

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE
OFFERED BY M . _____**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “High-Quality Opportunities in Postsecondary Education
4 Act” or the “HOPE Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. General effective date.

TITLE I—GENERAL PROVISIONS

PART A—DEFINITIONS

- Sec. 101. Definition of institution of higher education.
- Sec. 102. Institutions outside the United States.
- Sec. 103. Additional definitions.
- Sec. 104. Regulatory action.

PART B—ADDITIONAL GENERAL PROVISIONS

- Sec. 111. Free speech protections.
- Sec. 112. Sense of Congress on inclusion and respect.
- Sec. 113. National Advisory Committee on Institutional Quality and Integrity.
- Sec. 114. Disclosures of foreign gifts.
- Sec. 115. Programs on drug and alcohol abuse prevention.
- Sec. 116. Repeal of Collegiate Initiative To Reduce Binge Drinking and Illegal Alcohol Consumption.
- Sec. 117. Campus access for religious groups.
- Sec. 118. Secretarial prohibitions.
- Sec. 119. Ensuring equal treatment by governmental entities.
- Sec. 120. Freedom of association protections.
- Sec. 120A. Department staff.

- Sec. 120B. Department of Homeland Security Recruiting on Campus.
- Sec. 120C. National Security Technology Task Force.
- Sec. 120D. Protecting First Amendment rights on college campuses.

PART C—COST OF HIGHER EDUCATION

- Sec. 121. Secure multi-party computation system.
- Sec. 122. College dashboard website.
- Sec. 123. Net price calculators.
- Sec. 124. Text book information.

PART D—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT
FINANCIAL ASSISTANCE

- Sec. 131. Performance-based organization for the delivery of Federal student financial assistance.
- Sec. 132. Administrative data transparency.

PART E—LENDER AND INSTITUTION REQUIREMENTS RELATING TO
EDUCATION LOANS

- Sec. 141. Modification of preferred lender arrangements.

PART F—ADDRESSING SEXUAL ASSAULT

- Sec. 151. Addressing sexual assault.

TITLE II—TEACHER QUALITY ENHANCEMENT

- Sec. 201. Definitions.
- Sec. 202. Purposes.
- Sec. 203. Partnership grants.
- Sec. 204. Administrative provisions.
- Sec. 205. Accountability for programs that prepare teachers.
- Sec. 206. Teacher development.
- Sec. 207. State functions.
- Sec. 208. General provisions.
- Sec. 209. Authorization of appropriations.
- Sec. 210. Grants for access to high-demand careers.

TITLE III—INSTITUTIONAL AID

- Sec. 301. Strengthening institutions.
- Sec. 302. Strengthening historically Black colleges and universities.
- Sec. 303. Endowment challenge grants for institutions eligible for assistance under part A or part B.
- Sec. 304. Historically Black college and university capital financing.
- Sec. 305. Minority Science and Engineering Improvement Program.
- Sec. 306. Strengthening historically Black colleges and universities and other minority-serving institutions.
- Sec. 307. General provisions.

TITLE IV—STUDENT ASSISTANCE

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

- Sec. 401. Federal Pell Grants.
- Sec. 402. Federal TRIO programs.

- Sec. 403. Gaining early awareness and readiness for undergraduate programs.
- Sec. 404. Special programs for students whose families are engaged in migrant and seasonal farmwork.
- Sec. 405. Child care access means parents in school.
- Sec. 406. Repeals.
- Sec. 407. Sunset of TEACH grants.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

- Sec. 421. Federal Direct Consolidation Loans.
- Sec. 422. Loan rehabilitation.
- Sec. 423. Loan forgiveness for teachers.
- Sec. 424. Loan forgiveness for service in areas of national need.
- Sec. 425. Loan repayment for civil legal assistance attorneys.
- Sec. 426. Sunset of cohort default rate and other conforming changes.
- Sec. 427. Additional disclosures.
- Sec. 428. Closed school and other discharges.

PART C—FEDERAL WORK-STUDY PROGRAMS

- Sec. 441. Purpose; authorization of appropriations.
- Sec. 442. Allocation formula.
- Sec. 443. Grants for Federal work-study programs.
- Sec. 444. Flexible use of funds.
- Sec. 445. Job location and development programs.
- Sec. 446. Community service.
- Sec. 447. Work colleges.
- Sec. 448. Institutional flexibility to award completion grants.

PART D—FEDERAL DIRECT STUDENT LOAN PROGRAM

- Sec. 451. Termination of Federal Direct Loan Program under part D and other conforming amendments.
- Sec. 452. Plain language disclosure form.
- Sec. 453. Administrative expenses.
- Sec. 454. Loan cancellation for teachers.

PART E—FEDERAL ONE LOANS

- Sec. 461. Wind-down of Federal Perkins Loan Program.
- Sec. 462. Federal ONE Loan program.

PART F—NEED ANALYSIS

- Sec. 471. Cost of attendance.
- Sec. 472. Simplified needs test.
- Sec. 473. Discretion of student financial aid administrators.
- Sec. 474. Definitions of total income and assets.

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

- Sec. 481. Definitions of academic year and eligible program.
- Sec. 482. Programmatic loan repayment rates.
- Sec. 483. Master calendar.
- Sec. 484. FAFSA Simplification.
- Sec. 485. Student eligibility.
- Sec. 486. Statute of limitations.
- Sec. 487. Institutional refunds.

- Sec. 488. Information disseminated to prospective and enrolled students.
- Sec. 489. Early awareness of financial aid eligibility.
- Sec. 490. Distance education demonstration programs.
- Sec. 491. Contents of program participation agreements.
- Sec. 492. Regulatory relief and improvement.
- Sec. 493. Transfer of allotments.
- Sec. 494. Administrative expenses.
- Sec. 494A. Repeal of advisory committee.
- Sec. 494B. Regional meetings and negotiated rulemaking.
- Sec. 494C. Deferral of loan repayment following active duty.
- Sec. 494D. Contracts; matching program.
- Sec. 494E. Commission on Institutional Responsibilities Concerning Federal Student Aid.
- Sec. 494F. State workforce incentive program.
- Sec. 494G. Unauthorized access to information technology systems and misuse of identification devices.

PART H—PROGRAM INTEGRITY

- Sec. 495. Repeal of and prohibition on State authorization regulations.
- Sec. 496. Recognition of accrediting agency or association.
- Sec. 497. Eligibility and certification procedures.

TITLE V—DEVELOPING INSTITUTIONS

- Sec. 501. Hispanic-serving institutions.
- Sec. 502. Promoting postbaccalaureate opportunities for Hispanic Americans.
- Sec. 503. General provisions.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

- Sec. 601. International and foreign language studies.
- Sec. 602. Business and international education programs.
- Sec. 603. Repeal of assistance program for Institute for International Public Policy.
- Sec. 604. General provisions.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

- Sec. 701. Graduate education programs.
- Sec. 702. Repeal of Fund for the Improvement of Postsecondary Education.
- Sec. 703. Programs for students with disabilities.
- Sec. 704. Repeal of college access challenge grant program.

TITLE VIII—OTHER REPEALS

- Sec. 801. Repeal of additional programs.

TITLE IX—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

- Sec. 901. Education of the Deaf Act of 1986.

PART B—TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES ASSISTANCE ACT OF 1978; DINE' COLLEGE ACT

- Sec. 911. Tribally Controlled Colleges and Universities Assistance Act of 1978.

Sec. 912. Dine' College Act.

PART C—GENERAL EDUCATION PROVISIONS ACT

Sec. 921. Release of education records to facilitate the award of a recognized postsecondary credential.

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-
5 sion, the reference shall be considered to be made to a
6 section or other provision of the Higher Education Act of
7 1965 (20 U.S.C. 1001 et seq.).

8 **SEC. 3. GENERAL EFFECTIVE DATE.**

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

13 **TITLE I—GENERAL PROVISIONS**

14 **PART A—DEFINITIONS**

15 **SEC. 101. DEFINITION OF INSTITUTION OF HIGHER EDU-**
16 **CATION.**

17 Part A of title I (20 U.S.C. 1001 et seq.) is amended
18 by striking section 101 (20 U.S.C. 1001) and inserting
19 the following:

20 **“SEC. 101. DEFINITION OF INSTITUTION OF HIGHER EDU-**
21 **CATION.**

22 “(a) INSTITUTION OF HIGHER EDUCATION.—For
23 purposes of this Act, the term ‘institution of higher edu-

1 cation' means an educational institution in any State
2 that—

3 “(1) admits as regular students only persons
4 who—

5 “(A) have a certificate of graduation from
6 a school providing secondary education, or the
7 recognized equivalent of such a certificate, or
8 who meet the requirements of section 484(d);

9 “(B) are beyond the age of compulsory
10 school attendance in the State in which the in-
11 stitution is located; or

12 “(C) will be dually or concurrently enrolled
13 in the institution and a secondary school;

14 “(2) is legally authorized by the State in which
15 it maintains a physical location to provide a program
16 of education beyond secondary education;

17 “(3)(A) is accredited by a nationally recognized
18 accrediting agency or association; or

19 “(B) if not so accredited, is an institution that
20 has been granted preaccreditation status by such an
21 agency or association that has been recognized by
22 the Secretary for the granting of preaccreditation
23 status, and the Secretary has determined that there
24 is satisfactory assurance that the institution will

1 meet the accreditation standards of such an agency
2 or association within a reasonable time; and

3 “(4) provides—

4 “(A) an educational program for which the
5 institution awards—

6 “(i) a bachelor’s degree; or

7 “(ii) a degree that is acceptable for
8 admission to a graduate or professional de-
9 gree program, subject to review and ap-
10 proval by the Secretary;

11 “(B) not less than a 2-year educational
12 program which is acceptable for full credit to-
13 wards a bachelor’s degree; or

14 “(C) a non-degree program leading to a
15 recognized educational credential that meets the
16 definition of an eligible program under section
17 481(b).

18 “(b) ADDITIONAL LIMITATIONS.—

19 “(1) PROPRIETARY INSTITUTIONS OF HIGHER
20 EDUCATION.—

21 “(A) LENGTH OF EXISTENCE.—A propri-
22 etary institution shall not be considered an in-
23 stitution of higher education unless such insti-
24 tution has been in existence for at least 2 years.

1 “(B) INSTITUTIONAL INELIGIBILITY FOR
2 MINORITY SERVING INSTITUTION PROGRAMS.—
3 A proprietary institution shall not be considered
4 an institution of higher education for the pur-
5 poses of any program under title III or V.

6 “(2) POSTSECONDARY VOCATIONAL INSTITU-
7 TIONS.—A nonprofit or public institution that offers
8 only non-degree programs described in subsection
9 (a)(4)(C) shall not be considered an institution of
10 higher education unless such institution has been in
11 existence for at least 2 years.

12 “(3) LIMITATIONS BASED ON MANAGEMENT.—
13 An institution shall not be considered an institution
14 of higher education if—

15 “(A) the institution, or an affiliate of the
16 institution that has the power, by contract or
17 ownership interest, to direct or cause the direc-
18 tion of the management or policies of the insti-
19 tution, has filed for bankruptcy; or

20 “(B) the institution, the institution’s
21 owner, or the institution’s chief executive officer
22 has been convicted of, or has pled nolo
23 contendere or guilty to, a crime involving the
24 acquisition, use, or expenditure of Federal
25 funds, or has been judicially determined to have

1 committed a crime involving the acquisition,
2 use, or expenditure involving Federal funds.

3 “(4) LIMITATION ON COURSE OF STUDY OR EN-
4 ROLLMENT.—An institution shall not be considered
5 an institution of higher education if such institu-
6 tion—

7 “(A) offers more than 50 percent of such
8 institution’s courses by correspondence edu-
9 cation, unless the institution is an institution
10 that meets the definition in section 3(3)(C) of
11 the Carl D. Perkins Career and Technical Edu-
12 cation Act of 2006;

13 “(B) enrolls 50 percent or more of the in-
14 stitution’s students in correspondence education
15 courses, unless the institution is an institution
16 that meets the definition in section 3(3)(C) of
17 such Act;

18 “(C) has a student enrollment in which
19 more than 25 percent of the students are incar-
20 cerated, except that the Secretary may waive
21 the limitation contained in this subparagraph
22 for an institution that provides a 2- or 4-year
23 program of instruction (or both) for which the
24 institution awards an associate’s degree or a

1 postsecondary certificate, or a bachelor's de-
2 gree, respectively; or

3 “(D) has a student enrollment in which
4 more than 50 percent of the students either do
5 not have a secondary school diploma or its rec-
6 ognized equivalent, or do not meet the require-
7 ments of section 484(d), and does not provide
8 a 2- or 4-year program of instruction (or both)
9 for which the institution awards an associate's
10 degree or a bachelor's degree, respectively, ex-
11 cept that the Secretary may waive the limita-
12 tion contained in this subparagraph if an insti-
13 tution demonstrates to the satisfaction of the
14 Secretary that the institution exceeds such limi-
15 tation because the institution serves, through
16 contracts with Federal, State, or local govern-
17 ment agencies, significant numbers of students
18 who do not have a secondary school diploma or
19 its recognized equivalent or do not meet the re-
20 quirements of section 484(d).

21 “(c) LIST OF ACCREDITING AGENCIES.—For pur-
22 poses of this section, the Secretary shall publish a list of
23 nationally recognized accrediting agencies or associations
24 that the Secretary determines, pursuant to subpart 2 of

1 part H of title IV, to be reliable authority as to the quality
2 of the education offered.

3 “(d) CERTIFICATION.—The Secretary shall certify,
4 for the purposes of participation in title IV, an institu-
5 tion’s qualification as an institution of higher education
6 in accordance with the requirements of subpart 3 of part
7 H of title IV.

8 “(e) LOSS OF ELIGIBILITY.—An institution of higher
9 education shall not be considered to meet the definition
10 of an institution of higher education for the purposes of
11 participation in title IV if such institution is removed from
12 eligibility for funds under title IV as a result of an action
13 pursuant to part H of title IV.

14 “(f) RULE OF CONSTRUCTION.—Nothing in sub-
15 section (a)(2) relating to State authorization shall be con-
16 strued to—

17 “(1) impede or preempt State laws, regulations,
18 or requirements on how States authorize out-of-state
19 institutions of higher education; or

20 “(2) limit, impede, or preclude a State’s ability
21 to collaborate or participate in a reciprocity agree-
22 ment to permit an institution within such State to
23 meet any other State’s authorization requirements
24 for out-of-state institutions.”.

1 **SEC. 102. INSTITUTIONS OUTSIDE THE UNITED STATES.**

2 Part A of title I (20 U.S.C. 1001 et seq.) is further
3 amended by striking section 102 (20 U.S.C. 1002) and
4 inserting the following:

5 **“SEC. 102. INSTITUTIONS OUTSIDE THE UNITED STATES.**

6 “(a) INSTITUTIONS OUTSIDE THE UNITED
7 STATES.—

8 “(1) IN GENERAL.—Only for purposes of part
9 D or E of title IV, the term ‘institution of higher
10 education’ includes an institution outside the United
11 States (referred to in this part as a ‘foreign institu-
12 tion’) that is comparable to an institution of higher
13 education as defined in section 101 and has been ap-
14 proved by the Secretary for purposes of part D or
15 E of title IV, consistent with the requirements of
16 section 452(d).

17 “(2) QUALIFICATIONS.—Only for the purposes
18 of students receiving aid under title IV, an institu-
19 tion of higher education may not qualify as a foreign
20 institution under paragraph (1), unless such institu-
21 tion—

22 “(A) is legally authorized to provide an
23 educational program beyond secondary edu-
24 cation by the education ministry (or comparable
25 agency) of the country in which the institution
26 is located;

1 “(B) is not located in a State;

2 “(C) except as provided with respect to
3 clinical training offered by the institution under
4 600.55(h)(1), section 600.56(b), or section
5 600.57(a)(2) of title 34, Code of Federal Regu-
6 lations (as in effect pursuant to subsection
7 (b))—

8 “(i) does not offer any portion of an
9 educational program in the United States
10 to students who are citizens of the United
11 States;

12 “(ii) has no written arrangements
13 with an institution or organization located
14 in the United States under which students
15 enrolling at the foreign institution would
16 take courses from an institution located in
17 the United States; and

18 “(iii) does not allow students to enroll
19 in any course offered by the foreign insti-
20 tution in the United States, including re-
21 search, work, internship, externship, or
22 special studies within the United States,
23 except that independent research done by
24 an individual student in the United States
25 for not more than one academic year is

1 permitted, if the research is conducted dur-
2 ing the dissertation phase of a doctoral
3 program under the guidance of faculty and
4 the research is performed at a facility in
5 the United States;

6 “(D) awards degrees, certificates, or other
7 recognized educational credentials in accordance
8 with section 600.54(e) of title 34, Code of Fed-
9 eral Regulations (as in effect pursuant to sub-
10 section (b)) that are officially recognized by the
11 country in which the institution is located; and

12 “(E) meets the applicable requirements of
13 subsection (b).

14 “(3) INSTITUTIONS WITH LOCATIONS IN AND
15 OUTSIDE THE UNITED STATES.—In a case of an in-
16 stitution of higher education consisting of two or
17 more locations offering all or part of an educational
18 program that are directly or indirectly under com-
19 mon ownership and that enrolls students both within
20 a State and outside the United States, and the num-
21 ber of students who would be eligible to receive
22 funds under title IV attending locations of such in-
23 stitution outside the United States, is at least twice
24 the number of students enrolled within a State—

1 “(A) the locations outside the United
2 States shall apply to participate as one or more
3 foreign institutions and shall meet the require-
4 ments of paragraph (1) of this definition, and
5 the other requirements of this part; and

6 “(B) the locations within a State shall be
7 treated as an institution of higher education
8 under section 101.

9 “(b) TREATMENT OF CERTAIN REGULATIONS.—

10 “(1) FORCE AND EFFECT.—

11 “(A) IN GENERAL.—The provisions of title
12 34, Code of Federal Regulations, referred to in
13 subparagraph (B), as such provisions were in
14 effect on the day before the date of the enact-
15 ment of the HOPE Act, shall have the force
16 and effect of enacted law until changed by such
17 law and are deemed to be incorporated in this
18 subsection as though set forth fully in this sub-
19 section.

20 “(B) APPLICABLE PROVISIONS.—The pro-
21 visions of title 34, Code of Federal Regulations,
22 referred to in this subparagraph are the fol-
23 lowing:

24 “(i) Subject to paragraph (2)(A), sec-
25 tion 600.41(e)(3).

1 “(ii) Subject to paragraph (2)(B), sec-
2 tion 600.52.

3 “(iii) Subject to paragraph (2)(C),
4 section 600.54.

5 “(iv) Subject to subparagraphs (D)
6 and (E) of paragraph (2), section 600.55,
7 except that paragraph (4) of subsection (f)
8 of such section shall have no force or ef-
9 fect.

10 “(v) Section 600.56.

11 “(vi) Subject to paragraph (2)(F),
12 section 600.57.

13 “(vii) Subject to subparagraphs (G)
14 and (H) of paragraph (2), section
15 668.23(h), except that clause (iii) of para-
16 graph (1) of such section shall have no
17 force or effect.

18 “(viii) Section 668.5.

19 “(C) APPLICATION TO FEDERAL ONE
20 LOANS.—With respect to the provisions of title
21 34, Code of Federal Regulations, referred to
22 subparagraph (B), as modified by paragraph
23 (2) any reference to a loan made under part D
24 of title IV shall also be treated as a reference
25 to a loan made under part E of title IV.

1 “(2) MODIFICATIONS.—The following shall
2 apply to the provisions of title 34, Code of Federal
3 Regulations, referred to in paragraph (1)(B):

4 “(A) Notwithstanding section 600.41(e)(3)
5 of title 34, Code of Federal Regulations (as in
6 effect pursuant to paragraph (1)), if the basis
7 for the loss of eligibility of a foreign graduate
8 medical school to participate in programs under
9 title IV is one or more annual aggregate pass
10 rates on the United States Medical Licensing
11 Examination between the thresholds of 70 per-
12 cent and 75 percent described in subparagraph
13 (D) the sole issue is whether the aggregate pass
14 rate for each of the two preceding calendar
15 years fell between those thresholds. If the basis
16 for the loss of eligibility of a foreign graduate
17 medical school to participate in programs under
18 title IV is an annual aggregate pass rate on the
19 United States Medical Licensing Examination
20 below the threshold of 70 percent required in
21 subparagraph (D) the sole issue is whether the
22 aggregate pass rate for the preceding calendar
23 year fell below that threshold. For purposes of
24 the preceding sentence, in the case of a foreign
25 graduate medical school that opted to have the

1 Educational Commission for Foreign Medical
2 Graduates calculate and provide the pass rates
3 directly to the Secretary for the preceding cal-
4 endar year as permitted under section
5 600.55(d)(2) of title 34, Code of Federal Regu-
6 lations (as in effect pursuant to paragraph (1)),
7 in lieu of the foreign graduate medical school
8 providing pass rate data to the Secretary under
9 section 600.55(d)(1)(iii) of title 34, Code of
10 Federal Regulations (as in effect pursuant to
11 paragraph (1)), the Educational Commission
12 for Foreign Medical Graduates' calculations of
13 the school's rates are conclusive; and the pre-
14 siding official has no authority to consider chal-
15 lenges to the computation of the rate or rates
16 by the Educational Commission for Foreign
17 Medical Graduates.

18 “(B) Notwithstanding section 600.52 of
19 title 34, Code of Federal Regulations (as in ef-
20 fect pursuant to paragraph (1)), in this Act, the
21 term ‘foreign institution’ means an institution
22 described in subsection (a).

23 “(C) Notwithstanding section 600.54(e) of
24 title 34, Code of Federal Regulations (as in ef-
25 fect pursuant to paragraph (1)), to be eligible

1 to participate in programs under title IV, for-
2 eign institution may not enter into a written ar-
3 rangement under which an institution or orga-
4 nizations that is not eligible to participate in
5 programs under title IV provides more than 25
6 percent of the program of study for one or more
7 of the eligible foreign institution's programs.

8 “(D) Notwithstanding section
9 600.55(f)(1)(ii) of title 34, Code of Federal
10 Regulations (as in effect pursuant to paragraph
11 (1)), for a foreign graduate medical school out-
12 side of Canada, for Step 1, Step 2–CS, and
13 Step 2–CK, or the successor examinations, of
14 the United States Medical Licensing Examina-
15 tion administered by the Educational Commis-
16 sion for Foreign Medical Graduate, at least 75
17 percent of the school's students and graduates
18 who receive or have received title IV funds in
19 order to attend that school, and who completed
20 the final of these three steps of the examination
21 in the year preceding the year for which any of
22 the school's students seeks a loan under title IV
23 shall have received an aggregate passing score
24 on the exams of Step 1, Step 2–CS, and Step
25 2–CK, combined; or except as provided in sec-

1 tion 600.55(f)(2) of title 34, Code of Federal
2 Regulations (as in effect pursuant to paragraph
3 (1)), for no more than two consecutive years, at
4 least 70 percent of the individuals who were
5 students or graduates of the graduate medical
6 school outside the United States or Canada
7 (who receive or have received title IV funds in
8 order to attend that school) taking the United
9 States Medical Licensing Examination exams in
10 the year preceding the year for which any of the
11 school's students seeks a loan under title IV
12 shall have received an aggregate passing score
13 on the exams of Step 1, Step 2–CS, and Step
14 2–CK, combined.

15 “(E) Notwithstanding 600.55(h)(2) of title
16 34, Code of Federal Regulations (as in effect
17 pursuant to paragraph (1)), not more than 25
18 percent of the graduate medical educational
19 program offered to United States students,
20 other than the clinical training portion of the
21 program, may be located outside of the country
22 in which the main campus of the foreign grad-
23 uate medical school is located.

24 “(F) Notwithstanding section 600.57(a)(5)
25 of title 34, Code of Federal Regulations (as in

1 effect pursuant to paragraph (1)), a nursing
2 school shall reimburse the Secretary for the
3 cost of any loan defaults for current and former
4 students during the previous fiscal year.

5 “(G) Notwithstanding section
6 668.23(h)(1)(ii), of title 34, Code of Federal
7 Regulations (as in effect pursuant to paragraph
8 (1)), a foreign institution that received
9 \$500,000 or more in funds under title IV dur-
10 ing its most recently completed fiscal year shall
11 submit, in English, for each most recently com-
12 pleted fiscal year in which it received such
13 funds, audited financial statements prepared in
14 accordance with generally accepted accounting
15 principles of the institution’s home country pro-
16 vided that such accounting principles are com-
17 parable to the International Financial Report-
18 ing Standards.

19 “(H) Notwithstanding section
20 668.23(h)(1)(ii), of title 34, Code of Federal
21 Regulations (as in effect pursuant to paragraph
22 (1)), only in a case in which the accounting
23 principles of an institution’s home country are
24 not comparable to International Financial Re-
25 porting Standards shall the institution be re-

1 required to submit corresponding audited finan-
2 cial statements that meet the requirements of
3 section 668.23(d) of title 34, Code of Federal
4 Regulations (as in effect pursuant to paragraph
5 (1)).

6 “(c) SPECIAL RULES.—

7 “(1) IN GENERAL.—A foreign graduate medical
8 school at which student test passage rates are be-
9 tween the aggregate pass rates of 70 percent and 75
10 percent set forth in subsection (b)(2)(D) for each of
11 the two most recent calendar years for which data
12 are available shall not be eligible to participate in
13 programs under part D or E of title IV in the fiscal
14 year subsequent to that consecutive two year period
15 and such institution shall regain eligibility to partici-
16 pate in programs under such part only after dem-
17 onstrating compliance with requirements under sec-
18 tion 600.55 of title 34, Code of Federal Regulations
19 (as in effect pursuant to subsection (b)) for one full
20 calendar year subsequent to the fiscal year the insti-
21 tution became ineligible unless, within 30 days of re-
22 ceiving notification from the Secretary of the loss of
23 eligibility under this paragraph, the institution ap-
24 peals the loss of its eligibility to the Secretary. The
25 Secretary shall issue a decision on any such appeal

1 within 45 days after its submission. Such decision
2 may permit the institution to continue to participate
3 in programs under part D or E of title IV, if—

4 “(A) the institution demonstrates to the
5 satisfaction of the Secretary that the test pas-
6 sage rates on which the Secretary has relied are
7 not accurate, and that the recalculation of such
8 rates would result in rates that exceed the re-
9 quired minimum for any of these two calendar
10 years; or

11 “(B) there are, in the judgement of the
12 Secretary, mitigating circumstances that would
13 make the application of this paragraph inequi-
14 table.

15 “(2) STUDENT ELIGIBILITY.—If, pursuant to
16 this subsection, a foreign graduate medical school
17 loses eligibility to participate in the programs under
18 part D or E of title IV, then a student at such insti-
19 tution may, notwithstanding such loss of eligibility,
20 continue to be eligible to receive a loan under such
21 part while attending such institution for the aca-
22 demic year succeeding the academic year in which
23 such loss of eligibility occurred.

24 “(3) TREATMENT OF CLINICAL TRAINING PRO-
25 GRAMS.—

1 “(A) IN GENERAL.—Clinical training pro-
2 grams operated by a foreign graduate medical
3 school with an accredited hospital or clinic in
4 the United States or at an institution in Can-
5 ada accredited by the Liaison Committee on
6 Medical Education shall be deemed to be ap-
7 proved and shall not require the prior approval
8 of the Secretary.

9 “(B) ON-SITE EVALUATIONS.—Any part of
10 a clinical training program operated by a for-
11 eign graduate medical school located in a for-
12 eign country other than the country in which
13 the main campus is located, in the United
14 States, or at an institution in Canada accred-
15 ited by the Liaison Committee on Medical Edu-
16 cation, shall not require an on-site evaluation or
17 specific approval by the institution’s medical ac-
18 crediting agency if the location is a teaching
19 hospital accredited by and located within a for-
20 eign country approved by the National Com-
21 mittee on Foreign Medical Education and Ac-
22 creditation.

23 “(d) FAILURE TO RELEASE INFORMATION.—An in-
24 stitution outside the United States that does not provide
25 to the Secretary such information as may be required by

1 this section shall be ineligible to participate in the loan
2 program under part D or E of title IV.

3 “(e) ONLINE EDUCATION.—Notwithstanding section
4 481(b)(2), an eligible program described in section 600.54
5 of title 34, Code of Federal Regulations (as in effect pur-
6 suant to subsection (b)) may not offer more than 50 per-
7 cent of courses through telecommunications.”.

8 **SEC. 103. ADDITIONAL DEFINITIONS.**

9 (a) DIPLOMA MILL.—Section 103(5)(B) (20 U.S.C.
10 1003(5)(B)) is amended by striking “section 102” and in-
11 serting “section 101 or 102”.

12 (b) CORRESPONDENCE EDUCATION.—Section 103(7)
13 (20 U.S.C. 1003(7)) is amended to read as follows:

14 “(7) CORRESPONDENCE EDUCATION.—The
15 term ‘correspondence education’ means education
16 that is provided by an institution of higher education
17 under which—

18 “(A) the institution provides instructional
19 materials (including examinations on the mate-
20 rials) by mail or electronic transmission to stu-
21 dents who are separated from the instructor;
22 and

23 “(B) interaction between the institution
24 and the student is limited and the academic in-
25 struction by faculty is not regular and sub-

1 stantive, as assessed by the institution’s accred-
2 iting agency or association under section 496.”.

3 (c) EARLY CHILDHOOD EDUCATION PROGRAM.—

4 Section 103(8) (20 U.S.C. 1003(8)) is amended to read
5 as follows:

6 “(8) EARLY CHILDHOOD EDUCATION PRO-
7 GRAM.—The term ‘early childhood education pro-
8 gram’ means a program—

9 “(A) that serves children of a range of
10 ages from birth through age five that addresses
11 the children’s cognitive (including language,
12 early literacy, and early mathematics), social,
13 emotional, and physical development; and

14 “(B) that is—

15 “(i) a Head Start program or an
16 Early Head Start program carried out
17 under the Head Start Act (42 U.S.C. 9831
18 et seq.), including a migrant or seasonal
19 Head Start program, an Indian Head
20 Start program, or a Head Start program
21 or an Early Head Start program that also
22 receives State funding;

23 “(ii) a State licensed or regulated
24 child care program;

1 “(iii) a State-funded prekindergarten
2 or child care program;

3 “(iv) a program authorized under sec-
4 tion 619 of the Individuals with Disabil-
5 ities Education Act or part C of such Act;
6 or

7 “(v) a program operated by a local
8 educational agency.”.

9 (d) NONPROFIT.—Section 103(13) (20 U.S.C.
10 1003(13)) is amended to read as follows:

11 “(13) NONPROFIT.—

12 “(A) The term ‘nonprofit’, when used with
13 respect to a school, agency, organization, or in-
14 stitution means a school, agency, organization,
15 or institution owned and operated by one or
16 more nonprofit corporations or associations, no
17 part of the net earnings of which inures, or may
18 lawfully inure, to the benefit of any private
19 shareholder or individual.

20 “(B) The term ‘nonprofit’, when used with
21 respect to foreign institution means—

22 “(i) an institution that is owned and
23 operated only by one or more nonprofit
24 corporations or associations; and

1 “(ii)(I) if a recognized tax authority
2 of the institution’s home country is recog-
3 nized by the Secretary for purposes of
4 making determinations of an institution’s
5 nonprofit status for purposes of title IV,
6 the institution is determined by that tax
7 authority to be a nonprofit educational in-
8 stitution; or

9 “(II) if no recognized tax authority of
10 the institution’s home country is recog-
11 nized by the Secretary for purposes of
12 making determinations of an institution’s
13 nonprofit status for purposes of title IV,
14 the foreign institution demonstrates to the
15 satisfaction of the Secretary that it is a
16 nonprofit educational institution.”.

17 (e) COMPETENCY-BASED EDUCATION; COMPETENCY-
18 BASED EDUCATION PROGRAM.—Section 103 (20 U.S.C.
19 1003) is amended by adding at the end the following:

20 “(25) COMPETENCY-BASED EDUCATION; COM-
21 PETENCY-BASED EDUCATION PROGRAM.—

22 “(A) COMPETENCY-BASED EDUCATION.—
23 Except as otherwise provided, the term ‘com-
24 petency-based education’ means education
25 that—

1 “(i) measures academic progress and
2 attainment—

3 “(I) by direct assessment of a
4 student’s level of mastery of com-
5 petencies;

6 “(II) by expressing a student’s
7 level of mastery of competencies in
8 terms of equivalent credit or clock
9 hours; or

10 “(III) by a combination of the
11 methods described in subclauses (I) or
12 (II) and credit or clock hours; and

13 “(ii) provides the educational content,
14 activities, and resources, including sub-
15 stantive instructional interaction, including
16 by faculty, and regular support by the in-
17 stitution, necessary to enable students to
18 learn or develop what is required to dem-
19 onstrate and attain mastery of such com-
20 petencies, as assessed by the accrediting
21 agency or association of the institution of
22 higher education.

23 “(B) COMPETENCY-BASED EDUCATION
24 PROGRAM.—Except as otherwise provided, the
25 term ‘competency-based education program’

1 means a postsecondary program offered by an
2 institution of higher education that—

3 “(i) provides competency-based edu-
4 cation, which upon a student’s demonstra-
5 tion or mastery of a set of competencies
6 identified and required by the institution,
7 leads to or results in the award of a certifi-
8 cate, degree, or other recognized edu-
9 cational credential;

10 “(ii) ensures title IV funds may be
11 used only for learning that results from in-
12 struction provided, or overseen, by the in-
13 stitution, not for the portion of the pro-
14 gram of which the student has dem-
15 onstrated mastery prior to enrollment in
16 the program or tests of learning that are
17 not associated with educational activities
18 overseen by the institution; and

19 “(iii) is organized in such a manner
20 that an institution can determine, based on
21 the method of measurement selected by the
22 institution under subparagraph (A)(i),
23 what constitutes a full-time, three-quarter
24 time, half-time, and less than half-time
25 workload for the purposes of awarding and

1 administering assistance under title IV of
2 this Act, or assistance provided under an-
3 other provision of Federal law to attend an
4 institution of higher education.

5 “(C) COMPETENCY DEFINED.—In this
6 paragraph, the term ‘competency’ means the
7 knowledge, skill, or ability demonstrated by a
8 student in a subject area.”.

9 (f) PAY FOR SUCCESS INITIATIVE.—Section 103 (20
10 U.S.C. 1003) is amended by adding at the end the fol-
11 lowing:

12 “(26) PAY FOR SUCCESS INITIATIVE.—The
13 term ‘pay for success initiative’ has the meaning
14 given the term in section 8101 of the Elementary
15 and Secondary Education Act of 1965 (20 U.S.C.
16 7801).”.

17 (g) EVIDENCE-BASED.—Section 103 (20 U.S.C.
18 1003) is amended by adding at the end the following:

19 “(27) EVIDENCE-BASED.—The term ‘evidence-
20 based’ has the meaning given the term in section
21 8101(21)(A) of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7801(21)(A)), except
23 that such term shall also apply to institutions of
24 higher education.”.

1 **SEC. 104. REGULATORY ACTION.**

2 The Secretary of Education shall not carry out, de-
3 velop, refine, promulgate, publish, implement, administer,
4 or enforce a postsecondary institution ratings system or
5 any other performance system to rate institutions of high-
6 er education (as defined in section 101 or 102 of the High-
7 er Education Act of 1965 (20 U.S.C. 1001; 1002)).

8 **PART B—ADDITIONAL GENERAL PROVISIONS**

9 **SEC. 111. FREE SPEECH PROTECTIONS.**

10 Part B of title I (20 U.S.C. 1011 et seq.) is amended
11 by redesignating section 112 as section 112A and section
12 112A, as so redesignated, is amended—

13 (1) in subsection (a)—

14 (A) by redesignating paragraph (2) as
15 paragraph (4); and

16 (B) by inserting after paragraph (1) the
17 following:

18 “(2) It is the sense of Congress that—

19 “(A) every individual should be free to profess,
20 and to maintain, the opinion of such individual in
21 matters of religion, and that professing or maintain-
22 ing such opinion should in no way diminish, enlarge,
23 or affect the civil liberties or rights of such indi-
24 vidual on the campus of an institution of higher edu-
25 cation; and

1 “(B) no public institution of higher education
2 directly or indirectly receiving financial assistance
3 under this Act should limit religious expression, free
4 expression, or any other rights provided under the
5 First Amendment.

6 “(3) It is the sense of Congress that—

7 “(A) free speech zones and restrictive speech
8 codes are inherently at odds with the freedom of
9 speech guaranteed by the First Amendment of the
10 Constitution; and

11 “(B) no public institution of higher education
12 directly or indirectly receiving financial assistance
13 under this Act should restrict the speech of such in-
14 stitution’s students through such zones or codes.”;

15 (2) by redesignating subsections (b) and (c) as
16 subsections (c) and (d), respectively;

17 (3) by inserting after subsection (a), the fol-
18 lowing:

19 “(b) DISCLOSURE OF FREE SPEECH POLICIES.—No
20 institution of higher education shall be eligible to receive
21 funds under this Act, including participation in any pro-
22 gram under title IV, unless the institution certifies to the
23 Secretary that the institution has annually disclosed to
24 current and prospective students any policies held by the
25 institutions related to protected speech on campus, includ-

1 ing policies limiting where and when such speech may
2 occur, and the right to submit a complaint to the Sec-
3 retary if the institution is not in compliance with any pol-
4 icy disclosed under this subsection or is enforcing a policy
5 related to protected speech that has not been disclosed by
6 the institution under this subsection.”; and

7 (4) in subsection (d), as redesignated by para-
8 graph (2)—

9 (A) in paragraph (2), by inserting “(in-
10 cluding such joining, assembling, and residing
11 for religious purposes)” after “Constitution”;
12 and

13 (B) in paragraph (3), by inserting “(in-
14 cluding speech relating to religion)” after “Con-
15 stitution”.

16 **SEC. 112. SENSE OF CONGRESS ON INCLUSION AND RE-**
17 **SPECT.**

18 Part B of title I (20 U.S.C. 1011 et seq.) is further
19 amended by inserting after section 112A (as redesignated
20 by section 111) the following:

21 **“SEC. 112B. SENSE OF CONGRESS ON INCLUSION AND RE-**
22 **SPECT.**

23 “It is the sense of Congress that—

24 “(1) harassment and violence targeted at stu-
25 dents because of their race, color, religion, sex, or

1 national origin as listed in section 703 of the Civil
2 Rights Act of 1964 (42 U.S.C. 2000e–2) should be
3 condemned;

4 “(2) institutions of higher education and law-
5 enforcement personnel should be commended for
6 their efforts to combat violence, extremism, and rac-
7 ism, and to protect all members of the community
8 from harm; and

9 “(3) Congress is committed to supporting insti-
10 tutions of higher education in creating safe, inclu-
11 sive, and respectful learning environments that fully
12 respect community members from all backgrounds.”.

13 **SEC. 113. NATIONAL ADVISORY COMMITTEE ON INSTITU-**
14 **TIONAL QUALITY AND INTEGRITY.**

15 Section 114 (20 U.S.C. 1011c) is amended—

16 (1) by striking “section 102” each place it ap-
17 pears and inserting “section 101”;

18 (2) in subsection (b)—

19 (A) in paragraph (3), by striking “Except
20 as provided in paragraph (5), the term” and in-
21 sserting “The term”;

22 (B) by striking paragraph (5) and insert-
23 ing the following:

24 “(5) **SECRETARIAL APPOINTEES.**—The Sec-
25 retary may remove any member who was appointed

1 under paragraph (1)(A) by a predecessor of the Sec-
2 retary and may fill the vacancy created by such re-
3 moval in accordance with paragraphs (3) and (4).”.

4 (3) in subsection (c)—

5 (A) in paragraph (2), by adding “and” at
6 the end;

7 (B) in paragraph (3), by striking the semi-
8 colon at the end and inserting a period; and

9 (C) by striking paragraphs (4) through
10 (6);

11 (4) in subsection (e)(2)(D) by striking “, in-
12 cluding any additional functions established by the
13 Secretary through regulation”; and

14 (5) in subsection (f), by striking “September
15 30, 2017” and inserting “September 30, 2024”.

16 **SEC. 114. DISCLOSURES OF FOREIGN GIFTS.**

17 Section 117 (20 U.S.C. 1011f) is amended—

18 (1) by amending subsection (a) to read as fol-
19 lows:

20 “(a) DISCLOSURE REPORT.—An institution shall file
21 a disclosure report with the Secretary on January 31 or
22 July 31, whichever is sooner, after the occurrence of any
23 of the following:

24 “(1) The institution is owned or controlled by
25 a foreign source.

1 “(2) The institution receives a gift from or en-
2 ters into a contract with a foreign source the value
3 of which is \$50,000 or more considered alone.

4 “(3) The institution receives gifts from or en-
5 ters into contracts with a foreign source the total
6 value of which is \$100,000 or more considered in
7 combination with all other gifts from or contracts
8 with that foreign source within a calendar year.”;

9 (2) in subsection (e), by adding at the end the
10 following: “The disclosure reports shall be made
11 available online in a searchable electronic format.”;

12 (3) in subsection (g), by striking “may” and in-
13 serting “shall”;

14 (4) by redesignating subsection (h) as sub-
15 section (i);

16 (5) by inserting after subsection (g) the fol-
17 lowing:

18 “(h) SPECIAL RULE FOR IN-KIND GIFTS.—For pur-
19 poses of this section, the value of an in-kind gift shall be
20 equal to the fair market value of the gift, as determined
21 by the Secretary.”; and

22 (6) in paragraph (3) of subsection (i), as so re-
23 designated, by adding “or an in-kind gift” after
24 “property”.

1 **SEC. 115. PROGRAMS ON DRUG AND ALCOHOL ABUSE PRE-**
2 **VENTION.**

3 Section 118 is amended to read as follows:

4 **“SEC. 118. OPIOID MISUSE AND SUBSTANCE ABUSE PRE-**
5 **VENTION PROGRAM.**

6 “(a) **REQUIRED PROGRAMS.**—Each institution of
7 higher education participating in any program under this
8 Act shall adopt and implement an evidence-based program
9 to prevent substance abuse by students and employees
10 that, at a minimum, includes the annual distribution to
11 each student and employee of—

12 “(1) institutional standards of conduct and
13 sanctions that clearly prohibit and address the un-
14 lawful possession, use, or distribution of illicit drugs
15 and alcohol by students and employees; and

16 “(2) the description of any drug or alcohol
17 counseling, treatment, rehabilitation, or re-entry pro-
18 grams that are available to students or employees,
19 including information on opioid abuse prevention,
20 harm reduction, and recovery.

21 “(b) **INFORMATION AVAILABILITY.**—Each institution
22 of higher education described in subsection (a) shall, upon
23 request, make available to the Secretary and to the public
24 a copy of the institutional standards described under sub-
25 section (a)(1) and information regarding any programs
26 described in subsection (a)(2).

1 “(c) BEST PRACTICES.—The Secretary, in consulta-
2 tion with the Secretary of Health and Human Services
3 and outside experts in the field of substance use preven-
4 tion and recovery support, shall—

5 “(1) share best practices for institutions of
6 higher education to—

7 “(A) address and prevent substance use;
8 and

9 “(B) support students in substance use re-
10 covery; and

11 “(2) if requested by an institution of higher
12 education, provide technical assistance to such insti-
13 tution to implement a practice under paragraph
14 (1).”.

15 **SEC. 116. REPEAL OF COLLEGIATE INITIATIVE TO REDUCE**
16 **BINGE DRINKING AND ILLEGAL ALCOHOL**
17 **CONSUMPTION.**

18 (a) REPEAL.—Section 119 (20 U.S.C. 1011h) is re-
19 pealed.

20 (b) CONFORMING AMENDMENTS.—

21 (1) Sections 120, 121, 122, and 123 are redес-
22 igned as sections 119, 120, 121, and 122, respec-
23 tively.

1 (2) Section 485(f)(1)(H) (20 U.S.C.
2 1092(f)(1)(H)) is amended by striking “section
3 120” and inserting “section 119”.

4 **SEC. 117. CAMPUS ACCESS FOR RELIGIOUS GROUPS.**

5 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
6 ed by sections 111 through 116 of this part) is amended
7 by adding at the end the following:

8 **“SEC. 123. CAMPUS ACCESS FOR RELIGIOUS GROUPS.**

9 “None of the funds made available under this Act
10 may be provided to any public institution of higher edu-
11 cation that denies to a religious student organization any
12 right, benefit, or privilege that is generally afforded to
13 other student organizations at the institution (including
14 full access to the facilities of the institution and official
15 recognition of the organization by the institution) because
16 of the religious beliefs, practices, speech, leadership and
17 membership standards, or standards of conduct of the reli-
18 gious student organization.”.

19 **SEC. 118. SECRETARIAL PROHIBITIONS.**

20 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
21 ed by sections 111 through 117 of this part) is amended
22 by adding at the end the following:

23 **“SEC. 124. SECRETARIAL PROHIBITIONS.**

24 “(a) IN GENERAL.—Nothing in this Act shall be con-
25 strued to authorize or permit the Secretary to promulgate

1 any rule or regulation that exceeds the scope of the explicit
2 authority granted to the Secretary under this Act.

3 “(b) DEFINITIONS.—The Secretary shall not define
4 any term that is used in this Act in a manner that is in-
5 consistent with the scope of this Act, including through
6 regulation or guidance.

7 “(c) REQUIREMENTS.—The Secretary shall not im-
8 pose, on an institution or State as a condition of partici-
9 tion in any program under this Act, any requirement that
10 exceeds the scope of the requirements explicitly set forth
11 in this Act for such program.”.

12 **SEC. 119. ENSURING EQUAL TREATMENT BY GOVERN-**
13 **MENTAL ENTITIES.**

14 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
15 ed by sections 111 through 118 of this part) is further
16 amended by adding at the end the following:

17 **“SEC. 125. ENSURING EQUAL TREATMENT BY GOVERN-**
18 **MENTAL ENTITIES.**

19 “(a) IN GENERAL.—Notwithstanding any other pro-
20 vision of law, no government entity shall take any adverse
21 action against an institution of higher education that re-
22 ceives funding under title IV, if such adverse action—

23 “(1)(A) is being taken by a government entity
24 that—

1 “(i) is a department, agency, or instrumen-
2 tality of the Federal Government; or

3 “(ii) receives Federal funds; or

4 “(B) would affect commerce with foreign na-
5 tions, among the several States, or with Indian
6 Tribes; and

7 “(2) has the effect of prohibiting or penalizing
8 the institution for acts or omissions by the institu-
9 tion that are in furtherance of its religious mission
10 or are related to the religious affiliation of the insti-
11 tution.

12 “(b) ASSERTION BY INSTITUTION.—An actual or
13 threatened violation of subsection (a) may be asserted by
14 an institution of higher education that receives funding
15 under title IV as a claim or defense in a proceeding before
16 any court. The court shall grant any appropriate equitable
17 relief, including injunctive or declaratory relief.

18 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to alter or amend—

20 “(1) title VI of the Civil Rights Act of 1964 (42
21 U.S.C. 2000d et seq.);

22 “(2) section 182 of the Elementary and Sec-
23 ondary Education Amendments Act of 1966 (42
24 U.S.C. 2000d–5); or

1 “(3) section 2 of the Elementary and Secondary
2 Education Amendments Act of 1969 (42 U.S.C.
3 2000d–6)

4 “(d) DEFINITIONS.—In this section:

5 “(1) ADVERSE ACTION.—The term ‘adverse ac-
6 tion’ includes, with respect to an institution of high-
7 er education or the past, current, or prospective stu-
8 dents of such institution—

9 “(A) the denial or threat of denial of fund-
10 ing, including grants, scholarships, or loans;

11 “(B) the denial or threat of denial of ac-
12 cess to facilities or programs;

13 “(C) the withholding or threat of with-
14 holding of any licenses, permits, certifications,
15 accreditations, contracts, cooperative agree-
16 ments, grants, guarantees, tax-exempt status,
17 or exemptions; or

18 “(D) any other penalty or denial, or threat
19 of such other penalty or denial, of an otherwise
20 available benefit.

21 “(2) GOVERNMENT ENTITY.—The term ‘gov-
22 ernment entity’ means—

23 “(A) any department, agency, or instru-
24 mentality of the Federal Government;

1 “(B) a State or political subdivision of a
2 State, or any agency or instrumentality thereof;
3 and

4 “(C) any interstate or other inter-govern-
5 mental entity.

6 “(3) INSTITUTION OF HIGHER EDUCATION.—
7 The term ‘institution of higher education’ has the
8 meaning given the term in section 101 or 102.

9 “(4) RELIGIOUS MISSION.—The term ‘religious
10 mission’ includes an institution of higher education’s
11 religious tenets, beliefs, or teachings, and any poli-
12 cies or decisions related to such tenets, beliefs, or
13 teachings (including any policies or decisions con-
14 cerning housing, employment, curriculum, self-gov-
15 ernance, or student admission, continuing enroll-
16 ment, or graduation).”.

17 **SEC. 120. FREEDOM OF ASSOCIATION PROTECTIONS.**

18 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
19 ed by sections 111 through 119 of this part) is further
20 amended by adding at the end the following:

21 **“SEC. 126. FREEDOM OF ASSOCIATION PROTECTIONS.**

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

1 “(1) take any action to require or coerce a stu-
2 dent or prospective student who is a member or pro-
3 spective member of a single-sex social organization
4 to waive the protections against adverse actions
5 under this section, including as a condition of enroll-
6 ing in the institution; or

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

12 “(b) RULES OF CONSTRUCTION.—Nothing in this
13 section shall—

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

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

1 “(3) inhibit the ability of the faculty of an insti-
2 tution of higher education to express an opinion (ei-
3 ther individually or collectively) about membership in
4 a single-sex social organization, or otherwise inhibit
5 the academic freedom of such faculty to research,
6 write, or publish material about membership in such
7 an organization.

8 “(c) DEFINITIONS.—In this section:

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

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

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

22 “(C) An action to deny participation in
23 any education program or activity;

24 “(D) An action to withhold, in whole or in
25 part, any financial assistance (including schol-

1 arships and on campus employment), or deny-
2 ing the opportunity to apply for financial assist-
3 ance, a scholarship, a graduate fellowship, or
4 on-campus employment;

5 “(E) An action to deny or restrict access
6 to on-campus housing;

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

14 “(G) An action to deny participation in
15 any sports team, club, or other student organi-
16 zation, including a denial of any leadership po-
17 sition in any sports team, club, or other student
18 organization; or

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

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

1 fraternity or sorority described in section 501(e) of
2 the Internal Revenue Code of 1986 which is exempt
3 from taxation under section 501(a) of such Code, or
4 an organization that has been historically single-sex,
5 the active membership of which consists primarily of
6 students or alumni of an institution of higher edu-
7 cation.”.

8 **SEC. 120A. DEPARTMENT STAFF.**

9 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
10 ed by sections 111 through 120 of this part) is further
11 amended by adding at the end the following:

12 **“SEC. 127. DEPARTMENT STAFF.**

13 “The Secretary shall—

14 “(1) not later than 60 days after the date of
15 enactment of the HOPE Act, identify the number of
16 Department full-time equivalent employees who
17 worked on or administered each education program
18 or project authorized under this Act, as such pro-
19 gram or project was in effect on the day before such
20 date, and publish such information on the Depart-
21 ment’s website;

22 “(2) not later than 60 days after such date,
23 identify the number of full-time equivalent employees
24 who worked on or administered each program or
25 project authorized under this Act, as such program

1 or project was in effect on the day before such date,
2 that has been eliminated or consolidated since such
3 date;

4 “(3) not later than 1 year after such date, re-
5 duce the workforce of the Department by the num-
6 ber of full-time equivalent employees the Depart-
7 ment identified under paragraph (2); and

8 “(4) not later than 1 year after such date, re-
9 port to the Congress on—

10 “(A) the number of full-time equivalent
11 employees associated with each program or
12 project authorized under this Act and adminis-
13 tered by the Department;

14 “(B) the number of full-time equivalent
15 employees who were determined to be associated
16 with eliminated or consolidated programs or
17 projects described in paragraph (2);

18 “(C) how the Secretary has reduced the
19 number of full-time equivalent employees as de-
20 scribed in paragraph (3);

21 “(D) the average salary of the full-time
22 equivalent employees described in subparagraph
23 (B) whose positions were eliminated; and

24 “(E) the average salary of the full-time
25 equivalent employees who work on or admin-

1 ister a program or project authorized by the
2 Department under this Act, disaggregated by
3 employee function within each such program or
4 project.”.

5 **SEC. 120B. DEPARTMENT OF HOMELAND SECURITY RE-**
6 **CRUITING ON CAMPUS.**

7 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
8 ed by sections 111 through 120A of this part) is further
9 amended by adding at the end the following:

10 **“SEC. 128. DEPARTMENT OF HOMELAND SECURITY RE-**
11 **CRUITING ON CAMPUS.**

12 “None of the funds made available under this Act
13 may be provided to any institution of higher education
14 that has in effect a policy or practice that either prohibits,
15 or in effect prevents, the Secretary of Homeland Security
16 from gaining access to campuses or access to students
17 (who are 17 years of age or older) on campuses, for pur-
18 poses of Department of Homeland Security recruiting in
19 a manner that is at least equal in quality and scope to
20 the access to campuses and to students that is provided
21 to any other employer.”.

1 **SEC. 120C. NATIONAL SECURITY TECHNOLOGY TASK**
2 **FORCE.**

3 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
4 ed by sections 111 through 120B of this part) is further
5 amended by adding at the end the following:

6 **“SEC. 129. NATIONAL SECURITY TECHNOLOGY TASK**
7 **FORCE.**

8 “(a) FINDINGS.—Congress finds the following:

9 “(1) Adversaries of the United States take ad-
10 vantage of a largely vulnerable academic system.
11 Academia is a place of uniquely free thought; how-
12 ever, adversaries take advantage of access to feder-
13 ally funded sensitive research that takes place on the
14 campuses of institutions of higher education.

15 “(2) As stated in a 2018 report by the White
16 House Office of Trade and Manufacturing Policy,
17 ‘More than 300,000 Chinese nationals annually at-
18 tend U.S. universities or find employment at U.S.
19 national laboratories, innovation centers, incubators,
20 and think tanks. Chinese nationals now account for
21 approximately one third of foreign university and
22 college students in the United States and about 25
23 percent of graduate students specializing in science,
24 technology, engineering, or math (STEM).’.

25 “(3) International students from nations that
26 are adversarial to the United States could face

1 undue pressure or incentives to divulge technology to
2 their home nation or to use sensitive information to
3 negatively impact the United States. According to
4 the same 2018 White House Report, ‘The national
5 and economic security risks are that the Chinese
6 State may seek to manipulate or pressure even un-
7 witting or unwilling Chinese nationals into becoming
8 non-traditional information collectors that serve Bei-
9 jing’s military and strategic ambitions.’

10 “(4) Technology and information that could be
11 deemed sensitive to the national security interests of
12 the United States should be given increased scrutiny
13 to determine if access should be restricted in a re-
14 search environment.

15 “(5) An open federally funded research environ-
16 ment exposes the United States to the possibility of
17 exchanging research affiliated with current or future
18 critical military technological systems.

19 “(6) In Federal Bureau of Investigation (FBI)
20 Director Wray’s view, Chinese non-traditional intel-
21 ligence collectors ‘are exploiting the very open re-
22 search and development environment that we have,
23 which we all revere. But they’re taking advantage of
24 it, so one of the things we’re trying to do is view
25 the China threat as not just the whole-of-govern-

1 ment threat, but a whole-of-society threat on their
2 end, and I think it’s going to take a whole-of-society
3 response by us.’.

4 “(7) As stated in the January 2018 China’s
5 Technology Transfer Strategy report by the Defense
6 Innovation Unit, ‘Academia is an opportune environ-
7 ment for learning about science and technology since
8 the cultural values of U.S. educational institutions
9 reflect an open and free exchange of ideas. As a re-
10 sult, Chinese science and engineering students fre-
11 quently master technologies that later become crit-
12 ical to key military systems, amounting over time to
13 unintentional violations of U.S. export control laws.’.

14 “(b) TASK FORCE.—

15 “(1) TASK FORCE ESTABLISHED.—Not later
16 than one year after the date of enactment of the
17 HOPE Act, the Secretary of Education, in consulta-
18 tion with the Secretary of Defense and the Director
19 of National Intelligence, shall establish the National
20 Security Technology Task Force (hereinafter re-
21 ferred to as the ‘Task Force’) within the Depart-
22 ment of Education to address the threat of espio-
23 nage at institutions of higher education.

24 “(2) MEMBERSHIP.—

1 “(A) DESIGNATION.—The Task Force
2 shall include not more than 30 members, of
3 which—

4 “(i) at least 1 representative shall be
5 from the Department of Defense, des-
6 igned by the Secretary of Defense;

7 “(ii) at least 1 representative shall be
8 from the intelligence community, des-
9 igned by the Director of National Intel-
10 lligence;

11 “(iii) at least 1 representative shall be
12 from the Department of Justice, des-
13 igned by the United States Attorney
14 General;

15 “(iv) at least 1 representative shall be
16 from the Department of Energy, des-
17 igned by the Secretary of Energy; and

18 “(v) at least 1 representative shall be
19 from each of the following offices of the
20 Department of Education, as appointed
21 and named by the Secretary of Education:

22 “(I) Office of Postsecondary
23 Education.

24 “(II) Office of Planning, Evalua-
25 tion, and Policy Development.

1 “(III) Office of the General
2 Counsel.

3 “(IV) Any other office the Sec-
4 retary of Education determines to be
5 appropriate.

6 “(B) MEMBERSHIP LIST.—Not later than
7 10 days after the first meeting of the Task
8 Force, the Task Force shall submit to Congress
9 a list identifying each member of the Task
10 Force.

11 “(3) SENSITIVE RESEARCH PROJECT LIST.—
12 The Task Force shall, in consultation with the Of-
13 fice of the Director of National Intelligence, actively
14 maintain a list of sensitive research projects. Such
15 list shall—

16 “(A) be referred to as the Sensitive Re-
17 search Projects List; and

18 “(B) for each project included on the list,
19 indicate—

20 “(i) the qualified funding agency that
21 is funding the project;

22 “(ii) whether the project is open to
23 student participation; and

24 “(iii) whether the project is related
25 to—

1 “(I) an item listed on the Com-
2 merce Control List (CCL) maintained
3 by the Department of Commerce;

4 “(II) an item listed on the
5 United States Munitions List main-
6 tained by the Department of State; or

7 “(III) technology designated by
8 the Secretary of Defense as having a
9 technology readiness level of 1, 2, or
10 3.

11 “(4) CONSULTATION WITH OIG.—The Task
12 Force shall periodically, but no less than annually,
13 consult with the Office of the Inspector General of
14 the Department of Education, which shall include
15 annual reports to the Office of the Inspector General
16 on the activities of the Task Force, with an oppor-
17 tunity for the Office of the Inspector General to pro-
18 vide active feedback related to such activities.

19 “(5) INSTRUCTION TO INSTITUTIONS OF HIGH-
20 ER EDUCATION.—Not less than once every six
21 months, the Task Force shall provide relevant in-
22 struction to institutions of higher education at which
23 research projects on the Sensitive Research Project
24 List are being carried out. Such instruction shall
25 provide the institutions of higher education with in-

1 formation related to the threat posed by espionage,
2 best practices identified by the Task Force, and, to
3 the extent possible, any specific risks that the intel-
4 ligence community, the qualified funding agency, or
5 law enforcement entities determine appropriate to
6 share with the institutions.

7 “(6) REPORT TO CONGRESS.—Not later than
8 one year after the date of enactment of the HOPE
9 Act, and every six months thereafter, the Task
10 Force shall provide a report to the Committee on
11 Education and Labor, the Committee on Armed
12 Services, and the Permanent Select Committee on
13 Intelligence of the House of Representatives, and to
14 the Committee on Health, Education, Labor, and
15 Pensions, the Committee on Armed Services, and the
16 Select Committee on Intelligence of the Senate, re-
17 garding the threat of espionage at institutions of
18 higher education. In each such briefing, the Task
19 Force shall identify actions that may be taken to re-
20 duce espionage carried out through student partici-
21 pation in sensitive research projects. The Task
22 Force shall also include in this report an assessment
23 of whether the current licensing regulations relating
24 to the International Traffic in Arms Regulations and
25 the Export Administration Regulations are sufficient

1 to protect the security of the projects listed on the
2 Sensitive Research Project List.

3 “(c) FOREIGN STUDENT PARTICIPATION IN SEN-
4 SITIVE RESEARCH PROJECTS.—

5 “(1) APPROVAL OF FOREIGN STUDENT PARTICI-
6 PATION REQUIRED.—Beginning on the date that is
7 one year after the date of enactment of the HOPE
8 Act for each project on the Sensitive Research
9 Project List that is open to student participation,
10 the head of such project at the institution of higher
11 education at which the project is being carried out
12 shall ensure that each student participating in such
13 project shall be required to provide proof of citizen-
14 ship before the student is permitted to participate in
15 such project. A student who is a citizen of a country
16 identified in paragraph (2) shall be permitted to par-
17 ticipate in such a project only if—

18 “(A) the student applies for, and receives
19 approval from, the Director of National Intel-
20 ligence to participate in such project, based on
21 a background check and any other information
22 the Director determines to be appropriate; and

23 “(B) in the case of such a project that is
24 related to an item or technology described in
25 clause (iii) of subsection (b)(3)(B), the student

1 applies for, and receives approval from, the
2 head of the qualified funding agency, to partici-
3 pate in such project.

4 “(2) LIST OF CITIZENSHIP REQUIRING AP-
5 PROVAL.—Approval under paragraph (1) shall be re-
6 quired for any student who is a citizen of a country
7 that is one of the following:

8 “(A) The People’s Republic of China.

9 “(B) The Democratic People’s Republic of
10 Korea.

11 “(C) The Russian Federation.

12 “(D) The Islamic Republic of Iran.

13 “(E) Any country identified by the head of
14 the qualified funding agency as requiring ap-
15 proval for the purposes of this subsection.

16 “(d) FOREIGN ENTITIES.—

17 “(1) LIST OF FOREIGN ENTITIES THAT POSE
18 AN INTELLIGENCE THREAT.—Not later than one
19 year after the date of the enactment of the HOPE
20 Act, the Director of National Intelligence shall iden-
21 tify foreign entities, including governments, corpora-
22 tions, non-profit and for-profit organizations, and
23 any subsidiary or affiliate of such an entity, that the
24 Director determines pose a threat of espionage with
25 respect to sensitive research projects, and shall de-

1 develop and maintain a list of such entities. The Direc-
2 tor may add or remove entities from such list at any
3 time. The initial list developed by the Director shall
4 include the following entities (including any sub-
5 sidiary or affiliate):

6 “(A) Huawei Technologies Company.

7 “(B) ZTE Corporation.

8 “(C) Hytera Communications Corporation.

9 “(D) Hangzhou Hikvision Digital Tech-
10 nology Company.

11 “(E) Dahua Technology Company.

12 “(F) Kaspersky Lab.

13 “(G) Any entity that is owned or controlled
14 by, or otherwise has demonstrated financial ties
15 to, the government of a country identified under
16 subsection (c)(2)

17 “(2) NOTICE TO INSTITUTIONS OF HIGHER
18 EDUCATION.—The Director of National Intelligence
19 shall make the initial list required under paragraph
20 (1) and any changes to such list, available to the
21 Secretary of Education, the Task Force, and the
22 head of each qualified funding agency as soon as
23 practicable. The Secretary of Education shall pro-
24 vide such initial list and subsequent amendments to
25 each institution of higher education at which a

1 project on the Sensitive Research Project List is
2 being carried out.

3 “(3) PROHIBITION ON USE OF CERTAIN TECH-
4 NOLOGIES.—Beginning on the date that is one year
5 after the date of the enactment of the HOPE Act,
6 the head of each sensitive research project shall, as
7 a condition of receipt of funds from a qualified fund-
8 ing agency, provide an assurance to such qualified
9 funding agency that, beginning on the date that is
10 two years after the date of the enactment of such
11 Act, any technology developed by an entity included
12 on the list maintained under paragraph (1) shall not
13 be utilized in carrying out the sensitive research
14 project.

15 “(e) ENFORCEMENT.—The head of each qualified
16 funding agency shall take such steps as may be necessary
17 to enforce the provisions of subsections (c) and (d). Upon
18 determination that the head of a sensitive research project
19 has failed to meet the requirements of either subsection
20 (c) or subsection (d), the head of a qualified funding agen-
21 cy may determine the appropriate enforcement action, in-
22 cluding—

23 “(1) imposing a probationary period, not to ex-
24 ceed 6 months, on the head of such project, or on
25 the project;

1 “(2) reducing or otherwise limiting the funding
2 for such project until the violation has been rem-
3 edied;

4 “(3) permanently cancelling the funding for
5 such project; or

6 “(4) any other action the head of the qualified
7 funding agency determines to be appropriate.

8 “(f) DEFINITIONS.—In this section:

9 “(1) CITIZEN OF A COUNTRY.—The term ‘cit-
10 izen of a country’, with respect to a student, in-
11 cludes all countries in which the student has held or
12 holds citizenship or holds permanent residency.

13 “(2) INSTITUTION OF HIGHER EDUCATION.—
14 The term ‘institution of higher education’ means an
15 institution described in section 102 that receives
16 Federal funds in any amount and for any purpose.

17 “(3) INTELLIGENCE COMMUNITY.—The term
18 ‘intelligence community’ has the meaning given that
19 term in section 3 of the National Security Act of
20 1947 (50 U.S.C. 3003).

21 “(4) QUALIFIED FUNDING AGENCY.—The term
22 ‘qualified funding agency’, with respect to a sensitive
23 research project, means—

1 “(A) the Department of Defense, if the
2 sensitive research project is funded in whole or
3 in part by the Department of Defense;

4 “(B) the Department of Energy, if the
5 sensitive research project is funded in whole or
6 in part by the Department of Energy; or

7 “(C) an element of the intelligence commu-
8 nity, if the sensitive research project is funded
9 in whole or in part by the element of the intel-
10 ligence community.

11 “(5) SENSITIVE RESEARCH PROJECT.—The
12 term ‘sensitive research project’ means a research
13 project at an institution of higher education that is
14 funded by a qualified funding agency, except that
15 such term shall not include any research project that
16 is classified or that requires the participants in such
17 project to obtain a security clearance.

18 “(6) STUDENT PARTICIPATION.—The term ‘stu-
19 dent participation’ shall not include student activity
20 in—

21 “(A) a research project that is required for
22 completion of a course in which the student is
23 enrolled at an institution of higher education;
24 or

1 “(B) a research project for which the stu-
2 dent is conducting unpaid research.”.

3 **SEC. 120D. PROTECTING FIRST AMENDMENT RIGHTS ON**
4 **COLLEGE CAMPUSES.**

5 Part B of title I (20 U.S.C. 1011 et seq.) (as amend-
6 ed by sections 111 through 120C of this part) is further
7 amended by adding at the end the following:

8 **“SEC. 129A. PROTECTING FIRST AMENDMENT RIGHTS ON**
9 **COLLEGE CAMPUSES.**

10 “(a) IN GENERAL.—Not later than 18 months after
11 the date of the enactment of the HOPE Act, the Secretary
12 of Education, in consultation with the Attorney General,
13 shall issue guidance to all participating institutions to en-
14 sure the rights of each individual on campus guaranteed
15 under the First Amendment to the Constitution of the
16 United States are supported and defended by all personnel
17 and representatives of the institution. Such guidance shall
18 include the following:

19 “(1) A restatement of the First Amendment to
20 the Constitution, which shall include a description in
21 plain language of such First Amendment rights and
22 the responsibility of each institution to protect such
23 First Amendment rights.

24 “(2) A description of how an institution may
25 address a complaint that alleges that the First

1 Amendment rights of an individual on campus have
2 been violated.

3 “(3) A description of how an individual on cam-
4 pus may seek redress if the institution is not pro-
5 tecting such First Amendment rights.

6 “(b) INSTITUTIONAL REQUIREMENTS.—

7 “(1) IN GENERAL.—Each participating institu-
8 tion shall develop or revise as necessary any policy
9 that impacts the rights of each individual on campus
10 guaranteed under the First Amendment to the Con-
11 stitution of the United States in accordance with the
12 guidance issued under this section.

13 “(2) POLICIES.—Each participating institution
14 shall, at the beginning of each academic year—

15 “(A) distribute the policies described in
16 paragraph (1) to all students; and

17 “(B) prominently post such policies on
18 campus and on the institution’s public website
19 so all individuals on campus can see and know
20 such policies.

21 “(3) UPDATES.—Any update to the policy de-
22 scribed in paragraph (1) shall take effect not earlier
23 than 6 months after the institution provides all indi-
24 viduals on campus with notice of such update.

1 “(c) QUESTIONS.—If a participating institution has
2 a question about the guidance issued under this section,
3 the participating institution shall submit such question to
4 the Secretary, who shall consult with the Attorney General
5 prior to providing any response to the institution.

6 “(d) REFERRAL TO DEPARTMENT OF JUSTICE.—If
7 a participating institution does not protect the rights of
8 an individual on campus as described in the guidance
9 under this section, the Secretary may refer the institution
10 to the Department of Justice for review to ensure that
11 the rights of each individual on campus guaranteed under
12 the First Amendment to the Constitution of the United
13 States can be exercised.

14 “(e) DEFINITIONS.—In this section:

15 “(1) PARTICIPATING INSTITUTION.—The term
16 ‘participating institution’ means an institution of
17 higher education that participates in a program au-
18 thorized under this Act.

19 “(2) INDIVIDUAL ON CAMPUS.—The term ‘indi-
20 vidual on campus’ means a student, administrator,
21 faculty member, employee of the institution of high-
22 er education, or any person with an official relation-
23 ship with the institution.”.

1 **PART C—COST OF HIGHER EDUCATION**

2 **SEC. 121. SECURE MULTI-PARTY COMPUTATION SYSTEM.**

3 Part C of title I (20 U.S.C. 1015 et seq.) is amended
4 by inserting after section 131 the following:

5 **“SEC. 131A. SECURE MULTI-PARTY COMPUTATION SYSTEM.**

6 “(a) SECURE MULTI-PARTY COMPUTATION STUDY.—

7 “(1) STUDY REQUIRED.—Not later than 180
8 days after the date of the enactment of the HOPE
9 Act, the Director of the Institute of Education
10 Sciences (in this section referred to as the ‘Direc-
11 tor’) shall conduct a study on the use of a secure
12 multi-party computation system to improve informa-
13 tion collection with respect to students enrolled in
14 institutions of higher education that participate in a
15 program under title IV and the Secretary.

16 “(2) ELEMENTS.—The study required under
17 paragraph (1) shall include—

18 “(A) whether a secure multi-party com-
19 putation system should be maintained by the
20 Department of Education or through a private
21 contract with such Department;

22 “(B) what expertise is required to properly
23 maintain such system, including for the pur-
24 poses of—

25 “(i) ensuring the security of such sys-
26 tem is in compliance with Federal law;

1 “(ii) updating such system to use
2 newly-available technology; and

3 “(iii) maximizing the efficiency of
4 such system;

5 “(C) the professional development nec-
6 essary to carry out subparagraph (B);

7 “(D) who will be granted access to make
8 use of the system to improve accountability and
9 transparency of institutions participating in a
10 program under title IV;

11 “(E) the security measures necessary to—

12 “(i) ensure such system will be pro-
13 tected from unauthorized users;

14 “(ii) grant access to such system;

15 “(iii) ensure the privacy of individuals
16 will be protected in compliance with all ap-
17 plicable Federal law; and

18 “(iv) prevent the sharing of personally
19 identifiable information of such individuals;

20 “(F) how access to such system may be
21 granted, including—

22 “(i) determining the entities that may
23 have access to such system;

24 “(ii) how access will be allowed;

1 “(iii) who would be involved in deter-
2 mining who can access such system; and

3 “(G) a good-faith estimate of the cost of
4 carrying out such system.

5 “(3) REPORT TO SECRETARY.—Not later than
6 60 days after the date on which the study required
7 under subsection (a) is completed the Director shall
8 submit to the Secretary a report that includes—

9 “(A) the results of such study; and

10 “(B) recommendations with respect to car-
11 rying out a secure multi-party computation sys-
12 tem, including with respect to any necessary
13 hiring of additional staff or acquisition of new
14 technology.

15 “(b) SECURE MULTI-PARTY COMPUTATION PROGRAM
16 IMPLEMENTATION.—

17 “(1) IN GENERAL.—Not later than 30 days
18 after receiving the report required under subsection
19 (a)(3), the Secretary shall—

20 “(A) submit to Congress a 1-year plan for
21 the implementation of a secure multi-party
22 computation system described in subsection
23 (a)(1); and

24 “(B) carry out such plan for implementa-
25 tion.

1 “(2) ELEMENTS.—The plan required under
2 paragraph (1) shall include—

3 “(A) recommendations for Federal legisla-
4 tive changes that may be necessary to effec-
5 tively operate the secure multi-party computa-
6 tion system;

7 “(B) the number of full-time employees the
8 Secretary estimates will be necessary to operate
9 such system;

10 “(C) whether such system will be main-
11 tained by the Department of Education or
12 through a contract with the Department;

13 “(D) the timeline for implementation of
14 such system, including with respect to con-
15 tracts, staffing, and partner agreements;

16 “(E) requirement with respect to the data
17 that will be used by such system, including—

18 “(i) the data that will be available to
19 the system as inputs;

20 “(ii) the outputs such system will be
21 designed to produce, and the use of the
22 data produced by such outputs;

23 “(iii) how long the data described in
24 clauses (i) and (ii) will be held by such sys-
25 tem;

1 “(iv) a description of the computa-
2 tions to be completed by such system;

3 “(v) the minimum cell sizes that will
4 be publicly reported by the Secretary;

5 “(vi) what records, if any, will be
6 made publicly available, including—

7 “(I) the legal authority for mak-
8 ing such records publicly available;
9 and

10 “(II) the recipients of such re-
11 leased records; and

12 “(vii) what the reporting protocol and
13 process will be in the case of any unau-
14 thorized access or release of the data or
15 system; and

16 “(F) the elements required in subpara-
17 graphs (B), (E), and (G), of subsection (a)(2).

18 “(3) PARTNER AGREEMENTS.—Any partner
19 agreement entered into to carry out paragraph
20 (1)(B) shall—

21 “(A) meet the requirements under sub-
22 paragraph (E) of paragraph (1); and

23 “(B) include an assurance that the partner
24 will not share personally identifiable informa-

1 tion of an individual without the written con-
2 sent of such individual.

3 “(4) SECURITY MEASURES.—

4 “(A) IN GENERAL.—In carrying out this
5 section, the Secretary shall—

6 “(i) ensure the secure multi-party
7 computation system implemented under
8 this section is updated in order to meet the
9 latest security measures for such systems;
10 and

11 “(ii) perform routine security checks
12 to ensure such system is properly func-
13 tioning.

14 “(B) RULE OF APPLICATION.—The prohi-
15 bition in section 134(a) shall apply to the se-
16 cure multiparty computation system established
17 under this section.

18 “(5) AUDITS.—Not later than 6 months after
19 the date described in paragraph (1), and annually
20 thereafter, the Secretary shall conduct an audit of
21 the secure multiparty computation system imple-
22 mented under this section to ensure the functionality
23 of such system and compliance of such system under
24 this section.

1 “(6) REPORTING.—The Secretary shall submit
2 the following reports to the Committee on Education
3 and Labor of the House of Representatives and the
4 Committee on Health, Education, Labor, and Pen-
5 sions of the Senate:

6 “(A) SIX MONTH REPORT.—Not later than
7 6 months after the date described in paragraph
8 (1), a report that includes—

9 “(i) a list of each of the partner
10 agreements entered into under paragraph
11 (3) and the duration of each such agree-
12 ment;

13 “(ii) the results of security checks
14 performed under paragraph (4)(B); and

15 “(iii) any inappropriate access to the
16 system or release of information from the
17 system or data that has been accessed
18 under a data access agreement.

19 “(B) ANNUAL REPORT.—Not later than 1
20 year after the date described in paragraph (1),
21 and annually thereafter, a report that in-
22 cludes—

23 “(i) a description of the data the Sec-
24 retary has accessed through the secure
25 multi-party computation system;

1 “(ii) what the staffing needs have
2 been to properly maintain the secure multi-
3 party computation system; and

4 “(iii) how the Secretary has ensured
5 no personally identifiable information has
6 been shared or accessed by the Depart-
7 ment of Education.

8 “(c) PROHIBITION OF SALE OF INFORMATION.—
9 None of the information made available through the use
10 of a secure multi-party computation system under this sec-
11 tion may be—

12 “(1) sold; or

13 “(2) used for commercial purposes.”.

14 **SEC. 122. COLLEGE DASHBOARD WEBSITE.**

15 (a) ESTABLISHMENT.—Section 132 (20 U.S.C.
16 1015a) is amended—

17 (1) in subsection (a)—

18 (A) by striking paragraph (1) and insert-
19 ing the following new paragraph:

20 “(1) COLLEGE DASHBOARD WEBSITE.—The
21 term ‘College Dashboard website’ means the College
22 Dashboard website required under subsection (d).”.

23 (B) in paragraph (2), by striking “first-
24 time,”;

1 (C) in paragraph (3), in the matter pre-
2 ceeding subparagraph (A), by striking “first-
3 time,”; and

4 (D) in paragraph (4), by striking “first-
5 time,”;

6 (2) in subsection (b)—

7 (A) in paragraph (1), by striking “first-
8 time,”; and

9 (B) in paragraph (2), by striking “first-
10 time,”;

11 (3) by striking subsections (e) through (g), (j),
12 and (l);

13 (4) by redesignating subsections (h), (i), and
14 (k) as subsections (c), (d), and (e), respectively; and

15 (5) by striking subsection (d) (as so redesign-
16 nated) and inserting the following new subsection:

17 “(d) CONSUMER INFORMATION.—

18 “(1) AVAILABILITY OF TITLE IV INSTITUTION
19 INFORMATION.—The Secretary shall develop and
20 make publicly available a website to be known as the
21 ‘College Dashboard website’ in accordance with this
22 section and prominently display on such website, in
23 simple, understandable, and unbiased terms for the
24 most recent academic year for which satisfactory
25 data are available, the following information with re-

1 spect to each institution of higher education that
2 participates in a program under title IV:

3 “(A) A link to the website of the institu-
4 tion.

5 “(B) An identification of the type of insti-
6 tution as one of the following:

7 “(i) A four-year public institution of
8 higher education.

9 “(ii) A four-year private, nonprofit in-
10 stitution of higher education.

11 “(iii) A four-year private, proprietary
12 institution of higher education.

13 “(iv) A two-year public institution of
14 higher education.

15 “(v) A two-year private, nonprofit in-
16 stitution of higher education.

17 “(vi) A two-year private, proprietary
18 institution of higher education.

19 “(vii) A less than two-year public in-
20 stitution of higher education.

21 “(viii) A less than two-year private,
22 nonprofit institution of higher education.

23 “(ix) A less than two-year private,
24 proprietary institution of higher education.

1 “(C) The number of students enrolled at
2 the institution—

3 “(i) as undergraduate students, if ap-
4 plicable; and

5 “(ii) as graduate students, if applica-
6 ble.

7 “(D) The student-faculty ratio.

8 “(E) The percentage of degree-seeking or
9 certificate-seeking undergraduate students en-
10 rolled at the institution who obtain a degree or
11 certificate within—

12 “(i) 100 percent of the normal time
13 for completion of, or graduation from, the
14 program in which the student is enrolled;

15 “(ii) 150 percent of the normal time
16 for completion of, or graduation from, the
17 program in which the student is enrolled;

18 “(iii) 200 percent of the normal time
19 for completion of, or graduation from, the
20 program in which the student is enrolled;
21 and

22 “(iv) 300 percent of the normal time
23 for completion of, or graduation from, the
24 program in which the student is enrolled,
25 for institutions at which the highest degree

1 offered is predominantly an associate’s de-
2 gree.

3 “(F)(i) The average net price per year for
4 undergraduate students enrolled at the institu-
5 tion based on dependency status and an income
6 category selected by the user of the College
7 Dashboard website from a list containing the
8 following income categories:

9 “(I) \$0 to \$30,000.

10 “(II) \$30,001 to \$48,000.

11 “(III) \$48,001 to \$75,000.

12 “(IV) \$75,001 to \$110,000.

13 “(V) \$110, 001 to \$150,000.

14 “(VI) Over \$150,000.

15 “(ii) A link to the net price calculator
16 for such institution.

17 “(G) The percentage of undergraduate and
18 graduate students who obtained a certificate or
19 degree from the institution who borrowed Fed-
20 eral student loans—

21 “(i) set forth separately for each edu-
22 cational program offered by the institution;
23 and

24 “(ii) made available in a format that
25 allows a user of the College Dashboard

1 website to view such percentage by select-
2 ing from a list of such educational pro-
3 grams.

4 “(H) The average Federal student loan
5 debt incurred by a student who obtained a cer-
6 tificate or degree in an educational program
7 from the institution and who borrowed Federal
8 student loans in the course of obtaining such
9 certificate or degree—

10 “(i) set forth separately for each edu-
11 cational program offered by the institution;
12 and

13 “(ii) made available in a format that
14 allows a user of the College Dashboard
15 website to view such student loan debt in-
16 formation by selecting from a list of such
17 educational programs.

18 “(I) The mean and median earnings of
19 students who received financial assistance under
20 title IV who obtained a certificate or degree in
21 an educational program from the institution—

22 “(i) in the fifth, tenth, and twentieth
23 years following the year in which the stu-
24 dents obtained such certificate or degree;

1 “(ii) set forth separately by edu-
2 cational program; and

3 “(iii) made available in a format that
4 allows a user of the College Dashboard
5 website to view such median earnings in-
6 formation by selecting from a list of such
7 educational programs.

8 “(J) A link to the webpage of the institu-
9 tion containing campus safety data with respect
10 to such institution.

11 “(K) After the date on which the secure
12 multiparty computation system established
13 under section 131A is established, information
14 required under subparagraphs (H) and (I) shall
15 include all the students who attended an insti-
16 tution, without regard to whether such students
17 received financial assistance under title IV.

18 “(2) ADDITIONAL INFORMATION.—The Sec-
19 retary shall publish on websites that are linked to
20 through the College Dashboard website, for the most
21 recent academic year for which satisfactory data is
22 available, the following information with respect to
23 each institution of higher education that participates
24 in a program under title IV:

1 “(A) ENROLLMENT.—The following enroll-
2 ment information:

3 “(i) The percentages of male and fe-
4 male undergraduate students enrolled at
5 the institution.

6 “(ii) The percentages of under-
7 graduate students enrolled at the institu-
8 tion—

9 “(I) full-time; and

10 “(II) less than full-time.

11 “(iii) In the case of an institution
12 other than an institution that provides all
13 courses and programs through online edu-
14 cation, of the undergraduate students en-
15 rolled at the institution—

16 “(I) the percentage of such stu-
17 dents who are residents of the State
18 in which the institution is located;

19 “(II) the percentage of such stu-
20 dents who are not residents of such
21 State; and

22 “(III) the percentage of such stu-
23 dents who are international students.

1 “(iv) The percentages of under-
2 graduate students enrolled at the institu-
3 tion, disaggregated by—
4 “(I) race and ethnic background;
5 “(II) classification as a student
6 with a disability;
7 “(III) recipients of a Federal Pell
8 Grant;
9 “(IV) first generation college stu-
10 dent;
11 “(V) students required to take
12 remedial courses;
13 “(VI) the economic factors speci-
14 fied in paragraph (1)(F)(i);
15 “(VII) recipients of assistance
16 under a tuition assistance program
17 conducted by the Department of De-
18 fense under section 1784a or 2007 of
19 title 10, United States Code, or other
20 authorities available to the Depart-
21 ment of Defense or veterans’ edu-
22 cation benefits (as defined in section
23 480); and
24 “(VIII) recipients of a Federal
25 student loan.

1 “(B) COMPLETION.—The information re-
2 quired under paragraph (1)(E), disaggregated
3 by—

4 “(i) recipients of a Federal Pell
5 Grant;

6 “(ii) race and ethnic background;

7 “(iii) classification as a student with a
8 disability;

9 “(iv) recipients of assistance under a
10 tuition assistance program conducted by
11 the Department of Defense under section
12 1784a or 2007 of title 10, United States
13 Code, or other authorities available to the
14 Department of Defense or veterans’ edu-
15 cation benefits (as defined in section 480);
16 and

17 “(v) recipients of a Federal student
18 loan.

19 “(C) COSTS.—The following cost informa-
20 tion:

21 “(i) The cost of attendance for full-
22 time undergraduate students enrolled in
23 the institution who live on campus.

1 “(ii) The cost of attendance for full-
2 time undergraduate students enrolled in
3 the institution who live off campus.

4 “(iii) The cost of tuition and fees for
5 full-time undergraduate students enrolled
6 in the institution.

7 “(iv) The cost of tuition and fees per
8 credit hour or credit hour equivalency for
9 undergraduate students enrolled in the in-
10 stitution less than full time.

11 “(v) In the case of a public institution
12 of higher education (other than an institu-
13 tion described in clause (vi)) and notwith-
14 standing subsection (b)(1), the costs de-
15 scribed in clauses (i) and (ii) for—

16 “(I) full-time students enrolled in
17 the institution who are residents of
18 the State in which the institution is
19 located; and

20 “(II) full-time students enrolled
21 in the institution who are not resi-
22 dents of such State.

23 “(vi) In the case of a public institu-
24 tion of higher education that offers dif-
25 ferent tuition rates for students who are

1 residents of a geographic subdivision small-
2 er than a State and students not located in
3 such geographic subdivision and notwith-
4 standing subsection (b)(1), the costs de-
5 scribed in clauses (i) and (ii) for—

6 “(I) full-time students enrolled at
7 the institution who are residents of
8 such geographic subdivision;

9 “(II) full-time students enrolled
10 at the institution who are residents of
11 the State in which the institution is
12 located but not residents of such geo-
13 graphic subdivision; and

14 “(III) full-time students enrolled
15 at the institution who are not resi-
16 dents of such State.

17 “(D) FINANCIAL AID.—The following in-
18 formation with respect to financial aid:

19 “(i) The average annual grant amount
20 (including Federal, State, and institutional
21 aid) awarded to an undergraduate student
22 enrolled at the institution who receives
23 grant aid, and the percentage of under-
24 graduate students receiving such aid.

1 “(ii) The percentage of undergraduate
2 students enrolled at the institution receiv-
3 ing Federal, State, and institutional
4 grants, student loans, and any other type
5 of student financial assistance known by
6 the institution, provided publicly or
7 through the institution, such as Federal
8 work-study funds.

9 “(iii) The programmatic loan repay-
10 ment rate for each educational program at
11 such institution.

12 “(3) OTHER DATA MATTERS.—

13 “(A) COMPLETION DATA.—The Commis-
14 sioner of Education Statistics shall ensure that
15 the information required under paragraph
16 (1)(E) includes information with respect to all
17 students at an institution, in a manner that ac-
18 curately reflects the actual length of the pro-
19 gram, including students other than first-time,
20 full-time students and students who transfer to
21 another institution, in a manner that the Com-
22 missioner considers appropriate.

23 “(B) ADJUSTMENT OF INCOME CAT-
24 EGORIES.—The Secretary may annually adjust
25 the range of each of the income categories de-

1 scribed in paragraph (1)(F)(i) to account for a
2 change in the Consumer Price Index for All
3 Urban Consumers as determined by the Bureau
4 of Labor Statistics.

5 “(4) INSTITUTIONAL COMPARISON.—The Sec-
6 retary shall include on the College Dashboard
7 website a method for users to easily compare the in-
8 formation required under paragraphs (1) and (2) be-
9 tween institutions and program, as applicable.

10 “(5) UPDATES.—

11 “(A) DATA.—The Secretary shall update
12 the College Dashboard website not less than an-
13 nually using the information from the secure
14 multiparty computation system established
15 under section 131A.

16 “(B) TECHNOLOGY AND FORMAT.—The
17 Secretary shall regularly assess the format and
18 technology of the College Dashboard website
19 and make any changes or updates that the Sec-
20 retary considers appropriate.

21 “(6) CONSUMER TESTING.—

22 “(A) IN GENERAL.—In developing and
23 maintaining the College Dashboard website, the
24 Secretary, in consultation with appropriate de-
25 partments and agencies of the Federal Govern-

1 ment, shall conduct consumer testing with ap-
2 propriate persons, including current and pro-
3 spective college students, family members of
4 such students, institutions of higher education,
5 and experts, to ensure that the College Dash-
6 board website is usable and easily understand-
7 able and provides useful and relevant informa-
8 tion to students and families.

9 “(B) RECOMMENDATIONS FOR
10 CHANGES.—The Secretary shall submit to the
11 authorizing committees any recommendations
12 that the Secretary considers appropriate for
13 changing the information required to be pro-
14 vided on the College Dashboard website under
15 paragraphs (1) and (2) based on the results of
16 the consumer testing conducted under subpara-
17 graph (A).

18 “(7) PROVISION OF APPROPRIATE LINKS TO
19 PROSPECTIVE STUDENTS AFTER SUBMISSION OF
20 FAFSA.—The Secretary shall provide to each student
21 who submits a Free Application for Federal Student
22 Aid described in section 483 a link to the webpage
23 of the College Dashboard website that contains the
24 information required under paragraph (1) for each

1 institution of higher education such student includes
2 on such Application.

3 “(8) INTERAGENCY COORDINATION.—The Sec-
4 retary, in consultation with each appropriate head of
5 a department or agency of the Federal Government,
6 shall ensure to the greatest extent practicable that
7 any information related to higher education that is
8 published by such department or agency is con-
9 sistent with the information published on the College
10 Dashboard website.

11 “(9) DATA COLLECTION.—The Commissioner
12 for Education Statistics shall continue to update and
13 improve the Integrated Postsecondary Education
14 Data System, including by reducing institutional re-
15 porting burden and through the use of the secure
16 multiparty computation system established under
17 section 131A.

18 “(10) DATA PRIVACY.—The Secretary shall en-
19 sure any information made available under this sec-
20 tion is made available in accordance with section
21 444 of the General Education Provisions Act (com-
22 monly known as the “Family Educational Rights
23 and Privacy Act of 1974”.

24 (b) CONFORMING AMENDMENTS.—The Higher Edu-
25 cation Act of 1965 (20 U.S.C. 1001 et seq.) is amended

1 by striking “College Navigator” each place it appears and
2 inserting “College Dashboard”.

3 (c) REFERENCES.—Any reference in any law (other
4 than this Act), regulation, document, record, or other
5 paper of the United States to the College Navigator
6 website shall be considered to be a reference to the College
7 Dashboard website.

8 (d) DEVELOPMENT.—The Secretary of Education
9 shall develop and publish the College Dashboard website
10 required under section 132 of the Higher Education Act
11 of 1965 (20 U.S.C. 1015a), as amended by this section,
12 not later than one year after the date of the enactment
13 of this Act.

14 (e) COLLEGE NAVIGATOR WEBSITE MAINTENANCE.—The Secretary shall maintain the College Navi-
15 gator website required under section 132 of the Higher
16 Education Act of 1965 (20 U.S.C. 1015a), as in effect
17 the day before the date of the enactment of this Act, in
18 the manner required under the Higher Education Act of
19 1965, as in effect on such day, until the College Dash-
20 board website referred to in subsection (d) is complete and
21 publicly available on the Internet.

22 (f) AGGREGATED DATA REPORT.—The Secretary
23 shall, on July 1 of each year, provide aggregated data re-
24 ports to institutions and States that include the informa-
25

1 tion required under section 132(d) of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1015a(d)).

3 **SEC. 123. NET PRICE CALCULATORS.**

4 Subsection (c) of section 132 (20 U.S.C. 1015a), as
5 so redesignated by section 122(a)(4) of this Act, is amend-
6 ed—

7 (1) by redesignating paragraph (4) as para-
8 graph (6); and

9 (2) by inserting after paragraph (3) the fol-
10 lowing new paragraphs:

11 “(4) MINIMUM REQUIREMENTS FOR NET PRICE
12 CALCULATORS.—Not later than 1 year after the date
13 of the enactment of the HOPE Act, a net price cal-
14 culator for an institution of higher education shall
15 meet the following requirements:

16 “(A) The link for the calculator shall—

17 “(i) be clearly labeled as a net price
18 calculator and prominently, clearly, and
19 conspicuously posted in locations on the
20 website of such institution where informa-
21 tion on costs and aid is provided and any
22 other location that the institution considers
23 appropriate; and

24 “(ii) match in size and font to the
25 other prominent links on the webpage

1 where the link for the calculator is dis-
2 played.

3 “(B) The webpage displaying the results
4 for the calculator shall specify at least the fol-
5 lowing information:

6 “(i) The net price (as calculated
7 under subsection (a)(3)) for such institu-
8 tion, which shall be the most visually
9 prominent figure on the results screen.

10 “(ii) Cost of attendance, including—

11 “(I) tuition and fees;

12 “(II) average annual cost of
13 room and board for the institution for
14 a full-time undergraduate student en-
15 rolled in the institution;

16 “(III) average annual cost of
17 books and supplies for a full-time un-
18 dergraduate student enrolled in the
19 institution; and

20 “(IV) estimated cost of other ex-
21 penses (including personal expenses
22 and transportation) for a full-time un-
23 dergraduate student enrolled in the
24 institution.

1 “(iii) Estimated total need-based
2 grant aid and merit-based grant aid from
3 Federal, State, and institutional sources
4 that may be available to a full-time under-
5 graduate student.

6 “(iv) Percentage of the full-time un-
7 dergraduate students enrolled in the insti-
8 tution that received any type of grant aid
9 described in clause (iii).

10 “(v) The disclaimer described in para-
11 graph (6).

12 “(vi) In the case of a calculator
13 that—

14 “(I) includes questions to esti-
15 mate the eligibility of a student or
16 prospective student for veterans’ edu-
17 cation benefits (as defined in section
18 480) or educational benefits for active
19 duty service members, such benefits
20 are displayed on the results screen in
21 a manner that clearly distinguishes
22 such benefits from the grant aid de-
23 scribed in clause (iii); or

24 “(II) does not include questions
25 to estimate eligibility for the benefits

1 described in subclause (I), the results
2 screen indicates that certain students
3 (or prospective students) may qualify
4 for such benefits and includes a link
5 to information about such benefits.

6 “(C) The institution shall populate the cal-
7 culator with data from an academic year that
8 is not more than 2 academic years prior to the
9 most recent academic year.

10 “(5) PROHIBITION ON USE OF DATA COL-
11 LECTED BY THE NET PRICE CALCULATOR.—A net
12 price calculator for an institution of higher edu-
13 cation shall—

14 “(A) clearly indicate which questions are
15 required to be completed for an estimate of the
16 net price from the calculator;

17 “(B) in the case of a calculator that re-
18 quests contact information from users, clearly
19 mark such requests as optional and provide for
20 an estimate of the net price from the calculator
21 without requiring users to enter such informa-
22 tion; and

23 “(C) prohibit any personally identifiable in-
24 formation provided by users from being sold or
25 made available to third parties.”.

1 **SEC. 124. TEXT BOOK INFORMATION.**

2 Section 133 (20 U.S.C. 1015b) is amended—

3 (1) in subsection (b)(5), by striking “section
4 102” and inserting “section 101 or 102”; and

5 (2) in subsection (d)(1)—

6 (A) in the matter preceding subparagraph

7 (A)—

8 (i) by striking “course schedule and in
9 a manner of the institution’s choosing,”
10 and inserting “or linked from the institu-
11 tion’s Internet course schedule,”;

12 (ii) by inserting “or fee” after “retail
13 price”; and

14 (iii) by striking “used for
15 preregistration and registration purposes”;
16 and

17 (B) in subparagraph (B)—

18 (i) by inserting “or that such informa-
19 tion is not available” after “practicable”;
20 and

21 (ii) by striking “by placing the des-
22 ignation ‘To Be Determined’” and insert-
23 ing “by stating the reason the information
24 is omitted”.

1 **PART D—ADMINISTRATIVE PROVISIONS FOR**
2 **DELIVERY OF STUDENT FINANCIAL ASSISTANCE**
3 **SEC. 131. PERFORMANCE-BASED ORGANIZATION FOR THE**
4 **DELIVERY OF FEDERAL STUDENT FINANCIAL**
5 **ASSISTANCE.**

6 Section 141 (20 U.S.C. 1018) is amended—

7 (1) in subsection (a)(2)—

8 (A) by redesignating subparagraphs (F)
9 and (G) as subparagraphs (H) and (I), respec-
10 tively; and

11 (B) by inserting after subparagraph (E)
12 the following:

13 “(F) to maximize transparency in the op-
14 eration of Federal student financial assistance
15 programs;

16 “(G) to maximize stakeholder engagement
17 in the operation of and accountability for such
18 programs;”;

19 (2) in subsection (b)—

20 (A) in paragraph (1)(C)—

21 (i) in clause (i), by striking “and” at
22 the end;

23 (ii) in clause (ii), by striking the pe-
24 riod at the end and inserting “; and”; and

25 (iii) by adding at the end the fol-
26 lowing:

1 “(iii) acquiring senior managers and
2 other personnel with demonstrated man-
3 agement ability and expertise in consumer
4 lending.”;

5 (B) in paragraph (2) by adding at the end
6 the following:

7 “(C) Collecting input from stakeholders on
8 the operation of all Federal student assistance
9 programs and accountability practices relating
10 to such programs, and ensuring that such input
11 informs operation of the PBO and is provided
12 to the Secretary to inform policy creation re-
13 lated to Federal student financial assistance
14 programs.”; and

15 (C) in paragraph (6)—

16 (i) in subparagraph (A), by striking
17 “The Secretary” and inserting “Not less
18 frequently than once annually, the Sec-
19 retary”;

20 (ii) by redesignating subparagraph
21 (B) as subparagraph (C); and

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

24 “(B) REPORT.—On an annual basis, after
25 carrying out the consultation required under

1 subparagraph (A), the Secretary and the Chief
2 Operating Officer shall jointly submit to the au-
3 thorizing committees a report that includes—

4 “(i) a summary of the consultation;

5 and

6 “(ii) a description of any actions
7 taken as a result of the consultation.”.

8 (3) in subsection (c)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A)—

11 (I) by striking “Each year,” and
12 inserting “Not less frequently than
13 once every three years,”; and

14 (II) by striking “succeeding 5”
15 and inserting “succeeding 3”;

16 (ii) by amending subparagraph (B) to
17 read as follows:

18 “(B) CONSULTATION.—

19 “(i) PLAN DEVELOPMENT.—Begin-
20 ning not later than 12 months before
21 issuing each 3-year performance plan
22 under subparagraph (A), the Secretary and
23 the Chief Operating Officer shall consult
24 with students, institutions of higher edu-
25 cation, Congress, lenders, and other inter-

1 ested parties regarding the development of
2 the plan. In carrying out such consulta-
3 tion, the Secretary shall seek public com-
4 ment consistent with the requirements of
5 subchapter II of chapter 5 of title 5,
6 United States Code (commonly known as
7 the ‘Administrative Procedure Act’).

8 “(ii) REVISION.—Not later than 90
9 days before implementing any revision to
10 the performance plan described in subpara-
11 graph (A), the Secretary shall consult with
12 students, institutions of higher education,
13 Congress, lenders, and other interested
14 parties regarding such revision.”;

15 (iii) in subparagraph (C)—

16 (I) in the matter preceding clause
17 (i), by inserting “and target dates
18 upon which such action steps will be
19 taken and such goals will be achieved”
20 after “achieve such goals”;

21 (II) by redesignating clause (v)
22 as clause (vi);

23 (III) by inserting after clause (iv)
24 the following:

- 1 “(v) ENSURING TRANSPARENCY.—
- 2 Maximizing the transparency in the oper-
- 3 ations of the PBO, including complying
- 4 with the data reporting requirements
- 5 under section 144.”;
- 6 (B) in paragraph (2)—
- 7 (i) by striking “5-year” and inserting
- 8 “3-year”;
- 9 (ii) in subparagraph (C), by inserting
- 10 “, including an explanation of the specific
- 11 steps the Secretary and the Chief Oper-
- 12 ating Officer will take to address any such
- 13 goals that were not achieved” before the
- 14 period;
- 15 (iii) in subparagraph (D), by inserting
- 16 “, in the aggregate and per individual” be-
- 17 fore the period;
- 18 (iv) in subparagraph (E), by striking
- 19 “Recommendations” and inserting “Spe-
- 20 cific recommendations”;
- 21 (v) by redesignating subparagraph (F)
- 22 as subparagraph (G); and
- 23 (vi) by inserting after subparagraph
- 24 (E), the following:

1 “(F) A description of the performance
2 evaluation system developed under subsection
3 (d)(6).”.

4 (C) in paragraph (3)—

5 (i) in the matter preceding subpara-
6 graph (A), by striking “establish appro-
7 priate means to”;

8 (ii) in subparagraph (A), by striking
9 “; and” and inserting “and the PBO;”;

10 (iii) in subparagraph (B), by striking
11 the period at the end and inserting “and
12 the PBO; and”;

13 (iv) by adding at the end the fol-
14 lowing:

15 “(C) through a nationally-representative
16 survey, that at a minimum shall evaluate the
17 degree of satisfaction with the delivery system
18 and the PBO.”;

19 (4) in subsection (d)—

20 (A) in paragraph (2), by striking “The
21 Secretary may reappoint” and inserting “Ex-
22 cept as provided in paragraph (4)(C),”

23 (B) in paragraph (4)—

24 (i) in subparagraph (A)—

1 (I) by inserting “specific,” after
2 “set forth”; and

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

6 (ii) by amending subparagraph (B) to
7 read as follows:

8 “(B) TRANSMITTAL AND PUBLIC AVAIL-
9 ABILITY.—The Secretary shall—

10 “(i) transmit to the authorizing com-
11 mittees the final version of, and any subse-
12 quent revisions to, the agreement entered
13 into under subparagraph (A); and

14 “(ii) before the expiration of the pe-
15 riod of 5 business days beginning after the
16 date on which the agreement is trans-
17 mitted under clause (i), make such agree-
18 ment publicly available on a publicly acces-
19 sible website of the Department of Edu-
20 cation.”.

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

23 “(C) LOSS OF ELIGIBILITY.—If the agree-
24 ment under subparagraph (A) is not made pub-
25 licly available before the expiration of the period

1 described in subparagraph (B)(ii), the Chief
2 Operating Officer shall not be eligible for re-
3 appointment under paragraph (2).”; and

4 (C) in paragraph (5), by amending sub-
5 paragraph (B) to read as follows:

6 “(B) BONUS.—In addition, the Chief Op-
7 erating Officer may receive a bonus in the fol-
8 lowing amounts:

9 “(i) For a period covered by a per-
10 formance agreement entered into under
11 paragraph (4) before the date of the enact-
12 ment of the HOPE Act, an amount that
13 does not exceed 50 percent of the annual
14 rate basic pay of the Chief Operating Offi-
15 cer, based upon the Secretary’s evaluation
16 of the Chief Operating Officer’s perform-
17 ance in relation to the goals set forth in
18 the performance agreement.

19 “(ii) For a period covered by a per-
20 formance agreement entered into under
21 paragraph (4) on or after the date of the
22 enactment of the HOPE Act, an amount
23 that does not exceed 40 percent of the an-
24 nual rate basic pay of the Chief Operating
25 Officer, based upon the Secretary’s evalua-

1 tion of the Chief Operating Officer’s per-
2 formance in relation to the goals set forth
3 in the performance agreement.”.

4 (D) by adding at the end the following:

5 “(6) PERFORMANCE EVALUATION SYSTEM.—

6 The Secretary shall develop a system to evaluate the
7 performance of the Chief Operating Officer and any
8 senior managers appointed by such Officer under
9 subsection (e). Such system shall—

10 “(A) take into account the extent to which
11 each individual attains the specific, measurable
12 organizational and individual goals set forth in
13 the performance agreement described in para-
14 graph (4)(A) and subsection (e)(2) (as the case
15 may be); and

16 “(B) evaluate each individual using a rat-
17 ing system that accounts for the full spectrum
18 of performance levels, from the failure of an in-
19 dividual to meet the goals described in clause
20 (i) to an individual’s success in meeting or ex-
21 ceeding such goals.”;

22 (5) in subsection (e)—

23 (A) in paragraph (2), by striking “organi-
24 zation and individual goals” and inserting “spe-
25 cific, measurable organization and individual

1 goals and the metrics used to measure progress
2 toward such goals”;

3 (B) in paragraph (3), by amending sub-
4 paragraph (B) to read as follows:

5 “(B) BONUS.—In addition, a senior man-
6 ager may receive a bonus in the following
7 amounts:

8 “(i) For a period covered by a per-
9 formance agreement entered into under
10 paragraph (2) before the date of the enact-
11 ment of the HOPE Act, an amount such
12 that the manager’s total annual compensa-
13 tion does not exceed 125 percent of the
14 maximum rate of basic pay for the Senior
15 Executive Service, including any applicable
16 locality-based comparability payment,
17 based upon the Chief Operating Officer’s
18 evaluation of the manager’s performance in
19 relation to the goals set forth in the per-
20 formance agreement.

21 “(ii) For a period covered by a per-
22 formance agreement entered into under
23 paragraph (2) on or after the date of the
24 enactment of the HOPE Act, an amount
25 such that the manager’s total annual com-

1 pensation does not exceed 120 percent of
2 the maximum rate of basic pay for the
3 Senior Executive Service, including any ap-
4 plicable locality-based comparability pay-
5 ment, based upon the Chief Operating Of-
6 ficer’s evaluation of the manager’s per-
7 formance in relation to the goals set forth
8 in the performance agreement.”.

9 (6) by redesignating subsections (f), (g), (h),
10 and (i) as subsections (g), (h), (i), (j); and

11 (7) by inserting after subsection (e) the fol-
12 lowing:

13 “(f) ADVISORY BOARD.—

14 “(1) ESTABLISHMENT AND PURPOSE.—Not
15 later than one year after the date of the enactment
16 of the HOPE Act, the Secretary shall establish an
17 Advisory Board (referred to in this subsection as the
18 ‘Board’) for the PBO. The purpose of such Board
19 shall be to conduct oversight over the PBO and the
20 Chief Operating Officer and senior managers de-
21 scribed under subsection (e) to ensure that the PBO
22 is meeting the purposes described in this section and
23 the goals in the performance plan described under
24 such section.

25 “(2) MEMBERSHIP.—

1 “(A) BOARD MEMBERS.—The Board shall
2 consist of 7 members, one of whom shall be the
3 Secretary.

4 “(B) CHAIRMAN.—A Chairman of the
5 Board shall be elected by the Board from
6 among its members for a 2-year term.

7 “(C) SECRETARY AS AN EX OFFICIO MEM-
8 BER.—The Secretary, ex officio—

9 “(i) shall—

10 “(I) serve as a member of the
11 Board;

12 “(II) be a voting member of the
13 Board; and

14 “(III) be eligible to be elected by
15 the Board to serve as chairman or
16 vice chairman of the Board; and

17 “(ii) shall not be subject to the terms
18 or compensation requirements described in
19 this paragraph that are applicable to the
20 other members of the Board.

21 “(D) ADDITIONAL BOARD MEMBERS.—
22 Each member of the Board (excluding the Sec-
23 retary) shall be appointed by the Secretary.

24 “(E) TERMS.—

1 “(i) IN GENERAL.—Each Board mem-
2 ber, except for the Secretary and the
3 Board members described in clause (ii)(II),
4 shall serve 5-year terms.

5 “(ii) INITIAL MEMBERS.—

6 “(I) FIRST 3 MEMBERS.—The
7 first 3 members confirmed to serve on
8 the Board after the date of enactment
9 of the HOPE Act shall serve for 5-
10 year terms.

11 “(II) OTHER MEMBERS.—The
12 fourth, fifth, and sixth members con-
13 firmed to serve on the Board after
14 such date of enactment shall serve for
15 3-year terms.

16 “(iii) REAPPOINTMENT.—The Sec-
17 retary may reappoint a Board member for
18 one additional 5-year term.

19 “(iv) VACANCIES.—

20 “(I) IN GENERAL.—Not later
21 than 30 days after a vacancy of the
22 Board occurs, the Secretary shall pub-
23 lish a Federal Register notice solie-
24 iting nominations for the position.

1 “(II) FILLING VACANCY.—Not
2 later than 90 days after such vacancy
3 occurs, such vacancy shall be filled in
4 the same manner as the original ap-
5 pointment was made, except that—

6 “(aa) the appointment shall
7 be for the remainder of the
8 uncompleted term; and

9 “(bb) such member may be
10 reappointed under clause (iii).

11 “(F) MEMBERSHIP QUALIFICATIONS AND
12 PROHIBITIONS.—

13 “(i) QUALIFICATIONS.—The members
14 of the board, other than the Secretary,
15 shall be appointed without regard to polit-
16 ical affiliation and solely on the basis of
17 their professional experience and expertise
18 in—

19 “(I) the management of large
20 and financially significant organiza-
21 tions, including banks and commercial
22 lending companies; or

23 “(II) Federal student financial
24 assistance programs.

1 “(ii) CONFLICTS OF INTEREST AMONG
2 BOARD MEMBERS.—Before appointing
3 members of the Board, the Secretary shall
4 establish rules and procedures to address
5 any potential conflict of interest between a
6 member of the Board and responsibilities
7 of the Board, including prohibiting mem-
8 bership for individuals with a pecuniary in-
9 terest in the activities of the PBO.

10 “(G) NO COMPENSATION.—Board mem-
11 bers shall serve without pay.

12 “(H) EXPENSES OF BOARD MEMBERS.—
13 Each member of the Board shall receive travel
14 expenses and other permissible expenses, in-
15 cluding per diem in lieu of subsistence, in ac-
16 cordance with applicable provisions under title
17 5, United States Code.

18 “(3) BOARD RESPONSIBILITIES.—The Board
19 shall have the following responsibilities:

20 “(A) Conducting general oversight over the
21 functioning and operation of the PBO, includ-
22 ing—

23 “(i) ensuring that the reporting and
24 planning requirements of this section are
25 fulfilled by the PBO; and

1 “(ii) ensuring that the Chief Oper-
2 ating Officer acquires senior managers
3 with demonstrated management ability and
4 expertise in consumer lending (as described
5 in subsection (b)(1)(C)(iii)).

6 “(B) Approving the appointment or re-
7 appointment of a Chief Operating Officer, ex-
8 cept that the board shall have no authority to
9 approve or disapprove the reappointment of the
10 Chief Operating Officer who holds such position
11 on the date of enactment of the HOPE Act.

12 “(C) Making recommendations with re-
13 spect to the suitability of any bonuses proposed
14 to be provided to the Chief Operating Officer or
15 senior managers described under subsections
16 (d) and (e), to ensure that a bonus is not
17 awarded to the Officer or a senior manager in
18 a case in which such Officer or manager has
19 failed to meet goals set for them under the rel-
20 evant performance plan under subsections
21 (d)(4) and (e)(2), respectively.

22 “(D) Approving any performance plan es-
23 tablished for the PBO.

24 “(4) BOARD OPERATIONS.—

1 “(A) MEETINGS.—The Board shall meet
2 at least twice per year and at such other times
3 as the chairperson determines appropriate.

4 “(B) POWERS OF CHAIRPERSON.—Except
5 as otherwise provided by a majority vote of the
6 Board, the powers of the chairperson shall in-
7 clude—

8 “(i) establishing committees;

9 “(ii) setting meeting places and times;

10 “(iii) establishing meeting agendas;

11 and

12 “(iv) developing rules for the conduct
13 of business.

14 “(C) QUORUM.—Four members of the
15 Board shall constitute a quorum. A majority of
16 members present and voting shall be required
17 for the Board to take action.

18 “(D) ADMINISTRATION.—The Federal Ad-
19 visory Committee Act shall not apply with re-
20 spect to the Board, other than sections 10, 11
21 and 12 of such Act.

22 “(5) ANNUAL REPORT.—

23 “(A) IN GENERAL.—Not less frequently
24 than once annually, the Board shall submit to

1 the authorizing committees a report on the re-
2 sults of the work conducted by the PBO.

3 “(B) CONTENTS.—Each report under
4 clause (i) shall include—

5 “(i) a description of the oversight
6 work of the Board and the results of such
7 work;

8 “(ii) a description of statutory re-
9 quirements of this section and section 144
10 where the PBO is not in compliance;

11 “(iii) recommendations on the ap-
12 pointment or reappointment of a Chief Op-
13 erating Officer;

14 “(iv) recommendations regarding
15 bonus payments for the Chief Operating
16 Officer and senior managers; and

17 “(v) recommendations for the author-
18 izing Committees and the Appropriations
19 Committees on—

20 “(I) any statutory changes need-
21 ed that would enhance the ability of
22 the PBO to meet the purposes of this
23 section; and

24 “(II) any recommendations for
25 the Secretary or the Chief Operating

1 Officer that will improve the oper-
2 ations of the PBO.

3 “(vi) ISSUANCE AND PUBLIC RE-
4 LEASE.—Each report under clause (i) shall
5 be posted on the publicly accessible website
6 of the Department of Education.

7 “(vii) PBO RECOMMENDATIONS.—Not
8 later than 180 days after the submission of
9 each report under clause (i), the Chief Op-
10 erating Officer shall respond to each rec-
11 ommendation individually, which shall in-
12 clude a description of such actions that the
13 Officer is undertaking to address such rec-
14 ommendation.

15 “(C) STAFF.—

16 “(i) IN GENERAL.—The Secretary
17 may appoint to the Board not more than
18 7 employees to assist in carrying out the
19 duties of the Board under this section.

20 “(ii) TECHNICAL EMPLOYEES.—Such
21 appointments may include, for terms not
22 to exceed 3 years and without regard to
23 the provisions of title 5, United States
24 Code, governing appointments in the com-
25 petitive service, not more than 3 technical

1 employees who may be paid without regard
2 to the provisions of chapter 51 and sub-
3 chapter III of chapter 53 of such title re-
4 lating to classification and General Sched-
5 ule pay rates, but no individual so ap-
6 pointed shall be paid in excess of the rate
7 authorized for GS-18 of the General
8 Schedule.

9 “(iii) DETAILEES.—The Secretary
10 may detail, on a reimbursable basis, any of
11 the personnel of the Department for the
12 purposes described in clause (i). Such em-
13 ployees shall serve without additional pay,
14 allowances, or benefits.

15 “(iv) STATUTORY CONSTRUCTION.—
16 Nothing in this subparagraph shall be con-
17 strued to provide for an increase in the
18 total number of permanent full-time equiv-
19 alent positions in the Department or any
20 other department or agency of the Federal
21 Government.

22 “(6) BRIEFING ON ACTIVITIES OF THE OVER-
23 SIGHT BOARD.—The Secretary shall, upon request,
24 provide a briefing to the authorizing committees on

1 the steps the Board has taken to carry out its re-
2 sponsibilities under this subsection.”.

3 **SEC. 132. ADMINISTRATIVE DATA TRANSPARENCY.**

4 Part D of title I (20 U.S.C. 1018 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 144. ADMINISTRATIVE DATA TRANSPARENCY.**

7 “(a) IN GENERAL.—To improve the transparency of
8 the student aid delivery system, the Secretary and the
9 Chief Operating Officer shall collect and publish informa-
10 tion on the performance of student loan programs under
11 title IV in accordance with this section.

12 “(b) DISCLOSURES.—

13 “(1) IN GENERAL.—The Secretary and the
14 Chief Operating Officer shall publish on a publicly
15 accessible website of the Department of Education
16 the following aggregate statistics with respect to the
17 performance of student loans under title IV:

18 “(A) The number of borrowers who paid
19 off the total outstanding balance of principal
20 and interest on their loans before the end of the
21 10-year or consolidated loan repayment sched-
22 ule.

23 “(B) The number of loans under each type
24 of deferment and forbearance.

1 “(C) The average length of time a loan
2 stays in default.

3 “(D) The percentage of loans in default
4 among borrowers who completed the program of
5 study for which the loans were made.

6 “(E) The number of borrowers enrolled in
7 an income-based repayment plan who make
8 monthly payments of \$0 and the average stu-
9 dent loan debt of such borrowers.

10 “(F) The number of students whose loan
11 balances are growing because such students are
12 not paying the full amount of interest accruing
13 on the loans.

14 “(G) The number of borrowers entering in-
15 come-based repayment plans to get out of de-
16 fault.

17 “(H) The number of borrowers in income-
18 based repayment plans who have outstanding
19 student loans from graduate school, and the av-
20 erage balance of such loans.

21 “(I) With respect to the public service loan
22 forgiveness program under section 455(m)—

23 “(i) the number of applications sub-
24 mitted and processed;

1 “(ii) the number of borrowers granted
2 loan forgiveness;

3 “(iii) the amount of loan debt for-
4 given; and

5 “(iv) the number of borrowers granted
6 loan forgiveness, and the amount of the
7 loan debt forgiven, disaggregated by each
8 category of employer that employs individ-
9 uals in public service jobs (as defined in
10 section 455(m)(3)(B), including—

11 “(I) the Federal Government, or
12 a State or local government;

13 “(II) an organization that is de-
14 scribed in section 501(c)(3) of the In-
15 ternal Revenue Code of 1986 and ex-
16 empt from taxation under section
17 501(a) of such Code; and

18 “(III) a non-profit organization
19 not described in subclause (II).

20 “(J) Any other aggregate statistics the
21 Secretary and the Chief Operating Officer de-
22 termine to be necessary to adequately inform
23 the public of the performance of the student
24 loan programs under title IV.

1 “(2) DISAGGREGATION.—The statistics de-
2 scribed in clauses (i) through (iii) of paragraph
3 (1)(I) shall be disaggregated—

4 “(A) by the number or amount for most
5 recent quarter;

6 “(B) by the total number or amount as of
7 the date of publication;

8 “(C) by repayment plan;

9 “(D) by borrowers seeking loan forgiveness
10 for loans made for an undergraduate course of
11 study; and

12 “(E) by borrowers seeking loan forgiveness
13 for loans made for a graduate course of study.

14 “(3) QUARTERLY UPDATES.—The statistics
15 published under paragraph (1) shall be updated not
16 less frequently than once each fiscal quarter.

17 “(c) INFORMATION COLLECTION.—

18 “(1) IN GENERAL.—The Secretary and the
19 Chief Operating Officer shall collect information on
20 the performance of student loans under title IV over
21 time, including—

22 “(A) measurement of the cash flow gen-
23 erated by such loans as determined by assessing
24 monthly payments on the loans over time;

1 “(B) the income level and employment sta-
2 tus of borrowers during repayment;

3 “(C) the loan repayment history of bor-
4 rowers prior to default;

5 “(D) the progress of borrowers in making
6 monthly payments on loans after defaulting on
7 the loans; and

8 “(E) such other information as the Sec-
9 retary and the Chief Operating Officer deter-
10 mine to be appropriate.

11 “(2) AVAILABILITY.—

12 “(A) IN GENERAL.—The information col-
13 lected under paragraph (1) shall be made avail-
14 able biannually to organizations and researchers
15 that—

16 “(i) submit to the Secretary and the
17 Chief Operating officer a request for such
18 information; and

19 “(ii) enter into an agreement with the
20 National Center for Education Statistics
21 under which the organization or researcher
22 (as the case may be) agrees to use the in-
23 formation in accordance with the privacy
24 laws described in subparagraph (B).

1 “(B) PRIVACY PROTECTIONS.—The privacy
2 laws described in this subparagraph are the fol-
3 lowing:

4 “(i) Section 183 of the Education
5 Sciences Reform Act of 2002 (20 U.S.C.
6 9573).

7 “(ii) The Privacy Act of 1974 (5
8 U.S.C. 552a).

9 “(iii) Section 444 of the General Edu-
10 cation Provisions Act (commonly known as
11 the ‘Family Educational Rights and Pri-
12 vacy Act of 1974’) (20 U.S.C. 1232g).

13 “(iv) Subtitle A of title V of the E-
14 Government Act of 2002 (44 U.S.C. 3501
15 note).

16 “(C) FORMAT.—The information described
17 in subparagraph (A) shall be made available in
18 the format of a data file that contains an statis-
19 tically accurate, representative sample of all
20 borrowers of loans under title IV.

21 “(d) DATA SHARING.—The Secretary and the Chief
22 Operating Officer may enter into cooperative data sharing
23 agreements with other Federal or State agencies to ensure
24 the accuracy of information collected and published under
25 this section.

1 “(e) PRIVACY.—The Secretary and the Chief Oper-
2 ating Officer shall ensure that any information collected,
3 published, or otherwise made available under this section
4 does not reveal personally identifiable information.”.

5 **PART E—LENDER AND INSTITUTION REQUIRE-**
6 **MENTS RELATING TO EDUCATION LOANS**

7 **SEC. 141. MODIFICATION OF PREFERRED LENDER AR-**
8 **RANGEMENTS.**

9 (a) IN GENERAL.—Part E of title I (20 U.S.C. 1019
10 et seq.) is amended—

11 (1) in section 151 (20 U.S.C. 1019(2))—

12 (A) in paragraph (2), by striking “section
13 102” and inserting “section 101 or 102”;

14 (B) in paragraph (3)—

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

17 (ii) by redesignating subparagraph
18 (C) as subparagraph (D); and

19 (iii) by inserting after subparagraph
20 (B), the following:

21 “(C) any loan made under part E of title
22 IV after the date of enactment of the HOPE
23 Act; or”;

24 (C) in paragraph (6)(A)—

1 (i) by striking “and” at the end of
2 clause (ii);

3 (ii) by redesignating clause (iii) as
4 clause (iv); and

5 (iii) by inserting after clause (ii), the
6 following:

7 “(iii) in the case of a loan issued or
8 provided to a student under part E of title
9 IV on or after the date of enactment of the
10 HOPE Act;”;

11 (D) in paragraph (8)(B)—

12 (i) by striking “or” at the end of
13 clause (i);

14 (ii) by redesignating clause (ii) as
15 clause (iii); and

16 (iii) by inserting after clause (i), the
17 following:

18 “(ii) arrangements or agreements with
19 respect to loans under part E of title IV;
20 or”;

21 (2) in section 152 (20 U.S.C. 1019)—

22 (A) in subsection (a)(1)—

23 (i) in subparagraph (B), by amending
24 clause (i) to read as follows:

1 “(i) make available to the prospective
2 borrower on a website or with informa-
3 tional material, the information the Board
4 of Governors of the Federal Reserve Sys-
5 tem requires the lender to provide to the
6 covered institution under section
7 128(e)(11) of the Truth in Lending Act
8 (15 U.S.C. 1638(e)(11)) for such loan;”;
9 and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(D) SPECIAL RULE.—Notwithstanding
13 any other provision of law, a covered institu-
14 tion, or an institution-affiliated organization of
15 such covered institution, shall not be required
16 to provide any information regarding private
17 education loans to prospective borrowers except
18 for the information described in subparagraph
19 (B).”; and

20 (B) in subsection (b)(1)(A)(i), by striking
21 “part B or D” and inserting “part B, D, or
22 E”;

23 (3) in section 153 (20 U.S.C. 1019b)—

24 (A) in subsection (a)—

25 (i) in paragraph (1)(B)—

1 (I) in clause (i), by adding “and”
2 at the end;

3 (II) in clause (ii), by striking “;
4 and” at the end and inserting a pe-
5 riod; and

6 (III) by striking clause (iii); and
7 (ii) in paragraph (2), by amending
8 subparagraph (C) to read as follows:

9 “(C) update such model disclosure form
10 not later than 180 after the date of enactment
11 of the HOPE Act, and periodically thereafter,
12 as necessary.”; and

13 (B) by amending subsection (c) to read as
14 follows:

15 “(c) DUTIES OF COVERED INSTITUTIONS AND INSTI-
16 TUTION-AFFILIATED ORGANIZATIONS.—

17 “(1) CODE OF CONDUCT.—Each covered insti-
18 tution, and each institution-affiliated organization of
19 such covered institution, that has a preferred lender
20 arrangement, shall comply with the code of conduct
21 requirements of subparagraphs (A) through (C) of
22 section 487(a)(23).

23 “(2) APPLICABLE CODE OF CONDUCT.—For
24 purposes of subparagraph (A), an institution-affili-
25 ated organization of a covered institution shall—

1 “(A) comply with the code of conduct de-
2 veloped and published by such covered institu-
3 tion under subparagraphs (A) and (B) of sec-
4 tion 487(a)(23);

5 “(B) if such institution-affiliated organiza-
6 tion has a website, publish such code of conduct
7 prominently on the website; and

8 “(C) administer and enforce such code of
9 conduct by, at a minimum, requiring that all of
10 such organization’s agents with responsibilities
11 with respect to education loans be annually in-
12 formed of the provisions of such code of con-
13 duct.”; and

14 (4) in section 154 (20 U.S.C. 1019c)—

15 (A) in the section heading, by inserting be-
16 fore the period at the end the following: “**OR**
17 **THE FEDERAL ONE LOAN PROGRAM**”;

18 (B) by striking “William D. Ford Direct
19 Loan Program” each place it appears and in-
20 serting “William D. Ford Direct Loan Program
21 or the Federal ONE Loan Program”

22 (C) by striking “part D” each place it ap-
23 pears and inserting “part D or E”; and

24 (D) in subsection (a)—

1 (i) by striking “the development” and
2 inserting “the first update”;

3 (ii) by striking “section 153(a)(2)(B)”
4 and inserting “section 153(a)(2)(C)”; and

5 (iii) by striking “Federal Direct Staf-
6 ford Loans, Federal Direct Unsubsidized
7 Stafford Loans, and Federal Direct
8 PLUS” and inserting “undergraduate,
9 graduate, and parent”.

10 (b) LIMITATION.—The Secretary of Education shall
11 not impose, administer, or enforce any requirements on
12 a covered institution or an institution-affiliated organiza-
13 tion of a covered institution relating to preferred lender
14 lists or arrangements unless explicitly authorized by sec-
15 tions 152(a)(1)(B), 153(c), or 487(h)(1) of the Higher
16 Education Act of 1965 (20 U.S.C. 1019a(a)(1)(B),
17 1019b(c), or 1094(h), respectively) as amended by this
18 Act.

19 **PART F—ADDRESSING SEXUAL ASSAULT**

20 **SEC. 151. ADDRESSING SEXUAL ASSAULT.**

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

1 **“PART F—ADDRESSING SEXUAL ASSAULT**

2 **“SEC. 161. APPLICATION.**

3 “The requirements of this part shall apply to any in-
4 stitution of higher education receiving Federal financial
5 assistance under this Act, including financial assistance
6 provided to students under title IV, other than—

7 “(1) an institution outside the United States; or

8 “(2) an institution that provides instruction pri-
9 marily through online courses.

10 **“SEC. 162. CAMPUS CLIMATE SURVEYS.**

11 “(a) SURVEYS TO MEASURE CAMPUS ATTITUDES
12 AND CLIMATE REGARDING SEXUAL ASSAULT AND MIS-
13 CONDUCT ON CAMPUS.—Each institution of higher edu-
14 cation that is subject to this part shall conduct surveys
15 of its students to measure campus attitudes towards sex-
16 ual assault and the general climate of the campus regard-
17 ing the institution’s treatment of sexual assault on cam-
18 pus, and shall use the results of the survey to improve
19 the institution’s ability to prevent and respond appro-
20 priately to incidents of sexual assault.

21 “(b) CONTENTS.—The institution’s survey under this
22 section shall consist of such questions as the institution
23 considers appropriate, which may (at the option of the in-
24 stitution) include any of the following:

25 “(1) Questions on the incidence and prevalence
26 of sexual assault experienced by students.

1 “(2) Questions on whether students who experi-
2 ence sexual assault report such incidents to campus
3 officials or law enforcement agencies.

4 “(3) Questions on whether the alleged perpetra-
5 tors are students of the institution.

6 “(4) Questions to test the students’ knowledge
7 and understanding of institutional policies regarding
8 sexual assault and available campus support services
9 for victims of sexual assault.

10 “(5) Questions to test the students’ knowledge,
11 understanding, and retention of campus sexual as-
12 sault prevention and awareness programming.

13 “(6) Questions related to dating violence, do-
14 mestic violence, and stalking.

15 “(c) OTHER ISSUES RELATING TO THE ADMINISTRA-
16 TION OF SURVEYS.—

17 “(1) MANDATORY CONFIDENTIALITY OF RE-
18 SPONSES.—The institution shall ensure that all re-
19 sponses to surveys under this section are kept con-
20 fidential and do not require the respondents to pro-
21 vide personally identifiable information.

22 “(2) ENCOURAGING USE OF BEST PRACTICES
23 AND APPROPRIATE LANGUAGE.—The institution is
24 encouraged to administer the surveys under this sec-
25 tion in accordance with best practices derived from

1 peer-reviewed research, and to use language that is
2 sensitive to potential respondents who may have
3 been victims of sexual assault.

4 “(3) ENCOURAGING RESPONSES.—The institu-
5 tion shall make a good faith effort to encourage stu-
6 dents to respond to the surveys.

7 “(d) ROLE OF SECRETARY.—

8 “(1) DEVELOPMENT OF SAMPLE SURVEYS.—
9 The Secretary, in consultation with relevant stake-
10 holders, shall develop sample surveys that an institu-
11 tion may elect to use under this section, and shall
12 post such surveys on a publicly accessible website of
13 the Department of Education. The Secretary shall
14 develop sample surveys that are suitable for the var-
15 ious populations who will participate in the surveys.

16 “(2) LIMIT ON OTHER ACTIVITIES.—In carrying
17 out this section, the Secretary—

18 “(A) may not regulate or otherwise impose
19 conditions on the contents of an institution’s
20 surveys under this section, except as may be
21 necessary to ensure that the institution meets
22 the confidentiality requirements of subsection
23 (c)(1); and

1 “(B) may not use the results of the sur-
2 veys to make comparisons between institutions
3 of higher education.

4 “(e) FREQUENCY.—An institution of higher edu-
5 cation that is subject to this part shall conduct a survey
6 under this section not less frequently than once every 3
7 academic years.

8 **“SEC. 163. SURVIVORS’ COUNSELORS.**

9 “(a) REQUIRING INSTITUTIONS TO MAKE COUN-
10 SELOR AVAILABLE.—

11 “(1) IN GENERAL.—Each institution of higher
12 education that is subject to this part shall retain the
13 services of qualified sexual assault survivors’ coun-
14 selors to counsel and support students who are vic-
15 tims of sexual assault.

16 “(2) USE OF CONTRACTORS PERMITTED.—At
17 the option of the institution, the institution may re-
18 tain the services of counselors who are employees of
19 the institution or may enter into agreements with
20 other institutions of higher education, victim advo-
21 cacy organizations, or other appropriate sources to
22 provide counselors for purposes of this section.

23 “(3) NUMBER.—The institution shall retain
24 such number of counselors under this section as the
25 institution considers appropriate based on a reason-

1 able determination of the anticipated demand for
2 such counselors' services, so long as the institution
3 retains the services of at least one such counselor at
4 all times.

5 “(b) QUALIFICATIONS.—A counselor is qualified for
6 purposes of this section if the counselor has completed
7 education specifically designed to enable the counselor to
8 provide support to victims of sexual assault, and is famil-
9 iar with relevant laws on sexual assault as well as the in-
10 stitution's own policies regarding sexual assault.

11 “(c) INFORMING VICTIMS OF AVAILABLE OPTIONS
12 AND SERVICES.—In providing services pursuant to this
13 section, a counselor shall—

14 “(1) inform the victim of sexual assault of op-
15 tions available to victims, including the procedures
16 the victim may follow to report the assault to the in-
17 stitution or to a law enforcement agency; and

18 “(2) inform the victim of interim measures that
19 may be taken pending the resolution of institutional
20 disciplinary proceedings or the conclusion of criminal
21 justice proceedings.

22 “(d) CONFIDENTIALITY.—

23 “(1) MAINTAINING CONFIDENTIALITY OF IN-
24 FORMATION.—In providing services pursuant to this
25 section, a counselor shall—

1 “(A) maintain confidentiality with respect
2 to any information provided by a victim of sex-
3 ual assault to the greatest extent permitted
4 under applicable law; and

5 “(B) notify the victim of any cir-
6 cumstances under which the counselor is re-
7 quired to report information to others (includ-
8 ing a law enforcement agency) notwithstanding
9 the general requirement to maintain confiden-
10 tiality under subparagraph (A).

11 “(2) MAINTAINING PRIVACY OF RECORDS.—A
12 counselor providing services pursuant to this section
13 shall be considered a recognized professional for pur-
14 poses of section 444(a)(4)(B)(iv) of the General
15 Education Provisions Act (commonly known as the
16 ‘Family Educational Rights and Privacy Act of
17 1974’) (20 U.S.C. 1232g(a)(4)(B)(iv)).

18 “(e) LIMITATIONS.—

19 “(1) NO REPORTING OF INCIDENTS UNDER
20 CLERY ACT OR OTHER AUTHORITY.—A counselor
21 providing services pursuant to this section is not re-
22 quired to report incidents of sexual assault that are
23 reported to the counselor for inclusion in any report
24 on campus crime statistics, and shall not be consid-

1 ered part of a campus police or security department
2 for purposes of section 485(f).

3 “(2) NO COVERAGE OF COUNSELORS AS RE-
4 SPONSIBLE EMPLOYEES UNDER TITLE IX.—A coun-
5 selor providing services pursuant to this section on
6 behalf of an institution of higher education shall not
7 be considered a responsible employee of the institu-
8 tion for purposes of title IX of the Education
9 Amendments of 1972 (20 U.S.C. 1681 et seq.) or
10 the regulations promulgated pursuant to such title.

11 “(f) NOTIFICATIONS TO STUDENTS.—Each institu-
12 tion of higher education that is subject to this part shall
13 make a good faith effort to notify its students of the avail-
14 ability of the services of counselors pursuant to this sec-
15 tion through the statement of policy described in section
16 485(f)(8)(B)(vi) and any other methods as the institution
17 considers appropriate, including disseminating informa-
18 tion through the institution’s website, posting notices
19 throughout the campus, and including information as part
20 of programs to educate students on sexual assault preven-
21 tion and awareness.

22 **“SEC. 164. FORM TO DISTRIBUTE TO VICTIMS OF SEXUAL**
23 **ASSAULT.**

24 “(a) REQUIREMENT TO DEVELOP AND DISTRIBUTE
25 FORM.—Each institution of higher education that is sub-

1 ject to this part shall develop a one-page form containing
2 information to provide guidance and assistance to students
3 who may be victims of sexual assault, and shall make the
4 form widely available to students.

5 “(b) CONTENTS OF FORM.—The form developed
6 under this section shall contain such information as the
7 institution considers appropriate, and may include the fol-
8 lowing:

9 “(1) Information about the services of coun-
10 selors which are available pursuant to section 163,
11 including a statement that the counselor will provide
12 the maximum degree of confidentiality permitted
13 under law, and a brief description of the cir-
14 cumstances under which the counselor may be re-
15 quired to report information notwithstanding the vic-
16 tim’s desire to keep the information confidential.

17 “(2) Information about other appropriate cam-
18 pus resources and resources in the local community,
19 including contact information.

20 “(3) Information about where to obtain medical
21 treatment, and information about transportation
22 services to such medical treatment facilities, if avail-
23 able.

24 “(4) Information about the importance of pre-
25 serving evidence after a sexual assault.

1 “(5) Information about how to file a report
2 with local law enforcement agencies.

3 “(6) Information about the victim’s right to re-
4 quest accommodations, and examples of accommoda-
5 tions that may be provided.

6 “(7) Information about the victim’s right to re-
7 quest that the institution begin an investigation of
8 an allegation of sexual assault and initiate an insti-
9 tutional disciplinary proceeding if the alleged pepe-
10 trator of the assault is another student or a member
11 of the faculty or staff of the institution.

12 “(8) A statement that an institutional discipli-
13 nary proceeding is not a substitute for a criminal
14 justice proceeding.

15 “(9) Information about how to report a sexual
16 assault to the institution, including the designated
17 official or office responsible for receiving these re-
18 ports.

19 “(c) DEVELOPMENT OF MODEL FORMS.—The Sec-
20 retary, in consultation with relevant stakeholders, shall de-
21 velop model forms that an institution may use to meet
22 the requirements of this section, and shall include in such
23 model forms language which may accommodate a variety
24 of State and local laws and institutional policies. Nothing
25 in this subsection may be construed to require an institu-

1 tion to use any of the model forms developed under this
2 subsection.

3 **“SEC. 165. MEMORANDA OF UNDERSTANDING WITH LOCAL**
4 **LAW ENFORCEMENT AGENCIES.**

5 “(a) FINDINGS; PURPOSE.—

6 “(1) FINDINGS.—Because sexual assault is a
7 serious crime, coordination and cooperation between
8 institutions of higher education and law enforcement
9 agencies are critical in ensuring that reports of sex-
10 ual assaults on campus are handled in an appro-
11 priate and effective manner. A memorandum of un-
12 derstanding entered into between an institution and
13 the law enforcement agency with primary jurisdic-
14 tion for responding to reports of sexual assault on
15 the institution’s campus is a useful tool to promote
16 this coordination and cooperation.

17 “(2) PURPOSE.—It is the purpose of this sec-
18 tion to encourage each institution of higher edu-
19 cation that is subject to this part to enter into a
20 memorandum of understanding with the law enforce-
21 ment agency with primary jurisdiction for respond-
22 ing to reports of sexual assault on the institution’s
23 campus so that reports of sexual assault on the in-
24 stitution’s campus may be handled in an appropriate
25 and effective manner.

1 “(b) CONTENTS OF MEMORANDUM.—An institution
2 of higher education and a law enforcement agency enter-
3 ing into a memorandum of understanding described in this
4 section are encouraged to include in the memorandum pro-
5 visions addressing the following:

6 “(1) An outline of the protocols and a delineation
7 of responsibilities for responding to a report of
8 sexual assault occurring on campus.

9 “(2) A clarification of each party’s responsibil-
10 ities under existing Federal, State, and local law or
11 policies.

12 “(3) The need for the law enforcement agency
13 to know about institutional policies and resources so
14 that the agency can direct student-victims of sexual
15 assault to such resources.

16 “(4) The need for the institution to know about
17 resources available within the criminal justice system
18 to assist survivors, including the presence of special
19 prosecutor or police units specifically designated to
20 handle sexual assault cases.

21 “(5) If the institution has a campus police or
22 security department with law enforcement authority,
23 the need to clarify the relationship and delineate the
24 responsibilities between such department and the

1 law enforcement agency with respect to handling in-
2 cidents of sexual assaults occurring on campus.

3 “(c) **ROLE OF SECRETARY.**—The Secretary, in con-
4 sultation with the Attorney General, shall develop best
5 practices for memoranda of understanding described in
6 this section, and shall disseminate such best practices on
7 a publicly accessible website of the Department of Edu-
8 cation.

9 **“SEC. 166. DEFINITIONS.**

10 “In this part:

11 “(1) The term ‘sexual assault’ has the meaning
12 given such term in section 485(f)(6)(A)(v).

13 “(2) The terms ‘dating violence’, ‘domestic vio-
14 lence’, and ‘stalking’, have the meaning given such
15 terms in section 485(f)(6)(A)(i).”.

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

18 **SEC. 201. DEFINITIONS.**

19 Section 200 (20 U.S.C. 1021) is amended—

20 (1) by striking paragraph (3) and inserting the
21 following:

22 “(3) **COMPREHENSIVE LITERACY INSTRUCC-**
23 **TION.**—The term ‘comprehensive literacy instruc-

24 tion’ has the meaning given that term in section

1 2221(b)(1) of the Elementary and Secondary Edu-
2 cation Act of 1965 (20 U.S.C. 6641(b)(1)).”;

3 (2) in paragraph (6)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “Except as otherwise provided
6 in section 251, the” and inserting “The”;

7 (B) in subparagraph (A)—

8 (i) by redesignating clauses (iii)
9 through (v) as clauses (iv) through (vi), re-
10 spectively; and

11 (ii) by inserting after clause (ii) the
12 following:

13 “(iii) a State educational agency;”;

14 and

15 (C) in subparagraph (B)—

16 (i) by striking clause (ii); and

17 (ii) by redesignating clauses (iii)
18 through (xiii) as clauses (ii) through (xii),
19 respectively;

20 (3) by striking paragraphs (7) and (8);

21 (4) by inserting after paragraph (6) the fol-
22 lowing:

23 “(7) EVIDENCE-BASED.—The term ‘evidence-
24 based’ has the meaning given that term in section

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

3 (5) by redesignating paragraphs (9) through
4 (12) as paragraphs (8) through (11), respectively;

5 (6) by redesignating paragraphs (14) through
6 (17) as paragraphs (12) through (15), respectively;

7 (7) in paragraph (12), as so redesignated—

8 (A) in subparagraph (C), by striking “em-
9 pirically-based practice and scientifically valid
10 research on instructional” and inserting “evi-
11 dence-based”;

12 (B) in subparagraph (D), by striking “em-
13 pirically-based practice and scientifically valid
14 research with” and inserting “evidence-based”;
15 and

16 (C) by amending subparagraph (E) to read
17 as follows:

18 “(E) The development of skills in, where
19 applicable, evidence-based instructional and be-
20 havioral interventions.”;

21 (8) by amending paragraph (13), as so redesi-
22 gnated, to read as follows:

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

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

3 (9) in paragraph (15), as so redesignated—

4 (A) in the matter preceding subparagraph
5 (A), by inserting “or school leader” after
6 “teacher”;

7 (B) in subparagraph (A)(i)—

8 (i) by striking “of teaching”; and

9 (ii) by inserting “or new school lead-
10 ers” after “new teachers”; and

11 (C) in subparagraph (B)(ii), by inserting
12 “or school leader” after “a teacher”;

13 (10) by striking paragraph (18);

14 (11) by redesignating paragraph (19) as para-
15 graph (16);

16 (12) by striking paragraph (20);

17 (13) by inserting after paragraph (16), as so
18 redesignated, the following:

19 “(17) RESIDENCY PROGRAM.—The term ‘resi-
20 dency program’ means a school-based educator prep-
21 aration program in which a prospective teacher or
22 school leader—

23 “(A) for 1 academic year, works alongside
24 a mentor teacher or school leader who is the ed-
25 ucator of record;

1 “(B) receives concurrent instruction during
2 the year described in subparagraph (A) from
3 the partner institution, which courses may be
4 taught by local educational agency personnel or
5 residency program faculty, in—

6 “(i) in the case of a teacher residency,
7 the teaching of the content area in which
8 the teacher will become certified or li-
9 censed;

10 “(ii) pedagogical practices; and

11 “(iii) in the case of a school leader
12 residency, leadership, management, organi-
13 zational, and instructional skills necessary
14 to serve as a school leader;

15 “(C) acquires effective teaching or leader-
16 ship skills; and

17 “(D) prior to completion of the program,
18 attains full State teacher or school leader cer-
19 tification or licensure.

20 “(18) SCHOOL LEADER.—The term ‘school
21 leader’ has the meaning given that term in section
22 8101 of the Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 7801).

24 “(19) SCHOOL LEADERSHIP SKILLS.—The term
25 ‘school leadership skills’ means skills that enable a

1 school leader to support the academic achievement of
2 all students, such as by—

3 “(A) developing and effectively imple-
4 menting a shared mission across a school that
5 supports a rigorous and coherent system of cur-
6 riculum, instruction, and assessment;

7 “(B) developing the professional capacity
8 and practice of school personnel;

9 “(C) creating a safe and inclusive learning
10 environment;

11 “(D) effectively communicating and work-
12 ing with parents;

13 “(E) effectively managing school oper-
14 ations and resources; and

15 “(F) supporting a culture of accountability
16 that promotes continuous improvement.

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

24 “(A) is educated in and practices teacher
25 leadership; and

1 “(B) fosters a collaborative culture to—

2 “(i) support educator development, ef-
3 fectiveness, and student learning;

4 “(ii) support access and use research
5 to improve practice and student learning;

6 “(iii) promote professional learning
7 for continuous improvement;

8 “(iv) facilitate improvements in in-
9 struction and student learning;

10 “(v) promote the appropriate use of
11 assessments and data for school and local
12 educational agency improvement;

13 “(vi) improve outreach and collabora-
14 tion with families and community;

15 “(vii) advance the profession by shap-
16 ing and implementing policy; and

17 “(viii) advocate for increased access to
18 great teaching and learning for all stu-
19 dents.”;

20 (14) in subparagraph (F) of paragraph (21), by
21 striking “empirically-based practice of, and scientif-
22 ically valid research” and inserting “evidence-based
23 practices”;

24 (15) by striking paragraph (22);

1 (16) by redesignating paragraph (23) as para-
2 graph (22);

3 (17) in subparagraph (D) of paragraph (22), as
4 so redesignated—

5 (A) in clause (i), by striking “empirically-
6 based practice and scientifically valid research”
7 and inserting “evidence-based practice”; and

8 (B) in clause (iii), by striking “limited
9 English proficient” and inserting “English
10 learners”; and

11 (18) by adding at the end the following:

12 “(23) WELL-ROUNDED EDUCATION.—The term
13 ‘well-rounded education’ has the meaning given that
14 term in section 8101 of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 7801).”.

16 **SEC. 202. PURPOSES.**

17 Section 201 (20 U.S.C. 1022), is amended—

18 (1) in paragraph (2), by striking “teachers by
19 improving the preparation of prospective teachers
20 and enhancing professional development activities
21 for new teachers” and inserting “teachers and school
22 leaders by improving the preparation of prospective
23 teachers and school leaders and enhancing their pro-
24 fessional development”; and

25 (2) in paragraph (4)—

1 (A) by striking “highly qualified individ-
2 uals” and inserting “prospective teachers and
3 school leaders”; and

4 (B) by striking “teaching force” and in-
5 serting “education field”.

6 **SEC. 203. PARTNERSHIP GRANTS.**

7 Section 202 (20 U.S.C. 1022a) is amended—

8 (1) in subsection (a)—

9 (A) by striking “From amounts made
10 available under section 209” and inserting the
11 following:

12 “(1) IN GENERAL.—From amounts made avail-
13 able under section 209 and not reserved under para-
14 graph (2)”; and

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

16 “(2) RESERVATION.—The Secretary shall re-
17 serve 10 percent of the amount made available
18 under section 209 to carry out subsection (h).”;

19 (2) in subsection (b)—

20 (A) in the matter preceding paragraph (1),
21 by striking “, in such manner, and accompanied
22 by such information” and inserting “and in
23 such manner”;

24 (B) in paragraph (1), by striking “prin-
25 cipals” and inserting “school leaders”;

1 (C) in paragraph (2), by striking “with
2 strong teaching skills” and inserting “or school
3 leaders with strong teaching skills or school
4 leadership skills”;

5 (D) in paragraph (3)—

6 (i) by inserting “or school leaders”
7 after “teachers”; and

8 (ii) by striking “classroom instruc-
9 tion” and inserting “practice”;

10 (E) in paragraph (4) by inserting “or
11 school leader” after “teacher” each place it ap-
12 pears;

13 (F) in paragraph (6)—

14 (i) in subparagraph (E), by inserting
15 “or school leader” after “teacher”;

16 (ii) in subparagraph (G), by striking
17 “students who are limited English pro-
18 ficient” and inserting “English learners”;

19 (iii) in subparagraph (H)—

20 (I) in the matter preceding clause

21 (i)—

22 (aa) by inserting “or school
23 leaders” after “teachers”; and

24 (bb) by striking “the class-
25 rooms of”;

1 (II) in clause (i), by striking “of
2 elementary school and secondary
3 school teachers” and inserting “or
4 school leadership skills of elementary
5 school and secondary school teachers
6 or school leaders”; and

7 (III) in clause (ii) by striking
8 “literacy programs that incorporate
9 the essential components of reading
10 instruction” and inserting “com-
11 prehensive literacy instruction”; and

12 (iv) in subparagraph (K), by inserting
13 “, school leaders,” after “teachers”; and

14 (G) in paragraph (7)(B), by striking “em-
15 pirically-based practice and scientifically valid
16 research” and inserting “evidence-based strate-
17 gies”;

18 (3) in subsection (c)—

19 (A) by striking “preparation of teachers
20 under subsection (d), a teaching residency” and
21 inserting “pre-baccalaureate or post-bacca-
22 laureate preparation of teachers under sub-
23 section (d), a residency”; and

24 (B) by striking “leadership” and inserting
25 “teacher leader”;

1 (4) in subsection (d)—

2 (A) in the matter preceding paragraph (1),
3 by striking “pre-baccalaureate teacher prepara-
4 tion program or a 5th year initial licensing pro-
5 gram” and inserting “teacher preparation pro-
6 gram”;

7 (B) in paragraph (1)—

8 (i) in subparagraph (A)(i)—

9 (I) in subclause (I), by striking
10 “limited English proficient” and in-
11 sserting “English learners”; and

12 (II) in subclause (II)—

13 (aa) by striking “empiri-
14 cally-based practice and scientif-
15 ically valid research” and insert-
16 ing “evidence-based practice”;
17 and

18 (bb) by striking “and re-
19 search”;

20 (ii) in subparagraph (B)(ii)—

21 (I) in the matter preceding sub-
22 clause (I), by striking “empirically-
23 based practice and scientifically valid
24 research” and inserting “evidence-
25 based practices”;

1 (II) in subclause (IV)(aa), by
2 striking “limited English proficient”
3 and inserting “English learners”; and

4 (III) in subclause (VI), by strik-
5 ing “reading instruction using the es-
6 sential components of reading instruc-
7 tion” and inserting “comprehensive
8 literacy instruction”;

9 (C) in paragraph (2)(A)(ii), by striking
10 “principals” and inserting “school leaders”;

11 (D) in paragraph (5)(B), by striking “lim-
12 ited English proficient students” and inserting
13 “English learners”; and

14 (E) in paragraph (6)(A), by striking “the
15 essential components of reading” and inserting
16 “comprehensive literacy”;

17 (5) in subsection (e)—

18 (A) in the subsection heading by inserting
19 “OR SCHOOL LEADER” after “TEACHING”;

20 (B) in paragraph (1)—

21 (i) in the matter preceding subpara-
22 graph (A), by inserting “or school leader”
23 after “teaching”;

24 (ii) in subparagraph (A), by striking
25 “residency program described in paragraph

1 (2)” and inserting “or school leader resi-
2 dency program described in paragraph (2)
3 or paragraph (3), respectively”;

4 (iii) in subparagraph (B)—

5 (I) by striking “teaching resi-
6 dency program in” and inserting
7 “teaching or school leader residency
8 program in”;

9 (II) by striking “graduates of the
10 teaching residency program” and in-
11 sserting “graduates of the residency
12 program”; and

13 (III) by striking “mentor teach-
14 ers” and inserting “mentors, where
15 possible”;

16 (iv) in subparagraph (C)—

17 (I) by striking “teaching” each
18 place it appears;

19 (II) in clause (ii), by striking
20 “teacher”;

21 (III) in clause (iii), by striking
22 “classroom as new teachers” and in-
23 sserting “classroom or school as new
24 educators”; and

1 (IV) in clause (iv), by striking
2 “the preparation” and inserting “in
3 the case of a teaching residency pro-
4 gram, the preparation”;

5 (C) in paragraph (2)—

6 (i) in subparagraph (A)(iv)(V)—

7 (I) by striking “the essential
8 components of reading instruction”
9 and inserting “comprehensive literacy
10 instruction”; and

11 (II) by striking “core subject
12 areas” and inserting “a well-rounded
13 education”; and

14 (ii) by striking subparagraph (C); and

15 (D) by adding at the end the following:

16 “(3) SCHOOL LEADER RESIDENCY PRO-
17 GRAMS.—

18 “(A) ESTABLISHMENT AND DESIGN.—A
19 school leader residency program under this
20 paragraph shall be a program based upon mod-
21 els of successful school leader residencies that
22 serve as a mechanism to prepare school leaders
23 for success in the high-need schools in the eligi-
24 ble partnership, and shall be designed to in-

1 clude the following characteristics of successful
2 programs:

3 “(i) Engagement of school leader resi-
4 dents in rigorous graduate-level coursework
5 to earn an appropriate advanced credential
6 while undertaking a guided school leader
7 apprenticeship.

8 “(ii) Experience and learning opportu-
9 nities alongside an educated and experi-
10 enced mentor school leader—

11 “(I) whose mentoring shall com-
12 plement the residency program so that
13 school-based clinical practice is tightly
14 aligned with coursework; and

15 “(II) who may be relieved from
16 some portion of school leader duties
17 as a result of such additional respon-
18 sibilities.

19 “(iii) The establishment of clear cri-
20 teria for the selection of mentor school
21 leaders based on observations of such
22 school leaders’ school leadership skills.

23 “(iv) The development of admissions
24 goals and priorities—

1 “(I) that are aligned with the
2 hiring objectives of the local edu-
3 cational agency partnering with the
4 program, as well as the instructional
5 initiatives and curriculum of such
6 agency, in exchange for a commitment
7 by such agency to hire qualified grad-
8 uates from the residency program;
9 and

10 “(II) which may include consider-
11 ation of applicants who reflect the
12 communities in which they will serve
13 as well as consideration of individuals
14 from underrepresented populations in
15 school leadership positions.

16 “(v) Support for residents, once the
17 residents are hired as school leaders,
18 through an induction program, professional
19 development, and networking opportunities
20 to support the residents through not less
21 than the residents’ first two years serving
22 as a school leader.

23 “(B) SELECTION OF INDIVIDUALS AS
24 SCHOOL LEADER RESIDENTS.—

1 “(i) ELIGIBLE INDIVIDUAL.—In order
2 to be eligible to be a school leader resident
3 in a school leader residency program under
4 this paragraph, an individual shall—

5 “(I) have prior prekindergarten
6 through grade 12 teaching experience;
7 and

8 “(II) submit an application to
9 the residency program.

10 “(ii) SELECTION CRITERIA.—An eligi-
11 ble partnership carrying out a school lead-
12 er residency program under this paragraph
13 shall establish criteria for the selection of
14 eligible individuals to participate in the
15 residency program based on the following
16 characteristics:

17 “(I) Evidence of effective teach-
18 ing skills.

19 “(II) Strong verbal and written
20 communication skills, which may be
21 demonstrated by performance on ap-
22 propriate assessments.

23 “(III) Other attributes linked to
24 effective school leadership as deter-
25 mined by the eligible partnership.

1 “(4) STIPENDS OR SALARIES; APPLICATIONS;
2 AGREEMENTS; REPAYMENTS.—

3 “(A) STIPENDS OR SALARIES.—A resi-
4 dency program under this subsection shall pro-
5 vide a one-year living stipend or salary to resi-
6 dents during the residency program.

7 “(B) APPLICATIONS FOR STIPENDS OR
8 SALARIES.—Each residency candidate desiring
9 a stipend or salary during the period of resi-
10 dency shall submit an application to the eligible
11 partnership at such time, and containing such
12 information and assurances, as the eligible
13 partnership may require.

14 “(C) AGREEMENTS TO SERVE.—Each ap-
15 plication submitted under subparagraph (B)
16 shall contain or be accompanied by an agree-
17 ment that the applicant will—

18 “(i) serve as a full-time teacher or
19 school leader for a total of not less than
20 three academic years immediately after
21 successfully completing the residency pro-
22 gram;

23 “(ii) fulfill the requirement under
24 clause (i) by—

1 “(I) (aa) teaching in a high-need
2 school served by the high-need local
3 educational agency in the eligible
4 partnership and teaching a subject or
5 area that is designated as high need
6 by the partnership; or

7 “(bb) serving—

8 “(AA) as a school leader in
9 a high-need school served by the
10 high-need local educational agen-
11 cy in the eligible partnership; or

12 “(BB) if no such school
13 leader position is immediately
14 available, in a school-based role
15 that leads to such a school leader
16 position; or

17 “(II) if there is no appropriate
18 position available under subclause (I),
19 by—

20 “(aa) teaching in any other
21 high-need school; or

22 “(bb) serving in a position
23 described in subclause (I)(bb) in
24 a high-need school in any other

1 high-need local educational agen-
2 cy;

3 “(iii) provide to the eligible partner-
4 ship a certificate, from the chief adminis-
5 trative officer of the local educational
6 agency in which the resident is employed,
7 of the employment required in clauses (i)
8 and (ii) at the beginning of, and upon com-
9 pletion of, each year or partial year of
10 service;

11 “(iv) meet the applicable State certifi-
12 cation and licensure requirements, includ-
13 ing any requirements for certification ob-
14 tained through alternative routes to certifi-
15 cation, or, with regard to special education
16 teachers, the qualifications described in
17 section 612(a)(14)(C) of the Individuals
18 with Disabilities Education Act, when the
19 applicant begins to fulfill the service obli-
20 gation under this clause; and

21 “(v) comply with the requirements set
22 by the eligible partnership under subpara-
23 graph (D) if the applicant is unable or un-
24 willing to complete the service obligation
25 required by this subparagraph.

1 “(D) REPAYMENTS.—

2 “(i) IN GENERAL.—A grantee car-
3 rying out a residency program under this
4 subsection shall require a recipient of a sti-
5 pend or salary under subparagraph (A)
6 who does not complete, or who notifies the
7 partnership that the recipient intends not
8 to complete, the service obligation required
9 by subparagraph (C) to repay such stipend
10 or salary to the eligible partnership, to-
11 gether with interest, at a rate specified by
12 the partnership in the agreement, and in
13 accordance with such other terms and con-
14 ditions specified by the eligible partnership,
15 as necessary.

16 “(ii) OTHER TERMS AND CONDI-
17 TIONS.—Any other terms and conditions
18 specified by the eligible partnership may
19 include reasonable provisions for pro-rata
20 repayment of the stipend or salary de-
21 scribed in subparagraph (A) or for deferral
22 of a resident’s service obligation required
23 by subparagraph (C), on grounds of
24 health, incapacitation, inability to secure
25 employment in a school served by the eligi-

1 ble partnership, being called to active duty
2 in the Armed Forces of the United States,
3 or other extraordinary circumstances.

4 “(iii) USE OF REPAYMENTS.—An eli-
5 gible partnership shall use any repayment
6 received under this subparagraph to carry
7 out additional activities that are consistent
8 with the purposes of this subsection.”;

9 (6) by striking subsection (f) and inserting the
10 following:

11 “(f) TEACHER LEADER DEVELOPMENT PROGRAM.—

12 “(1) IN GENERAL.—A teacher leader develop-
13 ment program carried out with a grant awarded
14 under this section shall provide for the professional
15 development of teachers, as described in paragraph
16 (2), who maintain their roles as classroom teachers
17 and who also carry out formalized leadership respon-
18 sibilities to increase the academic achievement of
19 students and promote data-driven instructional prac-
20 tices that address the demonstrated needs at the ele-
21 mentary schools and secondary schools in which the
22 teachers are employed, such as—

23 “(A) development of curriculum and cur-
24 ricular resources;

1 “(B) facilitating the work of committees
2 and teams;

3 “(C) family and community engagement;

4 “(D) school discipline and culture;

5 “(E) peer observations and coaching; or

6 “(F) dual enrollment instruction.

7 “(2) PROFESSIONAL DEVELOPMENT.—The pro-
8 fessional development of teachers in a teacher leader
9 development program carried out with a grant
10 awarded under this section shall include—

11 “(A) one year of professional development
12 and support that may—

13 “(i) include—

14 “(I) the engagement of teachers
15 in rigorous coursework and fieldwork
16 relevant to their role as a teacher
17 leader, including available teacher
18 leader standards; and

19 “(II) regular observations and
20 professional support from—

21 “(aa) a principal, vice prin-
22 cipal, or a designated instruc-
23 tional leader of the school;

24 “(bb) a representative from
25 the institution of higher edu-

1 cation that is a partner in the eli-
2 gible partnership;

3 “(cc) a representative from
4 another entity that is a partner
5 in the eligible partnership; and

6 “(dd) another member of
7 the teacher leader cohort, if ap-
8 plicable, or a peer teacher; and

9 “(ii) result in the awarding of a cre-
10 dential in teacher leadership; and

11 “(B) one or two additional years of sup-
12 port from a principal, vice principal, or a des-
13 ignated instructional leader of the school, a rep-
14 resentative from the institution of higher edu-
15 cation that is a partner in the eligible partner-
16 ship, and a representative from another entity
17 that is a partner in the eligible partnership.

18 “(3) TEACHER LEADER DEVELOPMENT PRO-
19 GRAM PLAN.—In carrying out a teacher leader devel-
20 opment program under this section, an eligible part-
21 nership shall develop a plan that shall describe—

22 “(A) how the work hours of teacher leaders
23 will be allocated between their classroom re-
24 sponsibilities and responsibilities as a teacher
25 leader, which may include a description of

1 whether the teacher leader will be relieved from
2 teaching duties during their participation in the
3 teacher leader development program;

4 “(B) how the partnership will support
5 teacher leaders after the first year of profes-
6 sional development in the program; and

7 “(C) how teacher leader activities could be
8 sustained by the eligible partnership after the
9 program concludes, which may include a de-
10 scription of opportunities for the teacher lead-
11 ers to assist in the educator preparation pro-
12 gram at the institution of higher education in
13 the partnership.

14 “(4) SELECTION OF TEACHER LEADERS; USE
15 OF FUNDS.—In carrying out a teacher leader devel-
16 opment program under this section, an eligible part-
17 nership—

18 “(A) shall select a teacher for participation
19 in the program—

20 “(i) who—

21 “(I) is fully certified to teach in
22 the State of the high-need local edu-
23 cational agency that is a partner in
24 the eligible partnership;

1 “(II) is employed by such high-
2 need local educational agency;

3 “(III) has not less than three
4 years of teaching experience; and

5 “(IV) submits an application for
6 participation to the eligible partner-
7 ship; and

8 “(ii) based on selection criteria that
9 includes—

10 “(I) demonstration of strong con-
11 tent knowledge or a record of accom-
12 plishment in the field or subject area
13 the teacher will support as a teacher
14 leader; and

15 “(II) demonstration of attributes
16 linked to effective teaching that are
17 determined through interviews, obser-
18 vations, other exhibits, student
19 achievement, or performance assess-
20 ments, such as those leading to an ad-
21 vanced credential;

22 “(B) may develop admissions goals and
23 priorities for the teacher leader development
24 program that—

1 “(i) are aligned with the demonstrated
2 needs of the school or high-need local edu-
3 cational agency in which the teacher is em-
4 ployed;

5 “(ii) considers cultural competencies
6 that would make the applicant effective in
7 the applicant’s teacher leader role; and

8 “(iii) considers whether the teacher
9 has substantial teaching experience in the
10 school in which the teacher is employed or
11 in a school that is similar to the school in
12 which the teacher is employed;

13 “(C) shall use the grant funds to pay for
14 costs of educating and supporting teacher lead-
15 ers for not less than two years and not more
16 than three years;

17 “(D) may use the grant funds to pay for
18 a portion of a stipend for teacher leaders if
19 such grant funds are matched by additional
20 non-Federal public or private funds as follows:

21 “(i) during each of the first and sec-
22 ond years of the grant period, grant funds
23 may pay not more than 50 percent of such
24 stipend; and

1 “(ii) during the third year of the
2 grant period, grant funds may pay not
3 more than 33 percent of such stipend; and

4 “(E) may require teacher leaders to pay
5 back the cost of attaining the credential de-
6 scribed in paragraph (2)(A)(ii) if they do not
7 complete their term of service in the teacher
8 leader development program.”;

9 (7) by redesignating subsections (h) through (k)
10 as subsections (i) through (l), respectively;

11 (8) by inserting after subsection (g), the fol-
12 lowing:

13 “(h) STATE REFORM ACTIVITIES.—

14 “(1) IN GENERAL.—From amounts reserved
15 under subsection (a)(2), the Secretary shall award
16 grants, on a competitive basis, to State educational
17 agencies to carry out the activities described in para-
18 graph (3).

19 “(2) APPLICATION.—In order to receive a grant
20 under this subsection, the State educational agency
21 shall submit an application to the Secretary at such
22 time and in such manner as the Secretary shall pre-
23 scribe. Such application shall include a description
24 of—

1 “(A) the activities that will be carried out
2 with the grant;

3 “(B) the consultation with stakeholders
4 carried out by the State educational agency in
5 determining the activities to be carried out with
6 the grant; and

7 “(C) if the State educational agency in-
8 tends to award subgrants under paragraph (4),
9 the criteria the State educational agency will
10 use to award such subgrants.

11 “(3) USES OF FUNDS.—A State educational
12 agency that receives a grant under this subsection
13 shall use the grant for one or more of the following
14 activities:

15 “(A) Aligning the activities carried out
16 under this section with activities carried out
17 under the Elementary and Secondary Education
18 Act of 1965.

19 “(B) Developing and implementing new
20 methods for recruiting, preparing, and placing
21 teachers or school leaders in high-need local
22 educational agencies and high-need schools in
23 the State, particularly methods that address
24 teacher shortages in high-need subjects and
25 high-need areas as determined by the State.

1 “(C) Implementing alternative routes to
2 State certification or licensure for teachers or
3 school leaders.

4 “(D) Aligning the preparation of teachers
5 or school leaders with the curriculum, instruc-
6 tional practices, and expectations of local edu-
7 cational agencies in the State.

8 “(E) Reforming the process and methods
9 used to identify low-performing teacher prepa-
10 ration programs as required under section 207.

11 “(4) SUBGRANTS.—The State educational agen-
12 cy may carry out the activities described in para-
13 graph (4) by awarding one or more subgrants, on a
14 competitive basis, to eligible partnerships.”; and

15 (9) in subsection (j), as so redesignated, by in-
16 serting “the state educational agency and” before
17 “the high-need local educational agency”.

18 **SEC. 204. ADMINISTRATIVE PROVISIONS.**

19 Section 203(b)(2)(A) (20 U.S.C. 1022b(b)(2)(A)) is
20 amended by inserting “or school leader” after “teacher”.

21 **SEC. 205. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**
22 **PARE TEACHERS.**

23 Section 205 (20 U.S.C. 1022d) is amended by strik-
24 ing “limited English proficient” each place it appears and
25 inserting “English learners”.

1 **SEC. 206. TEACHER DEVELOPMENT.**

2 Section 206 (20 U.S.C. 1022e) is amended—

3 (1) by striking “limited English proficient stu-
4 dents” each place it appears and inserting “English
5 learners”; and

6 (2) by striking “core academic subjects” each
7 place it appears and inserting “a well-rounded edu-
8 cation”.

9 **SEC. 207. STATE FUNCTIONS.**

10 Section 207 (20 U.S.C. 1022f) is amended—

11 (1) in subsection (a), by striking “Levels of per-
12 formance” and all that follows through the period at
13 the end of paragraph (3);

14 (2) by redesignating subsections (b) through (d)
15 as subsections (c) through (e), respectively;

16 (3) by inserting after subsection (a) the fol-
17 lowing:

18 “(b) STATE DETERMINATION.—

19 “(1) IN GENERAL.—The methodology, measure-
20 ments, criteria, and other information used by the
21 State to identify low-performing teacher preparation
22 programs under subsection (a) shall be determined
23 solely by the State.

24 “(2) INFORMATION.—In identifying low-per-
25 forming teacher preparation programs under sub-
26 section (a), the State may include criteria based on

1 information collected pursuant to this part, including
2 the progress of such programs in meeting the goals
3 of—

4 “(A) increasing the percentage of teachers
5 who meet the applicable State certification and
6 licensure requirements, including any require-
7 ments for certification obtained through alter-
8 native routes to certification, or, with regard to
9 special education teachers, the qualifications de-
10 scribed in section 612(a)(14)(C) of the Individ-
11 uals with Disabilities Education Act, in the
12 State, including increasing professional develop-
13 ment opportunities;

14 “(B) improving student academic achieve-
15 ment for elementary and secondary students;
16 and

17 “(C) raising the standards for entry into
18 the teaching profession.

19 “(3) LIMITATION ON THE SECRETARY.—The
20 Secretary shall not issue any rule or guidance that
21 would in any way limit the flexibility provided to
22 States under this subsection.”; and

23 (4) in subsection (d), as so redesignated, by
24 striking “subsection (b)(2)” and inserting “sub-
25 section (c)(2)”.

1 **SEC. 208. GENERAL PROVISIONS.**

2 Section 208(b) (20 U.S.C. 1022g(b)) is amended—

3 (1) by striking “teaching in core academic sub-
4 jects within the State”; and

5 (2) by striking “in accordance with the State
6 plan submitted or revised under section 1111 of
7 such Act ,”.

8 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 209 (20 U.S.C. 1022h) is amended by strik-
10 ing “\$300,000,000 for fiscal year 2009 and such sums
11 as may be necessary for each of the two succeeding fiscal
12 years” and inserting “\$43,092,000 for each of fiscal years
13 2021 through 2026”.

14 **SEC. 210. GRANTS FOR ACCESS TO HIGH-DEMAND CA-**
15 **REERS.**

16 Title II (20 U.S.C. 1021 et seq.), as amended by sec-
17 tions 201 through 209 of this title, is further amended—

18 (1) by striking part B; and

19 (2) by inserting after part A the following:

20 **“PART B—EXPANDING ACCESS TO IN-DEMAND**
21 **APPRENTICESHIPS**

22 **“SEC. 211. APPRENTICESHIP GRANT PROGRAM.**

23 “(a) PURPOSE.—The purpose of this section is to ex-
24 pand student access to, and participation in, new industry-
25 led earn-and-learn programs leading to high-wage, high-
26 skill, and high-demand careers.

1 “(b) AUTHORIZATION OF APPRENTICESHIP GRANT
2 PROGRAM.—

3 “(1) IN GENERAL.—From the amounts author-
4 ized under subsection (j), the Secretary shall award
5 grants, on a competitive basis, to eligible partner-
6 ships for the purpose described in subsection (a).

7 “(2) DURATION.—The Secretary shall award
8 grants under this section for a period of—

9 “(A) not less than 1 year; and

10 “(B) not more than 4 years.

11 “(3) LIMITATIONS.—

12 “(A) AMOUNT.—A grant awarded under
13 this section may not be in an amount greater
14 than \$1,500,000.

15 “(B) NUMBER OF AWARDS.—An eligible
16 partnership or member of such partnership may
17 not be awarded more than one grant under this
18 section.

19 “(C) ADMINISTRATION COSTS.—An eligible
20 partnership awarded a grant under this section
21 may not use more than 5 percent of the grant
22 funds to pay administrative costs associated
23 with activities funded by the grant.

24 “(c) MATCHING FUNDS.—To receive a grant under
25 this section, an eligible partnership shall, through cash or

1 in-kind contributions, provide matching funds from non-
2 Federal sources in an amount equal to or greater than
3 50 percent of the amount of such grant.

4 “(d) APPLICATIONS.—

5 “(1) IN GENERAL.—To receive a grant under
6 this section, an eligible partnership shall submit to
7 the Secretary at such a time as the Secretary may
8 require, an application that—

9 “(A) identifies and designates the business
10 or institution of higher education responsible
11 for the administration and supervision of the
12 earn-and-learn program for which such grant
13 funds would be used;

14 “(B) identifies the businesses and institu-
15 tions of higher education that comprise the eli-
16 gible partnership;

17 “(C) identifies the source and amount of
18 the matching funds required under subsection
19 (c);

20 “(D) identifies the number of students who
21 will participate and complete the relevant earn-
22 and-learn program within 1 year of the expira-
23 tion of the grant;

1 “(E) identifies the amount of time, not to
2 exceed 2 years, required for students to com-
3 plete the program;

4 “(F) identifies the relevant recognized
5 postsecondary credential to be awarded to stu-
6 dents who complete the program;

7 “(G) identifies the anticipated earnings of
8 students—

9 “(i) 1 year after program completion;
10 and

11 “(ii) 3 years after program comple-
12 tion;

13 “(H) describes the specific project for
14 which the application is submitted, including a
15 summary of the relevant classroom and paid
16 structured on-the-job training students will re-
17 ceive;

18 “(I) describes how the eligible partnership
19 will finance the program after the end of the
20 grant period;

21 “(J) describes how the eligible partnership
22 will support the collection of information and
23 data for purposes of the program evaluation re-
24 quired under subsection (h); and

1 “(K) describes the alignment of the pro-
2 gram with State identified in-demand industry
3 sectors.

4 “(2) APPLICATION REVIEW PROCESS.—

5 “(A) REVIEW PANEL.—Applications sub-
6 mitted under paragraph (1) shall be read by a
7 panel of readers composed of individuals se-
8 lected by the Secretary. The Secretary shall as-
9 sure that an individual assigned under this
10 paragraph does not have a conflict of interest
11 with respect to the applications reviewed by
12 such individual.

13 “(B) COMPOSITION OF REVIEW PANEL.—
14 The panel of reviewers selected by the Secretary
15 under subparagraph (A) shall be comprised as
16 follows:

17 “(i) A majority of the panel shall be
18 individuals who are representative of busi-
19 nesses, which may include owners, execu-
20 tives with optimum hiring authority, or in-
21 dividuals representing business organiza-
22 tions or business trade associations.

23 “(ii) The remainder of the panel shall
24 be equally divided between individuals who
25 are—

1 “(I) representatives of institu-
2 tions of higher education that offer
3 programs of two years or less; and

4 “(II) representatives of State
5 workforce development boards estab-
6 lished under section 101 of the Work-
7 force Innovation and Opportunity Act
8 (29 U.S.C. 3111).

9 “(C) REVIEW OF APPLICATIONS.—The
10 Secretary shall instruct the review panel se-
11 lected by the Secretary under paragraph (2)(A)
12 to evaluate applications using only the criteria
13 specified in paragraph (1) and make rec-
14 ommendations with respect to—

15 “(i) the quality of the applications;

16 “(ii) whether a grant should be
17 awarded for a project under this title; and

18 “(iii) the amount and duration of
19 such grant.

20 “(D) NOTIFICATION.—Not later than June
21 30 of each year, the Secretary shall notify each
22 eligible partnership submitting an application
23 under this section of—

24 “(i) the scores given the applicant by
25 the panel pursuant to this section;

1 “(ii) the recommendations of the
2 panel with respect to such application; and

3 “(iii) the reasons for the decision of
4 the Secretary in awarding or refusing to
5 award a grant under this section; and

6 “(iv) modifications, if any, in the rec-
7 ommendations of the panel made to the
8 Secretary.

9 “(e) AWARD BASIS.—The Secretary shall award
10 grants under this section on the following basis—

11 “(1) the number of participants to be served by
12 the grant;

13 “(2) the anticipated income of program partici-
14 pants in relation to the regional median income;

15 “(3) the alignment of the program with State-
16 identified in-demand industry sectors; and

17 “(4) the recommendations of the readers under
18 subsection (d)(2)(C).

19 “(f) USE OF FUNDS.—Grant funds provided under
20 this section may be used for—

21 “(1) the purchase of appropriate equipment,
22 technology, or instructional material, aligned with
23 business and industry needs, including machinery,
24 testing equipment, hardware and software;

1 “(2) student books, supplies, and equipment re-
2 quired for enrollment;

3 “(3) the reimbursement of up to 50 percent of
4 the wages of a student participating in an earn-and-
5 learn program receiving a grant under this section;

6 “(4) the development of industry-specific pro-
7 graming;

8 “(5) supporting the transition of industry-based
9 professionals from an industry setting to an aca-
10 demic setting;

11 “(6) industry-recognized certification exams or
12 other assessments leading to a recognized postsec-
13 ondary credential associated with the earn-and-learn
14 program; and

15 “(7) any fees associated with the certifications
16 or assessments described in paragraph (6).

17 “(g) TECHNICAL ASSISTANCE.—The Secretary may
18 provide technical assistance to eligible partnerships award-
19 ed under this section throughout the grant period for pur-
20 poses of grant management.

21 “(h) EVALUATION.—

22 “(1) IN GENERAL.—From the amounts made
23 available under subsection (j), the Secretary, acting
24 through the Director of the Institute for Education
25 Sciences, shall provide for the independent evalua-

1 tion of the grant program established under this sec-
2 tion that includes the following:

3 “(A) An assessment of the effectiveness of
4 the grant program in expanding earn-and-learn
5 program opportunities offered by employers in
6 conjunction with institutions of higher edu-
7 cation.

8 “(B) The number of students who partici-
9 pated in programs assisted under this section.

10 “(C) The percentage of students partici-
11 pating in programs assisted under this section
12 who successfully completed the program in the
13 time described in subsection (d)(1)(E).

14 “(D) The median earnings of program par-
15 ticipants—

16 “(i) 1 year after exiting the program;
17 and

18 “(ii) 3 years after exiting the pro-
19 gram.

20 “(E) The percentage of students partici-
21 pating in programs assisted under this section
22 who successfully receive a recognized postsec-
23 ondary credential.

1 “(F) The number of students served by
2 programs receiving funding under this sec-
3 tion—

4 “(i) 2 years after the end of the grant
5 period;

6 “(ii) 4 years after the end of the
7 grant period.

8 “(2) PROHIBITION.—Notwithstanding any other
9 provision of law, the evaluation required by this sub-
10 section shall not be subject to any review outside the
11 Institute for Education Sciences before such reports
12 are submitted to Congress and the Secretary.

13 “(3) PUBLICATION.—The evaluation required
14 by this subsection shall be made publicly available on
15 the website of the Department.

16 “(i) DEFINITIONS.—In this section:

17 “(1) EARN-AND-LEARN PROGRAM.—The term
18 ‘earn-and-learn program’ means an education pro-
19 gram, including an apprenticeship program, that
20 provides students with structured, sustained, and
21 paid on-the-job training and accompanying, for cred-
22 it, classroom instruction that—

23 “(A) is for a period of between 3 months
24 and 2 years; and

1 “(B) leads to, on completion of the pro-
2 gram, a recognized postsecondary credential.

3 “(2) ELIGIBLE PARTNERSHIP.—The term ‘eligi-
4 ble partnership’ shall mean a consortium that in-
5 cludes—

6 “(A) 1 or more businesses; and

7 “(B) 1 or more institutions of higher edu-
8 cation.

9 “(3) IN-DEMAND INDUSTRY SECTOR OR OCCU-
10 PATION.—The term ‘in-demand industry sector or
11 occupation’ has the meaning given the term in sec-
12 tion 3 of the Workforce Innovation and Opportunity
13 Act (29 U.S.C. 3102).

14 “(4) ON-THE-JOB TRAINING.—The term ‘on-
15 the-job training’ has the meaning given the term in
16 section 3 of the Workforce Innovation and Oppor-
17 tunity Act (29 U.S.C. 3102).

18 “(5) RECOGNIZED POSTSECONDARY CREDEN-
19 TIAL.—The term ‘recognized postsecondary creden-
20 tial’ has the meaning given the term in section 3 of
21 the Workforce Innovation and Opportunity Act (29
22 U.S.C. 3102).

23 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 \$99,875,000 for each of fiscal years 2021 through 2026.”.

1 **TITLE III—INSTITUTIONAL AID**

2 **SEC. 301. STRENGTHENING INSTITUTIONS.**

3 Part A of title III (20 U.S.C. 1057 et seq.) is amend-
4 ed—

5 (1) in the part heading for part A, by inserting
6 “MINORITY-SERVING” after “STRENGTHENING”;

7 (2) in section 311—

8 (A) by striking subsection (b) and redesign-
9 ating subsections (c) and (d) as subsections
10 (b) and (c), respectively;

11 (B) in subsection (b) (as so redesign-
12 nated)—

13 (i) by striking paragraph (6) and in-
14 serting the following:

15 “(6) Tutoring, counseling, advising, and stu-
16 dent service programs designed to improve academic
17 success, including innovative and customized instruc-
18 tional courses (which may include remedial edu-
19 cation and English language instruction) designed to
20 help retain students and move the students rapidly
21 into core courses and through program completion.”;

22 (ii) in paragraph (8), by striking “ac-
23 quisition of equipment for use in strength-
24 ening funds management” and inserting
25 “acquisition of technology, services, and

1 equipment for use in strengthening funds
2 and administrative management”;

3 (iii) in paragraph (12), by striking
4 “Creating” and all that follows through
5 “technologies,” and inserting “Innovative
6 learning models and creating or improving
7 facilities for Internet or other innovative
8 technologies,”;

9 (iv) by redesignating paragraph (13)
10 as paragraph (18); and

11 (v) by inserting after paragraph (12)
12 the following:

13 “(13) Establishing community outreach pro-
14 grams that will encourage elementary school and
15 secondary school students to develop the academic
16 skills and the interest to pursue postsecondary edu-
17 cation.

18 “(14) The development, coordination, imple-
19 mentation, or improvement of career and technical
20 education programs as defined in section 135 of the
21 Carl D. Perkins Career and Technical Education
22 Act of 2006 (20 U.S.C. 2355).

23 “(15) Alignment and integration of career and
24 technical education programs with programs of

1 study leading to a bachelor's degree, graduate de-
2 gree, or professional degree.

3 “(16) Developing or expanding access to dual
4 or concurrent enrollment programs and early college
5 high school programs.

6 “(17) Pay for success initiatives that improve
7 time to completion and increase graduation rates.”;
8 and

9 (C) in subsection (c) (as so redesignated),
10 by adding at the end the following:

11 “(4) SCHOLARSHIP.—An institution that uses
12 grant funds provided under this part to establish or
13 increase an endowment fund may use the income
14 from such endowment fund to provide scholarships
15 to students for the purposes of attending such insti-
16 tution, subject to the limitation in section
17 331(c)(3)(B)(i).”;

18 (3) in section 312—

19 (A) in subsection (a), by striking “trans-
20 fers which the institution” and inserting “trans-
21 fers that the institution”;

22 (B) in subsection (b)(1)—

23 (i) by redesignating subparagraphs
24 (E) and (F) as subparagraphs (F) and

1 (E), respectively (and by reordering such
2 subparagraphs accordingly);

3 (ii) in subparagraph (E) (as so reded-
4 igned), by inserting “(as defined in sec-
5 tion 103(20)(A))” after “State”; and

6 (iii) in subparagraph (F) (as so reded-
7 igned), by striking “and” at the end; and
8 (C) in subsection (b)—

9 (i) by striking the period at the end of
10 paragraph (2) and inserting “; and”; and

11 (ii) by inserting after paragraph (2)
12 the following:

13 “(3) except as provided in section 392(b), an
14 institution that has a completion rate of at least 25
15 percent that is calculated by counting a student as
16 completed if that student—

17 “(A) graduates within 150 percent of the
18 normal time for completion; or

19 “(B) enrolled into another program at an
20 institution for which the previous program pro-
21 vided substantial preparation within 150 per-
22 cent of the normal time for completion.”;

23 (4) in section 313—

24 (A) in subsection (a)—

1 (i) by striking “for 5 years” and in-
2 serting “for a period of 5 years”; and

3 (ii) by adding at the end the fol-
4 lowing: “Any funds awarded under this
5 section that are not expended or used for
6 the purposes for which the funds were paid
7 within 10 years following the date on
8 which the grant was awarded, shall be re-
9 paid to the Treasury.”; and

10 (B) by striking subsection (d);

11 (5) in section 316—

12 (A) in subsection (c)—

13 (i) in paragraph (2)—

14 (I) by striking subparagraph (A)

15 and inserting the following:

16 “(A) the activities described in paragraphs
17 (1) through (12) and (14) through (17) of sec-
18 tion 311(b);”;

19 (II) by striking subparagraphs

20 (E) through (J);

21 (III) by redesignating subpara-
22 graphs (K) and (L) as subparagraphs
23 (E) and (F), respectively;

24 (IV) by striking subparagraph

25 (M); and

1 (V) by redesignating subpara-
2 graph (N) as subparagraph (G); and

3 (VI) in subparagraph (G) (as so
4 redesignated), by striking “(M)” and
5 inserting “(F)”;

6 (ii) by striking paragraph (3) and in-
7 serting the following:

8 “(3) ENDOWMENT FUND.—A Tribal College or
9 University seeking to establish or increase an endow-
10 ment fund shall abide by the requirements in section
11 311(c).”; and

12 (B) in subsection (d)—

13 (i) by striking paragraph (2) and in-
14 serting the following:

15 “(2) APPLICATION.—A Tribal College or Uni-
16 versity desiring to receive assistance under this sec-
17 tion shall submit an application to the Secretary
18 pursuant to section 391.”; and

19 (ii) in paragraph (4)—

20 (I) in subparagraph (A), by strik-
21 ing “part A of”; and

22 (II) in subparagraph (B), by
23 striking “313(d)” and inserting
24 “312(b)(3)”;

25 (6) in section 317—

1 (A) in subsection (c)—

2 (i) by striking paragraph (2) and in-
3 serting the following:

4 “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—

5 Such programs may include—

6 “(A) the activities described in paragraphs
7 (1) through (17) of section 311(b); and

8 “(B) other activities proposed in the appli-
9 cation submitted pursuant to subsection (d)
10 that—

11 “(i) contribute to carrying out the
12 purpose of this section; and

13 “(ii) are approved by the Secretary as
14 part of the review and approval of an ap-
15 plication submitted under subsection (d).”;

16 and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(3) ENDOWMENT FUND.—An Alaska Native-
20 serving institution and Native Hawaiian-serving in-
21 stitution seeking to establish or increase an endow-
22 ment fund shall abide by the requirements in section
23 311(c).”; and

24 (B) in subsection (d)—

1 (i) by striking paragraph (1) and re-
2 designating paragraphs (2) and (3) as
3 paragraphs (1) and (2), respectively;

4 (ii) in paragraph (1) (as so redesign-
5 nated)—

6 (I) in the first sentence, by in-
7 serting “pursuant to section 391”
8 after “to the Secretary”; and

9 (II) by striking the remaining
10 sentences; and

11 (iii) in paragraph (2) (as so redesign-
12 nated)—

13 (I) in subparagraph (A), by strik-
14 ing “this part or part B.” and insert-
15 ing “this part, part B, or title V.”;
16 and

17 (II) by striking subparagraph (B)
18 and redesignating subparagraph (C)
19 as subparagraph (B);

20 (7) in section 318—

21 (A) in subsection (b)—

22 (i) in paragraph (1)—

23 (I) in subparagraph (E), by
24 striking “and” at the end;

1 (II) in subparagraph (F)(ii), by
2 striking “part A of”;

3 (III) in subparagraph (F)(iii), by
4 striking the period at the end and in-
5 serting “; and”; and

6 (IV) by adding at the end the fol-
7 lowing;

8 “(G) is an eligible institution under section
9 312(b).”; and

10 (ii) by striking paragraph (7);

11 (B) in subsection (d)—

12 (i) in paragraph (2)—

13 (I) in subparagraph (A), by strik-
14 ing “through (12) of section 311(c)”
15 and inserting “through (17) of section
16 311(b)”;

17 (II) by striking subparagraph
18 (D); and

19 (III) by redesignating subpara-
20 graph (E) as subparagraph (D); and

21 (ii) by striking paragraph (3) and in-
22 serting the following:

23 “(3) ENDOWMENT FUND.—A Predominantly
24 Black Institution seeking to establish or increase an

1 endowment fund shall abide by the requirements in
2 section 311(e).”;

3 (C) in subsection (f), by striking all after
4 “Secretary” the first place such term appears
5 and inserting “pursuant to section 391.”;

6 (D) by striking subsections (g) and (h);

7 (E) by redesignating subsection (i) as sub-
8 section (g); and

9 (F) in subsection (g) (as so redesignated),
10 by striking “part A of”;

11 (8) in section 319—

12 (A) in subsection (c)—

13 (i) by striking paragraph (2) and in-
14 serting the following:

15 “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—

16 Such programs may include—

17 “(A) the activities described in paragraphs
18 (1) through (17) of section 311(b); and

19 “(B) other activities proposed in the appli-
20 cation submitted pursuant to subsection (d)
21 that—

22 “(i) contribute to carrying out the
23 purpose of this section; and

24 “(ii) are approved by the Secretary as
25 part of the review and approval of an ap-

1 plication submitted under subsection (d).”;

2 and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(3) ENDOWMENT FUND.—A Native American-
6 serving, nontribal institution seeking to establish or
7 increase an endowment fund shall abide by the re-
8 quirements in section 311(c).”; and

9 (B) in subsection (d)—

10 (i) by striking paragraph (1) and in-
11 sserting the following:

12 “(1) APPLICATION.—A Native American-serv-
13 ing, nontribal institution desiring to receive assist-
14 ance under this section shall submit an application
15 to the Secretary pursuant to section 391.”;

16 (ii) by striking paragraph (2) and re-
17 designating paragraph (3) as paragraph
18 (2); and

19 (iii) in paragraph (2) (as so redesign-
20 nated)—

21 (I) in subparagraph (A), by strik-
22 ing “part A of”;

23 (II) by striking subparagraph
24 (B); and

1 (III) by redesignating subpara-
2 graphs (C) and (D) as subparagraphs
3 (B) and (C), respectively; and

4 (9) in section 320—

5 (A) in subsection (c)—

6 (i) by striking paragraph (2) and in-
7 serting the following:

8 “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—

9 Such programs may include—

10 “(A) the activities described in paragraphs
11 (1) through (17) of section 311(b);

12 “(B) academic instruction in disciplines in
13 which Asian Americans and Native American
14 Pacific Islanders are underrepresented;

15 “(C) conducting research and data collec-
16 tion for Asian American and Native American
17 Pacific Islander populations and subpopula-
18 tions;

19 “(D) establishing partnerships with com-
20 munity-based organizations serving Asian
21 Americans and Native American Pacific Island-
22 ers; and

23 “(E) other activities proposed in the appli-
24 cation submitted pursuant to subsection (d)
25 that—

1 “(i) contribute to carrying out the
2 purpose of this section; and

3 “(ii) are approved by the Secretary as
4 part of the review and approval of an ap-
5 plication submitted under subsection (d).”;
6 and

7 (ii) by adding at the end the fol-
8 lowing:

9 “(3) ENDOWMENT FUND.—An Asian American
10 and Native American Pacific Islander-serving insti-
11 tution seeking to establish or increase an endowment
12 fund shall abide by the requirements in section
13 311(c).”; and

14 (B) in subsection (d)—

15 (i) by striking paragraph (1) and in-
16 serting the following:

17 “(1) APPLICATION.—Each Asian American and
18 Native American Pacific Islander-serving institution
19 desiring to receive assistance under this section shall
20 submit an application to the Secretary pursuant to
21 section 391.”;

22 (ii) by striking paragraph (2) and re-
23 designating paragraph (3) as paragraph
24 (2); and

1 (iii) in paragraph (2) (as so redesignig-
2 nated), by striking subparagraph (B) and
3 redesignating subparagraph (C) as sub-
4 paragraph (B).

5 **SEC. 302. STRENGTHENING HISTORICALLY BLACK COL-**
6 **LEGES AND UNIVERSITIES.**

7 Part B of title III (20 U.S.C. 1060 et seq.) is amend-
8 ed—

9 (1) in section 323—

10 (A) by striking subsection (a) and insert-
11 ing the following :

12 “(a) AUTHORIZED ACTIVITIES.—From amounts
13 available under section 399(a)(2) for any fiscal year, the
14 Secretary shall make grants (under section 324) to insti-
15 tutions which have applications approved by the Secretary
16 (under section 325) for any of the following uses:

17 “(1) The activities described in paragraphs (1)
18 through (17) of section 311(b).

19 “(2) Academic instruction in disciplines in
20 which Black Americans are underrepresented.

21 “(3) Initiatives to improve the educational out-
22 comes of African American males.

23 “(4) Establishing or enhancing a program of
24 teacher education designed to qualify students to
25 teach in a public elementary or secondary school in

1 the State that shall include, as part of such pro-
2 gram, preparation for teacher certification.

3 “(5) Acquisition of real property in connection
4 with the construction, renovation, or addition to or
5 improvement of campus facilities.

6 “(6) Services necessary for the implementation
7 of projects or activities that are described in the
8 grant application and that are approved, in advance,
9 by the Secretary, except that not more than two per-
10 cent of the grant amount may be used for this pur-
11 pose.

12 “(7) Other activities proposed in the application
13 submitted pursuant to section 325 that—

14 “(A) contribute to carrying out the pur-
15 poses of this part; and

16 “(B) are approved by the Secretary as part
17 of the review and acceptance of such applica-
18 tion.”; and

19 (B) by striking subsection (b) and insert-
20 ing the following:

21 “(b) ENDOWMENT FUND.—An institution seeking to
22 establish or increase an endowment shall abide by the re-
23 quirements in section 311(c).”;

24 (2) in section 325(a), by striking “(C), (D), and
25 (E)” and inserting “(C) through (F)”;

1 (3) in section 326—

2 (A) by striking subsection (b) and insert-
3 ing the following:

4 “(b) DURATION.—The Secretary may award a grant
5 to an eligible institution under this part for a period of
6 5 years. Any funds awarded under this section that are
7 not expended or used for the purposes for which the funds
8 were paid within 10 years following the date on which the
9 grant was awarded, shall be repaid to the Treasury.”;

10 (B) by striking subsection (c) and insert-
11 ing the following:

12 “(c) AUTHORIZED ACTIVITIES.—A grant under this
13 section may be used for—

14 “(1) the activities described in paragraphs (1)
15 through (12), (14) through (15), and (17) of section
16 311(b);

17 “(2) scholarships, fellowships, and other finan-
18 cial assistance for needy graduate and professional
19 students to permit the enrollment of the students in
20 and completion of the doctoral degree in medicine,
21 dentistry, pharmacy, veterinary medicine, law, and
22 the doctorate degree in the physical or natural
23 sciences, engineering, mathematics, or other sci-
24 entific disciplines in which African Americans are
25 underrepresented;

1 “(3) acquisition of real property that is adja-
2 cent to the campus in connection with the construc-
3 tion, renovation, or addition to or improvement of
4 campus facilities;

5 “(4) services necessary for the implementation
6 of projects or activities that are described in the
7 grant application and that are approved, in advance,
8 by the Secretary, except that not more than two per-
9 cent of the grant amount may be used for this pur-
10 pose; and

11 “(5) other activities proposed in the application
12 submitted under subsection (d) that—

13 “(A) contribute to carrying out the pur-
14 poses of this part; and

15 “(B) are approved by the Secretary as part
16 of the review and acceptance of such applica-
17 tion.”;

18 (C) in subsection (e)(1)—

19 (i) in subparagraph (W), by striking
20 “and” at the end;

21 (ii) in subparagraph (X), by striking
22 the period at the end and inserting “;
23 and”;

24 (iii) by adding at the end the fol-
25 lowing:

1 “(Y) University of the Virgin Islands
2 School of Medicine.”;

3 (iv) in each of paragraphs (2) and (3)
4 of subsection (f), by striking “(X)” and in-
5 serting “(Y)”;

6 (v) in subsection (g), by striking
7 “2008” each place such term appears and
8 inserting “2020”;

9 (4) in section 327—

10 (A) by striking the designation and head-
11 ing for subsection (a); and

12 (B) by striking subsection (b).

13 **SEC. 303. ENDOWMENT CHALLENGE GRANTS FOR INSTITU-**
14 **TIONS ELIGIBLE FOR ASSISTANCE UNDER**
15 **PART A OR PART B.**

16 Part C of title III (20 U.S.C. 1065) is amended by
17 adding at the end the following:

18 “(j) PROHIBITION ON NEW GRANTS.—No new grants
19 may be awarded under this part after the date of the en-
20 actment of the HOPE Act.”.

21 **SEC. 304. HISTORICALLY BLACK COLLEGE AND UNIVER-**
22 **SITY CAPITAL FINANCING.**

23 Part D of title III (20 U.S.C. 1066 et seq.) is amend-
24 ed—

25 (1) in section 343—

1 (A) in subsection (b)—

2 (i) in paragraph (1), by striking “an
3 escrow account” and inserting “a bond in-
4 surance fund”; and

5 (ii) in paragraph (8)—

6 (I) in the matter preceding sub-
7 paragraph (A), by striking “establish
8 an escrow account” and inserting
9 “subject to subsection (f), establish a
10 bond insurance fund”; and

11 (II) in subparagraph (A), by
12 striking “the escrow account” and in-
13 sserting “the bond insurance fund”;
14 and

15 (iii) in paragraph (9)—

16 (I) by striking “the escrow ac-
17 count” and inserting “the bond insur-
18 ance fund or the escrow account de-
19 scribed in subsection (f)(1)(B)” and

20 (II) by striking “such escrow ac-
21 count” and inserting “such bond in-
22 surance fund or escrow account”;

23 (iv) in subsection (c)—

24 (I) in paragraph (2), by striking
25 “the escrow account described in sub-

1 section (b)(8)” and inserting “the
2 bond insurance fund described in sub-
3 section (b)(8) and the escrow account
4 described in subsection (f)(1)(B)”;

5 (II) in paragraph (4), by striking
6 “and the escrow account” and insert-
7 ing “, the bond insurance fund, and
8 the escrow account described in sub-
9 section (f)(1)(B)”;

10 (III) in paragraph (5)(B), by
11 striking “and the escrow account”
12 and inserting “, the bond insurance
13 fund, and the escrow account de-
14 scribed in subsection (f)(1)(B)”;

15 (v) by adding at the end the following:

16 “(f) APPLICABILITY OF BOND INSURANCE FUND
17 AND ESCROW ACCOUNT AND SPECIAL RULES.—

18 “(1) APPLICABILITY OF BOND INSURANCE
19 FUND AND ESCROW ACCOUNT.—Except as provided
20 in paragraph (2)—

21 “(A) the bond insurance fund established
22 under subsection (b)(8) on the date of enact-
23 ment of the HOPE Act shall be made available
24 with respect to loans made under this part on
25 or after such date; and

1 “(B) the escrow account established under
2 subsection (b)(8) before the date of enactment
3 of the HOPE Act and as in effect on the day
4 before such date of enactment shall be made
5 available with respect to loans made under this
6 part before the date of enactment of the HOPE
7 Act.

8 “(2) SPECIAL RULES.—Notwithstanding para-
9 graph (1)—

10 “(A) in a case in which the amount in the
11 bond insurance fund described in paragraph
12 (1)(A) is insufficient to make payments of prin-
13 cipal and interest on bonds under subsection
14 (b)(8)(B)(i) in the event of delinquency in loan
15 repayment on loans made under this part on or
16 after the date of enactment of the HOPE Act,
17 amounts in the escrow fund described in para-
18 graph (1)(B) shall be made available to the
19 Secretary to make such payments;

20 “(B) in a case in which the amount in the
21 escrow account described in paragraph (1)(B) is
22 insufficient to make payments of principal and
23 interest on bonds under subsection (b)(8)(B)(i)
24 in the event of delinquency in loan repayment
25 on loans made under this part before the date

1 of enactment of the HOPE Act, amounts in the
2 bond insurance fund described in paragraph
3 (1)(A) shall be made available to the Secretary
4 to make such payments; and

5 “(C) in a case in which an institution is re-
6 quired to return an amount equal to any re-
7 maining portion of such institution’s 5 percent
8 deposit of loan proceeds under subsection
9 (b)(8)(B)(ii), the institution shall return to the
10 escrow account and the bond insurance fund an
11 amount that is proportionate to the amount
12 that was withdrawn from the escrow account
13 and the bond insurance fund, respectively, by
14 such institution.”;

15 (2) in section 345, by striking paragraph (9)
16 and inserting the following:

17 “(9) may, directly or by grant or contract, pro-
18 vide financial counseling and technical assistance to
19 eligible institutions to prepare the institutions to
20 qualify, apply for, and maintain a capital improve-
21 ment loan, including a loan under this part; and”;
22 and

23 (3) in section 347(c), by striking paragraph (2)
24 and inserting the following:

1 “(2) REPORT.—On an annual basis, the Advi-
2 sory Board shall prepare and submit to the author-
3 izing committees a report on the status of the his-
4 torically Black colleges and universities described in
5 paragraph (1)(A) and an overview of all loans in the
6 capital financing program, including the most recent
7 loans awarded in the fiscal year in which the report
8 is submitted. The report shall include administrative
9 and legislative recommendations, as needed, for ad-
10 dressing the issues related to construction financing
11 facing historically Black colleges and universities.”.

12 **SEC. 305. MINORITY SCIENCE AND ENGINEERING IMPROVE-**
13 **MENT PROGRAM.**

14 Part E of title III (20 U.S.C. 1067 et seq.) is amend-
15 ed—

16 (1) in section 353(a)—

17 (A) in paragraph (1), by striking “365(6)”
18 and inserting “359(6)”;

19 (B) in paragraph (2), by striking “365(7)”
20 and inserting “359(7)”;

21 (C) in paragraph (3), by striking “365(8)”
22 and inserting “359(8)”;

23 (D) in paragraph (4), by striking “365(9)”
24 and inserting “359(9)”;

25 (2) by striking subpart 2;

1 (3) by redesignating subpart 3 as subpart 2
2 and redesignating sections 361 through 365 as sec-
3 tions 355 through 359, respectively;

4 (4) in section 355 (as so redesignated), by
5 striking paragraph (5);

6 (5) in section 356(a) (as so redesignated), by
7 striking “determined under section 361)” and in-
8 serting “determined under section 355)”;

9 (6) in section 359(2) (as so redesignated)—

10 (A) by inserting “American” after
11 “Black”; and

12 (B) by striking “Hispanic (including)” and
13 inserting “Hispanic American (including”).

14 **SEC. 306. STRENGTHENING HISTORICALLY BLACK COL-**
15 **LEGES AND UNIVERSITIES AND OTHER MI-**
16 **NORITY-SERVING INSTITUTIONS.**

17 Section 371 (20 U.S.C. 1067q) is amended—

18 (1) in subsection (b)(2)(D)(iii), by striking
19 “section 311(c)” and inserting “section 311(b)”;
20 and

21 (2) in subsection (c)(9)(F)(ii), by striking “part
22 A of”.

23 **SEC. 307. GENERAL PROVISIONS.**

24 Part G of title III (20 U.S.C. 1068 et seq.) is amend-
25 ed—

1 (1) in section 391(b)—

2 (A) in paragraph (1), by striking “institu-
3 tional management” and all that follows
4 through the semicolon at the end and inserting
5 “institutional management, and use the grant
6 to provide for, and lead to, institutional self-
7 sustainability and growth (including measurable
8 objectives for the institution and the Secretary
9 to use in monitoring the effectiveness of activi-
10 ties under this title);”;

11 (B) in paragraph (7)—

12 (i) by striking subparagraph (C) and
13 redesignating subparagraphs (D) and (E)
14 as subparagraphs (C) and (D), respec-
15 tively; and

16 (ii) in subparagraph (D) (as so redес-
17 igned), strike “and” at the end;

18 (C) by striking paragraph (8) and insert-
19 ing the following:

20 “(8) set forth a 5-year plan for improving the
21 assistance provided by the institution; and”; and

22 (D) by adding at the end the following:

23 “(9) submit such enrollment data as may be
24 necessary to demonstrate that the institution is a
25 minority-serving institution.”;

1 (2) in section 392—

2 (A) in subsection (b)—

3 (i) in the subsection heading, after
4 “EXPENDITURES” insert “; COMPLETION
5 RATES”;

6 (ii) in paragraph (1), insert “or
7 312(b)(3)” after “312(b)(1)(B)”; and

8 (iii) in paragraph (2)—

9 (I) in the matter preceding sub-
10 paragraph (A)—

11 (aa) by inserting “or
12 312(b)(3)” after “312(b)(1)(B)”;
13 and

14 (bb) by inserting “Amer-
15 ican” after “Hispanic”; and

16 (II) in subparagraph (A), by in-
17 serting “or section 312(b)(3)” after
18 “312(b)(1)”; and

19 (B) by striking subsection (c) and insert-
20 ing the following:

21 “(c) WAIVER AUTHORITY WITH RESPECT TO INSTI-
22 TUTIONS LOCATED IN AN AREA AFFECTED BY A MAJOR
23 DISASTER.—

24 “(1) WAIVER AUTHORITY.—Notwithstanding
25 any other provision of law, unless enacted with spe-

1 cific reference to this section, in the case of a major
2 disaster, the Secretary may waive for affected insti-
3 tutions—

4 “(A) the eligibility data requirements set
5 forth in section 391(d) and section 521(e);

6 “(B) the allotment requirements under sec-
7 tion 324; and

8 “(C) the use of the funding formula devel-
9 oped pursuant to section 326(f)(3);

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

11 “(A) AFFECTED INSTITUTION.—The term
12 ‘affected institution’ means an institution of
13 higher education that—

14 “(i) is—

15 “(I) a part A institution (which
16 term shall have the meaning given the
17 term ‘eligible institution’ under sec-
18 tion 312(b) or section 502(a)(6)); or

19 “(II) a part B institution, as
20 such term is defined in section
21 322(2), or as identified in section
22 326(e);

23 “(ii) is located in an area affected by
24 a major disaster; and

1 “(iii) is able to demonstrate that, as a
2 result of the impact of a major disaster,
3 the institution—

4 “(I) incurred physical damage;

5 “(II) has pursued collateral
6 source compensation from insurance,
7 the Federal Emergency Management
8 Agency, and the Small Business Ad-
9 ministration, as appropriate; and

10 “(III) was not able to fully re-
11 open in existing facilities or to fully
12 reopen to the pre-disaster enrollment
13 levels.

14 “(B) MAJOR DISASTER.—The term ‘major
15 disaster’ has the meaning given such term in
16 section 102(2) of the Robert T. Stafford Dis-
17 aster Relief and Emergency Assistance Act (42
18 U.S.C. 5122(2)).”; and

19 (3) in section 399, by striking subsection (a)
20 and inserting the following:

21 “(a) AUTHORIZATIONS.—

22 “(1) PART A.—(A) There are authorized to be
23 appropriated to carry out section 316, \$31,854,000
24 for each of fiscal years 2021 through 2026.

1 “(B) There are authorized to be appropriated
2 to carry out section 317, \$15,930,000 for each of
3 fiscal years 2021 through 2026.

4 “(C) There are authorized to be appropriated to
5 carry out section 318, \$11,475,000 for each of fiscal
6 years 2021 through 2026.

7 “(D) There are authorized to be appropriated
8 to carry out section 319, \$3,864,000 for each of fis-
9 cal years 2021 through 2026.

10 “(E) There are authorized to be appropriated
11 to carry out section 320, \$3,864,000 for each of fis-
12 cal years 2021 through 2026.

13 “(2) PART B.—(A) There are authorized to be
14 appropriated to carry out part B (other than section
15 326), \$282,420,000 for each of fiscal years 2021
16 through 2026.

17 “(B) There are authorized to be appropriated
18 to carry out section 326, \$73,037,000 for each of
19 fiscal years 2021 through 2026.

20 “(3) PART D.—There are authorized to be ap-
21 propriated to carry out part D, \$40,484,000 for
22 each of fiscal years 2021 through 2026. Of the
23 amount authorized, 1.10 percent shall be reserved
24 for administrative expenses.

1 “(4) PART E.—There are authorized to be ap-
2 propriated to carry out subpart 1 of part E,
3 \$11,135,000 for each of fiscal years 2021 through
4 2026.”.

5 **TITLE IV—STUDENT ASSISTANCE**

6 **PART A—GRANTS TO STUDENTS IN ATTENDANCE**

7 **AT INSTITUTIONS OF HIGHER EDUCATION**

8 **SEC. 401. FEDERAL PELL GRANTS.**

9 (a) REAUTHORIZATION.—Section 401(a)(1) (20
10 U.S.C. 1070a(a)(1)) is amended—

11 (1) by striking “fiscal year 2017” and inserting
12 “fiscal year 2026”; and

13 (2) by inserting “an eligible program at” after
14 “attendance at”.

15 (b) FEDERAL PELL GRANT BONUS.—

16 (1) AMENDMENTS.—Section 401(b) (20 U.S.C.
17 1070a(b)) is amended—

18 (A) in paragraph (7)(A)(iii)—

19 (i) by inserting “and paragraph (9)”
20 after “this paragraph”; and

21 (ii) by inserting before the semicolon
22 at the end the following: “and to provide
23 the additional amount required by para-
24 graph (9)”; and

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

1 “(9) FEDERAL PELL GRANT BONUS.—

2 “(A) IN GENERAL.—Notwithstanding any
3 other provision of this subsection and from the
4 amounts made available pursuant to paragraph
5 (7)(A)(iii) for the purposes of this paragraph,
6 an eligible student who is receiving a Federal
7 Pell Grant for an award year shall receive an
8 amount in addition to such Federal Pell Grant
9 for each payment period of such award year for
10 which the student—

11 “(i) is receiving such Federal Pell
12 Grant as long as the amount of such Fed-
13 eral Pell Grant does not exceed the max-
14 imum amount of a Federal Pell Grant
15 award determined under paragraph (2)(A)
16 for such award year; and

17 “(ii) is carrying a work load that—

18 “(I) is greater than the normal
19 full-time work load for the course of
20 study the student is pursuing, as de-
21 termined by the institution of higher
22 education; and

23 “(II) will lead to the completion
24 of not less than 30 credit hours (or
25 the equivalent coursework) upon the

1 completion of the final payment pe-
2 riod for which the student is receiving
3 the Federal Pell Grant described in
4 clause (i).

5 “(B) AMOUNT OF BONUS.—The amount
6 provided to an eligible student under subpara-
7 graph (A) for an award year may not exceed
8 \$300, which shall be equally divided among
9 each payment period of such award year de-
10 scribed in clauses (i) and (ii) of subparagraph
11 (A).”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) shall take effect with respect to
14 award year 2020–2021 and each succeeding award
15 year.

16 (c) PERIOD OF ELIGIBILITY FOR GRANTS.—Section
17 401(c) (20 U.S.C. 1070a(c)) is amended by adding at the
18 end the following:

19 “(6)(A) The Secretary shall issue to each student re-
20 ceiving a Federal Pell Grant, an annual status report
21 which shall—

22 “(i) inform the student of the remaining period
23 during which the student may receive Federal Pell
24 Grants in accordance with paragraph (5), and pro-

1 vide access to a calculator to assist the student in
2 making such determination;

3 “(ii) include an estimate of the Federal Pell
4 Grant amounts which may be awarded for such re-
5 maining period based on the student’s award
6 amount determined under subsection (b)(2)(A) for
7 the most recent award year;

8 “(iii) explain how the estimate was calculated
9 and any assumptions underlying the estimate;

10 “(iv) explain that the estimate may be affected
11 if there is a change—

12 “(I) in the student’s financial cir-
13 cumstances; or

14 “(II) the availability of Federal funding;
15 and

16 “(v) describe how the remaining period during
17 which the student may receive Federal Pell Grants
18 will be affected by whether the student is enrolled as
19 a full-time student.

20 “(B) Nothing in this paragraph shall be construed
21 to prohibit an institution from offering additional coun-
22 seling to a student with respect to Federal Pell Grants,
23 but such counseling shall not delay or impede disburse-
24 ment of a Federal Pell Grant award to the student.”.

1 (d) DISTRIBUTION OF GRANTS TO STUDENTS.—Sec-
2 tion 401(e) (20 U.S.C. 1070a(e)) is amended by striking
3 the first sentence and inserting “Payments under this sec-
4 tion shall be made in the same manner as disbursements
5 under section 465(a).”.

6 (e) INSTITUTIONAL INELIGIBILITY BASED ON DE-
7 FAULT RATES.—Section 401(j) of such Act (20 U.S.C.
8 1070a(j)) is amended by adding at the end the following:
9 “(3) SUNSET.—The provisions of this sub-
10 section shall not apply after the transition period de-
11 scribed in section 481B(e)(3).”.

12 (f) PREVENTION OF FRAUD.—Section 401 (20
13 U.S.C. 1070a) is amended by adding at the end the fol-
14 lowing:

15 “(k) PREVENTION OF FRAUD.—

16 “(1) PROHIBITION OF AWARDS.—

17 “(A) IN GENERAL.—No Federal Pell
18 Grant shall be awarded under this subpart to
19 any student who—

20 “(i) received a Federal Pell Grant for
21 3 award years; and

22 “(ii) for each such award year, was
23 enrolled in an institution of higher edu-
24 cation and did not earn any academic cred-

1 it for which the Federal Pell Grant was
2 provided.

3 “(B) WAIVER.—The student financial aid
4 administrator at an institution of higher edu-
5 cation may waive the requirement of subpara-
6 graph (A) for a student, if the financial aid ad-
7 ministrator—

8 “(i) determines that the student was
9 unable to earn any academic credit as de-
10 scribed in subparagraph (A)(ii) due to cir-
11 cumstances beyond the student’s control;
12 and

13 “(ii) makes and documents such a de-
14 termination on an individual student basis.

15 “(C) DEFINITION OF CIRCUMSTANCES BE-
16 YOND A STUDENT’S CONTROL.—For purposes
17 of this paragraph, the term ‘circumstances be-
18 yond the student’s control’, when used with re-
19 spect to an individual student—

20 “(i) may include the student with-
21 drawing from an institution of higher edu-
22 cation due to illness; and

23 “(ii) shall not include the student
24 withdrawing from an institution of higher
25 education to avoid a particular grade.

1 “(2) SECRETARIAL DISCRETION TO STOP
2 AWARDS.—With respect to a student who receives a
3 disbursement of a Federal Pell Grant for a payment
4 period of an award year and whom the Secretary de-
5 termines has had an unusual enrollment history, the
6 Secretary may prevent such student from receiving
7 any additional disbursements of such Federal Pell
8 Grant for such award year until the student finan-
9 cial aid administrator at the student’s institution of
10 higher education determines that the student’s en-
11 rollment history should not be considered an unusual
12 enrollment history.”.

13 (g) REPORT ON COSTS OF FEDERAL PELL GRANT
14 PROGRAM.—Section 401 (20 U.S.C. 1070a), as amended
15 by subsections (a) through (f), is further amended by add-
16 ing at the end the following:

17 “(1) REPORT ON COSTS OF FEDERAL PELL GRANT
18 PROGRAM.—Not later than October 31 of each year, the
19 Secretary shall prepare and submit a report to the author-
20 izing committees that includes the following information
21 with respect to spending for the Federal Pell Grant pro-
22 gram for the preceding fiscal year:

23 “(1) The total obligations and expenditures for
24 the program for such fiscal year.

1 “(2) A comparison of the total obligations and
2 expenditures for the program for such fiscal year—

3 “(A) to the most recently available Con-
4 gressional Budget Office baseline for the pro-
5 gram; and

6 “(B) in the case in which such fiscal year
7 is fiscal year 2021, 2022, 2023, 2024, 2025, or
8 2026, to the Congressional Budget Office cost
9 estimate for the program included in the report
10 of the Committee on Education and Labor of
11 the House of Representatives accompanying the
12 HOPE Act, as approved by the Committee.

13 “(3) The total obligations and expenditures for
14 the maximum Federal Pell Grant for which a stu-
15 dent is eligible, as specified in the last enacted ap-
16 propriation Act applicable to such fiscal year.

17 “(4) A comparison of the total obligations and
18 expenditures for the maximum Federal Pell Grant
19 for which a student is eligible, as specified in the
20 last enacted appropriation Act applicable to such fis-
21 cal year—

22 “(A) to the most recently available Con-
23 gressional Budget Office baseline for such max-
24 imum Federal Pell Grant; and

1 “(B) in the case in which such fiscal year
2 is fiscal year 2021, 2022, 2023, 2024, 2025, or
3 2026, to the Congressional Budget Office cost
4 estimate for such maximum Federal Pell Grant
5 included in the report of the Committee on
6 Education and Labor of the House of Rep-
7 resentatives accompanying the HOPE Act, as
8 approved by the Committee.

9 “(5) The total mandatory obligations and ex-
10 penditures for the amount of the increase in such
11 maximum Federal Pell Grant required by subsection
12 (b)(7)(B) for such fiscal year.

13 “(6) A comparison of the total mandatory obli-
14 gations and expenditures for the amount of the in-
15 crease in such maximum Federal Pell Grant re-
16 quired by subsection (b)(7)(B)—

17 “(A) to the most recently available Con-
18 gressional Budget Office baseline for the in-
19 crease; and

20 “(B) in the case in which such fiscal year
21 is fiscal year 2021, 2022, 2023, 2024, 2025, or
22 2026, to the Congressional Budget Office cost
23 estimate for the increase included in the report
24 of the Committee on Education and Labor of

1 the House of Representatives accompanying the
2 HOPE Act, as approved by the Committee.

3 “(7) The total mandatory obligations and ex-
4 penditures for the Federal Pell Grant Bonus re-
5 quired by subsection (b)(9) for such fiscal year.

6 “(8) A comparison of the total mandatory obli-
7 gations and expenditures for the Federal Pell Grant
8 Bonus required by subsection (b)(9) for such fiscal
9 year—

10 “(A) to the most recently available Con-
11 gressional Budget Office baseline for such
12 bonus; and

13 “(B) in the case in which such fiscal year
14 is fiscal year 2021, 2022, 2023, 2024, 2025, or
15 2026, to the Congressional Budget Office cost
16 estimate for such bonus included in the report
17 of the Committee on Education and Labor of
18 the House of Representatives accompanying the
19 HOPE Act, as approved by the Committee.”.

20 (h) STUDY ON FEDERAL PELL GRANT BONUS.—Sec-
21 tion 401 (20 U.S.C. 1070a), as amended by subsections
22 (a) through (g), is further amended by adding at the end
23 the following:

24 “(m) REPORT AND STUDY ON FEDERAL PELL
25 GRANT BONUS.—

1 “(1) REPORT.—

2 “(A) IN GENERAL.—The Secretary shall
3 report annually, in accordance with subpara-
4 graph (C), on the Federal Pell Grant Bonus re-
5 quired by subsection (b)(9).

6 “(B) ELEMENTS.—Each report required
7 under subparagraph (A) shall include an assess-
8 ment of the following:

9 “(i) The number of students who re-
10 ceived the Federal Pell Grant Bonus under
11 subsection (b)(9).

12 “(ii) Of the students counted under
13 clause (i)—

14 “(I) the number of such students
15 who obtained a degree or certificate
16 within the normal time to completion
17 for the program for which the Federal
18 Pell Grant Bonus was awarded; and

19 “(II) the number of such stu-
20 dents who obtained a degree or certifi-
21 cate—

22 “(aa) within 4 years of be-
23 ginning the program of study for
24 which the Federal Pell Grant
25 Bonus was awarded;

1 “(bb) within 5 years of be-
2 ginning such program of study;
3 and

4 “(cc) within 6 years of be-
5 ginning such program of study.

6 “(C) SUBMISSION OF REPORTS.—

7 “(i) INITIAL REPORT.—Not later than
8 one year after the first cohort of students
9 described in subparagraph (B)(i) is ex-
10 pected to complete their program of study,
11 the Secretary shall submit to the author-
12 izing committees an initial report under
13 subparagraph (A).

14 “(ii) ANNUAL UPDATES.—On an an-
15 nual basis, the Secretary shall update the
16 report under subparagraph (A) and submit
17 the updated report to the authorizing com-
18 mittees.

19 “(2) STUDY.—Not later than 18 months after
20 the date of the submission of the initial report under
21 paragraph (1)(C)(i), the Comptroller General of the
22 United States shall complete a study on the impact
23 of the Federal Pell Grant Bonus required under sub-
24 section (b)(9). The study shall include an assess-
25 ment of the following:

1 “(A) Of the students who received the
2 Federal Pell Grant Bonus, the number of such
3 students who had a lower volume of student
4 loans upon completion of their program of
5 study compared to students who received a
6 Federal Pell Grant but did not receive the Fed-
7 eral Pell Grant Bonus.

8 “(B) Whether students who received the
9 Federal Pell Grant Bonus took an increased
10 courseload as a result of the availability of the
11 Federal Pell Grant Bonus.

12 “(C) The completion rate of students who
13 received the Federal Pell Grant Bonus com-
14 pared to the completion rate of students who
15 did not receive the bonus.”.

16 **SEC. 402. FEDERAL TRIO PROGRAMS.**

17 (a) PROGRAM AUTHORITY; AUTHORIZATION OF AP-
18 PROPRIATIONS.—Section 402A (20 U.S.C. 1070a–11) is
19 amended—

20 (1) in subsection (c)—

21 (A) by amending subparagraph (A) of
22 paragraph (2) to read as follows:

23 “(A) ACCOUNTABILITY FOR OUTCOMES.—
24 In making grants under this chapter, the Sec-

1 retary shall comply with the following require-
2 ments:

3 “(i) The Secretary shall consider each
4 applicant’s prior success in achieving high
5 quality service delivery, as determined
6 under subsection (f), under the particular
7 program for which funds are sought. The
8 level of consideration given the factor of
9 prior success in achieving high quality
10 service delivery shall not vary from the
11 level of consideration given such factor
12 during fiscal years 1994 through 1997, ex-
13 cept that grants made under section 402H
14 shall not be given such consideration.

15 “(ii) The Secretary shall not give
16 points for prior success in achieving high
17 quality service delivery to any current
18 grantee that, during the then most recent
19 period for which funds were provided, did
20 not meet or exceed two or more objectives
21 established in the eligible entity’s applica-
22 tion based on the performance measures
23 described in subsection (f).

24 “(iii) From the amounts awarded
25 under subsection (g) for a program under

1 this chapter (other than a program under
2 sections 402G and 402H) for any fiscal
3 year in which the Secretary conducts a
4 competition for the award of grants or con-
5 tracts under such programs, the Secretary
6 shall reserve 10 percent of such available
7 amount to award grants or contracts to
8 applicants who have not previously received
9 a grant or contract under this chapter. If
10 the Secretary determines that there are an
11 insufficient number of qualified applicants
12 to use the full amount reserved under the
13 preceding sentence, the Secretary shall use
14 the remainder of such amount to award
15 grants or contracts to applicants who have
16 previously received a grant or contract
17 under this chapter.”;

18 (B) in paragraph (3)—

19 (i) in subparagraph (A)—

20 (I) by striking “as provided in
21 subparagraph (B)” and inserting “as
22 provided in subparagraph (C)”;

23 (II) by striking “experience” and
24 inserting “success in achieving high
25 quality service delivery”;

1 (ii) by redesignating subparagraph
2 (B) as subparagraph (C); and

3 (iii) by inserting after subparagraph
4 (A) the following new subparagraph:

5 “(B) To ensure that congressional priorities in
6 conducting competitions for grants and contracts
7 under this chapter are implemented, the Secretary
8 shall not impose additional criteria for the
9 prioritization of applications for such grants or con-
10 tracts (including additional competitive, absolute, or
11 other criteria) beyond the criteria described in this
12 chapter.”;

13 (C) in paragraph (6)—

14 (i) by striking the period at the end of
15 the second sentence and inserting “, as
16 long as the program is serving a different
17 population or a different campus.”;

18 (ii) by striking “the programs author-
19 ized by” and inserting “sections 402B,
20 402C, 402D, and 402F of”;

21 (iii) by striking “The Secretary shall
22 encourage” and inserting the following:
23 “(A) The Secretary shall encourage”;

24 (iv) by striking “The Secretary shall
25 permit” and inserting the following:

1 “(B) The Secretary shall permit”;

2 (D) in paragraph (7), by striking “8
3 months” each place it appears and inserting
4 “90 days”;

5 (E) in paragraph (8)—

6 (i) in subparagraph (A)—

7 (I) in the matter preceding clause
8 (i), by striking “Not later than 180
9 days after the date of enactment of
10 the Higher Education Opportunity
11 Act,” and inserting “Not later than
12 90 days before the commencement of
13 each competition for a grant under
14 this chapter,”;

15 (II) in clause (iii), by striking
16 “prior experience points for high qual-
17 ity service delivery are awarded” and
18 inserting “application scores are ad-
19 justed for prior success in achieving
20 high quality service delivery”; and

21 (III) in clause (v), by striking
22 “prior experience points for” and in-
23 serting “the adjustment in scores for
24 prior success in achieving”;

1 (ii) by striking subparagraph (B) and
2 redesignating subparagraph (C) as sub-
3 paragraph (B); and

4 (iii) in subparagraph (B), as so redesi-
5 gnated—

6 (I) in clause (iii)—

7 (aa) in the matter preceding
8 subclause (I), by striking “prior
9 experience points for” and insert-
10 ing “points for prior success in
11 achieving”; and

12 (bb) in subclause (II), by
13 striking “prior experience points”
14 and inserting “points for prior
15 success in achieving high quality
16 service delivery”; and

17 (II) in clause (vi), by inserting
18 before the period at the end the fol-
19 lowing: “from funds reserved under
20 subsection (g)”; and

21 (F) by adding at the end the following:

22 “(9) MATCHING REQUIREMENT.—

23 “(A) IN GENERAL.—The Secretary shall
24 not approve an application submitted under sec-

1 tion 402B, 402C, 402D, 402E, or 402F unless
2 such application—

3 “(i) provides that the eligible entity
4 will provide, from State, local, institu-
5 tional, or private funds, not less than 20
6 percent of the cost of the program, which
7 matching funds may be provided in cash or
8 in kind and may be accrued over the full
9 duration of the grant award period, except
10 that the eligible entity shall make substan-
11 tial progress towards meeting the matching
12 requirement in each year of the grant
13 award period;

14 “(ii) specifies the methods by which
15 matching funds will be paid; and

16 “(iii) includes provisions designed to
17 ensure that funds provided under this
18 chapter shall supplement and not supplant
19 funds expended for existing programs.

20 “(B) SPECIAL RULE.—Notwithstanding
21 the matching requirement described in subpara-
22 graph (A), the Secretary may by regulation
23 modify the percentage requirement described in
24 subparagraph (A). The Secretary may approve

1 an eligible entity’s request for a reduced match
2 percentage—

3 “(i) at the time of application if the
4 eligible entity demonstrates significant eco-
5 nomic hardship that precludes the eligible
6 entity from meeting the matching require-
7 ment; or

8 “(ii) in response to a petition by an
9 eligible entity subsequent to a grant award
10 under section 402B, 402C, 402D, 402E,
11 or 402F if the eligible entity demonstrates
12 that the matching funds described in its
13 application are no longer available and the
14 eligible entity has exhausted all revenues
15 for replacing such matching funds.”.

16 (2) in subsection (d)(3), by adding at the end
17 the following new sentence: “In addition, the Sec-
18 retary shall host at least one virtual, interactive edu-
19 cation session using telecommunications technology
20 to ensure that any interested applicants have access
21 to technical assistance.”;

22 (3) in subsection (e)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (C), by striking
25 “or” at the end;

1 (ii) in subparagraph (D), by striking
2 the period at the end and inserting “; or”;
3 and

4 (iii) by adding at the end the fol-
5 lowing new subparagraph:

6 “(E) documentation that the student has been
7 determined to be eligible for a Federal Pell Grant
8 under section 401.”; and

9 (B) in paragraph (2)—

10 (i) in subparagraph (C), by striking
11 “or” at the end;

12 (ii) in subparagraph (D), by striking
13 the period at the end and inserting “; or”;
14 and

15 (iii) by adding at the end the fol-
16 lowing new subparagraph:

17 “(E) documentation that the student has been
18 determined to be eligible for a Federal Pell Grant
19 under section 401.”;

20 (4) in subsection (f)—

21 (A) in the heading of paragraph (1), by
22 striking “PRIOR EXPERIENCE” and inserting
23 “ACCOUNTABILITY FOR OUTCOMES”;

24 (B) in paragraph (1) by striking “experi-
25 ence of” and inserting “success in achieving”;

1 (C) in paragraph (3)—

2 (i) in subparagraph (A)—

3 (I) in clause (iv) by striking “rig-
4 orous secondary school program of
5 study that will make such students el-
6 igible for programs such as the Aca-
7 demic Competitiveness Grants Pro-
8 gram” and inserting “secondary
9 school program of study that will pre-
10 pare such students to enter postsec-
11 ondary education without the need for
12 remedial education”;

13 (II) by redesignating clauses (v)
14 and (vi) as clauses (vi) and (vii), re-
15 spectively; and

16 (III) by inserting after clause (iv)
17 the following new clause:

18 “(v) the completion of financial aid
19 applications, including the Free Applica-
20 tion for Federal Student Aid described in
21 section 483(a) and college admission appli-
22 cations;”;

23 (ii) in subparagraph (B)—

24 (I) by redesignating clauses (i),
25 (ii), (iii), (iv), (v), (vi), and (vii) as

1 subclauses (I), (II), (III), (IV), (VI),
2 (VIII), and (IX), respectively;

3 (II) by inserting after subclause
4 (IV), as so redesignated, the fol-
5 lowing:

6 “(V) the enrollment of such stu-
7 dents into a general educational devel-
8 opment (commonly known as a
9 ‘GED’) program;”.

10 (III) in subclause (VI), as so re-
11 designated, by striking “rigorous sec-
12 ondary school program of study that
13 will make such students eligible for
14 programs such as the Academic Com-
15 petitiveness Grants Program” and in-
16 sserting “secondary school program of
17 study that will prepare such students
18 to enter postsecondary education with-
19 out the need for remedial education”;

20 (IV) by inserting after subclause
21 (VI), as so redesignated, the following
22 new subclause:

23 “(VII) the completion of financial aid
24 applications, including the Free Applica-
25 tion for Federal Student Aid described in

1 section 483(a) and college admission appli-
2 cations;”;

3 (V) by striking “(B) For pro-
4 grams authorized under section
5 402C,” and inserting “(B)(i) For pro-
6 grams authorized under section 402C,
7 except in the case of projects that spe-
8 cifically target veterans,”; and

9 (VI) by adding at the end the fol-
10 lowing new clause:

11 “(ii) For programs authorized under sec-
12 tion 402C that specifically target veterans, the
13 extent to which the eligible entity met or ex-
14 ceeded the entity’s objectives for such program
15 with respect to—

16 “(I) the delivery of service to a total
17 number of students served by the program,
18 as agreed upon by the entity and the Sec-
19 retary for the period;

20 “(II) such students’ academic per-
21 formance, as measured by standardized
22 tests;

23 “(III) the retention and completion of
24 participants in the project;

1 “(IV) the provision of assistance to
2 students served by the program in com-
3 pleting financial aid applications, including
4 the Free Application for Federal Student
5 Aid described in section 483(a) and college
6 admission applications;

7 “(V) the enrollment of such students
8 in an institution of higher education; and

9 “(VI) to the extent practicable, the
10 postsecondary education completion rate of
11 such students.”;

12 (iii) in subparagraph (C)(ii)—

13 (I) in subclause (I), by striking
14 “in which such students were en-
15 rolled” and inserting “within six years
16 of the initial enrollment of such stu-
17 dents in the program”;

18 (II) in subclause (II);

19 (aa) in the matter preceding
20 item (aa), by striking “offer a
21 baccalaureate degree” and insert-
22 ing “primarily offer bacca-
23 laureate degrees”; and

24 (bb) in item (aa), by striking
25 “students; and” and inserting

1 “students within 4 years of the
2 initial enrollment of such stu-
3 dents in the program; or”;

4 (iv) in subparagraph (D)—

5 (I) in clause (iii), by striking “;
6 and” and inserting “within two years
7 of receiving a baccalaureate degree;”;

8 (II) in clause (iv), by striking
9 “study and” and all that follows
10 through the period and inserting
11 “study; and”; and

12 (III) by adding at the end the
13 following new clause:

14 “(v) the attainment of doctoral de-
15 grees by former program participants with-
16 in 10 years of receiving a baccalaureate de-
17 gree.”; and

18 (v) in subparagraph (E)(ii), by insert-
19 ing “, or re-enrollment,” after “enroll-
20 ment”;

21 (5) in subsection (g)—

22 (A) in the first sentence, by striking
23 “\$900,000,000 for fiscal year 2009 and such
24 sums as may be necessary for” and inserting
25 “\$1,060,000,000 for fiscal year 2021 and”;

1 (B) in the second sentence—

2 (i) by striking “no more than ½ of 1”

3 and inserting “not more than 1”;

4 (ii) by striking “and to provide tech-
5 nical” and inserting “to provide technical”;

6 and

7 (iii) by inserting before the period at
8 the end the following: “, and to support
9 applications funded under the process out-
10 lined in subsection (c)(8)(B)”;

11 (C) by striking the last sentence; and

12 (6) in subsection (h)—

13 (A) by striking “(5) VETERAN ELIGI-
14 BILITY.—No veteran” and inserting the fol-
15 lowing:

16 “(i) VETERAN ELIGIBILITY.—(1) No Veteran”;

17 (B) in paragraph (6), by striking “of para-
18 graph (5)” and inserting “of paragraph (1)”;

19 (C) by striking “(6) WAIVER.—The Sec-
20 retary” and inserting the following:

21 “(2) The Secretary”.

22 (b) TALENT SEARCH.—Section 402B (20 U.S.C.
23 1070a–12) is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (2), by striking “and” at
2 the end;

3 (B) by redesignating paragraph (3) as
4 paragraph (4); and

5 (C) by inserting after paragraph (2) the
6 following new paragraph:

7 “(3) to advise such youths on the postsecondary
8 institution selection process, including consideration
9 of the financial aid awards offered and the potential
10 loan burden required; and”;

11 (2) in subsection (b)—

12 (A) in paragraph (1), by inserting “and,
13 where necessary, remedial education services”
14 after “academic tutoring services”; and

15 (B) by striking paragraph (6) and insert-
16 ing the following:

17 “(6) connections to education or counseling
18 services designed to—

19 “(A) improve the financial literacy and
20 economic literacy of students or the students’
21 parents in order to aid them in making in-
22 formed decisions about how to best finance
23 their postsecondary education; and

24 “(B) assist students and families regarding
25 career choice.”;

1 (3) in subsection (c)(2), by striking “career”
2 and inserting “academic”; and

3 (4) in subsection (d)—

4 (A) by redesignating paragraphs (2), (3),
5 and (4) as paragraphs (3), (4), and (5), respec-
6 tively;

7 (B) by inserting after paragraph (1) the
8 following new paragraph:

9 “(2) require an assurance that the remaining
10 youths participating in the project proposed to be
11 carried out in any application be low-income individ-
12 uals, first generation college students, or students
13 who have a high risk for academic failure;”;

14 (C) in paragraph (4), as so redesignated—

15 (i) by inserting “, section 402C,”
16 after “under this section”; and

17 (ii) by striking “and” at the end;

18 (D) in paragraph (5), as so redesignated,
19 by striking the period at the end and inserting
20 “; and”; and

21 (E) by adding at the end the following:

22 “(6) require the grantee to maintain, to the ex-
23 tent practicable, a record of any services participants
24 receive during the project year from another pro-
25 gram under this chapter or other federally funded

1 programs serving similar populations to minimize
2 the duplication of services.”.

3 (c) UPWARD BOUND.—Section 402C (20 U.S.C.
4 1070a–13) is amended—

5 (1) in subsection (b)—

6 (A) by striking paragraph (1) and insert-
7 ing:

8 “(1) academic tutoring, which may include in-
9 struction in reading, writing, study skills, mathe-
10 matics, science, and other subjects and, where nec-
11 essary, remedial education services, to enable stu-
12 dents to complete secondary or postsecondary
13 courses;”.

14 (B) in paragraph (4), by adding “and” at
15 the end; and

16 (C) by striking paragraphs (5) and (6) and
17 inserting the following:

18 “(5) education or counseling services designed
19 to—

20 “(A) improve the financial literacy and
21 economic literacy of students or the students’
22 parents in order to aid them in making in-
23 formed decisions about how to best finance
24 their postsecondary education; and

1 “(B) assist students and their families re-
2 garding career choice.”;

3 (2) in subsection (d)—

4 (A) in paragraph (1), by striking “youth”
5 and inserting “participants”;

6 (B) in paragraph (2), by striking “youth
7 participating in the project” and inserting
8 “project participants”; and

9 (C) in paragraph (5), by striking “youth
10 participating in the project” and inserting
11 “project participants”;

12 (3) in subsection (e)—

13 (A) in paragraph (4), by striking “and” at
14 the end;

15 (B) by redesignating paragraph (5) as
16 paragraph (6); and

17 (C) by inserting after paragraph (4) the
18 following:

19 “(5) require an assurance that individuals par-
20 ticipating in the project proposed in any application
21 do not have access to services from another project
22 funded under this section, section 402B, or section
23 402F;”;

1 (D) in paragraph (6), as so redesignated,
2 by striking the period at the end and inserting
3 “; and”; and

4 (E) by adding at the end the following:

5 “(7) for purposes of minimizing the duplication
6 of services, require that the grantee maintain, to the
7 extent practicable, a record of any services received
8 by participants during the program year from an-
9 other program funded under this chapter, or any
10 other Federally funded program that serves popu-
11 lations similar to the populations served by pro-
12 grams under this chapter.”.

13 (4) by striking subsection (g) and redesignating
14 subsection (h) as subsection (g).

15 (d) STUDENT SUPPORT SERVICES.—Section 402D
16 (20 U.S.C. 1070a–14) is amended—

17 (1) in subsection (a)(3), by inserting “low-in-
18 come and first generation college students, includ-
19 ing” after “success of”;

20 (2) in subsection (b)(4)—

21 (A) by striking “, including financial” and
22 inserting “, including—

23 “(A) financial”; and

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

1 “(B) basic personal income, household
2 money management, and financial planning
3 skills; and

4 “(C) basic economic decisionmaking
5 skills;”; and

6 (3) in subsection (e)—

7 (A) in paragraph (5), by striking “and” at
8 the end;

9 (B) by redesignating paragraph (6) as
10 paragraph (7);

11 (C) by inserting after paragraph (5) the
12 following:

13 “(6) require the grantee to maintain, to the ex-
14 tent practicable, a record of any services participants
15 receive during the project year from another pro-
16 gram under this chapter or other federally funded
17 programs serving similar populations to minimize
18 the duplication of services; and”.

19 (e) POSTBACCALAUREATE ACHIEVEMENT PROGRAM
20 AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is
21 amended—

22 (1) in subsection (b)(2), by striking “summer
23 internships” and inserting “internships and faculty-
24 led research experiences”; and

25 (2) in subsection (d)—

1 (A) in paragraph (3), by striking “and” at
2 the end;

3 (B) in paragraph (4)—

4 (i) by striking “summer”;

5 (ii) by striking the period at the end
6 and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(5) the grantee to maintain, to the extent
9 practicable, a record of any services participants re-
10 ceive during the project year from another program
11 under this chapter or other federally funded pro-
12 gram serving similar populations to minimize the du-
13 plication of services.”; and

14 (3) in subsection (g), by striking “2009 through
15 2014” and inserting “2021 through 2026”.

16 (f) EDUCATIONAL OPPORTUNITY CENTERS.—Section
17 402F (20 U.S.C. 1070a–16) is amended—

18 (1) in subsection (a)—

19 (A) in paragraph (1), by inserting “or re-
20 enter” after “pursue”; and

21 (B) in paragraph (3), by striking “of stu-
22 dents” and inserting “of such persons”;

23 (2) in subsection (b)(5), by striking “students;”
24 and inserting the following: “students, including—

1 “(A) financial planning for postsecondary
2 education;

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) by redesignating paragraphs (2) and
10 (3) as paragraphs (3) and (4), respectively; and

11 (B) by inserting after paragraph (1) the
12 following new paragraph:

13 “(2) require an assurance that the remaining
14 persons participating in the project proposed to be
15 carried out under any application be low-income in-
16 dividuals or first generation college students;”;

17 (C) in paragraph (3), as so redesignated,
18 by striking “and” at the end;

19 (D) in paragraph (4), as so redesignated,
20 by striking the period at the end and inserting
21 “; and”; and

22 (E) by adding at the end the following:

23 “(5) require the grantee to maintain, to the ex-
24 tent practicable, a record of any services participants
25 receive during the project year from another pro-

1 gram under this chapter or other federally funded
2 program serving similar populations to minimize the
3 duplication of services.”.

4 (g) STAFF DEVELOPMENT ACTIVITIES.—Section
5 402G(b) (20 U.S.C. 1070a–17(b)) is amended—

6 (1) in the matter preceding paragraph (1)—

7 (A) by inserting “webinars and online
8 classes,” after “seminars, workshops,”; and

9 (B) by striking “directors” and inserting
10 “staff”; and

11 (2) in paragraph (3), by inserting “and innova-
12 tive” after “model”.

13 (h) REPORTS, EVALUATIONS, AND GRANTS FOR
14 PROJECT IMPROVEMENT AND DISSEMINATION.—Sub-
15 section (b) of section 402H (20 U.S.C. 1070a–18) is
16 amended to read as follows:

17 “(b) EVALUATIONS.—

18 “(1) IN GENERAL.—For the purpose of improv-
19 ing the effectiveness of the programs assisted under
20 this chapter, the Secretary shall make grants to or
21 enter into contracts with one or more organizations
22 to—

23 “(A) evaluate the effectiveness of the pro-
24 grams assisted under this chapter; and

1 “(B) disseminate information on the im-
2 pact of the programs in increasing the edu-
3 cation level of participants, as well as other ap-
4 propriate measures.

5 “(2) ISSUES TO BE EVALUATED.—The evalua-
6 tions described in paragraph (1) shall measure the
7 effectiveness of programs funded under this chapter
8 in—

9 “(A) meeting or exceeding the stated ob-
10 jectives regarding the outcome criteria under
11 subsection (f) of section 402A;

12 “(B) enhancing the access of low-income
13 individuals and first-generation college students
14 to postsecondary education;

15 “(C) preparing individuals for postsec-
16 ondary education;

17 “(D) comparing the level of education com-
18 pleted by students who participate in the pro-
19 grams funded under this chapter with the level
20 of education completed by students of similar
21 backgrounds who do not participate in such
22 programs;

23 “(E) comparing the retention rates, drop-
24 out rates, graduation rates, and college admis-
25 sion and completion rates of students who par-

1 ticipate in the programs funded under this
2 chapter with the rates of students of similar
3 backgrounds who do not participate in such
4 programs; and

5 “(F) such other issues as the Secretary
6 considers appropriate for inclusion in the eval-
7 uation.

8 “(3) PROGRAM METHODS.—Such evaluations
9 shall also investigate the effectiveness of alternative
10 and innovative methods within programs funded
11 under this chapter of increasing access to, and re-
12 tention of, students in postsecondary education.

13 “(4) RESULTS.—The Secretary shall submit to
14 the authorizing committees—

15 “(A) an interim report on the progress and
16 preliminary results of the evaluation of each
17 program funded under this chapter not later
18 than 2 years following the date of enactment of
19 the HOPE Act; and

20 “(B) a final report not later than 3 years
21 following the date of enactment of such Act.

22 “(5) PUBLIC AVAILABILITY.—All reports and
23 underlying data gathered pursuant to this subsection
24 shall be made available to the public upon request,
25 in a timely manner following submission of the ap-

1 plicable reports under this subsection, except that
2 any personally identifiable information with respect
3 to a student participating in a program or project
4 assisted under this chapter shall not be disclosed or
5 made available to the public.”.

6 (i) **IMPACT GRANTS.**—Part A of title IV (20 U.S.C.
7 1070 et seq.) is amended by inserting after section 402H
8 (20 U.S.C. 1070a–28) the following:

9 **“SEC. 402I. IMPACT GRANTS.**

10 “(a) **IN GENERAL.**—From funds reserved under sub-
11 section (e), the Secretary shall make grants to improve
12 postsecondary access and completion rates for qualified in-
13 dividuals from disadvantaged backgrounds. These grants
14 shall be known as innovative measures promoting postsec-
15 ondary access and completion grants or ‘IMPACT Grants’
16 and allow eligible entities to—

17 “(1) create, develop, implement, replicate, or
18 take to scale evidence-based, field-initiated innova-
19 tions, including through pay-for-success initiatives,
20 to serve qualified individuals from disadvantaged
21 backgrounds and improve student outcomes; and

22 “(2) rigorously evaluate such innovations, in ac-
23 cordance with subsection (d).

24 “(b) **DESCRIPTION OF GRANTS.**—The grants de-
25 scribed in subsection (a) shall include—

1 “(1) early-phase grants to fund the develop-
2 ment, implementation, and feasibility testing of a
3 program, which prior research suggests has a prom-
4 ise, for the purpose of determining whether the pro-
5 gram can successfully improve postsecondary access
6 and completion rates;

7 “(2) mid-phase grants to fund implementation
8 and a rigorous evaluation of a program that has
9 been successfully implemented under an early-phase
10 grant described in paragraph (1); and

11 “(3) expansion grants to fund implementation
12 and a rigorous replication evaluation of a program
13 that has been found to produce sizable, important
14 impacts under a mid-phase grant described in para-
15 graph (2) for the purposes of—

16 “(A) determining whether such outcomes
17 can be successfully reproduced and sustained
18 over time; and

19 “(B) identifying the conditions in which
20 the project is most effective.

21 “(c) REQUIREMENTS FOR APPROVAL OF APPLICA-
22 TIONS.—To receive a grant under this section, an eligible
23 entity shall submit an application to the Secretary at such
24 time, and in such manner as the Secretary may require,
25 which shall include—

1 “(1) an assurance that not less than two-thirds
2 of the individuals who will participate in the pro-
3 gram proposed to be carried out with the grant will
4 be—

5 “(A) low-income individuals who are first
6 generation college students; or

7 “(B) individuals with disabilities;

8 “(2) an assurance that any other individuals
9 (not described in paragraph (1)) who will participate
10 in such proposed program will be—

11 “(A) low-income individuals;

12 “(B) first generation college students; or

13 “(C) individuals with disabilities;

14 “(3) a detailed description of the proposed pro-
15 gram, including how such program will directly ben-
16 efit students;

17 “(4) the number of projected students to be
18 served by the program;

19 “(5) how the program will be evaluated; and

20 “(6) an assurance that the individuals partici-
21 pating in the project proposed are individuals who
22 do not have access to services from another pro-
23 grams funded under this section.

24 “(d) EVALUATION.—Each eligible entity receiving a
25 grant under this section shall conduct an independent

1 evaluation of the effectiveness of the program carried out
2 with such grant and shall submit to the Secretary, on an
3 annual basis, a report that includes—

4 “(1) a description of how funds received under
5 this section were used;

6 “(2) the number of students served by the
7 project carried out under this section; and

8 “(3) a quantitative analysis of the effectiveness
9 of the project.

10 “(e) FUNDING.—From amounts appropriated under
11 section 402A(g), the Secretary shall reserve 10 percent of
12 such funds to carry out this section.”.

13 **SEC. 403. GAINING EARLY AWARENESS AND READINESS**
14 **FOR UNDERGRADUATE PROGRAMS.**

15 (a) EARLY INTERVENTION AND COLLEGE AWARE-
16 NESS PROGRAM.—Section 404A (20 U.S.C. 1070a–21) is
17 amended—

18 (1) in subsection (a)(1), by striking “academic
19 support” and inserting “academic support for col-
20 lege readiness”;

21 (2) in subsection (b)—

22 (A) in paragraph (1), by inserting “new”
23 before “awards”; and

24 (B) in paragraph (3)—

1 (i) by amending subparagraph (A) to
2 read as follows:

3 “(A) give priority to eligible entities that
4 have a prior, demonstrated commitment to
5 early intervention leading to college access and
6 readiness through collaboration and replication
7 of successful strategies; and”;

8 (ii) in subparagraph (B), by striking
9 “the Higher Education Opportunity Act”
10 and inserting “the HOPE Act”; and

11 (C) by adding at the end the following:

12 “(4) MULTIPLE AWARD PROHIBITION.—Begin-
13 ning on the date of enactment of the HOPE Act, eli-
14 gible entities described in subsection (c)(1) that re-
15 ceive a grant under this chapter shall not be eligible
16 to receive an additional grant under this chapter
17 until after the date on which the initial grant period
18 expires.”.

19 (3) in subsection (c)(2)(B), by striking “institu-
20 tions or agencies sponsoring programs authorized
21 under subpart 4,”.

22 (b) APPLICATIONS.—Section 404C (20 U.S.C.
23 1070a–23) is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (2)—

1 (i) in the matter preceding subpara-
2 graph (A)—

3 (I) by striking “, contain or be
4 accompanied by such information or
5 assurances,”; and

6 (II) by striking “, at a min-
7 imum”;

8 (ii) by amending subparagraph (B) to
9 read as follows:

10 “(B) describe, in the case of an eligible en-
11 tity described in section 404A(c)(2) that choos-
12 es to provide scholarships, or an eligible entity
13 described in section 404A(c)(1)—

14 “(i) the eligible entity’s plan to estab-
15 lish or maintain a financial assistance pro-
16 gram in accordance with the requirements
17 of section 404E, including any eligibility
18 criteria other than the criteria described in
19 section 404E(g), such as—

20 “(I) demonstrating financial
21 need;

22 “(II) meeting and maintaining
23 satisfactory academic progress; and

24 “(III) other criteria aligned with
25 State and local goals to increase post-

1 secondary readiness, access, and com-
2 pletion;

3 “(ii) the minimum and maximum
4 award amounts for scholarships consistent
5 with section 404E(d);

6 “(iii) the types of scholarships to be
7 awarded, including the criteria and quali-
8 fications to be considered in the award of
9 such scholarships;

10 “(iv) the duration of the scholarship;

11 “(v) the option to offer part-time stu-
12 dents a partial scholarship prorated from
13 the full amount awarded to full-time stu-
14 dents during any award year;

15 “(vi) in the case of an eligible entity
16 described in section 404A(c)(2) that choos-
17 es to provide a scholarship, the percentage
18 amount of the grant to be used for award-
19 ing scholarships to students served by such
20 grant; and

21 “(vii) how the eligible entity will meet
22 the other requirements of section 404E;”;

23 (iii) by striking subparagraph (H);
24 and

1 (iv) by redesignating subparagraphs
2 (I) and (J) as subparagraphs (H) and (I),
3 respectively; and
4 (2) in subsection (b), by striking paragraph (2)
5 and inserting the following:

6 “(2) SPECIAL RULE.—Notwithstanding the
7 matching requirement described in paragraph
8 (1)(A), the Secretary may—

9 “(A) at the time of application—

10 “(i) approve a Partnership applicant’s
11 request for a waiver of up to 75 percent of
12 the matching requirement for up to two
13 years if the applicant demonstrates in its
14 application a significant economic hardship
15 that stems from a specific, exceptional, or
16 uncontrollable event, such as a natural dis-
17 aster, that has a devastating effect on the
18 members of the Partnership and the com-
19 munity in which the project would operate;

20 “(ii)(I) approve a Partnership appli-
21 cant’s request to waive up to 50 percent of
22 the matching requirement for up to two
23 years if the applicant demonstrates in its
24 application a pre-existing and an on-going
25 significant economic hardship that pre-

1 cludes the applicant from meeting its
2 matching requirement; and

3 “(II) provide tentative approval of an
4 applicant’s request for a waiver under sub-
5 clause (I) for all remaining years of the
6 project period;

7 “(iii) approve a Partnership appli-
8 cant’s request in its application to match
9 its contributions to its scholarship fund,
10 established under section 404E, on the
11 basis of two non-Federal dollars for every
12 one dollar of Federal funds provided under
13 this chapter; or

14 “(iv) approve a request by a Partner-
15 ship applicant that has three or fewer in-
16 stitutions of higher education as members
17 to waive up to 70 percent of the matching
18 requirement if the Partnership applicant
19 includes—

20 “(I) a fiscal agent that is eligible
21 to receive funds under title V, or part
22 B of title III, or section 316 or 317,
23 or a local educational agency;

24 “(II) only participating schools
25 with a 7th grade cohort in which at

1 least 75 percent of the students are
2 eligible for free or reduced-price lunch
3 under the Richard B. Russell National
4 School Lunch Act; and

5 “(III) only local educational
6 agencies in which at least 50 percent
7 of the students enrolled are eligible
8 for free or reduced-price lunch under
9 the Richard B. Russell National
10 School Lunch Act; and

11 “(B) after a grant is awarded, approve a
12 Partnership grantee’s written request for a
13 waiver of up to—

14 “(i) 50 percent of the matching re-
15 quirement for up to two years if the grant-
16 ee demonstrates that—

17 “(I) the matching contributions
18 described for those two years in the
19 grantee’s approved application are no
20 longer available; and

21 “(II) the grantee has exhausted
22 all funds and sources of potential con-
23 tributions for replacing the matching
24 funds; or

1 “(ii) 75 percent of the matching re-
2 quirement for up to two years if the grant-
3 ee demonstrates that matching contribu-
4 tions from the original application are no
5 longer available due to an uncontrollable
6 event, such as a natural disaster, that has
7 a devastating economic effect on members
8 of the Partnership and the community in
9 which the project would operate.

10 “(3) ADDITIONAL TERMS.—

11 “(A) ON-GOING ECONOMIC HARDSHIP.—In
12 determining whether a Partnership applicant is
13 experiencing an on-going economic hardship
14 that is significant enough to justify a waiver
15 under subparagraphs (A)(i) and (A)(ii)(I) of
16 paragraph (2), the Secretary may consider doc-
17 umentation of the following:

18 “(i) Severe distress in the local econ-
19 omy of the community to be served by the
20 grant (e.g., there are few employers in the
21 local area, large employers have left the
22 local area, or significant reductions in em-
23 ployment in the local area).

24 “(ii) Local unemployment rates that
25 are higher than the national average.

1 “(iii) Low or decreasing revenues for
2 State and County governments in the area
3 to be served by the grant.

4 “(iv) Significant reductions in the
5 budgets of institutions of higher education
6 that are participating in the grant.

7 “(v) Other data that reflect a signifi-
8 cant economic hardship for the geo-
9 graphical area served by the applicant.

10 “(B) EXHAUSTION OF FUNDS.—In deter-
11 mining whether a Partnership grantee has ex-
12 hausted all funds and sources of potential con-
13 tributions for replacing matching funds under
14 paragraph (2)(B), the secretary may consider
15 the grantee’s documentation of key factors that
16 have had a direct impact on the grantee such
17 as the following:

18 “(i) A reduction of revenues from
19 State government, County government, or
20 the local educational agency.

21 “(ii) An increase in local unemploy-
22 ment rates.

23 “(iii) Significant reductions in the op-
24 erating budgets of institutions of higher

1 education that are participating in the
2 grant.

3 “(iv) A reduction of business activity
4 in the local area (e.g., large employers have
5 left the local area).

6 “(v) Other data that reflect a signifi-
7 cant decrease in resources available to the
8 grantee in the local geographical area
9 served by the grantee.

10 “(C) RENEWAL OF WAIVER.—A Partner-
11 ship applicant that receives a tentative approval
12 of a waiver under subparagraph (A)(ii)(II) of
13 paragraph (2) for more than two years under
14 this paragraph must submit to the Secretary
15 every two years by such time as the Secretary
16 may direct documentation that demonstrates
17 that—

18 “(i) the significant economic hardship
19 upon which the waiver was granted still ex-
20 ists; and

21 “(ii) the grantee tried diligently, but
22 unsuccessfully, to obtain contributions
23 needed to meet the matching requirement.

24 “(D) MULTIPLE WAIVERS.—If a grantee
25 has received one or more waivers under para-

1 graph (2), the grantee may request an addi-
2 tional waiver of the matching requirement
3 under this subsection not earlier than 60 days
4 before the expiration of the grantee’s existing
5 waiver.”.

6 (c) ACTIVITIES.—Section 404D (20 U.S.C. 1070a–
7 24) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by striking “finan-
10 cial aid for” and inserting “financial aid, in-
11 cluding loans, grants, scholarships, and institu-
12 tional aid for”;

13 (B) in paragraph (2) by striking “rigorous
14 and challenging curricula and coursework, in
15 order to” and inserting “curricula and
16 coursework in order to”;

17 (C) by redesignating paragraphs (3) and
18 (4) as paragraphs (4) and (5), respectively;

19 (D) by inserting after paragraph (2) the
20 following:

21 “(3) Providing information to students and
22 families about the advantages of obtaining a postsec-
23 ondary education.”;

1 (E) in paragraph (4), as so redesignated,
2 by striking “Improving” and inserting “Pro-
3 viding supportive services to improve”;

4 (2) in subsection (b)—

5 (A) in paragraph (1), by striking “adults
6 or former participants” and inserting “adults,
7 peers, near-peers, or former participants”;

8 (B) in paragraph (3), by striking “sup-
9 portive services” and inserting “academic, so-
10 cial, and postsecondary planning services”;

11 (C) in paragraph (4), by striking “rig-
12 orous” each place it appears;

13 (D) in paragraph (10)—

14 (i) by redesignating subparagraphs
15 (E) through (K) as subparagraphs (F)
16 through (L), respectively;

17 (ii) by inserting after subparagraph
18 (D) the following:

19 “(E) providing counseling or referral serv-
20 ices to address the behavioral, social-emotional,
21 and mental health needs of at-risk students;”;

22 (iii) in subparagraph (I), as so redesi-
23 gnated, by striking “skills assessments”
24 and inserting “skills, cognitive, non-cog-

1 nitive, and credit-by-examination assess-
2 ments”;

3 (iv) in subparagraph (K), as so redes-
4 ignated, by striking “staff development;
5 and” and inserting “professional develop-
6 ment consistent with the goals of the pro-
7 gram;”;

8 (v) in subparagraph (L), as so redes-
9 ignated, by striking the period at the end
10 and inserting “; and”; and

11 (vi) by adding at the end the fol-
12 lowing:

13 “(M) capacity building activities that cre-
14 ate college-going cultures in participating
15 schools and local education agencies.”; and

16 (E) by adding at the end the following:

17 “(16) Creating or expanding drop-out recovery
18 programs that allow individuals who drop out of
19 school to complete a regular secondary school di-
20 ploma and begin college-level work.

21 “(17) Provide services under this chapter to
22 students who have received services under a previous
23 GEAR UP grant award but have not yet completed
24 the 12th grade.”;

25 (3) in subsection (c)—

1 (A) in paragraph (3), by inserting “and
2 technical assistance” after “administrative sup-
3 port”; and

4 (B) by striking paragraph (9);
5 (4) in subsection (d)—

6 (A) in paragraph (3), by striking “or” at
7 the end;

8 (B) by redesignating paragraph (4) as
9 paragraph (5); and

10 (C) by inserting after paragraph (3) the
11 following:

12 “(4) eligible for a free or reduced price school
13 lunch under the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1751 et seq.); or”; and

15 (5) in subsection (e), by striking “institutions
16 and agencies sponsoring programs authorized under
17 subpart 4,”.

18 (d) SCHOLARSHIP REQUIREMENTS.—Section 404E
19 (20 U.S.C. 1070a–25) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1), by inserting “de-
22 scribed in section 404C(a)(2)(B)” after “finan-
23 cial assistance program”; and

24 (B) in paragraph (2), by striking “require-
25 ments of this section” and inserting “financial

1 assistance program outlined in section
2 404C(a)(2)(B) and approved by the Secretary”;

3 (2) in subsection (b)(2), by inserting before the
4 period at the end the following: “or the eligible enti-
5 ty demonstrates that eligible students have approved
6 access to State and local financial assistance pro-
7 grams and substantiates such approval in the appli-
8 cation submitted under section 404C”;

9 (3) in subsection (e)(1), by striking “an
10 amount” and all that follows through the period at
11 the end and inserting the following: “an estimated
12 amount that is based on the requirements of the fi-
13 nancial assistance program of the eligible entity de-
14 scribed in section 404C(a)(2)(B).”; and

15 (4) by adding at the end the following:

16 “(h) INTEREST EARNED.—Each eligible entity de-
17 scribed in section 404(c)(1) that receives a grant under
18 this chapter may use interest earned on funds held in re-
19 serve to manage and administer the scholarship program
20 during the award period and during the post-award period
21 until the date on which funds are required to be returned
22 to the Secretary under subsection (e)(4)(A)(ii).”.

23 (e) EVALUATION AND REPORT.—Section 404G(b)
24 (20 U.S.C. 1070a–27(b)) is amended—

1 (1) in paragraph (1), by striking “and” at the
2 end;

3 (2) in paragraph (2), by striking the period at
4 the end and inserting “; and”

5 (3) by adding after paragraph (2) the following:
6 “(3) include the following metrics:

7 “(A) the number of students completing
8 the Free Application for Federal Student Aid;

9 “(B) the enrollment of participating stu-
10 dents in curricula and coursework in order to
11 reduce the need for remedial coursework at the
12 postsecondary level;

13 “(C) if applicable, the number of students
14 receiving a scholarship under section 404E;

15 “(D) the graduation rate of participating
16 students from high school;

17 “(E) the enrollment of participating stu-
18 dents into postsecondary education; and

19 “(F) such other information as the Sec-
20 retary may require.”.

21 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
22 404H (20 U.S.C. 1070a–28) is amended by striking
23 “\$400,000,000 for fiscal year 2009 and such sums as may
24 be necessary for each of the five succeeding fiscal years”

1 and inserting “\$360,000,000 for fiscal year 2021 and
2 each of the five succeeding fiscal years”.

3 **SEC. 404. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAM-**
4 **ILIES ARE ENGAGED IN MIGRANT AND SEA-**
5 **SONAL FARMWORK.**

6 Section 418A(i) (20 U.S.C. 1070d—2(i)) is amended
7 by striking “\$75,000,000” and all that follows through
8 the period at the end and inserting “\$44,623,000 for each
9 of fiscal years 2021 through 2026.”.

10 **SEC. 405. CHILD CARE ACCESS MEANS PARENTS IN**
11 **SCHOOL.**

12 Section 419N (20 U.S.C. 1070e) is amended—

13 (1) in the heading of paragraph (6) of sub-
14 section (b), by striking “CONSTRUCTION” and in-
15 serting “RULE OF CONSTRUCTION”; and

16 (2) in subsection (c)—

17 (A) in paragraph (4), by striking “as-
18 sisted” and inserting “funded”;

19 (B) in paragraph (5)—

20 (i) by striking “resources, including
21 technical expertise” and inserting “re-
22 sources, including non-Federal resources,
23 technical expertise,”;

24 (ii) by striking “the use of the” and
25 inserting “these”; and

1 (C) in paragraph (9)—

2 (i) by inserting “provisional status,”
3 after “approval,”; and

4 (ii) by striking “; and” and inserting
5 “prior to serving children and families;
6 and”;

7 (3) in subsection (d)—

8 (A) in paragraph (1)—

9 (i) by striking “local” and inserting
10 “non-Federal, local,”; and

11 (ii) by striking “and” at the end;

12 (B) in paragraph (2), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(3) coordinate with other community programs
16 where appropriate to improve the quality and limit
17 cost of the campus-based program.”;

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

20 “(e) REPORTING REQUIREMENTS; CONTINUING ELI-
21 GIBILITY.—

22 “(1) REPORTING REQUIREMENTS.—

23 “(A) REPORTS.—Each institution of high-
24 er education receiving a grant under this sec-
25 tion shall report to the Secretary annually. The

1 Secretary shall annually publish such reports on
2 a publicly accessible website of the Department
3 of Education.

4 “(B) CONTENTS.—Each report shall in-
5 clude—

6 “(i) data on the population served
7 under this section, including the total num-
8 ber of children and families served;

9 “(ii) information on sources of cam-
10 pus and community resources and the
11 amount of non-Federal funding used to
12 help low-income students access child care
13 services on campus;

14 “(iii) documentation that the program
15 meets applicable licensing, certification, ap-
16 proval, or registration requirements; and

17 “(iv) a description of how funding was
18 used to pursue the goals of this section de-
19 termined by the institution under sub-
20 section (c).

21 “(2) CONTINUING ELIGIBILITY.—The Secretary
22 shall make continuation awards under this section to
23 an institution of higher education only if the Sec-
24 retary determines, on the basis of the reports sub-

1 mitted under paragraph (1) and the application
2 from the institution, that the institution is—

3 “(A) using funds only for authorized pur-
4 poses;

5 “(B) providing low-income students at the
6 institution with priority access to affordable,
7 quality child care services as provided under
8 this section; and

9 “(C) documenting a continued need for
10 Federal funding under this section, while dem-
11 onstrating how non-federal sources will be lever-
12 aged to support a continuation award.”; and

13 (5) in subsection (g), by striking “such sums as
14 may be necessary for fiscal year 2009 and each of
15 the five succeeding fiscal years” and inserting
16 “\$50,000,000 for each of fiscal years 2021 through
17 2026”.

18 **SEC. 406. REPEALS.**

19 (a) **ACADEMIC COMPETITIVENESS GRANTS.**—Section
20 401A (20 U.S.C. 1070a–1) is repealed.

21 (b) **FEDERAL SUPPLEMENTAL EDUCATIONAL OP-
22 PORTUNITY GRANTS.**—

23 (1) **REPEAL.**—Subpart 3 of part A of title IV
24 (20 U.S.C. 1070b et seq.) is repealed.

1 (2) EFFECTIVE DATE.—The repeal made by
2 paragraph (1) shall take effect on June 30, 2020.

3 (3) APPROPRIATIONS.—Notwithstanding para-
4 graphs (1) and (2), sums appropriated under section
5 413A for fiscal year 2020 shall be available for pay-
6 ments to institutions of higher education under such
7 section (as in effect on June 29, 2020) until the end
8 of fiscal year 2023.

9 (c) LEVERAGING EDUCATIONAL ASSISTANCE PART-
10 NERSHIP PROGRAM.—Subpart 4 of part A of title IV (20
11 U.S.C. 1070c et seq.) is repealed.

12 (d) ROBERT C. BYRD HONORS SCHOLARSHIP PRO-
13 GRAM.—Subpart 6 of part A of title IV (20 U.S.C. 1070d-
14 31 et seq.) is repealed.

15 **SEC. 407. SUNSET OF TEACH GRANTS.**

16 Subpart 9 of part A of title IV (20 U.S.C. 1070g)
17 is amended—

18 (1) in section 420L(1) (20 U.S.C. 1070g(1), by
19 striking “section 102” and inserting “section 102
20 (as in effect on the day before the date of enactment
21 of the HOPE Act)”;

22 (2) in section 420N (20 U.S.C. 1070g-2)—

23 (A) by amending subparagraph (B) of sub-
24 section (b)(1) to read as follows:

25 “(B) teach—

1 “(i) in a public or other nonprofit pri-
2 vate elementary school or secondary school,
3 which, for the purpose of this paragraph
4 and for that year—

5 “(I) has been determined by the
6 Secretary (pursuant to regulations of
7 the Secretary and after consultation
8 with the State educational agency of
9 the State in which the school is lo-
10 cated) to be a school in which the
11 number of children meeting a measure
12 of poverty under section 1113(a)(5) of
13 the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C.
15 6313(a)(5)), exceeds 30 percent of the
16 total number of children enrolled in
17 such school; and

18 “(II) is in the school district of a
19 local educational agency which is eligi-
20 ble in such year for assistance pursu-
21 ant to part A of title I of the Elemen-
22 tary and Secondary Education Act of
23 1965 (20 U.S.C. 6311 et seq.); or

24 “(ii) in one or more public, or non-
25 profit private, elementary schools or sec-

1 ondary schools or locations operated by an
2 educational service agency that have been
3 determined by the Secretary (pursuant to
4 regulations of the Secretary and after con-
5 sultation with the State educational agency
6 of the State in which the educational serv-
7 ice agency operates) to be a school or loca-
8 tion at which the number of children
9 taught who meet a measure of poverty
10 under section 1113(a)(5) of the Elemen-
11 tary and Secondary Education Act of 1965
12 (20 U.S.C. 6313(a)(5)), exceeds 30 per-
13 cent of the total number of children taught
14 at such school or location;” and

15 (B) in subsection (c), by inserting “(as in
16 effect on the day before the date of the enact-
17 ment of the HOPE Act)” after “part D of title
18 IV”;

19 (3) in section 420M(a) (20 U.S.C. 1070g–1),
20 by adding at the end the following:

21 “(3) TERMINATION.—

22 “(A) TERMINATION OF PROGRAM AUTHOR-
23 ITY.—Except as provided in paragraph (4), no
24 new grants may be made under this subpart
25 after June 30, 2020.

1 “(B) LIMITATION ON FUNDS.—

2 “(i) IN GENERAL.—No funds are au-
3 thorized to be appropriated, and no funds
4 may be obligated or expended under this
5 Act or any other Act, to make a grant to
6 a new recipient under this subpart.

7 “(ii) NEW RECIPIENT DEFINED.—For
8 purposes of this subparagraph, the term
9 ‘new recipient’ means a teacher candidate
10 who has not received a grant under this
11 subpart for which the first disbursement
12 was on or before June 30, 2020.

13 “(4) STUDENT ELIGIBILITY BEGINNING WITH
14 AWARD YEAR 2020.—With respect to a recipient of a
15 grant under this subpart for which the first dis-
16 bursement was made on or before June 30, 2020,
17 such recipient may receive additional grants under
18 this subpart until the earlier of—

19 “(A) the date on which the recipient com-
20 pletes the course of study for which the recipi-
21 ent received the grant for which the first dis-
22 bursement was made on or before June 30,
23 2020; or

24 “(B) the date on which the recipient re-
25 ceives the total amount that the recipient may

1 receive under this subpart in accordance with
2 subsection (d).”; and

3 (4) in section 4200 (20 U.S.C. 1070g–3), by
4 adding at the end the following: “Except as provided
5 in section 420M(a)(4), no funds shall be available to
6 the Secretary to carry out this subpart after June
7 30, 2020.”.

8 **PART B—FEDERAL FAMILY EDUCATION LOAN**
9 **PROGRAM**

10 **SEC. 421. FEDERAL DIRECT CONSOLIDATION LOANS.**

11 Section 428C (20 U.S.C. 1078–3) is amended—

12 (1) in subsection (a)(4)(B), by inserting before
13 the semicolon at the end “, as in effect on the day
14 before the date of enactment of the HOPE Act and
15 pursuant to section 461(a) of such Act”; and

16 (2) in subsection (b)(1)(F)(ii)—

17 (A) in the matter preceding subclause (I),
18 by inserting “, as in effect on the day before
19 the date of enactment of the HOPE Act and
20 pursuant to section 461(a) of such Act” after
21 “part E”;

22 (B) in subclause (I), in the matter pre-
23 ceding item (aa), by inserting “, as so in ef-
24 fect,” after “part E”;

1 (C) in subclause (I)(bb), by inserting “, as
2 so in effect” after “section 464(c)(1)(A)”;

3 (D) in subclause (II), by inserting “, as so
4 in effect” after “section 465(a)”;

5 (E) in subclause (III)—

6 (i) by inserting “, as so in effect”
7 after “section 465”; and

8 (ii) by inserting “, as so in effect”
9 after “465(a)”.

10 **SEC. 422. LOAN REHABILITATION.**

11 Section 428F(a)(5) (20 U.S.C. 1078–6) is amended
12 by striking “one time” and inserting “two times”.

13 **SEC. 423. LOAN FORGIVENESS FOR TEACHERS.**

14 Section 428J(b)(1)(A) (20 U.S.C. 1078–10(b)(1)(A))
15 is amended by striking “that qualifies under section
16 465(a)(2)(A) for loan cancellation for Perkins loan recipi-
17 ents who teach in such schools or locations” and inserting
18 “described in section 420N(b)(1)(B)”.

19 **SEC. 424. LOAN FORGIVENESS FOR SERVICE IN AREAS OF
20 NATIONAL NEED.**

21 Section 428K (20 U.S.C. 1078–11) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (4)(B), by striking “that
24 qualifies under section 465(a)(2)(A) for loan
25 cancellation for Perkins loan recipients who

1 teach in such a school” and inserting “de-
2 scribed in section 420N(b)(1)(B)”;

3 (B) in paragraph (5)(B)(ii), by striking
4 “that qualifies under section 465(a)(2)(A) for
5 loan cancellation for Perkins loan recipients
6 who teach in such a school” and inserting “de-
7 scribed in section 420N(b)(1)(B)”;

8 (C) in paragraph (7)(A), by striking “that
9 qualifies under section 465(a)(2)(A) for loan
10 cancellation for Perkins loan recipients who
11 teach in such a school” and inserting “de-
12 scribed in section 420N(b)(1)(B)”;

13 (D) in paragraph (8)(B), by striking “that
14 qualifies under section 465(a)(2)(A) for loan
15 cancellation for Perkins loan recipients who
16 teach in such a school” and inserting “de-
17 scribed in section 420N(b)(1)(B)” ; and

18 (E) in paragraph (16), by striking “that
19 qualify under section 465(a)(2)(A) for loan can-
20 cellation for Perkins loan recipients who teach
21 in such a school” and inserting “described in
22 section 420N(b)(1)(B)” ; and

23 (2) in subsection (g)(6)(B), by striking “that
24 qualifies under section 465(a)(2)(A) for loan can-
25 cellation for Perkins loan recipients who teach in

1 such a school” and inserting “described in section
2 420N(b)(1)(B)”.

3 **SEC. 425. LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE**

4 **ATTORNEYS.**

5 Section 428L(b)(2)(A) (20 U.S.C. 1078–
6 12(b)(2)(A)) is amended—

7 (1) in clause (i), by inserting before the semi-
8 colon at the end “, as in effect on the day before the
9 date of enactment of the HOPE Act and pursuant
10 to section 461(a) of such Act”; and

11 (2) in clause (ii)(III), by inserting “, as in ef-
12 fect on the day before the date of enactment of the
13 HOPE Act and pursuant to section 461(a) of such
14 Act” after “part E”;

15 **SEC. 426. SUNSET OF COHORT DEFAULT RATE AND OTHER**

16 **CONFORMING CHANGES.**

17 (a) **REQUIREMENTS FOR THE SECRETARY.**—Section
18 430(e) (20 U.S.C. 1080(e)) is amended by adding at the
19 end the following:

20 “(4) **SUNSET.**—The Secretary shall not be sub-
21 ject to the requirements of this subsection after the
22 transition period described in section 481B(e)(3).”.

23 (b) **ELIGIBLE INSTITUTION DEFINED.**—Section 435
24 (20 U.S.C. 1085) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “section
2 102” and inserting “sections 101 and 102”;
3 and

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

5 “(9) SUNSET.—No institution shall be subject
6 to paragraph (2) after the transition period de-
7 scribed in section 481B(e)(3).”;

8 (2) in subsection (m), by adding at the end the
9 following:

10 “(5) TRANSITION PERIOD; SUNSET.—

11 “(A) TRANSITION PERIOD.—During the
12 transition period, the cohort default rate for an
13 institution shall be calculated in the manner de-
14 scribed in section 481B(e)(1).

15 “(B) SUNSET.—The Secretary shall not be
16 subject, and no institution shall be subject, to
17 the requirements of this subsection after the
18 transition period.

19 “(C) DEFINITION.—In this paragraph, the
20 term ‘transition period’ has the meaning given
21 the term in section 481B(e)(3).”;

22 (3) in subsection (o)(1), by inserting “, as in ef-
23 fect on the day before the date of enactment of the
24 HOPE Act and pursuant to section 461(a) of such
25 Act” after “part E”.

1 **SEC. 427. ADDITIONAL DISCLOSURES.**

2 Section 433(a) (20 U.S.C. 1083(a)) is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking the second sentence and inserting “Any dis-
5 closure required by this subsection shall be made on
6 the Plain Language Disclosure Form developed by
7 the Secretary under section 455(p).”;

8 (2) in paragraph (4), by striking “the origina-
9 tion fee and” and inserting “finance charges, the
10 origination fee, and”;

11 (3) by redesignating paragraphs (6) through
12 (19) as paragraphs (7) through (20), respectively;
13 and

14 (4) by inserting after paragraph (5), the fol-
15 lowing:

16 “(6) the annual percentage rate of the loan, as
17 calculated using the standard 10-year repayment
18 term, and how interest accrues and is capitalized
19 during periods when the interest is not paid by the
20 borrower;”.

21 **SEC. 428. CLOSED SCHOOL AND OTHER DISCHARGES.**

22 Section 437(c) (20 U.S.C. 1087) is amended—

23 (1) in paragraph (1), by inserting “and the bor-
24 rower meets the applicable requirements of para-
25 graphs (6) through (8),” after “such student’s lend-
26 er,”;

1 (2) in paragraph (4), by inserting before the pe-
2 riod at the end “, as in effect on the day before the
3 date of enactment of the HOPE Act and pursuant
4 to section 461(a) of such Act”; and

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

6 “(6) BORROWER QUALIFICATIONS FOR A
7 CLOSED SCHOOL DISCHARGE.—

8 “(A) IN GENERAL.—In order to qualify for
9 the discharge of a loan under this subsection
10 due to the closure of the institution in which
11 the borrower was enrolled, a borrower shall sub-
12 mit to the Secretary a written request and
13 sworn statement—

14 “(i) that contains true factual asser-
15 tions;

16 “(ii) that is made by the borrower
17 under penalty of perjury, and that may or
18 may not be notarized;

19 “(iii) under which the borrower (or
20 the student on whose behalf a parent bor-
21 rowed) states—

22 “(I) that the borrower or the stu-
23 dent—

24 “(aa) received, on or after
25 January 1, 1986, the proceeds of

1 a loan made, insured, or guaran-
2 teed under this title to attend a
3 program of study at an institu-
4 tion of higher education;

5 “(bb)(AA) did not complete
6 the program of study because the
7 institution closed while the stu-
8 dent was enrolled; or

9 “(BB) the student withdrew
10 from the institution not more
11 than 120 days before the institu-
12 tion closed, or in the case of ex-
13 ceptional circumstances described
14 in subparagraph (B), not more
15 than the period by which such
16 120-day period is extended under
17 such subparagraph; and

18 “(cc) attempted but was un-
19 able to complete the program of
20 study through a teach-out at an-
21 other institution or by transfer-
22 ring academic credits or hours
23 earned at the closed institution to
24 another institution;

1 “(II) whether the borrower (or
2 the student) has made a claim with
3 respect to the institutions’s closing
4 with any third party, such as the
5 holder of a performance bond or a tui-
6 tion recovery program, and, if so, the
7 amount of any payment received by
8 the borrower (or the student) or cred-
9 ited to the borrower’s loan obligation;
10 and

11 “(III) that the borrower (or the
12 student)—

13 “(aa) agrees to provide to
14 the Secretary or the holder of the
15 loan upon request other docu-
16 mentation reasonably available to
17 the borrower that demonstrates
18 that the borrower meets the
19 qualifications for discharge under
20 this subsection; and

21 “(bb) agrees to cooperate
22 with the Secretary in enforce-
23 ment actions in accordance with
24 subparagraph (C) and to transfer
25 any right to recovery against a

1 third party to the Secretary in
2 accordance with subparagraph
3 (D).

4 “(B) EXCEPTIONAL CIRCUMSTANCES.—

5 “(i) IN GENERAL.—The Secretary
6 may extend the 120-day period described
7 in subparagraph (A)(iii)(I)(bb)(BB) if the
8 Secretary determines that exceptional cir-
9 cumstances related to an institution’s clos-
10 ing justify an extension.

11 “(ii) DEFINITION.—For purposes of
12 this subsection, the term ‘exceptional cir-
13 cumstances’, when used with respect to an
14 institution that closed, includes the loss of
15 accreditation of institution, the
16 institutions’s discontinuation of the major-
17 ity of its academic programs, action by the
18 State to revoke the institution’s license to
19 operate or award academic credentials in
20 the State, or a finding by a State or Fed-
21 eral Government agency that the institu-
22 tion violated State or Federal law.

23 “(C) COOPERATION BY BORROWER IN EN-
24 FORCEMENT ACTIONS.—

1 “(i) IN GENERAL.—In order to obtain
2 a discharge described in subparagraph (A),
3 a borrower shall cooperate with the Sec-
4 retary in any judicial or administrative
5 proceeding brought by the Secretary to re-
6 cover amounts discharged or to take other
7 enforcement action with respect to the con-
8 duct on which the discharge was based. At
9 the request of the Secretary and upon the
10 Secretary’s tendering to the borrower the
11 fees and costs that are customarily pro-
12 vided in litigation to reimburse witnesses,
13 the borrower shall—

14 “(I) provide testimony regarding
15 any representation made by the bor-
16 rower to support a request for dis-
17 charge;

18 “(II) produce any documents rea-
19 sonably available to the borrower with
20 respect to those representations; and

21 “(III) if required by the Sec-
22 retary, provide a sworn statement re-
23 garding those documents and rep-
24 resentations.

1 “(ii) DENIAL OF REQUEST FOR DIS-
2 CHARGE.—The Secretary shall deny the re-
3 quest for such a discharge or revoke the
4 discharge of a borrower who—

5 “(I) fails to provide the testi-
6 mony, documents, or a sworn state-
7 ment required under clause (i); or

8 “(II) provides testimony, docu-
9 ments, or a sworn statement that does
10 not support the material representa-
11 tions made by the borrower to obtain
12 the discharge.

13 “(D) TRANSFER TO THE SECRETARY OF
14 BORROWER’S RIGHT OF RECOVERY AGAINST
15 THIRD PARTIES.—

16 “(i) IN GENERAL.—Upon receiving a
17 discharge described in subparagraph (A) of
18 a loan, the borrower shall be deemed to
19 have assigned to and relinquished in favor
20 of the Secretary any right to a loan refund
21 for such loan (up to the amount dis-
22 charged) that the borrower (or student)
23 may have by contract or applicable law
24 with respect to the loan or the enrollment
25 agreement for the program for which the

1 loan was received, against the institution,
2 its principals, its affiliates and their suc-
3 cessors, its sureties, and any private fund,
4 including the portion of a public fund that
5 represents funds received from a private
6 party.

7 “(ii) APPLICATION.—The provisions
8 of this subsection apply notwithstanding
9 any provision of State law that would oth-
10 erwise restrict transfer of such rights by
11 the borrower (or student), limit, or prevent
12 a transferee from exercising such rights, or
13 establish procedures or a scheme of dis-
14 tribution that would prejudice the Sec-
15 retary’s ability to recover on such rights.

16 “(iii) RULE OF CONSTRUCTION.—
17 Nothing in this subsection shall limit or
18 foreclose the borrower’s (or student’s)
19 right to pursue legal and equitable relief
20 regarding disputes arising from matters
21 unrelated to the discharged loan.

22 “(E) DISCHARGE PROCEDURES.—

23 “(i) IN GENERAL.—After confirming
24 the date of an institution’s closure, the
25 Secretary shall identify any borrower (or

1 student on whose behalf a parent bor-
2 rowed) who appears to have been enrolled
3 at the institution on the closure date of the
4 institution or to have withdrawn not more
5 than 120 days prior to the closure date (or
6 in the case of exceptional circumstances
7 described in subparagraph (B), not more
8 than the period by which such 120-day pe-
9 riod is extended under such subparagraph.
10 In the case of a loan made, insured, or
11 guaranteed under this part, a guaranty
12 agency shall notify the Secretary imme-
13 diately whenever it becomes aware of reli-
14 able information indicating an institution
15 may have closed.

16 “(ii) BORROWER ADDRESS.—

17 “(I) KNOWN.—If the borrower’s
18 current address is known, the Sec-
19 retary shall mail the borrower a dis-
20 charge application and an explanation
21 of the qualifications and procedures
22 for obtaining a discharge. The Sec-
23 retary or the guaranty agency shall
24 promptly suspend any efforts to col-
25 lect from the borrower on any affected

1 loan. The Secretary may continue to
2 receive borrower payments of the loan
3 for which the discharge application
4 has been filed.

5 “(II) UNKNOWN.—If the bor-
6 rower’s current address is unknown,
7 the Secretary shall attempt to locate
8 the borrower and determine the bor-
9 rower’s potential eligibility for a dis-
10 charge described in subparagraph (A)
11 by consulting with representatives of
12 the closed institution, the institution’s
13 licensing agency, the institution’s ac-
14 crediting agency, and other appro-
15 priate parties. If the Secretary learns
16 the new address of a borrower, the
17 Secretary shall mail to the borrower a
18 discharge application and explanation,
19 and shall suspend collection on the
20 loan, as described in subclause (I).

21 “(iii) SWORN STATEMENT.—If a bor-
22 rower fails to submit the written request
23 and sworn statement described subpara-
24 graph (A) not later than 60 days after
25 date on which the Secretary mails the dis-

1 charge application under clause (ii), the
2 Secretary—

3 “(I) shall resume collection on
4 the loan and grant forbearance of
5 principal and interest for the period in
6 which collection activity was sus-
7 pended; and

8 “(II) may capitalize any interest
9 accrued and not paid during such pe-
10 riod.

11 “(iv) NOTIFICATION.—

12 “(I) QUALIFICATIONS MET.—If
13 the Secretary determines that a bor-
14 rower who requests a discharge de-
15 scribed in subparagraph (A) meets the
16 qualifications for such a discharge,
17 the Secretary shall—

18 “(aa) notify the borrower in
19 writing of that determination;
20 and

21 “(bb) not regard a borrower
22 who has defaulted on a loan that
23 has been so discharged as in de-
24 fault on the loan after such dis-
25 charge, and such a borrower shall

1 be eligible to receive assistance
2 under this title.

3 “(II) QUALIFICATIONS NOT
4 MET.—If the Secretary determines
5 that a borrower who requests a dis-
6 charge described in subparagraph (A)
7 does not meet the qualifications for
8 such a discharge, the Secretary or
9 guaranty agency shall resume collec-
10 tion on the loan and notify the bor-
11 rower in writing of that determination
12 and the reasons for the determination.

13 “(7) BORROWER QUALIFICATIONS FOR A FALSE
14 CERTIFICATION DISCHARGE.—

15 “(A) APPLICATION.—

16 “(i) IN GENERAL.—In order to qualify
17 for false certification discharge under this
18 subsection, the borrower shall submit to
19 the Secretary, on a form approved by the
20 Secretary, an application for discharge
21 that—

22 “(I) does not need not be nota-
23 rized, but shall be made by the bor-
24 rower under penalty of perjury; and

1 “(II) demonstrates to the satis-
2 faction of the Secretary that the re-
3 quirements in subparagraphs (B)
4 through (G) have been met.

5 “(ii) NOTIFICATION.—If the Secretary
6 determines the application does not meet
7 the requirements of clause (i), the Sec-
8 retary shall notify the applicant and ex-
9 plain why the application does not meet
10 the requirements.

11 “(B) HIGH SCHOOL DIPLOMA OR EQUIVA-
12 LENT.—In the case of a borrower requesting a
13 false certification discharge based on not having
14 had a high school diploma and not having met
15 the alternative to graduation from high school
16 eligibility requirements under section 484(d)
17 applicable at the time the loan was originated,
18 and the institution or a third party to which the
19 institution referred the borrower falsified the
20 student’s high school diploma, the borrower
21 shall state in the application that the borrower
22 (or the student on whose behalf a parent bor-
23 rowed)—

1 “(i) reported not having a valid high
2 school diploma or its equivalent at the time
3 the loan was certified; and

4 “(ii) did not satisfy the alternative to
5 graduation from high school statutory or
6 regulatory eligibility requirements identi-
7 fied on the application form and applicable
8 at the time the institution certified the
9 loan.

10 “(C) DISQUALIFYING CONDITION.—In the
11 case of a borrower requesting a false certifi-
12 cation discharge based on a condition that
13 would disqualify the borrower from employment
14 in the occupation that the program for which
15 the borrower received the loan was intended,
16 the borrower shall state in the application that
17 the borrower (or student on whose behalf the
18 parent borrowed) did not meet State require-
19 ments for employment (in the student’s State of
20 residence) in the occupation that the program
21 for which the borrower received the loan was in-
22 tended because of a physical or mental condi-
23 tion, age, criminal record, or other reason ac-
24 cepted by the Secretary.

1 “(D) UNAUTHORIZED LOAN.—In the case
2 of a borrower requesting a discharge under this
3 subsection because the institution signed the
4 borrower’s name on the loan application or
5 promissory note without the borrower’s author-
6 ization, the borrower shall—

7 “(i) state that the borrower did not
8 sign the document in question or authorize
9 the institution to do so; and

10 “(ii) provide 5 different specimens of
11 the borrower’s signature, 2 of which must
12 be within one year before or after the date
13 of the contested signature.

14 “(E) UNAUTHORIZED PAYMENT.—In the
15 case of a borrower requesting a false certifi-
16 cation discharge because the institution, with-
17 out the borrower’s authorization, endorsed the
18 borrower’s loan check or signed the borrower’s
19 authorization for electronic funds transfer, the
20 borrower shall—

21 “(i) state that the borrower did not
22 endorse the loan check or sign the author-
23 ization for electronic funds transfer or au-
24 thorize the institution to do so;

1 “(ii) provide 5 different specimens of
2 the borrower’s signature, 2 of which must
3 be within one year before or after the date
4 of the contested signature; and

5 “(iii) state that the proceeds of the
6 contested disbursement were not delivered
7 to the borrower or applied to charges owed
8 by the borrower to the institution.

9 “(F) IDENTITY THEFT.—

10 “(i) IN GENERAL.—In the case of an
11 individual whose eligibility to borrow was
12 falsely certified because the individual was
13 a victim of the crime of identity theft and
14 is requesting a discharge, the individual
15 shall—

16 “(I) certify that the individual
17 did not sign the promissory note, or
18 that any other means of identification
19 used to obtain the loan was used with-
20 out the authorization of the individual
21 claiming relief;

22 “(II) certify that the individual
23 did not receive or benefit from the
24 proceeds of the loan with knowledge

1 that the loan had been made without
2 the authorization of the individual;

3 “(III) provide a copy of a local,
4 State, or Federal court verdict or
5 judgment that conclusively determines
6 that the individual who is named as
7 the borrower of the loan was the vic-
8 tim of a crime of identity theft; and

9 “(IV) if the judicial determina-
10 tion of the crime does not expressly
11 state that the loan was obtained as a
12 result of the crime of identity theft,
13 provide—

14 “(aa) authentic specimens of
15 the signature of the individual, as
16 described in subparagraph
17 (D)(ii), or of other means of
18 identification of the individual, as
19 applicable, corresponding to the
20 means of identification falsely
21 used to obtain the loan; and

22 “(bb) statement of facts
23 that demonstrate, to the satisfac-
24 tion of the Secretary, that eligi-
25 bility for the loan in question was

1 falsely certified as a result of the
2 crime of identity theft committed
3 against that individual.

4 “(ii) DEFINITIONS.—For purposes of
5 this subparagraph:

6 “(I) IDENTITY THEFT.—The
7 term ‘identity theft’ means the unau-
8 thorized use of the identifying infor-
9 mation of another individual that is
10 punishable under section 1028,
11 1028A, 1029, or 1030 of title 18,
12 United States Code, or substantially
13 comparable State or local law.

14 “(II) IDENTIFYING INFORMA-
15 TION.—The term ‘identifying informa-
16 tion’ includes—

17 “(aa) name, Social Security
18 number, date of birth, official
19 State or government issued driv-
20 er’s license or identification num-
21 ber, alien registration number,
22 government passport number,
23 and employer or taxpayer identi-
24 fication number;

1 “(bb) unique biometric data,
2 such as fingerprints, voiceprint,
3 retina or iris image, or unique
4 physical representation;

5 “(cc) unique electronic iden-
6 tification number, address, or
7 routing code; or

8 “(dd) telecommunication
9 identifying information or access
10 device (as defined in 18 U.S.C.
11 1029(e)) borrower qualifications
12 for a false certification discharge

13 “(G) CLAIM TO THIRD PARTY.—The bor-
14 rower shall state whether the borrower has
15 made a claim with respect to the institutions’s
16 false certification or unauthorized payment with
17 any third party, such as the holder of a per-
18 formance bond or a tuition recovery program,
19 and, if so, the amount of any payment received
20 by the borrower or credited to the borrower’s
21 loan obligation.

22 “(H) COOPERATION WITH THE SEC-
23 RETARY.—The borrower shall state that the
24 borrower—

1 “(i) agrees to provide to the Secretary
2 upon request other documentation reason-
3 ably available to the borrower that dem-
4 onstrates that the borrower meets the
5 qualifications for discharge under this sub-
6 section; and

7 “(ii) agrees to cooperate with the Sec-
8 retary in enforcement actions and to trans-
9 fer any right to recovery against a third
10 party to the Secretary.

11 “(8) BORROWER QUALIFICATIONS FOR AN UN-
12 PAID REFUND DISCHARGE.—To receive an unpaid
13 refund discharge of a portion of a loan under this
14 subsection, a borrower shall submit to the holder or
15 guaranty agency a written application—

16 “(A) that requests the information re-
17 quired to calculate the amount of the discharge;

18 “(B) that the borrower signs for the pur-
19 pose of swearing to the accuracy of the infor-
20 mation;

21 “(C) that is made by the borrower under
22 penalty of perjury, and that may or may not be
23 notarized;

24 “(D) under which the borrower states—

25 “(i) that the borrower—

1 “(I) received, on or after January
2 1, 1986, the proceeds of a loan, in
3 whole or in part, made, insured, or
4 guaranteed under this title to attend
5 an institution of higher education;

6 “(II) did not attend, withdrew, or
7 was terminated from the institution
8 within a timeframe that entitled the
9 borrower to a refund; and

10 “(III) did not receive the benefit
11 of a refund to which the borrower was
12 entitled either from the institution or
13 from a third party, such as the holder
14 of a performance bond or a tuition re-
15 covery program;

16 “(ii) whether the borrower has any
17 other application for discharge pending for
18 this loan; and

19 “(iii) that the borrower—

20 “(I) agrees to provide to the Sec-
21 retary upon request other documenta-
22 tion reasonably available to the bor-
23 rower that demonstrates that the bor-
24 rower meets the qualifications for dis-
25 charge under this subsection; and

1 “(II) agrees to cooperate with the
2 Secretary in enforcement actions and
3 to transfer any right to recovery
4 against a third party to the Sec-
5 retary.”.

6 **PART C—FEDERAL WORK-STUDY PROGRAMS**

7 **SECTION 441. PURPOSE; AUTHORIZATION OF APPROPRIA-**
8 **TIONS.**

9 Section 441 (20 U.S.C. 1087–51) is amended—

10 (1) in subsection (a)—

11 (A) by striking “part-time” and inserting
12 “paid”;

13 (B) by striking “, graduate, or profes-
14 sional”; and

15 (C) by striking “community service” and
16 inserting “work-based learning”;

17 (2) in subsection (b), by striking “part, such
18 sums as may be necessary for fiscal year 2009 and
19 each of the five succeeding fiscal years.” and insert-
20 ing “part, \$1,972,000,000 for fiscal year 2021 and
21 each of the 5 succeeding fiscal years.”; and

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

24 “(c) **WORK-BASED LEARNING.**—For purposes of this
25 part, the term ‘work-based learning’ means paid inter-

1 actions with industry or community professionals in real
2 workplace settings that foster in-depth, first-hand engage-
3 ment with the tasks required of a given career field, that
4 are aligned to a student’s field of study.”.

5 **SEC. 442. ALLOCATION FORMULA.**

6 Section 442 (20 U.S.C. 1087–52) is amended to read
7 as follows:

8 **“SEC. 442. ALLOCATION OF FUNDS.**

9 “(a) RESERVATIONS.—

10 “(1) RESERVATION FOR IMPROVED INSTITU-
11 TIONS.—

12 “(A) AMOUNT OF RESERVATION FOR IM-
13 PROVED INSTITUTIONS.—For a fiscal year in
14 which the amount appropriated under section
15 441(b) exceeds \$700,000,000, the Secretary
16 shall—

17 “(i) reserve the lesser of—

18 “(I) an amount equal to 20 per-
19 cent of the amount by which the
20 amount appropriated under section
21 441(b) exceeds \$700,000,000; or

22 “(II) \$150,000,000; and

23 “(ii) allocate the amount reserved
24 under clause (i) to each improved institu-
25 tion in an amount—

1 “(I) that bears the same propor-
2 tion to the amount reserved under
3 clause (i) as the total amount of all
4 Federal Pell Grant funds awarded at
5 the improved institution for the sec-
6 ond preceding fiscal year bears to the
7 total amount of Federal Pell Grant
8 funds awarded at improved institu-
9 tions participating under this part for
10 the second preceding fiscal year; and

11 “(II) is not—

12 “(aa) less than \$10,000; or

13 “(bb) greater than
14 \$1,500,000.

15 “(B) IMPROVED INSTITUTION DE-
16 SCRIBED.—For purposes of this paragraph, an
17 improved institution is an institution that, on
18 the date the Secretary makes an allocation
19 under subparagraph (A)(ii) is, with respect to—

20 “(i) the completion rate or graduation
21 rate of Federal Pell Grant recipients at the
22 institution, in the top 10 percent of—

23 “(I) if the institution is an insti-
24 tution described in any of clauses (iv)
25 through (ix) of section 132(d)(1)(B),

1 all such institutions participating
2 under this part for the preceding fis-
3 cal year; or

4 “(II) if the institution is an insti-
5 tution described in any of clauses (i)
6 through (iii) of section 132(d)(1)(B),
7 all such institutions participating
8 under this part for the preceding fis-
9 cal year; or

10 “(ii) the improvement of the comple-
11 tion rate or graduation rate between the
12 preceding fiscal year and such date, in the
13 top 10 percent of the institutions described
14 in clause (i).

15 “(C) COMPLETION RATE OR GRADUATION
16 RATE.—For purposes of determining the com-
17 pletion rate or graduation rate under this sec-
18 tion, a Federal Pell Grant recipient shall be
19 counted as a completor or graduate if, within
20 the normal time for completion of or graduation
21 from the program, the student has completed or
22 graduated from the program, or enrolled in any
23 program of an institution participating in any
24 program under this title for which the prior
25 program provides substantial preparation.

1 “(D) REALLOCATION OF RETURNED
2 AMOUNT.—If an institution returns to the Sec-
3 retary any portion of the sums allocated to such
4 institution under this paragraph for any fiscal
5 year, the Secretary shall reallocate such excess to
6 improved institutions on the same basis as
7 under subparagraph (A)(ii)(I).

8 “(2) RESERVATION FOR WORK COLLEGES.—
9 From the amounts appropriated under section
10 441(b), the Secretary shall reserve to carry out sec-
11 tion 448 such amounts as may be necessary for fis-
12 cal year 2021 and each of the 5 succeeding fiscal
13 years.

14 “(b) ALLOCATION FORMULA FOR FISCAL YEARS
15 2021 THROUGH 2025.—

16 “(1) IN GENERAL.—From the amount appro-
17 priated under section 441(b) for a fiscal year and re-
18 maining after the Secretary reserves funds under
19 subsection (a), the Secretary shall allocate to each
20 institution—

21 “(A) for fiscal year 2021, an amount equal
22 to the greater of—

23 “(i) 90 percent of the amount the in-
24 stitution received under this subsection
25 and subsection (a) for fiscal year 2020, as

1 such subsections were in effect with re-
2 spect to such fiscal year (in this subpara-
3 graph referred to as the ‘2020 amount for
4 the institution’); or

5 “(ii) the fair share amount for the in-
6 stitution determined under subsection (d);

7 “(B) for fiscal year 2022, an amount equal
8 to the greater of—

9 “(i) 80 percent of the 2020 amount
10 for the institution; or

11 “(ii) the fair share amount for the in-
12 stitution determined under subsection (d);

13 “(C) for fiscal year 2023, an amount equal
14 to the greater of—

15 “(i) 60 percent of the 2020 amount
16 for the institution; or

17 “(ii) the fair share amount for the in-
18 stitution determined under subsection (d);

19 “(D) for fiscal year 2024, an amount equal
20 to the greater of—

21 “(i) 40 percent of the 2020 amount
22 for the institution; or

23 “(ii) the fair share amount for the in-
24 stitution determined under subsection (d);

25 and

1 “(E) for fiscal year 2025, an amount equal
2 to the greater of—

3 “(i) 20 percent of the 2020 amount
4 for the institution; or

5 “(ii) the fair share amount for the in-
6 stitution determined under subsection (d).

7 “(2) RATABLE REDUCTION.—

8 “(A) IN GENERAL.—If the amount appro-
9 priated under section 441(b) for a fiscal year
10 and remaining after the Secretary reserves
11 funds under subsection (a) is less than the
12 amount required to be allocated to the institu-
13 tions under this subsection, then the amount of
14 the allocation to each institution shall be rat-
15 ably reduced.

16 “(B) ADDITIONAL APPROPRIATIONS.—If
17 the amounts allocated to each institution are
18 ratably reduced under subparagraph (A) for a
19 fiscal year and additional amounts are appro-
20 priated for such fiscal year, the amount allo-
21 cated to each institution from the additional
22 amounts shall be increased on the same basis as
23 the amounts under subparagraph (A) were re-
24 duced (until each institution receives the

1 amount required to be allocated under this sub-
2 section).

3 “(c) ALLOCATION FORMULA FOR FISCAL YEAR 2024
4 AND EACH SUCCEEDING FISCAL YEAR.—From the
5 amount appropriated under section 441(b) for fiscal year
6 2024 and each succeeding fiscal year and remaining after
7 the Secretary reserves funds under subsection (a), the Sec-
8 retary shall allocate to each institution the fair share
9 amount for the institution determined under subsection
10 (d).

11 “(d) DETERMINATION OF FAIR SHARE AMOUNT.—

12 “(1) IN GENERAL.—The fair share amount for
13 an institution for a fiscal year shall be equal to the
14 sum of the following:

15 “(A) An amount equal to 50 percent of the
16 amount that bears the same proportion to the
17 available appropriated amount for such fiscal
18 year as the total amount of Federal Pell Grant
19 funds disbursed at the institution for the pre-
20 ceeding fiscal year bears to the total amount of
21 Federal Pell Grant funds awarded at all institu-
22 tions participating under this part for the pre-
23 ceeding fiscal year.

24 “(B) An amount equal to 50 percent of the
25 amount that bears the same proportion to the

1 available appropriated amount for such fiscal
2 year as the total amount of the undergraduate
3 student need at the institution for the preceding
4 fiscal year bears to the total amount of under-
5 graduate student need at all institutions partici-
6 pating under this part for the preceding fiscal
7 year.

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

9 “(A) AVAILABLE APPROPRIATED
10 AMOUNT.—The term ‘available appropriated
11 amount’ means—

12 “(i) the amount appropriated under
13 section 441(b) for a fiscal year, minus

14 “(ii) the amounts reserved under sub-
15 section (a) for such fiscal year.

16 “(B) AVERAGE COST OF ATTENDANCE.—
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 tuition
3 and fees for the second year preceding
4 the year for which it is applying for
5 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 5 with 1 in college and the income protec-
12 tion allowance for a family of 6 with 1 in
13 college for a single independent student;
14 and

15 “(iii) books and supplies, in an
16 amount not exceeding \$800.

17 “(C) UNDERGRADUATE STUDENT NEED.—
18 The term ‘undergraduate student need’ means,
19 with respect to an undergraduate student for a
20 fiscal year, the lesser of the following:

21 “(i) The total of the amount equal to
22 (except the amount computed by this
23 clause shall not be less than zero)—

24 “(I) the average cost of attend-
25 ance for the fiscal year, minus

1 “(II) the total amount of each
2 such undergraduate student’s ex-
3 pected family contribution (computed
4 in accordance with part F of this
5 title) for the preceding fiscal year.

6 “(ii) \$12,500.

7 “(e) RETURN OF SURPLUS ALLOCATED FUNDS.—

8 “(1) AMOUNT RETURNED.—If an institution re-
9 turns more than 10 percent of its allocation under
10 subsection (d), the institution’s allocation for the
11 next fiscal year shall be reduced by the amount re-
12 turned.

13 “(2) WAIVER.—The Secretary may waive this
14 paragraph for a specific institution if the Secretary
15 finds that enforcing this paragraph would be con-
16 trary to the interest of the program.

17 “(f) FILING DEADLINES.—The Secretary shall, from
18 time to time, set dates before which institutions must file
19 applications for allocations under this part.”.

20 **SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.**

21 Section 443 (20 U.S.C. 1087–53) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), in the matter pre-
24 ceding subparagraph (A), by striking “part-
25 time”;

1 (B) in paragraph (2), by striking “except
2 that—” and all that follows through “an insti-
3 tution may use a portion” and inserting “except
4 that an institution may use a portion”;

5 (C) in paragraph (3), by inserting “under-
6 graduate” after “only”;

7 (D) in paragraph (4), by striking “300”
8 and inserting “500”;

9 (E) in paragraph (5)—

10 (i) by striking “shall not exceed 75
11 percent” and inserting “shall not exceed
12 75 percent in the first year after the date
13 of the enactment of HOPE Act, 65 percent
14 in the first succeeding fiscal year, 60 per-
15 cent in the second succeeding fiscal year,
16 55 percent in the third succeeding fiscal
17 year, and 50 percent each succeeding fiscal
18 year”;

19 (ii) by striking subparagraph (A);

20 (iii) in subparagraph (B)—

21 (I) by striking “75” and insert-
22 ing “50”; and

23 (II) by striking the semicolon
24 and inserting “; and”;

1 (iv) by redesignating subparagraph

2 (B) as subparagraph (A); and

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

4 “(B) the Federal share may equal 100 per-
5 cent with respect to funds received under sec-
6 tion 442(a)(1)(A);”;

7 (F) in paragraph (8)—

8 (i) in subparagraph (A)(i), by striking
9 “vocational” and inserting “career”; and

10 (ii) in subparagraph (B), by striking
11 “community service” and inserting “work-
12 based learning”;

13 (G) in paragraph (10), by striking “; and”
14 and inserting a semicolon;

15 (H) in paragraph (11), by striking the pe-
16 riod at the end and inserting a semicolon; and

17 (I) by adding at the end the following:

18 “(12) provide assurances that the institution
19 will collect data from students and employers such
20 that the employment made available from funds
21 under this part will, to the maximum extent prac-
22 ticable, complement and reinforce the educational
23 goals or career goals of each student receiving as-
24 sistance under this part; and

1 “(13) provide assurances that if the institution
2 receives funds under section 442(a)(1)(A), such in-
3 stitution shall—

4 “(A) use such funds to compensate stu-
5 dents participating in the work-study program;
6 and

7 “(B) prioritize the awarding of such funds
8 to students—

9 “(i) who demonstrate exceptional
10 need; or

11 “(ii) who are employed in work-based
12 learning opportunities through the work-
13 study program.”;

14 (2) in subsection (c)—

15 (A) in paragraph (1)—

16 (i) by striking “program of part-time
17 employment” and inserting the following:

18 “program—

19 “(A) of employment”; and

20 (ii) by inserting “or” after “sub-
21 section (b)(3);”; and

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

24 “(B) of full-time employment of its cooper-
25 ative education students in work for a private

1 for-profit organization under an arrangement
2 between the institution and such organization
3 that complies with the requirements of subpara-
4 graphs (A) through (D) of subsection (b)(1) of
5 this section and subsection (b)(4) of this sec-
6 tion;”;

7 (B) by striking paragraph (2);

8 (C) in paragraph (4), by inserting “and
9 complement and reinforce the educational goals
10 or career goals of each student receiving assist-
11 ance under this part” after “relevant”; and

12 (D) by redesignating paragraphs (3), (4),
13 and (5) as paragraphs (2), (3), and (4), respec-
14 tively; and

15 (3) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) by striking “In any academic year
18 to which subsection (b)(2)(A) applies, an
19 institution shall ensure that” and inserting
20 “An institution may use the” ; and

21 (ii) by striking “are used”; and

22 (B) in paragraph (3), by striking “may ex-
23 ceed 75 percent” and inserting “shall not ex-
24 ceed 50 percent”.

1 **SEC. 444. FLEXIBLE USE OF FUNDS.**

2 Section 445(a) (20 U.S.C. 1087–55(a)) is amended—

3 (1) in paragraph (2), by striking “in the same
4 State” and inserting “described under section
5 442(a)(1)(B)”; and

6 (2) by adding at the end the following new
7 paragraph:

8 “(3) In addition to the carry-over sums authorized
9 under paragraph (1) of this section, an institution may
10 permit a student who completed the previous award period
11 to continue to earn unearned portions of the student’s
12 work-study award from that previous year if—

13 “(A) any reduction in the student’s need upon
14 which the award was based is accounted for in the
15 remaining portion; and

16 “(B) the student is currently employed in a
17 work-based learning position.”.

18 **SEC. 445. JOB LOCATION AND DEVELOPMENT PROGRAMS.**

19 Section 446 (20 U.S.C. 1087–56) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (1)—

22 (i) by striking “10 percent or
23 \$75,000” and inserting “20 percent or
24 \$150,000”; and

25 (ii) by striking “, including commu-
26 nity service jobs,”;

1 (B) in paragraph (2), by striking “voca-
2 tional” and inserting “career”; and

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

4 “(3) An institution may use a portion of the funds
5 expended under this section to identify and expand oppor-
6 tunities for apprenticeships for students and to assist em-
7 ployers in developing jobs that are part of apprenticeship
8 programs.”; and

9 (2) in subsection (b)—

10 (A) by striking paragraph (2);

11 (B) by redesignating paragraphs (3)
12 through (6) as paragraphs (4) through (7), re-
13 spectively; and

14 (C) by inserting before paragraph (4), as
15 so redesignated, the following:

16 “(2) provide satisfactory assurance that the in-
17 stitution will prioritize placing students with the low-
18 est expected family contribution and Federal work-
19 study recipients in jobs located and developed under
20 this section;

21 “(3) provide a satisfactory assurance that the
22 institution will locate and develop work-based learn-
23 ing opportunities through the job location develop-
24 ment programs;”; and

1 (D) in paragraph (7), as so redesignated,
2 by striking the period and inserting “, includ-
3 ing—

4 “(A) the number of students employed in
5 work-based learning opportunities through such
6 program;

7 “(B) the number of students dem-
8 onstrating exceptional need and employed in a
9 work-study program through such program; and

10 “(C) the number of students dem-
11 onstrating exceptional need and employed in
12 work-based learning opportunities through such
13 program.”.

14 **SEC. 446. COMMUNITY SERVICE.**

15 Section 447 (20 U.S.C. 1087–57) is repealed.

16 **SEC. 447. WORK COLLEGES.**

17 Section 448 (20 U.S.C. 1087–58) is amended—

18 (1) in subsection (b)—

19 (A) in paragraph (1)—

20 (i) by striking “and part E”; and

21 (ii) by striking “appropriated” and in-
22 sserting “allocated”;

23 (B) in paragraph (2), by striking “appro-
24 priated pursuant to” and inserting “allocated
25 under”; and

1 (2) in subsection (c), by striking “authorized
2 by” and inserting “allocated under”;

3 (3) in subsection (e)(1)—

4 (A) in subparagraph (C), by striking “;
5 and” and inserting a semicolon; and

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

7 “(E) has administered Federal work-study
8 for at least 2 years; and”; and

9 (4) by amending subsection (f) to read as fol-
10 lows:

11 “(f) ALLOCATION OF RESERVED FUNDS.—

12 “(1) IN GENERAL.—Subject to paragraph (2),
13 from the amount reserved under section 442(a)(2)
14 for a fiscal year to carry out this section, the Sec-
15 retary shall allocate to each work college that sub-
16 mits an application under subsection (c) an amount
17 equal to the amount that bears the same proportion
18 to the amount appropriated for such fiscal year as
19 the number of students eligible for employment
20 under a work-study program under this part who
21 are enrolled at the work college bears to the total
22 number of students eligible for employment under a
23 work-study program under this part who are en-
24 rolled at all work colleges.

1 “(2) REALLOTMENT OF UNMATCHED FUNDS.—
2 If a work college is unable to match funds received
3 under paragraph (1) in accordance with subsection
4 (d), any unmatched funds shall be returned to the
5 Secretary and the Secretary shall realloot such funds
6 on the same basis as funds are allocated under para-
7 graph (1).”.

8 **SEC. 448. INSTITUTIONAL FLEXIBILITY TO AWARD COMPLE-**
9 **TION GRANTS.**

10 Part C of title IV (20 U.S.C. 1087–51 et seq.) is
11 amended by adding at the end the following:

12 **“SEC. 449. INSTITUTIONAL FLEXIBILITY TO AWARD COM-**
13 **PLETION GRANTS.**

14 “(a) AUTHORIZATION.—An institution of higher edu-
15 cation may use not more than 20 percent of the funds
16 allocated to such institution in a fiscal year under section
17 442 to carry out a completion grant program to provide
18 completion grants to undergraduate students who the in-
19 stitution determines are likely to withdraw from the insti-
20 tution.

21 “(b) COMPLETION GRANT AMOUNT.—A completion
22 grant made to a student pursuant to this section shall be
23 in an amount that is—

24 “(1) not less than \$100; and

25 “(2) not greater than \$4,000.

1 “(c) ELIGIBILITY.—

2 “(1) IN GENERAL.—A completion grant may
3 only be made to an undergraduate student if such
4 student—

5 “(A) is likely to withdraw from the institu-
6 tion of higher education awarding such grant,
7 as determined by such institution; and

8 “(B) is a student with exceptional need.

9 “(2) EXCEPTIONAL NEED.—In this subsection,
10 the term ‘exceptional need’, with respect to a stu-
11 dent enrolled at an institution of higher education,
12 means a student—

13 “(A) with an expected family contribution
14 among the lowest of students enrolled at such
15 institution, as determined by such institution;

16 or

17 “(B) is a recipient of a Federal Pell Grant.

18 “(d) REPORTS.—

19 “(1) REPORTS BY INSTITUTIONS OF HIGHER
20 EDUCATION.—An institution of higher education
21 participating in the completion grant program under
22 this section shall, not later than 1 year after the
23 date of the enactment of this section, and annually
24 thereafter, submit to the Secretary a report that in-
25 cludes—

1 “(A) the number of students who received
2 a completion grant pursuant to this section in
3 the past year;

4 “(B) the number of such students who had
5 received a prior completion grant at such insti-
6 tution;

7 “(C) the number of such students who are
8 Federal Pell Grant recipients;

9 “(D) the percentage of such students who,
10 within the normal time for completion of, or
11 graduation from, the program, complete or
12 graduate from the program and enroll in the
13 next academic term for the program or enroll in
14 any program of an institution participating in
15 any program under this title for which the prior
16 program provides substantial preparation;

17 “(E) the total amount spent on such com-
18 pletion grants;

19 “(F) the average amount of such comple-
20 tion grants awarded over the last year; and

21 “(G) with respect to the funds allocated to
22 such institution in a fiscal year under section
23 442, the percent of funds used by such institu-
24 tion for such completion grants; and

1 “(H) the number of such students that re-
2 ceived a completion grant for the following rea-
3 son:

4 “(i) Health or medical expenses.

5 “(ii) Transportation costs.

6 “(iii) Textbooks, equipment, or other
7 necessary academic supplies.

8 “(iv) Housing.

9 “(v) Grocery expenses.

10 “(vi) Tuition and fees.

11 “(vii) Such other categories as deter-
12 mined by the institution.

13 “(2) REPORT TO CONGRESS.—Not later than 1
14 year after the date of the enactment of this section,
15 and annually thereafter, the Secretary shall, using
16 the information submitted pursuant to paragraph
17 (1), submit a report to Congress that includes—

18 “(A) the number of students who received
19 a completion grant pursuant to this section;

20 “(B) the number of such students who had
21 received a prior completion grant;

22 “(C) the number of such students who are
23 Federal Pell Grant recipients;

1 “(D) with respect to such students, the in-
2 stitutions of higher education that awarded
3 each such student a completion grant;

4 “(E) the percentage of such students who,
5 within the normal time for completion of, or
6 graduation from, the program, complete or
7 graduate from the program and enroll in the
8 next academic term for the program or enroll in
9 any program of an institution participating in
10 any program under this title for which the prior
11 program provides substantial preparation;

12 “(F) the number of such students that re-
13 ceived a completion grant for each of the rea-
14 sons specified in paragraph (1)(H);

15 “(G) the average amount of all completion
16 grants made pursuant to this section;

17 “(H) the average amount of completion
18 grants made by each institution of higher edu-
19 cation that awarded such a grant; and

20 “(I) with respect to each institution of
21 higher education that awarded a completion
22 grant, the percentage of such completion grant
23 recipients who, within the normal time for com-
24 pletion of, or graduation from, the program,
25 complete or graduate from the program and en-

1 roll in the next academic term for the program
2 or enroll in any program of an institution par-
3 ticipating in any program under this title for
4 which the prior program provides substantial
5 preparation.

6 **PART D—FEDERAL DIRECT STUDENT LOAN**
7 **PROGRAM**

8 **SEC. 451. TERMINATION OF FEDERAL DIRECT LOAN PRO-**
9 **GRAM UNDER PART D AND OTHER CON-**
10 **FORMING AMENDMENTS.**

11 (a) APPROPRIATIONS.—Section 451 (20 U.S.C.
12 1087a) is amended—

13 (1) in subsection (a), by adding at the end the
14 following: “No sums may be expended after Sep-
15 tember 30, 2024, with respect to loans under this
16 part for which the first disbursement is after such
17 date.”; and

18 (2) by adding at the end, the following:

19 “(c) TERMINATION OF AUTHORITY TO MAKE NEW
20 LOANS.—Notwithstanding subsection (a) or any other
21 provision of law—

22 “(1) no new loans may be made under this part
23 after September 30, 2026; and

24 “(2) no funds are authorized to be appro-
25 priated, or may be expended, under this Act, or any

1 other Act to make loans under this part for which
2 the first disbursement is after September 30, 2026,
3 except as expressly authorized by an Act of Congress en-
4 acted after the date of enactment of the HOPE Act.

5 “(d) STUDENT ELIGIBILITY BEGINNING WITH
6 AWARD YEAR 2021.—

7 “(1) BORROWERS WITH OUTSTANDING BAL-
8 ANCES.—Subject to paragraph (2), with respect to a
9 borrower who, as of July 1, 2021, has an out-
10 standing balance of principal or interest owing on a
11 loan made under this part, such borrower may—

12 “(A) in the case of such a loan made to
13 the borrower for enrollment in a program of un-
14 dergraduate education, borrow loans made
15 under this part for any program of under-
16 graduate education through the close of Sep-
17 tember 30, 2026.

18 “(B) in the case of such a loan made to
19 the borrower for enrollment in a program of
20 graduate or professional education, borrow
21 loans made under this part for any program of
22 graduate or professional education through the
23 close of September 30, 2026; and

24 “(C) in the case of such a loan made to
25 the borrower on behalf of a dependent student

1 for the student's enrollment in a program of
2 undergraduate education, borrow loans made
3 under this part on behalf of such student
4 through the close of September 30, 2026.

5 “(2) LOSS OF ELIGIBILITY.—

6 “(A) IN GENERAL.—Except as provided in
7 subparagraph (B), a borrower described in
8 paragraph (1) who borrows a loan made under
9 part E for which the first disbursement is made
10 on or after July 1, 2021, shall lose the bor-
11 rower's eligibility to borrow loans made under
12 this part in accordance with paragraph (1).

13 “(B) EXCEPTION.—In the case of a bor-
14 rower who borrows a loan made under part E
15 for which the first disbursement is made on or
16 after July 1, 2021, on behalf of a dependent
17 student on whose behalf the borrower has not
18 previously borrowed a loan under this title, the
19 borrower shall not lose the borrower's eligibility
20 to borrow loans made under this part in accord-
21 ance with paragraph (1).

22 “(3) OTHER BORROWERS.—In the case of a
23 borrower who does not have an outstanding balance
24 of principal or interest owing on a loan made under
25 this part as described in paragraph (1), no loan may

1 be made under this part to such borrower for which
2 the first disbursement is after June 30, 2021.”.

3 (b) PERKINS LOAN CONFORMING AMENDMENT.—
4 Section 453(c)(2)(A) (20 U.S.C. 1087c(c)(2)(A)) is
5 amended by inserting “, as in effect on the day before
6 the date of enactment of the HOPE Act and pursuant
7 to section 461(a),” after “part E”;

8 (c) APPLICABLE INTEREST RATES AND OTHER
9 TERMS AND CONDITIONS.—Section 455 (20 U.S.C.
10 1087e) is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (1), by inserting “, and
13 first disbursed before October 1, 2026,” after
14 “under this part”;

15 (B) in paragraph (2), by inserting “, and
16 first disbursed before October 1, 2026,” after
17 “under this part”;

18 (2) in subsection (b)(8)—

19 (A) in the paragraph heading, by inserting
20 “AND BEFORE OCTOBER 1, 2026” after “2013”;

21 (B) in subparagraph (A), by inserting
22 “and before October 1, 2026,” after “July 1,
23 2013,”;

1 (C) in subparagraph (B), by inserting
2 “and before October 1, 2026,” after “July 1,
3 2013,”;

4 (D) in subparagraph (C), by inserting
5 “and before October 1, 2026,” after “July 1,
6 2013,”; and

7 (E) in subparagraph (D), by inserting
8 “and before October 1, 2026,” after “July 1,
9 2013,”;

10 (3) in subsection (c)(2)(E), by inserting “, and
11 before October 1, 2026” after “July 1, 2010”;

12 (4) in subsection (e)(7), in the matter preceding
13 subparagraph (A), by inserting “, as in effect on the
14 day before the date of enactment of the HOPE Act
15 and pursuant to section 461(a)” after “part E”; and

16 (5) in subsection (g)—

17 (A) by inserting “, and first disbursed be-
18 fore October 1, 2026,” after “a loan made
19 under this part” the first place it appears; and

20 (B) by adding at the end the following:
21 “The authority to make consolidation loans
22 under this subsection expires at the close of
23 September 30, 2026. No loan may be made
24 under this subsection for which the disburse-
25 ment is on or after October 1, 2026.”; and

1 (6) in subsection (o)—

2 (A) in paragraph (1), by inserting “, and
3 before October 1, 2026” after “October 1,
4 2008”; and

5 (B) in paragraph (2)—

6 (i) by inserting “and before October
7 1, 2026,” after “October 1, 2008,”; and

8 (ii) by inserting “, and before October
9 1, 2026” before the period at the end.

10 **SEC. 452. PLAIN LANGUAGE DISCLOSURE FORM.**

11 (a) PLAIN LANGUAGE DISCLOSURE FORM.—Section
12 455(p) (20 U.S.C. 1087e(p)) is amended to read as fol-
13 lows:

14 “(p) DISCLOSURES.—

15 “(1) IN GENERAL.—The Secretary shall, with
16 respect to loans under this part and in accordance
17 with such regulations as the Secretary shall pre-
18 scribe, comply with each of the requirements under
19 section 433 that apply to a lender with respect to a
20 loan under part B.

21 “(2) PLAIN LANGUAGE DISCLOSURE FORM.—

22 “(A) DEVELOPMENT AND ISSUANCE OF
23 FORM.—Not later than 24 months after the
24 date of the enactment of this paragraph, the
25 Secretary shall, based on consumer testing, de-

1 velop and issue a model form to be known as
2 the ‘Plain Language Disclosure Form’ that
3 shall be used by the Secretary to comply with
4 paragraph (1).

5 “(B) FORMAT.—The Secretary shall en-
6 sure that the Plain Language Disclosure
7 Form—

8 “(i) enables borrowers to easily iden-
9 tify the information required to be dis-
10 closed under section 433(a) with respect to
11 a loan, with emphasis on the loan terms
12 determined by the Secretary, based on con-
13 sumer testing, to be critical to under-
14 standing the total costs of the loan and the
15 estimated monthly repayment;

16 “(ii) has a clear format and design,
17 including easily readable font; and

18 “(iii) is as succinct as practicable.

19 “(C) CONSULTATION.—In developing Plain
20 Language Disclosure Form, the Secretary shall,
21 as appropriate, consult with—

22 “(i) the Federal Reserve Board;

23 “(ii) borrowers of loans under this
24 part; and

1 “(iii) other organizations involved in
2 the provision of financial assistance to stu-
3 dents, as identified by the Secretary.

4 “(3) ELECTRONIC SYSTEM FOR COMPLIANCE.—
5 In carrying out paragraph (2), Secretary shall de-
6 velop and implement an electronic system to gen-
7 erate a Plain Language Disclosure Form for each
8 borrower that includes personalized information
9 about the borrower and the borrower’s loans.

10 “(4) LIMIT ON LIABILITY.—Nothing in this
11 subsection shall be construed to create a private
12 right of action against the Secretary with respect to
13 the form or electronic system developed under this
14 paragraph.

15 “(5) BORROWER SIGNATURE REQUIRED.—Be-
16 ginning after the issuance of the Plain Language
17 Disclosure Form by the Secretary under paragraph
18 (2), a loan may not be issued to a borrower under
19 this part unless the borrower acknowledges to the
20 Secretary, in writing (which may include an elec-
21 tronic signature), that the borrower has read the
22 Plain Language Disclosure Form for the loan con-
23 cerned.

24 “(6) CONSUMER TESTING DEFINED.—In this
25 subsection, the term ‘consumer testing’ means the

1 solicitation of feedback from individuals, including
2 borrowers and prospective borrowers of loans under
3 this part (as determined by the Secretary), about
4 the usefulness of different methods of disclosing ma-
5 terial terms of loans on the Plain Language Disclo-
6 sure Form to maximize borrowers' understanding of
7 the terms and conditions of such loans.”.

8 (b) REPORT TO CONGRESS.—Not later than 3 years
9 after the date of the enactment of this Act, the Secretary
10 of Education shall submit to Congress a report that in-
11 cludes a description of the methods and procedures used
12 to develop the Plain Language Disclosure Form required
13 under section 455(p)(2) of the Higher Education Act of
14 1965 (as added by subsection (a) of this section).

15 **SEC. 453. ADMINISTRATIVE EXPENSES.**

16 Section 458(a) (20 U.S.C. 1087h)—

17 (1) in paragraph (3)—

18 (A) by striking “2007” each place it ap-
19 pears, including in any headings, and inserting
20 “2021”;

21 (B) by striking “2014” each place it ap-
22 pears, including in any headings, and inserting
23 “2026”; and

1 (C) by striking “part and part B, including
2 the costs of the direct student loan programs
3 under this part” and inserting “title”;

4 (2) in paragraph (4), by striking “2019” and
5 inserting “2026”;

6 (3) in paragraph (5), by striking “paragraph
7 (3)” and inserting “paragraph (4)”;

8 (4) in paragraph (6)—

9 (A) in subparagraph (B), by striking
10 “2010” and inserting “2021”; and

11 (B) in subparagraph (C), by striking
12 “training” and inserting “education”;

13 (5) by striking paragraph (7); and

14 (6) by redesignating paragraph (8) as para-
15 graph (7).

16 **SEC. 454. LOAN CANCELLATION FOR TEACHERS.**

17 Section 460(b)(1)(A) (20 U.S.C. 1087j(b)(1)(A)) is
18 amended by striking “that qualifies under section
19 465(a)(2)(A) for loan cancellation for Perkins loan recipi-
20 ents who teach in such schools or locations” and inserting
21 “described in section 420N(b)(1)(B)”.

1 **PART E—FEDERAL ONE LOANS**

2 **SEC. 461. WIND-DOWN OF FEDERAL PERKINS LOAN PRO-**
3 **GRAM.**

4 (a) **IN GENERAL.**—Except as otherwise provided in
5 this section and notwithstanding section 462, the provi-
6 sions of part E of title IV of the Higher Education Act
7 of 1965 (20 U.S.C. 1087aa et seq.), as in effect on the
8 day before the date of enactment of this Act, are deemed
9 to be incorporated in this subsection as though set forth
10 fully in this subsection, and shall have the same force and
11 effect as on such day.

12 (b) **CLOSE-OUT AUDITS.**—

13 (1) **IN GENERAL.**—In the case of an institution
14 of higher education that desires to have a final audit
15 of its participation under the program under part E
16 of title IV of the Higher Education Act of 1965 (20
17 U.S.C. 1087aa et seq.), as in effect pursuant to sub-
18 section (a), at the same time as its annual financial
19 and compliance audit under section 487(c) of such
20 Act (20 U.S.C. 1094(c)), such institution shall sub-
21 mit to the Secretary a request, in writing, for such
22 an arrangement not later than 60 days after the in-
23 stitution terminates its participation under such pro-
24 gram.

25 (2) **TERMINATION OF PARTICIPATION.**—For
26 purposes of this subsection, an institution shall be

1 considered to have terminated its participation under
2 the program described in paragraph (1), if the insti-
3 tution—

4 (A)(i) has made a determination not to
5 service and collect student loans made available
6 from funds under part E of title IV of the
7 Higher Education Act of 1965 (20 U.S.C.
8 1087aa et seq.), as in effect pursuant to sub-
9 section (a); or

10 (ii) has completed the servicing and collec-
11 tion of such student loans; and

12 (B) has completed the asset distribution
13 required under section 466(b) of the Higher
14 Education Act of 1965 (20 U.S.C. 1087ff(b)),
15 as in effect pursuant to subsection (a).

16 (c) COLLECTION OF INTEREST ON CERTAIN STU-
17 DENT LOANS.—In the case of an institution of higher edu-
18 cation that, on or after October 1, 2006, loaned an
19 amount to its student loan fund established under part
20 E of title IV of the Higher Education Act of 1965 (20
21 U.S.C. 1087aa et seq.), as in effect pursuant to subsection
22 (a), for the purpose of making student loans from such
23 fund, and that, before the date of enactment of this Act,
24 has repaid to itself the amount loaned to such student loan

1 fund, the institution shall collect any interest earned on
2 such student loans.

3 (d) ASSIGNMENT OF LOANS TO SECRETARY.—Not-
4 withstanding the requirements of section 463(a)(5) of the
5 Higher Education Act of 1965 (20 U.S.C. 1087cc(a)(5)),
6 as in effect pursuant to subsection (a), if an institution
7 of higher education determines not to service and collect
8 student loans made available from funds under part E of
9 such Act (20 U.S.C. 1087aa et seq.), as so in effect—

10 (1) the institution shall assign, during the re-
11 payment period, any notes or evidence of obligations
12 of student loans made from such funds to the Sec-
13 retary; and

14 (2) the Secretary shall deposit any sums col-
15 lected on such notes or obligations (less an amount
16 not to exceed 30 percent of any such sums collected
17 to cover that Secretary's collection costs) into the
18 Treasury of the United States.

19 (e) CLOSED SCHOOL DISCHARGE.—The amendments
20 made by section 428 to section 437(c) of the Higher Edu-
21 cation Act of 1965 (20 U.S.C. 1087), relating to closed
22 school discharge, shall apply with respect to any loans dis-
23 charged on or after the date of enactment of this Act
24 under section 464(g) of such Act (20 U.S.C. 10877dd(g)),
25 as in effect pursuant to subsection (a)).

1 **SEC. 462. FEDERAL ONE LOAN PROGRAM.**

2 Part E of title IV (20 U.S.C. 1087aa et seq.) is
3 amended to read as follows:

4 **“PART E—FEDERAL ONE LOAN PROGRAM**

5 **“SEC. 461. PROGRAM AUTHORITY.**

6 “(a) IN GENERAL.—There are hereby made available,
7 in accordance with the provisions of this part, such sums
8 as may be necessary to make loans to all eligible students
9 (and the eligible parents of such students) in attendance
10 at participating institutions of higher education selected
11 by the Secretary to enable such students to pursue their
12 courses of study at such institutions during the period be-
13 ginning July 1, 2021. Loans made under this part shall
14 be made by participating institutions that have agree-
15 ments with the Secretary to originate loans.

16 “(b) DESIGNATION.—The program established under
17 this part shall be referred to as the ‘Federal ONE Loan
18 Program’.

19 “(c) ONE LOANS.—Except as otherwise specified in
20 this part, loans made to borrowers under this part shall
21 be known as ‘Federal ONE Loans’.

22 **“SEC. 462. FUNDS FOR THE ORIGINATION OF ONE LOANS.**

23 “(a) IN GENERAL.—The Secretary shall provide, on
24 the basis of eligibility of students at each participating in-
25 stitution, and parents of such students, for such loans,
26 funds for student and Parent Loans under this part di-

1 rectly to an institution of higher education that has an
2 agreement with the Secretary under section 464(a) to par-
3 ticipate in the Federal ONE Loan Program under this
4 part and that also has an agreement with the Secretary
5 under section 464(b) to originate loans under this part.

6 “(b) PARALLEL TERMS.—Subsections (b), (c), and
7 (d) of section 452 shall apply to the loan program under
8 this part in the same manner that such subsections apply
9 to the loan program under part D.

10 **“SEC. 463. SELECTION OF INSTITUTIONS FOR PARTICIPA-**
11 **TION AND ORIGINATION.**

12 “(a) GENERAL AUTHORITY.—The Secretary shall
13 enter into agreements pursuant to section 464(a) with in-
14 stitutions of higher education to participate in the Federal
15 ONE Loan Program under this part, and agreements pur-
16 suant to section 464(b) with institutions of higher edu-
17 cation, to originate loans in such program, for academic
18 years beginning on or after July 1, 2021. Such agreements
19 for the academic year 2021–2022 shall, to the extent fea-
20 sible, be entered into not later than January 1, 2021.

21 “(b) SELECTION CRITERIA AND PROCEDURE.—The
22 application and selection procedure for an institution of
23 higher education desiring to participate in the loan pro-
24 gram under this part shall be the application and selection
25 procedure described in section 453(b) for an institution

1 of higher education desiring to participate in the loan pro-
2 gram under part D.

3 “(c) ELIGIBLE INSTITUTIONS.—The Secretary may
4 not select an institution of higher education for participa-
5 tion under this part unless such institution is an eligible
6 institution under section 487(a).

7 **“SEC. 464. AGREEMENTS WITH INSTITUTIONS.**

8 “(a) PARTICIPATION AGREEMENTS.—An agreement
9 with any institution of higher education for participation
10 in the Federal ONE Loan Program under this part
11 shall—

12 “(1) provide for the establishment and mainte-
13 nance of a direct student loan program at the insti-
14 tution under which the institution will—

15 “(A) identify eligible students who seek
16 student financial assistance at such institution
17 in accordance with section 484;

18 “(B) provide a statement that certifies the
19 eligibility of any student to receive a loan under
20 this part that is not in excess of the annual or
21 aggregate limit applicable to such loan, except
22 that the institution may, in exceptional cir-
23 cumstances identified by the Secretary pursuant
24 to section 454(a)(1)(C), refuse to certify a
25 statement that permits a student to receive a

1 loan under this part, if the reason for such ac-
2 tion is documented and provided in written
3 form to such student;

4 “(C) set forth a schedule for disbursement
5 of the proceeds of the loan in installments, con-
6 sistent with the requirements of section 465(a);
7 and

8 “(D) provide timely and accurate informa-
9 tion, concerning the status of student borrowers
10 (and students on whose behalf parents borrow
11 under this part) while such students are in at-
12 tendance at the institution and concerning any
13 new information of which the institution be-
14 comes aware for such students (or their par-
15 ents) after such borrowers leave the institution,
16 to the Secretary for the servicing and collecting
17 of loans made under this part;

18 “(2) provide assurances that the institution will
19 comply with requirements established by the Sec-
20 retary relating to student loan information with re-
21 spect to loans made under this part;

22 “(3) provide that the institution accepts respon-
23 sibility and financial liability stemming from its fail-
24 ure to perform its functions pursuant to the agree-
25 ment;

1 “(4) provide for the implementation of a quality
2 assurance system, as established by the Secretary
3 and developed in consultation with institutions of
4 higher education, to ensure that the institution is
5 complying with program requirements and meeting
6 program objectives; and

7 “(5) provide that the institution will not charge
8 any fees of any kind, however described, to student
9 or parent borrowers for origination activities or the
10 provision of any information necessary for a student
11 or parent to receive a loan under this part, or any
12 benefits associated with such loan.

13 “(b) ORIGINATION.—An agreement with any institu-
14 tion of higher education for the origination of loans under
15 this part shall—

16 “(1) supplement the agreement entered into in
17 accordance with subsection (a);

18 “(2) include provisions established by the Sec-
19 retary that are similar to the participation agree-
20 ment provisions described in paragraphs (2), (3),
21 (4), and (5) of subsection (a), as modified to relate
22 to the origination of loans by the institution;

23 “(3) provide that the institution will originate
24 loans to eligible students and parents in accordance
25 with this part; and

1 “(4) provide that the note or evidence of obliga-
2 tion on the loan shall be the property of the Sec-
3 retary.

4 “(c) WITHDRAWAL PROCEDURES.—

5 “(1) IN GENERAL.—An institution of higher
6 education participating in the Federal ONE Loan
7 Program under this part may withdraw from the
8 program by providing written notice to the Secretary
9 of the intent to withdraw not less than 60 days be-
10 fore the intended date of withdrawal.

11 “(2) DATE OF WITHDRAWAL.—Except in cases
12 in which the Secretary and an institution of higher
13 education agree to an earlier date, the date of with-
14 drawal from the Federal ONE Loan Program under
15 this part of an institution of higher education shall
16 be the later of—

17 “(A) 60 days after the institution submits
18 the notice required under paragraph (1); or

19 “(B) a date designated by the institution.

20 **“SEC. 465. DISBURSEMENT OF STUDENT LOANS, LOAN LIM-**
21 **ITS, INTEREST RATES, AND LOAN FEES.**

22 “(a) REQUIREMENTS FOR DISBURSEMENT OF STU-
23 DENT LOANS.—

24 “(1) MULTIPLE DISBURSEMENT REQUIRED.—

1 “(A) REQUIRED DISBURSEMENTS.—The
2 proceeds of any loan made under this part that
3 is made for any period of enrollment shall be
4 disbursed as follows:

5 “(i) The disbursement of the first in-
6 stallment of proceeds shall, with respect to
7 any student other than a student described
8 in subparagraph (C)(i), be made not more
9 than 30 days prior to the beginning of the
10 period of enrollment, and not later than 30
11 days after the beginning of such period of
12 enrollment.

13 “(ii) The disbursement of an install-
14 ment of proceeds shall be made in substan-
15 tially equal monthly or weekly installments
16 over the period of enrollment for which the
17 loan was made, except that installments
18 may be unequal as necessary to permit the
19 institution to adjust for unequal costs
20 (which may include upfront costs such as
21 tuition and fees) incurred or estimated fi-
22 nancial assistance received by the student,
23 or based on the academic progress of the
24 student.

1 “(B) DISBURSEMENT OF CREDIT BAL-
2 ANCES.—The credit balances of any loan made
3 under this part that is made for any period of
4 enrollment shall be disbursed by—

5 “(i) an electronic transfer of funds to
6 the borrower’s financial account;

7 “(ii) a check for the amount payable
8 to, and requiring the endorsement of, the
9 borrower; or

10 “(iii) a cash payment for which the
11 institution obtains a receipt signed by the
12 borrower.

13 “(C) FIRST YEAR STUDENTS.—

14 “(i) IN GENERAL.—The first install-
15 ment of the proceeds of any loan made
16 under this part that is made to a student
17 borrower who is entering the first year of
18 a program of undergraduate education,
19 and who has not previously obtained a loan
20 under this part, shall not (regardless of the
21 amount of such loan or the duration of the
22 period of enrollment) be presented by the
23 institution of higher education to the stu-
24 dent for endorsement until 30 days after
25 the borrower begins a course of study, but

1 may be delivered to the eligible institution
2 prior to the end of that 30-day period.

3 “(ii) EXEMPTION.—An institution of
4 higher education in which each educational
5 program has a loan repayment rate (as de-
6 termined under section 481B(c)) for the
7 most recent fiscal year for which data are
8 available that is greater than 60 percent
9 shall be exempt from the requirements of
10 clause (i).

11 “(2) WITHDRAWING OF SUCCEEDING DIS-
12 BURSEMENTS.—

13 “(A) WITHDRAWING STUDENTS.—In the
14 case in which the Secretary is informed by the
15 borrower or the institution that the borrower
16 has ceased to be enrolled before the disburse-
17 ment of the second or any succeeding install-
18 ment, the Secretary shall withhold such dis-
19 bursement. Any disbursement which is so with-
20 held shall be credited to the borrower’s loan and
21 treated as a prepayment on the principal of the
22 loan.

23 “(B) STUDENTS RECEIVING OVER-
24 AWARDS.—If the sum of a disbursement for any
25 borrower and the other financial aid obtained

1 by borrower exceeds the amount of assistance
2 for which the borrower is eligible under this
3 title, the institution the borrower, or dependent
4 student, in the case of a parent borrower, is at-
5 tending shall withhold and return to the Sec-
6 retary the portion (or all) of such installment
7 that exceeds such eligible amount, except that
8 overawards permitted pursuant to section
9 443(b)(4) shall not be construed to be over-
10 awards for purposes of this subparagraph. Any
11 portion (or all) of a disbursement installment
12 which is so returned shall be credited to the
13 borrower's loan and treated as a prepayment on
14 the principal of the loan.

15 “(3) EXCLUSION OF CONSOLIDATION AND FOR-
16 EIGN STUDY LOANS.—The provisions of this sub-
17 section shall not apply in the case of a Federal ONE
18 Consolidation Loan, or a loan made to a student to
19 cover the cost of attendance in a program of study
20 abroad approved by the home eligible institution if
21 each of the educational programs of such home eligi-
22 ble institution has a loan repayment rate (as cal-
23 culated under section 481B(c)) for the most recent
24 fiscal year for which data are available of greater
25 than 70 percent.

1 “(4) BEGINNING OF PERIOD OF ENROLL-
2 MENT.—For purposes of this subsection, a period of
3 enrollment begins on the first day that classes begin
4 for the applicable period of enrollment.

5 “(b) AMOUNT OF LOAN.—

6 “(1) IN GENERAL.—The determination of the
7 amount of a loan disbursed by an eligible institution
8 under this section shall be the lesser of—

9 “(A) an amount that is equal to the esti-
10 mated loan amount, as determined by the insti-
11 tution by calculating—

12 “(i) the estimated cost of attendance
13 at the institution; minus

14 “(ii)(I) any estimated financial assist-
15 ance reasonably available to such student,
16 including assistance that the student will
17 receive from a Federal grant, including a
18 Federal Pell Grant, a State grant, an insti-
19 tutional grant, or a scholarship or grant
20 from another source, that is known to the
21 institution at the time the student’s deter-
22 mination of need is made; and

23 “(II) in the case of a loan to a parent,
24 the amount of a loan awarded under this
25 part to the parent’s child; or

1 “(B) the maximum Federal loan amount
2 for which such borrower is eligible in accord-
3 ance with paragraph (2).

4 “(2) LOAN LIMITS.—

5 “(A) ANNUAL LIMITS.—Except as provided
6 under subparagraph (B), (C), or (D), the
7 amount of loans made under this part that an
8 eligible student or parent borrower may borrow
9 for an academic year shall be as follows:

10 “(i) UNDERGRADUATE STUDENTS.—

11 With respect to enrollment in a program of
12 undergraduate education at an eligible in-
13 stitution—

14 “(I) in the case of a dependent
15 student—

16 “(aa) who has not success-
17 fully completed the first year of a
18 program of undergraduate edu-
19 cation, \$7,500;

20 “(bb) who has successfully
21 completed such first year but has
22 not successfully completed the re-
23 mainder of a program of under-
24 graduate education, \$8,500; and

1 “(cc) who has successfully
2 completed the first and second
3 years of a program of under-
4 graduate education but has not
5 successfully completed the re-
6 mainder of such program,
7 \$9,500;

8 “(II) in the case of an inde-
9 pendent student, or a dependent stu-
10 dent whose parents are unable to bor-
11 row a loan under this part on behalf
12 of such student—

13 “(aa) who has not success-
14 fully completed the first year of a
15 program of undergraduate edu-
16 cation, \$11,500;

17 “(bb) who has successfully
18 completed such first year but has
19 not successfully completed the re-
20 mainder of a program of under-
21 graduate education, \$12,500; and

22 “(cc) who has successfully
23 completed the first and second
24 years of a program of under-
25 graduate education but has not

1 successfully completed the re-
2 mainder of such program,
3 \$14,500; and

4 “(III) in the case of a student
5 who is enrolled in a program of un-
6 dergraduate education that is less
7 than one academic year, the maximum
8 annual loan amount that such student
9 may receive may not exceed the
10 amount that bears the same ratio to
11 the amount specified in subclause (I)
12 or (II), as applicable, as the length of
13 such program measured in semester,
14 trimester, quarter, or clock hours
15 bears to one academic year.

16 “(ii) GRADUATE OR PROFESSIONAL
17 STUDENTS.—In the case of a graduate or
18 professional student for enrollment in a
19 program of graduate or professional edu-
20 cation at an eligible institution, \$28,500.

21 “(iii) PARENT BORROWERS.—In the
22 case of a parent borrowing a loan under
23 this part on behalf of a dependent student
24 for the student’s enrollment in a program

1 of undergraduate education at an eligible
2 institution, \$12,500 per each such student.

3 “(iv) COURSEWORK FOR UNDER-
4 GRADUATE ENROLLMENT.—With respect
5 to enrollment in coursework specified in
6 section 484(b)(3)(B) necessary for enroll-
7 ment in an undergraduate degree or cer-
8 tificate program—

9 “(I) in the case of a dependent
10 student, \$2,625;

11 “(II) in the case of a parent bor-
12 rowing a loan under this part on be-
13 half of a dependent student for the
14 student’s enrollment in such
15 coursework, \$6,000; and

16 “(III) in the case an independent
17 student, or a dependent student whose
18 parents are unable to borrow a loan
19 under this part on behalf of such stu-
20 dent, \$8,625.

21 “(v) COURSEWORK FOR GRADUATE OR
22 PROFESSIONAL ENROLLMENT OR TEACHER
23 EMPLOYMENT.—With respect to the enroll-
24 ment of a student who has obtained a bac-
25 calaureate degree in coursework specified

1 in section 484(b)(3)(B) necessary for en-
2 rollment in a graduate or professional de-
3 gree or certificate program, or coursework
4 specified in section 484(b)(4)(B) necessary
5 for a professional credential or certification
6 from a State required for employment as a
7 teacher in an elementary or secondary
8 school, in the case of a student (without
9 regard to whether the student is a depend-
10 ent student or dependent student),
11 \$12,500.

12 “(B) AGGREGATE LIMITS.—Except as pro-
13 vided under subparagraph (C), (D), or (E), the
14 maximum aggregate amount of loans under this
15 part and parts B and D that an eligible student
16 or parent borrower may borrow shall be—

17 “(i) for enrollment in a program of
18 undergraduate education at an eligible in-
19 stitution, including for enrollment in
20 coursework described in clause (iv) or (v)
21 of subparagraph (A)—

22 “(I) in the case of a dependent
23 student, \$39,000;

24 “(II) in the case of an inde-
25 pendent student, or a dependent stu-

1 dent whose parents are unable to re-
2 ceive a loan under this part on behalf
3 of such student, \$60,250, inclusive of
4 any amount previously borrowed by
5 the student as a dependent student;
6 and

7 “(III) in the case of a parent
8 borrowing a loan under this part on
9 behalf of a dependent student for the
10 student’s enrollment in such a pro-
11 gram, \$56,250 per each such student;
12 and

13 “(ii) in the case of a graduate or pro-
14 fessional student for enrollment in a pro-
15 gram of graduate or professional education
16 at an eligible institution, \$150,000, inclu-
17 sive of any amount previously borrowed by
18 the student for the student’s under-
19 graduate education.

20 “(C) APPLICATION OF LIMITS TO BOR-
21 ROWERS WITH PART B OR D LOANS.—

22 “(i) GRADUATE OR PROFESSIONAL
23 STUDENTS.—In the case of a graduate or
24 professional student who is not described
25 in subparagraph (E) and who has received

1 loans made under part B or D for enroll-
2 ment in a graduate or professional pro-
3 gram at an eligible institution, the total
4 amount of which equal or exceed \$28,500
5 as of the time of disbursement, the student
6 may continue to borrow the amount of
7 loans under this part necessary to complete
8 such program without regard to the aggre-
9 gate limit under subparagraph (B)(ii), ex-
10 cept that the—

11 “(I) amount of such loans shall
12 not exceed the annual limits under
13 subparagraph (A)(ii) for any academic
14 year beginning after June 30, 2021;
15 and

16 “(II) authority to borrow loans in
17 accordance with this subclause shall
18 terminate at the end of the academic
19 year ending before September 30,
20 2026.

21 “(ii) PARENT BORROWERS.—In the
22 case of a parent borrower who has received
23 loans made under part B or D on behalf
24 of a dependent student for the student’s
25 enrollment in a program of undergraduate

1 education at an eligible institution, the
2 total amount of which equal or exceed
3 \$12,500 for such student as of the time of
4 disbursement, the parent borrower may
5 continue to borrow the amount of loans
6 under this part necessary for such student
7 to complete such program without regard
8 to the aggregate limit under subparagraph
9 (B)(i)(III), except that the—

10 “(I) amount of such loans shall
11 not exceed the annual limits under
12 subparagraph (A)(iii) for any aca-
13 demic year beginning after June 30,
14 2021; and

15 “(II) the authority to borrow
16 loans in accordance with this sub-
17 clause shall terminate at the end of
18 the academic year ending before Sep-
19 tember 30, 2026.

20 “(D) INSTITUTIONAL DETERMINED LIM-
21 ITS.—

22 “(i) IN GENERAL.—Notwithstanding
23 any other provision of this subsection, an
24 eligible institution (at the discretion of a
25 financial aid administrator at the institu-

1 tion) may prorate or limit the amount of
2 a loan any student enrolled in a program
3 of study at that institution may borrow
4 under this part for an academic year—

5 “(I) if the institution, using the
6 most recently available data from the
7 Bureau of Labor Statistics for the av-
8 erage starting salary in the region in
9 which the institution is located for
10 typical occupations pursued by grad-
11 uates of such program, can reasonably
12 demonstrate that student debt levels
13 are or would be excessive for such
14 program;

15 “(II) in a case in which the stu-
16 dent is enrolled on a less than full-
17 time basis or the student is enrolled
18 for less than the period of enrollment
19 to which the annual loan limit applies
20 under this subsection, based on the
21 student’s enrollment status;

22 “(III) based on the credential
23 level (such as a degree, certificate, or
24 other recognized educational creden-

1 tial) that the student would attain
2 upon completion of such program; or

3 “(IV) based on the year of the
4 program for which the student is
5 seeking such loan.

6 “(ii) APPLICATION TO ALL STU-
7 DENTS.—Any proration or limiting of loan
8 amounts under clause (i) shall be applied
9 in the same manner to all students en-
10 rolled in the institution or program of
11 study.

12 “(iii) INCREASES FOR INDIVIDUAL
13 STUDENTS.—Upon the request of a stu-
14 dent whose loan amount for an academic
15 year has been prorated or limited under
16 clause (i), an eligible institution (at the
17 discretion of the financial aid adminis-
18 trator at the institution) may increase such
19 loan amount to an amount not exceeding
20 the annual loan amount applicable to such
21 student under this subparagraph for such
22 academic year if such student dem-
23 onstrates special circumstances or excep-
24 tional need.

1 “(E) INCREASES FOR CERTAIN GRADUATE
2 OR PROFESSIONAL STUDENTS.—

3 “(i) ADDITIONAL ANNUAL
4 AMOUNTS.—Subject to clause (iii) of this
5 subparagraph, in addition to the loan
6 amount for an academic year described in
7 subparagraph (A)(ii)—

8 “(I) a graduate or professional
9 student who is enrolled in a program
10 of study to become a doctor of
11 allopathic medicine, doctor of osteo-
12 pathic medicine, doctor of dentistry,
13 doctor of veterinary medicine, doctor
14 of optometry, doctor of podiatric med-
15 icine, doctor of naturopathic medicine,
16 or doctor of naturopathy may borrow
17 an additional—

18 “(aa) in the case of a pro-
19 gram with a 9-month academic
20 year, \$20,000 for an academic
21 year; or

22 “(bb) in the case of a pro-
23 gram with a 12-month academic
24 year, \$26,667 for an academic
25 year; and

1 “(II) a graduate or professional
2 student who is enrolled in a program
3 of study to become a doctor of phar-
4 macy, doctor of chiropractic medicine,
5 or a physician’s assistant, or receive a
6 graduate degree in public health, doc-
7 toral degree in clinical psychology, or
8 a masters or doctoral degree in health
9 administration may borrow an addi-
10 tional—

11 “(aa) in the case of a pro-
12 gram with a 9-month academic
13 year, \$12,500 for an academic
14 year; or

15 “(bb) in the case of a pro-
16 gram with a 12-month academic
17 year, \$16,667 for an academic
18 year.

19 “(ii) AGGREGATE LIMIT.—Subject to
20 clause (iii) of this subparagraph, the max-
21 imum aggregate amount of loans under
22 this part and parts B and D that a stu-
23 dent described in clause (i) may borrow
24 shall be \$235,500.

1 “(iii) LIMITATION.—In the case of a
2 graduate or professional student described
3 in clause (i) of this subparagraph who has
4 received loans made under part B or D for
5 enrollment in a graduate or professional
6 program at an eligible institution, the total
7 amount of which equal or exceed \$28,500
8 as of the time of disbursement, the student
9 may continue to borrow the amount of
10 loans under this part necessary to complete
11 such program without regard to the aggregate
12 limit under clause (ii) of this subparagraph,
13 except that the—

14 “(I) amount of such loans shall
15 not exceed the annual limits under
16 clause (i) of this subparagraph for
17 any academic year beginning after
18 June 30, 2021; and

19 “(II) authority to borrow loans in
20 accordance with this subclause shall
21 terminate at the end of the academic
22 year ending before September 30,
23 2024.

24 “(c) INTEREST RATE PROVISIONS FOR FEDERAL
25 ONE LOANS.—

1 “(1) UNDERGRADUATE ONE LOANS.—For Fed-
2 eral ONE Loans issued to undergraduate students,
3 the applicable rate of interest shall, for loans dis-
4 bursed during any 12-month period beginning on
5 July 1 and ending on June 30, be determined on the
6 preceding June 1 and be equal to the lesser of—

7 “(A) a rate equal to the high yield of the
8 10-year Treasury note auctioned at the final
9 auction held prior to such June 1 plus 2.05 per-
10 cent; or

11 “(B) 8.25 percent.

12 “(2) GRADUATE AND PROFESSIONAL ONE
13 LOANS.—For Federal ONE Loans issued to grad-
14 uate or professional students, the applicable rate of
15 interest shall, for loans disbursed during any 12-
16 month period beginning on July 1 and ending on
17 June 30, be determined on the preceding June 1
18 and be equal to the lesser of—

19 “(A) a rate equal to the high yield of the
20 10-year Treasury note auctioned at the final
21 auction held prior to such June 1 plus 3.6 per-
22 cent; or

23 “(B) 9.5 percent.

24 “(3) PARENT ONE LOANS.—For Federal ONE
25 Parent Loans, the applicable rate of interest shall,

1 for loans disbursed during any 12-month period be-
2 ginning on July 1 and ending on June 30, be deter-
3 mined on the preceding June 1 and be equal to the
4 lesser of—

5 “(A) a rate equal to the high yield of the
6 10-year Treasury note auctioned at the final
7 auction held prior to such June 1 plus 4.6 per-
8 cent; or

9 “(B) 10.5 percent.

10 “(4) CONSOLIDATION LOANS.—Any Federal
11 ONE Consolidation Loan for which the application
12 is received on or after July 1, 2021, shall bear inter-
13 est at an annual rate on the unpaid principal bal-
14 ance of the loan that is equal to the weighted aver-
15 age of the interest rates on the loans consolidated,
16 rounded to the nearest higher one-eighth of one per-
17 cent.

18 “(5) PUBLICATION.—The Secretary shall deter-
19 mine the applicable rates of interest under this sub-
20 section after consultation with the Secretary of the
21 Treasury and shall publish such rate in the Federal
22 Register as soon as practicable after the date of de-
23 termination.

1 “(6) RATE.—The applicable rate of interest de-
2 termined under this subsection for a loan under this
3 part shall be fixed for the period of the loan.

4 “(d) PROHIBITION ON CERTAIN REPAYMENT INCEN-
5 TIVES.—Notwithstanding any other provision of this part,
6 the Secretary is prohibited from authorizing or providing
7 any repayment incentive or subsidy not otherwise author-
8 ized under this part to encourage on-time repayment of
9 a loan under this part, including any reduction in the in-
10 terest paid by a borrower of such a loan, except that the
11 Secretary may provide for an interest rate reduction of
12 not more than 0.25 percentage points for a borrower who
13 agrees to have payments on such a loan automatically deb-
14 ited from a bank account.

15 “(e) LOAN FEE.—The Secretary shall not charge the
16 borrower of a loan made under this part an origination
17 fee.

18 “(f) ARMED FORCES STUDENT LOAN INTEREST
19 PAYMENT PROGRAM.—

20 “(1) AUTHORITY.—Using funds received by
21 transfer to the Secretary under section 2174 of title
22 10, United States Code, for the payment of interest
23 on a loan made under this part to a member of the
24 Armed Forces, the Secretary shall pay the interest
25 on the loan as due for a period not in excess of 36

1 consecutive months. The Secretary may not pay in-
2 terest on such a loan out of any funds other than
3 funds that have been so transferred.

4 “(2) DEFERMENT.—During the period in which
5 the Secretary is making payments on a loan under
6 paragraph (1), the Secretary shall grant the bor-
7 rower administrative deferment, in the form of a
8 temporary cessation of all payments on the loan
9 other than the payments of interest on the loan that
10 are made under that paragraph.

11 “(g) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY
12 SERVICE MEMBERS.—

13 “(1) IN GENERAL.—Notwithstanding any other
14 provision of this part and in accordance with para-
15 graphs (2) and (4), interest shall not accrue for an
16 eligible military borrower on a loan made under this
17 part.

18 “(2) CONSOLIDATION LOANS.—In the case of
19 any consolidation loan made under this part, interest
20 shall not accrue pursuant to this subsection only on
21 such portion of such loan as was used to repay a
22 loan made under this part or a loan made under
23 part D for which the first disbursement was made
24 on or after October 1, 2008, and before July 1,
25 2021.

1 “(3) ELIGIBLE MILITARY BORROWER.—In this
2 subsection, the term ‘eligible military borrower’
3 means an individual who—

4 “(A)(i) is serving on active duty during a
5 war or other military operation or national
6 emergency; or

7 “(ii) is performing qualifying National
8 Guard duty during a war or other military op-
9 eration or national emergency; and

10 “(B) is serving in an area of hostilities in
11 which service qualifies for special pay under
12 section 310 of title 37, United States Code.

13 “(4) LIMITATION.—An individual who qualifies
14 as an eligible military borrower under this sub-
15 section may receive the benefit of this subsection for
16 not more than 60 months.

17 **“SEC. 466. REPAYMENT.**

18 “(a) REPAYMENT PERIOD; COMMENCEMENT OF RE-
19 PAYMENT.—

20 “(1) REPAYMENT PERIOD.—

21 “(A) IN GENERAL.—In the case of a Fed-
22 eral ONE Loan (other than a Federal ONE
23 Consolidation Loan or a Federal ONE Parent
24 Loan)—

1 “(i) subject to clause (ii), the repay-
2 ment period shall—

3 “(I) exclude any period of au-
4 thorized deferment under section
5 469A; and

6 “(II) begin the day after 6
7 months after the date the student
8 ceases to carry at least one-half the
9 normal full-time academic workload
10 (as determined by the institution);
11 and

12 “(ii) interest shall begin to accrue or
13 be paid by the borrower on the day the
14 loan is disbursed.

15 “(B) CONSOLIDATION AND PARENT
16 LOANS.—In the case of a Federal ONE Consoli-
17 dation Loan or a Federal ONE Parent Loan,
18 the repayment period shall—

19 “(i) exclude any period of authorized
20 deferment; and

21 “(ii) begin—

22 “(I) on the day the loan is dis-
23 bursed; or

1 “(II) if the loan is disbursed in
2 multiple installments, on the day of
3 the last such disbursement.

4 “(C) ACTIVE DUTY EXCLUSION.—There
5 shall be excluded from the 6-month period that
6 begins on the date on which a student ceases to
7 carry at least one-half the normal full-time aca-
8 demic workload as described in subparagraph
9 (A) any period not to exceed 3 years during
10 which a borrower who is a member of a reserve
11 component of the Armed Forces named in sec-
12 tion 10101 of title 10, United States Code, is
13 called or ordered to active duty for a period of
14 more than 30 days (as defined in section
15 101(d)(2) of such title). Such period of exclu-
16 sion shall include the period necessary to re-
17 sume enrollment at the borrower’s next avail-
18 able regular enrollment period.

19 “(2) PAYMENT OF PRINCIPAL AND INTEREST.—

20 “(A) COMMENCEMENT OF REPAYMENT.—
21 Repayment of principal on loans made under
22 this part shall begin at the beginning of the re-
23 payment period described in paragraph (1).

24 “(B) CAPITALIZATION OF INTEREST.—

1 “(i) IN GENERAL.—Interest on loans
2 made under this part for which payments
3 of principal are not required during the 6-
4 month period described in paragraph
5 (1)(A)(i)(II) or for which payments are de-
6 ferred under section 469A shall—

7 “(I) be paid monthly or quar-
8 terly; or

9 “(II) be added to the principal
10 amount of the loan only—

11 “(aa) when the loan enters
12 repayment;

13 “(bb) at the expiration of a
14 the 6-month period described in
15 paragraph (1)(A)(i)(II);

16 “(cc) at the expiration of a
17 period of deferment, unless other-
18 wise exempted; or

19 “(dd) when the borrower de-
20 faults.

21 “(ii) MAXIMUM AGGREGATE LIMIT.—
22 Interest capitalized shall not be deemed to
23 exceed the amount equal to the maximum
24 aggregate limit of the loan under section
25 465(b).

1 “(C) NOTICE.—Not less than 60 days, and
2 again not less than 30 days, prior to the antici-
3 pated commencement of the repayment period
4 for a Federal ONE Loan, the Secretary shall
5 provide notice to the borrower—

6 “(i) that interest will accrue before re-
7 payment begins;

8 “(ii) that interest will be added to the
9 principal amount of the loan in the cases
10 described in subparagraph (B)(i)(II); and

11 “(iii) of the borrower’s option to begin
12 loan repayment prior to such repayment
13 period.

14 “(b) REPAYMENT AMOUNT.—

15 “(1) IN GENERAL.—The total of the payments
16 by a borrower, except as otherwise provided by an
17 income-based repayment plan under subsection (d),
18 during any year of any repayment period with re-
19 spect to the aggregate amount of all loans made
20 under this part to the borrower shall not (unless the
21 borrower and the Secretary otherwise agree), be less
22 than \$600 or the balance of all such loans (together
23 with interest thereon), whichever amount is less (but
24 in no instance less than the amount of interest due

1 and payable, notwithstanding any repayment plan
2 described in subsection (e)).

3 “(2) AMORTIZATION.—

4 “(A) INTEREST RATE.—The amount of the
5 periodic payment and the repayment schedule
6 for a loan made under this part shall be estab-
7 lished by assuming an interest rate equal to the
8 applicable rate of interest at the time of the
9 first disbursement of the loan.

10 “(B) ADJUSTMENT TO REPAYMENT
11 AMOUNT.—The note or other written evidence
12 of a loan under this part shall require that the
13 amount of the periodic payment will be adjusted
14 annually in order to reflect adjustments in—

15 “(i) interest rates occurring as a con-
16 sequence of variable rate loans under parts
17 B or D paid in conjunction with Federal
18 ONE Loans under subsection (d)(1)(B)(i);
19 or

20 “(ii) principal occurring as a con-
21 sequence of interest capitalization under
22 subsection (a)(2)(B).

23 “(c) REPAYMENT PLANS.—

24 “(1) DESIGN AND SELECTION.—Not more than
25 6 months prior to the date on which a borrower’s

1 first payment on a loan made under this part is due,
2 the Secretary shall offer the borrower two plans for
3 repayment of such loan, including principal and in-
4 terest on the loan. The borrower shall be entitled to
5 accelerate, without penalty, repayment on the bor-
6 rower's loans under this part. The borrower may
7 choose—

8 “(A) a standard repayment plan with a
9 fixed monthly repayment amount paid over a
10 fixed period of time, not to exceed 10 years; or

11 “(B) an income-based repayment plan
12 under subsection (d).

13 “(2) SELECTION BY SECRETARY.—If a bor-
14 rower of a loan made under this part does not select
15 a repayment plan described in paragraph (1), the
16 Secretary shall provide the borrower with the repay-
17 ment plan described in paragraph (1)(A).

18 “(3) CHANGES IN SELECTIONS.—

19 “(A) IN GENERAL.—Subject to subpara-
20 graph (B), the borrower of a loan made under
21 this part may change the borrower's selection of
22 a repayment plan under paragraph (1), or the
23 Secretary's selection of a plan for the borrower
24 under paragraph (2), as the case may be, under
25 such terms and conditions as may be estab-

1 lished by the Secretary, except that the Sec-
2 retary may not establish any terms or condi-
3 tions with respect to whether a borrower may
4 change the borrower’s repayment plan. Nothing
5 in this subsection shall prohibit the Secretary
6 from encouraging struggling borrowers from en-
7 rolling in the income-based repayment plan de-
8 scribed in subsection (d).

9 “(B) SAME REPAYMENT PLAN RE-
10 QUIRED.—All loans made under this part to a
11 borrower shall be repaid under the same repay-
12 ment plan under paragraph (1), except that the
13 borrower may repay a Federal ONE Parent
14 Loan or an Excepted Federal ONE Consolida-
15 tion Loan (as defined in subsection (d)(5)) sep-
16 arately from other loans made under this part
17 to the borrower.

18 “(4) REPAYMENT AFTER DEFAULT.—The Sec-
19 retary may require any borrower who has defaulted
20 on a loan made under this part to—

21 “(A) pay all reasonable collection costs as-
22 sociated with such loan; and

23 “(B) repay the loan pursuant to the in-
24 come-based repayment plan under subsection
25 (d).

1 “(5) REPAYMENT PERIOD.—For purposes of
2 calculating the repayment period under this sub-
3 section, such period shall commence at the time the
4 first payment of principal is due from the borrower.

5 “(6) INSTALLMENTS.— Repayment of loans
6 under this part shall be in installments in accord-
7 ance with the repayment plan selected under para-
8 graph (1) and commencing at the beginning of the
9 repayment period determined under paragraph (5).

10 “(d) INCOME-BASED REPAYMENT PROGRAM.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of this Act, the Secretary shall carry out
13 a program under which—

14 “(A) a borrower of any loan made under
15 this part (other than a Federal ONE Parent
16 Loan or an Excepted Federal ONE Consolida-
17 tion Loan) may elect to have the borrower’s ag-
18 gregate monthly payment for all such loans—

19 “(i) not to exceed the result obtained
20 by dividing by 12, 15 percent of the result
21 obtained by calculating, on at least an an-
22 nual basis, the amount by which—

23 “(I) the adjusted gross income of
24 the borrower or, if the borrower is
25 married and files a Federal income

1 tax return jointly with or separately
2 from the borrower's spouse, the ad-
3 justed gross income of the borrower
4 and the borrower's spouse; exceeds

5 “(II) 150 percent of the poverty
6 line applicable to the borrower's fam-
7 ily size as determined under section
8 673(2) of the Community Services
9 Block Grant Act (42 U.S.C. 9902(2));
10 and

11 “(ii) not to be less than \$25;

12 “(B) the Secretary adjusts the calculated
13 monthly payment under subparagraph (A), if—

14 “(i) in addition to the loans described
15 in subparagraph (A), the borrower has an
16 outstanding loan made under part B or D
17 (other than an excepted parent loan or an
18 excepted consolidation loan, as such terms
19 are defined in section 493C(a)), by deter-
20 mining the borrower's adjusted monthly
21 payment by multiplying—

22 “(I) the calculated monthly pay-
23 ment, by

24 “(II) the percentage of the total
25 outstanding principal amount of the

1 borrower's loans described in the mat-
2 ter preceding subclause (I), which are
3 described in subparagraph (A);

4 “(ii) the borrower and borrower's
5 spouse have loans described in subpara-
6 graph (A) and outstanding loans under
7 part B or D (other than an excepted par-
8 ent loan or an excepted consolidation loan,
9 as such terms are defined in section
10 493C(a)) and have filed a joint or separate
11 Federal income tax return, in which case
12 the Secretary determines—

13 “(I) each borrower's percentage
14 of the couple's total outstanding
15 amount of principal on such loans;

16 “(II) the adjusted monthly pay-
17 ment for each borrower by multiplying
18 the borrower's calculated monthly
19 payment by the percentage deter-
20 mined under subclause (I) applicable
21 to the borrower; and

22 “(III) if the borrower's loans are
23 held by multiple holders, the bor-
24 rower's adjusted monthly payment for
25 loans described in subparagraph (A)

1 by multiplying the adjusted monthly
2 payment determined under subclause
3 (II) by the percentage of the total
4 outstanding principal amount of the
5 borrower's loans described in the mat-
6 ter preceding subclause (I), which are
7 described in subparagraph (A);

8 “(C) the holder of such a loan shall apply
9 the borrower's monthly payment under this sub-
10 section first toward interest due on the loan,
11 next toward any fees due on the loan, and then
12 toward the principal of the loan;

13 “(D) any principal due and not paid under
14 subparagraph (C) shall be deferred;

15 “(E) any interest due and not paid under
16 subparagraph (C) shall be capitalized, at the
17 time the borrower—

18 “(i) ends the election to make income-
19 based repayment under this subsection; or

20 “(ii) begins making payments of not
21 less than the amount specified in subpara-
22 graph (G)(i);

23 “(F) the amount of time the borrower
24 makes monthly payments under subparagraph
25 (A) may exceed 10 years;

1 “(G) if the borrower no longer wishes to
2 continue the election under this subsection,
3 then—

4 “(i) the maximum monthly payment
5 required to be paid for all loans made to
6 the borrower under this part (other than a
7 Federal ONE Parent Loan or an Excepted
8 Federal ONE Consolidation Loan) shall
9 not exceed the monthly amount calculated
10 under subsection (c)(1)(A), based on a 10-
11 year repayment period, when the borrower
12 first made the election described in this
13 subsection; and

14 “(ii) the amount of time the borrower
15 is permitted to repay such loans may ex-
16 ceed 10 years;

17 “(H) the Secretary shall cancel any out-
18 standing balance (other than an amount equal
19 to the interest accrued during any period of in-
20 school deferment under subparagraph (A), (B),
21 or (F) of section 469A(b)(1)) due on all loans
22 made under this part (other than a Federal
23 ONE Parent Loan or an Excepted Federal
24 ONE Consolidation Loan) to a borrower—

1 “(i) who, at any time, elected to par-
2 ticipate in income-based repayment under
3 subparagraph (A);

4 “(ii) whose final monthly payment for
5 such loans prior to the loan cancellation
6 under this subparagraph was made under
7 such income-based repayment; and

8 “(iii) who has repaid, pursuant to in-
9 come-based repayment under subparagraph
10 (A), a standard repayment plan under sub-
11 section (c)(1)(A), or a combination—

12 “(I) an amount on such loans
13 that is equal to the total amount of
14 principal and interest that the bor-
15 rower would have repaid under a
16 standard repayment plan under sub-
17 section (c)(1)(A), based on a 10-year
18 repayment period, when the borrower
19 entered repayment on such loans; and

20 “(II) the amount of interest that
21 accrues during a period of deferment
22 described in section 469A prior to the
23 completion of the repayment period
24 described in subclause (I) on the por-
25 tion of such loans remaining to be re-

1 paid in accordance with such sub-
2 clause; and

3 “(I) a borrower who is repaying a loan
4 made under this part pursuant to income-based
5 repayment under subparagraph (A) may elect,
6 at any time during the 10-year period beginning
7 on the date the borrower entered repayment on
8 the loan, to terminate repayment pursuant to
9 such income-based repayment and repay such
10 loan under the standard repayment plan.

11 “(2) ELIGIBILITY DETERMINATIONS.—

12 “(A) IN GENERAL.—The Secretary shall
13 establish procedures for annual verification of a
14 borrower’s annual income and the annual
15 amount due on the total amount of loans made
16 under this part (other than a Federal ONE
17 Parent Loan or an Excepted Federal ONE
18 Consolidation Loan), and such other procedures
19 as are necessary to implement effectively in-
20 come-based repayment under this subsection,
21 including the procedures established with re-
22 spect to section 493C.

23 “(B) INCOME INFORMATION.—The Sec-
24 retary may obtain such information as is rea-
25 sonably necessary regarding the income of a

1 borrower (and the borrower’s spouse, if applica-
2 ble) of a loan made under this part that is, or
3 may be, repaid pursuant to income-based repay-
4 ment under this subsection, for the purpose of
5 determining the annual repayment obligation of
6 the borrower. The Secretary shall establish pro-
7 cedures for determining the borrower’s repay-
8 ment obligation on that loan for such year, and
9 such other procedures as are necessary to im-
10 plement effectively the income-based repayment
11 under this subsection.

12 “(C) BORROWER REQUIREMENTS.—A bor-
13 rower who chooses to repay a loan made under
14 this part pursuant to income-based repayment
15 under this subsection, and—

16 “(i) for whom adjusted gross income
17 is available and reasonably reflects the bor-
18 rower’s current income, shall, to the max-
19 imum extent practicable, provide to the
20 Secretary the Federal tax information of
21 the borrower; and

22 “(ii) for whom adjusted gross income
23 is unavailable or does not reasonably re-
24 flect the borrower’s current income, shall
25 provide to the Secretary other documenta-

1 tion of income satisfactory to the Sec-
2 retary, which documentation the Secretary
3 may use to determine an appropriate re-
4 payment schedule.

5 “(3) NOTIFICATION TO BORROWERS.—The Sec-
6 retary shall establish procedures under which a bor-
7 rower of a loan made under this part who chooses
8 to repay such loan pursuant to income-based repay-
9 ment under this subsection is notified of the terms
10 and conditions of such plan, including notification
11 that if a borrower considers that special cir-
12 cumstances, such as a loss of employment by the
13 borrower or the borrower’s spouse, warrant an ad-
14 justment in the borrower’s loan repayment as deter-
15 mined using the borrower’s Federal tax return infor-
16 mation, or the alternative documentation described
17 in paragraph (2)(C), the borrower may contact the
18 Secretary, who shall determine whether such adjust-
19 ment is appropriate, in accordance with criteria es-
20 tablished by the Secretary.

21 “(4) REDUCED PAYMENT PERIODS.—

22 “(A) IN GENERAL.—The Secretary shall
23 authorize borrowers meeting the criteria under
24 subparagraph (B) to make monthly payments

1 of \$5 for a period not in excess of 3 years, ex-
2 cept that—

3 “(i) for purposes of subparagraph
4 (B)(i), the Secretary may authorize re-
5 duced payments in 6-month increments,
6 beginning on the date the borrower pro-
7 vides to the Secretary the evidence de-
8 scribed in subclause (I) or (II) of subpara-
9 graph (B)(i); and

10 “(ii) for purposes of subparagraph
11 (B)(ii), the Secretary may authorize re-
12 duced payments in 3-month increments,
13 beginning on the date the borrower pro-
14 vides to the Secretary the evidence de-
15 scribed in subparagraph (B)(ii)(I).

16 “(B) ELIGIBILITY DETERMINATIONS.—The
17 Secretary shall authorize borrowers to make re-
18 duced payments under this paragraph in the
19 following circumstances:

20 “(i) In a case of borrower who is seek-
21 ing and unable to find full-time employ-
22 ment, as demonstrated by providing to the
23 Secretary—

1 “(I) evidence of the borrower’s
2 eligibility for unemployment benefits
3 to the Secretary; or

4 “(II) a written certification or an
5 equivalent that—

6 “(aa) the borrower has reg-
7 istered with a public or private
8 employment agency that is avail-
9 able to the borrower within a 50-
10 mile radius of the borrower’s
11 home address; and

12 “(bb) in the case of a bor-
13 rower that has been granted a re-
14 quest under this subparagraph,
15 the borrower has made at least
16 six diligent attempts during the
17 preceding six-month period to se-
18 cure full-time employment.

19 “(ii) The Secretary determines that,
20 due to high medical expenses, the \$25
21 monthly payment the borrower would oth-
22 erwise make would be an extreme economic
23 hardship to the borrower, if—

24 “(I) the borrower documents the
25 reason why the \$25 minimum pay-

1 ment is an extreme economic hard-
2 ship; and

3 “(II) the borrower recertifies the
4 reason for the \$5 minimum payment
5 on a three-month basis.

6 “(C) DEFINITION.—For purpose of this
7 section, the term ‘full-time employment’ means
8 employment that will provide not less than 30
9 hours of work a week and is expected to con-
10 tinue for a period of not less than 3 months.

11 “(5) DEFINITIONS.—In this subsection:

12 “(A) ADJUSTED GROSS INCOME.—The
13 term ‘adjusted gross income’ has the meaning
14 given the term in section 62 of the Internal
15 Revenue Code of 1986.

16 “(B) EXCEPTED FEDERAL ONE CONSOLI-
17 DATION LOAN.—The term ‘Excepted Federal
18 ONE Consolidation Loan’ means a Federal
19 ONE Consolidation Loan if the proceeds of
20 such loan were used to discharge the liability
21 on—

22 “(i) a Federal ONE Parent Loan;

23 “(ii) a Federal Direct PLUS Loan, or
24 a loan under section 428B, that is made,

1 insured, or guaranteed on behalf of a de-
2 pendent student;

3 “(iii) an excepted consolidation loan
4 (defined in section 493C); or

5 “(iv) a Federal ONE Consolidation
6 loan that was used to discharge the liabil-
7 ity on a loan described in clause (i), (ii),
8 or (iii).

9 “(e) RULES OF CONSTRUCTION.—Nothing in this
10 section shall be construed to authorize, with respect to
11 loans made under this part—

12 “(1) eligibility for a repayment plan that is not
13 described in subsection (c)(1) or section 468(c); or

14 “(2) the Secretary to—

15 “(A) carry out a repayment plan, which is
16 not described in subsection (c)(1) or section
17 468(c); or

18 “(B) modify a repayment plan that is de-
19 scribed in subsection (c)(1) or section 468(c).

20 **“SEC. 467. FEDERAL ONE PARENT LOANS.**

21 “(a) AUTHORITY TO BORROW.—

22 “(1) AUTHORITY AND ELIGIBILITY.—The par-
23 ent of a dependent student shall be eligible to bor-
24 row funds under this section in amounts specified in
25 subsection (b), if—

1 “(A) the parent is borrowing to pay for the
2 educational costs of a dependent student who
3 meets the requirements for an eligible student
4 under section 484(a);

5 “(B) the parent meets the applicable re-
6 quirements concerning defaults and overpay-
7 ments that apply to a student borrower;

8 “(C) the parent complies with the require-
9 ments for submission of a statement of edu-
10 cational purpose that apply to a student bor-
11 rower under section 484(a)(4)(A) (other than
12 the completion of a statement of selective serv-
13 ice registration status);

14 “(D) the parent meets the requirements
15 that apply to a student under section 437(a);

16 “(E) the parent—

17 “(i) does not have an adverse credit
18 history; or

19 “(ii) has an adverse credit history, but
20 has—

21 “(I) obtained an endorser who
22 does not have an adverse credit his-
23 tory or documented to the satisfaction
24 of the Secretary that extenuating cir-

1 cumstances exist in accordance with
2 paragraph (4)(D); and

3 “(II) completed Federal ONE
4 Parent Loan counseling offered by the
5 Secretary; and

6 “(F) in the case of a parent who has been
7 convicted of, or has pled nolo contendere or
8 guilty to, a crime involving fraud in obtaining
9 funds under this title, such parent has com-
10 pleted the repayment of such funds to the Sec-
11 retary, or to the holder in the case of a loan
12 under this title obtained by fraud.

13 “(2) TERMS, CONDITIONS, AND BENEFITS.—
14 Except as provided in subsections (c), (d), and (e),
15 loans made under this section shall have the same
16 terms, conditions, and benefits as all other loans
17 made under this part.

18 “(3) PARENT BORROWERS.—

19 “(A) DEFINITION.—For purposes of this
20 section, the term ‘parent’ includes a student’s
21 biological or adoptive mother or father or the
22 student’s stepparent, if the biological parent or
23 adoptive mother or father has remarried at the
24 time of filing the common financial reporting
25 form under section 483(a), and that spouse’s

1 income and assets would have been taken into
2 account when calculating the student's expected
3 family contribution.

4 “(B) CLARIFICATION.—Whenever nec-
5 essary to carry out the provisions of this sec-
6 tion, the terms ‘student’ and ‘borrower’ as used
7 in this part shall include a parent borrower
8 under this section.

9 “(4) ADVERSE CREDIT HISTORY DEFINITIONS
10 AND ADJUSTMENTS.—

11 “(A) DEFINITIONS.—For purposes of this
12 section:

13 “(i) IN GENERAL.—The term ‘adverse
14 credit history’, when used with respect to
15 a borrower, means that the borrower—

16 “(I) has one or more debts with
17 a total combined outstanding balance
18 equal to or greater than \$2,085, as
19 may be adjusted by the Secretary in
20 accordance with subparagraph (B),
21 that—

22 “(aa) are 90 or more days
23 delinquent as of the date of the
24 credit report; or

1 “(bb) have been placed in
2 collection or charged off during
3 the two years preceding the date
4 of the credit report; or

5 “(II) has been the subject of a
6 default determination, bankruptcy dis-
7 charge, foreclosure, repossession, tax
8 lien, wage garnishment, or write-off of
9 a debt under this title during the 5
10 years preceding the date of the credit
11 report.

12 “(ii) CHARGED OFF.—The term
13 ‘charged off’ means a debt that a creditor
14 has written off as a loss, but that is still
15 subject to collection action.

16 “(iii) IN COLLECTION.— The term ‘in
17 collection’ means a debt that has been
18 placed with a collection agency by a cred-
19 itor or that is subject to more intensive ef-
20 forts by a creditor to recover amounts
21 owed from a borrower who has not re-
22 sponded satisfactorily to the demands rou-
23 tinely made as part of the creditor’s billing
24 procedures.

25 “(B) ADJUSTMENTS.—

1 “(i) IN GENERAL.—In a case of a bor-
2 rower with a debt amount described in
3 subparagraph (A)(i), the Secretary shall
4 increase such debt amount, or its inflation-
5 adjusted equivalent, if the Secretary deter-
6 mines that an inflation adjustment to such
7 debt amount would result in an increase of
8 \$100 or more to such debt amount.

9 “(ii) INFLATION ADJUSTMENT.—In
10 making the inflation adjustment under
11 clause (i), the Secretary shall—

12 “(I) use the annual average per-
13 cent change of the All Items Con-
14 sumer Price Index for All Urban Con-
15 sumers, before seasonal adjustment,
16 as the measurement of inflation; and

17 “(II) if the adjustment calculated
18 under subclause (I) is equal to or
19 greater than \$100—

20 “(aa) add the adjustment to
21 the debt amount, or its inflation-
22 adjusted equivalent; and

23 “(bb) round up to the near-
24 est \$5.

1 “(iii) PUBLICATION.—The Secretary
2 shall publish a notice in the Federal Reg-
3 ister announcing any increase to the
4 threshold amount specified in subpara-
5 graph (A)(i)(I).

6 “(C) TREATMENT OF ABSENCE OF CREDIT
7 HISTORY.—For purposes of this section, the
8 Secretary shall not consider the absence of a
9 credit history as an adverse credit history and
10 shall not deny a Federal ONE Parent loan on
11 that basis.

12 “(D) EXTENUATING CIRCUMSTANCES.—
13 For purposes of this section, the Secretary may
14 determine that extenuating circumstances exist
15 based on documentation that may include—

16 “(i) an updated credit report for the
17 parent; or

18 “(ii) a statement from the creditor
19 that the parent has repaid or made satis-
20 factory arrangements to repay a debt that
21 was considered in determining that the
22 parent has an adverse credit history

23 “(b) LIMITATION BASED ON NEED.—Any loan under
24 this section may be counted as part of the expected family
25 contribution in the determination of need under this title,

1 but no loan may be made to any parent under this section
2 for any academic year in excess of the lesser of—

3 “(1) the student’s estimated cost of attendance
4 minus the student’s estimated financial assistance
5 (as calculated under section 465(b)(1)(A)); or

6 “(2) the established annual loan limits for such
7 loan under section 465(b).

8 “(c) PARENT LOAN DISBURSEMENT.—All loans
9 made under this section shall be disbursed in accordance
10 with the requirements of section 465(a) and shall be dis-
11 bursed by—

12 “(1) an electronic transfer of funds from the
13 lender to the eligible institution; or

14 “(2) a check copayable to the eligible institution
15 and the parent borrower.

16 “(d) PAYMENT OF PRINCIPAL AND INTEREST.—

17 “(1) COMMENCEMENT OF REPAYMENT.—Re-
18 payment of principal on loans made under this sec-
19 tion shall commence not later than 60 days after the
20 date such loan is disbursed by the Secretary, subject
21 to deferral—

22 “(A) during any period during which the
23 parent borrower meets the conditions required
24 for a deferral under section 469A; and

1 “(B) upon the request of the parent bor-
2 rower, during the 6-month period beginning, if
3 the parent borrower is also a student, the day
4 after the date such parent borrower ceases to
5 carry at least one-half such a workload.

6 “(2) MAXIMUM REPAYMENT PERIOD.—The
7 maximum repayment period for a loan made under
8 this section shall be a 10-year period beginning on
9 the commencement of such period described in para-
10 graph (1).

11 “(3) CAPITALIZATION OF INTEREST.—Interest
12 on loans made under this section for which pay-
13 ments of principal are deferred pursuant to para-
14 graph (1) shall, if agreed upon by the borrower and
15 the Secretary—

16 “(A) be paid monthly or quarterly; or

17 “(B) be added to the principal amount of
18 the loan not more frequently than quarterly by
19 the Secretary.

20 “(4) APPLICABLE RATES OF INTEREST.—Inter-
21 est on loans made pursuant to this section shall be
22 at the applicable rate of interest provided in section
23 465(c)(3) for loans made under this section.

24 “(5) AMORTIZATION.—Section 466(b)(2) shall
25 apply to each loan made under this section.

1 “(e) VERIFICATION OF IMMIGRATION STATUS AND
2 SOCIAL SECURITY NUMBER.—A parent who wishes to
3 borrow funds under this section shall be subject to
4 verification of the parent’s—

5 “(1) immigration status in the same manner as
6 immigration status is verified for students under
7 section 484(g); and

8 “(2) social security number in the same manner
9 as social security numbers are verified for students
10 under section 484(p).

11 “(f) DESIGNATION.—For purposes of this Act, the
12 Federal ONE Loans described in this section shall be
13 known as ‘Federal ONE Parent Loans’.

14 **“SEC. 468. FEDERAL ONE CONSOLIDATION LOANS.**

15 “(a) TERMS AND CONDITIONS.—In making consoli-
16 dation loans under this section, the Secretary shall—

17 “(1) not make such a loan to an eligible bor-
18 rower, unless the Secretary has determined, in ac-
19 cordance with reasonable and prudent business prac-
20 tices, for each loan being consolidated, that the
21 loan—

22 “(A) is a legal, valid, and binding obliga-
23 tion of the borrower; and

24 “(B) was made and serviced in compliance
25 with applicable laws and regulations;

1 “(2) ensure that each consolidation loan made
2 under this section will bear interest, and be subject
3 to repayment, in accordance with subsection (c), ex-
4 cept as otherwise provided under subsections (f) and
5 (g) of section 465;

6 “(3) ensure that each consolidation loan will be
7 made, notwithstanding any other provision of this
8 part limiting the annual or aggregate principal
9 amount for all loans made to a borrower, in an
10 amount which is equal to the sum of the unpaid
11 principal and accrued unpaid interest and late
12 charges of all eligible student loans received by the
13 eligible borrower which are selected by the borrower
14 for consolidation;

15 “(4) ensure that the proceeds of each consolida-
16 tion loan will be paid by the Secretary to the holder
17 or holders of the loans so selected to discharge the
18 liability on such loans;

19 “(5) disclose to a prospective borrower, in sim-
20 ple and understandable terms, at the time the Sec-
21 retary provides an application for a consolidation
22 loan—

23 “(A) with respect to a loan made, insured,
24 or guaranteed under this part, part B, or part

1 D, that if a borrower includes such a loan in
2 the consolidation loan—

3 “(i) that the consolidation would re-
4 sult in a loss of loan benefits; and

5 “(ii) which specific loan benefits the
6 borrower would lose, including the loss of
7 eligibility for loan forgiveness (including
8 loss of eligibility for interest rate forgive-
9 ness), cancellation, deferment, forbearance,
10 interest-free periods, or loan repayment
11 programs that would have been available
12 for such a loan; and

13 “(B) with respect to Federal Perkins
14 Loans under this part (as this part was in ef-
15 fect on the day before the date of enactment of
16 the HOPE Act)—

17 “(i) that if a borrower includes such a
18 Federal Perkins Loan in the consolidation
19 loan, the borrower will lose all interest-free
20 periods that would have been available for
21 the Federal Perkins Loan, such as—

22 “(I) the periods during which no
23 interest accrues on such loan while
24 the borrower is enrolled in an institu-

1 tion of higher education at least half-
2 time;

3 “(II) the grace period under sec-
4 tion 464(c)(1)(A) (as such section was
5 in effect on the day before the date of
6 enactment of the HOPE Act); and

7 “(III) the periods during which
8 the borrower’s student loan repay-
9 ments are deferred under section
10 464(c)(2) (as such section was in ef-
11 fect on the day before the date of en-
12 actment of the HOPE Act); and

13 “(ii) that if a borrower includes such
14 a Federal Perkins Loan in the consolida-
15 tion loan, the borrower will no longer be el-
16 igible for cancellation of part or all of the
17 Federal Perkins Loan under section 465(a)
18 (as such section was in effect on the day
19 before the date of enactment of the HOPE
20 Act); and

21 “(iii) the occupations listed in section
22 465 that qualify for Federal Perkins Loan
23 cancellation under section 465(a) (as such
24 section was in effect on the day before the
25 date of enactment of the HOPE Act);

1 “(C) the repayment plans that are avail-
2 able to the borrower under section (c);

3 “(D) the options of the borrower to prepay
4 the consolidation loan, to pay such loan on a
5 shorter schedule, and to change repayment
6 plans;

7 “(E) the consequences of default on the
8 consolidation loan; and

9 “(F) that by applying for a consolidation
10 loan, the borrower is not obligated to agree to
11 take the consolidation loan; and

12 “(6) not make such a loan to an eligible bor-
13 rower, unless—

14 “(A) the borrower has agreed to notify the
15 Secretary promptly concerning any change of
16 address; and

17 “(B) the loan is evidenced by a note or
18 other written agreement which—

19 “(i) is made without security and
20 without endorsement, except that if—

21 “(I) the borrower is a minor and
22 such note or other written agreement
23 executed by him or her would not,
24 under applicable law, create a binding

1 obligation, endorsement may be re-
2 quired; or

3 “(II) the borrower desires to in-
4 clude in the consolidation loan, a Fed-
5 eral ONE Parent Loan, or a loan
6 under section 428B, or a Federal Di-
7 rect PLUS loan, made on behalf of a
8 dependent student, endorsement shall
9 be required;

10 “(ii) provides for the payment of in-
11 terest and the repayment of principal as
12 described in paragraph (2);

13 “(iii) provides that during any period
14 for which the borrower would be eligible
15 for a deferral under section 469A, which
16 period shall not be included in determining
17 the repayment schedule pursuant to sub-
18 section (c)—

19 “(I) periodic installments of prin-
20 cipal need not be paid, but interest
21 shall accrue and be paid by the bor-
22 rower or be capitalized; and

23 “(II) except as otherwise pro-
24 vided under subsections (f) and (g) of
25 section 465, the Secretary shall not

1 pay interest on any portion of the
2 consolidation loan, without regard to
3 whether the portion repays Federal
4 Stafford Loans for which the student
5 borrower received an interest subsidy
6 under section 428 or Federal Direct
7 Stafford Loans for which the bor-
8 rower received an interest subsidy
9 under section 455;

10 “(iv) entitles the borrower to accel-
11 erate without penalty repayment of the
12 whole or any part of the loan; and

13 “(v) contains a notice of the system of
14 disclosure concerning such loan to con-
15 sumer reporting agencies under section
16 430A, and provides that the Secretary on
17 request of the borrower will provide infor-
18 mation on the repayment status of the
19 note to such consumer reporting agencies.

20 “(b) NONDISCRIMINATION IN LOAN CONSOLIDA-
21 TION.—The Secretary shall not discriminate against any
22 borrower seeking a loan under this section—

23 “(1) based on the number or type of eligible
24 student loans the borrower seeks to consolidate;

1 “(2) based on the type or category of institu-
2 tion of higher education that the borrower attended;

3 “(3) based on the interest rate to be charged to
4 the borrower with respect to the consolidation loan;
5 or

6 “(4) with respect to the types of repayment
7 schedules offered to such borrower.

8 “(c) PAYMENT OF PRINCIPAL AND INTEREST.—

9 “(1) REPAYMENT SCHEDULES.—

10 “(A) ESTABLISHMENT.—

11 “(i) IN GENERAL.—Notwithstanding
12 any other provision of this part, the Sec-
13 retary shall—

14 “(I) establish repayment terms
15 as will promote the objectives of this
16 section; and

17 “(II) provide a borrower with the
18 option of the standard-repayment plan
19 or income-based repayment plan
20 under section 466(d) in lieu of such
21 repayment terms.

22 “(ii) SCHEDULE TERMS.—The repay-
23 ment terms established under clause (i)(I)
24 shall require that if the sum of the consoli-
25 dation loan and the amount outstanding on

1 other eligible student loans to the indi-
2 vidual—

3 “(I) is less than \$7,500, then
4 such consolidation loan shall be repaid
5 in not more than 10 years;

6 “(II) is equal to or greater than
7 \$7,500 but less than \$10,000, then
8 such consolidation loan shall be repaid
9 in not more than 12 years;

10 “(III) is equal to or greater than
11 \$10,000 but less than \$20,000, then
12 such consolidation loan shall be repaid
13 in not more than 15 years;

14 “(IV) is equal to or greater than
15 \$20,000 but less than \$40,000, then
16 such consolidation loan shall be repaid
17 in not more than 20 years;

18 “(V) is equal to or greater than
19 \$40,000 but less than \$60,000, then
20 such consolidation loan shall be repaid
21 in not more than 25 years; or

22 “(VI) is equal to or greater than
23 \$60,000, then such consolidation loan
24 shall be repaid in not more than 30
25 years.

1 “(B) LIMITATION.—The amount out-
2 standing on other eligible student loans which
3 may be counted for the purpose of subpara-
4 graph (A) may not exceed the amount of the
5 consolidation loan.

6 “(2) ADDITIONAL REPAYMENT REQUIRE-
7 MENTS.—Notwithstanding paragraph (1)—

8 “(A) except in the case of an income-based
9 repayment schedule under section 466(d), a re-
10 payment schedule established with respect to a
11 consolidation loan shall require that the min-
12 imum installment payment be an amount equal
13 to not less than the accrued unpaid interest;
14 and

15 “(B) an income-based repayment schedule
16 under section 466(d) shall not be available to a
17 consolidation loan borrower who—

18 “(i) used the proceeds of a Federal
19 ONE Consolidation loan to discharge the
20 liability—

21 “(I) on a loan under section
22 428B made on behalf of a dependent
23 student;

1 “(II) a Federal Direct PLUS
2 loan made on behalf of a dependent
3 student;

4 “(III) a Federal ONE Parent
5 loan; or

6 “(IV) an excepted consolidation
7 loan (defined in section 493C); or

8 “(ii) used the proceeds of a subse-
9 quent Federal ONE Consolidation loan to
10 discharge the liability on a Federal ONE
11 Consolidation loan described in clause (i).

12 “(3) COMMENCEMENT OF REPAYMENT.—Re-
13 payment of a consolidation loan shall commence
14 within 60 days after all holders have, pursuant to
15 subsection (a)(4), discharged the liability of the bor-
16 rower on the loans selected for consolidation.

17 “(4) INTEREST RATE.—A consolidation loan
18 made under this section shall bear interest at an an-
19 nual rate described in section 465(c)(4).

20 “(d) INSURANCE RULE.—Any insurance premium
21 paid by the borrower under subpart I of part A of title
22 VII of the Public Health Service Act with respect to a
23 loan made under that subpart and consolidated under this
24 section shall be retained by the student loan insurance ac-

1 count established under section 710 of the Public Health
2 Service Act.

3 “(e) DEFINITIONS.—For the purpose of this section:

4 “(1) ELIGIBLE BORROWER.—

5 “(A) IN GENERAL.—The term ‘eligible bor-
6 rower’ means a borrower who—

7 “(i) is not subject to a judgment se-
8 cured through litigation with respect to a
9 loan under this title or to an order for
10 wage garnishment under section 488A; and

11 “(ii) at the time of application for a
12 consolidation loan—

13 “(I) is in repayment status as de-
14 termined under section 466(a)(1);

15 “(II) is in a grace period pre-
16 ceding repayment; or

17 “(III) is a defaulted borrower
18 who has made arrangements to repay
19 the obligation on the defaulted loans
20 satisfactory to the holders of the de-
21 faulted loans.

22 “(B) TERMINATION OF STATUS AS AN ELI-
23 GIBLE BORROWER.—An individual’s status as
24 an eligible borrower under this section termi-

1 nates upon receipt of a consolidation loan under
2 this section, except that—

3 “(i) an individual who receives eligible
4 student loans after the date of receipt of
5 the consolidation loan may receive a subse-
6 quent consolidation loan;

7 “(ii) loans received prior to the date
8 of the consolidation loan may be added
9 during the 180-day period following the
10 making of the consolidation loan;

11 “(iii) loans received following the
12 making of the consolidation loan may be
13 added during the 180-day period following
14 the making of the consolidation loan;

15 “(iv) loans received prior to the date
16 of the first consolidation loan may be
17 added to a subsequent consolidation loan;
18 and

19 “(v) an individual may obtain a subse-
20 quent consolidation loan for the purpose—

21 “(I) of income-based repayment
22 under section 466(d) only if the loan
23 has been submitted for default aver-
24 sion or if the loan is already in de-
25 fault;

1 “(II) of using the no accrual of
2 interest for active duty service mem-
3 bers benefit offered under section
4 465(g); of

5 “(III) of submitting an applica-
6 tion under section 469B(d) for a bor-
7 rower defense to repayment of a loan
8 made, insured, or guaranteed under
9 this title.

10 “(2) ELIGIBLE STUDENT LOANS.—For the pur-
11 pose of paragraph (1), the term ‘eligible student
12 loans’ means loans—

13 “(A) made, insured, or guaranteed under
14 part B, and first disbursed before July 1, 2010,
15 including loans on which the borrower has de-
16 faulted (but has made arrangements to repay
17 the obligation on the defaulted loans satisfac-
18 tory to the Secretary or guaranty agency,
19 whichever insured the loans);

20 “(B) made under part D of this title, and
21 first disbursed before July 1, 2021;

22 “(C) made under this part before Sep-
23 tember 30, 2019;

24 “(D) made under this part on or after the
25 date of enactment of the HOPE Act;

1 “(E) made under subpart II of part A of
2 title VII of the Public Health Service Act; or

3 “(F) made under part E of title VIII of
4 the Public Health Service Act.

5 “(f) DESIGNATION.—For purposes of this Act, the
6 Federal ONE Loans described in this section shall be
7 known as ‘Federal ONE Consolidation Loans’.

8 **“SEC. 469. TEMPORARY LOAN CONSOLIDATION AUTHORITY.**

9 “(a) IN GENERAL.—A borrower who has 1 or more
10 loans in 2 or more of the categories described in subsection
11 (b), and who has not yet entered repayment on 1 or more
12 of those loans in any of the categories, may consolidate
13 all of the loans of the borrower that are described in sub-
14 section (b) into a Federal ONE Consolidation Loan during
15 the period described in subsection (c).

16 “(b) CATEGORIES OF LOANS THAT MAY BE CON-
17 SOLIDATED.—The categories of loans that may be consoli-
18 dated under this section are—

19 “(1) loans made under this part before October
20 1, 2019 and on or after July 1, 2021;

21 “(2) loans purchased by the Secretary pursuant
22 to section 459A;

23 “(3) loans made under part B that are held by
24 an eligible lender, as such term is defined in section
25 435(d); and

1 “(4) loans made under part D.

2 “(c) TIME PERIOD IN WHICH LOANS MAY BE CON-
3 SOLIDATED.—The Secretary may make a Federal ONE
4 Consolidation Loan under this section to a borrower whose
5 application for such Federal ONE Consolidation Loan is
6 received on or after July 1, 2021, and before July 1, 2026.

7 “(d) TERMS OF LOANS.—A Federal ONE Consolida-
8 tion Loan made under this subsection shall have the same
9 terms and conditions as a Federal ONE Consolidation
10 Loan made under section 468, except that in determining
11 the applicable rate of interest on the Federal ONE Con-
12 solidation Loan made under this section, section 465(c)(4)
13 shall be applied without rounding the weighted average of
14 the interest rate on the loans consolidated to the nearest
15 higher one-eighth of one percent as in such section.

16 **“SEC. 469A. DEFERMENT.**

17 “(a) EFFECT ON PRINCIPAL AND INTEREST.—A bor-
18 rower of a loan made under this part who meets the re-
19 quirements described in subsection (b) shall be eligible for
20 a deferment during which installments of principal need
21 not be paid and, unless otherwise provided in this sub-
22 section, interest shall accrue and be capitalized or paid
23 by the borrower.

24 “(b) ELIGIBILITY.—A borrower of a loan made under
25 this part shall be eligible for a deferment—

1 “(1) during any period during which the bor-
2 rower—

3 “(A) is carrying at least one-half the nor-
4 mal full-time work load for the course of study
5 that the borrower is pursuing, as determined by
6 the eligible institution the borrower is attend-
7 ing;

8 “(B) is pursuing a course of study pursu-
9 ant to—

10 “(i) an eligible graduate fellowship
11 program in accordance with subsection (g);
12 or

13 “(ii) an eligible rehabilitation training
14 program for individuals with disabilities in
15 accordance with subsection (i);

16 “(C) is serving on active duty during a war
17 or other military operation or national emer-
18 gency, and for the 180-day period following the
19 demobilization date for such service;

20 “(D) is performing qualifying National
21 Guard duty during a war or other military op-
22 eration or national emergency, and for the 180-
23 day period following the demobilization date for
24 such service;

1 “(E) is a member of the National Guard
2 who is not eligible for a post-active duty
3 deferment under section 493D and is engaged
4 in active State duty for a period of more than
5 30 consecutive days beginning—

6 “(i) the day after 6 months after the
7 date the student ceases to carry at least
8 one-half the normal full-time academic
9 workload (as determined by the institu-
10 tion); or

11 “(ii) the day after the borrower ceases
12 enrollment on at least a half-time basis, for
13 a loan in repayment;

14 “(F) is serving in a medical or dental in-
15 ternship or residency program, the successful
16 completion of which is required to begin profes-
17 sional practice or service, or is serving in a
18 medical or dental internship or residency pro-
19 gram leading to a degree or certificate awarded
20 by an institution of higher education, a hos-
21 pital, or a health care facility that offers post-
22 graduate training; or

23 “(G) is eligible for interest payments to be
24 made on a loan made under this part for serv-
25 ice in the Armed Forces under section 2174 of

1 title 10, United States Code, and pursuant to
2 that eligibility, the interest is being paid on
3 such loan under section 465(f);

4 “(2) during a period sufficient to enable the
5 borrower to resume honoring the agreement to repay
6 the outstanding balance of principal and interest on
7 the loan after default, if—

8 “(A) the borrower signs a new agreement
9 to repay such outstanding balance;

10 “(B) the deferment period is limited to
11 120 days; and

12 “(C) such deferment is not granted for
13 consecutive periods;

14 “(3) during a period of administrative
15 deferment described in subsection (j); or

16 “(4) in the case of a borrower of a Federal
17 ONE Parent Loan or an Excepted Federal ONE
18 Consolidation Loan, during a period described in
19 subsection (k).

20 “(c) LENGTH OF DEFERMENT.—A deferment grant-
21 ed by the Secretary—

22 “(1) under subparagraph (F) or (G) of sub-
23 section (b)(1) shall be renewable at 12 month inter-
24 vals;

1 “(2) under subparagraph (F) of subsection
2 (b)(1) shall equal the length of time remaining in
3 the borrower’s medical or dental internship or resi-
4 dency program; and

5 “(3) under subparagraph (G) of subsection
6 (b)(1) shall not exceed 3 years.

7 “(d) REQUEST AND DOCUMENTATION.—The Sec-
8 retary shall determine the eligibility of a borrower for a
9 deferment under paragraphs (1), (2), or (4) of subsection
10 (b), or in the case of a loan for which an endorser is re-
11 quired, an endorser’s eligibility for a deferment under
12 paragraph (2) or (4) or eligibility to request a deferment
13 under paragraph (1), based on—

14 “(1) the receipt of a request for a deferment
15 from the borrower or the endorser, and documenta-
16 tion of the borrower’s or endorser’s eligibility for the
17 deferment or eligibility to request the deferment;

18 “(2) receipt of a completed loan application
19 that documents the borrower’s eligibility for a
20 deferment;

21 “(3) receipt of a student status information
22 documenting that the borrower is enrolled on at
23 least a half-time basis; or

24 “(4) the Secretary’s confirmation of the bor-
25 rower’s half-time enrollment status, if the confirma-

1 tion is requested by the institution of higher edu-
2 cation.

3 “(e) NOTIFICATION.—The Secretary shall—

4 “(1) notify a borrower of a loan made under
5 this part—

6 “(A) the granting of a deferment under
7 this subsection on such loan; and

8 “(B) the option of the borrower to con-
9 tinue making payments on the outstanding bal-
10 ance of principal and interest on such loan in
11 accordance with subsection (f);

12 “(2) at the time the Secretary grants a
13 deferment to a borrower of a loan made under this
14 part, and not less frequently than once every 180
15 days during the period of such deferment, provide
16 information to the borrower to assist the borrower in
17 understanding—

18 “(A) the effect of granting a deferment on
19 the total amount to be paid under the income-
20 based repayment plan under 466(d);

21 “(B) the fact that interest will accrue on
22 the loan for the period of deferment, other than
23 for a deferment granted under subsection
24 (b)(1)(G);

1 “(C) the amount of unpaid principal and
2 the amount of interest that has accrued since
3 the last statement of such amounts provided to
4 the borrower;

5 “(D) the amount of interest that will be
6 capitalized, and the date on which capitalization
7 will occur;

8 “(E) the effect of the capitalization of in-
9 terest on the borrower’s loan principal and on
10 the total amount of interest to be paid on the
11 loan;

12 “(F) the option of the borrower to pay the
13 interest that has accrued before the interest is
14 capitalized; and

15 “(G) the borrower’s option to discontinue
16 the deferment at any time.

17 “(f) FORM OF DEFERMENT.—The form of a
18 deferment granted under this subsection on a loan made
19 under this part shall be temporary cessation of all pay-
20 ments on such loan, except that—

21 “(1) in the case of a deferment granted under
22 subsection (b)(1)(G), payments of interest on the
23 loan will be made by the Secretary under section
24 465(f) during such period of deferment; and

1 “(2) a borrower may make payments on the
2 outstanding balance of principal and interest on
3 such loan during any period of deferment granted
4 under this subsection.

5 “(g) GRADUATE FELLOWSHIP DEFERMENT.—

6 “(1) IN GENERAL.—A borrower of a loan under
7 this part is eligible for a deferment under subsection
8 (b)(1)(B)(i) during any period for which an author-
9 ized official of the borrower’s graduate fellowship
10 program certifies that the borrower meets the re-
11 quirements of paragraph (2) and is pursuing a
12 course of study pursuant to an eligible graduate fel-
13 lowship program.

14 “(2) BORROWER REQUIREMENTS.—A borrower
15 meets the requirements of this subparagraph if the
16 borrower—

17 “(A) holds at least a baccalaureate degree
18 conferred by an institution of higher education;

19 “(B) has been accepted or recommended
20 by an institution of higher education for accept-
21 ance on a full-time basis into an eligible grad-
22 uate fellowship program; and

23 “(C) is not serving in a medical internship
24 or residency program, except for a residency
25 program in dentistry.

1 “(h) TREATMENT OF STUDY OUTSIDE THE UNITED
2 STATES.—

3 “(1) IN GENERAL.—The Secretary shall treat,
4 in the same manner as required under section
5 428(b)(4), any course of study at a foreign univer-
6 sity that is accepted for the completion of a recog-
7 nized international fellowship program by the admin-
8 istrator of such a program as an eligible graduate
9 fellowship program.

10 “(2) REQUESTS FOR DEFERMENT.—Requests
11 for deferment of repayment of loans under this sub-
12 section by students engaged in graduate or post-
13 graduate fellowship-supported study (such as pursu-
14 ant to a Fulbright grant) outside the United States
15 shall be approved until completion of the period of
16 the fellowship, in the same manner as required
17 under section 428(b)(4).

18 “(i) REHABILITATION TRAINING PROGRAM
19 DEFERMENT.—A borrower of a loan under this part is
20 eligible for a deferment under subsection (b)(1)(B)(ii) dur-
21 ing any period for which an authorized official of the bor-
22 rower’s rehabilitation training program certifies that the
23 borrower is pursuing an eligible rehabilitation training
24 program for individuals with disabilities.

1 “(j) ADMINISTRATIVE DEFERMENTS.—The Secretary
2 may grant a deferment to a borrower or, in the case of
3 a loan for which an endorser is required, an endorser,
4 without requiring a request and documentation from the
5 borrower or the endorser under subsection (d) for—

6 “(1) a period during which the borrower was
7 delinquent at the time a deferment is granted, in-
8 cluding a period for which scheduled payments of
9 principal and interest were overdue at the time such
10 deferment is granted;

11 “(2) a period during which the borrower or the
12 endorser was granted a deferment under this sub-
13 section but for which the Secretary determines the
14 borrower or the endorser should not have qualified;

15 “(3) a period necessary for the Secretary to de-
16 termine the borrower’s eligibility for the cancellation
17 of the obligation of the borrower to repay the loan
18 under section 437;

19 “(4) a period during which the Secretary has
20 authorized deferment due to a national military mo-
21 bilization or other local or national emergency; or

22 “(5) a period not to exceed 60 days, during
23 which interest shall accrue but not be capitalized, if
24 the Secretary reasonably determines that a suspen-
25 sion of collection activity is warranted to enable the

1 Secretary to process supporting documentation relat-
2 ing to a borrower's request—

3 “(A) for a deferment under this sub-
4 section;

5 “(B) for a change in repayment plan under
6 section 466(c); or

7 “(C) to consolidate loans under section
8 468.

9 “(k) DEFERMENTS FOR PARENT OR EXCEPTED CON-
10 SOLIDATION LOANS.—

11 “(1) IN GENERAL.—A qualified borrower shall
12 be eligible for deferments under paragraphs (3)
13 through (5).

14 “(2) QUALIFIED BORROWER DEFINED.—In this
15 subsection, the term ‘qualified borrower’ means—

16 “(A) a borrower of a Federal ONE Parent
17 Loan or an Excepted Federal ONE Consolida-
18 tion Loan; or

19 “(B) in the case of such a loan for which
20 an endorser is required, the endorser of such
21 loan.

22 “(3) ECONOMIC HARDSHIP DEFERMENT.—

23 “(A) IN GENERAL.—A qualified borrower
24 shall be eligible for a deferment during periods,
25 not to exceed 3 years in total, during which the

1 qualified borrower experiences an economic
2 hardship described in subparagraph (B).

3 “(B) ECONOMIC HARDSHIP.—An economic
4 hardship described in this clause is a period
5 during which the qualified borrower—

6 “(i) is receiving payment under a
7 means-tested benefit program;

8 “(ii) is employed full-time and the
9 monthly gross income of the qualified bor-
10 rower does not exceed the greater of—

11 “(I) the minimum wage rate de-
12 scribed in section 6 of the Fair Labor
13 Standards Act of 1938 (29 U.S.C.
14 206); or

15 “(II) an amount equal to 150
16 percent of the poverty line; or

17 “(iii) demonstrates that the sum of
18 the qualified borrower’s monthly payments
19 on the qualified borrower’s Federal ONE
20 Parent Loan or Excepted Federal ONE
21 Consolidation Loan is not less than 20 per-
22 cent of the qualified borrower’s monthly
23 gross income.

24 “(C) ELIGIBILITY.—To be eligible to re-
25 ceive a deferment under this subparagraph, a

1 qualified borrower shall submit to the Sec-
2 retary—

3 “(i) for the first period of deferment
4 under this subparagraph, evidence showing
5 the monthly gross income of the qualified
6 borrower; and

7 “(ii) for a subsequent period of
8 deferment that begins less than one year
9 after the end of a period of deferment
10 granted under this subparagraph—

11 “(I) evidence showing the month-
12 ly gross income of the qualified bor-
13 rower; or

14 “(II) the qualified borrower’s
15 most recently filed Federal income tax
16 return, if such a return was filed in
17 either of the two tax years preceding
18 the year in which the qualified bor-
19 rower requests the subsequent period
20 of deferment.

21 “(4) UNEMPLOYMENT DEFERMENT.—

22 “(A) IN GENERAL.—A qualified borrower
23 shall be eligible for a deferment for periods dur-
24 ing which the qualified borrower is seeking, and
25 is unable to find, full-time employment.

1 “(B) ELIGIBILITY.—

2 “(i) IN GENERAL.—To be eligible to
3 receive an deferment under this subpara-
4 graph, a qualified borrower shall submit to
5 the Secretary—

6 “(I) evidence of the qualified bor-
7 rower’s eligibility for unemployment
8 benefits; or

9 “(II) written confirmation, or an
10 equivalent as approved by the Sec-
11 retary, that—

12 “(aa) the qualified borrower
13 has registered with a public or
14 private employment agency, if
15 one is available to the borrower
16 within 50 miles of the qualified
17 borrower’s address; and

18 “(bb) for requests submitted
19 after the initial request, the
20 qualified borrower has made at
21 least six diligent attempts during
22 the preceding six-month period to
23 secure full-time employment.

24 “(ii) ACCEPTANCE OF EMPLOY-
25 MENT.—A qualified borrower shall not be

1 eligible for a deferment under this sub-
2 paragraph if the qualified borrower refuses
3 to seek or accept employment in types of
4 positions or at salary levels or responsi-
5 bility levels for which the qualified bor-
6 rower feels overqualified based on the
7 qualified borrower's education or previous
8 experience.

9 “(C) TERMS OF DEFERMENT.—The fol-
10 lowing terms shall apply to a deferment under
11 this subparagraph:

12 “(i) INITIAL PERIOD.—The first
13 deferment granted to a qualified borrower
14 under this subparagraph may be for a pe-
15 riod of unemployment beginning not more
16 than 6 months before the date on which
17 the Secretary receives the qualified bor-
18 rower's request for deferment and may be
19 granted for a period of up to 6 months
20 after that date.

21 “(ii) RENEWALS.—Deferments under
22 this subparagraph shall be renewable at 6-
23 month intervals beginning after the expira-
24 tion of the first period of deferment under
25 clause (i). To be eligible to renew a

1 deferment under this subparagraph, a
2 qualified borrower shall submit to the Sec-
3 retary the information described in sub-
4 paragraph (B)(i).

5 “(iii) AGGREGATE LIMIT.—The period
6 of all deferments granted to a borrower
7 under this subparagraph may not exceed 3
8 years in aggregate.

9 “(5) HEALTH DEFERMENT.—

10 “(A) IN GENERAL.—A qualified borrower
11 shall be eligible for a deferment during periods
12 in which the qualified borrower is unable to
13 make scheduled loan payments due to high
14 medical expenses, as determined by the Sec-
15 retary.

16 “(B) ELIGIBILITY.—To be eligible to re-
17 ceive a deferment under this subparagraph, a
18 qualified borrower shall—

19 “(i) submit to the Secretary docu-
20 mentation demonstrating that making
21 scheduled loan payments would be an ex-
22 treme economic hardship to the borrower
23 due to high medical expenses, as deter-
24 mined by the Secretary; and

1 “(ii) resubmit such documentation to
2 the Secretary not less frequently than once
3 every 3 months.

4 “(1) PROHIBITIONS.—

5 “(1) PROHIBITION ON FEES.—No administra-
6 tive fee or other fee may be charged to the borrower
7 in connection with the granting of a deferment
8 under this subsection.

9 “(2) PROHIBITION ON ADVERSE CREDIT RE-
10 PORTING.—No adverse information relating to a bor-
11 rower may be reported to a consumer reporting
12 agency solely because of the granting of a deferment
13 under this subsection.

14 “(3) LIMITATION ON AUTHORITY.—The Sec-
15 retary shall not, through regulation or otherwise, au-
16 thorize additional deferment options or periods of
17 deferment other than the deferment options and pe-
18 riods of deferment authorized under this subsection.

19 “(m) TREATMENT OF ENDORSERS.—With respect to
20 any Federal ONE Parent Loan or Federal ONE Consoli-
21 dation Loan for which an endorser is required—

22 “(1) paragraphs (2) through (4) of subsection
23 (b) shall be applied—

24 “(A) by substituting ‘An endorser’ for ‘A
25 borrower’;

1 “(B) by substituting ‘the endorser’ for ‘the
2 borrower’; and

3 “(C) by substituting ‘an endorser’ for ‘a
4 borrower’; and

5 “(2) in the case in which the borrower of such
6 a loan is eligible for a deferment described in sub-
7 paragraph (C), (D), (E), (F), or (G) of subsection
8 (b)(1), but is not making payments on the loan, the
9 endorser of the loan may request a deferment under
10 such subparagraph for the loan.

11 “(n) DEFINITIONS.—In this section:

12 “(1) ELIGIBLE GRADUATE FELLOWSHIP PRO-
13 GRAM.—The term ‘eligible graduate fellowship pro-
14 gram’, when used with respect to a course of study
15 pursued by the borrower of a loan under this part,
16 means a fellowship program that—

17 “(A) provides sufficient financial support
18 to graduate fellows to allow for full-time study
19 for at least six months;

20 “(B) requires a written statement from
21 each applicant explaining the applicant’s objec-
22 tives before the award of that financial support;

23 “(C) requires a graduate fellow to submit
24 periodic reports, projects, or evidence of the fel-
25 low’s progress; and

1 “(D) in the case of a course of study at an
2 institution of higher education outside the
3 United States described in section 102, accepts
4 the course of study for completion of the fellow-
5 ship program.

6 “(2) ELIGIBLE REHABILITATION TRAINING
7 PROGRAM FOR INDIVIDUALS WITH DISABILITIES.—
8 The term ‘eligible rehabilitation training program
9 for individuals with disabilities’, when used with re-
10 spect a course of study pursued by the borrower of
11 a loan under this part, means a program that—

12 “(A) is necessary to assist an individual
13 with a disability in preparing for, securing, re-
14 taining, or regaining employment;

15 “(B) is licensed, approved, certified, or
16 otherwise recognized as providing rehabilitation
17 training to disabled individuals by—

18 “(i) a State agency with responsibility
19 for vocational rehabilitation programs,
20 drug abuse treatment programs, mental
21 health services programs, or alcohol abuse
22 treatment programs; or

23 “(ii) the Secretary of the Department
24 of Veterans Affairs; and

1 “(C) provides or will provide the borrower
2 with rehabilitation services under a written plan
3 that—

4 “(i) is individualized to meet the bor-
5 rower’s needs;

6 “(ii) specifies the date on which the
7 services to the borrower are expected to
8 end; and

9 “(iii) requires a commitment of time
10 and effort from the borrower that prevents
11 the borrower from being employed at least
12 30 hours per week, either because of the
13 number of hours that must be devoted to
14 rehabilitation or because of the nature of
15 the rehabilitation.

16 “(3) EXCEPTED FEDERAL ONE CONSOLIDATION
17 LOAN.—The ‘Excepted Federal ONE Consolidation
18 Loan’ have the meaning given the term in section
19 466(d)(5).

20 “(4) FAMILY SIZE.—The term ‘family size’
21 means the number that is determined by counting—

22 “(A) the borrower;

23 “(B) the borrower’s spouse;

24 “(C) the borrower’s children, including un-
25 born children who are expected to be born dur-

1 ing the period covered by the deferment, if the
2 children receive more than half their support
3 from the borrower; and

4 “(D) another individual if, at the time the
5 borrower requests a deferment under this sec-
6 tion, the individual—

7 “(i) lives with the borrower;

8 “(ii) receives more than half of the in-
9 dividual’s support (which may include
10 money, gifts, loans, housing, food, clothes,
11 car, medical and dental care, and payment
12 of college costs) from the borrower; and

13 “(iii) is expected to receive such sup-
14 port from the borrower during the relevant
15 period of deferment.

16 “(5) FULL-TIME.—The term ‘full-time’, when
17 used with respect to employment, means employment
18 for not less than 30 hours per week that is expected
19 to continue for not less than three months.

20 “(6) MEANS-TESTED BENEFIT PROGRAM.—The
21 term ‘means-tested benefit program’ means—

22 “(A) a State public assistance program
23 under which eligibility for the program’s bene-
24 fits, or the amount of such benefits, are deter-

1 mined on the basis of income or resources of
2 the individual or family seeking the benefit; or

3 “(B) a mandatory spending program of the
4 Federal Government, other than a program
5 under this title, under which eligibility for the
6 program’s benefits, or the amount of such bene-
7 fits, are determined on the basis of income or
8 resources of the individual or family seeking the
9 benefit, and may include such programs as

10 “(i) the supplemental security income
11 program under title XVI of the Social Se-
12 curity Act (42 U.S.C. 1381 et seq.);

13 “(ii) the supplemental nutrition assist-
14 ance program under the Food and Nutri-
15 tion Act of 2008 (7 U.S.C. 2011 et seq.);

16 “(iii) the free and reduced price
17 school lunch program established under the
18 Richard B. Russell National School Lunch
19 Act (42 U.S.C. 1751 et seq.);

20 “(iv) the program of block grants for
21 States for temporary assistance for needy
22 families established under part A of title
23 IV of the Social Security Act (42 U.S.C.
24 601 et seq.);

1 “(v) the special supplemental nutri-
2 tion program for women, infants, and chil-
3 dren established by section 17 of the Child
4 Nutrition Act of 1966 (42 U.S.C. 1786);
5 and

6 “(vi) other programs identified by the
7 Secretary.

8 “(7) MONTHLY GROSS INCOME.—The term
9 ‘monthly gross income’, when used with respect to a
10 borrower, means—

11 “(A) the gross amount of income received
12 by the borrower from employment and other
13 sources for the most recent month; or

14 “(B) one-twelfth of the borrower’s adjusted
15 gross income, as recorded on the borrower’s
16 most recently filed Federal income tax return.

17 **“SEC. 469B. ADDITIONAL TERMS.**

18 “(a) APPLICABLE PART B PROVISIONS.—

19 “(1) DISCLOSURES.—Except as otherwise pro-
20 vided in this part, section 455(p) shall apply with re-
21 spect to loans under this part in the same manner
22 that such section applies with respect to loans under
23 part D.

24 “(2) OTHER PROVISIONS.—Except as otherwise
25 provided in this part, the following provisions shall

1 apply with respect to loans made under this part in
2 the same manner that such provisions apply with re-
3 spect to loans made under part D:

4 “(A) Section 427(a)(2).

5 “(B) Section 428(d).

6 “(C) Section 428F

7 “(D) Section 430A.

8 “(E) Paragraphs (1), (2), (4), and (6) of
9 section 432(a).

10 “(F) Section 432(i).

11 “(G) Section 432(l).

12 “(H) Section 432(m), except that an insti-
13 tution of higher education shall have a separate
14 master promissory note under paragraph (1)(D)
15 of such section for loans made under this part.

16 “(I) Subsections (a), (c), and (d) of section
17 437.

18 “(3) APPLICATION OF PROVISIONS.—Any provi-
19 sion listed under paragraph (1) or (2) that applies
20 to—

21 “(A) Federal Direct PLUS Loans made on
22 behalf of dependent students shall apply to
23 Federal ONE Parent Loans;

1 “(B) Federal Direct PLUS Loans made to
2 students shall apply to Federal ONE Loans for
3 graduate or professional students;

4 “(C) Federal Direct Unsubsidized Stafford
5 loans shall apply to Federal ONE Loans (other
6 than Federal ONE Consolidation Loans) for
7 any student borrower;

8 “(D) Federal Direct Consolidation Loans
9 shall apply to Federal ONE Consolidation
10 Loans; and

11 “(E) forbearance shall apply to deferment
12 under section 469A.

13 “(b) ELIGIBLE STUDENT.—A loan under this part
14 may only be made to a student who—

15 “(1) is an eligible student under section 484;

16 “(2) has agreed to notify promptly the Sec-
17 retary and the applicable contractors with which the
18 Secretary has a contract under section 493E con-
19 cerning—

20 “(A) any change of permanent address,
21 telephone number, or email address;

22 “(B) when the student ceases to be en-
23 rolled on at least a half-time basis; and

1 “(C) any other change in status, when
2 such change in status affects the student’s eligi-
3 bility for the loan; and

4 “(3) is carrying at least one-half the normal
5 full-time academic workload for the course of study
6 the student is pursuing (as determined by the insti-
7 tution).

8 “(c) LOAN APPLICATION AND PROMISSORY NOTE.—
9 The common financial reporting form required in section
10 483(a)(1) shall constitute the application for loans made
11 under this part. The Secretary shall develop, print, and
12 distribute to participating institutions a standard promis-
13 sory note and loan disclosure form.

14 “(d) BORROWER DEFENSES.—A borrower of a loan
15 under this part may assert a defense to repayment to such
16 loan under the provisions of section 455(h) that apply to
17 a borrower of a loan made under part D asserting, on or
18 after the date of enactment of the HOPE Act, a defense
19 to repayment to such loan made under part D.

20 “(e) IDENTITY FRAUD PROTECTION.—The Secretary
21 shall ensure that monthly Federal ONE Loan statements
22 and other publications of the Department do not contain
23 more than four digits of the Social Security number of
24 any individual.

1 “(f) **AUTHORITY TO SELL LOANS.**—The Secretary,
2 in consultation with the Secretary of the Treasury, is au-
3 thorized to sell loans made under this part on such terms
4 determined to be in the best interest of the United States,
5 except that any such sale shall not result in any cost to
6 the Federal Government.”.

7 **PART F—NEED ANALYSIS**

8 **SEC. 471. COST OF ATTENDANCE.**

9 Section 472 (20 U.S.C. 1087ll) is amended—

10 (1) by striking paragraph (10); and

11 (2) by redesignating paragraphs (11), (12), and
12 (13) as paragraphs (10), (11), and (12), respec-
13 tively.

14 **SEC. 472. SIMPLIFIED NEEDS TEST.**

15 Section 479(b)(1) (20 U.S.C. 1087ss) is amended by
16 striking “\$50,000” both places it appears and inserting
17 “\$100,000”.

18 **SEC. 473. DISCRETION OF STUDENT FINANCIAL AID ADMIN-**

19 **ISTRATORS.**

20 Section 479A (20 U.S.C. 1087tt) is amended—

21 (1) in subsection (a), by striking “financial as-
22 sistance under section 428H or a Federal Direct
23 Unsubsidized Stafford Loan” and inserting “a Fed-
24 eral Direct Unsubsidized Stafford Loan or a Federal
25 ONE Loan”;

1 (2) in subsection (c), by striking “part B or D”
2 and inserting “part D or E”; and

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

4 “(d) **ADJUSTMENT BASED ON DELIVERY OF IN-**
5 **STRUCTION.**—A student’s eligibility to receive grants,
6 loans, or work assistance under this title shall be reduced
7 if a financial aid officer determines, in accordance with
8 the discretionary authority provided under this section,
9 that the model or method used to deliver instruction to
10 the student results in a substantially reduced cost of at-
11 tendance to the student.”.

12 **SEC. 474. DEFINITIONS OF TOTAL INCOME AND ASSETS.**

13 Section 480 (20 U.S.C. 1087vv) is amended—

14 (1) in subsection (a)(1), by striking subpara-
15 graph (B) and inserting the following:

16 “(B) Notwithstanding section 478(a), the Secretary
17 shall provide for the use of data from the second preceding
18 tax year to carry out the simplification of applications (in-
19 cluding simplification for a subset of applications) used
20 for the estimation and determination of financial aid eligi-
21 bility. Such simplification shall include the sharing of data
22 between the Internal Revenue Service and the Depart-
23 ment, pursuant to the consent of the taxpayer.”;

24 (2) in subsection (b)(2)—

1 (A) in subparagraph (E), by striking “or”
2 at the end;

3 (B) in subparagraph (F), by striking the
4 period at the end and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(G) qualified distributions from a quali-
7 fied tuition program (as defined in section
8 529(b)(1)(A) of the Internal Revenue Code of
9 1986) that is owned by the student or, in the
10 case of a dependent student, the student’s par-
11 ents, that are not subject to Federal income
12 tax.”; and

13 (3) in subsection (e)—

14 (A) by redesignating paragraphs (5) and
15 (6) as paragraphs (6) and (7), respectively; and

16 (B) by inserting after paragraph (4) the
17 following:

18 “(5) any amounts received by an individual for
19 entering into an income-share agreement;”;

20 (4) in subsection (f)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (B), by striking
23 “or” at the end;

1 (ii) in subparagraph (C), by striking
2 the period at the end and inserting a semi-
3 colon; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(D) a qualified tuition program (as de-
7 fined in section 529(b)(1)(A) of the Internal
8 Revenue Code of 1986); or

9 “(E) any amounts received for entering
10 into an income-share agreement.”; and

11 (B) in paragraph (5)(A)(i), by striking
12 “means—” and all that follows through “a
13 Coverdell” and inserting “means a Coverdell”;
14 (5) in subsection (k), by adding at the end the
15 following:

16 “(3) Notwithstanding subsection (d), in the
17 case of a student who enters into a legal guardian-
18 ship with an individual other than one of the stu-
19 dent’s parents, such student shall be considered a
20 dependent student if the student continues to receive
21 medical and financial support from a parent.”.

22 (6) by adding at the end the following

23 “(o) INCOME-SHARE AGREEMENT.—The term ‘in-
24 come-share agreement’ means an agreement between an
25 individual and a person or entity with no familial or other

1 prior relationship with such individual (referred to in this
2 subsection as the ‘income-share agreement funder’) under
3 which—

4 “(1) the income-share agreement funder pays
5 amounts to, or on behalf of, such individual for costs
6 associated with a postsecondary education program,
7 or any other program designed to increase the indi-
8 vidual’s human capital, employability, or earning po-
9 tential (and not limited to programs to participate in
10 programs under this title), as well as any personal
11 expenses (such as books, supplies, transportation,
12 and living costs) incurred by the individual while en-
13 rolled in such a program, or for the refinancing of
14 debt used for these purposes; and

15 “(2) such individual pays to such funder
16 amounts equal to a specified percentage of the indi-
17 vidual’s future income for a defined term.”.

18 **PART G—GENERAL PROVISIONS RELATING TO**

19 **STUDENT ASSISTANCE**

20 **SEC. 481. DEFINITIONS OF ACADEMIC YEAR AND ELIGIBLE**

21 **PROGRAM.**

22 Section 481 (20 U.S.C. 1088) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (2)(A)—

1 (i) by striking “For the” and insert-
2 ing the following: “Except as provided in
3 paragraph (3), for the”; and

4 (ii) in clause (i), by striking “require
5 a minimum of 30 weeks” and inserting the
6 following: “require—

7 “(I) a minimum of 30 weeks”;

8 (iii) in clause (ii), by striking “re-
9 quire”;

10 (iv) by redesignating clause (ii) as
11 subclause (II) (and by adjusting the mar-
12 gin accordingly); and

13 (v) by redesignating clause (iii) as
14 clause (ii); and

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

16 “(3)(A) For the purpose of a competency-based
17 education program the term ‘academic year’ shall be
18 the published measured period established by the in-
19 stitution of higher education that is necessary for a
20 student with a normal full-time workload for the
21 course of study the student is pursuing (as meas-
22 ured using the value of competencies or sets of com-
23 petencies required by such institution and approved
24 by such institution’s accrediting agency or associa-
25 tion) to earn—

1 “(i) one-quarter of a bachelor’s degree;
2 “(ii) one-half of an associate’s degree; or
3 “(iii) with respect to a non-degree or graduate
4 program, the equivalent of a period described in
5 clause (i) or (ii).

6 “(B)(i) A competency-based education pro-
7 gram that is not a term-based program may be
8 treated as a term-based program for purposes
9 of establishing payment periods for disburse-
10 ment of loans and grants under this title if—

11 “(I) the institution of higher edu-
12 cation that offers such program charges a
13 flat subscription fee for access to instruc-
14 tion during a period determined by the in-
15 stitution; and

16 “(II) the institution is able to deter-
17 mine the competencies a student is ex-
18 pected to demonstrate for such subscrip-
19 tion period.

20 “(ii) Clause (i) shall apply even in a case
21 in which instruction or other work with respect
22 to a competency that is expected to be attrib-
23 utable to a subscription period begins prior to
24 such subscription period.

1 “(iii) In a case in which a competency-
2 based education program offered by an institu-
3 tion of higher education is treated as a term-
4 based program under clause (i), the institution
5 shall review the academic progress of each stu-
6 dent enrolled in such program in accordance
7 with section 484(c), except that such review
8 shall occur at the end of each payment period.”;
9 (2) by amending subsection (b) to read as fol-

10 lows:

11 “(b) ELIGIBLE PROGRAM.—(1) For purposes of this
12 title, the term ‘eligible program’ means—

13 “(A) a program of at least 300 clock hours of
14 instruction, 8 semester hours, or 12 quarter hours,
15 offered during a minimum of 10 weeks; or

16 “(B) a competency-based program that—

17 “(i) has been evaluated and approved by
18 an accrediting agency or association that—

19 “(I) is recognized by the Secretary
20 under subpart 2 of part H; and

21 “(II) has evaluation of competency-
22 based education programs within the scope
23 of its recognition in accordance with sec-
24 tion 496(a)(4)(C); or

1 “(ii) as of the day before the date of enact-
2 ment of the HOPE Act, met the requirements
3 of a direct assessment program under section
4 481(b)(4) (as such section was in effect on the
5 day before such date of enactment).

6 “(2) An eligible program described in paragraph (1)
7 may be offered in whole or in part through telecommuni-
8 cations.

9 “(3) For purposes of this title, the term ‘eligible pro-
10 gram’ does not include a program that loses its eligibility
11 under section 481B(a).

12 “(4)(A) If an eligible institution enters into a written
13 arrangement with an institution or organization that is
14 not an eligible institution under which such ineligible insti-
15 tution or organization provides the educational program
16 (in whole or in part) of students enrolled in the eligible
17 institution, the educational program provided by such in-
18 eligible institution shall be considered to be an eligible pro-
19 gram if—

20 “(i) the ineligible institution or organization has
21 not—

22 “(I) had its eligibility to participate in the
23 programs under this title terminated by the
24 Secretary;

1 “(II) voluntarily withdrawn from participa-
2 tion in the programs under this title under a
3 proceeding initiated by the Secretary, accred-
4 iting agency or association, guarantor, or the li-
5 censing agency for the State in which the insti-
6 tution is located, including a termination, show-
7 cause, or suspension;

8 “(III) had its certification under subpart 3
9 of part H to participate in the programs under
10 this title revoked by the Secretary;

11 “(IV) had its application for recertification
12 under subpart 3 of part H to participate in the
13 programs under this title denied by the Sec-
14 retary; or

15 “(V) had its application for certification
16 under subpart 3 of part H to participate in the
17 programs under this title denied by the Sec-
18 retary;

19 “(ii) the educational program offered by the in-
20 stitution that grants the degree or certificate other-
21 wise satisfies the requirements of paragraph (1); and

22 “(iii)(I) the ineligible institution or organization
23 provides 25 percent or less of the educational pro-
24 gram; or

1 “(II)(aa) the ineligible institution or organiza-
2 tion provides more than 25 percent of the edu-
3 cational program; and

4 “(bb) the eligible institution’s accrediting agen-
5 cy or association has determined that the eligible in-
6 stitution’s arrangement meets the agency’s stand-
7 ards for the contracting out of educational services
8 in accordance with section 496(c)(5)(B)(iv).

9 “(B) For purposes of subparagraph (A), the term ‘el-
10 igible institution’ means an institution described in section
11 487(a).”; and

12 (3) in subsection (c)(2), by striking “part B
13 of”.

14 **SEC. 482. PROGRAMMATIC LOAN REPAYMENT RATES.**

15 Part G of title IV (20 U.S.C. 1088 et seq.), as
16 amended by section 481, is further amended by inserting
17 after section 481A (20 U.S.C. 1088a) the following:

18 **“SEC. 481B. PROGRAMMATIC LOAN REPAYMENT RATES.**

19 “(a) INELIGIBILITY OF AN EDUCATIONAL PROGRAM
20 BASED ON LOW REPAYMENT RATES.—

21 “(1) IN GENERAL.—With respect to fiscal year
22 2018 and each succeeding fiscal year, an educational
23 program at an institution of higher education whose
24 loan repayment rate is less than 45 percent for each
25 of the 3 most recent fiscal years for which data are

1 available shall not be considered an eligible program
2 for the fiscal year in which the determination is
3 made and for the 2 succeeding fiscal years, unless,
4 not later than 30 days after receiving notification
5 from the Secretary of the loss of eligibility under
6 this paragraph, the institution appeals the loss of
7 such program's eligibility to the Secretary.

8 “(2) APPEAL.—The Secretary shall issue a de-
9 cision on any such appeal within 45 days after its
10 submission. Such decision may permit a program to
11 be considered an eligible program, if—

12 “(A) the institution demonstrates to the
13 satisfaction of the Secretary that—

14 “(i) the Secretary's calculation of
15 such program's loan repayment rate is not
16 accurate; and

17 “(ii) recalculation would increase such
18 program's loan repayment rate for any of
19 the 3 fiscal years equal to or greater than
20 45 percent; or

21 “(B) the program is not subject to para-
22 graph (1) by reason of paragraph (3).

23 “(3) PARTICIPATION RATE INDEX.—

24 “(A) IN GENERAL.—An institution that
25 demonstrates to the Secretary that a program's

1 participation rate index is equal to or less than
2 0.11 for any of the 3 most recent fiscal years
3 for which data is available shall not be subject
4 to paragraph (1).

5 “(B) INDEX CALCULATION.—The partici-
6 pation rate index for a program shall be deter-
7 mined by multiplying—

8 “(i) the amount of the difference be-
9 tween—

10 “(I) 1.0; and

11 “(II) the quotient that results by
12 dividing—

13 “(aa) the program’s loan re-
14 payment rate for a fiscal year, or
15 the weighted average loan repay-
16 ment rate for a fiscal year, by

17 “(bb) 100; and

18 “(ii) the quotient that results by di-
19 viding—

20 “(I) the percentage of the pro-
21 gram’s regular students, enrolled on
22 at least a half-time basis, who re-
23 ceived a covered loan for a 12-month
24 period ending during the 6 months
25 immediately preceding the fiscal year

1 for which the program's loan repay-
2 ment rate or the weighted average
3 loan repayment rate is determined, by

4 “(II) 100.

5 “(C) DATA.—An institution shall provide
6 the Secretary with sufficient data to determine
7 the program's participation rate index not later
8 than 30 days after receiving an initial notifica-
9 tion of the program's draft loan repayment rate
10 under subsection (d)(4)(C).

11 “(D) NOTIFICATION.—Prior to publication
12 of a final loan repayment rate under subsection
13 (d)(4)(A) for a program at an institution that
14 provides the data described in subparagraph
15 (C), the Secretary shall notify the institution of
16 the institution's compliance or noncompliance
17 with subparagraph (A).

18 “(b) REPAYMENT IMPROVEMENT AND ASSESSMENT
19 OF ELIGIBILITY BASED ON LOW LOAN REPAYMENT
20 RATES.—

21 “(1) FIRST YEAR.—

22 “(A) IN GENERAL.—An institution with a
23 program whose loan repayment rate is less than
24 45 percent for any fiscal year shall establish a

1 repayment improvement task force to prepare a
2 plan to—

3 “(i) identify the factors causing such
4 program’s loan repayment rate to fall
5 below such percent;

6 “(ii) establish measurable objectives
7 and the steps to be taken to improve the
8 program’s loan repayment rate; and

9 “(iii) specify actions that the institu-
10 tion can take to improve student loan re-
11 payment, including appropriate counseling
12 regarding loan repayment options.

13 “(B) TECHNICAL ASSISTANCE.—Each in-
14 stitution subject to this paragraph shall submit
15 the plan under subparagraph (A) to the Sec-
16 retary, who shall review the plan and offer tech-
17 nical assistance to the institution to promote
18 improved student loan repayment.

19 “(2) SECOND CONSECUTIVE YEAR.—

20 “(A) IN GENERAL.—An institution with a
21 program whose loan repayment rate is less than
22 45 percent for two consecutive fiscal years,
23 shall—

24 “(i) require the institution’s repay-
25 ment improvement task force established

1 under paragraph (1) to review and revise
2 the plan required under such paragraph;
3 and

4 “(ii) submit such revised plan to the
5 Secretary.

6 “(B) REVIEW BY THE SECRETARY.—The
7 Secretary—

8 “(i) shall review each revised plan
9 submitted in accordance with this para-
10 graph; and

11 “(ii) may direct that such plan be
12 amended to include actions, with measur-
13 able objectives, that the Secretary deter-
14 mines, based on available data and anal-
15 yses of student loan repayment and non-re-
16 payment, will promote student loan repay-
17 ment.

18 “(c) PROGRAMMATIC LOAN REPAYMENT RATE DE-
19 FINED.—

20 “(1) IN GENERAL.—Except as provided in sub-
21 section (d), for purposes of this section, the term
22 ‘loan repayment rate’ means, when used with respect
23 to an educational program at an institution—

24 “(A) with respect to any fiscal year in
25 which 30 or more current and former students

1 in such program enter repayment on a covered
2 loan received for attendance in such program,
3 the percentage of such current and former stu-
4 dents—

5 “(i) who enter repayment in such fis-
6 cal year on a covered loan received for at-
7 tendance in such program; and

8 “(ii) who are in a positive repayment
9 status on each such covered loan at the
10 end of the second fiscal year following the
11 fiscal year in which such students entered
12 repayment on such loan; and

13 “(B) with respect to any fiscal year in
14 which fewer than 30 of the current and former
15 students in such program enter repayment on a
16 covered loan received for attendance in such
17 program, the percentage of such current and
18 former students—

19 “(i) who, in any of the three most re-
20 cent fiscal years, entered repayment on a
21 covered loan received for attendance in
22 such program; and

23 “(ii) who are in a positive repayment
24 status on each such covered loan at the
25 end of the second fiscal year following the

1 fiscal year in which such students entered
2 repayment on such loan.

3 “(2) GUARANTY AGENCY REQUIREMENTS.—The
4 Secretary shall require that each guaranty agency
5 that has insured loans for current or former stu-
6 dents of the institution afford such institution a rea-
7 sonable opportunity (as specified by the Secretary)
8 to review and correct errors in the information re-
9 quired to be provided to the Secretary by the guar-
10 anty agency for the purposes of calculating a loan
11 repayment rate for programs at such institution,
12 prior to the calculation of such rate.

13 “(3) POSITIVE REPAYMENT STATUS.—For pur-
14 poses of this section, the term ‘positive repayment
15 status’, when used with respect to a borrower of a
16 covered loan, means—

17 “(A) the borrower has entered repayment
18 on such loan, and such loan is less than 90
19 days delinquent;

20 “(B) the loan is paid in full (but not
21 through consolidation); or

22 “(C) with respect to a covered loan that is
23 a Federal ONE Loan, the loan is in a
24 deferment described in 469A(b)(1), and with
25 respect to a covered loan made, insured, or

1 guaranteed under part B or made under part
2 D, the loan is in a deferment or forbearance
3 that is comparable to a deferment described in
4 469A(b)(1).

5 “(4) COVERED LOAN.—For purposes of this
6 section—

7 “(A) the term ‘covered loan’ means—

8 “(i) a loan made, insured, or guaran-
9 teed under section 428 or 428H;

10 “(ii) a Federal Direct Stafford Loan;

11 “(iii) a Federal Direct Unsubsidized
12 Stafford Loan;

13 “(iv) a Federal Direct PLUS Loan
14 issued to a graduate or professional stu-
15 dent;

16 “(v) a Federal ONE Loan (other than
17 a Federal ONE Parent Loan or a Federal
18 ONE Consolidation Loan not described in
19 clause (vi)); or

20 “(vi) the portion of a loan made under
21 section 428C, a Federal Direct Consolida-
22 tion Loan, or a Federal ONE Consolida-
23 tion Loan that is used to repay any cov-
24 ered loan described in clauses (i) through
25 (v); and

1 “(B) the term ‘covered loan’ does not in-
2 clude a loan described in subparagraph (A) that
3 has been discharged under section 437(a).

4 “(d) SPECIAL RULES.—

5 “(1) IN GENERAL.—In the case of a student
6 who has attended and borrowed at more than one
7 institution of higher education or for more than one
8 educational program at an institution, the student
9 (and such student’s subsequent positive repayment
10 status on a covered loan, if applicable)) shall be at-
11 tributed to each institution of higher education and
12 educational program for attendance at which the
13 student received a loan that entered repayment for
14 the fiscal year for which the loan repayment rate is
15 being calculated.

16 “(2) DELINQUENT.—A loan on which a pay-
17 ment is made by an institution of higher education,
18 such institutions’s owner, agent, contractor, em-
19 ployee, or any other entity or individual affiliated
20 with such institution, in order to prevent the bor-
21 rower from being more than 90 days delinquent on
22 the loan, shall be considered more than 90 days de-
23 linquent for purposes of this subsection.

24 “(3) REGULATIONS TO PREVENT EVASIONS.—

25 The Secretary shall prescribe regulations designed to

1 prevent an institution of higher education from evad-
2 ing the application of a loan repayment rate deter-
3 mination under this section to an educational pro-
4 gram at such institution through—

5 “(A) the use of such measures as branch-
6 ing, consolidation, change of ownership or con-
7 trol, or any similar device; or

8 “(B) creating a new educational program
9 that is substantially similar to a program deter-
10 mined to be ineligible under subsection (a).

11 “(4) COLLECTION AND REPORTING OF LOAN
12 REPAYMENT RATES.—

13 “(A) IN GENERAL.—The Secretary shall
14 publish not less often than once every fiscal
15 year a report showing final loan repayment
16 data for each program at each institution of
17 higher education for which a loan repayment
18 rate is calculated under this section.

19 “(B) PUBLICATION.—The Secretary shall
20 publish the report described in subparagraph
21 (A) by September 30 of each year.

22 “(C) DRAFTS.—

23 “(i) IN GENERAL.—The Secretary
24 shall provide institutions with draft loan
25 repayment rates for each educational pro-

1 gram at the institution at least 6 months
2 prior to the release of the final rates under
3 subparagraph (A).

4 “(ii) CHALLENGE OF DRAFT RATES.—
5 An institution may challenge a program’s
6 draft loan repayment rate provided under
7 clause (i) for any fiscal year by dem-
8 onstrating to the satisfaction of the Sec-
9 retary that such draft loan repayment rate
10 is not accurate.

11 “(e) TRANSITION PERIOD.—

12 “(1) DURING THE TRANSITION PERIOD.—Dur-
13 ing the transition period, the cohort default rate for
14 each institution of higher education shall be cal-
15 culated under section 435(m)(1) for each fiscal year
16 for which such rate has not yet been calculated and
17 any requirements with respect to such rates shall
18 continue to apply, except that the loans with respect
19 to which such cohort default rate shall be calculated
20 shall be the covered loans defined in subsection
21 (c)(4).

22 “(2) AFTER THE TRANSITION PERIOD.—After
23 the transition period, no new cohort default rates
24 shall be calculated for an institution of higher edu-

1 cation and any requirements with respect to such
2 rates shall cease to apply.

3 “(3) DEFINITIONS.—For purposes of this sub-
4 section—

5 “(A) the term ‘cohort default rate’ has the
6 meaning given the term in section 435(m); and

7 “(B) the term ‘transition period’ means
8 the period—

9 “(i) beginning on the date of enact-
10 ment of the HOPE Act; and

11 “(ii) ending on the date on which the
12 Secretary has published under subsection
13 (d)(4)(A) the final loan repayment rate for
14 each program at each institution of higher
15 education with respect to each of fiscal
16 years 2020, 2021, and 2022.”.

17 **SEC. 483. MASTER CALENDAR.**

18 Section 482 (20 U.S.C. 1089) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking
22 “February 1” and inserting “January 15”;

23 (ii) in subparagraph (B), by striking
24 “March 1” and inserting “February 1”;

1 (iii) in subparagraph (C), by striking
2 “June 1” and inserting “May 1”;

3 (iv) in subparagraph (D), by striking
4 “August 15” and inserting “July 15”;

5 (v) by striking subparagraph (E), and
6 redesignating subparagraphs (F) and (G)
7 as subparagraphs (E) and (F), respec-
8 tively; and

9 (vi) in subparagraph (E), as so redес-
10 igned, by striking “October 1” and in-
11 serring “September 1”; and

12 (vii) in subparagraph (F), as so redес-
13 igned, by striking “November 1” and in-
14 serring “October 1”;

15 (B) in paragraph (2)—

16 (i) in subparagraph (F), by striking
17 “and final Pell Grant payment schedule”;

18 (ii) in subparagraph (J), by striking
19 “June 1” and inserting “May 1”;

20 (iii) by redesignating subparagraphs
21 (C) through (J) as subparagraphs (D)
22 through (K), respectively; and

23 (iv) by inserting after subparagraph
24 (B) the following:

1 “(C) by November 1: final Pell Grant pay-
2 ment schedule;” and

3 (2) in subsection (b)—

4 (A) by striking “413D(d), 442(d), or
5 462(i)” and inserting “442(d)”; and

6 (B) by striking “the programs under sub-
7 part 3 of part A, part C, and part E, respec-
8 tively” and inserting “part C”.

9 **SEC. 484. FAFSA SIMPLIFICATION.**

10 (a) IN GENERAL.—Section 483 (20 U.S.C. 1090) is
11 amended—

12 (1) in subsection (a)(3)—

13 (A) in subparagraph (E), by adding at the
14 end the following: “Notwithstanding the limita-
15 tions on sharing data described in this para-
16 graph, an institution of higher education may,
17 with explicit written consent of the applicant,
18 provide such information as is necessary to an
19 organization designated by the applicant to as-
20 sist the applicant in applying for and receiving
21 financial assistance for the applicant’s edu-
22 cation at that institution. An organization that
23 receives information pursuant to the preceding
24 sentence shall not sell, or otherwise share such
25 information.”; and

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

2 “(I) **FORMAT.**—The Secretary shall make
3 the electronic version of the forms under this
4 paragraph available through a technology tool
5 optimized for use on mobile devices. Such tech-
6 nology tool shall, at minimum, enable applicants
7 to—

8 “(i) save data; and

9 “(ii) submit the FAFSA of such appli-
10 cant to the Secretary through such tool.

11 “(J) **CONSUMER TESTING.**—In developing
12 and maintaining the electronic version of the
13 forms under this paragraph and the technology
14 tool for mobile devices under subparagraph (I),
15 the Secretary shall conduct consumer testing
16 with appropriate persons to ensure the forms
17 and technology tool are designed to be easily
18 usable and understandable by students and
19 families. Such consumer testing shall include—

20 “(i) current and prospective college
21 students, family members of such students,
22 and other individuals with expertise in stu-
23 dent financial assistance application proc-
24 esses;

1 “(ii) dependent students and inde-
2 pendent students who meet the require-
3 ments under subsection (b) or (c) of sec-
4 tion 479; and

5 “(iii) dependent students and inde-
6 pendent students who do not meet the re-
7 quirements under subsection (b) or (c) of
8 section 479.”; and

9 (2) by amending subsection (f) to read as fol-
10 lows:

11 “(f) USE OF INTERNAL REVENUE SERVICE DATA
12 RETRIEVAL TOOL TO POPULATE FAFSA.—

13 “(1) SIMPLIFICATION EFFORTS.—The Sec-
14 retary shall—

15 “(A) make every effort to allow applicants
16 to utilize the current data retrieval tool to
17 transfer, through a rigorous authentication
18 process, data available from the Internal Rev-
19 enue Service to reduce the amount of original
20 data entry by applicants and strengthen the re-
21 liability of data used to calculate expected fam-
22 ily contributions, including through the use of
23 technology to—

24 “(i) allow an applicant to automati-
25 cally populate the electronic version of the

1 forms under this paragraph with data
2 available from the Internal Revenue Serv-
3 ice; and

4 “(ii) direct an applicant to appro-
5 priate questions on such forms based on
6 the applicant’s answers to previous ques-
7 tions; and

8 “(B) allow single taxpayers, married tax-
9 payers filing jointly, and married taxpayers fil-
10 ing separately to utilize the current data re-
11 trieval tool to its full capacity.

12 “(2) USE OF TAX RETURN IN APPLICATION
13 PROCESS.—The Secretary shall continue to examine
14 whether data provided by the Internal Revenue Serv-
15 ice can be used to generate an expected family con-
16 tribution without additional action on the part of the
17 student and taxpayer.

18 “(3) REPORTS ON FAFSA SIMPLIFICATION EF-
19 FORTS.—Not less than once every year, the Sec-
20 retary shall report to the authorizing committees
21 on—

22 “(A) the progress of the simplification ef-
23 forts under this subsection; and

24 “(B) the security of the data retrieval
25 tool.”.

1 (b) TECHNICAL AMENDMENT.—Section 483(a)(9)(C)
2 (20 U.S.C. 1090(a)(9)(C)) is amended by inserting “, in-
3 cluding through the tool described in section 485E(c)” be-
4 fore the semicolon.

5 **SEC. 485. STUDENT ELIGIBILITY.**

6 Section 484 (20 U.S.C. 1091) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1), by striking “a de-
9 gree, certificate, or other program (including a
10 program of study abroad approved for credit by
11 the eligible institution at which such student is
12 enrolled) leading to a” and inserting “an eligi-
13 ble program (including a program of study
14 abroad approved for credit by the eligible insti-
15 tution at which such student is enrolled) lead-
16 ing to a degree, certificate, or other”; and

17 (B) in paragraph (3), by inserting “as in
18 effect on the day before the date of enactment
19 of the HOPE Act and pursuant to section
20 461(a) of such Act,” after “part E,”;

21 (2) in subsection (b)—

22 (A) in paragraph (3), by striking “part B
23 or D” and inserting “part B, D, or E”; and

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

1 “(6) For purposes of competency-based education, in
2 order to be eligible to receive any loan under this title for
3 an award year, a student may be enrolled in coursework
4 attributable only to 2 academic years within the award
5 year.”;

6 (3) in subsection (c)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A)—

9 (I) by inserting “least as fre-
10 quently as” before “the end of each”;
11 and

12 (II) by striking “, and” at the
13 end and inserting a semicolon;

14 (ii) in subparagraph (B)—

15 (I) by striking “the student has a
16 cumulative” and inserting the fol-
17 lowing: “the student has—
18 “(i) a cumulative”;

19 (II) by striking “the second” and
20 inserting “each”;

21 (III) by striking the period at the
22 end and inserting “; or” ; and

23 (IV) by adding at the end the fol-
24 lowing:

1 “(ii) for the purposes of competency-
2 based programs, a non-grade equivalent
3 demonstration of academic standing con-
4 sistent with the requirements for gradua-
5 tion, as determined by the institution, at
6 the end of each such academic year; and”;
7 and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(C) the student maintains a pace in his or her
11 educational program that—

12 “(i) ensures that the student completes the
13 program within the maximum timeframe; and

14 “(ii) is measured by a method determined
15 by the institution which may be based on credit
16 hours, clock hours, or competencies com-
17 pleted.”;

18 (B) in paragraph (2), by striking “grading
19 period” and inserting “evaluation period”; and

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

21 “(4) For purposes of this subsection, the term ‘max-
22 imum timeframe’ means—

23 “(A) with respect to an undergraduate program
24 measured in credit hours, a period that is no longer

1 than 150 percent of the published length of the edu-
2 cational program, as measured in credit hours;

3 “(B) with respect to an undergraduate program
4 measured in competencies, a period that is no longer
5 than 150 percent of the published length of the edu-
6 cational program, as measured in competencies;

7 “(C) with respect to an undergraduate program
8 measured in clock hours, a period that is no longer
9 than 150 percent of the published length of the edu-
10 cational program, as measured by the cumulative
11 number of clock hours the student is required to
12 complete and expressed in calendar time; and

13 “(D) with respect to a graduate program, a pe-
14 riod defined by the institution that is based on the
15 length of the educational program.”;

16 (4) by amending subsection (d) to read as fol-
17 lows:

18 “(d) **ADDITIONAL STUDENT ELIGIBILITY.**—

19 “(1) **ABILITY TO BENEFIT STUDENTS.**—In
20 order for a student who does not have a certificate
21 of graduation from a school providing secondary
22 education, or the recognized equivalent of such cer-
23 tificate, to be eligible for any assistance under sub-
24 part 1 of part A and parts C, D, and E of this title,
25 the student shall be determined by the institution of

1 higher education as having the ability to benefit
2 from the education offered by the institution of high-
3 er education upon satisfactory completion of 6 credit
4 hours or the equivalent coursework that are applica-
5 ble toward a degree or certificate offered by the in-
6 stitution of higher education.

7 “(2) HOMESCHOOL STUDENTS.—A student who
8 has completed a secondary school education in a
9 home school setting that is treated as a home school
10 or private school under State law shall be eligible for
11 assistance under subpart 1 of part A and parts C,
12 D, and E of this title.

13 “(3) SECONDARY EDUCATION PROVIDED BY
14 NONPROFIT CORPORATIONS.—A student who has
15 completed a secondary education provided by a
16 school operating as a nonprofit corporation that of-
17 fers a program of study determined acceptable for
18 admission at an institution of higher education shall
19 be eligible for assistance under subpart 1 of part A
20 and parts C, D, and E of this title.”.

21 (5) in subsection (f)(1), by striking “or part E”
22 both places it appears and inserting the following: “,
23 part E (as in effect on the day before the date of
24 enactment of the HOPE Act and pursuant to sec-

1 tion 461(a) of such Act), or part E (as in effect on
2 or after the date of enactment of the HOPE Act)”;

3 (6) by striking subsection (l);

4 (7) in subsection (n)—

5 (A) by striking “(n) DATA BASE MATCH-
6 ING.—To enforce”; and inserting the following:

7 “(n) SELECTIVE SERVICE REGISTRATION.—

8 “(1) DATA BASE MATCHING.—To enforce”; and

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

10 “(2) EFFECT OF FAILURE TO REGISTER FOR
11 SELECTIVE SERVICE.—A person who is 26 years of
12 age or older shall not be ineligible for assistance or
13 a benefit provided under this title by reason of fail-
14 ure to present himself for, and submit to, registra-
15 tion under section 3 of the Military Selective Service
16 Act (50 U.S.C. 3802).”; and

17 (8) by redesignating subsections (m) through
18 (t) as subsections (l) through (s).

19 **SEC. 486. STATUTE OF LIMITATIONS.**

20 Section 484A (20 U.S.C. 1088) is amended—

21 (1) in subsection (a)(2)(C)—

22 (A) by striking “or 463(a)” and inserting
23 “, section 463(a) (as in effect on the day before
24 the date of enactment of the HOPE Act and
25 pursuant to section 461(a) of such Act), or sec-

1 tion 463 (as in effect on or after the date of en-
2 actment of the HOPE Act)”; and

3 (B) by striking “or E” and inserting “, E
4 (as in effect on the day before the date of en-
5 actment of the HOPE Act and pursuant to sec-
6 tion 461(a) of such Act), or E (as in effect on
7 or after the date of enactment of the HOPE
8 Act)”; and

9 (2) in subsection (b)—

10 (A) by striking “and” at the end of para-
11 graph (2);

12 (B) in paragraph (3)—

13 (i) by inserting “(as in effect on the
14 day before the date of enactment of the
15 HOPE Act and pursuant to section 461(a)
16 of such Act)” after “part E”;

17 (ii) by inserting “(as so in effect)”
18 after “section 463(a)”; and

19 (iii) by striking the period at the end
20 and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(4) in collecting any obligation arising from a
23 loan made under part E (as in effect on or after the
24 date of enactment of the HOPE Act), an institution
25 of higher education that has an agreement with the

1 Secretary pursuant to section 463(a) (as so in ef-
2 fect) shall not be subject to a defense raised by any
3 borrower based on a claim of infancy.”.

4 **SEC. 487. INSTITUTIONAL REFUNDS.**

5 Section 484B (20 U.S.C. 1091b) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) by striking “If a recipient” and in-
9 serting the following:

10 “(A) CONSEQUENCE OF WITHDRAWAL.—If
11 a recipient”; and

12 (ii) by adding at the end the fol-
13 lowing:

14 “(B) SPECIAL RULE.—For purposes of
15 subparagraph (A), a student—

16 “(i) who is enrolled in a program of-
17 fered in modules is not considered with-
18 drawn if the change in the student’s at-
19 tendance constitutes a change in enroll-
20 ment status within the payment period
21 rather than a discontinuance of attendance
22 within the payment period; and

23 “(ii) is considered withdrawn if the
24 student follows the institution’s official
25 withdrawal procedures or leaves without

1 notifying the institution and has not re-
2 turned before the end of the payment pe-
3 riod.”;

4 (B) in paragraph (3)—

5 (i) in subparagraph (B), by striking
6 clauses (i) and (ii) and inserting the fol-
7 lowing:

8 “(i) 0 percent, if the day the student
9 withdrew occurs when the student has
10 completed (as determined in accordance
11 with subsection (d)) less than 25 percent
12 of the payment period or period of enroll-
13 ment;

14 “(ii) 25 percent, if the day the stu-
15 dent withdrew occurs when the student has
16 completed (as determined in accordance
17 with subsection (d)) at least 25 percent,
18 but less than 50 percent, of the payment
19 period or period of enrollment;

20 “(iii) 50 percent, if the day the stu-
21 dent withdrew occurs when the student has
22 completed (as determined in accordance
23 with subsection (d)) at least 50 percent,
24 but less than 75 percent, of the payment
25 period or period of enrollment; or

1 “(iv) 100 percent, if the day the stu-
2 dent withdrew occurs when the student has
3 completed (as determined in accordance
4 with subsection (d)) at least 75 percent of
5 the payment period or period of enroll-
6 ment.”.

7 (ii) in subparagraph (C)(i), by strik-
8 ing “subparts 1 and 3 of part A, or loan
9 assistance under parts B, D,” and insert-
10 ing “subpart 1 of part A or loan assistance
11 under parts D and E”; and

12 (C) in paragraph (4)(A), by striking “Sec-
13 retary), the institution of higher education shall
14 contact the borrower” and inserting “Sec-
15 retary), the institution of higher education shall
16 have discretion to determine whether all or a
17 portion of the late or post-withdrawal disburse-
18 ment should be made, under a publicized insti-
19 tutional policy. If the institution of higher edu-
20 cation determines that a disbursement should
21 be made, the institution shall contact the bor-
22 rower”.

23 (2) by amending subsection (b)(3) to read as
24 follows:

25 “(3) ORDER OF RETURN OF TITLE IV FUNDS.—

1 “(A) IN GENERAL.—Excess funds returned
2 by the institution in accordance with paragraph
3 (1) shall be credited to awards under subpart 1
4 of part A for the payment period or period of
5 enrollment for which a return of funds is re-
6 quired.

7 “(B) REMAINING EXCESSES.—If excess
8 funds remain after repaying all outstanding
9 grant amounts, the remaining excess shall be
10 credited in the following order:

11 “(i) To outstanding balances on loans
12 made under this title to the student or on
13 behalf of the student for the payment pe-
14 riod or period of enrollment for which a re-
15 turn of funds is required.

16 “(ii) To other assistance awarded
17 under this title for which a return of funds
18 is required.”;

19 (3) by amending subsection (c) to read as fol-
20 lows:

21 “(c) WITHDRAWAL DATE.—

22 “(1) IN GENERAL.—In this section, the term
23 ‘day the student withdrew’—

1 “(A) for institutions not required to take
2 attendance, is the date as determined by the in-
3 stitution that—

4 “(i) the student began the withdrawal
5 process prescribed and publicized by the
6 institution, or a later date if the student
7 continued attendance despite beginning the
8 withdrawal process, but did not then com-
9 plete the payment period; or

10 “(ii) in the case of a student who does
11 not begin the withdrawal process, the date
12 that is the mid-point of the payment period
13 for which assistance under this title was
14 disbursed or another date documented by
15 the institution; or

16 “(B) for institutions required to take at-
17 tendance, is determined by the institution from
18 such attendance records.

19 “(2) SPECIAL RULE.—Notwithstanding para-
20 graph (1), if the institution determines that a stu-
21 dent did not begin the withdrawal process, due to ill-
22 ness, accident, grievous personal loss, or other such
23 circumstances beyond the student’s control, the in-
24 stitution may determine the appropriate withdrawal
25 date under its own defined policies.

1 “(3) ATTENDANCE.—An institution is required
2 to take attendance if an institution’s accrediting
3 agency or State licensing agency has a requirement
4 that the institution take attendance for all students
5 in an academic program throughout the entire pay-
6 ment period.”; and

7 (4) by striking subsections (d) and (e).

8 **SEC. 488. INFORMATION DISSEMINATED TO PROSPECTIVE**
9 **AND ENROLLED STUDENTS.**

10 (a) USE OF WEBSITE TO DISSEMINATE INFORMA-
11 TION.—Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is
12 amended in the matter preceding subparagraph (A) by
13 striking the second and third sentences and inserting the
14 following: “The information required by this section shall
15 be produced and be made readily available to enrolled and
16 prospective students on the institution’s website (or in
17 other formats upon request).”.

18 (b) INFORMATION ON PROHIBITING COPYRIGHT IN-
19 FRINGEMENT.—Section 485(a)(1)(P) (20 U.S.C.
20 1092(a)(1)(P)) is amended by striking “, including—”
21 and all that follows and inserting a period.

22 (c) ELIMINATION OF CERTAIN REPORTING REQUIRE-
23 MENTS.—

24 (1) IN GENERAL.—Section 485(a)(1) (20
25 U.S.C. 1092(a)(1)) is amended—

1 (A) by striking subparagraph (L);

2 (B) by redesignating subparagraphs (M)
3 through (P) as subparagraphs (L) through (O);
4 and

5 (C) by striking subparagraphs (Q) through
6 (V) and inserting the following:

7 “(P) the fire safety report prepared by the
8 institution pursuant to subsection (i); and

9 “(Q) the link to the institution’s informa-
10 tion on the College Dashboard website operated
11 under section 132.”.

12 (2) CONFORMING AMENDMENTS.—Section
13 485(a) (20 U.S.C. 1092(a)) is amended by striking
14 paragraphs (3) through (7).

15 (d) EXIT COUNSELING.—Section 485(b) (20 U.S.C.
16 1092(b)) is amended—

17 (1) in paragraph (1)(A)—

18 (A) in the matter preceding clause (i)—

19 (i) by striking “through financial aid
20 offices or otherwise” and inserting
21 “through the use of an interactive pro-
22 gram, during an exit counseling session
23 that is in-person or online, or through the
24 use of the online counseling tool described
25 in subsection (n)(1)(A)”; and

1 (ii) by inserting “, as in effect on the
2 day before the date of enactment of the
3 HOPE Act and pursuant to section 461(a)
4 of such Act or made under part E (other
5 than Federal ONE Parent Loans), as in
6 effect on or after the date of enactment of
7 the HOPE Act” after “part E”;

8 (B) by redesignating clauses (i) through
9 (ix) as clauses (v) through (xiii), respectively;

10 (C) by inserting before clause (v), as so re-
11 designated, the following:

12 “(i) a summary of the outstanding balance of
13 principal and interest due on the loans made to the
14 borrower under this title;

15 “(ii) an explanation of the grace period pre-
16 ceding repayment and the expected date that the
17 borrower will enter repayment;

18 “(iii) an explanation of cases of interest capital-
19 ization and that the borrower has the option to pay
20 any interest that has accrued while the borrower was
21 in school or that may accrue during the grace period
22 preceding repayment or during an authorized period
23 of deferment or forbearance, prior to the capitaliza-
24 tion of the interest;

1 “(iv) an explanation that the borrower may be
2 approached during the repayment process by third-
3 party student debt relief companies, that they should
4 use caution in any such dealings, and that the typ-
5 ical services provided by these companies are already
6 offered to borrowers free of charge through
7 servicers;”;

8 (D) in clause (v), as so redesignated—

9 (i) by striking “sample information
10 showing the average” and inserting “infor-
11 mation, based on the borrower’s out-
12 standing balance described in clause (i),
13 showing the borrower’s”; and

14 (ii) by striking “of each plan” and in-
15 serting “of at least the standard repay-
16 ment plan and the income-based repay-
17 ment plans the borrower is eligible for”;

18 (E) in clause (x), as so redesignated—

19 (i) by inserting “decreased credit
20 score,” after “credit reports,”; and

21 (ii) by inserting “potential reduced
22 ability to rent or purchase a home or car,
23 potential difficulty in securing employ-
24 ment,” after “Federal law,”;

1 (F) in clause (xi), as so redesignated, by
2 striking “consolidation loan under section 428C
3 or a”;

4 (G) in clauses (xii) and (xiii), as so redesi-
5 gnated, by striking “and” at the end; and

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

7 “(xiv) for each of the borrower’s loans made
8 under this title for which the borrower is receiving
9 counseling under this subsection, the contact infor-
10 mation for the servicer of the loan and a link to the
11 Website of such servicer; and

12 “(xv) an explanation that an individual has a
13 right to annually request a disclosure of information
14 collected by a consumer reporting agency pursuant
15 to section 612(a) of the Fair Credit Reporting Act
16 (15 U.S.C. 1681j(a)).”;

17 (2) in paragraph (1)(B)—

18 (A) by inserting “online or” before “in
19 writing”; and

20 (B) by adding before the period at the end
21 the following: “, except that in the case of an
22 institution using the online counseling tool de-
23 scribed in subsection (n)(1)(A), the Secretary
24 shall attempt to provide such information to the

1 student in the manner described in subsection
2 (n)(3)(C)”; and
3 (3) in paragraph (2)(C), by inserting “, such as
4 the online counseling tool described in subsection
5 (n)(1)(A),” after “electronic means”.

6 (e) DEPARTMENTAL PUBLICATION OF DESCRIPTIONS
7 OF ASSISTANCE PROGRAMS.—The third sentence of sec-
8 tion 485(d)(1) (20 U.S.C. 1092(d)(1)) is amended by
9 striking “part D” and inserting “part D or E”.

10 (f) AMENDMENTS TO CLERY ACT.—

11 (1) PREVENTING INTERFERENCE WITH CRIMI-
12 NAL JUSTICE PROCEEDINGS; TIMELY WARNINGS;
13 CONSISTENCY OF INSTITUTIONAL CRIME REPORT-
14 ING.—Section 485(f) (20 U.S.C. 1092(f)) is amend-
15 ed—

16 (A) by striking paragraph (3) and insert-
17 ing the following:

18 “(3) Each institution participating in any pro-
19 gram under this title, other than a foreign institu-
20 tion of higher education, shall make timely reports
21 to the campus community on crimes described in
22 paragraph (1)(F) that have been reported to campus
23 security officials and pose a serious and continuing
24 threat to other students and employees’ safety. Such
25 reports shall withhold the names of victims as con-

1 fiducial and shall be provided in a timely manner,
2 except that an institution may delay issuing a report
3 if the issuance would compromise ongoing law en-
4 forcement efforts, such as efforts to apprehend a
5 suspect. The report shall also include information
6 designed to assist students and employees in staying
7 safe and avoiding similar occurrences to the extent
8 such information is available and appropriate to in-
9 clude. In assessing institutional compliance with this
10 section, the Secretary shall defer to the institution’s
11 determination of whether a particular crime poses a
12 serious and continuing threat to the campus commu-
13 nity, and the timeliness of such warning, provided
14 that, in making its decision, the institution acted
15 reasonably and based on the considered professional
16 judgement of campus security officials, based on the
17 facts and circumstances known at the time.”;

18 (B) by redesignating paragraph (18) as
19 paragraph (20); and

20 (C) by inserting after paragraph (17) the
21 following:

22 “(18) Nothing in this subsection may be construed
23 to prohibit an institution of higher education from delay-
24 ing the initiation of, or suspending, an investigation or in-
25 stitutional disciplinary proceeding involving an allegation

1 of sexual assault in response to a request from a law en-
2 forcement agency or a prosecutor to delay the initiation
3 of, or suspend, the investigation or proceeding, and any
4 delay or suspension of such an investigation or proceeding
5 in response to such a request may not serve as the grounds
6 for any sanction or audit finding against the institution
7 or for the suspension or termination of the institution's
8 participation in any program under this title.

9 “(19)(A) Reporting carried out under this subsection
10 shall be conducted in a manner to ensure maximum con-
11 sistency with the Uniform Crime Reporting Program of
12 the Department of Justice.

13 “(B) The Secretary shall require institutions of high-
14 er education to report crime statistics under this section
15 using definitions of such crimes, when available, from the
16 Uniform Crime Reporting Program of the Department of
17 Justice.

18 “(C) The Secretary shall maintain a publicly avail-
19 able and updated list of all applicable definitions from the
20 Uniform Crime Reporting Program of the Department of
21 Justice.

22 “(D) With respect to a report under this subsection,
23 in the case of a crime for which no Uniform Crime Report-
24 ing Program of the Department of Justice definition ex-
25 ists, the Secretary shall require that institutions of higher

1 education report such crime according to a definition pro-
2 vided by the Secretary.

3 “(E) An institution of higher education that reports
4 a crime described in subparagraph (D) shall not be subject
5 to any penalty or fine for reporting inaccuracies or omis-
6 sions if the institution of higher education can dem-
7 onstrate that it made a reasonable and good faith effort
8 to report crimes consistent with the definition provided by
9 the Secretary.

10 “(F) With respect to a report under this subsection,
11 the Secretary shall require institutions of higher education
12 to follow the Hierarchy Rule for reporting crimes under
13 the Uniform Crime Reporting Program of the Department
14 of Justice, so as to minimize duplicate reporting and en-
15 sure greater consistency with national crime reporting sys-
16 tems.”.

17 (2) DUE PROCESS REQUIREMENTS FOR INSTI-
18 TUTIONAL DISCIPLINARY PROCEEDINGS.—Section
19 485(f)(8)(B)(iv)(I) (20 U.S.C. 1092(f)(8)(B)(iv)(I))
20 is amended to read as follows:

21 “(I) the investigation of the allegation
22 and any institutional disciplinary pro-
23 ceeding in response to the allegation shall
24 be prompt, impartial, and fair to both the

1 accuser and the accused by, at a min-
2 imum—

3 “(aa) providing all parties to the
4 proceeding with adequate written no-
5 tice of the allegation not later than 2
6 weeks prior to the start of any formal
7 hearing or similar adjudicatory pro-
8 ceeding, and including in such notice
9 a description of all rights and respon-
10 sibilities under the proceeding, a
11 statement of all relevant details of the
12 allegation, and a specific statement of
13 the sanctions which may be imposed;

14 “(bb) providing each person
15 against whom the allegation is made
16 with a meaningful opportunity to
17 admit or contest the allegation;

18 “(cc) ensuring that all parties to
19 the proceeding have access to all ma-
20 terial evidence not later than one week
21 prior to the start of any formal hear-
22 ing or similar adjudicatory pro-
23 ceeding;

24 “(dd) ensuring that the pro-
25 ceeding is carried out free from con-

1 flicts of interest by ensuring that
2 there is no commingling of adminis-
3 trative or adjudicative roles; and

4 “(ee) ensuring that the investiga-
5 tion and proceeding shall be con-
6 ducted by officials who receive annual
7 education on issues related to domes-
8 tic violence, dating violence, sexual as-
9 sault, and stalking, and on how to
10 conduct an investigation and an insti-
11 tutional disciplinary proceeding that
12 protects the safety of victims, ensures
13 fairness for both the accuser and the
14 accused, and promotes account-
15 ability;”.

16 (3) ESTABLISHMENT OF STANDARD OF EVI-
17 DENCE FOR INSTITUTIONAL DISCIPLINARY PRO-
18 CEEDINGS.—

19 (A) INCLUSION IN STATEMENT OF POL-
20 ICY.—Section 485(f)(8)(B) (20 U.S.C.
21 1092(f)(8)(B)) is amended by adding at the
22 end the following new clause:

23 “(viii) The establishment of a standard of evi-
24 dence that will be used in institutional disciplinary
25 proceedings involving allegations of sexual assault,

1 which may be based on such standards and criteria
2 as the institution considers appropriate (including
3 the institution’s culture, history, and mission, the
4 values reflected in its student code of conduct, and
5 the purpose of the institutional disciplinary pro-
6 ceedings) so long as the standard is not arbitrary or
7 capricious and is applied consistently throughout all
8 such proceedings.”.

9 (B) CONFORMING AMENDMENTS.—Section
10 485(f)(8)(B)(iv) (20 U.S.C. 1092(f)(8)(B)(iv))
11 is amended—

12 (i) by striking “and” at the end of
13 subclause (II);

14 (ii) by striking the period at the end
15 of subclause (III) and inserting “; and”;
16 and

17 (iii) by adding at the end the fol-
18 lowing new subclause:

19 “(IV) in the case of a proceeding involving
20 an allegation of sexual assault, such pro-
21 ceedings shall be conducted in accordance with
22 the standard of evidence established by the in-
23 stitution under clause (viii), together with a
24 clear statement describing such standard of evi-
25 dence.”.

1 (4) EDUCATION MODULES FOR OFFICIALS CON-
2 DUCTING INVESTIGATIONS AND INSTITUTIONAL DIS-
3 CIPLINARY PROCEEDINGS.—Section 485(f)(8) (20
4 U.S.C. 1092(f)(8)) is amended by adding at the end
5 the following new subparagraph:

6 “(D) In consultation with experts from institutions
7 of higher education, law enforcement agencies, advocates
8 for sexual assault victims, experts in due process, and
9 other appropriate persons, the Secretary shall create and
10 regularly update modules which an institution of higher
11 education may use to provide the annual education de-
12 scribed in subparagraph (B)(iv)(I)(ee) for officials con-
13 ducting investigations and institutional disciplinary pro-
14 ceedings involving allegations described in such subpara-
15 graph. If the institution uses such modules to provide the
16 education described in such subparagraph, the institution
17 shall be considered to meet any requirement under such
18 subparagraph or any other Federal law regarding the edu-
19 cation provided to officials conducting such investigations
20 and proceedings.”.

21 (g) MODIFICATION OF CERTAIN REPORTING RE-
22 QUIREMENTS.—

23 (1) FIRE SAFETY.—Section 485(i) (20 U.S.C.
24 1092(i)) is amended to read as follows:

25 “(i) FIRE SAFETY REPORTS.—

1 “(1) ANNUAL REPORT.—Each eligible institu-
2 tion participating in any program under this title
3 that maintains on-campus student housing facilities
4 shall, on an annual basis, publish a fire safety re-
5 port, which shall contain information with respect to
6 the campus fire safety practices and standards of
7 that institution, statistics on any fire related inci-
8 dents or injuries, and any preventative measures or
9 technologies.

10 “(2) RULES OF CONSTRUCTION.—Nothing in
11 this subsection shall be construed to—

12 “(A) authorize the Secretary to require
13 particular policies, procedures, programs, or
14 practices by institutions of higher education
15 with respect to fire safety;

16 “(B) affect section 444 of the General
17 Education Provisions Act (commonly known as
18 the ‘Family Education Rights and Privacy Act
19 of 1974’) or the regulations issued under sec-
20 tion 264 of the Health Insurance Portability
21 and Accountability Act of 1996 (42 U.S.C.
22 1320d-2 note);

23 “(C) create a cause of action against any
24 institution of higher education or any employee
25 of such an institution for any civil liability; or

1 “(D) establish any standard of care.

2 “(3) EVIDENCE.—Notwithstanding any other
3 provision of law, evidence regarding compliance or
4 noncompliance with this subsection shall not be ad-
5 missible as evidence in any proceeding of any court,
6 agency, board, or other entity, except with respect to
7 an action to enforce this subsection.”.

8 (2) MISSING PERSONS PROCEDURES.—

9 (A) IN GENERAL.—Section 485(j)(1) (20
10 U.S.C. 1092(j)(1)) is amended to read as fol-
11 lows:

12 “(1) IN GENERAL.—Each institution of higher
13 education that provides on-campus housing and par-
14 ticipates in any program under this title shall estab-
15 lish a missing student policy for students who reside
16 in on-campus housing that, at a minimum, informs
17 each residing student that the institution will notify
18 such student’s designated emergency contact and the
19 appropriate law enforcement agency not later than
20 24 hours after the time that the student is deter-
21 mined missing, and in the case of a student who is
22 under 18 years of age, the institution will notify a
23 custodial parent or guardian.”.

24 (B) RULE OF CONSTRUCTION.—Section
25 485(j)(2) (20 U.S.C. 1092(j)(2)) is amended—

1 (i) by striking “or” at the end of sub-
2 paragraph (A);

3 (ii) by striking the period at the end
4 of subparagraph (B) and inserting “; or”;
5 and

6 (iii) by adding at the end the fol-
7 lowing new subparagraph:

8 “(C) to require an institution of higher
9 education to maintain separate missing student
10 emergency contact information, so long as the
11 institution otherwise has an emergency contact
12 for students residing on campus.”.

13 (h) ANNUAL COUNSELING.—Section 485(l) (20
14 U.S.C. 1092(l)) is amended to read as follows:

15 “(l) ANNUAL FINANCIAL AID COUNSELING.—

16 “(1) ANNUAL DISCLOSURE REQUIRED.—

17 “(A) IN GENERAL.—Each eligible institu-
18 tion shall ensure, and annually affirm to the
19 Secretary, that each individual enrolled at such
20 institution who receives a Federal Pell Grant or
21 a loan made under this title (other than a Fed-
22 eral Direct Consolidation Loan or Federal ONE
23 Consolidation Loan) receives comprehensive in-
24 formation on the terms and conditions of such
25 Federal Pell Grant or loan and the responsibil-

1 ities the individual has with respect to such
2 Federal Pell Grant or loan. Such information
3 shall be provided, for each award year for which
4 the individual receives such Federal Pell Grant
5 or loan, in a simple and understandable man-
6 ner—

7 “(i) during a counseling session con-
8 ducted in person;

9 “(ii) online, with the individual ac-
10 knowledging receipt of the information; or

11 “(iii) through the use of the online
12 counseling tool described in subsection
13 (n)(1)(B).

14 “(B) USE OF INTERACTIVE PROGRAMS.—
15 In the case of institutions not using the online
16 counseling tool described in subsection
17 (n)(1)(B), the Secretary shall require such in-
18 stitutions to carry out the requirements of sub-
19 paragraph (A)—

20 “(i) through the use of interactive
21 programs;

22 “(ii) during an annual counseling ses-
23 sion that is in-person or online that tests
24 the individual’s understanding of the terms

1 and conditions of the Federal Pell Grant
2 or loan awarded to the student; and

3 “(iii) using simple and understandable
4 language and clear formatting.

5 “(2) ALL INDIVIDUALS.—The information to be
6 provided under paragraph (1) to each individual re-
7 ceiving counseling under this subsection shall include
8 the following:

9 “(A) An explanation of how the student
10 may budget for typical educational expenses
11 and a sample budget based on the cost of at-
12 tendance for the institution.

13 “(B) An explanation that an individual has
14 a right to annually request a disclosure of infor-
15 mation collected by a consumer reporting agen-
16 cy pursuant to section 612(a) of the Fair Credit
17 Reporting Act (15 U.S.C. 1681j(a)).

18 “(C) Based on the most recent data avail-
19 able from the American Community Survey
20 available from the Department of Commerce,
21 the estimated average income and percentage of
22 employment in the State of domicile of the bor-
23 rower for persons with—

24 “(i) a high school diploma or equiva-
25 lent;

1 “(ii) some post-secondary education
2 without completion of a degree or certifi-
3 cate;

4 “(iii) an associate’s degree;

5 “(iv) a bachelor’s degree; and

6 “(v) a graduate or professional de-
7 gree.

8 “(D) An introduction to the financial man-
9 agement resources provided by the Financial
10 Literacy and Education Commission.

11 “(E) An explanation of how the student
12 may seek additional financial assistance from
13 the institution’s financial aid office due to a
14 change in the student’s financial circumstances,
15 and the contact information for such office.

16 “(3) STUDENTS RECEIVING FEDERAL PELL
17 GRANTS.—The information to be provided under
18 paragraph (1) to each student receiving a Federal
19 Pell Grant shall include the following:

20 “(A) An explanation of the terms and con-
21 ditions of the Federal Pell Grant.

22 “(B) An explanation of approved edu-
23 cational expenses for which the student may use
24 the Federal Pell Grant.

1 “(C) An explanation of why the student
2 may have to repay the Federal Pell Grant.

3 “(D) An explanation of the maximum
4 number of semesters or equivalent for which the
5 student may be eligible to receive a Federal Pell
6 Grant, and a statement of the amount of time
7 remaining for which the student may be eligible
8 to receive a Federal Pell Grant.

9 “(E) An explanation that if the student
10 transfers to another institution, the amount of
11 time remaining for which the student may be
12 eligible to receive a Federal Pell Grant, as pro-
13 vided under subparagraph (D), will not change,
14 regardless of whether all the courses completed
15 by such student are accepted for purposes of
16 meeting specific degree or program require-
17 ments by the institution to which the student
18 transfers.

19 “(4) BORROWERS RECEIVING LOANS MADE
20 THIS TITLE (OTHER THAN FEDERAL DIRECT PLUS
21 LOANS MADE ON BEHALF OF DEPENDENT STU-
22 DENTS OR FEDERAL ONE PARENT LOANS).—The in-
23 formation to be provided under paragraph (1) to a
24 borrower of a loan made under this title (other than
25 other than a Federal Direct PLUS Loan made on

1 behalf of a dependent student or a Federal ONE
2 Parent Loan) shall include the following:

3 “(A) To the extent practicable, the effect
4 of accepting the loan to be disbursed on the eli-
5 gibility of the borrower for other forms of stu-
6 dent financial assistance.

7 “(B) An explanation of the use of the mas-
8 ter promissory note.

9 “(C) An explanation that the borrower is
10 not required to accept the full amount of the
11 loan offered to the borrower.

12 “(D) An explanation that the borrower
13 should consider accepting any grant, scholar-
14 ship, or State or Federal work-study jobs for
15 which the borrower is eligible prior to accepting
16 Federal student loans.

17 “(E) An explanation of treatment of loans
18 made under this title and private education
19 loans in bankruptcy, and an explanation that if
20 a borrower decides to take out a private edu-
21 cation loan—

22 “(i) the borrower has the ability to se-
23 lect a private educational lender of the bor-
24 rower’s choice;

1 “(ii) the proposed private education
2 loan may impact the borrower’s potential
3 eligibility for other financial assistance, in-
4 cluding Federal financial assistance under
5 this title; and

6 “(iii) the borrower has a right—

7 “(I) to accept the terms of the
8 private education loan within 30 cal-
9 endar days following the date on
10 which the application for such loan is
11 approved and the borrower receives
12 the required disclosure documents,
13 pursuant to section 128(e)(6) of the
14 Truth in Lending Act; and

15 “(II) to cancel such loan within 3
16 business days of the date on which the
17 loan is consummated, pursuant to sec-
18 tion 128(e)(7) of such Act.

19 “(F) An explanation of the approved edu-
20 cational expenses for which the borrower may
21 use a loan made under this title.

22 “(G) Information on the annual and aggre-
23 gate loan limits for a loan made under this
24 title.

1 “(H) An explanation that, in the case of a
2 student who transfers to another institution,
3 the loan amounts such student received before
4 such transfer shall be used in determining the
5 aggregate loan amount of the student, regard-
6 less of whether all of the courses completed by
7 such student are accepted for purposes of meet-
8 ing specific degree or program requirements by
9 the institution to which such student transfers.

10 “(I) Information on interest, including the
11 annual percentage rate of such loan, as cal-
12 culated using the standard 10-year repayment
13 term, and how interest accrues and is capital-
14 ized during periods when the interest is not
15 paid by the borrower.

16 “(J) The option of the borrower to pay the
17 interest while the borrower is in school.

18 “(K) The definition of half-time enrollment
19 at the institution, during regular terms and
20 summer school, if applicable, and the con-
21 sequences of not maintaining at least half-time
22 enrollment.

23 “(L) An explanation of the importance of
24 contacting the appropriate offices at the institu-
25 tion of higher education if the borrower with-

1 draws prior to completing the borrower’s pro-
2 gram of study so that the institution can pro-
3 vide exit counseling, including information re-
4 garding the borrower’s repayment options and
5 loan consolidation.

6 “(M) For a first-time borrower or a bor-
7 rower of a loan under this title who owes no
8 principal or interest on such loan—

9 “(i) a statement of the anticipated
10 balance on the loan for which the borrower
11 is receiving counseling under this sub-
12 section;

13 “(ii) based on such anticipated bal-
14 ance, the anticipated monthly payment
15 amount under, at minimum—

16 “(I) the standard repayment
17 plan; and

18 “(II) the income-based repay-
19 ment plans the borrower is eligible
20 for, as determined using available per-
21 centile data from the Bureau of Labor
22 Statistics of the starting salary for
23 the occupation in which the borrower
24 has an interest in or intends to be em-
25 ployed; and

1 “(iii) an estimate of the projected
2 monthly payment amount under each re-
3 payment plan described in clause (ii),
4 based on the average cumulative indebted-
5 ness at graduation for borrowers of loans
6 made under this title who are in the same
7 program of study as the borrower.

8 “(N) For a borrower with an outstanding
9 balance of principal or interest due on a loan
10 made under this title—

11 “(i) a current statement of the
12 amount of such outstanding balance and
13 interest accrued;

14 “(ii) based on such outstanding bal-
15 ance, the anticipated monthly payment
16 amount under the standard repayment
17 plan, and the income-based repayment
18 plans the borrower is eligible for, as deter-
19 mined using available percentile data from
20 the Bureau of Labor Statistics of the
21 starting salary for the occupation the bor-
22 rower intends to be employed; and

23 “(iii) an estimate of the projected
24 monthly payment amount under each re-

1 payment plan described in clause (ii),
2 based on—

3 “(I) the outstanding balance de-
4 scribed in clause (i);

5 “(II) the anticipated outstanding
6 balance on the loan for which the stu-
7 dent is receiving counseling under this
8 subsection; and

9 “(III) a projection for any other
10 loans made under this title that the
11 borrower is reasonably expected to ac-
12 cept during the borrower’s program of
13 study based on at least the expected
14 increase in the cost of attendance of
15 such program.

16 “(O) 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 “(P) 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, and a notice of the institu-

1 tion’s most recent loan repayment rate (as de-
2 fined in section 481B) for the educational pro-
3 gram in which the borrower is enrolled, an ex-
4 planation of the loan repayment rate, and the
5 most recent national average loan repayment
6 rate for an educational program.

7 “(Q) Information on the National Student
8 Loan Data System and how the borrower can
9 access the borrower’s records.

10 “(R) The contact information for the insti-
11 tution’s financial aid office or other appropriate
12 office at the institution the borrower may con-
13 tact if the borrower has any questions about the
14 borrower’s rights and responsibilities or the
15 terms and conditions of the loan.

16 “(5) BORROWERS RECEIVING FEDERAL DIRECT
17 PLUS LOANS FOR DEPENDENT STUDENTS OR FED-
18 ERAL ONE PARENT LOANS.—The information to be
19 provided under paragraph (1) to a borrower of a
20 Federal Direct PLUS Loan for a dependent student
21 or a Federal ONE Parent Loan shall include the fol-
22 lowing:

23 “(A) The information described in sub-
24 paragraphs (A) through (C) and (O) through
25 (R) of paragraph (4).

1 “(B) An explanation of the treatment of
2 the loan and private education loans in bank-
3 ruptey.

4 “(C) Information on the annual and aggre-
5 gate loan limits.

6 “(D) Information on the annual percent-
7 age rate of the loan.

8 “(E) A notification that some students
9 may qualify for other financial aid and an ex-
10 planation that the student for whom the bor-
11 rower is taking out the loan should consider ac-
12 cepting any grant, scholarship, or State or Fed-
13 eral work-study jobs for which the student is el-
14 igible prior to borrowing a Federal ONE Parent
15 Loan.

16 “(F) For a first-time borrower of a loan or
17 a borrower of a loan under this title who owes
18 no principal or interest on such 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

1 amount under the standard repayment
2 plan; and

3 “(iii) an estimate of the projected
4 monthly payment amount under the stand-
5 ard repayment plan, based on the average
6 cumulative indebtedness of other borrowers
7 of loans made under this title on behalf of
8 dependent students who are in the same
9 program of study as the student on whose
10 behalf the borrower borrowed the loan.

11 “(G) For a borrower with an outstanding
12 balance of principal or interest due on such
13 loan—

14 “(i) a statement of the amount of
15 such outstanding balance;

16 “(ii) based on such outstanding bal-
17 ance, the anticipated monthly payment
18 amount under the standard repayment
19 plan; and

20 “(iii) an estimate of the projected
21 monthly payment amount under the stand-
22 ard repayment plan, based on—

23 “(I) the outstanding balance de-
24 scribed in clause (i);

1 “(II) the anticipated outstanding
2 balance on the loan for which the bor-
3 rower is receiving counseling under
4 this subsection; and

5 “(III) a projection for any other
6 Federal Direct PLUS Loan made on
7 behalf of the dependent student or
8 Federal ONE Parent Loan that the
9 borrower is reasonably expected to ac-
10 cept during the program of study of
11 such student based on at least the ex-
12 pected increase in the cost of attend-
13 ance of such program.

14 “(H) Debt management strategies that are
15 designed to facilitate the repayment of such in-
16 debtedness.

17 “(I) An explanation that the borrower has
18 the options to prepay each loan, pay each loan
19 on a shorter schedule, pay each loan while the
20 dependent child is still in school, pay the inter-
21 est on the loan while the loan is in deferment,
22 and change repayment plans.

23 “(J) For each Federal Direct PLUS Loan
24 and each Federal ONE Parent Loan for which
25 the borrower is receiving counseling under this

1 subsection, the contact information for the loan
2 servicer of the loan and a link to such servicer's
3 Website.

4 “(6) ANNUAL LOAN ACCEPTANCE.—Prior to
5 making the first disbursement of a loan made under
6 this title (other than a Federal Direct Consolidation
7 Loan or Federal ONE Consolidation Loan) to a bor-
8 rower for an award year, an eligible institution,
9 shall, as part of carrying out the counseling require-
10 ments of this subsection for the loan, ensure that
11 after receiving the applicable counseling under para-
12 graphs (2), (4), and (5) for the loan the borrower
13 accepts the loan for such award year and for such
14 amount as is specified by the borrower by—

15 “(A) signing the master promissory note
16 for the loan;

17 “(B) signing and returning to the institu-
18 tion a separate written statement that affirma-
19 tively states that the borrower accepts the loan;
20 or

21 “(C) electronically signing an electronic
22 version of the statement described in subpara-
23 graph (B).

24 “(7) PROHIBITION.—An institution of higher
25 education may not counsel a borrower of a loan

1 under this title to divorce or separate and live apart
2 from one another for the purpose of qualifying for,
3 or obtaining an increased amount of, Federal finan-
4 cial assistance under this Act.

5 “(8) CONSTRUCTION.—Nothing in this section
6 shall be construed to prohibit an eligible institution
7 from providing additional information and coun-
8 seling services to recipients of Federal student aid
9 under this title, except that any such additional in-
10 formation and counseling services for recipients of
11 Federal student aid shall not preclude or be consid-
12 ered a condition for disbursement of such aid.”.

13 (i) ONLINE COUNSELING TOOLS.—Section 485 (20
14 U.S.C. 1092) is further amended by adding at the end
15 the following:

16 “(n) ONLINE COUNSELING TOOLS.—

17 “(1) IN GENERAL.—Beginning not later than 1
18 year after the date of enactment of the HOPE Act,
19 the Secretary shall maintain—

20 “(A) an online counseling tool that pro-
21 vides the exit counseling required under sub-
22 section (b) and meets the applicable require-
23 ments of this subsection; and

24 “(B) an online counseling tool that pro-
25 vides the annual counseling required under sub-

1 section (1) and meets the applicable require-
2 ments of this subsection.

3 “(2) REQUIREMENTS OF TOOLS.—In maintain-
4 ing the online counseling tools described in para-
5 graph (1), the Secretary shall ensure that each such
6 tool is—

7 “(A) consumer tested to ensure that the
8 tool is effective in helping individuals under-
9 stand their rights and obligations with respect
10 to borrowing a loan made this title or receiving
11 a Federal Pell Grant;

12 “(B) understandable to students receiving
13 Federal Pell Grants and borrowers of loans
14 made this title; and

15 “(C) freely available to all eligible institu-
16 tions.

17 “(3) RECORD OF COUNSELING COMPLETION.—
18 The Secretary shall—

19 “(A) use each online counseling tool de-
20 scribed in paragraph (1) to keep a record of
21 which individuals have received counseling using
22 the tool, and notify the applicable institutions
23 of the individual’s completion of such coun-
24 seling;

1 “(B) in the case of a borrower who re-
2 ceives annual counseling for a loan made under
3 this title using the tool described in paragraph
4 (1)(B), notify the borrower by when the bor-
5 rower should accept, in a manner described in
6 subsection (l)(6), the loan for which the bor-
7 rower has received such counseling; and

8 “(C) in the case of a borrower described in
9 subsection (b)(1)(B) at an institution that uses
10 the online counseling tool described in para-
11 graph (1)(A) of this subsection, the Secretary
12 shall attempt to provide the information de-
13 scribed in subsection (b)(1)(A) to the borrower
14 through such tool.”.

15 (j) FINANCIAL AID OFFERS.—Section 485 (20
16 U.S.C. 1092) is further amended by adding at the end
17 the following:

18 “(o) FINANCIAL AID OFFERS.—

19 “(1) REQUIREMENTS FOR OFFERS.—

20 “(A) SECRETARIAL REQUIREMENTS.—Not
21 later than 18 months after the date of enact-
22 ment of the HOPE Act the Secretary shall,
23 based on the consumer testing conducted under
24 subparagraph (E), publish requirements for fi-
25 nancial aid offers that shall—

1 “(i) include a requirement that finan-
2 cial aid offers shall serve as the primary
3 source for Federal, State, and institutional
4 financial aid information provided by an
5 institution of higher education partici-
6 pating in any program under this title to
7 each prospective student accepted for ad-
8 mission and each enrolled student at such
9 institution;

10 “(ii) include a requirement that such
11 offers include a standardized quick ref-
12 erence box described in subparagraph (D);

13 “(iii) establish standardized terms and
14 definitions, including for the elements list-
15 ed in subparagraph (C), that shall be in-
16 cluded in each such offer;

17 “(iv) establish formatting require-
18 ments with respect to the organization of
19 the elements listed in subparagraph (C),
20 which shall include, at a minimum, a re-
21 quirement that prohibits such offers from
22 displaying loans in a manner that indicates
23 or implies that such loans reduce the
24 amount owed to the institution or reduce
25 the net price; and

1 “(v) specify the simple, plain-lan-
2 guage, and consumer-friendly information
3 to be included in each such offer with re-
4 spect to the financial aid being offered to
5 a student, which shall include—

6 “(I) an explanation of differences
7 among each such type of financial aid,
8 including clear explanations that—

9 “(aa) grants and scholar-
10 ships do not have to be repaid;

11 “(bb) loans (including loans
12 made under part D and part E
13 and private education loans (as
14 defined in section 140 of the
15 Truth in Lending Act)) must be
16 repaid with interest; and

17 “(cc) payments under Fed-
18 eral work-study programs under
19 part C are contingent on finding
20 qualified employment and are
21 typically disbursed incrementally
22 in paychecks;

23 “(II) information clarifying that
24 students may—

1 “(aa) decline to accept a
2 loan made under part D or part
3 E; or

4 “(bb) accept an amount of
5 such loan that is less than the
6 amount of such loan included in
7 the financial aid offer; and

8 “(III) in a case in which the in-
9 stitution offers a student such a loan
10 in an amount that is less than the
11 maximum amount for which the stu-
12 dent is eligible, an explanation that
13 the student is eligible for additional
14 loans under part D or part E.

15 “(B) INSTITUTIONAL REQUIREMENTS.—
16 Beginning with the award year that begins not
17 less than 1 year after the Secretary publishes
18 requirements under subparagraph (A), each in-
19 stitution of higher education described in sub-
20 paragraph (A)(i) shall provide a financial aid
21 offer to each student described in such subpara-
22 graph prior to each academic year that—

23 “(i) shall comply with the require-
24 ments published by the Secretary under
25 subparagraph (A); and

1 “(ii) may be supplemented by the in-
2 stitution with additional, non-contradictory
3 information related to financial aid as long
4 as such supplementary information uses
5 the standardized terms and definitions de-
6 scribed in subparagraph (A)(iii).

7 “(C) ELEMENTS.—A financial aid offer
8 provided by an institution of higher education
9 shall include the following elements with respect
10 to the academic year for which the offer is
11 being provided:

12 “(i) The cost of attendance, which
13 shall include separately calculated sub-
14 totals of—

15 “(I) an itemized list of estimated
16 direct costs owed to the institution;
17 and

18 “(II) an itemized list of antici-
19 pated student expenses not covered
20 under subclause (I).

21 “(ii) Federal, State, and institutional
22 financial aid available to the student,
23 which shall include separately calculated
24 subtotals of—

25 “(I) grants and scholarships;

1 “(II) loans made under part D
2 (excluding Federal Direct Parent
3 PLUS Loans) and part E (excluding
4 Federal ONE Parent Loans); and

5 “(III) Federal work-study pro-
6 grams under part C and other on-
7 campus employment.

8 “(iii) Other options that may be avail-
9 able to students to cover the cost of at-
10 tendance (including Federal Direct Parent
11 PLUS Loans and Federal ONE Parent
12 Loans, tuition payment plans, savings, and
13 earnings from other employment).

14 “(iv) The net price, which shall be de-
15 termined by calculating the difference be-
16 tween—

17 “(I) the cost of attendance de-
18 scribed in clause (i); and

19 “(II) the grants and scholarships
20 described in clause (ii)(I).

21 “(v) Next step instructions, includ-
22 ing—

23 “(I) the process and deadlines for
24 accepting the financial aid; and

1 “(II) information about where to
2 find additional information on the fi-
3 nancial aid offered.

4 “(vi) Any other information deter-
5 mined necessary by the Secretary based on
6 the consumer testing conducted under sub-
7 paragraph (E), which may include the fol-
8 lowing:

9 “(I) An estimate of the net direct
10 cost, which shall be determined by cal-
11 culating the difference between—

12 “(aa) the direct costs owed
13 to the institution described in
14 clause (i)(I); and

15 “(bb) the grants and schol-
16 arships described in clause (ii)(I).

17 “(II) Information on average stu-
18 dent debt, loan repayment and default
19 rates, loan repayment options, and
20 graduation rates.

21 “(III) In the case of a prospec-
22 tive student, the process and deadlines
23 for enrolling at the institution.

24 “(IV) Information regarding the
25 enrollment period covered by the aid

1 offer, and whether the cost and aid
2 estimates are based on full-time or
3 part-time enrollment.

4 “(D) STANDARDIZED QUICK REFERENCE
5 BOX.—A financial aid offer provided by an in-
6 stitution of higher education shall include a
7 standardized quick reference box to enable stu-
8 dents to quickly and easily compare key infor-
9 mation on college costs and financial aid—

10 “(i) that shall be included in an iden-
11 tical fashion for each student receiving a
12 financial aid offer from the institution on
13 the first page of such offer;

14 “(ii) the contents and structure of
15 which shall be developed through consumer
16 testing conducted under paragraph (E);
17 and

18 “(iii) shall include three data ele-
19 ments:

20 “(I) Cost of attendance.

21 “(II) Total grants and scholar-
22 ships offered.

23 “(III) Net price.

24 “(E) CONSUMER TESTING.—The Secretary
25 shall—

1 “(i) conduct consumer testing that
2 shall serve as the basis in determining the
3 requirements for financial aid offers pub-
4 lished under subparagraph (A), which shall
5 include students (including low-income stu-
6 dents, English learners, first generation
7 college students, veteran students, grad-
8 uate students, and undergraduate students
9 (including prospective students and return-
10 ing students)), students’ families (includ-
11 ing low-income families, families of English
12 learners, and families with first generation
13 college students), institutions of higher
14 education (including representatives from
15 two- and four-year institutions, public and
16 private institutions, and minority-serving
17 institutions), secondary school and postsec-
18 ondary counselors, financial aid adminis-
19 trators, nonprofit college access organiza-
20 tions, and nonprofit consumer groups; and
21 “(ii) not later than 60 days after the
22 publication of the requirements under sub-
23 paragraph (A)—

1 “(I) issue a report on the find-
2 ings of the consumer testing under
3 this subparagraph; and

4 “(II) specify ways in which the
5 findings are reflected in such require-
6 ments.

7 “(2) DEFINITIONS.—In this subsection—

8 “(A) the term ‘cost of attendance’ has the
9 meaning given the term in section 472;

10 “(B) the term ‘English learner’ has the
11 meaning given the term in section 8101(20) of
12 the Elementary and Secondary Education Act
13 of 1965 (20 U.S.C. 7801(20)), except that such
14 term does not include individuals described in
15 subparagraph (B) of such section;

16 “(C) the term ‘first generation college stu-
17 dent’ has the meaning given the term in section
18 402A(h);

19 “(D) the term ‘low-income student’ has the
20 meaning given the term in section 419N(b)(7);
21 and

22 “(E) the term ‘minority-serving institution’
23 means an institution of higher education de-
24 scribed in section 371(a).”.

1 (k) PREVENTING HAZING ON CAMPUS.—Section 485
2 (20 U.S.C. 1092) is further amended by adding at the
3 end the following:

4 “(p) PREVENTING HAZING ON CAMPUS.—

5 “(1) SENSE OF CONGRESS.—It is the Sense of
6 Congress that—

7 “(A) institutions of higher education
8 should have clear policies that prohibit unsafe
9 practices, such as hazing, on campus;

10 “(B) institutions of higher education
11 should ensure each student organization under-
12 stands what is considered an unsafe practice;

13 “(C) student organizations on campus
14 should ensure their policies and activities do not
15 endanger students safety or cause harm to stu-
16 dents;

17 “(D) administrators and faculty should
18 take seriously any threats or acts of harm to
19 students through activities organized by student
20 organizations and act quickly to prevent any
21 potential harm to students by these groups;

22 “(E) institutions of higher education
23 should ensure law enforcement has access to in-
24 vestigate any crimes committed by student or-
25 ganizations without obstruction from the stu-

1 dents, student organization, administrators, or
2 faculty; and

3 “(F) hazing is a dangerous practice and
4 should not be allowed on any campus.

5 “(2) DISCLOSURE OF POLICIES.—Each institu-
6 tion of higher education participating in any pro-
7 gram under this title shall ensure that—

8 “(A) all policies and required procedures
9 related to hazing are clearly posted for stu-
10 dents, faculty, and administrators; and

11 “(B) all student organizations are aware
12 of—

13 “(i) the policies described in subpara-
14 graph (A), including all prohibited activi-
15 ties; and

16 “(ii) the dangers of hazing.

17 “(3) HAZING DEFINED.—In this subsection, the
18 term ‘hazing’ means any intentional, knowing, or
19 reckless act committed by a student, or a former
20 student, of an institution of higher education, wheth-
21 er individually or with other persons, against an-
22 other student, that—

23 “(A) was committed in connection with an
24 initiation into, an affiliation with, or the main-
25 tenance of membership in, any organization

1 that is affiliated with such institution of higher
2 education; and

3 “(B)(i) contributes to a substantial risk of
4 physical injury, mental harm, or personal deg-
5 radation; or

6 “(ii) causes physical injury, mental harm
7 or personal degradation.”.

8 **SEC. 489. EARLY AWARENESS OF FINANCIAL AID ELIGI-**
9 **BILITY.**

10 Section 485E (20 U.S.C. 1092f) is amended—

11 (1) in subsection (b)—

12 (A) in paragraph (2)—

13 (i) strike “The Secretary,” and insert
14 “To improve the financial and economic
15 literacy of students and parents of stu-
16 dents in order to make informed decisions
17 with respect to financing postsecondary
18 education, the Secretary,”;

19 (ii) by striking “junior year” and in-
20 serting “sophomore year”;

21 (iii) by striking “The Secretary shall
22 ensure that” and inserting “The Secretary
23 shall—

24 “(A) ensure that”; and

1 (iv) by adding at the end the fol-
2 lowing:

3 “(B) create an online platform—

4 “(i) for States, institutions of higher
5 education, other organizations involved in
6 college access and student financial aid,
7 secondary schools, and programs under
8 this title that serve secondary school stu-
9 dents to share best practices on dissemi-
10 nating information under this section; and

11 “(ii) on which the Secretary shall an-
12 nually—

13 “(I) summarize such best prac-
14 tices; and

15 “(II) describe the notification
16 and dissemination activities carried
17 out under this section.”.

18 (B) in paragraph (4)—

19 (i) in the first sentence—

20 (I) by striking “Not later than
21 two years after the date of enactment
22 of the Higher Education Opportunity
23 Act, the” and inserting “The”; and

24 (II) by inserting “continue to”
25 before “implement”; and

1 (ii) in the second sentence, by striking
2 “the Internet” and inserting “the Internet,
3 including through social media”; and

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

5 “(e) ONLINE ESTIMATOR TOOL.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of the HOPE Act, the Sec-
8 retary, in consultation with States, institutions of
9 higher education, and other individuals with experi-
10 ence or expertise in student financial assistance ap-
11 plication processes, shall develop an early estimator
12 tool to be available online and through a mobile ap-
13 plication, which—

14 “(A) allows an individual to—

15 “(i) enter basic financial and other
16 relevant information; and

17 “(ii) on the basis of such information,
18 receive non-binding estimates of potential
19 Federal grant, loan, or work study assist-
20 ance under this title for which a student
21 may be eligible upon completion of an ap-
22 plication form under section 483(a);

23 “(B) with respect to each institution of
24 higher education that participates in a program
25 under this title selected by an individual for

1 purposes of the estimator tool, provides the in-
2 dividual with the net price (as defined in section
3 132) for the income category described in para-
4 graph (2) that is determined on the basis of the
5 information under subparagraph (A)(i) of this
6 paragraph entered by the individual;

7 “(C) includes a clear and conspicuous dis-
8 claimer that the amounts calculated using the
9 estimator tool are estimates based on limited fi-
10 nancial information, and that—

11 “(i) each such estimate—

12 “(I) in the case of an estimate
13 under subparagraph (A), is only an
14 estimate and does not represent a
15 final determination, or actual award,
16 of financial assistance under this title;

17 “(II) in the case of an estimate
18 under subparagraph (B), is only an
19 estimate and not a guarantee of the
20 actual amount that a student may be
21 charged;

22 “(III) shall not be binding on the
23 Secretary or an institution of higher
24 education; and

25 “(IV) may change; and

1 “(ii) a student must complete an ap-
2 plication form under section 483(a) in
3 order to be eligible for, and receive, an ac-
4 tual financial aid award that includes Fed-
5 eral grant, loan, or work study assistance
6 under this title; and

7 “(D) includes a clear and conspicuous ex-
8 planation of the differences between a grant
9 and a loan, and that an individual will be re-
10 quired to repay any loan borrowed by the indi-
11 vidual.

12 “(2) INCOME CATEGORIES.—The income cat-
13 egories for purposes of paragraph (1)(B) are as fol-
14 lows:

15 “(A) \$0 to \$30,000.

16 “(B) \$30,001 to \$48,000.

17 “(C) \$48,001 to \$75,000.

18 “(D) \$75,001 to \$110,000.

19 “(E) \$110,001 to \$150,000.

20 “(F) Over \$150,000.

21 “(3) CONSUMER TESTING.—In developing and
22 maintaining the estimator tool described in para-
23 graph (1), the Secretary shall conduct consumer
24 testing with appropriate persons, including current
25 and prospective college students, family members of

1 such students, and other individuals with expertise
2 in student financial assistance application processes
3 and college access, to ensure that such tool is easily
4 understandable by students and families and effective
5 in communicating early aid eligibility.

6 “(4) DATA STORAGE PROHIBITED.—In carrying
7 out this subsection, the Secretary shall not keep,
8 store, or warehouse any data inputted by individuals
9 accessing the tool described in paragraph (1).

10 “(d) PELL TABLE.—

11 “(1) IN GENERAL.—The Secretary shall develop,
12 and annually update at the beginning of each
13 award year, the following electronic tables to be utilized
14 in carrying out this section and containing the
15 information described in paragraph (2) of this subsection:
16

17 “(A) An electronic table for dependent students.
18

19 “(B) An electronic table for independent
20 students with dependents other than a spouse.

21 “(C) An electronic table for independent
22 students without dependents other than a
23 spouse.

24 “(2) INFORMATION.—Each electronic table
25 under paragraph (1), with respect to the category of

1 students to which the table applies for the most re-
2 cently completed award year for which information
3 is available, and disaggregated in accordance with
4 paragraph (3), shall contain the following informa-
5 tion:

6 “(A) The percentage of undergraduate stu-
7 dents attending an institution of higher edu-
8 cation on a full-time, full-academic year basis
9 who file the financial aid form prescribed under
10 section 483 for the award year and received, for
11 their first academic year during such award
12 year (and not for any additional payment peri-
13 ods after such first academic year), the fol-
14 lowing:

15 “(i) A Federal Pell Grant equal to the
16 maximum amount of a Federal Pell Grant
17 award determined under section 401(b)(2)
18 for such award year.

19 “(ii) A Federal Pell Grant in an
20 amount that is—

21 “(I) less than the maximum
22 amount described in clause (i); and

23 “(II) not less than $\frac{3}{4}$ of such
24 maximum amount for such award
25 year.

1 “(iii) A Federal Pell Grant in an
2 amount that is—

3 “(I) less than $\frac{3}{4}$ of such max-
4 imum amount; and

5 “(II) not less than $\frac{1}{2}$ of such
6 maximum amount for such award
7 year.

8 “(iv) A Federal Pell Grant in an
9 amount that is—

10 “(I) less than $\frac{1}{2}$ of such max-
11 imum amount; and

12 “(II) not less than the minimum
13 Federal Pell Grant amount deter-
14 mined under section 401(b)(4) for
15 such award year.

16 “(B) The dollar amounts equal to—

17 “(i) the maximum amount of a Fed-
18 eral Pell Grant award determined under
19 section 401(b)(2) for an award year;

20 “(ii) $\frac{3}{4}$ of such maximum amount;

21 “(iii) $\frac{1}{2}$ of such maximum amount;

22 and

23 “(iv) the minimum Federal Pell Grant
24 amount determined under section
25 401(b)(4) for such award year.

1 “(C) A clear and conspicuous notice that—

2 “(i) the Federal Pell Grant amounts
3 listed in subparagraph (B) are for a pre-
4 vious award year, and such amounts and
5 the requirements for awarding such
6 amounts may be different for succeeding
7 award years; and

8 “(ii) the Federal Pell Grant amount
9 for which a student may be eligible will be
10 determined based on a number of factors,
11 including enrollment status, once the stu-
12 dent completes an application form under
13 section 483(a).

14 “(D) A link to the early estimator tool de-
15 scribed in subsection (c) of this section, which
16 includes an explanation that an individual may
17 estimate a student’s potential Federal aid eligi-
18 bility under this title by accessing the estimator
19 on the individual’s mobile phone or online.

20 “(3) INCOME CATEGORIES.—The information
21 provided under paragraph (2)(A) shall be
22 disaggregated by the following income categories:

23 “(A) Less than \$5,000.

24 “(B) \$5,000 to \$9,999.

25 “(C) \$10,000 to \$19,999.

1 “(D) \$20,000 to \$29,999.

2 “(E) \$30,000 to \$39,999.

3 “(F) \$40,000 to \$49,999.

4 “(G) \$50,000 to \$59,999.

5 “(H) Greater than \$59,999.

6 “(e) LIMITATION.—The Secretary may not require a
7 State to participate in the activities or disseminate the
8 materials described in this section.”.

9 **SEC. 490. DISTANCE EDUCATION DEMONSTRATION PRO-**
10 **GRAMS.**

11 Section 486 (20 U.S.C. 1093(b)) is repealed.

12 **SEC. 491. CONTENTS OF PROGRAM PARTICIPATION AGREE-**
13 **MENTS.**

14 (a) PROGRAM PARTICIPATION AGREEMENTS.—Sec-
15 tion 487(a) (20 U.S.C. 1094(a)) is amended in the matter
16 before paragraph (1) by striking “, except with respect
17 to a program under subpart 4 of part A”.

18 (b) PERKINS CONFORMING CHANGES.—Section
19 487(a)(5) (20 U.S.C. 1094(a)(5)) is amended by striking
20 “and, in the case of an institution participating in a pro-
21 gram under part B or part E, to holders of loans made
22 to the institution’s students under such parts”.

23 (c) CERTIFICATIONS TO LENDERS.—Section 487(a)
24 (20 U.S.C. 1094(a)) is amended by striking paragraph
25 (6).

1 (d) STATE GRANT ASSISTANCE.—Section 487(a)(9)
2 (20 U.S.C. 1094(a)(9)) is amended by striking “in a pro-
3 gram under part B or D” and inserting “in a loan pro-
4 gram under this title”.

5 (e) OPIOID MISUSE AND SUBSTANCE ABUSE PRE-
6 VENTION PROGRAM.—Section 487(a)(10) (20 U.S.C.
7 1094(a)(10)) is amended by inserting “under section 118”
8 after “drug abuse prevention program”.

9 (f) REPAYMENT SUCCESS PLAN.—Section
10 487(a)(14) (20 U.S.C. 1094(a)(14)) is amended—

11 (1) by striking “under part B or D” both
12 places it appears and inserting “a loan program
13 under this title”;

14 (2) by striking “Default Management Plan”
15 both places it appears and inserting “Repayment
16 Success Plan”; and

17 (3) in subparagraph (C), by striking “a cohort
18 default rate in excess of 10 percent” both places it
19 appears and inserting “any program with a loan re-
20 payment rate less than 65 percent”.

21 (g) COMMISSIONS TO THIRD-PARTY ENTITIES.—Sec-
22 tion 487(a)(20) (20 U.S.C. 1094(a)(20)) is amended—

23 (1) by striking “The institution” and inserting
24 “(A) Except as provided in subparagraph (B), the
25 institution”; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(B) An institution described in section 101
4 may provide payment, based on—

5 “(i) the amount of tuition generated by the
6 institution from student enrollment, to a third-
7 party entity that provides a set of services to
8 the institution that includes student recruit-
9 ment services, regardless of whether the third-
10 party entity is affiliated with an institution that
11 provides educational services other than the in-
12 stitution providing such payment, if—

13 “(I) the third-party entity is not affili-
14 ated with the institution providing such
15 payment;

16 “(II) the third-party entity does not
17 make compensation payments to its em-
18 ployees that would be prohibited under
19 subparagraph (A) if such payments were
20 made by the institution;

21 “(III) the set of services provided to
22 the institution by the third-party entity in-
23 clude services in addition to student re-
24 cruitment services, and the institution does
25 not pay the third-party entity solely or sep-

1 arately for student recruitment services
2 provided by the third-party entity; and

3 “(IV) any student recruitment infor-
4 mation available to the third-party entity,
5 including personally identifiable informa-
6 tion, will not be used by, shared with, or
7 sold to any other person or entity, includ-
8 ing any institution that is affiliated with
9 the third-party entity, unless written con-
10 sent is provided by the student; and

11 “(ii) students successfully completing their
12 educational programs, to persons who were en-
13 gaged in recruiting such students, but solely to
14 the extent that such payments—

15 “(I) are obligated to be paid, and are
16 actually paid, only after each student upon
17 whom such payments are based has suc-
18 cessfully completed his or her educational
19 program; and

20 “(II) are paid only to employees of
21 the institution or its parent company, and
22 not to any other person or outside entity.”.

23 (h) CLARIFICATION OF PROOF OF AUTHORITY TO
24 OPERATE WITHIN A STATE.—Section 487(a)(21) (20
25 U.S.C. 1094(a)(21)) is amended by striking “within a

1 State” and inserting “within a State in which it maintains
2 a physical location”.

3 (i) DISTRIBUTION OF VOTER REGISTRATION
4 FORMS.—Section 487(a)(23) (20 U.S.C. 1094(a)(23)) is
5 amended to read as follows:

6 “(23) The institution, if located in a State to
7 which section 4(b) of the National Voter Registra-
8 tion Act of 1993 (42 U.S.C. 1973gg–2(b)) does not
9 apply, will make a good faith effort to distribute, in-
10 cluding through electronic transmission, voter reg-
11 istration forms to students enrolled and physically in
12 attendance at the institution.”.

13 (j) PROHIBITING COPYRIGHT INFRINGEMENT.—Sec-
14 tion 487(a)(29) (20 U.S.C. 1094(a)(29)) is amended to
15 read as follows:

16 “(29) The institution will have a policy prohib-
17 iting copyright infringement.”.

18 (k) MODIFICATIONS TO PREFERRED LENDER LIST
19 REQUIREMENTS.—Section 487(h)(1) (20 U.S.C.
20 1094(h)(1)) is amended—

21 (1) in subparagraph (A)—

22 (A) in clause (i), by inserting “and” after
23 the semicolon;

24 (B) by striking clause (ii); and

1 (C) by redesignating clause (iii) as clause

2 (ii);

3 (2) in subparagraph (D), by inserting “and”
4 after the semicolon;

5 (3) in subparagraph (E), by striking “; and”
6 and inserting a period; and

7 (4) by striking subparagraphs (C) and (F) and
8 redesignating subparagraphs (D) and (E) as sub-
9 paragraphs (C) and (D), respectively.

10 (l) ELIMINATION OF NON-TITLE IV REVENUE RE-
11 QUIREMENT.—Section 487 (20 U.S.C. 1094), is further
12 amended—

13 (1) in subsection (a), by striking paragraph
14 (24);

15 (2) by striking subsection (d); and

16 (3) by redesignating subsections (e) through (j)
17 as subsections (d) through (i), respectively.

18 (m) CONFORMING AMENDMENTS.—The Higher Edu-
19 cation Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

20 (1) in section 487(a) (20 U.S.C. 1094(a)), as
21 amended by this section—

22 (A) by redesignating paragraphs (7)
23 through (23), as paragraphs (6) through (22),
24 respectively; and

1 (C) by redesignating paragraphs (25)
2 through (29) as paragraphs (23) through (27),
3 respectively;

4 (2) in section 487(c)(1)(A)(iii) (20 U.S.C.
5 1094(c)(1)(A)(iii)), by striking “section
6 102(a)(1)(C)” and inserting “section 102(a)(1)”;
7 and

8 (3) in section 487(h)(4) (20 U.S.C.
9 1094(h)(4)), as redesignated by subsection (l)(3), by
10 striking “section 102” and inserting “section 101 or
11 102”.

12 **SEC. 492. REGULATORY RELIEF AND IMPROVEMENT.**

13 Section 487A (20 U.S.C. 1094a) is amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1), by striking “The
16 Secretary is authorized to” and inserting “The
17 Secretary shall”; and

18 (B) in paragraph (5), by inserting “at
19 least once every two years” before the period at
20 the end; and

21 (2) in subsection (b)—

22 (A) in paragraph (2)—

23 (i) in the paragraph heading, by in-
24 serting “ANNUAL” before “REPORT”; and

1 (ii) by striking the first sentence and
2 inserting “The Secretary shall review the
3 experience, and rigorously evaluate the ac-
4 tivities, of all institutions participating as
5 experimental sites and shall, on an annual
6 basis, submit a report based on the review
7 and evaluation findings to the authorizing
8 committees.”;

9 (B) in paragraph (3), by amending sub-
10 paragraph (A) to read as follows:

11 “(A) IN GENERAL.—

12 “(i) EXPERIMENTAL SITES.—The Sec-
13 retary is authorized periodically to select a
14 limited number of institutions for vol-
15 untary participation as experimental sites
16 to provide recommendations to the Sec-
17 retary and to the Congress on the impact
18 and effectiveness of proposed regulations
19 or new management initiatives.

20 “(ii) CONGRESSIONAL NOTICE AND
21 COMMENTS REQUIRED.—

22 “(I) NOTICE.—Prior to announc-
23 ing a new experimental site and invit-
24 ing institutions to participate, the
25 Secretary shall provide to the author-

1 izing committees a notice, and oppor-
2 tunity to comment on such notice,
3 that shall include—

4 “(aa) a description of the
5 proposed experiment and ration-
6 ale for the proposed experiment;
7 and

8 “(bb) a list of the institu-
9 tional requirements the Secretary
10 expects to waive and the legal au-
11 thority for such waivers.

12 “(II) CONGRESSIONAL COM-
13 MENTS.—The Secretary shall not pro-
14 ceed with announcing a new experi-
15 mental site and inviting institutions to
16 participate until 30 days after the
17 Secretary provides the notice required
18 under subclause (I).

19 “(iii) PROHIBITION.—The Secretary is
20 not authorized to carry out clause (i) in
21 any year in which an annual report de-
22 scribed in paragraph (2) relating to the
23 previous year is not submitted to the au-
24 thorizing committees.”;

1 (C) in paragraph (4)(A), by striking “bien-
2 nial” and inserting “annual”; and

3 (D) by striking paragraph (1) and redesignig-
4 nating paragraphs (2) through (4) as para-
5 graphs (1) through (3), respectively.

6 **SEC. 493. TRANSFER OF ALLOTMENTS.**

7 Section 488 (20 U.S.C. 1095) is amended—

8 (1) by inserting “, as in effect on the day before
9 the date of enactment of the HOPE Act,” after
10 “section 462”; and

11 (2) by inserting “, as in effect on the day before
12 the date of enactment of the HOPE Act,” after “or
13 462”.

14 **SEC. 494. ADMINISTRATIVE EXPENSES.**

15 Section 489(a) (20 U.S.C. 1096(a)) is amended—

16 (1) in the second sentence—

17 (A) by striking “subpart 3 of part A or
18 part C,” and inserting “part C” ; and

19 (B) by striking “or under part E of this
20 title”; and

21 (2) in the third sentence—

22 (A) by striking “its grants to students
23 under subpart 3 of part A,”; and

24 (B) by striking “, and the principal
25 amount of loans made during such fiscal year

1 from its student loan fund established under
2 part E, excluding the principal amount of any
3 such loans which the institution has referred
4 under section 463(a)(4)(B)’’.

5 **SEC. 494A. REPEAL OF ADVISORY COMMITTEE.**

6 Section 491 (20 U.S.C. 1098) is repealed.

7 **SEC. 494B. REGIONAL MEETINGS AND NEGOTIATED RULE-**
8 **MAKING.**

9 Section 492 (20 U.S.C. 1098a) is amended—

10 (1) by redesignating subsections (c) and (d) as
11 subsections (f) and (g), respectively; and

12 (2) by striking subsections (a) and (b) and in-
13 serting the following:

14 “(a) IN GENERAL.—The Secretary may, in accord-
15 ance with this section, issue such regulations as are rea-
16 sonably necessary to ensure compliance with this title.

17 “(b) PUBLIC INVOLVEMENT.—The Secretary shall
18 obtain public involvement in the development of proposed
19 regulations for this title. Before carrying out a negotiated
20 rulemaking process as described in subsection (d) or pub-
21 lishing in the Federal Register proposed regulations to
22 carry out this title, the Secretary shall obtain advice and
23 recommendations from individuals, and representatives of
24 groups, involved in student financial assistance programs
25 under this title, such as students, institutions of higher

1 education, financial aid administrators, accrediting agen-
2 cies or associations, employers, State student grant agen-
3 cies, guaranty agencies, lenders, secondary markets, loan
4 servicers, guaranty agency servicers, and collection agen-
5 cies.

6 “(c) MEETINGS AND ELECTRONIC EXCHANGE.—

7 “(1) IN GENERAL.—The Secretary shall provide
8 for a comprehensive discussion and exchange of in-
9 formation concerning the implementation of this title
10 through such mechanisms as regional meetings and
11 electronic exchanges of information. Such regional
12 meetings and electronic exchanges of information
13 shall be public and notice of such meetings and ex-
14 changes shall be provided to—

15 “(A) the authorizing committees at least
16 10 days prior to the notice to interested stake-
17 holders and the public described in subpara-
18 graph (B); and

19 “(B) interested stakeholders and the public
20 at least 30 days prior to such meetings and ex-
21 changes.

22 “(2) CONSIDERATION.—The Secretary shall
23 take into account the information received through
24 such mechanisms in the development of proposed
25 regulations and shall publish a summary of such in-

1 formation in the Federal Register not later than
2 seven days before beginning the negotiated rule-
3 making process described in subsection (d).

4 “(d) NEGOTIATED RULEMAKING PROCESS.—

5 “(1) NEGOTIATED RULEMAKING REQUIRED.—

6 All regulations pertaining to this title that are pro-
7 mulgated after the date of the enactment of this
8 paragraph shall be subject to the negotiated rule-
9 making process described in this subsection (includ-
10 ing the selection of the issues to be negotiated), un-
11 less the Secretary—

12 “(A) determines that applying such a re-
13 quirement with respect to given regulations is
14 impracticable, unnecessary, or contrary to the
15 public interest (within the meaning of section
16 553(b)(3)(B) of title 5, United States Code);

17 “(B) publishes the basis for such deter-
18 mination in the Federal Register at the same
19 time as the proposed regulations in question are
20 first published; and

21 “(C) includes the basis for such determina-
22 tion in the congressional notice under sub-
23 section (e)(1).

24 “(2) CONGRESSIONAL NOTICE AND COMMENTS
25 REQUIRED.—

1 “(A) NOTICE.—The Secretary shall pro-
2 vide to the Committee on Education and Labor
3 of the House of Representatives and the Com-
4 mittee on Health, Education, Labor, and Pen-
5 sions of the Senate notice, and opportunity to
6 comment on such notice, of the intent to estab-
7 lish a negotiated rulemaking committee that
8 shall include—

9 “(i) the need to issue regulations;

10 “(ii) the statutory and legal authority
11 of the Secretary to regulate the issue;

12 “(iii) the summary of public com-
13 ments described in paragraph (2) of sub-
14 section (c);

15 “(iv) the anticipated burden, including
16 the time, cost, and paperwork burden, the
17 regulations will have on institutions of
18 higher education and other entities that
19 may be impacted by the regulations; and

20 “(v) any regulations that will be re-
21 pealed when the new regulations are
22 issued.

23 “(B) CONGRESSIONAL COMMENTS.—The
24 Secretary shall—

1 “(i) as part of the notice required
2 under subparagraph (A), request com-
3 ments from the committees specified in
4 such subparagraph; and

5 “(ii) respond to such committees in
6 writing with an explanation of how such
7 comments will be addressed or raised dur-
8 ing the negotiated rulemaking process.

9 “(3) PROCESS.—After meeting the require-
10 ments under subsections (b), (c), and (d), and before
11 publishing proposed regulations, the Secretary
12 shall—

13 “(A) establish a negotiated rulemaking
14 process;

15 “(B) select individuals to participate in
16 such process—

17 “(i) from among individuals or groups
18 that provided advice and recommendations
19 under subsections (b) and (c), including—

20 “(I) representatives of such
21 groups; and

22 “(II) other industry participants;
23 and

24 “(ii) with demonstrated expertise or
25 experience in the relevant subjects under

1 negotiation, reflecting the diversity in the
2 industry, representing both large and small
3 participants, as well as individuals serving
4 local areas and national markets;

5 “(C) prepare a draft of proposed policy op-
6 tions, which shall take into account comments
7 received as a result of the notice and outreach
8 required under subsections (b), (c), and (d) that
9 shall be provided to the individuals selected by
10 the Secretary under subparagraph (B) and such
11 authorizing committees not less than 15 days
12 before the first meeting under such process;
13 and

14 “(D) ensure that the negotiation process is
15 conducted in a timely manner to allow the final
16 regulations to be issued by the Secretary within
17 the 360-day period described in section 437(e)
18 of the General Education Provisions Act (20
19 U.S.C. 1232(e)).

20 “(4) AGREEMENTS AND RECORDS.—

21 “(A) AGREEMENTS.—All published pro-
22 posed regulations developed through the nego-
23 tiation process under this subsection shall con-
24 form to all agreements resulting from such

1 process unless the Secretary reopens the nego-
2 tiated rulemaking process.

3 “(B) RECORDS.—The Secretary shall en-
4 sure that a clear and reliable record is main-
5 tained of agreements reached during a negotia-
6 tion process under this subsection.

7 “(e) PROPOSED RULEMAKING.—If the Secretary de-
8 termines pursuant to subsection (d)(1) that a negotiated
9 rulemaking process is impracticable, unnecessary, or con-
10 trary to the public interest (within the meaning of section
11 553(b)(3)(B) of title 5, United States Code), or the indi-
12 viduals selected to participate in the process under sub-
13 section (d)(3)(B) fail to reach unanimous agreement on
14 an issue being negotiated, the Secretary may propose reg-
15 ulations subject to subsection (f).

16 “(f) REQUIREMENTS FOR PROPOSED REGULA-
17 TIONS.—Regulations proposed pursuant to subsection (e)
18 shall meet the following procedural requirements:

19 “(1) CONGRESSIONAL NOTICE.—If the Sec-
20 retary elects to propose regulations under the au-
21 thority under subsection (e), the Secretary shall pro-
22 vide to the Committee on Education and Labor of
23 the House of Representatives and the Committee on
24 Health, Education, Labor, and Pensions of the Sen-
25 ate notice, and opportunity to comment on such no-

1 tice, not later than 72 hours prior to the publication
2 in the Federal Register that shall include—

3 “(A) a copy of the proposed regulations;

4 “(B) the justification for issuing new regula-
5 tions;

6 “(C) the statutory and legal authority of
7 the Secretary to regulate the issue;

8 “(D) the anticipated burden, including the
9 time, cost, and paperwork burden, the regula-
10 tions will have on institutions of higher edu-
11 cation and other entities that may be impacted
12 by the regulations; and

13 “(E) any regulations that will be repealed
14 when the new regulations are issued.

15 “(2) CONGRESSIONAL COMMENTS.—The Sec-
16 retary shall—

17 “(A) receive and address all comments
18 from the committees specified in paragraph (1);
19 and

20 “(B) respond to such committees in writ-
21 ing with an explanation of how such comments
22 have been addressed prior to the final rule
23 being published in the Federal Register.

24 “(3) COMMENT AND REVIEW PERIOD.—The
25 comment and review period for the proposed regula-

1 tion shall be 90 days unless an emergency requires
2 a shorter period, in which case such period shall be
3 not less than 45 days and the Secretary shall—

4 “(A) designate the proposed regulation as
5 an emergency, with an explanation of the emer-
6 gency, in the notice to Congress under para-
7 graph (1) and include such explanation as a
8 part of the notice of proposed rulemaking made
9 available to the public;

10 “(B) publish the length of the comment
11 and review period in such notice and in the
12 Federal Register; and

13 “(C) conduct immediately thereafter re-
14 gional meetings to review such proposed regula-
15 tion before issuing any final regulation.”.

16 **SEC. 494C. DEFERRAL OF LOAN REPAYMENT FOLLOWING**
17 **ACTIVE DUTY.**

18 Section 493D(a) (20 U.S.C. 1098f) is amended, by
19 striking “or 464(c)(2)(A)(iii)” and inserting
20 “464(c)(2)(A)(iii) (as in effect on the day before the date
21 of enactment of the HOPE Act and pursuant to section
22 461(a)), or 469A(a)(2)(A)(iii)”.

23 **SEC. 494D. CONTRACTS; MATCHING PROGRAM.**

24 (a) **CONTRACTS FOR SUPPLIES AND SERVICES.—**

1 (1) IN GENERAL.—Part G of title IV (20
2 U.S.C. 1088 et seq.), as amended by this part, is
3 further amended by adding at the end the following:

4 **“SEC. 493E. CONTRACTS.**

5 “(a) CONTRACTS FOR SUPPLIES AND SERVICES.—

6 “(1) IN GENERAL.—The Secretary shall, to the
7 extent practicable, award contracts for origination,
8 servicing, and collection described in subsection (b).
9 In awarding such contracts, the Secretary shall en-
10 sure that such services and supplies are provided at
11 competitive prices.

12 “(2) ENTITIES.—The entities with which the
13 Secretary may enter into contracts shall include en-
14 tities qualified to provide such services and supplies
15 and will comply with the procedures applicable to
16 the award of such contracts. In the case of awarding
17 contracts for the origination, servicing, and collec-
18 tion of loans under parts D and E, the Secretary
19 shall enter into contracts with entities that have ex-
20 tensive and relevant experience and demonstrated ef-
21 fectiveness. The entities with which the Secretary
22 may enter into such contracts may include, where
23 practicable, agencies with agreements with the Sec-
24 retary under sections 428(b) and (c), if such agen-
25 cies meet the qualifications as determined by the

1 Secretary under this subsection and if those agencies
2 have such experience and demonstrated effective-
3 ness. In awarding contracts to such State agencies,
4 the Secretary shall, to the extent practicable and
5 consistent with the purposes of parts D and E, give
6 consideration to State agencies with a history of
7 high quality performance to perform services for in-
8 stitutions of higher education within their State.

9 “(3) ALLOCATIONS.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Secretary shall allocate
12 new borrower loan accounts to entities awarded
13 a contract under this section on the basis of—

14 “(i) the performance of each such en-
15 tity compared to other such entities per-
16 forming similar work using common per-
17 formance metrics (which may take into ac-
18 count, as appropriate, portfolio risk fac-
19 tors, including a borrower’s time in repay-
20 ment, category of institution of higher edu-
21 cation attended, and completion of an edu-
22 cational program), as determined by the
23 Secretary; and

24 “(ii) the capacity of each such entity
25 compared to other such entities performing

1 similar work to service new and existing
2 borrower loan accounts.

3 “(B) FEDERAL ONE CONSOLIDATION
4 LOANS.—Any borrower who receives a Federal
5 ONE Consolidation Loan may select the entity
6 awarded a contract under this section to service
7 such loan.

8 “(4) RULE OF CONSTRUCTION.—Nothing in
9 this section shall be construed as a limitation of the
10 authority of any State agency to enter into an agree-
11 ment for the purposes of this section as a member
12 of a consortium of State agencies.

13 “(b) CONTRACTS FOR ORIGINATION, SERVICING, AND
14 DATA SYSTEMS.—The Secretary may enter into contracts
15 for—

16 “(1) the servicing and collection of loans made
17 or purchased under part D or E;

18 “(2) the establishment and operation of 1 or
19 more data systems for the maintenance of records
20 on all loans made or purchased under part D or E;
21 and

22 “(3) such other aspects of the direct student
23 loan program under part D or E necessary to ensure
24 the successful operation of the program.

25 “(c) COMMON PERFORMANCE MANUAL.—

1 “(1) CONSULTATION.—Not later than 180 days
2 after the date of enactment of the HOPE Act and
3 biannually thereafter, the Secretary shall consult (in
4 writing and in person) with entities awarded con-
5 tracts for loan servicing under section 456 (as in ef-
6 fect on the day before the date of enactment of the
7 HOPE Act) and this section, to the extent prac-
8 ticable, to develop and update as necessary, a guid-
9 ance manual for entities awarded contracts for loan
10 servicing under this section that provides such enti-
11 ties with best practices to ensure borrowers receive
12 adequate and consistent service from such entities.

13 “(2) PROVISION OF MANUAL.—The Secretary
14 shall provide the most recent guidance manual devel-
15 oped and updated under paragraph (1) to each enti-
16 ty awarded a contract for loan serving under this
17 section.

18 “(3) ANNUAL REPORT.—The Secretary shall
19 provide to the authorizing committees a report, on
20 a annual basis, detailing the consultation required
21 under paragraph (1).

22 “(d) FEDERAL PREEMPTION.—

23 “(1) IN GENERAL.—Covered activities shall not
24 be subject to any law or other requirement of any

1 State or political subdivision of a State with respect
2 to—

3 “(A) disclosure requirements;

4 “(B) requirements or restrictions on the
5 content, time, quantity, or frequency of commu-
6 nications with borrowers, endorsers, or ref-
7 erences with respect to such loans; or

8 “(C) any other requirement relating to the
9 servicing or collection of a loan made under this
10 title.

11 “(2) SERVICING AND COLLECTION.—The re-
12 quirements of this section with respect to any cov-
13 ered activity shall preempt any law or other require-
14 ment of a State or political subdivision of a State to
15 the extent that such law or other requirement would,
16 in the absence of this subsection, apply to such cov-
17 ered activity.

18 “(3) STATE LICENSES.—No qualified entity en-
19 gaged in a covered activity shall be required to ob-
20 tain a license from, or pay a licensing fee or other
21 assessment to, any State or political subdivision of
22 a State relating to such covered activity.

23 “(4) DEFINITIONS.—For purposes of this sec-
24 tion:

1 “(A) The term ‘covered activity’ means any
2 of the following activities, as carried out by a
3 qualified entity:

4 “(i) Origination of a loan made under
5 this title.

6 “(ii) Servicing of a loan made under
7 this title.

8 “(iii) Collection of a loan made under
9 this title.

10 “(iv) Any other activity related to the
11 activities described in clauses (i) through
12 (iii).

13 “(B) The term ‘qualified entity’ means an
14 organization, other than an institution of higher
15 education—

16 “(i) that is responsible for the serv-
17 icing or collection of a loan made under
18 this title;

19 “(ii) that has agreement with the Sec-
20 retary under subsections (a) and (b) of
21 section 428; or

22 “(iii) that is under contract with an
23 entity described in clause (i) or clause (ii)
24 to support such entity’s responsibilities
25 under this title.

1 “(5) LIMITATION.—This subsection shall not
2 have any legal effect on any other preemption provi-
3 sion under Federal law with respect to this title.”.

4 (2) CONFORMING AMENDMENT.—Section 456
5 (20 U.S.C. 1087f) is repealed.

6 (b) MATCHING PROGRAM.—Part G of title IV (20
7 U.S.C. 1088 et seq.), as amended by subsection (a), is
8 further amended by adding at the end the following:

9 **“SEC. 493F. MATCHING PROGRAM.**

10 “(a) IN GENERAL.—The Secretary of Education and
11 the Secretary of Veterans Affairs shall carry out a com-
12 puter matching program under which the Secretary of
13 Education identifies, on at least a quarterly basis, bor-
14 rowers—

15 “(1) who have been assigned a disability rating
16 of 100 percent (or a combination of ratings equaling
17 100 percent or more) by the Secretary of Veterans
18 Affairs for a service-connected disability (as defined
19 in section 101 of title 38, United States Code); or

20 “(2) who have been determined by the Sec-
21 retary of Veterans Affairs to be unemployable due to
22 a service-connected condition, as described in section
23 437(a)(2).

24 “(b) BORROWER NOTIFICATION.—With respect to
25 each borrower who is identified under subsection (a), the

1 Secretary shall, as soon as practicable after such identi-
2 fication—

3 “(1) notify the borrower of the borrower’s eligi-
4 bility for loan discharge under section 437(a); and

5 “(2) provide the borrower with simple instruc-
6 tions on how to apply for such loan discharge, in-
7 cluding an explanation that the borrower shall not
8 be required to provide any documentation of the bor-
9 rower’s disability rating to receive such discharge.

10 “(c) DATA COLLECTION AND REPORT TO CON-
11 GRESS.—

12 “(1) IN GENERAL.—The Secretary shall annu-
13 ally collect and submit to the Committees on Edu-
14 cation and Labor and Veterans’ Affairs of the House
15 of Representatives and the Committees on Health,
16 Education, Labor, and Pensions and Veterans Af-
17 fairs of the Senate, data about borrowers applying
18 for and receiving loan discharges under section
19 437(a), which shall be disaggregated in the manner
20 described in paragraph (2) and include the following:

21 “(A) The number of applications received
22 under section 437(a).

23 “(B) The number of such applications that
24 were approved.

1 **“SEC. 493G. COMMISSION ON INSTITUTIONAL RESPON-**
2 **SIBILITIES CONCERNING FEDERAL STUDENT**
3 **AID.**

4 “(a) ESTABLISHMENT.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish a commission to be known as the Commission
7 on Institutional Responsibilities Concerning Federal
8 Student Aid (in this section referred to as the ‘Com-
9 mission’).

10 “(2) MEMBERSHIP.—

11 “(A) TOTAL NUMBER OF MEMBERS.—The
12 Commission shall not include more than 30
13 members, including the Secretary, who shall be
14 appointed by the Secretary in accordance with
15 subparagraphs (B) and (C).

16 “(B) MEMBERS OF THE COMMISSION.—
17 The Commission members shall include one
18 representative from each of the following cat-
19 egories:

20 “(i) The Office of Postsecondary Edu-
21 cation of the Department.

22 “(ii) The Office of Federal Student
23 Aid.

24 “(iii) The Department of the Treas-
25 ury.

1 “(iv) The Institute of Education
2 Sciences.

3 “(v) The American Council on Edu-
4 cation.

5 “(vi) The National Association of Stu-
6 dent Financial Aid Administrators.

7 “(vii) The National Association of
8 College and University Business Officers.

9 “(viii) A regional accrediting agency
10 or association.

11 “(ix) A national accrediting agency or
12 association.

13 “(x) An undergraduate student.

14 “(xi) A graduate student.

15 “(C) ADDITIONAL MEMBERS OF THE COM-
16 MISSION.—The Commission members shall also
17 include representatives from private educational
18 lenders (as defined in section 140 of the Truth
19 in Lending Act), State agencies, loan servicers,
20 nonprofit research organizations, university
21 scholars, college-access associations, and other
22 organizations with a mission related to higher
23 education.

24 “(D) TIMING.—The Secretary shall ap-
25 point the members of the Commission not later

1 than 90 days after the Commission is estab-
2 lished under paragraph (1).

3 “(3) CHAIRPERSON.—The Commission shall be
4 chaired by the Secretary or the Secretary’s designee.

5 “(4) MEETINGS.—The Commission shall meet
6 at the call of the Chairperson.

7 “(5) QUORUM.—A majority of the members of
8 the Commission shall constitute a quorum.

9 “(b) DUTIES OF THE COMMISSION.—

10 “(1) STUDY.—

11 “(A) IN GENERAL.—The Commission shall
12 conduct a comprehensive study to—

13 “(i) measure the extent to which insti-
14 tutions are insulated from financial respon-
15 sibility in the Federal student aid pro-
16 grams compared to students and tax-
17 payers; and

18 “(ii) make recommendations related
19 to the development of a comprehensive ap-
20 proach to require institutions to be respon-
21 sible for societal costs due to student fail-
22 ures related to loan repayment, completion,
23 or other relevant factors.

24 “(B) EXISTING INFORMATION.—To the ex-
25 tent practicable, in carrying out the study

1 under this paragraph, the Commission shall
2 identify and use existing research, recommenda-
3 tions, and information.

4 “(C) RECOMMENDATIONS.—

5 “(i) IN GENERAL.—The Commission
6 shall develop recommendations to inform
7 Federal legislation and regulations.

8 “(ii) CONSIDERATIONS.—In devel-
9 oping the recommendations under clause
10 (i), the Commission shall consider—

11 “(I) what metrics should be used
12 to measure institutional performance;

13 “(II) the level of performance in-
14 stitutions should be expected to meet
15 for each metric;

16 “(III) a calculation of financial
17 sanctions on institutions that fail to
18 meet the level of performance for each
19 metric;

20 “(IV) the potential for a financial
21 reward for institutions that meet or
22 exceed the level of performance for
23 each performance metric;

24 “(V) if institutions should receive
25 differential treatment based on factors

1 such as enrolled population, mission,
2 or other relevant factors;

3 “(VI) the current cost to the tax-
4 payer, and how the taxpayer would be
5 better or worse off under a new risk-
6 sharing system;

7 “(VII) the effect such risk-shar-
8 ing system would have on college ac-
9 cess; and

10 “(VIII) the effect such risk-shar-
11 ing system would have on college
12 prices.

13 “(2) REPORT.—Not later than 3 years after the
14 Commission’s first meeting, the Commission shall
15 submit a report to the Secretary and the authorizing
16 committees detailing the findings and recommenda-
17 tions of the study conducted under paragraph (1).

18 “(3) DISSEMINATION OF INFORMATION.—The
19 Secretary (acting through the Director of the Insti-
20 tute of Education Sciences) shall publish the report
21 electronically and in other accessible formats for
22 public consumption.

23 “(c) TERMINATION OF THE COMMISSION.—The Com-
24 mission shall terminate on the date that is 90 days after
25 the date on which the Commission submits the report

1 under subsection (b)(2) to the Secretary and authorizing
2 committees.”.

3 **SEC. 494F. STATE WORKFORCE INCENTIVE PROGRAM.**

4 Part G of title IV (20 U.S.C. 1088 et seq.), as
5 amended by this part, is further amended adding at the
6 end the following:

7 **“SEC. 493H. STATE WORKFORCE INCENTIVE PROGRAM.**

8 “(a) PURPOSE.—The purpose of this section is to
9 support the workforce in State-determined high-need or
10 public-service occupations, and to encourage individuals to
11 pursue and maintain employment in such occupations
12 through annual incentive payments towards their eligible
13 Federal loans.

14 “(b) ALLOTMENT AND ALLOCATIONS OF CREDITS
15 FOR REDUCING FEDERAL LOAN DEBT.—

16 “(1) IN GENERAL.—From the amount appro-
17 priated under subsection (e), the Secretary shall an-
18 nually allot, in accordance with paragraph (2), loan
19 repayment credits to each State with an approved
20 State implementation plan, which may be allocated
21 to eligible borrowers in such State for the purpose
22 of reducing the amount owed on the eligible Federal
23 loans of such borrowers.

24 “(2) ALLOTMENT OF LOAN REPAYMENT CRED-
25 ITS TO STATES.—

1 “(A) IN GENERAL.—Each State with an
2 approved State implementation plan shall re-
3 ceive an allotment of loan repayment credits on
4 July 1 of each year, as follows:

5 “(i) 0.50 of the amount appropriated
6 under subsection (e) shall be allotted on
7 the basis of the relative population of the
8 State, compared to the total population in
9 all States with an approved State imple-
10 mentation plan.

11 “(ii) 0.25 of the amount appropriated
12 under subsection (e) shall be allotted on
13 the basis of the relative amount of individ-
14 uals in poverty in the State, compared to
15 the total amount of individuals in poverty
16 in all States with an approved State imple-
17 mentation plan.

18 “(iii) 0.25 of the amount appropriated
19 under subsection (e) shall be allotted on
20 the basis of the relative excess number of
21 individuals in poverty in the State, com-
22 pared to total excess number of individuals
23 in poverty in all States with an approved
24 State implementation plan.

1 “(B) DEFINITIONS.—For purposes of this
2 paragraph:

3 “(i) INDIVIDUALS IN POVERTY.—The
4 term ‘individuals in poverty’ means the
5 number of individuals who are living below
6 100 percent of the poverty line.

7 “(ii) EXCESS NUMBER.—The term
8 ‘excess number’, when used with respect to
9 the excess number of individuals in poverty
10 in a State, means the number that rep-
11 resents the number of individuals in pov-
12 erty in the State in excess of 8 percent of
13 the total number of individuals in the
14 State for whom the poverty status is deter-
15 mined.

16 “(C) CARRYOVER OF LOAN REPAYMENT
17 CREDITS.—Any loan repayment credits allotted
18 to a State and not obligated to a borrower dur-
19 ing the award year during which such credits
20 were allotted shall—

21 “(i) be retained by the State during
22 the period covered by the State plan; and

23 “(ii) may be allocated by the State to
24 a borrower at any point during such pe-
25 riod.

1 “(c) STATE IMPLEMENTATION PLAN.—

2 “(1) IN GENERAL.—To be eligible for an allot-
3 ment of loan repayment credits under this section,
4 a State shall submit to the Secretary a State imple-
5 mentation plan every 5 years.

6 “(2) CONTENTS.—Each State implementation
7 plan shall cover a period of 5 award years include
8 the following:

9 “(A) The State entity responsible for ad-
10 ministering the program under this section.

11 “(B) A description of how the State will
12 identify the workforce and public service needs
13 (as defined by the State) to be addressed
14 through the program, including descriptions of
15 how the State—

16 “(i) will use State, regional, or local
17 labor market data to determine workforce
18 needs;

19 “(ii) will consider particular occupa-
20 tions that support the economic develop-
21 ment of rural and underserved commu-
22 nities (which may include farmers), as de-
23 termined by the State;

1 “(iii) will determine the occupations
2 for which borrowers shall be eligible to re-
3 ceive loan repayment credits;

4 “(iv) will determine the amount of
5 loan repayment credits to be annually allo-
6 cated to borrowers in each occupation de-
7 termined under clause (iii); and

8 “(v) will project the total amount of
9 loan repayment credits to be awarded an-
10 nually to borrowers eligible for such cred-
11 its, and use this projection to ensure the
12 State has been allotted sufficient loan re-
13 payment credits to meet the State’s obliga-
14 tions under clauses (iii) and (iv).

15 “(C) A description of how the State will
16 administer the program under this section, in-
17 cluding descriptions of—

18 “(i) how the State will promote such
19 program, and publicly announce to the
20 general public in the State the list of eligi-
21 ble occupations and the annual amount of
22 loan repayment credits to be awarded for
23 such occupations during the period covered
24 by the plan;

1 “(ii) the borrower-friendly application
2 process for borrowers to apply to the State
3 for loan repayment credits;

4 “(iii) the process the State will use to
5 verify the State-determined eligibility fac-
6 tors of each applicant and how such appli-
7 cation will be seamlessly submitted under
8 subsection (d)(1)(C) to the Secretary for
9 Federal verification of the State’s deter-
10 mination of the amount of loan repayment
11 credits to be allocated; and

12 “(iv) how the State will determine if
13 the State has sufficient loan repayment
14 credits to add occupations to the list of eli-
15 gible occupations or increase the amount of
16 loan repayment credits to be awarded to
17 borrowers in eligible occupations, and how
18 the State will inform the general public in
19 the State of such changes.

20 “(D) An assurance that following the pub-
21 lic release of the State determined eligible occu-
22 pations and loan repayment credit amounts,
23 such occupations and credit amounts will not be
24 reduced or become unavailable for allocation to

1 borrowers eligible for such credits in the State
2 for the period covered by the plan.

3 “(E) An assurance that the State will com-
4 ply with subsection (d)(2)(C) to use non-Fed-
5 eral funds to provide the full State-determined
6 amount of loan repayment credits in accordance
7 with such subsection.

8 “(F) An assurance that no borrower will
9 receive more than \$10,000 in loan repayment
10 credits for an award year.

11 “(3) PLAN APPROVAL.—The Secretary shall ap-
12 prove a plan submitted under this section that meets
13 the requirements of paragraph (2).

14 “(d) BORROWER APPLICATION PROCESS.—

15 “(1) STATE REQUIREMENTS.— Each State re-
16 ceiving an allotment of loan repayment credits under
17 this section shall—

18 “(A) upon receipt of approval of the
19 State’s plan under subsection (c)(3), carry out
20 the announcement and promotion requirements
21 described in subsection (c)(2)(C)(i);

22 “(B) require each borrower seeking such
23 credits to submit an application to the State at
24 such time, in such manner, and containing such

1 information as may be required by such State;
2 and

3 “(C) upon State verification of eligibility of
4 a borrower for an allocation of loan repayment
5 credits (including employment in an eligible oc-
6 cupation and the application requirements
7 under subparagraph (B)), the State shall sub-
8 mit to the Secretary—

9 “(i) the application of the borrower;
10 and

11 “(ii) a determination of the number of
12 such credits that should be allocated to the
13 borrower.

14 “(2) SECRETARY APPROVAL.—

15 “(A) FULL AMOUNT.—

16 “(i) IN GENERAL.—Subject to sub-
17 paragraphs (B) and (C), upon a deter-
18 mination that a borrower meets the re-
19 quirements of clause (ii), the Secretary
20 shall cancel an amount equal to the
21 amount of credits allocated to the borrower
22 under paragraph (1)(C)(ii) of the out-
23 standing balance of principal or interest on
24 the eligible Federal loans of such borrower.

1 “(ii) BORROWER REQUIREMENTS.—A
2 borrower meets the requirements of this
3 clause if the borrower—

4 “(I) has entered repayment on
5 any eligible Federal loan and such
6 loans are less than 90 days delin-
7 quent;

8 “(II) whose total number of loan
9 repayment credits under this section
10 has resulted in the cancellation of less
11 than \$50,000 on the borrower’s eligi-
12 ble Federal loans; and

13 “(III) earned an adjusted gross
14 income of less than \$120,000 during
15 the prior calendar year.

16 “(B) PARTIAL AMOUNT.—

17 “(i) IN GENERAL.—In the case of a
18 borrower whose allocation amount under
19 subparagraph (A) would result in the bor-
20 rower receiving greater than a total of
21 \$50,000 in loan repayment credits under
22 the program under this section, the Sec-
23 retary shall cancel an amount described in
24 clause (ii) of the outstanding balance on
25 the eligible Federal loans of the borrower.

1 “(ii) AMOUNT.—The amount de-
2 scribed in this clause is an amount that
3 would result in the borrower receiving a
4 total of \$50,000 in loan cancellation under
5 this section.

6 “(C) INSUFFICIENT CREDITS.—In the case
7 of a State that does not have a sufficient allot-
8 ment of loan repayment credits to allocate the
9 number of credits to a borrower in an amount
10 determined under paragraph (1)(C)(ii) for such
11 borrower, the Secretary shall, with respect to
12 the outstanding balance of the borrower’s eligi-
13 ble Federal loans—

14 “(i) cancel an amount equal to the
15 amount of such credits that are remaining
16 in the State’s allotment; and

17 “(ii) notify the State of its obligation
18 to use non-Federal funds to cancel an
19 amount equal to the difference between the
20 allocation amount determined for the bor-
21 rower and the amount cancelled under
22 clause (i).

23 “(e) FUNDING.—There are authorized to be appro-
24 priated, and there are appropriated to carry out this sec-
25 tion (in addition to any other amounts appropriated to

1 carry out this section and out of any money in the Treas-
2 ury not otherwise appropriated)—

3 “(1) for each of the first 5 award years that
4 begin on or after the date of enactment of the
5 HOPE Act, an amount equal to 0.01 of the eligible
6 Federal loans first disbursed during the preceding
7 award year; and

8 “(2) for the 6th award year that begins on or
9 after the date of enactment of the HOPE Act and
10 each succeeding award year, an amount equal to
11 0.02 of the eligible Federal loans first disbursed dur-
12 ing the preceding award year.

13 “(f) DEFINITIONS.—In this section:

14 “(1) LOAN REPAYMENT CREDIT.—The term
15 ‘loan repayment credit’ means a credit for the out-
16 standing balance of principal or interest on eligible
17 Federal loans that shall be cancelled on such loans,
18 at the rate of 1 credit equals \$1 of such principal
19 or interest.

20 “(2) ELIGIBLE FEDERAL LOAN.—The term ‘eli-
21 gible Federal loan’ means a loan made under part
22 D or part E, other than—

23 “(A) a Federal Direct PLUS Loan made
24 on behalf of a dependent student or a Federal
25 ONE Parent Loan; or

1 “(B) a Federal Consolidation Loan or a
2 Federal ONE Consolidation Loan, if the pro-
3 ceeds of such loan were used to discharge the
4 liability on a loan described in subparagraph
5 (A).”.

6 **SEC. 494G. UNAUTHORIZED ACCESS TO INFORMATION**
7 **TECHNOLOGY SYSTEMS AND MISUSE OF**
8 **IDENTIFICATION DEVICES.**

9 (a) CRIMINAL PENALTIES.—

10 (1) IN GENERAL.—Section 490 (20 U.S.C.
11 1097) is amended by adding at the end the fol-
12 lowing:

13 “(e) ACCESS TO DEPARTMENT OF EDUCATION IN-
14 FORMATION TECHNOLOGY SYSTEMS FOR FRAUD, COM-
15 MERCIAL ADVANTAGE, OR PRIVATE FINANCIAL GAIN.—
16 Any person who knowingly uses an access device, as de-
17 fined in section 1029(e)(1) of title 18, United States Code,
18 issued to another person or obtained by fraud or false
19 statement to access Department information technology
20 systems for purposes of obtaining commercial advantage
21 or private financial gain, or in furtherance of any criminal
22 or tortious act in violation of the Constitution or laws of
23 the United States or of any State, shall be fined not more
24 than \$20,000, imprisoned for not more than 5 years, or
25 both.”.

1 (2) GUIDANCE.—The Secretary shall issue
2 guidance regarding the use of access devices in a
3 manner that complies with this section, and the
4 amendments made by this section.

5 (3) EFFECTIVE DATE OF PENALTIES.—Not-
6 withstanding subsection (d), the penalties described
7 in section 490(e) of the Higher Education Act of
8 1965 (20 U.S.C. 1097), as added by paragraph (1),
9 shall take effect the day after the date on which the
10 Secretary issues guidance regarding the use of ac-
11 cess devices, as described in paragraph (2).

12 (b) PREVENTION OF IMPROPER ACCESS.—Section
13 485B (20 U.S.C. 1092b) is amended—

14 (1) by redesignating subsections (e) through (h)
15 as subsections (f) through (i), respectively;

16 (2) in subsection (d)—

17 (A) in paragraph (5)(C), by striking “and”
18 after the semicolon;

19 (B) in paragraph (6)(C), by striking the
20 period at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(7) preventing access to the data system and
23 any other system used to administer a program
24 under this title by any person or entity for the pur-
25 pose of assisting a student in managing loan repay-

1 ment or applying for any repayment plan, consolida-
2 tion loan, or other benefit authorized by this title,
3 unless such access meets the requirements described
4 in subsection (e).”;

5 (3) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) REQUIREMENTS FOR THIRD-PARTY DATA SYS-
8 TEM ACCESS.—

9 “(1) IN GENERAL.—As provided in paragraph
10 (7) of subsection (d), an authorized person or entity
11 described in paragraph (2) may access the data sys-
12 tem and any other system used to administer a pro-
13 gram under this title if that access—

14 “(A) is in compliance with terms of service,
15 information security standards, and a code of
16 conduct which shall be established by the Sec-
17 retary and published in the Federal Register;

18 “(B) is obtained using an access device (as
19 defined in section 1029(e)(1) of title 18, United
20 States Code) issued by the Secretary to the au-
21 thorized person or entity; and

22 “(C) is obtained without using any access
23 device (as defined in section 1029(e)(1) of title
24 18, United States Code) issued by the Secretary
25 to a student, borrower, or parent.

1 “(2) AUTHORIZED PERSON OR ENTITY.—An
2 authorized person or entity described in this para-
3 graph means—

4 “(A) a guaranty agency, eligible lender, or
5 eligible institution, or a third-party organization
6 acting on behalf of a guaranty agency, eligible
7 lender, or eligible institution, that is in compli-
8 ance with applicable Federal law (including regu-
9 lations and guidance); or

10 “(B) a licensed attorney representing a
11 student, borrower, or parent, or another indi-
12 vidual who works for a Federal, State, local, or
13 Tribal government or agency, or for a nonprofit
14 organization, providing financial or student loan
15 repayment counseling to a student, borrower, or
16 parent, if—

17 “(i) that attorney or other individual
18 has never engaged in unfair, deceptive, or
19 abusive practices, as determined by the
20 Secretary;

21 “(ii) that attorney or other individual
22 does not work for an entity that has en-
23 gaged in unfair, deceptive, or abusive prac-
24 tices (including an entity that is owned or
25 operated by a person or entity that en-

1 gaged in such practices), as determined by
2 the Secretary;

3 “(iii) system access is provided only
4 through a separate point of entry; and

5 “(iv) the attorney or other individual
6 has consent from the relevant student, bor-
7 rower, or parent to access the system.”;
8 and

9 (4) in subsection (f)(1), as redesignated by
10 paragraph (1)—

11 (A) in subparagraph (A), by striking “stu-
12 dent and parent” and inserting “student, bor-
13 rower, and parent”;

14 (B) by redesignating subparagraphs (C)
15 and (D) as subparagraphs (D) and (E), respec-
16 tively;

17 (C) by inserting after subparagraph (B)
18 the following:

19 “(C) the reduction in improper data sys-
20 tem access as described in subsection (d)(7);”;
21 and

22 (D) by striking subparagraph (E), as re-
23 designating by subparagraph (B), and inserting
24 the following:

1 “(E) any protocols, codes of conduct,
2 terms of service, or information security stand-
3 ards developed under paragraphs (6) or (7) of
4 subsection (d) during the preceding fiscal
5 year.”.

6 (c) AGENCY PREVENTION AND DETECTION.—Section
7 141(b)(2) (20 U.S.C. 1018(b)(2), as amended by section
8 131 of this Act, is further amended by adding at the end
9 the following:

10 “(D) Taking action to prevent and address
11 the improper use of access devices, as described
12 in section 485B(d)(7), including by—

13 “(i) detecting common patterns of im-
14 proper use of any system that processes
15 payments on Federal Direct Loans or Fed-
16 eral ONE Loans or other Department in-
17 formation technology systems;

18 “(ii) maintaining a reporting system
19 for contractors involved in the processing
20 of payments on Federal Direct Loans or
21 Federal ONE Loans in order to allow
22 those contractors to alert the Secretary of
23 potentially improper use of Department in-
24 formation technology systems;

1 “(iii) proactively contacting Federal
2 student loan borrowers whose Federal stu-
3 dent loan accounts demonstrate a likeli-
4 hood of improper use in order to warn
5 those borrowers of suspicious activity or
6 potential fraud regarding their Federal
7 student loan accounts; and

8 “(iv) providing clear and simple dis-
9 closures in communications with borrowers
10 who are applying for or requesting assist-
11 ance with Federal Direct Loan or Federal
12 ONE Loan programs (including assistance
13 or applications regarding income-driven re-
14 payment, forbearance, deferment, consoli-
15 dation, rehabilitation, cancellation, and for-
16 giveness) to ensure that borrowers are
17 aware that the Department will never re-
18 quire borrowers to pay for such assistance
19 or applications.”.

20 (d) EFFECTIVE DATE.—This section, and the amend-
21 ments made by this section, shall take effect on the date
22 that is 180 days after the date of enactment of this Act.

1 **PART H—PROGRAM INTEGRITY**

2 **SEC. 495. REPEAL OF AND PROHIBITION ON STATE AU-**
3 **THORIZATION REGULATIONS.**

4 (a) **REGULATIONS REPEALED.**—The following regu-
5 lations relating to State authorization (including any sup-
6 plements or revisions to such regulations) are repealed and
7 shall have no force or effect:

8 (1) The final regulations published by the De-
9 partment of Education in the Federal Register on
10 October 29, 2010 (75 Fed. Reg. 66832 et seq.).

11 (2) The final regulations published by the De-
12 partment of Education in the Federal Register on
13 December 19, 2016 (81 Fed. Reg. 92232 et seq.).

14 (b) **PROHIBITION ON STATE AUTHORIZATION REGU-**
15 **LATIONS.**—The Secretary of Education shall not, on or
16 after the date of enactment of this Act, promulgate or en-
17 force any regulation or rule with respect to the State au-
18 thorization for institutions of higher education to operate
19 within a State for any purpose under the Higher Edu-
20 cation Act of 1965 (20 U.S.C. 1001 et seq.).

21 (c) **INSTITUTIONAL RESPONSIBILITY; TREATMENT**
22 **OF RELIGIOUS INSTITUTIONS.**—Section 495 (20 U.S.C.
23 1099a) is amended by striking subsection (b) and insert-
24 ing the following:

25 “(b) **INSTITUTIONAL RESPONSIBILITY.**—Each insti-
26 tution of higher education shall provide evidence to the

1 Secretary that the institution has authority to operate
2 within each State in which it maintains a physical location
3 at the time the institution is certified under subpart 3.

4 “(c) TREATMENT OF RELIGIOUS INSTITUTIONS.—An
5 institution shall be treated as legally authorized to operate
6 educational programs beyond secondary education in a
7 State under section 101(a)(2) if the institution is—

8 “(1) recognized as a religious institution by the
9 State; and

10 “(2) because of the institution’s status as a reli-
11 gious institution, exempt from any provision of State
12 law that requires institutions to be authorized by the
13 State to operate educational programs beyond sec-
14 ondary education.”.

15 **SEC. 496. RECOGNITION OF ACCREDITING AGENCY OR AS-**
16 **SOCIATION.**

17 Section 496 (20 U.S.C. 1099b) is amended—

18 (1) in subsection (j), by striking “section 102”
19 and inserting “section 101”;

20 (2) in subsection (a)—

21 (A) in paragraph (2), by amending sub-
22 paragraph (A) to read as follows:

23 “(A) for the purpose of participation in
24 programs under this Act or other programs ad-
25 ministered by the Department of Education or

1 other Federal agencies, has a voluntary mem-
2 bership of institutions of higher education or
3 other entities and has as a principal purpose
4 the accrediting of institutions of higher edu-
5 cation or programs;”;

6 (B) in paragraph (3)—

7 (i) in subparagraph (A)—

8 (I) by striking “subparagraph
9 (A)(i)” and inserting “subparagraph
10 (A) or (C)”;

11 (II) by striking “separate” and
12 inserting “separately incorporated”;
13 and

14 (III) by adding “or” at the end;

15 (ii) by striking “or” at the end of sub-
16 paragraph (B); and

17 (iii) by striking subparagraph (C);

18 (C) in paragraph (4)—

19 (i) in subparagraph (A)—

20 (I) by inserting “as defined by
21 the institution” after “stated mission
22 of the institution of higher edu-
23 cation”;

1 (II) by striking “, including dis-
2 tance education or correspondence
3 courses or programs,”; and

4 (III) by striking “and” at the
5 end;

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

8 “(B) such agency or association dem-
9 onstrates the ability to review, evaluate, and as-
10 sess the quality of any instruction delivery
11 model or method such agency or association has
12 or seeks to include within its scope of recogni-
13 tion, without giving preference to or differen-
14 tially treating a particular instruction delivery
15 model or method offered by an institution of
16 higher education or program except that, in a
17 case in which the instruction delivery model al-
18 lows for the separation of the student from the
19 instructor—

20 “(i) the agency or association requires
21 the institution to have processes through
22 which the institution establishes that the
23 student who registers in a course or pro-
24 gram is the same student who participates
25 in, including, to the extent practicable,

1 testing or other assessment, and completes
2 the program and receives the academic
3 credit; and

4 “(ii) the agency or association re-
5 quires that any process used by an institu-
6 tion to comply with the requirement under
7 clause (i) does not infringe upon student
8 privacy and is implemented in a manner
9 that is minimally burdensome to the stu-
10 dent; and

11 “(C) if such an agency or association eval-
12 uates or assesses the quality of competency-
13 based education programs, the agency’s or asso-
14 ciation’s evaluation or assessment —

15 “(i) shall address effectively the qual-
16 ity of an institution’s competency-based
17 education programs as set forth in para-
18 graph (5), except that the agency or asso-
19 ciation is not required to have separate
20 standards, procedures, or policies for the
21 evaluation of competency-based education;

22 “(ii) shall establish whether an insti-
23 tution has demonstrated that its program
24 satisfies the definitions in section 103(25);
25 and

1 “(iii) shall establish whether an insti-
2 tution has demonstrated that it has de-
3 fined an academic year for a competency-
4 based program in accordance with section
5 481(a)(3).”;

6 (D) by amending paragraph (5) to read as
7 follows:

8 “(5) the standards for accreditation of the
9 agency or association assess the institution’s success
10 with respect to student learning and educational out-
11 comes in relation to the institution’s mission, which
12 may include different standards for different institu-
13 tions or programs, except that the standards shall
14 include consideration of student learning and edu-
15 cational outcomes in relation to expected measures
16 of student learning and educational outcomes, which
17 at the agency’s or association’s discretion are estab-
18 lished—

19 “(A) by the agency or association; or

20 “(B) by the institution or program, at the
21 institution or program level, as the case may be,
22 if the institution or program—

23 “(i) defines expected student learning
24 goals and educational outcomes;

1 “(ii) measures and evaluates student
2 learning, educational outcomes, and, if ap-
3 propriate, other outcomes of the students
4 who complete their program of study;

5 “(iii) uses information about student
6 learning, educational outcomes, and, if ap-
7 propriate, other outcomes, to improve the
8 institution or program; and

9 “(iv) makes such information avail-
10 able to appropriate constituencies;”; and

11 (E) in paragraph (8), by striking “, upon
12 request,”;

13 (3) in subsection (b)—

14 (A) in the subsection heading, by striking
15 “SEPARATE” and inserting “SEPARATELY IN-
16 CORPORATED”;

17 (B) in the matter preceding paragraph (1),
18 by striking “separate” and inserting “sepa-
19 rately incorporated”;

20 (C) in paragraph (2), by inserting “who
21 shall represent business” after “one such public
22 member”; and

23 (D) in paragraph (4), by inserting before
24 the period at the end “and is maintained sepa-
25 rately from any such entity or organization”;

1 (4) in subsection (c)—

2 (A) in paragraph (1)—

3 (i) by inserting “(which may vary
4 based on institutional risk consistent with
5 policies promulgated by the agency or asso-
6 ciation to determine such risk and interval
7 frequency as allowed under subsection
8 (p))” after “intervals”; and

9 (ii) by striking “distance education”
10 and inserting “competency-based edu-
11 cation”;

12 (B) by striking paragraph (5) and redesign-
13 ating paragraphs (2), (3), and (4) as para-
14 graphs (3), (4), and (5), respectively;

15 (C) by inserting after paragraph (1), the
16 following:

17 “(2) develops a mechanism to identify institu-
18 tions or programs accredited by the agency or asso-
19 ciation that may be experiencing difficulties accom-
20 plishing their missions with respect to the student
21 learning and educational outcome goals established
22 under subsection (a)(5) and—

23 “(A) as appropriate, uses information such
24 as student loan default or repayment rates, re-
25 tention or graduation rates, evidence of student

1 learning, financial data, and other indicators to
2 identify such institutions;

3 “(B) not less than annually, evaluates the
4 extent to which those identified institutions or
5 programs continue to be in compliance with the
6 agency or association’s standards; and

7 “(C) as appropriate, requires the institu-
8 tion or program to address deficiencies and en-
9 sure that any plan to address and remedy defi-
10 ciencies is successfully implemented.”;

11 (D) in paragraph (4)(A), as so redesign-
12 ated, by striking “487(f)” and inserting
13 “487(e)”;

14 (E) by amending paragraph (5), as so re-
15 designated, to read as follows:

16 “(5) establishes and applies or maintains poli-
17 cies which ensure that any substantive change to the
18 educational mission, program, or programs of an in-
19 stitution after the agency or association has granted
20 the institution accreditation or preaccreditation sta-
21 tus does not adversely affect the capacity of the in-
22 stitution to continue to meet the agency’s or associa-
23 tion’s standards for such accreditation or
24 preaccreditation status, which shall include policies
25 that—

1 “(A) require the institution to obtain the
2 agency’s or association’s approval of the sub-
3 stantive change before the agency or association
4 includes the change in the scope of the institu-
5 tion’s accreditation or preaccreditation status;
6 and

7 “(B) define substantive change to include,
8 at a minimum—

9 “(i) any change in the established
10 mission or objectives of the institution;

11 “(ii) any change in the legal status,
12 form of control, or ownership of the insti-
13 tution;

14 “(iii) the addition of courses, pro-
15 grams of instruction, training, or study, or
16 credentials or degrees that represent a sig-
17 nificant departure from the courses, pro-
18 grams, or credentials or degrees that were
19 offered at time the agency or association
20 last evaluated the institution; or

21 “(iv) the entering into a contract
22 under which an institution or organization
23 not certified to participate programs under
24 title IV provides a portion of an accredited

1 institution’s educational program that is
2 greater than 25 percent;”;

3 (F) in paragraph (7)—

4 (i) in the matter preceding subpara-
5 graph (A), by inserting “, on the agency’s
6 or association’s website,” after “public”;

7 (ii) in subparagraph (C), by inserting
8 before the semicolon at the end the fol-
9 lowing: “, and a summary of why such ac-
10 tion was taken or such placement was
11 made”;

12 (G) in paragraph (8), by striking “and” at
13 the end;

14 (H) in paragraph (9), by striking the pe-
15 riod at the end and inserting a semicolon;

16 (I) by adding at the end the following:

17 “(10) makes publicly available, on the agency
18 or association’s website, a list of the institutions of
19 higher education accredited by such agency or asso-
20 ciation, which includes, with respect to each institu-
21 tion on the list—

22 “(A) the year accreditation was granted;

23 “(B) the most recent date of a comprehen-
24 sive evaluation of the institution under para-
25 graph (1); and

1 “(C) the anticipated date of the next such
2 evaluation; and

3 “(11) confirms, as a part of the agency’s or as-
4 sociation’s review for accreditation or reaccredita-
5 tion, that the institution’s website includes consumer
6 information described section paragraphs (1) and
7 (2) of section 132(d).”;

8 (5) in subsection (e)—

9 (A) by striking “The Secretary” and in-
10 serting the following:

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 the Secretary”;

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

14 “(2) EXCEPTION.—Paragraph (1) shall not
15 apply in the case of an institution described in sub-
16 section (j).”.

17 (6) by striking subsection (h) and inserting the
18 following:

19 “(h) CHANGE OF ACCREDITING AGENCY OR ASSOCIA-
20 TION.—

21 “(1) IN GENERAL.—The Secretary shall not
22 recognize the accreditation of any otherwise eligible
23 institution of higher education if the institution is in
24 the process of changing its accrediting agency or as-
25 sociation and is subject to one or more of the fol-

1 lowing actions, unless the eligible institution submits
2 to the Secretary materials demonstrating a reason-
3 able cause for changing the accrediting agency or as-
4 sociation:

5 “(A) A pending or final action brought by
6 a State agency to suspend, revoke, withdraw, or
7 terminate the institution’s legal authority to
8 provide postsecondary education in the State.

9 “(B) A decision by a recognized accred-
10 iting agency or association to deny accreditation
11 or preaccreditation to the institution.

12 “(C) A pending or final action brought by
13 a recognized accrediting agency or association
14 to suspend, revoke, withdraw, or terminate the
15 institution’s accreditation or preaccreditation.

16 “(D) Probation or an equivalent status im-
17 posed on the institution by a recognized accred-
18 iting agency or association.

19 “(2) RULE OF CONSTRUCTION.—Nothing in
20 this subsection shall be construed to restrict the
21 ability of an institution of higher education not sub-
22 ject to an action described in paragraph (1) and oth-
23 erwise in good standing to change accrediting agen-
24 cies or associations without the approval of the Sec-

1 retary as long as the institution notifies the Sec-
2 retary of the change.”;

3 (7) by striking subsection (k) and inserting the
4 following:

5 “(k) RELIGIOUS INSTITUTION RULE.—

6 “(1) IN GENERAL.—Notwithstanding subsection
7 (j), the Secretary shall allow an institution that has
8 had its accreditation withdrawn, revoked, or other-
9 wise terminated, or has voluntarily withdrawn from
10 an accreditation agency, to remain certified as an in-
11 stitution of higher education under section 101 and
12 subpart 3 of this part for a period sufficient to allow
13 such institution to obtain alternative accreditation, if
14 the Secretary determines that the withdrawal, rev-
15 ocation, or termination—

16 “(A) is related to the religious mission or
17 affiliation of the institution; and

18 “(B) is not related to the accreditation cri-
19 teria provided for in this section.

20 “(2) REQUIREMENTS.—For purposes of this
21 section the following shall apply:

22 “(A) The religious mission of an institu-
23 tion may be reflected in the institution’s reli-
24 gious tenets, beliefs, or teachings, and any poli-
25 cies or decisions related to such tenets, beliefs,

1 or teachings (including any policies or decisions
2 concerning housing, employment, curriculum,
3 self-governance, or student admission, con-
4 tinuing enrollment, or graduation).

5 “(B) An agency or association’s standard
6 fails to respect an institution’s religious mission
7 when the institution determines that the stand-
8 ard induces, pressures, or coerces the institu-
9 tion to act contrary to, or to refrain from acting
10 in support of, any aspect of its religious mis-
11 sion.

12 “(3) ADMINISTRATIVE COMPLAINT FOR FAIL-
13 URE TO RESPECT RELIGIOUS MISSION.—

14 “(A) IN GENERAL.—

15 “(i) INSTITUTION.—If an institution
16 of higher education believes that an ad-
17 verse action of an accrediting agency or as-
18 sociation fails to respect the institution’s
19 religious mission in violation of subsection
20 (a)(4)(A), the institution—

21 “(I) may file a complaint with
22 the Secretary to require the agency or
23 association to withdraw the adverse
24 action; and

1 “(II) prior to filing such com-
2 plaint, shall notify the Secretary and
3 the agency or association of an intent
4 to file such complaint not later than
5 30 days after—

6 “(aa) receiving the adverse
7 action from the agency or asso-
8 ciation; or

9 “(bb) determining that dis-
10 cussions with or the processes of
11 the agency or association to rem-
12 edy the failure to respect the reli-
13 gious mission of the institution
14 will fail to result in the with-
15 drawal of the adverse action by
16 the agency or association.

17 “(ii) ACCREDITING AGENCY OR ASSO-
18 CIATION.—Upon notification of an intent
19 to file a complaint and through the dura-
20 tion of the complaint process under this
21 paragraph, the Secretary and the accred-
22 iting agency or association shall treat the
23 accreditation status of the institution of
24 higher education as if the adverse action

1 for which the institution is filing the com-
2 plaint had not been taken.

3 “(B) COMPLAINT.—Not later than 45 days
4 after providing notice of the intent to file a
5 complaint, the institution shall file the com-
6 plaint with the Secretary (and provide a copy to
7 the accrediting agency or association), which
8 shall include—

9 “(i) a description of the adverse ac-
10 tion;

11 “(ii) how the adverse action fails to
12 respect the institution’s religious mission
13 in violation of subsection (a)(4)(A); and

14 “(iii) any other information the insti-
15 tution determines relevant to the com-
16 plaint.

17 “(C) RESPONSE.—

18 “(i) IN GENERAL.—The accrediting
19 agency or association shall have 30 days
20 from the date the complaint is filed with
21 the Secretary to file with the Secretary
22 (and provide a copy to the institution) a
23 response to the complaint, which response
24 shall include—

1 “(I) how the adverse action is
2 based on a violation of the agency or
3 association’s standards for accredita-
4 tion; and

5 “(II) how the adverse action does
6 not fail to respect the religious mis-
7 sion of the institution and is in com-
8 pliance with subsection (a)(4)(A).

9 “(ii) BURDEN OF PROOF.—

10 “(I) IN GENERAL.—The accred-
11 iting agency or association shall bear
12 the burden of proving that the agency
13 or association has not taken the ad-
14 verse action as a result of the institu-
15 tion’s religious mission, and that the
16 action does not fail to respect the in-
17 stitution’s religious mission in viola-
18 tion of subsection (a)(4)(A), by show-
19 ing that the adverse action does not
20 impact the aspect of the religious mis-
21 sion claimed to be affected in the
22 complaint.

23 “(II) INSUFFICIENT PROOF.—
24 Any evidence that the adverse action
25 results from the application of a neu-

1 tral and generally applicable rule shall
2 be insufficient to prove that the action
3 does not fail to respect an institu-
4 tion’s religious mission.

5 “(D) ADDITIONAL INSTITUTION RE-
6 SPONSE.—The institution shall have 15 days
7 from the date on which the agency or associa-
8 tion’s response is filed with the Secretary to—

9 “(i) file with the Secretary (and pro-
10 vide a copy to the agency or association) a
11 response to any issues raised in the re-
12 sponse of the agency or association; or

13 “(ii) inform the Secretary and the
14 agency or association that the institution
15 elects to waive the right to respond to the
16 response of the agency or association.

17 “(E) SECRETARIAL ACTION.—

18 “(i) IN GENERAL.—Not later than 15
19 days of receipt of the institution’s response
20 under subparagraph (D) or notification
21 that the institution elects not to file a re-
22 sponse under such subparagraph—

23 “(I) the Secretary shall review
24 the materials to determine if the ac-
25 crediting agency or association has

1 met its burden of proof under sub-
2 paragraph (C)(ii)(I); or

3 “(II) in a case in which the Sec-
4 retary fails to conduct such review—

5 “(aa) the Secretary shall be
6 deemed as determining that the
7 adverse action fails to respect the
8 religious mission of the institu-
9 tion; and

10 “(bb) the accrediting agency
11 or association shall be required to
12 reverse the action immediately
13 and take no further action with
14 respect to such adverse action.

15 “(ii) REVIEW OF COMPLAINT.—In re-
16 viewing the complaint under clause (i)(I)—

17 “(I) the Secretary shall consider
18 the institution to be correct in the as-
19 sertion that the adverse action fails to
20 respect the institution’s religious mis-
21 sion and shall apply the burden of
22 proof described in subparagraph
23 (C)(ii)(I) with respect to the accred-
24 iting agency or association; and

1 “(II) if the Secretary determines
2 that the accrediting agency or associa-
3 tion fails to meet such burden of
4 proof—

5 “(aa) the Secretary shall no-
6 tify the institution and the agen-
7 cy or association that the agency
8 or association is not in compli-
9 ance with subsection (a)(4)(A),
10 and that such agency or associa-
11 tion shall carry out the require-
12 ments of item (bb) to be in com-
13 pliance subsection (a)(4)(A); and

14 “(bb) the agency or associa-
15 tion shall reverse the adverse ac-
16 tion immediately and take no fur-
17 ther action with respect to such
18 adverse action.

19 “(iii) FINAL DEPARTMENTAL AC-
20 TION.—The Secretary’s determination
21 under this subparagraph shall be the final
22 action of the Department on the complaint.

23 “(F) RULE OF CONSTRUCTION.—Nothing
24 in this paragraph shall prohibit—

1 “(i) an accrediting agency or associa-
2 tion from taking an adverse action against
3 an institution of higher education for a
4 failure to comply with the agency or asso-
5 ciation’s standards of accreditation as long
6 as such standards are in compliance with
7 subsection (a)(4)(A) and any other applica-
8 ble requirements of this section; or

9 “(ii) an institution of higher education
10 from exercising any other rights to address
11 concerns with respect to an accrediting
12 agency or association or the accreditation
13 process of an accrediting agency or asso-
14 ciation.

15 “(G) GUIDANCE.—

16 “(i) IN GENERAL.—The Secretary
17 may only issue guidance under this para-
18 graph that explains or clarifies the process
19 for providing notice of an intent to file a
20 complaint or for filing a complaint under
21 this paragraph.

22 “(ii) CLARIFICATION.—The Secretary
23 may not issue guidance, or otherwise deter-
24 mine or suggest, when discussions to rem-
25 edy the failure by an accrediting agency or

1 association to respect the religious mission
2 of an institution of higher education re-
3 ferred to in subparagraph (A)(i)(II)(bb)
4 have failed or will fail.”;

5 (8) in subsection (n)(3), by striking “distance
6 education courses or programs” each place it ap-
7 pears and inserting “competency-based education
8 programs” ;

9 (9) in subsection (o), by inserting before the pe-
10 riod at the end the following: “, or with respect to
11 the policies and procedures of an accreditation agen-
12 cy or association described in paragraph (2) or (5)
13 of subsection (c) or how the agency or association
14 carries out such policies and procedures”;

15 (10) by striking subsections (p) and (q); and

16 (11) by adding at the end the following:

17 “(p) RISK-BASED OR DIFFERENTIATED REVIEW
18 PROCESSES OR PROCEDURES.—

19 “(1) IN GENERAL.—Notwithstanding any other
20 provision of law (including subsection (a)(4)(A)), an
21 accrediting agency or association may establish, with
22 the involvement of its membership, risk-based or dif-
23 ferentiated review processes or procedures for as-
24 sessing compliance with the accrediting agency or
25 association’s standards, including policies related to

1 substantive change and award of accreditation
2 statuses, for institutions of higher education or pro-
3 grams that have demonstrated exceptional past per-
4 formance with respect to meeting the accrediting
5 agency or association’s standards.

6 “(2) PROHIBITION.—Risk-based or differen-
7 tiated review processes or procedures shall not dis-
8 criminate against, or otherwise preclude, institutions
9 of higher education based on institutional sector or
10 category, including an institution of higher edu-
11 cation’s tax status.

12 “(3) RULE OF CONSTRUCTION.—Nothing in
13 this subsection shall be construed to permit the Sec-
14 retary to establish any criterion that specifies, de-
15 fines, or prescribes an accrediting agency or associa-
16 tion’s risk-based or differentiated review process or
17 procedure.

18 “(q) WAIVER.—The Secretary shall establish a proc-
19 ess through which an agency or association may seek to
20 have a requirement of this subpart waived, if such agency
21 or association—

22 “(1) demonstrates that such waiver is necessary
23 to enable an institution of higher education or pro-
24 gram accredited by the agency or association to im-
25 plement innovative practices intended to—

1 “(A) reduce administrative burdens to the
2 institution or program without creating costs
3 for the taxpayer; or

4 “(B) improve the delivery of services to
5 students, improve instruction or learning out-
6 comes, or otherwise benefit students; and

7 “(2) describes the terms and conditions that
8 will be placed upon the program or institution to en-
9 sure academic integrity and quality.”.

10 **SEC. 497. ELIGIBILITY AND CERTIFICATION PROCEDURES.**

11 (a) ELIGIBILITY AND CERTIFICATION PROCE-
12 DURES.—Section 498 (20 U.S.C. 1099c) is amended—

13 (1) in subsection (a)—

14 (A) by striking “For purposes of” and in-
15 serting the following:

16 “(1) IN GENERAL.—For purposes of”;

17 (B) by inserting “, subject to paragraph
18 (2),” after “determine”; and

19 (C) by adding at the end the following:

20 “(2) SPECIAL RULE.—The determination of
21 whether an institution of higher education is legally
22 authorized to operate in a State under section
23 101(a)(2) shall be based solely on that State’s
24 laws.”;

1 (2) in subsection (b)(5), by striking “B or D”
2 and inserting “E”;

3 (3) in subsection (c)—

4 (A) by redesignating paragraphs (4), (5),
5 and (6) as paragraphs (6), (7), and (8), respec-
6 tively;

7 (B) by striking the subsection designation
8 and all that follows through the end of para-
9 graph (3) and inserting the following:

10 “(c) FINANCIAL RESPONSIBILITY STANDARDS.—(1)
11 The Secretary shall determine whether an institution has
12 the financial responsibility required by this title in accord-
13 ance with paragraph (2).

14 “(2) An institution shall be determined to be finan-
15 cially responsible by the Secretary, as required by this
16 title, if the institution is able to provide the services de-
17 scribed in its official publications and statements, is able
18 to provide the administrative resources necessary to com-
19 ply with the requirements of this title, and meets one of
20 the following conditions:

21 “(A) Such institution has its liabilities backed
22 by the full faith and credit of a State, or its equiva-
23 lent.

1 “(B) Such institution has a bond credit quality
2 rating of investment grade or higher from a recog-
3 nized credit rating agency.

4 “(C) Such institution has expendable net assets
5 equal to not less than one-half of the annual poten-
6 tial liabilities of such institution to the Secretary for
7 funds under this title, including loan obligations dis-
8 charged pursuant to section 437, and to students for
9 refunds of institutional charges, including funds
10 under this title, as calculated by an independent cer-
11 tified public accountant in accordance with generally
12 accepted auditing standards.

13 “(D) Such institution establishes, with the sup-
14 port of a financial statement audited by an inde-
15 pendent certified public accountant in accordance
16 with generally accepted auditing standards, that the
17 institution has sufficient resources to ensure against
18 the precipitous closure of the institution, including
19 the ability to meet all of its financial obligations (in-
20 cluding refunds of institutional charges and repay-
21 ments to the Secretary for liabilities and debts in-
22 curred in programs administered by the Secretary).

23 “(E) Such institution has met criteria, pre-
24 scribed by the Secretary by regulation in accordance
25 with paragraph (3), that—

1 “(i) establish ratios that demonstrate fi-
2 nancial responsibility in accordance with gen-
3 erally accepted auditing standards as described
4 in paragraph (7);

5 “(ii) incorporate the procedures described
6 in paragraph (4);

7 “(iii) establish consequences for failure to
8 meet the criteria described in paragraph (5);
9 and

10 “(iv) take into account any differences in
11 generally accepted accounting principles, and
12 the financial statements required thereunder,
13 that are applicable to for-profit, public, and
14 nonprofit institutions.

15 “(3) The criteria prescribed pursuant to paragraph
16 (2)(E) shall provide that the Secretary shall—

17 “(A) not later than 6 months after an institu-
18 tion that is subject to the requirements of paragraph
19 (2)(E) has submitted its annual financial statement,
20 provide to such institution a notification of its pre-
21 liminary score under such paragraph;

22 “(B) provide to each such institution a descrip-
23 tion of the method used, and complete copies of all
24 the calculations performed, to determine the institu-
25 tion’s score, if such institution makes a request for

1 such information within 45 days after receiving the
2 notice under subparagraph (A);

3 “(C) within 60 days of receipt by an institution
4 of the information described in subparagraph (B)—

5 “(i) allow the institution to correct or cure
6 an administrative, accounting, or recordkeeping
7 error if the error is not part of a pattern of er-
8 rors and there is no evidence of fraud or mis-
9 conduct related to the error;

10 “(ii) if the institution demonstrates that
11 the Secretary has made errors in its determina-
12 tion of the initial score or has used non-stand-
13 ard accounting practices in reaching its deter-
14 mination, notify the institution that its com-
15 posite score has been corrected; and

16 “(iii) take into consideration any subse-
17 quent change in the institution’s overall fiscal
18 health that would raise the institution’s score;

19 “(D) maintain and preserve at all times the
20 confidentiality of any review until such score is de-
21 termined to be final; and

22 “(E) make a determination regarding whether
23 the institution has met the standards of financial re-
24 sponsibility based on an audited and certified finan-

1 cial statement of the institution as described in
2 paragraph (7).

3 “(4) If the Secretary determines, after conducting an
4 initial review, that the institution has not met at least one
5 of the conditions described in subparagraphs (A) through
6 (E) of paragraph (2) but has otherwise met the require-
7 ments of such paragraph—

8 “(A) the Secretary shall request information re-
9 lating to such conditions for any affiliated or parent
10 organization, company, or foundation owning or
11 owned by the institution; and

12 “(B) if such additional information dem-
13 onstrates that an affiliated or parent organization,
14 company, or foundation owning or owned by the in-
15 stitution meets at least one of the conditions de-
16 scribe in subparagraphs (A) through (E) of para-
17 graph (2), the institution shall be determined to be
18 financially responsible as required by this title.

19 “(5) The Secretary shall establish policies and proce-
20 dures to address an institution’s failure to meet the cri-
21 teria of paragraph (2) which shall include policies and pro-
22 cedures that—

23 “(A) require an institution that fails to meet
24 the criteria for three consecutive years to provide to
25 the Secretary a financial plan;

1 “(B) provide for additional oversight and cash
2 monitoring restrictions, as appropriate;

3 “(C) allow an institution to submit to the Sec-
4 retary third-party financial guarantees that the Sec-
5 retary determines are reasonable, such as perform-
6 ance bonds or letters of credit payable to the Sec-
7 retary, except that an institution may not be re-
8 quired to obtain a letter of credit in order to be
9 deemed financially responsible unless—

10 “(i) the institution has been deemed not to
11 be a going concern, as determined by an inde-
12 pendent certified public accountant in accord-
13 ance with generally accepted auditing stand-
14 ards;

15 “(ii) the institution is determined by the
16 Secretary to be at risk of precipitous closure
17 when the full financial resources of the institu-
18 tion, including the value of the institution’s ex-
19 pendable endowment, are considered; or

20 “(iii) the institution is determined by the
21 Secretary to be at risk of not meeting all of its
22 financial obligations, including refunds of insti-
23 tutional charges and repayments to the Sec-
24 retary for liabilities and debts incurred in pro-
25 grams administered by the Secretary; and

1 “(D) provide for the removal of all require-
2 ments related to the institution’s failure to meet the
3 criteria once the criteria are met.”; and

4 (C) in paragraph (7), as so redesignated,
5 by striking “paragraphs (2) and (3)(C)” and
6 inserting “paragraph (2)”;

7 (4) in subsection (g)(3)—

8 (A) by striking “section 102(a)(1)(C)” and
9 inserting “section 102(a)(1)”;

10 (B) by striking “part B” and inserting
11 “part D or E”;

12 (5) in subsection (h)(2), by striking “18” and
13 inserting “36”;

14 (6) in subsection (i)—

15 (A) in paragraph (1), by striking “section
16 102 (other than the requirements in subsections
17 (b)(5) and (c)(3))” and inserting “sections 101
18 (other than the requirements in subsections
19 (b)(1)(A) and (b)(2)) and 102”;

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

21 “(5)(A) The Secretary shall issue a decision on
22 a materially complete application for a change of
23 ownership not later than 120 days after the institu-
24 tion submits the application to the Secretary.

1 “(B) In the case of an application for which the
2 Secretary does not issue a decision within the 120-
3 day period required under subparagraph (A), the ap-
4 plication shall be considered to be approved.”;

5 (7) in subsection (j)(1), by striking “meet the
6 requirements of sections 102(b)(1)(E) and
7 102(c)(1)(C)” and inserting “meet the requirements
8 to be considered an institution of higher education
9 under sections 101(b)(1)(A) and 101(b)(2)”;

10 (8) in subsection (k)—

11 (A) in paragraph (1), by striking “487(f)”
12 and inserting “487(e)”; and

13 (B) in paragraph (2)(A), by striking “meet
14 the requirements of sections 102(b)(1)(E) and
15 102(c)(1)(C)” and inserting “meet the require-
16 ments to be considered an institution of higher
17 education under sections 101(b)(1)(A) and
18 101(b)(2)”.

19 (b) PROGRAM REVIEW AND DATA.—Section 498A
20 (20 U.S.C. 1099c–1) is amended—

21 (1) in subsection (a)(2)—

22 (A) by striking “part B of” both places it
23 appears;

24 (B) in subparagraph (A), by inserting be-
25 fore the semicolon at the end the following: “,

1 or after the transition period described in sec-
2 tion 481B(e)(3), institutions in which 25 per-
3 cent or more of the educational programs have
4 a loan repayment rate (defined in section
5 481B(e)) for the most recent fiscal year of less
6 than 50 percent”;

7 (C) in subparagraph (B), by inserting be-
8 fore the semicolon at the end the following: “,
9 except that this subparagraph shall not apply
10 after the transition period described in section
11 481B(e)(3)”;

12 (D) in subparagraph (C)—

13 (i) by inserting “, Federal ONE Loan
14 volume” after “Stafford/Ford Loan vol-
15 ume”;

16 (ii) by inserting “, Federal ONE Loan
17 program” after “Stafford/Ford Loan pro-
18 gram”;

19 (2) in subsection (b)—

20 (A) by redesignating paragraphs (3)
21 through (8) as paragraphs (4) through (9), re-
22 spectively;

23 (B) by inserting after paragraph (2) the
24 following new paragraph:

1 “(3) as practicable, provide a written expla-
2 nation to the institution of higher education detail-
3 ing the Secretary’s reasons for initiating the pro-
4 gram review which, if applicable, shall include ref-
5 erences to specific criteria under subsection (a)(2);”;
6 and

7 (C) in paragraph (9), as so redesignated—

8 (i) by striking “paragraphs (6) and
9 (7)” and inserting “paragraphs (7) and
10 (8)”; and

11 (ii) by striking “paragraph (5)” and
12 inserting “paragraph (6)”; and

13 (3) by adding at the end the following new sub-
14 section:

15 “(f) TIME LIMIT ON PROGRAM REVIEW ACTIVI-
16 TIES.—In conducting, responding to, and concluding pro-
17 gram review activities, the Secretary shall—

18 “(1) provide to the institution the initial report
19 finding not later than 90 days after concluding an
20 initial site visit;

21 “(2) upon each receipt of an institution’s re-
22 sponse during a program review inquiry, respond in
23 a substantive manner within 90 days;

24 “(3) upon each receipt of an institution’s writ-
25 ten response to a draft final program review report,

1 provide the final program review report and accom-
2 panying enforcement actions, if any, within 90 days;
3 and

4 “(4) conclude the entire program review process
5 not later than 2 years after the initiation of a pro-
6 gram review, unless the Secretary determines that
7 such a review is sufficiently complex and cannot rea-
8 sonably be concluded before the expiration of such 2-
9 year period, in which case the Secretary shall
10 promptly notify the institution of the reasons for
11 such delay and provide an anticipated date for con-
12 clusion of the review.”.

13 (c) REVIEW OF REGULATIONS.—Section 498B(b) (20
14 U.S.C. 1099c–2(b)) is amended by striking “section
15 102(a)(1)(C)” and inserting “section 102(a)(1)”.

16 **TITLE V—DEVELOPING** 17 **INSTITUTIONS**

18 **SEC. 501. HISPANIC-SERVING INSTITUTIONS.**

19 Part A of title V (20 U.S.C. 1101 et seq.) is amend-
20 ed—

21 (1) in section 502(a)—

22 (A) in paragraph (1), by striking “institu-
23 tion for instruction” and inserting “institution
24 of higher education for instruction”;

25 (B) in paragraph (2)(A)—

1 (i) by redesignating clauses (v) and
2 (vi) as clauses (vi) and (v), respectively;

3 (ii) in clause (v) (as so redesignated),
4 by inserting “(as defined in section
5 103(20)(A))” after “State”; and

6 (iii) in clause (vi) (as so redesignated),
7 by striking “and” at the end; and
8 (C) in paragraph (2)—

9 (i) by striking the period at the end of
10 subparagraph (B) and inserting “; and”;
11 and

12 (ii) by inserting after subparagraph
13 (B) the following:

14 “(C) except as provided in section 522(b),
15 an institution that has a completion rate of at
16 least 25 percent that is calculated by—

17 “(i) counting a student as completed
18 if that student graduated within 150 per-
19 cent of the normal time for completion; or

20 “(ii) counting a student as completed
21 if that student enrolled into another pro-
22 gram at an institution for which the pre-
23 vious program provided substantial prepa-
24 ration within 150 percent of normal time
25 for completion.”;

1 (2) in section 503—

2 (A) in subsection (b)—

3 (i) in paragraph (5), by striking
4 “counseling, and” and inserting “coun-
5 seling, advising, and’ ”

6 (ii) in paragraph (7), by striking
7 “funds management” and inserting “funds
8 and administrative management”;

9 (iii) in paragraph (11), by striking
10 “Creating” and all that follows through
11 “technologies,” and inserting “Innovative
12 learning models and creating or improving
13 facilities for Internet or other innovative
14 technologies,”; and

15 (iv) by redesignating paragraph (16)
16 as paragraph (20) and inserting after
17 paragraph (15) the following:

18 “(16) The development, coordination, imple-
19 mentation, or improvement of career and technical
20 education programs (as defined in section 135 of the
21 Carl D. Perkins Career and Technical Education
22 Act of 2006 (20 U.S.C. 2355)).

23 “(17) Alignment and integration of career and
24 technical education programs with programs of

1 study leading to a bachelor's degree, graduate de-
2 gree, or professional degree.

3 “(18) Developing or expanding access to dual
4 or concurrent enrollment programs and early college
5 high school programs.

6 “(19) Pay for success initiatives that improve
7 time to completion and increase graduation rates.”;
8 and

9 (B) in subsection (c), by adding at the end
10 the following:

11 “(4) SCHOLARSHIP.—An institution that uses
12 grant funds provided under this part to establish or
13 increase an endowment fund may use the income
14 from such endowment fund to provide scholarships
15 to students for the purposes of attending such insti-
16 tution, subject to the limitation in section
17 331(c)(3)(B)(i).”;

18 (3) in section 504, by striking subsection (a)
19 and inserting the following:

20 “(a) AWARD PERIOD.—The Secretary may award a
21 grant to a Hispanic-serving institution under this part for
22 a period of 5 years. Any funds awarded under this part
23 that are not expended or used, before the date that is 10
24 years after the date on which the grant was awarded, for

1 the purposes for which the funds were paid shall be repaid
2 to the Treasury.”; and

3 (4) in section 505, by striking “this title” each
4 place such term appears and inserting “this part”.

5 **SEC. 502. PROMOTING POSTBACCALAUREATE OPPORTUNI-**
6 **TIES FOR HISPANIC AMERICANS.**

7 Part B of title V (20 U.S.C. 1102 et seq.) is amend-
8 ed—

9 (1) in section 513—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) The activities described in (1) through (4),
13 (11), and (19) of section 503(b).”;

14 (B) by striking paragraphs (2) and (3);
15 and

16 (C) by redesignating paragraphs (4)
17 through (8) as paragraphs (2) through (6), re-
18 spectively; and

19 (D) in paragraph (4) (as so redesignated),
20 by striking “Creating” and all that follows
21 through “technologies,” and inserting “Innova-
22 tive learning models and creating or improving
23 facilities for Internet or other innovative tech-
24 nologies,”; and

25 (2) in section 514—

1 (A) by striking subsection (b) and insert-
2 ing the following:

3 “(b) DURATION.—The Secretary may award a grant
4 to a Hispanic-serving institution under this part for a pe-
5 riod of 5 years. Any funds awarded under this part that
6 are not expended or used for the purposes for which the
7 funds were paid within 10 years following the date on
8 which the grant was awarded shall be repaid to the Treas-
9 ury.”; and

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

11 “(d) SPECIAL RULE.—No Hispanic-serving institu-
12 tion that is eligible for and receives funds under this part
13 may receive funds under part A or B of title III during
14 the period for which funds under this part are awarded.”.

15 **SEC. 503. GENERAL PROVISIONS.**

16 Part C of title V (20 U.S.C. 1103 et seq.) is amend-
17 ed—

18 (1) in section 521(e)(7)—

19 (A) by striking subparagraph (C);

20 (B) by redesignating subparagraphs (D)
21 and (E) as subparagraphs (C) and (D), respec-
22 tively; and

23 (C) in subparagraph (D), as so redesign-
24 ated, by striking “subparagraph (D)” and in-
25 serting “subparagraph (C)”;

1 (2) in section 522(b)—

2 (A) in the subsection heading, by inserting
3 “; COMPLETION RATES” after “EXPENDI-
4 TURES”;

5 (B) in paragraph (1), by inserting “or
6 502(a)(2)(C)” after “502(a)(2)(A)(ii)”; and

7 (C) in paragraph (2)—

8 (i) in the paragraph heading, by in-
9 serting “AND COMPLETION RATES” after
10 “EXPENDITURES”;

11 (ii) in the matter preceding subpara-
12 graph (A), by inserting “or 502(a)(2)(C)”
13 after “502(a)(2)(A)(ii)”; and

14 (iii) in subparagraph (A), by inserting
15 “or section 502(a)(2)(C)” after
16 “502(a)(2)(A)”;

17 (3) in section 524(c), by striking “section 505”
18 and inserting “section 504”; and

19 (4) in section 528—

20 (A) in subsection (a), by striking “parts A
21 and C” and all that follows through the period
22 at the end and inserting “parts A and C,
23 \$124,415,000 for each of fiscal years 2021
24 through 2026.”; and

1 (B) in subsection (b), by striking “part B”
2 and all that follows through the period at the
3 end and inserting “part B, \$11,163,000 for
4 each of fiscal years 2021 through 2026.”.

5 **TITLE VI—INTERNATIONAL**
6 **EDUCATION PROGRAMS**

7 **SEC. 601. INTERNATIONAL AND FOREIGN LANGUAGE STUD-**
8 **IES.**

9 (a) GRADUATE AND UNDERGRADUATE LANGUAGE
10 AND AREA CENTERS AND PROGRAMS.—Section 602 (20
11 U.S.C. 1122) is amended—

12 (1) in subsection (a)(4)(F), by inserting “(C),”
13 after “(B),”; and

14 (2) in subsection (e)—

15 (A) by redesignating paragraphs (1) and
16 (2) as subparagraphs (A) and (B), respectively,
17 and realigning such subparagraphs so as to be
18 indented 4 ems from the left margin;

19 (B) by striking “(e) APPLICATION.—Each
20 institution” and inserting the following:

21 “(e) APPLICATION.—

22 “(1) SUBMISSION; CONTENTS.—Each institu-
23 tion”; and

24 (C) by adding at the end the following new
25 paragraph:

1 (b) SPECIAL RULE.—Section 632(2) (20 U.S.C.
2 1132–1(2)) is amended by inserting “substantial” before
3 “need”.

4 (c) REPORTS.—Section 636 (20 U.S.C. 1132–5) is
5 amended—

6 (1) by inserting “(a) BIENNIAL REPORT ON
7 AREAS OF NATIONAL NEED.—” before “The Sec-
8 retary”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) ANNUAL REPORT ON COMPLIANCE WITH DI-
12 VERSE PERSPECTIVES AND A WIDE RANGE OF VIEWS RE-
13 QUIREMENT.—Not later than 180 days after the date of
14 the enactment of this subsection, and annually thereafter,
15 the Secretary shall submit to the authorizing committees
16 a report that identifies the efforts taken to ensure recipi-
17 ents’ compliance with the requirements under this title re-
18 lating to the ‘diverse perspectives and a wide range of
19 views’ requirement, including any technical assistance the
20 Department has provided, any regulatory guidance the
21 Department has issued, and any monitoring the Depart-
22 ment has conducted. Such report shall be made available
23 to the public.”.

1 (d) REPEAL OF SCIENCE AND TECHNOLOGY AD-
2 VANCED FOREIGN LANGUAGE EDUCATION GRANT PRO-
3 GRAM.—Section 637 (20 U.S.C. 1132–6) is repealed.

4 (e) REPORTING BY INSTITUTIONS.—Section 638(b)
5 (20 U.S.C. 1132–7(b)) is amended to read as follows:

6 “(b) DATA REQUIRED.—

7 “(1) IN GENERAL.—Except as provided in para-
8 graph (5), the Secretary shall require an institution
9 of higher education referred to in subsection (a) to
10 file a disclosure report under paragraph (2) with the
11 Secretary on January 31 or July 31, whichever is
12 sooner, with respect to the date on which such insti-
13 tution received a contribution—

14 “(A) less than 7 months from such date;
15 and

16 “(B) greater than 30 days from such date.

17 “(2) CONTENTS OF REPORT.—Each report to
18 the Secretary required by this section shall contain
19 the following information with respect to the institu-
20 tion of higher education filing the report:

21 “(A) For gifts received from, or contracts
22 entered into with a foreign source other than a
23 foreign government, the following information:

24 “(i) The aggregate dollar amount of
25 such gifts and contracts attributable to

1 each country, including the fair market
2 value of the services of staff members,
3 textbooks, and other in-kind gifts.

4 “(ii) The legal name of the entity pro-
5 viding any such gift or contract.

6 “(iii) The country to which the gift is
7 attributable.

8 “(B) For gifts received from, or contracts
9 entered into with, a foreign government, the ag-
10 gregate dollar amount of such gifts and con-
11 tracts received from each foreign government
12 and the legal name of the entity providing any
13 such gift or contract.

14 “(C) In the case of an institution of higher
15 education that is owned or controlled by a for-
16 eign source—

17 “(i) the identity of the foreign source;

18 “(ii) the date on which the foreign
19 source assumed ownership or control of the
20 institution; and

21 “(iii) any changes in program or
22 structure resulting from the change in
23 ownership or control.

24 “(3) ADDITIONAL DISCLOSURES FOR RE-
25 STRICTED AND CONDITIONAL GIFTS.—Notwith-

1 standing paragraph (1), when an institution of high-
2 er education receives a restricted or conditional gift
3 or contract from a foreign source, the institution
4 shall disclose the following:

5 “(A) In the case of gifts received from, or
6 contracts entered into with, a foreign source
7 other than a foreign government, the amount,
8 the date, and a description of such conditions
9 or restrictions.

10 “(B) The country to which the gift is at-
11 tributable.

12 “(C) In the case of gifts received from, or
13 contracts entered into with, a foreign govern-
14 ment, the amount, the date, a description of
15 such conditions or restrictions, and the name of
16 the foreign government.

17 “(4) ATTRIBUTION OF GIFTS.—For purposes of
18 this subsection, the country to which a gift is attrib-
19 utable is—

20 “(A) the country of citizenship; or

21 “(B) if the information described in sub-
22 paragraph (A) is not known—

23 “(i) the principal residence for a for-
24 eign source who is a natural person; or

1 “(ii) the principal place of business
2 and country of incorporation for a foreign
3 source that is a legal entity.

4 “(5) RELATION TO OTHER REPORTING RE-
5 QUIREMENTS.—

6 “(A) STATE REQUIREMENTS.—If an insti-
7 tution described under subsection (a) is located
8 within a State that has enacted requirements
9 for public disclosure of gifts from, or contracts
10 with, a foreign source that are substantially
11 similar to the requirements of this section, as
12 determined by the Secretary, a copy of the dis-
13 closure report filed with the State may be filed
14 with the Secretary in lieu of a report required
15 under paragraph (1).

16 “(B) ASSURANCES.—With respect to an
17 institution that submits a copy of a disclosure
18 report pursuant to subparagraph (A), the State
19 in which such institution is located shall provide
20 to the Secretary such assurances as the Sec-
21 retary may require to establish that the institu-
22 tion has met the requirements for public disclo-
23 sure under the laws of such State.

24 “(C) USE OF OTHER FEDERAL RE-
25 PORTS.—If an institution receives a gift from,

1 or enters into a contract with, a foreign source,
2 where any other Federal law or regulation re-
3 quires a report containing requirements sub-
4 stantially similar to the requirements under this
5 section, as determined by the Secretary, a copy
6 of the report may be filed with the Secretary in
7 lieu of a report required under subsection (b).

8 “(6) PUBLIC INSPECTION.—A disclosure report
9 required by this section shall be—

10 “(A) available as public records open to in-
11 spection and copying during business hours;

12 “(B) available electronically; and

13 “(C) made available under subparagraphs
14 (A) and (B) not later than 30 days after the
15 Secretary receives such report.

16 “(7) ENFORCEMENT.—

17 “(A) COMPEL COMPLIANCE.—Whenever it
18 appears that an institution has failed to comply
19 with the requirements of this section, including
20 any rule or regulation promulgated under this
21 section, a civil action may be brought by the At-
22 torney General, at the request of the Secretary,
23 in an appropriate district court of the United
24 States, or the appropriate United States court
25 of any territory or other place subject to the ju-

1 jurisdiction of the United States, to request such
2 court to compel compliance with the require-
3 ments of this section.

4 “(B) COSTS.—For knowing or willful fail-
5 ure to comply with the requirements of this sec-
6 tion, including any rule or regulation promul-
7 gated thereunder, an institution shall pay to the
8 Treasury of the United States the full costs to
9 the United States of obtaining compliance, in-
10 cluding all associated costs of investigation and
11 enforcement.

12 “(8) DEFINITIONS.—In this section:

13 “(A) CONTRACT.—The term ‘contract’
14 means any agreement for the acquisition by
15 purchase, lease, gift, or barter of property or
16 services by the foreign source, for the direct
17 benefit or use of either of the parties.

18 “(B) FOREIGN SOURCE.—The term ‘for-
19 eign source’ means—

20 “(i) a foreign government, including
21 an agency of a foreign government;

22 “(ii) a legal entity, governmental or
23 otherwise, created solely under the laws of
24 a foreign state or states;

1 “(iii) an individual who is not a cit-
2 izen or a national of the United States or
3 a trust territory or protectorate thereof;
4 and

5 “(iv) an agent, including a subsidiary
6 or affiliate of a foreign legal entity, acting
7 on behalf of a foreign source.

8 “(C) GIFT.—The term ‘gift’ means any
9 gift of money, property, human resources, or
10 payment of any staff.

11 “(D) RESTRICTED OR CONDITIONAL.—The
12 term ‘restricted or conditional’, with respect to
13 an endowment, gift, grant, contract, award,
14 present, or property of any kind means includ-
15 ing as a condition on such endowment, gift,
16 grant, contract, award, present, or property
17 provisions regarding—

18 “(i) the employment, assignment, or
19 termination of faculty;

20 “(ii) the establishment of depart-
21 ments, centers, research or lecture pro-
22 grams, institutes, instructional programs,
23 or new faculty positions;

24 “(iii) the selection or admission of
25 students; or

1 “(iv) the award of grants, loans,
2 scholarships, fellowships, or other forms of
3 financial aid restricted to students of a
4 specified country, religion, sex, ethnic ori-
5 gin, or political opinion.”.

6 (f) REDESIGNATIONS.—Part D of title VI (20 U.S.C.
7 1132 et seq.) is amended—

8 (1) by redesignating such part as part C; and

9 (2) by redesignating sections 631, 632, 633,
10 634, 635, 636, and 638 as sections 621, 622, 623,
11 624, 625, 626, and 627, respectively.

12 (g) CONTINUATION AWARDS.—Part C of title VI (20
13 U.S.C. 1131 et seq.), as so redesignated by subsection
14 (f)(1) of this section, is amended by adding at the end
15 the following new sections:

16 **“SEC. 628. CONTINUATION AWARDS.**

17 “The Secretary shall make continuation awards
18 under this title for the second and succeeding years of a
19 grant only after determining that the recipient is making
20 satisfactory progress in carrying out the stated grant ob-
21 jectives approved by the Secretary.

22 **“SEC. 629. COMPLIANCE WITH DIVERSE PERSPECTIVE AND**
23 **A WIDE RANGE OF VIEWS.**

24 “When complying with the requirement of this title
25 to offer a diverse perspective and a wide range of views,

1 a recipient of a grant under this title shall not promote
2 any biased views that are discriminatory toward any
3 group, religion, or population of people.

4 **“SEC. 630. AUTHORIZATION OF APPROPRIATIONS.**

5 “There is authorized to be appropriated to carry out
6 this title \$65,103,000 for each of fiscal years 2021
7 through 2026.”.

8 **TITLE VII—GRADUATE AND**
9 **POSTSECONDARY IMPROVE-**
10 **MENT PROGRAMS**

11 **SEC. 701. GRADUATE EDUCATION PROGRAMS.**

12 (a) REPEAL OF JACOB K. JAVITS FELLOWSHIP PRO-
13 GRAM.—Subpart 1 of part A of title VII (20 U.S.C. 1134
14 et seq.) is repealed.

15 (b) REPEAL OF THURGOOD MARSHALL LEGAL EDU-
16 CATIONAL OPPORTUNITY PROGRAM.—Subpart 3 of part
17 A of title VII (20 U.S.C. 1136) is repealed.

18 (c) AUTHORIZATION OF APPROPRIATIONS FOR GRAD-
19 UATE ASSISTANCE IN AREAS OF NATIONAL NEED.—Sec-
20 tion 716 (20 U.S.C. 1135e) is amended striking
21 “\$35,000,000” and all that follows through the period at
22 the end and inserting “\$23,047,000 for each of fiscal
23 years 2021 through 2026.”.

24 (d) REDESIGNATIONS.—Part A of title VII (20
25 U.S.C. 1134 et seq.) is amended—

1 (1) by redesignating subparts 2, 4, and 5 as
2 subparts 1, 2, and 3 respectively;

3 (2) by redesignating sections 711 through 716
4 as sections 701 through 706, respectively;

5 (3) by redesignating sections 723 through 725
6 as sections 711 through 713, respectively; and

7 (4) by redesignating section 731 as section 721.

8 (e) AMENDMENT OF CROSS REFERENCES.—Part A
9 of title VII (20 U.S.C. 1134 et seq.) is amended—

10 (1) in section 703(b)(8), as so redesignated, by
11 striking “section 715” and inserting “section 705”;

12 (2) in section 704(e), as so redesignated—

13 (A) by striking “section 715(a)” and in-
14 serting “section 705(a)”; and

15 (B) by striking “section 713(b)(2)” and in-
16 serting “section 703(b)(2)”;

17 (3) in section 711(e), as so redesignated, by
18 striking “724” and inserting “712”;

19 (4) in section 712(e), as so redesignated, by
20 striking “723” and inserting “711”;

21 (5) in section 713, as so redesignated—

22 (A) in subsection (a), by striking “section
23 723” and all that follows through the period at
24 the end and inserting “section 711, \$8,657,000

1 for fiscal year 2021 and each of the five suc-
2 ceeding fiscal years.”; and

3 (B) in subsection (b), by striking “section
4 724” and inserting “section 712”; and
5 (6) in section 721, as so redesignated—

6 (A) in the section heading, by striking
7 “**THROUGH 4**” and inserting “**AND 2**”;

8 (B) by striking “subparts 1 through 4”
9 each place such term appears and inserting
10 “subparts 1 and 2”;

11 (C) in subsection (c)—

12 (i) by striking “section 703(b) or
13 715(a)” and inserting “section 705(a)”;
14 and

15 (ii) by striking “subpart 1 or 2, re-
16 spectively,” and inserting “subpart 1”; and

17 (D) in subsection (d), by striking “subpart
18 1, 2, 3, or 4” and inserting “subpart 1 or 2”.

19 **SEC. 702. REPEAL OF FUND FOR THE IMPROVEMENT OF**
20 **POSTSECONDARY EDUCATION.**

21 Part B of title VII (20 U.S.C. 1138 et seq.) is re-
22 pealed.

23 **SEC. 703. PROGRAMS FOR STUDENTS WITH DISABILITIES.**

24 (a) REDESIGNATIONS.—

1 (1) SUBPART.—Part D of title VII (20 U.S.C.
2 1140 et seq.) is amended by striking subparts 1 and
3 3 and redesignating subparts 2 and 4 as subparts 1
4 and 2, respectively.

5 (2) PART.—Part D of title VII (20 U.S.C.
6 1140 et seq.), as amended by paragraph (1), is re-
7 designated as part B.

8 (3) DEFINITIONS.—Section 760 (20 U.S.C.
9 1140) is redesignated as section 730.

10 (b) MODEL TRANSITION PROGRAMS; COORDINATING
11 CENTER COMMISSION.—

12 (1) PURPOSE.—Section 766 (20 U.S.C. 1140f)
13 is redesignated as section 731.

14 (2) MODEL COMPREHENSIVE TRANSITION AND
15 POSTSECONDARY PROGRAMS.—Section 767 (20
16 U.S.C. 1140g) is amended—

17 (A) by redesignating such section as sec-
18 tion 732;

19 (B) in subsection (a)(1)—

20 (i) by striking “section 769(a)” and
21 inserting “section 736(a)”; and

22 (ii) by striking “institutions of higher
23 education (or consortia of institutions of
24 higher education), to enable the institu-
25 tions or consortia” and inserting “eligible

1 applicants, to enable the eligible appli-
2 cants”;

3 (C) by striking subsection (b) and insert-
4 ing the following:

5 “(b) APPLICATION.—An eligible applicant desiring a
6 grant under this section shall submit to the Secretary, at
7 such time and in such manner as the Secretary may re-
8 quire, an application that—

9 “(1) describes how the model program to be op-
10 erated by the eligible applicant with grant funds re-
11 ceived under this section will meet the requirements
12 of subsection (d);

13 “(2) describes how the model program proposed
14 to be operated is based on the demonstrated needs
15 of students with intellectual disabilities served by the
16 eligible applicant and potential employers;

17 “(3) describes how the model program proposed
18 to be operated will coordinate with other Federal,
19 State, and local programs serving students with in-
20 tellectual disabilities, including programs funded
21 under the Rehabilitation Act of 1973 (29 U.S.C.
22 701 et seq.);

23 “(4) describes how the model program will be
24 sustained once the grant received under this section
25 ends;

1 “(5) if applicable, describes how the eligible ap-
2 plicant will meet the preferences described in sub-
3 section (c)(3); and

4 “(6) demonstrates the ability of the eligible ap-
5 plicant to meet the requirement under subsection
6 (e).”.

7 (D) in subsection (c)(3)—

8 (i) in subparagraph (B), by striking
9 “institution of higher education” and in-
10 serting “eligible applicant”; and

11 (ii) in subparagraph (C), by striking
12 “students attending the institution of high-
13 er education” and inserting “the eligible
14 applicant’s students”;

15 (E) in subsection (d)—

16 (i) in the matter preceding paragraph
17 (1), by striking “An institution of higher
18 education (or consortium)” and inserting
19 “An eligible applicant”;

20 (ii) in paragraph (2), by striking “in-
21 stitution of higher education’s” and insert-
22 ing “eligible applicant’s”;

23 (iii) in paragraph (3)(D), by striking
24 “that lead to gainful employment”;

1 (iv) in paragraph (5), by striking
2 “section 777(b)” and inserting “section
3 734”;

4 (v) in paragraph (6), by inserting
5 “and” after the semicolon at the end;

6 (vi) by striking paragraph (7); and

7 (vii) by redesignating paragraph (8)
8 as paragraph (7);

9 (F) in subsection (e), by striking “An in-
10 stitution of higher education (or consortium)”
11 and inserting “An eligible applicant”;

12 (G) in subsection (f), by striking “Not
13 later than five years after the date of the first
14 grant awarded under this section” and inserting
15 “Not less often than once every 5 years”; and

16 (H) by adding at the end the following new
17 subsection:

18 “(g) DEFINITION.—For purposes of this subpart, the
19 term ‘eligible applicant’ means an institution of higher
20 education or a consortium of institutions of higher edu-
21 cation.”.

22 (3) REDESIGNATIONS.—Sections 768 and 769
23 (20 U.S.C. 1140i) are redesignated as sections 733
24 and 736, respectively.

1 (4) COORDINATING CENTER COMMISSION.—
2 Subpart 1 of part D of title VII, as so redesignated
3 by subsection (a)(1), is amended by inserting after
4 section 733 (as so redesignated by paragraph (3))
5 the following:

6 **“SEC. 734. COORDINATING CENTER.**

7 “(a) PURPOSE.—It is the purpose of this section to
8 provide technical assistance and information on best and
9 promising practices to eligible applicants awarded grants
10 under section 732.

11 “(b) COORDINATING CENTER.—

12 “(1) DEFINITION OF ELIGIBLE ENTITY.—In
13 this section, the term ‘eligible entity’ means an enti-
14 ty, or a partnership of entities, that has dem-
15 onstrated expertise in the fields of—

16 “(A) higher education;

17 “(B) the education of students with intel-
18 lectual disabilities;

19 “(C) the development of comprehensive
20 transition and postsecondary programs for stu-
21 dents with intellectual disabilities; and

22 “(D) evaluation and technical assistance.

23 “(2) IN GENERAL.—From amounts appro-
24 priated under section 736, the Secretary shall enter
25 into a cooperative agreement, on a competitive basis,

1 with an eligible entity for the purpose of establishing
2 a coordinating center for institutions of higher edu-
3 cation that offer inclusive comprehensive transition
4 and postsecondary programs for students with intel-
5 lectual disabilities, including eligible applicants re-
6 ceiving grants under section 732, to provide—

7 “(A) recommendations related to the devel-
8 opment of standards for such programs;

9 “(B) technical assistance for such pro-
10 grams; and

11 “(C) evaluations for such programs.

12 “(3) ADMINISTRATION.—The program under
13 this section shall be administered by the office in the
14 Department that administers other postsecondary
15 education programs.

16 “(4) DURATION.—A cooperative agreement en-
17 tered into pursuant to this section shall have a term
18 of 5 years.

19 “(5) REQUIREMENTS OF COOPERATIVE AGREE-
20 MENT.—The cooperative agreement entered into
21 pursuant to this section shall provide that the eligi-
22 ble entity entering into such agreement shall estab-
23 lish and maintain a coordinating center that shall—

24 “(A) serve as the technical assistance enti-
25 ty for all 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) develop an evaluation protocol for
7 such programs that includes qualitative and
8 quantitative methodologies for measuring stu-
9 dent outcomes and program strengths in the
10 areas of academic enrichment, socialization,
11 independent living, and competitive or sup-
12 ported employment;

13 “(D) assist recipients of grants under sec-
14 tion 732 in efforts to award a meaningful cre-
15 dential to students with intellectual disabilities
16 upon the completion of such programs, which
17 credential shall take into consideration unique
18 State factors;

19 “(E) develop recommendations for the nec-
20 essary components of such programs, such as—

21 “(i) academic, vocational, social, and
22 independent living skills;

23 “(ii) evaluation of student progress;

24 “(iii) program administration and
25 evaluation;

1 “(iv) student eligibility; and

2 “(v) issues regarding the equivalency
3 of a student’s participation in such pro-
4 grams to semester, trimester, quarter,
5 credit, or clock hours at an institution of
6 higher education, as the case may be;

7 “(F) analyze possible funding sources for
8 such programs and provide recommendations to
9 such programs regarding potential funding
10 sources;

11 “(G) develop model memoranda of agree-
12 ment for use between or among institutions of
13 higher education and State and local agencies
14 providing funding for such programs;

15 “(H) develop mechanisms for regular com-
16 munication, outreach, and dissemination of in-
17 formation about comprehensive transition and
18 postsecondary programs for students with intel-
19 lectual disabilities under section 732 between or
20 among such programs and to families and pro-
21 spective students;

22 “(I) host a meeting of all recipients of
23 grants under section 732 not less often than
24 once every 3 years; and

1 “(J) convene a workgroup to develop and
2 recommend model criteria, standards, and com-
3 ponents of such programs as described in sub-
4 paragraph (E) that are appropriate for the de-
5 velopment of accreditation standards, which
6 workgroup shall include—

7 “(i) an expert in higher education;

8 “(ii) an expert in special education;

9 “(iii) a representative of a disability
10 organization that represents students with
11 intellectual disabilities;

12 “(iv) a representative from the Na-
13 tional Advisory Committee on Institutional
14 Quality and Integrity; and

15 “(v) a representative of a regional or
16 national accreditation agency or associa-
17 tion.

18 “(6) REPORT.—Not less often than once every
19 5 years, the coordinating center shall report to the
20 Secretary, the authorizing committees, and the Na-
21 tional Advisory Committee on Institutional Quality
22 and Integrity on the recommendations of the
23 workgroup described in paragraph (5)(J).

1 **“SEC. 735. ACCESSIBLE INSTRUCTIONAL MATERIALS IN**
2 **HIGHER EDUCATION.**

3 “(a) COMMISSION STRUCTURE.—

4 “(1) ESTABLISHMENT OF COMMISSION.—

5 “(A) IN GENERAL.—The Speaker of the
6 House of Representatives, the President pro
7 tempore of the Senate, and the Secretary of
8 Education shall establish an independent com-
9 mission, comprised of key stakeholders, to de-
10 velop voluntary guidelines for accessible postsec-
11 ondary electronic instructional materials and re-
12 lated technologies in order—

13 “(i) to ensure students with disabil-
14 ities are afforded the same educational
15 benefits provided to nondisabled students
16 through the use of electronic instructional
17 materials and related technologies;

18 “(ii) to inform better the selection and
19 use of such materials and technologies at
20 institutions of higher education; and

21 “(iii) to encourage entities that
22 produce such materials and technologies to
23 make accessible versions more readily
24 available in the market.

25 In fulfilling these duties, the commission shall
26 review applicable national and international in-

1 formation technology accessibility standards,
2 which it will compile and annotate as an addi-
3 tional information resource for institutions of
4 higher education and companies that service the
5 higher education market, and develop a model
6 framework for pilot testing postsecondary elec-
7 tronic instructional materials and related tech-
8 nologies as described in subsection (b)(3).

9 “(B) MEMBERSHIP.—

10 “(i) STAKEHOLDER GROUPS.—The
11 commission shall be composed of represent-
12 atives from the following categories:

13 “(I) DISABILITY.—Communities
14 of persons with disabilities for whom
15 the accessibility of postsecondary elec-
16 tronic instructional materials and re-
17 lated technologies is a significant fac-
18 tor in ensuring equal participation in
19 higher education, and nonprofit orga-
20 nizations that provide accessible elec-
21 tronic materials to these communities.

22 “(II) HIGHER EDUCATION.—
23 Higher education leadership, which in-
24 cludes: university presidents, provosts,
25 deans, vice presidents, deans of librar-

1 ies, chief information officers, and
2 other senior institutional executives.

3 “(III) INDUSTRY.—Relevant in-
4 dustry representatives, meaning—

5 “(aa) developers of postsec-
6 ondary electronic instructional
7 materials; and

8 “(bb) manufacturers of re-
9 lated technologies.

10 “(ii) APPOINTMENT OF MEMBERS.—

11 The commission members shall be ap-
12 pointed as follows:

13 “(I) Six members, 2 from each
14 category described in clause (i), shall
15 be appointed by the Speaker of the
16 House of Representatives, 3 of whom
17 shall be appointed on the rec-
18 ommendation of the majority leader of
19 the House of Representatives and 3 of
20 whom shall be appointed on the rec-
21 ommendation of the minority leader of
22 the House of Representatives, with
23 the Speaker ensuring that 1 developer
24 of postsecondary electronic instruc-
25 tional materials and 1 manufacturer

1 of related technologies are appointed.
2 The Speaker shall also appoint 2 ad-
3 ditional members, 1 student with a
4 disability and 1 faculty member from
5 an institution of higher education.

6 “(II) Six members, 2 from each
7 category described in clause (i), shall
8 be appointed by the President pro
9 tempore of the Senate, 3 of whom
10 shall be appointed on the rec-
11 ommendation of the majority leader of
12 the Senate and 3 of whom shall be ap-
13 pointed on the recommendation of the
14 minority leader of the Senate, with
15 the President pro tempore ensuring
16 that 1 developer of postsecondary
17 electronic instructional materials and
18 1 manufacturer of related technologies
19 are appointed. The President pro tem-
20 pore shall also appoint 2 additional
21 members, 1 student with a disability
22 and 1 faculty member from an institu-
23 tion of higher education.

24 “(III) Three members, each of
25 whom must possess extensive, dem-

1 onstrated technical expertise in the
2 development and implementation of
3 accessible postsecondary electronic in-
4 structional materials, shall be ap-
5 pointed by the Secretary of Edu-
6 cation. One of these members shall
7 represent postsecondary students with
8 disabilities, 1 shall represent higher
9 education leadership, and 1 shall rep-
10 resent developers of postsecondary
11 electronic instructional materials.

12 “(iii) ELIGIBILITY TO SERVE ON THE
13 COMMISSION.—Federal employees are ineli-
14 gible for appointment to the commission.
15 An appointee to a volunteer or advisory po-
16 sition with a Federal agency or related ad-
17 visory body may be appointed to the com-
18 mission so long as his or her primary em-
19 ployment is with a non-Federal entity and
20 he or she is not otherwise engaged in fi-
21 nancially compensated work on behalf of
22 the Federal Government, exclusive of any
23 standard expense reimbursement or grant-
24 funded activities.

25 “(2) AUTHORITY AND ADMINISTRATION.—

1 “(A) AUTHORITY.—The commission’s exe-
2 cution of its duties shall be independent of the
3 Secretary of Education, the Attorney General,
4 and the head of any other agency or depart-
5 ment of the Federal Government with regu-
6 latory or standard setting authority in the areas
7 addressed by the commission.

8 “(B) ADMINISTRATION.—

9 “(i) STAFFING.—There shall be no
10 permanent staffing for the commission.

11 “(ii) LEADERSHIP.—Commission
12 members shall elect a chairperson from
13 among the 19 appointees to the commis-
14 sion.

15 “(iii) ADMINISTRATIVE SUPPORT.—
16 The Commission shall be provided adminis-
17 trative support, as needed, by the Sec-
18 retary of Education through the Office of
19 Postsecondary Education of the Depart-
20 ment of Education.

21 “(C) TERMINATION.—The Commission
22 shall terminate on the day after the date on
23 which the Commission issues the voluntary
24 guidelines and annotated list of information
25 technology standards described in subsection

1 (b), or two years from the date of enactment of
2 the HOPE Act, whichever comes first.

3 “(b) DUTIES OF THE COMMISSION.—

4 “(1) PRODUCE VOLUNTARY GUIDELINES.—Not
5 later than 18 months after the date of enactment of
6 the HOPE Act, subject to a 6-month extension that
7 it may exercise at its discretion, the commission es-
8 tablished in subsection (a) shall—

9 “(A) develop and issue voluntary guidelines
10 for accessible postsecondary electronic instruc-
11 tional materials and related technologies; and

12 “(B) in developing the voluntary guide-
13 lines, the commission shall—

14 “(i) establish a technical panel pursu-
15 ant to paragraph (4) to support the com-
16 mission in developing the voluntary guide-
17 lines;

18 “(ii) develop criteria for determining
19 which materials and technologies constitute
20 ‘postsecondary electronic instructional ma-
21 terials’ and ‘related technologies’ as de-
22 fined in paragraphs (5) and (6) of sub-
23 section (e);

24 “(iii) identify existing national and
25 international accessibility standards that

1 are relevant to student use of postsec-
2 ondary electronic instructional materials
3 and related technologies at institutions of
4 higher education;

5 “(iv) identify and address any unique
6 pedagogical and accessibility requirements
7 of postsecondary electronic instructional
8 materials and related technologies that are
9 not addressed, or not adequately ad-
10 dressed, by the identified, relevant existing
11 accessibility standards;

12 “(v) identify those aspects of accessi-
13 bility, and types of postsecondary instruc-
14 tional materials and related technologies,
15 for which the commission cannot produce
16 guidelines or which cannot be addressed by
17 existing accessibility standards due to—

18 “(I) inherent limitations of com-
19 mercially available technologies; or

20 “(II) the challenges posed by a
21 specific category of disability that cov-
22 ers a wide spectrum of impairments
23 and capabilities which makes it dif-
24 ficult to assess the benefits from par-

1 ticular guidelines on a categorical
2 basis;

3 “(vi) ensure that the voluntary guide-
4 lines are consistent with the requirements
5 of section 504 of the Rehabilitation Act of
6 1973 (29 U.S.C. 794) and titles II and III
7 of the Americans with Disabilities Act (42
8 U.S.C. 12131 et seq.; 42 U.S.C. 12181 et
9 seq.);

10 “(vii) ensure that the voluntary guide-
11 lines are consistent, to the extent feasible
12 and appropriate, with the technical and
13 functional performance criteria included in
14 the national and international accessibility
15 standards identified by the commission as
16 relevant to student use of postsecondary
17 electronic instructional materials and re-
18 lated technologies;

19 “(viii) allow for the use of an alter-
20 native design or technology that results in
21 substantially equivalent or greater accessi-
22 bility and usability by individuals with dis-
23 abilities than would be provided by compli-
24 ance with the voluntary guidelines; and

1 “(ix) provide that where electronic in-
2 structional materials or related tech-
3 nologies that comply fully with the vol-
4 untary guidelines are not commercially
5 available, or where such compliance is not
6 technically feasible, the institution may se-
7 lect the product that best meets the vol-
8 untary guidelines consistent with the insti-
9 tution’s business and pedagogical needs.

10 “(2) PRODUCE ANNOTATED LIST OF INFORMA-
11 TION TECHNOLOGY STANDARDS.—Not later than 18
12 months after the date of the enactment of the
13 HOPE Act, subject to a 6-month extension that it
14 may exercise at its discretion, the commission estab-
15 lished in subsection (a) shall, with the assistance of
16 the technical panel established under paragraph (4),
17 develop and issue an annotated list of information
18 technology standards.

19 “(3) DEVELOP MODEL FRAMEWORK FOR PILOT
20 TESTING POSTSECONDARY ELECTRONIC INSTRU-
21 TIONAL MATERIALS AND RELATED TECH-
22 NOLOGIES.—Not later than 18 months after the
23 date of enactment of the HOPE Act, subject to a 6-
24 month extension that it may exercise at its discre-
25 tion, the Commission shall develop a model frame-

1 work that institutions of higher education may uti-
2 lize on a voluntary basis, consistent with their obli-
3 gations under the Rehabilitation Act of 1973 (29
4 U.S.C. 701 et seq.) and the Americans with Disabil-
5 ities Act of 1990 (42 U.S.C. 12101 et seq.), for pilot
6 testing the use of postsecondary electronic instruc-
7 tional materials and related technologies in postsec-
8 ondary instructional settings to facilitate exploration
9 and adoption of such materials and technologies.

10 “(4) SUPERMAJORITY APPROVAL.—Issuance of
11 the voluntary guidelines, annotated list of informa-
12 tion technology standards, and model framework for
13 pilot testing postsecondary instructional materials
14 and related technologies shall require approval of at
15 least 75 percent (at least 15) of the 19 members of
16 the commission.

17 “(5) ESTABLISHMENT OF TECHNICAL PANEL.—
18 Not later than 1 month after the Commission’s first
19 meeting, it shall appoint and convene a panel of 12
20 technical experts, each of whom shall have extensive,
21 demonstrated technical experience in developing, re-
22 searching, or implementing accessible postsecondary
23 electronic instructional materials or related tech-
24 nologies. The commission has discretion to deter-
25 mine a process for nominating, vetting, and con-

1 firming a panel of experts that fairly represents the
2 stakeholder communities on the commission. The
3 technical panel shall include a representative from
4 the United States Access Board.

5 “(c) PERIODIC REVIEW AND REVISION OF VOL-
6 UNTARY GUIDELINES.—Not later than 5 years after
7 issuance of the voluntary guidelines, annotated list of in-
8 formation technology standards, and model framework for
9 pilot testing described in paragraphs (1), (2), and (3) of
10 subsection (b), and every 5 years thereafter, the Secretary
11 of Education shall publish a notice in the Federal Register
12 requesting public comment about whether there is a need
13 to reconstitute the commission to update the voluntary
14 guidelines, annotated list of information technology stand-
15 ards, and model framework for pilot testing to reflect tech-
16 nological advances, changes in postsecondary electronic in-
17 structional materials and related technologies, or updated
18 national and international accessibility standards. The
19 Secretary shall submit a report to Congress summarizing
20 the public comments and presenting the Secretary’s deci-
21 sion on whether to reconstitute the commission based on
22 those comments. If the Secretary decides to reconstitute
23 the commission, the Secretary may implement that deci-
24 sion 30 days after the date on which the report was sub-
25 mitted to Congress. That process shall begin with the Sec-

1 retary requesting the appointment of commission members
2 as detailed in subsection (a)(1)(B)(ii). If the Secretary re-
3 constitutes the Commission, the Commission shall termi-
4 nate on the day after the date on which the Commission
5 issues updated voluntary guidelines and annotated list of
6 information technology standards, or two years from the
7 date on which the Secretary reconstitutes the Commission,
8 whichever comes first.

9 “(d) CONSTRUCTION.—

10 “(1) NONCONFORMING POSTSECONDARY ELEC-
11 TRONIC INSTRUCTIONAL MATERIALS OR RELATED
12 TECHNOLOGIES.—Nothing in this section shall be
13 construed to require an institution of higher edu-
14 cation to require, provide, or both recommend and
15 provide, postsecondary electronic instructional mate-
16 rials or related technologies that conform to the vol-
17 untary guidelines. However, an institution that se-
18 lects or uses nonconforming postsecondary electronic
19 instructional materials or related technologies must
20 otherwise comply with existing obligations under sec-
21 tion 504 of the Rehabilitation Act of 1973 (29
22 U.S.C. 794) and titles II and III of the Americans
23 with Disabilities Act (42 U.S.C. 12131 et seq.; 42
24 U.S.C. 12181 et seq.) to provide access to the edu-
25 cational benefit afforded by such materials and tech-

1 nologies through provision of appropriate and rea-
2 sonable modification, accommodation, and auxiliary
3 aids or services.

4 “(2) RELATIONSHIP TO EXISTING LAWS AND
5 REGULATIONS.—With respect to the Americans with
6 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
7 and the Rehabilitation Act of 1973 (29 U.S.C. 701
8 et seq.), nothing in this section may be construed—

9 “(A) to authorize or require conduct pro-
10 hibited under the Americans with Disabilities
11 Act of 1990 and the Rehabilitation Act of
12 1973, including the regulations issued pursuant
13 to those laws;

14 “(B) to expand, limit, or alter the remedies
15 or defenses under the Americans with Disabil-
16 ities Act of 1990 and the Rehabilitation Act of
17 1973;

18 “(C) to supersede, restrict, or limit the ap-
19 plication of the Americans with Disabilities Act
20 of 1990 and the Rehabilitation Act of 1973; or

21 “(D) to limit the authority of Federal
22 agencies to issue regulations pursuant to the
23 Americans with Disabilities Act of 1990 and
24 the Rehabilitation Act of 1973.

1 “(3) VOLUNTARY NATURE OF THE PRODUCTS
2 OF THE COMMISSION.—

3 “(A) VOLUNTARY GUIDELINES.—It is the
4 intent of the Congress that use of the voluntary
5 guidelines developed pursuant to this section is
6 and should remain voluntary. The voluntary
7 guidelines shall not confer any rights or impose
8 any obligations on commission participants, in-
9 stitutions of higher education, or other persons.
10 Thus, no department or agency of the Federal
11 Government may incorporate the voluntary
12 guidelines, whether produced as a discrete docu-
13 ment or electronic resource, into regulations
14 promulgated under the Rehabilitation Act, the
15 Americans with Disabilities Act, or any other
16 Federal law or instrument. This restriction ap-
17 plies only to the voluntary guidelines as a dis-
18 crete document or resource; it imposes no limi-
19 tation on Federal use of standards or resources
20 to which the voluntary guidelines may refer.

21 “(B) ANNOTATED LIST.—It is the intent
22 of Congress that use of the annotated list of in-
23 formation technology standards developed pur-
24 suant to this section is and should remain vol-
25 untary. The Annotated List shall not confer

1 any rights or impose any obligations on Com-
2 mission participants, institutions of higher edu-
3 cation, or other persons. Thus, no department
4 or agency of the Federal Government may in-
5 corporate the Annotated List, whether produced
6 as a discrete document or electronic resource
7 into regulations promulgated under the Reha-
8 bilitation Act, the Americans with Disabilities
9 Act, or any other Federal law or instrument.
10 This provision applies only to the Annotated
11 List as a discrete document or resource; it im-
12 poses no limitation on Federal use of standards
13 or resources to which the Annotated List may
14 refer.

15 “(C) MODEL FRAMEWORK FOR PILOT
16 TESTING.—It is the intent of Congress that use
17 of the model framework for pilot testing post-
18 secondary instructional materials and related
19 technologies developed pursuant to this section
20 is and should remain voluntary. The model
21 framework for pilot testing shall not confer any
22 rights or impose any obligations on Commission
23 participants, institutions of higher education, or
24 other persons. Thus, no department or agency
25 of the Federal Government may incorporate the

1 model framework for pilot testing, whether pro-
2 duced as a discrete document or electronic re-
3 source, into regulations promulgated under the
4 Rehabilitation Act of 1973, the Americans with
5 Disabilities Act of 1990, or any other Federal
6 law or instrument. This provision applies only
7 to the model framework for pilot testing as a
8 discrete document or resource; it imposes no
9 limitation on Federal use of standards or re-
10 sources to which the model framework for pilot
11 testing may refer.

12 “(e) DEFINITIONS.—In this section, the following
13 definitions apply:

14 “(1) ANNOTATED LIST OF INFORMATION TECH-
15 NOLOGY STANDARDS.—The term ‘annotated list of
16 information technology standards’ means a list of
17 existing national and international accessibility
18 standards relevant to student use of postsecondary
19 electronic instructional materials and related tech-
20 nologies, and to other types of information tech-
21 nology common to institutions of higher education
22 (such as institutional websites and class registration
23 systems), annotated by the commission established
24 pursuant to subsection (a) to provide information
25 about the applicability of such standards in higher

1 education settings. The annotated list of information
2 technology standards is intended to serve solely as a
3 reference tool to inform any consideration of the rel-
4 evance of such standards in higher education con-
5 texts.

6 “(2) DISABILITY.—The term ‘disability’ has the
7 meaning given such term in section 3 of the Ameri-
8 cans with Disabilities Act of 1990 (42 U.S.C.
9 12102).

10 “(3) NONCONFORMING POSTSECONDARY ELEC-
11 TRONIC INSTRUCTIONAL MATERIALS OR RELATED
12 TECHNOLOGIES.—The term ‘nonconforming mate-
13 rials or related technologies’ means postsecondary
14 electronic instructional materials or related tech-
15 nologies that do not conform to the voluntary guide-
16 lines to be developed pursuant to this subpart.

17 “(4) PILOT TESTING.—The term ‘pilot testing’
18 means a small-scale study or project to determine
19 the efficacy of a postsecondary electronic instruc-
20 tional material or related technology in a postsec-
21 ondary instructional setting to inform an institu-
22 tional decision about whether to implement the ma-
23 terial or technology more broadly across the institu-
24 tion’s instructional settings.

1 “(5) POSTSECONDARY ELECTRONIC INSTRU-
2 TIONAL MATERIALS.—The term ‘postsecondary elec-
3 tronic instructional materials’ means digital cur-
4 ricular content that is required, provided, or both
5 recommended and provided by an institution of high-
6 er education for use in a postsecondary instructional
7 program.

8 “(6) RELATED TECHNOLOGIES.—The term ‘re-
9 lated technologies’ refers to any software, applica-
10 tions, learning management or content management
11 systems, and hardware that an institution of higher
12 education requires, provides, or both recommends
13 and provides for student access to and use of post-
14 secondary electronic instructional materials in a
15 postsecondary instructional program.

16 “(7) TECHNICAL PANEL.—The term ‘technical
17 panel’ means a group of experts with extensive, dem-
18 onstrated technical experience in the development
19 and implementation of accessibility features for post-
20 secondary electronic instructional materials and re-
21 lated technologies, established by the Commission
22 pursuant to subsection (b)(4), which will assist the
23 commission in the development of the voluntary
24 guidelines and annotated list of information tech-
25 nology standards authorized under this subpart.

1 “(8) VOLUNTARY GUIDELINES.—The term ‘vol-
2 untary guidelines’ means a set of technical and func-
3 tional performance criteria to be developed by the
4 commission established pursuant to subsection (a)
5 that provide specific guidance regarding both the ac-
6 cessibility and pedagogical functionality of postsec-
7 ondary electronic instructional materials and related
8 technologies not addressed, or not adequately ad-
9 dressed, by existing accessibility standards.”.

10 (5) AUTHORIZATION OF APPROPRIATIONS.—
11 Section 736, as so redesignated by paragraph (3), is
12 amended—

13 (A) in subsection (a), by striking “such
14 sums as may be necessary for fiscal year 2009”
15 and inserting “\$11,800,000 for fiscal year
16 2021”; and

17 (B) by striking subsection (b) and insert-
18 ing the following:

19 “(b) RESERVATION OF FUNDS.—For any fiscal year
20 for which appropriations are made for this subpart, the
21 Secretary—

22 “(1) shall reserve funds to enter into a coopera-
23 tive agreement to establish the coordinating center
24 under section 734, in an amount that is equal to—

1 “(A) not less than \$240,000 for any year
2 in which the amount appropriated to carry out
3 this subpart is \$8,000,000 or less; or

4 “(B) equal to 3 percent of the amount ap-
5 propriated to carry out this subpart for any
6 year in which such amount appropriated is
7 greater than \$8,000,000; and

8 “(2) may reserve funds to award the grant,
9 contract, or cooperative agreement described in sec-
10 tion 742.”.

11 (c) NATIONAL TECHNICAL ASSISTANCE CENTER.—

12 (1) SUBPART HEADING.—The subpart heading
13 for subpart 2 of part B of title VII (20 U.S.C.
14 1140p et seq.), as redesignated by subsection (a), is
15 amended by striking “; **Coordinating Center**”.

16 (2) PURPOSE.—Section 776 (20 U.S.C. 1140p)
17 is amended—

18 (A) by redesignating such section as sec-
19 tion 741 of such Act; and

20 (B) by striking “grants, contracts, or coop-
21 erative agreements under subpart 1, 2, or 3”
22 and inserting “grants or a cooperative agree-
23 ment under subpart 1”.

24 (3) NATIONAL TECHNICAL ASSISTANCE.—Sec-
25 tion 777 (20 U.S.C. 1140q) is amended—

1 (A) by redesignating such section as sec-
2 tion 742 of such Act;

3 (B) in the section heading, by striking “;
4 **COORDINATING CENTER**”;

5 (C) in subsection (a)(1), by striking “ap-
6 propriated under section 778” and inserting
7 “reserved under section 736(b)(2)”;

8 (D) by amending subsection (a)(3)(D) to
9 read as follows:

10 “(D) the subject supported by the grants
11 or cooperative agreement authorized in subpart
12 1.”;

13 (E) in subsection (a)(4)(A)(ii), by striking
14 “subparts 2, 4, and 5” and inserting “subparts
15 2 and 5”; and

16 (F) in subsection (a)(4)(B), by striking
17 “grants, contracts, or cooperative agreements
18 authorized under subparts 1, 2, and 3” each
19 place it appears and inserting “grants and co-
20 operative agreement authorized under subpart
21 1”.

22 (4) AUTHORIZATION OF APPROPRIATIONS.—
23 Section 778 (20 U.S.C. 1140r) is repealed.

1 **SEC. 704. REPEAL OF COLLEGE ACCESS CHALLENGE**
2 **GRANT PROGRAM.**

3 Part E of title VII (20 U.S.C. 1141) is repealed.

4 **TITLE VIII—OTHER REPEALS**

5 **SEC. 801. REPEAL OF ADDITIONAL PROGRAMS.**

6 (a) HIGHER EDUCATION ACT OF 1965.—Title VIII
7 of the Higher Education Act of 1965 (20 U.S.C. 1161a
8 et seq.) is repealed.

9 (b) HIGHER EDUCATION OPPORTUNITY ACT.—The
10 Higher Education Opportunity Act (Public Law 110–315;
11 122 Stat. 3078 et seq.) is amended by repealing sections
12 802 and 803.

13 (c) HIGHER EDUCATION AMENDMENTS OF 1998.—
14 The Higher Education Amendments of 1998 (Public Law
15 105–244; 112 Stat. 1581 et seq.) is amended by repealing
16 parts D and H of title VIII.

17 (d) HIGHER EDUCATION AMENDMENTS OF 1992.—
18 The Higher Education Amendments of 1992 (Public Law
19 102–325; 106 Stat. 448 et seq.) is amended by repealing
20 part E of title XV.

1 **TITLE IX—AMENDMENTS TO**
2 **OTHER LAWS**

3 **PART A—EDUCATION OF THE DEAF ACT OF 1986**

4 **SEC. 901. EDUCATION OF THE DEAF ACT OF 1986.**

5 (a) BOARD OF TRUSTEES.—Section 103(a)(1) of the
6 Education of the Deaf Act of 1986 (20 U.S.C. 4303(a)(1))
7 is amended—

8 (1) in the matter preceding subparagraph (A),
9 by striking “twenty-one” and inserting “twenty-
10 three”;

11 (2) in subparagraph (A)—

12 (A) by striking “three public” and insert-
13 ing “four public”;

14 (B) by striking “one shall” and all that
15 follows through “, and” and inserting “two
16 shall be United States Senators, of whom one
17 shall be appointed by the Majority Leader of
18 the Senate and one shall be appointed by the
19 Minority Leader of the Senate, and”;

20 (C) by striking “appointed by the Speaker
21 of the House of Representatives” and inserting
22 “, of whom one shall be appointed by the
23 Speaker of the House of Representatives and
24 one shall be appointed by the Minority Leader
25 of the House of Representatives”;

1 (3) in subparagraph (B), by striking “eighteen”
2 and inserting “nineteen”.

3 (b) LAURENT CLERC NATIONAL DEAF EDUCATION
4 CENTER.—Section 104(b)(5) of the Education of the Deaf
5 Act of 1986 (20 U.S.C. 4304(b)(5)) is amended to read
6 as follows:

7 “(5) The University, for purposes of the ele-
8 mentary and secondary education programs carried
9 out by the Clerc Center, shall—

10 “(A)(i)(I) provide an assurance to the Sec-
11 retary that it has adopted and is implementing
12 challenging State academic standards that meet
13 the requirements of section 1111(b)(1) of the
14 Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 6311(b)(1));

16 “(II) demonstrate to the Secretary that the
17 University is implementing a set of high-quality
18 student academic assessments in mathematics,
19 reading or language arts, and science, and any
20 other subjects chosen by the University, that
21 meet the requirements of section 1111(b)(2) of
22 such Act (20 U.S.C. 6311(b)(2)); and

23 “(III) demonstrate to the Secretary that
24 the University is implementing an account-

1 ability system consistent with section 1111(c) of
2 such Act (20 U.S.C. 6311(c)); or

3 “(ii)(I) select the challenging State aca-
4 demic standards and State academic assess-
5 ments of a State, adopted and implemented, as
6 appropriate, pursuant to paragraphs (1) and
7 (2) of section 1111(b) of such Act (20 U.S.C.
8 6311(b)); and

9 “(II) adopt the accountability system, con-
10 sistent with section 1111(c) of such Act (20
11 U.S.C. 6311(c)), of such State; and

12 “(B) publicly report, except in a case in
13 which such reporting would not yield statis-
14 tically reliable information or would reveal per-
15 sonally identifiable information about an indi-
16 vidual student—

17 “(i) the results of the academic as-
18 sessments implemented under subpara-
19 graph (A); and

20 “(ii) the results of the annual evalua-
21 tion of the programs at the Clerc Center,
22 as determined using the accountability sys-
23 tem adopted under subparagraph (A).”.

1 (c) REPEAL OF CULTURAL EXPERIENCES GRANTS
2 PROGRAM.—Part C of title I of the Education of the Deaf
3 Act of 1986 (20 U.S.C. 4341) is repealed.

4 (d) REPEAL OF AUTHORIZATION OF APPROPRIA-
5 TIONS FOR MONITORING AND EVALUATION.—Subsection
6 (c) of section 205 of the Education of the Deaf Act of
7 1986 (20 U.S.C. 4355(c)) is repealed.

8 (e) FEDERAL ENDOWMENT FUNDS.—Section 207 of
9 the Education of the Deaf Act of 1986 (20 U.S.C. 4357)
10 is amended—

11 (1) in the heading of subsection (b), by striking
12 “FEDERAL PAYMENTS” and inserting “PAYMENTS”;

13 (2) in subsection (b), by striking paragraphs
14 (1) and (2) and inserting the following:

15 “(1) From amounts provided by the Secretary
16 from funds appropriated under subsections (a) and
17 (b) of section 212, respectively, the University and
18 NTID may make payments, in accordance with this
19 section, to the Federal endowment fund of the insti-
20 tution involved.

21 “(2) Subject to paragraph (3), in any fiscal
22 year, the total amount of payments made under
23 paragraph (1) to the Federal endowment fund may
24 not exceed the total amount contributed to the fund
25 from non-Federal sources during such fiscal year.

1 “(3) For purposes of paragraph (2), the trans-
2 fer of funds by an institution involved to the Federal
3 endowment fund from another endowment fund of
4 such institution shall not be considered a contribu-
5 tion from a non-Federal source.”;

6 (3) in subsection (e), by striking “Federal pay-
7 ment” and inserting “payment under subsection
8 (b)”;

9 (4) in subsection (f), in the matter preceding
10 paragraph (1), by striking “Federal payments” and
11 inserting “payments”;

12 (5) in subsection (g)(1), by striking “Federal
13 payments to such fund” and inserting “payments
14 made under subsection (b)”;

15 (6) by repealing subsection (h); and

16 (7) by redesignating subsection (i) as subsection
17 (h).

18 (f) REPEAL OF NATIONAL STUDY.—Section 211 of
19 the Education of the Deaf Act of 1986 (20 U.S.C. 4360)
20 is repealed.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
22 212 of the Education of the Deaf Act of 1986 (20 U.S.C.
23 4360a) is amended—

24 (1) in subsection (a), by striking “such sums as
25 may be necessary for each of the fiscal years 2009

1 through 2014” and inserting “\$134,361,000 for
2 each of the fiscal years 2021 through 2026”; and

3 (2) in subsection (b), by striking “such sums as
4 may be necessary for each of the fiscal years 2009
5 through 2014” and inserting “\$77,500,000 for each
6 of the fiscal years 2021 through 2026”.

7 (h) TECHNICAL AMENDMENTS.—Section 203 of the
8 Education of the Deaf Act of 1986 (20 U.S.C. 4353) is
9 amended—

10 (1) in the heading of subsection (a), by striking
11 “GENERAL ACCOUNTING” and inserting “GOVERN-
12 MENT ACCOUNTABILITY”; and

13 (2) in subsection (a), by striking “General Ac-
14 counting” and inserting “Government Account-
15 ability”.

16 **PART B—TRIBALLY CONTROLLED COLLEGES**
17 **AND UNIVERSITIES ASSISTANCE ACT OF 1978;**
18 **DINE’ COLLEGE ACT**

19 **SEC. 911. TRIBALLY CONTROLLED COLLEGES AND UNIVER-**
20 **SITIES ASSISTANCE ACT OF 1978.**

21 (a) DEFINITIONS.—Section 2 of the Tribally Con-
22 trolled Colleges and Universities Assistance Act of 1978
23 (25 U.S.C. 1801) is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (7), by adding “and” at
2 the end;

3 (B) in paragraph (8), by striking “; and”
4 and inserting a period; and

5 (C) by striking paragraph (9); and
6 (2) in subsection (b)—

7 (A) by amending paragraph (1) to read as
8 follows:

9 “(1) Such number shall be calculated based on
10 the number of Indian students who are enrolled—

11 “(A) at the conclusion of the third week of
12 each academic term; or

13 “(B) on the fifth day of a shortened pro-
14 gram beginning after the conclusion of the third
15 full week of an academic term.”;

16 (B) in paragraph (3), by striking “for pur-
17 poses of obtaining” and inserting “solely for the
18 purpose of obtaining”; and

19 (C) by inserting after paragraph (5), the
20 following:

21 “(6) Enrollment data from the prior-prior aca-
22 demic year shall be used.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—The
24 Tribally Controlled Colleges and Universities Assistance

1 Act of 1978 (25 U.S.C. 1801 et seq.) is amended by in-
2 serting after section 2 (25 U.S.C. 1801), the following:

3 **“SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) TITLES I AND IV.—There are authorized to be
5 appropriated \$57,412,000 for each of fiscal years 2021
6 through 2026 to carry out titles I and IV.

7 “(b) TITLE V.—There are authorized to be appro-
8 priated \$7,505,000 for each of fiscal years 2021 through
9 2026 to carry out title V.”.”

10 (c) REPEAL OF PLANNING GRANTS.—Section 104 of
11 the Tribally Controlled Colleges and Universities Assist-
12 ance Act of 1978 (25 U.S.C. 1804a) is repealed.

13 (d) GRANTS TO TRIBALLY CONTROLLED COLLEGES
14 AND UNIVERSITIES.—Section 107 of the Tribally Con-
15 trolled Colleges and Universities Assistance Act of 1978
16 (25 U.S.C. 1807) is amended—

17 (1) by striking subsection (c); and

18 (2) by redesignating subsection (d) as sub-
19 section (c).

20 (e) AMOUNT OF GRANTS.—Section 108(b)(1) of the
21 Tribally Controlled Colleges and Universities Assistance
22 Act of 1978 (25 U.S.C. 1808(b)(1)) is amended—

23 (1) by striking “of the funds available for allot-
24 ment by October 15 or no later than 14 days after
25 appropriations become available” and inserting “ of

1 the amounts appropriated for any fiscal year on or
2 before July 1 of that fiscal year”; and

3 (2) by striking “January 1” and inserting
4 “September 30”;

5 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
6 110(a) of the Tribally Controlled Colleges and Universities
7 Assistance Act of 1978 (25 U.S.C. 1810(a)) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “\$3,200,000 for fiscal year
10 2009 and”;

11 (B) by striking “for each of the five suc-
12 ceeding fiscal years”; and

13 (C) by inserting “from the amount made
14 available under section 3(a) for each fiscal
15 year” after “necessary”;

16 (2) in paragraph (2), by striking “for fiscal
17 year 2009” and all that follows through the period
18 at the end and inserting “from the amount made
19 available under section 3(a) for each fiscal year.”;

20 (3) in paragraph (3), by striking “for fiscal
21 year 2009” and all that follows through the period
22 at the end and inserting “from the amount made
23 available under section 3(a) for each fiscal year.”;
24 and

1 (4) in paragraph (4), by striking “2009” and
2 inserting “2021”.

3 (g) RULES AND REGULATIONS.—The Tribally Con-
4 trolled Colleges and Universities Assistance Act of 1978
5 (25 U.S.C. 1801 et seq.) is amended by striking section
6 115 (25 U.S.C. 1815).

7 (h) REPEAL OF ENDOWMENT PROGRAM.—

8 (1) REPEAL.—Title III of the Tribally Con-
9 trolled Colleges and Universities Assistance Act of
10 1978 (25 U.S.C. 1831 et seq.) is repealed.

11 (2) TRANSITION.—

12 (A) IN GENERAL.—Subject to subpara-
13 graph (B), title III of the Tribally Controlled
14 Colleges and Universities Assistance Act of
15 1978 (25 U.S.C. 1831 et seq.), as such title
16 was in effect on the day before the date of the
17 enactment of this Act, shall apply with respect
18 to any endowment fund established or funded
19 under such title before such date of enactment,
20 except that the Secretary of the Interior may
21 not make any grants or Federal capital con-
22 tributions under such title after such date.

23 (B) TERMINATION.—Subparagraph (A)
24 shall terminate on the date that is 20 years
25 after the date of the enactment of this Act. On

1 or after such date, a tribally controlled college
2 or university may use the corpus (including the
3 Federal and institutional capital contribution)
4 of any endowment fund described in such sub-
5 paragraph to pay any expenses relating to the
6 operation or academic programs of such college
7 or university.

8 (i) TRIBAL ECONOMIC DEVELOPMENT; AUTHORIZA-
9 TION OF APPROPRIATIONS.—Section 403 of the Tribally
10 Controlled Colleges and Universities Assistance Act of
11 1978 (25 U.S.C. 1852) is amended by striking “for fiscal
12 year 2009” and all that follows through the period at the
13 end and inserting “from the amount made available under
14 section 3(a) for each fiscal year.”.

15 (j) TRIBALLY CONTROLLED POSTSECONDARY CA-
16 REER AND TECHNICAL INSTITUTIONS.—Section 504 of
17 the Tribally Controlled Colleges and Universities Assist-
18 ance Act of 1978 (25 U.S.C. 1864) is amended by striking
19 “for fiscal year 2009” and all that follows through the
20 period at the end and inserting “from the amount made
21 available under section 3(b) for each fiscal year.”

22 (k) CLERICAL AMENDMENTS.—The Tribally Con-
23 trolled Colleges and Universities Assistance Act of 1978
24 (25 U.S.C. 1801 et seq.), as amended by subsections (a)
25 through (j), is further amended—

1 (1) by striking “Bureau of Indian Affairs” each
2 place it appears and inserting “Bureau of Indian
3 Education”;

4 (2) by striking “Navajo Community College
5 Act” each place it appears and inserting “Dine’ Col-
6 lege Act”;

7 (3) by striking “colleges or universities” each
8 place it appears, including in headings, and inserting
9 “colleges and universities”; and

10 (4) in section 109 (25 U.S.C. 1809), by redesi-
11 gnating the second subsection (c) as subsection (d).

12 **SEC. 912. DINE’ COLLEGE ACT.**

13 (a) **SHORT TITLE.**—The first section of Public Law
14 92–189 is amended by striking “this Act may be cited as
15 the ‘Navajo Community College Act’ ” and inserting “this
16 Act may be cited as the ‘Dine’ College Act’ ”.

17 (b) **REFERENCES.**—Any reference to the Navajo
18 Community College Act in any law (other than this Act),
19 regulation, map, document, record, or other paper of the
20 United States shall be deemed to be a reference to the
21 Dine’ College Act.

22 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Section
23 5 of Public Law 92–189 is amended—

24 (1) in subsection (a)(1), by striking “for fiscal
25 years 2009 through 2014” and inserting “from the

1 amount made available under subsection (b)(1) for
2 each fiscal year”; and

3 (2) in subsection (b)(1), by striking “such sums
4 as are necessary for fiscal years 2009 through
5 2014” and inserting “\$13,600,000 for each of fiscal
6 years 2021 through 2026”.

7 **PART C—GENERAL EDUCATION PROVISIONS ACT**

8 **SEC. 921. RELEASE OF EDUCATION RECORDS TO FACILI-**

9 **TATE THE AWARD OF A RECOGNIZED POST-**

10 **SECONDARY CREDENTIAL.**

11 Section 444(b) of the General Education Provisions
12 Act (20 U.S.C. 1232g(b)) is amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (K)(ii), by striking “;
15 and” and inserting a semicolon; and

16 (B) in subparagraph (L), by striking the
17 period at the end and inserting “; and”; and

18 (2) by inserting after subparagraph (L) the fol-
19 lowing:

20 “(M) an institution of postsecondary education
21 in which the student was enrolled before January 1,
22 2021, to which records of postsecondary coursework
23 and credits are sent for the purpose of applying such
24 coursework and credits toward completion of a rec-
25 ognized postsecondary credential (as that term is de-

1 fined in section 3 of the Workforce Innovation and
2 Opportunity Act (29 U.S.C. 3102)), upon condition
3 that the student provides written consent prior to re-
4 ceiving such credential.”.

