an eligible entity
5 for the planning, design, and development of one or more
6 of the innovations described in section 751.

7 “(d) IMPLEMENTATION GRANTS.—An application
8 under this section for an innovation grant authorized
9 under section 753(c) shall include, in addition to the re-
10 quirement under subsection (b) (if applicable), descrip-
11 tions of—

12 “(1) each innovation described in section 751
13 that the eligible entity would implement using the
14 funds made available by such grant, including, as
15 applicable, a description of the evidence base sup-
16 porting such innovation;

17 “(2) how each such innovation will address the
18 purpose of this part, as described in section 751,
19 and how each such innovation will further the insti-
20 tutional or organizational mission of the minority-
21 serving institution that is part of the eligible entity;

22 “(3) the specific activities that the eligible enti-
23 ty will carry out with funds made available by such
24 grant, including, in the case of an eligible entity ap-
25 plying as a consortium, a description of the activities

1 that each member of the consortium will carry out
2 and a description of the capacity of each such mem-
3 ber to carry out those activities;

4 “(4) the performance measures that the eligible
5 entity will use to track its progress in implementing
6 each such innovation, including a description of how
7 the entity will implement those performance meas-
8 ures and use information on performance to make
9 adjustments and improvements to its implementa-
10 tion activities, as needed, over the course of the
11 grant period;

12 “(5) how the eligible entity will provide for an
13 independent evaluation of the implementation and
14 impact of the projects funded by such grant, includ-
15 ing—

16 “(A) an interim report (evaluating the
17 progress made in the first 3 years of the grant);
18 and

19 “(B) a final report (completed at the end
20 of the grant period); and

21 “(6) the plan of the eligible entity for con-
22 tinuing each proposed innovation after the grant has
23 ended.

1 **“SEC. 755. PRIORITY.**

2 “(a) PLANNING GRANTS.—In awarding planning
3 grants under this part, the Secretary shall give priority
4 to applications that were submitted with respect to the
5 prior award year, but did not receive a planning grant due
6 to insufficient funds.

7 “(b) IMPLEMENTATION GRANTS.—In awarding im-
8 plementation grants under this part, the Secretary shall
9 give—

10 “(1) first priority to applications for programs
11 at minority-serving institutions that have not pre-
12 viously received an implementation grant under this
13 part; and

14 “(2) second priority to applications that address
15 issues of major national need, including—

16 “(A) innovative partnerships between mi-
17 nority-serving institutions and local educational
18 agencies that are designed to increase the en-
19 rollment of historically underrepresented popu-
20 lations in higher education;

21 “(B) educational innovations designed to
22 increase the rate of postsecondary degree at-
23 tainment for populations within minority groups
24 that have low relative rates of postsecondary de-
25 gree attainment;

1 “(C) educational innovations that support
2 programs and initiatives at minority-serving in-
3 stitutions to enhance undergraduate and grad-
4 uate programs in science, technology, engineer-
5 ing, and mathematics;

6 “(D) innovative partnerships between mi-
7 nority-serving institutions and other organiza-
8 tions to establish innovation ecosystems in sup-
9 port of economic development, entrepreneur-
10 ship, and the commercialization of technology
11 supported by research funded through this
12 grant;

13 “(E) educational innovations that enhance
14 the quality and number of traditional and alter-
15 native route teacher preparation programs at
16 minority-serving institutions to enable teachers
17 to be highly effective in the classroom and to
18 enable such programs to meet the demands for
19 diversity and accountability in teacher edu-
20 cation; and

21 “(F) educational innovations that strength-
22 en postgraduate employment outcomes of mi-
23 nority-serving institutions through the imple-
24 mentation of comprehensive and strategic ca-
25 reer pathways for students.

1 **“SEC. 756. USES OF FUNDS.**

2 “(a) PLANNING GRANTS.—An eligible entity receiv-
3 ing a planning grant under section 753(b) shall use funds
4 made available by such grant to conduct an institutional
5 planning process that includes—

6 “(1) an assessment of the needs of the minor-
7 ity-serving institution;

8 “(2) research on educational innovations de-
9 scribed in section 751 that will meet the needs de-
10 scribed in paragraph (1);

11 “(3) the selection of one or more such edu-
12 cational innovations for implementation;

13 “(4) an assessment of the capacity of the mi-
14 nority-serving institution to implement such edu-
15 cational innovation; and

16 “(5) activities to further develop such capacity.

17 “(b) IMPLEMENTATION GRANTS.—An eligible entity
18 receiving an implementation grant under section 753(c)
19 shall use the funds made available by such grant to further
20 develop, pilot, field-test, implement, document, validate,
21 and, as applicable, scale up, and replicate innovations de-
22 scribed in section 751, such as innovations designed to—

23 “(1) create a college-bound culture at secondary
24 schools (including efforts targeting high-achieving
25 students from low-income families) through activities

1 undertaken in partnership with local educational
2 agencies and nonprofit organizations, such as—

3 “(A) activities that promote postsecondary
4 school awareness, including recruitment, orga-
5 nizing campus visits, and providing assistance
6 with entrance and financial aid application com-
7 pletion; and

8 “(B) postsecondary school preparation ef-
9 forts such as—

10 “(i) aligning high school coursework
11 and high school graduation requirements
12 with the requirements for entrance into
13 credit-bearing coursework at 4-year institu-
14 tions of higher education;

15 “(ii) early identification and support
16 for students at risk of not graduating from
17 high school, or at risk of requiring remedi-
18 ation upon enrolling in postsecondary edu-
19 cation; and

20 “(iii) dual-enrollment programs;

21 “(2) improve student achievement, such as
22 through activities designed to increase the number
23 or percentage of students who successfully complete
24 developmental or remedial coursework (which may
25 be accomplished through the evidence-based redesign

1 of such coursework) and pursue and succeed in post-
2 secondary studies;

3 “(3) increase the number of minority males who
4 attain a postsecondary degree, such as through evi-
5 dence-based interventions that integrate academic
6 advising with social and cultural supports and assist-
7 ance with job placement;

8 “(4) increase the number or percentage of stu-
9 dents who make satisfactory or accelerated progress
10 toward graduation from postsecondary school and
11 the number or percentage who graduate from post-
12 secondary school on time, such as through the provi-
13 sion of comprehensive academic and nonacademic
14 student support services.

15 “(5) activities to promote a positive climate on
16 campuses of institutions of higher education and to
17 increase the sense of belonging among eligible stu-
18 dents, including through first year support programs
19 such as mentoring and peer networks and advisories;

20 “(6) increase the number or percentage of stu-
21 dents, particularly students who are members of his-
22 torically underrepresented populations, who enroll in
23 science, technology, engineering, and mathematics
24 courses, graduate with degrees in such fields, and
25 pursue advanced studies in such fields;

1 “(7) develop partnerships between minority-
2 serving institutions and other organizations to estab-
3 lish innovation ecosystems in support of economic
4 development, entrepreneurship, and the commer-
5 cialization of technology supported by funded re-
6 search;

7 “(8) implement evidence-based improvements to
8 courses, particularly high-enrollment courses, to im-
9 prove student outcomes and reduce education costs
10 for students, including costs of remedial courses;

11 “(9) enhance the quality and number of tradi-
12 tional and alternative route teacher and school lead-
13 er preparation programs at minority-serving institu-
14 tions that enable graduates to be profession-ready
15 and highly effective in the classroom and to enable
16 such programs to meet the demands for diversity
17 and accountability in educator preparation;

18 “(10) expand the effective use of technology in
19 higher education, such as through collaboration be-
20 tween institutions on implementing technology-en-
21 abled delivery models (including hybrid models) or
22 through the use of open educational resources and
23 digital content;

24 “(11) strengthen postgraduate employment out-
25 comes through the implementation of comprehensive

1 and strategic career pathways for students, which
2 may include aligning curricula with workforce needs,
3 experiential learning, integration of career services,
4 and developing partnerships with employers and
5 business organizations; and

6 “(12) provide a continuum of solutions by in-
7 corporating activities that address multiple objec-
8 tives described in paragraphs (1) through (11).

9 **“SEC. 757. AUTHORIZATION OF APPROPRIATIONS.**

10 “There are authorized to be appropriated to carry out
11 activities under this part \$850,000,000 for fiscal year
12 2021 and each of the 5 succeeding fiscal years, to be allo-
13 cated as follows:

14 “(1) for institutions described in paragraph (1)
15 of section 371(a), \$224,987,083;

16 “(2) for institutions described in paragraph (2)
17 of section 371(a), \$214,446,428;

18 “(3) for institutions described in paragraph (3)
19 of section 371(a), \$78,056,743;

20 “(4) for institutions described in paragraph (4)
21 of section 371(a), \$20,662,079;

22 “(5) for institutions described in paragraph (5)
23 of section 371(a), \$130,859,834;

24 “(6) for institutions described in paragraph (6)
25 of section 371(a), \$122,305,533; and

1 “(7) for institutions described in paragraph (7)
2 of section 371(a), \$58,682,300.”.

3 **SEC. 7004. DEFINITIONS.**

4 Section 760 of the Higher Education Act of 1965 (20
5 U.S.C. 1140) is amended to read as follows:

6 **“SEC. 760. DEFINITIONS.**

7 “In this part:

8 “(1) COMPREHENSIVE TRANSITION AND POST-
9 SECONDARY PROGRAM FOR STUDENTS WITH INTEL-
10 LECTUAL DISABILITIES.—The term ‘comprehensive
11 transition and postsecondary program for students
12 with intellectual disabilities’ means a program that
13 leads to a degree, certificate, or recognized postsec-
14 ondary credential issued by an institution of higher
15 education that meets each of the following require-
16 ments:

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

19 “(B) Is designed to support students with
20 intellectual disabilities who are seeking to con-
21 tinue academic, career and technical, and inde-
22 pendent living instruction at an institution of
23 higher education in order to prepare for gainful
24 employment and competitive integrated employ-
25 ment.

1 “(C) Includes student advising and a pro-
2 gram of study.

3 “(D) Requires students with intellectual
4 disabilities to participate on not less than a
5 half-time basis as determined by the institution,
6 with such participation focusing on academic
7 and career development components and occur-
8 ring through one or more of the following ac-
9 tivities:

10 “(i) Regular enrollment in credit-bear-
11 ing courses with students without disabil-
12 ities that are offered by the institution.

13 “(ii) Auditing or participating in
14 courses with students without disabilities
15 that are offered by the institution and for
16 which the student does not receive regular
17 academic credit.

18 “(iii) Enrollment in noncredit-bearing,
19 nondegree courses with students without
20 disabilities.

21 “(iv) Participation in internships, reg-
22 istered apprenticeships, or work-based ex-
23 periences in competitive integrated settings
24 for a semester, or multiple semesters.

1 “(E) Requires students with intellectual
2 disabilities to be socially and academically inte-
3 grated with students without disabilities to the
4 maximum extent practicable.

5 “(F) Does not require the work compo-
6 nents (ii) to occur each semester.

7 “(2) DISABILITY.—The term ‘disability’ has the
8 meaning given such term in section 3 of the Ameri-
9 cans with Disabilities Act of 1990 (42 U.S.C.
10 12102).

11 “(3) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 meaning given such term in section 101.

14 “(4) OFFICE OF ACCESSIBILITY.—The term
15 ‘Office of Accessibility’ has the meaning given to the
16 office of disability services of the institution or
17 equivalent office.

18 “(5) RECOGNIZED POSTSECONDARY CREDEN-
19 TIAL.—The term ‘recognized postsecondary creden-
20 tial’ has the meaning given the term in section 101
21 of the Workforce Innovation and Opportunity Act.

22 “(6) STUDENT WITH AN INTELLECTUAL DIS-
23 ABILITY.—The term ‘student with an intellectual
24 disability’ means a student—

1 “(A) with a cognitive impairment, charac-
2 terized by significant limitations in—

3 “(i) intellectual and cognitive func-
4 tioning; and

5 “(ii) adaptive behavior as expressed in
6 conceptual, social, and practical adaptive
7 skills;

8 “(B) who is currently, or was formerly, eli-
9 gible for a free appropriate public education
10 under the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1400 et seq.); and

12 “(C) or, in the case of a student who has
13 not currently or formerly been found eligible for
14 a free appropriate education under the Individ-
15 uals with Disabilities Education Act, or a stu-
16 dent who has not previously been found eligible
17 as a student with an intellectual disability
18 under IDEA, documentation establishing that
19 the student has an intellectual disability, such
20 as—

21 “(i) a documented comprehensive and
22 individualized psycho-educational evalua-
23 tion and diagnosis of an intellectual dis-
24 ability by a psychologist or other qualified
25 professional; or

1 “(ii) a record of the disability from a
 2 local or State educational agency, or gov-
 3 ernment agency, such as the Social Secu-
 4 rity Administration or a vocational reha-
 5 bilitation agency, that identifies the intel-
 6 lectual disability.”.

7 **SEC. 7005. SUPPORTING POSTSECONDARY FACULTY, STAFF,**
 8 **AND ADMINISTRATORS IN PROVIDING ACCES-**
 9 **SIBLE EDUCATION.**

10 (a) GRANTS.—Section 762 of the Higher Education
 11 Act of 1965 (20 U.S.C. 1140b) is amended to read as
 12 follows:

13 **“SEC. 762. GRANTS AUTHORIZED.**

14 “(a) COMPETITIVE GRANTS AUTHORIZED TO SUP-
 15 PORT POSTSECONDARY FACULTY, STAFF, AND ADMINIS-
 16 TRATORS IN PROVIDING AN ACCESSIBLE EDUCATION.—

17 “(1) IN GENERAL.—From amounts appro-
 18 priated under section 765C, the Secretary shall
 19 award grants, on a competitive basis, to institutions
 20 of higher education to enable the institutions to
 21 carry out the activities under subsection (b).

22 “(2) AWARDS FOR PROFESSIONAL DEVELOP-
 23 MENT AND TECHNICAL ASSISTANCE.—Not less than
 24 5 grants shall be awarded to institutions of higher
 25 education that provide professional development and

1 technical assistance in order to improve access to,
2 and completion of, postsecondary education for stu-
3 dents, including students with disabilities.

4 “(b) DURATION; ACTIVITIES.—

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

7 “(2) AUTHORIZED ACTIVITIES.—A grant
8 awarded under this section shall be used to carry
9 out one or more of the following activities:

10 “(A) TEACHING METHODS AND STRATE-
11 GIES.—The development and implementation of
12 training to provide innovative, effective, and evi-
13 dence-based teaching methods and strategies,
14 consistent with the principles of universal de-
15 sign for learning, to provide postsecondary fac-
16 ulty, staff, and administrators with the skills
17 and supports necessary to teach and meet the
18 academic and programmatic needs of students
19 (including students with disabilities) in order to
20 improve the retention of such students in, and
21 the completion by such students of, postsec-
22 ondary education. Such methods and strategies
23 may include in-service training, professional de-
24 velopment, customized and general technical as-
25 sistance, workshops, summer institutes, dis-

1 tance learning, and training in the use of assist-
2 ive and educational technology.

3 “(B) IMPLEMENTING ACCOMMODATIONS.—

4 The development and implementation of train-
5 ing to provide postsecondary faculty, staff, and
6 administrators methods and strategies of pro-
7 viding appropriate accommodations consistent
8 with the principles of universal design for learn-
9 ing for students with disabilities, including de-
10 scriptions of legal obligations of the institution
11 of higher education to provide such accommoda-
12 tions.

13 “(C) EFFECTIVE TRANSITION PRAC-

14 TICES.—The development and implementation
15 of innovative, effective, and evidence-based
16 teaching methods and strategies to provide
17 postsecondary faculty, staff, and administrators
18 with the skills and supports necessary to ensure
19 the successful and smooth transition of stu-
20 dents with disabilities from secondary school to
21 postsecondary education. The teaching methods
22 and strategies may include supporting students
23 in the development of self-advocacy skills to im-
24 prove transition to, and completion of, postsec-
25 ondary education.

1 “(D) DISTANCE LEARNING.—The develop-
2 ment and implementation of training to provide
3 innovative, effective, and evidence-based teach-
4 ing methods and strategies to enable postsec-
5 ondary faculty, staff, and administrators to pro-
6 vide accessible distance education programs or
7 classes that would enhance the access of stu-
8 dents (including students with disabilities) to
9 postsecondary education, including the use of
10 accessible curricula and electronic communica-
11 tion for instruction and advising that meet the
12 requirements of section 508 of the Rehabilita-
13 tion Act of 1973 (29 U.S.C. 794d).

14 “(E) CAREER PATHWAY GUIDANCE.—The
15 development and implementation of effective
16 and evidence-based teaching methods and strat-
17 egies to provide postsecondary faculty, staff,
18 and administrators with the ability to advise
19 students with disabilities with respect to their
20 chosen career pathway, which shall include at
21 least one of the following:

22 “(i) Supporting internships, appren-
23 ticeships, or work-based learning opportu-
24 nities.

1 “(ii) Counseling on coursework to
2 meet the recognized educational credential
3 or recognized postsecondary credential ap-
4 propriate for the field chosen.

5 “(iii) Developing self-advocacy skills
6 to advocate for appropriate accommoda-
7 tions once in the workplace.

8 “(iv) Support with selecting a career
9 pathway that leads to competitive, inte-
10 grated employment.

11 “(3) MANDATORY EVALUATION AND DISSEMI-
12 NATION.—An institution of higher education award-
13 ed a grant under this section shall evaluate and dis-
14 seminate to other institutions of higher education
15 the information obtained through the activities de-
16 scribed in subparagraphs (A) through (E) of para-
17 graph (2).

18 “(c) CONSIDERATIONS IN MAKING AWARDS.—In
19 awarding grants, contracts, or cooperative agreements
20 under this section, the Secretary shall consider the fol-
21 lowing:

22 “(1) GEOGRAPHIC DISTRIBUTION.—Providing
23 an equitable geographic distribution of such awards.

24 “(2) RURAL AND URBAN AREAS.—Distributing
25 such awards to urban and rural areas.

1 “(3) RANGE AND TYPE OF INSTITUTION.—En-
2 suring that the activities to be assisted are developed
3 for a range of types and sizes of institutions of high-
4 er education.

5 “(d) REPORTS.—

6 “(1) INITIAL REPORT.—Not later than one year
7 after the date of enactment of the College Afford-
8 ability Act, the Secretary shall prepare and submit
9 to the authorizing committees, and make available to
10 the public, a report on all projects awarded grants
11 under this part, including a review of the activities
12 and program performance of such projects based on
13 existing information as of the date of the report.

14 “(2) SUBSEQUENT REPORT.—Not later than
15 five years after the date of the first award of a grant
16 under this section after the date of enactment of the
17 College Affordability Act, the Secretary shall prepare
18 and submit to the authorizing committees, and make
19 available to the public, a report that—

20 “(A) reviews the activities and program
21 performance of the projects authorized under
22 subsection (b); and

23 “(B) provides guidance and recommenda-
24 tions on how effective projects can be rep-
25 licated.”.

1 (b) APPLICATIONS.—Section 763 of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1140c) is amended to read
3 as follows:

4 **“SEC. 763. APPLICATIONS.**

5 “Each institution of higher education desiring to re-
6 ceive a grant under section 762 shall submit an applica-
7 tion to the Secretary at such time, in such manner, and
8 accompanied by such information as the Secretary may
9 require. Each application shall include—

10 “(1) a description of the activities authorized
11 under section 762(b) that the institution proposes to
12 carry out, and how such institution plans to conduct
13 such activities in order to further the purposes of
14 this subpart;

15 “(2) a description of how the institution con-
16 sulted with a broad range of people including stu-
17 dents with disabilities and individuals with expertise
18 in disability supports or special education within the
19 institution to develop activities for which assistance
20 is sought;

21 “(3) a description of how the institution will co-
22 ordinate and collaborate with the office of accessi-
23 bility; and

24 “(4) a description of the extent to which the in-
25 stitution will work to replicate the research-based

1 and best practices of institutions of higher education
2 with demonstrated effectiveness in serving students
3 with disabilities.”.

4 **SEC. 7006. OFFICE OF ACCESSIBILITY.**

5 Subpart 1 of part D of title VII of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1140a et seq.) is amend-
7 ed—

8 (1) by redesignating section 765 as section
9 765C;

10 (2) by inserting after section 764 the following:

11 **“SEC. 765A. OFFICE OF ACCESSIBILITY.**

12 “(a) ESTABLISHMENT.—Each institution of higher
13 education shall establish an office of accessibility to de-
14 velop and implement policies to support students who
15 enter postsecondary education with disabilities and stu-
16 dents who acquire a disability while enrolled in an institu-
17 tion of higher education.

18 “(b) DUTIES.—Each office of accessibility shall—

19 “(1) inform students, during student orienta-
20 tion, about services provided at the institution of
21 higher education, and continually update such infor-
22 mation through the accessibility office’s website and
23 other communications to improve accessibility of
24 such services;

1 “(2) provide information to students regarding
2 accommodations and modifications provided by the
3 institution of higher education with respect to in-
4 ternships, practicums, work-based learning, appren-
5 ticeships, or other work-related environments that—

6 “(A) the student may engage in through
7 courses; or

8 “(B) are necessary for completion of a rec-
9 ognized educational credential or recognized
10 postsecondary credential;

11 “(3) provide information to students regarding
12 their legal rights under the Americans with Disabil-
13 ities Act (42 U.S.C. 12101 et seq.) and section 504
14 of the Rehabilitation Act (29 U.S.C. 794); and

15 “(4) in order to provide appropriate accom-
16 modations to students with disabilities, carry out the
17 following:

18 “(A) Adopt policies that, at a minimum,
19 make any of the following documentation sub-
20 mitted by an individual sufficient to establish
21 that such individual is an individual with a dis-
22 ability:

23 “(i) Documentation that the indi-
24 vidual has had an individualized education
25 program (in this clause referred to as an

1 ‘IEP’) in accordance with section 614(d) of
2 the Individuals with Disabilities Education
3 Act (20 U.S.C. 1414(d)), including an IEP
4 that may not be current on the date of the
5 determination that the individual has a
6 disability. The office of accessibility may
7 ask for additional documentation from an
8 individual who had an IEP but who was
9 subsequently evaluated and determined to
10 be ineligible for services under the Individ-
11 uals with Disabilities Education Act (20
12 U.S.C. 1400 et seq.), including an indi-
13 vidual determined to be ineligible during
14 elementary school.

15 “(ii) Documentation describing serv-
16 ices or accommodations provided to the in-
17 dividual pursuant to section 504 of the Re-
18 habilitation Act of 1973 (29 U.S.C. 794)
19 (commonly referred to as a ‘Section 504
20 plan’).

21 “(iii) A plan or record of service for
22 the individual from a private school, a local
23 educational agency, a State educational
24 agency, or an institution of higher edu-
25 cation provided in accordance with the

1 Americans with Disabilities Act of 1990
2 (42 U.S.C. 12101 et seq.).

3 “(iv) A record or evaluation from a
4 relevant licensed professional finding that
5 the individual has a disability.

6 “(v) A plan or record of disability
7 from another institution of higher edu-
8 cation.

9 “(vi) Documentation of a disability
10 due to service in the uniformed services, as
11 defined in section 484C(a).

12 “(B) Adopt policies that are transparent
13 and explicit regarding the process by which the
14 institution determines eligibility for accom-
15 modations.

16 “(C) Disseminate the information de-
17 scribed in subparagraph (B) to students, par-
18 ents, and faculty—

19 “(i) in an accessible format;

20 “(ii) during student orientation; and

21 “(iii) by making such information
22 readily available on a public website of the
23 institution.

1 “(D) Provide accommodations to students
2 with mental health disabilities, and students
3 with disabilities associated with pregnancy.

4 “(E) Provide outreach and consult with
5 students in inclusive higher education.

6 **“SEC. 765B. COMPETITIVE GRANT FOR INNOVATION AND**
7 **ACCESSIBILITY.**

8 “(a) GRANTS AUTHORIZED.—

9 “(1) IN GENERAL.—From amounts appro-
10 priated under section 765C, the Secretary may
11 award grants on a competitive basis to institutions
12 of higher education to enable the institutions to
13 carry out the activities described under subsection
14 (c).

15 “(2) DURATION.—A grant under this section
16 shall be awarded for a period of 5 years.

17 “(3) CONSIDERATION IN MAKING AWARDS.—In
18 awarding grants under this section, the Secretary
19 shall consider the following:

20 “(A) Providing an equitable geographic
21 distribution of such awards.

22 “(B) Ensuring that the activities to be as-
23 sisted are developed for a range of types and
24 sizes of institutions of higher education.

1 “(b) APPLICATION.—Each institution of higher edu-
2 cation desiring to receive a grant under this section shall
3 submit an application to the Secretary at such time, in
4 such manner, and accompanied by such information as the
5 Secretary may require. Each application shall include—

6 “(1) a description of how the institution will
7 carry out the activities under subsection (c);

8 “(2) a description of the consultation the insti-
9 tution has had with a broad range of people within
10 the institution, including students with disabilities
11 and individuals with expertise in disability supports
12 or special education, in developing the information
13 under paragraph (1);

14 “(3) a plan for the sustainability of the pro-
15 gram after the end of the grant period; and

16 “(4) a written business plan for revenue and ex-
17 penditures to be provided to the Department under
18 subsection (d).

19 “(c) ACTIVITIES.—A grant awarded under this sec-
20 tion shall be used to—

21 “(1) develop and implement across the institu-
22 tion of higher education, a universal design for
23 learning framework for course design and instruc-
24 tional materials to improve campus-wide accessibility

1 to instruction, materials, and the learning environ-
2 ment; or

3 “(2) develop or improve distance education
4 courses consistent with the principles of universal
5 design for learning to improve accessibility of in-
6 struction and materials.

7 “(d) REPORTS.—

8 “(1) GRANT RECIPIENT REPORTS.—An institu-
9 tion of higher education awarded a grant under this
10 section shall evaluate and disseminate to other insti-
11 tutions of higher education, the information obtained
12 through the activities described in subsection (c).

13 “(2) INITIAL REPORT BY SECRETARY.—Not
14 later than one year after the date of the enactment
15 of this section, the Secretary shall prepare and sub-
16 mit to the authorizing committees, and make avail-
17 able to the public, a report on all projects awarded
18 grants under this section, including a review of the
19 activities and program performance of such projects
20 based on existing information as of the date of the
21 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 and submit to the authorizing committees, and make
2 available to the public, a report that—

3 “(A) reviews the activities and program
4 performance of the projects authorized under
5 this section; and

6 “(B) provides guidance and recommenda-
7 tions on how effective projects can be rep-
8 licated.”; and

9 (3) by amending section 765C, as so redesign-
10 nated, by striking “2009” and inserting “2021”.

11 **SEC. 7007. POSTSECONDARY PROGRAMS FOR STUDENTS**
12 **WITH INTELLECTUAL DISABILITIES.**

13 (a) PURPOSE.—Section 766 of the Higher Education
14 Act of 1965 (20 U.S.C. 1140f) is amended to read as fol-
15 lows:

16 **“SEC. 766. PURPOSE.**

17 “It is the purpose of this subpart to support inclusive
18 programs that promote the successful transition of stu-
19 dents with intellectual disabilities into higher education
20 and the earning of a recognized educational credential or
21 recognized postsecondary credential issued by the institu-
22 tion of higher education.”.

23 (b) PROGRAMS FOR STUDENTS WITH INTELLECTUAL
24 DISABILITIES.—Section 767 of the Higher Education Act
25 of 1965 (20 U.S.C. 1140g) is amended to read as follows:

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 appro-
6 priated under section 769(a), the Secretary shall an-
7 nually award grants, on a competitive basis, to insti-
8 tutions of higher education (or consortia of three or
9 more institutions of higher education), to enable
10 such institutions or consortia to create or expand a
11 comprehensive transition and postsecondary edu-
12 cation program for students with intellectual disabili-
13 ties.

14 “(2) ELIGIBILITY AND APPROPRIATIONS LIM-
15 ITS.—

16 “(A) RELATION TO OTHER GRANTS.—An
17 institution of higher education that received a
18 grant under this section before the date of the
19 enactment of the College Affordability Act may
20 not receive an additional grant under this sec-
21 tion unless—

22 “(i) the institution receives a grant as
23 part of a consortium of three or more in-
24 stitutions of higher education; or

25 “(ii) the grant term of such preceding
26 grant has ended.

1 “(B) LIMITATION ON AMOUNTS.—

2 “(i) INSTITUTION OF HIGHER EDU-
3 CATION.—A grant under this section made
4 to an institution of higher education may
5 not be in an amount greater than
6 \$300,000.

7 “(ii) CONSORTIUM.—A grant under
8 this section made to a consortia of institu-
9 tions of higher education may not be in an
10 amount greater than \$500,000.

11 “(3) ADMINISTRATION.—The program under
12 this section shall be administered by the office in the
13 Department that administers other postsecondary
14 education programs in collaboration with the Office
15 of Postsecondary Education and the Office of Spe-
16 cial Education and Rehabilitative Services of the De-
17 partment of Education.

18 “(4) DURATION OF GRANTS.—A grant under
19 this section shall be awarded for a period of 5 years.

20 “(b) APPLICATION.—An institution of higher edu-
21 cation or a consortium desiring a grant under this section
22 shall submit an application to the Secretary at such time,
23 in such manner, and containing such information as the
24 Secretary may require.

1 “(c) AWARD BASIS.—In awarding grants under this
2 section, the Secretary shall—

3 “(1) provide for an equitable geographic dis-
4 tribution of such grants;

5 “(2) to the extent possible, provide for an equi-
6 table distribution of such grants between 4-year in-
7 stitutions of higher education and 2-year institu-
8 tions of higher education, including community col-
9 leges;

10 “(3) provide grant funds for high-quality, inclu-
11 sive higher education programs for students with in-
12 tellectual disabilities, herein after referred to as in-
13 clusive higher education programs, that will serve
14 areas that are underserved by programs of this type;

15 “(4) in the case of an institution of higher edu-
16 cation that provides institutionally owned or oper-
17 ated housing for students attending the institution,
18 award grants only to such institutions that integrate
19 students with intellectual disabilities into the hous-
20 ing offered to students without disabilities or to in-
21 stitutions that provide such integrated housing
22 through providing supports to students directly or
23 through partnerships with other organizations;

24 “(5) provide grant funds to encourage involve-
25 ment of students attending institutions of higher

1 education in the fields of special education, general
2 education, vocational rehabilitation, assistive tech-
3 nology, or related fields in the program;

4 “(6) select applications that—

5 “(A) demonstrate an existing comprehen-
6 sive transition and postsecondary education
7 program for students with intellectual disabil-
8 ities that is title IV eligible; or

9 “(B) agree to establish such a program;
10 and

11 “(7) give preference to applications submitted
12 under subsection (b) that agree to incorporate into
13 the inclusive higher education program for students
14 with intellectual disabilities carried out under the
15 grant one or more of the following elements:

16 “(A) The formation of a partnership with
17 any relevant agency serving students with intel-
18 lectual disabilities, such as a vocational rehabili-
19 tation agency.

20 “(B) Applications that represent geo-
21 graphically underserved States.

22 “(d) USE OF FUNDS; REQUIREMENTS.—An institu-
23 tion of higher education or consortium receiving a grant
24 under this section shall—

1 “(1) use the grant funds to establish an inclu-
2 sive higher education program for students with in-
3 tellectual disabilities that—

4 “(A) serves students with intellectual dis-
5 abilities;

6 “(B) provides individual supports and serv-
7 ices for the academic and social inclusion of
8 students with intellectual disabilities in aca-
9 demic courses, extracurricular activities, and
10 other aspects of the regular postsecondary pro-
11 gram, including access to health and mental
12 health services, offices of accessibility, and
13 graduation ceremonies;

14 “(C) with respect to the students with in-
15 tellectual disabilities participating in the pro-
16 gram, provides a focus on—

17 “(i) academic and career development;

18 “(ii) socialization and inclusion with
19 the general student population;

20 “(iii) independent living skills, includ-
21 ing self-advocacy skills; and

22 “(iv) integrated work experiences and
23 career skills that lead to competitive inte-
24 grated employment;

1 “(D) integrates person-centered planning
2 in the development of the course of study for
3 each student with an intellectual disability par-
4 ticipating in the program;

5 “(E) plans for the sustainability of the
6 program after the end of the grant period, with
7 a written business plan for revenue and expend-
8 itures to be provided to the Department by the
9 end of year 3; and

10 “(F) awards a degree, certificate, or recog-
11 nized postsecondary credential for students with
12 intellectual disabilities upon the completion of
13 the program;

14 “(2) in the case of an institution of higher edu-
15 cation that provides institutionally owned or oper-
16 ated housing for students attending the institution
17 or integrated housing through providing supports to
18 students directly or through partnerships with other
19 organizations, provide for the integration of students
20 with intellectual disabilities into housing offered to
21 students without disabilities;

22 “(3) participate with the coordinating center es-
23 tablished under section 777(b) in the evaluation of
24 the program, including by regularly submitting data

1 on experiences and outcomes of individual students
2 participating in the program; and

3 “(4) partner with one or more local educational
4 agencies to support students with intellectual disabili-
5 ties participating in the program who are eligible
6 for special education and related services under the
7 Individuals with Disabilities Education Act (20
8 U.S.C. 1400 et seq.), including the use of funds
9 available under part B of such Act (20 U.S.C. 1411
10 et seq.) to support the participation of such students
11 in the program.

12 “(e) MATCHING REQUIREMENT.—An institution of
13 higher education (or consortium) that receives a grant
14 under this section shall provide matching funds toward the
15 cost of the inclusive higher education program for students
16 with intellectual disabilities carried out under the grant.
17 Such matching funds may be provided in cash or in-kind,
18 and shall be in an amount of not less than 25 percent
19 of the amount of such costs.

20 “(f) DATA COLLECTION AND TRANSMISSION.—

21 “(1) IN GENERAL.—An institution or consor-
22 tium receiving a grant under this section shall col-
23 lect and transmit to the coordinating center estab-
24 lished under section 777(b) on an annual basis for
25 each student who is enrolled in the program, stu-

1 dent-level information related to the experiences and
2 outcomes of students who participate in the inclusive
3 higher education program for students with intellec-
4 tual disabilities.

5 “(2) LONGITUDINAL DATA.—Each grantee shall
6 collect longitudinal outcome data from each student
7 participating in the program and transmit such data
8 to the coordinating center established under section
9 777(b). Such longitudinal data shall be collected for
10 every student each year for 5 years after the student
11 graduates from, or otherwise exits, the program.

12 “(3) DATA TO BE COLLECTED.—The program-
13 level information and data and student-level infor-
14 mation and data to be collected under this sub-
15 section shall include—

16 “(A) the number and type of postsec-
17 ondary education courses taken and completed
18 by the student;

19 “(B) academic outcomes;

20 “(C) competitive, integrated employment
21 outcomes;

22 “(D) independent living outcomes; and

23 “(E) social outcomes, including community
24 integration.

1 “(4) DISAGGREGATION.—The information de-
 2 termined under paragraph (3) shall be disaggregated
 3 by race, gender, socioeconomic status, Federal Pell
 4 Grant eligibility status, status as a first generation
 5 college student, and veteran or active duty status.

6 “(g) REPORT.—Not later than 5 years after the date
 7 of the first grant awarded under this section, the Sec-
 8 retary shall prepare and disseminate a report to the au-
 9 thorizing committees and to the public that—

10 “(1) reviews the activities of the inclusive high-
 11 er education programs for students with intellectual
 12 disabilities funded under this section; and

13 “(2) provides guidance and recommendations
 14 on how effective programs can be replicated.”.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
 16 769(a) of the Higher Education Act of 1965 (20 U.S.C.
 17 1140i) is amended by striking “2009” and inserting
 18 “2021”.

19 **SEC. 7008. NATIONAL TECHNICAL ASSISTANCE CENTER**
 20 **AND NATIONAL COORDINATING CENTER FOR**
 21 **INCLUSION OF STUDENTS WITH INTELLEC-**
 22 **TUAL DISABILITIES.**

23 (a) IN GENERAL.—Section 777 of the Higher Edu-
 24 cation Act of 1965 (20 U.S.C. 1140q) is amended to read
 25 as follows:

1 **“SEC. 777. NATIONAL TECHNICAL ASSISTANCE CENTER**
2 **AND NATIONAL COORDINATING CENTER FOR**
3 **INCLUSION OF STUDENTS WITH INTELLEC-**
4 **TUAL DISABILITIES.**

5 “(a) NATIONAL TECHNICAL ASSISTANCE CENTER.—

6 “(1) IN GENERAL.—From amounts appro-
7 priated under paragraph (5), the Secretary shall
8 award a grant to, or enter into a contract or cooper-
9 ative agreement with, an eligible entity to provide
10 for the establishment and support of a National
11 Technical Assistance Center. The National Technical
12 Assistance Center shall carry out the duties set forth
13 in paragraph (4).

14 “(2) ADMINISTRATION.—The program under
15 this section shall be administered by the office in the
16 Department that administers other postsecondary
17 education programs in consultation with the Office
18 of Special Education and Rehabilitative Services.

19 “(3) ELIGIBLE ENTITY.—In this subpart, the
20 term ‘eligible entity’ means an institution of higher
21 education, a nonprofit organization, or partnership
22 of two or more such institutions or organizations,
23 with demonstrated expertise in—

24 “(A) transitioning students with disabil-
25 ities from secondary school to postsecondary
26 education;

1 “(B) supporting students with disabilities
2 in postsecondary education;

3 “(C) technical knowledge necessary for the
4 dissemination of information in accessible for-
5 mats; and

6 “(D) working with diverse types of institu-
7 tions of higher education, including community
8 colleges.

9 “(4) DUTIES.—The duties of the National
10 Technical Assistance Center shall include the fol-
11 lowing:

12 “(A) ASSISTANCE TO STUDENTS AND FAM-
13 ILIES.—The National Technical Assistance
14 Center shall provide information and technical
15 assistance to students with disabilities and the
16 families of students with disabilities to support
17 students across the broad spectrum of disabil-
18 ities, including—

19 “(i) information to assist individuals
20 with disabilities who are prospective stu-
21 dents of an institution of higher education
22 in planning for postsecondary education
23 while the students are in secondary school;

24 “(ii) information and technical assist-
25 ance provided to individualized education

1 program teams (as defined in section
2 614(d)(1) of the Individuals with Disabil-
3 ities Education Act) for secondary school
4 students with disabilities, and to early out-
5 reach and student services programs, in-
6 cluding programs authorized under sub-
7 parts 2, 4, and 5 of part A of title IV, to
8 support students across a broad spectrum
9 of disabilities with the successful transition
10 to postsecondary education;

11 “(iii) research-based supports, serv-
12 ices, and accommodations which are avail-
13 able in postsecondary settings, including
14 services provided by other agencies such as
15 vocational rehabilitation;

16 “(iv) information on student men-
17 toring and networking opportunities for
18 students with disabilities; and

19 “(v) effective recruitment and transi-
20 tion programs at postsecondary edu-
21 cational institutions.

22 “(B) ASSISTANCE TO INSTITUTIONS OF
23 HIGHER EDUCATION.—The National Technical
24 Assistance Center shall provide information and
25 technical assistance to faculty, staff, and ad-

1 administrators of institutions of higher education
2 to improve the services provided to, the accom-
3 modations for, the retention rates of, and the
4 completion rates of, students with disabilities in
5 higher education settings, which may include—

6 “(i) collection and dissemination of
7 best and promising practices and materials
8 for accommodating and supporting stu-
9 dents with disabilities, including practices
10 and materials supported by the grants,
11 contracts, or cooperative agreements au-
12 thorized under subparts 1, 2, and 3;

13 “(ii) development and provision of
14 training modules for higher education fac-
15 ulty on exemplary practices for accommo-
16 dating and supporting postsecondary stu-
17 dents with disabilities across a range of
18 academic fields, which may include uni-
19 versal design for learning and practices
20 supported by the grants, contracts, or co-
21 operative agreements authorized under
22 subparts 1, 2, and 3; and

23 “(iii) development of technology-based
24 tutorials for higher education faculty and
25 staff, including new faculty and graduate

1 students, on best and promising practices
2 related to support and retention of stu-
3 dents with disabilities in postsecondary
4 education.

5 “(C) INFORMATION COLLECTION AND DIS-
6 SEMINATION.—The National Technical Assist-
7 ance Center shall be responsible for building,
8 maintaining, and updating a database of dis-
9 ability support services information with respect
10 to institutions of higher education, or for ex-
11 panding and updating an existing database of
12 disabilities support services information with re-
13 spect to institutions of higher education. Such
14 database shall be available to the general public
15 through a website built to high technical stand-
16 ards of accessibility practicable for the broad
17 spectrum of individuals with disabilities. Such
18 database and website shall include available in-
19 formation on—

20 “(i) disability documentation require-
21 ments;

22 “(ii) support services available;

23 “(iii) links to financial aid;

24 “(iv) accommodations policies;

25 “(v) accessible instructional materials;

1 “(vi) other topics relevant to students
2 with disabilities; and

3 “(vii) the information in the report
4 described in subparagraph (E).

5 “(D) DISABILITY SUPPORT SERVICES.—
6 The National Technical Assistance Center shall
7 work with organizations and individuals with
8 proven expertise related to disability support
9 services for postsecondary students with disabili-
10 ties to evaluate, improve, and disseminate in-
11 formation related to the delivery of high quality
12 disability support services at institutions of
13 higher education.

14 “(E) REVIEW AND REPORT.—Not later
15 than three years after the establishment of the
16 National Technical Assistance Center, and
17 every two years thereafter, the National Tech-
18 nical Assistance Center shall prepare and dis-
19 seminate a report to the Secretary and the au-
20 thorizing committees analyzing the condition of
21 postsecondary success for students with disabili-
22 ties. Such report shall include—

23 “(i) a review of the activities and the
24 effectiveness of the programs authorized
25 under this part;

1 “(ii) annual enrollment and gradua-
2 tion rates of students with disabilities in
3 institutions of higher education from pub-
4 licly reported data;

5 “(iii) recommendations for effective
6 postsecondary supports and services for
7 students with disabilities, and how such
8 supports and services may be widely imple-
9 mented at institutions of higher education;

10 “(iv) recommendations on reducing
11 barriers to full participation for students
12 with disabilities in higher education; and

13 “(v) a description of strategies with a
14 demonstrated record of effectiveness in im-
15 proving the success of such students in
16 postsecondary education.

17 “(F) STAFFING OF THE CENTER.—In hir-
18 ing employees of the National Technical Assist-
19 ance Center, the National Technical Assistance
20 Center shall consider the expertise and experi-
21 ence of prospective employees in providing
22 training and technical assistance to practi-
23 tioners.

1 “(5) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to carry out
3 this subsection \$10,000,000.

4 “(b) THE NATIONAL COORDINATING CENTER FOR
5 INCLUSION OF STUDENTS WITH INTELLECTUAL DISABIL-
6 ITIES.—

7 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
8 this subsection, the term ‘eligible entity’ means an
9 entity, or a partnership of entities, that has dem-
10 onstrated expertise in the fields of—

11 “(A) higher education;

12 “(B) the education of students with intel-
13 lectual disabilities;

14 “(C) the development of inclusive higher
15 education programs for students with intellec-
16 tual disabilities; and

17 “(D) evaluation and technical assistance.

18 “(2) IN GENERAL.—From amounts appro-
19 priated under paragraph (7), the Secretary shall
20 enter into a cooperative agreement, on a competitive
21 basis, with an eligible entity for the purpose of es-
22 tablishing a coordinating center for institutions of
23 higher education that offer inclusive higher edu-
24 cation programs for students with intellectual dis-

1 abilities, including institutions participating in
2 grants authorized under subpart 2 to provide—

3 “(A) recommendations related to the devel-
4 opment of standards for such programs;

5 “(B) technical assistance for such pro-
6 grams; and

7 “(C) evaluations for such programs, in-
8 cluding systematic collection of data on the ex-
9 periences and outcomes of individuals with in-
10 tellectual disabilities.

11 “(3) ADMINISTRATION.—The program under
12 this subsection shall be administered by the Office of
13 Postsecondary Education, in collaboration with the
14 Office of Special Education and Rehabilitative Serv-
15 ices.

16 “(4) DURATION.—The Secretary shall enter
17 into a cooperative agreement under this subsection
18 for a period of five years.

19 “(5) REQUIREMENTS OF COOPERATIVE AGREE-
20 MENT.—The eligible entity entering into a coopera-
21 tive agreement under this subsection shall establish
22 and maintain a coordinating center that shall—

23 “(A) serve as the technical assistance enti-
24 ty for all inclusive higher education programs
25 and comprehensive transition and postsec-

1 ondary programs for students with intellectual
2 disabilities;

3 “(B) provide technical assistance regarding
4 the development, evaluation, and continuous im-
5 provement of such programs;

6 “(C) evaluate such programs using quali-
7 tative and quantitative methodologies for meas-
8 uring program strengths in the areas of aca-
9 demic access, academic enrichment, socializa-
10 tion, competitive integrated employment, attain-
11 ment of a degree, certificate, or recognized
12 postsecondary credential, and independent liv-
13 ing;

14 “(D) evaluate participant progress by cre-
15 ating and maintaining a database of student-
16 level information and data related to the experi-
17 ences and outcomes of youth who participate in
18 each inclusive higher education program that
19 receives a grant under this subpart;

20 “(E) create and maintain a mechanism for
21 continuing to collect outcome information from
22 students who participated in inclusive higher
23 education programs that were developed in pre-
24 vious grant award cycles;

1 “(F) assist recipients of a grant under this
2 subpart in efforts to award a degree, certificate,
3 or recognized postsecondary credential;

4 “(G) create and maintain a database of
5 student and program level data reflecting imple-
6 mentation of the inclusive higher education pro-
7 gram that receives a grant under this subpart;

8 “(H) create and maintain a mechanism to
9 consolidate follow up data on student outcomes
10 collected by inclusive higher education programs
11 funded through previous grant cycles;

12 “(I) assist recipients of grants under sub-
13 part 2 in efforts to award a degree, certificate,
14 or recognized postsecondary credential to stu-
15 dents with intellectual disabilities upon the
16 completion of such programs;

17 “(J) identify model memoranda of agree-
18 ment for use between or among institutions of
19 higher education and State and local agencies
20 providing funding for such programs;

21 “(K) develop recommendations for the nec-
22 essary components of such programs, such as—

23 “(i) academic, career and technical,
24 social, and independent living skills;

25 “(ii) evaluation of student progress;

1 “(iii) program administration and
2 evaluation;

3 “(iv) student eligibility;

4 “(v) issues regarding the equivalency
5 of a student’s participation in such pro-
6 grams to semester, trimester, quarter,
7 credit, or clock hours at an institution of
8 higher education, as the case may be; and

9 “(vi) access to student housing for
10 students participating in the inclusive
11 higher education programs, including ac-
12 commodation and services that support
13 independent living;

14 “(L) review and analyze—

15 “(i) the impact of State and Federal
16 policy on inclusive higher education legisla-
17 tion; and

18 “(ii) funding streams for such pro-
19 grams;

20 “(M) provide recommendations regarding
21 the funding streams described in paragraph
22 (H)(ii);

23 “(N) develop mechanisms for regular com-
24 munication, outreach and dissemination of in-
25 formation about inclusive higher education pro-

1 grams for students with intellectual disabilities
2 under subpart 2 between or among such pro-
3 grams and to families and prospective students;

4 “(O) host a meeting of all recipients of
5 grants under subpart 2 not less often than once
6 each year; and

7 “(P) convene a work group to continue the
8 development of and recommendations for model
9 criteria, standards, and components of inclusive
10 higher education programs and comprehensive
11 transition and postsecondary programs for stu-
12 dents with intellectual disabilities, that are ap-
13 propriate for the development of accreditation
14 standards—

15 “(i) which work group shall include—

16 “(I) an expert in community col-
17 lege education;

18 “(II) an expert in career tech-
19 nical education;

20 “(III) an expert in 4-year insti-
21 tutions of higher education;

22 “(IV) an expert in special edu-
23 cation;

1 “(V) a disability organization
2 that represents students with intellec-
3 tual disabilities;

4 “(VI) a representative from the
5 National Advisory Committee on In-
6 stitutional Quality and Integrity; and

7 “(VII) a representative of a re-
8 gional or national accreditation agen-
9 cy or association; and

10 “(ii) the work group will carry out the
11 following activities—

12 “(I) conduct outreach to accred-
13 iting agencies;

14 “(II) develop a technical guid-
15 ance document to support implemen-
16 tation of the model standards;

17 “(III) develop and conduct a pro-
18 tocol for implementing the model
19 standards; and

20 “(IV) update recommendations
21 for the model standards, criteria, and
22 components of such programs, as ap-
23 plicable.

24 “(6) REPORT.—Not later than 5 years after the
25 date of the establishment of the coordinating center

1 under this subsection, the coordinating center shall
 2 report to the Secretary, the authorizing committees,
 3 and the National Advisory Committee on Institu-
 4 tional Quality and Integrity on the activities de-
 5 scribed in paragraph (5).

6 “(7) AUTHORIZATION OF APPROPRIATIONS.—
 7 There are authorized to be appropriated to carry out
 8 this subsection such sums as may be necessary for
 9 fiscal year 2021 and each of the five succeeding fis-
 10 cal years.”.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 12 778 of the Higher Education Act of 1965 (20 U.S.C.
 13 1140r) is repealed.

14 **SEC. 7009. FORMULA GRANTS TO STATES TO IMPROVE**
 15 **HIGHER EDUCATION OPPORTUNITIES FOR**
 16 **FOSTER YOUTH AND HOMELESS YOUTH.**

17 Title VII of the Higher Education Act of 1965 (20
 18 U.S.C. 1133 et seq.) is further amended by adding at the
 19 end the following new part:

20 **“PART F—GRANTS FOR IMPROVING ACCESS TO**
 21 **AND SUCCESS IN HIGHER EDUCATION FOR**
 22 **FOSTER YOUTH AND HOMELESS YOUTH**

23 **“SEC. 791. DEFINITIONS.**

24 “In this part:

1 “(1) FOSTER YOUTH.—The term ‘foster
2 youth’—

3 “(A) means an individual whose care and
4 placement is the responsibility of the State or
5 tribal agency that administers a State or tribal
6 plan under part B or E of title IV of the Social
7 Security Act (42 U.S.C. 621 et seq.; 670 et
8 seq.), without regard to whether foster care
9 maintenance payments are made under section
10 472 of such Act (42 U.S.C. 672) on behalf of
11 the individual; and

12 “(B) includes any individual—

13 “(i) whose care and placement was
14 the responsibility of such a State or tribal
15 agency when, or at any time after, the in-
16 dividual attained 13 years of age, without
17 regard to whether foster care maintenance
18 payments were made under section 472 of
19 such Act (42 U.S.C. 672) on behalf of the
20 individual; and

21 “(ii) who is no longer under the care
22 and responsibility of such a State or tribal
23 agency, without regard to any subsequent
24 adoption, guardianship arrangement, or
25 other form of permanency option.

1 “(2) HOMELESS YOUTH.—The term ‘homeless
2 youth’ has the meaning given the term ‘homeless
3 children and youths’ in section 725 of the McKin-
4 ney-Vento Homeless Assistance Act (42 U.S.C.
5 11434a).

6 “(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
7 The terms ‘Indian Tribe’ and ‘tribal organization’
8 have the meanings given the terms in section 4 of
9 the Indian Self-Determination and Education Assist-
10 ance Act (25 U.S.C. 5304).

11 “(4) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 meaning given the term in section 101.

14 “(5) STATE.—The term ‘State’ means each of
15 the several States and the District of Columbia.

16 “(6) TERRITORY.—The term ‘territory’ means
17 Puerto Rico, United States Virgin Islands, Guam,
18 American Samoa, and the Commonwealth of the
19 Northern Mariana Islands, the Republic of the Mar-
20 shall Islands, the Federated States of Micronesia,
21 and the Republic of Palau.

1 **“SEC. 792. FORMULA GRANTS TO STATES TO IMPROVE AC-**
2 **CESS TO AND SUCCESS IN HIGHER EDU-**
3 **CATION FOR FOSTER YOUTH AND HOMELESS**
4 **YOUTH.**

5 “(a) GRANT PROGRAM ESTABLISHED.—From the
6 amount appropriated under subsection (h), the Secretary
7 shall make allotments under subsection (b), to States hav-
8 ing applications approved under subsection (c), to enable
9 each State to—

10 “(1) carry out the Statewide transition initia-
11 tive described in subsection (d); and

12 “(2) make subgrants described in subsection
13 (e).

14 “(b) ALLOCATIONS.—

15 “(1) FORMULA.—

16 “(A) RESERVATION FOR INDIAN TRIBES
17 AND TERRITORIES.—

18 “(i) IN GENERAL.—From the amount
19 appropriated under subsection (h) for a
20 fiscal year and subject to clause (ii), the
21 Secretary shall reserve—

22 “(I) not more than 3 percent for
23 grants to Indian Tribes, consortia of
24 Indian Tribes, or Tribal organiza-
25 tions; and

1 “(II) not more than 2 percent for
2 grants to territories.

3 “(ii) REQUIREMENTS.—In awarding
4 grants under this subparagraph, the Sec-
5 retary—

6 “(I) shall not award a grant
7 under subclause (I) or (II) of clause
8 (i) for a fiscal year for which no In-
9 dian Tribe (or consortium of Indian
10 Tribes) or Tribal organization, or ter-
11 ritory, respectively, submits a satisfac-
12 tory application for a grant under
13 such subclause;

14 “(II) shall require that any In-
15 dian Tribe, consortium, Tribal organi-
16 zation, or territory that receives a
17 grant under this subparagraph pro-
18 vide an assurance of a partnership
19 among relevant education, child wel-
20 fare, and homeless agencies or organi-
21 zations; and

22 “(III) may determine any other
23 requirements with respect to such
24 grants (including the allocation, appli-
25 cation, and use of fund requirements),

1 which to the extent possible, shall be
2 consistent with the requirements for
3 States under this part, except that ap-
4 propriate adjustments shall be made
5 based on the needs and size of popu-
6 lations served by the Indian Tribe,
7 consortium, Tribal organization, or
8 territory applying for the grant.

9 “(B) RESERVATION FOR DEPARTMENT AC-
10 TIVITIES.—From the amount appropriated
11 under subsection (h) for a fiscal year, the Sec-
12 retary may reserve—

13 “(i) not more than 7 percent to—

14 “(I) provide technical assistance,
15 in consultation with Secretary of
16 Health and Human Services, to
17 States carrying out activities under
18 this section; and

19 “(II) complete the evaluations re-
20 quired by subsection (g)(1); and

21 “(ii) not more than 3 percent for ad-
22 ministrative expenses.

23 “(C) ALLOCATIONS.—From the amount
24 appropriated under subsection (h) for a fiscal
25 year and remaining after the Secretary reserves

1 funds under subparagraphs (A) and (B), the
2 Secretary shall allocate to each State the great-
3 er of—

4 “(i) \$500,000; or

5 “(ii) the amount that bears the same
6 proportion to the remaining appropriated
7 amount for such fiscal year as the number
8 of foster youth and homeless youth in the
9 State bears to the number of foster youth
10 and homeless youth in all States.

11 “(D) RATABLE REDUCTION.—If the
12 amount appropriated under subsection (h) for a
13 fiscal year and remaining after the Secretary
14 reserves funds under subparagraphs (A) and
15 (B) is less than the amount required to be allo-
16 cated to States under subparagraph (C), then
17 the amount of the allocation to each State shall
18 be ratably reduced.

19 “(2) STATE RESERVATION.—From the amounts
20 awarded a State under paragraph (1)(C) for a fiscal
21 year, the State may reserve not more than 5 percent
22 for administrative expenses.

23 “(3) TEMPORARY INELIGIBILITY FOR SUBSE-
24 QUENT PAYMENTS.—

1 “(A) IN GENERAL.—The Secretary shall
2 determine a State to be temporarily ineligible to
3 receive a grant payment under this subsection
4 for a fiscal year if—

5 “(i) the State fails to submit an an-
6 nual report under subsection (f) for the
7 preceding fiscal year; or

8 “(ii) the Secretary determines, based
9 on information in such annual report, that
10 the State is not effectively—

11 “(I) meeting the outcomes de-
12 scribed in the application of such
13 State under subsection (c)(2)(C), and
14 does not have a plan to improve the
15 outcomes;

16 “(II) monitoring and evaluating
17 the activities under subsections (d)
18 and (e); or

19 “(III) using funds as required
20 under subsections (d) and (e).

21 “(B) REINSTATEMENT.—If the Secretary
22 determines that a State is ineligible under sub-
23 paragraph (A), the Secretary may enter into an
24 agreement with the State setting forth the
25 terms and conditions under which the State

1 may regain eligibility to receive payments under
2 this section.

3 “(c) APPLICATIONS.—

4 “(1) IN GENERAL.—For each fiscal year for
5 which a State desires an allotment under subsection
6 (b), the State shall submit an application to the Sec-
7 retary at such time, in such manner, and containing
8 the information described in paragraph (2).

9 “(2) INFORMATION REQUIRED.—An application
10 submitted under paragraph (1) shall include the fol-
11 lowing:

12 “(A) A plan for how the State will carry
13 out the activities under subsections (d) and (e).

14 “(B) A description of the State’s capacity
15 to carry out such activities.

16 “(C) A description of intended outcomes
17 for such activities.

18 “(D) A plan for how the State will monitor
19 and evaluate such activities, including how the
20 State will use data to continually update and
21 improve such activities.

22 “(E) A description of how students will be
23 identified and recruited for participation in the
24 Statewide transition initiative under subsection
25 (d).

1 “(F) An estimate of the number and char-
2 acteristics of the populations targeted for par-
3 ticipation in the Statewide transition initiative
4 under subsection (d) with attention to the di-
5 verse needs of homeless youth and foster youth
6 in the State.

7 “(G) A description of how the State will
8 coordinate services provided under the grant
9 with services provided to foster youth and
10 homeless youth under the McKinney-Vento
11 Homeless Assistance Act (42 U.S.C. 11301 et
12 seq.), the Elementary and Secondary Education
13 Act of 1965 (20 U.S.C. 6301 et seq.), the Run-
14 away and Homeless Youth Act (42 U.S.C. 5701
15 et seq.), and other services provided to foster
16 youth and homeless youth by the State.

17 “(H) An assurance that the State will
18 comply with subtitle B of title VII of the
19 McKinney-Vento Homeless Assistance Act (42
20 U.S.C. 11431 et seq.).

21 “(I) An assurance that the State will part-
22 ner with State educational agencies, local edu-
23 cational agencies, institutions of higher edu-
24 cation, State and local child welfare authorities,

1 and other relevant organizations that serve fos-
2 ter youth or homeless youth.

3 “(J) An assurance that the State will sub-
4 mit the annual report required under subsection
5 (f).

6 “(K) A budgetary analysis of the use of
7 funds awarded under this section.

8 “(L) Such other information as the Sec-
9 retary may require.

10 “(d) STATEWIDE TRANSITION INITIATIVE.—

11 “(1) USE OF FUNDS.—Subject to subsection
12 (b)(2), and in consultation and coordination with the
13 entities described in paragraph (2) of this sub-
14 section, a State receiving a grant award under this
15 section shall use not less than 25 percent of the
16 funds to—

17 “(A) provide intensive outreach and sup-
18 port to foster youth and homeless youth to—

19 “(i) improve the understanding and
20 preparation of such youth for enrollment in
21 institutions of higher education;

22 “(ii) increase the number of applica-
23 tions to institutions of higher education
24 submitted by such youth; and

1 “(iii) increase the number of enroll-
2 ments at institutions of higher education;

3 “(B) provide education to foster youth and
4 homeless youth with respect to—

5 “(i) the benefits and opportunities of
6 postsecondary education;

7 “(ii) planning for postsecondary edu-
8 cation;

9 “(iii) financial aid opportunities that
10 assist youth with covering the cost of at-
11 tendance of an institution of higher edu-
12 cation;

13 “(iv) the Federal and State services
14 and benefits available to foster youth and
15 homeless youth while enrolled at an insti-
16 tution of higher education, including health
17 and mental health services;

18 “(v) career exploration; and

19 “(vi) financial literacy training, in-
20 cluding security from identity theft;

21 “(C) assist foster youth and homeless
22 youth with submitting applications for—

23 “(i) enrollment at an institution of
24 higher education;

1 “(ii) financial aid for such enrollment;

2 and

3 “(iii) scholarships available for such

4 students, including under a State edu-

5 cational and training voucher program re-

6 ferred to in section 477(i) of the Social Se-

7 curity Act; and

8 “(D) provide free programming, which may

9 include free transportation to and from such

10 programming, for foster youth and homeless

11 youth to prepare such individuals socially and

12 academically for the rigors of postsecondary

13 education during the summer before such indi-

14 viduals first attend an institution of higher edu-

15 cation.

16 “(2) REQUIRED CONSULTATION AND COORDI-

17 NATION.—In carrying out the activities described in

18 paragraph (1), a State shall consult and coordinate

19 with State educational agencies, local educational

20 agencies, institutions of higher education, State and

21 local child welfare authorities, and other relevant or-

22 ganizations that serve foster youth or homeless

23 youth.

24 “(e) SUBGRANTS TO CREATE INSTITUTIONS OF EX-

25 CELLENCE.—

1 “(1) IN GENERAL.—Subject to the subsection
2 (b)(2), a State receiving a grant under this section
3 shall, acting through the administering State agen-
4 cy, use not less than 70 percent of the funds to
5 award, on a competitive basis, subgrants to eligible
6 institutions to enable such institutions to become in-
7 stitutions of excellence by improving college access,
8 retention, and completion rates for foster and home-
9 less youth as described in paragraph (3).

10 “(2) APPLICATION.—

11 “(A) IN GENERAL.—An eligible institution
12 desiring a subgrant under this subsection shall
13 submit an application to the State in which
14 such eligible institution is located, at such time,
15 in such manner, and containing such informa-
16 tion as the State may require.

17 “(B) TECHNICAL ASSISTANCE.—States
18 shall provide outreach and technical assistance
19 to eligible institutions with respect to applica-
20 tions for subgrants under this subsection.

21 “(3) ACTIVITIES.—An eligible institution that
22 receives a grant under this subsection shall use the
23 grant funds to carry out the following activities with
24 respect to homeless youth and foster youth:

1 “(A) Provide flexibility and assistance in
2 completing the application process to enroll at
3 such institution.

4 “(B) Coordinate programs with relevant
5 on- and off-campus stakeholders to increase the
6 enrollment of such youth at the institution and
7 align services at the institution for such youth.

8 “(C) Adjust the cost of attendance for
9 such youth at such eligible institution to include
10 the cost of housing during periods of non-enroll-
11 ment.

12 “(D) Provide institutional aid to such stu-
13 dents to meet the cost of attendance that is not
14 covered by other Federal or State educational
15 grants.

16 “(E) Provide outreach to such students to
17 ensure that such youth are aware of housing re-
18 sources available during periods of non-enroll-
19 ment.

20 “(F) Subsidize any fees for such students
21 associated with orientation and offer free trans-
22 portation to college orientation or move-in week.

23 “(G) Hire and provide training for at least
24 one full-time staff at the eligible institution to
25 serve as a point of contact to provide case man-

1 agement services and monthly face-to-face
2 meetings with students who are foster youth or
3 homeless youth. Such individual shall have an
4 advanced degree and at least two years of rel-
5 evant experience.

6 “(H) Establish or enhance campus support
7 programs to provide such students with a wide-
8 range of on-campus services including—

9 “(i) assistance with financial aid;

10 “(ii) career advice; and

11 “(iii) leadership development.

12 “(I) Ensure the availability of robust stu-
13 dent health services (physical and mental) that
14 meet the specific needs of foster youth and
15 homeless youth.

16 “(J) Establish or expand early alert sys-
17 tems to identify and support such students who
18 may be struggling academically.

19 “(K) For each such student with reason-
20 able, unanticipated expenses that would not be
21 covered by the institutional aid provided under
22 subparagraph (D) and that would be necessary
23 for the student to persist in college during an
24 academic year, provide the student with access

1 to an emergency grant to help cover such ex-
2 penses.

3 “(L) Collect, review, and monitor data for
4 program improvement.

5 “(4) RELIANCE ON INSTITUTIONAL AID.—Any
6 institutional aid provided to a student under para-
7 graph (3)(D) by an eligible institution during the
8 grant period of the institution’s grant under this
9 section shall continue to be provided during the stu-
10 dent’s continuous enrollment at the institution, with-
11 out regard to whether the grant period ends during
12 such enrollment.

13 “(5) DEFINITIONS.—In this subsection:

14 “(A) ADMINISTERING STATE AGENCY.—
15 The term ‘administering State agency’ means a
16 State agency—

17 “(i) designated by the Governor or ex-
18 ecutive of the State to administer the sub-
19 grants under this subsection; and

20 “(ii) that, with respect to such State,
21 has jurisdiction over—

22 “(I) foster youth;

23 “(II) homeless youth;

24 “(III) elementary and secondary
25 education; or

1 “(IV) higher education.

2 “(B) ELIGIBLE INSTITUTION.—The term
3 ‘eligible institution’ means an institution of
4 higher education—

5 “(i) that is in partnership with—

6 “(I) the State child welfare agen-
7 cy that is responsible for the adminis-
8 tration of the State plan under part B
9 or E of title IV of the Social Security
10 Act (42 U.S.C. 621 et seq.; 670 et
11 seq.); and

12 “(II) an organization that serves
13 homeless youth (such as a youth shel-
14 ter or outreach program); and

15 “(ii) that may partner with any other
16 provider, agency, official, or entity that
17 serves foster youth and homeless youth, or
18 former foster youth and homeless youth.

19 “(f) STATE REPORTS.—For each year in which a
20 State receives an allotment under subsection (b), the State
21 shall prepare and submit a report to the Secretary that
22 includes—

23 “(1) each activity or service that was carried
24 out under this section;

1 “(2) the cost of providing each such activity or
2 service;

3 “(3) the number of students who received each
4 activity or service disaggregated by each subgroup of
5 students described in subclauses (I) through (VI) of
6 section 1111(b)(2)(B)(xi) of the Elementary and
7 Secondary Education Act of 1965 (20 U.S.C.
8 6311(b)(2)(B)(xi));

9 “(4) using qualitative and quantitative analysis,
10 how the State—

11 “(A) improved access to higher education
12 for foster youth and homeless youth; and

13 “(B) measured youth satisfaction with ac-
14 tivities carried out under this part;

15 “(5) an analysis of the implementation and
16 progress of the Statewide transition initiative under
17 subsection (d), including challenges and changes
18 made to the initiative throughout the preceding year;

19 “(6) if, based on the analysis under paragraph
20 (5), the State determines that the program is not on
21 track to meet the intended outcomes described in the
22 application of the State under subsection (c)(2)(C),
23 a description of how the State plans to meet such
24 intended outcomes; and

1 “(7) information on the eligible institutions re-
2 ceiving subgrants, including how such institutions
3 used subgrant funds to carry out the activities de-
4 scribed in subsection (e)(3).

5 “(g) DEPARTMENT ACTIVITIES.—

6 “(1) EVALUATIONS.—Beginning on the date on
7 which funds are first allotted under subsection (b),
8 and annually thereafter, the Secretary shall evaluate
9 recipients of allotments and subgrants under this
10 section. The results of such evaluations shall be
11 made publicly available on the website of the De-
12 partment.

13 “(2) REPORT TO CONGRESS.—Not later than 1
14 year after the date on which funds are first allocated
15 under subsection (b), and annually thereafter, the
16 Secretary shall submit a report to Congress that in-
17 cludes—

18 “(A) the amount of each allotment under
19 subsection (b);

20 “(B) the amount of each subgrant under
21 subsection (e); and

22 “(C) with respect to the year for which
23 such report is made, the results of the evalua-
24 tions under paragraph (1).

25 “(h) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
 2 there are authorized to be appropriated to carry out
 3 this part \$150,000,000 for fiscal year 2021 and
 4 each of the 5 succeeding fiscal years.

5 “(2) ADJUSTMENT FOR INFLATION.—

6 “(A) IN GENERAL.—The amount author-
 7 ized to be appropriated under paragraph (1) for
 8 fiscal year 2022 and each of the 4 succeeding
 9 fiscal years shall be deemed increased by the
 10 annual adjustment percentage.

11 “(B) DEFINITION.—In this paragraph, the
 12 term ‘annual adjustment percentage’, as applied
 13 to a fiscal year, means the estimated percentage
 14 change in the Consumer Price Index (as deter-
 15 mined by the Secretary, using the definition in
 16 section 478(f)) for the most recent calendar
 17 year ending before the beginning of that fiscal
 18 year.”.

19 **TITLE VIII—ADDITIONAL** 20 **PROGRAMS**

21 **SEC. 8001. RONALD V. DELLUMS MEMORIAL STEAM SCHOL-**
 22 **ARS PROGRAM.**

23 Part B of title VIII of the Higher Education Act of
 24 1965 (20 U.S.C. 1161b) is amended to read as follows:

1 “PART B—RONALD V. DELLUMS MEMORIAL STEAM
2 SCHOLARS
3 **“SEC. 802. RONALD V. DELLUMS MEMORIAL STEAM SCHOL-**
4 **ARS PROGRAM.**

5 “(a) PROGRAM AUTHORIZED.—

6 “(1) GRANTS FOR SCHOLARSHIPS.—The Sec-
7 retary shall award grants under this section to insti-
8 tutions of higher education (as defined in section
9 101) to provide scholarships to eligible students for
10 the purpose of enabling such students to enter into
11 the STEAM workforce and increasing the number of
12 underrepresented students in STEAM fields.

13 “(2) ELIGIBLE STUDENTS.—A student is eligi-
14 ble for a scholarship under this section if the stu-
15 dent—

16 “(A) meets the requirements of section
17 484(a);

18 “(B) is an at least half-time student who
19 has completed at least the first year of under-
20 graduate study;

21 “(C) is enrolled in a program of under-
22 graduate instruction leading to a bachelor’s de-
23 gree at the institution with a major in a
24 STEAM field; and

1 “(D) has obtained a cumulative grade
2 point average of at least a 3.0 (or the equiva-
3 lent as determined under regulations prescribed
4 by the Secretary) at the end of the most re-
5 cently completed term.

6 “(3) PRIORITY FOR SCHOLARSHIPS.—The Sec-
7 retary shall set a priority for awarding scholarships
8 under this section for students agreeing to work
9 after graduation in a STEAM field.

10 “(4) STUDENTS FROM MINORITY-SERVING IN-
11 STITUTIONS AND HISTORICALLY BLACK COLLEGES
12 AND UNIVERSITIES.—The Secretary shall ensure
13 that not fewer than 50 percent of the scholarships
14 awarded under this section are awarded to eligible
15 students who attend historically Black colleges and
16 universities and other minority-serving institutions,
17 including Hispanic-serving institutions, Asian Amer-
18 ican and Native American Pacific Islander-serving
19 institutions, American Indian Tribally controlled col-
20 leges and universities, Alaska Native and Native Ha-
21 waiian-serving institutions, Predominantly Black In-
22 stitutions, and Native American-serving, Nontribal
23 institutions.

1 “(5) AMOUNT AND DURATION OF SCHOLAR-
2 SHIP.—Scholarship amounts awarded under this sec-
3 tion shall not exceed—

4 “(A) \$10,000 per student for an academic
5 year; and

6 “(B) \$40,000 per student in the aggregate.

7 “(b) MATCHING REQUIREMENT.—In order to receive
8 a grant under this section, an institution of higher edu-
9 cation shall provide matching funds for the scholarships
10 awarded under this section in an amount equal to 25 per-
11 cent of the Federal funds received.

12 “(c) APPLICATION.—An institution that desires a
13 grant under this section shall submit an application to the
14 Secretary at such time, in such manner, and containing
15 such information as the Secretary may require. Each ap-
16 plication shall include a description of how the institution
17 will meet the matching requirement of subsection (b).

18 “(d) REPORTS.—Not later than 2 years after the
19 date on which the first scholarship is awarded under this
20 section, and each academic year thereafter, the Secretary
21 shall submit to the Congress a report containing—

22 “(1) a description and analysis of the demo-
23 graphic information of students who receive scholar-
24 ships under this section, including information with
25 respect to such students regarding—

1 “(A) race;

2 “(B) ethnicity;

3 “(C) gender; and

4 “(D) eligibility to receive a Pell Grant;

5 “(2) the total number of underrepresented stu-
6 dents in STEAM fields who obtain a degree with
7 scholarship funds each year; and

8 “(3) an analysis of the effects of the program
9 on the goals of increasing the number of underrep-
10 resented students in STEAM fields and the number
11 of such students who enter into the STEAM work-
12 force.

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 \$5,000,000 for fiscal year 2021 and each of the five suc-
16 ceeding fiscal years.

17 “(f) DEFINITIONS.—For purposes of this section:

18 “(1) The term ‘minority-serving institution’
19 means an institution eligible to receive assistance
20 under title III or V.

21 “(2) The term ‘STEAM’ means science, tech-
22 nology, engineering, arts, and mathematics.

23 “(3) The term ‘underrepresented student in
24 STEAM fields’ means a student who is a member of
25 a minority group for which the number of individ-

1 uals in such group who annually receive bachelor's
 2 degrees in the STEAM fields per 10,000 individuals
 3 in such group is substantially less than the number
 4 of white, non-Hispanic individuals who annually re-
 5 ceive bachelor's degrees in the STEAM fields per
 6 10,000 such individuals.”.

7 **SEC. 8002. TEACH FOR AMERICA.**

8 Subparagraph (C) of section 806(f)(1) (20 U.S.C.
 9 1161f(f)(1)) is amended to read as follows:

10 “(C) \$30,000,000 for fiscal year 2021 and
 11 each of the 5 succeeding fiscal years.”.

12 **SEC. 8003. PATSY T. MINK FELLOWSHIP PROGRAM.**

13 Subsection (f) of section 807 (20 U.S.C. 1161g) is
 14 amended to read as follows:

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 16 is authorized to be appropriated to carry out this section
 17 \$10,000,000 for fiscal year 2021 and each of the 5 suc-
 18 ceeding fiscal years.”.

19 **SEC. 8004. 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 Section 819 of the Higher Education Act of 1965 (20
 24 U.S.C. 1161j) is amended—

1 (1) in the section heading, by striking “**ALAS-**
2 **KA NATIVE AND NATIVE HAWAIIAN**” and insert-
3 ing “**NATIVE AMERICAN**”;

4 (2) in subsection (a)(2), by striking “Alaska
5 Natives and Native Hawaiians” and inserting
6 “American Indians, Alaska Natives, Native Hawai-
7 ians and other Native American Pacific Islanders to
8 enable 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
12 (6), respectively;

13 (B) by inserting before paragraph (2), as
14 redesignated by subparagraph (A), the fol-
15 lowing:

16 “(1) **NATIVE AMERICAN**.—The term ‘Native
17 American’ includes Alaska Natives, American Indi-
18 ans, Native Hawaiians and Native American Pacific
19 Islanders.”; and

20 (C) by inserting after paragraph (2), as re-
21 designated by subparagraph (A), the following:

22 “(3) **AMERICAN INDIAN**.—The term ‘American
23 Indian’ has the meaning given the term ‘Indian’ in
24 section 202 of the Indian Land Consolidation Act
25 (25 U.S.C. 2201).”;

1 (4) in subsection (c)—

2 (A) by inserting “create or” after “to en-
3 able the eligible partnership to”;

4 (B) by inserting “Native American” after
5 “the development of”; and

6 (C) by striking “, including existing pro-
7 grams for Alaska Native and Native Hawaiian
8 students”;

9 (5) in subsection (d)—

10 (A) in paragraph (1), by striking “Alaska
11 Native or Native Hawaiian students” and in-
12 serting “programs that serve Native American
13 students”;

14 (B) in paragraph (2), by striking “Alaska
15 Native and Native Hawaiian students” and in-
16 serting “programs that serve Native American
17 students”; and

18 (C) in paragraph (3), by striking “Alaska
19 Native or Native Hawaiian students” and in-
20 serting “Native American students”;

21 (6) in subsection (f), by striking “30 percent or
22 more of the program participants are Alaska Native
23 or Native Hawaiian” and inserting “30 percent or
24 more of the program participants are Native Amer-
25 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
5 2021 and each of the 5 succeeding fiscal years”.

6 **SEC. 8005. GRANTS FOR RURAL-SERVING INSTITUTIONS OF**
7 **HIGHER EDUCATION.**

8 Subsection (g) of section 861 (20 U.S.C. 1161q) is
9 amended to read as follows:

10 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to carry out this section
12 \$20,000,000 for fiscal year 2021 and each of the 5 suc-
13 ceeding fiscal years.”.

14 **SEC. 8006. TRAINING FOR REALTIME WRITERS TO PROVIDE**
15 **CLOSED CAPTIONING AND COURT REPORT-**
16 **ING SERVICES.**

17 Section 872(e) (20 U.S.C. 1161s(e)) is amended by
18 striking “2009” and inserting “2021”.

19 **SEC. 8007. GRANT PROGRAM TO ESTABLISH, MAINTAIN,**
20 **AND IMPROVE VETERAN STUDENT CENTERS.**

21 (a) IN GENERAL.—Title VIII (20 U.S.C. 1161a et
22 seq.) is amended by striking part T (20 U.S.C. 1161t)
23 and inserting the following:

**“PART T—GRANTS FOR VETERAN STUDENT
CENTERS**

“SEC. 873. GRANTS FOR VETERAN STUDENT CENTERS.

“(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations under subsection (i), the Secretary shall award grants to institutions of higher education or consortia of institutions of higher education to assist in the establishment, maintenance, improvement, and operation of Veteran Student Centers. The Secretary shall award not more than 30 grants in a fiscal year under this section.

“(b) ELIGIBILITY.—

“(1) APPLICATION.—An institution or consortium seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(2) CRITERIA.—The Secretary may award a grant under subsection (a) to an institution or a consortium if the institution or consortium meets each of the following criteria:

“(A) The institution or consortium enrolls in undergraduate or graduate courses—

“(i) a significant number of veteran students, members of the Armed Forces

1 serving on active duty, and members of a
2 reserve component of the Armed Forces; or

3 “(ii) a significant percentage of vet-
4 eran students, as measured by comparing
5 the overall enrollment of the institution or
6 consortium to the number, for the most re-
7 cent academic year for which data are
8 available, of veteran students, members of
9 the Armed Forces serving on active duty,
10 and members of a reserve component of
11 the Armed Forces who are enrolled in un-
12 dergraduate or graduate courses at the in-
13 stitution or consortium.

14 “(B) The institution or consortium pre-
15 sents a sustainability plan to demonstrate that
16 the Veteran Student Center of such institution
17 or consortium will be maintained and will con-
18 tinue operations upon conclusion of the grant
19 period under subsection (a).

20 “(3) ADDITIONAL CRITERIA.—

21 “(A) MANDATORY CONSIDERATIONS.—In
22 awarding grants under subsection (a), the Sec-
23 retary shall consider institutions or consortia
24 representing a broad spectrum of sectors and
25 sizes, including institutions or consortia from

1 urban, suburban, and rural regions of the
2 United States.

3 “(B) DISCRETIONARY CRITERIA.—In
4 awarding grants under subsection (a), the Sec-
5 retary may provide consideration to institutions
6 or consortia that meet one or more of the fol-
7 lowing criteria:

8 “(i) The institution or consortium is
9 located in a region or community that has
10 a significant population of veterans.

11 “(ii) The institution or consortium
12 carries out programs or activities that as-
13 sist veterans in the local community and
14 the spouses of veteran students.

15 “(iii) The institution or consortium
16 partners in its veteran-specific program-
17 ming with nonprofit veteran service organi-
18 zations, local workforce development orga-
19 nizations, or institutions of higher edu-
20 cation.

21 “(iv) The institution or consortium
22 commits to hiring staff at the Veteran Stu-
23 dent Center that includes veterans (includ-
24 ing veteran student volunteers and veteran
25 students participating in a Federal work-

1 study program under part C of title IV, a
2 work-study program administered by the
3 Secretary of Veteran Affairs, or a State
4 work-study program).

5 “(v) The institution or consortium
6 commits to using a portion of the grant re-
7 ceived under this section to develop and
8 implement an early-warning veteran stu-
9 dent retention program designed to alert
10 staff at the Veteran Student Center that a
11 veteran student may be facing difficulties
12 that could lead to the non-completion of
13 the course of study of such veteran.

14 “(vi) The institution or consortium
15 commits to providing mental health coun-
16 seling to its veteran students and their
17 spouses.

18 “(vii) The institution or consortium
19 carries out programs or activities that as-
20 sist individuals pursuing a course of edu-
21 cation using educational assistance under
22 chapter 31 of title 38, United States Code.

23 “(c) USE OF FUNDS.—

24 “(1) IN GENERAL.—An institution or consor-
25 tium that is awarded a grant under subsection (a)

1 shall use such grant to establish, maintain, improve,
2 or operate a Veteran Student Center.

3 “(2) OTHER ALLOWABLE USES.—An institution
4 or consortium receiving a grant under subsection (a)
5 may use a portion of such funds to carry out sup-
6 portive instruction services for student veterans, in-
7 cluding—

8 “(A) assistance with special admissions
9 and transfer of credit from previous postsec-
10 ondary education or experience; and

11 “(B) any other support services the insti-
12 tution or consortium determines to be necessary
13 to ensure the success of veterans on campus in
14 achieving education and career goals.

15 “(d) AMOUNTS AWARDED.—

16 “(1) DURATION.—Each grant awarded under
17 subsection (a) shall be for a 4-year period.

18 “(2) TOTAL AMOUNT OF GRANT AND SCHED-
19 ULE.—Each grant awarded under subsection (a)
20 may not exceed a total of \$500,000. The Secretary
21 shall disburse to an institution or consortium the
22 amounts awarded under the grant in such amounts
23 and at such times during the grant period as the
24 Secretary determines appropriate.

1 “(e) REPORT.—From the amounts appropriated to
2 carry out this section, and not later than 3 years after
3 the date on which the first grant is awarded under sub-
4 section (a), the Secretary shall submit to Congress a re-
5 port on the grant program established under subsection
6 (a), including—

7 “(1) the number of grants awarded;

8 “(2) the institutions of higher education and
9 consortia that have received grants;

10 “(3) with respect to each such institution of
11 higher education and consortium—

12 “(A) the amounts awarded;

13 “(B) how such institution or consortium
14 used such amounts;

15 “(C) a description of the students to whom
16 services were offered as a result of the award;
17 and

18 “(D) data enumerating whether the use of
19 the amounts awarded helped veteran students
20 at the institution or consortium toward comple-
21 tion of a degree, certificate, or credential;

22 “(4) best practices for veteran student success,
23 identified by reviewing data provided by institutions
24 and consortia that received a grant under this sec-
25 tion; and

1 “(5) a determination by the Secretary with re-
2 spect to whether the grant program under this sec-
3 tion should be extended or expanded.

4 “(f) TERMINATION.—The authority of the Secretary
5 to carry out the grant program established under sub-
6 section (a) shall terminate on the date that is 4 years after
7 the date on which the first grant is awarded under sub-
8 section (a).

9 “(g) DEPARTMENT OF EDUCATION BEST PRACTICES
10 WEBSITE.—Subject to the availability of appropriations
11 under subsection (i) and not later than 3 years after the
12 date on which the first grant is awarded under subsection
13 (a), the Secretary shall develop and implement a website
14 for veteran student services at institutions of higher edu-
15 cation, which details best practices for serving veteran stu-
16 dents at institutions of higher education.

17 “(h) DEFINITIONS.—In this section:

18 “(1) INSTITUTION OF HIGHER EDUCATION.—
19 The term ‘institution of higher education’ has the
20 meaning given the term in section 101.

21 “(2) VETERAN STUDENT CENTER.—The term
22 ‘Veteran Student Center’ means a dedicated space
23 on a campus of an institution of higher education
24 that provides students who are veterans or members
25 of the Armed Forces with the following:

1 “(A) A lounge or meeting space for such
2 veteran students, their spouses or partners, and
3 veterans in the community.

4 “(B) A centralized office for veteran serv-
5 ices that—

6 “(i) is a single point of contact to co-
7 ordinate comprehensive support services
8 for veteran students;

9 “(ii) is staffed by trained employees
10 and volunteers, which includes veterans
11 and at least one full-time employee or vol-
12 unteer who is trained as a veterans’ bene-
13 fits counselor;

14 “(iii) provides veteran students with
15 assistance relating to—

16 “(I) transitioning from the mili-
17 tary to student life;

18 “(II) transitioning from the mili-
19 tary to the civilian workforce;

20 “(III) networking with other vet-
21 eran students and veterans in the
22 community;

23 “(IV) understanding and obtain-
24 ing benefits provided by the institu-
25 tion of higher education, Federal Gov-

ernment, and State for which such
students may be eligible;

“(V) understanding how to succeed in the institution of higher education, including by understanding academic policies, the course selection process, and institutional policies and practices related to the transfer of academic credits; and

“(VI) understanding their disability-related rights and protections under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

“(iv) provides comprehensive academic and tutoring services for veteran students, including peer-to-peer tutoring and academic mentorship.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part \$15,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.”.

(b) CONTINUATION OF AWARDS.—An institution of higher education that received a grant under section 873

1 of the Higher Education Act of 1965 (20 U.S.C. 1161t)
2 before the date of enactment of this Act, as such section
3 873 (20 U.S.C. 1161t) was in effect on the day before
4 the date of enactment of this Act, shall continue to receive
5 funds in accordance with the terms and conditions of such
6 grant.

7 **SEC. 8008. UNIVERSITY SUSTAINABILITY PROGRAM AMEND-**
8 **MENTS.**

9 Section 881 of the Higher Education Act of 1965 (20
10 U.S.C. 1161u) is amended—

11 (1) in subsection (a)—

12 (A) by striking paragraph (1) and insert-
13 ing:

14 “(1) IN GENERAL.—From the amounts appro-
15 priated to carry out this section, the Secretary, in
16 consultation with the Administrator of the Environ-
17 mental Protection Agency, shall make grants to eli-
18 gible entities to establish sustainability programs to
19 design and implement the teaching and practice of
20 sustainability, including in the areas of staff and
21 faculty professional development, energy manage-
22 ment, greenhouse gas emissions reductions, green
23 building, waste management, transportation, resil-
24 ience, green workforce, and other aspects of sustain-
25 ability that integrate the local community with mul-

1 interdisciplinary academic programs and are applicable
2 to the private and Government sectors.”; and

3 (B) by striking paragraph (3)(B) and in-
4 sserting:

5 “(B) a nonprofit consortium, association,
6 alliance, or collaboration operating in partner-
7 ship with more than one institution of higher
8 education.”;

9 (2) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) by inserting “in alignment with
12 local community needs” after “following
13 purposes”;

14 (ii) in subparagraph (D)—

15 (I) by striking “establish” and
16 inserting “scale established”;

17 (II) by striking “purchasing,
18 toxics management,”; and

19 (III) by inserting “resilience,
20 green workforce,” after “transpor-
21 tation,”; and

22 (iii) in subparagraph (G), by inserting
23 “economics, law, political science,” after
24 “business,”; and

25 (B) in paragraph (2)—

- 1 (i) in subparagraph (A), by striking
 2 “of” and inserting “relating to”; and
 3 (ii) in subparagraph (C), by inserting
 4 “city and State governments,” after “busi-
 5 ness,”;
 6 (3) in subsection (e), by striking “\$250,000 or
 7 more than \$2,000,000” and inserting “\$200,000 or
 8 more than \$500,000”; and
 9 (4) in subsection (f), by striking “2009” and
 10 inserting “2021”.

11 **SEC. 8009. MODELING AND SIMULATION.**

12 Subsection (e) of section 891 (20 U.S.C. 1161v) is
 13 amended, in the matter preceding paragraph (1), by strik-
 14 ing the first sentence and inserting the following: “There
 15 is authorized to be appropriated to carry out this section
 16 \$75,000,000 for fiscal year 2021 and each of the 5 suc-
 17 ceeding fiscal years.”.

18 **SEC. 8010. MANDATORY FUNDING FOR MASTERS AND**
 19 **POSTBACCALAUREATE PROGRAMS.**

20 (a) **MASTERS DEGREE PROGRAMS.**—Section 897 (20
 21 U.S.C. 1161aa) is amended by striking “\$11,500,000 for
 22 fiscal year 2009 and for each of the five succeeding fiscal
 23 years” and inserting “\$13,500,000 for fiscal year 2021
 24 and each succeeding fiscal year”.

1 (b) POSTBACCALAUREATE PROGRAMS.—Section 898
2 (20 U.S.C. 1161aa–1) is amended—

3 (1) by striking “In addition” and inserting “(a)
4 ADDITIONAL APPROPRIATIONS FOR PART B OF
5 TITLE V.—In addition”;

6 (2) by striking “\$11,500,000 for fiscal year
7 2009 and for each of the five succeeding fiscal
8 years” and inserting “\$21,000,000 for fiscal year
9 2021 and each succeeding fiscal year”; and

10 (3) by adding at the end the following:

11 “(b) ADDITIONAL APPROPRIATIONS FOR PART A OF
12 TITLE VII.—In addition to any amounts appropriated
13 under subpart 5 of part A of title VII, there are authorized
14 to be appropriated, and there are appropriated, out of any
15 funds in the Treasury not otherwise appropriated,
16 \$13,000,000 for fiscal year 2021 and each of the 5 suc-
17 ceeding fiscal years to carry out subpart 5 of part A of
18 title VII.”.

19 **SEC. 8011. FUNDS FOR ACCESS TO OPEN EDUCATIONAL RE-**
20 **SOURCES.**

21 Title VIII (20 U.S.C. 1161a et seq.) is amended by
22 adding at the end the following:

1 **“PART BB—ACCESS TO OPEN EDUCATIONAL**
2 **RESOURCES**

3 **“SEC. 899. AFFORDABLE COLLEGE TEXTBOOKS.**

4 “(a) GRANT PROGRAM.—

5 “(1) GRANTS AUTHORIZED.—From the
6 amounts appropriated under paragraph (8), the Sec-
7 retary shall make grants, on a competitive basis, to
8 eligible entities to support projects that expand the
9 use of high-quality open textbooks in order to
10 achieve savings for students while improving instruc-
11 tion and student learning outcomes.

12 “(2) APPLICATIONS.—

13 “(A) IN GENERAL.—Each eligible entity
14 desiring a grant under this subsection, after
15 consultation with relevant faculty, shall submit
16 an application to the Secretary at such time, in
17 such manner, and containing such information
18 as the Secretary may reasonably require.

19 “(B) CONTENTS.—Each application sub-
20 mitted under subparagraph (A) shall include—

21 “(i) a description of the proposed
22 project to be completed with grant funds;

23 “(ii) a plan for promoting and track-
24 ing the use of open textbooks in postsec-
25 ondary courses offered by the eligible enti-
26 ty, including an estimate of the projected

1 savings that will be achieved for students
2 through the use of such textbooks;

3 “(iii) a description of how the eligible
4 entity will evaluate whether existing open
5 educational resources could be used or
6 adapted into open educational resources
7 before creating new open educational re-
8 sources;

9 “(iv) a plan for quality review (includ-
10 ing peer review), review of accuracy, and
11 review of accessibility of any open edu-
12 cational resources created or adapted
13 through the grant;

14 “(v) a plan for assessing the impact of
15 open textbooks on instruction and student
16 learning outcomes at the eligible entity;

17 “(vi) a plan for disseminating infor-
18 mation about the results of the project to
19 institutions of higher education outside of
20 the eligible entity, including promoting the
21 adoption of any open textbooks created or
22 adapted through the grant;

23 “(vii) a statement on consultation
24 with relevant faculty, including those en-
25 gaged in the creation of open educational

1 resources, in the development of the appli-
2 cation; and

3 “(viii) an assurance that open edu-
4 cational resources utilized, developed, or
5 researched will be available in accessible
6 formats, which may include braille, audio
7 books, closed captioning, and audio de-
8 scriptions.

9 “(3) SPECIAL CONSIDERATION.—In awarding
10 grants under this section, the Secretary shall give
11 special consideration to applications that dem-
12 onstrate the greatest potential to—

13 “(A) achieve the highest level of savings
14 for students through sustainable expanded use
15 of high-quality open textbooks in postsecondary
16 courses offered by the eligible entity;

17 “(B) achieve improvements in student
18 learning and student outcomes;

19 “(C) expand the use of open textbooks at
20 institutions of higher education outside of the
21 eligible entity; and

22 “(D) produce—

23 “(i) the highest quality and most ac-
24 cessible open textbooks;

1 “(ii) open textbooks that can be most
2 easily utilized and adapted by faculty
3 members at institutions of higher edu-
4 cation;

5 “(iii) open textbooks that correspond
6 to the highest enrollment courses at insti-
7 tutions of higher education;

8 “(iv) open textbooks created or adapt-
9 ed in partnership with entities, including
10 campus bookstores, that will assist in mar-
11 keting and distribution of the open text-
12 book; and

13 “(v) open textbooks that conform to
14 accessibility standards under section 508
15 of the Rehabilitation Act of 1973 (29
16 U.S.C. 794d).

17 “(4) USE OF FUNDS.—

18 “(A) MANDATORY USES OF FUNDS.—An
19 eligible entity that receives a grant under this
20 section shall use the grant funds to carry out
21 the following activities to expand the use of
22 open textbooks:

23 “(i) Professional development for any
24 faculty and staff members at institutions

1 of higher education, including the search
2 for and review of open textbooks.

3 “(ii) Creation or adaptation of high-
4 quality open educational resources that
5 conform to accessibility standards under
6 section 508 of the Rehabilitation Act of
7 1973 (29 U.S.C. 794d), especially open
8 textbooks, and the quality assurance of
9 such open educational resources.

10 “(iii) Development or improvement of
11 tools and informational resources that sup-
12 port the use of open textbooks, including
13 improving accessible instructional materials
14 for students with disabilities that conform
15 to accessibility standards under section
16 508 of the Rehabilitation Act of 1973 (29
17 U.S.C. 794d).

18 “(iv) Research evaluating the efficacy
19 of the use of open textbooks for achieving
20 savings for students and the impact on in-
21 struction and student learning outcomes.

22 “(B) DISCRETIONARY USE OF FUNDS.—An
23 eligible entity that receives a grant under this
24 section may use grant funds to purchase or
25 maintain electronic equipment necessary for the

1 operation or use of digital open educational re-
2 sources, including mobile computer devices and
3 accompanying hardware, software applications,
4 computer systems and platforms, and other dig-
5 ital and online services and support.

6 “(5) OPEN LICENSING REQUIREMENT.—

7 “(A) COPYRIGHT.—An eligible entity re-
8 ceiving a grant under this section may, with
9 prior approval from the Secretary, assert a
10 copyright in a copyrightable work first produced
11 under the grant.

12 “(B) OPEN LICENSE REQUIREMENT.—

13 “(i) REQUIREMENT.—With respect to
14 each copyrightable work first produced
15 under the grant, except as provided in
16 clause (ii), an eligible entity that asserts a
17 copyright under subparagraph (A) shall
18 provide to the public a non-exclusive, roy-
19 alty-free, perpetual, irrevocable, worldwide
20 license to carry out each exclusive right
21 provided to that eligible entity under sec-
22 tion 106 of title 17, United States Code.

23 “(ii) EXCEPTION.—With respect to a
24 copyrightable work first produced under
25 the grant that employs preexisting mate-

1 rial, the requirement described under such
2 subparagraph shall apply to such work to
3 the extent that—

4 “(I) no copyright subsists in such
5 preexisting material; or

6 “(II) the eligible entity is author-
7 ized to license such material in the
8 manner described under such sub-
9 paragraph.

10 “(C) RULE OF CONSTRUCTION.—Nothing
11 in this subsection may be construed as affecting
12 the application of the requirements of chapter
13 18 of title 35, United States Code (commonly
14 known as the ‘Bayh-Dole Act’).

15 “(D) COPYRIGHTABLE WORK DEFINED.—
16 In this subsection, the term ‘copyrightable
17 work’ means a work subject to protection under
18 title 17, United States Code, but does not in-
19 clude a work that may be patentable or other-
20 wise protectable under title 35, United States
21 Code.

22 “(6) ACCESS AND DISTRIBUTION.—The full and
23 complete digital content of each educational resource
24 created or adapted under paragraph (5) shall be
25 made available free of charge to the public—

1 “(A) on an easily accessible and interoper-
2 able website, which shall be identified to the
3 Secretary by the eligible entity;

4 “(B) in a machine readable, digital format
5 that anyone can directly download, edit with at-
6 tribution, and redistribute; and

7 “(C) in a fully accessible format in compli-
8 ance with the Americans with Disabilities Act
9 of 1990 (42 U.S.C. 12101 et seq.) and section
10 508 of the Rehabilitation Act of 1973 (29
11 U.S.C. 794d).

12 “(7) REPORT.—Upon an eligible entity’s com-
13 pletion of a project for which the eligible entity re-
14 ceived a grant under this section, the eligible entity
15 shall prepare and submit a report to the Secretary
16 regarding—

17 “(A) the effectiveness of the project in ex-
18 panding the use of high-quality open textbooks
19 and in achieving savings for students;

20 “(B) the impact of the project on expand-
21 ing the use of open textbooks at institutions of
22 higher education outside of the eligible entity;

23 “(C) educational resources created or
24 adapted under the grant, including instructions
25 on where the public can access each educational

1 resource under the terms of paragraphs (5) and
2 (6);

3 “(D) information about the quality review
4 process that was used to ensure quality and ac-
5 curacy;

6 “(E) the impact of the project on instruc-
7 tion and student learning outcomes; and

8 “(F) all project costs, including the value
9 of any volunteer labor and institutional capital
10 used for the project.

11 “(8) AUTHORIZATION OF APPROPRIATIONS.—

12 There are authorized to be appropriated to carry out
13 this section \$5,000,000 for fiscal year 2021 and
14 each of the 5 succeeding fiscal years.

15 “(b) REPORT TO CONGRESS.—Not later than 2 years
16 after the date of enactment of College Affordability Act,
17 the Secretary shall prepare and submit a report to author-
18 izing committees detailing—

19 “(1) the high-quality open textbooks created or
20 adapted under this section;

21 “(2) the adoption of such open textbooks;

22 “(3) the savings generated for students, States,
23 territories, and the Federal Government through the
24 use of open textbooks; and

1 “(4) the impact of open textbooks on instruc-
2 tion and student learning outcomes.

3 “(c) GAO REPORT.—Not later than 3 years after the
4 date of enactment of College Affordability Act, the Comp-
5 troller General of the United States shall prepare and sub-
6 mit a report to the authorizing committees on the cost
7 of textbooks to students at institutions of higher edu-
8 cation. The report shall include—

9 “(1) the change of the cost of textbooks be-
10 tween the date of the enactment of the College Af-
11 fordability Act and the date of such report;

12 “(2) the factors that have contributed to such
13 change in the cost of textbooks, including the impact
14 of open textbooks on the cost;

15 “(3) the extent to which open textbooks are
16 used at institutions of higher education compared to
17 the use of open textbooks before the date of the en-
18 actment of this subsection;

19 “(4) how institutions are tracking the impact of
20 open textbooks on instruction and student learning
21 outcomes;

22 “(5) the availability of accessible forms of open
23 textbooks and the barriers faced by students with
24 disabilities in accessing accessible forms of open edu-

1 cational resources compared to the barriers faced in
2 accessing traditional educational materials; and

3 “(6) the barriers faced by other student popu-
4 lations, including low-income students, in accessing
5 high-quality open educational resources compared to
6 the barriers faced in accessing traditional edu-
7 cational materials.

8 “(d) DEFINITIONS.—In this section:

9 “(1) EDUCATIONAL RESOURCE.—The term
10 ‘educational resource’ means a print or digital edu-
11 cational material that can be used in postsecondary
12 instruction, including textbooks and other written or
13 audiovisual works.

14 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
15 tity’ means an institution of higher education or a
16 consortia of such institutions of higher education.

17 “(3) INSTITUTION OF HIGHER EDUCATION.—
18 The term ‘institution of higher education’ has the
19 meaning given the term in section 101.

20 “(4) OPEN EDUCATIONAL RESOURCE.—The
21 term ‘open educational resource’ means a print or
22 digital educational resource that either resides in the
23 public domain or has been released under an intel-
24 lectual property license that permits its free use,
25 reuse, modification, and sharing with others.

1 “(5) OPEN TEXTBOOK.—The term ‘open text-
 2 book’ means an open educational resource or set of
 3 open educational resources that either is a textbook
 4 or can be used in place of a textbook for a postsec-
 5 ondary course at an institution of higher education.

6 “(6) RELEVANT FACULTY.—The term ‘relevant
 7 faculty’ means both tenure track and contingent fac-
 8 ulty members who may be involved in the creation
 9 of open educational resources or the use of open
 10 educational resources created as part of the grant
 11 application.”.

12 **SEC. 8012. REPEALS.**

13 Title VIII of the Higher Education Act of 1965 (20
 14 U.S.C. 1161a et seq.), as amended by this title, is further
 15 amended by repealing the following:

- 16 (1) Section 801 (20 U.S.C. 1161a).
- 17 (2) Section 803 (20 U.S.C. 1161c).
- 18 (3) Section 804 (20 U.S.C. 1161d).
- 19 (4) Section 805 (20 U.S.C. 1161e).
- 20 (5) Section 808 (20 U.S.C. 1161h).
- 21 (6) Section 818 (20 U.S.C. 1161i–7).
- 22 (7) Section 820 (20 U.S.C. 1161k).
- 23 (8) Section 824 (20 U.S.C. 1161l–3)
- 24 (9) Section 830 (20 U.S.C. 1161m).
- 25 (10) Section 835 (20 U.S.C. 1161n–4).

1 (11) Section 841 (20 U.S.C. 1161o).

2 (12) Section 851 (20 U.S.C. 1161p).

3 (13) Section 871 (20 U.S.C. 1161r).

4 (14) Section 893 (20 U.S.C. 1161x).

5 (15) Section 894 (20 U.S.C. 1161y).

6 (16) Section 895 (20 U.S.C. 1161z).

7 **TITLE IX—DIRECTIVES TO THE**
8 **SECRETARY OF EDUCATION**

9 **SEC. 9001. PROVIDING THAT THE SECRETARY OF EDU-**
10 **CATION MAY NOT ISSUE OR ENFORCE CER-**
11 **TAIN RULES THAT WEAKEN THE ENFORCE-**
12 **MENT OF THE PROHIBITION OF SEX DIS-**
13 **CRIMINATION APPLICABLE UNDER TITLE IX**
14 **OF THE EDUCATION AMENDMENTS OF 1972.**

15 The Secretary of Education may not—

16 (1) take any action to implement, enforce, or
17 otherwise give effect to the proposed amendments to
18 regulations relating to the enforcement of title IX of
19 the Education Amendments of 1972, published on
20 November 29, 2018, under the heading “Non-
21 discrimination on the Basis of Sex in Education
22 Programs or Activities Receiving Federal Financial
23 Assistance” (83 Fed. Reg. 61462); or

1 (2) propose or issue any rule or guidance that
2 is similar in substance or effect to any of such pro-
3 posed amendments.

4 **SEC. 9002. STUDY AND REPORT ON SINGLE CERTIFICATION**
5 **FORM.**

6 (a) STUDY.—Not later than 1 year after the date of
7 the enactment of this Act, the Secretary of Education
8 shall conduct a study on the feasibility of developing a sin-
9 gle certification form that borrowers may use to electroni-
10 cally submit information with respect to—

11 (1) TEACH Grants under subpart 9 of part A
12 of title IV of the Higher Education Act of 1965 (20
13 U.S.C. 1070g et seq.);

14 (2) loan forgiveness under section 428J of the
15 Higher Education Act of 1965 (20 U.S.C. 1078–
16 10);

17 (3) loan cancellation under section 460 of the
18 Higher Education Act of 1965 (20 U.S.C. 1087j);
19 and

20 (4) public service loan forgiveness under section
21 455(m) of the Higher Education Act of 1965 (20
22 U.S.C. 1087e(m)).

23 (b) REPORT.—Not later than 1 year after the date
24 of the enactment of this Act, the Secretary of Education
25 shall submit a report to Congress that includes—

1 (1) the results of the study required under sub-
2 section (a); and

3 (2) recommendations with respect to using a
4 single certification form that borrowers may use to
5 electronically submit information with respect to the
6 programs specified in paragraphs (1) through (4) of
7 such subsection.

8 **SEC. 9003. LONGITUDINAL STUDY ON THE EFFECTIVENESS**
9 **OF STUDENT LOAN COUNSELING.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Secretary of Education,
12 acting through the Director of the Institute of Education
13 Sciences, shall begin conducting a rigorous, longitudinal
14 study of the impact and effectiveness of the student loan
15 counseling—

16 (1) provided under subsections (b), (l), and (n)
17 of section 485 of the Higher Education Act of 1965
18 (20 U.S.C. 1092), as amended by this Act; and

19 (2) provided through such other means as the
20 Secretary of Education may determine.

21 (b) CONTENTS.—

22 (1) BORROWER INFORMATION.—The longitu-
23 dinal study carried out under subsection (a) shall in-
24 clude borrower information, in the aggregate and
25 disaggregated by race, ethnicity, gender, income,

1 status as an individual with a disability, and status
2 as a first generation college student (defined in sec-
3 tion 402A(h)(3)), on—

4 (A) student persistence;

5 (B) degree attainment;

6 (C) program completion;

7 (D) successful entry into student loan re-
8 payment;

9 (E) cumulative borrowing levels; and

10 (F) such other factors as the Secretary of
11 Education may determine.

12 (2) EXCEPTION.—The disaggregation under
13 paragraph (1) shall not be required in a case in
14 which the number of borrowers in a category is in-
15 sufficient to yield statistically reliable information or
16 the results would reveal personally identifiable infor-
17 mation about an individual borrower.

18 (c) INTERIM REPORTS.—Not later than 18 months
19 after the commencement of the study under subsection
20 (a), and annually thereafter, the Secretary of Education
21 shall evaluate the progress of the study and report any
22 short-term findings to the appropriate committees of Con-
23 gress.

1 **SEC. 9004. STUDY AND PROCEDURES ON DETERMINING**
2 **FAMILY SIZE.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary of Education
5 shall—

6 (1) conduct, in consultation with the Secretary
7 of the Treasury, a study which meets the specifica-
8 tions described in subsection (b), on the effect of
9 using data from the Internal Revenue Service on the
10 deduction for personal exemptions provided by sec-
11 tion 151 of the Internal Revenue Code of 1986 for
12 a proxy for family size in an income-driven repay-
13 ment plan, and publish such study in the Federal
14 Register;

15 (2) use the results of the study conducted under
16 paragraph (1) to develop procedures for determining
17 family size for the automatic recertification of in-
18 come for an income-driven repayment plan in a man-
19 ner that minimizes burdens and unintended harm to
20 borrowers;

21 (3) publish the procedures developed under
22 paragraph (2) in the Federal Register; and

23 (4) after a notice and comment period on such
24 procedures, use such comments to finalize the proce-
25 dures.

1 (b) SPECIFICATIONS.—The study conducted under
2 subsection (a)(1) shall—

3 (1) determine how closely such personal exemp-
4 tions match the family size that borrowers report on
5 their income-driven repayment plan request form;

6 (2) compare the borrower’s actual monthly pay-
7 ment amount with the monthly payment amount
8 borrowers would have using family size information
9 derived from tax returns; and

10 (3) use data from more than one year, where
11 possible, to analyze how much family size changes
12 over time.

13 (c) DEFINITION.—The term “the income-driven re-
14 payment plan” means a plan described in subparagraph
15 (D) or (E) of section 455(d)(1) of the Higher Education
16 Act of 1965 (20 U.S.C. 1087e(d)(1)) and the income-
17 based repayment plan under section 493C(f) of such Act
18 (20 U.S.C. 1098e(f)), as added by section 4627 of this
19 Act.

20 **SEC. 9005. UNIVERSAL UNIQUE NUMERIC DATA IDENTI-**
21 **FIER.**

22 (a) ASSIGNMENT OF UNIQUE NUMERIC IDENTIFIER
23 REQUIRED.—Not later than 18 months after the date of
24 the enactment of this Act, the Secretary of Education
25 shall assign a unique numeric identifier to at least each

1 campus of each institution of higher education that par-
2 ticipates in a program under title IV of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1070 et seq.) to be used
4 for reporting and disaggregating data for the purposes of
5 the following:

6 (1) Surveys conducted as a part of the Inte-
7 grated Postsecondary Education Data System
8 (IPEDS) or any other Federal postsecondary insti-
9 tution data collection effort, as completed in accord-
10 ance with section 487(a)(17) of the Higher Edu-
11 cation Act of 1965 (20 U.S.C. 1094(a)(17)).

12 (2) Reports required to be filed under section
13 485(f) of the Higher Education Act of 1965 (20
14 U.S.C. 1092(f)).

15 (3) The electronic exchange of data under sec-
16 tion 485B of the Higher Education Act of 1965 (20
17 U.S.C. 1092b).

18 (4) Determinations under section 496 of the
19 Higher Education Act of 1965 (20 U.S.C. 1099b).

20 (5) Reports filed on the College Scorecard
21 website of the Department of Education (or any suc-
22 cessor website).

23 (6) Reports filed on the College Navigator
24 website (as defined in section 132 of the Higher
25 Education Act of 1965 (20 U.S.C. 1015a)).

1 (7) Data submitted to the postsecondary stu-
2 dent data system established under section 132(l) of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1015a(l)), as added by this Act.

5 (8) To the extent determined to be appropriate
6 by the Secretary, any other data systems of the De-
7 partment of Education that include information on
8 institutions of higher education.

9 (b) CONSIDERATIONS.—In carrying out subsection
10 (a), the Secretary of Education shall—

11 (1) consider the ability to use the unique nu-
12 meric identifier assigned under such subsection to—

13 (A) disaggregate institutions of higher edu-
14 cation by corporate ownership;

15 (B) identify an institution of higher edu-
16 cation with more than one campus; and

17 (C) in the case of institutions of higher
18 education described in subparagraph (B), dis-
19 tinguish between a campus with a specific loca-
20 tion and a distance education program;

21 (2) account for interactions of the unique nu-
22 meric identifier with requirements under title IV of
23 the Higher Education Act (20 U.S.C. 1070 et seq.),
24 including by preventing institutional attempts to
25 evade such requirements by changing the unique nu-

1 meric identifiers associated with the campuses of the
2 institution;

3 (3) to the extent practicable, minimize the pa-
4 perwork burden on institutions of higher education;

5 (4) create and make public a crosswalk indi-
6 cating changes in the unique numeric identifiers as-
7 signed by the Secretary to each campus under sub-
8 section (a) and the numeric identifiers used by the
9 Department of Education prior to the date on which
10 the Secretary assigns each campus a unique numeric
11 identifier; and

12 (5) annually create and make public an updated
13 crosswalk indicating changes in unique numeric
14 identifiers assigned to campuses, including changes
15 that result from the establishment of new locations,
16 the closing of campuses, and changes in ownership
17 and affiliation.

18 **SEC. 9006. QUESTIONS ON FOOD AND HOUSING INSECURITY**
19 **IN NATIONAL POSTSECONDARY STUDENT AID**
20 **STUDY.**

21 For purposes of each National Postsecondary Stu-
22 dent Aid Study conducted after the date of enactment of
23 this Act, the Secretary of Education shall include ques-
24 tions that measure rates of food and housing insecurity
25 in the National Postsecondary Student Aid Study.

1 **SEC. 9007. DISAGGREGATION OF DATA USING RACIAL**
2 **GROUPS.**

3 (a) **STUDY REQUIRED.**—Not later than 1 year after
4 the date of the enactment of this Act, the Secretary of
5 Education shall carry out a study on the feasibility of
6 disaggregating data reported under the Higher Education
7 Act of 1965 (20 U.S.C. 1001 et seq.) to the Secretary
8 using the racial groups identified by the American Com-
9 munity Survey of the Bureau of the Census.

10 (b) **ELEMENTS.**—The study required by subsection
11 (a) shall, with respect to the data described such sub-
12 section—

13 (1) survey each method by which such data re-
14 ported to the Secretary is disaggregated by race;

15 (2) survey each method by which the Secretary
16 disaggregates such data by race; and

17 (3) in the case of such data that are reported
18 to the Secretary and are not disaggregated by race
19 using the racial groups identified by the American
20 Community Survey of the Bureau of the Census, the
21 feasibility of disaggregating such data using such ra-
22 cial groups.

23 (c) **BEST PRACTICES.**—Not later than 1 year after
24 the date of the enactment of this Act, the Secretary of
25 Education shall issue best practices with respect to
26 disaggregating data reported to the Secretary using the

1 racial groups identified by the American Community Sur-
2 vey of the Bureau of the Census.

3 **SEC. 9008. ACCESSIBLE INSTRUCTIONAL MATERIALS AND**
4 **TECHNOLOGY.**

5 (a) ESTABLISHMENT OF COMMISSION.—The Speaker
6 of the House of Representatives, the President pro tem-
7 pore of the Senate, and the Secretary of Education shall
8 establish an independent commission, comprised of key
9 stakeholders, to develop guidelines for accessible postsec-
10 ondary electronic instructional materials and related tech-
11 nologies in order—

12 (1) to ensure students with disabilities are af-
13 farded the same educational benefits provided to stu-
14 dents without disabilities through the use of elec-
15 tronic instructional materials and related tech-
16 nologies;

17 (2) to improve the selection and use of such
18 materials and technologies at institutions of higher
19 education; and

20 (3) to encourage entities that produce such ma-
21 terials and technologies to make accessible versions
22 more readily available in the market.

23 (b) REVIEW.—In carrying out subsection (a), the
24 commission shall—

1 (1) review applicable information technology ac-
2 cessibility standards; and

3 (2) compile and annotate such accessibility
4 standards as an additional information resource for
5 institutions of higher education and companies that
6 service the higher education market.

7 (c) MEMBERSHIP.—

8 (1) STAKEHOLDER GROUPS.—The commission
9 shall be composed of representatives from the fol-
10 lowing categories:

11 (A) Communities of persons with disabil-
12 ities for whom the accessibility of postsecondary
13 electronic instructional materials and related
14 technologies is a significant factor in ensuring
15 equal participation in higher education, and
16 nonprofit organizations that provide accessible
17 electronic materials to these communities.

18 (B) Higher education leadership, including
19 institution of higher education presidents, pro-
20 vosts, deans, vice presidents or deans of librar-
21 ies, chief information officers, and other senior
22 institutional executives.

23 (C) Developers of postsecondary electronic
24 instructional materials and manufacturers of
25 related technologies.

1 (2) APPOINTMENT OF MEMBERS.—The commis-
2 sion members shall be appointed as follows:

3 (A) Six members, two from each category
4 described in paragraph (1), shall be appointed
5 by the Speaker of the House of Representatives,
6 three of whom shall be appointed on the rec-
7 ommendation of the majority leader of the
8 House of Representatives and three of whom
9 shall be appointed on the recommendation of
10 the minority leader of the House of Representa-
11 tives, with the Speaker ensuring that 1 devel-
12 oper of postsecondary electronic instructional
13 materials and 1 manufacturer of related tech-
14 nologies are appointed. The Speaker shall also
15 appoint 2 additional members, 1 student with a
16 disability and 1 faculty member from an insti-
17 tution of higher education.

18 (B) Six members, two from each category
19 described in paragraph (1), shall be appointed
20 by the President pro tempore of the Senate,
21 three of whom shall be appointed on the rec-
22 ommendation of the majority leader of the Sen-
23 ate and three of whom shall be appointed on
24 the recommendation of the minority leader of
25 the Senate, with the President pro tempore en-

1 suring that 1 developer of postsecondary elec-
2 tronic instructional materials and 1 manufac-
3 turer of related technologies are appointed. The
4 President pro tempore shall also appoint 2 ad-
5 ditional members, 1 student with a disability
6 and 1 faculty member from an institution of
7 higher education.

8 (C) 3 members, each of whom must pos-
9 sess extensive, demonstrated technical expertise
10 in the development and implementation of ac-
11 cessible postsecondary electronic instructional
12 materials, shall be appointed by the Secretary
13 of Education. One of these members shall rep-
14 resent postsecondary students with disabilities,
15 one shall represent higher education leadership,
16 and one shall represent developers of postsec-
17 ondary electronic instructional materials.

18 (3) ELIGIBILITY TO SERVE AS A MEMBER.—

19 Federal employees are ineligible for appointment to
20 the commission. An appointee to a volunteer or advi-
21 sory position with a Federal agency or related advi-
22 sory body may be appointed to the commission so
23 long as his or her primary employment is with a
24 non-Federal entity and he or she is not otherwise
25 engaged in financially compensated work on behalf

1 of the Federal Government, exclusive of any stand-
2 ard expense reimbursement or grant-funded activi-
3 ties.

4 (d) AUTHORITY AND ADMINISTRATION.—

5 (1) AUTHORITY.—The commission's execution
6 of its duties shall be independent of the Secretary of
7 Education, the Attorney General, and the head of
8 any other agency or department of the Federal Gov-
9 ernment with regulatory or standard setting author-
10 ity in the areas addressed by the commission.

11 (2) ADMINISTRATION.—

12 (A) STAFFING.—There shall be no perma-
13 nent staffing for the commission.

14 (B) LEADERSHIP.—Commission members
15 shall elect a chairperson from among the ap-
16 pointees to the commission.

17 (C) ADMINISTRATIVE SUPPORT.—The
18 Commission shall be provided administrative
19 support, as needed, by the Secretary of Edu-
20 cation through the Office of Postsecondary
21 Education of the Department of Education.

22 (e) DUTIES.—

23 (1) GUIDELINES.—Not later than 18 months
24 after the date of enactment of this Act, subject to

1 a 6-month extension that it may exercise at its dis-
2 cretion, the commission shall—

3 (A) develop and issue guidelines for acces-
4 sible postsecondary electronic instructional ma-
5 terials, and related technologies; and

6 (B) in developing the guidelines, the com-
7 mission shall—

8 (i) establish a technical panel pursu-
9 ant to paragraph (4) to support the com-
10 mission in developing the guidelines;

11 (ii) develop criteria for determining
12 which materials and technologies constitute
13 postsecondary electronic instructional ma-
14 terials and related technologies;

15 (iii) identify existing national and
16 international accessibility standards that
17 are relevant to student use of postsec-
18 ondary electronic instructional materials
19 and related technologies at institutions of
20 higher education;

21 (iv) identify and address any unique
22 pedagogical and accessibility requirements
23 of postsecondary electronic instructional
24 materials and related technologies that are
25 not addressed, or not adequately ad-

1 dressed, by the identified, relevant existing
2 accessibility standards;

3 (v) identify those aspects of accessi-
4 bility, and types of postsecondary instruc-
5 tional materials and related technologies,
6 for which the commission cannot produce
7 guidelines or which cannot be addressed by
8 existing accessibility standards due to—

9 (I) inherent limitations of com-
10 mercially available technologies; or

11 (II) the challenges posed by a
12 specific category of disability that cov-
13 ers a wide spectrum of impairments
14 and capabilities which makes it dif-
15 ficult to assess the benefits from par-
16 ticular guidelines on a categorical
17 basis;

18 (vi) ensure that the guidelines are
19 consistent with the requirements of section
20 504 of the Rehabilitation Act of 1973 (29
21 U.S.C. 794) and titles II and III of the
22 Americans with Disabilities Act (42 U.S.C.
23 12131 et seq.; 42 U.S.C. 12181 et seq.);

24 (vii) ensure that the guidelines are
25 consistent, to the extent feasible and ap-

1 appropriate, with the technical and functional
2 performance criteria included in the na-
3 tional and international accessibility stand-
4 ards identified by the commission as rel-
5 evant to student use of postsecondary elec-
6 tronic instructional materials and related
7 technologies;

8 (viii) allow for the use of an alter-
9 native design or technology that results in
10 substantially equivalent or greater accessi-
11 bility and usability by individuals with dis-
12 abilities than would be provided by compli-
13 ance with the guidelines; and

14 (ix) provide that where electronic in-
15 structional materials, or related tech-
16 nologies, that comply fully with the guide-
17 lines are not commercially available, or
18 where such compliance is not technically
19 feasible, the institution may select the
20 product that best meets the guidelines con-
21 sistent with the institution's business and
22 pedagogical needs.

23 (2) ANNOTATED LIST OF INFORMATION TECH-
24 NOLOGY STANDARDS.—Not later than 18 months
25 after the date of the enactment of this Act, subject

1 to a 6-month extension that it may exercise at its
2 discretion, the commission established in section 2
3 shall, with the assistance of the technical panel es-
4 tablished under paragraph (4), develop and issue an
5 annotated list of information technology standards.

6 (3) APPROVAL.—Issuance of the guidelines and
7 annotated list of information technology standards
8 shall require approval of at least 75 percent of the
9 members of the commission.

10 (4) TECHNICAL PANEL.—Not later than 1
11 month after first meeting, the Commission shall ap-
12 point and convene a panel of 12 technical experts,
13 each of whom shall have extensive, demonstrated
14 technical experience in developing, researching, or
15 implementing accessible postsecondary electronic in-
16 structional materials, or related technologies. The
17 commission has discretion to determine a process for
18 nominating, vetting, and confirming a panel of ex-
19 perts that fairly represents the stakeholder commu-
20 nities on the commission. The technical panel shall
21 include a representative from the United States Ac-
22 cess Board.

23 (f) REVIEW OF GUIDELINES.—Not later than 5 years
24 after issuance of the guidelines and annotated list of infor-
25 mation technology standards described in subsections (a)

1 and (b), and every 5 years thereafter, the Secretary of
2 Education shall publish a notice in the Federal Register
3 requesting public comment about whether there is a need
4 to reconstitute the commission to update the guidelines
5 and annotated list of information technology standards to
6 reflect technological advances, changes in postsecondary
7 electronic instructional materials and related technologies,
8 or updated national and international accessibility stand-
9 ards. The Secretary shall then submit a report and rec-
10 ommendation to Congress regarding whether the Commis-
11 sion should be reconstituted.

12 (g) RULE OF APPLICATION.—

13 (1) NONCONFORMING POSTSECONDARY ELEC-
14 TRONIC INSTRUCTIONAL MATERIALS OR RELATED
15 TECHNOLOGIES.—Nothing in this section shall be
16 construed to require an institution of higher edu-
17 cation to require, provide, or both recommend and
18 provide, postsecondary electronic instructional mate-
19 rials or related technologies that conform to the
20 guidelines. However, an institution that selects or
21 uses nonconforming postsecondary electronic instruc-
22 tional materials or related technologies must other-
23 wise comply with existing obligations under section
24 504 of the Rehabilitation Act of 1973 (29 U.S.C.
25 794) and titles II and III of the Americans with

1 Disabilities Act (42 U.S.C. 12131 et seq.; 42 U.S.C.
2 12181 et seq.) to provide access to the educational
3 benefit afforded by such materials and technologies
4 through provision of appropriate and reasonable
5 modification, accommodation, and auxiliary aids or
6 services.

7 (2) RELATIONSHIP TO EXISTING LAWS AND
8 REGULATIONS.—With respect to the Americans with
9 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
10 and the Rehabilitation Act of 1973 (29 U.S.C. 701
11 et seq.), nothing in this Act may be construed—

12 (A) to authorize or require conduct prohib-
13 ited under the Americans with Disabilities Act
14 of 1990 and the Rehabilitation Act of 1973, in-
15 cluding the regulations issued pursuant to those
16 laws;

17 (B) to expand, limit, or alter the remedies
18 or defenses under the Americans with Disabil-
19 ities Act of 1990 and the Rehabilitation Act of
20 1973;

21 (C) to supersede, restrict, or limit the ap-
22 plication of the Americans with Disabilities Act
23 of 1990 and the Rehabilitation Act of 1973; or

24 (D) to limit the authority of Federal agen-
25 cies to issue regulations pursuant to the Ameri-

1 cans with Disabilities Act of 1990 and the Re-
2 habilitation Act of 1973.

3 (h) DEFINITIONS.—In this section:

4 (1) ANNOTATED LIST OF INFORMATION TECH-
5 NOLOGY STANDARDS.—The term “annotated list of
6 information technology standards” means a list of
7 existing national and international accessibility
8 standards relevant to student use of postsecondary
9 electronic instructional materials and related tech-
10 nologies, and to other types of information tech-
11 nology common to institutions of higher education,
12 such as institutional websites or registration sys-
13 tems, annotated by the commission established pur-
14 suant to this section. The annotated list of informa-
15 tion technology standards is intended to serve solely
16 as a reference tool to inform any consideration of
17 the relevance of such standards in higher education
18 contexts.

19 (2) POSTSECONDARY ELECTRONIC INSTRUCC-
20 TIONAL MATERIALS.—The term “postsecondary elec-
21 tronic instructional materials” means digital cur-
22 ricular content that is required, provided, or both
23 recommended and provided by an institution of high-
24 er education for use in a postsecondary instructional
25 program.

1 (3) RELATED TECHNOLOGIES.—The term “re-
 2 lated technologies” refers to any software, applica-
 3 tions, learning management or content management
 4 systems, and hardware that an institution of higher
 5 education requires, provides, or both recommends
 6 and provides for student access to and use of post-
 7 secondary electronic instructional materials in a
 8 postsecondary instructional program.

9 (4) TECHNICAL PANEL.—The term “technical
 10 panel” means a group of experts with extensive,
 11 demonstrated technical experience in the develop-
 12 ment and implementation of accessibility features for
 13 postsecondary electronic instructional materials and
 14 related technologies, established by the Commission
 15 pursuant to subsection (e)(4), which will assist the
 16 commission in the development of the guidelines and
 17 annotated list of information technology standards
 18 authorized under this section.

19 **TITLE X—AMENDMENTS TO** 20 **OTHER LAWS**

21 **PART A—EDUCATION OF THE DEAF ACT OF 1986**

22 **SEC. 10001. COMPOSITION OF BOARD OF TRUSTEES.**

23 Section 103(a)(1) of the Education of the Deaf Act
 24 of 1986 (20 U.S.C. 4303(a)(1)) is amended—

1 (1) by striking “twenty-one” and inserting
2 “twenty-three”;

3 (2) in subparagraph (A)—

4 (A) by striking “three” and inserting
5 “four”; and

6 (B) in clause (i)—

7 (i) by striking “one” and inserting
8 “two”; and

9 (ii) by striking “Senator” and insert-
10 ing “Senators”; and

11 (3) in subparagraph (B), by striking “eighteen”
12 and inserting “nineteen”.

13 **SEC. 10002. ADMINISTRATIVE REQUIREMENTS OF LAURENT**
14 **CLERC NATIONAL DEAF EDUCATION CENTER.**

15 Section 104(b)(5) of the Education of the Deaf Act
16 of 1986 (20 U.S.C. 4304(b)(5)) is amended to read as
17 follows:

18 “(5) The University, for purposes of the ele-
19 mentary and secondary education programs carried
20 out by the Clerc Center, shall—

21 “(A)(i)(I) provide an assurance to the Sec-
22 retary that the University has adopted and is
23 implementing challenging State academic stand-
24 ards that meet the requirements of section

1 1111(b)(1) of the Elementary and Secondary
2 Education Act of 1965 (20 U.S.C. 6311(b)(1));

3 “(II) demonstrate to the Secretary that the
4 University is implementing a set of high-quality
5 student academic assessments in mathematics,
6 reading or language arts, and science, and any
7 other subjects chosen by the University, that
8 meet the requirements of section 1111(b)(2) of
9 such Act (20 U.S.C. 6311(b)(2)); and

10 “(III) demonstrate to the Secretary that
11 the University is implementing an account-
12 ability system consistent with section 1111(c) of
13 such Act (20 U.S.C. 6311(c)); or

14 “(ii)(I) select the challenging State aca-
15 demic standards and State academic assess-
16 ments of a State, adopted and implemented, as
17 appropriate, pursuant to paragraphs (1) and
18 (2) of section 1111(b) of such Act (20 U.S.C.
19 6311(b)); and

20 “(II) adopt the accountability system, con-
21 sistent with section 1111(c) of such Act (20
22 U.S.C. 6311(c)), of such State; and

23 “(B) publicly report, except in a case in
24 which such reporting would not yield statis-
25 tically reliable information or would reveal per-

1 sonally identifiable information about an indi-
2 vidual student—

3 “(i) the results of the academic as-
4 sessments implemented under subpara-
5 graph (A); and

6 “(ii) the results of the annual evalua-
7 tion of the programs at the Clerc Center,
8 as determined using the accountability sys-
9 tem adopted under subparagraph (A).”.

10 **SEC. 10003. FEDERAL ENDOWMENT PROGRAMS FOR GAL-**
11 **LAUDET UNIVERSITY AND THE NATIONAL**
12 **TECHNICAL INSTITUTE FOR THE DEAF.**

13 Section 207 of the Education of the Deaf Act of 1986
14 (20 U.S.C. 4357) is amended—

15 (1) in subsection (e), by striking “(and its non-
16 Federal match)”; and

17 (2) in subsection (g)(1), by striking “amounts
18 contributed to the fund from non-Federal sources,
19 and” and inserting “and the related”.

1 **PART B—TRIBALLY CONTROLLED COLLEGES**
2 **AND UNIVERSITIES ASSISTANCE ACT OF 1978**
3 **SEC. 10101. TRIBALLY CONTROLLED COLLEGES AND UNI-**
4 **VERSITIES ASSISTANCE ACT OF 1978.**

5 (a) DEFINITIONS.—Section 2 of the Tribally Con-
6 trolled Colleges and Universities Assistance Act of 1978
7 (25 U.S.C. 1801) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (4), by striking “or has
10 been formally” and inserting “and has been for-
11 mally”;

12 (B) in paragraph (7), by adding “and” at
13 the end;

14 (C) in paragraph (8), by striking “; and”
15 and inserting a period; and

16 (D) by striking paragraph (9); and
17 (2) in subsection (b)—

18 (A) by amending paragraph (1) to read as
19 follows:

20 “(1) Such number shall be calculated based on
21 the number of Indian students who are enrolled—

22 “(A) at the conclusion of the third week of
23 each academic term; or

24 “(B) on the fifth day of a shortened pro-
25 gram beginning after the conclusion of the third
26 full week of an academic term.”;

1 (B) in paragraph (3), by striking “for pur-
2 poses of obtaining” and inserting “solely for the
3 purpose of obtaining”;

4 (C) in paragraph (4)—

5 (i) By striking “students” and insert-
6 ing “individuals 16 years of age or older”;
7 and

8 (ii) by striking “credit hours.” and in-
9 serting “credit hours, except that the pro-
10 visions of paragraphs (1) and (3) shall not
11 apply to any determination under this
12 paragraph.”;

13 (D) in paragraph (5)—

14 (i) in subparagraph (A)—

15 (I) by inserting “hour” after
16 “credit”;

17 (II) by striking “in the case of an
18 institution on a quarter system, or 15
19 contact hours in the case of an insti-
20 tution on a semester system,”; and

21 (III) by striking “and” at the
22 end;

23 (ii) by redesignating subparagraph
24 (B) as subparagraph (C); and

1 (iii) by inserting after subparagraph
2 (A) the following:

3 “(B) shall be determined as one academic
4 credit hour for every three continuing education
5 program credits earned in the case of an insti-
6 tution on a semester system (which may be ad-
7 justed by the Secretary, if necessary, for insti-
8 tutions using academic periods other than se-
9 mesters, such as trimesters or quarters); and”;
10 and

11 (E) by inserting after paragraph (5), the
12 following:

13 “(6) Enrollment data from the prior-prior aca-
14 demic year shall be used.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—The Tribally Controlled Col-
17 leges and Universities Assistance Act of 1978 (25
18 U.S.C. 1801 et seq.) is amended by inserting after
19 section 2 (25 U.S.C. 1801), the following:

20 “AUTHORIZATION OF APPROPRIATIONS

21 “SEC. 3. (a)(1) There are authorized to be appro-
22 priated to carry out sections 105, 107, 112(b), and 113
23 such sums as may be necessary for fiscal year 2021 and
24 each of the five succeeding fiscal years.

25 “(2) Funds appropriated pursuant to the authoriza-
26 tion under paragraph (1) shall be transferred by the Sec-

1 retary of the Treasury through the most expeditious meth-
2 od available, with each of the tribally controlled colleges
3 or universities being designated as its own certifying agen-
4 cy.

5 “(b) There are authorized to be appropriated to carry
6 out title III such sums as may be necessary for fiscal year
7 2021 and each of the five succeeding fiscal years. Any
8 funds appropriated pursuant to this subsection are au-
9 thorized to remain available until expended.

10 “(c) There are authorized to be appropriated to carry
11 out titles IV and V such sums as may be necessary for
12 fiscal year 2021 and each of the five succeeding fiscal
13 years.

14 “(d)(1) For the purpose of affording adequate notice
15 of funding available under this Act, amounts appropriated
16 in an appropriation Act for any fiscal year to carry out
17 this Act shall become available for obligation on July 1
18 of that fiscal year and shall remain available until Sep-
19 tember 30 of the succeeding fiscal year.

20 “(2) In order to effect a transition to the forward
21 funding method of timing appropriation action described
22 in paragraph (1), there are authorized to be appropriated,
23 in an appropriation Act or Acts for the same fiscal year,
24 two separate appropriations to carry out this Act, the first
25 of which shall not be subject to paragraph (1).”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) Section 110 of the Tribally Controlled
3 Colleges and Universities Assistance Act of
4 1978 (25 U.S.C. 1810) is repealed.

5 (B) Section 111 of the Tribally Controlled
6 Colleges and Universities Assistance Act of
7 1978 (25 U.S.C. 1811) is amended by striking
8 “110(a)(2)” and inserting “3(a)(2)”.

9 (C) Section 306 of the Tribally Controlled
10 Colleges and Universities Assistance Act of
11 1978 (25 U.S.C. 1836) is repealed.

12 (D) Title III of the Tribally Controlled
13 Colleges and Universities Assistance Act of
14 1978 (25 U.S.C. 1831 et seq.) is amended by
15 striking “section 306” each place it appears
16 and inserting “section 3(b)”

17 (E) Section 403 of the Tribally Controlled
18 Colleges and Universities Assistance Act of
19 1978 (25 U.S.C. 1852) is repealed.

20 (F) Section 502 of the Tribally Controlled
21 Colleges and Universities Assistance Act of
22 1978 (25 U.S.C. 1862) is amended—

23 (i) in subsection (a), by striking “Sub-
24 ject to the availability of appropriations,
25 for fiscal year 2009 and each fiscal year

1 thereafter,” and inserting “From the
2 amount made available under section 3(c)
3 for each fiscal year,”; and

4 (ii) in subsection (d)(1), by striking
5 “For fiscal year 2009 and each fiscal year
6 thereafter, of amounts made available pur-
7 suant to section 504,” and inserting
8 “From the amount made available under
9 section 3(c) for each fiscal year,”.

10 (G) Section 504 of the Tribally Controlled
11 Colleges and Universities Assistance Act of
12 1978 (25 U.S.C. 1864) is repealed.

13 (c) ANNUAL REPORT ON EMERGING TRIBAL COL-
14 LEGES.—Section 104 of the Tribally Controlled Colleges
15 and Universities Assistance Act of 1978 (25 U.S.C.
16 1804a) is amended to read as follows:

17 “ANNUAL REPORT ON EMERGING TRIBAL COLLEGES
18 “SEC. 104. Not later than December 31 of each year,
19 the Secretary shall submit a report to the Senate Com-
20 mittee on Indian Affairs, the Senate Committee on
21 Health, Education, Labor and Pensions, the House Com-
22 mittee on Natural Resources, the House Committee on
23 Education and Labor, the Senate Appropriations Sub-
24 committee on the Interior, and the House Appropriations
25 Subcommittee on the Interior on developing and emerging

1 tribally controlled colleges or universities. Such report
2 shall include information on—

3 “(1) inquiries received by the Secretary from
4 federally recognized Indian Tribes and tribal organi-
5 zations regarding the process for establishing a trib-
6 ally controlled college or university;

7 “(2) the status of ongoing efforts to establish
8 tribally controlled colleges or universities;

9 “(3) the geographic location, current and pro-
10 jected size, and anticipated application time frame of
11 each reported institution; and

12 “(4) such other data as the Secretary may
13 deem relevant.”.

14 (d) ELIGIBILITY STUDIES.—Section 106 of the Trib-
15 ally Controlled Colleges and Universities Assistance Act
16 of 1978 (25 U.S.C. 1806) is amended—

17 (1) in subsection (b), by striking “for the fiscal
18 year succeeding” and inserting “for the second fiscal
19 year succeeding”; and

20 (2) in subsection (c), by striking “drawn from”
21 and all that follows through the period at the end
22 and inserting “drawn from the general administra-
23 tive appropriations to the Secretary.”

24 (e) GRANTS TO TRIBALLY CONTROLLED COLLEGES
25 OR UNIVERSITIES.—Section 107 of the Tribally Con-

1 trolled Colleges and Universities Assistance Act of 1978
2 (25 U.S.C. 1807) is amended—

3 (1) in subsection (c), by striking “given to insti-
4 tutions” and all that follows through the period at
5 the end and inserting “given to institutions which
6 received payments under this title in fiscal year
7 2019 or were affiliated with an institution which re-
8 ceived payments under this title in fiscal year
9 2019.”; and

10 (2) in subsection (d), by inserting “higher edu-
11 cation” after “national Indian” both places it ap-
12 pears.

13 (f) AMOUNT OF GRANTS.—Section 108 of the Trib-
14 ally Controlled Colleges and Universities Assistance Act
15 of 1978 (25 U.S.C. 1808) is amended—

16 (1) by striking subsection (a)(2) and inserting
17 the following:

18 “(2) EXCEPTIONS.—

19 “(A) If the sum appropriated for any fiscal
20 year for payments under this section is not suf-
21 ficient to pay in full the total amount that ap-
22 proved applicants are eligible to receive under
23 this section for such fiscal year, the Secretary
24 shall first allocate to each such applicant that
25 received funds under this part for the preceding

1 fiscal year an amount equal to 100 percent of
2 the product of the per capita payment for the
3 preceding fiscal year and such applicant's In-
4 dian student count for the current program
5 year, plus an amount equal to the actual cost
6 of any increase to the per capita figure result-
7 ing from inflationary increases to necessary
8 costs beyond the institution's control.

9 “(B) The amount of a grant under para-
10 graph (1) shall not exceed an amount equal to
11 the total cost of the education program pro-
12 vided by the applicable tribally controlled col-
13 lege or university.”; and
14 (2) in subsection (b)(1)—

15 (A) by striking “of the funds available for
16 allotment by October 15 or no later than 14
17 days after appropriations become available” and
18 inserting “of the amounts appropriated for any
19 fiscal year on or before July 1 of that fiscal
20 year”; and

21 (B) by striking “January 1” and inserting
22 “September 30”.

23 (g) REPORT ON FACILITIES.—Section 112 of the
24 Tribally Controlled Colleges and Universities Assistance

1 Act of 1978 (25 U.S.C. 1812) is amended to read as fol-
2 lows:

3 “REPORT ON FACILITIES

4 “SEC. 112. (a) The Secretary shall provide for the
5 conduct of a study on the condition of tribally controlled
6 college or university facilities, which, for purposes of this
7 section, shall include the facilities of a Tribal College or
8 University, as defined in section 316(b) of the Higher
9 Education Act of 1965 (20 U.S.C. 1059c(b)). Such study
10 shall identify the need for new construction, renovation,
11 and infrastructure enhancements of tribally controlled col-
12 lege or university facilities.

13 “(b) The study required in subsection (a) may be con-
14 ducted directly by the Secretary or by contract.

15 “(c) A report on the results of the study required in
16 subsection (a) shall be submitted to the Senate Committee
17 on Indian Affairs, the Senate Committee on Health, Edu-
18 cation, Labor and Pensions, the House Committee on Nat-
19 ural Resources, the House Committee on Education and
20 Labor, the Senate Appropriations Subcommittee on the
21 Interior, and the House Appropriations Subcommittee on
22 the Interior not later than 18 months after the date of
23 the enactment of the College Affordability Act.”.

24 (h) MODIFICATION OF FACILITIES PROGRAM.—Sec-
25 tion 113 of the Tribally Controlled Colleges and Univer-

1 sities Assistance Act of 1978 (25 U.S.C. 1813) is amend-
2 ed—

3 (1) in subsection (a), by striking “of the Ad-
4 ministrator of General Services under section 112(a)
5 of this Act” and inserting “under section 112(c)”;

6 (2) in subsection (b), by striking “a tribally
7 controlled college or university—” and all that fol-
8 lows through the period at the end and inserting “a
9 tribally controlled college or university shall be a
10 Tribal College or University, as defined in section
11 316(b) of the Higher Education Act of 1965 (20
12 U.S.C. 1059c(b)).”;

13 (3) by redesignating subsections (d) through (f)
14 as subsections (e) through (g), respectively; and

15 (4) by inserting after subsection (c) the fol-
16 lowing:

17 “(d) Activities eligible for a grant under this section
18 shall be activities that address a wide variety of facilities
19 and infrastructure needs including—

20 “(1) building of new facilities;

21 “(2) renovating or expanding existing or ac-
22 quired facilities;

23 “(3) providing new and existing facilities with
24 equipment and infrastructure, including laboratory
25 equipment, computer infrastructure and equipment,

1 broadband infrastructure and equipment, library
2 books, and furniture; and

3 “(4) property acquisition.”.

4 (i) CONFORMING AMENDMENT FOR THE NAVAJO
5 TRIBE.—Section 114(a) of the Tribally Controlled Col-
6 leges and Universities Assistance Act of 1978 (25 U.S.C.
7 1814(a)) is amended striking “The Navajo” and inserting
8 “Except as provided in sections 112 and 113, the Nav-
9 ajo”.

10 (j) RULES AND REGULATIONS.—Section 115 of the
11 Tribally Controlled Colleges and Universities Assistance
12 Act 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
15 of 1978 (25 U.S.C. 1832) is amended by adding at the
16 end the following:

17 “(c) The period of a grant under this section shall
18 be not more than 20 years. During the grant period, an
19 institution may withdraw and expend interest income gen-
20 erated by the endowment for any operating or academic
21 purpose. An institution may not withdraw or expend any
22 of the endowment fund corpus. After the termination of
23 the grant period, an institution may use the endowment
24 fund corpus 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,
 3 the institution shall repay to the Secretary an amount
 4 equal to 150 percent of the withdrawn amount. The Sec-
 5 retary may use up to 75 percent of such repaid funds to
 6 make additional endowment grants to, or to increase exist-
 7 ing endowment 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
 15 a natural disaster or arson; or

16 “(C) any other unusual occurrence or exigent
 17 circumstance.”.

18 (l) PARTICIPATION OF TRIBALLY CONTROLLED
 19 POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS
 20 UNDER OTHER TITLES.—Section 503(a) of the Tribally
 21 Controlled Colleges and Universities Assistance Act of
 22 1978 (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

1 titles 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
5 Secretary shall provide, upon request from a tribally
6 controlled postsecondary career and technical insti-
7 tution, 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
15 (25 U.S.C. 1801 et seq.), as amended by the preceding
16 provisions 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
21 Act” each place it appears and inserting “Diné Col-
22 lege Act”; and

23 (3) in section 109 (25 U.S.C. 1809), by redес-
24 ignating 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
10 appropriated to carry out this section \$181,000,000
11 for fiscal year 2021 and each of the 5 succeeding fis-
12 cal 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
17 succeeding 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
20 Career and Technical Education Act of 2006 (20
21 U.S.C. 2325(a)).

22 (3) TRIBALLY CONTROLLED POSTSECONDARY
23 CAREER AND TECHNICAL INSTITUTIONS.—In addi-
24 tion to the amounts authorized to be appropriated
25 under paragraphs (1) and (2), there are authorized
26 to be appropriated \$10,469,000 for fiscal year 2021

1 and each of the 5 succeeding fiscal years, for the
2 purpose of awarding funds to carry out this section
3 to tribally controlled postsecondary career and tech-
4 nical institutions described in section 117(a) of the
5 Carl D. Perkins Career and Technical Education
6 Act of 2006 (20 U.S.C. 2327(a)).

7 (b) ALLOTMENT AND ALLOCATION.—

8 (1) STATE ALLOTMENT.—

9 (A) IN GENERAL.—From the amount ap-
10 propriated under subsection (a)(1) for each fis-
11 cal year, the Secretary of Education shall allot
12 funds to States in the same manner as allot-
13 ments are made to States under 111(a)(2) of
14 the Carl D. Perkins Career and Technical Edu-
15 cation Act of 2006 (20 U.S.C. 2321(a)(2)), ex-
16 cept that such section 111(a)(2) shall be ap-
17 plied by substituting “From the amount appro-
18 priated under subsection (a)(1),” for “From the
19 remainder of the amount appropriated under
20 section 9 and not reserved under paragraph (1)
21 for a fiscal year,”.

22 (B) REALLOTMENT.—If for any fiscal year
23 the amount appropriated for allotments under
24 this paragraph is insufficient to satisfy the pro-
25 visions of subparagraph (A), the payments to

1 all States under such subparagraph shall be
2 ratably 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.
10 2321(a)).

11 (3) ELIGIBLE RECIPIENT ALLOCATION.—

12 (A) IN GENERAL.—From the amount allot-
13 ted to each State under paragraph (1) and not
14 used under paragraph (2) for a fiscal year, the
15 eligible agency shall allocate funds to each eligi-
16 ble recipient within the State in the same man-
17 ner that funds are allocated to eligible institu-
18 tions or consortium of eligible institutions under
19 section 132(a)(2) of the Carl D. Perkins Career
20 and Technical Education Act of 2006 (20
21 U.S.C. 2352(a)(2)), except that such section
22 132(a)(2) shall be applied by substituting “the
23 amount allotted to the State under paragraph
24 (1) and not used under paragraph (2)” for “the

1 portion of funds made available under section
2 112(a)(1) to carry out this section”.

3 (B) REQUIREMENTS FOR ALLOCATION.—

4 To receive an allocation under subparagraph
5 (A), an eligible recipient shall meet the fol-
6 lowing requirements:

7 (i) Provide a description to the Sec-
8 retary, at such time and in such manner,
9 as may be required by the Secretary of
10 how the eligible recipient will use the allo-
11 cation to support and coordinate with—

12 (I) any funds received by such el-
13 igible recipient under title I of the
14 Carl D. Perkins Career and Technical
15 Education Act of 2006 (20 U.S.C.
16 2321 et seq.); and

17 (II) the activities described in the
18 State plan of the eligible agency that
19 distributes funds under such title to
20 such eligible recipient, and local appli-
21 cation of such eligible recipient under
22 such title.

23 (ii) Establish partnerships with each
24 of the following:

1 (I) A local educational agency or
2 a consortia of local educational agen-
3 cies.

4 (II) An area career and technical
5 education school, in a case in which
6 such a school is located in the State
7 or local area of the eligible recipient.

8 (III) A State or local workforce
9 development system.

10 (IV) A 4-year institution of high-
11 er education.

12 (4) ALLOTMENTS TO OUTLYING AREAS.—From
13 funds appropriated under subsection (a)(2), the Sec-
14 retary shall—

15 (A) make a grant in the amount of
16 \$660,000 to Guam;

17 (B) make a grant in the amount of
18 \$350,000 to each of the Commonwealth of the
19 Northern Mariana Islands and American
20 Samoa; and

21 (C) make a grant in the amount of
22 \$160,000 to the Republic of Palau.

23 (c) USES OF FUNDS.—

24 (1) IN GENERAL.—Each eligible recipient that
25 receives an allocation under subsection (b)(2) shall

1 use such allocation to carry out a career and tech-
2 nical education program of study that shall—

3 (A) include alignment to career pathways,
4 the use of articulation agreements, and career
5 guidance and academic counseling;

6 (B) combine a minimum of 2 years of sec-
7 ondary education (as determined under State
8 law) with a minimum of 2 years of postsec-
9 ondary education in a nonduplicative, sequential
10 course of study;

11 (C) include work-based learning or appren-
12 ticeship programs;

13 (D) be aligned with—

14 (i) the workforce development system;

15 and

16 (ii) institutions of higher education of-
17 fering baccalaureate or advanced degree
18 programs;

19 (E) offer education and training in high-
20 skill, high-wage, or in-demand industry sectors
21 and occupations to meet the regional needs and
22 support the priorities described in the most re-
23 cent comprehensive local needs assessment con-
24 ducted by the eligible recipient under section

1 134(c) of the Carl D. Perkins Career and Tech-
2 nical Education Act (20 U.S.C. 2354(c)); and

3 (F) carry out the requirements of subpara-
4 graph (A), (B), (C), (D), or (E) of paragraph
5 (2).

6 (2) REQUIREMENTS.—Each career and tech-
7 nical education program of study described in para-
8 graph (1) shall carry out at least one of the fol-
9 lowing:

10 (A) Supporting the development, delivery,
11 or implementation of a statewide effort to scale
12 such program of study and career pathways.

13 (B) Establishing industry or sector part-
14 nerships inside or outside the State.

15 (C) Providing equal access to, and sup-
16 ports for, successful completion of the career
17 and technical education program of study to in-
18 dividuals who are members of special popu-
19 lations, including the development of services
20 appropriate to the needs of special populations.

21 (D) Improving career guidance, academic
22 counseling, and career exploration activities for
23 prospective or participating students through
24 the development and implementation of gradua-

tion and career plans aligned to career pathways.

(E) Developing curriculum and supports for effective transitions between the following:

(i) The transition from a secondary career and technical education program to a postsecondary career and technical education program.

(ii) The transition from postsecondary career and technical education programs to an institution of higher education offering a baccalaureate or an advanced degree program.

(iii) The transition from a workforce development system to a postsecondary career and technical education program.

(iv) The transition from a postsecondary career and technical education program to employment.

(v) The transition from a career and technical education program to an apprenticeship program or from an apprenticeship program to an institution of higher education or employment.

1 (3) RESTRICTION ON USES OF FUNDS.—Each
2 eligible recipient that receives an allocation under
3 subsection (b)(2) shall not use more than 5 percent
4 of such allocation for costs associated with the ad-
5 ministration of activities.

6 (d) DEFINITIONS.—In this section:

7 (1) APPRENTICESHIP PROGRAM.—The term
8 “apprenticeship program” means an apprenticeship
9 registered under the Act of August 16, 1937 (com-
10 monly known as the “National Apprenticeship Act”;
11 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

12 (2) ELIGIBLE RECIPIENT.—The term “eligible
13 recipient” has the meaning given the term in section
14 3(21)(B) of the Carl D. Perkins Career and Tech-
15 nical Education Act of 1965 (20 U.S.C.
16 2302(21)(B)).

17 (3) INSTITUTION OF HIGHER EDUCATION.—The
18 term “institution of higher education” has the
19 meaning given such term in section 101 of the High-
20 er Education Act of 1965 (20 U.S.C. 1001).

21 (4) LOCAL EDUCATIONAL AGENCY.—The term
22 “local educational agency” has the meaning given
23 such term in section 8101 of the Elementary and
24 Secondary Education Act of 1965 (20 U.S.C. 7801).

1 (5) PERKINS CTE TERMS.—The terms “articu-
 2 lation agreement”, “area career and technical edu-
 3 cation school”, “career and technical education”,
 4 “eligible agency”, “program of study”, “special pop-
 5 ulation”, and “work-based learning” have the mean-
 6 ings given the terms in section 3 of the Carl D. Per-
 7 kins Career and Technical Education Act of 2006
 8 (20 U.S.C. 2302).

9 (6) STATE.—The term “State” has the mean-
 10 ing given the term in section 111(d) of the Carl D.
 11 Perkins Career and Technical Education Act of
 12 2006.

13 (7) WIOA TERMS.—The terms “career path-
 14 way”, “workforce development system”, “in-demand
 15 industry sector or occupation”, and “industry or sec-
 16 tor partnership” have the meanings given the terms
 17 in section 3 of the Workforce Innovation and Oppor-
 18 tunity Act (29 U.S.C. 3201).

19 **PART E—GENERAL EDUCATION PROVISIONS ACT**

20 **SEC. 10301. RELEASE OF EDUCATION RECORDS TO FACILI-**
 21 **TATE THE AWARD OF A RECOGNIZED POST-**
 22 **SECONDARY CREDENTIAL.**

23 Section 444(b) of the General Education Provisions
 24 Act (20 U.S.C. 1232g(b)) is amended—

25 (1) in paragraph (1)—

1 (A) in subparagraph (K)(ii), by striking “;
2 and” and inserting a semicolon; and

3 (B) in subparagraph (L), by striking the
4 period at the end and inserting “; and”; and

5 (2) by inserting after subparagraph (L) the fol-
6 lowing:

7 “(M) an institution of postsecondary education
8 in which the student was previously enrolled, to
9 which records of postsecondary coursework and cred-
10 its are sent for the purpose of applying such
11 coursework and credits toward completion of a rec-
12 ognized postsecondary credential (as that term is de-
13 fined in section 3 of the Workforce Innovation and
14 Opportunity Act (29 U.S.C. 3102)), upon condition
15 that the student provides written consent prior to re-
16 ceiving such credential.”.

17 **PART F—EDUCATION SCIENCES REFORM ACT OF**
18 **2002**

19 **SEC. 10401. INCLUSION OF RACIAL SUBGROUPS IN IPEDS**
20 **DATA.**

21 Section 153(a)(3) of the Education Sciences Reform
22 Act of 2002 (20 U.S.C. 9543(a)(3)) is amended—

23 (1) by striking “feasible, information” and in-
24 serting the following: “feasible—

25 “(A) information”;

1 (2) by inserting “and” after the semicolon; and
2 (3) by adding at the end the following:

3 “(B) information from the Integrated
4 Postsecondary Education Data Survey, the
5 postsecondary student data system established
6 under section 132(l), or a successor system
7 (whichever includes the most recent data), that
8 is disaggregated by race in a manner that cap-
9 tures all the racial groups specified in the
10 American Community Survey of the Bureau of
11 the Census;”.

12 **PART G—UNITED STATES INSTITUTE OF PEACE**

13 **SEC. 10501. REAUTHORIZATION OF THE UNITED STATES IN-**
14 **STITUTE OF PEACE.**

15 Section 1710 of the United States Institute of Peace
16 Act (22 U.S.C. 4609) is amended in subsection (a)(1) by
17 striking “fiscal years 2009 through 2014” and inserting
18 “fiscal year 2021 and each of the 5 succeeding fiscal
19 years”.

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