[~115H6543]

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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. SCOTT of Virginia introduced the following bill; which was referred to the Committee on _____

A BILL

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''College Affordability Act''.

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

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

TITLE I—GENERAL PROVISIONS

PART A—DEFINITIONS

Sec. 1001. Definition of institution of higher education for purposes of title IV programs.
Sec. 1002. Additional definitions.
Sec. 1003. Gainful employment programs.

PART B—ADDITIONAL GENERAL PROVISIONS

Sec. 1011. National Advisory Committee on Institutional Quality and Integrity.
Sec. 1012. Disclosures of foreign gifts.
Sec. 1013. Alcohol and substance misuse prevention.
Sec. 1014. Exception to required registration with selective service system.
Sec. 1015. Integrity of nonprofit institutions of higher education.
Sec. 1016. Support and guidance for homeless individuals and foster care youth.
Sec. 1017. Calculation of percentage of enrolled students receiving or eligible for Federal Pell Grants.
Sec. 1018. Certification regarding the use of certain Federal funds.

PART C—COST OF HIGHER EDUCATION

Sec. 1021. Consumer information.
Sec. 1022. Postsecondary student data system.
Sec. 1023. Avoiding duplicative reporting.
Sec. 1024. Textbook information.
Sec. 1025. Repeals.
Sec. 1026. In-state tuition rates for homeless youth and foster care youth.

PART D—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT FINANCIAL ASSISTANCE

Sec. 1031. Improvements to the Federal student aid office.

TITLE II—TEACHER QUALITY ENHANCEMENT

PART A—TEACHER AND SCHOOL LEADER QUALITY PARTNERSHIP GRANTS

Sec. 2001. Definitions.
Sec. 2002. Purposes.
Sec. 2003. Partnership grants.
Sec. 2004. Administrative provisions.
Sec. 2005. Accountability and evaluation.
Sec. 2006. Accountability for programs that prepare teachers, principals, or other school leaders.
Sec. 2007. Teacher development.
Sec. 2008. State functions.

Sec. 2009. General provisions.
Sec. 2010. Elevation of the education profession study.
Sec. 2011. Authorization of appropriations.

PART B—ENHANCING TEACHER AND SCHOOL LEADER EDUCATION

Sec. 2101. Enhancing teacher and school leader education.

TITLE III—INSTITUTIONAL AID

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

TITLE IV—STUDENT ASSISTANCE

Sec. 4001. Effective date.

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

SUBPART 1—FEDERAL PELL GRANTS

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

SUBPART 2—FEDERAL EARLY OUTREACH AND STUDENT SERVICES PROGRAMS

CHAPTER 1—FEDERAL TRIO PROGRAMS

Sec. 4021. Program authority; authorization of appropriations.
Sec. 4022. Talent search.
Sec. 4023. Upward bound.
Sec. 4024. Student support services.
Sec. 4025. Postbaccalaureate achievement program authority.
Sec. 4026. Educational opportunity centers.
Sec. 4027. Staff developmental activities.
Sec. 4028. Reports and evaluations.

CHAPTER 2—GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS

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

SUBPART 3—FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

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Sec. 4042. Institutional eligibility.
Sec. 4043. Allocation of funds.
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SUBPART 4—SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK

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

SUBPART 5—CHILD CARE ACCESS MEANS PARENTS IN SCHOOL

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SUBPART 6—JUMPSTART TO COLLEGE GRANT PROGRAMS

Sec. 4071. Jumpstart to college grant programs.

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

SUBPART 9—COMMUNITY COLLEGE STUDENT SUCCESS

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

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Sec. 4101. Termination of certain repayment plan options and opportunity to change repayment plans.
Sec. 4102. Termination of interest capitalization for subsidized loans after certain periods.
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Sec. 4105. Default reduction program.
Sec. 4106. Termination of interest capitalization for unsubsidized loans after certain periods.
Sec. 4107. Disbursement of student loans.
Sec. 4108. Student loan contract and loan disclosures.
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Sec. 4111. Automatic income monitoring procedures after a total and permanent disability discharge.
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PART C—FEDERAL WORK-STUDY PROGRAMS

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Sec. 4302. Amendments to terms and conditions of loans and repayment plans.
Sec. 4303. Amendments to terms and conditions of public service loan forgiveness.
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PART E—FEDERAL PERKINS LOANS

Sec. 4401. Authorization of appropriations for Perkins loan.
Sec. 4402. Allocation of funds for Perkins loan.
Sec. 4403. Federal Direct Perkins loan allocation.
Sec. 4404. Agreements with institutions of higher education for purposes of the Perkins loan program.
Sec. 4405. Student loan information by eligible institutions for purposes of the Perkins loan program.
Sec. 4406. Terms of loans for purposes of the Perkins loan program.
Sec. 4407. Reimbursement for cancellation of Perkins loans for certain public service.
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PART F—NEED ANALYSIS

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Sec. 4502. Amendments to data elements when determining the expected family contribution.
Sec. 4503. Amendments to family contribution for dependent students.
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Sec. 4506. Institutional calculations for off-campus room and board.
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PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

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Sec. 4602. Definition of third party servicer.
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Sec. 4607. Student eligibility information for nutrition assistance programs.
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Sec. 4626. Administrative expenses.
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Sec. 5001. Hispanic-serving institutions.
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TITLE VIII—ADDITIONAL PROGRAMS

Sec. 8001. Ronald V. Dellums memorial STEAM scholars program.
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TITLE IX—DIRECTIVES TO THE SECRETARY OF EDUCATION

Sec. 9001. Providing that the Secretary of Education may not issue or enforce certain rules that weaken the enforcement of the prohibition of sex discrimination applicable under title IX of the Education Amendments of 1972.

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PART A—EDUCATION OF THE DEAF ACT OF 1986

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

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

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

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

PART E—GENERAL EDUCATION PROVISIONS ACT

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

PART F—EDUCATION SCIENCES REFORM ACT OF 2002

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

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.).

SEC. 3. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this Act or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

TITLE I—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 1001. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

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

SEC. 1002. ADDITIONAL DEFINITIONS.

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

(1) in paragraph (6), by striking ''section 3(2)'' and inserting ''section 3'';

(2) in paragraph (13), by inserting ''controlled,'' before ''owned''; and

(3) by adding at the end the following:

''(25) PUBLIC INSTITUTION OF HIGHER EDUCATION.—The term 'public institution of higher education' means an institution of higher education—

''(A) for which all obligations of the institution are valid and binding obligations of a

State (or of an equivalent governmental entity); and

"(B) for which the full faith and credit of such State (or equivalent governmental entity) is pledged for the timely payment of such obligations.

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

"(27) FEDERAL EDUCATION ASSISTANCE FUNDS.—The term 'Federal education assistance funds'—

"(A) except as provided in subparagraph (B), means any Federal funds provided, under this Act or any other Federal law, through a grant, contract, subsidy, loan, or guarantee, or

through insurance or other means (including Federal funds disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution); and

"(B) does not include any monthly housing stipend provided under the Post-9/11 Educational Assistance Program under chapter 33 of title 38, United States Code.

"(28) PROGRESS PERIOD STATUS.—The term 'progress period status' means the status of an institution of higher education that is determined by the Secretary to be in danger of failing to meet title IV eligibility criteria relating to student debt because the institution has an adjusted cohort default rate of not less than 10 percent and not more than 15 percent.".

SEC. 1003. GAINFUL EMPLOYMENT PROGRAMS.

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

"SEC. 104. PROGRAM OF TRAINING TO PREPARE STUDENTS FOR GAINFUL EMPLOYMENT IN A RECOGNIZED OCCUPATION.

"(a) GAINFUL EMPLOYMENT PROGRAM DEFINED.—In this Act (including for purposes of sections 101 and

102), the term 'program of training to prepare students for gainful employment in a recognized occupation' means a training program that—

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

"(2) is in compliance with the notice requirements under subsection (b)(1)(C)(i)(II);

"(3) is otherwise eligible to receive funds under title IV; and

"(4) is not a training program that is substantially similar to a training program which, during a period determined by the Secretary, did not meet one or more of the performance metrics (such as an eligibility threshold) described in paragraph (1).

"(b) SECRETARIAL REQUIREMENTS.—

"(1) ESTABLISHMENT OF REQUIREMENTS.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the College Affordability Act, the Secretary shall establish requirements that training programs shall meet to be programs of training to prepare students for gainful employment in a recognized occupation, which shall include—

"(i) establishing performance metrics (including eligibility thresholds for each such metric) described in subparagraph (B); and

"(ii) developing a disclosure template and a verification process for disclosures described in subparagraph (C).

"(B) PERFORMANCE METRICS.—

"(i) IN GENERAL.—In establishing the performance metrics under subparagraph (A)(i), the Secretary shall, at a minimum, establish the requirements for a debt-to-earnings rate that serves the best interests of students and taxpayers, which shall include—

"(I) a methodology for calculating such debt-to-earnings rate for a training program, including—

"(aa) a definition of the cohort of individuals on whom such rate shall be based, who shall be selected from the individuals who were enrolled in such training program (without regard to

whether the individuals received a loan for such enrollment);

''(bb) a determination of the debt amount for such rate based on the median annual loan payment for the loans made under title IV and the private education loans received for such enrollment by such cohort; and

''(cc) a determination of the earnings amount for such rate based on the mean or median of the actual, student-level annual earnings for such cohort;

''(II) establishing a process (such as an appeals process) to authorize training programs to use alternate earnings in lieu of the mean or median of the actual, student-level annual earnings of a cohort; and

''(III) establishing a threshold rate that each training program shall meet to be eligible to receive funds under title IV.

"(ii) EARNINGS DATA.—In determining the mean or median of the actual, student-level annual earnings for purposes of this subparagraph, the Secretary shall obtain and use the most appropriate available Federal data on such earnings.

"(C) DISCLOSURE TEMPLATE.—The Secretary shall develop—

"(i) a disclosure template that—

"(I) is consumer tested; and

"(II) is used by each institution of higher education that offers a training program to provide enrolled and prospective students (including through publication on the website of such institution of higher education for such training program)—

"(aa) on an annual basis, student outcome information for such program (including the debt-to-earnings rate and whether the eligibility threshold for any other performance metric established under subparagraph (A)(i) has been met); and

"(bb) in a case in which the training program receives a notice of determination under paragraph (2)(B) that the program may be ineligible for funds under title IV, or may receive other sanctions, not later than 30 days after receipt of such notice, an explanation of such notice of determination; and

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

"(2) ENFORCEMENT OF REQUIREMENTS.—Not later than 2 years after the Secretary establishes requirements under paragraph (1), and annually thereafter, the Secretary shall, with respect to each training program that meets the definition of subsection (a) or that seeks to meet such definition—

"(A) calculate the debt-to-earnings rate and assess performance with respect to any other metric established under paragraph (1)(A)(i) for the preceding award year, and

make such information publicly available on the website of the Department;

"(B) issue a notice of determination on whether the program is meeting the requirements established by the Secretary, including whether the program shall be subject to sanctions (such as loss of eligibility under title IV); and

"(C) enforce the applicable sanctions.".

PART B—ADDITIONAL GENERAL PROVISIONS

SEC. 1011. NATIONAL ADVISORY COMMITTEE ON INSTITUTIONAL QUALITY AND INTEGRITY.

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

SEC. 1012. DISCLOSURES OF FOREIGN GIFTS.

(a) IN GENERAL.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "In this paragraph, the term 'aggregate dollar amount' includes the fair market value of staff members, textbooks, and other in-kind gifts."; and

(B) in paragraph (2), by inserting "In this paragraph, the term 'aggregate dollar amount'

includes the fair market value of staff members, textbooks, and other in-kind gifts.'' after ''each foreign government.'';

(2) in subsection (d)—

(A) in paragraph (1) by striking ''are substantially'' and all that follows through ''this section,'' and inserting ''includes all information required by this section,''; and

(B) in paragraph (2) by striking ''requirements substantially similar to those'' and inserting ''all the information'';

(3) in subsection (e), by adding at the end the following: ''Not later than 30 days after receiving a disclosure report under this section, the Secretary shall make such report electronically available to the public for downloading on searchable database under which institutions can be individually identified and compared. Not later than 60 days after the date of the enactment of the College Affordability Act, the Secretary shall make available in the same manner as described in the preceding sentence, each disclosure report received under this section on or after January 1, 2000, to the extent that the Secretary has access to such report.''; and

(4) by amending subsection (g) to read as follows:

"(g) REGULATIONS.—

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

"(2) PROCEDURE.—Regulations under paragraph (1) shall be—

"(A) developed through the negotiated rulemaking process under section 492;

"(B) developed with consultation from stakeholders; and

"(C) published in the Federal Register in accordance with section 482."; and

(5) in subsection (h)—

(A) in paragraph (3), by striking "or property" and inserting "property, human resources, or payment of any staff;"; and

(B) in paragraph (5)(B), by inserting "institutes, instructional programs," after "centers,".

(b) APPLICABILITY.—The amendments made by this section shall apply to institutions under section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) on the

date that is 2 years after the date of the enactment of this section.

SEC. 1013. ALCOHOL AND SUBSTANCE MISUSE PREVENTION.

(a) IN GENERAL.—Section 120 of the Higher Education Act of 1965 (20 U.S.C. 1011i) is amended—

(1) in the section heading, by striking "**DRUG AND ALCOHOL ABUSE**" and inserting "**ALCOHOL AND SUBSTANCE MISUSE**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that," and inserting "an evidence-based program to prevent alcohol and substance misuse by students and employees that,";

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

"(C) a description of the health-risks associated with the use of illicit drugs and alcohol and substance misuse;";

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

"(D) a description of any alcohol or substance misuse counseling, treatment, rehabilitation, recovery, re-entry, or recovery support programs provided by the institution (including in partnership with a community-based organization) that are available to employees or students;"; and

(D) in paragraph (1)(E), by striking "that the institution will impose" and inserting "of the policies of the institution regarding";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "and" at the end of subparagraph (A);

(ii) in subparagraph (B), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(C) compliance assistance to assist institutions in complying with the requirements of this section.";

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

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

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

"(A) determine criteria that satisfy the requirement of subsection (a) that an institution of higher education has adopted and has implemented an evidence-based program described in such subsection;

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

"(C) establish a process that promotes coordination and collaboration between institutions of higher education and the respective State agencies that administer the Substance Abuse Prevention and Treatment Block Grants pursuant to subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21).

"(3) GUIDANCE.—Not later than 1 year after the date of enactment of the College Affordability Act, the Secretary shall, in coordination with the Secretary of Health and Human Services, issue

guidance with respect to the criteria described in paragraph (2)(A).''; and

(4) in subsection (e)—

(A) in the subsection heading, by striking ''**DRUG ABUSE**'' in the heading and inserting ''**SUBSTANCE MISUSE**'';

(B) in paragraph (1)—

(i) by striking ''other organizations'' and inserting ''community-based organizations that partner with institutions of higher education'';

(ii) by striking ''programs of prevention, and education (including treatment-referral) to reduce and eliminate the illegal use of drugs and alcohol and the violence associated with such use'' and inserting ''evidence-based programs of alcohol and substance misuse prevention and education (including programs to improve access to treatment, referral for treatment services, or crisis intervention services) to eliminate illegal substance use, decrease substance misuse, and improve public health and safety''; and

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

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

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

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

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

''(B) Promoting integration and collaboration in campus-based health services between primary care, substance use disorder services, and mental health services.

''(C) Promoting integrated care services for students related to screening, diagnosis, prevention, and treatment of mental, behavioral, and substance use disorders.

"(D) Providing re-entry assistance for students on academic probation due to their substance use disorder.

"(E) Preventing fatal and nonfatal overdoses.

"(F) Providing education to students, faculty, or other personnel on—

"(i) recognizing the signs and symptoms of substance use disorder, and how to engage and support a person in a crisis situation;

"(ii) resources available in the community, within the institution of higher education, and other relevant resources for individuals with a substance use disorder; and

"(iii) safely de-escalating crisis situations involving individuals with a substance use disorder."; and

(E) by amending paragraph (6), as redesignated by subparagraph (C), to read as follows:

"(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out

this section $15,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) DELAYED EFFECTIVE DATES.—The amendments made by subsection (a)(2) shall apply to institutions of higher education on the date that is 2 years after the date of enactment of this Act.

SEC. 1014. EXCEPTION TO REQUIRED REGISTRATION WITH SELECTIVE SERVICE SYSTEM.

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

''SEC. 124. EXCEPTION TO REQUIRED REGISTRATION WITH SELECTIVE SERVICE SYSTEM.

''Notwithstanding section 12(f) of the Military Selective Service Act (50 U.S.C. 3811(f)), a person shall not be ineligible for assistance or a benefit provided under title IV if the person is required under section 3 of such Act (50 U.S.C. 3802) to present himself for and submit to registration under such section, and fails to do so in ac-

cordance with any proclamation, rule, or regulation issued under such section.''.

SEC. 1015. INTEGRITY OF NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.

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

''SEC. 125. INTEGRITY OF NONPROFIT INSTITUTIONS OF HIGHER EDUCATION.

''(a) DETERMINATION.—The Secretary may approve the conversion of an institution of higher education to a nonprofit institution of higher education only if the Secretary determines that such institution of higher education meets the requirements under subsection (b).

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

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

"(2) That any assets or services acquired by the institution of higher education that submits such application from former owners of such institution of higher education were not acquired for more than the value of such assets or services.

"(3) That no member of the governing board of the institution of higher education that submits such application (other than ex officio members serving at the pleasure of the remainder of the governing board and receiving a fixed salary), or any person with the power to appoint or remove members of such governing board or any immediate family member of such a member of the board or such a person with power of appointment, receives any substantial direct or indirect economic benefit (including a lease, promissory note, or other contract) from such institution of higher education.

"(4) That the institution of higher education that submits such application is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

"(5) Subject to subsection (c), that none of the core functions of the institution of higher education that submits such application are under the control

of, or subject to significant direction from, an entity that is not a public institution of higher education or other nonprofit entity.

"(c) PRESUMPTION OF SIGNIFICANT DIRECTION.—For purposes of paragraph (5) of subsection (b), in the case of an institution of higher education that submits an application under such subsection, there shall be a conclusive presumption that an entity (other than such institution of higher education) exercises significant direction over such institution if one or more of the employees or owners of the entity serves as an officer, member of the board, or person holding similar authority for such institution.

"(d) TRANSITION PERIOD.—In the case of a proprietary institution of higher education (as defined in section 102(b)) approved for conversion under subsection (a), for a period of at least 5 years that begins on the date such institution is approved for such conversion, the institution shall be subject to any provision of this Act and any regulations that apply to proprietary institutions of higher education.

"(e) VALUE.—The term 'value', with respect to an acquisition under subsection (b)(2)—

"(1) includes the value of any ongoing relationship (including any contract, agreement, lease or other arrangement);

"(2) subject to paragraph (3), may be demonstrated through—

"(A) a third-party appraisal based on comparable assets acquired by, or goods or services procured by, nonprofit corporations in similar market conditions;

"(B) an independent financing of the acquisition based upon the assets acquired; or

"(C) a full and open competition in the acquisition of services or assets, as such term is defined in section 2.101(b) of title 48, Code of Federal Regulations, as in effect on the date of the enactment of this section; and

"(3) shall be subject to such other demonstration process determined appropriate by the Secretary in a case in which the Secretary does not accept a demonstration process described in paragraph (2).

"(f) PUBLICATION.—

"(1) APPLICATION.—Before the Secretary may approve the conversion of an institution of higher education under subsection (a), the application of such institution submitted to the Secretary under

subsection (b) shall be published in the Federal Register with an appropriate notice and comment period.

"(2) DETERMINATION.—The Secretary shall publish each determination under this section, and the reasons for such determination, under the Federal Register.

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

"(1) in the case of an institution of higher education that seeks to convert to a nonprofit institution of higher education under this section—

"(A) the Secretary has given final approval of the conversion of the institution to a nonprofit institution of higher education under this section;

"(B) an accrediting agency or association recognized by the Secretary pursuant to section 496 has approved the nonprofit status of the institution; and

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

"(2) the Commissioner of Internal Revenue has approved the institution as tax exempt for purposes of the Internal Revenue Code of 1986.

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

"SEC. 126. REVIEW OF GOVERNANCE.

"The Secretary shall review the governance of an institution of higher education when such institution has engaged in transactions or arrangements determined by the Secretary as potential indicators of private inurement, in order to promote the highest standards of nonprofit integrity.".

SEC. 1016. SUPPORT AND GUIDANCE FOR HOMELESS INDIVIDUALS AND FOSTER CARE YOUTH.

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

"SEC. 127. SUPPORT AND GUIDANCE FOR HOMELESS INDIVIDUALS AND FOSTER CARE YOUTH.

"(a) GUIDANCE.—Not later than 120 days after the date of enactment of the College Affordability Act, the Secretary shall issue revised guidance for institutions of

higher education and financial aid administrators regarding serving homeless individuals and foster care youth, including the requirements of the determination process for financial aid administrators as specified in section 480(d).

''(b) PROFESSIONAL DEVELOPMENT.—Beginning not later than 1 year after the date of enactment of the College Affordability Act, the Secretary shall conduct an annual professional development or training program, such as a webinar, for liaisons described under section 485(k) and interested faculty or staff regarding postsecondary education services for such homeless individuals and foster care youth.

''(c) REPORT.—Not later than 1 year after the date of enactment of the College Affordability Act, and not less than once every 5 years thereafter, the Secretary shall prepare and submit to Congress a report containing strategies used by institutions, financial aid administrators, and liaisons described under section 485(k) that were effective in meeting the needs of such homeless individuals and foster care youth, including strategies relating to streamlining financial aid policies and procedures and postsecondary education recruitment, retention, and completion.

''(d) HOMELESS INDIVIDUAL DEFINED.—In this section, the term 'homeless individual' has the meaning given the term in section 402A.''.

SEC. 1017. CALCULATION OF PERCENTAGE OF ENROLLED STUDENTS RECEIVING OR ELIGIBLE FOR FEDERAL PELL GRANTS.

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

"SEC. 128. CALCULATION OF PERCENTAGE OF ENROLLED STUDENTS RECEIVING OR ELIGIBLE FOR FEDERAL PELL GRANTS.

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

SEC. 1018. CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

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

"SEC. 129. CERTIFICATION REGARDING THE USE OF CERTAIN FEDERAL FUNDS.

"(a) PROHIBITION.—No Federal funds received under this Act by an institution of higher education or other postsecondary educational institution may be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action described in subsection (b).

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

"(1) The awarding of any Federal contract.

"(2) The making of any Federal grant.

"(3) The making of any Federal loan.

"(4) The entering into of any Federal cooperative agreement.

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

"(c) LOBBYING AND EARMARKS.—No Federal student aid funding under this Act may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

"(d) CERTIFICATION.—Each institution of higher education or other postsecondary educational institution

receiving Federal funding under this Act, as a condition for receiving such funding, shall annually certify to the Secretary that the requirements of subsections (a) through (c) have been met.

''(e) ACTIONS TO IMPLEMENT AND ENFORCE.—The Secretary shall take such actions as are necessary to ensure that the provisions of this section are implemented and enforced.''.

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

PART C—COST OF HIGHER EDUCATION

SEC. 1021. CONSUMER INFORMATION.

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

(1) in subparagraph (T), by striking ''rate,'' and inserting ''rate and adjusted cohort default rate,''; and

(2) by adding at the end the following:

''(AA) The institution's expenditures on each of the following:

''(i) Instruction.

''(ii) Student services.

''(iii) Marketing.

''(iv) Recruitment.

"(v) Advertising.

"(vi) Lobbying.".

SEC. 1022. POSTSECONDARY STUDENT DATA SYSTEM.

(a) POSTSECONDARY STUDENT DATA SYSTEM.—Section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a) is amended—

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

(2) by inserting after subsection (k) the following:

"(l) POSTSECONDARY STUDENT DATA SYSTEM.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF SYSTEM.—The Commissioner of the National Center for Education Statistics (referred to in this subsection as the 'Commissioner') shall develop and maintain a secure, privacy-protected postsecondary student-level data system in order to—

"(i) accurately evaluate student enrollment patterns, progression, completion, and postcollegiate outcomes, and higher education costs and financial aid;

"(ii) assist with transparency, institutional improvement, and analysis of Federal aid programs;

"(iii) provide accurate, complete, and customizable information for students and families making decisions about postsecondary education; and

"(iv) reduce the reporting burden on institutions of higher education, in accordance with section 1022(b)(2) of the College Affordability Act.

"(B) AVOIDING DUPLICATED REPORTING.—Notwithstanding any other provision of this section, to the extent that another provision of this section requires the same reporting or collection of data that is required under this subsection, an institution of higher education, or the Secretary or Commissioner, may use the reporting or data required for the postsecondary student data system under this subsection to satisfy both requirements.

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

"(i) focus on the needs of—

"(I) users of the data system; and

1 "(II) entities, including institu-
2 tions of higher education, reporting to
3 the data system;
4 "(ii) take into consideration, to the
5 extent practicable—
6 "(I) the guidelines outlined in the
7 U.S. Web Design Standards main-
8 tained by the General Services Admin-
9 istration and the Digital Services
10 Playbook and TechFAR Handbook for
11 Procuring Digital Services Using
12 Agile Processes of the U.S. Digital
13 Service; and
14 "(II) the relevant successor docu-
15 ments or recommendations of such
16 guidelines;
17 "(iii) use modern, relevant privacy-
18 and security-enhancing technology, and en-
19 hance and update the data system as nec-
20 essary to carry out the purpose of this sub-
21 section;
22 "(iv) ensure data privacy and security
23 is consistent with any Federal law relating
24 to privacy or data security, including—

"(I) the requirements of subchapter II of chapter 35 of title 44, United States Code, specifying security categorization under the Federal Information Processing Standards or any relevant successor of such standards;

"(II) security requirements that are consistent with the Federal agency responsibilities in section 3554 of title 44, United States Code, or any relevant successor of such responsibilities; and

"(III) security requirements, guidelines, and controls consistent with cybersecurity standards and best practices developed by the National Institute of Standards and Technology, including frameworks, consistent with section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), or any relevant successor of such frameworks;

"(v) follow Federal data minimization practices to ensure only the minimum amount of data is collected to meet the system's goals, in accordance with Federal data minimization standards and guidelines developed by the National Institute of Standards and Technology; and

"(vi) provide notice to students outlining the data included in the system and how the data are used.

"(2) DATA ELEMENTS.—

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

"(i) the data elements to be included in the postsecondary student data system, in accordance with subparagraphs (C) and (D); and

"(ii) how to include the data elements required under subparagraph (C), and any additional data elements selected under subparagraph (D), in the postsecondary student data system.

"(B) POSTSECONDARY STUDENT DATA SYSTEM ADVISORY COMMITTEE.—

"(i) ESTABLISHMENT.—The Commissioner shall establish a Postsecondary Student Data System Advisory Committee (referred to in this subsection as the 'Advisory Committee'), whose members shall include—

"(I) the Chief Privacy Officer of the Department or an official of the Department delegated the duties of overseeing data privacy at the Department;

"(II) the Chief Security Officer of the Department or an official of the Department delegated the duties of overseeing data security at the Department;

"(III) representatives of diverse institutions of higher education, which shall include equal representation between 2-year and 4-year institutions of higher education, and from public, nonprofit, and proprietary institutions

of higher education, including minority-serving institutions;

"(IV) representatives from State higher education agencies, entities, bodies, or boards;

"(V) representatives of postsecondary students;

"(VI) representatives from relevant Federal agencies; and

"(VII) other stakeholders (including individuals with expertise in data privacy and security, consumer protection, and postsecondary education research).

"(ii) REQUIREMENTS.—The Commissioner shall ensure that the Advisory Committee—

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

"(II) establishes operating and meeting procedures and guidelines necessary to execute its advisory duties; and

"(III) is provided with appropriate staffing and resources to execute its advisory duties.

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

"(i) Student-level data elements necessary to calculate the information within the surveys designated by the Commissioner as 'student-related surveys' in the Integrated Postsecondary Education Data System (IPEDS), as such surveys are in effect on the day before the date of enactment of the College Affordability Act, except that in the case that collection of such elements would conflict with subparagraph (F), such elements in conflict with subparagraph (F) shall be included in the aggregate instead of at the student level.

"(ii) Student-level data elements necessary to allow for reporting student enrollment, persistence, retention, transfer, and completion measures for all credential levels separately (including certificate, as-

sociate, baccalaureate, and advanced degree levels), within and across institutions of higher education (including across all categories of institution level, control, and predominant degree awarded). The data elements shall allow for reporting about all such data disaggregated by the following categories:

"(I) Enrollment status as a first-time student, recent transfer student, or other non-first-time student.

"(II) Attendance intensity, whether full-time or part-time.

"(III) Credential-seeking status, by credential level.

"(IV) Race or ethnicity (in accordance with section 153(a)(3)(B) of the Education Sciences Reform Act (20 U.S.C. 9543(a)(3)(B))).

"(V) Age intervals.

"(VI) Gender.

"(VII) Program of study (as applicable).

"(VIII) Military or veteran benefit status (as determined based on

receipt of veteran's education benefits, as defined in section 480(c)).

"(IX) Status as a distance education student, whether exclusively or partially enrolled in distance education.

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

"(D) OTHER DATA ELEMENTS.—

"(i) IN GENERAL.—The Commissioner may, after consultation with the Advisory Committee and provision of a public comment period, include additional data elements in the postsecondary student data system, such as those described in clause (ii), if those data elements—

"(I) are necessary to ensure that the postsecondary data system fulfills the purposes described in paragraph (1)(A); and

"(II) are consistent with data minimization principles, including the collection of only those additional ele-

ments that are necessary to ensure such purposes.

"(ii) DATA ELEMENTS.—The data elements described in clause (i) may include—

"(I) status as a first generation college student (as defined in section 402A(h));

"(II) economic status;

"(III) participation in postsecondary remedial coursework or gateway course completion; or

"(IV) other data elements that are necessary in accordance with clause (i).

"(E) REEVALUATION.—Not less than once every 3 years after the implementation of the postsecondary student data system described in this subsection, the Commissioner, in consultation with the Advisory Committee described in subparagraph (B), shall review the data elements included in the postsecondary student data system and may revise the data elements to be included in such system.

"(F) PROHIBITIONS.—The Commissioner shall not include individual health data (including data relating to physical health or mental health), student discipline records or data, elementary and secondary education data, an exact address, citizenship status, migrant status, or national origin status for students or their families, course grades, postsecondary entrance examination results, political affiliation, or religion in the postsecondary student data system under this subsection.

"(3) PERIODIC MATCHING WITH OTHER FEDERAL DATA SYSTEMS.—

"(A) DATA SHARING AGREEMENTS.—

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

"(I) The Secretary of the Treasury and the Commissioner of the Internal Revenue Service, in order to calculate aggregate program- and institution-level earnings of postsecondary students.

"(II) The Secretary of Defense, in order to assess the use of postsecondary educational benefits and the outcomes of servicemembers.

"(III) The Secretary of Veterans Affairs, in order to assess the use of postsecondary educational benefits and outcomes of veterans.

"(IV) The Director of the Bureau of the Census, in order to assess the occupational and earnings outcomes of former postsecondary education students.

"(V) The Chief Operating Officer of the Office of Federal Student Aid, in order to analyze the use of postsecondary educational benefits provided under this Act.

"(ii) The heads of Federal agencies and offices described under clause (i) shall enter into data sharing agreements with the Commissioner to ensure secure, periodic data matches as described in this paragraph.

1 "(B) CATEGORIES OF DATA.—The Com-
2 missioner shall, at a minimum, seek to ensure
3 that the secure periodic data system matches
4 described in subparagraph (A) permit con-
5 sistent reporting of the following categories of
6 data for all postsecondary students:
7 "(i) Enrollment, retention, transfer,
8 and completion outcomes for all postsec-
9 ondary students.
10 "(ii) Financial indicators for postsec-
11 ondary students receiving Federal grants
12 and loans, including grant and loan aid by
13 source, cumulative student debt, loan re-
14 payment status, and repayment plan.
15 "(iii) Post-completion outcomes for all
16 postsecondary students, including earnings,
17 employment, and further education, by
18 program of study and credential level and
19 as measured—
20 "(I) immediately after leaving
21 postsecondary education; and
22 "(II) at time intervals appro-
23 priate to the credential sought and
24 earned.

"(C) PERIODIC DATA MATCH STREAMLINING AND CONFIDENTIALITY.—

"(i) STREAMLINING.—In carrying out the secure periodic data system matches under this paragraph, the Commissioner shall—

"(I) ensure that such matches are not continuous, but occur at appropriate intervals, as determined by the Commissioner; and

"(II) seek to—

"(aa) streamline the data collection and reporting requirements for institutions of higher education;

"(bb) minimize duplicative reporting across or within Federal agencies or departments, including reporting requirements applicable to institutions of higher education under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.) and the Carl D. Perkins Career and Technical Education Act of 2006;

"(cc) protect student privacy; and

"(dd) streamline the application process for student loan benefit programs available to borrowers based on data available from different Federal data systems.

"(ii) REVIEW.—Not less often than once every 3 years after the establishment of the postsecondary student data system under this subsection, the Commissioner, in consultation with the Advisory Committee, shall review methods for streamlining data collection from institutions of higher education and minimizing duplicative reporting within the Department and across Federal agencies that provide data for the postsecondary student data system.

"(iii) CONFIDENTIALITY.—The Commissioner shall ensure that any periodic matching or sharing of data through periodic data system matches established in accordance with this paragraph—

"(I) complies with the security and privacy protections described in paragraph (1)(C)(iv) and other Federal data protection protocols;

"(II) follows industry best practices commensurate with the sensitivity of specific data elements or metrics;

"(III) does not result in the creation of a single standing, linked Federal database at the Department that maintains the information reported across other Federal agencies; and

"(IV) discloses to postsecondary students what data are included in the data system and periodically matched and how the data are used.

"(iv) CORRECTION.—The Commissioner, in consultation with the Advisory Committee, shall establish a process for students to request access to only their personal information for inspection and request corrections to inaccuracies in a manner that protects the student's personally identifiable information. The Commissioner

shall respond in writing to every request for a correction from a student.

"(4) PUBLICLY AVAILABLE INFORMATION.—

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

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

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

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

"(iv) provides users with appropriate contextual factors to make comparisons,

which may include national median figures of the summary aggregate information described in subparagraph (C).

"(B) NO PERSONALLY IDENTIFIABLE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall not include personally identifiable information.

"(C) SUMMARY AGGREGATE INFORMATION AVAILABLE.—The summary aggregate information described in this paragraph shall, at a minimum, include each of the following for each institution of higher education:

"(i) Measures of student access, including—

"(I) admissions selectivity and yield; and

"(II) enrollment, disaggregated by each category described in paragraph (2)(C)(ii).

"(ii) Measures of student progression, including retention rates and persistence rates, disaggregated by each category described in paragraph (2)(C)(ii).

"(iii) Measures of student completion, including—

"(I) transfer rates and completion rates, disaggregated by each category described in paragraph (2)(C)(ii); and

"(II) number of completions, disaggregated by each category described in paragraph (2)(C)(ii).

"(iv) Measures of student costs, including—

"(I) tuition, required fees, total cost of attendance, and net price after total grant aid, disaggregated by in-State tuition or in-district tuition status (if applicable), program of study (if applicable), and credential level; and

"(II) typical grant amounts and loan amounts received by students reported separately from Federal, State, local, and institutional sources, and cumulative debt, disaggregated by each category described in paragraph (2)(C)(ii) and completion status.

"(v) Measures of postcollegiate student outcomes, including employment rates, mean and median earnings, loan repayment and default rates, and further education rates. These measures shall—

"(I) be disaggregated by each category described in paragraph (2)(C)(ii) and completion status; and

"(II) be measured immediately after leaving postsecondary education and at time intervals appropriate to the credential sought or earned.

"(D) DEVELOPMENT CRITERIA.—In developing the method and format of making the information described in this paragraph publicly available, the Commissioner shall—

"(i) focus on the needs of the users of the information, which will include students, families of students, potential students, researchers, and other consumers of education data;

"(ii) take into consideration, to the extent practicable, the guidelines described in paragraph (1)(C)(ii)(I), and relevant

1 successor documents or recommendations
2 of such guidelines;
3 ''(iii) use modern, relevant technology
4 and enhance and update the postsecondary
5 student data system with information, as
6 necessary to carry out the purpose of this
7 paragraph;
8 ''(iv) ensure data privacy and security
9 in accordance with standards and guide-
10 lines developed by the National Institute of
11 Standards and Technology, and in accord-
12 ance with any other Federal law relating to
13 privacy or security, including complying
14 with the requirements of subchapter II of
15 chapter 35 of title 44, United States Code,
16 specifying security categorization under the
17 Federal Information Processing Standards,
18 and security requirements, and setting of
19 National Institute of Standards and Tech-
20 nology security baseline controls at the ap-
21 propriate level; and
22 ''(v) conduct consumer testing to de-
23 termine how to make the information as
24 meaningful to users as possible.
25 ''(5) PERMISSIBLE DISCLOSURES OF DATA.—

1 "(A) DATA REPORTS AND QUERIES.—
2 "(i) IN GENERAL.—The Commissioner
3 shall develop and implement a secure proc-
4 ess for making student-level, non-person-
5 ally identifiable information, with direct
6 identifiers removed, from the postsec-
7 ondary student data system available for
8 vetted research and evaluation purposes
9 approved by the Commissioner in a man-
10 ner compatible with practices for disclosing
11 National Center for Education Statistics
12 restricted-use survey data as in effect on
13 the day before the date of enactment of the
14 College Affordability Act, or by applying
15 other research and disclosure restrictions
16 to ensure data privacy and security. Such
17 process shall be approved by the National
18 Center for Education Statistics' Disclosure
19 Review Board (or successor body).
20 "(ii) PROVIDING DATA REPORTS AND
21 QUERIES TO INSTITUTIONS AND STATES.—
22 "(I) IN GENERAL.—The Commis-
23 sioner shall provide feedback reports,
24 at least annually, to each institution
25 of higher education, each postsec-

ondary education system that fully participates in the postsecondary student data system, and each State higher education body as designated by the governor.

"(II) FEEDBACK REPORTS.—The feedback reports provided under this clause shall include program-level and institution-level information from the postsecondary student data system regarding students who are associated with the institution or, for State representatives, the institutions within that State, on or before the date of the report, on measures including student mobility and workforce outcomes, provided that the feedback aggregate summary reports protect the privacy of individuals.

"(III) DETERMINATION OF CONTENT.—The content of the feedback reports shall be determined by the Commissioner, in consultation with the Advisory Committee.

"(iii) PERMITTING STATE DATA QUERIES.—The Commissioner shall, in consultation with the Advisory Committee and as soon as practicable, create a process through which States may submit lists of secondary school graduates within the State to receive summary aggregate outcomes for those students who enrolled at an institution of higher education, including postsecondary enrollment and college completion, provided that those data protect the privacy of individuals and that the State data submitted to the Commissioner are not stored in the postsecondary education system.

"(iv) REGULATIONS.—The Commissioner shall promulgate regulations to ensure fair, secure, and equitable access to data reports and queries under this paragraph.

"(B) DISCLOSURE LIMITATIONS.—In carrying out the public reporting and disclosure requirements of this subsection, the Commissioner shall use appropriate statistical disclosure limitation techniques necessary to ensure

that the data released to the public cannot include personally identifiable information or be used to identify specific individuals.

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

"(D) LIMITATION ON USE BY OTHER FEDERAL AGENCIES.—

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

"(I) for vetted research and evaluation conducted by the other Federal agency, as described in subparagraph (A)(i); or

"(II) for a purpose explicitly authorized by this subsection.

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

data collected under this subsection to limit services to students.

"(E) LAW ENFORCEMENT.—Personally identifiable information collected under this subsection shall not be used for any Federal, State, or local law enforcement activity or any other activity that would result in adverse action against any student or a student's family, including debt collection activity or enforcement of immigration laws.

"(F) LIMITATION OF USE FOR FEDERAL RANKINGS OR SUMMATIVE RATING SYSTEM.—The comprehensive data collection and analysis necessary for the postsecondary student data system under this subsection shall not be used by the Secretary or any Federal entity to establish any Federal ranking system of institutions of higher education or a system that results in a summative Federal rating of institutions of higher education.

"(G) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent the use of individual categories of aggregate information to be used for accountability purposes.

"(H) RULE OF CONSTRUCTION REGARDING COMMERCIAL USE OF DATA.—Nothing in this paragraph shall be construed to prohibit third-party entities from using publicly-available information in this data system for commercial use.

"(6) SUBMISSION OF DATA.—

"(A) REQUIRED SUBMISSION.—Each institution of higher education participating in a program under title IV, or the assigned agent of such institution, shall, in accordance with section 487(a)(17), collect, and submit to the Commissioner, the data requested by the Commissioner to carry out this subsection.

"(B) VOLUNTARY SUBMISSION.—Any postsecondary institution not participating in a program under title IV may voluntarily participate in the postsecondary student data system under this subsection by collecting and submitting data to the Commissioner, as the Commissioner may request to carry out this subsection.

"(C) PERSONALLY IDENTIFIABLE INFORMATION.—In accordance with paragraph (2)(C)(i), if the submission of an element of student-level data is prohibited under para-

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

"(7) UNLAWFUL WILLFUL DISCLOSURE.—

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

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

"(C) EMPLOYEE OF OFFICER OF THE UNITED STATES.—If a violation of subparagraph (A) is committed by any officer or employee of the United States, the officer or employee shall be dismissed from office or discharged from employment upon conviction for the violation.

1 "(8) DATA SECURITY.—The Commissioner shall
2 produce and update as needed guidance and regula-
3 tions relating to privacy, security, and access which
4 shall govern the use and disclosure of data collected
5 in connection with the activities authorized in this
6 subsection. The guidance and regulations developed
7 and reviewed shall protect data from unauthorized
8 access, use, and disclosure, and shall include—
9 "(A) an audit capability, including manda-
10 tory and regularly conducted audits;
11 "(B) access controls;
12 "(C) requirements to ensure sufficient data
13 security, quality, validity, and reliability;
14 "(D) student confidentiality protection in
15 accordance with the Confidential Information
16 Protection and Statistical Efficiency Act;
17 "(E) appropriate and applicable privacy
18 and security protection, including data retention
19 and destruction protocols and data minimiza-
20 tion, in accordance with the most recent Fed-
21 eral standards developed by the National Insti-
22 tute of Standards and Technology; and
23 "(F) protocols for managing a breach, in-
24 cluding breach notifications, in accordance with

the standards of National Center for Education Statistics.

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

"(10) DEFINITIONS.—In this subsection:

"(A) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102.

"(B) PERSONALLY IDENTIFIABLE INFORMATION.—The term 'personally identifiable information' has the meaning given the term in section 444 of the General Education Provisions Act (20 U.S.C. 1232g).".

(b) EFFECTIVE DATE; TRANSITION PROVISIONS.—

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

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

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

SEC. 1023. AVOIDING DUPLICATIVE REPORTING.

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

''(n) AVOIDING DUPLICATIVE REPORTING.—If the Secretary determines that the same reporting or collection of data that is required under subsection (l) is required by another reporting or collection of data requirement under this Act (other than under subsection (l)), the Secretary may—

''(1) use the data reported or collected under subsection (l); and

''(2) waive the other reporting or collection of data requirement.''.

SEC. 1024. TEXTBOOK INFORMATION.

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

(1) in subsection (a), by striking ''identify ways to decrease'' and inserting ''identify and adopt innovative tools to decrease'';

(2) in subsection (b)(9)—

(A) by striking ''to accompany a'' and inserting ''to accompany or support a'' in the matter preceding subparagraph (A); and

(B) in subparagraph (A), by striking ''materials, computer disks, website access'' and inserting ''materials, online and digital learning platforms and materials, website access'';

(3) in subsection (c)(1)(D)(i), by striking ''paperback, and unbound'' and inserting ''paperback, digital, and unbound''; and

(4) in subsection (f)—

(A) in paragraph (1), by inserting ''accessing lower-cost digital course materials and digital textbooks,'' after ''programs for''; and

(B) in paragraph (3), by inserting '', such as inclusive access programs, subscription models, or digital content distribution platforms'' after ''delivery programs''.

SEC. 1025. REPEALS.

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

SEC. 1026. IN-STATE TUITION RATES FOR HOMELESS YOUTH AND FOSTER CARE YOUTH.

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

(1) in the section heading, by inserting "**, HOMELESS YOUTH, AND FOSTER CARE YOUTH**" after "**CHILDREN**";

(2) in subsection (a)—

(A) by striking "(a) REQUIREMENT.—In the case" and inserting the following:

"(a) REQUIREMENT.—

"(1) ARMED FORCES.—In the case"; and

(B) by adding at the end the following:

"(2) HOMELESS YOUTH AND FOSTER CARE YOUTH.—In the case of a homeless youth or a foster care youth, such State shall not charge such individual tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State."; and

(3) by striking subsections (c) and (d) and inserting the following:

"(c) EFFECTIVE DATE.—

"(1) ARMED FORCES.—With respect to an individual described in subsection (a)(1), this section shall remain in effect as it was in effect on the day

before the date of enactment of the College Affordability Act.

"(2) HOMELESS YOUTH AND FOSTER CARE YOUTH.—With respect to an individual described in subsection (a)(2), this section shall take effect at each public institution of higher education in a State that receives assistance under this Act for the first period of enrollment at such institution that begins during the first full award year following the date of enactment of the College Affordability Act.

"(d) DEFINITIONS.—In this section:

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

"(2) HOMELESS YOUTH.—The term 'homeless youth' has the meaning given the term 'homeless children and youths' in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).".

PART D—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT FINANCIAL ASSISTANCE

SEC. 1031. IMPROVEMENTS TO THE FEDERAL STUDENT AID OFFICE.

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

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

"(2) PURPOSES.—The purposes of the PBO are as follows:

"(A) To prioritize students and borrowers in the decision-making processes related to all aspects of the management and administration of the Federal student financial assistance programs authorized under title IV.

"(B) To improve service to students and other participants in the Federal student financial assistance programs authorized under title IV.

"(C) To make such programs more understandable to students and their families.

"(D) To increase the efficiency and effectiveness of such programs for students and their families.

"(E) To manage the costs of administering such programs.

"(F) To increase the accountability of the officials responsible for administering the operational aspects of such programs.

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

"(H) To provide greater flexibility in the management and administration of such programs.

"(I) To implement open, common, integrated systems for the delivery of Federal student financial assistance programs authorized under title IV.

"(J) To develop and maintain a student financial assistance system that contains complete, accurate, and timely data to ensure program integrity.

"(K) To increase transparency in the operations and outcomes of Federal student financial assistance programs authorized under title IV.";

(2) in subsection (b)—

(A) in paragraph (1)—

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

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

''(B) implement oversight and accountability measures to ensure that the PBO carries out its duties under this section efficiently, effectively, and in a manner that accomplishes the purposes specified in subsection (a)(2);'';

(B) in paragraph (2)(A)—

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

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

''(ii) in accordance with paragraph (3), the collection, publication, and sharing of aggregate and longitudinal data that may be used to evaluate Federal student financial assistance programs authorized under title IV, including the outcomes such programs achieve;''; and

(iii) in clause (vii), as so redesignated, by inserting '', including oversight of institutions, contractors, and third party

servicers that participate in such programs'' after ''title IV'' ;

(C) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

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

''(3) COLLECTION, SHARING, AND PUBLICATION OF DATA.—

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

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

''(C) RESEARCH.—The Commissioner of the National Center for Education Statistics shall ensure the data shared under subparagraph (B) is made available, with direct identifiers removed and with appropriate restrictions to ensure data privacy and security, for vetted research and evaluation purposes in a manner

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

"(D) PUBLICATION.—

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

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

"(I) student-level data; or

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

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

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

"(1) PERFORMANCE PLAN.—

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

lege Affordability Act, and not less than once every five years thereafter, the Secretary and Chief Operating Officer shall agree on a performance plan for the PBO for the succeeding 5 years that—

"(i) establishes measurable quantitative and qualitative goals and objectives for the organization; and

"(ii) aligns such goals and objectives with the purposes specified in subsection (a)(2).

"(B) CONSULTATION.—In developing the five-year performance plan and any revision to the plan, the Secretary and the Chief Operating Officer shall consult with students, institutions, Congress, contractors, the Borrower Advocate, student aid experts, including consumer advocacy and research groups, the Director of the Bureau of Consumer Financial Protection, State attorneys general, and other relevant parties.

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

sultation required under subparagraph (B) that are accepted by the Secretary and the Chief Operating Officer.

"(D) AREAS.—The plan developed under subparagraph (A) shall address the responsibilities of the PBO in the following areas:

"(i) Improving service to students and other participants in the Federal student financial assistance programs authorized under title IV, including making those programs more understandable and accessible to students and their families.

"(ii) Managing the costs and increasing the efficiency of such programs.

"(iii) Improving, integrating, and investing in the systems that support such programs.

"(iv) Developing open, common, and integrated systems for such programs.

"(v) The collection, publication, and sharing of data on such programs as described in subsection (b)(3).

"(vi) Improving performance standards and outcomes with respect to institutions, contractors, and third party servicers

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

"(vii) Any other areas identified by the Secretary.

"(E) PUBLIC AVAILABILITY.—Each plan developed under subparagraph (A) shall be made available on a publicly accessible website of the Department of Education.

"(2) ANNUAL REPORT.—

"(A) REPORT REQUIRED.—Not later than one year after the date of the enactment of the College Affordability Act and annually thereafter, the Secretary, acting through the Chief Operating Officer, shall submit to Congress an annual report on the performance of the PBO.

"(B) CONTENTS.—The annual report shall include the following:

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

"(ii) A summary of the consultation process under paragraph (1)(B) for the

1 preceding year, including the recommenda-
2 tions that were accepted or denied by the
3 Chief Operating Officer during such year,
4 and the rationale for accepting or denying
5 such recommendations.
6 ''(iii) An independent financial audit
7 of the expenditures of both the PBO and
8 the programs administered by the PBO.
9 ''(iv) A summary of the actions taken
10 by the PBO to address—
11 ''(I) the findings of the audit de-
12 scribed in clause (iii); and
13 ''(II) consumer feedback.
14 ''(v) Financial and performance re-
15 quirements applicable to the PBO under—
16 ''(I) the Chief Financial Officers
17 Act of 1990 (Public Law 101–576);
18 or
19 ''(II) the Government Perform-
20 ance and Results Act of 1993 (Public
21 Law 103–62).
22 ''(vi) The results achieved by the PBO
23 during the preceding year and whether
24 such results met the goals specified in the
25 performance plan under paragraph (1).

1 ''(vii) With respect to the preceding
2 year, the evaluation rating of the perform-
3 ance of the Chief Operating Officer and
4 senior managers under subsections (d)(5)
5 and (e)(2), including the amounts of bonus
6 compensation awarded to the Chief Oper-
7 ating Officer and senior managers.
8 ''(viii) Recommendations for legisla-
9 tive and regulatory changes to improve
10 service to students and their families, and
11 to improve the efficiency and integrity of
12 Federal student financial assistance pro-
13 grams authorized under title IV.
14 ''(ix) Financial statements that pro-
15 vide a rationale for appropriately funding
16 the activities of the PBO.
17 ''(x) A summary of the management
18 and compliance of contractors managed by
19 the PBO in the preceding year, including
20 corrective actions taken by the PBO with
21 respect to such contractors.
22 ''(xi) A description of how the PBO
23 used the authority under paragraph (5) of
24 subsection (b) for making personnel and
25 procurement decisions in the preceding

year, including the number of individuals hired through such authority and the bonuses provided to staff during such year.

''(xii) A summary of the oversight activities of institutions, contractors, and third party servicers that participate in the Federal student financial assistance programs authorized under title IV including—

''(I) fines levied on such institutions, contractors, and third party servicers, disaggregated by entity;

''(II) instances of fraud or misrepresentation by such institutions, contractors, or third party servicers;

''(III) violations of provisions in this Act by such institutions, contractors, or third party servicers disaggregated by entity and type of violation.

''(xiii) A summary of any improvements made with respect to transparency and any new types of data made available in the preceding year.

"(xiv) A description of the progress made in the preceding year towards the specific measurable organization and individual goals specified in subsection (d)(5)(A).

"(xv) The report submitted to the Secretary under subsection (f)(7).

"(xvi) Other such information as the Director of the Office of Management and Budget shall prescribe for performance based organizations.

"(3) CONSULTATION WITH STAKEHOLDERS.—The Chief Operating Officer, in preparing the annual report described in paragraph (2), shall establish appropriate means to consult with students, borrowers, institutions, student aid experts, including consumer advocacy and research groups, the Director of the Bureau of Consumer Financial Protection, and others involved in the delivery and evaluation of student aid under title IV—

"(A) regarding the degree of satisfaction with the delivery system; and

"(B) to seek suggestions on means to improve the performance of the delivery system.

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

"(A) the experiences of students and borrowers are accounted for in decision making; and

"(B) that contractors, lenders, and guaranty agencies and third party servicers are adhering to the requirements of title IV, the terms of any contract with the Secretary, consumer protection laws, Federal regulations and guidelines, and directives of the PBO.

"(5) COORDINATION WITH THE DIRECTOR OF THE BUREAU OF CONSUMER FINANCIAL PROTECTION.—Not later than 180 days after the date of the enactment of the College Affordability Act, the Secretary shall enter into a memorandum of understanding with the Private Education Loan Ombudsman in accordance with section 1035(c)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5535(c)(2)).".

(4) in subsection (d)—

(A) in paragraph (1), by striking ''management ability'' and all that follows through the period at the end and inserting ''management ability, including contractor management, expertise in the Federal student financial assistance programs authorized under title IV, experience with financial systems, and knowledge of consumer financial protection laws, and without regard to political affiliation or activity.'';

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

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

''(2) RESTRICTIONS.—

''(A) PRESERVICE AND IN-SERVICE RESTRICTIONS.—An individual may not serve as the Chief Operating Officer if such individual—

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

''(ii) was employed by, or had a financial interest in, any such entity in any of the five years preceding the date of the individual's appointment as the Chief Operating Officer.

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

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

(i) in subparagraph (A)—

(I) by inserting "specific" before "measurable"; and

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

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

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

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

bonus, shall be based solely on the Secretary's evaluation of the performance of the Chief Operating Officer with respect to the goals set forth in the performance agreement as described in paragraph (5)(A).";

(5) in subsection (e)(2), by striking "organization and individual goals" and inserting "specific, measurable organization and individual goals and the metrics used to measure progress toward such goals. Performance agreements for senior management responsible for procurement shall include metrics that measure ability to oversee contractors.";

(6) by amending subsection (f) to read as follows:

"(f) BORROWER ADVOCATE.—

"(1) IN GENERAL.—There is established in the PBO an 'Office of the Borrower Advocate' (referred to in this subsection as the 'Office'). The function of the Office shall be to provide timely assistance to borrowers of loans made, insured, or guaranteed under title IV by performing the duties described in paragraph (6).

"(2) HEAD OF OFFICE.—There shall be an official known as the 'Borrower Advocate' who shall serve as the head of the Office. The Borrower Advo-

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

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

"(4) RESTRICTIONS.—

"(A) PRESERVICE AND IN-SERVICE RESTRICTIONS.—An individual may not serve as the Borrower Advocate if such individual—

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

"(ii) was employed by, or had a financial interest in, any such entity in any of the five years preceding the date of the individual's appointment as the Borrower Advocate.

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

such individual's service as the Borrower Advocate terminated.

"(5) STAFF.—The Office shall be staffed sufficiently to carry out the responsibilities of the Office under this subsection.

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

"(A) assist borrowers of loans made, insured, or guaranteed under title IV in resolving problems with the PBO and its contractors or other agents, including by—

"(i) receiving and reviewing complaints of such problems from borrowers;

"(ii) working to resolve such complaints in a manner that is in the best interests of borrowers; and

"(iii) transmitting such complaints to States and recognized accrediting agencies or associations, as appropriate.

"(B) attempt to resolve complaints within the Department of Education and with institutions of higher education, lenders, guaranty agencies, loan servicers, and other participants in the Federal student loan programs author-

ized under title IV in a manner that will improve the experience of the borrower;

"(C) conduct impartial reviews regarding a student's independence under subparagraph (B) or (H) of section 480(d)(1), in consultation with knowledgeable parties, including institutions of higher education, child welfare agencies, local educational agency liaisons for homeless individuals designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii)), or State Coordinators for Education of Homeless Children and Youth established in accordance with section 722 of such Act (42 U.S.C. 11432);

"(D) compile and analyze data on borrower complaints and share such data with the Director of the Bureau of Consumer Financial Protection;

"(E) publish, with any personally identifiable information redacted, such complaints and responses of the Secretary to such complaints on the website of the Department; and

"(F) make appropriate recommendations to Congress, the Chief Operating Officer, and

Secretary with respect to Federal student loan programs authorized under title IV and the experiences of borrowers in repayment of loans under such programs.

"(7) PUBLIC INFORMATION.—The Chief Operating Officer shall establish and maintain a public page on the website of the Department of Education exclusively to provide members of the public with information about the role of the PBO with respect to the oversight of institutions of higher education, lenders, guaranty agencies, contractors that contract with the PBO, subcontractors of such contractors, and third party servicers.

"(8) REPORT.—On an annual basis, the Borrower Advocate shall submit to the Chief Operating Officer a report on the activities of the Office during the preceding year that—

"(A) identifies the activities carried out by the Borrower Advocate;

"(B) summarizes the complaints received from borrowers, including the number of such complaints, and explains the activities undertaken by the PBO to address such complaints;

"(C) proposes changes in the administrative practices of the PBO to mitigate problems experienced by borrowers; and

"(D) identifies potential legislative changes which may be appropriate to mitigate such problems.";

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

(8) by inserting after subsection (h) the following:

"(i) ENFORCEMENT UNIT.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the College Affordability Act, the Secretary shall establish within the PBO an enforcement unit (referred to in this section as the 'Unit') to review and investigate violations of this Act and recommend enforcement actions in accordance with paragraph (3).

"(2) CHIEF ENFORCEMENT OFFICER.—

"(A) APPOINTMENT.—The Secretary shall appoint an official to be known as the 'Chief Enforcement Officer' who shall serve as the head of the Unit. The Secretary shall appoint an individual to serve as the Chief Enforcement Officer solely on the basis of such individual's

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

"(B) AUTHORITY.—The Chief Enforcement Officer shall report directly to the Secretary without being required to report through any other official of the Department of Education.

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

"(D) REMOVAL.—

"(i) IN GENERAL.—The Chief Enforcement Officer may not be removed during the Officer's term except for cause.

"(ii) NOTICE TO CONGRESS.—If the Secretary removes the Chief Enforcement Officer before the expiration of the Officer's term, the Secretary shall submit to the authorizing committees a report that explains the reasons for such removal. The report shall be submitted to the authorizing committees not later than 30 days

after the date on which the removal takes effect.

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

"(A) Receive, process, and analyze allegations that a covered entity has violated Federal law or has engaged in unfair, deceptive, or abusive practices.

"(B) Review and investigate such allegations or refer such allegations to an entity described in subparagraphs (A) through (E) of paragraph (6).

"(C) After reviewing and investigating an allegation under subparagraph (B), in consultation with the Chief Operating Officer—

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

"(I) whether such covered entity should be limited, suspended, or terminated from participation in one or more programs under title IV;

1 ''(II) whether such covered entity
2 should be subject to an emergency ac-
3 tion under section 487(c)(1)(G);
4 ''(III) whether such covered enti-
5 ty should be subject to a civil penalty
6 described in section 487(c)(3)(B);
7 ''(IV) whether such covered enti-
8 ty should be subject to a criminal pen-
9 alty described in section 490; or
10 ''(V) whether such covered entity
11 should be subject to a combination of
12 any of the actions described in sub-
13 clauses (I) though (IV);
14 ''(ii) if the covered entity subject to
15 such allegation is an entity described in
16 clause (ii) of paragraph (8)(A), make rec-
17 ommendations with respect to such covered
18 entity, including whether such covered en-
19 tity should be limited, suspended, or termi-
20 nated from administering or providing
21 services with respect to one or more pro-
22 grams under title IV; and
23 ''(iii) provide the Secretary with such
24 recommendations.

1 "(4) SECRETARIAL REVIEW AND ACTION.—
2 After receiving notice of a determination of the Chief
3 Enforcement Officer under paragraph (3)(C), the
4 Secretary shall decide whether or not to pursue en-
5 forcement action against the entity concerned, in ac-
6 cordance with the procedures established under sec-
7 tion 487(c)(3). In a case in which the Chief Enforce-
8 ment Officer recommends enforcement action
9 against an entity, but the Secretary decides not to
10 pursue such enforcement action, the Secretary shall
11 notify the Chief Enforcement Officer, in writing, of
12 the rationale for such decision.
13 "(5) COORDINATION AND STAFFING.—The
14 Chief Enforcement Officer shall—
15 "(A) coordinate with relevant Federal and
16 State agencies and oversight bodies; and
17 "(B) hire staff with the expertise necessary
18 to conduct investigations, respond to allegations
19 against covered entities, and enforce compliance
20 with laws governing Federal student financial
21 assistance programs under title IV.
22 "(6) INFORMATION SHARING.—The Chief En-
23 forcement Officer shall develop and implement a
24 process for sharing relevant information about alle-
25 gations against covered entities with—

1 "(A) the Borrower Advocate appointed
2 under subsection (f);
3 "(B) personnel of the Department on re-
4 sponsible for processing borrower defense
5 claims submitted under section 493H;
6 "(C) other relevant Federal agencies;
7 "(D) States, including State law enforce-
8 ment and regulatory agencies; and
9 "(E) recognized accrediting agencies or as-
10 sociations.
11 "(7) REPORT TO CONGRESS.—On an annual
12 basis, the Chief Enforcement Officer shall submit to
13 the authorizing committees a report that includes—
14 "(A) the number of allegations about cov-
15 ered entities received by Unit in the year cov-
16 ered by the report;
17 "(B) the number of such allegations inves-
18 tigated by the Unit;
19 "(C) the number of such allegations that
20 were referred to the Secretary under paragraph
21 (3)(C) and a summary of any action taken by
22 the Secretary with respect to such allegations;
23 "(D) the number of such allegations that
24 were referred to other Federal agencies and the

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

"(E) the number of such allegations that remain under review or investigation as of the date of the report.

"(8) DEFINITIONS.—In this subsection:

"(A) COVERED ENTITY.—In this subsection, the term 'covered entity' means—

"(i) an institution of higher education (as defined in section 102) that participates in the Federal student financial assistance programs authorized under title IV;

"(ii) a contractor that contracts with the PBO to provide services relating to such programs, or a subcontractor of such contractor; or

"(iii) a third party servicer.

"(B) THIRD PARTY SERVICER.—the term 'third party servicer' has the meaning given that term in section 481(c).".

TITLE II—TEACHER QUALITY ENHANCEMENT

PART A—TEACHER AND SCHOOL LEADER QUALITY PARTNERSHIP GRANTS

SEC. 2001. DEFINITIONS.

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

"SEC. 200. DEFINITIONS.

''Except as otherwise provided, in this title:

''(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

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

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

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

"(3) CHILDREN FROM LOW-INCOME FAMILIES.—The term 'children from low-income families' means children described in section 1124(c)(1)(A) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)(1)(A)).

"(4) COMPREHENSIVE LITERACY INSTRUCTION.—The term 'comprehensive literacy instruction' has the meaning given the term in section 2221(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6641(b)(1)).

"(5) DIGITAL LEARNING.—The term 'digital learning' has the meaning given the term in section 4102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7112).

"(6) DIVERSE TEACHER CANDIDATES.—The term 'diverse teacher candidates' means teacher candidates who are—

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

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

"(7) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an individual with primary responsibility for the education of children in an early childhood education program.

"(8) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(9) EDUCATOR.—The term 'educator' means a teacher, principal or other school leader, specialized instructional support personnel, or other staff member who provides or directly supports instruction, such as a school librarian, counselor, or paraprofessional.

"(10) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an entity—

"(A) that—

"(i) shall include—

"(I) a high-need local educational agency;

"(II)(aa) a high-need school or a consortium of high-need schools served by such high-need local educational agency; or

"(bb) as applicable, a high-need early childhood education program;

"(III) a partner institution;

1 ''(IV) a school, department, or
2 program of education within such
3 partner institution, which may include
4 an existing teacher professional devel-
5 opment program with proven out-
6 comes within a four-year institution of
7 higher education that provides inten-
8 sive and sustained collaboration be-
9 tween faculty and local educational
10 agencies consistent with the require-
11 ments of this title; and
12 ''(V) a school or department of
13 arts and sciences within such partner
14 institution; or
15 ''(ii) shall include—
16 ''(I)(aa) a partner education in-
17 stitution;
18 ''(bb) a school, department, or
19 program of education within such
20 partner institution, which may include
21 an existing teacher professional devel-
22 opment program with proven out-
23 comes within a four-year institution of
24 higher education that provides inten-
25 sive and sustained collaboration be-

tween faculty and local educational agencies consistent with the requirements of this title; or

''(cc) a school or department of arts and sciences within such partner institution; and

''(II) a State educational agency that will serve to place graduates of partnership programs into high-need local educational agencies, schools, or early childhood programs, or schools that have been identified for comprehensive support and improvement under section 1111(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(d)(2)); and

''(B) that may include any of the following:

''(i) The Governor of the State.

''(ii) The State educational agency.

''(iii) The State board of education.

''(iv) The State agency for higher education.

''(v) A public or private nonprofit educational organization.

1 ''(vi) An educational service agency.
2 ''(vii) A public school teacher, prin-
3 cipal, or school leader organization.
4 ''(viii) A high-performing local edu-
5 cational agency, or a consortium of such
6 local educational agencies, that can serve
7 as a resource to the partnership.
8 ''(ix) A charter school (as defined in
9 section 4310 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C.
11 7221i)).
12 ''(x) A school or department within
13 the partner institution that focuses on psy-
14 chology and human development.
15 ''(xi) A school or department within
16 the partner institution for teacher or
17 school leader preparation with comparable
18 expertise in the disciplines of teaching,
19 learning, and child and adolescent develop-
20 ment.
21 ''(xii) An entity operating a program
22 that provides alternative routes to State
23 certification of teachers or principals.
24 ''(11) ENGLISH LEARNER.—The term 'English
25 learner' has the meaning given the term in section

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

"(12) EVIDENCE-BASED.—The term 'evidence-based' has the meaning given the term in subclauses (I) and (II) of section 8101(21)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(21)(A)).

"(13) EVIDENCE OF STUDENT LEARNING.—The term 'evidence of student learning' means multiple measures of student learning that include the following:

"(A) Valid and reliable student assessment data, which may include data—

"(i) on student learning gains on statewide academic assessments under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965;

"(ii) from student academic achievement assessments used at the national, State, or local levels, where available and appropriate for the curriculum and students taught;

"(iii) from classroom-based summative assessments; and

"(iv) from high quality validated performance-based assessments that are aligned with challenging State academic standards adopted under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1)).

"(B) Not less than one of the following additional measures:

"(i) Student work, including measures of performance criteria and evidence of student growth.

"(ii) Teacher-generated information about student goals and growth.

"(iii) Parental feedback about student goals and growth.

"(iv) Student feedback about learning and teaching supports.

"(v) Assessments of affective engagement and self-efficacy.

"(vi) Other appropriate measures, as determined by the State.

"(14) FOSTER CARE.—

"(A) IN GENERAL.—The term 'foster care' means 24-hour substitute care for a child

placed away from the child's parents or guardians and for whom the State agency has placement and care responsibility. The term includes care through a placement in a foster family home, a foster home of a relative, a group home, an emergency shelter, a residential facility, a child care institution, or a pre-adoptive home.

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

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

"(ii) adoption subsidy payments are being made prior to the finalization of an adoption; or

"(iii) Federal matching funds for any payments described in clause (i) or (ii) are being made.

"(15) HIGH-NEED EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'high-need early childhood education program' means an early childhood education program serving children from low-income

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

"(16) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency—

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

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

"(iii) that meets the eligibility requirements for funding under the Small, Rural School Achievement Program under section 5211(b) of the Elementary and Secondary Education Act of 1965 or the Rural and Low-Income School Program under section 6221(b) of such Act; or

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

"(B)(i) for which one or more schools served by the agency is identified by the State for comprehensive supports and interventions under section 1111(c)(4)(D)(i) of the Elementary and Secondary Education Act of 1965; or

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

"(17) HIGH-NEED SCHOOL.—

"(A) IN GENERAL.—The term 'high-need school' means a school that, based on the most recent data available, is—

"(i) an elementary school, in which not less than 60 percent of students are eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act;

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

"(iii) identified for comprehensive support and improvement under section 1111(c)(4)(D) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(4)(D)), targeted support and improvement under section 1111(d)(2) of

such Act (20 U.S.C. 6311(d)(2)), or additional targeted support under section 1111(d)(2)(C) of such Act (20 U.S.C. 6311(d)(2)(C)).

"(B) SPECIAL RULE.—

"(i) DESIGNATION BY THE SECRETARY.—The Secretary may, upon approval of an application submitted by an eligible partnership seeking a grant under this title, designate a school that does not qualify as a high-need school under subparagraph (A) as a high-need school for the purpose of this title. The Secretary shall base the approval of an application for designation of a school under this clause on a consideration of the information required under clause (ii), and may also take into account other information submitted by the eligible partnership.

"(ii) APPLICATION REQUIREMENTS.—An application for designation of a school under clause (i) shall include—

"(I) the number and percentage of students attending such school who are—

"(aa) aged 5 through 17 in poverty counted in the most recent census data approved by the Secretary;

"(bb) eligible for a free or reduced price school lunch under the Richard B. Russell National School Lunch Act;

"(cc) in families receiving assistance under the State program funded under part A of title IV of the Social Security Act; or

"(dd) eligible to receive medical assistance under the Medicaid program;

"(II) information about the student academic achievement of students at such school; and

"(III) for a secondary school, the four-year adjusted cohort graduation rate for such school.

"(18) HIGHLY COMPETENT.—The term 'highly competent', when used with respect to an early

1 childhood educator, means an early childhood educa-
2 tor—
3 ''(A) with specialized education and train-
4 ing in development and education of young chil-
5 dren from birth until entry into kindergarten or
6 a specialization in infants and toddlers or pre-
7 school children;
8 ''(B) with a baccalaureate degree in an
9 academic major in an early childhood or related
10 field; and
11 ''(C) who has demonstrated a high level of
12 knowledge and use of content and pedagogy in
13 the relevant areas associated with quality early
14 childhood education.
15 ''(19) HOMELESS CHILD.—The term 'homeless
16 child' means an individual who is a homeless child
17 or youth under section 725 of the McKinney-Vento
18 Homeless Assistance Act (42 U.S.C. 11434a).
19 ''(20) INDUCTION PROGRAM.—The term 'induc-
20 tion program' means a formalized program for new
21 teachers, principals, or school leaders, during not
22 less than the teachers', principals, or school leaders'
23 first 2 years of, respectively, teaching or leading,
24 that is designed to provide support for, and improve
25 the professional performance and increase the reten-

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

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

"(B) Periodic, structured time for collaboration, including with mentors, as well as time for information-sharing among teachers, principals, other school leaders and administrators, other appropriate instructional staff, and participating faculty or program staff in the partner institution.

"(C) The application of evidence-based instructional practices.

"(D) Opportunities for new teachers, principals, or school leaders to draw directly on the expertise of mentors, faculty or program staff, and researchers, including through mentor observation and feedback, to support the integration of evidence-based research and practice.

"(E) The development of skills in evidence-based instructional and behavioral supports and interventions.

"(F) Faculty or program staff who—

"(i) model the integration of research and practice in the classroom and school; and

"(ii) as appropriate, assist new teachers or school leaders with the effective use and integration of educational technology and the principles of universal design for learning into the classroom or school.

"(G) Interdisciplinary collaboration among teacher leaders or school leaders, faculty or program staff, researchers, and other staff who prepare new teachers or school leaders with respect to, as applicable, the learning process, the assessment of learning, or the leadership of a school.

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

1 ''(I) Regular and structured observation
2 and evaluation of new teachers, principals, or
3 other school leaders that are based in part on
4 evidence of student learning, shall include mul-
5 tiple measures of educator performance, and
6 shall provide clear, timely, and useful feedback
7 to teachers, principals, or other school leaders
8 to be used to improve instruction, as applicable.
9 ''(J) With respect to a principal induction
10 program, the development of local-educational-
11 agency-wide systems such as rigorous leader
12 standards, continuous ongoing identification of
13 goals for improvement, and support for achiev-
14 ing those goals.
15 ''(K) The development of skills in improv-
16 ing the school culture and climate related to
17 school leadership and the role of the principal,
18 including to—
19 ''(i) nurture teacher and staff develop-
20 ment to strengthen classroom practice;
21 ''(ii) build and sustain an inclusive
22 culture of learning among adults and chil-
23 dren;
24 ''(iii) strengthen communications and
25 relationships with teachers, parents, care-

1 givers, paraprofessionals, and community
2 stakeholders;
3 ''(iv) facilitate the sharing of knowl-
4 edge, insight, and best practices in the
5 community served by the school, preschool
6 program, or early childhood education pro-
7 gram, including with youth serving pro-
8 grams (such as before- and after-school
9 and summer programs); and
10 ''(v) build relationships and commu-
11 nicate effectively with State and local edu-
12 cational agency officials.
13 ''(21) INFANT OR TODDLER WITH A DIS-
14 ABILITY.—The term 'infant or toddler with a dis-
15 ability' has the meaning given the term in section
16 632 of the Individuals with Disabilities Education
17 Act (20 U.S.C. 1432).
18 ''(22) MENTORING.—The term 'mentoring'
19 means the mentoring or coaching of new or prospec-
20 tive teachers, principals, or school leaders through a
21 program that—
22 ''(A) includes clear criteria for the selec-
23 tion of teacher, principal, or school leader men-
24 tors who may be program staff and who will
25 provide role model relationships for mentees,

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

''(B) provides high-quality training for such mentors, including instructional strategies for culturally relevant teaching practices, literacy instruction and classroom management (including approaches that improve the schoolwide climate for learning, create inclusive classroom environments, and address the social and emotional needs of students, which may include positive behavioral interventions and supports);

''(C) provides regular and ongoing opportunities for mentors and mentees to observe each other's teaching or leading methods in classroom or school settings during the day in a high-need school in the high-need local educational agency in the eligible partnership;

''(D) provides paid release time for mentors;

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

1 ''(F) for teachers, promotes empirically-
2 based practice of, and evidence-based research
3 on, where applicable—
4 ''(i) teaching and learning;
5 ''(ii) assessment of student learning;
6 ''(iii) the development of teaching
7 skills through the use of instructional and
8 behavioral interventions; and
9 ''(iv) the improvement of the mentees'
10 capacity to measurably advance student
11 learning; and
12 ''(G) includes—
13 ''(i) common planning time or regu-
14 larly scheduled collaboration for the men-
15 tor and mentee; and
16 ''(ii) as applicable, joint professional
17 development opportunities.
18 ''(23) PARENT.—The term 'parent' has the
19 meaning given the term in section 8101 of the Ele-
20 mentary and Secondary Education Act of 1965.
21 ''(24) PARTNER INSTITUTION.—The term 'part-
22 ner institution' means an institution of higher edu-
23 cation, which may include a 2-year institution of
24 higher education offering a dual program with a 4-
25 year institution of higher education, participating in

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

"(A) in the case of a teacher preparation program—

"(i) whose graduates exhibit strong performance on State-determined qualifying assessments for new teachers through—

"(I) demonstrating that 80 percent or more of the graduates of the program who intend to enter the field of teaching have passed all of the applicable State qualification assessments for new teachers, which shall include an assessment of each prospective teacher's subject matter knowledge in the content area in which the teacher intends to teach; or

"(II) that is not designated as a low-performing teacher preparation program in the State as determined by the State—

"(aa) using criteria consistent with the requirements for

the State assessment under section 207(a) before the first publication of such report card; and

''(bb) using the State assessment required under section 207(a), after the first publication of such report card and for every year thereafter; and

''(ii) that requires—

''(I) each student in the program to meet high academic standards or demonstrate a record of success, as determined by the institution (including prior to entering and being accepted into a program), and participate in intensive clinical experience;

''(II) each student in the program preparing to become a teacher who meets the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section

612(a)(14)(C) of the Individuals with Disabilities Education Act; and

"(III) each student in the program preparing to become an early childhood educator to become highly competent; and

"(B) in the case of a school leader preparation program—

"(i) whose graduates exhibit a strong record of successful school leadership as demonstrated by—

"(I) a high percentage of such graduates taking positions as assistant principals and principals within 3 years of completing the program; and

"(II) a high percentage of such graduates rated effective or above in State school leader evaluation and support systems (as described in section 2101(c)(4)(B)(ii) of the Elementary and Secondary Education Act of 1965) or, if no such ratings are available, other, comparable indicators of performance; and

"(ii) that requires each student in the program to participate in intensive clinical experience in an authentic setting (including by assuming substantial leadership responsibilities) in which the student can be evaluated on leadership skills and the student's effect on student outcomes as part of program completion.

"(25) PROFESSIONAL DEVELOPMENT.—The term 'professional development' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

"(26) PROFESSION-READY.—The term 'profession-ready'—

"(A) when used with respect to a principal or other school leader, means a principal or other school leader who—

"(i) has an advanced degree, or other appropriate credential;

"(ii) has completed a principal or other school leader preparation process and is fully certified and licensed by the State in which the principal or other school leader is employed;

1 ''(iii) has demonstrated instructional
2 leadership, including the ability to collect,
3 analyze, and utilize data on evidence of
4 student learning and evidence of classroom
5 practice;
6 ''(iv) has demonstrated proficiency in
7 professionally recognized leadership stand-
8 ards, such as through—
9 ''(I) a performance assessment;
10 ''(II) completion of a residency
11 program; or
12 ''(III) other measures of leader-
13 ship effectiveness, as determined by
14 the State; and
15 ''(v) has demonstrated the ability to
16 work with students who are culturally and
17 linguistically diverse;
18 ''(B) when used with respect to a teacher,
19 means a teacher who—
20 ''(i) has completed a teacher prepara-
21 tion program and is fully certified and li-
22 censed to teach by the State in which the
23 teacher is employed;
24 ''(ii) has a baccalaureate degree or
25 higher;

1 ''(iii) has demonstrated content
2 knowledge in the subject or subjects the
3 teacher teaches;
4 ''(iv) has demonstrated the ability to
5 work with students who are culturally and
6 linguistically diverse;
7 ''(v) has demonstrated teaching skills,
8 such as through—
9 ''(I) a teacher performance as-
10 sessment; or
11 ''(II) other measures of teaching
12 skills, as determined by the State; and
13 ''(vi) has demonstrated proficiency
14 with the use of educational technology; and
15 ''(C) when used with respect to any other
16 educator not described in subparagraph (A) or
17 (B), means an educator who has completed an
18 appropriate preparation program and is fully
19 certified or licensed by the State in which the
20 educator is employed.
21 ''(27) RESIDENCY PROGRAM.—The term 'resi-
22 dency program' means a school-based educator prep-
23 aration program in which a prospective teacher,
24 principal, or other school leader—

1 ''(A) for 1 academic year, works alongside
2 a mentor teacher, principal, or other school
3 leader who is—
4 ''(i) the educator of record; and
5 ''(ii) is rated as effective or above in
6 the State's school leader evaluation and
7 support system (as described in section
8 2101(c)(4)(B)(ii) of the Elementary and
9 Secondary Education Act of 1965 (20
10 U.S.C. 6611(c)(4)(B)(ii))) or, if no such
11 ratings are available, other, on comparable
12 indicators of performance;
13 ''(B) receives concurrent instruction during
14 the year described in subparagraph (A) from
15 the partner institution, which may be courses
16 taught by local educational agency personnel or
17 residency program faculty, in, as applicable—
18 ''(i) the teaching of the content area
19 in which the teacher will become certified
20 or licensed;
21 ''(ii) pedagogical practices; and
22 ''(iii) leadership, management, organi-
23 zational, and instructional skills necessary
24 to serve as a principal or other school lead-
25 er;

1 ''(C) acquires effective teaching or leader-
2 ship skills; and
3 ''(D) prior to completion of the program,
4 attains full State teacher, principal, or school
5 leader certification or licensure, and becomes
6 profession-ready.
7 ''(28) SCHOOL LEADER.—The term 'school
8 leader' has the meaning given the term in section
9 8101 of the Elementary and Secondary Education
10 Act of 1965.
11 ''(29) SCHOOL LEADER PREPARATION ENTI-
12 TY.—The term 'school leader preparation entity'
13 means an institution of higher education or a non-
14 profit organization, including those institutions or
15 organizations that provide alternative routes to cer-
16 tification, that is approved by the State to prepare
17 school leaders to be effective.
18 ''(30) SCHOOL LEADER PREPARATION PRO-
19 GRAM.—The term 'school leader preparation pro-
20 gram' means a program offered by a school leader
21 preparation entity, whether a traditional or alter-
22 native route, that is approved by the State to pre-
23 pare school leaders to be effective and that leads to
24 a specific State certification to be a school leader.

1 ''(31) SCHOOL LEADER SKILLS.—The term
2 'school leader skills' refers to evidenced-based com-
3 petencies for principals and other school leaders
4 such as—
5 ''(A) shaping a vision of academic success
6 for all students;
7 ''(B) creating a safe and inclusive learning
8 environment;
9 ''(C) cultivating leadership in others;
10 ''(D) improving instruction; and
11 ''(E) managing people, data, and processes
12 to foster school improvement.
13 ''(32) TEACHER LEADER.—The term 'teacher
14 leader' means an effective educator who carries out
15 formalized leadership responsibilities based on the
16 demonstrated needs of the elementary school or sec-
17 ondary school in which the teacher is employed,
18 while maintaining a role as a classroom instructor
19 who—
20 ''(A) is trained in and practices teacher
21 leadership; and
22 ''(B) fosters a collaborative culture to—
23 ''(i) support educator development, ef-
24 fectiveness, and student learning;

1 ''(ii) support access and use research
2 to improve practice and student learning;
3 ''(iii) promote professional learning
4 for continuous improvement;
5 ''(iv) facilitate improvements in in-
6 struction and student learning; promote
7 the appropriate use of assessments and
8 data for school and district improvement;
9 ''(v) improve outreach and collabora-
10 tion with families and community;
11 ''(vi) advance the profession by shap-
12 ing and implementing policy;
13 ''(vii) advocate for increased access to
14 great teaching and learning for all stu-
15 dents; and
16 ''(viii) demonstrate cultural com-
17 petencies and provide instruction and sup-
18 port as such.
19 ''(33) TEACHING SKILLS.—The term 'teaching
20 skills' means skills that enable a teacher to—
21 ''(A) increase student learning, achieve-
22 ment, and the ability to apply knowledge;
23 ''(B) effectively convey, explain, and pro-
24 vide opportunities for students to develop the
25 skills aligned with the full depth and breadth of

the State challenging academic standards, including the application of academic subject matter;

''(C) effectively teach higher-order analytical, evaluation, problem-solving, critical thinking, social and emotional, collaboration, and communication skills;

''(D) employ strategies grounded in the disciplines of teaching and learning that—

''(i) are based on empirically-based practice and evidence-based research, where applicable, related to teaching and learning;

''(ii) are specific to academic subject matter; and

''(iii) focus on the identification of students' specific learning needs, particularly students with disabilities, students who are English learners, students who are gifted and talented, and students with low literacy levels, and the tailoring of academic instruction to such needs;

''(E) design and conduct ongoing assessments of student learning, which may include the use of formative assessments, performance-

based assessments, project-based assessments, or portfolio assessments, that measures higher-order thinking skills (including application, analysis, synthesis, and evaluation) and use this information to inform and personalize instruction;

''(F) support the social, emotional, and academic achievement of all students including effectively manage a classroom creating a positive and inclusive classroom environment, including the ability to implement positive behavioral interventions, trauma-informed care, and other support strategies;

''(G) support an inclusive learning environment through culturally responsive teaching;

''(H) support technology-rich instruction, assessment and learning management in content areas, technology literacy, and understanding of the principles of universal design;

''(I) demonstrate proficiency with the use of educational technology;

''(J) communicate and work with families, and involve families in their children's education; and

1 "(K) use, in the case of an early childhood
2 educator or an educator at the elementary
3 school or secondary school level, age-appropriate
4 and developmentally appropriate strategies and
5 practices for children and youth in early child-
6 hood education and elementary school or sec-
7 ondary school programs, respectively.
8 "(34) TEACHER PERFORMANCE ASSESSMENT.—
9 The term 'teacher performance assessment' means a
10 pre-service assessment used to measure teacher per-
11 formance that is approved by the State and is—
12 "(A) based on professional teaching stand-
13 ards;
14 "(B) used to measure the effectiveness of
15 a teacher's—
16 "(i) curriculum planning;
17 "(ii) instruction of students, including
18 appropriate plans and modifications for
19 students who are limited English proficient
20 and students who are children with disabil-
21 ities;
22 "(iii) assessment of students, includ-
23 ing analysis of evidence of student learn-
24 ing;

1 ''(iv) ability to advance student learn-
2 ing; and
3 ''(v) demonstrate cultural com-
4 petencies through curriculum planning and
5 instruction.
6 ''(C) validated based on professional as-
7 sessment standards;
8 ''(D) reliably scored by trained evaluators,
9 with appropriate oversight of the process to en-
10 sure consistency; and
11 ''(E) used to support continuous improve-
12 ment of educator practice.
13 ''(35) TEACHER PREPARATION ENTITY.—The
14 term 'teacher preparation entity' means an institu-
15 tion of higher education, a nonprofit organization, or
16 other organization that is approved by a State to
17 prepare teachers to be effective in the classroom.
18 ''(36) TEACHER PREPARATION PROGRAM.—The
19 term 'teacher preparation program' means a pro-
20 gram offered by a teacher preparation entity that
21 leads to a specific State teacher certification.
22 ''(37) TRAUMA-INFORMED CARE.—The term
23 'trauma-informed care' is defined as the evidence-
24 based practices outlined in section 4108(B)(II)(aa)

of the Elementary and Secondary Education Act of 1965.''.

SEC. 2002. PURPOSES.

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

(1) in paragraph (2), by striking ''by improving the preparation of prospective teachers and enhancing professional development activities for new teachers'' and inserting '', school leaders, including teacher leaders, and other educators by improving the preparation of prospective teachers, school leaders, and other educators and enhancing professional development activities for new teachers, school leaders, and other educators'';

(2) in paragraph (3), by striking ''; and'' and inserting a semicolon;

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

''(4) hold teacher, principal and school leader, and other educator preparation programs accountable for preparing effective teachers, principals and school leaders, and other educators;

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

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

''(6) meet the staffing needs of high-need local educational agencies and high-need schools through close partnerships with educator preparation programs within institutions of higher education.''.

SEC. 2003. PARTNERSHIP GRANTS.

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

(1) in subsection (b)—

(A) in paragraph (1), by inserting ''equitable distribution,'' after ''professional development,'';

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

''(2) a description of the extent to which the program to be carried out with grant funds, as described in subsection (c), will prepare prospective teachers, school leaders, and new educators with strong teaching, school leadership, and other professional skills necessary to increase learning and academic achievement;'';

(C) in paragraph (3), by inserting ", school leaders, and other educators," after "new teachers";

(D) in paragraph (4)—

(i) in subparagraph (A), by inserting ", school leader, and other educator" after "other teacher"; and

(ii) in subparagraph (B), by inserting ", school leader, and other educator" after "promote teacher";

(E) in paragraph (6)—

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

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

"(F) how the partnership will prepare educators to teach and work with students with disabilities, including training related to early identification of students with disabilities and participation as a member of individualized education program teams, as defined in section 614(d)(1)(B) of the Individuals with Disabilities Education Act to ensure that students with disabilities receive effective services, consistent

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

''(G) how the partnership will prepare educators to teach and work with students who are English learners to ensure that students who are English learners receive the services that are needed for such students to achieve to challenging State academic standards;

''(H) in the case of activities related to principal and school leader preparation programs, how the partnership will prepare principals and other school leaders to foster instruction that supports the success of all students, including students with disabilities, students who are English learners, and students in early childhood education in alignment with State early learning standards for early childhood education programs;

''(I) how faculty at the partner institution will work, during the term of the grant, with mentor educators in the classrooms and administrators of high-need schools served by the

high-need local educational agency in the partnership to—

"(i) provide high-quality professional development activities to strengthen the content knowledge and teaching skills of elementary school and secondary school teachers and other educators, including multi-tiered systems of support and universal design for learning;

"(ii) train other classroom teachers, principals or other school leaders, school librarians, and other educators to implement literacy programs that incorporate the components of comprehensive literacy instruction; and

"(iii) provide evidence-based, high-quality professional development activities to strengthen the instructional and leadership skills of elementary school and secondary school principals or other school leaders and district superintendents, if the partner institution has a principal or school leader preparation program;";

(iii) in subparagraph (J) (as so redesignated), by inserting ''as applicable'' before ''how the partnership'';

(iv) in subparagraph (K) (as so redesignated)—

(I) by inserting '', principals or other school leaders'' after ''teachers''; and

(II) by striking ''and'' at the end; and

(v) by inserting after subparagraph (K) (as so resdesignated) the following:

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

''(i) State to use rigorous, research-based leader standards and align program accreditation criteria and principal licensure requirements with those standards; and

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

cational agencies' evaluation systems with those standards; and''.

(F) in paragraph (7)—

(i) in the matter before subparagraph (A), by striking ''under this section'' and inserting ''under paragraphs (1)(B)(iv) and (3) of subsection (d)'';

(ii) in subparagraph (A), by inserting ''as applicable,'' before ''a demonstration''; and

(iii) in subparagraph (B), by striking ''scientifically valid'' and inserting ''evidence-based'';

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

''(c) USE OF GRANT FUNDS.—An eligible partnership that receives a grant under this section—

''(1) shall use such grant to carry out —

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

''(B) a teaching residency program, or a principal or other school leader residency program, described in subsection (e);

"(C) a high-quality 'Grow Your Own' program; or

"(D) a combination of such programs; and

"(2) may use such grant to carry out other educator development programs under subsection (f), based upon the results of the needs assessment in subsection (b)(1).";

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "limited English proficient" both places it appears and inserting "English learners"; and

(ii) by striking "scientifically valid" both places it appears and inserting "evidence-based";

(iii) in subparagraph (B)(ii)(VI), by striking "reading instruction" both places it appears and inserting "comprehensive literacy instruction";

(B) in paragraph (5)(B), by striking "limited English proficient students" and inserting "students who are English learners";

(C) in paragraph (5)(C), by inserting "paraprofessionals," after "occupations,"; and

(D) in paragraph (6)(A), by striking "reading instruction" and inserting "comprehensive literacy instruction";

(4) by amending subsection (e) to read as follows:

"(e) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF TEACHING AND PRINCIPAL OR OTHER SCHOOL LEADER RESIDENCY PROGRAMS.—

"(1) IN GENERAL.—An eligible partnership receiving a grant to carry out an effective teaching residency program or principal or other school leader residency program that meets the following requirements:

"(A) TEACHING RESIDENCY PROGRAM.—An eligible partnership carrying out a teaching residency program shall—

"(i) support a teaching residency program described in paragraph (2) for high-need schools, as determined by the needs of high-need local educational agency in the partnership, and in high-need subjects and areas, as defined by such local educational agency; and

"(ii) place graduates of the teaching residency program in cohorts that facilitate

professional collaboration, both among graduates of the residency program and between such graduates and mentor teachers in the receiving school.

"(B) PRINCIPAL OR SCHOOL LEADER RESIDENCY PROGRAM.—An eligible partnership carrying out a principal or school leader residency program shall support a program described in paragraph (3) for high-need schools, as determined by the needs of the high-need local educational agency in the partnership.

"(2) TEACHING RESIDENCY PROGRAM.—

"(A) ESTABLISHMENT AND DESIGN.—A teaching residency program under this paragraph shall be a program based upon models of successful teaching residencies that serves as a mechanism to prepare teachers for success in high-need schools in the eligible partnership and shall be designed to include the following characteristics of successful programs:

"(i) The integration of pedagogy, classroom practice and teacher mentoring.

"(ii) The exposure to principles of child and youth development, and understanding and applying principles of learn-

ing, behavior, and community and family engagement.

''(iii) The exposure to principles of universal design for learning and multi-tiered systems of support.

''(iv) Engagement of teaching residents in rigorous coursework that results in a baccalaureate or master's degree while undertaking a guided teaching clinical experience.

''(v) Experience and learning opportunities alongside a trained and experienced mentor teacher—

''(I) whose teaching shall complement the residency program so that school-based clinical practice is tightly aligned and integrated with coursework;

''(II) who shall have extra responsibilities as a teacher leader of the teaching residency program, as a mentor for residents, and as a teacher coach during the induction program for new teachers, and for establishing, within the program, a learning com-

1 munity in which all individuals are ex-
2 pected to continually improve their ca-
3 pacity to advance student learning;
4 and
5 ''(III) who may be relieved from
6 teaching duties or may be offered a
7 stipend as a result of such additional
8 responsibilities.
9 ''(vi) The establishment of clear cri-
10 teria for the selection of mentor teachers
11 based on the appropriate subject area
12 knowledge and measures of teacher effec-
13 tiveness, which shall be based on, but not
14 limited to, observations of the following:
15 ''(I) Planning and preparation,
16 including demonstrated knowledge of
17 content, pedagogy, and assessment,
18 including the use of formative,
19 summative, and diagnostic assess-
20 ments to inform instruction and im-
21 prove student learning.
22 ''(II) Appropriate instruction
23 that engages all students.
24 ''(III) Collaboration with col-
25 leagues to improve instruction.

1 ''(IV) Analysis of evidence of stu-
2 dent learning.
3 ''(V) Collaboration and the cul-
4 tivation of relationships with external
5 stakeholders (which may include pro-
6 fessional disciplinary organizations
7 and nonprofit advocacy organizations)
8 to foster the sharing of evidence-based
9 resources to promote high-quality, ef-
10 fective practices.
11 ''(vii) The development of admissions
12 goals and priorities—
13 ''(I) that are aligned with the
14 hiring objectives of the local edu-
15 cational agency partnering with the
16 program, as well as the instructional
17 initiatives and curriculum of such
18 agency to hire qualified graduates
19 from the teaching residency program;
20 and
21 ''(II) which may include consider-
22 ation of applicants who reflect the
23 communities in which they will teach
24 as well as consideration of individuals

from underrepresented populations in the teaching profession.

''(viii) Continued support for residents once such residents are hired as the teachers of record, through an induction program, evidence-based professional development, and networking opportunities to support the residents through not less than the residents' first 2 years of teaching.

''(B) SELECTION OF INDIVIDUALS AS TEACHER RESIDENTS.—

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

''(I) be a recent graduate of a 4-year institution of higher education or a mid-career professional possessing strong content knowledge or a record of professional accomplishment;

''(II) in the case of an undergraduate residency, enrolled as an undergraduate student in a partner institution as defined in this title; and

"(III) submit an application to the residency program.

"(ii) SELECTION CRITERIA.—An eligible partnership carrying out a teaching residency program under this subsection shall establish criteria for the selection of eligible individuals to participate in the teaching residency program based on the following characteristics:

"(I) Strong content knowledge or record of accomplishment in the field or subject area to be taught.

"(II) Strong verbal and written communication skills, which may be demonstrated by performance on appropriate assessments.

"(III) Other attributes linked to effective teaching, which may be determined by interviews or performance assessments, as specified by the eligible partnership.

"(3) PARTNERSHIP GRANTS FOR THE DEVELOPMENT OF PRINCIPAL AND OTHER SCHOOL LEADER RESIDENCY PROGRAMS.—

1 "(A) ESTABLISHMENT AND DESIGN.—A
2 principal or other school leader residency pro-
3 gram under this paragraph shall be a program
4 based upon models of successful principal or
5 other school leader residencies, and may include
6 the development or support of principal pipe-
7 lines, that serve as a mechanism to prepare
8 principals and other school leaders for success
9 in high-need schools in the eligible partnership
10 and shall be designed to include the following
11 characteristics of successful programs:
12 "(i) Engagement of principal or other
13 school leader residents in rigorous grad-
14 uate-level coursework to earn an appro-
15 priate advanced credential while under-
16 taking a guided principal or other school
17 leader clinical experience.
18 "(ii) Experience and learning opportu-
19 nities, including those that provide contin-
20 uous feedback throughout the program on
21 a participants' progress, alongside a
22 trained and experienced mentor principal
23 or other school leader—
24 "(I) whose mentoring shall be
25 based on standards of effective men-

1 toring practice and shall complement
2 the residence program so that school-
3 based clinical practice is tightly
4 aligned with coursework; and
5 ''(II) who may be relieved from
6 some portion of principal or other
7 school leader duties or may be offered
8 a stipend as a result of such addi-
9 tional responsibilities.
10 ''(iii) The establishment of clear cri-
11 teria for the selection of mentor principals
12 or other school leaders, which may be
13 based on observations of the following:
14 ''(I) Demonstrating awareness of,
15 and having experience with, the
16 knowledge, skills, and attitudes to—
17 ''(aa) establish and maintain
18 a professional learning commu-
19 nity that effectively extracts in-
20 formation from data to improve
21 the school culture and climate,
22 and personalize instruction for all
23 students to result in improved
24 student achievement;

"(bb) create and maintain a learning culture within the school that provides an inclusive climate conducive to the development of all members of the school community, including one of continuous improvement and learning for adults tied to student learning and other school goals;

"(cc) develop the professional capacity and practice of school personnel and foster a professional community of teachers and other professional staff;

"(dd) engage in continuous professional development, utilizing a combination of academic study, developmental simulation exercises, self-reflection, mentorship, and internship;

"(ee) understand youth development appropriate to the age level served by the school, and use this knowledge to set high expectations and standards for the

1 academic, social, emotional, and
2 physical development of all stu-
3 dents; and
4 ''(ff) actively engage with
5 families and the community to
6 create shared responsibility for
7 student academic performance
8 and successful development.
9 ''(II) Planning and articulating a
10 shared and coherent schoolwide direc-
11 tion and policy for achieving high
12 standards of student performance,
13 and closing gaps in achievement
14 among subgroups of students.
15 ''(III) Identifying and imple-
16 menting the activities and rigorous
17 curriculum necessary for achieving
18 such standards of student perform-
19 ance.
20 ''(IV) Supporting a culture of
21 learning, collaboration, and profes-
22 sional behavior and ensuring quality
23 measures of instructional practice.

1 ''(V) Communicating with, and
2 engaging, parents, families, and other
3 external communities.
4 ''(VI) Cultivating relationships
5 and collaborating with external stake-
6 holders, which may include profes-
7 sional disciplinary organizations and
8 nonprofit advocacy organizations, to
9 foster the sharing of evidence-based
10 resources to promote high-quality, ef-
11 fective practices.
12 ''(VII) Collecting, analyzing, and
13 utilizing data and other evidence of
14 student learning and evidence of class-
15 room practice to guide decisions and
16 actions for continuous improvement
17 and to ensure performance account-
18 ability.
19 ''(iv) The development of admissions
20 goals and priorities—
21 ''(I) that are aligned with the
22 hiring objectives of the local edu-
23 cational agency partnering with the
24 program, as well as the instructional
25 initiatives and curriculum of such

agency to hire qualified graduates from the principal residency program; and

"(II) which may include consideration of applicants who reflect the communities in which they will serve and consideration of individuals from underrepresented populations in school leadership positions.

"(v) Continued support for residents once such residents are hired as principals or other school leaders, through an induction program, evidence-based professional development to support the knowledge and skills of the principal or other school leader in a continuum of learning and content expertise in developmentally appropriate or age-appropriate educational practices, and networking opportunities to support the residents through not less than the residents' first 2 years of serving as principal or other school leader of a school.

"(B) SELECTION OF INDIVIDUALS AS PRINCIPAL OR OTHER SCHOOL LEADER RESIDENTS.—

1 "(i) ELIGIBLE INDIVIDUAL.—In order
2 to be eligible to be a principal or other
3 school leader resident in a principal or
4 other school leader residency program
5 under this paragraph, an individual shall—
6 "(I) have prior prekindergarten
7 through grade 12 teaching experience;
8 "(II) have experience as an effec-
9 tive leader, manager, and written and
10 oral communicator; and
11 "(III) submit an application to
12 the residency program.
13 "(ii) SELECTION CRITERIA.—An eligi-
14 ble partnership carrying out a principal or
15 other school leader residency program
16 under this subsection shall establish cri-
17 teria for the selection of eligible individuals
18 to participate in the principal residency
19 program based on the following character-
20 istics:
21 "(I) Strong instructional leader-
22 ship skills in an elementary school or
23 secondary school setting.
24 "(II) Strong verbal and written
25 communication skills, which may be

demonstrated by performance on appropriate assessments.

"(III) Other attributes linked to effective leadership, such as sound judgment, organizational capacity, collaboration, commitment to equity and inclusiveness, and openness to continuous learning, which may be determined by interviews or performance assessment, as specified by the eligible partnership.

"(4) STIPENDS OR SALARIES; APPLICATIONS; AGREEMENTS; AND REPAYMENTS.—

"(A) STIPENDS OR SALARIES.—A teaching residency program, or a principal or other school leader residency program, under this subsection—

"(i) shall provide a 1-year living stipend or salary to residents during the teaching residency program or the principal or other school leader residency program; and

"(ii) may provide a stipend to a mentor teacher or mentor principal.

"(B) APPLICATIONS.—

"(i) IN GENERAL.—Each residency candidate desiring a stipend or salary during the period of residency shall submit an application to the eligible partnership at such time, in such manner, and containing such information and assurances, as the eligible partnership may require, and which shall include an agreement to serve described in clause (ii).

"(ii) AGREEMENTS TO SERVE.—Each application submitted under clause (i) shall contain or be accompanied by an agreement that the applicant will—

"(I) upon successfully completing the 1-year teaching residency program, or principal or other school leader residency program, serve as a full-time teacher, principal, or other school leader for a total of not less than 3 school years at—

"(aa) a high-need school served by the high-need local educational agency in the eligible partnership and, in the case of a teacher, teach a subject or area

that is designated as high-need by the partnership; or

''(bb) in a case in which no appropriate position is available in a high-need school served by the high-need local educational agency in the eligible partnership, any other high-need school;

''(II) provide to the eligible partnership a certificate, from the chief administrative officer of the local educational agency in which the teacher or principal or other school leader is employed, of the employment required under subclause (I) at the beginning of, and upon completion of, each year or partial year of service;

''(III) in the case of a teacher resident, meet the requirements to be a profession-ready teacher;

''(IV) in the case of a principal or other school leader resident, meet the requirements to be a profession-ready principal or other school leader; and

"(V) comply with the requirements set by the eligible partnership under subparagraph (C) if the applicant is unable or unwilling to complete the service obligation required by this subparagraph.

"(C) REPAYMENTS.—

"(i) IN GENERAL.—An eligible partnership carrying out a teaching residency program, or a principal or other school leader residency program, under this subsection shall require a recipient of a stipend or salary under subparagraph (A) who does not complete, or who notifies the partnership that the recipient intends not to complete, the service obligation required by subparagraph (B) to repay such stipend or salary to the eligible partnership, together with interest, at a rate specified by the partnership in the agreement, and in accordance with such other terms and conditions specified by the eligible partnership, as necessary.

"(ii) OTHER TERMS AND CONDITIONS.—Any other terms and conditions

specified by the eligible partnership may include reasonable provisions for prorate repayment of the stipend or salary described in subparagraph (A) or for deferral of a resident's service obligation required by subparagraph (B), on grounds of health, incapacitation, inability to secure employment in a school served by the eligible partnership, being called to active duty in the Armed Forces of the United States, or other extraordinary circumstances.

''(iii) USE OF REPAYMENTS.—An eligible partnership shall use any repayment received under this subparagraph to carry out additional activities that are consistent with the purposes of this section.''; and

(5) by striking subsection (f) and inserting the following:

''(f) TEACHER LEADER DEVELOPMENT PROGRAM.—

''(1) IN GENERAL.—A teacher leader development program carried out with a grant awarded under this section shall provide for the professional development of teachers, as described in paragraph (2), who maintain their roles as classroom teachers and who also carry out formalized leadership respon-

sibilities to increase the academic achievement of students and promote data-driven instructional practices that address the demonstrated needs at the elementary schools and secondary schools in which the teachers are employed, such as—

"(A) development of curriculum and curricular resources;

"(B) facilitating the work of committees and teams;

"(C) family and community engagement;

"(D) school discipline and culture;

"(E) peer observations and coaching;

"(F) dual enrollment instruction; or

"(G) cultural competencies.

"(2) PROFESSIONAL DEVELOPMENT.—The professional development of teachers in a teacher leader development program carried out with a grant awarded under this section shall include—

"(A) one year of professional development, training, and support that may—

"(i) include—

"(I) the engagement of teachers in rigorous coursework and fieldwork relevant to their role as a teacher

leader, including available teacher leader standards; and

"(II) regular observations and professional support from—

"(aa) a principal, vice principal, or a designated instructional leader of the school;

"(bb) a representative from the institution of higher education that is a partner in the eligible partnership;

"(cc) a representative from another entity that is a partner in the eligible partnership; and

"(dd) another member of the teacher leader cohort, if applicable, or a peer teacher; and

"(ii) result in the awarding of a credential in teacher leadership; and

"(B) one or 2 additional years of support from a principal, vice principal, or a designated instructional leader of the school, a representative from the institution of higher education that is a partner in the eligible partnership, and

a representative from another entity that is a partner in the eligible partnership.

''(3) TEACHER LEADER DEVELOPMENT PROGRAM PLAN.—In carrying out a teacher leader development program under this section, an eligible partnership shall develop a plan that shall describe—

''(A) how the work hours of teacher leaders will be allocated between their classroom responsibilities and responsibilities as a teacher leader, which may include a description of whether the teacher leader will be relieved from teaching duties during their participation in the teacher leader development program;

''(B) how the partnership will support teacher leaders after the first year of professional development in the program; and

''(C) how teacher leader activities could be sustained by the eligible partnership after the program concludes, which may include a description of opportunities for the teacher leaders to assist in the educator preparation program at the institution of higher education in the partnership.

''(4) SELECTION OF TEACHER LEADERS; USE OF FUNDS.—In carrying out a teacher leader devel-

opment program under this section, an eligible partnership—

"(A) shall select a teacher for participation in the program—

"(i) who—

"(I) is fully certified to teach in the State of the high-need local educational agency that is a partner in the eligible partnership;

"(II) is employed by such high-need local educational agency;

"(III) has not less than 3 years of teaching experience; and

"(IV) submits an application for participation to the eligible partnership; and

"(ii) based on selection criteria that includes—

"(I) demonstration of strong content knowledge or a record of accomplishment in the field or subject area the teacher will support as a teacher leader; and

"(II) demonstration of attributes linked to effective teaching that are

determined through interviews, observations, other exhibits, student achievement, or performance assessments, such as those leading to an advanced credential;

''(B) may develop admissions goals and priorities for the teacher leader development program that—

''(i) are aligned with the demonstrated needs of the school or high-need local educational agency in which the teacher is employed;

''(ii) considers cultural competencies that would make the applicant effective in the applicant's teacher leader role; and

''(iii) considers whether the teacher has substantial teaching experience in the school in which the teacher is employed or in a school that is similar to the school in which the teacher is employed;

''(C) shall use the grant funds to pay for costs of training and supporting teacher leaders for not less than 2 years and not more than 3 years;

"(D) may use the grant funds to pay for a portion of a stipend for teacher leaders if such grant funds are matched by additional non-Federal public or private funds as follows:

"(i) during each of the first and second years of the grant period, grant funds may pay not more than 50 percent of such stipend; and

"(ii) during the third year of the grant period, grant funds may pay not more than 33 percent of such stipend; and

"(E) may require teacher leaders to pay back the cost of attaining the credential described in paragraph (2)(A)(ii) if they do not complete their term of service in the teacher leader development program.

"(g) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF GROW YOUR OWN PROGRAMS.—

"(1) IN GENERAL.—An eligible partnership that receives a grant under this section may use such grant to carry out a high-quality 'Grow Your Own' program to address subject or geographic areas of teacher or school leader shortages or to increase the diversity of the teacher or school leader workforce.

"(2) ELEMENTS OF A GROW YOUR OWN PROGRAM.—A Grow Your Own program carried out under this section shall—

"(A) integrate career-focused courses on education topics with school-based learning experience;

"(B) provide opportunities for candidates to practice and develop the skills and dispositions that will help them become skilled educators and leaders;

"(C) support candidates as they complete their associate, baccalaureate, or master's degree and earn their teaching or school leadership credential; and

"(D) offer financial aid, in addition to financial assistance that may be received under title IV, to candidates and work in partnership with members of the eligible partnership to provide academic, counseling, and programmatic supports.

"(2) ESTABLISHMENT AND DESIGN.—To create and enhance multiple pathways to enter the educator and leadership workforce, an eligible partnership carrying out a Grow Your Own program under this section, in collaboration with organizations rep-

1 resenting educators and leaders and additional
2 stakeholders—
3 ''(A) shall—
4 ''(i) establish an advisory group to re-
5 view barriers impacting underrepresented
6 populations entering the teaching and
7 school leadership profession, identify local
8 teacher and leader workforce needs, de-
9 velop policies on the creation or expansion
10 of Grow Your Own programs, and provide
11 guidance and oversight on the implementa-
12 tion of such programs;
13 ''(ii) track and evaluate the effective-
14 ness of the program, including, at a min-
15 imum, using the data required under sec-
16 tion 204(a)(1);
17 ''(iii) require candidates to complete
18 all State requirements to become fully cer-
19 tified;
20 ''(iv) provide academic and testing
21 supports, including advising and financial
22 assistance, to candidates for admission and
23 completion of education preparation pro-
24 grams as well as State licensure assess-
25 ments;

1 ''(v) include efforts, to the extent fea-
2 sible, to recruit current paraprofessionals,
3 as defined under section 8101 of the Ele-
4 mentary and Secondary Education Act of
5 1965, instructional assistants, district em-
6 ployees not certified to teach or lead (such
7 as long-term substitute teachers), after
8 school and summer program staff, parent
9 school volunteers, retired military per-
10 sonnel, and other career changers with ex-
11 perience in hard to staff areas who are not
12 currently certified to teach or lead with a
13 specific focus on recruiting individuals who
14 are reflective of the race, ethnicity, and na-
15 tive language of the existing community's
16 student population; and
17 ''(vi) provide a year-long clinical expe-
18 rience or teaching or school leadership resi-
19 dency in which candidates teach or lead
20 alongside an expert mentor teacher or
21 school leader; and
22 ''(B) may include—
23 ''(i) a stipend to cover candidate living
24 expenses or childcare costs; and
25 ''(ii) compensation for mentors.''.

SEC. 2004. ADMINISTRATIVE PROVISIONS.

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1022b) is amended—

(1) in subsection (a)(2), by striking ''five-year period'' and inserting ''five-year period, except such partnership may receive an additional grant during such period if such grant is used to establish a teaching residency program, or a principal or other school leader residency program, if such residency program was not established with the prior grant''; and

(2) in subsection (b)(2)—

(A) in subparagraph (A)—

(i) striking ''teacher preparation program'' and inserting ''teacher education, school leader preparation, or educator development program'';

(ii) inserting ''and demonstrated success in having a diverse set of candidates complete the program, and entering and remaining in the profession'', after ''such program''; and

(iii) striking ''; and'' at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

''(B) provide a 1–year preservice clinical or residency experience that includes the integration of coursework and clinical practice and offers cohorts of candidates the opportunity to learn to teach or lead in partner schools or teaching academies; and''.

SEC. 2005. ACCOUNTABILITY AND EVALUATION.

Section 204(a) of the Higher Education Act of 1965 (20 U.S.C. 1022c(a)) is amended to read as follows:

''(a) ELIGIBLE PARTNERSHIP EVALUATION.—Each eligible partnership submitting an application for a grant under this part shall establish, and include in such application, an evaluation plan that includes rigorous, comprehensive, and measurable performance objectives. The plan shall include objectives and measures for—

''(1) achievement for all prospective and new educators as measured by the eligible partnership;

''(2) after the completion of the partnership program, educator retention at the end of year 3 and year 5;

''(3) pass rates and scaled scores for initial State certification or licensure of teachers or pass

rates and average scores on valid and reliable teacher performance assessments; and

''(4)(A) the percentage of profession-ready teachers, principals or other school leaders hired by the high-need local educational agency participating in the eligible partnership;

''(B) the percentage of profession-ready teachers, principals, and other educators hired by the high-need local educational agency who are members of underrepresented groups;

''(C) the percentage of profession-ready teachers hired by the high-need local educational agency who teach high-need academic subject areas, such as reading, science, technology, engineering, mathematics, computer science, and foreign language (including less commonly taught languages and critical foreign languages);

''(D) the percentage of profession-ready teachers hired by the high-need local educational agency who teach in high-need areas, including special education, bilingual education, language instruction educational programs for English language learners, and early childhood education;

''(E) the percentage of profession-ready teachers, principals or other school leaders, and other

educators hired by the high-need local educational agency who teach in high-need schools, disaggregated by the elementary school and secondary school levels;

''(F) as applicable, the percentage of early childhood education program classes in the geographic area served by the eligible partnership taught by early childhood educators who are highly competent as a result of participation in the partnership program;

''(G) as applicable, the percentage of educators who have completed the partnership program able to—

''(i) integrate technology effectively into curricula and instruction, including technology consistent with the principles of universal design for learning; and

''(ii) use technology effectively to collect, manage, and analyze data to improve teaching and learning for the purpose of improving student learning outcomes; and

''(H) as applicable, the percentage of educators who have completed the partnership program taking school leadership positions who, after 3 years in the role, receive ratings of effective or above in State

school leader evaluation and support systems (as described in section 2014(c)(4)(B)(ii) of the Elementary and Secondary Education Act of 1965) or, if no such ratings are available, other comparable indicators of performance.''.

SEC. 2006. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.

Section 205 of the Higher Education Act of 1965 (20 U.S.C. 1022d) is amended—

(1) in subsection (a)—

(A) by striking the subsection header and inserting the following: ''INSTITUTIONAL AND PROGRAM REPORT CARDS ON THE QUALITY OF TEACHER AND SCHOOL LEADER PREPARATION''; and

(B) by striking paragraph (1) and inserting the following:

''(1) REPORT CARD.—Each teacher preparation or school leader preparation entity approved to operate teacher preparation or school leader preparation programs in the State and that receives or enrolls students receiving Federal assistance shall report annually to the State and the general public, in a uniform and comprehensive manner that conforms

with the definitions and methods established by the Secretary, the following:

"(A) PASS RATES AND SCALED SCORES.—For the most recent year for which the information is available for each teacher or school leader preparation program offered by the teacher preparation or school leader preparation entity the following:

"(i) Except as provided in clause (ii), for those students who took the assessments used for teacher or school leader certification or licensure by the State in which the entity is located and are enrolled in the teacher or school leader preparation program, and for those who have taken such assessments and have completed the teacher or school preparation program during the 2-year period preceding such year, for each of such assessments—

"(I) the percentages of students enrolled in the preparation program, and those who have completed such program, who passed such assessment;

"(II) the percentage of students who have taken such assessment who enrolled in and completed the teacher or school leader preparation program; and

"(III) the average scaled score for all students who took such assessment.

"(ii) In the case of an entity that requires a valid and reliable teacher performance assessment in order to complete the preparation program, the entity may submit in lieu of the information described in clause (i) the pass rate and average score of students taking the teacher performance assessment.

"(B) ENTITY INFORMATION.—A description of the following:

"(i) The median grade point average and range of grade point averages for admitted students.

"(ii) The number of students in the entity, disaggregated by race, ethnicity, and gender, except that such disaggregation shall not be required in a

case in which the result would reveal personally identifiable information about an individual student.

''(iii) The number of hours and types of supervised clinical preparation required for each program.

''(iv) The total number and percentage of students who have completed programs for certification or licensure disaggregated by subject area and by race, ethnicity, gender, income status, and language diversity (graduates who have bilingual or dual language immersion endorsements), except that such disaggregation shall not be required in a case in which the result would reveal personally identifiable information about an individual student.

''(v) The percentage and total number of program completers who have been certified or licensed as teachers or school leaders (disaggregated by subject area of certification or licensure and by race, ethnicity, and gender, except that such disaggregation shall not be required in a case in which the number of students in a

category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).

''(vi) The 3- and 5-year teacher or school leader retention rates, including, at a minimum, in the same school and local educational agency, and within the profession (disaggregated by race, ethnicity, and gender, except that such disaggregation shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student).

''(C) ACCREDITATION.—Whether the program or entity is accredited by a specialized accrediting agency recognized by the Secretary for accreditation of professional teacher or school leader education programs.

''(D) DESIGNATION AS LOW-PERFORMING.—Which programs (if any) offered by the entity have been designated as low-performing by the State under section 207(a).'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting ''and school leader'' after ''teacher''; and

(II) by inserting '', including teacher performance assessments'' after ''the State'';

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

''(D)(i) Except as provided in clause (ii), for each of the assessments used by the State for teacher or school leader certification or licensure, disaggregated by subject area, race, ethnicity, and gender, except that such disaggregation shall not be required in a case in which the result would reveal personally identifiable information about an individual student—

''(I) for each entity located in the State, the percentage of students at each entity who have completed 100 percent of the nonclinical coursework and taken the assessment who pass such assessment;

1 ''(II) the percentage of all such stu-
2 dents in all such programs and entities
3 who have taken the assessment who pass
4 such assessment;
5 ''(III) the percentage of students who
6 have taken the assessment and who en-
7 rolled in and completed a teacher or school
8 leader preparation program; and
9 ''(IV) the average scaled score of indi-
10 viduals participating in such a program, or
11 who have completed such a program dur-
12 ing the 2-year period preceding the first
13 year for which the annual State report
14 card is provided, who took each such as-
15 sessment.
16 ''(ii) In the case of a State that has imple-
17 mented a valid and reliable teacher performance
18 assessment, the State may submit in lieu of the
19 information described in clause (i) the pass rate
20 and average score of students taking the teach-
21 er performance assessment, disaggregated by
22 subject area, race, ethnicity, and gender, except
23 that such disaggregation shall not be required
24 in a case in which the result would reveal per-

1 sonally identifiable information about an indi-
2 vidual student.'';
3 (iii) by striking subparagraphs (G)
4 through (L) and inserting the following:
5 ''(G) For each teacher and school leader
6 preparation program in the State the following:
7 ''(i) The programs' admission rate,
8 median grade point average, and range of
9 grade point averages for admitted stu-
10 dents.
11 ''(ii) The number of students in the
12 program disaggregated by race, ethnicity,
13 and gender, except that such
14 disaggregation shall not be required in a
15 case in which the result would reveal per-
16 sonally identifiable information about an
17 individual student.
18 ''(iii) The number of hours and types
19 of supervised clinical preparation required.
20 ''(iv) Whether such program has been
21 identified as low-performing, as designated
22 by the State under section 207(a).
23 ''(v) For each school leader prepara-
24 tion program in the State, the total num-
25 ber and percentage of program completers

placed as principals who are rated as effective or above on the State school leader evaluation and support systems (as described in section 2101(c)(4)(B)(2) of the Elementary and Secondary Education Act of 1965) or, if no such ratings are available, other comparable indicators of performance after three years of leading a school.

''(H) For the State as a whole, and for each teacher preparation entity in the State, the number of teachers prepared, in the aggregate and reported separately by the following:

''(i) Area of certification or licensure.

''(ii) Route of certification (traditional versus alternative).

''(iii) Academic major.

''(iv) Degree type (baccalaureate, post-baccalaureate, and master's degrees).

''(v) Subject area for which the teacher has been prepared to teach.

''(vi) The relationship of the subject area and grade span of teachers graduated by the teacher preparation entity to identified teacher shortage areas of the State.

"(vii) The percentage of teachers graduated teaching in high-need schools.

"(viii) Placement in a teaching or school leadership position within 6 months of program completion.

"(ix) Rates of 3- and 5-year teacher or school leadership retention including, at a minimum, in the same school and local educational agency, and within the profession."; and

(B) by adding at the end the following:

"(3) NO REQUIREMENT FOR REPORTING ON STUDENTS NOT WORKING IN THE STATE.—Nothing in this section shall require a State to report data on program completers who do not work as teachers, principals, or school leaders in such State."; and

(3) in subsection (d)(2), by adding at the end the following:

"(D) The relationship of the subject area and grade span of teachers graduated by teacher preparation entities across the States to identified teacher shortage areas.

"(E) The number and percentages of such graduates teaching in high-need schools.".

SEC. 2007. TEACHER DEVELOPMENT.

Section 206 of the Higher Education Act of 1965 (20 U.S.C. 1022e) is amended by striking ''limited English proficient'' both places it appears and inserting ''English learner''.

SEC. 2008. STATE FUNCTIONS.

Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1022f) is amended to read as follows:

''SEC. 207. STATE FUNCTIONS.

''(a) STATE ASSESSMENT.—

''(1) IN GENERAL.—In order to receive funds under this Act or under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), a State shall conduct an assessment to identify at-risk and low-performing teacher and school leader preparation programs in the State and to assist such programs through the provision of technical assistance.

''(2) PROVISION OF LOW-PERFORMING LIST.—Each State described in paragraph (1) shall—

''(A) provide the Secretary and the general public an annual list of low-performing teacher and school leader preparation programs and an identification of those programs at risk of being placed on such list, as applicable;

"(B) report any teacher and school leader preparation program that has been closed and the reasons for such closure; and

"(C) describe the assessment, described in paragraph (1), in the report under section 205(b).

"(3) DETERMINATION OF AT-RISK AND LOW-PERFORMING PROGRAMS.—The levels of performance and the criteria for meeting those levels for purposes of the assessment under paragraph (1) shall be determined by the State in consultation with a representative group of community stakeholders, including, at a minimum, representatives of leaders and faculty of traditional and alternative route teacher and school leader preparation programs, pre-kindergarten through 12th grade leaders and instructional staff, current teacher and school leader candidates participating in traditional and alternative route teacher or school leader preparation programs, the State's standards board or other appropriate standards body, and other stakeholders identified by the State. In making such determination, the State shall consider multiple measures and the information reported by teacher preparation entities under section 205.

1 ''(b) REPORTING AND IMPROVEMENT.—In order to
2 receive funds under this Act or under title II of the Ele-
3 mentary and Secondary Education Act of 1965 (20 U.S.C.
4 6601 et seq.), a State shall—
5 ''(1) report to the Secretary and the general
6 public any programs described in subsection (a);
7 ''(2) establish a period of improvement and re-
8 design (as established by the State) for programs
9 identified as at-risk under subsection (a);
10 ''(3) provide programs identified as at-risk
11 under subsection (a) with technical assistance for a
12 period of not longer than 3 years;
13 ''(4) identify at-risk programs as low-per-
14 forming if there is not sufficient improvement fol-
15 lowing the period of technical assistance provided by
16 the State; and
17 ''(5) subject low-performing programs to the
18 provisions described in subsection (c) (as determined
19 by the State) not later than 1 year after the date
20 of such identification as a low-performing program.
21 ''(c) TERMINATION OF ELIGIBILITY.—Any teacher or
22 school leader preparation program that is projected to
23 close—

"(1) shall be ineligible for any funding for professional development activities awarded by the Department;

"(2) may not be permitted to provide new awards under subpart 9 of part A of title IV; and

"(3) shall provide transitional support, including remedial services if necessary, for students enrolled in the program in the year prior to such closure.

"(d) NEGOTIATED RULEMAKING.—If the Secretary develops any regulations implementing subsection (c)(2), the Secretary shall submit such proposed regulations to a negotiated rulemaking process, which shall include representatives of States, institutions of higher education, and educational and student organizations.

"(e) APPLICATION OF REQUIREMENTS.—The requirements of this section shall apply to both traditional teacher preparation programs and alternative routes to State certification and licensure programs.".

SEC. 2009. GENERAL PROVISIONS.

Section 208(a) of the Higher Education Act of 1965 (20 U.S.C. 1022g(a)) is amended by striking "sections 205 and 206" and inserting "section 205".

SEC. 2010. ELEVATION OF THE EDUCATION PROFESSION STUDY.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1022 et seq.) is amended by inserting after section 208 the following:

"SEC. 209. ELEVATION OF THE EDUCATION PROFESSION STUDY.

"(a) PURPOSE.—The purpose of this section is to authorize a feasibilty study on the elevation of the education profession by examining State policies related to teacher and school leader education and certification, produce a comprehensive set of expectations that sets a high bar for entry into the profession and ensures that all entering teachers and school leaders are profession-ready, and develop recommendations to Congress on best practices with respect to elevating the education profession that are evidence-based, reliable, and verified by the field.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary of Education shall establish an Advisory Committee to carry out the elevation of the education profession study described in subsection (c) and make recommendations to Congress on the findings.

"(2) MEMBERSHIP OF THE ADVISORY COMMITTEE.—The Advisory Committee shall include

representatives or advocates from the following categories:

"(A) Teacher unions.

"(B) School leader organizations.

"(C) State and local chief executives or their representatives.

"(D) State educational agencies and local educational agencies.

"(E) Teacher and school leader advocacy organizations.

"(F) School administrator organizations.

"(G) Institutions of higher education, including colleges of teacher education.

"(H) Civil rights organizations.

"(I) Organizations representing students with disabilities.

"(J) Organizations representing English learners.

"(K) Nonprofit organizations representing subject-fields, such as STEM Educator organizations, comprehensive literacy Educator organizations, and arts and humanities educator organizations.

"(L) Professional development organizations.

"(M) Educational technology organizations.

"(N) Nonprofit research organizations.

"(O) Organizations representing nontraditional pathways into teacher and school leader education.

"(P) Organizations representing parents.

"(c) DUTIES OF THE ADVISORY COMMITTEE.—

"(1) FEASIBILITY STUDY.—The Advisory Committee shall conduct a feasibility study to—

"(A) assess the state of policies and practices related to teacher and school leader education and entry into the profession including barriers to achieving certification and licensure, best practices in producing profession-ready teachers and school leaders, and recruitment and retention of teachers and school leaders in schools;

"(B) compile best practices for educating and training profession-ready teachers and school leaders including evidence-based practices for training teachers and school leaders to support diverse learners, developing teacher and school leaders, and successful pre-service and in-service educational activities;

1 ''(C) review certification and credentialing
2 practices throughout the Nation including min-
3 imum standards in each State, differences in
4 types of credentials, and impact of different
5 certification processes in each State for teach-
6 ers and school leaders who relocate; and
7 ''(D) recommend a comprehensive set of
8 rigorous expectations for States standards to
9 elevate the profession of teaching and to
10 produce profession-ready teachers and school
11 leaders prepared to educate diverse learners in
12 inclusive educational settings.
13 ''(2) REPORTS.—
14 ''(A) Not later than 1 year after the Advi-
15 sory Committee's first meeting, the Committee
16 shall submit an interim report to the Secretary
17 and to the authorizing committees detailing the
18 methods of the study and progress in devel-
19 oping the set of comprehensive and rigorous ex-
20 pectations.
21 ''(B) Not later than 3 years after the Advi-
22 sory Committee's first meeting, the Committee
23 shall submit a final report to the Secretary and
24 to the authorizing committees detailing the

findings, recommendations, and suggested set of comprehensive and rigorous expectations.

''(3) DISSEMINATION OF INFORMATION.—In carrying out the study under paragraph (1), the Secretary shall, after the release of the study, disseminate information found in the study in an accessible format to all stakeholders.

''(4) DATABASE.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall produce an electronically accessible clearinghouse of State certification procedures and best State practices for producing and retaining profession-ready teachers and school leaders.''.

SEC. 2011. AUTHORIZATION OF APPROPRIATIONS.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1022 et seq.) is amended—

(1) by redesignating section 209 as section 210; and

(2) in section 210, as so redesignated—

(A) by striking ''$300,000,000'' and inserting ''$500,000,000'';

(B) by striking ''2009'' and inserting ''2019''; and

(C) by striking ''two succeeding'' and inserting ''5 succeeding''.

PART B—ENHANCING TEACHER AND SCHOOL LEADER EDUCATION

SEC. 2101. ENHANCING TEACHER AND SCHOOL LEADER EDUCATION.

Part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1031 et seq.) is amended to read as follows:

"PART B—ENHANCING TEACHER AND SCHOOL LEADER EDUCATION

"SEC. 230. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.

''(b) DISTRIBUTION OF FUNDS.—Subparts 1 through 4 of this part shall each receive a minimum of 20 percent of the amount appropriated for a fiscal year, and the Secretary shall have discretion over the distribution under this part of the remaining amount appropriated for such fiscal year.

"Subpart 1—Honorable Augustus F. Hawkins Centers of Excellence

"SEC. 231. FINDINGS.

''Congress finds the following:

''(1) Our Nation's schools are experiencing a severe teacher diversity gap that negatively impacts student achievement and school culture—50 percent

of current students are students of color while only 18 percent of teachers are of color, according to a 2016 study by the Brookings Institution.

''(2) A 2016 report conducted by the Department of Education shows that teachers of color tend to provide more culturally relevant teaching and better understand the situations that students of color may face. These factors help in the development of trusting teacher-student relationships. Researchers from Vanderbilt University also found that greater racial and ethnic diversity in the principal corps benefits students, especially students of color.

''(3) Teachers and school leaders of color can also serve as cultural ambassadors who help students feel more welcome at school or as role models.

''(4) Research consistently shows that increasing diversity in the teaching profession can have positive impacts on student educational experiences and outcomes. Students of color demonstrate greater academic achievement and social-emotional development in classes with teachers of color. Studies also suggest that all students, including white students, benefit from having teachers of color offering their distinctive knowledge, experiences, and role modeling to the student body as a whole.

"SEC. 232. PURPOSE.

''The purpose of this subpart is to strengthen and expand the recruitment, training, and retention of candidates of color into the teaching profession.

"SEC. 233. ELIGIBLE INSTITUTION DEFINED.

''In this subpart, the term 'eligible institution' means an institution of higher education that has a teacher or school leader preparation program that is a accredited by the State and that is—

''(1) a part B institution (as defined in section 322);

''(2) a Hispanic-serving institution (as defined in section 502);

''(3) a Tribal college or university (as defined in section 316);

''(4) an Alaska Native-serving institution (as defined in section 317(b));

''(5) a Native Hawaiian-serving institution (as defined in section 317(b));

''(6) a predominantly black institution (as defined in section 318);

''(7) an Asian-American and Native American Pacific Islander-serving institution (as defined in section 320(b));

''(8) a Native American-serving, nontribal institution (as defined in section 319);

1 ''(9) a consortium of any of the institutions de-
2 scribed in paragraphs (1) through (8); or
3 ''(10) an institution described in paragraphs (1)
4 through (8), or a consortium described in paragraph
5 (9), in partnership with any other institution of
6 higher education, but only if the center of excellence
7 established under section 234 is located at an insti-
8 tution described in paragraphs (1) through (8).

9 **''SEC. 234. AUGUSTUS F. HAWKINS CENTERS OF EXCEL-**
10 **LENCE.**

11 ''(a) PROGRAM AUTHORIZED.—From the amounts
12 provided to carry out this subpart, the Secretary shall
13 award grants, on a competitive basis, to eligible institu-
14 tions to establish centers of excellence.
15 ''(b) USE OF FUNDS.—An eligible institution shall
16 use a grant received under this subpart to ensure that pro-
17 grams offered at a center of excellence established by such
18 institution prepare current and future teachers or school
19 leaders to be profession-ready, and meet the applicable
20 State certification and licensure requirements, including
21 any requirements for certification obtained through alter-
22 native routes to certification, or, with regard to special
23 education teachers, the qualifications described in section
24 612(a)(14)(C) of the Individuals with Disabilities Edu-

1 cation Act, by carrying out one or more of the following
2 activities:
3 ''(1) Implementing reforms within teacher or
4 school leader preparation programs to ensure that
5 such programs are preparing teachers or school lead-
6 ers who meet such applicable State certification and
7 licensure requirements or qualifications, and are
8 using evidence-based instructional practices to im-
9 prove student academic achievement, by—
10 ''(A) retraining or recruiting faculty; and
11 ''(B) designing (or redesigning) teacher or
12 school leader preparation programs that—
13 ''(i) prepare teachers or school leaders
14 to serve in low-performing schools and
15 close student achievement gaps; and
16 ''(ii) are based on—
17 ''(I) rigorous academic content;
18 ''(II) evidence-based research;
19 and
20 ''(III) challenging State academic
21 standards as described in section
22 1111(b)(1) of the Elementary and
23 Secondary Education Act of 1965 (20
24 U.S.C. 6311(b)(1)); and
25 ''(iii) promote effective teaching skills.

1 ''(2) Providing sustained and high-quality
2 preservice clinical experience, including the men-
3 toring of prospective teachers by exemplary teachers
4 or teacher leaders, substantially increasing inter-
5 action between faculty at institutions of higher edu-
6 cation and new and experienced teachers, principals,
7 school leaders, and other administrators at elemen-
8 tary schools or secondary schools, and providing sup-
9 port, including preparation time, for such inter-
10 action.

11 ''(3) Developing and implementing initiatives to
12 promote retention of teachers who meet such appli-
13 cable State certification and licensure requirements
14 or qualifications, and principals and other school
15 leaders, including teachers, principals, and other
16 school leaders of color, including programs that pro-
17 vide—

18 ''(A) teacher or principal and other school
19 leader mentoring; and

20 ''(B) induction and support for teachers
21 and principals and other school leaders during
22 their first three years of employment as teach-
23 ers, principals, or other school leaders, respec-
24 tively.

"(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher or other school leader preparation program at the Center of Excellence, not to exceed the cost of attendance as defined in section 472.

"(5) Disseminating information on effective practices for teacher or other school leader preparation and successful teacher or other school leader certification and licensure assessment preparation strategies.

"(6) Activities authorized under section 202.

"(c) APPLICATION.—Any eligible institution desiring a grant under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

"(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this subpart may use not more than 2 percent of the funds provided to administer the grant.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this subpart.

1 **"Subpart 2—Preparing Well-Rounded Teachers**

2 **"SEC. 241. WELL-ROUNDED TEACHING GRANTS.**

3 ''(a) FINDINGS.—Congress finds that—

4 ''(1) students have diverse learning needs and
5 teachers must be prepared to provide a high-quality,
6 equitable education to every child;

7 ''(2) improving the pedagogical competencies,
8 behavior management skills, and cultural com-
9 petencies of teacher candidates prepares them to ef-
10 fectively teach students from diverse backgrounds
11 and increases the likelihood they will remain in the
12 profession; and

13 ''(3) teachers who hold dual certification and
14 receive training in social and emotional learning
15 competencies and nonexclusionary, positive behavior
16 management practices are better prepared to create
17 a supportive school climate and meet the needs of all
18 students, including English learners, racially diverse
19 students, students with disabilities, low-income stu-
20 dents, and students who have experienced trauma.

21 ''(b) PURPOSE.—The purpose of this subpart is to—

22 ''(1) strengthen and expand teacher preparation
23 programs that embed dual certification for teacher
24 candidates in special education; and

25 ''(2) strengthen and expand teacher preparation
26 programs that embed training on inclusive practices,

culturally responsive teaching, social and emotional learning competencies and nonexclusionary, positive behavior management practices to teacher candidates.

''(c) AUTHORIZATION OF PROGRAM.—

''(1) IN GENERAL.—From the amounts provided to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible partnerships to improve the preparation of general education teacher candidates to ensure that such teacher candidates possess the knowledge, skills, and credentials necessary to effectively instruct students with disabilities in general education classrooms, and an understanding of positive behavior-management practices that reduce the use of exclusionary and aversive disciplinary practices and create a supportive school climate.

''(2) DURATION OF GRANTS.—A grant under this subpart shall be awarded for a period of not more than 5 years.

''(3) NON-FEDERAL SHARE.—An eligible partnership that receives a grant under this subpart shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-

Federal sources, which may be provided in cash or in-kind.

"(d) DEFINITION OF ELIGIBLE PARTNERSHIP.—In this section, the term 'eligible partnership' means a partnership that—

"(1) shall include—

"(A) one or more departments or programs at an institution of higher education—

"(i) that prepare elementary or secondary general education teachers;

"(ii) that have a program of study that leads to an undergraduate degree, a master's degree, or completion of a postbaccalaureate program required for teacher certification; and

"(iii) the profession-ready graduates of which meet the applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification, or, with regard to special education teachers, the qualifications described in section 612(a)(14)(C) of the Individuals with Disabilities Education Act;

"(B) a department or program that has expertise in special education at an institution of higher education; and

"(C) a high-need local educational agency; and

"(2) may include—

"(A) a department or program of mathematics, earth or physical science, foreign language, or another department at the institution that has a role in preparing teachers; or

"(B) a non-profit, research-based organization.

"(e) ACTIVITIES.—An eligible partnership that receives a grant under this section—

"(1) shall use the grant funds to—

"(A) develop or strengthen an undergraduate, postbaccalaureate, or master's teacher preparation program by integrating special education pedagogy into the general education curriculum and academic content that results in applicable dual State certification for teacher candidates who complete the program;

"(B) develop or strengthen an undergraduate, postbaccalaureate, or master's teacher preparation program by embedding social

and emotional learning strategies, inclusive practices, culturally responsive teaching, and nonexclusionary, positive behavior-management practices into the general education curriculum and academic content;

''(C) provide teacher candidates participating in the program under subparagraph (A) with skills related to—

''(i) response to intervention, positive behavioral interventions and supports (including eliminating the use of aversive interventions such as seclusion and restraints), differentiated instruction, and data-driven instruction (including the use of data to identify and address disparities in rates of discipline among student subgroups);

''(ii) universal design for learning;

''(iii) determining and utilizing accommodations for instruction and assessments for students with disabilities;

''(iv) collaborating with stakeholders such as special educators, related services providers, out-of-school time providers, and parents, including participation in individ-

1 ualized education program development
2 and implementation;
3 ''(v) appropriately utilizing technology
4 and assistive technology for students with
5 disabilities; and
6 ''(vi) effectively and equitably using
7 technology for digital and blended learning;
8 ''(D) provide teacher candidates partici-
9 pating in the program under subparagraph (B)
10 with skills related to—
11 ''(i) social and emotional learning
12 competencies;
13 ''(ii) positive behavior interventions
14 and supports or multitiered systems of
15 support;
16 ''(iii) trauma-informed care;
17 ''(iv) evidenced-based restorative jus-
18 tice practices;
19 ''(v) culturally responsive teaching
20 and anti-bias training that is evidence-
21 based; and
22 ''(E) provide extensive clinical experience
23 for participants described in subparagraphs (A)
24 and (B) with mentoring and induction support

throughout the program that continues during the first 2 years of full-time teaching.

"(f) APPLICATION.—

"(1) APPLICATION REQUIREMENTS.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

"(A) a self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and needs related to preparing general education teacher candidates to instruct students with disabilities; and

"(B) an assessment of the existing personnel needs for general education teachers who instruct students with disabilities, performed by the high-need local educational agency described in subsection (d)(1)(C).

"(2) PEER REVIEW.—

"(A) IN GENERAL.—The Secretary shall convene a peer review committee to review applications for grants under this subpart and to make recommendations to the Secretary regard-

ing the selection of eligible partnerships for such grants.

"(B) MEMBERSHIP.—Members of the peer review committee shall be recognized experts in the fields of special education, social and emotional learning, teacher preparation, and general education and shall not be in a position to benefit financially from any grants awarded under this section.

"(g) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this subpart, the Secretary shall, to the maximum extent possible, provide for an equitable geographic distribution of such grants.

"(h) EVALUATIONS.—

"(1) BY THE PARTNERSHIP.—

"(A) IN GENERAL.—An eligible partnership receiving a grant under this subpart shall conduct an evaluation at the end of the grant period to determine—

"(i) the effectiveness of the general education teachers who completed a program under subsection (c)(1) with respect to instruction of students with disabilities in general education classrooms; and

"(ii) the systemic impact of the activities carried out by such grant on how each institution of higher education that is a member of the partnership prepares teachers for instruction in elementary schools and secondary schools.

"(B) REPORT TO THE SECRETARY.—Each eligible partnership performing an evaluation under subparagraph (A) shall report the findings of such evaluation to the Secretary.

"(2) REPORT BY THE SECRETARY.—Not later than 180 days after the last day of the grant period for which an evaluation was conducted under paragraph (1), the Secretary shall make available to the authorizing committees and the public the findings of the evaluations submitted under paragraph (1), and information on best practices related to effective instruction of students with disabilities in general education classrooms.

"Subpart 3—Preparing Teachers for English-Learner Instruction

"SEC. 251. TEACHING ENGLISH LEARNERS GRANT.

"(a) AUTHORIZATION OF PROGRAM.—The Secretary shall award grants, on a competitive basis, to eligible partnerships to improve the preparation of teacher candidates

to ensure that such teacher candidates possess the knowledge and skills necessary to effectively instruct English learners.

"(b) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of not more than 5 years.

"(c) NON-FEDERAL SHARE.—An eligible partnership that receives a grant under this section shall provide not less than 25 percent of the cost of the activities carried out with such grant from non-Federal sources, which may be provided in cash or in kind.

"(d) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means an eligible institution of higher education in partnership with a high-need local educational agency or a high-need early childhood education program.

"(e) USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant to—

"(1) develop or strengthen an undergraduate, postbaccalaureate, or master's teacher preparation program by integrating strategies for teaching English learners into the education curriculum and academic content;

"(2) provide teacher candidates participating in a program under paragraph (1) with skills related to—

1 ''(A) helping English learners—
2 ''(i) achieve at high levels in pre-
3 kindergarten programs, and elementary
4 schools and secondary schools so that such
5 English learners can meet the challenging
6 State academic standards adopted under
7 section 1111(b)(1) of the Elementary and
8 Secondary Education Act of 1965 (20
9 U.S.C. 6311(b)(1)) by the State of the
10 school attended by the English learners,
11 which all children in the State are expected
12 to meet; and
13 ''(ii) attain English proficiency;
14 ''(B) appropriately identifying and meeting
15 the specific learning needs of children with dis-
16 abilities who are English learners;
17 ''(C) recognizing and addressing the social
18 and emotional needs of English learners; and
19 ''(D) promoting parental, family, and com-
20 munity engagement in educational programs
21 that serve English learners;
22 ''(3) provide authentic clinical learning opportu-
23 nities for teacher candidates participating in the pro-
24 gram involving sustained interactions with teachers
25 and English learners at public prekindergarten pro-

grams, or elementary schools or secondary schools, to the extent practicable, or simulated environments at the eligible institution of higher education involved, that foster in-depth, first-hand engagement with tasks required of a teacher providing instruction to English learners; and

''(4) provide teacher candidates with the required coursework to qualify for an English-as-a-second-language certification, endorsement, or initial teaching credential, as recognized by the State of the eligible partnership.

''(f) APPLICATION.—An eligible partnership seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application shall include—

''(1) a self-assessment by the eligible partnership of the existing teacher preparation program at the institution of higher education and the needs related to preparing teacher candidates to instruct English learners in the manner described in subsection (d)(2); and

''(2) a self-assessment by the eligible partnership of the personnel needs for teachers who instruct English learners at local, public prekindergarten

programs, and elementary schools and secondary schools.

"(g) EQUITABLE GEOGRAPHIC DISTRIBUTION.—In awarding grants under this section, the Secretary shall, to the maximum extent possible, provide for an equitable geographic distribution of such grants.

"(h) EVALUATIONS.—

"(1) REPORT FROM ELIGIBLE PARTNERSHIPS.—An eligible partnership receiving a grant under this section shall submit to the Secretary the results of an evaluation conducted by the partnership at the end of the grant period to determine—

"(A) the effectiveness of teachers who completed a program under subsection (d)(1) with respect to instruction of English learners; and

"(B) the systemic impact of the activities carried out by such grant on how such partnership prepares teachers to provide instruction in prekindergarten programs, and elementary schools and secondary schools.

"(2) REPORT FROM THE SECRETARY.—Not later than 180 days after the last day of the grant period under this section, the Secretary shall make available to the authorizing committees and the public—

"(A) the findings of the evaluations submitted under paragraph (1); and

"(B) information on best practices related to effective instruction of English learners.

"Subpart 4—Graduate Fellowships To Prepare Faculty in High-Need Areas at Colleges of Education

"SEC. 261. GRADUATE FELLOWSHIPS TO PREPARE FACULTY IN HIGH-NEED AREAS AT COLLEGES OF EDUCATION.

"(a) GRANTS BY SECRETARY.—From the amounts provided to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable such institutions to make graduate fellowship awards to qualified individuals in accordance with the provisions of this section.

"(b) ELIGIBLE INSTITUTIONS.—In this section, the term 'eligible institution' means an institution of higher education, or a consortium of such institutions, that offers a program of postbaccalaureate study leading to a doctoral degree.

"(c) APPLICATIONS.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

1 ''(d) TYPES OF FELLOWSHIPS SUPPORTED.—
2 ''(1) IN GENERAL.—An eligible institution that
3 receives a grant under this subpart shall use the
4 grant funds to provide graduate fellowships to indi-
5 viduals who are preparing for the professorate in
6 order to prepare individuals to become elementary
7 school and secondary school science, technology, en-
8 gineering, and math teachers, special education
9 teachers, and teachers who provide instruction for
10 English-learners, who meet the applicable State cer-
11 tification and licensure requirements, including any
12 requirements for certification obtained through alter-
13 native routes to certification, or, with regard to spe-
14 cial education teachers, the qualifications described
15 in section 612(a)(14)(C) of the Individuals with Dis-
16 abilities Education Act.
17 ''(2) TYPES OF STUDY.—A graduate fellowship
18 provided under this section shall support an indi-
19 vidual in pursuing postbaccalaureate study, which
20 leads to a doctoral degree and may include a mas-
21 ter's degree as part of such study, related to teacher
22 preparation and pedagogy in one of the following
23 areas:
24 ''(A) Science, technology, engineering,
25 mathematics, and computer science, and their

related subfields, if the individual has completed a master's degree in mathematics, engineering, science, or computer science and is pursuing a doctoral degree in mathematics, science, engineering, or education.

"(B) Special education.

"(C) The instruction of English-learners, including postbaccalaureate study in language instruction educational programs.

"(e) FELLOWSHIP TERMS AND CONDITIONS.—

"(1) SELECTION OF FELLOWS.—The Secretary shall ensure that an eligible institution that receives a grant under this subpart—

"(A) shall provide graduate fellowship awards to individuals who plan to pursue a career in instruction at an institution of higher education that has a teacher preparation program; and

"(B) may not provide a graduate fellowship to an otherwise eligible individual—

"(i) during periods in which such individual is enrolled at an institution of higher education unless such individual is maintaining satisfactory academic progress in, and devoting full-time study or research

to, the pursuit of the degree for which the fellowship support was provided; or

''(ii) if the individual is engaged in gainful employment, other than part-time employment related to teaching, research, or a similar activity determined by the institution to be consistent with and supportive of the individual's progress toward the degree for which the fellowship support was provided.

''(2) AMOUNT OF FELLOWSHIP AWARDS.—

''(A) IN GENERAL.—An eligible institution that receives a grant under this subpart shall award stipends to individuals who are provided graduate fellowships under this subpart.

''(B) AWARDS BASED ON NEED.—A stipend provided under this subpart shall be in an amount equal to the level of support provided by the National Science Foundation graduate fellowships, except that such stipend shall be adjusted as necessary so as not to exceed the fellowship recipient's demonstrated need, as determined by the institution of higher education where the fellowship recipient is enrolled.

''(3) SERVICE REQUIREMENT.—

"(A) TEACHING REQUIRED.—Each individual who receives a graduate fellowship under this subpart and earns a doctoral degree shall teach for 1 year at an institution of higher education that has a teacher preparation program for each year of fellowship support received under this section.

"(B) INSTITUTIONAL OBLIGATION.—Each eligible institution that receives a grant under this subpart shall provide an assurance to the Secretary that the institution has inquired of and determined the decision of each individual who has received a graduate fellowship to, within 3 years of receiving a doctoral degree, begin employment at an institution of higher education that has a teacher preparation program, as required by this section.

"(C) AGREEMENT REQUIRED.—Prior to receiving an initial graduate fellowship award, and upon the annual renewal of the graduate fellowship award, an individual selected to receive a graduate fellowship under this section shall sign an agreement with the Secretary agreeing to pursue a career in instruction at an institution of higher education that has a teach-

er preparation program in accordance with subparagraph (A).

"(D) FAILURE TO COMPLY.—If an individual who receives a graduate fellowship award under this section fails to comply with the agreement signed pursuant to subparagraph (C), the sum of the amounts of any graduate fellowship award received by such recipient shall, upon a determination of such a failure, be treated as a Federal Direct Unsubsidized Stafford Loan under part D of title IV, and shall be subject to repayment, together with interest thereon accruing from the date of the fellowship award, in accordance with terms and conditions specified by the Secretary in regulations under this subpart.

"(E) MODIFIED SERVICE REQUIREMENT.—The Secretary may waive or modify the service requirement of this paragraph in accordance with regulations promulgated by the Secretary with respect to the criteria to determine the circumstances under which compliance with such service requirement is inequitable or represents a substantial hardship. The Secretary may waive the service requirement if compliance by

the fellowship recipient is determined to be inequitable or represent a substantial hardship—

"(i) because the individual is permanently and totally disabled at the time of the waiver request; or

"(ii) based on documentation presented to the Secretary of substantial economic or personal hardship.

"(f) INSTITUTIONAL SUPPORT FOR FELLOWS.—An eligible institution that receives a grant under this section may reserve not more than ten percent of the grant amount for academic and career transition support for graduate fellowship recipients and for meeting the institutional obligation described in subsection (e)(3)(B).

"(g) RESTRICTION ON USE OF FUNDS.—An eligible institution that receives a grant under this section may not use grant funds for general operational overhead of the institution.

"Subpart 5—General Provisions

"SEC. 281. COMPETITIVE PRIORITY.

"In awarding grants under subparts 1 through 4, the Secretary shall award competitive priority to eligible institutions, eligible partnerships, and eligible entities that demonstrate in the application for such a grant a plan to—

1 ''(1) increase the diversity in the educator
2 workforce through—
3 ''(A) recruiting, enrolling, and preparing
4 diverse teacher candidates; and
5 ''(B) efforts that help retain diverse teach-
6 er candidates in high-needs schools;
7 ''(2) address the shortage of teachers in high-
8 needs fields including science, technology, engineer-
9 ing, arts, mathematics, or computer science
10 through—
11 ''(A) recruiting, enrolling, and preparing
12 teacher candidates to achieve certification, as
13 required by the State, to offer instruction in
14 high-needs fields, including science, technology,
15 engineering, arts, mathematics, or computer
16 science; and
17 ''(B) efforts that help retain teachers of
18 high-needs fields in high-needs schools;
19 ''(3) expand the pipeline of school leaders
20 through preparing teacher leaders, which may be
21 achieved by efforts that may include—
22 ''(A) embedding pedagogical coursework
23 for teacher candidates that fosters—
24 ''(i) leadership and advocacy skills;

"(ii) knowledge of school management and finance;

"(iii) school operations and business skills;

"(iv) effective use and management of educational technology;

"(v) strategies for community and family engagement; and

"(vi) mentorship and coaching strategies; and

"(B) providing opportunities for teacher candidates to receive—

"(i) exposure to and modeling from teacher leaders and school leaders; and

"(ii) ongoing support and continuation of professional development on teacher or other school leadership once exiting the teacher or other school leader preparation program.".

TITLE III—INSTITUTIONAL AID

SEC. 3001. STRENGTHENING INSTITUTIONS.

(a) PROGRAM PURPOSE.—Section 311(d) of the Higher Education Act of 1965 (20 U.S.C. 1057(d)) is amended—

(1) in paragraph (2)—

(A) by striking ''non-Federal sources'' and inserting ''non-Federal sources (which may include gifts to the endowment fund restricted for a specific purpose)''; and

(B) by striking ''or greater than'' and inserting ''50 percent of''; and

(2) by inserting after paragraph (3) the following:

''(4) SCHOLARSHIP.—An eligible institution that uses grant funds provided under this section to establish or increase an endowment fund may use the interest proceeds from such endowment to provide scholarships to students for the purposes of attending such institution.''.

(b) TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.—Section 316(c) of the Higher Education Act of 1965 (20 U.S.C. 1059c(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (D), by striking ''Indians'' and all that follows through ''policy'' and inserting ''American Indians and Alaska Natives are underrepresented, instruction in Native American language, and instruction to support tribal governance, tribal public policy, and tribal history and sovereignty;'' and

(B) in subparagraph (L) by striking ''outreach'' and all that follows through ''education'' and inserting ''outreach and recruitment activities and programs that encourage American Indian and Alaska Native elementary school students, secondary school students, and adults to develop the academic skills and the interest to pursue and succeed in postsecondary education''; and

(2) in paragraph (3)—

(A) in subparagraph (B)—

(i) by striking ''matching funds'' and inserting ''matching funds (which may include gifts to the endowment fund restricted for a specific purpose)''; and

(ii) by striking ''equal to the Federal funds'' and inserting ''equal to 50 percent of the Federal funds''; and

(B) by inserting after subparagraph (C) the following:

''(D) SCHOLARSHIPS.—An eligible institution that uses grant funds provided under this section to establish or increase an endowment fund may use the interest proceeds from such

endowment to provide scholarships to students for the purposes of attending such institution.''.

(c) ELIMINATION OF PRE-APPROVAL REQUIREMENT; USE OF UNEXPENDED FUNDS.—Section 316(d) of the Higher Education Act of 1965 (20 U.S.C. 1059c(d)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(3) in paragraph (2), as so redesignated, by adding at the end the following:

''(C) USE OF UNEXPENDED FUNDS.—Any funds paid to an institution and not expended or used for the purposes for which the funds were paid during the 5-year period following the date of the initial grant award, may be carried over and expended during the succeeding 5-year period, if such funds were obligated for a purpose for which the funds were paid during the 5-year period following the date of the initial grant award.''.

(d) PROMOTING THE SUSTAINABILITY OF NATIVE AMERICAN LANGUAGES.—Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is further

amended by inserting after section 316 (20 U.S.C. 1059c) the following:

"SEC. 316A. NATIVE AMERICAN LANGUAGE VITALIZATION AND TRAINING PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—From the amount appropriated under subsection (d), the Secretary shall establish the Native American Language Vitalization and Training Program under which the Secretary shall award grants, on a competitive basis, to eligible institutions to promote the preservation, revitalization, relevancy, and use of Native American languages.

"(2) TERM.—The term of a grant under this section shall be not more than 5 years.

"(3) APPLICATION.—

"(A) STREAMLINED PROCESS.—In carrying out the program under this section, the Secretary shall establish application requirements in such a manner as to simplify and streamline the process for the grant application under this section.

"(B) IN GENERAL.—To be eligible to receive a grant under this subsection, an eligible institution shall submit to the Secretary an ap-

1 plication at such time, in such manner, and in
2 accordance with any other application require-
3 ments described in subparagraph (A), that the
4 Secretary may prescribe, and including the fol-
5 lowing:
6 ''(i) A description of the 5-year pro-
7 gram of the eligible institution for meeting
8 the needs of American Indians, Alaska Na-
9 tives, Native Hawaiians, or Native Amer-
10 ican Pacific Islanders, as appropriate, in
11 the area served by the institution, and how
12 such plan is consistent with the purposes
13 described in paragraph (1).
14 ''(ii)(I) An identification of the popu-
15 lation to be served by the eligible institu-
16 tion; and
17 ''(II) an identification of the status of
18 Native American language understanding
19 and use within that population and a de-
20 scription of the manner in which the pro-
21 gram will help preserve and revitalize the
22 relevant Native American language.
23 ''(iii) A description of the services to
24 be provided under the program, including
25 the manner in which the services will be in-

tegrated with other appropriate language programs available in the relevant community.

"(iv) A description, to be prepared in consultation with the Secretary, of the performance measures to be used to assess the performance of the eligible institution in carrying out the program.

"(b) USE OF FUNDS.—An eligible institution may use a grant under this section to carry out activities consistent with the purposes described in subsection (a)(1), including—

"(1) curriculum development and academic instruction, including educational activities, programs, and partnerships relating to students in early childhood education programs through grade 12;

"(2) professional development for faculty at the eligible institution and in-service training programs for early childhood education programs through grade 12 instructors and administrators; and

"(3) innovative Native American language programs for students in early childhood education programs through grade 12, including language immersion programs.

"(c) APPLICABILITY OF OTHER PROVISIONS.—

"(1) CONCURRENT FUNDING.—

"(A) TRIBAL COLLEGE OR UNIVERSITY.—An eligible institution that is a Tribal College or University may, concurrently, receive a grant under this section and funds under section 316.

"(B) ALASKA NATIVE-SERVING INSTITUTION OR NATIVE HAWAIIAN-SERVING INSTITUTION.—An eligible institution that is an Alaska Native-serving institution or Native Hawaiian-serving institution may, concurrently, receive a grant under this section and funds under section 317.

"(C) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—An eligible institution that is an Asian American and Native American Pacific Islander-serving institution may, concurrently, receive a grant under this section and funds under section 320.

"(2) EXEMPTION.—Sections 312(b) and 313(d) shall not apply to an eligible institution that receives a grant under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 (of which $15,000,000 shall be available for

1 Tribal Colleges or Universities and $5,000,000 shall be
2 available for the institutions described in subparagraphs
3 (B) through (D) of subsection (e)(1)) for fiscal year 2021
4 and each of the 5 succeeding fiscal years.

5 ''(e) DEFINITIONS.—In this section:

6 ''(1) ELIGIBLE INSTITUTION.—The term 'eligi-
7 ble institution' means—

8 ''(A) a Tribal College or University, as de-
9 fined in section 316;

10 ''(B) an Alaska Native-serving institution,
11 as defined in section 317;

12 ''(C) a Native Hawaiian-serving institu-
13 tion, as defined in section 317; or

14 ''(D) an Asian American and Native Amer-
15 ican Pacific Islander-serving institution, as de-
16 fined in section 320, which is located in Amer-
17 ican Samoa, Guam, or the Commonwealth of
18 the Northern Mariana Islands.

19 ''(2) NATIVE AMERICAN.—The term 'Native
20 American' has the meaning given the term in section
21 371(c)(6).''.

22 (e) PREDOMINANTLY BLACK INSTITUTIONS.—Sec-
23 tion 318(d)(3) of the Higher Education Act of 1965 (20
24 U.S.C. 1059e(d)(3)) is amended—

25 (1) in subparagraph (B)—

(A) by striking ''non-Federal sources'' and inserting ''non-Federal sources (which may include gifts to the endowment fund restricted for a specific purpose)''; and

(B) by striking ''equal to or greater than the Federal funds'' and inserting ''equal to 50 percent of the Federal funds''; and

(2) by inserting after subparagraph (C) the following:

''(D) SCHOLARSHIPS.—An eligible institution that uses grant funds provided under this section to establish or increase an endowment fund may use the interest proceeds from such endowment to provide scholarships to students for the purposes of attending such institution.''.

(f) TECHNICAL CORRECTION TO SECTION 317.—Section 317(d)(3)(A) of the Higher Education Act of 1965 (20 U.S.C.1059d(d)(3)(A) is amended to read as follows:

''(A) ELIGIBILITY.—No Alaskan Native-serving institution of Native Hawaiian-serving institution that receives funds under this section shall concurrently receive funds under other provisions of this part, part B, or part A of title V.''.

(g) TECHNICAL CORRECTION TO SECTION 318.—Section 318(i) of the Higher Education Act of 1965 (20 U.S.C. 1059e) is amended—

(1) in the subsection heading, by striking ''SPECIAL RULE ON ELIGIBILITY'' and inserting ''SPECIAL RULES'' ;

(2) by striking ''No Predominantly'' and inserting the following:

''(1) ELIGIBILITY.—No Predominantly''; and

(3) by adding at the end the following:

''(2) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

(h) TECHNICAL CORRECTION TO SECTION 320.—Section 320(d)(3)(A) of the Higher Education Act of 1965 (20 U.S.C. 1059g(d)(3)(A)) is amended by inserting ''part A of'' after ''or''.

SEC. 3002. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

(a) ALLOWABLE USES OF FUNDS.—Section 323(a) of the Higher Education Act of 1965 (20 U.S.C. 1062(a)) is amended—

(1) by striking paragraphs (6) and (7) and inserting the following:

"(6) Tutoring, counseling, advising, and student service programs designed to improve academic success, including innovative and customized instructional courses (which may include remedial education and English language instruction) designed to help retain students and move students rapidly into core courses and through program completion.

"(7) Funds and administrative management, and acquisition of technology, services, and equipment for use in strengthening funds and administrative management.";

(2) in paragraph (10)—

(A) by striking "teacher education" and inserting "traditional or alternative route teacher preparation"; and

(B) by striking "preparation for teacher certification" and inserting "preparation of graduates for teacher certification or licensure";

(3) by redesignating paragraph (15) as paragraph (19); and

(4) by inserting after paragraph (14) the following:

"(15) Distance education programs and creating or improving facilities for internet or other distance learning academic instruction capabilities, in-

cluding the purchase or rental of telecommunications technology equipment or services.

''(16) Establishing or improving a program that produces improved results in the educational outcomes of African American males.

''(17) Scholarships, fellowships, and other financial assistance for financially needy undergraduate students, as determined by the institution, to permit the enrollment and degree completion of such students in the physical or natural sciences, engineering, mathematics or other scientific disciplines in which African Americas are underrepresented, except that not more than 30 percent of the grant amount may be used for this purpose.

''(18) Establishing or improving an office of sponsored programs to assist with identifying external funding opportunities, applying for external funding, and administering grant awards.''.

(b) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—Section 323(b) of the Higher Education Act of 1965 (20 U.S.C. 1062(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''non-Federal sources'' and inserting ''non-Federal sources (which may in-

clude gifts to the endowment fund restricted for a specific purpose)''; and

(B) by striking ''equal to or greater than the Federal funds'' and inserting ''equal to 50 percent of the Federal funds''; and

(2) by inserting after paragraph (3) the following:

''(4) SCHOLARSHIPS.—An eligible institution that uses grant funds provided under this section to establish or increase an endowment fund may use the interest proceeds from such endowment to provide scholarships to students for the purposes of attending such institution.''.

(c) ALLOTMENTS AND APPLICATION PROCESS.—

(1) ALLOTMENTS.—Section 324 of the Higher Education Act of 1965 (20 U.S.C. 1063) is amended—

(A) in subsection (c), by striking ''5'' and inserting ''6'';

(B) in subsection (d)(1), by striking subparagraphs (A) and (B) and inserting the following:

''(A) less than $500,000 for a part B institution which has received a grant under this part, the Secretary shall award the part B insti-

tution an allotment in the amount of $500,000; and

"(B) less than $250,000 for a part B institution which has not received a grant under this part for a fiscal year prior to fiscal year 2019, the Secretary shall award the part B institution an allotment in the amount of $250,000."; and

(C) in subsection (h)—

(i) in paragraphs (1)(C) and (2)(C), by striking "within 5 years" each time it appears and inserting "within 6 years"; and

(ii) by adding at the end the following:

"(3) LIMITATION FOR NEW INSTITUTIONS.—Notwithstanding any other provision of this section, no part B institution that would otherwise be eligible for funds under this part shall receive an allotment under this part for a fiscal year, unless—

"(A) such institution received an allotment under this part for fiscal year 2019; or

"(B) the amount appropriated under section 399(a)(2)(A) for such fiscal year is not less than $282,420,000.".

(2) APPLICATIONS.—Section 325(c) of the Higher Education Act of 1965 (20 U.S.C. 1063a(c)) is amended by inserting ", including goals to enhance student retention, graduation, and post-graduate outcomes," after "management and academic programs".

(d) PROFESSIONAL OR GRADUATE INSTITUTIONS.—Section 326(c) of the Higher Education Act of 1965 (20 U.S.C. 1063b(c)) is amended—

(1) in paragraph (7)—

(A) by striking "equipment," and inserting "equipment, technology, and services,"; and

(B) by inserting "and administrative" after "in strengthening funds";

(2) by redesignating paragraph (12) as paragraph (13); and

(3) by striking paragraph (11) and inserting the following:

"(11) tutoring, counseling, advising, and student service programs designed to improve academic success, including innovative and customized instructional courses (which may include remedial education and English language instruction) designed to help retain students and move students rapidly into core courses and through program completion; and

"(12) distance education programs and creating or improving facilities for internet or other distance learning academic instruction capabilities, including the purchase or rental of telecommunications technology equipment or services; and".

(e) ELIGIBILITY.—Section 326(e)(1) of the Higher Education Act of 1965 (20 U.S.C. 1063b(e)) is amended—

(1) in subparagraph (W), by striking "and" at the end;

(2) in subparagraph (X), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(Y) University of the Virgin Islands School of Medicine.".

(f) CONFORMING AMENDMENT.—Section 326(f) of the Higher Education Act of 1965 (20 U.S.C. 1063b(f)) is amended by striking "through (X)" both places it appears and inserting "through (Y)".

(g) INTERACTION WITH OTHER GRANT PROGRAMS.—Section 326(h) of the Higher Education Act of 1965 (20 U.S.C. 1063b(h)) is amended by striking "or 724" and inserting "724, 727, or 729.".

SEC. 3003. HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING.

(a) BOND INSURANCE AND CAPITAL FINANCE OF STEM FACILITIES.—Section 343 of the Higher Education Act of 1965 (20 U.S.C. 1066b) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''an escrow account'' and inserting ''a bond insurance fund'';

(B) in paragraph (3), by inserting ''(except that loans for the purpose of science, technology, engineering, or mathematics related academic facilities shall carry not more than a 1 percent rate of interest)'' after ''charge such interest on loans'';

(C) in paragraph (8)—

(i) in the matter preceding subparagraph (A), by striking ''an escrow account'' and inserting ''a bond insurance fund''; and

(ii) in subparagraph (A), by striking ''the escrow account'' and inserting ''the bond insurance fund'';

(D) in paragraph (9), by striking ''escrow account'' each place it appears and inserting ''bond insurance fund''; and

(E) in paragraph (12), by striking ", except as otherwise required by the Secretary"; and

(2) in subsection (c), by striking "escrow account" each place it appears and inserting "bond insurance fund".

(b) INCREASED AGGREGATE BOND LIMIT.—Section 344 of the Higher Education Act of 1965 (20 U.S.C. 1066c) is amended—

(1) in the matter preceding paragraph (1), by striking "$1,100,000,000" and inserting "$3,600,000,000";

(2) in paragraph (1), by striking "$733,333,333" and inserting "two-thirds"; and

(3) in paragraph (2), by striking "$366,666,667" and inserting "one-third".

(c) STRENGTHENING TECHNICAL ASSISTANCE.—Section 345 of the Higher Education Act of 1965 (20 U.S.C. 1066d) is amended—

(1) in paragraph (8), by inserting "and" at the end;

(2) by striking paragraph (9) and inserting the following:

"(9) may, directly or by grant or contract, provide financial counseling and technical assistance to

eligible institutions to prepare the institutions to qualify, apply for, and maintain a capital improvement loan, including a loan under this part.''; and

(3) by striking paragraph (10) and inserting the following:

''(10) may provide for the modification or deferment of a loan made under this part based on need of the institution, as defined by the Secretary, for a period not to exceed 6 fiscal years, and, during the period of deferment of such a loan, interest on the loan will not accrue or be capitalized.''.

(d) HBCU CAPITAL FINANCING ADVISORY BOARD.—Paragraph (2) of Section 347(c) of the Higher Education Act of 1965 (20 U.S.C. 1066f(c)) is amended to read as follows:

''(2) REPORT.—On an annual basis, the Advisory Board shall prepare and submit to the authorizing committees a report on—

''(A) the financial status of the historically Black colleges and universities described in paragraph (1)(A);

''(B) an overview of all loans awarded under the program under this part, including the most recent loans awarded for the fiscal year in which the report is submitted; and

"(C) administrative and legislative recommendations for addressing the issues related to construction financing facing historically Black colleges and universities.".

SEC. 3004. STRENGTHENING HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS.

Section 371(b) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)) is amended—

(1) in paragraph (1)(A)—

(A) in the first sentence, by striking "appropriated," and all that follows through "2019" and inserting the following: "appropriated, $300,000,000 for fiscal year 2021 and each succeeding fiscal year"; and

(B) by striking the second sentence; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (i), by striking "$100,000,000" and inserting "$117,500,000";

(ii) in clause (ii), by striking "$100,000,000" and inserting "$99,875,000";

(iii) in clause (iii)—

(I) by striking ''$55,000,000'' and inserting ''$65,000,000''; and

(II) by striking ''(D)'' and inserting ''(E)'';

(iv) by redesignating clause (iii) as clause (iv); and

(v) by inserting after clause (ii) the following:

''(iii) $17,625,000 shall be available for allocation under subparagraph (D);'';

(B) by redesignating subparagraph (D) as subparagraph (E) and—

(i) in clause (i), by striking ''$30,000,000'' each place it appears and inserting ''$35,000,000'';

(ii) in clause (ii), by striking ''$15,000,000'' each place it appears and inserting ''$18,000,000''; and

(iii) in clauses (iii) and (iv), by striking ''$5,000,000'' each place it appears and inserting ''$6,000,000''; and

(C) by striking subparagraph (C) and inserting the following:

''(C) ALLOCATION AND ALLOTMENT HBCUS.—The amount made available for alloca-

tion under this subparagraph by subparagraph (A)(ii) for any fiscal year shall be available to eligible institutions described in subsection (a)(1) and shall be made available as grants under section 323 and allotted among such institutions under section 324, treating such amount, plus the amount appropriated for such fiscal year in a regular or supplemental appropriation Act to carry out part B of this title, as the amount appropriated to carry out part B of this title for purposes of allotments under section 324, for use by such institutions with a priority for—

"(i) activities described in paragraphs (1), (2), (4), (5), and (10) of section 323(a); and

"(ii) other activities, consistent with the institution's comprehensive plan and designed to increase the institution's capacity to prepare students for careers in the physical or natural sciences, mathematics, computer science or information technology or sciences, engineering, language instruction in the less-commonly

taught languages or international affairs, or nursing or allied health professions.

"(D) ALLOCATION AND ALLOTMENT PBIS.—The amount made available for allocation under this subparagraph by subparagraph (A)(iii) for any fiscal year shall be available to eligible institutions described in subsection (a)(5) and shall be available for a competitive grant program to award grants of $600,000 annually for programs in any of the following areas:

"(i) science, technology, engineering, or mathematics (STEM);

"(ii) health education;

"(iii) internationalization or globalization;

"(iv) teacher preparation; or

"(v) improving educational outcomes of African American males.".

SEC. 3005. GENERAL PROVISIONS.

Section 399(a) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)) is amended—

(1) by striking "2009" each place it appears and inserting "2021";

(2) in paragraph (1)—

(A) in subparagraph (A), by striking "$135,000,000" and inserting "$150,000,000";

(B) in subparagraph (B), by striking "$30,000,000" and inserting "$45,000,000";

(C) in subparagraph (C), by striking "$15,000,000" and inserting "$25,000,000";

(D) in subparagraph (D), by striking "$75,000,000" and inserting "$90,000,000";

(E) in subparagraph (E), by striking "$25,000,000" and inserting "$30,000,000"; and

(F) in subparagraph (F), by striking "$30,000,000" and inserting "$60,000,000";

(3) in paragraph (2)—

(A) in subparagraph (A), by striking "$375,000,000" and inserting "$400,000,000"; and

(B) in subparagraph (B), by striking "$125,000,000" and inserting "$135,000,000";

(4) in paragraph (3), by striking "$10,000,000" and inserting "$220,000,000"; and

(5) in paragraph (4)(A), by striking "$185,000" and inserting "$225,000".

TITLE IV—STUDENT ASSISTANCE

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this title or the amendments made by this title, this title and the amendments made by this title shall take effect on July 1, 2021.

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

Subpart 1—Federal Pell Grants

SEC. 4011. AMOUNT OF GRANTS.

Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended—

(1) in subsection (a)(1)—

(A) by striking ''through fiscal year 2017''; and

(B) by inserting ''or as a postbaccalaureate in accordance with subsection (c)(1)(B)'' after ''as an undergraduate'';

(2) in subsection (b)—

(A) in paragraph (2)(A)(ii), by striking ''paragraph (7)(B)'' and inserting ''paragraph (6)(B)'';

(B) by striking paragraph (6), and redesignating paragraph (7) as paragraph (6); and

(C) in paragraph (6)(C) (as so redesignated), by amending clause (iii) to read as follows:

"(iii) SUBSEQUENT AWARD YEARS.—

"(I) AWARD YEARS 2018–2019, 2019–2020 AND 2020–2021.—For each of the award years 2018–2019, 2019–2020, and 2020–2021 the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to the amount determined under clause (ii) for award year 2017–2018.

"(II) AWARD YEAR 2021–2022.—For award year 2021–2022, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

"(aa) $6,195 or the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), whichever is greater, increased by $500; reduced by

"(bb) $5,135 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater, and

"(cc) rounded to the neared $5.

"(III) AWARD YEAR 2022–2023 AND EACH SUBSEQUENT AWARD YEAR.—For award year 2022–2023 and each subsequent award year, the amount determined under this subparagraph for purposes of subparagraph (B)(iii) shall be equal to—

"(aa) $6,695 or the total maximum Federal Pell Grant for the preceding award year (as determined under clause (iv)(II)), whichever is greater, increased by a percentage equal to the annual adjustment percentage for the award year for which the amount

under this subparagraph is being determined; reduced by

"(bb) $5,135 or the maximum Federal Pell Grant for which a student was eligible for the preceding award year, as specified in the last enacted appropriation Act applicable to that year, whichever is greater; and

"(cc) rounded to the nearest $5.";

(3) in subsection (f)—

(A) in paragraph (1), by striking the matter preceding subparagraph (A) and inserting the following: "After receiving an application for a Federal Pell Grant under this subpart, the Secretary (including any contractor of the Secretary processing applications for Federal Pell Grants under this subpart) shall, in a timely manner, furnish to the student financial aid administrator at each institution of higher education that a student awarded a Federal Pell Grant under this subpart is attending, the expected family contribution for each such stu-

dent. Each such student financial administrator shall—''; and

(B) in paragraph (3), by striking ''after academic year 1986–1987''; and

(4) in subsection (j)—

(A) in paragraph (1) by inserting before the period the following: '', or if such institution of higher education is subject to an ineligibility determination under section 435(a)(9) or 493I(b)''; and

(B) in paragraph (2) by inserting '', final adjusted cohort default rate, or on-time repayment rate'' before ''determination''.

SEC. 4012. GRANT ELIGIBILITY.

Section 401(c) of the Higher Education Act of 1965 (20 U.S.C. 1070a(c)) is amended—

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

''(1) PERIOD OF ELIGIBILITY FOR GRANTS.—The period during which a student may receive Federal Pell Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance except that—

"(A) any period during which the student is enrolled in a noncredit or remedial course of study as defined in paragraph (2) shall not be counted for the purpose of this paragraph; and

"(B) the period during which a student may receive Federal Pell Grants shall also include the period required for the completion of the first postbaccalaureate course of study at an eligible institution that meets the definition of institution of higher education in section 101, in a case in which—

"(i) the student received a Federal Pell Grant during the period required for the completion of the student's first undergraduate baccalaureate course of study for fewer than 14 semesters, or the equivalent of fewer than 14 semesters, as determined under paragraph (5);

"(ii) the student would otherwise be eligible for a Federal Pell Grant, but for the completion of such baccalaureate course of study; and

"(iii) the period during which the student receives Federal Pell Grants does not

exceed the student's duration limits under paragraph (5).''; and

(3) in paragraph (5)—

(A) by striking ''(5) The period'' and inserting the following: ''(5) MAXIMUM PERIOD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the period'';

(B) by striking ''12'' each place the term appears and inserting ''14''; and

(C) by adding at the end the following:

''(B) EXCEPTION.—

''(i) IN GENERAL.—Any Federal Pell Grant that a student received during a period described in subclause (I) or (II) of clause (ii) shall not count toward the student's duration limits under this paragraph.

''(ii) APPLICABLE PERIODS.—Clause (i) shall apply with respect to any Federal Pell Grant awarded to a student to attend an institution—

''(I) during a period—

''(aa) for which the student received a loan under this title; and

"(bb) for which the loan described in item (aa) is forgiven under—

"(AA) section 437(c)(1) or 464(g)(1) due to the closing of the institution;

"(BB) section 493H due to the student's successful assertion of a defense to repayment of the loan; or

"(CC) section 432(a)(6), section 685.215 of title 34, Code of Federal Regulations (or a successor regulation), or any other loan forgiveness provision or regulation under this Act, as a result of a determination by the Secretary or a court that the institution committed fraud or other misconduct; or

"(II) during a period for which the student did not receive a loan under this title but for which, if the

student had received such a loan, the student would have qualified for loan forgiveness under subclause (I)(bb).''.

SEC. 4013. EXTENDING FEDERAL PELL GRANT ELIGIBILITY OF CERTAIN SHORT-TERM PROGRAMS.

(a) IN GENERAL.—Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended by inserting after subsection (j) the following:

''(k) JOB TRAINING FEDERAL PELL GRANT PROGRAM.—

''(1) IN GENERAL.—For the award year beginning on July 1, 2021, and each subsequent award year, the Secretary shall carry out a program through which the Secretary shall award job training Federal Pell Grants to students in eligible job training programs approved by the Secretary in accordance with paragraph (4).

''(2) TERMS AND CONDITIONS.—Each job training Federal Pell Grant awarded under this subsection shall have the same terms and conditions, and be awarded in the same manner, as a Federal Pell Grant awarded under subsection (a), except as follows:

"(A) A student who is eligible to receive a job training Federal Pell Grant under this subsection is a student who—

"(i) has not yet attained a postbaccalaureate degree; and

"(ii) is enrolled, or accepted for enrollment, in an eligible job training program at an institution of higher education.

"(B) The amount of a job training Federal Pell Grant for an eligible student shall be determined under subsection (b), except that subsection (b)(4) shall not apply.

"(3) TREATMENT OF JOB TRAINING FEDERAL PELL GRANT.—

"(A) INCLUSION IN TOTAL ELIGIBILITY PERIOD.—The period during which a student received a job training Federal Pell Grant under this subsection shall be included in calculating the duration limits with respect to such student under subsection (c)(5) and to the extent that such period was a fraction of a semester or the equivalent, only that same fraction of such semester or equivalent shall count towards such duration limits.

"(B) PREVENTION OF DOUBLE BENEFITS.—No student may for the same payment period receive both a job training Federal Pell Grant under this subsection and a Federal Pell Grant under subsection (a).

"(4) APPROVAL OF ELIGIBLE JOB TRAINING PROGRAMS.—

"(A) ELIGIBLE JOB TRAINING PROGRAM.—An eligible job training program shall be a career and technical education program at an institution of higher education that the Secretary determines meets the following requirements:

"(i) The job training program provides not less than 150, and less than 600, clock hours of instructional time over a period of not less than 8, and less than 15, weeks.

"(ii) The job training program provides training aligned with the requirements of high-skill, high-wage, or in-demand industry sectors or occupations in the State or local area in which the job training program is provided, as determined by an industry or sector partnership in such State or local area.

1 ''(iii) The job training program has
2 been determined by the institution of high-
3 er education and by such industry or sec-
4 tor partnership to provide academic con-
5 tent, an amount of instructional time, and
6 a recognized postsecondary credential that
7 are sufficient to—
8 ''(I) meet the hiring requirements
9 of potential employers in the sectors
10 or occupations described in clause (ii);
11 and
12 ''(II) satisfy any applicable edu-
13 cational prerequisite requirement for
14 professional license or certification, so
15 that a student who completes the pro-
16 gram and seeks employment is quali-
17 fied to take any licensure or certifi-
18 cation examination needed to practice
19 or find employment in such sectors or
20 occupations.
21 ''(iv) The job training program pre-
22 pares students to pursue related certificate
23 or degree programs at an institution of
24 higher education, including—

"(I) by ensuring the acceptability of the credits received under the job training program toward meeting such certificate or degree program requirements (such as through an articulation agreement); and

"(II) by ensuring that a student who completes noncredit coursework in the job training program, upon completion of the job training program and enrollment in such a related certificate or degree program, will receive academic credit for such noncredit coursework that will be accepted toward meeting such certificate or degree program requirements.

"(v) The job training program provides to the Secretary the annual earnings expected to be paid in the sectors or occupations for which the program provides training not later than 6 months after completion of such program (in this subsection referred to as the 'expected earnings'), as such earnings are determined by an industry or sector partnership in the

State or local area in which the program is provided, and which shall be—

"(I) greater than the average or median annual earnings paid to individuals with only a high school diploma (or the equivalent) based on the most recently available data from the Bureau of Labor Statistics or the Bureau of the Census with respect to such State or local area, or the Nation as a whole, as selected by such program;

"(II) validated by the Secretary; and

"(III) used to review the job training program under subparagraph (C).

"(vi) The job training program is part of a career pathway, and includes counseling for students to—

"(I) support each such student in achieving the student's education and career goals; and

"(II) ensure that each such student receives information on—

"(aa) the sectors or occupations described in clause (ii) for which the job training program provides training (including the expected earnings to be paid, and, if available, the mean and median earnings (described in subparagraph (C)(ii)) paid, in such sectors or occupations)); and

"(bb) the related certificate or degree programs described in clause (iv) for which the job training program provides preparation.

"(vii) The job training program meets the requirements under section 104 that are applicable to a program of training to prepare students for gainful employment in a recognized occupation.

"(viii) The job training program does not exceed by more than 50 percent the minimum number of clock hours required by a State to receive a professional license or certification in the State.

1 ''(ix) The job training program is pro-
2 vided by an institution of higher education
3 that—
4 ''(I) is approved by an accred-
5 iting agency or association that meets
6 the requirements of section
7 496(a)(4)(C);
8 ''(II) during the preceding 5
9 years, has not been subject to any ad-
10 verse actions or negative actions by
11 the accrediting agency or association
12 of the institution, State or Federal en-
13 forcement agencies, or the Secretary;
14 ''(III) is listed on the provider
15 list under section 122(d) of the Work-
16 force Innovation and Opportunity Act
17 (29 U.S.C. 3152(d)); and
18 ''(IV) has a designated official
19 responsible for engaging with the
20 workforce development system in the
21 State or local area in which the job
22 training program is provided.
23 ''(x) The job training program has a
24 verified completion rate and a verified an-
25 nual earnings rate that meets the require-

ments of clauses (i) and (iii) of section 481(b)(2)(A), respectively, and satisfies the criteria described in clause (v) of such section.

"(xi) The State board representing the State in which the job training program is provided certifies to the Secretary that the program meets the requirements of clauses (ii), (viii), and (ix)(III).

"(B) INITIAL APPROVAL BY THE SECRETARY.—Not later than 180 days after the date on which a job training program is submitted for approval under this subparagraph, the Secretary shall make a determination as to whether such job training program is an eligible job training program in accordance with subparagraph (A).

"(C) REVIEW OF APPROVAL.—

"(i) IN GENERAL.—Not later than 3 years after the date an eligible job training program is approved under subparagraph (B), and not less than once every 3 years thereafter, the Secretary shall, using the data collected under paragraph (5) and such other information as the Secretary

may require, determine whether such job training program continues to meet the requirements of subparagraph (A).

"(ii) REQUIREMENTS.—Subject to clause (iii), a determination under clause (i) that a job training program continues to meet the requirements of subparagraph (A) shall, at a minimum, require the Secretary to determine that the mean or median earnings (whichever is higher) paid to students not later than 6 months after completing such program is equal to or greater than the expected earnings of the program.

"(iii) EXCEPTION AND APPEALS.—

"(I) EXCEPTION.—The Secretary may extend, by not more than an additional 6 months, the period by when, after completion of the job training program, the mean or median earnings (whichever is higher) paid to students meets the requirements of clause (ii), in a case in which the job training program requesting such extension provides sufficient justification

for such extension (as determined by the Secretary).

"(II) APPEALS.—Not later than 60 days after receiving notification from the Secretary of the loss of eligibility resulting from the review under subparagraph (C), a job training program may appeal any loss of eligibility under this subparagraph by demonstrating extenuating circumstances.

"(III) SECRETARIAL REQUIREMENTS.—The Secretary shall issue a decision on any appeal submitted by a job training program under subclause (II) not later than 45 days after its submission.

"(5) DATA COLLECTION.—Using the postsecondary student data system established under section 132(l) or a successor system (whichever includes the most recent data) to streamline reporting requirements and minimize reporting burdens, and in coordination with the National Center for Education Statistics, the Secretary of Labor, and each institution of higher education offering an eligible job training program under this subsection, the Sec-

1 retary shall, on at least an annual basis, collect data
2 with respect to each such eligible job training pro-
3 gram, including the following:
4 ''(A) The number and demographics of
5 students who enroll in the program.
6 ''(B) The number of credits attempted and
7 accumulated annually by students enrolled in
8 the program.
9 ''(C) The share of such students who cease
10 enrollment on or before the completion of 60
11 percent of the payment period or period of en-
12 rollment.
13 ''(D) The verified completion rate and the
14 verified annual earnings rate described in
15 clauses (i) and (iii) of section 481(b)(2)(A), re-
16 spectively, for the program.
17 ''(E) The number and demographics of—
18 ''(i) students who complete the pro-
19 gram; and
20 ''(ii) students who do not complete the
21 program.
22 ''(F) The outcomes of the students who
23 complete the program, including—

1 ''(i) the share of such students who
2 continue enrollment at the institution of
3 higher education offering the program;
4 ''(ii) the share of such students who
5 transfer to another institution of higher
6 education;
7 ''(iii) the share of such students who
8 complete a subsequent certificate or degree
9 program;
10 ''(iv) the share of such students who
11 secure employment 6 months and 1 year,
12 respectively—
13 ''(I) after completion of such pro-
14 gram; or
15 ''(II) in the case of a program
16 that prepares students for a profes-
17 sional license or certification exam,
18 after acquiring such license or certifi-
19 cation;
20 ''(v) the expected earnings in the sec-
21 tors or occupations for which the program
22 provides training;
23 ''(vi) the mean and median earnings
24 paid in such sectors or occupations to such
25 students not later than 6 months after

completing such program (as described in paragraph (4)(C)(ii)); and

"(vii) in the case of a job training program that prepares students for a professional license or certification exams, the share of such students who pass such exams.

"(6) TITLE OF JOB TRAINING FEDERAL PELL GRANT.—Grants made under this subsection shall be known as 'job training Federal Pell Grants'.

"(7) DEFINITIONS.—In this subsection:

"(A) ARTICULATION AGREEMENT.—The term 'articulation agreement' has the meaning given the term in section 486A.

"(B) CAREER AND TECHNICAL EDUCATION.—The term 'career and technical education' has the meaning given the term in section 3 of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2302).

"(C) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an eligible institution for purposes of this subpart that is an institution of higher education (as defined in section 101) or

a postsecondary vocational institution (as defined in section 102(c)).

"(D) WIOA DEFINITIONS.—The terms 'career pathway', 'industry or sector partnership', 'in-demand industry sector or occupation', 'recognized postsecondary credential', 'State board', and 'workforce development system' have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).".

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall—

(1) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the impact of eligible job training programs described in subsection (k) of section 401 of the Higher Education Act of 1965 (20 U.S.C. 1079a), as added by this section, based on the most recent data collected under paragraph (5) of such subsection (k); and

(2) make the report described in paragraph (1) available publicly on the website of the Department of Education.

SEC. 4014. PROVIDING FEDERAL PELL GRANTS FOR IRAQ AND AFGHANISTAN VETERAN'S DEPENDENTS.

(a) AMENDMENT.—Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) as amended by this subpart, is further amended by inserting after subsection (k) the following:

"(l) SCHOLARSHIPS FOR VETERAN'S DEPENDENTS.—

"(1) DEFINITION OF ELIGIBLE VETERAN'S DEPENDENT.—In this subsection, the term 'eligible veteran's dependent' means a dependent or an independent student—

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

"(B) who, at the time of the parent or guardian's death, was—

"(i) less than 24 years of age; or

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

"(2) GRANTS.—

"(A) IN GENERAL.—The Secretary shall award a Federal Pell Grant, as modified in ac-

cordance with the requirements of this subsection, to each eligible veteran's dependent to assist in paying the eligible veteran's dependent's cost of attendance at an institution of higher education.

"(B) DESIGNATION.—Federal Pell Grants made under this subsection may be known as 'Iraq and Afghanistan Service Grants'.

"(3) PREVENTION OF DOUBLE BENEFITS.—No eligible veteran's dependent may receive a grant under both this subsection and subsection (a) or (k).

"(4) TERMS AND CONDITIONS.—The Secretary shall award Iraq and Afghanistan Service Grants under this subsection in the same manner and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under subsection (a), except that—

"(A) the award rules and determination of need applicable to the calculation of Federal Pell Grants under subsection (a) shall not apply to Iraq and Afghanistan Service Grants;

"(B) the provisions of paragraph (2)(A)(iii) and (3) of subsection (b), and subsection (f), shall not apply;

"(C) the maximum period determined under subsection (c)(5) shall be determined by including all Iraq and Afghanistan Service Grants received by the eligible veteran's dependent, including such Grants received under subpart 10 before the date of enactment of the College Affordability Act; and

"(D) an Iraq and Afghanistan Service Grant to an eligible veteran's dependent for any award year shall equal the maximum Federal Pell Grant available under subsection (b)(5) for that award year, except that an Iraq and Afghanistan Service Grant—

"(i) shall not exceed the cost of attendance of the eligible veteran's dependent for that award year; and

"(ii) shall be adjusted to reflect the attendance by the eligible veteran's dependent on a less than full-time basis in the same manner as such adjustments are made for a Federal Pell Grant under subsection (a).

"(5) ESTIMATED FINANCIAL ASSISTANCE.—For purposes of determinations of need under part F, an Iraq and Afghanistan Service Grant shall not be

1 treated as estimated financial assistance as de-
2 scribed in sections 471(3) and 480(j).''.
3 (b) EFFECTIVE DATE; TRANSITION.—
4 (1) EFFECTIVE DATE.—The amendments made
5 by this section shall take effect with respect to the
6 award year that begins following the date of enact-
7 ment of this Act, and each succeeding award year.
8 (2) TRANSITION.—The Secretary shall take
9 such steps as are necessary to transition from the
10 Iraq and Afghanistan Service Grants program under
11 subpart 10 of part A of title IV of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1070h), as in effect
13 on the day before the effective date of this Act, and
14 the Iraq and Afghanistan Service Grants program
15 under section 401(l) of the Higher Education Act of
16 1965 (20 U.S.C. 1070a(j)), as added by this section.
17 **SEC. 4015. FEDERAL PELL GRANT FRAUD PREVENTION.**
18 Section 401 of the Higher Education Act of 1965 (20
19 U.S.C. 1070a et seq.), as amended by this subpart, is fur-
20 ther amended by inserting after subsection (l) the fol-
21 lowing:
22 ''(m) PREVENTION OF FRAUD.—
23 ''(1) REPORT.—Not later than December 31 of
24 each year, the Secretary shall prepare and submit a
25 report to the authorizing committees that includes

the following information with respect to unusual enrollment history:

"(A) The number and percentage of total applicants who were flagged for an unusual enrollment history in the preceding award year.

"(B) The number and percentage of institutions that have had fewer than 2 percent of applicants flagged for an unusual enrollment history in the preceding award year.

"(C) The name of each institution that has had more than 2 percent of total applicants flagged for an unusual enrollment history in the preceding award year.

"(D) If the percentage of total applicants in subparagraph (A) is greater than 2 percent, a detailed plan from the Secretary as to how to reduce that percentage below 2 percent by the following award year.

"(2) DEFINITION.—For the purposes of this subsection the term 'unusual enrollment history' means, with respect to the application for Federal student aid—

"(A) a pattern in which a student attends an institution long enough to receive a disbursement of credit balance funds authorized by this

title, does not complete the enrollment period, enrolls at another institution and repeats this pattern to collect an additional credit balance of funds authorized by this title without earning academic credit; or

''(B) any other enrollment pattern that the Department believes may signal an attempt by a student to receive funds authorized under this title in a fraudulent manner.''.

SEC. 4016. FEDERAL PELL GRANTS ON BEHALF OF INCARCERATED INDIVIDUALS.

(a) IN GENERAL.—Section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as amended by this subpart, is further amended by adding at the end the following:

''(n) FEDERAL PELL GRANTS ON BEHALF OF INCARCERATED INDIVIDUALS.—

''(1) INSTITUTIONAL REQUIREMENTS.—An eligible institution may not award a Federal Pell Grant to an incarcerated individual or on behalf of such individual, unless the institution meets the following:

''(A) The institution is approved to enroll incarcerated individuals by—

''(i) the Secretary in accordance with paragraph (2); and

"(ii) an accrediting agency or association that meets the requirements of section 496(a)(4)(D).

"(B) The eligible institution—

"(i) is an institution of higher education (as defined in section 101) or a postsecondary vocational institution (as defined in section 102(c)); and

"(ii) during the preceding 5 years, has not been subject to the denial, withdrawal, suspension, or termination of accreditation.

"(C) The institution provides each incarcerated individual, upon completion of a course offered by the institution, with academic credits that are the equivalent to credits earned by non-incarcerated students for an equivalent course of study.

"(D) The institution provides to the Secretary confirmation from each facility involved that the course of study offered by the institution at such facility is accessible to incarcerated individuals (including such individuals who are individuals with disabilities).

"(E) The institution does not enroll incarcerated individuals in a course of study offered

1 primarily as a distance education program, ex-
2 cept in a case in which the institution provides
3 to the Secretary—
4 ''(i) confirmation that the distance
5 education program offers levels of faculty
6 interaction, peer engagement, and student
7 support sufficient to enable incarcerated
8 individuals to successfully participate in
9 such a program; and
10 ''(ii) evidence of the institution's suc-
11 cess in offering other distance education
12 programs;
13 ''(F) The institution develops and carries
14 out a process to allow each incarcerated indi-
15 vidual to access the transcripts and any other
16 educational records of such individual held by
17 the institution, without regard to the facility at
18 which the individual is being held or whether
19 the individual has been released from such a fa-
20 cility.
21 ''(G) The institution develops and carries
22 out a process to allow each incarcerated indi-
23 vidual an opportunity to provide feedback on
24 courses that is comparable to the opportunity to

provide such feedback that the institution offers to non-incarcerated students.

"(H) The institution does not directly charge an incarcerated individual—

"(i) in the case of such an individual who is an individual with a disability, for any cost of the provision of reasonable accommodations for the individual to participate in a course of study offered by the institution;

"(ii) in the case of such an individual with an expected family contribution for an award year that would not disqualify the individual from receiving a Federal Pell Grant, for any amount of the cost of attendance not covered by the Federal Pell Grant or other Federal assistance received by the institution on behalf of the individual by ensuring that any such amount is offset—

"(I) by a State or institutional grant; or

"(II) other non-Federal financial assistance that does not have to be repaid by such individual; or

1 ''(iii) in the case of such an individual
2 with an expected family contribution for an
3 award year that would disqualify the indi-
4 vidual from receiving a Federal Pell Grant,
5 an amount that exceeds such expected
6 family contribution.
7 ''(I) The institution makes available to in-
8 carcerated individuals who are considering en-
9 rolling in a course of study offered by the insti-
10 tution, in simple and understandable terms, the
11 following:
12 ''(i) Information with respect to each
13 course of study at the institution for which
14 such an individual may receive a Federal
15 Pell Grant, including—
16 ''(I) the cost of attendance;
17 ''(II) the mode of instruction
18 (such as distance education, in-person
19 instruction, or a combination of such
20 modes);
21 ''(III) how enrollment in such
22 course of study will impact the period
23 of eligibility for Federal Pell Grants
24 for such an individual, including in a
25 case in which the individual is trans-

ferred to another facility or released before the completion of such course;

''(IV) the transferability of credits earned, and the acceptability of such credits toward a certificate or degree program offered by the institution;

''(V) the process for continuing postsecondary education—

''(aa) upon transfer to another facility; or

''(bb) after the student's period of incarceration or confinement; and

''(VI) the process for continuing enrollment at the institution after the student's period of incarceration or confinement, including any barriers to admission (such as criminal history questions on applications for admission to such institution).

''(ii) In the case of an institution that offers a program to prepare incarcerated individuals for gainful employment in a

1 recognized occupation (as such term is de-
2 fined in section 104)—
3 ''(I) information on any applica-
4 ble State licensure and certification
5 requirements, including the require-
6 ments of the State in which the facil-
7 ity involved is located and each State
8 in which such individuals permanently
9 reside; and
10 ''(II) restrictions related to the
11 employment of formerly incarcerated
12 individuals for each recognized occu-
13 pation for which the course of study
14 prepares students, including such re-
15 strictions—
16 ''(aa) in Federal law; and
17 ''(bb) in the laws of the
18 State in which the facility in-
19 volved is located and each State
20 in which such individuals perma-
21 nently reside.
22 ''(J) The institution submits the informa-
23 tion described in subparagraph (I) to each facil-
24 ity involved, the Secretary, and the accrediting

agency or association described in subparagraph (A)(ii).

"(2) APPROVAL BY THE SECRETARY.—

"(A) INITIAL ELIGIBILITY.—With respect to an eligible institution that seeks to award Federal Pell Grants to incarcerated individuals under this subsection, the Secretary shall make an initial determination about whether such institution meets the requirements of this subsection, which shall include a confirmation that the institution—

"(i) has secured the approval required under paragraph (1)(A)(ii); and

"(ii) meets the requirements of paragraph (1)(B).

"(B) ONGOING ELIGIBILITY.—Not later than 5 years after the Secretary makes an initial determination under subparagraph (A) that an institution meets the requirements of this subsection, and not less than every 5 years thereafter, the Secretary shall determine whether such institution continues to meet the requirements of this subsection, based on—

"(i) a review of the data collected under paragraph (3) with respect to the

courses of study offered by such institution in which incarcerated individuals are enrolled, and other applicable information that may be available to the Secretary; and

"(ii) whether such institution meets the requirements of paragraph (1).

"(3) DATA COLLECTION.—The Secretary shall, on at least an annual basis, collect data with respect to each course of study offered by each institution at which incarcerated individuals are enrolled, including—

"(A) the demographics of such individuals;

"(B) the share of such individuals receiving Federal Pell Grants;

"(C) information on the academic outcomes of such individuals (such as credits attempted and earned, and credential and degree completion);

"(D) to the extent practicable, information on post-release outcomes of such individuals (such as continued postsecondary enrollment, employment, and recidivism); and

"(E) any data from student satisfaction surveys conducted by the institution or the facility involved regarding such course of study.

1 "(4) BEST PRACTICES IN EDUCATING INCAR-
2 CERATED INDIVIDUALS.—Not later than 3 years
3 after the date of enactment of the College Afford-
4 ability Act, and at least once every 3 years there-
5 after, the Secretary shall collect and disseminate to
6 institutions awarding Federal Pell Grants to incar-
7 cerated individuals under this subsection, best prac-
8 tices with respect to the postsecondary education of
9 such individuals.
10 "(5) DEFINITIONS.—In this subsection:
11 "(A) FACILITY.—The term 'facility'
12 means—
13 "(i) a place used for the confinement
14 of individuals convicted of a criminal of-
15 fense that is owned by, or under contract
16 to, the Bureau of Prisons, a State, or a
17 unit of local government; or
18 "(ii) a facility to which an individual
19 subject to involuntary civil confinement is
20 committed.
21 "(B) FACILITY INVOLVED.—The term 'fa-
22 cility involved' means, when used with respect
23 to an institution of higher education, a facility
24 at which a course of study of the institution is
25 offered to incarcerated individuals.

"(C) INCARCERATED INDIVIDUAL.—The term 'incarcerated individual' means an individual who is incarcerated in a facility or who is subject to an involuntary civil commitment.

"(D) NON-INCARCERATED STUDENT.—The term 'non-incarcerated student' means a student at an institution of higher education who is not an incarcerated individual.".

(b) REPORT ON IMPACTS OF FEDERAL PELL GRANTS AWARDED TO INCARCERATED INDIVIDUALS.— Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall submit to the authorizing committees and make publicly available on the website of the Department of Education, a report on the impacts of subsection (n) of section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a), as added by this section, based on the most recent data collected under paragraph (3) of such subsection (n).

Subpart 2—Federal Early Outreach and Student Services Programs

CHAPTER 1—FEDERAL TRIO PROGRAMS

SEC. 4021. PROGRAM AUTHORITY; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 402A of the Higher Education Act of 1965 (20 U.S.C. 1070a–11) is amended—

(1) in subsection (b)(3), by striking ''$200,000'' and all that follows through the period at the end and inserting the following: ''$220,000, except that for any fiscal year for which such minimum individual grant amount would result in fewer than 2,780 grants awarded under this chapter, an individual grant authorized under this chapter shall be awarded in an amount that would result in not fewer than 2,780 grants awarded under this chapter for such fiscal year.'';

(2) in subsection (c)—

(A) by amending subparagraph (A) of paragraph (2) to read as follows:

''(A) ACCOUNTABILITY FOR OUTCOMES.—In making grants under this chapter, the Secretary shall consider each applicant's prior success in achieving high-quality service delivery, as determined under subsection (f) under the particular program for which funds are sought. The level of consideration given the factor of prior success in achieving high-quality service delivery shall not vary from the level of consideration given such factor during fiscal years 1994 through 1997, except that grants made

under section 402H shall not be given such consideration.''; (B) in paragraph (6)—

(i) in the heading, by striking ''WITH OTHER PROGRAMS FOR DISADVANTAGED STUDENTS''; and

(ii) by striking the last sentence;

(C) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

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

''(7) INCLUSION OF HOMELESS AND FOSTER STUDENTS.—The Secretary shall, as appropriate, require each applicant for funds under the programs authorized by this chapter (other than the programs authorized under section 402E or 402G) to identify and conduct outreach to foster care youth and homeless individuals and make available to foster care youth and homeless individuals services under such programs, including mentoring, tutoring, and other services provided by such programs.'';

(E) in paragraph (8), as so redesignated, by striking ''8 months'' both places it appears and inserting ''90 days''; and

(F) in paragraph (9), as so redesignated—

(i) in subparagraph (A)—

(I) by striking ''Not later than 180 days after the date of enactment of the Higher Education Opportunity Act,'' and inserting ''Not less than 90 days before the date on which a competition for a grant under this chapter begins,'';

(II) in clause (iii), by striking ''prior experience'' and inserting ''accountability for outcomes''; and

(III) in clause (v), by striking ''prior experience'' and inserting ''accountability for outcomes''; and

(ii) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B);

(iii) in subparagraph (B), as so redesignated, by adding at the end the following:

''(vii) TECHNICAL COMPONENTS OF APPLICATIONS.—

''(I) TREATMENT OF NONSUBSTANTIVE TECHNICAL COMPONENTS OF APPLICATIONS.—With respect to

any competition for a grant under this chapter, the Secretary may not reject grant applications on the sole basis of a failure to meet page limits and formatting standards (including with respect to font size, font style, font type, line spacing, paragraph justification, and page margins).

"(II) TREATMENT OF TECHNICAL BUDGET ERRORS IN APPLICATIONS.—

"(aa) IN GENERAL.—With respect to any competition for a grant under this chapter, the Secretary may not reject grant applications on the sole basis of a typographical or rounding error in a proposed budget until the Secretary has given the applicant an opportunity for correction in accordance with item (bb).

"(bb) NOTICE AND OPPORTUNITY FOR CORRECTION.—The Secretary shall provide notice and identification of an error described in item (aa) to the appli-

cant before awarding grants for each competition and shall allow the applicant to submit a revised application that corrects the identified error.

"(cc) TREATMENT OF REVISED APPLICATIONS.—The Secretary shall treat the revised application in the same manner as a timely submitted application.

"(dd) FAILURE TO CORRECT.—If an applicant has received a notice and opportunity for correction of a typographical or rounding error in a proposed budget in accordance with item (bb) and the applicant fails to correct the error and submit a revised application, the Secretary may reject or penalize that grant application.";

(3) in subsection (d)(3), by adding at the end the following: "In addition, the Secretary shall host at least one virtual, interactive training to ensure

that any interested applicants have access to technical assistance.";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking "or" at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

(iii) by adding at the end the following:

"(E) documentation that the student has been determined eligible for a Federal Pell Grant authorized under section 401; or

"(F) for a grant authorized under section 402B or 402F of this chapter, documentation that a student is attending a school that—

"(i) elects, or for which the local educational agency serving the school elects on behalf of the school, to receive special assistance payment under section 11(a)(1)(F)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(ii)); or

"(ii) had a percentage of enrolled students who were identified students (defined in clause

(i) of section 11(a)(1)(F) of such Act (42 U.S.C. 1759a(a)(1)(F))) that meets or exceeds the threshold described in clause (viii) of such section (42 U.S.C. 1759a(a)(1)(F)) during the school year that ends prior to the first period for which such grant is awarded.''; and

(B) in paragraph (2)—

(i) by striking ''or'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

(iii) by adding at the end the following:

''(E) documentation that the student has been determined to be eligible for a Federal Pell Grant authorized under section 401; or

''(F) for a grant authorized under section 402B or 402F of this chapter, documentation that a student is attending a school that—

''(i) elects, or for which the local educational agency serving the school elects on behalf of the school, to receive special assistance payment under section 11(a)(1)(F)(ii) of the

Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(ii)); or

''(ii) had a percentage of enrolled students who were identified students (defined in clause (i) of section 11(a)(1)(F) of such Act (42 U.S.C. 1759a(a)(1)(F))) that meets or exceeds the threshold described in clause (viii) of such section (42 U.S.C. 1759a(a)(1)(F)) during the school year that ends prior to the first period for which such grant is awarded.'';

(5) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''PRIOR EXPERIENCE'' and inserting ''ACCOUNTABILITY IN OUTCOMES'' in the heading;

(ii) by striking ''on or after January 1, 2009'' and inserting ''on or after the date of enactment of the College Affordability Act''; and

(iii) by striking ''prior experience of'' and inserting ''success in achieving'';

(B) in paragraph (2), by striking ''college students, and'' and inserting ''college students, foster care youth, homeless individuals, and''; and

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (iv), by striking ''will make such students eligible for programs such as the Academic Competitiveness Grants Program'' and inserting ''includes at least 4 years of mathematics, 3 years of science, and 2 years of a foreign language'';

(II) by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively; and

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

''(v) the completion of financial aid applications, including the Free Application for Federal Student Aid described in section 483(a) and college admissions applications;''.

(ii) in subparagraph (B)—

(I) by inserting ''except in the case of programs that specifically target veterans,'' after ''under section 402C,'';

(II) in clause (v), by striking ''will make such students eligible for programs such as the Academic Competitiveness Grants Program'' and inserting ''includes at least 4 years of mathematics, 3 years of science, and 2 years of a foreign language'';

(III) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively; and

(IV) by inserting after clause (v) the following:

''(vi) the completion of financial aid applications, including the Free Application for Federal Student Aid described in section 483(a) and college admission applications;'';

(iii) by redesignating subparagraphs (C), (D), and (E), as subparagraphs (D), (E), and (F), respectively;

(iv) by inserting after subparagraph (B) the following:

''(C) For programs authorized under section 402C that specifically target veterans, the extent to which the eligible entity met or ex-

ceeded the entity's objectives for such program regarding—

"(i) the delivery of service to a total number of students served by the program, as agreed upon by the entity and the Secretary for the period of the program;

"(ii) such students' academic performance as measured by standardized tests;

"(iii) the retention and completion of participants in the program;

"(iv) the provision of assistance to students served by the program in completing financial aid applications, including the Free Application for Federal Student Aid described in section 483(a) and college admission applications;

"(v) the enrollment of such students in an institution of higher education; and

"(vi) to the extent practicable, the postsecondary completion of such students.";

(v) in subparagraph (D)(ii), as redesignated in clause (iii)—

(I) in subclause (I), by striking "in which such students were en-

rolled'' and inserting ''at any baccalaureate granting institution within 6 years of initial enrollment in the project''; and

(II) in subclause (II), by striking items (aa) and (bb) and inserting the following:

''(aa) the transfer of such students to institutions of higher education that offer baccalaureate degrees, regardless of whether the transferring student completes a degree or certificate; or

''(bb) the completion of a degree or certificate by such students at any accredited institution within 4 years of initial enrollment in the project;'';

(vi) in subparagraph (E), as redesignated—

(I) in clause (iii), by striking ''; and'' and inserting ''within 2 years of receiving the baccalaureate degree;''; and

(II) in clause (iv), by striking ''graduate study and the attainment

of doctoral degrees by former program participants.'' and inserting ''graduate study; and

''(v) the attainment of doctoral degrees by former program participants within 10 years of receiving the baccalaureate degree.''; and

(vii) in subparagraph (F), as redesignated—

(I) in clause (i), by inserting ''within 2 years of service'' before the semicolon; and

(II) in clause (ii), by inserting ''or re-enrollment'' after ''the enrollment'';

(6) in subsection (g)—

(A) by striking ''$900,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.'' and inserting ''$1,120,000,000 for fiscal year 2021, and each of the 5 succeeding fiscal years. The amount authorized to be appropriated in the preceding sentence for fiscal year 2022 and each of the 4 succeeding fiscal years shall be deemed increased by the annual adjustment

1 percentage. For purposes of this subsection, the
2 term 'adjustment percentage' as applied to a
3 fiscal year, means the estimated percentage
4 change in the Consumer Price Index (as deter-
5 mined by the Secretary, using the definition in
6 section 478(f)) for the most recent calendar
7 year ending before the beginning of that fiscal
8 year.";
9 (B) by striking "½ of";
10 (C) by striking ", and to provide" and in-
11 serting ", to provide"; and
12 (D) by striking "current grantees." and all
13 that follows through "additional readers." and
14 inserting "current grantees, and to carry out
15 the requirements of subsection (c)(9)(A).";
16 (7) in subsection (h)—
17 (A) by striking paragraph (4) and insert-
18 ing the following:
19 "(4) HOMELESS INDIVIDUAL.—The term
20 'homeless individual' has the meaning given the term
21 'homeless children and youth' under section 725 of
22 the McKinney-Vento Homeless Assistance Act (42
23 U.S.C. 11434a).
24 "(5) LOW-INCOME INDIVIDUAL.—The term
25 'low-income individual' means—

"(A) an individual from a family whose taxable income for the preceding year did not exceed 150 percent of the poverty line applicable to the individual's family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2));

"(B) an individual whose taxable income as reported on the individual's most recently completed Free Application for Federal Student Aid under section 483(a) did not exceed 150 percent of such poverty line;

"(C) an individual who has been determined to be eligible for a Federal Pell Grant authorized under section 401; or

"(D) for grants authorized under 402B and 402F of this chapter, a student who is attending a school that—

"(i) elects, or for which the local educational agency serving the school elects on behalf of the school, to receive special assistance payment under section 11(a)(1)(F)(ii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)(ii)); or

"(ii) had a percentage of enrolled students who were identified students (defined in clause (i) of section 11(a)(1)(F) of such Act (42 U.S.C. 1759a(a)(1)(F))) that meets or exceeds the threshold described in clause (viii) of such section (42 U.S.C. 1759a(a)(1)(F)) during the school year that ends prior to the first year of the period for which such grant is awarded.";

(B) by redesignating paragraph (5) as subsection (i) and subparagraphs (A) through (D) as paragraphs (1) through (4); and

(C) by redesignating paragraph (6) as subsection (j); and

(8) in subsection (j), as redesignated, by striking "subparagraph (A), (B), or (C) of paragraph (5)" and inserting "paragraph (1), (2), or (3) of subsection (i)".

(b) CONFORMING AMENDMENTS.—Chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11) is amended—

(1) by striking "homeless children and youths as defined in section 725 of the McKinney-Vento Homeless Assistance Act" each place it appears and inserting "homeless individuals"; and

(2) by striking ''homeless children and youths (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a))'' each place it appears and inserting ''homeless individuals''.

SEC. 4022. TALENT SEARCH.

Section 402B of the Higher Education Act of 1965 (20 U.S.C. 1070a–12) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) to advise such youths regarding the post-secondary education selection process, including consideration of financial aid awards offered, potential Federal loan burden, and likelihood of graduating; and'';

(2) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (5); and

(B) by striking paragraph (6) and inserting the following:

"(6) education or counseling services to assist students and their families regarding career choice; and

"(7) connections to programs providing financial literacy and economic literacy so that students and their families are able to make informed choices regarding postsecondary education, including considering degree choices and potential Federal loan burdens.";

(3) in subsection (c)(2), by striking "career" and inserting "academic"; and

(4) in subsection (d)—

(A) in paragraph (3), by striking "and" after the semicolon;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(5) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to the participation and retention in the project of homeless individuals, including unaccompanied youth and foster care youth;

"(6) require that such entity submit, as part of the application for the project, a description of the

activities that will be undertaken to reach out to such homeless individuals and foster care youth as part of the project; and

''(7) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding such homeless individuals and foster care youth.''.

SEC. 4023. UPWARD BOUND.

Section 402C of the Higher Education Act of 1965 (20 U.S.C. 1070a–13) is amended—

(1) in subsection (b), by striking paragraphs (5) and (6) and inserting the following:

''(5) assistance to students and their families regarding career choice;

''(6) education or counseling services designed to education improve the financial literacy and economic literacy of students or the students' parents in order to aid them in making informed decisions about the postsecondary education selection process and assist students and their families in making informed choices regarding the postsecondary education selection process; and

''(7) in the case of such a project that is not specifically designed for veterans, as part of core

curriculum, instruction in mathematics through pre-calculus, science, foreign language, language arts, and literature, and in the case of such a project that is specifically designed for veterans, instruction in mathematics through pre-calculus, science, foreign language, and language arts.'';

(2) by striking subsections (c) and (g) and re-designating subsections (d), (e), (f), and (h) as subsections (c), (d), (e), and (f), respectively;

(3) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking ''youth'' and inserting ''participants'';

(B) in paragraph (2)—

(i) by striking ''youth participating in the project'' and inserting ''project participants''; and

(ii) by striking ''youth;'' and inserting ''participants;'' and

(C) in paragraph (5), by striking ''youth participating in the project'' and inserting ''participants''; and

(4) in subsection (d), as so redesignated—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(6) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to the participation and retention in the project of homeless individuals, including unaccompanied youth and foster care youth;

''(7) require that such entity submit, as part of the application, a description of the activities that will be undertaken to reach out to such homeless individuals and foster care youth regarding the project; and

''(8) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding such homeless individuals and foster care youth.''; and

(5) in subsection (e), as so redesignated—

(A) by striking ''$60'' and inserting ''$90'';

(B) by striking ''$300'' and inserting ''$450'';

(C) by striking ''$40'' and inserting ''$60''; and

(D) by adding at the end the following: ''Adults participating in a project specifically targeting veterans under this section may be paid stipends not in excess of $100 per month during the year.''.

SEC. 4024. STUDENT SUPPORT SERVICES.

Section 402D of the Higher Education Act of 1965 (20 U.S.C. 1070a–14) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''limited English proficient'' and inserting ''low-income and first generation college students, including limited English proficient students''; and

(B) in paragraph (4), by striking '', including—'' and all that follows through the end of the paragraph and inserting a period;

(2) in subsection (b)—

(A) in paragraph (4), by striking ''including financial planning for postsecondary education;'' and inserting ''including—

''(A) financial planning for postsecondary education, including loan burdens required, re-

payment options, and expected earnings in potential career fields;

"(B) basic personal income, household money management, and financial planning skills; and

"(C) basic economic decisionmaking skills.";

(B) in paragraph (5), by striking "and" at the end;

(C) in paragraph (6), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(7) basic and emergency supplemental living assistance grants in accordance with subsection (f).";

(3) in subsection (e)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6)(B), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(7) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to

the participation and retention in the project of homeless individuals, including unaccompanied youth and foster care youth;

''(8) require that such entity submit, in the application for the project, a description of the activities that will be undertaken to reach out to such homeless individuals and foster care youth, who are enrolled or accepted for enrollment at the institution; and

''(9) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding such homeless individuals and foster care youth.''; and

(4) by adding at the end the following:

''(f) BASIC AND EMERGENCY SUPPLEMENTAL LIVING ASSISTANCE GRANTS.—

''(1) IN GENERAL.—In carrying out the activities required under subsection (b)(7) with a grant received under this section, the recipient of such grant shall provide basic and emergency supplemental living assistance grants to assist students who are current participants in the student support services program offered by the institution (in this subsection referred to as 'eligible students')—

1 "(A) in the case of a basic supplemental
2 living assistance grant, in covering reasonable,
3 anticipated expenses necessary for the comple-
4 tion of an academic year of the students' first
5 undergraduate baccalaureate course of study;
6 and
7 "(B) in the case of an emergency supple-
8 mental living assistance grant, in covering rea-
9 sonable, unanticipated expenses necessary for
10 the students to persist in college during such
11 academic year.
12 "(2) AMOUNT OF GRANTS.—The recipient may
13 determine—
14 "(A) the appropriate division of the funds
15 between basic and emergency supplemental as-
16 sistance grants, except that funds shall be pro-
17 vided for both basic and emergency grants;
18 "(B) the amount of each such grant and
19 the total grant funds that an eligible student
20 may receive, except that a student may not re-
21 ceive more than a total of $500 in emergency
22 supplemental assistance grants per academic
23 year; and
24 "(C) the anticipated and unanticipated ex-
25 penses referred to in paragraph (1) that such

grants will cover based on the needs of eligible students, which—

"(i) may vary by factors including academic year, housing, parental status, location in urban or rural area, or other circumstances; and

"(ii) for an individual student, may cover—

"(I) any component of the cost of attendance for the student;

"(II) an allowance for actual or expected expenses incurred for dependent care that exceeds such expenses determined for the student under section 472(8);

"(III) an allowance for actual or expected expenses for transportation that exceeds such expenses determined for the student under section 472; and

"(IV) personal items or expenses not otherwise covered by the cost of attendance for the student.

"(3) PERCENTAGE OF TOTAL FUNDS.—The recipient may use not more than 2 percent of the

1 funds awarded under this section for grants under
2 this subsection.
3 ''(4) DETERMINATION OF NEED.—A grant pro-
4 vided to a student under this subsection shall not be
5 considered in determining that student's need for
6 grant or work assistance under this title, except that
7 in no case shall the total amount of student financial
8 assistance awarded to a student under this title ex-
9 ceed that student's cost of attendance by more than
10 $500.
11 ''(5) CONSULTATION.—In making grants to
12 students under this subsection, an institution shall
13 ensure that adequate consultation takes place be-
14 tween the student support service program office
15 and the institution's financial aid office.
16 ''(6) SUPPLEMENT, NOT SUPPLANT.—Funds re-
17 ceived by a grant recipient that are used under this
18 subsection shall be used to supplement, and not sup-
19 plant, non-Federal funds expended for student sup-
20 port services programs.
21 ''(7) FUNDS.—For a fiscal year for which the
22 funds allocated for projects authorized under this
23 section from the amounts appropriated pursuant to
24 the authority of section 402A(g) exceeds the funds
25 allocated for such purpose for fiscal year 2020, not

more than 2 percent of such excess funds may be made available for grants under this subsection.''.

SEC. 4025. POSTBACCALAUREATE ACHIEVEMENT PROGRAM AUTHORITY.

Section 402E of the Higher Education Act of 1965 (20 U.S.C. 1070a–15) is amended—

(1) in subsection (b)(2)—

(A) by striking ''summer''; and

(B) by inserting ''or faculty-led research experiences'' before the semicolon;

(2) in subsection (d)(4)—

(A) by striking ''summer''; and

(B) by inserting ''or faculty-led experiences who have stipends'' after ''internships''; and

(3) in subsection (f)(1), by striking ''$2,800'' and inserting ''$4,000''.

SEC. 4026. EDUCATIONAL OPPORTUNITY CENTERS.

Section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16) is amended—

(1) in subsection (a)(1), by striking ''pursue'' and inserting ''begin or re-enter'';

(2) in subsection (b)(5), by striking ''students;'' and inserting ''students, including—

''(A) financial planning for postsecondary education, including student loan debt, repay-

ment options, and expected earnings in potential career fields;

"(B) basic personal income, household money management, and financial planning skills; and

"(C) basic economic decisionmaking skills;"; and

(3) in subsection (c)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) require an assurance that the entity carrying out the project has reviewed and revised policies and practices as needed to remove barriers to the participation and retention in the project of homeless individuals, including unaccompanied youth and foster care youth;

"(5) require that such entity submit, as part of the application, a description of the activities that will be undertaken to reach out to such homeless individuals and foster care youth regarding the project; and

"(6) require an assurance that such entity will prepare and submit the report required under section 402H(e) at the conclusion of the project regarding such homeless individuals and foster care youth.".

SEC. 4027. STAFF DEVELOPMENTAL ACTIVITIES.

Section 402G(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a–17(b)) is amended—

(1) by inserting "webinars, online classes," after "seminars, workshops,";

(2) by striking "new directors" and inserting "staff";

(3) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(4) by inserting before paragraph (2), as so redesignated, the following:

"(1) Legislative and regulatory requirements and program management for new directors of programs funded under this chapter.";

(5) in paragraph (2), as redesignated, by inserting "for continuing directors and staff of programs" after "operation of programs"; and

(6) in paragraph (4), as redesignated, by striking "model programs" and inserting "innovations".

SEC. 4028. REPORTS AND EVALUATIONS.

(a) OTHER REPORTING REQUIREMENTS.—Section 402H of the Higher Education Act of 1965 (20 U.S.C. 1070a–18) is further amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ", including a rigorous evaluation of the programs and projects assisted under section 402C. The evaluation of the programs and projects assisted under section 402C shall be implemented not later than June 30, 2010" and inserting "The issues such evaluations shall measure shall include the effectiveness of programs and projects assisted under this chapter in—

"(i) meeting or exceeding the stated objectives regarding the outcome criteria under 402A(f);

"(ii) enhancing the access of low-income individuals and first-generation college students to postsecondary education;

"(iii) preparing individuals for postsecondary education; and

"(iv) comparing students who participate in the programs funded under this

1 chapter with students who do not partici-
2 pate in such programs with respect to—
3 ''(I) level of education completed;
4 ''(II) retention rates;
5 ''(III) graduation rates;
6 ''(IV) college admission and com-
7 pletion rates; and
8 ''(V) other issues as the Sec-
9 retary considers appropriate.''; and
10 (ii) in subparagraph (C), by inserting
11 ''and take into account the agreed upon
12 target determined under section
13 402A(f)(4)'' before the period; and
14 (B) by amending paragraph (2) to read as
15 follows:
16 ''(2) PRACTICES.—The evaluations described in
17 paragraph (1) shall identify institutional, commu-
18 nity, and program or project practices that are effec-
19 tive in—
20 ''(A) enhancing the access of low-income
21 individuals and first-generation college students
22 to postsecondary education;
23 ''(B) the preparation of such individuals
24 and students for postsecondary education;

"(C) fostering the success of the individuals and students in postsecondary education; and

"(D) for programs and projects assisted under section 402C, the characteristics of students who benefit most from such programs and projects."; and

(2) in subsection (d), by inserting ", including the authorizing committees" before the period.

(b) HOMELESS INDIVIDUALS AND FOSTER CARE YOUTH.—Section 402H of the Higher Education Act of 1965 (20 U.S.C. 1070a–18) is further amended by adding at the end the following:

"(e) REPORT REGARDING HOMELESS INDIVIDUALS AND FOSTER CARE YOUTH.—Each entity carrying out a project under section 402B, 402C, 402D, or 402F shall, at the conclusion of the project, prepare and submit a report to the Secretary that includes—

"(1) where available, data on the number of homeless individuals and foster care youth served through the project; and

"(2) a description of any strategies or program enhancements that were used in the project and that were effective in meeting the needs of such homeless individuals and foster care youth.".

CHAPTER 2—GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS

SEC. 4031. GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS.

Chapter 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–21 et seq.) is amended—

(1) in section 404A (20 U.S.C. 1070a–21)—

(A) in the matter preceding subparagraph (A) of subsection (a)(1), by inserting ", including for college readiness" after "academic support"; and

(B) in subsection (b)—

(i) by amending paragraph (3) to read as follows:

"(3) PRIORITY.—In making awards to eligible entities described in subsection (c), the Secretary may give a competitive priority—

"(A) to eligible entities that—

"(i) on the day before the date of enactment of the College Affordability Act, carried out successful educational opportunity programs under this chapter (as

this chapter was in effect on such day); and

"(ii) have a prior, demonstrated commitment to early intervention leading to college access and readiness through collaboration and replication of successful strategies; or

"(B) to eligible entities that ensure that students that received assistance under this chapter on the day before the date of enactment of the College Affordability Act continue to receive such assistance through the completion of secondary school.";

(ii) by adding at the end the following:

"(4) MULTIPLE AWARD PROHIBITION.—

"(A) IN GENERAL.—An eligible entity described in subsection (c)(1) that receives a grant under this chapter shall not be eligible to receive an additional grant under this chapter until after the date on which the grant period with respect to such grant expires.

"(B) EXCEPTION FOR NO-COST EXTENSION.—Notwithstanding subparagraph (A), an eligible entity described in subsection (c)(1)

that receives a grant under this chapter that has been extended under section 75.261 of title 34, Code of Federal Regulations may receive an additional grant under this chapter prior to the date on which the grant period applicable to such extension expires.''; and

(2) in section 404B (20 U.S.C. 1070a–22)—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting ''(except with respect to continuation awards under this chapter)'' after ''grants''; and

(B) in subsection (d)(1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C);

(3) in section 404C (20 U.S.C. 1070a–23)—

(A) in subsection (a)(2)—

(i) in subparagraph (I), by striking ''and'' after the semicolon;

(ii) in subparagraph (J), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

''(K) provide an assurance that the eligible entity has reviewed and revised policies and practices as needed to remove barriers to the participation and retention of homeless individuals (as defined in section 402A) in the program, including unaccompanied youth and foster care youth;

''(L) describe the activities that will be undertaken to reach out to such homeless individuals and foster care youth as part of the program; and

''(M) provide an assurance that the eligible entity will prepare and submit the report required under section 404G(c) at the conclusion of the grant regarding such homeless individuals and foster care youth.'';

(B) in subsection (b)(1)(A)—

(i) by inserting ''matching funds'' after ''will provide'';

(ii) by inserting ''equaling'' after ''private funds,''; and

(iii) by striking ''the cost of the program, which matching funds'' and insert-

ing ''the total Federal grant award under this chapter, which'';

(C) in subsection (c)(1), by inserting ''at any point during the grant award period'' after ''obligated to students''; and

(D) by striking subsection (d) and inserting the following:

''(d) PEER REVIEW PANELS AND COMPETITIONS.—The Secretary shall—

''(1) convene peer review panels to assist in making determinations regarding the awarding of grants under this chapter; and

''(2) host a grant competition to make new awards under this chapter in any year in which there are funds available to make new awards.'';

(4) in section 404D (20 U.S.C. 1070a–24)—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''or former participants of a program under this chapter'' and inserting '', former participants of a program under this chapter, or peers and near peers'' after ''adults'';

(ii) in paragraph (3), by inserting ''academic, social, and postsecondary planning'' after ''supportive'';

(iii) in paragraph (10)—

(I) by redesignating subparagraphs (E) through (K) as subparagraphs (F) through (L), respectively;

(II) by inserting after subparagraph (D) the following:

''(E) counseling or referral services to address the behavioral, social-emotional, and mental health needs of at-risk students;'';

(III) in subparagraph (I), as redesignated by subclause (I), by inserting '', cognitive, non-cognitive, and credit-by-examination'' after ''skills'';

(IV) in subparagraph (K), as redesignated by subclause (I), by striking ''and'' after the semicolon;

(V) in subparagraph (L), as redesignated by subclause (I), by striking the period at the end and inserting ''; and''; and

(VI) by adding at the end the following:

''(M) capacity building activities that create college-going cultures in participating schools and local educational agencies.''; and

(iv) by adding at the end the following:

''(16) Creating or expanding secondary school drop-out recovery programs that allow students who have dropped out of secondary school to complete a regular secondary school diploma and begin college-level work.

''(17) Establishing data collection and data sharing agreements to obtain, analyze, and report postsecondary outcome data for eligible students for a period of not more than 72 months after the end of the grant award period, which may include post-secondary enrollment, persistence, and completion data.

''(18) Establishing or maintaining an agreement with a consortium of eligible entities described in section 404A(c) to—

''(A) foster collaborative approaches to research and evaluation;

''(B) improve the quality of data collection, data sharing, analysis and reporting; and

''(C) apply evidence to improve programs and evaluation under this chapter.

''(19) Facilitating the recruitment, participation, and retention of homeless individuals (as de-

fined in section 402A) and foster care youth in the services provided under this chapter, including—

"(A) establishing partnerships with community-based organizations, child welfare agencies, homeless shelters, and local educational agency liaisons for homeless individuals to identify such individuals and youth, improve policies and practices, and to establish data sharing agreements;

"(B) carrying out activities (consistent with the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.)) to facilitate continued participation of students who are no longer enrolled in a school served under this chapter due to changes in residence resulting from homelessness or foster care placement, including—

"(i) allowing continued participation when such a student is no longer enrolled, on a temporary basis, in a school served under this chapter; or

"(ii) providing transitional services and referrals when such a student is no longer enrolled, on a permanent basis, in a school served under this chapter;

1 ''(C) carrying out other activities to meet
2 the needs of such homeless individuals and fos-
3 ter care youth.
4 ''(20) Providing services under this chapter to
5 students who have received services under a previous
6 grant award under this chapter but have not yet
7 completed grade 12.'';
8 (B) in subsection (c)—
9 (i) in paragraph (3), by inserting
10 ''and technical assistance'' after ''support'';
11 and
12 (ii) by striking paragraph (9); and
13 (C) in subsection (d)—
14 (i) in paragraph (3), by striking ''or'';
15 (ii) by redesignating paragraph (4) as
16 paragraph (5); and
17 (iii) by inserting after paragraph (3)
18 the following:
19 ''(4) eligible for free or reduced-price lunch
20 under the Richard B. Russell National School Lunch
21 Act (42 U.S.C. 1751 et seq.); or'';
22 (5) in section 404E (20 U.S.C. 1070a–25)—
23 (A) in subsection (a)—
24 (i) by redesignating paragraph (2) as
25 paragraph (3);

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

"(2) APPLICATION REQUIREMENTS.—

"(A) PLAN FOR MAINTENANCE OF FINANCIAL ASSISTANCE.— An eligible entity proposing to establish or maintain a financial assistance program providing scholarships for students assisted by the program of the eligible entity under this chapter shall include a plan regarding the financial application program with the application submitted under section 404C.

"(B) SCHOLARSHIP DETAILS.—Under a plan described in subparagraph (A), an eligible entity—

"(i) may elect to offer 1 or more types of scholarships; and

"(ii) shall describe, for each type of scholarship—

"(I) the minimum and maximum awards for the scholarships, consistent with subsection (d), based on criteria and disbursement priorities established by the eligible entity;

"(II) the duration of the scholarships, which may be single-year or multi-year awards;

"(III) the enrollment requirements for participating students, which may include providing scholarships for participating students who are enrolled in an institution of higher education on less than a full-time basis during any award year; and

"(IV) any additional student eligibility criteria established by the eligible entity for earning and maintaining scholarships under this section, including—

"(aa) financial need;

"(bb) meeting participation milestones in the activities offered by the eligible entity under section 404D;

"(cc) meeting and maintaining satisfactory academic milestones; and

"(dd) other criteria aligned with State and local goals to

incentivize postsecondary readiness, access, and success.''; and

(iii) in paragraph (3), as redesignated by clause (i), by striking ''may award'' and inserting ''may use not less than 10 percent and not more than 50 percent of funds made available under this chapter to award'';

(B) in subsection (b)—

(i) in the subsection heading, by striking ''Limitation'' and inserting ''State limitation''; and

(ii) in paragraph (2), by striking ''eligible entity demonstrates'' and all that follows through the period at the end and inserting the following: ''eligible entity—

''(A) demonstrates that the eligible entity has another means of providing the students with the financial assistance described in this section or eligible students have reasonable access to State and local financial assistance programs; and

''(B) describes such means or access in the application submitted under section 404C.'';

(C) in subsection (e)—

(i) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) SCHOLARSHIP PLAN.—Each eligible entity described in section 404A(c)(1) that receives a grant under this chapter shall hold in reserve, for the students served by such grant as described in section 404B(d)(1)(A) or 404D(d), an estimated amount that is based on the eligible entity's scholarship plan described in subsection (a)(1).

''(B) INTEREST USE.—Interest earned on funds held in reserve under subparagraph (A) may be used by the eligible entity to administer the scholarship program during the award period and through the post-award period described in paragraph (4).'';

(ii) in paragraph (2)(B), by inserting '', or been accepted for enrollment,'' after ''enrolled''; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking ''and'' after the semicolon;

(II) by redesignating subparagraph (B) as subparagraph (C); and

(III) by inserting after subparagraph (A) the following:

''(B) the costs associated with enrolling in an institution of higher education; and''; and

(D) in subsection (g)—

(i) in paragraph (3)—

(I) by inserting ''or, if the eligible entity chooses, in another program of study or credential program for which an individual could use funds received under a Federal Pell Grant to attend,'' before ''that is located''; and

(II) by striking ''except that, at the State's option'' and inserting ''except that, at the eligible entity's option''; and

(ii) in paragraph (4), by inserting ''and qualifies for an award, consistent with the eligible entity's scholarship plan as described in subsection (a)(2)'' after ''404D(a)'';

(6) in section 404G (20 U.S.C. 1070a–27)—

(A) in subsection (b)—

(i) in paragraph (1), by striking ''and'' after the semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(iii) by inserting after paragraph (2) the following:

''(3) include the following metrics:

''(A) The number of students completing the Free Application for Federal Student Aid under section 483.

''(B) If applicable, the number of students receiving a scholarship under section 404E.

''(C) The graduation rate of participating students from high school.

''(D) The enrollment of participating students in postsecondary education.

''(E) Such other metrics as the Secretary may require.'';

(B) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively;

(C) by inserting after subsection (b) the following:

''(c) REPORT ON HOMELESS INDIVIDUALS AND FOSTER CARE YOUTH.—Each eligible entity that receives a grant under section 404A shall, at the conclusion of such

grant, prepare and submit a report to the Secretary that includes—

"(1) where available, the number of homeless individuals (as defined in section 402A) and foster care youth served through the program; and

"(2) a description of any strategies or program enhancements that were used by the eligible entity in carrying out the program that were effective in meeting the needs of such homeless individuals and foster care youth.";

(D) in subsection (d), as so redesignated—

(i) in the subsection heading, by inserting "and technical assistance" after "Federal evaluation";

(ii) in the matter preceding paragraph (1)—

(I) by inserting "after consultation with the community of eligible entities receiving grants under this chapter and" after "Secretary shall,";

(II) by striking "0.75" and inserting "1"; and

(III) by striking "evaluate the effectiveness of the program and, as appropriate, disseminate the results of

the evaluation. Such evaluation shall include a separate analysis of'';

(iii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the margins appropriately; and

(iv) before subparagraph (A) (as redesignated by clause (iii)), by inserting the following:

''(1) provide pre-application technical assistance workshops for eligible entities and potential applicants in any year in which new awards are expected to be made;

''(2) support initiatives designed to improve the research, data collection and infrastructure, and evaluation capacity of eligible entities; and

''(3) evaluate the effectiveness of the program and, as appropriate, disseminate the results of the evaluation. Such evaluation may include a separate analysis of—''; and

(7) in section 404H, by striking ''$400,000,000 for fiscal year 2009'' and inserting ''$500,000,000 for fiscal year 2021''.

Subpart 3—Federal Supplemental Educational Opportunity Grants

SEC. 4041. PURPOSE; APPROPRIATIONS AUTHORIZED.

Section 413A of the Higher Education Act of 1965 (20 U.S.C. 1070b) is amended—

(1) by amending subsection (a) to read as follows:

''(a) PURPOSE OF SUBPART.—It is the purpose of this subpart to—

''(1) provide, through institutions of higher education, supplemental grants to assist in making available the benefits of postsecondary education to qualified students who demonstrate financial need in accordance with the provisions of part F of this title; and

''(2) to establish grant programs at various institutions of higher education, as defined in section 101, to determine best practices and policies regarding the distribution of emergency grant aid to assist students in completing their program of study, notwithstanding aid they may have received in accordance with the provisions of part F of this title.'';

(2) in subsection (b)(1), by striking ''appropriated'' and all that follows through the end and inserting ''appropriated—

''(A) $1,150,000,000 for fiscal year 2021;

"(B) $1,300,000,000 for fiscal year 2022;

"(C) $1,450,000,000, for fiscal year 2023;

"(D) $1,600,000,000 for fiscal year 2024; and

"(E) $1,750,000,000 for fiscal year 2025 and each succeeding fiscal year.";

(3) by redesignating paragraph (2) as paragraph (3); and

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

"(2) For the purpose of enabling the Secretary to fund emergency grant aid programs under section 440D, there are allocated, from funds authorized under paragraph (b)(1), $12,500,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.".

SEC. 4042. INSTITUTIONAL ELIGIBILITY.

Section 413C(a) of the Higher Education Act of 1965 (20 U.S.C. 1070b-2) is amended—

(1) in paragraph (2)—

(A) by striking "agrees" inserting "except as provided in paragraph (4), agrees"; and

(B) by striking "and" at the end;

(2) in paragraph (3)(D), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) agrees that the Federal share of an award under this subpart to an institution eligible for assistance under title III or title V shall equal 100 percent of such award.".

SEC. 4043. ALLOCATION OF FUNDS.

Section 413D of the Higher Education Act of 1965 (20 U.S.C. 1070b–3) is amended to read as follows:

"SEC. 413D. ALLOCATION OF FUNDS.

"(a) ALLOCATION FORMULA FOR FISCAL YEARS 2021 THROUGH 2025.—

"(1) IN GENERAL.—From the amount appropriated under section 413A(b)(1) for a fiscal year, the Secretary shall allocate to each institution—

"(A) for fiscal year 2021, an amount equal to the greater of—

"(i) 90 percent of the amount the institution received under subsection (a) for fiscal year 2020, as such subsection was in effect with respect to such fiscal year (in this subparagraph referred to as 'the 2020 amount for the institution'); or

"(ii) the fair share amount for the institution determined under subsection (c);

"(B) for fiscal year 2022, an amount equal to the greater of—

1 "(i) 80 percent of the 2020 amount
2 for the institution; or
3 "(ii) the fair share amount for the in-
4 stitution determined under subsection (c);
5 "(C) for fiscal year 2023, an amount equal
6 to the greater of—
7 "(i) 60 percent of the fiscal year 2020
8 amount for the institution; or
9 "(ii) the fair share amount for the in-
10 stitution determined under subsection (c);
11 "(D) for fiscal year 2024, an amount equal
12 to the greater of—
13 "(i) 40 percent of the 2020 amount
14 for the institution; or
15 "(ii) the fair share amount for the in-
16 stitution determined under subsection (c);
17 and
18 "(E) for fiscal year 2025, an amount equal
19 to the greater of—
20 "(i) 20 percent of the 2020 amount
21 for the institution; or
22 "(ii) the fair share amount for the in-
23 stitution determined under subsection (c).
24 "(2) RATABLE REDUCTION.—

"(A) IN GENERAL.—If the amount appropriated under section 413A(b)(1) for a fiscal year is less than the amount required to be allocated to the institutions under this subsection, then the amount of the allocation to each institution shall be ratably reduced.

"(B) ADDITIONAL APPROPRIATIONS.—If the amounts allocated to each institution are ratably reduced under subparagraph (A) for a fiscal year and additional amounts are appropriated for such fiscal year, the amount allocated to each institution from the additional amounts shall be increased on the same basis as the amounts under subparagraph (A) were reduced (until each institution receives the amount required to be allocated under this subsection).

"(b) ALLOCATION FORMULA FOR FISCAL YEAR 2026 AND EACH SUCCEEDING FISCAL YEAR.—From the amount appropriated under section 413A(b)(1) for fiscal year 2026 and each succeeding fiscal year, the Secretary shall allocate to each institution the fair share amount for the institution determined under subsection (c).

"(c) DETERMINATION OF FAIR SHARE AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the fair share amount for an institution for a fiscal year shall be equal to the sum of the institution's undergraduate student need described in paragraph (2) for the preceding fiscal year.

"(2) INSTITUTIONAL UNDERGRADUATE STUDENT NEED CALCULATION.—The institutional undergraduate student need for an institution for a fiscal year shall be equal to the sum of the following:

"(A) An amount equal to 50 percent of the amount that bears the same proportion to the available appropriated amount for such fiscal year as the total amount of Federal Pell Grant funds awarded at the institution for the preceding fiscal year bears to the total amount of Federal Pell Grant funds awarded at all institutions participating under this part for the preceding fiscal year.

"(B) An amount equal to 50 percent of the amount that bears the same proportion to the available appropriated amount for such fiscal year as the total amount of the undergraduate student need at the institution for the preceding fiscal year bears to the total amount of undergraduate student need at all institutions partici-

pating under this part for the preceding fiscal year.

"(3) ELIGIBILITY FOR FAIR SHARE AMOUNT.—The Secretary may not allocate funds under this subpart to any institution that, for 2 or more fiscal years during any 3 fiscal year period beginning not earlier than the first day of the first fiscal year that is 2 years after the date of the enactment of this paragraph, has a student population with less than 7 percent of undergraduate students who are recipients of Federal Pell Grants.

"(d) DEFINITIONS.—In this section:

"(1) AVERAGE COST OF ATTENDANCE.—The term 'average cost of attendance' has the meaning given the term in section 4202(e)(5)(B).

"(2) UNDERGRADUATE STUDENT NEED.—The term 'undergraduate student need' means, with respect to an undergraduate student for an award year, the lesser of the following:

"(A) The total of the amount equal to (except the amount computed by this clause shall not be less than zero)—

"(i) the average cost of attendance for the award year, minus

"(ii) such undergraduate student's expected family contribution (computed in accordance with part F of this title) for the preceding award year.

"(B) The total loan annual limit for a Federal Direct Unsubsidized Stafford Loan and a Federal Direct Loan.".

SEC. 4044. EMERGENCY FINANCIAL AID GRANT PROGRAM.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) is amended by adding at the end the following:

"Subpart 11—Emergency Financial Aid Grants

"SEC. 440D. EMERGENCY FINANCIAL AID GRANT PROGRAM.

"(a) EMERGENCY FINANCIAL AID GRANT PROGRAMS AUTHORIZED.—The Secretary shall carry out a grant program to make grants, in accordance with subsection (c), to eligible entities to provide emergency financial aid grants to students in accordance with subsection (d).

"(b) MATCHING FUNDS.—

"(1) LIMITATION ON AMOUNT OF FEDERAL SHARE.—Except as provided in paragraph (3), the Federal share of the cost of any emergency grant aid program carried out under this section may not exceed 50 percent.

1 ''(2) LIMITATION.—Matching funds provided by
2 an eligible entity under this subsection may not in-
3 clude in-kind contributions.
4 ''(3) EXCEPTIONS.—The Federal share of the
5 cost of an emergency grant aid program carried out
6 under this section shall equal 100 percent if the in-
7 stitution carrying out the emergency grant aid is an
8 institution of higher education eligible for assistance
9 under title III or V.
10 ''(c) APPLICATION.—
11 ''(1) IN GENERAL.—Each eligible entity desir-
12 ing to carry out an emergency grant aid program
13 under this section shall submit an application to the
14 Secretary, at such time, in such manner, and con-
15 taining such information as the Secretary may re-
16 quire.
17 ''(2) OUTREACH.—The Secretary shall, at least
18 30 days before each deadline to submit applications
19 under paragraph (1), conduct outreach to institu-
20 tions of higher education described in subsection
21 (b)(3) to provide such institutions with information
22 on the opportunity to apply under paragraph (1) to
23 carry out an emergency grant aid program under
24 this section.

1 "(3) CONTENTS.—Each application under para-
2 graph (1) shall include a description of the emer-
3 gency grant aid program to be carried out by the eli-
4 gible entity, including—
5 "(A) an estimate of the number of emer-
6 gency financial aid grants that such entity will
7 make in an award year and how such eligible
8 entity assessed such estimate;
9 "(B) the criteria the eligible entity will use
10 to determine an emergency for which an eligible
11 student will be eligible to receive an emergency
12 financial aid grant;
13 "(C) an assurance that an emergency for
14 which an eligible student will be eligible to re-
15 ceive an emergency financial aid grant will in-
16 clude financial challenges that would directly
17 impact the ability of an eligible student to con-
18 tinue and complete the course of study of such
19 student, including—
20 "(i) a loss of employment, transpor-
21 tation, child care, utilities, or housing of
22 the student;
23 "(ii) a medical condition (including
24 pregnancy) of the student, or a dependent
25 of the student;

1 ''(iii) with respect to the eligible stu-
2 dent, food insecurity; and
3 ''(iv) in the case of an eligible student
4 who is a dependent student—
5 ''(I) the death of a parent or
6 guardian of such eligible student; or
7 ''(II) a medical condition of the
8 parent or guardian of such eligible
9 student which results in the loss of
10 employment of such parent or guard-
11 ian;
12 ''(D) a description of the process by which
13 an eligible student may apply and receive an
14 emergency financial aid grant;
15 ''(E) an assurance that the eligible entity,
16 when applicable, will make information available
17 to eligible students about the eligibility of such
18 students and their dependents for assistance
19 under the supplemental nutrition assistance
20 program under the Food and Nutrition Act of
21 2008 (7 U.S.C. 2011 et seq.), the special sup-
22 plemental nutrition program for women, in-
23 fants, and children under the Child Nutrition
24 Act of 1966 (42 U.S.C. 1786), and the pro-
25 gram of block grants for States for temporary

assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

''(F) how the eligible entity will administer the emergency grant aid program, including the processes the eligible entity will use to respond to applications, approve applications, and disburse emergency financial aid grants outside of normal business hours;

''(G) an assurance that the process by which an eligible student applies for an emergency financial aid grant includes—

''(i) to the extent practicable, an interview; and

''(ii) at least one opportunity to appeal a denial of such a grant;

''(H) an assurance that the eligible entity will acknowledge receipt of a student's request and distribute funds in a timely manner as determined by the Secretary;

''(I) a description of how the school intends to limit fraud or abuse; and

''(J) any other information the Secretary may require.

1 "(4) PRIORITY.—In selecting eligible entities to
2 carry out an emergency grant aid program under
3 this section, the Secretary shall give priority to an
4 eligible entity in which at least 30 percent of the
5 students enrolled at such eligible entity are eligible
6 to receive a Federal Pell Grant.
7 "(d) USE OF FUNDS.—
8 "(1) IN GENERAL.—An eligible entity may only
9 use funds provided under this section to make emer-
10 gency financial aid grants to eligible students.
11 "(2) LIMITATIONS.—
12 "(A) AMOUNT.—An emergency financial
13 aid grant to an eligible student may not be in
14 an amount greater than $750.
15 "(B) TOTAL AMOUNT.—The total amount
16 of the Federal share of emergency financial aid
17 grants that an eligible student may receive from
18 an eligible entity may not exceed $2,000. An el-
19 igible student may receive an amount under
20 this section that would cause the amount of
21 total financial aid received by such student to
22 exceed the cost of attendance of the institution
23 of higher education in which the student is en-
24 rolled.
25 "(e) REPORTING AND OVERSIGHT.—

"(1) IN GENERAL.—Not less frequently than once annually, each eligible entity that receives a grant under this subpart shall submit to the Secretary a report on the progress of the eligible entity in carrying out the programs supported by such grant.

"(2) FORM OF REPORT.—The report under paragraph (1) shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall issue uniform guidelines describing the information that shall be reported by grantees under such paragraph.

"(3) CONTENT OF REPORT.—

"(A) IN GENERAL.—The report under paragraph (1) shall include, at minimum, the following:

"(i) The number of students that received a grant, including the number of students who received more than one grant.

"(ii) The average award amount awarded to eligible students.

"(iii) The types of emergencies declared and frequencies emergencies declared by eligible students.

"(iv) The number of students that applied for emergency grant aid.

"(v) The number of students that were denied such grants.

"(vi) The average amount of time it took an eligible entity to respond to requests for emergency grant aid and average amount of time it took the eligible entity to award or deny the emergency grant aid.

"(vii) Outcomes of the eligible students that received emergency grant aid, including rates of persistence, retention, and completion, and a comparison of such rates for such students as compared to such rates for Federal Pell recipients at the institution.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an institution of higher education that on the date such entity receives a grant under this

section, is participating in the FSEOG program under subpart 3.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means a student who—

"(A) is enrolled in an eligible entity on an at least half-time basis; and

"(B) who is making satisfactory academic progress.

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.".

Subpart 4—Special Programs for Students Whose Families Are Engaged in Migrant and Seasonal Farmwork

SEC. 4051. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARMWORK.

Section 418A(i) of the Higher Education Act of 1965 (20 U.S.C. 1070d–2(i)) is amended by striking "2009" and inserting "2021".

Subpart 5—Child Care Access Means Parents in School

SEC. 4061. CCAMPIS REAUTHORIZATION.

Section 419N of the Higher Education Act of 1965 (20 U.S.C. 1070e) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''The amount'' and inserting ''Except as provided in subparagraph (C), the amount''; and

(II) by striking ''1 percent'' and inserting ''2 percent'';

(ii) in subparagraph (B)(ii), by striking ''subsection (g)'' and inserting ''subsection (h)''; and

(iii) by adding at the end the following:

''(C) PERFORMANCE BONUS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), for any fiscal year for which the amount appropriated under subsection (h) is not less than $140,000,000, the Secretary may pay a performance bonus to an eligible institution of higher education.

''(ii) MAXIMUM AMOUNT.—A bonus paid to an eligible institution of higher education under clause (i) for a fiscal year shall not exceed an amount equal to 20

percent of the amount of the annual grant payment received by the institution under paragraph (3)(B) for the fiscal year preceding the fiscal year for which the bonus is paid.

"(iii) USE OF BONUS.—A bonus received by an institution under clause (i) shall be used by the institution in the same manner as a grant under this section and shall be treated as grant funds for purposes of the application of paragraph (5), except that the Secretary may extend the grant period as necessary for the institution to use such bonus.

"(iv) ELIGIBLE INSTITUTION OF HIGHER EDUCATION.—In this subparagraph, the term 'eligible institution of higher education' means an institution of higher education that—

"(I) has received a grant under this section for not less than the period of three consecutive fiscal years preceding the fiscal year in which the bonus is paid under clause (i);

"(II) for each such preceding fiscal year, has met or exceeded the performance levels established by the institution for such year under subsection (e)(1)(B)(v); and

"(III) has demonstrated the need for such bonus."; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "4 years" and inserting "5 years"; and

(ii) in subparagraph (B), by striking "subsection (e)(2)" and inserting "subsection (e)(3)";

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

"(c) APPLICATIONS.—

"(1) IN GENERAL.—An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall—

"(A) demonstrate that the institution is an eligible institution described in subsection (b)(4);

1 ''(B) specify the amount of funds re-
2 quested;
3 ''(C) demonstrate the need of low-income
4 students at the institution for campus-based
5 child care services by including in the applica-
6 tion—
7 ''(i) information regarding student de-
8 mographics, including whether the student
9 is a full-time or part-time student;
10 ''(ii) an assessment of child care ca-
11 pacity on or near campus;
12 ''(iii) information regarding the wait-
13 ing lists for child care services on or near
14 campus;
15 ''(iv) information regarding additional
16 needs created by concentrations of poverty
17 or by geographic isolation;
18 ''(v) information about the number of
19 low-income student parents being served
20 through campus-based child care services;
21 and
22 ''(vi) other relevant data;
23 ''(D) specify the estimated percentage of
24 the institution's grant that will be used directly
25 to subsidize the fee charged for on-campus and

1 off-campus childcare, respectively, for low-in-
2 come students;
3 ''(E) contain a description of the activities
4 to be assisted, including whether the grant
5 funds will support an existing child care pro-
6 gram or a new child care program;
7 ''(F) identify the resources, including tech-
8 nical expertise and financial support, that the
9 institution will draw upon to support the child
10 care program and the participation of low-in-
11 come students in the program (such as access-
12 ing social services funding, using student activ-
13 ity fees to help pay the costs of child care,
14 using resources obtained by meeting the needs
15 of parents who are not low-income students,
16 and accessing foundation, corporate, or other
17 institutional support) and demonstrate that the
18 use of the resources will not result in increases
19 in student tuition;
20 ''(G) contain an assurance that the institu-
21 tion will meet the child care needs of low-in-
22 come students through the provision of services,
23 or through a contract for the provision of serv-
24 ices;

1 ''(H) describe the extent to which the child
2 care program will coordinate with the institu-
3 tion's early childhood education curriculum, to
4 the extent the curriculum is available, to meet
5 the needs of the students in the early childhood
6 education program at the institution, and the
7 needs of the parents and children participating
8 in the child care program assisted under this
9 section;
10 ''(I) in the case of an institution seeking
11 assistance for a new child care program—
12 ''(i) provide a timeline, covering the
13 period from receipt of the grant through
14 the provision of the child care services, de-
15 lineating the specific steps the institution
16 will take to achieve the goal of providing
17 low-income students with child care serv-
18 ices;
19 ''(ii) specify any measures the institu-
20 tion will take to assist low-income students
21 with child care during the period before
22 the institution provides child care services;
23 and
24 ''(iii) include a plan for identifying re-
25 sources needed for the child care services,

including space in which to provide child care services, and technical assistance if necessary;

''(J) contain an assurance that any child care facility assisted under this section will meet the applicable State and local government licensing, certification, approval, or registration requirements;

''(K) in the case of an institution that is awarded a grant under this section after the date of the enactment of the College Affordability Act, provide an assurance that, not later than three years after the date on which such grant is awarded, any child care facility assisted with such grant will—

''(i) meet Head Start performance standards under subchapter B of chapter 13 of title 45, Code of Federal Regulations (as in effect on the date of enactment of the College Affordability Act) and any successor regulations;

''(ii) be in the top tier of the quality rating improvement system for such facilities used by the State in which the facility is located;

1 ''(iii) meet the licensing requirements
2 of the State in which the facility is located
3 and the quality requirements under the
4 Child Care and Development Block Grant
5 Act of 1990 (42 U.S.C. 9858 et seq.); or
6 ''(iv) be accredited by a national early
7 childhood accrediting body with dem-
8 onstrated valid and reliable program qual-
9 ity standards;
10 ''(L) contain an assurance that the institu-
11 tion, when applicable, will make information
12 available to students receiving child care serv-
13 ices provided under this section about the eligi-
14 bility of such students and their dependents for
15 assistance under the supplemental nutrition as-
16 sistance program under the Food and Nutrition
17 Act of 2008 (7 U.S.C. 2011 et seq.), the special
18 supplemental nutrition program for women, in-
19 fants, and children under the Child Nutrition
20 Act of 1966 (42 U.S.C. 1786), and the pro-
21 gram of block grants for States for temporary
22 assistance for needy families established under
23 part A of title IV of the Social Security Act (42
24 U.S.C. 601 et seq.); and

"(M) contain an abstract summarizing the contents of such application and how the institution intends to achieve the purpose under subsection (a).

"(2) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance to eligible institutions to help such institutions qualify, apply for, and maintain a grant under this section.";

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "to institutions of higher education that submit applications describing programs that";

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

"(1) based on the extent to which institutions of higher education that submit applications for such a grant leverage local or institutional resources, including in-kind contributions, to support the activities assisted under this section;";

(C) by redesignating paragraph (2) as paragraph (3);

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

"(2) to institutions of higher education that, compared to other institutions of higher education that submit applications for such a grant, demonstrate a high likelihood of need for campus-based child care based on student demographics (such as a high proportion of low-income students or independent students); and"; and

(E) in paragraph (3) (as redesignated by subparagraph (C)), by inserting "to institutions of higher education that submit applications describing programs that" before "utilize"; and

(4) in subsection (e)—

(A) in paragraph (1)(B)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (vi), (vii), and (viii), respectively; and

(ii) by striking the semicolon at the end of clause (i) and inserting the following: "which shall include—

"(I) the number of full- and part-time students, respectively, receiving child care services under this section at least once per week during the academic year;

"(II) the number of credits accumulated by students receiving such child care services;

"(III) the number of students receiving child care services under this section at least once per week during the academic year who—

"(aa) remain enrolled at the institution during the academic year for which they received such services;

"(bb) enroll at the institution for the following academic year; and

"(cc) graduate or transfer within—

"(AA) 150 percent of the normal time for completion of a student's four-year degree granting program; or

"(BB) 200 percent of the normal time for completion of a student's two-year degree-granting program;

"(ii) with respect to the total student enrollment at the institution and the total enrollment of low-income students at the institution, respectively—

"(I) the rate at which students who complete an academic year at the institution re-enroll in the institution for the following academic year; and

"(II) the percentage of students graduating or transferring within—

"(aa) 150 percent of the normal time for completion of a student's four-year degree granting program; or

"(bb) 200 percent of the normal time for completion of a student's two-year degree granting program;

"(iii) the percentage of the institution's grant that was used directly to subsidize the fee charged for on-campus and off-campus childcare, respectively, for low-income students;

"(iv) whether the institution restricts eligibility for child care services to only full-time students;

"(v) the sufficiently ambitious levels of performance established for such year by the institution that demonstrate meaningful progress and allow for meaningful evaluation of program quality based on the information in clauses (i)(III) and (iii);";

(B) by redesignating paragraph (2) as paragraph (3);

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

"(2) REPORT.—

"(A) REPORT REQUIRED.—On an annual basis, the Secretary shall submit to the authorizing committees a report that includes—

"(i) a summary of the information described in paragraph (1); and

"(ii) each abstract submitted under subsection (c)(1)(M) by an institution of higher education that receives a grant under this section.

"(B) PUBLIC AVAILABILITY.—The Secretary shall make each report submitted under subparagraph (A) publicly available.";

(D) in paragraph (3), as so redesignated, by inserting "(other than the information provided under subparagraph (B)(v) of such paragraph)" after "paragraph (1)"; and

(E) by adding at the end the following:

"(4) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to institutions of higher education receiving grants under this section to help such institutions meet the reporting requirements under this subsection.";

(5) by redesignating subsection (g) as subsection (h);

(6) by inserting after subsection (f) the following:

"(g) NONDISCRIMINATION.—No person in the United States shall, on the basis of actual or perceived race, color, religion, national origin, sex (including sexual orientation, gender identity, pregnancy, childbirth, a medical condition related to pregnancy or childbirth, and sex stereotype), or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination by any program funded, in whole or in part, with funds made avail-

able under this section or with amounts appropriated for grants, contracts, or certificates administered with such funds.''; and

(7) in subsection (h), as so redesignated, by striking ''such sums as may be necessary for fiscal year 2009'' and inserting ''$200,000,000 for fiscal year 2021''.

Subpart 6—Jumpstart to College Grant Programs

SEC. 4071. JUMPSTART TO COLLEGE GRANT PROGRAMS.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is further amended by inserting after subpart 7 the following:

''Subpart 8—Jumpstart to College

''SEC. 419O. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an institution of higher education in partnership with one or more local educational agencies (which may be an educational service agency). Such partnership may also include other entities such as nonprofit organizations or businesses, and schools in juvenile detention centers.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the

meaning given the term in section 101 (20 U.S.C. 1001).

"(3) ESEA TERMS.—The terms 'dual or concurrent enrollment program', 'early college high school', 'educational service agency', 'four-year adjusted cohort graduation rate', 'local educational agency', 'secondary school', and 'State' have meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(4) LOW-INCOME STUDENT.—The term 'low-income student' means a student counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

"(5) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"SEC. 419P. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

"(a) IN GENERAL.—To carry out this subpart, there are authorized to be appropriated $250,000,000 for fiscal year 2021 and each of the five succeeding fiscal years.

"(b) RESERVATIONS.—From the funds appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

"(1) not less than 40 percent for grants to eligible entities under section 419Q;

"(2) not less than 55 percent for grants to States under section 419R; and

"(3) not less than 5 percent for national activities under section 419T.

"SEC. 419Q. GRANTS TO ELIGIBLE ENTITIES.

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities, on a competitive basis, to assist such entities in establishing or supporting an early college high school or dual or concurrent enrollment program in accordance with this section.

"(b) DURATION.—Each grant under this section shall be awarded for a period of 6 years.

"(c) GRANT AMOUNT.—The Secretary shall ensure that the amount of each grant under this section is sufficient to enable each grantee to carry out the activities described in subsection (h), except that a grant under this section may not exceed $2,000,000.

"(d) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—For each year that an eligible entity receives a grant under this section, the en-

tity shall contribute matching funds, in the amounts described in paragraph (2), for the activities supported by the grant.

"(2) AMOUNTS DESCRIBED.—The amounts described in this paragraph are—

"(A) for each of the first and second years of the grant period, 20 percent of the grant amount;

"(B) for each of the third and fourth years of the grant period, 30 percent of the grant amount;

"(C) for the fifth year of the grant period, 40 percent of the grant amount; and

"(D) for the sixth year of the grant period, 50 percent of the grant amount.

"(3) DETERMINATION OF AMOUNT CONTRIBUTED.—

"(A) IN-KIND CONTRIBUTIONS.—The Secretary shall allow an eligible entity to meet the requirements of this subsection through in-kind contributions.

"(B) NON-FEDERAL SOURCES.—Not less than half of each amount described in paragraph (2) shall be provided by the eligible entity from non-Federal sources.

1 ''(e) SUPPLEMENT, NOT SUPPLANT.—An eligible en-
2 tity shall use a grant received under this section only to
3 supplement funds that would, in the absence of such
4 grant, be made available from other Federal, State, or
5 local sources for activities supported by the grant, not to
6 supplant such funds.

7 ''(f) PRIORITY.—In awarding grants under this sec-
8 tion, the Secretary shall give priority to eligible entities
9 that—

10 ''(1) propose to establish or support an early
11 college high school or other dual or concurrent en-
12 rollment program that will serve a student popu-
13 lation of which not less than 51 percent are low-in-
14 come students;

15 ''(2) include a local educational agency which
16 serves a high school that is—

17 ''(A) identified for comprehensive support
18 and improvement under section
19 1111(c)(4)(D)(i) of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C.
21 6311(c)(4)(D)(i)); or

22 ''(B) implementing a targeted support and
23 improvement plan as described in section
24 1111(d)(2) of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6311(d)(2));

"(3) are from States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education (including costs of tuition, fees, and textbooks); and

"(4) propose to establish or support an early college high school or dual or concurrent enrollment program that meets quality standards established by—

"(A) a nationally recognized accrediting agency or association that offers accreditation specifically for such programs; or

"(B) a State process specifically for the review and approval of such programs.

"(g) EQUITABLE DISTRIBUTION.—The Secretary shall ensure, to the extent practicable, that eligible entities receiving grants under this section—

"(1) are from a representative cross section of—

"(A) urban, suburban, and rural areas; and

"(B) regions of the United States; and

"(2) include both two-year and four-year institutions of higher education.

"(h) USES OF FUNDS.—

1 "(1) MANDATORY ACTIVITIES.—
2 "(A) IN GENERAL.—An eligible entity shall
3 use grant funds received under this section—
4 "(i) to support the activities described
5 in its application under subsection (i);
6 "(ii) to create and maintain a coher-
7 ent system of supports for students, teach-
8 ers, principals, and faculty under the pro-
9 gram, including—
10 "(I) college and career readiness,
11 academic, and social support services
12 for students; and
13 "(II) professional development
14 for secondary school teachers, faculty,
15 and principals, and faculty from the
16 institution of higher education, includ-
17 ing—
18 "(aa) joint professional de-
19 velopment activities; and
20 "(bb) activities to assist
21 such teachers, faculty, and prin-
22 cipals in using effective parent
23 and community engagement
24 strategies and to help ensure the
25 success of students academically

at risk of not enrolling in or completing postsecondary education, first-generation college students, and students described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi));

''(iii) to carry out liaison activities among the partners that comprise the eligible entity pursuant to an agreement or memorandum of understanding documenting commitments, resources, roles, and responsibilities of the partners consistent with the design of the program;

''(iv) for outreach programs to ensure that secondary school students and their families, including students academically at risk of not enrolling in or completing postsecondary education, first-generation college students, and students described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)), are—

1 ''(I) aware of, and recruited into,
2 the early college high school or dual
3 or concurrent enrollment program;
4 and
5 ''(II) assisted with the process of
6 enrolling and succeeding in the early
7 college high school or dual or concur-
8 rent enrollment program, which may
9 include providing academic support;
10 ''(v) to collect, share, and use data (in
11 compliance with section 444 of the General
12 Education Provisions Act (20 U.S.C.
13 1232g)) for program improvement and
14 program evaluation; and
15 ''(vi) to review and strengthen its pro-
16 gram to maximize the potential that stu-
17 dents participating in the program will
18 eventually complete a recognized postsec-
19 ondary credential, including by opti-
20 mizing—
21 ''(I) the curriculum of the pro-
22 gram;
23 ''(II) the use of high-quality as-
24 sessments of student learning, such as
25 performance-based, project-based, or

portfolio assessments that measure higher-order thinking skills;

"(III) the sequence of courses offered by the program; and

"(IV) the alignment of academic calendars between the secondary schools and the institution of higher education participating in the program.

"(B) NEW PROGRAMS.—In the case of an eligible entity that uses a grant under this section to establish an early college high school or dual or concurrent enrollment program, the entity shall use such funds during the first year of the grant period—

"(i) to design the curriculum and sequence of courses in collaboration with, at a minimum—

"(I) faculty from the institution of higher education;

"(II) teachers and faculty from the local educational agency; and

"(III) in the case of a career and technical education program, employers or workforce development entities

to ensure that the program is aligned with labor market demand;

''(ii) to develop and implement an articulation agreement between the institution of higher education and the local educational agency that governs how secondary and postsecondary credits will be awarded under the program; and

''(iii) to carry out the activities described in subparagraph (A).

''(2) ALLOWABLE ACTIVITIES.—An eligible entity may use grant funds received under this section to support the activities described in its application under subsection (i), including by—

''(A) purchasing textbooks and equipment that support the program's curriculum;

''(B) pursuant to the assurance provided by the eligible entity under subsection (i)(3)(A), paying tuition and fees for postsecondary courses taken by students under the program;

''(C) incorporating work-based learning opportunities (other than by paying wages of students) into the program (which may include partnering with entities that provide such opportunities), including—

1 ''(i) internships;
2 ''(ii) career-based capstone projects;
3 ''(iii) pre-apprenticeships and reg-
4 istered apprenticeships provided by eligible
5 providers of apprenticeship programs de-
6 scribed in section 122(a)(2)(B) of the
7 Workforce Innovation and Opportunity Act
8 (29 U.S.C. 3152(a)(2)(B)); and
9 ''(iv) work-based learning opportuni-
10 ties provided under chapters 1 and 2 of
11 subpart 2 of part A of title IV of the High-
12 er Education Act of 1965 (20 U.S.C.
13 1070a–11 et seq.);
14 ''(D) providing students with transpor-
15 tation to and from the program;
16 ''(E) paying costs for—
17 ''(i) high school teachers to obtain the
18 skills, credentials, or industry certifications
19 necessary to teach for the institution of
20 higher education participating in the pro-
21 gram; or
22 ''(ii) postsecondary faculty to become
23 certified to teach high school; or
24 ''(F) providing time during which sec-
25 ondary school teachers and faculty and faculty

from an institution of higher education can collaborate, which may include professional development, the planning of team activities for such teachers and faculty and curricular design and student assessment

''(i) APPLICATION.—

''(1) IN GENERAL.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) CONTENTS OF APPLICATION.—The application under paragraph (1) shall include, at minimum, a description of—

''(A) the partnership that comprises the eligible entity, including documentation of partner commitments, resources and budget, roles, and responsibilities;

''(B) how the partners that comprise the eligible entity will coordinate to carry out the mandatory activities described in subsection (h)(1);

''(C) the number of students intended to be served by the program and demographic information relating to such students;

"(D) how the eligible entity's curriculum and sequence of courses form a program of study leading to a recognized postsecondary credential;

"(E) how postsecondary credits earned will be transferable to institutions of higher education within the State, including any applicable statewide transfer agreements and any provisions of such agreements that are specific to dual or concurrent enrollment programs;

"(F) how the eligible entity will conduct outreach to students;

"(G) how the eligible entity will determine the eligibility of students for postsecondary courses, including an explanation of the multiple factors the entity will take into account to assess the readiness of students for such courses; and

"(H) the sustainability plan for the early college high school or other dual or concurrent enrollment program.

"(3) ASSURANCES.—The application under paragraph (1) shall include assurances from the eligible entity that—

"(A) students participating in a program funded with a grant under this section will not be required to pay tuition or fees for postsecondary courses taken under the program;

"(B) postsecondary credits earned by students under the program will be transcribed upon completion of the required course work; and

"(C) instructors of postsecondary courses under the program will meet the same standards applicable to other faculty at the institution of higher education that is participating in the program.

"SEC. 419R. GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary shall award grants to States, on a competitive basis, to assist States in supporting or establishing early college high schools or dual or concurrent enrollment programs.

"(b) DURATION.—Each grant under this section shall be awarded for a period of 6 years.

"(c) GRANT AMOUNT.—The Secretary shall ensure that the amount of each grant under this section is sufficient to enable each grantee to carry out the activities described in subsection (f).

"(d) MATCHING REQUIREMENT.—For each year that a State receives a grant under this section, the State shall provide, from non-Federal sources, an amount equal to 50 percent of the amount of the grant received by the State for such year to carry out the activities supported by the grant.

"(e) SUPPLEMENT, NOT SUPPLANT.—A State shall use a grant received under this section only to supplement funds that would, in the absence of such grant, be made available from other Federal, State, or local sources for activities supported by the grant, not to supplant such funds.

"(f) USES OF FUNDS.—

"(1) MANDATORY ACTIVITIES.—A State shall use grant funds received under this section to—

"(A) support the activities described in its application under subsection (g);

"(B) plan and implement a statewide strategy for expanding access to early college high schools and dual or concurrent enrollment programs for students who are underrepresented in higher education to raise statewide rates of secondary school graduation, readiness for postsecondary education, and completion of recognized postsecondary credentials, with a

1 focus on students academically at risk of not
2 enrolling in or completing postsecondary edu-
3 cation;
4 ''(C) identify any obstacles to such a strat-
5 egy under State law or policy;
6 ''(D) provide technical assistance (either
7 directly or through a knowledgeable inter-
8 mediary) to early college high schools and other
9 dual or concurrent enrollment programs, which
10 may include—
11 ''(i) brokering relationships and agree-
12 ments that forge a strong partnership be-
13 tween elementary and secondary and post-
14 secondary partners; and
15 ''(ii) offering statewide training, pro-
16 fessional development, and peer learning
17 opportunities for school leaders, instruc-
18 tors, and counselors or advisors;
19 ''(E) identify and implement policies that
20 will improve the effectiveness and ensure the
21 quality of early college high schools and dual or
22 concurrent enrollment programs, such as eligi-
23 bility and access, funding, data and quality as-
24 surance, governance, accountability, and align-
25 ment policies;

"(F) update the State's requirements for a student to receive a regular high school diploma to align with the challenging State academic standards and entrance requirements for credit-bearing coursework as described in subparagraphs (A) and (D) of section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1));

"(G) incorporate indicators regarding student access to and completion of early college high schools and dual or concurrent enrollment programs into the school quality and student success indicators included in the State system of annual meaningful differentiation as described under section 1111(c)(4)(B)(v)(I) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)(4)(B)(v)(I));

"(H) disseminate best practices for early college high schools and dual or concurrent enrollment programs, which may include best practices from programs in the State or other States;

"(I) facilitate statewide secondary and postsecondary data collection, research and

evaluation, and reporting to policymakers and other stakeholders; and

"(J) conduct outreach programs to ensure that secondary school students, their families, and community members are aware of early college high schools and dual or concurrent enrollment programs in the State.

"(2) ALLOWABLE ACTIVITIES.—A State may use grant funds received under this section to—

"(A) establish a mechanism to offset the costs of tuition, fees, standardized testing and performance assessment costs, and support services for low-income students, and students from underrepresented populations enrolled in early college and high schools or dual or concurrent enrollment;

"(B) establish formal transfer systems within and across State higher education systems, including two-year and four-year public and private institutions, to maximize the transferability of college courses;

"(C) provide incentives to school districts that—

"(i) assist high school teachers in getting the credentials needed to participate

in early college high school programs and dual or concurrent enrollment; and

"(ii) encourage the use of college instructors to teach college courses in high schools;

"(D) support initiatives to improve the quality of early college high school and dual or concurrent enrollment programs at participating institutions, including by assisting such institutions in aligning programs with the quality standards described in section 419Q(f)(3); and

"(E) reimburse low-income students to cover part or all of the costs of an Advanced Placement or International Baccalaureate examination.

"(g) STATE APPLICATIONS.—

"(1) APPLICATION.—To be eligible to receive a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(2) CONTENTS OF APPLICATION.—The application under paragraph (1) shall include, at minimum, a description of—

1 ''(A) how the State will carry out the man-
2 datory State activities described in subsection
3 (f)(1);
4 ''(B) how the State will ensure that any
5 programs funded with a grant under this sec-
6 tion are coordinated with programs under—
7 ''(i) the Carl D. Perkins Career and
8 Technical Education Act of 2006 (20
9 U.S.C. 2301 et seq.);
10 ''(ii) the Workforce Innovation and
11 Opportunity Act (29 U.S.C. 3101 et seq.);
12 ''(iii) the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6301 et
14 seq.); and
15 ''(iv) the Individuals with Disabilities
16 Education Act (20 U.S.C. 1400 et seq.);
17 ''(C) how the State intends to use grant
18 funds to address achievement gaps for each cat-
19 egory of students described in section
20 1111(b)(2)(B)(xi) of the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C.
22 6311(b)(2)(B)(xi));
23 ''(D) how the State will access and lever-
24 age additional resources necessary to sustain

early college high schools or other dual or concurrent enrollment programs;

"(E) how the State will identify and eliminate barriers to implementing effective early college high schools and dual or concurrent enrollment programs after the grant expires, including by engaging businesses and nonprofit organizations; and

"(F) such other information as the Secretary determines to be appropriate.

"SEC. 419S. REPORTING AND OVERSIGHT.

"(a) IN GENERAL.—Not less frequently than once annually, each State and eligible entity that receives a grant under this subpart shall submit to the Secretary a report on the progress of the State or eligible entity in carrying out the programs supported by such grant.

"(b) FORM OF REPORT.—The report under subsection (a) shall be submitted to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall issue uniform guidelines describing the information that shall be reported by grantees under such subsection.

"(c) CONTENTS OF REPORT.—

"(1) IN GENERAL.—The report under subsection (a) shall include, at minimum, the following:

"(A) The number of students enrolled in the early college high school or dual or concurrent enrollment program.

"(B) The number and percentage of students reimbursed by the State for part or all of the costs of an Advanced Placement or International Baccalaureate examination and the student test scores.

"(C) The number and percentage of students enrolled in the early college high school or dual or concurrent enrollment program who earn a recognized postsecondary credential concurrently with a high school diploma.

"(D) The number of postsecondary credits earned by eligible students while enrolled in the early college high school or dual or concurrent enrollment program that may be applied toward a recognized postsecondary credential.

"(E) The number and percentage of students who earn a high school diploma.

"(F) The number and percentage of graduates who enroll in postsecondary education.

"(2) CATEGORIES OF STUDENTS.—The information described in each of subparagraphs (A) through (G) of paragraph (1) shall be set forth sepa-

rately for each category of students described in section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi)).

"SEC. 419T. NATIONAL ACTIVITIES.

"(a) REPORTING BY SECRETARY.—Not less frequently than once annually, the Secretary shall submit to Congress a report that includes—

"(1) an analysis of the information received from States and eligible entities under section 419S;

"(2) an identification of best practices for carrying out programs supported by grants under this subpart; and

"(3) the results of the evaluation under subsection (b).

"(b) NATIONAL EVALUATION.—Not later than 6 months after the date of the enactment of the College Affordability Act, the Secretary shall seek to enter into a contract with an independent entity to perform an evaluation of the grants awarded under this subtitle. Such evaluation shall apply rigorous procedures to obtain valid and reliable data concerning student outcomes by social and academic characteristics and monitor the progress of students from secondary school to and through postsecondary education.

1 ''(c) TECHNICAL ASSISTANCE.—The Secretary shall
2 provide technical assistance to States and eligible entities
3 concerning best practices and quality improvement pro-
4 grams in early college high schools and dual or concurrent
5 enrollment programs and shall disseminate such best prac-
6 tices among eligible entities, States, and local educational
7 agencies.

8 ''(d) ADMINISTRATIVE COSTS.—From amounts re-
9 served to carry out this section under section 419P(b)(3),
10 the Secretary may reserve such sums as may be necessary
11 for the direct administrative costs of carrying out the Sec-
12 retary's responsibilities under this subtitle.

13 **''SEC. 419U. RULES OF CONSTRUCTION.**

14 ''(a) EMPLOYEES.—Nothing in this subpart shall be
15 construed to alter or otherwise affect the rights, remedies,
16 and procedures afforded to the employees of local edu-
17 cational agencies (including schools) or institutions of
18 higher education under Federal, State, or local laws (in-
19 cluding applicable regulations or court orders) or under
20 the terms of collective bargaining agreements, memoranda
21 of understanding, or other agreements between such em-
22 ployees and their employers.

23 ''(b) GRADUATION RATE.—A student who graduates
24 from an early college high school supported by a grant
25 under section 419Q within 100 percent of the normal time

for completion described in the eligible entity's application under such section shall be counted in the four-year adjusted cohort graduation rate for such high school.''.

Subpart 7—TEACH Grants

SEC. 4081. REVISED DEFINITIONS OF TEACH GRANTS.

Section 420L of the Higher Education Act of 1965 (20 U.S.C. 1070g) is amended by adding at the end the following:

''(4) TEACHER PREPARATION PROGRAM.—The term 'teacher preparation program' means a State-approved course of study provided by an institution of higher education, the completion of which signifies that an enrollee has met all the State's educational or training requirements for initial certification or licensure to teach in the State's elementary schools or secondary schools.''.

SEC. 4082. REVISIONS TO ESTABLISHING TEACH GRANT PROGRAM.

Section 420M of the Higher Education Act of 1965 (20 U.S.C. 1070g–1) is amended—

(1) in subsection (a)(1)—

(A) by striking ''an application'' and inserting ''a Free Application for Federal Student Aid authorized under section 483(a)''; and

(B) by striking ''in the amount of'' and all that follows through the period at the end and inserting the following: ''except as provided in subsection (d)(4), in the amount of—

''(A) $8,000, to be available to a teacher candidate who is enrolled as an undergraduate junior at the eligible institution;

''(B) $8,000, to be available to a teacher candidate who is enrolled as an undergraduate senior at the eligible institution; and

''(C) $4,000, to be available to a teacher candidate who is enrolled at the eligible institution for any year not described in subparagraph (A) or (B) or a teacher candidate who is enrolled in the second year of an associate's degree program and intends to teach in an early childhood education program; and''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''undergraduate'' and inserting ''associate, undergraduate,''; and

(B) by adding at the end the following:

''(4) ASSOCIATE DEGREE STUDENTS.—

''(A) MAXIMUM AMOUNT FOR ASSOCIATE DEGREE STUDY.—The period during which an

1 associate degree student intending to teach in
2 an early childhood education program may re-
3 ceive grants under this subpart shall be the pe-
4 riod required for the completion of an associ-
5 ate's degree course of study pursued by the
6 teacher candidate at the eligible institution at
7 which the teacher candidate is in attendance,
8 except that the total amount that a teacher
9 candidate may receive under this subpart for an
10 associate's degree course of study shall not ex-
11 ceed $8,000.

12 "(B) EFFECT ON FURTHER UNDER-
13 GRADUATE OR POST-BACCALAUREATE STUDY.—
14 In the case of a teacher candidate intending to
15 teach in an early childhood education program
16 who receives a grant under this subpart for an
17 associate's degree course of study and who
18 seeks to receive a grant described in subpara-
19 graph (A) or (B) of subsection (a)(1), the
20 amount of such grant shall be equal to—

21 "(i) one half of the amount that is
22 equal to $16,000, minus the amount the
23 teacher candidate received under this sub-
24 part for the associate's degree course of
25 study of such candidate, to be available to

a teacher candidate who is enrolled as an undergraduate junior at the eligible institution; and

"(ii) one half of the amount that is equal to $16,000, minus the amount the teacher candidate received under this subpart for the associate's degree course of study of such candidate, to be available to a teacher candidate who is enrolled as an undergraduate senior at the eligible institution.".

SEC. 4083. REVISIONS TO TEACH GRANT AGREEMENTS TO SERVE AND ELIGIBILITY.

Section 420N of the Higher Education Act of 1965 (20 U.S.C. 1070g–2) is amended—

(1) in subsection (a)—

(A) in the heading of paragraph (2), by striking "DEMONSTRATION OF TEACH" and insert "TEACH";

(B) in paragraph (2)(A)(ii)(II), by striking "batteries in an undergraduate, post-baccalaureate, or graduate school admissions test" and inserting "assessments used for admission to an undergraduate, post-baccalaureate, or graduate school program";

(C) in paragraphs (2)(B)(i), by striking ''or another high-need'' and inserting ''early childhood education, or another high-need''; and

(D) in paragraph (2)(B)(ii), by striking '', such as Teach for America,'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by inserting before the semicolon at the end the following: ''or in a high-need early childhood education program (as defined in section 200(15));'';

(ii) in subparagraph (C)—

(I) by striking ''or'' at the end of clause (vi);

(II) by redesignating clause (vii) as clause (viii);

(III) by inserting after clause (vi), as so amended, the following:

''(vii) early childhood education; or''; and

(IV) in clause (viii), as so redesignated, by adding ''and'' at the end;

(iii) in subparagraph (D)—

(I) by inserting ''or early childhood education program'' after ''school''; and

(II) by striking ''and'' at the end; and

(iv) by striking subparagraph (E);

(B) by striking ''and'' at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(D) by adding at the end the following:

''(4) the Secretary will—

''(A) notify, or ensure that the applicable loan servicer will notify, the applicant of—

''(i) the date on which submission of the certification under paragraph (1)(D) is required; and

''(ii) any failure to submit such certification; and

''(B) allow employers and borrowers to use electronic signatures to certify such employment.'';

(3) in subsection (c)—

(A) by striking ''In the event'' and inserting the following:

"(1) IN GENERAL.—Subject to paragraph (2), in the event"; and

(B) by adding at the end the following:

"(2) CLARIFICATION.—

"(A) APPLICATION.—Paragraph (1) may only apply with respect to a recipient of a grant under this subpart if—

"(i) after completing the course of study for which the recipient received the grant, such recipient does not serve as a full-time teacher as required under subsection (b)(1) for at least—

"(I) 1 year, as certified under subsection (b)(1)(D) on a date that is not later than 5 years after the date such course of study was completed;

"(II) 2 years, as certified under subsection (b)(1)(D) on a date that is not later than 6 years after the date such course of study was completed;

"(III) 3 years, as certified under subsection (b)(1)(D) on a date that is not later than 7 years after the date such course of study was completed; or

"(IV) 4 years, as certified under subsection (b)(1)(D) on a date that is not later than 8 years after the date such course of study was completed; or

"(ii) the recipient elects to have such grant treated as a loan in accordance with such paragraph (1).

"(B) APPEAL.—A recipient of a grant may appeal a decision to convert a loan under paragraph (1)."; and

(4) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (5);

(B) in paragraph (1), by striking "subsection (b)(1)(C)(vii)" and inserting "subsection (b)(1)(C)(viii)"; and

(C) by inserting after paragraph (1), the following:

"(2) CHANGE OF SCHOOL DESCRIPTION OR PROGRAM DEFINITION.—If a recipient of an initial grant under this subpart teaches in a school or an early childhood education program for an academic year during which the school is identified as a school described in section 465(a)(2)(A) or a program that

meets the definition of section 200(15), but the school or program no longer meets such description or definition during a subsequent academic year, the grant recipient may fulfill the service obligation described in subsection (b)(1) by continuing to teach at that school or program.

"(3) CHANGE OF TEACHER DUTIES OR ASSIGNMENT.—If a recipient of an initial grant under this subpart teaches as a full-time teacher described in subsection (b)(1)(A), but the recipient no longer meets such description during a subsequent academic year due to switching academic roles to that of a full-time co-teacher, teacher leader, instructional or academic coach, department chairperson, special education case manager, guidance counselor, or school administrator within a school or program, the grant recipient may fulfill the service obligation described in subsection (b)(1) by continuing to work in any such academic role on a full-time basis at that school or program

"(4) CHANGE IN HIGH-NEED FIELD STATUS.—If a recipient of an initial grant under this subpart teaches in a field at a school or an early childhood education program for an academic year during which the field is designated under subsection

(b)(1)(C)(viii), but the field no longer is so designated during a subsequent academic year, the grant recipient may fulfill the service obligation described in subsection (b)(1) by continuing to teach in such field at such school or early childhood education program.''.

SEC. 4084. REVISIONS TO TEACH GRANT DATA COLLECTION AND REPORTING.

Section 420P of the Higher Education Act of 1965 (20 U.S.C. 1070g–4) is amended to read as follows:

''SEC. 420P. DATA COLLECTION AND REPORTING.

''(a) DATA COLLECTION.—

''(1) AGGREGATE STUDENT DATA.—On an annual basis, using the postsecondary student data system established under section 132(l) or a successor system (whichever includes the most recent data) to streamline reporting requirements and minimize reporting burdens, and in coordination with the National Center for Education Statistics, the Secretary shall determine, disaggregate in accordance with paragraph (2), and make available to the public in accordance with paragraph (3), with respect to each institution (and each category of institution listed in section 132(d)) that received a payment

under this subpart in the previous academic year, the following information:

"(A) The number and mean dollar amount of TEACH Grants awarded to students at the institution.

"(B) The number and proportion of TEACH Grant recipients who exit their program of study before completing the program.

"(C) The number and proportion of TEACH Grant recipients who complete their program of study and begin employment as a teacher in the first academic year following the year of such completion.

"(D) The number and proportion of individuals employed as teachers who received a TEACH Grant and whose TEACH Grants are converted into loans during the 8-year period following the year in which the recipient completed the recipient's program of study, set forth separately for each year in such period.

"(E) The number and proportion of TEACH Grant recipients who fulfill the terms of their agreement to serve under section 420N(b) during the 8-year period following the year in which the recipient completed the recipi-

ent's program of study, set forth separately for each year in such period.

"(2) DISAGGREGATION.—The information determined under paragraph (1)—

"(A) except in cases in which such disaggregation would reveal personally identifiable information about an individual student, shall be disaggregated by—

"(i) race;

"(ii) ethnicity;

"(iii) gender;

"(iv) socioeconomic status;

"(v) Federal Pell Grant eligibility status;

"(vi) status as a first-generation college student (as defined in section 402A(h));

"(vii) military or veteran status;

"(viii) disability status;

"(ix) level of study (associate, undergraduate, postbaccalaureate, or graduate, as applicable); and

"(x) each teacher preparation program offered by an institution; and

"(B) may be disaggregated by any combination of subgroups or descriptions described in subparagraph (A).

"(3) AVAILABILITY OF DATA.—The information determined under paragraph (1) shall—

"(A) remain available to the public for a period of not less than 10 years after its initial release by the Secretary; and

"(B) be updated as necessary to reflect the most accurate and up-to-date information for each institution for each year of data collection.

"(b) INFORMATION FROM INSTITUTIONS.—Each institution that receives a payment under this subpart shall provide to the Secretary, on an annual basis, such information as may be necessary for the Secretary to carry out subsection (a).

"(c) REPORTS AND DISSEMINATION.—

"(1) INITIAL AND INTERIM REPORTS.—Not later than 3 years after the date on which the first TEACH Grant is awarded under this subpart after the date of enactment of the College Affordability Act, and at least once every 3 years thereafter, the Secretary shall submit to the authorizing committees a report that includes the information required under paragraph (2).

1 ''(2) ELEMENTS.—Each report under this sub-
2 section shall include, based on information deter-
3 mined under subsection (a), the following:
4 ''(A) A review of the utilization of TEACH
5 Grants at teacher preparation programs at in-
6 stitutions that received a payment under this
7 subpart.
8 ''(B) A review of TEACH Grant practices
9 that correlate with higher rates of completion of
10 agreements under section 420N(b).
11 ''(C) Guidance and recommendations on
12 how effective utilization of TEACH Grants can
13 be replicated.
14 ''(3) AVAILABILITY.—Each report under this
15 subsection shall be made available to the public in
16 an accessible format—
17 ''(A) on a website of the Department of
18 Education; and
19 ''(B) in any other format determined to be
20 appropriate by the Secretary.''.

Subpart 8—Northern Mariana Islands and American Samoa College Access

SEC. 4091. NORTHERN MARIANA ISLANDS AND AMERICAN SAMOA COLLEGE ACCESS.

Subpart 10 of part A of title IV (20 U.S.C. 1070(h)) is amended to read as follows:

"Subpart 10—Northern Mariana Islands and American Samoa College Access

"SEC. 420R. PUBLIC SCHOOL GRANTS.

''(a) PURPOSE.—It is the purpose of this subpart to establish a program that enables college-bound residents of the Northern Mariana Islands and American Samoa to have greater choices among institutions of higher education.

''(b) GRANTS.—

''(1) IN GENERAL.—From amounts appropriated under subsection (j), the Secretary shall provide—

''(A) 50 percent of such amount to the Northern Mariana Islands for the Governor to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution; and

"(B) 50 percent of such amount to the American Samoa for the Governor to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

"(2) MAXIMUM STUDENT AMOUNTS.—The amount paid on behalf of an eligible student under this section shall be—

"(A) not more than $15,000 for any one award year (as defined in section 481); and

"(B) not more than $45,000 in the aggregate.

"(3) PRORATION.—The Governor shall prorate payments under this section for students who attend an eligible institution on less than a full-time basis.

"(c) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

"(1) IN GENERAL.—If the funds appropriated pursuant to subsection (j) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the

Governor, in consultation with the Secretary of Education, shall—

"(A) first, ratably reduce the amount of the tuition and fee payment made on behalf of each eligible student who has not received funds under this section for a preceding year; and

"(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

"(2) ADJUSTMENTS.—The Governor, in consultation with the Secretary of Education, may adjust the amount of tuition and fee payments made under paragraph (1) based on—

"(A) the financial need of the eligible students to avoid undue hardship to the eligible students; or

"(B) undue administrative burdens on the Governor.

"(3) FURTHER ADJUSTMENTS.—Notwithstanding paragraphs (1) and (2), the Governor may prioritize the making or amount of tuition and fee payments under this subsection based on the income and financial need of eligible students.

"(d) DEFINITIONS.—In this subpart:

"(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution that—

"(A) is a public four-year institution of higher education located in one of the several States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or Guam;

"(B) is eligible to participate in the student financial assistance programs under title IV; and

"(C) enters into an agreement with the Governors of the Northern Mariana Islands and American Samoa containing such conditions as each Governor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise would be provided to eligible students from the Northern Mariana Islands and American Samoa.

"(2) ELIGIBLE STUDENT.—The term 'eligible student' means an individual who—

"(A) graduated from a public institution of higher education located in the Northern Mariana Islands or American Samoa;

"(B) begins the individual's course of study within the 3 calendar years (excluding

any period of service on active duty in the Armed Forces or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a public institution of higher education located in the Northern Mariana Islands or American Samoa;

''(C) is enrolled or accepted for enrollment, on at least a half-time basis, in a baccalaureate degree or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution;

''(D) if enrolled in an eligible institution, is maintaining satisfactory progress in the course of study the student is pursuing in accordance with section 484(c); and

''(E) has not completed the individual's first undergraduate baccalaureate course of study.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(4) GOVERNOR.—The term 'Governor' means the Governor of the Commonwealth of the Northern Mariana Islands or American Samoa.

"(e) CONSTRUCTION.—Nothing in this subpart shall be construed to require an institution of higher education to alter the institution's admissions policies or standards in any manner to enable an eligible student to enroll in the institution.

"(f) APPLICATIONS.—Each student desiring a tuition payment under this section shall submit an application to the eligible institution at such time, in such manner, and accompanied by such information as the eligible institution may require.

"(g) ADMINISTRATION OF PROGRAM.—

"(1) IN GENERAL.—Each Governor shall carry out the program under this section in consultation with the Secretary. Each Governor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Governor determines that doing so is a more efficient way of carrying out the program.

"(2) POLICIES AND PROCEDURES.—Each Governor, in consultation with institutions of higher education eligible for participation in the program

authorized under this section, shall develop policies and procedures for the administration of the program.

"(3) MEMORANDUM OF AGREEMENT.—Each Governor and the Secretary shall enter into a Memorandum of Agreement that describes—

"(A) the manner in which the Governor shall consult with the Secretary with respect to administering the program under this section; and

"(B) any technical or other assistance to be provided to the Governor by the Secretary for purposes of administering the program under this section (which may include access to the information in the common financial reporting form developed under section 483).

"(h) GOVERNOR'S REPORT.—Each Governor shall report to the Secretary and the authorizing committees annually regarding—

"(1) the number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students;

"(2) the extent, if any, to which a ratable reduction was made in the amount of tuition and fee payments made on behalf of eligible students; and

"(3) the progress in obtaining recognized academic credentials of the cohort of eligible students for each year.

"(i) GAO REPORT.—Not later than 24 months of the date of the enactment of this College Affordability Act, the Comptroller General of the United States shall report on the effect of the program assisted under this section on educational opportunities for eligible students. The Comptroller General shall analyze whether eligible students had difficulty gaining admission to eligible institutions because of any preference afforded to in-State residents by eligible institutions, and shall expeditiously report any findings regarding such difficulty to Congress. In addition the Comptroller General shall—

"(1) analyze and identify any challenges eligible students face in gaining admission to eligible institutions, including admission aided by assistance provided under this subpart, due to—

"(A) caps on the number of out-of-State students the institution will enroll;

"(B) significant barriers imposed by academic entrance requirements (such as grade

point average and standardized scholastic admissions tests); and

"(C) absence of admission programs benefitting minority students; and

"(2) report the findings of the analysis described in paragraph (1) and the assessment described in paragraph (2) to Congress and the Governor.

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commonwealth of the Northern Mariana Islands and American Samoa to carry out this subpart $5,000,000, to be available until expended, for fiscal year 2021 and each of the 5 succeeding fiscal years.

"(k) EFFECTIVE DATE.—This subpart shall take effect with respect to payments for periods of instruction that begin on or after January 1, 2021.

"SEC. 420S. GENERAL REQUIREMENTS.

"(a) PERSONNEL.—The Secretary shall arrange for the assignment of an individual, pursuant to subchapter VI of chapter 33 of title 5, United States Code, to serve as an adviser to each Governor with respect to the programs assisted under this subpart.

"(b) ADMINISTRATIVE EXPENSES.—Each Governor may use not more than 5 percent of the funds made avail-

able for a program under section 420R for a fiscal year to pay the administrative expenses of a program under section 420R for the fiscal year.

''(c) INSPECTOR GENERAL REVIEW.—Each of the programs assisted under this subpart shall be subject to audit and other review by the Inspector General of the Department of Education in the same manner as programs are audited and reviewed under the Inspector General Act of 1978 (5 U.S.C. App.).

''(d) GIFTS.—The Governor may accept, use, and dispose of donations of services or property for purposes of carrying out this subpart.

''(e) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—Each Governor shall establish rules to adjust the maximum student amounts described in section 440S(b)(2) for eligible students described in section 440S(d)(2) who transfer between the eligible institutions described in section 440S(d)(1).''.

Subpart 9—Community College Student Success

SEC. 4092. COMMUNITY COLLEGE STUDENT SUCCESS GRANT PROGRAM AUTHORIZED.

Part A of title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

"Subpart 11—Community College Student Success

"SEC. 420T. COMMUNITY COLLEGE STUDENT SUCCESS GRANT PROGRAM AUTHORIZED.

''From the amounts appropriated under 420BB, the Secretary of Education shall establish and carry out the community college student success grant program to award grants under sections 420U and 420V, on a competitive basis, to eligible institutions to plan and implement community college student success programs designed to increase—

''(1) the rate at which program participants graduate from a program of study at such eligible institution within 150 percent of the normal time for graduation; and

''(2) transfer rates of program participants.

"SEC. 420U. GRANTS TO PLAN COMMUNITY COLLEGE STUDENT SUCCESS PROGRAMS.

''(a) PLANNING GRANTS AUTHORIZED.—From the amounts appropriated to carry out this section under section 420BB for a fiscal year, the Secretary shall award planning grants for such fiscal year, on a competitive basis, to eligible institutions to develop plans for community college student success programs.

''(b) DURATION.—A grant awarded under this section shall be for a 1-year period.

1 ''(c) PEER REVIEW PROCESS; PRIORITY.—In award-
2 ing grants under this section for a fiscal year, the Sec-
3 retary shall—
4 ''(1) carry out a peer review process that—
5 ''(A) requires that each application sub-
6 mitted under subsection (d) be peer reviewed by
7 a panel of readers composed of individuals se-
8 lected by the Secretary, which shall include—
9 ''(i) not less than 50 percent of read-
10 ers—
11 ''(I) who are not employees of the
12 Federal Government; and
13 ''(II) who have relevant research
14 or practical experience with respect to
15 student support programs designed to
16 increase graduation rates and transfer
17 rates at public 2-year institutions of
18 higher education; and
19 ''(ii) to the maximum extent prac-
20 ticable, individuals who are members of
21 groups underrepresented in higher edu-
22 cation, including African Americans, His-
23 panics, Native Americans, Alaska Natives,
24 Asian Americans, Native American Pacific

Islanders (including Native Hawaiians), and individuals with disabilities; and

"(B) ensures that no individual assigned under subparagraph (A) to review an application has any conflict of interest with regard to that application that may make the individual unable to impartially conduct such review; and

"(2) give priority to eligible institutions that are eligible to receive funding under title III or V.

"(d) APPLICATION.—An eligible institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include—

"(1) the graduation rate and transfer rate for the most recent academic year for which data are available for eligible students and all students, respectively;

"(2) an analysis of how implementing a community college student success program may improve the graduation rate or transfer rate for eligible students; and

"(3) a description of the methods the eligible institution has previously used to improve the grad-

uation rate or transfer rate with respect to eligible students and all students, respectively.

"(e) USE OF FUNDS.—An eligible institution that receives a grant under this section shall use the grant to develop a plan to implement a community college student success program at the eligible institution.

"(f) REPORT.—Not later than 1 year after the date on which an eligible institution receives a grant under this section, such eligible institution shall submit to the Secretary a report that includes—

"(1) a plan for implementing a community college student success program at the eligible institution, including—

"(A) the sufficiently ambitious outcome goals for achieving significant improvements in graduation rates and transfer rates for program participants, as such rates are defined by the eligible institution, in consultation with the Secretary, before the end of the grant period;

"(B) the number of such eligible students who will participate in such program, including how such eligible students will be identified, referred, and selected, in cases where the interest in the program is larger than the budget for the program;

1 ''(C) based on the most recent academic
2 year for which data are available, disaggregated
3 by full-time students and all students—
4 ''(i) graduation rates; and
5 ''(ii) transfer rates;
6 ''(D) an analysis of the financial needs of
7 the full-time students;
8 ''(E) a description of how the eligible insti-
9 tution will effectively staff a community college
10 student success program; and
11 ''(F) a timeline for the implementation of
12 such program;
13 ''(2) a budgetary analysis that includes—
14 ''(A) a description of how the eligible insti-
15 tution will provide non-Federal funds for such
16 program under subsection (d) of section 420V;
17 and
18 ''(B) a description of how the eligible insti-
19 tution will continue to fund such program after
20 the end of the grant period for the grant
21 awarded to the institution under section 420V;
22 and
23 ''(3) such other information as the Secretary
24 may require.

"SEC. 420V. GRANTS TO IMPLEMENT COMMUNITY COLLEGE STUDENT SUCCESS PROGRAMS.

"(a) IMPLEMENTATION GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From the amounts appropriated to carry out this section under section 420BB for a fiscal year, the Secretary shall award grants for such fiscal year, on a competitive basis, to eligible institutions awarded a grant under section 420U to implement community college student success programs.

"(2) CONSULTATION.—In awarding grants under this section for a fiscal year, the Secretary shall consult with the independent evaluator before finalizing which eligible institutions will receive such a grant for such fiscal year.

"(b) REQUIREMENTS FOR SELECTION.—To be eligible to receive a grant under this section, an eligible institution shall meet the following requirements:

"(1) The eligible institution was awarded a grant under section 420U at least 1 year before such eligible institution submits an application under subsection (e).

"(2) The eligible institution submits an application under subsection (e).

"(3) The eligible institution demonstrates, on the date of the application described in subsection

(e), the availability of non-Federal funding for the matching funds required under subparagraphs (A), (B), and (C) of subsection (d)(1).

''(c) DURATION.—A grant awarded under this section shall be for a 5-year period.

''(d) NON-FEDERAL CONTRIBUTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an eligible institution awarded a grant under this section shall contribute in cash from non-Federal sources, the following:

''(A) For the second year of the grant period, an amount equal to 20 percent of the cost of carrying out the community college student success program at the institution for such year.

''(B) For the third year of the grant period, an amount equal to 30 percent of the cost of carrying out such program for such year.

''(C) For the fourth year of the grant period, an amount equal to 40 percent of the cost of carrying out such program for such year.

''(D) For the fifth year of the grant period, an amount equal to 50 percent of the cost of carrying out such program for such year.

''(2) EXCEPTION.—

1 "(A) IN GENERAL.—Notwithstanding para-
2 graph (1), with respect to an exempt institution
3 awarded a grant under this section, for each
4 year of the grant period beginning with the sec-
5 ond year through the fifth year, the Secretary
6 shall not require the institution to make a cash
7 contribution from non-Federal sources in an
8 amount that is greater than the amount equal
9 to 5 percent of the cost of carrying out the
10 community college student success program at
11 the institution for such year.
12 "(B) DEFINITIONS.—For purposes of this
13 paragraph:
14 "(i) EXEMPT INSTITUTION.—The
15 term 'exempt institution' means an eligible
16 institution that is a—
17 "(I) Tribal college or university;
18 or
19 "(II) an institution located in the
20 Commonwealth of Puerto Rico, Guam,
21 American Samoa, the United States
22 Virgin Islands, the Commonwealth of
23 the Northern Mariana Islands, the
24 Republic of the Marshall Islands, the

Federated States of Micronesia, or the Republic of Palau.

"(ii) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal college or university' has the meaning given the term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

"(e) APPLICATION.—An eligible institution desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, which shall include a copy of the report described in 420U(e).

"(f) REQUIRED USE OF FUNDS.—An eligible institution that receives a grant under this section shall use the grant funds to—

"(1) implement a community college student success program; and

"(2) regularly review—

"(A) data to monitor the academic progress of eligible students participating in such program; and

"(B) the meeting and program participation requirements described in section 420AA(1).

1 ''(g) PERMISSIBLE USE OF FUNDS.—An eligible in-
2 stitution that receives a grant under this section may use
3 the grant to—
4 ''(1) establish or expand a data tracking system
5 that includes early alerts to complete the regular re-
6 views required under subsection (f)(2);
7 ''(2) provide eligible students participating in
8 the community college student success program for
9 which the grant is awarded with financial assistance
10 to cover the costs described in paragraph (2), (3), or
11 (8) of section 472;
12 ''(3) establish or expand career development
13 services for such students, such as career workshops
14 or career counseling;
15 ''(4) establish or expand tutoring services for
16 such students;
17 ''(5) cover the employment of administrators
18 for the program whose sole job shall be to admin-
19 ister the program, without regard to whether the
20 employment is full-time or less than full-time; and
21 ''(6) provide financial support for eligible stu-
22 dents participating in such program to enroll in
23 courses offered during enrollment periods that are
24 outside the fall and spring semesters (or equivalent
25 terms).

"(h) REPORTS.—Using the postsecondary student data system established under section 132(l) or a successor system (whichever includes the most recent data) to streamline reporting requirements and minimize reporting burdens, and in coordination with the National Center for Education Statistics, the Secretary shall, on at least an annual basis, collect data with respect to each community college student success program, including the following:

"(1) Each eligible institution that receives a grant under this subpart shall, on an annual basis, provide to the Secretary such information as may be necessary for the Secretary to collect such data, including—

"(A) the demographic characteristics of the students participating in the community college student success program;

"(B) the average number of credits attempted and average number of credits earned, rate of retention, rate of degree completion, and rates of transfer of such eligible students;

"(C) the graduation rate of such eligible students.

"(2) Each such eligible institution shall, not less than once for each year of the grant period,

1 submit to the Secretary an annual performance re-
2 port for such year of the grant period that in-
3 cludes—
4 ''(A) an analysis of the implementation
5 and progress of such program based on the suf-
6 ficiently ambitious outcome goals described in
7 the report submitted by the institution under
8 section 420U(e)(1)(A), including challenges to
9 and changes made to such program; and
10 ''(B) if according to the analysis under
11 subparagraph (A), the program is not on track
12 to meet such sufficiently ambitious outcome
13 goals, a description of the plans to adjust the
14 program to improve the performance of the pro-
15 gram;
16 ''(C) the participation of such eligible stu-
17 dents in tutoring, career services (which can in-
18 clude benefit counseling), and meetings with
19 program advisors; and
20 ''(D) when data is available, which shall
21 compare the data collected for such year under
22 this paragraph with such data collected for each
23 of the 2 years preceding the date on which the
24 grant was awarded.

"(3) Not later than 6 years after the date on which the eligible institution received such grant, submit a final report to the Secretary that includes an analysis of—

"(A) the factors that contributed to the success or failure of the community college student success program in meeting the ambitious outcome goals described in the report submitted by the institution under section 3(e)(1)(A);

"(B) the challenges faced in attempting to implement such program;

"(C) information on how to improve such program;

"(D) whether the program has created an institution-wide reform with respect to graduation rates and transfer rates for all students, and if so, how such reform was created; and

"(E) how the eligible institution will continue to fund such program after the end of the grant period.

"SEC. 420W. EVALUATIONS.

"(a) INDEPENDENT EVALUATIONS.—Before finalizing which eligible institutions will receive grants under section 420V for a fiscal year, the Secretary, acting through the Director of the Institute of Education

Sciences, shall enter into a contract with an independent evaluator—

"(1) to consult with the Secretary on which eligible institutions should receive the grants; and

"(2) to use the What Works Clearinghouse Standards (without reservations) to evaluate, throughout the duration of the grant period of such grants—

"(A) each community college student success program for which such grant is awarded, including whether the program met its ambitious outcome goals described in the report submitted by the institution under section 420U(e)(1)(A);

"(B) the average impact of community college student success programs on graduation rates and transfer rates for eligible students;

"(C) the variation in program impact across eligible institutions with respect to such rates; and

"(D) whether such programs lead to higher graduation rates and transfer rates of eligible students per dollar spent for such students by such institutions compared with such rates at eligible institutions without such programs.

"(b) RESULTS OF EVALUATIONS.—The results of the evaluations under subsection (a) shall be made publicly available on the website of the Department of Education.

"(c) FUNDING FOR EVALUATIONS.—The Secretary may reserve not more than 15 percent of the funds appropriated under section 420BB for a fiscal year to carry out this section for such fiscal year.

"SEC. 420X. OUTREACH AND TECHNICAL ASSISTANCE.

"(a) OUTREACH.—The Secretary shall conduct outreach activities to notify eligible institutions of the availability of grants under this subpart.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance—

"(1) to eligible institutions that may be interested in applying for grants under this subpart, including assistance with applications for such grants; and

"(2) to eligible institutions awarded grants under this subpart, including assistance with—

"(A) establishing ambitious outcome goals described in section 420U(e)(1)(A); and

"(B) the implementation of a community college student success program.

"(c) FUNDING FOR TECHNICAL ASSISTANCE FOR EVALUATIONS.—The Secretary may reserve not more

than 7 percent of the funds appropriated under section 420BB for a fiscal year for technical assistance under this section for such fiscal year.

"SEC. 420Y. REPORT TO CONGRESS.

"Not later than 1 year after the date on which the Secretary receives the final evaluation results under section 420W for eligible institutions that were awarded grants under section 420V for the same fiscal year, the Secretary shall submit to Congress a report that includes—

"(1) the number of grants awarded under section 420V for such fiscal year, and the amount of such grants;

"(2) the number of grants awarded under section 420U to eligible institutions that received the grants described in paragraph (1), and the amount of such grants;

"(3) the number of grants awarded under section 420U to eligible institutions that would have been eligible but did not receive the grants in paragraph (1);

"(4) such final evaluation results; and

"(5) any other information the Secretary may deem relevant.

"SEC. 420Z. SUPPLEMENT, NOT SUPPLANT.

"Funds awarded to an eligible institution under this subpart shall be used only to supplement the amount of funds that would, in the absence of the Federal funds provided under this subpart, be made available from non-Federal sources or other Federal sources to carry out the activities under this subpart, and not to supplant such funds.

"SEC. 420AA. DEFINITIONS.

"In this subpart:

"(1) COMMUNITY COLLEGE STUDENT SUCCESS PROGRAM.—The term 'community college student success program' means a program carried out by an eligible institution under which the institution carries out the following:

"(A) Provides eligible students participating in such program with an amount that covers the cost of tuition and fees that are not covered by any Federal, State, or institutional financial assistance received by the student.

"(B) Requires eligible students participating in such program to—

"(i) be enrolled in the eligible institution and carry a full-time academic workload during each fall and spring semester

(or equivalent terms) during which the student participates in such program;

''(ii) if the eligible student is referred to remedial courses or is on academic probation, meet, on at least a weekly basis or under an alternate schedule, as determined by the institution, with a tutor, except that in the case of an eligible student who is academically struggling, but who is not referred to remedial courses or on academic probation, the student may meet with a tutor as often as the program advisor for such student requires or under an alternate schedule, as determined by the institution;

''(iii) meet with a program advisor—

''(I) twice each month during the first semester (or equivalent term) of participation in such program; and

''(II) as directed by the program advisor in subsequent semesters (or equivalent terms) under subparagraph (C)(ii); and

''(iv) meet with an on-campus career advisor or participate in a career services

event once each semester (or equivalent term) or under an alternate schedule, as determined by the institution.

''(C) Provides a program advisor to each eligible student participating in such program who—

''(i) provides comprehensive academic and personal advising to the eligible student, including—

''(I) the creation and implementation of an academic plan for the student to graduate from a program of study at the eligible institution within 150 percent of the normal time for graduation from such program;

''(II) if an eligible student is referred to remedial courses, encouraging such student to complete such courses as quickly as possible; and

''(III) assisting the eligible student with developing and achieving academic goals, including creating strong transfer pathways that demonstrate programmatic transfer for students interested in transferring to

a 4-year institution of higher education;

''(ii) after the eligible student participating in such program completes a semester (or equivalent term), creates for the eligible student a needs-based advising schedule that indicates, based on the eligible student's academic performance, the frequency with which such eligible student shall be required to meet with a program advisor for each subsequent semester (or equivalent term) of program participation;

''(iii) has a caseload of not more than 150 eligible students;

''(iv) tracks the attendance of the eligible student at the meetings described in clauses (ii), (iii), and (iv) of subparagraph (B);

''(v) monitors the academic progress of the eligible student; and

''(vi) provides each eligible student who meets the requirements of subparagraph (B), on at least a monthly basis, with financial incentives, such as a transportation pass or a gas card.

"(D) Provides free tutoring and career services (which can include benefit counseling) to eligible students participating in such program, and may reserve places in select courses for such eligible students in order to create a community within cohorts of eligible students.

"(E) Provides information to eligible students participating in such program about the eligibility of such students for assistance under the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) and the program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(2) ELIGIBLE INSTITUTION.—The term 'eligible institution' means a public 2-year institution of higher education.

"(3) ELIGIBLE STUDENT.—The term 'eligible student' means a student enrolled at an eligible institution who—

"(A) on the date such eligible student would begin participation in a community col-

lege student success program at such eligible institution—

"(i) is enrolled in a program of study leading to an associate degree;

"(ii) is enrolled at such institution and carrying a full-time academic workload during each fall and spring semester (or equivalent terms) during which the student participates in such program;

"(iii) is—

"(I) a first-time undergraduate student; or

"(II) a continuing or transfer student with not more than 15 credits and a minimum grade point average of 2.0 (or its equivalent); and

"(iv) is considered by the eligible institution to need no more than two remedial courses; and

"(B) if the student is eligible for financial aid under title IV, has completed the Free Application for Federal Student Aid or other common financial reporting form under section 483(a); and

"(C) meets any other requirements established by the institution.

"(4) FULL-TIME ACADEMIC WORKLOAD.—The term 'full-time academic workload', when used with respect to a semester or equivalent term, means at least 12 credits (or the equivalent).

"(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term under section 101.

"(6) TRANSFER RATE.—The term 'transfer rate', when used with respect to students enrolled in a program of study at an eligible institution, means the rate at which such students transfer to a 4-year institution of higher education.

"SEC. 420BB. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart $1,000,000,000, to be available until expended for fiscal year 2021 and each of the 5 succeeding fiscal years.".

SEC. 4093. FEDERAL PELL BONUS PROGRAM.

Part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

1 **"Subpart 12—Federal Pell Grant Bonus Program**

2 **"SEC. 420CC. FEDERAL PELL GRANT BONUS PROGRAM.**

3 ''(a) IN GENERAL.—The Secretary shall allot funds
4 in an amount determined under subsection (b) to each eli-
5 gible institution to support the attainment of bachelor's
6 degrees among low-income students, which may include
7 providing financial aid and student support services to
8 such students.

9 ''(b) ALLOTMENT FORMULA.—For each fiscal year,
10 each eligible institution shall be allotted an amount under
11 subsection (a) that bears the same proportion to the
12 amount appropriated under subsection (c) for such fiscal
13 year as the number of bachelor's degrees awarded by the
14 institution for the award year ending prior to the begin-
15 ning of the preceding fiscal year to students who, during
16 such award year, received a Federal Pell Grant and grad-
17 uated from the program in which such students were en-
18 rolled in the normal time for completion of such program
19 (within the meaning of section 132(i)(1)(J)(i)) bears to
20 the total number of bachelor's degrees awarded to such
21 students by all eligible institutions for such award year.

22 ''(c) DATA.—In determining the allotments under
23 subsection (b), the Secretary may request from eligible in-
24 stitutions any data that may be necessary.

25 ''(d) AUTHORIZATION OF APPROPRIATIONS.—There
26 are authorized to be appropriated, and there are appro-

1 priated, to carry out this section $500,000,000 for fiscal
2 year 2021 and each succeeding fiscal year. Any amounts
3 appropriated under this subsection shall be available until
4 expended.

5 ''(e) DEFINITIONS.—In this section:

6 ''(1) ELIGIBLE INSTITUTION.—The term 'eligi-
7 ble institution' means an institution of higher edu-
8 cation (as defined in section 101)—

9 ''(A) in which, for the 3 most recent award
10 years, the average percentage of undergraduate
11 students enrolled at the institution who received
12 Federal Pell Grants is not less than 25 percent
13 of the total number of undergraduate students
14 enrolled at such institution; and

15 ''(B) that has not opted out of receiving an
16 allotment under this section.

17 ''(2) LOW-INCOME STUDENT.—The term 'low-
18 income student' has the meaning given such term in
19 section 499R(3).''.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

SEC. 4101. TERMINATION OF CERTAIN REPAYMENT PLAN OPTIONS AND OPPORTUNITY TO CHANGE REPAYMENT PLANS.

(a) SELECTION OF REPAYMENT PLANS.—Section 428(b) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D)—

(i) in clause (ii), by striking ''may annually change the selection of a repayment plan under this part,'' and inserting ''may at any time after July 1, 2021, change the selection of a repayment plan under this part to one of the 2 repayment plans described in paragraph (9)(C),''; and

(ii) in clause (iii), by striking ''be subject to income contingent repayment in accordance with subsection (m);'' and inserting ''be subject to income-based repayment in accordance with section 493C(f);''; and

(B) in subparagraph (E)(i), by striking ''the option of repaying the loan in accordance with a standard, graduated, income-sensitive, or extended repayment schedule (as described in

paragraph (9)) established by the lender in accordance with regulations of the Secretary; and'' and inserting ''the option of repaying the loan in accordance with a repayment plan described in paragraph (9)(C) established by the lender in accordance with regulations of the Secretary; and''; and

(2) in paragraph (9), by adding at the end the following:

''(C) SELECTION OF REPAYMENT PLANS ON AND AFTER JULY 1, 2021.—

''(i) OPPORTUNITY TO CHANGE REPAYMENT PLANS.—Notwithstanding any other provision of this paragraph, or any other provision of law, and in accordance with regulations, beginning on July 1, 2021, the lender shall offer a borrower of a loan made, insured, or guaranteed under this part the opportunity to change repayment plans, and to enroll in one of the following repayment plans:

''(I) A fixed repayment plan described in section 493E.

''(II) The income-based repayment plan under section 493C(f).''.

(b) ASSIGNMENT BY THE SECRETARY.—Section 428(m) of the Higher Education Act of 1965 (20 U.S.C. 1078(m)) is amended—

(1) in the subsection heading, by striking ''Income-contingent and'';

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

''(1) AUTHORITY OF SECRETARY TO REQUIRE.—The Secretary may require borrowers who have defaulted on loans made under this part that are assigned to the Secretary under subsection (c)(8) to repay those loans under the income-based repayment plan under section 493C(f).''; and

(3) in the heading for paragraph (2), by striking ''income contingent or''.

SEC. 4102. TERMINATION OF INTEREST CAPITALIZATION FOR SUBSIDIZED LOANS AFTER CERTAIN PERIODS.

Section 428(c)(3)(C) of the Higher Education Act of 1965 (20 U.S.C. 1078(c)(3)(C)) is amended—

(1) in clause (iii), by inserting before the semicolon the following: '', and with respect to a forbearance granted to a borrower on or after the date of enactment of the College Affordability Act on a loan made, insured or guaranteed under this section or

on a Federal Direct Stafford Loan, provide information to the borrower to assist the borrower in understanding that interest shall accrue on the loan but not be capitalized at the expiration of such period of forbearance''; and

(2) in clause (iv)—

(A) in subclause (III), by inserting before the semicolon at the end the following: '', except that this subclause shall not apply with respect to any period of forbearance beginning on or after the date of enactment of the College Affordability Act''; and

(B) in subclause (IV), by inserting before the semicolon at the end the following: ''except that this subclause shall not apply with respect to any period of forbearance beginning on or after the date of enactment of the College Affordability Act''.

SEC. 4103. TERMINATION OF INTEREST CAPITALIZATION FOR PLUS LOANS AFTER CERTAIN PERIODS.

Section 428B(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–2(d)(2)) is amended—

(1) in subparagraph (A), by striking ''Interest on'' and inserting ''Subject to subparagraph (C), interest on''; and

(2) by adding at the end the following:

"(C) INTEREST CAPITALIZATION.—With respect to a deferment during any period described in clause (i)(II), (ii), (ii), or (iv) of section 427(a)(2)(C) or clause (i)(II), (ii), (iii), (iv), or (v) of section 428(b)(1)(M), or any period of forbearance, beginning on or after the date of enactment of the College Affordability Act on a loan made under this section, interest shall not be added to the principal amount of the loan at the expiration of such deferment or forbearance period.".

SEC. 4104. SUBSEQUENT CONSOLIDATION LOANS.

Section 428C(a)(3)(B)(i)(V) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(a)(3)(B)(i)(V)) is amended—

(1) by striking "or" at the end of item (bb);

(2) by striking the period at the end of item (cc); and

(3) by adding at the end the following:

"(dd) for the purpose of separating a joint consolidation loan into 2 separate Federal Direct Consolidation Loans under section 455(g)(2); or

"(ee) for the purpose of section 455(m)(9)(A)(ii), 493C(f)(2)(G), or 493E(c).".

SEC. 4105. DEFAULT REDUCTION PROGRAM.

Section 428F(a)(1)(C) of the Higher Education Act of 1965 (20 U.S.C. 1078–6(a)(1)(C)) is amended by striking "to remove the record of the default from the borrower's credit history" and inserting "to remove any adverse item of information relating to such loan from the borrower's credit history".

SEC. 4106. TERMINATION OF INTEREST CAPITALIZATION FOR UNSUBSIDIZED LOANS AFTER CERTAIN PERIODS.

Section 428H(e)(2)(A)(ii)(III) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(e)(2)(A)(ii)(III)) is amended by inserting before the semicolon the following: ", except that with respect to a deferment during any period described in clause (i)(II), (ii), (iii), or (iv) of section 427(a)(2)(C) or clause (i)(II), (ii), (iii), (iv), or (v) of section 428(b)(1)(M), or any period of forbearance, beginning on or after the date of enactment of the College Affordability Act on a loan made, insured, or guaranteed under this section or on a Federal Direct Unsubsidized Stafford Loan, interest shall not be added to the principal amount

of the loan at the expiration of such deferment or forbearance period''.

SEC. 4107. DISBURSEMENT OF STUDENT LOANS.

Section 428G of the Higher Education Act of 1965 (20 U.S.C. 1078–7(a)) is amended—

(1) in subsection (a) by adding at the end the following:

''(5) ADJUSTED COHORT DEFAULT RATE.—Beginning on the date on which the final adjusted cohort default rates are published by the Secretary for not less than 3 fiscal years under section 435(m), an institution whose adjusted cohort default rate (as determined under section 435(m)) for each of the 3 most recent fiscal years for which data are available is less than 5 percent may disburse any loan made, insured, or guaranteed under this part in a single installment for any period of enrollment that is not more than 1 semester, 1 trimester, 1 quarter, or 4 months.''; and

(2) in subsection (e), by inserting before the period the following: '', or beginning on the date on which the final adjusted cohort default rates are published by the Secretary for fiscal year 2018 under section 435(m), an adjusted cohort default

rate (as determined under section 435(m)) of less than 2 percent''.

SEC. 4108. STUDENT LOAN CONTRACT AND LOAN DISCLOSURES.

(a) STUDENT LOAN CONTRACT.—Section 432(m)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1082(m)(1)(D)) is amended by adding at the end the following:

''(iv) STUDENT LOAN CONTRACT.—

''(I) IN GENERAL.—Any master promissory note form described in this subparagraph that is developed or used for loans made under part D for periods of enrollment beginning on or after the date of enactment of the College Affordability Act shall be referred to as a 'student loan contract'.

''(II) CLARIFICATION ON USE.—Notwithstanding clause (i), each student loan contract for a part D loan made for periods of enrollment beginning on or after the date of enactment of the College Affordability Act shall—

"(aa) not be entered into by a student unless the student has completed all required counseling related to such loan, including counseling required under section 485(l);

"(bb) be signed by the student entering such student loan contract after completion of such counseling; and

"(cc) be used only for the academic year for which the initial loans are made under the contract, and shall not be valid for additional loans for the same or subsequent periods of enrollment.".

(b) LOAN DISCLOSURES.—Section 432(m)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. 1082(m)(1)(D)) is further amended by adding after clause (iv) (as amended) the following:

"(v) LOAN DISCLOSURES.—For loans made for periods of enrollment beginning on or after the date of enactment of the College Affordability Act, the Secretary

shall take such steps as are necessary to streamline the student loan disclosure requirements under this Act. The Secretary shall ensure that information required to be disclosed to a student who is applying for, receiving, or preparing to repay a loan under part D of this Act shall be streamlined in a manner that—

"(I) based upon consumer testing, reduces and simplifies the paperwork students are required to complete; and

"(II) limits the number of times students are presented with disclosures by incorporating the streamlined disclosures into required student loan counseling under section 485(l), the student loan contract under this subparagraph, or both.".

SEC. 4109. BORROWER ADVOCATE CONFORMING AMENDMENTS.

Section 433 of the Higher Education Act of 1965 (20 U.S.C. 1083) is amended—

(1) in subsection (b)(13), by striking ''Student Loan Ombudsman'' and inserting ''Borrower Advocate''; and

(2) in subsection (e)(3)(E), by striking ''Student Loan Ombudsman'' and inserting ''Borrower Advocate''.

SEC. 4110. COHORT DEFAULT RATES.

(a) INELIGIBILITY BASED ON HIGH DEFAULT RATES.—

(1) IN GENERAL.—Section 435(a) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)) is amended—

(A) in paragraph (7)(A), by adding at the end the following:

''(iii) DEFAULT MANAGEMENT PLAN.—The default management plan required under clause (i) may not include placing students in forbearance as a means of reducing the cohort default rate or the adjusted cohort default rate of the institution.''; and

(B) by adding at the end the following:

''(9) INELIGIBILITY BASED ON HIGH ADJUSTED COHORT DEFAULT RATES.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (D), beginning on the date that is one year after the date on which the final adjusted cohort default rates are published by the Secretary for not less than 3 fiscal years, in a case in which one of the following determinations is made with respect to an institution, such institution shall be ineligible to participate in a program under this title for the fiscal year for which the determination is made and for the two succeeding fiscal years:

"(i) The institution's adjusted cohort default rate is greater than 20 percent for each of the 3 most recent fiscal years for which the final adjusted cohort default rates are published.

"(ii) With respect to the 6 most recent fiscal years for which the final adjusted cohort default rates are published—

"(I) the institution's adjusted cohort default rate is greater than 15 percent for each such fiscal year; and

"(II) the Secretary determines that, during such 6-year period, the institution has not made adequate

progress in meeting standards for student achievement established by the relevant accrediting agency or association pursuant to section 496(a)(5)(A).

''(iii) With respect to the 8 most recent fiscal years for which the final adjusted cohort default rates are published—

''(I) the institution's adjusted cohort default rate is greater than 10 percent for each such fiscal year; and

''(II) the Secretary determines that, during such 8-year period, the institution has not made adequate progress in meeting standards for student achievement established by the relevant accrediting agency or association pursuant to section 496(a)(5)(A).

''(B) EXCEPTIONS FOR CERTAIN CATEGORIES OF EDUCATIONAL PROGRAMS.—With respect to an institution that loses eligibility to participate in a program under this title in accordance with subparagraph (A)(ii), such institution may request and be granted an exception to such loss of eligibility for a category of educational programs at such institution by dem-

onstrating to the Secretary that the adjusted cohort default rate for the category of educational programs is 15 percent or less for each fiscal year of the 6-year period on which such loss of eligibility for the institution is based.

''(C) DETERMINATION OF THE ADJUSTED COHORT RATE FOR A CATEGORY OF EDUCATIONAL PROGRAMS.—In determining the adjusted cohort default rate for a category of educational programs for purposes of this paragraph—

''(i) subsection (m) shall be applied—

''(I) in paragraph (1)—

''(aa) in subparagraph (A), by substituting 'received for enrollment in the category of educational programs for which such rate is being determined' for 'received for attendance at the institution'; and

''(bb) in subparagraph (E)(i)(II), by substituting, 'percentage of students enrolled in the category of educational programs for which such rate is

being determined' for 'percentage of students enrolled at the institution'; and

''(II) as if the following were added at the end of paragraph (2):

'''(E) In the case of a student who has received a loan for enrollment in more than one category of educational programs, the student (and such student's subsequent repayment or default) is attributed to the last category of educational programs in which such student was enrolled.'.

''(D) TRANSITION EXCEPTION.—

''(i) IN GENERAL.—A covered institution with an adjusted cohort default rate that is greater than 20 percent for the first fiscal year for which such rates are published by the Secretary may request that any determination of such institution's ineligibility under paragraph (9)(A) not be based on the adjusted cohort default rate of such institution for any or all of the first 3 fiscal years for which such rates are published by the Secretary.

"(ii) REQUIREMENT.—To be granted a request under clause (i), an institution shall submit to the Secretary a default management plan as specified in paragraph (7).

"(iii) DEFINITION OF COVERED INSTITUTION.—In this subparagraph, the term 'covered institution' means—

"(I) a public institution of higher education;

"(II) a part B institution (as defined in section 322); or

"(III) a private, nonprofit institution of higher education at which not less than 45 percent of the total student enrollment consists of low-income students (as such term is defined in section 419N(b)(7)).

"(E) CATEGORY OF EDUCATIONAL PROGRAMS DEFINED.—The term 'category of educational programs', when used with respect to an institution, means one of the following:

"(i) The educational programs at the institution leading to an undergraduate, non-degree credential.

"(ii) The educational programs at the institution leading to an associate's degree.

"(iii) The educational programs at the institution leading to a bachelor's degree.

"(iv) The educational programs at the institution leading to a graduate, non-degree credential.

"(v) The educational program at the institution leading to a graduate degree.

"(10) APPLICATION OF ADJUSTED COHORT DEFAULT RATE.—Beginning on the date on which the final adjusted cohort default rates are published by the Secretary for not less than 3 fiscal years—

"(A) paragraph (1) shall be applied by substituting 'paragraph (9)' for 'paragraph (2)'.

"(B) paragraph (3) shall be applied by substituting 'adjusted cohort default rate, calculated in accordance with subsection (m)(1)(D), is greater than 20 percent for any 3 consecutive fiscal years' for 'cohort default rate, calculated in accordance with subsection (m), is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv) for any two consecutive fiscal years';

"(C) paragraph (4) shall be applied—

"(i) in subparagraph (C), by substituting 'adjusted cohort default rate is greater than 15 percent' for 'cohort default rate equals or exceeds 20 percent'; and

"(ii) in the matter following subparagraph (C), by substituting 'adjusted cohort default rate to reflect the percentage of defaulted loans in the representative sample that are required to be excluded pursuant to subsection (m)(1)(B)' for 'cohort default rate to reflect the percentage of defaulted loans in the representative sample that are required to be excluded pursuant to subsection (m)(1)(B)';

"(D) paragraph (5)(A) shall be applied by substituting 'paragraph (9)' for 'paragraph (2)'; and

"(E) paragraph (7) shall be applied—

"(i) in subparagraph (A)(i)—

"(I) in the matter preceding subclause (I), by substituting 'adjusted cohort default rate is greater than 20 percent' for 'cohort default rate is equal to or greater than the threshold

percentage specified in paragraph (2)(B)(iv)'; and

''(II) in subclauses (I) and (II), by substituting 'adjusted cohort default rate' for 'cohort default rate'; and

''(ii) in subparagraph (B)(i), by substituting 'adjusted cohort default rate is greater than 20 percent' for 'cohort default rate is equal to or greater than the threshold percentage specified in paragraph (2)(B)(iv)'.''.

(2) CONFORMING AMENDMENTS.—Section 435(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1085(a)) is amended—

(A) in the paragraph heading, by adding at the end the following: ''BEFORE FISCAL YEAR 2018''; and

(B) in subparagraph (B)(iv), by striking ''and any succeeding fiscal year'' and inserting ''through fiscal year 2017''.

(b) ADJUSTED COHORT DEFAULT RATE DEFINED.—Section 435(m)(1) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)(1)) is amended by adding at the end the following:

"(D)(i) With respect to a cohort default rate calculated for an institution under this paragraph for fiscal year 2018 and for each succeeding fiscal year, such cohort default rate shall be adjusted as follows:

"(I) In determining the number of current and former students at an institution who enter repayment for such fiscal year—

"(aa) any such student who is in nonmandatory forbearance for such fiscal year for a period of greater than 18 months but less than 36 months shall not be counted as entering repayment for such fiscal year;

"(bb) such a student shall be counted as entering repayment for the first fiscal year for which the student ceases to be in a period of forbearance and otherwise meets the requirements for being in repayment; and

"(cc) any such student who is in a period of forbearance for 3 or more years shall be counted as in default

and included in the institution's total number of students in default.

''(II) Such rate shall be multiplied by the percentage of students enrolled at the institution for such fiscal year who are borrowing a loan under part D of this title.

''(ii) The result obtained under this subparagraph for an institution shall be referred to in this Act as the 'adjusted cohort default rate'.''.

(c) PUBLICATION OF ADJUSTED COHORT DEFAULT RATE.—Section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) is amended by adding at the end the following:

''(5) Beginning on the date on which the final adjusted cohort default rates for fiscal year 2018 are made available for publication by the Secretary, paragraph (4) shall be applied by substituting 'adjusted cohort default' for 'cohort default' each place it appears.''.

SEC. 4111. AUTOMATIC INCOME MONITORING PROCEDURES AFTER A TOTAL AND PERMANENT DISABILITY DISCHARGE.

Section 437(a) of the Higher Education Act of 1965 (20 U.S.C. 1087(a)) is amended by adding at the end the following:

"(3) AUTOMATIC INCOME MONITORING.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of the College Affordability Act, the Secretary shall establish and implement, with respect to any borrower described in subparagraph (B), procedures to—

"(i) obtain (for each year of the income-monitoring period described in subparagraph (B) and without further action by the borrower) such information as is reasonably necessary regarding the income of such borrower for the purpose of determining the borrower's continued eligibility for the loan discharge described in subparagraph (B) for such year, and any other information necessary to determine such continued eligibility of the borrower for such year, except that in the case of a borrower whose returns and return information indicate that the borrower has no

earned income for any year of such income-monitoring period, such borrower shall be treated as not having earned income in excess of the poverty line for such year subject to clause (ii);

''(ii) allow the borrower, at any time, to opt out of clause (i) and prevent the Secretary from obtaining information under such clause without further action by the borrower; and

''(iii) provide the borrower with an opportunity to update the information obtained under clause (i) before the determination of the borrower's continued eligibility for such loan discharge for such year.

''(B) APPLICABILITY.—Subparagraph (A) shall apply—

''(i) to each borrower of a covered loan (defined in section 455(d)(10)) that is discharged under this subsection or section 464(c)(1)(F) due to the permanent and total disability of the borrower; and

"(ii) during the income-monitoring period under this subsection, defined in this paragraph as the period—

"(I) beginning on the date on which such loan is so discharged; and

"(II) during which the Secretary determines whether a reinstatement of the obligation of, and resumption of collection on, such loan may be necessary.".

SEC. 4112. REPAYMENT OF PARENT LOANS DUE TO STUDENT DISABILITY.

Section 437(d) of the Higher Education Act of 1965 (20 U.S.C. 1087(d)) is amended—

(1) by striking "If a student" and inserting the following:

"(1) DEATH.—If a student"; and

(2) by adding at the end the following:

"(2) DISABILITY.—

"(A) IN GENERAL.—The Secretary shall discharge a parent's liability on a loan described in section 428B by repaying the amount owed on the loan if the student on whose behalf the parent has received the loan—

"(i) becomes permanently and totally disabled (as determined in accordance with regulations of the Secretary); or

"(ii) is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months.

"(B) DISABILITY DETERMINATIONS.—Subsection (a)(2) shall apply to a disability determination under this paragraph in the same manner as such subsection applies to a determination under subsection (a)(1).

"(C) SAFEGUARDS.—The safeguards to prevent fraud and abuse developed under subsection (a)(1) shall apply under this paragraph.

"(D) REINSTATEMENT OF LOANS.—The Secretary may promulgate regulations to reinstate the obligation of, and resume collection on, loans discharged under this paragraph in cases in which the Secretary determines that the reinstatement and resumption is necessary

and appropriate based upon the regulations developed under subsection (a)(1).''.

PART C—FEDERAL WORK-STUDY PROGRAMS

SEC. 4201. PURPOSE; AUTHORIZATION OF APPROPRIATIONS.

Section 441 of the Higher Education Act of 1965 (20 U.S.C. 1087–51) is amended—

(1) in subsection (b), by striking ''part, such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.'' and inserting ''part—

''(1) $1,500,000,000 for fiscal year 2021;

''(2) $1,750,000,000 for fiscal year 2022;

''(3) $2,000,000,000 for fiscal year 2023;

''(4) $2,250,000,000 for fiscal year 2024; and

''(5) $2,500,000,000 for fiscal year 2025 and each succeeding fiscal year.'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''child development and early learning (including Head Start and Early Head Start programs carried out under the Head Start Act (42 U.S.C. 9831 et seq.)),'', before ''literacy training,'';

(B) in paragraph (3), by striking ''and'';

(C) in paragraph (4)(C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(5) work-based learning designed to give students experience in any activity described in paragraph (1), (2), (3), or (4), without regard to whether credit is awarded."; and

(3) by adding at the end the following:

"(d) WORK-BASED LEARNING DEFINED.—For purposes of this part, the term 'work-based learning' means sustained interactions with industry, community, or academic professionals in real workplace settings that shall—

"(1) include on campus opportunities;

"(2) foster in-depth, first-hand engagement with the tasks required of a given career field that are aligned to a student's field of study; and

"(3) may include internships, fellowships, research assistant positions, teacher residencies, and apprenticeships registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).".

SEC. 4202. ALLOCATION FORMULA.

Section 442 of the Higher Education Act of 1965 (20 U.S.C. 1087–52) is amended to read as follows:

1 **"SEC. 4202. ALLOCATION OF FUNDS.**

2 ''(a) RESERVATIONS.—

3 ''(1) RESERVATION FOR IMPROVED INSTITU-
4 TIONS.—

5 ''(A) AMOUNT OF RESERVATION FOR IM-
6 PROVED INSTITUTIONS.—Beginning with the
7 first fiscal year that is 2 years after the date
8 of the enactment of the College Affordability
9 Act, for a fiscal year in which the amount ap-
10 propriated under section 441(b) exceeds
11 $700,000,000, the Secretary shall—

12 ''(i) reserve the lesser of—

13 ''(I) an amount equal to 20 per-
14 cent of the amount by which the
15 amount appropriated under section
16 441(b) exceeds $700,000,000; or

17 ''(II) $150,000,000; and

18 ''(ii) allocate the amount reserved
19 under clause (i) to each improved institu-
20 tion in an amount equal to the greater of
21 the following:

22 ''(I) The amount that bears the
23 same proportion to the amount re-
24 served under clause (i) as the total
25 amount of all Federal Pell Grant
26 funds awarded at the improved insti-

tution for the second preceding fiscal year bears to the total amount of Federal Pell Grant funds awarded at improved institutions participating under this part for the second preceding fiscal year.

"(II) $5,000.

"(B) IMPROVED INSTITUTION DESCRIBED.—For purposes of this paragraph, an improved institution is an institution that, on the date the Secretary makes an allocation under subparagraph (A)(ii)—

"(i) is an institution of higher education (as defined under section 101) participating under this part;

"(ii) is with respect to—

"(I) the completion rate or graduation rate of Federal Pell Grant recipients at the institution, in the top 75 percent of all institutions participating under this part for the preceding fiscal year;

"(II) the percentage of Federal Pell Grant recipients at the institution, in the top 50 percent of the in-

stitutions described in subclause (I); and

"(III) the annual increase in the completion rate or graduation rate of Federal Pell Grant recipients at the institution, in the top 50 percent of the institutions described in subclauses (I) and (II).

"(C) COMPLETION RATE OR GRADUATION RATE.—For purposes of determining the completion rate or graduation rate under this section, a Federal Pell Grant recipient who is either a full-time student or a part-time student shall be counted as a completer or graduate if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an institution participating in any program under this title for which the prior program provides substantial preparation.

"(2) RESERVATION FOR GRANT PROGRAM.—From the amount appropriated under section 441(b) for a fiscal year and remaining after the Secretary reserves funds under subparagraph (A), the Sec-

retary shall reserve $30,000,000 to carry out grants under section 449.

"(3) REALLOCATION OF AMOUNT RETURNED BY IMPROVED INSTITUTIONS.—If an institution returns to the Secretary any portion of the sums allocated to such institution under this subsection for any fiscal year, the Secretary shall reallot such excess to improved institutions on the same basis as under paragraph (1)(A).

"(4) PUBLICATION.—Beginning 1 year after the first allocations are made to improved institutions under paragraph (1)(A) and annually thereafter, the Secretary shall make publicly available—

"(A) a list of the improved institutions that received funding under such paragraph in the prior fiscal year;

"(B) the percentage of students at each such improved institution that are Federal Pell Grant recipients;

"(C) the completion rate or graduation rate for the students described in subparagraph (B) with respect to each such improved institution; and

"(D) a comparison between the information described in subparagraphs (A), (B), and

(C) for the prior fiscal year for such improved institution, and such information for the year prior to such year.

"(c) ALLOCATION FORMULA FOR FISCAL YEARS 2021 THROUGH 2025.—

"(1) IN GENERAL.—From the amount appropriated under section 441(b) for a fiscal year and remaining after the Secretary reserves funds under subsection (a), the Secretary shall allocate to each institution—

"(A) for fiscal year 2021, an amount equal to the greater of—

"(i) 90 percent of the amount the institution received under this subsection and subsection (a) for fiscal year 2020, as such subsections were in effect with respect to such fiscal year (in this subparagraph referred to as 'the 2020 amount for the institution'); or

"(ii) the fair share amount for the institution determined under subsection (d);

"(B) for fiscal year 2022, an amount equal to the greater of—

"(i) 80 percent of the 2020 amount for the institution; or

"(ii) the fair share amount for the institution determined under subsection (d);

"(C) for fiscal year 2023, an amount equal to the greater of—

"(i) 60 percent of the 2020 amount for the institution; or

"(ii) the fair share amount for the institution determined under subsection (d);

"(D) for fiscal year 2024, an amount equal to the greater of—

"(i) 40 percent of the 2020 amount for the institution; or

"(ii) the fair share amount for the institution determined under subsection (d); and

"(E) for fiscal year 2025, an amount equal to the greater of—

"(i) 20 percent of the 2020 amount for the institution; or

"(ii) the fair share amount for the institution determined under subsection (d).

"(2) RATABLE REDUCTION.—

"(A) IN GENERAL.—If the amount appropriated under section 441(b) for a fiscal year and remaining after the Secretary reserves

funds under subsection (a) is less than the amount required to be allocated to the institutions under this subsection, then the amount of the allocation to each institution shall be ratably reduced.

"(B) ADDITIONAL APPROPRIATIONS.—If the amounts allocated to each institution are ratably reduced under subparagraph (A) for a fiscal year and additional amounts are appropriated for such fiscal year, the amount allocated to each institution from the additional amounts shall be increased on the same basis as the amounts under subparagraph (A) were reduced (until each institution receives the amount required to be allocated under this subsection).

"(d) ALLOCATION FORMULA FOR FISCAL YEAR 2026 AND EACH SUCCEEDING FISCAL YEAR.—Except as provided in subsection (d)(5), from the amount appropriated under section 441(b) for fiscal year 2026 and each succeeding fiscal year and remaining after the Secretary reserves funds under subsection (a), the Secretary shall allocate to each institution the fair share amount for the institution determined under subsection (d).

"(e) DETERMINATION OF FAIR SHARE AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the fair share amount for an institution for a fiscal year shall be equal to the sum of—

"(A) 100 percent of the institution's undergraduate student need described in paragraph (2) for the preceding fiscal year; and

"(B) 25 percent of the institution's graduate student need described in paragraph (3) for the preceding fiscal year.

"(2) INSTITUTIONAL UNDERGRADUATE STUDENT NEED CALCULATION.—The undergraduate student need for an institution for a fiscal year shall be equal to the sum of the following:

"(A) An amount equal to 50 percent of the amount that bears the same proportion to the available appropriated amount for such fiscal year as the total amount of Federal Pell Grant funds awarded at the institution for the preceding fiscal year bears to the total amount of Federal Pell Grant funds awarded at all institutions participating under this part for the preceding fiscal year.

"(B) An amount equal to 50 percent of the amount that bears the same proportion to the available appropriated amount for such fiscal

year as the total amount of the undergraduate student need at the institution for the preceding fiscal year bears to the total amount of undergraduate student need at all institutions participating under this part for the preceding fiscal year.

"(3) INSTITUTIONAL GRADUATE STUDENT NEED CALCULATION.—The graduate student need for an institution for a fiscal year shall be equal to the amount that bears the same proportion to the available appropriated amount for such fiscal year as the total amount of the graduate student need at the institution for the preceding fiscal year bears to the total amount of graduate student need at all institutions participating under this part for the preceding fiscal year.

"(4) ELIGIBILITY FOR FAIR SHARE AMOUNT.—The Secretary may not allocate funds under this part to any institution that, for two or more fiscal years during any three fiscal year period beginning not earlier than the first day of the first fiscal year that is 2 years after the date of the enactment of this paragraph, has—

"(A) a student population with less than 7 percent of undergraduate students who are recipients of Federal Pell Grants; or

"(B) if the institution only enrolls graduate students, a student population with less than 5 percent of students that have an expected family contribution of zero.

"(5) DEFINITIONS.—In this subsection:

"(A) AVAILABLE APPROPRIATED AMOUNT.—In this section, the term 'available appropriated amount' means—

"(i) the amount appropriated under section 441(b) for a fiscal year, minus

"(ii) the amounts reserved under subsection (a) for such fiscal year.

"(B) AVERAGE COST OF ATTENDANCE.—The term 'average cost of attendance' means, with respect to an institution, the average of the attendance costs for a fiscal year for students which shall include—

"(i) tuition and fees, computed on the basis of information reported by the institution to the Secretary, which shall include—

1 "(I) total revenue received by the
2 institution from undergraduate and
3 graduate tuition and fees for the sec-
4 ond year preceding the year for which
5 it is applying for an allocation; and
6 "(II) the institution's enrollment
7 for such second preceding year;
8 "(ii) standard living expenses equal to
9 150 percent of the difference between the
10 income protection allowance for a family of
11 five with one in college and the income
12 protection allowance for a family of six
13 with one in college for a single independent
14 student; and
15 "(iii) books and supplies, in an
16 amount not exceeding $1,000.
17 "(C) GRADUATE STUDENT NEED.—The
18 term 'graduate student need' means, with re-
19 spect to a graduate student for a fiscal year,
20 the lesser of the following:
21 "(i) The amount equal to (except the
22 amount computed by this clause shall not
23 be less than zero)—

1 ''(I) the average cost of attend-
2 ance for the preceding fiscal year,
3 minus
4 ''(II) such graduate student's ex-
5 pected family contribution (computed
6 in accordance with part F of this
7 title) for the preceding fiscal year.
8 ''(ii) The total annual loan limit for a
9 Federal Direct Unsubsidized Stafford
10 Loan.
11 ''(D) UNDERGRADUATE STUDENT NEED.—
12 The term 'undergraduate student need' means,
13 with respect to an undergraduate student for a
14 fiscal year, the lesser of the following:
15 ''(i) The total of the amount equal to
16 (except the amount computed by this
17 clause shall not be less than zero)—
18 ''(I) the average cost of attend-
19 ance for the fiscal year, minus
20 ''(II) such undergraduate stu-
21 dent's expected family contribution
22 (computed in accordance with part F
23 of this title) for the preceding fiscal
24 year.

"(ii) The total annual loan limit for a Federal Direct Unsubsidized Stafford Loan and a Federal Direct Loan.

"(f) RETURN OF SURPLUS ALLOCATED FUNDS.—

"(1) IN GENERAL.—Except with respect to funds returned under subsection (a)(3), if an institution returns to the Secretary any portion of the sums allocated to such institution under this section for any fiscal year, the Secretary shall reallot such excess to institutions that used at least 10 percent of the total amount of funds granted to such institution under this section to compensate students employed during a qualified period of nonenrollment (as such term is defined in section 443(f)) on the same basis as excess eligible amounts are allocated under subsection (d).

"(2) USE OF FUNDS.—Funds received by institutions pursuant to this subsection shall, to maximum extent practicable, be used to compensate students employed in work-based learning positions.

"(3) RETAINED FUNDS.—

"(A) AMOUNT RETURNED.—If an institution returns more than 10 percent of its allocation under paragraph (1), the institution's allo-

cation for the next fiscal year shall be reduced by the amount returned.

"(B) WAIVER.—The Secretary may waive this paragraph for a specific institution if the Secretary finds that enforcing this paragraph would be contrary to the interest of the program.

"(g) FILING DEADLINES.—The Secretary may require applications under this section, at such time, in such manner, and containing such information as the Secretary may require.".

SEC. 4203. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.

Section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) is amended—

(1) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

"(2) provide that funds granted an institution of higher education, pursuant to this section may only be used to make payments to students participating in work-study programs except that an institution—

"(A) shall, beginning fiscal year 2023—

1 ''(i) use at least 3 percent of the total
2 amount of funds granted to such institu-
3 tion under this section for such fiscal year
4 to compensate students who have excep-
5 tional need (as defined in section
6 413C(c)(2)) and are employed in a work-
7 based learning position during a qualified
8 period of nonenrollment, as defined in sub-
9 section (f), except that the Secretary may
10 waive this clause if the Secretary deter-
11 mines that enforcing this clause would
12 cause hardship for students at the institu-
13 tion; and
14 ''(ii) use at least 7 percent of the total
15 amount of funds granted to such institu-
16 tion under this section for such fiscal year
17 to compensate students employed in work-
18 based learning positions, except that the
19 Secretary may waive this clause if the Sec-
20 retary determines that enforcing this
21 clause would cause hardship for students
22 at the institution;
23 ''(B) may—

1 ''(i) use a portion of the sums granted
2 to it to compensate students employed in
3 community service;
4 ''(ii) use a portion of the sums grant-
5 ed to it to meet administrative expenses in
6 accordance with section 489;
7 ''(iii) use a portion of the sums grant-
8 ed to it to meet the cost of a job location
9 and development program in accordance
10 with section 446 of this part; and
11 ''(iv) transfer funds in accordance
12 with the provisions of section 488;'';
13 (B) in paragraph (4)—
14 (i) by striking ''$300'' and inserting
15 ''$500''; and
16 (ii) by inserting ''except as provided
17 under subsection (f),'' before ''provide'';
18 (C) in paragraph (5)—
19 (i) in subparagraph (A)(ii), by strik-
20 ing ''and'' at the end;
21 (ii) in subparagraph (B), by inserting
22 ''and'' after the semicolon; and
23 (iii) by adding at the end the fol-
24 lowing:

"(C) the Federal share shall equal 100 percent if the institution is eligible for assistance under title III or title V;".

(D) in paragraph (6)—

(i) by inserting "who demonstrate exceptional need (as defined in section 413C(c)(2))" after "students"; and

(ii) by inserting "and prioritize employment for students who are currently homeless individuals described in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a) or foster care youth" after "institution";

(E) in paragraph (7), by striking "vocational" and inserting "career";

(F) in paragraph (8)(A)(i), by striking "or vocational goals" and inserting "career goals";

(G) in paragraph (10), by striking "; and" and inserting a semicolon;

(H) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(I) by adding at the end the following:

"(12) provide assurances that compensation of students employed in the work-study program in accordance with the agreement shall include reim-

bursement for reasonable travel (not including the purchase of a vehicle) directly related to such work-study program;

''(13) provide assurances that the institution will administer and use feedback from the surveys required under section 450, to improve the experiences of students employed in the work-study program in accordance with the agreement;

''(14) provide assurances that the institution will collect data from students and employers such that the employment made available from funds under this part will, to the maximum extent practicable, complement and reinforce the educational goals or career goals of each student receiving assistance under this part; and

''(15) provide assurances that if the institution receives funds under section 442(a)(1)(A), such institution shall—

''(A) use such funds to compensate students employed in the work-study program in accordance with the agreement; and

''(B) prioritize the awarding of such funds (and increasing the amount of each award) to students—

"(i) who demonstrate exceptional need (as defined in section 413C(c)(2)); and

"(ii) who are employed in work-based learning opportunities through the work study program in accordance with the agreement.";

(2) in subsection (c)—

(A) by amending paragraph (2) to read as follows:

"(2) provide that—

"(A) in the case of an institution that has not received a waiver from the Secretary, such institution will not use more than 25 percent of the funds made available to such institution under this part for any fiscal year for the operation of the program described in paragraph (1); and

"(B) in the case of an institution that has received a waiver from the Secretary, such institution will not use more than 50 percent of the funds made available to such institution under this part for any fiscal year for the operation of the program described in paragraph (1);".

(B) in paragraph (4)—

(i) by inserting ''and complement and reinforce the educational goals or career goals of each student receiving assistance under this part'' after ''academically relevant''; and

(ii) by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(6) provide assurances that compensation of students employed in the work-study program in accordance with the agreement shall include reimbursement for reasonable travel (not including the purchase of a vehicle) directly related to such work-study program.'';

(3) in subsection (d)(1)—

(A) by striking ''In any academic year to which subsection (b)(2)(A) applies, an institution shall ensure that'' and inserting ''An institution may use the''; and

(B) by striking ''travel'' and inserting ''reasonable travel (not including the purchase of a vehicle)''; and

(4) by adding at the end the following:

''(f) QUALIFIED PERIOD OF NONENROLLMENT.—

"(1) IN GENERAL.—A student may be awarded work-study employment during a qualified period of nonenrollment if—

"(A) the student demonstrates exceptional need (as defined in section 413C(c)(2)) in the award year prior to the qualified period of nonenrollment;

"(B) the student is employed in a work-based learning position; and

"(C) the employment—

"(i) involves less than 25 percent administrative work; and

"(ii) is for at least 20 hours per week, unless the institution waives such requirement—

"(I) at the request of the student; or

"(II) based on a finding by the institution that such requirement presents a hardship in finding a work-based learning position for the student.

"(2) FUNDS EARNED.—

"(A) IN GENERAL.—Any funds earned by a student (beyond standard living expenses (as

such term is described in section 413D(c)(3)(C))) during the qualified period of nonenrollment less than or equal to $2,500 may not be applied to such student's cost of attendance for the next period in which the student is enrolled.

''(B) EXCESS FUNDS.—Any funds earned by a student (beyond standard living expenses (as such term is described in section 413D(c)(3)(C))) during the qualified period of nonenrollment in excess of $2,500 shall be applied to such student's cost of attendance for the next period in which the student is enrolled.

''(3) DEFINITION OF QUALIFIED PERIOD OF NONENROLLMENT.—In this subsection, the term 'qualified period of nonenrollment' means, with respect to a student, a period of nonenrollment that—

''(A) occurs between a period of enrollment and a period of anticipated enrollment; and

''(B) the duration of which is no longer than 6 months.''.

SEC. 4204. FLEXIBLE USE OF FUNDS.

Section 445 of the Higher Education Act of 1965 (20 U.S.C. 1087–55) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) In addition to the carry-over sums authorized under paragraph (1) of this section, an institution may permit a student who completed the previous award period to continue to earn unearned portions of the student's work-study award from that previous period if—

''(A) any reduction in the student's need upon which the award was based is accounted for in the remaining portion; and

''(B) the student is currently employed in a work-based learning position.''; and

(2) by striking ''10 percent'' both places it appears and inserting ''20 percent''.

SEC. 4205. JOB LOCATION AND DEVELOPMENT PROGRAMS.

(a) AMENDMENTS.—Section 446 of the Higher Education Act of 1965 (20 U.S.C. 1087–56) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''10 percent or $75,000'' and inserting ''20 percent or $150,000''; and

(B) in paragraph (2), by striking ''vocational'' and inserting ''career''; and

(2) in subsection (b)—

(A) by striking paragraphs (1) and (2); and

(B) by inserting before paragraph (3) the following:

''(1) provide satisfactory assurance that the institution will prioritize placing students with exceptional need (as defined in section 413C(c)(2)) and Federal work-study recipients in jobs located and developed under this section; and

''(2) provide satisfactory assurances that the funds available under this section will be used to locate and develop work-based learning positions;''; and

(C) in paragraph (6), by striking the period and inserting '', including—

''(A) the number of students employed in work-based learning positions through such program;

''(B) the number of students demonstrating exceptional need (as defined in section 413C(c)(2)) and Federal work-study recipients employed through such program; and

''(C) the number of students demonstrating exceptional need (as defined in section 413C(c)(2)) and Federal work-study recipi-

ents employed in work-based learning positions through such program.''.

(b) CLARIFICATION ON CARRY-OVER AUTHORITY.—Of the sums granted to an eligible institution under part C of title IV of the Higher Education Act (20 U.S.C. 1087–51) for any fiscal year, 10 percent may, at the discretion of the institution, remain available for expenditure during the succeeding fiscal year to carry out programs under such part, including the job location and development programs under section 446 of such Act (20 U.S.C. 1087–56).

SEC. 4206. COMMUNITY SERVICE.

Section 447 of the Higher Education Act of 1965 (20 U.S.C. 1087–57) is amended to read as follows:

''SEC. 447. ADDITIONAL FUNDS TO CONDUCT COMMUNITY SERVICE WORK STUDY PROGRAMS.

''Each institution participating under this part may use up to 10 percent of the funds made available under section 489(a) and attributable to the amount of the institution's expenditures under this part to conduct that institution's program of community service-learning, including—

''(1) development of mechanisms to assure the academic quality of the student experience;

"(2) assuring student access to educational resources, expertise, and supervision necessary to achieve community service objectives;

"(3) assuring, to the maximum extent practicable, that the community service-learning program will support the educational goals or career goals of students participating in such program;

"(4) collaboration with public and private nonprofit agencies, and programs assisted under the National and Community Service Act of 1990 in the planning, development, and administration of such programs; and

"(5) to recruit and compensate students for community service-learning (including compensation for time spent in training and for reasonable travel (not including the purchase of a vehicle) directly related to such community service).".

SEC. 4207. PILOT GRANT PROGRAM.

Part C of title IV of the Higher Education Act (20 U.S.C. 1087–51 et seq.) is amended by adding at the end the following:

"SEC. 449. WORK-BASED LEARNING OPPORTUNITIES PILOT GRANT PROGRAM.

"(a) ESTABLISHMENT.—

1 "(1) IN GENERAL.—The Secretary shall estab-
2 lish a program to provide grants to eligible institu-
3 tions participating under this part to establish or ex-
4 pand a program to develop work-based learning posi-
5 tions.
6 "(2) LIMITATIONS.—
7 "(A) DURATION.—A grant awarded under
8 this section shall be for a period of not more
9 than 4 years, but may be renewed by the Sec-
10 retary for a period of 2 years.
11 "(B) AMOUNT.—A grant under this sec-
12 tion may not be in an amount greater than
13 $1,000,000.
14 "(b) APPLICATION.—To be selected to receive a grant
15 under this section an eligible institution participating
16 under this part shall submit an application to the Sec-
17 retary at such time, in such manner, and containing such
18 information as the Secretary may require, including a plan
19 that describes how the eligible institution will establish or
20 expand a program to develop work-based learning posi-
21 tions that will—
22 "(1) benefit students who demonstrate excep-
23 tional need (as defined in section 413C(c)(2));
24 "(2) identify high-demand occupations (as de-
25 termined by the Bureau of Labor and Statistics,

State departments of labor, and local workforce investment boards) and develop partnerships with high-demand employers (including nonprofit organizations, for-profit firms, or public agencies);

''(3) involve participating employers in evaluating and improving such program;

''(4) track and report academic and employment outcomes for participating students; and

''(5) be able to continue after the end of the grant term.

''(c) USE OF FUNDS.—Grant funds awarded under this program shall be used to pay wages for students participating under this program and develop work-based learning positions that—

''(1) are for a period of at least 12 weeks;

''(2) serve students who demonstrate exceptional need (as defined in section 413C(c)(2));

''(3) limit administrative work to no more than 25 percent of such position;

''(4) provide a minimum of 15 hours of work per week during periods of enrollment and 30 hours per week during periods of nonenrollment, except such requirement may be waived by the institution in consultation with a student;

"(5) include career coaching from participating employers (including mock interviews, resume writing assistance, and counseling on applying for and attaining employment); and

"(6) provide participating students with opportunities to meet with employers in fields or industries related to those of participating employers.

"(d) REPORT.—On a date that is before the date on which the period of the grant received by an eligible institution under this section terminates, such institution shall submit a report to the Secretary including—

"(1) the graduation rate or completion rate (as described under section 442(a)(1)(C)) with respect to students participating in work-based learning positions under the pilot program; and

"(2) the results of the work-based learning opportunities program for which such institution received such grant, including—

"(A) participating students' satisfaction with the program as reported in surveys under section 450, as amended by section 4208 of the College Affordability Act;

"(B) the types of jobs in which participating students were employed and the types of duties performed in such jobs;

"(C) the academic programs of the participating students;

"(D) the share of participating students who worked at another job, in addition to the one under the pilot program;

"(E) the percentage of participating students who, during the second quarter after completing their academic program, are in education or training activities or unsubsidized employment;

"(F) the percentage of participating students employed in high-demand occupations within 2 quarters of completing their academic programs; and

"(G) other items as deemed relevant by the Secretary.

"(e) RESERVATION OF FUNDING FOR SUCH PROGRAM.—From the amount appropriated under section 441(b) for a fiscal year and remaining after the Secretary reserves funds under section 442(a)(1), the Secretary shall reserve $30,000,000 to carry out grants under this section.".

SEC. 4208. DEPARTMENT ACTIVITIES.

Part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.), as amended by section

4207, is further amended by adding at the end the following:

"SEC. 450. DEPARTMENT ACTIVITIES.

"(a) SURVEYS.—Not later than 1 year after the date of the enactment of this section, the Secretary shall develop, in consultation with work-study administrators from institutions of higher education, participating employers, and participating students—

"(1) a consumer-tested electronic survey for students awarded work-study employment under the Federal work-study program under this part that—

"(A) measures each such student's satisfaction with the Federal work-study program, including—

"(i) any complaints the student has with respect to the program;

"(ii) the amount and quality of the on-the-job training the student received;

"(iii) the amount and quality of on-the-job supervision and employer feedback the student received;

"(iv) the amount and quality of information provided by the institution about the work-study program and job opportuni-

ties and the availability of work-study staff at the institution;

''(v) the quality of the assistance provided by the institution to the student in finding a work-study job and the availability of types of jobs; and

''(vi) the student's overall satisfaction with the work-study program;

''(B) measures the applicability of work-study employment to the educational goals and career goals of each such student;

''(C) elicits an assessment by each such student of the capacity to manage time between work-study employment and coursework;

''(D) measures, with respect to the program—

''(i) the award amounts under the program;

''(ii) the average number of hours students worked per week, and the wages received for such work;

''(iii) the number of on campus jobs and off campus jobs;

''(iv) how students located work-study positions;

1 ''(v) the work performed at each job;
2 ''(vi) whether students worked addi-
3 tional jobs while employed in a work-study
4 job (and the reason for such additional
5 job);
6 ''(vii) whether the work-study employ-
7 ment had an impact on the student's aca-
8 demic performance; and
9 ''(viii) the voluntarily disclosed demo-
10 graphics of students awarded work-study
11 employment; and
12 ''(E) includes such information as the Sec-
13 retary may require; and
14 ''(2) a consumer-tested electronic survey for
15 employers of students described in paragraph (1)
16 that—
17 ''(A) measures each such employer's satis-
18 faction with the Federal work-study program,
19 including—
20 ''(i) the extent to which the employer
21 is satisfied with its ability to accommodate
22 students' schedules;
23 ''(ii) the extent to which student-em-
24 ployees are prepared for the duties adver-
25 tised for the job; and

1 ''(iii) the extent to which the employer
2 is satisfied with opportunities to make rec-
3 ommendations for improving institutions'
4 academic programs;
5 ''(B) elicits an assessment by each such
6 employer of—
7 ''(i) any complaints the employer had
8 with respect to the program;
9 ''(ii) any skills or knowledge necessary
10 for the job that student-employees are
11 lacking; and
12 ''(iii) the extent of outreach from in-
13 stitutions to the employer; and
14 ''(C) includes such information as the Sec-
15 retary may require; and
16 ''(3) a consumer-tested electronic survey that,
17 not less than once every 4 years, with respect to
18 each institution of higher education participating in
19 the Federal work-study program, measures—
20 ''(A) methods used to recruit on-campus
21 and off-campus employers;
22 ''(B) if an institution operates a job loca-
23 tion development program—
24 ''(i) the share of jobs filled on-campus
25 and off-campus;

1 ''(ii) the share of jobs filled by—
2 ''(I) work-study recipients; and
3 ''(II) students who demonstrate
4 exceptional need (as defined in section
5 413C(c)(2));
6 ''(iii) the primary factors considered
7 in matching work-study students and jobs;
8 ''(iv) the share of students employed
9 in work-based learning opportunities; and
10 ''(v) the share of students employed
11 during qualified periods of nonenrollment,
12 including the share of students with excep-
13 tional need (as defined in section
14 413C(c)(2)) employed during qualified pe-
15 riods of nonenrollment;
16 ''(C) the institution's Federal and non-
17 Federal contributions toward work-study wages;
18 ''(D) the primary factors considered in
19 awarding students work-study and in deter-
20 mining the amount of the award;
21 ''(E) the acceptance rate among students
22 who were offered work-study aid; and
23 ''(F) other information the Secretary may
24 require.

1 ''(b) RESULTS.—The Secretary shall develop an on-
2 line portal—
3 ''(1) for students, employers, and institutions of
4 higher education to access the surveys required
5 under subsection (a); and
6 ''(2) to compile the results of such surveys.
7 ''(c) REPORT.—Not less than once every 4 years after
8 the date of the enactment of this subsection, the Secretary
9 shall submit a report to Congress that includes—
10 ''(1) the data collected under this section (re-
11 dacted for personal information);
12 ''(2) with respect to students employed in work-
13 study through the Federal work-study program—
14 ''(A) the types of jobs such students par-
15 ticipated in;
16 ''(B) the average hours worked per week;
17 ''(C) the average award amount;
18 ''(D) the average wage rates;
19 ''(E) the extent to which students enter
20 employment with skills and knowledge gained
21 from work-study participation that have pre-
22 pared them for the job; and
23 ''(F) the students' satisfaction with the
24 program and primary complaints;

"(3) the extent to which institutions conduct outreach to employers and engage them in discussions on improving academic programs;

"(4) the extent to which institutions conduct outreach to students and make jobs readily available;

"(5) the extent to which the work-study employment aligns with students' academic programs or career goals;

"(6) the employers' satisfaction with the program and primary complaints; and

"(7) recommendations for improving the program.

"(d) CONSULTATION.—

"(1) IN GENERAL.—In consulting with the entities described in subsection (a) to create the electronic surveys required under such subsection, the Secretary shall engage with—

"(A) a representative sample of institutions of higher education participating in the Federal work-study program;

"(B) a representative sample of employers participating in the Federal work-study program; and

"(C) a representative sample of students participating in the Federal work-study program.

"(2) RESPONSE RATE.—The Secretary shall—

"(A) consult with a survey consultant to develop a target response rate with respect to the electronic surveys required under subsection (a); and

"(B) provide guidance to institution with respect to such developed target response rate.

"(e) TECHNICAL ASSISTANCE.—The Secretary shall—

"(1) provide technical assistance to institutions participating under the Federal work-study program under this part to—

"(A) comply with the amendments made by part C of title IV of the College Affordability Act and the regulations issued pursuant to such part;

"(B) administer the surveys described in subsection (a) to students and employers participating in the Federal work-study program; and

"(C) ensure that Federal work-study positions align with students' educational goals or

career goals to the maximum extent practicable; and

''(2) issue guidance and provide technical assistance to institutions to support improved partnerships and coordination among financial aid, career services, and academic advisors to administer the Federal work-study program.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $2,000,000 to carry out subsection (a).''.

SEC. 4209. STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall, not later than a reasonable amount of time after the date of the enactment of this Act, conduct a study on best practices for assisting students participating in the Federal work-study program under part C of title IV of the Higher Education Act (42 U.S.C. 1087–51 et seq.) with—

(1) connecting to off-campus employers;

(2) procuring work-based learning opportunities through such program;

(3) procuring employment that aligns with students' educational goals or career goals;

(4) locating employment through job location and development programs;

(5) procuring employment in high-demand occupations;

(6) balancing employment with academic programs to improve graduation and completion rates; and

(7) with respect to students with exceptional need (as defined in section 413C(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1070b–2(c)(2)))—

(A) locating and coordinating work-study employment during qualified periods of non-enrollment;

(B) increasing participation of such students in such work-study program; and

(C) limiting the need for additional employment outside the work-study program.

(b) REPORT.—Not later than one year after the date on which the study required under subsection (a) is completed, the Comptroller General of the United States shall submit to Congress a report summarizing the findings of such study.

(c) PUBLISH REPORT.—The Comptroller General of the United States shall make the report required under subsection (b) available to the public on the website of the Government Accountability Office.

PART D—FEDERAL DIRECT LOAN PROGRAM

SEC. 4301. PROGRAM AUTHORITY.

Section 451(a) of the Higher Education Act of 1965 (20 U.S.C. 1087a(a)) is amended—

(1) by striking ''and (2)'' and inserting ''(2)''; and

(2) by inserting ''; and (3) to make loans under section 460A and section 460B'' after ''section 459A''.

SEC. 4302. AMENDMENTS TO TERMS AND CONDITIONS OF LOANS AND REPAYMENT PLANS.

(a) REPEAL OF ORIGINATION FEES.—Subsection (c) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e(c)) is repealed.

(b) RULEMAKING REGARDING TERMINATION OF CERTAIN REPAYMENT PLANS.—Beginning on the date of enactment of this Act, the Secretary of Education shall carry out a plan to end all eligibility for repayment plans other than a fixed repayment plan described in section 493E and an income-based repayment plan described under section 493C(f) for loans made under part B or D of title IV of the Higher Education Act of 1965, unless the borrower is enrolled in another repayment plan before such effective date, in accordance with the amendments made by this Act.

(c) REPAYMENT PLANS.—Section 455(d) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)) is amended—

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

(2) by inserting after paragraph (1), the following:

"(2) DESIGN AND SELECTION ON AND AFTER JULY 1, 2021.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), for the borrower of a loan made on or after July 1, 2021, and for other borrowers subject to paragraph (7), the Secretary shall offer a borrower of a loan made under this part 2 plans for repayment of such loan, including principal and interest on the loan. The borrower shall be entitled to accelerate, without penalty, repayment on the borrower's loans under this part. The borrower may choose—

"(i) a fixed repayment plan described in section 493E; or

"(ii) the income-based repayment plan under section 493C(f).

"(B) SELECTION BY THE SECRETARY.—If a borrower of a loan made under this part on

or after July 1, 2021, does not select a repayment plan described in subparagraph (A), the Secretary may provide the borrower with a fixed repayment plan described in section 493E.

"(C) CHANGES IN SELECTIONS.—Beginning on July 1, 2021, a borrower of a loan made under this part may change the borrower's selection of a repayment plan in accordance with paragraph (7) and under such terms and conditions as may be established by the Secretary.";

(3) in paragraph (6)(B), as redesignated, by striking "an income contingent repayment plan." and inserting "the income-based repayment plan under section 493C(f)."; and

(4) by adding at the end the following:

"(7) BORROWERS OF LOANS MADE BEFORE JULY 1, 2021.—A borrower who is in repayment on a loan made under part B or part D before July 1, 2021—

"(A) may choose to retain the repayment plan that the borrower was enrolled in on the day before such date;

"(B) may elect to—

"(i) enter the income-based repayment plan under section 493C(f); or

"(ii) enter a fixed repayment plan described in section 493E; and

"(C) after electing to leave a repayment plan other than an income-based repayment plan described under section 493C(f) or a fixed repayment plan described in section 493E, shall not be permitted to re-elect a repayment plan that is not an income-based repayment plan under section 493C(f) or a fixed repayment plan described in section 493E.

"(8) NOTIFICATION AND AUTOMATIC ENROLLMENT PROCEDURES FOR BORROWERS WHO ARE DELINQUENT ON LOANS.—

"(A) AUTHORITY TO OBTAIN INCOME INFORMATION.—In the case of any borrower who is at least 60 days delinquent on a covered loan, the Secretary may obtain such information as is reasonably necessary regarding the income and family size of the borrower (and the borrower's spouse, if applicable).

"(B) BORROWER NOTIFICATION.—With respect to each borrower of a covered loan who is at least 60 days delinquent on such loan and

who has not been subject to the procedures under this paragraph for such loan in the preceding 120 days, the Secretary shall, as soon as practicable after such 60-day delinquency, provide to the borrower the following:

''(i) Notification that the borrower is at least 60 days delinquent on at least 1 covered loan, and a description of all delinquent covered loans, nondelinquent covered loans, and noncovered loans of the borrower.

''(ii) A brief description of the repayment plans for which the borrower is eligible and the covered loans and noncovered loans of the borrower that may be eligible for such plans, based on information available to the Secretary.

''(iii) The amount of monthly payments for the covered and noncovered loans under the income-based repayment plan under section 493C(f) and the fixed repayment plan described in section 493E, based on information available to the Secretary, including, if the income information

of the borrower is available to the Secretary under subparagraph (A)—

"(I) the amount of the monthly payment under the income-based repayment plan under section 493C(f) and the fixed repayment plan described in section 493E for which the borrower is eligible for the borrower's covered and noncovered loans, based on such income information; and

"(II) the income, family size, tax filing status, and tax year information on which each monthly payment is based.

"(iv) Clear and simple instructions on how to select the repayment plans.

"(v) An explanation that, in the case of a borrower for whom adjusted gross income is unavailable—

"(I) if the borrower selects to repay the covered loans of such borrower pursuant to the income-based repayment plan under section 493C(f) that defines discretionary income in such a manner that an individual not

1 required under section 6012(a)(1) of
2 the Internal Revenue Code of 1986 to
3 file a return with respect to income
4 taxes imposed by subtitle A of such
5 Code may have a calculated monthly
6 payment greater than $0, the bor-
7 rower will be required to provide the
8 Secretary with other documentation of
9 income satisfactory to the Secretary,
10 which documentation the Secretary
11 may use to determine an appropriate
12 repayment schedule; and
13 ''(II) if the borrower selects to
14 repay such loans pursuant to an in-
15 come-driven repayment plan that is
16 not described in subclause (I), the
17 borrower will not be required to pro-
18 vide the Secretary with such other
19 documentation of income, and the bor-
20 rower will have a calculated monthly
21 payment of $0.
22 ''(vi) An explanation that the Sec-
23 retary shall take the actions under sub-
24 paragraph (C) with respect to such bor-
25 rower, if—

"(I) the borrower is 120 days delinquent on 1 or more covered loans and has not selected a new repayment plan for the covered loans of the borrower; and

"(II) in the case of such a borrower whose repayment plan for the covered loans of the borrower is not an income-driven repayment plan described in subparagraph (D) or (E) of paragraph (1), the monthly payments under such repayment plan are higher than such monthly payments would be under the income-based repayment plan under section 493C(f).

"(vii) Instructions on updating the information of the borrower obtained under subparagraph (A).

"(C) SECRETARY'S INITIAL SELECTION OF A PLAN.—With respect to each borrower described in subparagraph (B) who has a repayment plan for the covered loans of the borrower that meets the requirements of clause (vi)(II) of subparagraph (B) and has not selected a new repayment plan for such loans in accordance

with the notice received under such subparagraph, and who is at least 120 days delinquent on such a loan, the Secretary shall, as soon as practicable—

"(i) provide the borrower with the income-based repayment plan under section 493C(f); and

"(ii) authorize the borrower to change the Secretary's selection of a plan under this clause to the fixed repayment plan described in section 493E.

"(D) OPT-OUT.—A borrower of a covered loan shall have the right to opt out of the procedures under this paragraph.

"(E) PROCEDURES.—The Secretary shall establish procedures as are necessary to effectively implement this paragraph.

"(9) NOTIFICATION AND AUTOMATIC ENROLLMENT PROCEDURES FOR BORROWERS WHO ARE REHABILITATING DEFAULTED LOANS.—

"(A) AUTHORITY TO OBTAIN INCOME INFORMATION.—In the case of any borrower who is rehabilitating a covered loan pursuant to section 428F(a), the Secretary may obtain such information as is reasonably necessary regarding

the income and family size of the borrower (and the borrower's spouse, if applicable).

"(B) BORROWER NOTIFICATION.—Not later than 30 days after a borrower makes the 6th payment required for the loan rehabilitation described in subparagraph (A), the Secretary shall notify the borrower of the process under subparagraph (C) with respect to such loan.

"(C) SECRETARY'S SELECTION OF PLAN.—With respect to each borrower who has made the 9th payment required for the loan rehabilitation described in subparagraph (A), the Secretary shall, as soon as practicable after such payment, provide the borrower with the income-based repayment plan under section 493C(f), without regard to whether the loan has been so rehabilitated.

"(D) OPT-OUT.—A borrower of a covered loan shall have the right to opt out of the procedures under this paragraph.

"(E) PROCEDURES.—The Secretary shall establish procedures as are necessary to effectively implement this paragraph.

"(10) DEFINITIONS.—In this subsection:

"(A) COVERED LOAN.—The term 'covered loan' means—

"(i) a loan made under this part;

"(ii) a loan purchased under section 459A; or

"(iii) a loan that has been assigned to the Secretary under section 428(c)(8) or part E.

"(B) NONCOVERED LOAN.—The term 'noncovered loan' means a loan made, insured, or guaranteed under this title that is not a covered loan.

"(11) APPLICATION OF PREPAYMENT AMOUNTS.—

"(A) REQUIREMENT.—Notwithstanding any other provision of this subsection or any other provision of law—

"(i) with respect to loans made to an eligible borrower under this part or part B, which are held by the same holder and which have different applicable rates of interest, the holder of such loans shall, unless otherwise requested by the borrower in writing, apply the borrower's prepayment amount (within the meaning of section

682.209(b) of title 34, Code of Federal Regulations, or a successor regulation) for one or more of such loans, first toward the outstanding balance of principal due on the loan with the highest applicable rate of interest among such loans; and

"(ii) except as provided in clause (i), with respect to loans made to an eligible borrower under this part or part B, which are held by the same holder and which have the same applicable rates of interest, the holder of such loans shall, unless otherwise requested by the borrower in writing, apply the borrower's prepayment amount (within the meaning of section 682.209(b) of title 34, Code of Federal Regulations, or a successor regulation) for one or more of such loans, first toward the outstanding balance of principal due on the loan with the highest principal balance among such loans.

"(B) ELIGIBLE BORROWER.—

"(i) IN GENERAL.—For purposes of this paragraph, the term 'eligible borrower' means a borrower with no outstanding bal-

ance of fees, including collection costs and authorized late charges, due on any loan made under this part or part B.

"(ii) PREPAYMENT AMOUNTS.—A prepayment amount (as described in subparagraph (A)) made by a borrower who is not an eligible borrower to a holder shall be applied first toward the borrower's outstanding balance of fees, including collection costs and authorized late charges, due on any loan made under this part or part B held by such holder.".

(d) APPLICATION.—The amendments made by subsection (c)(4) shall—

(1) take effect as soon as the Secretary of Education determines practicable after the Secretary finalizes the procedures under section 9004, but not later than 2 years after the date of enactment of this Act; and

(2) apply to all borrowers of covered loans (as defined in section 455(d)(10) of the Higher Education Act of 1965, as added by subsection (c)(4)).

(e) MAXIMUM REPAYMENT PERIOD FOR INCOME-CONTINGENT REPAYMENT.—Section 455(e) of the Higher

Education Act of 1965 (20 U.S.C. 1087e(e)) is further amended—

(1) in paragraph (7)(B)—

(A) by striking ''or'' at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting a semicolon; and

(C) by adding at the end the following:

''(vi) makes payments under the income-based repayment plan under section 493C(f); or

''(vii) makes payments under the fixed repayment plan described in section 493E.''; and

''(8) ADDITIONAL QUALIFYING REPAYMENT PLANS.—A borrower repaying a loan pursuant to income-contingent repayment under this subsection may elect at any time to terminate repayment under such repayment plan and repay such loan under the income-based repayment plan under section 493C(f) or the fixed repayment plan described in section 493E.''.

(f) AUTOMATIC RECERTIFICATION OF INCOME FOR INCOME-DRIVEN REPAYMENT PLANS.—Section 455(e) of

1 the Higher Education Act of 1965 (20 U.S.C. 1087e(e))
2 is amended—
3 (1) in paragraph (3)—
4 (A) by striking ''does not reasonably re-
5 flect the borrower's current income'' and insert-
6 ing ''whose income has decreased relative to the
7 adjusted gross income available to the Sec-
8 retary''; and
9 (B) by inserting '', consistent with the pro-
10 cedures established under paragraph
11 (9)(B)(iv)'' before the period at the end; and
12 (2) by adding at the end the following:
13 ''(9) AUTOMATIC RECERTIFICATION.—
14 ''(A) DEFINITION.—In this paragraph, the
15 term 'covered loan' has the meaning given the
16 term in subsection (d)(10).
17 ''(B) IN GENERAL.—Beginning as soon as
18 the Secretary determines practicable after the
19 Secretary finalizes the procedures under section
20 9004 of the College Affordability Act, but not
21 later than 2 years after the date of enactment
22 of such Act, the Secretary shall establish and
23 implement, with respect to any borrower de-
24 scribed in subparagraph (C), procedures to—

1 ''(i) obtain (for each year of repay-
2 ment and without further action by the
3 borrower) such information as is reason-
4 ably necessary regarding the income of
5 such borrower (and the borrower's spouse,
6 if applicable), for the purpose of deter-
7 mining the repayment obligation of the
8 borrower for such year, including informa-
9 tion with respect to the borrower's family
10 size in accordance with the procedures
11 under section 9004 of the College Afford-
12 ability Act, subject to clause (ii);
13 ''(ii) allow the borrower, at any time,
14 to opt out of clause (i) and prevent the
15 Secretary from obtaining information
16 under such clause without further action
17 by the borrower;
18 ''(iii) provide the borrower with an op-
19 portunity to update the information ob-
20 tained under clause (i) before the deter-
21 mination of the annual repayment obliga-
22 tion of the borrower; and
23 ''(iv) in the case of a borrower for
24 whom adjusted gross income is unavail-
25 able—

"(I) if the borrower has selected to repay the covered loans of such borrower pursuant to an income contingent repayment plan that defines discretionary income in such a manner that an individual not required under section 6012(a)(1) of the Internal Revenue Code of 1986 to file a return with respect to income taxes imposed by subtitle A of such Code may have a calculated monthly payment greater than $0, the borrower will be required to provide the Secretary with other documentation of income satisfactory to the Secretary, which documentation the Secretary may use to determine an appropriate repayment schedule; or

"(II) if the borrower has selected to repay such loans pursuant to an income contingent repayment that is not described in subclause (I), the borrower will not be required to provide the Secretary with such other documentation of income, and the bor-

rower will have a calculated monthly payment of $0.

"(C) APPLICABILITY.—Subparagraph (B) shall apply to each borrower of a covered loan who, on or after the date on which the Secretary establishes procedures under such subparagraph, recertifies income and family size under such plan.

"(D) OTHER REQUIREMENTS.—The procedures established by the Secretary under this paragraph shall be consistent with the requirements of paragraphs (1) through (7), except as otherwise provided in this paragraph.".

(g) DEFERMENT.—Subparagraph (B) of section 455(f)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087e(f)(1)) is amended to read as follows:

"(B) in the case of a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan not described in subparagraph (A)(ii), beginning on or after the date of enactment of the College Affordability Act—

"(i) for a deferment during a period described in paragraph (2)(A)(i), shall ac-

crue and be capitalized or paid by the borrower; and

"(ii) for a deferment during a period described in subparagraphs (B) through (D) of paragraph (2), shall accrue but not be capitalized.".

(h) SEPARATING JOINT CONSOLIDATION LOANS.—Section 455(g) of the Higher Education Act of 1965 (20 U.S.C. 1087e(g)) is amended—

(1) by striking "A borrower" and inserting the following:

"(1) IN GENERAL.—A borrower"; and

(2) by adding at the end the following:

"(2) SEPARATING JOINT CONSOLIDATION LOANS.—

"(A) IN GENERAL.—A married couple, or 2 individuals who were previously a married couple, and who received a joint consolidation loan as such married couple under subparagraph (C) of section 428C(a)(3) (as such subparagraph was in effect on or before June 30, 2006), may apply to the Secretary for each individual borrower in the married couple (or previously married couple) to receive a separate

Federal Direct Consolidation Loan under this part—

"(i) that shall—

"(I) unless the Secretary receives notice of an agreement described in subclause (II)(aa), be equal to the sum of—

"(aa) the unpaid principal and accrued unpaid interest of the percentage of the joint consolidation loan that, as of the day before such joint consolidation loan was made, was attributable to the loans of the individual borrower for whom such separate consolidation loan is being made; and

"(bb) any other loans described in section 428C(a)(4) that such individual borrower selects for consolidation under this part; or

"(II) be equal to the sum of—

"(aa) the unpaid principal and accrued unpaid interest of

the percentage of the joint consolidation loan that, as of the date of application under this paragraph, the married couple (or previously married couple) agrees shall be considered attributable to the loans of the individual borrower for whom such separate consolidation loan is being made; and

''(bb) any other loans described in section 428C(a)(4) that such individual borrower selects for consolidation under this part;

''(ii) the proceeds of which shall be paid by the Secretary to the holder or holders—

''(I) of the joint consolidation loan for the purpose of discharging the liability on the percentage of such joint consolidation loan described in subclause (I)(aa) or (II)(aa) of clause (i); and

"(II) of the loans selected for consolidation under subclause (I)(bb) or subclause (II)(bb) of clause (i) for the purpose of discharging the liability on such loans;

"(iii) except as otherwise provided in this paragraph, that has the same terms and conditions, and rate of interest as the joint consolidation loan;

"(iv) for which any payment made under section 455(m)(1)(A) on the joint consolidation loan during a period in which the individual borrower for whom such separate consolidation loan is being made was employed in a public service job described in section 455(m)(1)(B) shall be treated as if such payment were made on the portion of the separate consolidation loan described in clause (i)(I)(aa); and

"(v) for which any payment made under any repayment plan described in section 455(d)(1) on the joint consolidation loan shall be treated as if such payment were made on such portion of such separate consolidation loan.

1 "(B) APPLICATION FOR SEPARATE DIRECT
2 CONSOLIDATION LOAN.—
3 "(i) JOINT APPLICATION.—Except as
4 provided in clause (ii), to receive separate
5 consolidation loans under subparagraph
6 (A), both individual borrowers in a married
7 couple (or previously married couple) shall
8 jointly apply under subparagraph (A).
9 "(ii) SEPARATE APPLICATION.—An
10 individual borrower in a married couple (or
11 previously married couple) may apply for a
12 separate consolidation loan under subpara-
13 graph (A) separately and without regard to
14 whether or when the other individual bor-
15 rower in the married couple (or previously
16 married couple) applies under subpara-
17 graph (A), in a case in which—
18 "(I) the individual borrower has
19 experienced from the other individual
20 borrower—
21 "(aa) domestic violence (as
22 defined in section 40002(a) of
23 the Violence Against Women Act
24 of 1994 (34 U.S.C. 12291(a)));
25 or

"(bb) economic abuse (including behaviors that control such borrower's ability to acquire, use, and maintain access to money, credit, or the joint financial obligations of both borrowers);

"(II) the individual borrower certifies, on a form approved by the Secretary, that such borrower is unable to reasonably reach or access the loan information of the other individual borrower; or

"(III) the Secretary determines that authorizing each individual borrower to apply separately under subparagraph (A) would be in the best fiscal interests of the Federal Government.

"(C) BORROWER ELIGIBILITY.—Notwithstanding section 428C(a)(3)(A), the Secretary shall award a consolidation loan under this part to each borrower who—

"(i) applies for such loan under subparagraph (A); and

"(ii) meets the requirements of subparagraphs (A) and (B).

"(3) CONSUMER REPORTING AGENCIES.—Upon obtaining a Federal Direct Consolidation Loan that discharges the liability on a defaulted loan made, insured, or guaranteed under this title, the Secretary, guaranty agency, or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove any adverse item of information relating to a delinquent or defaulted loan made, insured, or guaranteed under this title from the borrower's credit history.".

(i) REPEAL OF SUBSIDIZED LOAN USAGE LIMITATION.—Subsection (q) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is repealed.

SEC. 4303. AMENDMENTS TO TERMS AND CONDITIONS OF PUBLIC SERVICE LOAN FORGIVENESS.

Section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking "or" at the end of clause (iii);

(ii) in clause (iv), by striking ''and''; and

(iii) by adding at the end the following:

''(v) payments under the income-based repayment plan under section 493C(f); or

''(vi) payments under the fixed repayment plan described in section 493E; and''; and

(B) in subparagraph (B), by striking ''(i) is employed'' and all that follows through ''has been'' and inserting ''has been'';

(2) in paragraph (2), by adding at the end the following: ''In the case of a borrower who meets the requirements under paragraph (1) for such cancellation, such cancellation shall occur without further action by the borrower.'';

(3) by redesignating paragraphs (3) and (4) as paragraphs (9) and (10), respectively; and

(4) by inserting after paragraph (2) the following:

''(3) TREATMENT OF LOAN REFINANCED UNDER SECTIONS 460A OR 460B.—In the case of an eligible Federal Direct Loan refinanced under section 460A or 460B, any monthly payment pursuant

to any repayment plan listed in paragraph (1)(A) made on a loan, for which the liability has been discharged by such refinanced loan and without regard to whether such loan is an eligible Federal Direct Loan, shall be treated as a monthly payment under paragraph (1)(A) on the portion of such refinanced loan that is attributable to such discharged loan.

"(4) ON-LINE PORTAL.—

"(A) BORROWERS.—The Secretary shall ensure that borrowers have access to an on-line portal that provides each borrower who signs on to such portal with the following:

"(i) Instructions on how to access the database under paragraph (5) so that the borrower can determine whether the borrower is employed in a public service job.

"(ii) An identification of the loans of the borrower that are eligible Federal Direct Loans.

"(iii) With respect to each such eligible Federal Direct Loan, the number of monthly payments on such loan that qualify as a monthly payment under paragraph (1)(A), and the estimated number of monthly payments under paragraph (1)(A)

remaining on such loan before the borrower may be eligible for loan cancellation under this subsection.

''(iv) With respect to each loan of the borrower that is not eligible for loan cancellation under this subsection, an explanation of why the loan is not so eligible and instructions on how what, if anything, the borrower may do to make the loan so eligible.

''(v) Instructions for the submission of any forms associated with such loan cancellation, and an ability for the borrower to use the portal to electronically sign and submit such forms.

''(vi) In the case of a borrower who disputes a determination of the Secretary relating to the entitlement of the borrower to loan cancellation under paragraph (2)—

''(I) an ability for the borrower to file a claim with the Secretary to dispute such determination through the portal; and

''(II) in the case of such a claim that has been filed, the status of such

claim, for which updates shall be provided not fewer than once every 90 days.

"(B) EMPLOYERS.—The Secretary shall ensure that an employer of a borrower has the ability to electronically sign and submit any forms associated with loan cancellation under this subsection.

"(C) INFORMATION.—The Secretary shall ensure that any information provided through the on-line portal described in this paragraph is up-to-date information.

"(5) DATABASE OF PUBLIC SERVICE JOBS.—

"(A) IN GENERAL.—The Secretary, in consultation with the Commissioner of the Internal Revenue Service, shall establish and regularly update a database that lists public service jobs.

"(B) PUBLIC AVAILABILITY.—The database established under subparagraph (A) shall be made available on a publicly accessible website of the Department in an easily searchable format.";

(5) in paragraph (9), as so redesignated—

(A) in subparagraph (A)—

(i) by inserting before the period at the end the following: ''(including any Federal Direct Stafford Loan, Federal Direct PLUS Loan, Federal Direct Unsubsidized Stafford Loan, or Federal Direct Consolidation Loan refinanced under section 460A)'';

(ii) by striking ''The term'' and inserting the following:

''(i) IN GENERAL.—The term''; and

(iii) by adding at the end the following:

''(ii) TREATMENT OF CERTAIN CONSOLIDATION LOAN PAYMENTS.—In the case of an eligible Federal Direct Loan that is a Federal Direct Consolidation Loan made on or after the date of enactment of the College Affordability Act, any monthly payment pursuant to any repayment plan listed in paragraph (1)(A) made on a loan, for which the liability has been discharged by the proceeds of such Federal Direct Consolidation Loan and without regard to whether the loan is an eligible Federal Direct Loan, shall be treated as a

monthly payment under paragraph (1)(A) on the portion of such Federal Direct Consolidation Loan that is attributable to such discharged loan, except that in the case of a subsequent consolidation loan, for purposes of this clause—

"(I) any monthly payment made on the first consolidation loan or any other loan for which the liability has been discharged by such subsequent consolidation loan shall be applicable; and

"(II) any monthly payment made on a loan for which the liability has been discharged by such first consolidation loan shall not be applicable.";

(B) in subparagraph (B)—

(i) in clause (i), by striking "or" at the end;

(ii) in clause (ii), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

1 ''(iii) a full-time job as an employee or
2 manager of a farm or ranch that, with re-
3 spect to a fiscal year, has earnings of gross
4 revenue during such year from the sale of
5 agricultural products equal to or greater
6 than—
7 ''(I) in the case of 2019,
8 $35,000; or
9 ''(II) in the case of any suc-
10 ceeding year, the amount applicable
11 under this subparagraph for the pre-
12 vious year, increased by the estimated
13 percentage change in the Consumer
14 Price Index for the most recent year
15 preceding such year; or
16 ''(iv) a full-time job with a veterans or
17 military service organization as described
18 in paragraph (19) or (23) of section 501(c)
19 of the Internal Revenue Code, that does
20 not engage in partisan political campaign
21 activity.''; and
22 (C) by adding at the end the following:
23 ''(C) FULL-TIME JOB AS HEALTH CARE
24 PRACTITIONER.—The term 'full-time profes-

sionals engaged in health care practitioner occupations' includes an individual who—

"(i) has a full-time job as a health care practitioner;

"(ii) provides medical services in such full-time job at a nonprofit or public hospital or other nonprofit or public health care facility; and

"(iii) is prohibited from being employed directly by such hospital or other health care facility by State law."; and

(6) in paragraph (10), as so redesignated, by striking "section 428J, 428K, 428L, or 460" and inserting "section 428K or 428L".

SEC. 4304. FEDERAL DIRECT PERKINS LOANS TERMS AND CONDITIONS.

Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by inserting after section 455 the following new section:

"SEC. 455A. FEDERAL DIRECT PERKINS LOANS.

"(a) DESIGNATION OF LOANS.—Loans made to borrowers under this section shall be known as 'Federal Direct Perkins Loans'.

"(b) IN GENERAL.—It is the purpose of this section to authorize loans to be awarded by institutions of higher

education through agreements established under section 463(f). Unless otherwise specified in this section, all terms and conditions and other requirements applicable to Federal Direct Unsubsidized Stafford loans established under section 455(a)(2)(D) shall apply to loans made pursuant to this section.

''(c) ELIGIBLE BORROWERS.—Any student meeting the requirements for student eligibility under section 464(b) (including graduate and professional students as defined in regulations promulgated by the Secretary) shall be eligible to borrow a Federal Direct Perkins Loan, provided the student attends an eligible institution with an agreement with the Secretary under section 463(f), and the institution uses its authority under that agreement to award the student a loan.

''(d) LOAN LIMITS.—The annual and aggregate limits for loans under this section shall be the same as those established under section 464, and aggregate limits shall include loans made by institutions under agreements under section 463(a).

''(e) APPLICABLE RATES OF INTEREST.—Loans made pursuant to this section shall bear interest, on the unpaid principal balance of the loan, at the rate of 5 percent per year.''.

SEC. 4305. COMMON MANUAL FOR LOAN SERVICERS.

Section 456(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1087f(a)(2)) is amended in the first sentence by inserting before the period at the end the following: ", including the applicable procedures and policies described in the manual developed under section 493F".

SEC. 4306. REFINANCING FFEL AND FEDERAL DIRECT LOANS.

Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by adding at the end the following:

"SEC. 460A. REFINANCING FFEL AND FEDERAL DIRECT LOANS.

"(a) IN GENERAL.—The Secretary shall establish a program under which the Secretary, upon the receipt of an application from a qualified borrower, makes a loan under this part, in accordance with the provisions of this section, in order to permit the borrower to obtain the interest rate provided under subsection (c).

"(b) REFINANCING DIRECT LOANS.—

"(1) FEDERAL DIRECT LOANS.—Upon application of a qualified borrower, the Secretary shall repay a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, a Federal Direct PLUS Loan, or a Federal Direct Consolidation Loan of the qualified borrower, for which the first

disbursement was made, or the application for the consolidation loan was received, before July 1, 2020, with the proceeds of a refinanced Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, a Federal Direct PLUS Loan, or a Federal Direct Consolidation Loan, respectively, issued to the borrower in an amount equal to the sum of the unpaid principal, accrued unpaid interest, and late charges of the original loan.

"(2) REFINANCING FFEL PROGRAM LOANS AS REFINANCED FEDERAL DIRECT LOANS.—Upon application of a qualified borrower for any loan that was made, insured, or guaranteed under part B and for which the first disbursement was made, or the application for the consolidation loan was received, before July 1, 2010, the Secretary shall make a loan under this part, in an amount equal to the sum of the unpaid principal, accrued unpaid interest, and late charges of the original loan to the borrower in accordance with the following:

"(A) The Secretary shall pay the proceeds of such loan to the eligible lender of the loan made, insured, or guaranteed under part B, in order to discharge the borrower from any re-

1 maining obligation to the lender with respect to
2 the original loan.
3 ''(B) A loan made under this section that
4 was originally—
5 ''(i) a loan originally made, insured,
6 or guaranteed under section 428 shall be a
7 Federal Direct Stafford Loan;
8 ''(ii) a loan originally made, insured,
9 or guaranteed under section 428B shall be
10 a Federal Direct PLUS Loan;
11 ''(iii) a loan originally made, insured,
12 or guaranteed under section 428H shall be
13 a Federal Direct Unsubsidized Stafford
14 Loan; and
15 ''(iv) a loan originally made, insured,
16 or guaranteed under section 428C shall be
17 a Federal Direct Consolidation Loan.
18 ''(C) The interest rate for each loan made
19 by the Secretary under this paragraph shall be
20 the rate provided under subsection (c).
21 ''(c) INTEREST RATES.—
22 ''(1) IN GENERAL.—The interest rate for the
23 refinanced Federal Direct Stafford Loans, Federal
24 Direct Unsubsidized Stafford Loans, Federal Direct

PLUS Loans, and Federal Direct Consolidation Loans, shall be a rate equal to—

"(A) in any case where the original loan was a loan under section 428 or 428H, a Federal Direct Stafford loan, or a Federal Direct Unsubsidized Stafford Loan, that was issued to an undergraduate student, a rate equal to the rate for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans issued to undergraduate students for the 12-month period beginning on July 1, 2019, and ending on June 30, 2020;

"(B) in any case where the original loan was a loan under section 428 or 428H, a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, that was issued to a graduate or professional student, a rate equal to the rate for Federal Direct Unsubsidized Stafford Loans issued to graduate or professional students for the 12-month period beginning on July 1, 2019, and ending on June 30, 2020;

"(C) in any case where the original loan was a loan under section 428B or a Federal Direct PLUS Loan, a rate equal to the rate for

Federal Direct PLUS Loans for the 12-month period beginning on July 1, 2019, and ending on June 30, 2020; and

"(D) in any case where the original loan was a loan under section 428C or a Federal Direct Consolidation Loan, a rate calculated in accordance with paragraph (2).

"(2) INTEREST RATES FOR CONSOLIDATION LOANS.—

"(A) METHOD OF CALCULATION.—In order to determine the interest rate for any refinanced Federal Direct Consolidation Loan under paragraph (1)(D), the Secretary shall—

"(i) determine each of the component loans that were originally consolidated in the loan under section 428C or the Federal Direct Consolidation Loan, and calculate the proportion of the unpaid principal balance of the loan under section 428C or the Federal Direct Consolidation Loan that each component loan represents;

"(ii) use the proportions determined in accordance with clause (i) and the interest rate applicable for each component loan, as determined under subparagraph

(B), to calculate the weighted average of the interest rates on the loans consolidated into the loan under section 428C or the Federal Direct Consolidation Loan; and

"(iii) apply the weighted average calculated under clause (ii) as the interest rate for the refinanced Federal Direct Consolidation Loan.

"(B) INTEREST RATES FOR COMPONENT LOANS.—The interest rates for the component loans of a loan made under section 428C or a Federal Direct Consolidation Loan shall be the following:

"(i) The interest rate for any loan under section 428 or 428H, Federal Direct Stafford Loan, or Federal Direct Unsubsidized Stafford Loan issued to an undergraduate student shall be a rate equal to the lesser of—

"(I) the rate for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans issued to undergraduate students for the 12-month period beginning on July 1,

2019, and ending on June 30, 2020; or

"(II) the original interest rate of the component loan.

"(ii) The interest rate for any loan under section 428 or 428H, Federal Direct Stafford Loan, or Federal Direct Unsubsidized Stafford Loan issued to a graduate or professional student shall be a rate equal to the lesser of—

"(I) the rate for Federal Direct Unsubsidized Stafford Loans issued to graduate or professional students for the 12-month period beginning on July 1, 2019, and ending on June 30, 2020; or

"(II) the original interest rate of the component loan.

"(iii) The interest rate for any loan under section 428B or Federal Direct PLUS Loan shall be a rate equal to the lesser of—

"(I) the rate for Federal Direct PLUS Loans for the 12-month period

beginning on July 1, 2019, and ending on June 30, 2020; or

"(II) the original interest rate of the component loan.

"(iv) The interest rate for any component loan that is a loan under section 428C or a Federal Direct Consolidation Loan shall be the weighted average of the interest rates that would apply under this subparagraph for each loan comprising the component consolidation loan.

"(v) The interest rate for any eligible loan that is a component of a loan made under section 428C or a Federal Direct Consolidation Loan and is not described in clauses (i) through (iv) shall be the interest rate on the original component loan.

"(3) FIXED RATE.—The applicable rate of interest determined under paragraph (1) for a refinanced loan under this section shall be fixed for the period of the loan.

"(d) TERMS AND CONDITIONS OF LOANS.—

"(1) IN GENERAL.—A loan that is refinanced under this section shall have the same terms and

conditions as the original loan, except as otherwise provided in this section.

"(2) NO AUTOMATIC EXTENSION OF REPAYMENT PERIOD.—Refinancing a loan under this section shall not result in the extension of the duration of the repayment period of the loan, and the borrower shall retain the same repayment term that was in effect on the original loan. Nothing in this paragraph shall be construed to prevent a borrower from electing a different repayment plan at any time in accordance with section 455(d)(4).

"(e) DEFINITION OF QUALIFIED BORROWER.—

"(1) IN GENERAL.—For purposes of this section, the term 'qualified borrower' means a borrower—

"(A) of a loan under this part or part B for which the first disbursement was made, or the application for a consolidation loan was received, before July 1, 2020; and

"(B) who meets the eligibility requirements based on income or debt-to-income ratio established by the Secretary.

"(2) INCOME REQUIREMENTS.—The Secretary shall establish eligibility requirements based on income or debt-to-income ratio that take into consider-

ation providing access to refinancing under this section for borrowers with the greatest financial need.

"(f) NOTIFICATION TO BORROWERS.—The Secretary, in coordination with the Director of the Bureau of Consumer Financial Protection, shall undertake a campaign to alert borrowers of loans that are eligible for refinancing under this section that the borrowers are eligible to apply for such refinancing. The campaign shall include the following activities:

"(1) Developing consumer information materials about the availability of Federal student loan refinancing.

"(2) Requiring servicers of loans under this part or part B to provide such consumer information to borrowers in a manner determined appropriate by the Secretary, in consultation with the Director of the Bureau of Consumer Financial Protection.".

SEC. 4307. REFINANCING PRIVATE STUDENT LOANS.

Part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) is amended by adding at the end the following:

"SEC. 460B. FEDERAL DIRECT REFINANCED PRIVATE LOAN PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PRIVATE EDUCATION LOAN.—The term 'eligible private education loan' means a private education loan, as defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)), that—

"(A) was disbursed to the borrower before July 1, 2020; and

"(B) was for the borrower's own postsecondary educational expenses for an eligible program at an institution of higher education participating in the loan program under this part, as of the date that the loan was disbursed.

"(2) FEDERAL DIRECT REFINANCED PRIVATE LOAN.—The term 'Federal Direct Refinanced Private Loan' means a loan issued under subsection (b)(1).

"(3) PRIVATE EDUCATIONAL LENDER.—The term 'private educational lender' has the meaning given the term in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a)).

"(4) QUALIFIED BORROWER.—The term 'qualified borrower' means an individual who—

"(A) has an eligible private education loan;

"(B) has been current on payments on the eligible private education loan for the 6 months

prior to the date of the qualified borrower's application for refinancing under this section, and is in good standing on the loan at the time of such application;

"(C) is not in default on the eligible private education loan or on any loan made, insured, or guaranteed under this part or part B or E; and

"(D) meets the eligibility requirements described in subsection (b)(2).

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Treasury, shall carry out a program under which the Secretary, upon application by a qualified borrower who has an eligible private education loan, shall issue such borrower a loan under this part in accordance with the following:

"(A) The loan issued under this program shall be in an amount equal to the sum of the unpaid principal, accrued unpaid interest, and late charges of the private education loan.

"(B) The Secretary shall pay the proceeds of the loan issued under this program to the private educational lender of the private edu-

cation loan, in order to discharge the qualified borrower from any remaining obligation to the lender with respect to the original loan.

"(C) The Secretary shall require that the qualified borrower undergo loan counseling that provides all of the information and counseling required under clause (i) and clauses (iv) through (xiv) of section 485(b)(1)(A) (as amended by the College Affordability Act) before the loan is refinanced in accordance with this section, and before the proceeds of such loan are paid to the private educational lender.

"(D) The Secretary shall issue the loan as a Federal Direct Refinanced Private Loan, which shall have the same terms, conditions, and benefits as a Federal Direct Unsubsidized Stafford Loan, except as otherwise provided in this section.

"(2) BORROWER ELIGIBILITY.—The Secretary, in consultation with the Secretary of the Treasury and the Director of the Bureau of Consumer Financial Protection, shall establish eligibility requirements—

"(A) based on income or debt-to-income ratio that take into consideration providing ac-

cess to refinancing under this section for borrowers with the greatest financial need;

''(B) to ensure eligibility only for borrowers in good standing;

''(C) to minimize inequities between Federal Direct Refinanced Private Loans and other Federal student loans;

''(D) to preclude windfall profits for private educational lenders; and

''(E) to ensure full access to the program authorized in this subsection for borrowers with private loans who otherwise meet the criteria established in accordance with subparagraphs (A) and (B).

''(c) INTEREST RATE.—

''(1) IN GENERAL.—The interest rate for a Federal Direct Refinanced Private Loan is—

''(A) in the case of a Federal Direct Refinanced Private Loan for a private education loan originally issued for undergraduate post-secondary educational expenses, a rate equal to the rate for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans issued to undergraduate students for the 12-

month period beginning on July 1, 2019, and ending on June 30, 2020; and

"(B) in the case of a Federal Direct Refinanced Private Loan for a private education loan originally issued for graduate or professional degree postsecondary educational expenses, a rate equal to the rate for Federal Direct Unsubsidized Stafford Loans issued to graduate or professional students for the 12-month period beginning on July 1, 2019, and ending on June 30, 2020.

"(2) COMBINED UNDERGRADUATE AND GRADUATE STUDY LOANS.—If a Federal Direct Refinanced Private Loan is for a private education loan originally issued for both undergraduate and graduate or professional postsecondary educational expenses, the interest rate shall be a rate equal to the rate for Federal Direct PLUS Loans for the 12-month period beginning on July 1, 2019, and ending on June 30, 2020.

"(3) FIXED RATE.—The applicable rate of interest determined under this subsection for a Federal Direct Refinanced Private Loan shall be fixed for the period of the loan.

1 "(d) NO INCLUSION IN AGGREGATE LIMITS.—The
2 amount of a Federal Direct Refinanced Private Loan, or
3 a Federal Direct Consolidated Loan to the extent such
4 loan was used to repay a Federal Direct Refinanced Pri-
5 vate Loan, shall not be included in calculating a bor-
6 rower's annual or aggregate loan limits under section 428
7 or 428H.

8 "(e) NO ELIGIBILITY FOR SERVICE-RELATED RE-
9 PAYMENT.—A Federal Direct Refinanced Private Loan, or
10 any Federal Direct Consolidation Loan to the extent such
11 loan was used to repay a Federal Direct Refinanced Pri-
12 vate Loan, shall not be eligible for any loan repayment
13 or loan forgiveness program under section 428K, 428L,
14 or 460 or for the repayment plan for public service em-
15 ployees under section 455(m).

16 "(f) PRIVATE EDUCATIONAL LENDER REPORTING
17 REQUIREMENT.—

18 "(1) REPORTING REQUIRED.—The Secretary,
19 in consultation with the Secretary of the Treasury
20 and the Director of the Bureau of Consumer Finan-
21 cial Protection, shall establish a requirement that
22 private educational lenders report the data described
23 in paragraph (2) to the Secretary, to Congress, to
24 the Secretary of the Treasury, and to the Director
25 of the Bureau of Consumer Financial Protection, in

order to allow for an assessment of the private education loan market.

"(2) CONTENTS OF REPORTING.—The data that private educational lenders shall report in accordance with paragraph (1) shall include each of the following about private education loans (as defined in section 140(a) of the Truth in Lending Act (15 U.S.C. 1650(a))):

"(A) The total amount of private education loan debt the lender holds.

"(B) The total number of private education loan borrowers the lender serves.

"(C) The average interest rate on the outstanding private education loan debt held by the lender.

"(D) The proportion of private education loan borrowers who are in default on a loan held by the lender.

"(E) The proportion of the outstanding private education loan volume held by the lender that is in default.

"(F) The proportions of outstanding private education loan borrowers who are 30, 60, and 90 days delinquent.

"(G) The proportions of outstanding private education loan volume that is 30, 60, and 90 days delinquent.

"(g) NOTIFICATION TO BORROWERS.—The Secretary, in coordination with the Secretary of the Treasury and the Director of the Bureau of Consumer Financial Protection, shall undertake a campaign to alert borrowers about the availability of private student loan refinancing under this section.".

PART E—FEDERAL PERKINS LOANS

SEC. 4401. AUTHORIZATION OF APPROPRIATIONS FOR PERKINS LOAN.

Section 461(b) of the Higher Education Act of 1965 (20 U.S.C. 1087aa(b)) is amended—

(1) by striking "(1) IN GENERAL.—";

(2) by striking paragraphs (2) and (3); and

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively.

SEC. 4402. ALLOCATION OF FUNDS FOR PERKINS LOAN.

Section 462 of the Higher Education Act of 1965 (20 U.S.C. 1087bb) is amended—

(1) in subsection (a)(1), by striking "From" and inserting "For any fiscal year before fiscal year 2021, from"; and

(2) in subsection (i)(1), by striking ''for any fiscal year,'' and inserting ''for any fiscal year before fiscal year 2021,''.

SEC. 4403. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

Part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.) is amended by inserting after section 462 the following:

''SEC. 462A. FEDERAL DIRECT PERKINS LOAN ALLOCATION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to allocate, among eligible and participating institutions (as such terms are defined in this section), the authority to make Federal Direct Perkins Loans under section 455A with a portion of the annual loan authority described in subsection (b)(1); and

''(2) to make funds available, in accordance with section 452, to each participating institution from a portion of the annual loan authority described in subsection (b), in an amount not to exceed the sum of an institution's allocation of funds under subparagraph (B) of subsection (b)(1) to enable each such institution to make Federal Direct Perkins Loans to eligible students at the institution.

''(b) AVAILABLE DIRECT PERKINS ANNUAL LOAN AUTHORITY.—

"(1) AVAILABILITY AND ALLOCATIONS.—

"(A) IN GENERAL.—There are hereby made available, from funds made available for loans made under part D, not to exceed $2,400,000,000 of annual loan authority for award year 2021–2022 and each succeeding award year, to be allocated as provided in subparagraph (B).

"(B) ALLOCATION FORMULA.—Except as provided in paragraphs (3), (4), and (5), for each award year, the Secretary shall allocate an amount to each participating institution that is equal to—

"(i) 100 percent of the institutional undergraduate student need (as determined under subparagraph (C)) for the preceding award year; and

"(ii) 25 percent of the institutional graduate student need (as determined under subparagraph (D)) for the preceding award year.

"(C) INSTITUTIONAL UNDERGRADUATE STUDENT NEED CALCULATION.—The institutional undergraduate student need for a partici-

pating institution for an award year shall be equal to the sum of the following:

"(i) An amount equal to 50 percent of the amount that bears the same proportion to the amount made available under subparagraph (A) for such award year as the total amount of Federal Pell Grant funds awarded at the participating institution for the preceding award year bears to the total amount of Federal Pell Grant funds awarded at all participating institutions for the preceding award year.

"(ii) An amount equal to 50 percent of the amount that bears the same proportion to the amount made available under subparagraph (A) for such award year as the total amount of the undergraduate student need at the participating institution for the preceding award year bears to the total amount of undergraduate student need at all participating institutions for the preceding award year.

"(D) INSTITUTIONAL GRADUATE STUDENT NEED CALCULATION.—The institutional graduate student need for a participating institution

for an award year shall be equal to the amount that bears the same proportion to the amount made available under subparagraph (A) for such award year as the total amount of the graduate student need at the participating institution for the preceding award year bears to the total amount of graduate student need at all participating institutions for the preceding award year.

"(2) NO FUNDS TO NON-PARTICIPATING INSTITUTIONS.—The Secretary shall not make funds available under this subsection to any eligible institution that is not a participating institution.

"(3) REQUIRED MINIMUM AMOUNT.—In no case shall the sum of a participating institution's allocation of loan authority computed under paragraph (1)(B) be less than the average of the institution's total principal amount of loans made under this part for each of the academic years 2012–2013 through 2016–2017.

"(4) ADDITIONAL ADJUSTMENTS.—If the Secretary determines that the sum of a participating institution's allocation of loan authority under paragraph (1)(B) is below the minimum amount required under paragraph (3), the Secretary shall—

"(A) for each participating institution for which the minimum amount under paragraph (3) is not satisfied, increase the amount of such sum to the amount of the required minimum under such paragraph; and

"(B) ratably reduce the amount of the sum of such loan authority of all participating institutions not described in subparagraph (A).

"(5) ESTIMATING THE YEAR PRECEDING THE FIRST YEAR OF ALLOCATIONS.—For award year 2021–2022, in calculating an institution's undergraduate student need under paragraph (1)(C) and an institution's graduate student need under paragraph (1)(D), the Secretary may estimate the data with respect to the preceding award year required to make such calculations.

"(c) DEFINITIONS.—In this section:

"(1) ANNUAL LOAN AUTHORITY.—The term 'annual loan authority' means the total original principal amount of loans that may be allocated and made available for an award year to make Federal Direct Perkins Loans under section 455A.

"(2) AVERAGE COST OF ATTENDANCE.—The term 'average cost of attendance' has the meaning given the term in section 4202(e)(5)(B).

"(3) GRADUATE STUDENT NEED.—The term 'graduate student need' means, with respect to a graduate student for an award year, the lesser of the following:

"(A) The amount equal to (except the amount computed by this subparagraph shall not be less than zero)—

"(i) the average cost of attendance for the preceding award year, minus

"(ii) such graduate student's expected family contribution (computed in accordance with part F of this title) for the preceding award year.

"(B) The total annual loan limit for a Federal Direct Unsubsidized Stafford Loan.

"(4) UNDERGRADUATE STUDENT NEED.—The term 'undergraduate student need' means, with respect to an undergraduate student for an award year, the lesser of the following:

"(A) The total of the amount equal to (except the amount computed by this clause shall not be less than zero)—

"(i) the average cost of attendance for the award year, minus

"(ii) such undergraduate student's expected family contribution (computed in accordance with part F of this title) for the preceding award year.

"(B) The total loan annual limit for a Federal Direct Unsubsidized Stafford Loan and a Federal Direct Loan.

"(5) ELIGIBLE INSTITUTION.—The term 'eligible institution' means an institution of higher education that participates in the Federal Direct Stafford Loan Program.

"(6) PARTICIPATING INSTITUTION.—The term 'participating institution' means an institution of higher education that has an agreement under section 463(f).".

SEC. 4404. AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION FOR PURPOSES OF THE PERKINS LOAN PROGRAM.

(a) AMENDMENTS.—Section 463 of the Higher Education Act (20 U.S.C. 1087cc) is amended—

(1) in subsection (a)—

(A) in the heading, by inserting "FOR LOANS MADE BEFORE JULY 1, 2021" after "AGREEMENTS";

(B) in paragraph (3)(A), by inserting ''before July 1, 2021'' after ''students'';

(C) in paragraph (4), by striking ''thereon—'' and all that follows and inserting ''thereon, if the institution has failed to maintain an acceptable collection record with respect to such loan, as determined by the Secretary in accordance with criteria established by regulation, the Secretary may require the institution to assign such note or agreement to the Secretary, without recompense;''; and

(D) in paragraph (5), by striking ''and the Secretary shall apportion'' and all that follows through ''in accordance with section 462'' and inserting ''and the Secretary shall return a portion of funds from loan repayments to the institution as specified in section 466(b)'';

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

''(b) ADMINISTRATIVE EXPENSES.—An institution that has entered into an agreement under subsection (a) shall be entitled, for each fiscal year during which it services student loans from a student loan fund established under such agreement, to a payment in lieu of reimbursement for its expenses in servicing student loans made be-

fore July 1, 2021. Such payment shall be equal to 0.50 percent of the outstanding principal and interest balance of such loans being serviced by the institution as of September 30 of each fiscal year.''; and

(3) by adding at the end the following:

''(f) CONTENTS OF AGREEMENTS FOR LOANS MADE ON OR AFTER JULY 1, 2021.—An agreement with any institution of higher education that elects to participate in the Federal Direct Perkins Loan program under section 455A shall provide—

''(1) for the establishment and maintenance of a Direct Perkins Loan program at the institution under which the institution shall use loan authority allocated under section 462A to make loans to eligible students attending the institution;

''(2) that the institution, unless otherwise specified in this subsection, shall operate the program consistent with the requirements of agreements established under section 454; and

''(3) that if the institution ceases to be eligible to receive Federal loans under this title based on loss of eligibility under section 435(a), as amended, due to a high adjusted cohort default rate, the Secretary shall suspend or terminate the institution's eligibility to make Federal Direct Perkins Loans

under section 455A unless and until the institution would qualify for a resumption of eligible institution status under such section.''.

(b) EFFECTIVE DATE.—The amendments made by paragraph (2) of subsection (a) shall take effect on October 1, 2021.

SEC. 4405. STUDENT LOAN INFORMATION BY ELIGIBLE INSTITUTIONS FOR PURPOSES OF THE PERKINS LOAN PROGRAM.

Section 463A of the Higher Education Act of 1965 (20 U.S.C. 1087cc–1) is amended—

(1) in subsection (a), by striking ''Each institution'' and inserting ''For loans made before July 1, 2021, each institution''; and

(2) in subsection (b), by striking ''Each institution'' and inserting ''For loans made before July 1, 2021, each institution''.

SEC. 4406. TERMS OF LOANS FOR PURPOSES OF THE PERKINS LOAN PROGRAM.

Section 464 of the Higher Education Act of 1965 (20 U.S.C. 1087dd) is amended—

(1) in subsection (a)(1), by striking ''section 463'' and inserting ''section 463(a)'';

(2) in subsection (b)(1), by inserting ''made before July 1, 2021,'' after ''A loan'';

(3) in subsection (c)—

(A) in paragraph (1), by inserting ''made before July 1, 2021,'' after ''a loan'';

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting ''made before July 1, 2021,'' after ''any loan''; and

(ii) in subparagraph (B), by inserting ''made before July 1, 2021,'' after ''any loan'';

(C) in paragraph (3)(B), by inserting ''for a loan made before July 1, 2021,'' after ''Secretary, the repayment period'';

(D) in paragraph (4), by inserting ''before July 1, 2021,'' after ''for a loan made'';

(E) in paragraph (5), by striking ''The institution'' and inserting ''For loans made before July 1, 2021, the institution''; and

(F) in paragraph (6), by inserting ''made before July 1, 2021,'' after ''of loans'';

(4) in subsection (d), by inserting ''made before July 1, 2021,'' before ''from the student loan fund'';

(5) in subsection (e), by inserting ''with respect to loans made before July 1, 2021, and'' before ''as documented in accordance with paragraph (2),'';

(6) in subsection (g)(1), by inserting ''and before July 1, 2021,'' after ''January 1, 1986,'';

(7) in subsection (h)—

(A) in paragraph (1)(A) by inserting ''before July 1, 2021,'' after ''made under this part''; and

(B) in paragraph (2), by inserting ''before July 1, 2021,'' after ''under this part''; and

(8) in subsection (j)(1), by inserting ''before July 1, 2021,'' after ''under this part''.

SEC. 4407. REIMBURSEMENT FOR CANCELLATION OF PERKINS LOANS FOR CERTAIN PUBLIC SERVICE.

Section 465 of the Higher Education Act of 1965 (20 U.S.C. 1087ee) is amended—

(1) in subsection (a), by inserting ''and before July 1, 2021,'' after ''June 30, 1972,''; and

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

''(b) REIMBURSEMENT FOR CANCELLATIONS.—

''(1) ASSIGNED LOANS.—In the case of loans made under this part before July 1, 2021, and that are assigned to the Secretary, the Secretary shall, from amounts repaid each quarter on assigned Perkins Loans made before July 1, 2021, pay to each institution for each quarter an amount equal to—

"(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

"(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.

"(2) RETAINED LOANS.—In the case of loans made under this part before July 1, 2021, and that are retained by the institution for servicing, the institution shall deduct from loan repayments owed to the Secretary under section 466, an amount equal to—

"(A) the aggregate of the amounts of loans from its student loan fund that are canceled pursuant to this section for such quarter, minus

"(B) an amount equal to the aggregate of the amounts of any such loans so canceled that were made from Federal capital contributions to its student loan fund.".

SEC. 4408. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS FOR PURPOSES OF THE PERKINS LOAN PROGRAM.

Section 466 of the Higher Education Act of 1965 (20 U.S.C. 1087ff) is amended to read as follows:

"SEC. 466. DISTRIBUTION OF ASSETS FROM STUDENT LOAN FUNDS.

"(a) CAPITAL DISTRIBUTION.—Beginning July 1, 2021, there shall be a capital distribution of the balance of the student loan fund established under this part by each institution of higher education as follows:

"(1) For the quarter beginning July 1, 2021, the Secretary shall first be paid, no later than September 30, 2021, an amount that bears the same ratio to the cash balance in such fund at the close of June 30, 2021, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

"(A) the sum of such Federal contributions and the institution's capital contributions to such fund, less

"(B) an amount equal to—

"(i) the institution's outstanding administrative costs as calculated under section 463(b);

"(ii) outstanding charges assessed under section 464(c)(1)(H); and

"(iii) outstanding loan cancellation costs incurred under section 465.

"(2) At the end of each quarter subsequent to the quarter ending September 30, 2021, the Sec-

retary shall first be paid an amount that bears the same ratio to the cash balance in such fund at the close of the preceding quarter, as the total amount of the Federal capital contributions to such fund by the Secretary under this part bears to—

"(A) the sum of such Federal contributions and the institution's capital contributions to such fund, less

"(B) an amount equal to—

"(i) the institution's administrative costs incurred for that quarter as calculated under section 463(b);

"(ii) charges assessed for that quarter under section 464(c)(1)(H); and

"(iii) loan cancellation costs incurred for that quarter under section 465.

"(3)(A) The Secretary shall calculate the amounts due to the Secretary under paragraph (1) (adjusted in accordance with subparagraph (B), as appropriate) and paragraph (2) and shall promptly inform the institution of such calculated amounts.

"(B) In the event that, prior to the date of enactment of the College Affordability Act, an institution made a short-term, interest-free loan to the institution's student loan fund established under this

1 part in anticipation of collections or receipt of Fed-
2 eral capital contributions, and the institution dem-
3 onstrates to the Secretary, on or before June 30,
4 2021, that such loan will still be outstanding after
5 June 30, 2021, the Secretary shall subtract the
6 amount of such outstanding loan from the cash bal-
7 ance of the institution's student loan fund that is
8 used to calculate the amount due to the Secretary
9 under paragraph (1). An adjustment of an amount
10 due to the Secretary under this subparagraph shall
11 be made by the Secretary on a case-by-case basis.
12 ''(4) Any remaining balance at the end of a
13 quarter after a payment under paragraph (1) or (2)
14 shall be retained by the institution for use at its dis-
15 cretion. Any balance so retained shall be withdrawn
16 from the student loan fund and shall not be counted
17 in calculating amounts owed to the Secretary for
18 subsequent quarters.
19 ''(5) Each institution shall make the quarterly
20 payments to the Secretary described in paragraph
21 (2) until all outstanding Federal Perkins Loans at
22 that institution have been assigned to the Secretary
23 and there are no funds remaining in the institution's
24 student loan fund.

"(6) In the event that the institution's administrative costs, charges, and cancellation costs described in paragraph (2) for a quarter exceed the amount owed to the Secretary under paragraphs (1) and (2) for that quarter, no payment shall be due to the Secretary from the institution for that quarter and the Secretary shall pay the institution, from funds realized from the collection of assigned Federal Perkins Loans made before July 1, 2021, an amount that, when combined with the amount retained by the institution under paragraphs (1) and (2), equals the full amount of such administrative costs, charges, and cancellation costs.

"(b) ASSIGNMENT OF OUTSTANDING LOANS.—Beginning July 1, 2021, an institution of higher education may assign all outstanding loans made under this part before July 1, 2021, to the Secretary, consistent with the requirements of section 463(a)(5). In collecting loans so assigned, the Secretary shall pay an institution an amount that constitutes the same fraction of such collections as the fraction of the cash balance that the institution retains under subsection (a)(2), but determining such fraction without regard to subparagraph (B)(i) of such subsection.".

PART F—NEED ANALYSIS

SEC. 4501. CONFORMING AMENDMENT TO FAMILY CONTRIBUTION.

Section 473(b) of the Higher Education Act of 1965 (20 U.S.C. 1087mm) is amended—

(1) in paragraph (1), by striking ''academic year'' and inserting ''award year''; and

(2) in paragraph (2)—

(A) by striking ''academic year'' each place it appears and inserting ''award year''; and

(B) by striking ''academic years'' and inserting ''award years''.

SEC. 4502. AMENDMENTS TO DATA ELEMENTS WHEN DETERMINING THE EXPECTED FAMILY CONTRIBUTION.

Section 474(b) of the Higher Education Act of 1965 (20 U.S.C. 1087nn(b)) is amended in paragraph (4), by inserting before ''the net'' the following: ''only in the case of a pathway three applicant,''.

SEC. 4503. AMENDMENTS TO FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS.

(a) DEPENDENT STUDENTS.—Section 475 of the Higher Education Act of 1965 (20 U.S.C. 1087oo) is amended—

(1) in subsection (a)(3), by inserting before ''the student'' the following: ''only in the case of a pathway three applicant,'';

(2) in subsection (b)(1)(B), by inserting before ''the parents'' the following: ''only in the case of a pathway three applicant,''; and

(3) in subsection (b)(3), by striking ''award period'' and inserting ''award year''.

(b) INCREASING SUPPORT FOR WORKING DEPENDENT STUDENTS.—Section 475(g)(2)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087oo(g)(2)(D)) is amended to read as follows:

''(D) an income protection allowance (or a successor amount prescribed by the Secretary under section 478) of $9,230 for award year 2021–2022;''.

SEC. 4504. AMENDMENTS TO FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.

(a) INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476(a)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087pp(a)(1)(B)) is amended by inserting before ''the family's contribution'' the following: ''only in the case of a pathway three applicant,''.

(b) INCREASING SUPPORT FOR WORKING INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 of the Higher Education Act of 1965 (20 U.S.C. 1087pp) is further amended—

(1) in subsection (a)(2), by striking ''award period'' and inserting ''award year''; and

(2) by amending subsection (b)(1)(A)(iv) to read as follows:

''(iv) an income protection allowance (or a successor amount prescribed by the Secretary under section 478)—

''(I) for single or separated students, or married students where both are enrolled pursuant to subsection (a)(2), of $14,360 for award year 2021–2022; and

''(II) for married students where 1 is enrolled pursuant to subsection (a)(2), of $23,030 for award year 2021–2022;''.

SEC. 4505. AMENDMENTS TO FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.

(a) INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477(a)(1)(B) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1087qq(a)(1)(B)) is amended by inserting before ''the
3 family's contribution'' the following: ''only in the case of
4 a pathway three applicant,''.

5 (b) INCREASING SUPPORT FOR WORKING INDE-
6 PENDENT STUDENTS WITH DEPENDENTS OTHER THAN
7 A SPOUSE.—Section 477 of the Higher Education Act of
8 1965 (20 U.S.C. 1087qq) is amended—

9 (1) in subsection (a)(3), by striking ''award pe-
10 riod'' and inserting ''award year''; and

11 (2) by amending subsection (b)(4) to read as
12 follows:

13 ''(4) INCOME PROTECTION ALLOWANCE.—The
14 income protection allowance is determined by the fol-
15 lowing table (or a successor table prescribed by the
16 Secretary under section 478), for award year 2021–
17 2022:

''Income Protection Allowance

Family Size	Number in College					
(including student)	1	2	3	4	5	For each additional subtract:
2	$36,370	$30,160				$6,180
3	45,290	39,100	$32,890			
4	55,920	49,720	43,540	$37,300		
5	65,990	59,750	53,570	47,360	$41,180	
6	77,170	70,960	64,790	58,540	52,350	
For each additional add:	8,710					''.

SEC. 4506. INSTITUTIONAL CALCULATIONS FOR OFF-CAMPUS ROOM AND BOARD.

(a) AUTHORITY TO PRESCRIBE REGULATIONS.—Section 478(a) of the Higher Education Act of 1965 (20 U.S.C. 1087rr(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''or'' at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ''; or''; and

(C) by adding at the end the following:

''(C) to prescribe—

''(i) one methodology that institutions of higher education (other than institutions that receive a waiver under clause (ii)) shall use, or a selection of two or more methodologies from which such institutions shall select and use a methodology, to determine the allowance for room and board costs incurred by students described in subparagraph (A) of section 472(3) and by students described in subparagraph (D) of such section, which shall—

''(I) ensure that each such allowance determination is sufficient to cover reasonable room and board costs

incurred by the students for whom such allowance is being determined; and

''(II) include the sources of information that institutions shall use in making each such allowance determination; and

''(ii) a process for granting institutions of higher education a waiver from the requirements of clause (i), including—

''(I) a requirement that each institution of higher education seeking such a waiver submit to the Secretary—

''(aa) a description of the methodology that the institution will use for each allowance determination described in clause (i);

''(bb) an assurance that each such allowance determination meets the requirements of clause (i)(I); and

''(cc) a demonstration that the institution will use reliable sources of information for each

such allowance determination; and

"(II) a requirement that each institution of higher education that receives such a waiver publicly disclose on the website of the institution the methodology and sources of information used by the institution for each allowance determination described in clause (i)."; and

(2) by adding at the end the following:

"(3) Any regulation proposed by the Secretary under paragraph (1)(C) of this subsection shall not be subject to the requirements of paragraph (2).".

(b) REQUIREMENT TO PRESCRIBE REGULATIONS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Education shall issue regulations that meet the requirements of subparagraph (C) of section 478(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087rr(a)(1)), as added by subsection (a).

SEC. 4507. UPDATED TABLES AND AMOUNTS TO NEED ANALYSIS.

Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) and (B) and inserting the following:

"(A) IN GENERAL.—For each award year after award year 2021–2022, the Secretary shall publish in the Federal Register a revised table of income protection allowances for the purpose of sections 475(c)(4) and 477(b)(4), subject to subparagraphs (B) and (C).

"(B) TABLE FOR INDEPENDENT STUDENTS.—For each award year after award year 2021–2022, the Secretary shall develop the revised table of income protection allowances by increasing each of the dollar amounts contained in the table of income protection allowances under section 477(b)(4) by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary for the most recent calendar year ending prior to the beginning of the award year for which the determination is being made), and rounding the result to the nearest $10."; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "academic year after academic year 2007–

2008'' and inserting ''award year after award year 2021–2022''; and

(ii) in the second sentence, by striking ''shall be developed'' and all that follows through the period at the end and inserting ''shall be developed for each award year after award year 2021–2022, by increasing each of the dollar amounts contained in such section for award year 2021–2022 by a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary for the most recent calendar year ending prior to the beginning of the award year for which the determination is being made), and rounding the result to the nearest $10.''; and

(2) in subsection (e)(1), by striking ''academic year'' and inserting ''award year''.

SEC. 4508. ZERO EXPECTED FAMILY CONTRIBUTION.

Section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss) is amended to read as follows:

"SEC. 479. ZERO EXPECTED FAMILY CONTRIBUTION.

"(a) IN GENERAL.—The Secretary shall consider an applicant to have an expected family contribution equal to zero if—

"(1) in the case of a dependent student—

"(A)(i) the student's parents are not required to file—

"(I) a Federal income tax return; or

"(II) with respect to Internal Revenue Service Form 1040, any of the following forms: Schedule A, Schedule B, Schedule C, Schedule C–EZ, Schedule D, Schedule E, Schedule F, Schedule H, Schedule J, and Schedule SE; and

"(ii) the sum of the adjusted gross income of the parents is less than or equal to $34,000; or

"(B) the student's parents, or the student, received a benefit at some time during the previous 24-month period under a means-tested Federal benefit program;

"(2) in the case of an independent student without regard to whether the student has dependents other than a spouse—

1 "(A)(i) the student (and the student's
2 spouse, if any) certifies that the student (and
3 the student's spouse, if any)—
4 "(I) is not required to file a Federal
5 income tax return; or
6 "(II) with respect to Internal Revenue
7 Service Form 1040, any of the following
8 forms: Schedule A, Schedule B, Schedule
9 C, Schedule C–EZ, Schedule D, Schedule
10 E, Schedule F, Schedule H, Schedule J,
11 and Schedule SE; and
12 "(ii) the sum of the adjusted gross income
13 of the student and spouse (if appropriate) is
14 less than or equal to $34,000; or
15 "(B) the student received a benefit at some
16 time during the previous 24-month period
17 under a means-tested Federal benefit program;
18 or
19 "(3) the applicant is a pathway one applicant
20 under section 483(a)(13).
21 "(b) EARNED INCOME CREDIT.—An individual is not
22 required to qualify or file for the earned income credit in
23 order to be eligible under this section.
24 "(c) ADJUSTMENTS.—The Secretary shall annually
25 adjust the income level necessary to qualify an applicant

for the zero expected family contribution. The income level shall be annually increased by the estimated percentage change in the Consumer Price Index, as defined in section 478(f), for the most recent calendar year ending prior to the beginning of an award year, and rounded to the nearest $1,000.

"(d) MEANS-TESTED FEDERAL BENEFIT PROGRAM DEFINED.—For purposes of this title, a 'means-tested Federal benefit program' means a mandatory spending program of the Federal Government, other than a program under this title, in which eligibility for the program's benefits, or the amount of such benefits, are determined on the basis of income or resources of the individual or family seeking the benefit, and may include such programs as—

"(1) the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(2) the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), a nutrition assistance program carried out under section 19 of such Act (7 U.S.C. 2028), and a supplemental nutrition assistance program carried out under section 1841(c) of title 48 of the United States Code;

"(3) the program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(4) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

"(5) the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and

"(6) any other program identified by the Secretary.".

SEC. 4509. AMENDMENTS TO DEFINITIONS IN NEED ANALYSIS.

(a) USING DATA FROM THE SECOND PRECEDING YEAR.—Section 480(a)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(a)(1)(B)) is amended by striking "may" in both places it appears and inserting "shall".

(b) CHANGES TO UNTAXED INCOME AND BENEFITS.—Section 480(b) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(b)) is amended—

(1) in paragraph (1), to read as follows:

1 ''(1) The term 'untaxed income and benefits'
2 means—
3 ''(A) child support received;
4 ''(B) untaxed portion of pensions;
5 ''(C) payments to individual retirement ac-
6 counts and Keogh accounts excluded from in-
7 come for Federal income tax purposes; and
8 ''(D) cash support or any money paid on
9 the student's behalf, except, for dependent stu-
10 dents, funds provided by the student's par-
11 ents.''; and
12 (2) in paragraph (2)—
13 (A) by striking ''or'' at the end of subpara-
14 graph (E);
15 (B) by striking the period at the end of
16 subparagraph (F) and inserting a semicolon;
17 and
18 (C) by adding at the end the following:
19 ''(G) worker's compensation;
20 ''(H) veteran's benefits such as death pen-
21 sion, dependency, or indemnity compensation,
22 or veterans' education benefits as defined in
23 subsection (c);
24 ''(I) interest on tax-free bonds;

"(J) housing, food, or other allowances (including rent subsidies for low-income housing) for military, clergy, and others (including cash payments and cash value of benefits), or the value of on-base military housing or the value of basic allowance for housing determined under section 403(b) of title 37, United States Code, received by the parents, in the case of a dependent student, or the student or student's spouse, in the case of an independent student; or

"(K) any other untaxed income and benefits, such as Black Lung Benefits, Refugee Assistance, or railroad retirement benefits, or benefits received through participation in employment and training activities under title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111 et seq.).".

(c) AMENDMENT TO THE DEFINITION OF INDEPENDENT STUDENT AS IT RELATES TO FOSTER AND HOMELESS YOUTH.—Section 480(d)(1)(H) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(d)(1)(H)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking ''during the school year in which the application is submitted'';

(B) by inserting ''age 23 or younger'' after ''unaccompanied youth''; and

(C) by striking ''terms are'' and inserting ''term is'';

(2) in clause (i), by inserting '', or a designee of the liaison'' after ''Act'';

(3) in clause (ii), by striking ''a program funded under the Runaway and Homeless Youth Act'' and inserting ''an emergency or transitional shelter, street outreach program, homeless youths drop-in center, or other program serving homeless youths,''; and

(4) in clause (iii), by striking ''program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants)'' and inserting ''Federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate program under chapter 1 or 2 of subpart 2 of part A,''.

(d) STREAMLINING THE DETERMINATION AND VERIFICATION PROCESS FOR FOSTER AND HOMELESS YOUTH.—Section 480(d) of the Higher Education Act of

1965 (20 U.S.C. 1087vv(d)) is further amended by adding at the end the following:

"(3) SIMPLIFYING THE DETERMINATION PROCESS FOR UNACCOMPANIED YOUTH.—

"(A) VERIFICATION.—A financial aid administrator shall accept a determination of independence made by any individual authorized to make such determinations under clause (i), (ii), or (iii) of paragraph (1)(H) in the absence of conflicting information. A documented phone call with, or a written statement from, one of the authorized individuals is sufficient verification when needed. For purposes of this paragraph, a financial aid administrator's disagreement with the determination made by an authorized individual shall not be considered conflicting information.

"(B) DETERMINATION OF INDEPENDENCE.—A financial aid administrator shall make a determination of independence under paragraph (1)(H) if a student does not have, and cannot obtain, documentation from any of the other designated authorities described in such paragraph. Such a determination shall be—

"(i) based on the definitions outlined in paragraph (1)(H);

"(ii) distinct from a determination of independence under paragraph (1)(I);

"(iii) based on a documented interview with the student; and

"(iv) limited to whether the student meets the definitions in paragraph (1)(H) and not about the reasons for the student's homelessness.

"(C) ADDITIONAL STREAMLINING PERMITTED.—Nothing in this paragraph prohibits an institution from implementing polices that—

"(i) streamline the determination of independence under paragraph (1)(H); and

"(ii) improve a student's access to financial aid because that student is an unaccompanied youth.

"(4) SIMPLIFYING THE VERIFICATION PROCESS FOR FOSTER CARE YOUTH.—

"(A) VERIFICATION OF INDEPENDENCE.—If an institution requires documentation to verify that a student is independent based on a status described in paragraph (1)(B), a finan-

cial aid administrator shall consider any of the following as adequate verification:

"(i) Submission of a court order or official State documentation that the student received Federal or State support in foster care.

"(ii) A documented phone call with, a written statement from, or verifiable data match with—

"(I) a child welfare agency authorized by a State or county;

"(II) a Tribal child welfare authority;

"(III) an Independent Living case worker;

"(IV) a public or private foster care placing agency or foster care facility or placement;

"(V) another program serving orphans, foster care youth, or wards of the court; or

"(VI) a probation officer.

"(iii) A documented phone call with, or a written statement from, an attorney, a guardian ad litem, or a Court Appointed

Special Advocate, documenting that person's relationship to the student.

''(iv) A documented phone call with, or a written statement from, a representative of a Federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate program under chapter 1 or 2 of subpart 2 of part A.

''(v) Verification of the student's eligibility for an education and training voucher under the John H. Chafee Foster Care Independence Program (42 U.S.C. 677).

''(vi) Documentation of foster care provided pursuant to section 475(5)(I) of the Social Security Act (45 U.S.C. 675(5)(I)).

''(vii) Submission of a copy of the student's biological or adoptive parents' or legal guardians'—

''(I) Certificates of Death; or

''(II) verifiable obituaries.

''(viii) An attestation from the student, which includes a description of why the student may qualify for a status described in paragraph (1)(B), including the

1 approximate dates that the student was in
2 foster care, dependent, or a ward of the
3 court, to the best of the student's knowl-
4 edge after making reasonable efforts to
5 provide any requested documentation.
6 ''(B) ADDITIONAL STREAMLINING PER-
7 MITTED.—Nothing in this paragraph prohibits
8 an institution from implementing polices that
9 streamline the determination of independent
10 status and improve a student's access to finan-
11 cial aid because that student is an orphan, in
12 foster care, or a ward of the court, or was an
13 orphan, in foster care, or a ward of the court
14 at any time since such student was 13 years of
15 age or older.
16 ''(5) TIMING; USE OF EARLIER DETERMINA-
17 TION.—
18 ''(A) TIMING.—A determination under
19 subparagraph (B) or (H) of paragraph (1) for
20 a student—
21 ''(i) shall be made as quickly as prac-
22 ticable;
23 ''(ii) may be made as early as the year
24 before the award year for which the stu-
25 dent initially submits an application; and

"(iii) shall be made no later than during the award year for which the student initially submits an application.

"(B) USE OF EARLIER DETERMINATION.—Any student who is determined to be independent under subparagraph (B) or (H) of paragraph (1) for a preceding award year at an institution shall be presumed to be independent for each subsequent award year at the same institution unless—

"(i) the student informs the institution that circumstances have changed; or

"(ii) the institution has specific conflicting information about the student's independence, and has informed the student of this information and the opportunity to challenge such information through a documented interview or an impartial review by the Borrower Advocate pursuant to section 141(f)(6)(C).

"(6) RETENTION OF DOCUMENTS.—A financial aid administrator shall retain all documents related to the determination of independence under subparagraph (B) or (H) of paragraph (1), including documented interviews, for the duration of the student's

enrollment at the institution and for a minimum of 1 year after the student is no longer enrolled at the institution.''.

(e) EXCLUDABLE INCOME.—Section 480(e) of the Higher Education Act of 1965 (20 U.S.C. 1087vv(e)) is amended by striking paragraph (5) and inserting the following:

''(5) payments made and services provided under part E of title IV of the Social Security Act to or on behalf of any child or youth over whom the State agency has responsibility for placement, care, or supervision, including the value of vouchers for education and training and amounts expended for room and board for youth who are not in foster care but are receiving services under section 477 of such Act; and''.

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

SEC. 4601. DEFINITION OF ELIGIBLE PROGRAM.

(a) ELIGIBLE PROGRAM.—Section 481(b) of the Higher Education Act of 1965 (20 U.S.C. 1088(b))—

(1) in paragraph (1)(A)(i), by striking ''profession'' and inserting ''occupation'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by redesignating clause (iii) as clause (vi); and

(ii) by inserting after clause (ii) the following:

''(iii) has a verified annual earnings rate among individuals who completed the program, as determined under subparagraph (D), that is not less than the average or median annual earnings rate of individuals with only a high school diploma (or the equivalent) based on the most recently available data from the Bureau of Labor Statistics or the Bureau of the Census with respect to—

''(I) such average or median earnings rate in the United States; or

''(II) subject to subparagraph (E), such average or median earnings rate in the State or local area in which the institution offering the program is located;

''(iv) prepares students for gainful employment in a recognized occupation;

''(v) has been in operation for not less than two consecutive years; and''; and

(B) by adding at the end the following:

"(C)(i) For each subsequent year for which a program seeks eligibility under this paragraph, the Secretary shall reevaluate whether the program continues to meet the requirements of clauses (i), (iii), (iv), and (vi) of subparagraph (A). A program that does not meet such requirements for two consecutive award years (or, in the case of a program that does not meet the requirements under subparagraph (A)(iv), for a period of time determined by the Secretary) shall be ineligible to participate in programs under this title—

"(I) for the period of two award years following the last award year for which the program was eligible to participate in such programs; and

"(II) for any subsequent award year, unless the program reapplies for eligibility in accordance with clause (iii) and the Secretary determines that the program meets the requirements of such clauses.

"(ii) Not later than 60 days after receiving notification from the Secretary of the loss of eligibility under clause (i), a program may appeal a loss of eligibility to the Secretary. The Secretary may restore the eligibility of a program under this paragraph if

the program demonstrates to the Secretary that extenuating circumstances led to the loss of eligibility.

''(iii) The Secretary shall issue a decision on any appeal submitted by a program under clause (ii) not later than 45 days after its submission.

''(iv) After the expiration of the two-year period described in clause (i)(I), a program that lost eligibility under clause (i) may reapply to the Secretary for a determination of eligibility under this paragraph.

''(D)(i) In this subsection, the term 'verified annual earnings rate' means the mean or median annual earnings rate (whichever is higher) of individuals who completed a program calculated as of the date that is approximately one year after the date on which such individuals completed the program.

''(ii) For the first year for which a program seeks eligibility under this paragraph, the institution that offers such program shall—

''(I) determine the verified annual earnings rate using data obtained on individuals who completed the program;

''(II) obtain an audit of such determination from an independent auditor;

"(III) together with the auditor described in subclause (II), certify the accuracy of the verified annual earnings rate to the Secretary; and

"(IV) determine the completion rate for the program, as described in subparagraph (A)(i), and certify to the Secretary the accuracy of such determination.

"(iii) For each subsequent year for which a program seeks eligibility under this paragraph, the Secretary shall determine the verified annual earnings rate and completion rate for the program using data made available to the Secretary through the postsecondary student data system established under section 132(l) or a successor system (whichever includes the most recent data).

"(E)(i) Except as provided in clause (ii), for purposes of calculating the average annual earnings rate of individuals with only a high school diploma (or the equivalent) under subparagraph (A)(ii) the Secretary shall apply the national average or median earnings rate in the United States.

"(ii) The Secretary may apply the average or median earnings rate in the State or local area in which the institution offering a program is located,

in lieu of the national average earnings rate, if the institution provides sufficient justification to the Secretary.

''(F) Using the postsecondary student data system established under section 132(l) or a successor system to streamline reporting requirements and minimize reporting burdens, and in coordination with the National Center for Education Statistics and each institution of higher education offering an eligible program under this paragraph, the Secretary shall, on at least an annual basis, collect data with respect to each such eligible program, including the following:

''(i) The number and demographics of students who enroll in the program.

''(ii) The number of credits attempted and accumulated annually by students enrolled in the program.

''(iii) The share of such students who cease enrollment on or before the completion of 60 percent of the payment period or period of enrollment.

''(iv) The verified completion rate for the program, as described in subparagraph (A)(i).

1 ''(v) The mean and median annual earn-
2 ings of graduates and the verified annual earn-
3 ings rate for the program, as described in sub-
4 paragraph (A)(ii).
5 ''(vi) The number and demographics of
6 students who complete the program.
7 ''(vii) The outcomes of the students who
8 complete the program, including—
9 ''(I) the share of such students who
10 continue enrollment at the institution of
11 higher education offering the program;
12 ''(II) the share of such students who
13 transfer to another institution of higher
14 education;
15 ''(III) the share of such students who
16 complete a subsequent certificate or degree
17 program;
18 ''(IV) the share of such students who
19 secure employment 6 months and 1 year,
20 respectively—
21 ''(aa) after completion of such
22 program; or
23 ''(bb) in the case of a program
24 that prepares students for a profes-
25 sional license or certification exam,

after acquiring such license or certification; and

"(V) in the case of a program that prepares students for a professional license or certification exam, the share of such students who pass such exam."; and

(3) in paragraph (4), by inserting "or in addition to" after "in lieu of".

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Education shall—

(1) submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the impact of eligible programs described in section 481(b)(2) of the Higher Education Act of 1965 (20 U.S.C. 1088(b)(2)), as amended by this Act, based on the most recent data collected under subparagraph (F) of such section; and

(2) make the report described in paragraph (1) publicly available on the website of the Department of Education.

SEC. 4602. DEFINITION OF THIRD PARTY SERVICER.

Section 481(c) of the Higher Education Act of 1965 (20 U.S.C. 1088(c)) is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

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

''(2) any eligible institution of higher education to recruit students; or''.

SEC. 4603. FAFSA SIMPLIFICATION.

Section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''process'' and all that follows through the end of clause (ii) and inserting ''process a paper version of the forms described in this subsection, in accordance with subparagraph (B).'';

(ii) by striking subparagraph (B);

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

(iv) in subparagraph (B), as so redesignated, by striking ''subparagraphs (A) and (B)'' and inserting ''subparagraph (A)'';

(B) in paragraph (3)—

(i) in subparagraph (A), by striking the end sentence;

(ii) by striking subparagraph (B), and redesignating subparagraphs (C) through (H) as subparagraphs (B) through (G), respectively;

(iii) in subparagraph (D), as so redesignated—

(I) by striking ''The Secretary'' and inserting the following:

''(i) IN GENERAL.—The Secretary''; and

(II) by adding at the end the following:

''(ii) SCHOLARSHIP GRANTING ORGANIZATIONS.—

''(I) AUTHORIZATION.—An institution of higher education may, with explicit written consent of an applicant who has completed a form devel-

1 oped under this section, provide such
2 information collected from such form
3 as is necessary to an organization de-
4 scribed in subclause (II) that is des-
5 ignated by the applicant to assist the
6 applicant in applying for and receiving
7 financial assistance for any component
8 of the applicant's cost of attendance
9 at that institution.
10 "(II) DEFINITION OF ORGANIZA-
11 TION.—An organization described in
12 this subclause—
13 "(aa) means a scholarship
14 granting organization, including
15 a tribal organization (defined in
16 section 4 of the Indian Self-De-
17 termination and Education As-
18 sistance Act (25 U.S.C. 5304)))
19 or an organization assisting an
20 applicant in applying for and re-
21 ceiving Federal, State, local, or
22 tribal assistance; and
23 "(bb) shall be subject to the
24 requirements of clause (i)."; and

(iv) in subparagraph (E), as so redesignated, by striking ''subparagraph (G)'' and inserting ''subparagraph (F)'';

(C) in paragraph (4)—

(i) by striking ''academic year'' each place it appears and inserting ''award year'';

(ii) in subparagraph (A), by striking clause (iv); and

(iii) by adding at the end the following:

''(C) SINGLE QUESTION REGARDING HOMELESS STATUS.—The Secretary shall ensure that, on each form developed under this section for which the information is applicable, there is a single, easily understood screening question to identify an applicant for aid who is—

''(i) an unaccompanied homeless child or youth (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act); or

''(ii) an unaccompanied youth who is self-supporting and at risk of homelessness.

1 "(D) INCARCERATED INDIVIDUALS.—
2 "(i) IN GENERAL.—The Secretary
3 shall streamline the forms and processes
4 for an incarcerated individual (as defined
5 in section 401(n)(4)) to apply for a Fed-
6 eral Pell Grant under section 401, which—
7 "(I) shall be used to determine
8 the expected family contribution for
9 such individual as of the date of en-
10 rollment in the course for which the
11 individual is applying for such Federal
12 Pell Grant; and
13 "(II) may include—
14 "(aa) flexibility in the sub-
15 mission of any required docu-
16 mentation required to verify eligi-
17 bility for a Federal Pell Grant;
18 and
19 "(bb) assistance in rehabili-
20 tating loans under section 428F.
21 "(ii) REPORT.—Not later than 1 year
22 after the date of enactment of the College
23 Affordability Act, the Secretary shall sub-
24 mit to the Committee on Education and
25 Labor of the House of Representatives and

the Committee on Health, Education, Labor, and Pensions of the Senate, and make publicly available on the website of the Department, a report on how the forms and processes are being streamlined under clause (i).'';

(D) in paragraph (5)—

(i) in subparagraph (A), by striking ''paragraphs (2)(B)(iii), (3)(B), and (4)(A)(ii)'' and inserting ''paragraph (4)(A)(ii)'';

(ii) in subparagraph (B)—

(I) by striking ''determine'' and all that follows through ''which'' and inserting ''determine which''; and

(II) by striking clause (ii);

(iii) in subparagraph (C), by striking ''Beginning'' and all that follows through ''of the State-specific'' and inserting ''The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary of the State-specific''; and

(iv) by striking subparagraphs (D) through (F), and redesignating subparagraph (G) as subparagraph (D); and

(E) by adding at the end the following:

"(13) FAFSA PATHWAYS.—

"(A) MEMORANDUM OF UNDERSTANDING.—Not later than the effective date of the College Affordability Act, the Secretary shall seek to enter into a Memorandum of Understanding with the Secretary of Health and Human Services, the Secretary of Agriculture, and the Secretary of the Treasury, under which any information exchanged under an income and eligibility verification system established pursuant to section 1137 of the Social Security Act by State agencies administering a program listed in paragraph (1), (4), or (5) of subsection (b) of such section which may be of use in establishing or verifying eligibility or benefit amounts under such program shall be made available to the Secretary of Education to assist in determining whether the applicant (or, in the case of a dependent applicant, whether the applicant or the applicant's parents) received a benefit at some time during the previous 24-

month period under a means-tested Federal benefit program, but subject to the requirements of Federal law.

"(B) REQUIREMENT FOR ALL APPLICANTS AND THE SECRETARY.—For any award year for which an applicant applies for financial assistance under this title (except for any award year for which, pursuant to paragraph (14), the applicant is not required to submit a FAFSA)—

"(i) the applicant shall provide on the form described in this subsection whether the applicant received (or, in the case of a dependent applicant, whether the applicant or the parents of the applicant received) a benefit at some time during the previous 24-month period under a means-tested Federal benefit program; and

"(ii) the Secretary, to the extent practicable and pursuant to the Memorandum of Understanding entered into under subparagraph (A), and without any further action by the applicant, shall verify the applicant's (or, in the case of a dependent applicant, the applicant's or the applicant's parents') receipt of such benefit.

1 ''(C) PATHWAY ONE APPLICANTS.—
2 ''(i) IN GENERAL.—With respect to an
3 applicant who received (or, in the case of
4 a dependent applicant, an applicant who
5 received or whose parents received) a ben-
6 efit at some time during the previous 24-
7 month period under a means-tested Fed-
8 eral benefit program, the applicant shall
9 not be required to provide any further in-
10 come or asset information on the form
11 under this subsection.
12 ''(ii) DESIGNATION.—For purposes of
13 this section and part F, an applicant de-
14 scribed in clause (i) shall be referred to as
15 a 'pathway one applicant'.
16 ''(D) PATHWAY TWO APPLICANTS.—
17 ''(i) IN GENERAL.—With respect to an
18 applicant who is not a pathway one appli-
19 cant and who is described in clause (ii),
20 the Secretary, to the extent practicable,
21 shall use the data retrieval tool under sec-
22 tion 484(p) to obtain any information for
23 the applicant beyond the information de-
24 scribed in subparagraph (A) for purposes
25 of the form under this subsection.

"(ii) REQUIREMENTS.—An applicant described in this clause is an applicant who certifies that—

"(I) the applicant is not required to file or, in the case of a dependent applicant, no parent of the applicant is required to file—

"(aa) a Federal income tax return; or

"(bb) with respect to Internal Revenue Service Form 1040, any of the following forms: Schedule A, Schedule B, Schedule C, Schedule C–EZ, Schedule D, Schedule E, Schedule F, Schedule H, Schedule J, and Schedule SE; and

"(II) the sum of the adjusted gross income of the applicant or, in the case of a dependent applicant, the parents of the applicant, is less than or equal to $60,000.

"(iii) DESIGNATION.—For purposes of this section and part F, an applicant de-

scribed in clause (i) shall be referred to as a 'pathway two applicant'.

''(E) PATHWAY THREE APPLICANTS.—

''(i) IN GENERAL.—With respect to an applicant who is not a pathway one applicant or a pathway two applicant, the Secretary, to the extent practicable, shall use the data retrieval tool under section 484(p) to obtain any information for the applicant beyond the information described in subparagraph (A) for purposes of the form under this subsection.

''(ii) DESIGNATION.—For purposes of this section and part F, an applicant described in clause (i) shall be referred to as a 'pathway three applicant'.

''(F) MEANS-TESTED FEDERAL BENEFIT PROGRAM DEFINED.—For purposes of this paragraph, the term 'means-tested Federal benefit program' has the meaning given the term in section 479(d).

''(14) ONE-TIME FAFSA FILING.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraphs (B) and (C), an applicant who

1 submits a FAFSA for the first time for an
2 award year for the period required for the com-
3 pletion of the first undergraduate baccalaureate
4 course of study being pursued by such applicant
5 and is eligible to receive a Federal Pell Grant
6 for such award year, for any succeeding award
7 year—
8 ''(i) for which the applicant does not
9 submit a FAFSA and for which the appli-
10 cant submits a certification form described
11 in subparagraph (D) that does not indicate
12 a change in the dependency status of such
13 applicant, such applicant—
14 ''(I) shall not be required to sub-
15 mit a FAFSA to receive financial as-
16 sistance under this title; and
17 ''(II) shall have an expected fam-
18 ily contribution for such year that is
19 equal to the expected family contribu-
20 tion of the applicant determined for
21 the award year for which the appli-
22 cant submitted a FAFSA for such pe-
23 riod, except that an adjustment may
24 be made under section 479A that re-

sults in a change in such expected family contribution;

''(ii) for which the applicant submits a certification form described in subparagraph (D) that indicates a change in the dependency status of the applicant, such applicant—

''(I) shall be required to submit a FAFSA with respect to such award year to receive financial assistance under this title; and

''(II) shall have an expected family contribution for such year that is determined based on such FAFSA;

''(iii) for which the applicant submits a FAFSA, such applicant—

''(I) shall have an expected family contribution for such year that is determined based on such FAFSA; and

''(II) shall be required to submit a FAFSA for any other award year for which the applicant seeks financial assistance under this title; and

"(iv) for which the applicant does not submit a certification form described in subparagraph (D), such applicant shall submit a FAFSA for such succeeding award year and any other award year for which the applicant seeks financial assistance under this title.

"(B) ADJUSTMENT OF EXPECTED FAMILY CONTRIBUTION.—With respect to an applicant described in subparagraph (A)(i) who receives an adjustment under section 479A that results in a change to the expected family contribution of the applicant, for any succeeding award year after the award year for which the adjustment was made, subclause (II) of such subparagraph shall be applied to such applicant by substituting 'expected family contribution of the applicant as most recently changed as a result of an adjustment under section 479A for such applicant' for the 'expected family contribution of the applicant determined for the award year for which the applicant submitted a FAFSA for such period'.

"(C) RULE FOR CERTAIN STUDENTS.—With respect to an applicant who submits a

FAFSA for award year 2021–2022 and enrolls in an institution of higher education for such year, subparagraph (A) shall be applied—

"(i) in the matter preceding clause (i), by substituting 'award year 2021–2022' for 'the first time for an award year'; and

"(ii) in clause (i)(II), by substituting 'award year 2021–2022' for 'the award year for which the applicant submitted a FAFSA for such period'.

"(D) STUDENT CERTIFICATION FORM.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall use behavioral science insights to produce, distribute, and process free of charge a short and simple consumer-tested certification form that uses skip logic to bypass fields that are inapplicable to an applicant. Such form shall not require an applicant to provide data that the Secretary may otherwise obtain with respect to the applicant (such as age or active duty military status), and may only contain the data elements required for purposes of subparagraph (A)(i)—

"(i) to confirm whether the applicant is—

"(I) a dependent student;

"(II) a single independent student or a married independent student without dependents (other than a spouse); or

"(III) an independent student with dependents other than a spouse;

"(ii) to allow the applicant to update the contact information of such applicant or the Federal School Code of the institution of higher education in which the applicant is, or will be enrolled, for the award year for which the applicant submits such form; and

"(iii) to ask whether the applicant's need and eligibility for financial assistance under this title has not changed substantially since the most recent of the following:

"(I) The applicant submitted a FAFSA.

"(II) The applicant received an adjustment under section 479A that

results in a change to the expected family contribution of the applicant.

"(E) DEFINITIONS.—In this paragraph:

"(i) DEPENDENCY STATUS.—The term 'dependency status' means the status of an applicant as—

"(I) a dependent student;

"(II) a single independent student or a married independent student without dependents (other than a spouse); or

"(III) an independent student with dependents other than a spouse.

"(ii) SUCCEEDING AWARD YEAR.—The term 'succeeding award year'—

"(I) when used with respect to an applicant who submits a FAFSA for the first time for an award year for the period required for the completion of the first undergraduate baccalaureate course of study being pursued by such applicant, means any award year for such period that follows the award year for which the applicant submits such FAFSA; and

"(II) when used with respect to an applicant described in subparagraph (C), means any award year after award year 2021–2022 for the period required for the completion of the first undergraduate baccalaureate course of study being pursued by such applicant.

"(15) FAFSA IN VARIOUS LANGUAGES.—The Secretary shall—

"(A) translate the form developed under this subsection into not fewer than 11 foreign languages based on the languages most often spoken by English learner students and their parents, and make the translated form available and accessible to applicants in paper and electronic formats; and

"(B) ensure that the form developed under this subsection is available in formats accessible to individuals with disabilities.";

(2) in subsection (c), by striking the last sentence;

(3) in subsection (d)(3)—

(A) in subparagraph (A), by striking "and EZ FAFSA"; and

(B) in subparagraph (B), by striking ''and EZ FAFSA'';

(4) in subsection (e)—

(A) in paragraph (3) by striking ''or, as appropriate, an EZ FAFSA''; and

(B) in paragraph (5)(D), by striking ''or, as appropriate, an EZ FAFSA,'';

(5) by amending subsection (f) to read as follows:

''(f) USE OF INTERNAL REVENUE SERVICE DATA RETRIEVAL TOOL TO POPULATE FAFSA.—

''(1) SIMPLIFICATION EFFORTS.—The Secretary shall—

''(A) make every effort to allow applicants to utilize the data retrieval tool to transfer data available from the Internal Revenue Service to reduce the amount of original data entry by applicants and strengthen the reliability of data used to calculate expected family contributions, including through the use of technology to—

''(i) allow an applicant to automatically populate the electronic version of the forms under this paragraph with data available from the Internal Revenue Service; and

"(ii) direct an applicant to appropriate questions on such forms based on the applicant's answers to previous questions; and

"(B) allow taxpayers, regardless of filing status, to utilize the data retrieval tool to its full capacity.

"(2) USE OF TAX RETURN IN APPLICATION PROCESS.—The Secretary shall continue to examine whether data provided by the Internal Revenue Service can be used to generate an expected family contribution without additional action on the part of the student and taxpayer.

"(3) REPORTS ON FAFSA SIMPLIFICATION EFFORTS.—Not less than once every other year, the Secretary shall report to the authorizing committees and the Committees on Appropriations of the House of Representatives and the Senate on the progress of the simplification efforts under this subsection.";

(6) by repealing subsection (g);

(7) redesignating subsection (h) as subsection (g); and

(8) by adding at the end the following:

"(h) DATA TRANSPARENCY ON THE NUMBER OF APPLICANTS.—

1 "(1) IN GENERAL.—The Secretary shall annu-
2 ally publish data on the number of individuals who
3 apply for Federal student aid pursuant to this sec-
4 tion who are homeless individuals described in sec-
5 tion 725 of the McKinney-Vento Homeless Assist-
6 ance Act (42 U.S.C. 11434a), including unaccom-
7 panied youth and foster care youth.
8 "(2) CONTENTS.—The data described in para-
9 graph (1) with respect to homeless individuals shall
10 include, at a minimum, for each application cycle—
11 "(A) the total number of all applicants
12 who were determined to be (or to be at risk of
13 becoming) unaccompanied homeless youth
14 under section 480(d)(1)(H);
15 "(B) the number of applicants described in
16 subparagraph (A), disaggregated—
17 "(i) by State; and
18 "(ii) by the sources of determination
19 as described in clauses (i) through (iv) of
20 section 480(d)(1)(H); and
21 "(C) the number of undetermined requests
22 for homelessness consideration, including
23 statuses that remain unknown because no de-
24 termination had been made in response to the
25 applicant's request for the institution to con-

sider the applicant's special circumstance of being homeless.

"(i) PROHIBITION ON QUESTIONS RELATING TO DRUG OFFENSES.—The Secretary may not include on the forms developed under this subsection any data items relating to whether an applicant has a conviction of any offense under any Federal or State law involving the possession or sale of a controlled substance (as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(j) FAFSA VERIFICATION.—

"(1) IN GENERAL.—With respect to applicants who submit a FAFSA for an award year and were determined using data provided in such FAFSA to be eligible to receive a Federal Pell Grant for such award year, the Secretary shall submit to the authorizing committees, and make publicly available, a report for such award year on—

"(A) the number and share of such applicants who received a Federal Pell Grant for such award year;

"(B) the number and share of such applicants who did not receive a Federal Pell Grant for such year;

"(C) the number and share of such applicants who were selected by the Secretary for verification of the data provided in the FAFSA;

"(D) to the extent practicable, the number and share of applicants described in subparagraph (C) who enrolled in an institution of higher education in a year after such selection;

"(E) the number and share of applicants described in subparagraph (C) who completed the verification process;

"(F) of the applicants described in subparagraph (E)—

"(i) the average of the expected family contribution for all such applicants as determined using data provided in the FAFSA;

"(ii) the average of the expected family contribution difference for all such applicants;

"(iii) the average of the expected family contribution difference for all such applicants whose expected family contribution as determined using data provided in the verification process was greater than the

1 expected family contribution as determined
2 using data provided in the FAFSA; and
3 ''(iv) the average of the expected fam-
4 ily contribution difference for all such ap-
5 plicants whose expected family contribution
6 as determined using data provided in the
7 FAFSA was greater than the expected
8 family contribution as determined using
9 data provided in the verification process;
10 ''(G) of the applicants described in sub-
11 paragraph (E)—
12 ''(i) the average Federal Pell Grant
13 amount for all such applicants as deter-
14 mined using data provided in the FAFSA;
15 ''(ii) the average of the Federal Pell
16 Grant difference for all such applicants;
17 ''(iii) the average of the Federal Pell
18 Grant difference for all such applicants
19 whose Federal Pell Grant amount as deter-
20 mined using data provided in the
21 verification process was greater than the
22 Federal Pell Grant amount as determined
23 using data provided in the FAFSA;
24 ''(iv) the average of the Federal Pell
25 Grant difference for all such applicants

whose Federal Pell Grant amount as determined using data provided in the FAFSA was greater than the Federal Pell Grant amount as determined using data provided in the verification process; and

"(v) the number and share of such applicants who were determined using the data provided in the verification process to be ineligible for a Federal Pell Grant;

"(H) the number and share of applicants described in subparagraph (C) who received a Federal Pell Grant for such award year; and

"(I) the number and share of applicants described in subparagraph (C) who did not receive a Federal Pell Grant for such award year.

"(2) DISAGGREGATION.—The data provided in a report under paragraph (1) shall be disaggregated—

"(A) by applicants who were pathway one applicants for such year;

"(B) by applicants who were pathway two applicants for such year;

"(C) by applicants who were pathway three applicants for such year; and

1 "(D) with respect to applicants described
2 in subparagraphs (C) and (E), the verification
3 tracking groups of such applicants.
4 "(3) DEFINITIONS.—In this subsection:
5 "(A) EXPECTED FAMILY CONTRIBUTION
6 DIFFERENCE.—The term 'expected family con-
7 tribution difference' means, with respect to an
8 applicant who completed a verification process
9 with respect to the FAFSA, the difference be-
10 tween—
11 "(i) the expected family contribution
12 of such applicant as determined using data
13 provided in the FAFSA; and
14 "(ii) the expected family contribution
15 of such applicant as determined using data
16 provided in the verification process.
17 "(B) FEDERAL PELL GRANT DIF-
18 FERENCE.—The term 'Federal Pell Grant dif-
19 ference' means, with respect to an applicant
20 who completed a verification process with re-
21 spect to the FAFSA, the difference between—
22 "(i) the amount of the Federal Pell
23 Grant of such applicant as determined
24 using data provided in the FAFSA; and

"(ii) the amount of the Federal Pell Grant of such applicant as determined using data provided in the verification process.

"(k) FINANCIAL AID OFFERS.—

"(1) REQUIREMENTS FOR OFFERS.—

"(A) SECRETARIAL REQUIREMENTS.—Not later than 18 months after the date of enactment of the College Affordability Act, the Secretary shall, based on the consumer testing conducted under subparagraph (E), publish requirements for financial aid offers that shall—

"(i) include a requirement that financial aid offers shall serve as the primary source for Federal, State, and institutional financial aid information provided by an institution of higher education participating in any program under this title to each prospective student accepted for admission and each enrolled student at such institution;

"(ii) include a requirement that such offers include a standardized quick reference box described in subparagraph (D);

"(iii) establish standardized terms and definitions, including for the elements listed in subparagraph (C), that shall be included in each such offer;

"(iv) establish formatting requirements with respect to the organization of the elements listed in subparagraph (C)), which shall include a requirement that prohibits such offers from displaying loans in a manner that indicates or implies that such loans reduce the amount owed to the institution or reduce the net price; and

"(v) specify the simple, plain-language, and consumer-friendly information to be included in each such offer with respect to the financial aid being offered to a student, which shall include—

"(I) an explanation of differences among each such type of financial aid, including clear explanations that—

"(aa) grants and scholarships do not have to be repaid;

"(bb) loans (including loans made under part D and private education loans (as defined in

1 section 140 of the Truth in
2 Lending Act)) must be repaid
3 with interest; and
4 ''(cc) payments under Fed-
5 eral-work study programs under
6 part C are contingent on finding
7 qualified employment and are
8 typically disbursed incrementally
9 in paychecks;
10 ''(II) information encouraging
11 students to consider loans made under
12 part D before such private education
13 loans;
14 ''(III) information clarifying that
15 students may—
16 ''(aa) decline to accept a
17 loan made under part D; or
18 ''(bb) accept an amount of
19 such loan that is less than the
20 amount of such loan included in
21 the financial aid offer; and
22 ''(IV) in a case in which the in-
23 stitution offers a student such a loan
24 in an amount that is less than the
25 maximum amount for which the stu-

dent is eligible, an explanation that the student is eligible for additional loans under part D.

"(B) INSTITUTIONAL REQUIREMENTS.—Beginning with the award year that begins not less than 1 year after the Secretary publishes requirements under subparagraph (A), each institution of higher education described in subparagraph (A)(i) shall provide a financial aid offer to each student described in such subparagraph prior to each academic year that—

"(i) shall comply with the requirements published by the Secretary under subparagraph (A); and

"(ii) may be supplemented by the institution with additional, non-contradictory information related to financial aid as long as such supplementary information uses the standardized terms and definitions described in subparagraph (A)(iii).

"(C) ELEMENTS.—A financial aid offer provided by an institution of higher education shall include the following elements with respect to the academic year for which the offer is being provided:

1 ''(i) The cost of attendance, which
2 shall include separately calculated sub-
3 totals of—
4 ''(I) an itemized list of estimated
5 direct costs owed to the institution;
6 and
7 ''(II) an itemized list of antici-
8 pated student expenses not covered
9 under subclause (I).
10 ''(ii) Federal, State, and institutional
11 financial aid available to the student,
12 which shall include separately calculated
13 subtotals of—
14 ''(I) grants and scholarships;
15 ''(II) loans made under part D
16 (excluding Federal Direct Parent
17 PLUS Loans) and part E; and
18 ''(III) Federal-work study pro-
19 grams under part C and other on-
20 campus employment.
21 ''(iii) Other options that may be avail-
22 able to students to cover the cost of at-
23 tendance (including Federal Direct Parent
24 PLUS Loans, tuition payment plans, sav-

ings, and earnings from other employment).

"(iv) The net price, which shall be determined by calculating the difference between—

"(I) the cost of attendance described in clause (i); and

"(II) the grants and scholarships described in clause (ii)(I).

"(v) Next step instructions, including—

"(I) the process and deadlines for accepting the financial aid; and

"(II) information about where to find additional information on the financial aid offered.

"(vi) Any other information determined necessary by the Secretary based on the consumer testing conducted under subparagraph (E), which may include the following:

"(I) An estimate of the net direct cost, which shall be determined by calculating the difference between—

"(aa) the direct costs owed to the institution described in clause (i)(I); and

"(bb) the grants and scholarships described in clause (ii)(I).

"(II) Information on average student debt, loan repayment and default rates, loan repayment options, and graduation rates.

"(III) In the case of a prospective student, the process and deadlines for enrolling at the institution.

"(IV) Information regarding the enrollment period covered by the aid offer, and whether the cost and aid estimates are based on full-time or part-time enrollment.

"(D) STANDARDIZED QUICK REFERENCE BOX.—A financial aid offer provided by an institution of higher education shall include a standardized quick reference box to enable students to quickly and easily compare key information on college costs and financial aid—

"(i) that shall be included in an identical fashion for each student receiving a

financial aid offer from the institution on the first page of such offer;

"(ii) the contents and structure of which shall be developed through consumer testing conducted under paragraph (E); and

"(iii) that shall include not more than 8 elements, which, at a minimum, shall include—

"(I) the cost of attendance;

"(II) grants and scholarships; and

"(III) net price (as calculated under subparagraph (C)(iv)).

"(E) CONSUMER TESTING.—The Secretary shall—

"(i) conduct consumer testing that shall serve as the basis in determining the requirements for financial aid offers published under subparagraph (A), which shall include students (including low-income students, English learners, first generation college students, veteran students, graduate students, and undergraduate students (including prospective students and return-

ing students)), students' families (including low-income families, families of English learners, and families with first generation college students), institutions of higher education (including representatives from two- and four-year institutions, public and private institutions, and minority-serving institutions), secondary school and postsecondary counselors, financial aid administrators, nonprofit college access organizations, and nonprofit consumer groups; and

''(ii) not later than 60 days after the publication of the requirements under subparagraph (A)—

''(I) issue a report on the findings of the consumer testing under this subparagraph; and

''(II) specify ways in which the findings are reflected in such requirements.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'English learner' has the meaning given the term in section 8101(20) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(20)), except that such

term does not include individuals described in subparagraph (B) of such section;

"(B) the term 'first generation college student' has the meaning given the term in section 402A(h));

"(C) the term 'low-income student' has the meaning given the term in section 419N(b)(7); and

"(D) the term 'minority-serving institution' means an institution of higher education described in section 371(a).".

SEC. 4604. STUDENT ELIGIBILITY.

(a) IN GENERAL.—Section 484(a) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)) is amended to read as follows:

"(a) IN GENERAL.—

"(1) GRANTS; LOANS; WORK ASSISTANCE.—In order to receive any grant, loan, or work assistance under this title, a student must—

"(A) be enrolled or accepted for enrollment in a degree, certificate, or other program (including a program of study abroad approved for credit by the eligible institution at which such student is enrolled) leading to a recognized educational credential at an institution of higher

education that is an eligible institution in accordance with the provisions of section 487, except as provided in subsections (b)(3) and (b)(4), and not be enrolled in an elementary or secondary school;

''(B) if the student is presently enrolled at an institution, be maintaining satisfactory progress in the course of study the student is pursuing in accordance with the provisions of subsection (c);

''(C) not owe a refund on grants previously received at any institution under this title, or be in default on any loan from a student loan fund at any institution provided for in part E, or a loan made, insured, or guaranteed by the Secretary under this title for attendance at any institution;

''(D) file with the Secretary, as part of the original financial aid application process, a certification, which need not be notarized, but which shall include—

''(i) a statement of educational purpose stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attend-

ance or continued attendance at such institution; and

"(ii) such student's social security number; and

"(E) if the student has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, have completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud.

"(2) GRANTS; LOANS; WORK ASSISTANCE; SERVICES.—

"(A) IN GENERAL.—In order to receive any grant, loan, or work assistance under this title, or any service provided pursuant to a program or project funded under this title, a student must—

"(i) be a citizen, national, or permanent resident of the United States;

"(ii) be able to provide evidence from the Department of Homeland Security that he or she is in the United States for other than a temporary purpose with the inten-

tion of becoming a citizen or permanent resident;

"(iii) have temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a); or

"(iv) be a Dreamer student, as defined in subsection (q).

"(B) EXCEPTIONS.—Subparagraph (A) shall not be construed to affect eligibility for participation in projects funded under chapter 2 of subpart 2 of part A or section 418A(b).".

(b) EXCEPTION TO REQUIRED REGISTRATION WITH SELECTIVE SERVICE SYSTEM.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is further amended—

(1) by repealing subsection (n); and

(2) by redesignating subsections (o) through (q) as subsections (n) through (p), respectively.

(c) DEFINITION OF DREAMER STUDENT.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091), as amended by subsection (b), is further amended by adding at the end the following:

"(q) DREAMER STUDENT.—

"(1) IN GENERAL.—In this section, the term 'Dreamer student' means an alien (as defined in sec-

1 tion 101(a)(3) of the Immigration and Nationality
2 Act (8 U.S.C. 1101(a)(3))) who—
3 ''(A) was younger than 16 years of age on
4 the date on which the alien initially entered the
5 United States and—
6 ''(i) has earned a high school diploma,
7 the recognized equivalent of such diploma
8 from a secondary school, or a high school
9 equivalency diploma in the United States,
10 or is scheduled to complete the require-
11 ments for such a diploma or equivalent be-
12 fore the next academic year begins;
13 ''(ii) is enrolled in an institution of
14 higher education pursuant to subsection
15 (d); or
16 ''(iii) has served in the uniformed
17 services, as defined in section 101 of title
18 10, United States Code, for not less than
19 4 years and, if discharged, received an
20 honorable discharge; or
21 ''(B) would have been eligible, if the
22 memorandum were fully in effect since the date
23 issued, for a grant of deferred action pursuant
24 to the directive in the November 20, 2014,
25 memorandum from the Secretary of Homeland

Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents' to establish a process for exercising prosecutorial discretion through the use of deferred action for individuals who, among other qualifications, had a son or daughter who was a United States citizen or lawful permanent resident on such date.

''(2) HARDSHIP EXCEPTION.—The Secretary shall issue regulations that direct when the Department shall waive the age requirement of paragraph (1)(A) for an individual to qualify as a Dreamer student under such paragraph, if the individual demonstrates, through documentation presented to the Secretary of substantial economic or personal hardship, that deprivation of the requested benefit under this title would represent a substantial hardship.''.

(d) REPEAL OF SUSPENSION OF FINANCIAL AID ELIGIBILITY FOR DRUG-RELATED OFFENSES.—Subsection (r) of section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091(r)) is repealed.

(e) CONFORMING AMENDMENTS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 102(a)(2)(A)(i)(I), by striking "484(a)(5)" and inserting "484(a)(2)";

(2) in section 419N(b)(7)(B)(ii), by striking "484(a)(5)" and inserting "484(a)(2)";

(3) in section 484(c), by striking "subsection (a)(2)" each place it appears and inserting "subsection (a)(1)(B)";

(4) in section 484(g)—

(A) by striking "subsection (a)(5)" and inserting "subsection (a)(2)"; and

(B) by striking "Immigration and Naturalization Service" each place it appears in paragraph (4)(B)(i) and inserting "Department of Homeland Security";

(5) in section 484(h), by striking "Immigration and Naturalization Service" each place it appears and inserting "Department of Homeland Security";

(6) in section 484(o), as so redesignated, by striking "subsection (a)(4)" and inserting "subsection (a)(1)(D)"; and

(7) in section 485(a)(1)(K), by striking "484(a)(2)" and inserting "484(a)(1)(B)".

SEC. 4606. REINSTATEMENT OF THE 6-YEAR STATUTE OF LIMITATIONS FOR STUDENT LOANS.

Section 484A(a) of the Higher Education Act of 1965 (20 U.S.C. 1091a(a)) is amended to read as follows:

''(a) STATUTE OF LIMITATIONS.—Notwithstanding any Federal or State statutory, regulatory, or administrative limitation on the period within which debts may be enforced—

''(1) an institution that receives funds under this title may file a suit or initiate or take another action for collection of a refund due from a student on a grant made, or work assistance awarded, under this title, during the 6-year period beginning on the day after the refund first became due (exclusive of the period during which the State statute of limitations otherwise applicable to a suit under this paragraph would be tolled under State law);

''(2) a guaranty agency that has an agreement with the Secretary under section 428(c) may file a suit or initiate or take another action for collection of the amount due from a borrower on a loan made under part B during the 6-year period beginning on the day after such guaranty agency reimburses the previous holder of the loan for its loss on account of the default of the borrower (exclusive of the period during which the State statute of limitations other-

wise applicable to a suit under this paragraph would be tolled under State law);

''(3) an institution that has an agreement with the Secretary pursuant to section 487 may file a suit or initiate or take another action for collection of the amount due from a borrower on a loan made under part D or E after the default of the borrower on such loan during the 6-year period beginning on the day after the date of the default of the borrower with respect to such amount (exclusive of the period during which the State statute of limitations otherwise applicable to a suit under this paragraph would be tolled under State law); or

''(4) the Secretary, the Attorney General, or the administrative head of another Federal agency, as the case may be, may file a suit or initiate or take another action for collection of a refund due from a student on a grant made under this title, or for the repayment of the amount due from a borrower on a loan made under this title that has been assigned to the Secretary under this title, during the 6-year period beginning on the day after the refund or the amount first became due.''.

SEC. 4607. STUDENT ELIGIBILITY INFORMATION FOR NUTRITION ASSISTANCE PROGRAMS.

(a) INFORMATION DISSEMINATION ACTIVITIES.—Section 485(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(a)(1)) is amended—

(1) in subparagraph (U), by striking the ''and'' at the end;

(2) in subparagraph (V), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(W) the most recent relevant student eligibility guidance with respect to the nutrition assistance programs established under—

''(i) the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and

''(ii) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

''(X) the contact information for the State agencies responsible for administration of the programs specified in clauses (i) and (ii) of subparagraph (W); and

"(Y) the food pantries and other food assistance facilities and services available to students enrolled in such institution.".

(b) COLLEGE NAVIGATOR WEBSITE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Education shall make available and annually update on the College Navigator Website the most recent relevant student eligibility guidance with respect to the nutrition assistance programs established under—

(1) the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.); and

(2) the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

SEC. 4608. EXIT COUNSELING.

(a) AMENDMENTS TO EXIT COUNSELING FOR BORROWERS.—Section 485(b) of the Higher Education Act of 1965 (20 U.S.C. 1092(b)) is amended—

(1) in paragraph (1)(A)—

(A) in the matter preceding clause (i), striking "through financial aid offices or otherwise" and inserting "through the use of an interactive program, during an exit counseling

1 session that is in-person or online, or through
2 the use of the online counseling tool described
3 in subsection (n)(1)(A)'';
4 (B) by redesignating clauses (i) through
5 (ix) as clauses (iv) through (xii), respectively;
6 (C) by inserting before clause (iv), as so
7 redesignated, the following:
8 ''(i) a summary of the outstanding
9 balance of principal and interest due on
10 the loans made to the borrower under part
11 B, D, or E;
12 ''(ii) an explanation of the grace pe-
13 riod preceding repayment and the expected
14 date that the borrower will enter repay-
15 ment;
16 ''(iii) an explanation that the borrower
17 has the option to pay any interest that has
18 accrued while the borrower was in school
19 or that may accrue during the grace period
20 preceding repayment or during an author-
21 ized period of deferment or forbearance,
22 prior to the capitalization of the interest;'';
23 (D) in clause (iv), as so redesignated—
24 (i) by striking ''sample information
25 showing the average'' and inserting ''infor-

mation, based on the borrower's outstanding balance described in clause (i), showing the borrower's''; and

(ii) by striking ''of each plan'' and inserting ''of at least the fixed repayment plan described in section 493E, the income-based repayment plan under section 493C(f), and any other repayment plan for which each loan may be eligible'';

(E) in clause (ix), as so redesignated—

(i) by inserting ''decreased credit score,'' after ''credit reports,''; and

(ii) by inserting ''reduced ability to rent or purchase a home or car, potential difficulty in securing employment,'' after ''Federal law,'';

(F) in clause (x), as so redesignated, by striking ''consolidation loan under section 428C or a'';

(G) in clauses (xi) and (xii), as so redesignated, by striking ''and'' at the end; and

(H) by adding at the end the following:

''(xiii) for each of the borrower's loans made under part B, D, or E for which the borrower is receiving counseling under this

subsection, the contact information for the loan servicer of the loan and a link to such servicer's website; and

"(xiv) an explanation that an individual has a right to annually request a disclosure of information collected by a consumer reporting agency pursuant to section 612(a) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)).";

(2) in paragraph (1)(B)—

(A) by inserting "online or" before "in writing"; and

(B) by adding before the period at the end the following: ", except that in the case of an institution using the online counseling tool described in subsection (n)(1)(A), the Secretary shall attempt to provide such information to the student in the manner described in subsection (n)(3)(C)"; and

(3) in paragraph (2)(C), by inserting ", such as the online counseling tool described in subsection (n)(1)(A)," after "electronic means".

(b) CONFORMING AMENDMENT.—Section 485(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(d)(1)) is amended by striking "including income-

sensitive'' and all that follows through ''part D'' and inserting ''including, beginning on July 1, 2021, the income-based repayment plan under section 493C(f) and the fixed repayment plan described in section 493E''.

SEC. 4609. CLERY ACT AMENDMENTS.

(a) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.—Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ''(including on a prominent location on the institution's website)'' after ''publish''; and

(B) in subparagraph (F)—

(i) in clause (i), by striking ''and'' at the end;

(ii) in clause (ii), by striking ''and'' at the end;

(iii) in clause (iii), by striking the period at the end and inserting '';''; and

(iv) by adding at the end the following:

"(iv) of harassment incidents that were reported to campus security authorities or local police agencies; and

"(v) of hazing incidents that were reported to campus security authorities or local police agencies."; and

(C) by adding at the end the following:

"(K)(i) Each finding by the institution that, during the most recent calendar year, and during the 2 preceding calendar years for which data are available, a student organization committed a violation of the institution's standards of conduct, or of Federal, State, or local law, relating to hazing, which—

"(I) shall include—

"(aa) the name of the student organization that committed the violation;

"(bb) a general description of the activities that led to the violation, the charges, such findings by the institution, and the sanctions placed on the organization; and

"(cc) the dates on which—

"(AA) the violation was alleged to have occurred;

"(BB) the student organization was charged with misconduct;

"(CC) the investigation was initiated; and

"(DD) the investigation ended with a finding that a violation occurred; and

"(II) may not include—

"(aa) any information related to allegations or investigations of hazing that do not result in a formal finding of a violation of the standards of conduct of the institution or of Federal, State or local law; or

"(bb) any personally identifiable information on any individual student or member of a student organization.

"(ii) The anti-hazing policies (including the standards of conduct with respect to hazing) of the institution, and the

changes, if any, that have been made in the preceding calendar year with respect to such policies, and the justification for such changes.

''(iii) In the case of an allegation that a multi-institution student organization was involved in a hazing incident, each institution at which the students involved in such allegation are enrolled (or were formerly enrolled), including any student who was a victim in the alleged incident, shall comply with the requirements of this subparagraph.'';

(2) in paragraph (6)(A), by adding at the end the following:

''(vi) For purposes of reporting under this section, the term 'harassment'—

''(I) means unwelcome conduct, of a hostile, intimidating, or offensive nature, based on a student's actual or perceived race, color, religion, sex (including sexual orientation, gender identity, pregnancy, childbirth, a medical condition related to pregnancy or childbirth, and sex stereotype), disability, or national origin, that

unreasonably interferes with a student's ability to participate in a program or activity at an institution of higher education, including by creating an intimidating, hostile, or offensive environment;

''(II) is not limited to physical acts, and includes conduct that is verbal or nonverbal, direct or indirect, undertaken in whole or in part through the use of electronic messaging services, commercial mobile services, electronic communications, or other technology, or the placement or display of hostile or offensive images or objects based on a protected trait; and

''(III) includes sexual harassment, which is unwelcome conduct of a sexual nature, including—

''(aa) a sexual advance;

''(bb) a request for sexual favors;

''(cc) a sexual act, where such submission is made either explicitly or implicitly a term or condition of a program or activity at an institution of higher education, regardless of a

student's submission to or rejection of such sexual act;

"(dd) a sexual act, where such submission or rejection is used as the basis for a decision affecting a term or condition of a program or activity at an institution of higher education, regardless of a student's submission to or rejection of such sexual act; or

"(ee) other conduct of a sexual nature.

"(vii) The term 'hazing' means any intentional, knowing, or reckless act committed by a student, or a former student, of an institution of higher education, whether individually or in concert with other persons, against another student, that—

"(I) was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in, any student organization; and

"(II) causes, or contributes to a substantial risk of, physical injury, mental harm, or personal degradation.

"(viii) The term 'commercial mobile service' has the meaning given the term in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

"(ix) The term 'electronic communication' means any transfer of signs, signals, writing, images, sounds, or data of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

"(x) The term 'electronic messaging services' has the meaning given the term in section 102 of the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001).

"(xi) The term 'multi-institution student organization' means a student organization that includes students from more than one institution of higher education, including city-wide, regional, State, and national chapters of student organizations.

"(xii) The term 'student organization' means an organization that is officially recognized by or otherwise affiliated with an institution of higher education and that has a mem-

bership that is made up primarily of students enrolled at such institution.'';

(3) in paragraph (7), by inserting after the second sentence the following: ''For harassment incidents, such statistics shall be compiled in accordance with the definition of that term in paragraph (6)(A)(vi). For hazing incidents, such statistics shall be compiled in accordance with the definition of that term in paragraph (6)(A)(vii).''; and

(4) in paragraph (8)—

(A) by adding ''sexual harassment,'' after ''sexual assault,'' each place it appears;

(B) in subparagraph (B) in subclause (iv)(I)(bb) by striking ''an investigation'' and inserting ''a trauma-informed investigation''; and

(C) by adding at the end the following:

''(viii) Written notification of victims about institutional policies regarding the reimbursement of lost tuition and costs associated with student loan interest accrual related to domestic violence, dating violence, sexual assault, sexual harassment, or stalking incidents.''.

(b) STATEMENT OF POLICY REGARDING HARASSMENT.—Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is further amended—

(1) by redesignating paragraphs (9) through (18) as paragraphs (10) through (19), respectively; and

(2) by inserting after paragraph (8) the following:

"(9)(A) Each institution of higher education participating in any program under this title, other than a foreign institution of higher education, shall, as part of the report described in paragraph (1)—

"(i) develop and distribute a statement of policy regarding harassment, which shall include—

"(I) a prohibition of harassment—

"(aa) on campus;

"(bb) in or on a noncampus building or property;

"(cc) on public property;

"(dd) in dormitories or other residential facilities for students on campus;

"(ee) through the use of electronic mail addresses issued by the institution of higher education;

"(ff) through the use of computers and communication networks, including any telecommunications service, owned, operated, or contracted for use by the institution of higher education or its agents; and

"(gg) during an activity sponsored by the institution of higher education or carried out with the use of resources provided by the institution of higher education;

"(II) a description of the institution's programs to combat harassment, which shall be aimed at the prevention of harassment;

"(III) a description of the procedures that a student should follow if an incident of harassment occurs; and

"(IV) a description of the procedures that the institution will follow once an incident of harassment has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report; and

"(ii) provide, on a prominent location on the institution's website, a link to the webpage that contains the information required under paragraph (1)(K), including statement notifying the public—

"(I) of the availability of such information, including findings, sanctions, and the implementation of sanctions, except information protected under section 444 of the General Education Provisions Act (commonly known as the 'Family Education Rights and Privacy Act of 1974');

"(II) a description of how a member of the public may obtain such information; and

"(III) a statement that the institution is required to provide such information pursuant to paragraph (1)(K).

"(B) The statement of policy described in subparagraph (A)(i) shall address the following areas:

"(i) Procedures for timely institutional action in cases of alleged harassment, which shall include a clear statement that the accuser and the accused shall be informed of the outcome of any disciplinary proceedings in response to an allegation of harassment.

"(ii) Possible sanctions to be imposed following the final determination of an institutional disciplinary procedure regarding harassment.

"(iii) Notification of existing counseling, mental health, or student services for victims or perpetrators of harassment, both on campus and in the community.

"(iv) Identification of a designated employee or office at the institution that

will be responsible for receiving and tracking each report of harassment.''.

(c) CIVIL PENALTIES.—Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)) is further amended—

(1) in paragraph (14), as redesignated by subsection (b)—

(A) by striking ''in the same amount and''; and

(B) by inserting before the period at the end the following: '', expect that such section shall be applied by substituting $100,000 for $25,000''.

(2) in paragraph (17), as redesignated by subsection (b), by adding ''sexual harassment,'' after ''sexual assault,''.

SEC. 4610. ONLINE SURVEY TOOL FOR CAMPUS SAFETY.

Section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092) is further amended—

(1) by redesignating paragraphs (19) and (20) as so redesignated as paragraphs (20) and (21), respectively; and

(2) by inserting after paragraph (17) the following:

"(18) ONLINE SURVEY TOOL FOR CAMPUS SAFETY.—

"(A) IN GENERAL.—The Secretary shall, in consultation with the Attorney General, Director of the Centers for Disease Control, and the Secretary of the Department of Health and Human Services and experts in domestic violence, dating violence, sexual assault, sexual harassment, and stalking, develop, design, and make available through a secure and accessible online portal, a standardized online survey tool regarding student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

"(B) DEVELOPMENT OF SURVEY TOOL.—In developing the survey tool required under subparagraph (A), the Secretary shall—

"(i) use best practices from peer-reviewed research measuring domestic violence, dating violence, sexual assault, sexual harassment, and stalking;

"(ii) consult with the higher education community, experts in survey research related to domestic violence, dating violence, sexual assault, sexual harassment, and

stalking, and organizations engaged in the prevention of and response to, and advocacy on behalf of victims of, domestic violence, dating violence, sexual assault, sexual harassment, and stalking regarding the development and design of such survey tool and the methodology for administration of such survey tool; and

''(iii) ensure that the survey tool is readily accessible to and usable by individuals with disabilities.

''(C) ELEMENTS.—

''(i) IN GENERAL.—The survey tool developed pursuant to this paragraph shall be fair and unbiased, scientifically valid and reliable, and meet the highest standards of survey research.

''(ii) SURVEY QUESTIONS.—Survey questions included in the survey tool developed pursuant to this paragraph shall—

''(I) be designed to gather information on student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and

1 stalking, including the experiences of
2 victims of such incidents;
3 ''(II) use trauma-informed lan-
4 guage to prevent retraumatization;
5 and
6 ''(III) include the following:
7 ''(aa) Questions designed to
8 determine the incidence and prev-
9 alence of domestic violence, dat-
10 ing violence, sexual assault, sex-
11 ual harassment, and stalking.
12 ''(bb) Questions regarding
13 whether students know about in-
14 stitutional policies and proce-
15 dures related to domestic vio-
16 lence, dating violence, sexual as-
17 sault, sexual harassment, and
18 stalking.
19 ''(cc) Questions designed to
20 determine, if victims reported do-
21 mestic violence, dating violence,
22 sexual assault, sexual harass-
23 ment, or stalking—
24 ''(AA) to whom the in-
25 cident was reported and

what response the victim may have received;

''(BB) whether the victim was informed of, or referred to, national, State, local, or on-campus resources; and

''(CC) whether the entity to whom the victim reported the incident conducted an investigation and the duration and final resolution of such an investigation.

''(dd) Questions regarding contextual factors, such as whether force, incapacitation, or coercion was involved.

''(ee) Questions to determine whether an accused individual was a student at the institution.

''(ff) Questions to determine whether a victim reported an incident to State, local, or campus law enforcement.

"(gg) Questions to determine why the victim chose to report or not report an incident to the institution or State, local, or campus law enforcement.

"(hh) Questions to determine the impact of domestic violence, dating violence, sexual assault, sexual harassment, and stalking on the victim's education, including diminished grades, dropped classes, leaves of absence, and negative financial consequences (such as costs associated with loss in paid tuition due to leaves of absence, loss in scholarship awards due to diminished grades, and cost associated with counseling, medical services, or housing changes).

"(ii) Questions to determine the impact and effectiveness of prevention and awareness programs and complaints processes.

"(jj) Questions to determine attitudes toward sexual violence and harassment, including the willingness of individuals to intervene as a bystander of sex-based (including sexual orientation-based and gender identity-based), race-based, national origin-based, and disability-based discrimination, harassment, assault, domestic violence, dating violence, sexual assault, sexual harassment, and stalking.

"(kk) Other questions, as determined by the Secretary.

"(iii) ADDITIONAL ELEMENTS.—In addition to the standardized questions developed by the Secretary under clause (ii), an institution may request additional information from students that would increase the understanding of the institution of school climate factors unique to their campuses.

1 "(iv) RESPONSES.—The responses to
2 the survey questions described in clause
3 (ii) shall—
4 "(I) be submitted confidentially;
5 "(II) not be included in crime
6 statistics; and
7 "(III) in the case of such re-
8 sponses being included in a report,
9 shall not include personally identifi-
10 able information.
11 "(D) ADMINISTRATION OF SURVEY.—
12 "(i) FEDERAL ADMINISTRATION.—
13 The Secretary, in consultation with the At-
14 torney General, Director of the Centers for
15 Disease Control, and Secretary of the De-
16 partment of Health and Human Services,
17 shall develop a mechanism by which insti-
18 tutions of higher education may, with re-
19 spect to the survey tool developed pursuant
20 to this paragraph—
21 "(I) administer such survey tool;
22 and
23 "(II) modify such survey tool to
24 include additional elements or require-

ments, as determined by the institution.

"(ii) COSTS.—The Secretary may not require an institution of higher education to pay to modify the survey tool in accordance with clause (ii)(II).

"(iii) ACCESSIBILITY.—The Secretary shall ensure that the survey tool is administered in such a way as to be readily accessible to and usable by individuals with disabilities.

"(iv) INSTITUTIONAL ADMINISTRATION.—Beginning not later than one year after the date on which the Secretary makes available to institutions the mechanism described in clause (i), and every 2 years thereafter, each institution shall administer the survey tool developed pursuant to this paragraph.

"(E) COMPLETED SURVEYS.—The Secretary shall require each institution participating in any program under this title to ensure, to the maximum extent practicable, that an adequate, random, and representative sample size of students (as determined by the Sec-

retary) enrolled at the institution complete the survey tool developed pursuant to this paragraph.

"(F) REPORT.—Beginning not later than 2 years after the date of enactment of the College Affordability Act, the Secretary shall prepare a biennial report on the information gained from the standardized elements of the survey under this paragraph and publish such report in an accessible format on the website of the Department and submit such report to Congress. The report shall include campus-level data for each school and attributed by name of each campus in a manner that permits comparisons across schools and campuses.

"(G) PUBLICATION.—Each institution shall publish, in a manner that is readily accessible and usable by individuals, including individuals with disabilities—

"(i) the campus-level results of the standardized elements of the survey under this paragraph on the website of the institution and in the annual security report required under paragraph 1 for the campuses affiliated with the institution; and

"(ii) the campus-level results of the additional elements modifying the survey by the institution, if any, on the website of the institution.

"(H) VIOLATION.—Upon a determination pursuant to section 487(c)(3)(B) that an institution of higher education has violated or failed to carry out any provision under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 487(c)(3)(B).".

SEC. 4611. TRANSFER OF CREDIT POLICIES.

Section 485(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(h)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting "on the website of the institution and in at least one other relevant publication (such as a course catalogue)" after "publicly disclose"; and

(B) by inserting ", easy to find," after "readable"; and

(2) in subparagraph (B), by striking the period at the end and inserting the following: ", including

a link to the website of each institution of higher education on such list and a link to or an explanation of the provisions of each such articulation agreement; and''; and

(3) by adding at the end the following:

''(C) a list of transfer-related resources and information not otherwise provided under subparagraphs (A) and (B) that the institution provides (such as deadlines, financial aid information, and relevant staff contact information).''.

SEC. 4612. AMENDMENTS TO INSTITUTIONAL AND FINANCIAL ASSISTANCE.

(a) NOTICE TO STUDENTS CONCERNING DRUG VIOLATIONS.—Subsection (k) of section 485 (20 U.S.C. 1092) is repealed.

(b) LIAISON FOR HOMELESS INDIVIDUALS AND FOSTER CARE YOUTH.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by inserting after subsection (j) the following:

''(k) Each institution of higher education participating in any program under this title shall—

''(1) have designated an appropriate staff person as a liaison to assist homeless individuals described in section 725 of the McKinney-Vento

1 Homeless Assistance Act (42 U.S.C. 11434a) and
2 foster care youth in accessing and completing post-
3 secondary education, including by ensuring that such
4 homeless individuals and foster care youth are con-
5 nected to applicable and available student support
6 services, programs, and community resources in
7 areas such as financial aid, academic advising, hous-
8 ing, food, public benefits, health care, health insur-
9 ance, mental health, child care, transportation bene-
10 fits, and mentoring;
11 ''(2) post public notice about student financial
12 assistance and other assistance available to such
13 homeless individuals and foster care youth, including
14 their eligibility as independent students under sub-
15 paragraphs (B) and (H) of sections 480(d)(1);
16 ''(3) give priority for any institutionally owned
17 or operated housing facilities, including student
18 housing facilities that remain open for occupation
19 during school breaks or on a year-round basis, to—
20 ''(A) homeless individuals described in sec-
21 tion 725 of the McKinney-Vento Homeless As-
22 sistance Act (42 U.S.C. 11434a);
23 ''(B) youth who are unaccompanied, at
24 risk of homelessness, and self-supporting; and
25 ''(C) foster care youth;

"(4) have developed a plan for how such homeless individuals, youth who are unaccompanied, at risk of homelessness, and self-supporting, and foster care youth can access housing resources during and between academic terms, through means that may include access to institutionally owned or operated housing during breaks and a list of housing resources in the community that provide short-term housing; and

"(5) include, in its application for admission, questions (to be answered voluntarily) regarding the applicant's status as a homeless individual or foster care youth, that—

"(A) can be answered by the applicant voluntarily for the limited purpose of being provided information about financial aid or any other available assistance;

"(B) explain the key terms in the question in a manner children and youth can understand in order to self-identify and declare eligibility as a homeless individual or foster care youth; and

"(C) with consent of the applicant, may be shared with the liaison after admission but prior to the beginning of the next academic term.".

(c) ANNUAL FINANCIAL AID COUNSELING.—Section 485(l) of the Higher Education Act of 1965 (20 U.S.C. 1092(l)) is amended to read as follows:

"(l) ANNUAL FINANCIAL AID COUNSELING.—

"(1) ANNUAL DISCLOSURE REQUIRED.—

"(A) IN GENERAL.—Each eligible institution shall ensure that each individual who receives a loan made under part D (other than a Federal Direct Consolidation Loan or a loan made under section 460A and 460B) receives comprehensive information on the terms and conditions of such loan and the responsibilities the individual has with respect to such loan. Such information shall be provided, for each award year for which the individual receives such loan, in a simple and understandable manner—

"(i) during a counseling session conducted in person;

"(ii) online, with the individual acknowledging receipt of the information; or

"(iii) through the use of the online counseling tool described in subsection (n)(1)(B).

"(B) USE OF INTERACTIVE PROGRAMS.—In the case of institutions not using the online counseling tool described in subsection (n)(1)(B), the Secretary shall require such institutions to carry out the requirements of subparagraph (A) through the use of interactive programs, during an annual counseling session that is in-person or online, that tests the individual's understanding of the terms and conditions of the loan awarded to the individual, using simple and understandable language and clear formatting.

"(2) ALL INDIVIDUALS.—The information to be provided under paragraph (1)(A) to each individual receiving counseling under this subsection shall include the following:

"(A) An explanation of how the individual may budget for typical educational expenses and a sample budget based on the cost of attendance for the institution.

"(B) An explanation that an individual has a right to annually request a disclosure of information collected by a consumer reporting agency pursuant to section 612(a) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)).

"(C) An introduction to the financial management resources provided by the Consumer Financial Protection Bureau.

"(3) BORROWERS RECEIVING LOANS MADE UNDER PART D (OTHER THAN PARENT PLUS LOANS).—The information to be provided under paragraph (1)(A) to a borrower of a loan made under part D (other than a Federal Direct PLUS Loan made on behalf of a dependent student) shall include the following:

"(A) A notification that some students may qualify for other financial aid and an explanation that the borrower should consider accepting any grant, scholarship, or State or Federal work-study jobs for which the borrower is eligible prior to accepting student loans.

"(B) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.

"(C) An explanation of the use of the student loan contract referred to in section 432(m)(1)(D).

"(D) An explanation that the borrower is not required to accept the full amount of the loan offered to the borrower.

"(E) An explanation of the approved educational expenses for which the borrower may use a loan made under part D.

"(F) A recommendation to the borrower to exhaust the borrower's Federal student loan options prior to taking out private education loans, an explanation that Federal student loans typically offer better terms and conditions than private education loans, an explanation that Federal student loans offer consumer protections typically not available in the private education loan market, an explanation of treatment of loans made under part D and private education loans in bankruptcy, and an explanation that if a borrower decides to take out a private education loan—

"(i) the borrower has the ability to select a private educational lender of the borrower's choice;

"(ii) the proposed private education loan may impact the borrower's potential eligibility for other financial assistance, in-

1 cluding Federal financial assistance under
2 this title; and
3 ''(iii) the borrower has a right—
4 ''(I) to accept the terms of the
5 private education loan within 30 cal-
6 endar days following the date on
7 which the application for such loan is
8 approved and the borrower receives
9 the required disclosure documents,
10 pursuant to section 128(e) of the
11 Truth in Lending Act (15 U.S.C.
12 1638(e)); and
13 ''(II) to cancel such loan within 3
14 business days of the date on which the
15 loan is consummated, pursuant to sec-
16 tion 128(e)(7) of such Act (15 U.S.C.
17 1638(e)(7)).
18 ''(G) The interest rate for the loan, as of
19 the date of the counseling.
20 ''(H) Information on how interest accrues
21 and is capitalized during periods when the in-
22 terest is not paid by either the borrower or the
23 Secretary.
24 ''(I) In the case of a Federal Direct PLUS
25 Loan or a Federal Direct Unsubsidized Staf-

ford Loan, the option of the borrower to pay the interest while the borrower is in school.

''(J) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining at least half-time enrollment.

''(K) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation.

''(L) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.

''(M) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation.

"(N) Notice of the institution's most recent adjusted cohort default rate (calculated in accordance with section 435(m)(1)(D)), an explanation of the adjusted cohort default rate, the most recent national average adjusted cohort default rate, and the most recent national average adjusted cohort default rate for the category of institution described in section 435(m)(4) to which the institution belongs.

"(O) Information on the National Student Loan Data System and how the borrower can access the borrower's records.

"(P) The contact information for the institution's financial aid office or other appropriate office at the institution the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.

"(Q) For a first-time borrower, in addition to all the information described in subparagraphs (A) through (P)—

"(i) a statement of the anticipated balance on the loan for which the borrower is receiving counseling under this subsection;

1 ''(ii) based on such anticipated bal-
2 ance, the anticipated monthly payment
3 amount under, at minimum—
4 ''(I) the fixed repayment plan de-
5 scribed in section 493E; and
6 ''(II) the income-based repay-
7 ment plan under section 493C(f), as
8 determined using regionally available
9 data from the Bureau of Labor Sta-
10 tistics of the average starting salary
11 for the occupation in which the bor-
12 rower has an interest in or intends to
13 be employed;
14 ''(iii) an estimate of the projected
15 monthly payment amount under each re-
16 payment plan described in clause (ii),
17 based on the average cumulative indebted-
18 ness at graduation for borrowers of loans
19 made under part D who are in the same
20 program of study as the borrower and the
21 expected increase in the cost of attendance
22 of such program; and
23 ''(iv) information on the annual and
24 aggregate loan limits for Federal Direct
25 Stafford Loans and Federal Direct Unsub-

sidized Stafford Loans as it pertains to the loan for which the borrower is receiving counseling, and a statement that such aggregate borrowing limit may change based on the borrower's student status (whether undergraduate or graduate) or if there is a change in the borrower's dependency status.

''(R) For a borrower with an outstanding balance of principal or interest due on a loan made under this title, in addition to all the information described in subparagraphs (A) through (P)—

''(i) information on each student loan that the institution is aware that the student has borrowed, including Federal loans, private loans, and loans from the institution;

''(ii) the total amount of the outstanding balance and interest accrued from the Federal student loans described in clause (i);

''(iii) for each Federal loan described in clause (i), the interest rate for the loan, as of the date of the counseling, and a

statement that the interest rate on student loans may vary based on when the loan was borrowed and other factors;

''(iv) based on such outstanding balance for the Federal student loans, the anticipated monthly payment amount under the fixed repayment plan described in section 493E, the income-based repayment plan under section 493C(f), and any other repayment plan for which each loan may be eligible, calculated using regionally available data from the Bureau of Labor Statistics of the average starting salary for the occupation the borrower intends to be employed;

''(v) an estimate of the projected monthly payment amount under each repayment plan described in clause (iv), based on—

''(I) the outstanding balance described in clause (ii);

''(II) the anticipated outstanding balance on the loan for which the student is receiving counseling under this subsection; and

1 ''(III) a projection for any other
2 loans made under part D that the
3 borrower is reasonably expected to ac-
4 cept during the borrower's program of
5 study based on at least the average
6 cumulative indebtedness at graduation
7 for borrowers of loans made under
8 part D who are in the same program
9 of study as the borrower and the ex-
10 pected increase in the cost of attend-
11 ance of such program;
12 ''(vi) a statement that the outstanding
13 balance described in clause (ii), the interest
14 rate described in clause (iii), and the
15 monthly amount described in clause (iv)
16 and clause (v) does not include any
17 amounts that the student may be required
18 to repay for private or institutional loans;
19 and
20 ''(vii) the percentage of the total ag-
21 gregate borrowing limit that the student
22 has reached, as of the date of the coun-
23 seling, for Federal Direct Stafford Loans
24 and Federal Direct Unsubsidized Stafford
25 Loans, and a statement that such aggre-

gate borrowing limit may change based on the borrower's student status (whether undergraduate or graduate) or if there is a change in the borrower's dependency status.

"(4) BORROWERS RECEIVING PARENT PLUS LOANS FOR DEPENDENT STUDENTS.—The information to be provided under paragraph (1)(A) to a borrower of a Federal Direct PLUS Loan made on behalf of a dependent student shall include the following:

"(A) A notification that some students may qualify for other financial aid and an explanation that the student for whom the borrower is taking out the loan should consider accepting any grant, scholarship, or State or Federal work-study jobs for which the borrower is eligible prior to borrowing Parent PLUS Loans.

"(B) The information described in subparagraphs (B) through (D) and (L) through (O) of paragraph (3).

"(C) The interest rate for the loan, as of the date of the counseling.

"(D) The option of the borrower to pay the interest on the loan while the loan is in deferment.

"(E) Debt management strategies that are designed to facilitate the repayment of such indebtedness.

"(F) An explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans.

"(G) For each Federal Direct PLUS Loan made on behalf of a dependent student for which the borrower is receiving counseling under this subsection, the contact information for the loan servicer of the loan and a link to such servicer's Website.

"(H) For a first-time borrower of such loan—

"(i) a statement of the anticipated balance on the loan for which the borrower is receiving counseling under this subsection;

"(ii) based on such anticipated balance, the anticipated monthly payment amount under the fixed repayment plan

described in section 493E, the income-based repayment plan under section 493C(f), and any other repayment plan for which each loan may be eligible; and

"(iii) an estimate of the projected monthly payment amount under the fixed repayment plan described in section 493E, the income-based repayment plan under section 493C(f), and any other repayment plan for which each loan may be eligible, based on the average cumulative indebtedness of other borrowers of Federal Direct PLUS Loans made on behalf of dependent students who are in the same program of study as the student on whose behalf the borrower borrowed the loan and the expected increase in the cost of attendance of such program.

"(I) For a borrower with an outstanding balance of principal or interest due on such loan—

"(i) a statement of the amount of such outstanding balance;

"(ii) based on such outstanding balance, the anticipated monthly payment

amount under the fixed repayment plan described in section 493E, the income-based repayment plan under section 493C(f), and any other repayment plan for which each loan may be eligible; and

"(iii) an estimate of the projected monthly payment amount under the fixed and income-based repayment plans, based on—

"(I) the anticipated outstanding balance on the loan for which the borrower is receiving counseling under this subsection; and

"(II) a projection for any other Federal Direct PLUS Loan made on behalf of the dependent student that the borrower is reasonably expected to accept during the program of study of such student based on at least the average cumulative indebtedness of other borrowers of Federal Direct PLUS Loans made on behalf of dependent students who are in the same program of study as the student on whose behalf the borrower borrowed

the loan and the expected increase in the cost of attendance of such program.

"(5) ANNUAL LOAN ACCEPTANCE.—Prior to making the first disbursement of a loan made under part D (other than a Federal Direct Consolidation Loan or a loan made under section 460A and 460B) to a borrower for an award year, an eligible institution, shall, as part of carrying out the counseling requirements of this subsection for the loan, ensure that after receiving the applicable counseling under paragraphs (2), (3), and (4) for the loan the borrower accepts the loan for such award year by—

"(A) signing and returning to the institution the student loan contract for the loan referred to in section 432(m)(1)(D) that affirmatively states that the borrower accepts the loan; or

"(B) electronically signing an electronic version of the student loan contract described in subparagraph (A).".

(d) ONLINE COUNSELING TOOLS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092), as amended by this section, is further amended by adding at the end the following:

1 "(n) ONLINE COUNSELING TOOLS.—
2 "(1) IN GENERAL.—Beginning not later than
3 18 months after the date of enactment of the Col-
4 lege Affordability Act, the Secretary shall main-
5 tain—
6 "(A) an online counseling tool that pro-
7 vides the exit counseling required under sub-
8 section (b) and meets the applicable require-
9 ments of this subsection; and
10 "(B) an online counseling tool that pro-
11 vides the annual counseling required under sub-
12 section (l) and meets the applicable require-
13 ments of this subsection.
14 "(2) REQUIREMENTS OF TOOLS.—In developing
15 and maintaining the online counseling tools de-
16 scribed in paragraph (1), the Secretary shall ensure
17 that each such tool is—
18 "(A) consumer tested, in consultation with
19 other relevant Federal agencies and including
20 students (low-income students and student vet-
21 erans, and students' families) and borrowers,
22 institutions of higher education, secondary
23 school and postsecondary counselors, and non-
24 profit consumer groups, to ensure that the tool
25 is effective in helping individuals understand

their options, rights, and obligations with respect to borrowing a loan made under part D; and

"(B) freely available to all eligible institutions.

"(3) RECORD OF COUNSELING COMPLETION.—The Secretary shall—

"(A) use each online counseling tool described in paragraph (1) to keep a record of which individuals have received counseling using the tool, and notify the applicable institutions of the individual's completion of such counseling;

"(B) in the case of a borrower who receives annual counseling for a loan made under part D using the tool described in paragraph (1)(B), notify the borrower by when the borrower should accept, in a manner described in subsection (l)(5), the loan for which the borrower has received such counseling; and

"(C) in the case of a borrower described in subsection (b)(1)(B) at an institution that uses the online counseling tool described in paragraph (1)(A) of this subsection, the Secretary shall attempt to provide the information de-

scribed in subsection (b)(1)(A) to the borrower through such tool.''.

(e) DISCLOSURE OF RELIGIOUS EXEMPTIONS TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092), as amended by this section, is further amended by adding at the end the following:

''(o) DISCLOSURE OF RELIGIOUS EXEMPTIONS TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.—Each institution of higher education participating in any program under this title that requests, receives, or exercises or intends to exercise a religious exemption to the requirements of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) shall submit in writing to the Assistant Secretary for Civil Rights a statement by the highest ranking official of the institution, identifying the provisions of part 106 of title 34 of the Code of Federal Regulations that conflict with a specific tenet of the religious organization and shall publish on its website, in a prominent location, the following:

''(1) REQUEST LETTER.—Each letter submitted by the educational institution to the Department to request such an exemption.

1 ''(2) EXEMPTION LETTER.—Each letter from
2 the Department to the educational institution that
3 grants or denies such an exemption.
4 ''(3) NOTICE OF REQUEST.—Notice that the
5 educational institution has requested an exemption
6 under section 901(a)(3) of the Education Amend-
7 ments of 1972 (20 U.S.C. 1681(a)(3)).
8 ''(4) NOTICE OF EXEMPTION.—If applicable,
9 notice that the educational institution has received
10 an exemption under section 901(a)(3) of the Edu-
11 cation Amendments of 1972 (20 U.S.C. 1681(a)(3)).
12 ''(5) COVERED PERSONAL CHARACTERISTICS OR
13 BEHAVIORS.—A list of the personal characteristics
14 or behaviors to which each requested or granted ex-
15 emption applies.
16 ''(6) COVERED ACTIVITIES OR PROGRAMS.—A
17 list of the activities or programs to which each ex-
18 emption applies.
19 ''(7) STATEMENT OF RIGHTS.—The statement
20 'Students continue to have rights under title IX of
21 the Education Amendments of 1972. Any student
22 who experiences discrimination may contact the Of-
23 fice for Civil Rights at the United States Depart-
24 ment of Education at _____ or _____.',
25 with the first blank space being filled with a link to

the website of the Office for Civil Rights and the second blank space being filled with the telephone number of the Office for Civil Rights.''.

(f) EXPECTANT AND PARENTING STUDENTS POLICIES.—Section 485 of the Higher Education Act of 1965 (20 18 U.S.C. 1092), as amended by this section, is further amended by adding at the end the following:

''(p) EXPECTANT AND PARENTING STUDENTS POLICIES.—Each institution of higher education participating in any program under this title shall develop and make available, including on the institution's website, a statement of policy concerning expectant and parenting students, which shall include, at a minimum—

''(1) the institution's policy regarding leaves of absence related to pregnancy (and related medical conditions), and the birth or adoption of a child, which shall include—

''(A) any policies related to the availability of parental leave;

''(B) options, including time requirements, for making up missed work for students who take a leave of absence; and

''(2) information regarding lactation accommodations available to students;

"(3) a description of the process for requesting accommodations, and the type of accommodations available to expectant and parenting students, including—

"(A) information on accommodations for pregnancy-related medical conditions; and

"(B) information on accommodations for students who have parental responsibilities;

"(4) information regarding financial aid eligibility for expectant and parenting students, including—

"(A) the availability of dependent care allowances for a parenting student for the purposes of determining the student's cost of attendance;

"(B) the ability to change dependency status, including during an award year, following the birth of a child; and

"(C) an explanation of the effect that a leave of absence may have on a student's demonstration of satisfactory academic progress, including for the purposes of eligibility to participate in financial aid programs under this title;

"(5) information on available student support services, programs, and community resources, such

as academic advising, child care (including child care subsidy and assistance programs), housing (including housing subsidies and utility assistance programs), food (including food assistance programs), public benefits, health care, health insurance, mental health, transportation benefits, mentoring, and other services available for expectant and parenting students, both on-campus and in the community, and under local, State, and Federal law;

''(6) information regarding the availability of on-campus housing that permits students to live with dependents;

''(7) information on the rights and protections that are guaranteed to expectant and parenting students under applicable Federal and State laws;

''(8) the institution's procedures for addressing complaints under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), including procedures for reporting complaints under such title;

''(9) the institution's procedures for addressing complaints alleging discrimination based on a pregnancy-related disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) or the Americans with Disabilities Act of 1990 (42

U.S.C. 12101 et seq.), including procedures for reporting complaints under such laws; and

''(10) the contact information for the institution's Office of Accessibility, the institution's Title IX coordinator, and any other relevant staff members who serve as a point of contact for, or offer services available to, expectant and parenting students.''.

SEC. 4613. INFORMATION WITH RESPECT TO CRIME STATISTICS FOR PROGRAMS OF STUDY ABROAD.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended by the preceding sections, is further amended by inserting after section 485E (20 U.S.C. 1092f) the following:

''SEC. 485F. INFORMATION WITH RESPECT TO CRIME STATISTICS FOR PROGRAMS OF STUDY ABROAD.

''(a) IN GENERAL.—Each institution participating in any program under this title, other than a foreign institution of higher education, shall develop and distribute a statement of policy with respect to students participating in a program of study abroad approved for credit by the institution concerning crime and harm that may occur while participating in such program of study abroad that, at a minimum, includes a biennial review by the institution

of the programs of study abroad approved for credit by the institution to determine—

"(1) the effectiveness of the programs at protecting students from crime and harm, and whether changes to the programs are needed (based on the most recent guidance or other assistance from the Secretary) and will be implemented;

"(2) for the 5 years preceding the date of the report, the number (in the aggregate for all programs of study abroad approved for credit by the institution) of—

"(A) deaths of program participants occurring during program participation or during any other activities during the study abroad period;

"(B) sexual assaults against program participants occurring during program participation and reported to the institution;

"(C) accidents and illnesses occurring during program participation that resulted in hospitalization and were reported to the institution; and

"(D) incidents involving program participants during the program participation that re-

sulted in police involvement or a police report and were reported to the institution; and

''(3) with respect to the incidents described in subparagraphs (A) and (B) of paragraph (2), whether the incidents occurred—

''(A) on campus;

''(B) in or on noncampus buildings or property;

''(C) on public property;

''(D) in dormitories or other residential facilities for students on campus; or

''(E) at a location not described in items (A) through (D) of this clause, without regard to whether the institution owns or controls a building or property at the location.

''(b) OTHER DUTIES.—An institution of higher education described in subsection (a) shall—

''(1) provide each student who is interested in participating in a program of study abroad approved for credit by the institution, with an orientation session and advising that includes—

''(A) a list of countries in which such programs of study abroad are located;

''(B) all current travel information, including all travel warnings and travel alerts, issued

by the Bureau of Consular Affairs of the Department of State for such countries; and

"(C) the information described in paragraph (a), provided specifically for each program of study abroad approved for credit by the institution in which the student is considering participation; and

"(2) provide each student who returns from such a program of study abroad with a post-trip debriefing session, including an exit interview that assists the institution in carrying out subsection (a).

"(c) LIMITATIONS.—An institution of higher education shall not disaggregate or otherwise distinguish information for purposes of subsection (a) or (b) in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

"(d) REVIEW.—The Secretary shall periodically review a representative sample of the policies described in subsection (a) that have been adopted by institutions of higher education.

"(e) DEFINITION.—For the purpose of this section, the definitions for 'campus', 'noncampus building or prop-

erty', and 'public property' shall have the same meaning as in section 485(f)(6).''.

SEC. 4614. REMEDIAL EDUCATION GRANTS.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended by the preceding sections, is further amended by inserting after section 486A (20 U.S.C. 1093a) the following:

''SEC. 486B. REMEDIAL EDUCATION GRANTS.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the funds appropriated under subsection (k) (and not reserved under subsection (c)(4)), the Secretary, in consultation with the Director of the Institute of Education Sciences, shall award grants, on a competitive basis, to eligible entities to improve remedial education in higher education.

''(2) DURATION.—A grant under this section shall be awarded for a period of 5 years.

''(3) MINIMUM AWARDS.—The total amount of funds provided under each grant awarded under this section shall not be less than $500,000.

''(b) APPLICATION.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and

accompanied by such information as the Secretary may require, which shall include the following:

"(1) A description of how the eligible entity will use the grant funds to develop or improve a remedial education program that includes evidence-based, effective strategies for providing instruction to ensure that students are prepared for courses at the post-secondary level.

"(2) An assurance that the eligible entity will use more than two measures (such as a student's college entrance examination score, grade point average, high school course list, or a placement examination) to identify students in need of remedial education who may be eligible to participate in the remedial education program developed or improved under the grant.

"(3) A description of how the eligible entity, in developing or improving such a program, will consult with stakeholders, including individuals with expertise in remedial education, students enrolled in remedial education, and faculty instructors for remedial education.

"(4) The eligible entity's plan for sustaining the program after the grant period has ended.

"(5) The eligible entity's plan for monitoring and evaluating the program, including how the eligible entity will use the data collected under subsection (h) to continually update and improve the program.

"(c) CONSULTATION AND INDEPENDENT EVALUATION.—

"(1) IN GENERAL.—Before selecting eligible entities to receive grants under this section for a fiscal year, the Secretary shall—

"(A) ensure that the consultation required under paragraph (3) is carried out; and

"(B) consider the results of the consultation in selecting eligible entities to receive such grants.

"(2) CONTRACT AUTHORITY.—The Secretary, acting through the Director, shall seek to enter into a contract with an independent evaluator under which the evaluator will provide the consultation and evaluation required under paragraph (3).

"(3) CONSULTATION AND INDEPENDENT EVALUATION REQUIRED.—The independent evaluator shall carry out the following activities:

"(A) CONSULTATION.—For each fiscal year of the grant program under this section,

the independent evaluator shall consult with, and provide advice to, the Secretary regarding which eligible entities should receive grants under this section for such fiscal year.

"(B) EVALUATION.—Throughout the duration of the grant program under this section, the independent evaluator shall independently evaluate the impact of the remedial education programs funded with the grants, which shall include evaluation of—

"(i) the effectiveness of the remedial education programs in increasing course and degree completion at the postsecondary level; and

"(ii) the outcomes of the remedial education programs within and among models of remedial education described in subsection (d).

"(4) RESERVATION.—The Secretary may reserve not more than 15 percent of the funds appropriated under subsection (k) for a fiscal year to carry out this subsection for such fiscal year.

"(d) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant to develop

or improve a remedial education program through one or more of the following models:

"(1) ALIGNING COURSE WORK.—Working with a local educational agency or State educational agency that is part of the eligible entity to develop or improve programs that provide alignment between high school coursework and postsecondary education, and that may include—

"(A) assessments in high school to measure student readiness for courses at the postsecondary level; or

"(B) interventions in high school that improve student competencies for courses at the postsecondary level.

"(2) ACCELERATED COURSE WORK.—Redesigning or improving remedial education that—

"(A) allows students to enroll in more than one sequential remedial education course or training in a semester, or the equivalent;

"(B) condenses the time of the remedial education; or

"(C) provides shortened, intensive courses or training to improve competencies of students for courses at the postsecondary level.

"(3) MODULAR INSTRUCTIONAL METHODS.—Developing or improving remedial education that—

"(A) specifically targets the skills that students need to move forward in courses at the postsecondary level; and

"(B) may be used to develop new assessments, redesign courses to provide targeted skill instruction, or provide faculty professional development.

"(4) CO-REQUISITE MODEL.—Developing or improving remedial education programs that allow a student to enroll in remedial education (which may be provided through a modular instructional method) while also enrolled in a course at the postsecondary level.

"(5) SYSTEMIC REFORM TO IMPLEMENT COMPREHENSIVE, INTEGRATED SUPPORT PROGRAMS.—Implementing and improving comprehensive, integrated, evidence-based support programs that—

"(A) enable students enrolled in remedial education to complete a course of study leading to a recognized educational credential within 150 percent of the normal time for completion; and

"(B) may include financial supports, academic tutoring or support, and advising that enable students to find success in remedial education and courses at the postsecondary level.

"(e) CONSIDERATIONS.—In awarding grants under this section, the Secretary, in consultation with the Director, shall—

"(1) ensure—

"(A) a minimum of 30 eligible entities are awarded grants for each 5-year grant period;

"(B) an equitable geographic distribution of such grants, including an equitable distribution between urban and rural areas; and

"(C) that grants are used to develop or improve remedial education programs—

"(i) under each model described in subsection (d) to enable, to the extent practicable, statistical comparisons of the relative effectiveness of the models and the programs within each model; and

"(ii) for a range of types and sizes of institutions of higher education; and

"(2) give preference to eligible entities that primarily serve low-income students.

"(f) FISCAL REQUIREMENTS.—

"(1) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this section shall be used to supplement, not supplant, funds that would otherwise be used to carry out the activities described in this section.

"(2) MATCHING FUNDS.—

"(A) IN GENERAL.—Subject to subparagraph (B), an eligible entity that receives a grant under this section shall provide, from non-Federal sources, an amount equal to 10 percent of the amount of the grant for the cost of activities assisted under the grant.

"(B) EXCEPTIONS.—The requirements of subparagraph (A) shall not apply to—

"(i) Tribal Colleges or Universities; or

"(ii) institutions of higher education located in the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

"(g) EXPERIMENTAL AUTHORITY.—Notwithstanding any other provision of this title, a student may be eligible

to receive loans or grants under this title for up to 2 academic years for enrollment in a remedial education program under this section.

"(h) DATA COLLECTION, REPORTS, EVALUATIONS, AND DISSEMINATION.—

"(1) INFORMATION.—

"(A) STUDENT-LEVEL DATA.—Each eligible entity that receives a grant under this section shall provide to the Director and the Secretary, on an annual basis for each year of the grant period and for 5 years after such grant period, the student-level data with respect to the students who are or were enrolled in a remedial education program funded with the grant. The Director and the Secretary shall share such data with the independent evaluator to enable the evaluator, for each such year, to determine the information described in subparagraph (B) with respect to each such remedial education program.

"(B) AGGREGATE STUDENT DATA.—The independent evaluator shall determine, with respect to each remedial education program for which an eligible entity provides student-level

data under subparagraph (A), the following information:

"(i) The number of students who are or were enrolled in such remedial education program.

"(ii) The cost of such remedial education program.

"(iii) The amount of grant or loan funds under this title awarded to students for enrollment in such remedial education program.

"(iv) The type of remedial education offered under the program.

"(v) The length of time students spend in such remedial education program, as measured by semester, trimester, or clock hours.

"(vi) The number of students who complete such remedial education program.

"(vii) Of the students who complete such remedial education program—

"(I) the number and percentage of such students who later enroll in postsecondary-level courses at an institution of higher education;

"(II) the number and percentage of such students who receive a recognized educational credential from an institution of higher education;

"(III) the average length of time required for a student described in subclause (II) to complete the course of study leading to such credential; and

"(IV) the number and percentage of students described in subclause (II) who complete the course of study leading to such credential within 150 percent of the normal time for completion.

"(C) DISAGGREGATION.—The information determined under subparagraph (B) shall be disaggregated by race, gender, socioeconomic status, Federal Pell Grant eligibility status, status as a first generation college student, veteran or active duty status, and disability status.

"(2) EVALUATION RESULTS.—Not later than six years after the first grant is awarded under this section, the Director, in consultation with the Secretary and using the information determined under

paragraph (1), shall submit to the authorizing committees and make available on a publicly accessible website, a report on the results of the multiyear, rigorous, and independent evaluation of the impact of the remedial education programs carried out by the independent evaluator. The report shall include the results of such evaluation with respect to—

"(A) the effectiveness of the remedial education programs in increasing course and degree completion at the postsecondary level; and

"(B) the outcomes of the remedial education programs within and among models of remedial education described in subsection (d).

"(3) REPORTS AND DISSEMINATION.—

"(A) INITIAL REPORT.—Not later than one year after the first grant is awarded under this section, the Secretary, in consultation with the independent evaluator, shall prepare and submit to the authorizing committees a report on each remedial education program funded under this section.

"(B) SUBSEQUENT REPORT.—Not later than five years after the last grant is awarded under this section, the Secretary, in consultation with the independent evaluator, shall pre-

pare and submit to the authorizing committees a report that includes—

"(i) a review of the activities and program performance of each remedial education program funded under this section; and

"(ii) guidance and recommendations on how successful remedial education programs (as determined, at a minimum, by the number and percentage of remedial education students who later complete a course of study at an institution of higher education within 150 percent of the normal time for completion) can be replicated.

"(C) PUBLIC AVAILABILITY.—The reports submitted under subparagraphs (A) and (B) shall be made available on a publicly accessible website of the Department of Education.

"(i) DATA PRIVACY.—

"(1) IN GENERAL.—It shall be unlawful for any person who obtains or has access to personally identifiable information pursuant to this section to knowingly disclose to any person (except as authorized in this section or any Federal law) such personally identifiable information.

"(2) PENALTY.—Any person who violates paragraph (1) shall be fined under title 18, United States Code.

"(3) OFFICER OR EMPLOYEE OF THE UNITED STATES.—If any officer or employee of the United States violates paragraph (1), the officer or employee shall be dismissed from office or discharged from employment upon conviction for the violation.

"(4) LAW ENFORCEMENT.—Personally identifiable information collected under this section shall not be used for any law enforcement activity or any other activity that would result in adverse action against any student, including debt collection activity or enforcement of the immigration laws.

"(j) DEFINITIONS.—In this section:

"(1) DIRECTOR.—The term 'Director' means the Director of the Institute of Education Sciences.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an institution of higher education; or

"(B) a partnership between an institution of higher education and at least 1 of the following:

"(i) A local educational agency.

"(ii) A State educational agency.

"(3) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given that term in section 402A(h).

"(4) INDEPENDENT EVALUATOR.—The term 'independent evaluator' means the independent evaluator with which the Secretary enters into a contract under subsection (c)(2).

"(5) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101.

"(6) REMEDIAL EDUCATION.—The term 'remedial education'—

"(A) means education (such as courses or training) offered at an institution of higher education that—

"(i) is below the postsecondary level; and

"(ii) is determined by the institution to be necessary to help students be prepared for the pursuit of a first undergraduate baccalaureate degree, associate's degree, or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to uti-

lize already existing knowledge, training, or skills; and

"(B) includes developmental education that meets the requirements of subparagraph (A).

"(7) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given that term in section 316(b).

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $162,500,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.".

SEC. 4615. COMPETENCY-BASED EDUCATION.

(a) IN GENERAL.—Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended by the preceding sections, is further amended by inserting after section 486B (as added by section 4613 of this Act) the following:

"SEC. 486C. COMPETENCY-BASED EDUCATION DEMONSTRATION PROJECTS.

"(a) DEMONSTRATION PROJECTS AUTHORIZED.—The Secretary shall select, in accordance with subsection (d), eligible entities to voluntarily carry out competency-based education demonstration projects for a duration of 5 years and receive waivers or other flexibility described in subsection (e) to carry out such projects.

"(b) APPLICATION.—

"(1) IN GENERAL.—Each eligible entity desiring to carry out a demonstration project under this section shall submit an application to the Secretary, at such time and in such manner as the Secretary may require.

"(2) OUTREACH.—

"(A) IN GENERAL.—The Secretary shall, prior to any deadline to submit applications under paragraph (1), conduct outreach to institutions, including those described in subparagraph (B), to provide those institutions with information on the opportunity to apply to carry out a demonstration project under this section.

"(B) INSTITUTIONS.—The institutions described in this subparagraph are the following:

"(i) Part B institutions (as defined in section 322).

"(ii) Hispanic-serving institutions (as defined in section 502).

"(iii) Tribal Colleges or Universities (as defined in section 316).

"(iv) Alaska Native-serving institutions (as defined in section 317(b)).

"(v) Native Hawaiian-serving institutions (as defined in section 317(b)).

"(vi) Predominantly Black Institutions (as defined in section 318).

"(vii) Asian American and Native American Pacific Islander-serving institutions (as defined in section 320(b)).

"(viii) Native American-serving, non-tribal institutions (as defined in section 319).

"(ix) Institutions predominately serving adult learners.

"(x) Institutions serving students with special needs.

"(xi) Institutions located in rural areas.

"(3) AMENDMENTS.—

"(A) IN GENERAL.—An eligible entity that has been selected to carry out a demonstration project under this section may submit to the Secretary amendments to the eligible entity's approved application under paragraph (1), at such time and in such manner as the Secretary may require, which the Secretary shall approve or deny within 30 days of receipt.

"(B) EXPANDING ENROLLMENT.—Notwithstanding the assurance required with respect to maximum enrollment under paragraph (4)(N)—

"(i) an eligible entity whose demonstration project has been evaluated under subsection (g)(2) not less than twice, may submit to the Secretary an amendment to the eligible entity's application under paragraph (1) to increase enrollment in the project to more than 3,000 students, but not more than 5,000 students, and which shall specify—

"(I) the proposed maximum enrollment and annual enrollment growth for the project;

"(II) how the eligible entity will successfully carry out the project with such maximum enrollment and enrollment growth; and

"(III) any other amendments to the eligible entity's application under paragraph (1) that are related to such maximum enrollment or enrollment growth; and

"(ii) the Secretary shall determine whether to approve or deny an amendment submitted under clause (i) for a demonstration project based on the project's evaluations under subsection (g)(2).

"(4) CONTENTS.—Each application under paragraph (1) shall include—

"(A) a description of each competency-based education program to be offered by the eligible entity under the demonstration project;

"(B) a description of the alignment of the proposed competency-based education program to the institution's mission, and evidence of institutional commitment to such program;

"(C) a description of how each program will work with employers and local industry to assess and incorporate competencies that are relevant in the labor market and how the program aligns with employer needs;

"(D) a description of the proposed academic design, academic and support services, delivery, business, and financial models for the demonstration project, including explanations and supporting documents, including financial statements, and, any revenue-sharing agree-

ments with third-party servicers or online program managers, of how each competency-based education program offered under the demonstration project will—

"(i) result in the achievement of competencies;

"(ii) differ from standard credit hour approaches, in whole or in part;

"(iii) result in lower costs of a certificate or degree; and

"(iv) result in shortened time to completion of a certificate or degree;

"(E) a description of how each competency-based education program offered under the demonstration project will award academic credit to advance the progress of a student toward completion of a certificate or degree that is portable and used by in-demand employers for making employment decisions;

"(F) a description of how each credit-bearing competency-based education program offered under the demonstration project is aligned with a career pathway;

"(G) a description of the meaningful role of the appropriate instructors of the eligible en-

tity in the development, design, implementation, delivery, and evaluation of each such competency-based education program;

''(H) a description of how each such competency-based education program will provide strong post-enrollment job placement, earnings, and loan repayment outcomes;

''(I) a description of how the eligible entity will facilitate transfer, postsecondary study, and employer understanding by articulating a competency-based transcript from a competency-based education program offered under the demonstration project to a credit hour transcript at another program at the eligible entity and to other institutions of higher education;

''(J) a description of the statutory and regulatory requirements described in subsection (e) for which the eligible entity is seeking a waiver or other flexibility, and why such waiver or flexibility is necessary to carry out the demonstration project;

''(K) a description of indicators of a program's effectiveness to inform how a third party will reliably assess student learning for

each competency-based education program offered under the demonstration project;

''(L) a description of how the eligible entity will develop and evaluate the competencies and assessments of student knowledge administered as part of the demonstration project, including whether there is a relationship between the competency unit and a traditional credit or clock hour, the average time it takes to earn a competency, how such competencies and assessments are aligned with workforce needs and any other considerations the institution made when it developed its unit of competency;

''(M) a description of the proposal for determining a student's Federal student aid eligibility under this title for participating in the demonstration project, the award and distribution of such aid, and the safeguards to ensure that students are making satisfactory progress that warrants the disbursement of such aid;

''(N) an assurance that the demonstration project at each eligible entity—

''(i) will enroll a minimum of 25 students and a maximum of 3,000 students or, in the case of an eligible entity with an

application amendment approved under paragraph (3)(B), the maximum enrollment approved under such paragraph;

''(ii) will identify and disseminate best practices with respect to the demonstration project to the Secretary and to other eligible entities carrying out a demonstration project under this section;

''(iii) operates under an agreement with the accrediting agency or association of the eligible entity to establish the standards described in subsection (c); and

''(iv) uses available funds solely for purposes of awarding academic credit to eligible students based on the achievement of competencies and for the related costs or fees of demonstrating the achievement of competencies;

''(O) a description of the population of students to whom competency-based education under the demonstration project will be offered, including demographic information and prior educational experience, disaggregated (as practicable) by students who are Federal Pell Grant recipients, students of color, Native students,

students with disabilities, students who are veterans or members of the Armed Forces, adult learners, and first generation college students, and how such eligible entity will, when appropriate, address the specific needs of each such population of students when carrying out the demonstration project;

''(P) a description of outreach and communication activities to students who may benefit under the demonstration project, including those described in subparagraph (O);

''(Q) a description of how the institution is ensuring that students participating in the demonstration project will not, on average, be eligible for more or less Federal assistance under this title than such students would have been eligible for under a program measured in credit or clock hours;

''(R) the cost of attendance for each competency-based education program offered under the demonstration project, disaggregated by each of the applicable costs or allowances described in paragraphs (1) through (13) of section 472, and the estimated amount of the cost of attendance of each such program to be cov-

ered by need-based grant aid and merit-based grant aid from Federal, State, institutional, and private sources;

"(S) a description of other competency-based education programs the eligible entity offers or plans to offer outside of the demonstration project;

"(T) a description of how the eligible entity will use data to—

"(i) ensure that each competency-based education program under the demonstration project meets the benchmarks established in accordance with subsection (c)(2)(E);

"(ii) confirm relevancy of competencies in the labor market; and

"(iii) improve each such program; and

"(U) other such elements as the Secretary may require.

"(c) RECOGNITION BY ACCREDITING AGENCY OR ASSOCIATION.—Unless a program has already been recognized as a direct assessment program by the accrediting agency or association of the eligible entity, in order to carry out a competency-based education program under a demonstration project under this section, an eligible en-

tity shall include in its application under subsection (b), a letter from the accrediting agency or association of the eligible entity that describes how it will establish and enforce the following standards with respect to such competency-based education program:

"(1) Standards for determining whether the eligible entity or the program requires students to demonstrate competencies that are—

"(A) capable of being validly and reliably assessed; and

"(B) appropriate in scope and rigor for the award of the relevant certificate or degree.

"(2) Standards for determining whether the eligible entity or the program demonstrate—

"(A) the administrative capacity and expertise that will ensure—

"(i) the validity and reliability of assessments of competencies; and

"(ii) good practices in assessment and measurement;

"(B) sufficient educational content, activities, and resources (including faculty support)—

"(i) to enable students to learn or develop what is required to demonstrate or attain mastery of competencies; and

"(ii) that are consistent with the qualifications of graduates of traditional programs;

"(C) that the quality of demonstration of competence is judged at mastery for each competency that is assessed for the award of a certificate or degree;

"(D) a standard for the amount of learning that is included in a unit of competency;

"(E) reasonable, clear, and actionable benchmarks for graduation rates and the employment and earnings of graduates, including job placements in a field for which the program prepares students, debt-to-earnings ratios, loan repayment rates, and student satisfaction;

"(F) regular evaluation of whether the program meets the benchmarks under subparagraph (E), and address what may be the cause with identified interventions; and

"(G) that students may not receive a subsequent disbursement until they have completed

the anticipated number of credits for the payment period.

"(3) Standards for determining when to deny, withdraw, suspend, or terminate the accreditation of the program if the benchmarks under paragraph (2)(E) are not achieved after 4 consecutive title IV payment periods, including standards for providing sufficient opportunity—

"(A) for the eligible entity or program to provide a written response regarding the failure to achieve such benchmarks be considered by the agency or association in the manner described in section 496(a)(6)(B); and

"(B) for the eligible entity or program to appeal any adverse action under this subparagraph before an appeals panel that meets the requirements of section 496(a)(6)(C).

"(d) SELECTION.—

"(1) IN GENERAL.—Not later than 12 months after the date of enactment of the College Affordability Act, the Secretary shall select not more than 100 eligible entities to carry out a demonstration project under this section under which at least 1 competency-based education program is offered at each eligible entity.

"(2) CONSIDERATIONS.—In selecting eligible entities under paragraph (1), the Secretary shall—

"(A) consider the number and quality of applications received;

"(B) consider an eligible entity's—

"(i) ability to successfully execute the demonstration project as described in the eligible entity's application under subsection (b);

"(ii) commitment and ability to effectively finance the demonstration project;

"(iii) ability to provide administrative capability and the expertise to evaluate student progress based on measures other than credit hours or clock hours;

"(iv) history of compliance with the requirements of this Act;

"(v) commitment to work with the Director and the Secretary to evaluate the demonstration project and the impact of the demonstration project under subsection (g)(2);

"(vi) commitment and ability to assess student learning through a third party;

1 ''(vii) commitment of the accrediting
2 agency or association of the eligible entity
3 to establish and enforce the standards de-
4 scribed in subsection (c); and
5 ''(viii) commitment to collaboration
6 with an employer advisory group or spe-
7 cific employers to determine how the dem-
8 onstration project will meet employer
9 needs;
10 ''(C) ensure the selection of a diverse
11 group of eligible entities with respect to size,
12 mission, student population, and geographic
13 distribution;
14 ''(D) not limit the types of programs of
15 study or courses of study approved for partici-
16 pation in a demonstration project; and
17 ''(E) not select an eligible entity—
18 ''(i) that, for 1 of the preceding 2 fis-
19 cal years—
20 ''(I) had an adjusted cohort de-
21 fault rate (defined in section 435(m))
22 that is 20 percent or greater;
23 ''(II) failed to meet the require-
24 ment under section 487(a)(24); or
25 ''(III) was—

"(aa) under probation or an equivalent status from the accrediting agency or association of the eligible entity;

"(bb) under sanction from the authorization agency of the State in which the eligible entity is located; or

"(cc) under public investigation or facing a pending lawsuit from a State or Federal agency;

"(ii) if the Department has concerns with the entity's compliance based on program reviews or audits; or

"(iii) if the eligible entity fails to meet the financial responsibility standards prescribed by the Secretary in accordance with section 498(c) or is placed on a reimbursement payment method by the Secretary.

"(e) WAIVERS AND OTHER FLEXIBILITY.—

"(1) IN GENERAL.—With respect to any eligible entity selected to carry out a demonstration project under this section, the Secretary may—

"(A) waive any requirements of the provisions of law (including any regulations promulgated under such provisions) listed in paragraph (2) for which the eligible entity has provided a reason for waiving under subsection (b)(4)(J); or

"(B) provide other flexibility, but not waive, any requirements of the provisions of law (including any regulations promulgated under such provisions) listed in paragraph (3) for which the eligible entity has provided a reason with which the Secretary agrees for such flexibility under subsection (b)(4)(J).

"(2) PROVISIONS ELIGIBLE FOR WAIVERS.—The Secretary may waive the following under paragraph (1)(A):

"(A) Subparagraphs (A) and (B) of section 102(a)(3).

"(B) Section 484(l)(1).

"(3) PROVISIONS ELIGIBLE FOR FLEXIBILITY.—The Secretary may provide the flexibility described in paragraph (1)(B) with respect to the requirements under provisions in title I, part F of this title, or this part, that inhibit the operation of a

competency-based education program, relating to the following:

"(A) Documenting attendance.

"(B) Weekly academic activity.

"(C) Minimum weeks of instructional time.

"(D) Requirements for credit hour or clock hour equivalencies if an institution proposes a measure clearly defined in its application that accounts for the academic intensity of study.

"(E) Requirements for regular and substantive interaction with the instructor.

"(F) Definitions of the terms 'academic year', 'full-time student', 'part-time student', 'term' (including 'standard term', 'non-term', and 'non-standard term'), 'satisfactory academic progress', 'educational activity', 'program of study', and 'payment period'.

"(G) Methods of disbursing student financial aid by institutions of higher education selected, as of the date of enactment of the College Affordability Act, as experimental sites under section 487A to carry out competency-based education programs.

"(H) Restrictions regarding concurrent student enrollment in Direct Assessment and non-Direct Assessment programs.

"(4) MEASUREMENT OF ACTIVITY OR ACADEMIC WORK.—An institution granted flexibility under paragraph (3) related to requirements for credit hour or clock hour equivalencies shall include a measurement of activity or academic 'work' by students as considered comparable to the standard practice for measuring credit or clock hours for these areas.

"(f) NOTIFICATION.—Not later than 9 months after the date of enactment of the College Affordability Act, the Secretary shall make available to the authorizing committees and the public a list of eligible entities selected to carry out a demonstration project under this section, which shall include for each such eligible entity—

"(1) the specific waiver or other flexibility from statutory or regulatory requirements offered under subsection (e); and

"(2) a description of the competency-based education programs, and its associated accreditation standards, to be offered under the project.

"(g) INFORMATION AND EVALUATION.—

"(1) INFORMATION.—

"(A) STUDENT-LEVEL DATA.—Each eligible entity that carries out a demonstration project under this section shall provide to the Director the student-level data for the students enrolled in a program described in subparagraph (C)(i)(I), the student-level data for the students enrolled in a program described in subparagraph (C)(i)(II), and the student-level data for students enrolled in a program described in subparagraph (C)(i)(III) to enable the Director—

"(i) to determine the aggregate information described in subparagraph (B) with respect to each such program; and

"(ii) to the extent practicable, to compare the programs using a rigorous evaluation, such as propensity score matching.

"(B) AGGREGATE INFORMATION.—For purposes of the evaluation under paragraph (2), the Director shall use the student-level data provided under subparagraph (A) by an eligible entity to determine the following information with respect to each program described in subparagraph (C)(i) offered at such eligible entity:

"(i) The average number of credit hours students earned prior to enrollment in the program, if applicable.

"(ii) The number and percentage of students enrolled in a competency-based education program that are also enrolled in programs of study or courses of study offered in credit hours or clock hours, disaggregated by student status as a first-year, second-year, third-year, fourth-year, or other student.

"(iii) The average period of time between the enrollment of a student in the program and the first assessment of student knowledge of such student.

"(iv) The average time to 25 percent, 50 percent, 75 percent, 100 percent, 150 percent, and 200 percent completion of a certificate or degree.

"(v) The number and percentage of students who begin in a certain cohort and complete a certificate or degree.

"(vi) The number and percentage of students who begin in a certain cohort and

withdraw without completing a certificate or degree.

''(vii) The number and percentage of students who begin in a certain cohort who reach 25 percent, 50 percent, 75 percent, and 100 percent completion of a certificate or degree.

''(viii) The number and percentage of students who begin in a certain cohort who re-enroll in a second period.

''(ix) The median number of competencies completed per period.

''(x) The average number of attempts it takes students to pass all assessments of student knowledge during the period of enrollment in the program.

''(xi) The percentage of summative assessments of student competence that students passed on the first attempt during the period of enrollment in the program.

''(xii) The percentage of summative assessments of student competence that students passed on the second attempt and the average period of time between the

first and second attempts during the period of enrollment in the program.

''(xiii) The average number of competencies a student acquired and demonstrated while enrolled in a program and the period of time during which the student acquired such competencies.

''(xiv) The number and percentage of students completing the program who find employment that lasts not less than 6 months within 6 months of graduation, disaggregated by number and percentage of such students finding employment in a field related to the program.

''(xv) Student job placement rates 1, 2, and 3 years after graduating from the program, if available.

''(xvi) The median student earnings 1, 2, and 3 years after graduating from the program, if available.

''(xvii) The number and percentage of students completing the program who continue their education.

''(xviii) Such other information as the Director may reasonably require.

"(C) DISAGGREGATION.—The information determined under subparagraph (B) shall be disaggregated as follows, provided that the disaggregation of the information does not identify any individual student:

"(i) For each eligible entity that carries out a demonstration project under this section, disaggregation by—

"(I) the students enrolled in each competency-based education program under the project;

"(II) the students enrolled in each competency-based education program not being carried out under the project, if the eligible entity has a competency-based education program not being carried out under the project; and

"(III) the students enrolled in a program not described in subclause (I) or (II).

"(ii) For each group of students described in clause (i), disaggregation by prior postsecondary experience, age group, race, gender, disability status, students

who are Veterans or servicemembers, first generation college students, full-time and part-time enrollment, and status as a recipient of a Federal Pell Grant.

"(D) COUNCIL.—The Director shall provide to the Competency-Based Education Council any information described in subparagraph (A) or (B) (other than personally identifiable information) that may be necessary for the Council to carry out its duties under section 4615(e) of the College Affordability Act.

"(2) EVALUATION.—

"(A) IN GENERAL.—The Director, in consultation with the Secretary and using the information determined under paragraph (1), shall annually evaluate each eligible entity carrying out a demonstration project under this section. Each evaluation shall be disaggregated in accordance with subparagraph (B) and include—

"(i) the extent to which the eligible entity has met the elements of its application under subsection (b)(4);

"(ii) whether the demonstration project led to reduced cost, including as re-

flected by median debt levels, or time to completion of a certificate or degree, and the amount of cost or time reduced for such completion;

''(iii) obstacles related to student financial assistance for competency-based education;

''(iv) the extent to which statutory or regulatory requirements not waived or for which flexibility is not provided under subsection (e) presented difficulties or unintended consequences for students or eligible entities;

''(v) a description of the waivers or flexibility provided under subsection (e) that were most beneficial to students or eligible entities, and an explanation of such benefits;

''(vi) the percentage of students who received each of the following—

''(I) a grant under this title;

''(II) a loan under this title;

''(III) a State grant;

''(IV) a State loan;

''(V) an institutional grant;

1 ''(VI) an institutional loan;
2 ''(VII) a private loan; and
3 ''(VIII) an employer grant or
4 subsidy;
5 ''(vii) median annual total cost and
6 net cost to the student of the program;
7 ''(viii) median total cost and net cost
8 of the credential and associated examina-
9 tion or licensure calculated upon comple-
10 tion;
11 ''(ix) median outstanding balance of
12 principal and interest on loans made under
13 this title that students have upon gradua-
14 tion;
15 ''(x) the median 3-year adjusted co-
16 hort default rate as defined under section
17 435(m);
18 ''(xi) the median 1-year and 3-year re-
19 payment rate of loans made under this
20 title;
21 ''(xii) the median student earnings 1,
22 3, and 4 years after graduation;
23 ''(xiii) a description of the curricular
24 infrastructure, including assessments of

1 student knowledge and the corresponding
2 competencies;
3 ''(xiv) a description of the role of fac-
4 ulty and faculty involvement; and
5 ''(xv) outcomes of the assessments of
6 student competency.
7 ''(B) DISAGGREGATION.—The data col-
8 lected under clauses (vi) through (xii) shall be
9 disaggregated by each group of students de-
10 scribed in paragraph (1)(C).
11 ''(3) ANNUAL REPORT.—The Director, in con-
12 sultation with the Secretary, shall annually provide
13 to the authorizing committees a report on—
14 ''(A) the evaluations required under para-
15 graph (2);
16 ''(B) the number and types of students re-
17 ceiving assistance under this title for com-
18 petency-based education programs offered
19 under projects under this section;
20 ''(C) any proposed statutory or regulatory
21 changes designed to support and enhance the
22 expansion of competency-based education pro-
23 grams, which may be independent of or com-
24 bined with traditional credit hour or clock hour
25 projects;

"(D) the most effective means of delivering competency-based education programs through projects under this section; and

"(E) the appropriate level and distribution methodology of Federal assistance under this title for students enrolled in a competency-based education program.

"(h) COORDINATION.—An eligible entity or the Director shall consult with the Secretary of Education or the Secretary of the Treasury to obtain the employment, earnings, and loan information that may be necessary for purposes of subsection (c)(2)(F) or subsection (g), respectively.

"(i) OVERSIGHT.—In carrying out this section, the Secretary shall, at least twice annually—

"(1) assure compliance of eligible entities with the requirements of this title (other than the provisions of law and regulations that are waived under subsection (e));

"(2) provide technical assistance;

"(3) monitor fluctuations in the student population enrolled in the eligible entities carrying out the demonstration projects under this section;

"(4) consult with appropriate accrediting agencies or associations and appropriate State regulatory

1 authorities for additional ways of improving the de-
2 livery of competency-based education programs; and
3 ''(5) collect and disseminate to eligible entities
4 carrying out a demonstration project under this sec-
5 tion, best practices with respect to such projects.
6 ''(j) DATA PRIVACY.—
7 ''(1) IN GENERAL.—It shall be unlawful for any
8 person who obtains or has access to personally iden-
9 tifiable information pursuant to this section to
10 knowingly disclose to any person (except as author-
11 ized in this section or any Federal law) such person-
12 ally identifiable information.
13 ''(2) PENALTY.—Any person who violates para-
14 graph (1) shall be fined under title 18, United
15 States Code.
16 ''(3) OFFICER OR EMPLOYEE OF THE UNITED
17 STATES.—If any officer or employee of the United
18 States violates paragraph (1), the officer or em-
19 ployee shall be dismissed from office or discharged
20 from employment upon conviction for the violation.
21 ''(4) LAW ENFORCEMENT.—Personally identifi-
22 able information collected under this section shall
23 not be used for any law enforcement activity or any
24 other activity that would result in adverse action

against any student, including debt collection activity or enforcement of the immigration laws.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to the Department to carry out the project under this section.

''(l) DEFINITIONS.—For the purpose of this section:

''(1) CAREER PATHWAY.—The term 'career pathway' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(2) COMPETENCY.—The term 'competency' means the knowledge, skill, and abilities demonstrated for a particular program of study.

''(3) COMPETENCY-BASED EDUCATION PROGRAM.—The term 'competency-based education program' means a postsecondary program that provides competency-based education for which the accrediting agency or association of the institution of higher education offering such program has established or will establish the standards described in subsection (c) and, in accordance with such standards—

''(A) measures academic progress and credential attainment by the assessment of student learning in lieu of, or in addition to, credit or clock hours;

"(B) measures and assesses such academic progress and attainment in terms of a student's mastery of competencies by identifying what students know and the skills mastered through rigorous assessment;

"(C) determines and reports to the Secretary the number of credit or clock hours that would be needed for the attainment of a similar level of knowledge, skills, and characteristics in a standard credit or clock hour program;

"(D) provides the educational content, activities, support, and resources necessary to enable students to develop and attain the competencies that are required to demonstrate mastery of such competencies, including a system for monitoring a student's engagement and progress in each competency, in which faculty are responsible for providing proactive academic assistance, when needed, on the basis of such monitoring;

"(E) upon a student's demonstration or mastery of a set of competencies identified and required by the institution, leads to or results in the awarding of a certificate or degree;

"(F) ensures that funds received under this title may be used only for learning that results from instruction provided or overseen by the institution and not for the portion of the program of which the student has demonstrated mastery prior to enrollment in the program or tests of learning that are not associated with educational activities overseen by the institution;

"(G) is organized in a manner that an institution can determine, based on the method of measurement selected by the institution, and approved by the accreditor as described in subsection (c), what constitutes a full-time, three-quarter time, half-time, and less than half-time workload for the purposes of awarding and administering assistance under this title, or assistance provided under another provision of Federal law to attend an institution of higher education; and

"(H) may use a disaggregated faculty model in which the educational responsibilities for an academic course are divided among a number of individuals, each performing specific tasks essential to instruction, including cur-

riculum design, content delivery, and student assessment.

"(4) DIRECTOR.—The term 'Director' means the Director of the Institute of Education Sciences.

"(5) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(6) ELIGIBLE ENTITY.—The term 'eligible entity' means an institution of higher education, which may be an institution of higher education that offers a dual or concurrent enrollment program.

"(7) FIRST GENERATION COLLEGE STUDENT.—The term 'first generation college student' has the meaning given the term in section 402A(h)(3).

"(8) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102, except that such term does not include institutions described in section 102(a)(1)(C).".

(b) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to alter the authority of the Secretary of Education

to establish experimental sites under any other provision of law.

SEC. 4616. COMPETENCY-BASED EDUCATION COUNCIL.

(a) ESTABLISHMENT OF A COMMITTEE ON COMPETENCY-BASED EDUCATION.—Not later than 6 months after the date of enactment of this Act, there shall be established the Competency-Based Education Council (referred to in this section as the ''Council'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) 3 individuals appointed by the Secretary of Education;

(B) 2 individuals appointed by the Director of the Bureau of Consumer Financial Protection;

(C) not less than 8 and not more than 13 individuals appointed by the Comptroller General of the United States, representing—

(i) experts in competency-based education;

(ii) faculty members in competency-based education programs;

(iii) faculty members in non-competency based education programs;

(iv) administrators at institutions that offer competency-based education programs;

(v) individuals currently enrolled in or graduated from a competency-based education program;

(vi) accrediting agencies or associations that recognize competency-based education programs;

(vii) experts from State educational agencies; and

(viii) business and industry representatives; and

(D) 4 members appointed by—

(i) the Majority Leader of the Senate;

(ii) the Minority Leader of the Senate;

(iii) the Speaker of the House of Representatives; and

(iv) the Minority Leader of the House of Representatives.

(2) CHAIRPERSON.—The Council shall select a Chairperson from among its members.

(3) VACANCIES.—Any vacancy in the Council shall not affect the powers of the Council and shall

be filled in the same manner as an initial appointment.

(c) MEETINGS.—The Council shall hold, at the call of the Chairperson, not less than 6 meetings before completing the study required under subsection (e) and the report required under subsection (f).

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Council shall serve without compensation in addition to any such compensation received for the member's service as an officer or employee of the United States, if applicable.

(2) TRAVEL EXPENSES.—The members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(e) DUTIES OF THE COUNCIL.—

(1) STUDY.—The Council shall conduct a study on the ongoing innovation and development of competency-based education programs.

(2) RECOMMENDATIONS.—Based on the findings of the study under paragraph (1), and the an-

nual evaluations of the demonstration projects under section 486C of the Higher Education Act of 1965, as added by section 4613 of this Act, the Council shall develop recommendations for the authorization of competency-based education under the Higher Education Act of 1965, including recommendations that—

(A) provide or update standard definitions, if needed, for relevant terms, including—

(i) competency-based education;

(ii) competency-based education program including quality indicators, that include appropriate student outcome metrics, for such programs; and

(iii) any other relevant definitions agreed upon; and

(B) address—

(i) the amount of learning in a competency unit;

(ii) the transfer of competency-based education credits to other institutions or programs;

(iii) the minimum amount of time in an academic year for competency-based

education programs, for financial aid purposes;

(iv) considerations for accreditation agencies before recognizing competency-based education programs;

(v) address the role of faculty and faculty involvement in competency-based education programs;

(vi) additional resources that may be needed for adequate oversight of competency-based education programs; and

(vii) the responsiveness of competencies to the labor market and employers.

(f) REPORTS.—

(1) INTERIM REPORTS.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter until the final report is submitted under paragraph (2), the Council shall prepare and submit to the Secretary of Education and Congress, and make available to the public, a report that provides ongoing feedback to the annual evaluations of the demonstration projects under section 486C(g)(2) of the Higher Education Act of 1965, as added by section 4613 of this Act, including a discussion of

implementation challenges programs face, and the items listed in subsection (e)(2)(B).

(2) FINAL REPORT.—Not later than 6 years after the date of enactment of this Act, the Council shall prepare and submit to the Secretary of Education and Congress, and make available to the public, a report containing the findings of the study under subsection (e)(1) and the recommendations developed under subsection (e)(2).

SEC. 4617. WRITTEN ARRANGEMENTS TO PROVIDE EDUCATIONAL PROGRAMS.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 486C (as added by section 4614 of this Act) the following:

"SEC. 486D. WRITTEN ARRANGEMENTS TO PROVIDE EDUCATIONAL PROGRAMS.

"(a) WRITTEN ARRANGEMENTS BETWEEN ELIGIBLE INSTITUTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an eligible institution enters into a written arrangement with another eligible institution, or with a consortium of eligible institutions, under which the other eligible institution or consortium provides part of the educational program to

students enrolled in the first institution, the Secretary shall consider that educational program to be an eligible program if the educational program offered by the institution that grants the degree or certificate otherwise satisfies the requirements for eligibility under this title.

"(2) COMMON OWNERSHIP OR CONTROL.—If the written arrangement described in paragraph (1) is between two or more eligible institutions that are owned or controlled by the same individual, partnership, or corporation, the Secretary shall consider the educational program to be an eligible program if—

"(A) the educational program offered by the institution that grants the degree or certificate otherwise satisfies the requirements for eligibility under this title; and

"(B) the institution that grants the degree or certificate provides more than 50 percent of the educational program.

"(b) WRITTEN ARRANGEMENTS FOR STUDY-ABROAD.—Under a study abroad program, if an eligible institution enters into a written arrangement under which an institution in another country, or an organization acting on behalf of an institution in another country, provides part of the educational program of students enrolled in

the eligible institution, the Secretary considers that educational program to be an eligible program if it otherwise satisfies the requirements of paragraphs (1) through (3) of subsection (c).

"(c) WRITTEN ARRANGEMENTS BETWEEN AN ELIGIBLE INSTITUTION AND AN INELIGIBLE INSTITUTION OR ORGANIZATION.—If an eligible institution enters into a written arrangement with an institution or organization that is not an eligible institution under which the ineligible institution or organization provides part of the educational program of students enrolled in the eligible institution, the Secretary shall consider that educational program to be an eligible program if—

"(1) the ineligible institution or organization has not—

"(A) had its eligibility to participate in the programs under this title terminated by the Secretary;

"(B) voluntarily withdrawn from participation programs under this title under a termination, show-cause, suspension, or similar type proceeding initiated by the institution's State licensing agency, accrediting agency, guarantor, or by the Secretary;

"(C) had its certification to participate in programs under this title revoked by the Secretary;

"(D) had its application for re-certification to participate in programs under this title denied by the Secretary; or

"(E) had its application for certification to participate in programs under this title denied by the Secretary;

"(2) the ineligible institution or organization does not have any role in the admission of students into the educational program;

"(3) the educational program offered by the institution that grants the degree or certificate otherwise satisfies the requirements for eligibility under this title; and

"(4)(A) the ineligible institution or organization provides 25 percent or less of the educational program; or

"(B)(i) the ineligible institution or organization provides more than 25 percent but less than 50 percent of the educational program;

"(ii) the eligible institution and the ineligible institution or organization are not owned or controlled by the same individual, partnership, or corporation;

"(iii) the eligible institution's accrediting agency, or if the institution is a public postsecondary vocational educational institution, the State agency determined by the Secretary to be a reliable authority as to the quality of public postsecondary vocational education pursuant to section 487(c)(4), has specifically determined that the institution's arrangement meets the agency's standards for the contracting out of educational services; and

"(iv) the eligible institution provides to the Secretary the institution's expenditures on instruction, student services, marketing, recruitment, advertising, and lobbying made available under section 132(i)(1)(AA) with respect to the portion of the educational program covered by the written arrangement.

"(d) ADMINISTRATION OF TITLE IV PROGRAMS.—

"(1) IN GENERAL.—If an institution enters into a written arrangement as described in subsection (a), subsection (b), or subsection (c), except as provided in paragraph (2), the institution at which the student is enrolled as a regular student shall determine the student's eligibility for funds under this title, and shall calculate and disburse those funds to that student.

"(2) SPECIAL RULE FOR ARRANGEMENTS BETWEEN ELIGIBLE INSTITUTIONS.—In the case of a written arrangement between eligible institutions, the institutions may agree in writing to have any eligible institution in the written arrangement calculate and disburse funds under this title to the student and the Secretary shall not consider that institution to be a third party servicer for that arrangement.

"(3) CALCULATION AND DISBURSEMENT.—The institution that calculates and disburses a student's funds under paragraph (1) or paragraph (2) must—

"(A) take into account all the hours in which the student enrolls at each institution that apply to the student's degree or certificate when determining the student's enrollment status and cost of attendance; and

"(B) maintain all records regarding the student's eligibility for and receipt of funds under this title.

"(e) INFORMATION MADE AVAILABLE TO STUDENTS.—If an institution enters into a written arrangement described in subsection (a), subsection (b), or subsection (c), the institution shall provide directly to enrolled and prospective students, and make available on a publicly accessible website of the institution, a description of writ-

ten arrangements the institution has entered into in accordance with this section, including information on—

"(1) the portion of the educational program that the institution that grants the degree or certificate is not providing;

"(2) the name and location of the other institutions or organizations that are providing the portion of the educational program that the institution that grants the degree or certificate is not providing;

"(3) the method of delivery of the portion of the educational program that the institution that grants the degree or certificate is not providing; and

"(4) estimated additional costs students may incur as the result of enrolling in an educational program that is provided, in part, under the written arrangement.".

SEC. 4618. IMPROVEMENTS TO PROGRAM PARTICIPATION AGREEMENTS.

(a) ALCOHOL AND SUBSTANCE MISUSE PREVENTION.—Section 487(a)(10) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(10)) is amended by striking "a drug abuse prevention program" and inserting "an alcohol and substance misuse prevention program in accordance with section 120".

(b) ADJUSTED COHORT DEFAULT RATE.—Section 487(a)(14) of the Higher Education Act of 1965 is amended by adding at the end the following:

"(D) Beginning on the date on which the final adjusted cohort default rates are published by the Secretary for fiscal year 2018 under section 435(m), subparagraph (C) shall be applied by substituting 'adjusted cohort default rate in excess of 5 percent' for 'cohort default rate in excess of 10 percent' each place it appears.".

(c) POSTSECONDARY DATA.—Paragraph (17) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended to read as follows:

"(17) The institution of higher education (or the assigned agent of such institution) shall collect and submit data to the Commissioner for Education Statistics in a timely manner in accordance with—

"(A) section 132(l);

"(B) nonstudent-related surveys within the Integrated Postsecondary Education Data System (IPEDS); and

"(C) any other Federal postsecondary data collection effort.".

(d) ACCESS TO HOUSING FOR FOSTER YOUTH.—Section 487(a)(19) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(19)) is amended—

(1) by striking ''The institution will not'' and inserting the following: ''The institution—

''(A) will not'';

(2) by inserting ''housing facilities,'' after ''libraries,'';

(3) by striking ''institution.'' and inserting ''institution; and''; and

(4) by adding at the end the following:

''(B) will provide a means for students to access institutionally owned or operated housing if a student is temporarily unable to meet financial obligations related to housing, including deposits, due to delayed disbursement of vouchers for education and training made available under section 477 of part E of title IV of the Social Security Act or delays attributable to the institution.''.

(e) DISTRIBUTION OF VOTER REGISTRATION FORMS.—

Section 487(a)(23)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(23)(A)) is amended by striking '', if located in a state to which section

(4)(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) does not apply,''.

(f) PROPRIETARY INSTITUTIONS.—Section 487(a)(24) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(24)) is amended by striking ''not less than ten percent of such institution's revenues from sources other than funds provided under this title'' and inserting ''not less than 15 percent of such institution's revenues from sources other than Federal education assistance funds''.

(g) WRITTEN ARRANGEMENTS WITH OTHER INSTITUTIONS.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

''(30) In the case of an institution that enters into a written arrangement with an organization or another institution to provide part of an educational program, the institution will comply with the applicable requirements of section 486D.''.

SEC. 4619. COMPLIANCE WITH THE CIVIL RIGHTS ACT OF 1964.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), as amended by the preceding sections, is further amended by adding at the end the following:

1 ''(31) The institution will—
2 ''(A) designate at least one employee to co-
3 ordinate compliance with title VI of the Civil
4 Rights Act of 1964 (42 U.S.C. 2000d et seq.),
5 including any investigation of any complaint al-
6 leging—
7 ''(i) noncompliance with such title;
8 and
9 ''(ii) any actions prohibited by such
10 title;
11 ''(B) annually submit a report to the Sec-
12 retary that includes all complaints described in
13 subparagraph (A) with respect to such institu-
14 tion;
15 ''(C) make the report under subparagraph
16 (B) publicly available on the internet website of
17 the institution; and
18 ''(D) notify students and employees of—
19 ''(i) the name, office address, and
20 telephone number of each employee des-
21 ignated under subparagraph (A);
22 ''(ii) the report under subparagraph
23 (B);
24 ''(iii) the enforcement policies of the
25 institution with respect to such title; and

"(iv) the procedure for reporting and investigating complaints under such title.".

SEC. 4620. SUBMISSION OF DATA WITH RESPECT TO STUDENTS WITH DISABILITIES.

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), as amended by the preceding sections, is further amended by adding at the end the following:

"(32) The institution will submit, for inclusion in the postsecondary student data system established under section 132(l), the Integrated Postsecondary Education Data System of the Department, or any other Federal postsecondary institution data collection effort, key data related to undergraduate and graduate students enrolled at the institution who are formally registered as students with disabilities with the institution's office of accessibility, including the total number of students with disabilities enrolled, the number of students accessing or receiving accommodation, the percentage of students with disabilities of all undergraduate students, and the total number of undergraduate certificates or degrees awarded to students with disabilities. An institution shall not be required to submit the information described in the preceding sentence if the number of

such students would reveal personally identifiable information about an individual student.''.

SEC. 4621. EDUCATION PROGRAM ON HAZING.

(a) EDUCATIONAL PROGRAM ON HAZING.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), as amended by the preceding sections, is further amended by adding at the end the following:

''(33) The institution will provide students with an educational program on hazing (as that term is defined in section 485(f)(6)(A)(vii)), which shall include information on hazing awareness, hazing prevention, and the institution's policies on hazing.''.

SEC. 4622. CHANGES TO PROGRAM PARTICIPATION AGREEMENTS TO STRENGTHEN CONSUMER PROTECTIONS.

(a) PROHIBITION ON LOSS OF ACCESS TO TRANSCRIPTS FOR LOAN DEFAULT.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is further amended by adding at the end the following:

''(34)(A) The institution will not prohibit a student from accessing the student's transcripts, degree scrolls, or other certifications of coursework or educational attainments at the institution because the student is in default on the repayment of a loan made, insured, or guaranteed under this title.

"(B) For purposes of this paragraph, the term 'student' includes former students.".

(b) PROHIBITION ON LIMITATIONS ON ABILITY OF STUDENTS TO PURSUE CLAIMS AGAINST CERTAIN INSTITUTIONS OF HIGHER EDUCATION.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is further amended by adding at the end the following:

"(35) No agreement between the institution and any student will contain any limitation or restriction (including a limitation or restriction on any available choice of applicable law, a jury trial, or venue) on the ability of the student to pursue a claim, individually or with others, against an institution in court.".

SEC. 4623. MISREPRESENTATION AND SUBSTANTIAL MISREPRESENTATION DEFINED.

Section 487(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1094(c)(3)) is amended—

(1) in subparagraph (B)(i)(II), by striking "$25,000" and inserting "$60,000"; and

(2) by adding at the end the following:

"(C) In this paragraph:

"(i) The term 'misleading' means having the likelihood or tendency to mislead under the circumstances.

"(ii) The term 'misrepresentation'—

"(I) means any false, erroneous, or misleading statement an institution, one of its representatives, or a third-party servicer (as defined in section 481(c)) makes directly or indirectly to a student, prospective student or any member of the public, or an accrediting agency, a State agency, or to the Secretary; and

"(II) includes any statement that omits information in such a way as to make the statement false, erroneous, or misleading.

"(iii) The term 'statement' means any communication made in writing, visually, orally, or through other means.

"(iv) The term 'substantial misrepresentation' means any misrepresentation on which the person to whom such misrepresentation was made could reasonably be expected to rely, or has reasonably relied, to that person's detriment.".

SEC. 4624. TEACH-OUT PLANS.

Section 487(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1094(f)(2)) is amended to read as follows:

"(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term 'teach-out plan' means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study that—

"(A) shall include—

"(i) a process to maintain a complete list of such students and the estimated date of completion of each such student's program of study; and

"(ii) a record retention plan that includes—

"(I) a plan to provide each student with the transcript of such student, at no cost to such student; and

"(II) the policies and procedures required under subparagraphs (B) and (C) of section 495(a)(6).

"(B) may include—

"(i) if required by the institution's accrediting agency or association, an agree-

ment between institutions for such a teach-out plan; and

"(ii) such other information as the Secretary may require.".

SEC. 4625. EXPERIMENTAL PROGRAMS.

Section 487A of the Higher Education Act of 1965 (20 U.S.C. 1094a) is amended to read as follows:

"SEC. 487A. EXPERIMENTATION WITH STATUTORY AND REGULATORY FLEXIBILITY.

"(a) EXPERIMENTAL SITES.—The Secretary is authorized to periodically select a limited number of institutions for voluntary participation as experimental sites to test the effectiveness of approaches to statutory and regulatory flexibility that—

"(1) to the extent appropriate, may lead to a reduction of regulatory burden on institutions of higher education or the Department of Education, except that the Secretary shall not waive any requirement of this title for any institution participating as an experimental site that would reduce the protections or the information provided to a student under this Act; and

"(2) aim to increase student success, as determined in accordance with subsection (g).

"(b) CONTINUING AND DISCONTINUING EXPERIMENTS AND EXPERIMENTAL SITES.—The Secretary may continue any experiment or the voluntary participation of any experimental site in existence as of the date of enactment of the College Affordability Act, unless the Secretary determines that such experiment or site has not been successful in increasing student success as determined in accordance with subsection (g). Any experiment or experimental site approved by the Secretary prior to the date of enactment of the College Affordability Act that has not been successful in increasing student success shall be discontinued before the first day of the first ward year beginning after such date.

"(c) WAIVERS.—The Secretary is authorized to waive, for any institution participating as an experimental site under subsection (a), any requirements in this title, including requirements related to the award process and disbursement of student financial aid (such as innovative delivery systems for modular or compressed courses, or other innovative systems), verification of student financial aid application data, entrance and exit interviews, or other management procedures or processes as determined in the negotiated rulemaking process under section 492, or regulations prescribed under this title, that will bias the results of the experiment, except that the Secretary shall not

1 waive any provisions with respect to award rules (other
2 than an award rule related to an experiment in modular
3 or compressed schedules), grant and loan maximum award
4 amounts, and need analysis requirements unless the waiv-
5 er of such provisions is authorized by another provision
6 under this title.

7 ''(d) EVALUATION PLAN REQUIRED.—Before noti-
8 fying institutions of the intent of the Secretary to carry
9 out an experiment under this section, the Secretary, in
10 consultation with the Director of the Institute of Edu-
11 cation Sciences, shall develop an evaluation plan for the
12 experiment. The evaluation plan shall include the fol-
13 lowing:

14 ''(1) Identification of the methodology to be
15 used for collecting data on the experiment which
16 shall include, to the extent practicable, a method-
17 ology that allows for the disaggregation of data by
18 age, race, gender, disability status, status as a vet-
19 eran or member of the Armed Forces, status as a
20 first generation college student, and status as a re-
21 cipient of a Federal Pell Grant under section 401.

22 ''(2) Identification of the rigorous evaluation
23 methods to be used for determining the impact of
24 the experiment, which shall include, to the extent
25 practicable—

"(A) a randomized controlled design; and

"(B) an assessment of whether the experiment has a differential impact on any group described in paragraph (1).

"(3) A schedule for conducting the experiment in accordance with the duration limit specified in subsection (f).

"(4) An estimate of the cost of conducting the experiment, to the extent practicable.

"(5) An estimate of the size of the study sample (such as the number of participating students or institutions) needed to determine if the experiment has statistically significant effects.

"(e) LIMITATION PENDING NOTICE TO CONGRESS.—

"(1) LIMITATION.—The Secretary may not carry out an experiment at an experimental site under this section until a period of 60 days has elapsed following the date on which the Secretary submits to the authorizing committees the notice described in paragraph (2).

"(2) NOTICE TO CONGRESS.—The notice described in this paragraph is a written notice that includes—

"(A) a description of the experiment proposed to be carried out by the Secretary, including the rationale for the proposed experiment;

"(B) the policy-relevant questions the Secretary intends to evaluate through the experiment and an explanation of how the design of the experiment will allow the Secretary to best answer those questions;

"(C) a list of the specific statutory and regulatory requirements that the Secretary intends to waive with respect to an institution participating as an experimental site and the legal authority for such waivers;

"(D) an explanation of how the statutory and regulatory flexibility provided to an institution participating as an experimental site is expected to increase student success, as required under subsection (a); and

"(E) a copy of the evaluation plan developed under subsection (d).

"(f) DURATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the duration of an experiment under this section shall not exceed a period of four years beginning with the first award year for which Federal fi-

nancial aid is disbursed to students participating in the experiment.

"(2) EXTENSION.—The Secretary may extend an experiment for up to two years beyond the four-year period specified in paragraph (1) on a case-by-case basis.

"(g) DETERMINATION OF SUCCESS.—For the purposes of subsection (a), the Secretary shall make a determination of success regarding an institution's participation as an experimental site based on—

"(1) whether, and to what extent, student outcomes improve as a direct result of the experiment;

"(2) whether the experimental site improves the delivery of services to, or otherwise benefitted, students; and

"(3) the extent to which the experiment reduces administrative burdens on institutions participating as experimental sites, as documented in the Secretary's annual report under subsection (h)(3), without harming students.

"(h) OUTCOMES REPORTING.—

"(1) DATA SUBMISSION.—Each institution participating as an experimental site shall submit to the Secretary, on a periodic basis to be determined by

the Secretary, data on outcomes relating to the experiment carried out at the site.

"(2) REVIEW AND EVALUATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall review and rigorously evaluate the activities of each institution participating as an experimental site.

"(B) EVALUATION METHODOLOGY.—To the extent practicable, the evaluation under subparagraph (A) shall be based on data collected in accordance with the data collection methodology specified in the evaluation plan for the experiment under subsection (d)(1).

"(3) ANNUAL REPORT.—On an annual basis, the Secretary shall submit to the authorizing committees a report based on the review and evaluation carried out under paragraph (2). Each report shall include, with respect to each experiment carried out by the Secretary during the period covered by the report, the following:

"(A) A summary of the status of the experiment.

"(B) A list identifying each institution participating as an experimental site.

"(C) The specific statutory or regulatory waivers granted to each institution participating as an experimental site.

"(D) In a case in which data on the experiment is not collected in accordance with the methodology specified in the evaluation plan under subsection (d)(1)—

"(i) the reasons that such methodology was not used to collect data on the experiment; and

"(ii) a description of the alternative data collection methodology used for the experiment.

"(E) An evaluation of the quality of data yielded by the experiment.

"(F) A summary and analysis of the findings, to date, of the experiment.

"(G) An assessment of whether the experiment has had a differential impact on any group listed in subsection (d)(1).

"(H) An explanation of any current or foreseen barriers to conducting the experiment.

"(I) In the case of an experiment for which the Secretary determines there is sufficient value in continuing the experiment past the du-

ration limit specified in subsection (f)(1), adequate documentation to justify such continuation.

"(4) FINAL REPORT.—Not later than 180 days after the conclusion of each experiment, the Secretary shall submit to the authorizing committees a report that includes the following:

"(A) A summary of the data yielded by the experiment, including, to the extent practicable, data on the results of the experiment disaggregated by age, race, gender, disability status, status as a veteran or member of the Armed Forces, status as a first generation college student, and status as a recipient of a Federal Pell Grant under section 401.

"(B) The conclusions reached regarding each experiment conducted.

"(C) Recommendations, based on the results of the experiment—

"(i) to improve and streamline relevant statutes, including this Act; and

"(ii) for improvements to relevant regulations.

"(D) An explanation of any changes to regulations that the Secretary intends to make as a result of the experiment.

"(5) PUBLIC AVAILABILITY.—Each report submitted under paragraphs (3) and (4) shall be made available on a publicly accessible website of the Department of Education.

"(i) FAST-TRACK PROCESS TO COMPLY WITH INFORMATION COLLECTION REQUIREMENTS.—The requirements of section 3507 of title 44, United States Code, shall not apply to the collection of information by the Department of Education on experiments carried out in accordance with this section.".

SEC. 4626. ADMINISTRATIVE EXPENSES.

Section 489(a) of the Higher Education Act of 1965 (20 U.S.C. 1096(a)) is amended—

(1) in the second sentence, by striking "or under part E of this title"; and

(2) in the third sentence—

(A) by inserting "and" after "subpart 3 of part A,"; and

(B) by striking "compensation of students," and all that follows through the period and inserting "compensation of students.".

SEC. 4627. REGIONAL MEETINGS AND NEGOTIATED RULEMAKING.

Section 492 of the Higher Education Act (20 U.S.C. 1098a) is amended—

(1) in subsection (a)(1), by striking ''students, institutions of higher education, State student grant agencies, guaranty agencies, lenders, secondary markets, loan servicers, guaranty agency servicers, and collection agencies'' and inserting ''students and borrowers, consumer representatives, institutions of higher education, and contractors responsible for carrying out student financial assistance programs under this title''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''both representatives of such groups from Washington, D.C., and industry participants'' and inserting ''representatives that are broadly representative of constituencies in different sectors and geographic locations''; and

(B) by adding at the end the following:

''(3) NEGOTIATED RULEMAKING PROCESS.—In carrying out a negotiated rulemaking process required under this section, the Secretary shall—

"(A) to the extent practicable, comply with requests from the participants in such negotiated rulemaking process for data;

"(B) make publicly available issue papers and the proposed regulations described in paragraph (1) in a timely manner that allows for public review;

"(C) make video recordings of each negotiated rulemaking session publicly available through simultaneous transmission;

"(D) archive the video recordings described in subparagraph (C) in a publicly available manner; and

"(E) make publicly available the transcripts of each such negotiated rulemaking session.".

SEC. 4628. INCOME-BASED REPAYMENT PLAN.

(a) OPTIONS TO ENTER INTO THE NEW FIXED REPAYMENT PLAN AND INCOME-BASED REPAYMENT PLAN.—Section 493C(b) of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended—

(1) in paragraph (7)(B)—

(A) by striking "or" at the end of clause (iv); and

(B) by adding at the end the following:

"(vi) has made payments under the income-based repayment plan under section 493C(f); or

"(vii) has made payments under the fixed repayment plan described in section 493E;";

(2) by amending paragraph (8) to read as follows:

"(8) a borrower who is repaying a loan made under part B or D pursuant to income-based repayment may elect, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the income-based repayment plan under section 493C(f) or the fixed repayment plan described in section 493E;";

(3) in paragraph (9), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(10) a borrower who is repaying a loan made, insured, or guaranteed under part B or D pursuant to this section may repay such loan in full at any time without penalty.".

(b) AUTOMATIC RECERTIFICATION OF INCOME FOR INCOME-DRIVEN REPAYMENT PLANS.—Section 493C(c)

of the Higher Education Act of 1965 (20 U.S.C. 1098e(c)) is amended—

(1) by striking ''The Secretary shall establish'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall establish'';

(2) by striking ''The Secretary shall consider'' and inserting the following:

''(2) PROCEDURES FOR ELIGIBILITY.—The Secretary shall—

''(A) consider''; and

(3) by striking ''428C(b)(1)(E).'' and inserting the following: ''428C(b)(1)(E); and

''(B) beginning as soon as the Secretary determines practicable after the Secretary finalizes the procedures required under section 9004 of the College Affordability Act, but not later than 2 years after the date of enactment of such Act, carry out, with respect to borrowers of any covered loan (as defined in section 455(d)(10)), including such borrowers who select, or for whom the Secretary selects under paragraph (8)(C) or (9)(C) of subsection (d), or section 428(m)(1), the income-based repayment plan under subsection (f), procedures for in-

come-based repayment plans under this section that are equivalent to the procedures carried out under section 455(e)(9) with respect to income contingent repayment plans.''.

(c) INCOME-BASED REPAYMENT.—Section 493C of the Higher Education Act of 1965 (20 U.S.C. 1098e) is amended by adding at the end the following:

''(f) INCOME-BASED REPAYMENT FOR NEW LOANS ON AND AFTER JULY 1, 2021, AND FOR BORROWERS WHO ENTER INCOME-BASED REPAYMENT AFTER JUNE 30, 2021.—

''(1) IN GENERAL.—The income-based repayment plan under this subsection shall be carried out in accordance with this section, except as otherwise specified in this subsection—

''(A) with respect to any loan made under part D on or after July 1, 2021, if such borrower elects such income-based repayment plan for the loan; and

''(B) with respect to any loan made, insured, or guaranteed under part B or D on or before June 30, 2021, if such borrower elects to repay the loan under such income-based repayment plan on or after July 1, 2021.

"(2) SPECIAL TERMS.—Notwithstanding any other provision of this section, with respect to a loan described under paragraph (1), the following terms shall apply to the income-based repayment plan under this subsection:

"(A)(i) Notwithstanding subsection (a)(3)(B), the repayment amount under this subsection shall be an amount equal to 10 percent of the result obtained by calculating, on at least an annual basis, the amount by which the adjusted gross income of the borrower (subject to clause (ii)) exceeds the applicable percentage of the poverty line in accordance with clause (iii).

"(ii)(I) Subject to subclause (II), in the case of a married borrower (regardless of tax filing status), clause (i) shall be applied by substituting 'the adjusted gross income of the borrower and the borrower's spouse' for 'the adjusted gross income of the borrower'.

"(II) Subclause (I) shall not be applicable to any borrower who is married and who certifies to the Secretary through a form approved by the Secretary that the borrower is—

1 ''(aa) separated from the spouse of
2 the borrower; or
3 ''(bb) unable to reasonably access the
4 income information the spouse of such bor-
5 rower.
6 ''(iii) For purposes of clause (i), the term
7 'applicable percentage' means 250 percent of
8 the poverty line applicable to the borrower's
9 family size (as determined under section 673(2)
10 of the Community Services Block Grant Act
11 (42 U.S.C. 9902(2)))—
12 ''(I) reduced by 10 percentage points
13 for each $1,000 by which the borrower's
14 adjusted gross income (in the case of a sin-
15 gle borrower) exceeds $80,000; and
16 ''(II) reduced by 10 percentage points
17 for each $2,000 by which the borrower's
18 adjusted gross income (in the case of a
19 married borrower (regardless of filing sta-
20 tus)), exceeds $160,000.
21 ''(B) Subsection (b)(7)(B) shall apply by
22 substituting '20 years' for '25 years'.
23 ''(C) A borrower of such a loan may elect,
24 and remain enrolled in, the income-based repay-
25 ment plan under this subsection regardless of—

1 ''(i) whether such borrower has a par-
2 tial financial hardship; and
3 ''(ii) the income level of the borrower.
4 ''(D) Notwithstanding subparagraph (A) of
5 subsection (b)(6), a borrower's monthly pay-
6 ment—
7 ''(i) shall be equal to the repayment
8 amount determined under subparagraph
9 (A) divided by 12; and
10 ''(ii) may exceed the monthly repay-
11 ment amount under a standard 10-year re-
12 payment plan or a fixed repayment plan
13 described in section 493E.
14 ''(E) Subparagraph (B) of subsection
15 (b)(3) shall not apply.
16 ''(F) Subsection (d) shall not apply.
17 ''(G) In the case of a Federal Direct Con-
18 solidation Loan made on or after the date of
19 enactment of the College Affordability Act that
20 is being repaid under this subsection, any
21 monthly payment made pursuant to any repay-
22 ment plan listed in subsection (b)(7)(B) on a
23 loan for which the liability has been discharged
24 by the proceeds of such consolidation loan shall
25 be treated as a monthly payment under this

subsection on the portion of such consolidation loan that is attributable to such discharged loan, except that in the case of a subsequent consolidation loan, for purposes of this clause—

"(i) any monthly payment made on the first consolidation loan or any other loan for which the liability has been discharged by such subsequent consolidation loan shall be applicable; and

"(ii) any monthly payment made on a loan for which the liability has been discharged by such first consolidation loan shall not be applicable.

"(3) ADDITIONAL SPECIAL TERMS FOR CERTAIN BORROWERS.—A borrower described in paragraph (1)(B)—

"(A) may—

"(i) choose to continue repayment pursuant to the repayment plan in which the borrower is enrolled on June 30, 2021; or

"(ii) make a one-time election to—

"(I) terminate repayment pursuant to the repayment plan described in clause (i) and enter the income-

based repayment plan under this subsection; or

"(II) terminate repayment pursuant to the repayment plan described in clause (i) and enter a fixed repayment plan described in section 493E; and

"(B) who makes an election under subparagraph (A)(ii), shall not repay a loan described in paragraph (1)(B) under a repayment plan that is not an income-based repayment plan under this subsection or a fixed repayment plan described in section 493E.

"(4) WRITTEN, ELECTRONIC, OR VERBAL ENROLLMENT IN INCOME-BASED REPAYMENT.—

"(A) IN GENERAL.—The Secretary shall develop and implement a process that is consistent with any procedures (including verification procedures) established under subsection (c), which enables a covered borrower of a loan made under part D who desires to elect to repay such loan under income-based repayment under this subsection to make such election through written, electronic, or verbal notice to the Secretary.

1 "(B) COVERED BORROWER DEFINED.—In
2 this paragraph, the term 'covered borrower'
3 means a borrower of a loan made under part D
4 who—
5 "(i) is enrolled in the fixed repayment
6 plan under section 493E; or
7 "(ii) has not yet selected a repayment
8 plan.
9 "(g) SPECIAL RULE FOR REFINANCED LOANS.—
10 "(1) REFINANCED FEDERAL DIRECT AND FFEL
11 LOANS.—In calculating the period of time during
12 which a borrower of a loan that is refinanced under
13 section 460A has made monthly payments for pur-
14 poses of subsection (b)(7), the Secretary shall in-
15 clude each month in which a monthly payment was
16 made for the original loan or the refinanced loan, if
17 such monthly payment otherwise meet the require-
18 ments of this section.
19 "(2) FEDERAL DIRECT REFINANCED PRIVATE
20 LOANS.—In calculating the period of time during
21 which a borrower of a Federal Direct Refinanced
22 Private Loan under section 460B has made monthly
23 payments for purposes of subsection (b)(7), the Sec-
24 retary shall include only payments—

"(A) that are made after the date of the issuance of the Federal Direct Refinanced Private Loan; and

"(B) that otherwise meet the requirements of this section.".

SEC. 4629. FIXED REPAYMENT PLAN.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is further amended by adding at the end the following:

"SEC. 493E. FIXED REPAYMENT PLAN.

"(a) IN GENERAL.—A borrower of a loan made under this part on or after July 1, 2021, and a borrower who is in repayment on a loan made, insured, or guaranteed under part B or part D before July 1, 2021, may elect to repay such loan under the fixed repayment plan described in this section.

"(b) FIXED REPAYMENT PLAN.—Under the fixed repayment plan, a borrower whose total outstanding amount of principal and interest on such a loan (as of the day before entering repayment on such loan)—

"(1) is equal to or less than $20,000, shall repay such loan with a fixed monthly repayment amount paid over a period of 10 years;

"(2) is more than $20,000 and less than $30,000, shall repay such loan with a fixed monthly repayment amount paid over a period of—

"(A) 15 years; or

"(B) the period described in paragraph (1), if the borrower elects such period;

"(3) is equal to or greater than $30,000, and less than $40,000, shall repay such loan with a fixed monthly repayment amount paid over a period of—

"(A) 20 years; or

"(B) the period described in paragraph (1) or (2), if the borrower elects such period; and

"(4) is equal to or greater than $40,000, shall repay such loan with a fixed monthly repayment amount paid over a period of—

"(A) 25 years; or

"(B) the period described in any of paragraphs (1) through (3), if the borrower elects such period.

"(c) TREATMENT OF CERTAIN CONSOLIDATION LOANS.—In the case of a Federal Direct Consolidation Loan made on or after the date of enactment of the College Affordability Act that is being repaid under this section, any monthly payment made pursuant to any repayment plan listed in section 493C(b)(7)(B) on a loan for

which the liability has been discharged by the proceeds of such consolidation loan shall be treated as a monthly payment under this section on the portion of such consolidation loan that is attributable to such discharged loan, except that in the case of a subsequent consolidation loan, for purposes of this subsection—

"(1) any monthly payment made on the first consolidation loan or any other loan for which the liability has been discharged by such subsequent consolidation loan shall be applicable; and

"(2) any monthly payment made on a loan for which the liability has been discharged by such first consolidation loan shall not be applicable.".

SEC. 4630. REQUIRING A COMMON MANUAL FOR LOAN SERVICERS.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended by this part, is further amended by adding at the end the following:

"SEC. 493F. REQUIRING A COMMON MANUAL FOR LOAN SERVICERS.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of the College Affordability Act, the Secretary shall develop a manual of common procedures and policies for entities with which the Secretary enters into contracts for the origination, servicing, and collection

of covered loans, to standardize procedures to ensure consistency of quality and practice across such entities, and a minimum standard of quality and practice, to ensure that borrowers, including individuals pursuing public service loan forgiveness under section 455(m) and teachers, are well served.

''(b) UPDATES.—The Secretary shall update the manual under subsection (a) as frequently as may be necessary, but not less frequently than once every 5 years.

''(c) COVERED LOANS DEFINED.—The term 'covered loans' means—

''(1) loans sold or assigned to the Secretary under part B;

''(2) loans made or purchased under part D; and

''(3) loans referred, transferred, or assigned to the Secretary under part E.''.

SEC. 4631. REMOVAL OF RECORD OF DEFAULT.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended by the preceding sections, is further amended by adding at the end the following:

''SEC. 493G. REMOVAL OF RECORD OF DEFAULT.

''Upon repaying in full the amount due on a defaulted loan made, insured, or guaranteed under this title, the

1 Secretary, guaranty agency, or other holder of the loan
2 shall request any consumer reporting agency to which the
3 Secretary, guaranty agency or holder, as applicable, re-
4 ported the default of the loan, to remove any adverse item
5 of information relating to a delinquent or defaulted loan
6 made, insured, or guaranteed under this title from the bor-
7 rower's credit history.''.

8 **SEC. 4632. AMENDMENTS TO TERMS AND CONDITIONS OF**
9 **BORROWER DEFENSES.**

10 (a) IN GENERAL.—Part G of title IV of the Higher
11 Education Act of 1965 (20 U.S.C. 1088 et seq.), as
12 amended by the preceding sections, is further amended by
13 adding at the end the following:

14 **''SEC. 493H. BORROWER DEFENSES.**

15 ''(a) IN GENERAL.—Notwithstanding any other pro-
16 vision of State or Federal law, a defense to repayment of
17 a loan under this title includes—

18 ''(1) a substantial misrepresentation;

19 ''(2) an act or omission that would give rise to
20 a cause of action against an institution of higher
21 education under applicable State law, to the extent
22 that such act or omission relates to—

23 ''(A) a loan received by a borrower under
24 this title; or

"(B) educational services for which such a loan was received; or

"(3) such further acts or omissions that the Secretary determines to be appropriate in accordance with subsection (b).

"(b) REGULATIONS.—The Secretary shall specify in regulations which further acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under this title.

"(c) SECRETARIAL DETERMINATION.—

"(1) IN GENERAL.—The Secretary shall determine whether a borrower is entitled to relief under this section based on all evidence available to the Secretary.

"(2) EVIDENTIARY STANDARD.—A borrower shall be entitled to relief under this section if a preponderance of the evidence available to the Secretary demonstrates that the borrower is entitled to such relief.

"(3) INDEPENDENT DETERMINATION.—A determination under paragraph (1) shall be independent of any action that the Secretary may take to recoup funds from the institution of higher education implicated by the borrower defense claim.

"(d) PROCEDURES FOR REVIEW AND RESOLUTION OF CLAIMS.—

"(1) PROCEDURES REQUIRED.—The Secretary shall establish procedures for the fair and expeditious review and resolution of borrower defense claims brought under this section. In establishing such procedures, the Secretary shall—

"(A) provide a fair process for the review and resolution of borrower defense claims, which shall include procedures for the consideration of borrower defense claims on behalf of groups of similarly situated borrowers without requiring each borrower in the group to submit a separate claim;

"(B) review a borrower defense claim at any time without regard to the repayment status of any loan subject to such claim;

"(C) allow a legal representative to bring a borrower defense claim—

"(i) on behalf of an individual borrower; or

"(ii) on behalf of a group of similarly situated borrowers; and

"(D) specify a fixed timeframe for the resolution of borrower defense claims.

"(2) DEFERMENT DURING PENDENCY OF CLAIMS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a loan made under this title that is subject to a pending borrower defense claim shall be placed in deferment status, during which periodic installments of principal need not be paid and interest shall not accrue (or shall be paid by the Secretary), without regard to whether such loan is in default.

"(B) OPT OUT.—The borrower of a loan subject to deferment under subparagraph (A) may opt out of such deferment at any time during the pendency of the borrower defense claim.

"(C) SUSPENSION OF CREDIT REPORTING AND COLLECTION.—The Secretary shall suspend all adverse credit reporting and collection activity, including offsets and garnishments, with respect to any loan in default that is subject to a deferment under subparagraph (A).

"(f) TERMS OF RELIEF.—

"(1) IN GENERAL.—If the Secretary determines under subsection (c) that a borrower is entitled to relief, the Secretary shall, subject to paragraph (2)—

"(A) cancel or repay all or a portion of the balance of interest and principal due on any loan subject to the claim for relief; and

"(B) return to the borrower an amount not in excess of the total amount of payments made on the loan by the borrower.

"(2) CANCELLATION OF DEBT AND RETURN OF PAYMENTS.—

"(A) SUBSTANTIAL MISREPRESENTATION CLAIMS.—If the Secretary determines that a borrower is entitled to relief based on a claim of substantial misrepresentation, the Secretary shall—

"(i) cancel or repay the full balance of interest and principal due on any loan subject to the claim; and

"(ii) return to the borrower an amount equal to the total amount of payments made on the loan by the borrower.

"(B) OTHER CLAIMS.—If the Secretary determines that a borrower is entitled to relief based on a claim other than substantial misrepresentation, there shall be a presumption that the Secretary will cancel or repay the full balance of principal and interest due on the

loan and return the full amount of payments made by the borrower as described in subparagraph (A). If the Secretary determines that full cancellation or repayment of the debt and return of all funds paid on the loan is not appropriate in a particular case, the Secretary shall provide the borrower with a written explanation as to why partial cancellation or repayment, or the partial return of funds is appropriate.

''(g) APPEALS.—Upon a determination by the Secretary to deny a borrower defense claim under this section, the borrower may file an appeal with the Department. The Secretary shall develop and implement a standardized process for the treatment of appeals under this subsection.

''(h) REFILING OF CLAIMS.—A borrower whose claim was denied under this section may refile the claim for good cause, which may include—

''(1) the availability of substantial evidence that was not available to the Secretary at the time the initial claim was denied;

''(2) the emergence of facts or circumstances that may have substantially altered the Secretary's original treatment of the initial claim; and

''(3) such other factors as may be determined by the Secretary.

"(i) DESIGNATION OF PERSONNEL.—The Secretary shall designate qualified personnel within the Department whose principal responsibility shall be the processing of borrower defense claims submitted under his section.

"(j) AVAILABILITY OF INFORMATION TO BORROWERS.—

"(1) BORROWER REQUESTS FOR INFORMATION.—At the request of a borrower, the Secretary shall identify and provide to the borrower or the legal representative of the borrower any records the Secretary is considering as part of the borrower's claim.

"(2) STATUS OF CLAIM.—The Secretary shall establish a process under which each borrower with a claim pending under this section shall be notified of the status of the pending claim not fewer than once every 90 days.

"(3) INFORMATION FROM INSTITUTIONS.—The Secretary may request documents and other information relating to a borrower defense claim from an institution of higher education. An institution that receives a request for information from the Secretary under this subsection shall provide the information to the Secretary at such time, in such form, and in such manner as the Secretary may direct.

1 ''(k) QUARTERLY REPORTS.—
2 ''(1) IN GENERAL.—Not less than once every
3 fiscal quarter, the Secretary shall submit to the au-
4 thorizing committees a report that includes the fol-
5 lowing:
6 ''(A) The total number of claims submitted
7 to the Secretary pursuant to this subsection in
8 the fiscal quarter covered by the report and in
9 all previous fiscal quarters.
10 ''(B) Of the claims described in subpara-
11 graph (A)—
12 ''(i) the number of claims that remain
13 pending;
14 ''(ii) the number of claims that were
15 denied by the Secretary, and the total dol-
16 lar amount of such claims; and
17 ''(iii) the number of claims that were
18 approved by the Secretary, and the total
19 dollar amount of such claims.
20 ''(2) DISAGGREGATION.—The information de-
21 scribed in subparagraphs (A) and (B) of paragraph
22 (1) shall be disaggregated by State and institution
23 of higher education (except that such disaggregation
24 shall not be required in a case in which the results

would reveal personally identifiable information about an individual borrower).

"(3) PUBLIC AVAILABILITY.—The information included in each report submitted under paragraph (A) shall be made available on a publicly accessible website of the Department.

"(l) DEFINITIONS.—In this section:

"(1) The term 'legal representative' means a licensed attorney working on behalf of a borrower or a group of borrowers, including—

"(A) a State attorney general; and

"(B) an attorney employed by a State agency, a Federal agency, or a nonprofit organization that is qualified to provide legal representation to borrowers.

"(2) The term 'substantial misrepresentation' has the meaning given that term in section 487(c)(3)(C).".

(b) CONFORMING AMENDMENT.—Subsection (h) of section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is repealed.

SEC. 4633. ON-TIME REPAYMENT RATES.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.), as amended by the pre-

ceding sections, is further amended by adding at the end the following:

"SEC. 493I. ON-TIME REPAYMENT RATES.

"(a) CALCULATION OF ON-TIME REPAYMENT RATES.—

"(1) ON-TIME REPAYMENT RATE DEFINED.—

"(A) IN GENERAL.—The term 'on-time repayment rate' means for any fiscal year in which 30 or more current and former students at an institution have been in repayment for 3 years on any covered loan received for attendance at the institution, the percentage of such current and former students who have paid at least 90 percent of the monthly payments on such loan during such 3-year repayment period.

"(B) SMALL COHORTS.—For any fiscal year in which fewer than 30 of an institution's current and former students have been in repayment for 3 years, the term 'on-time repayment rate' means the percentage of such current and former students who entered their 3rd year of repayment on any covered loan received for attendance at the institution in any of the 3 most recent fiscal years and who have paid at

least 90 percent of the monthly payments on such loan during such 3-year repayment period.

"(2) ADDITIONAL REQUIREMENTS FOR RATE DETERMINATION.—

"(A) MULTIPLE INSTITUTIONS.—In the case of a student who has attended and borrowed a covered loan for attendance at more than one institution, the student (and such student's subsequent repayment or monthly payment on such loan) is attributed to each institution for attendance at which the student received such loan for which the student entered the 3rd year of repayment in the fiscal year for which the on-time repayment rate is being determined.

"(B) TREATMENT OF CONSOLIDATION LOANS.—For purposes of determining whether a student is in repayment (or has paid a monthly payment) on a loan under section 428C or a Federal Direct Consolidation Loan, only the portion of such loan that is used to repay a covered loan received for attendance at the institution whose on-time repayment rate is being determined shall be considered for purposes of such rate.

"(3) DETERMINATION OF WHEN MONTHLY PAYMENT IS PAID.—For purposes of determining the on-time repayment rate of an institution, a student shall be considered to have paid a monthly payment on a covered loan if one of the following applies:

"(A) The amount of such monthly payment has been paid not later than 30 days after the date on which such monthly payment is due, except that a monthly payment by the institution, such institution's owner, agent, contractor, employee, or any other entity or individual affiliated with such institution made on behalf of a student who is not employed by the institution shall not be considered a paid monthly payment on such loan.

"(B) The monthly payment amount due on such loan is equal to zero.

"(C) The full amount due on the loan has been repaid or the liability on the loan has been otherwise discharged under this Act.

"(D) The student is in a period of deferment, other than—

"(i) a deferment due to an economic hardship described section

427(a)(2)(C)(iii), 428(b)(1)(M)(iv), or 455(f)(2)(D); or

''(ii) a deferment due to unemployment described in section 427(a)(2)(C)(ii), 428(b)(1)(M)(ii), or 455(f)(2)(B)).

''(E) The student is in one of the following periods of forbearance (as applicable to loans made, insured, or guaranteed under part B or this title):

''(i) Medical or dental internship or residency forbearance under subclause (I) of section 428(c)(3)(A)(i).

''(ii) National service forbearance under subclause (III) of section 428(c)(3)(A)(i).

''(iii) Forbearance for active duty service in the Armed Forces under subclause (IV) of section 428(c)(3)(A)(i).

''(iv) Forbearance for National Guard Duty under section 428(c)(3)(B).

''(v) Forbearance due to military mobilization or other local or national emergency as authorized by the Secretary under section 685.205(b)(8) of title 34, Code of Federal Regulations (as in effect on the

date of enactment of the College Affordability Act).

"(vi) Teacher loan forgiveness forbearance under section 682.213(e) or 685.205(a)(5) of title 34, Code of Federal Regulations (as in effect on the date of enactment of the College Affordability Act).

"(4) PARTICIPATION RATE.—

"(A) IN GENERAL.—An institution that demonstrates to the Secretary that the institution's participation rate is equal to or less than 20 percent for any of the 3 most recent fiscal years for which data is available shall not be subject to subsection (b).

"(B) DETERMINATION.—For purposes of this paragraph, the term 'participation rate' means the percentage of the institution's regular students, enrolled on at least a half-time basis, who received a covered loan for a 12-month period ending during the 6 months immediately preceding the fiscal year for which the cohort of borrowers used to calculate the institution's on-time loan repayment rate is determined.

"(C) DATA.—An institution shall provide the Secretary with sufficient data to determine the institution's participation rate within 30 days after receiving an initial notification of the institution's draft on-time repayment rate.

"(D) NOTIFICATION.—Prior to publication of a final on-time repayment rate for an institution that provides the data described in subparagraph (C), the Secretary shall notify the institution of the institution's compliance or noncompliance with subparagraph (A).

"(b) DETERMINATION OF ELIGIBILITY BASED ON REPAYMENT RATES AND INSTRUCTIONAL SPENDING AMOUNTS.—

"(1) INELIGIBILITY.—

"(A) IN GENERAL.—Except as provided in subparagraphs (C) and (D), beginning on the date that is one year after the date on which the final on-time repayment rates are published by the Secretary for not less than 3 fiscal years, an institution shall not be eligible to participate in a program under this title for the fiscal year for which the determination under this subparagraph is made and for the two succeeding fiscal

years, if the Secretary determines the following with respect to such institution—

"(i) the on-time repayment rate of such institution is less than any threshold on-time repayment rate specified under subparagraph (B) for period determined appropriate by the Secretary for such threshold rate; and

"(ii) with respect to any of the 3 most recent institutional fiscal years for which the institution submits to the Secretary disclosures on the expenditures of the institution on instruction for purposes of section 132(i)(1)(AA), the amount expended by such institution on instruction for such fiscal year is less than 1/3 of the institution's revenues derived from tuition and fees.

"(B) THRESHOLD RATES.—For purposes of determinations under subparagraph (A)(i), the Secretary shall specify 1 or more threshold on-time repayment rates, which rates—

"(i) shall require that a significant percentage of students who have been in repayment for 3 years on a covered loan

received for attendance at an institution of higher education have paid at least 90 percent of the monthly payments on such covered loan during such 3-year repayment period; and

''(ii) may be applicable with respect to a period of 1 or more fiscal years, as determined appropriate for such a rate.

''(C) EXCEPTIONS FOR CERTAIN CATEGORIES OF EDUCATIONAL PROGRAMS.—

''(i) EXCEPTIONS FOR CERTAIN CATEGORIES OF EDUCATIONAL PROGRAMS.—With respect to an institution that loses eligibility to participate in a program under this title in accordance with paragraph (1), such institution may request and be granted an exception to such loss of eligibility for a category of educational programs at such institution by demonstrating to the Secretary that the on-time loan repayment rate for such category of educational programs is greater than the threshold percentage specified under paragraph (1)(B) for each fiscal year of the pe-

riod on which such loss of eligibility for the institution is based.

"(ii) DETERMINATIONS.—In determining the on-time loan repayment rate for a category of educational programs, subsection (a)(1) shall be applied—

"(I) in subparagraph (A), by substituting 'received for enrollment in the category of educational programs for which such rate is being determined' for 'received for attendance at the institution'; and

"(II) as if the following were added at the end of such paragraph:

"'(C) MULTIPLE CATEGORIES OF EDUCATIONAL PROGRAMS.—In the case of a student who has received a covered loan for enrollment in more than one category of educational programs, the student (and such student's subsequent repayment or monthly payment on such covered loan) is attributed to the last category of educational programs in which such student was enrolled.'.

"(D) APPEALS.—Not later than 60 days of receiving notification from the Secretary of the

loss of eligibility under subparagraph (A), the institution may appeal the loss of its eligibility under subsection (c).

"(2) REPAYMENT MANAGEMENT PLAN REQUIREMENT FOR CERTAIN INSTITUTIONS.—

"(A) IN GENERAL.—Beginning on the date that is one year after the date on which the final on-time repayment rates are published by the Secretary for not less than 3 fiscal years, an institution shall be subject to the requirements of subparagraph (B), if the Secretary determines the following with respect to such institution—

"(i) the on-time repayment rate of such institution is less than any threshold on-time repayment rate specified under paragraph (1)(B) for period determined appropriate by the Secretary for such threshold rate; and

"(ii) for each of the 3 most recent institutional fiscal years for which the institution submits to the Secretary disclosures on the expenditures of the institution on instruction for purposes of section 132(i)(1)(AA), the amount expended by

the institution for instructional spending is greater than or equal to an amount equal to 1/3 of the amount of revenue derived from tuition and fees.

"(B) REPAYMENT MANAGEMENT PLAN.—An institution subject to the requirements of this subparagraph, shall—

"(i) not later than 6 months after the determination under subparagraph (A), submit to the Secretary a repayment management plan which the Secretary, in the Secretary's discretion, after consideration of the institution's history, resources, expenditures, and targets for improving on-time repayment, determines—

"(I) is acceptable and is in the best interests of students; and

"(II) provides reasonable assurance that the institution will have an on-time repayment rate that exceeds the on-time threshold referred to in subparagraph (A)(i) after a reasonable period;

"(ii) engage an independent third-party to provide technical assistance in im-

plementing such repayment management plan; and

"(iii) provide to the Secretary, on an annual basis or at such other intervals as the Secretary may require, evidence of on-time repayment rate improvement and successful implementation of such repayment management plan.

"(c) APPEALS.—

"(1) SECRETARIAL REQUIREMENTS.—The Secretary shall issue a decision on any appeal submitted by an institution under subsection (b)(1)(D) not later than 45 days after its submission. Such decision may permit the institution to continue to participate in a program under this title if—

"(A) the institution demonstrates to the satisfaction of the Secretary that the Secretary's calculation of its on-time repayment rate is not accurate, and that recalculation would increase its on-time repayment rate above the applicable threshold percentage specified in subsection (b)(1)(B) for the period on which the determination of the institution's ineligibility under subsection (b)(1)(A) was based;

"(B) the institution demonstrates to the satisfaction of the Secretary that there has been improper loan servicing, which, if remedied, would increase its on-time repayment rate above the applicable threshold percentage specified in subsection (b)(1)(B) for the period on which the determination of the institution's ineligibility under subsection (b)(1)(A) was based;

"(C) there are, in the judgment of the Secretary, exceptional mitigating circumstances that would make the application of this section inequitable;

"(D) for each of the 3 most recent fiscal years for which the institution submits to the Secretary disclosures on expenditures for purposes of section 132(i)(1)(AA), the sum of the expenditures on instruction and student services of the institution is equal to an amount greater than or equal to 50 percent of the institution's revenues derived from tuition and fees, and the institution complies with the requirements of subsection (b)(2)(B).

"(2) INSTITUTIONAL REQUIREMENTS.—If an institution continues to participate in a program under this title, and the institution's appeal of the

loss of eligibility is unsuccessful, the institution shall be required to pay to the Secretary an amount equal to the amount of interest, special allowance, reinsurance, and any related payments made by the Secretary (or which the Secretary is obligated to make) with respect to covered loans to students attending, or planning to attend, that institution during the pendency of such appeal. During such appeal, the Secretary may permit the institution to continue to participate in a program under this title.

''(d) REGULATIONS.—The Secretary shall prescribe regulations designed to prevent an institution from evading the application to that institution of a on-time repayment rate determination under this section through the use of such measures as branching, consolidation, change of ownership or control, or any similar device.

''(e) PUBLICATION.—The Secretary shall publish not less often than once every fiscal year (by September 30 of each year) a report—

''(1) for each category of institution, and for each institution for which an on-time repayment rate is determined under this section—

''(A) with respect to the preceding fiscal year—

1 ''(i) the on-time repayment rate for
2 such institution;
3 ''(ii) the on-time repayment rate for
4 each category of educational programs;
5 and
6 ''(iii) the number of students on which
7 the rates described in clauses (i) and (ii)
8 are based; and
9 ''(B) for each of the 3 most recent fiscal
10 years for which the institution submits to the
11 Secretary disclosures on expenditures for pur-
12 poses of section 132(i)(1)(AA)—
13 ''(i) the amount of the institution's
14 expenditures on instruction;
15 ''(ii) the amount of revenue derived
16 from tuition and fees by the institution;
17 and
18 ''(iii) the quotient of the amount de-
19 scribed in clause (i) divided by the amount
20 described in clause (ii), expressed as a per-
21 centage; and
22 ''(2) each on-time repayment rate used for cal-
23 culating each of the threshold rates under subsection
24 (b)(1)(B) for the period determined appropriate by

the Secretary for such threshold rate under such subsection.

''(f) DEFINITIONS.—In this section:

''(1) CATEGORY OF EDUCATIONAL PROGRAMS.—The term 'category of educational programs' has the meaning given the term in section 435(a)(9)(E).

''(2) CATEGORY OF INSTITUTION.—The term 'category of institution' includes—

''(A) four-year public institutions;

''(B) four-year private nonprofit institutions;

''(C) four-year proprietary institutions;

''(D) two-year public institutions;

''(E) two-year private nonprofit institutions;

''(F) two-year proprietary institutions;

''(G) less-than-two year public institutions;

''(H) less-than-two year private nonprofit institutions; and

''(I) less-than-two year proprietary institutions.

''(3) COVERED LOAN.—

''(A) IN GENERAL.—The term 'covered loan' means a loan made, insured, or guaran-

teed under part B or D (other than an excepted PLUS Loan or an excepted consolidation Loan).

"(B) EXCEPTED PLUS LOAN; EXCEPTED CONSOLIDATION LOAN.—The terms 'excepted PLUS Loan' and 'excepted consolidation Loan' have the meanings given such terms in section 493C(a).

"(4) STUDENT SERVICES.—The term 'student services' has the meaning given the term in section 498E(a)(2).".

PART H—PROGRAM INTEGRITY

Subpart 1—State Role

SEC. 4701. STATE RESPONSIBILITIES.

Section 495(a) of the Higher Education Act of 1965 (20 U.S.C. 1099a(a)) is amended—

(1) in paragraph (2)—

(A) by inserting "and the accrediting agency or association involved" after "Secretary";

(B) by striking "revokes a license" and inserting "takes a negative action, or revokes a license,"; and

(C) by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(4) evaluate each institution of higher education located in the State or seeking authorization to operate in the State to determine if such institution of higher education meets the applicable standards of the State relating to—

''(A) facilities, equipment, and supplies; and

''(B) measures of program length and other factors relevant for a student or graduate to receive a professional license from the State;

''(5) certify to the Secretary that the State shall—

''(A) accept student complaints from—

''(i) all students attending an institution of higher education located in the State; and

''(ii) all students who are residents of the State and attend an institution of higher education not located in the State through correspondence or distance education; and

''(B) report to the Secretary and accrediting bodies—

1 ''(i) relevant student complaints re-
2 ceived by the State, including multiple stu-
3 dent complaints that present consistent al-
4 legations with respect to an institution of
5 higher education in the State; and
6 ''(ii) such other complaints the Sec-
7 retary determines necessary; and
8 ''(6) establish policies and procedures to antici-
9 pate and respond to the closure of an institution of
10 higher education, which shall include—
11 ''(A) the maintenance of sufficient cash re-
12 serves (or an equivalent alternative) in accord-
13 ance with regulations issued pursuant to section
14 498(c)(6)(A) to ensure repayment of any re-
15 quired refunds;
16 ''(B) a plan to address ensuring custodial
17 record-keeping of institutional records and stu-
18 dent transcripts in the case of such a closure;
19 ''(C) the maintenance of contact informa-
20 tion adequate to ensure communication directly
21 between the State and each student in the case
22 of such a closure; and
23 ''(D) in the case of an institution of higher
24 education located in the State, to develop a

process to identify when a campus of such institution of higher education closes in any State.''.

Subpart A—Accrediting Agency Recognition

SEC. 4711. ACCREDITING AGENCY RECOGNITION OF ELIGIBLE JOB TRAINING PROGRAMS.

Section 496(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4)) is amended—

(1) in subparagraph (A), by striking ''and'' after the semicolon;

(2) in subparagraph (B)(ii), by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(C) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions of higher education participating in the job training Federal Pell Grant program under section 401(k), such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that, with respect to such eligible job training program—

''(i) the agency or association's standards include a process for determining if the institution has the capability to effec-

tively provide an eligible job training program; and

"(ii) the agency or association requires a demonstration that the program—

"(I) has identified each recognized postsecondary credential offered and the corresponding industry or sector partnership that actively recognizes each credential in the State or local area in which the job training program is provided; and

"(II) provides the academic content and amount of instructional time that is sufficient to—

"(aa) meet the hiring requirements of potential employers; and

"(bb) satisfy any applicable educational prerequisite requirement for professional license or certification, so that a student who completes the program and seeks employment is qualified to take any licensure or certification examination needed to practice or

find employment in such sectors or occupations.''.

SEC. 4712. ACCREDITING AGENCY RECOGNITION OF INSTITUTIONS ENROLLING INCARCERATED INDIVIDUALS.

Section 496(a)(4) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(4)) is further amended by adding at the end the following:

''(D) if such agency or association accredits or seeks to accredit institutions of higher education that seek to award Federal Pell Grants under section 401(n) to incarcerated individuals for a course of study at such institution, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that—

''(i) the agency or association's standards include a process for determining if the institution has the capability to effectively offer such a course of study to incarcerated individuals; and

''(ii) the agency or association requires a demonstration that—

''(I) such course of study is taught by faculty with experience and

1 credentials comparable to the experi-
2 ence and credentials of faculty who
3 teach courses of study available to
4 non-incarcerated students enrolled at
5 the institution;
6 ''(II) academic credits earned by
7 incarcerated individuals for comple-
8 tion of a course of study are treated
9 by the institution as the equivalent to
10 credits earned by non-incarcerated
11 students for an equivalent course;
12 ''(III) the institution provides
13 sufficient educational content and re-
14 sources to students enrolled in such a
15 course of study that are, to the extent
16 practicable, consistent with the edu-
17 cational content and resources avail-
18 able to non-incarcerated students; and
19 ''(IV) the institution has the ca-
20 pacity, staffing, and expertise to pro-
21 vide incarcerated individuals with the
22 support and advising services nec-
23 essary to select and successfully par-
24 ticipate in such a course of study and,
25 to the extent practicable, with support

upon reentry (including career and academic advising);''.

SEC. 4713. REQUIREMENTS FOR ACCREDITING AGENCY RECOGNITION.

(a) TECHNICAL REVIEW PANEL; RULEMAKING.—

(1) TECHNICAL REVIEW PANEL.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Act, the Secretary of Education shall establish a technical review panel comprised of individuals specified in subparagraph (B), to establish a list of measures (and a definition for each such measure)—

(i) that, for purposes of section 496(a)(5)(A) of the Higher Education Act of 1965 (20 U.S.C. 1099b(a)(5)(A))—

(I) accrediting agencies or associations shall use to assess each of the outcomes described in subparagraph (C); and

(II) provides accrediting agencies or associations with enough flexibility for adequate assessment of such outcomes;

(ii) that may include measures (and definitions for such measures) set forth under the Integrated Postsecondary Education Data Survey, the postsecondary data system established under section 132(l), or a successor system;

(iii) to which future technical review panels which meet the requirements of this paragraph may add additional measures; and

(iv) that the Secretary of Education shall not have the authority to approve.

(B) COMPOSITION.—The technical review panel established under subparagraph (A) shall be of sufficient size to ensure that a full range of relevant accrediting agencies and institutions are represented on the panel and shall include, at a minimum, the following members:

(i) Representatives of national, regional, and specialized accrediting agencies and associations that shall be nominated for inclusion on the panel by such representatives.

(ii) Representatives of diverse postsecondary institutions, which shall include

representation between 2-year and 4-year institutions of higher education, and from public, nonprofit, and proprietary institutions of higher education, including minority-serving institutions.

(iii) The Commissioner of the National Center for Education Statistics or the Commissioner's representative.

(iv) Student advocate representatives familiar with the accreditation process.

(C) OUTCOMES.—The outcomes described in this subparagraph are as follows:

(i) Completion (which may include measures such as graduation rates and rates of transfer).

(ii) Progress toward completion (which may include measures such as retention rates and credit accumulation).

(iii) Workforce participation (which may include measures such as rates of licensure and job placement).

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall initiate a negotiated rule-making—

(A) to develop procedures for identifying the representative member institutions an accrediting agency or association shall use to demonstrate to the Secretary, for purposes of the Secretary's review and evaluation of the performance of such agency or association under section 496(n)(1) of the Higher Education Act of 1965 (20 U.S.C. 1099b(n)(1)), as amended by this section, that such accrediting agency or association—

(i) consistently applies and enforces standards; and

(ii) effectively evaluates the quality of education or training offered by the institutions of higher education accredited by such agency or association; and

(B) for purposes of section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b), as amended by this section, to—

(i) establish definitions for the terms related to sanctions, adverse actions, and any other action that an accrediting agency or association may take with respect to an institution of higher education under such section (including monitoring, notice,

warning, probation, show cause, denial, withdrawal, suspension, revocation, accreditation, and preaccreditation); and

(ii) in a case in which any action defined in clause (i) is taken by an accrediting agency or association with respect to an institution of higher education, establish notice and disclosure requirements for such agency or association and institution of higher education with respect to the public (including students), as long as such requirements are consistent with the requirements of subsections (a)(7) and (c)(7) of section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b).

(b) AMENDMENTS.—Section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b) is further amended—

(1) in subsection (a)—

(A) in paragraph (3)(A), by inserting before the semicolon at the end the following: ", and any institution described in clauses (i) through (v) of subsection (b)(1)(B)";

(B) in paragraph (5), by striking subparagraphs (A) through (J) and inserting the following:

''(A) success with respect to student achievement in relation to the institution's mission (except that the agencies and associations described in paragraph (2)(A)(ii) shall not be subject to this subparagraph), which—

''(i) shall be assessed using at least 1 measure selected by the agency or association from the list of measures established and defined under section 4713(a)(1) of the College Affordability Act for each of the following outcomes—

''(I) completion;

''(II) progress toward completion; and

''(III) workforce participation;

''(ii) may be assessed using different measures selected under clause (i) for different institutions;

''(iii) for each measure selected under clause (i), shall be assessed using a single performance benchmark established by the agency or association, except that an ac-

crediting agency or association may establish a different performance benchmark for such a measure for each category of educational programs (as defined in section 435(a)(9)(E)); and

''(iv) in the case of an institution defined in section 101(a), may include consideration of—

''(I) the historical significance of the institution; and

''(II) whether the institution is one of the only physical locations at which postsecondary education is provided in the geographic area;

''(B) student achievement outcomes, disaggregated by the elements required in the postsecondary student data system under subclauses (I) through (XV) of section 132(l)(2)(C)(ii) to facilitate institutional improvement and yield statistically reliable information that does not reveal personally identifiable information about an individual student;

''(C) credentials, including consideration of the non-monetary value accruing to students pursuing such credentials;

1 ''(D) curricula, including—
2 ''(i) other than for the agencies and
3 associations described in paragraph
4 (2)(A)(ii), program length;
5 ''(ii) course sequencing; and
6 ''(iii) objectives related to
7 credentialing;
8 ''(E) faculty;
9 ''(F) student support services;
10 ''(G) recruiting and admissions practices,
11 academic calendars, catalogues, publications,
12 and grading; and
13 ''(H) fiscal and administrative capacity
14 (which shall include the institution's govern-
15 ance) as appropriate to the specified scale of
16 operations;'';
17 (C) by redesignating paragraphs (6)
18 through (8) as paragraphs (7) through (9), re-
19 spectively; and
20 (D) by inserting after paragraph (5) the
21 following:
22 ''(6) such agency or association shall make
23 available on a publicly accessible website, up-to-date
24 information on—

"(A) the institutions that are subject to the jurisdiction of such agency or association;

"(B) the performance benchmark established for each measure selected by the agency or association under paragraph (5)(A), the rationale for the establishment of such performance benchmark, and how such benchmarks are factored into the accreditation process;

"(C) the process such agency or association follows when an institution subject to the jurisdiction of such agency or association does not meet an accreditation standard under section 496(a)(5);

"(D) any sanction or adverse action taken with respect to an institution and the reason for such sanction or adverse action; and";

(E) in paragraph (8), as so redesignated, by striking "30 days" and inserting "10 days";

(F) amend paragraph (9), as so redesignated, to read as follows:

"(9) such agency or association shall—

"(A) make available on its public website, and to the Secretary, and the State licensing or authorizing agency, a summary (including the decision and rationale for such decision) of any

review resulting in a final accrediting decision involving denial, termination, or suspension of accreditation, together with the comments of the affected institution; and

''(B) ensure that each institution that is the subject of a final accrediting decision described in subparagraph (A) makes available on its public website the summary described in subparagraph (A) (including the decision and rationale for such decision) with respect to such institution and the institution's comments; and''.

(G) by adding at the end the following:

''(10) such agency or association shall—

''(A) ensure that any substantive change to the educational mission or a program of an institution after the agency or association has accredited or preaccredited the institution does not adversely affect the capacity of the institution to continue to meet the standards of such agency or association;

''(B) require such an institution to obtain the approval of such agency or association with respect to such substantive change before the agency or association includes the change in the

scope of accreditation or preaccreditation previously granted to the institution by such agency or association; and

"(C) make public and report to the Secretary any decision made under subparagraph (B) and the rationale of such decision.";

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

"(b) SEPARATE AND INDEPENDENT DEFINED.—For the purpose of subsection (a)(3), the term 'separate and independent' means that—

"(1) the members of the postsecondary education governing body and any other decision-making body of the accrediting agency or association are not—

"(A) elected or selected by the board or chief executive officer of any related, associated, or affiliated trade association or membership organization; or

"(B) individuals (such as executives and owners of an institution) who exercise substantial control over an institution—

"(i) that is required to provide the Secretary with satisfactory evidence of its financial responsibility in accordance with

paragraph (3)(A) of section 498(c) because the institution fails to meet criteria under paragraphs (1) and (2) of such section, except that this clause shall not be applicable to an institution until the Secretary has completed the rulemaking required under section 4721(b) of the College Affordability Act;

''(ii) that is on a reimbursement payment method pursuant to section 487(c)(1)(B);

''(iii) against which the Secretary is initiating or carrying out an emergency action in accordance with section 487(c)(1)(G);

''(iv) against which the Secretary is limiting, suspending, or terminating the institution's participation in any program under this title in accordance with section 487(c)(1)(F); or

''(v) that is on probation or show cause, or that is not accredited by an accrediting agency or association;

''(2) among the membership of the board of the accrediting agency or association there shall be 1

public member for each 4 members of the board, with a minimum of 1 such public member, and guidelines are established for such members to avoid conflicts of interest, including guidelines ensuring that each such public member—

"(A) is selected to serve on such board in the same manner that other board members are selected for such service;

"(B) has not served on such board as a non-public member in the preceding 10 years;

"(C) is not (or has not been in the preceding 5-year period) a full-time employee of, or a member of the governing board, an owner, or shareholder of, or consultant to, an institution or program that—

"(i) is accredited or preaccredited by the agency or association; or

"(ii) has applied for accreditation or preaccreditation from such agency or association;

"(D) is not a member of any trade association or membership organization related to, affiliated with, or associated with the agency or association or an institution that is accredited by such agency or association; and

"(E) is not a spouse, parent, child, or sibling of an individual identified in subparagraph (C) or (D);

"(3) dues to the accrediting agency or association are paid separately from any dues paid to any related, associated, or affiliated trade association or membership organization; and

"(4) the budget of the accrediting agency or association is developed and determined by the accrediting agency or association without review or resort to consultation with any other entity or organization.";

(3) in subsection (c)—

(A) in paragraph (1), strike "those regarding distance education" and inserting "regarding distance education and the history and mission of the institutions reviewed";

(B) in paragraph (2)—

(i) by inserting "and decline" after "the growth"; and

(ii) by inserting before the semicolon at the end the following: "or decline"; and

(C) by amending paragraph (3) to read as follows:

"(3) requires an institution to submit for approval to the accrediting agency or association a teach-out plan (as defined in section 487(f)(2)) and which shall meet the requirements of such agency or association) upon the occurrence of any of the following events:

"(A) the Secretary notifies the agency or association that the Secretary has determined under section 498(c) that the institution does not have the financial responsibility required by this title, except that this subparagraph shall not be applicable to an institution until the Secretary has completed the rulemaking required under section 4721(b) of the College Affordability Act;

"(B) the Secretary notifies the agency of a determination by the institution's independent auditor expressing doubt with the institution's ability to operate as a going concern or indicating an adverse opinion or finding of material weakness related to financial stability, except that this subparagraph shall not apply with respect to a public institution;

"(C) the agency or association acts to place an institution on probation, show cause, or equivalent status; or

"(D) the Secretary notifies the agency that the institution is participating in title IV under a provisional program participation agreement;";

(D) by amending paragraph (6) to read as follows:

"(6) requires that teach-out agreements among institutions are subject to approval by the accrediting agency or association consistent with standards promulgated by such agency or association, and that such an agreement shall be required and subject to such approval upon the occurrence of any of the following events:

"(A) the Secretary notifies the agency or association that—

"(i) the Secretary has placed the institution on the reimbursement payment method pursuant to section 487(c)(1)(B); and

"(ii) the institution fails to meet criteria prescribed by the Secretary regarding

ratios that demonstrate financial responsibility as described in section 498(c)(2);

''(B) the Secretary notifies the accrediting agency or association that the Secretary has initiated—

''(i) an emergency action against the institution pursuant to section 487(c)(1)(G); or

''(ii) an action under section 487(c)(1)(F) to limit, suspend, or terminate the participation of the institution in any program under this title;

''(C) the accrediting agency or association acts to withdraw, terminate, or suspend the accreditation of the institution;

''(D) the institution notifies the accrediting agency or association that the institution intends to cease operations;

''(E) the institution notifies the accrediting agency or association that the institution intends to close a location that provides one hundred percent of at least one program; or

''(F) pursuant to section 495, the State notifies the accrediting agency or association that an institution's license or legal authoriza-

tion to operate within the State has been or will be revoked;'';

(E) in paragraph (7), by inserting ''not later than 10 days after taking an action described in this paragraph,'' before ''makes available'';

(F) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(G) by adding at the end the following:

''(10) responds to complaints received with respect to an institution during the period which the accrediting agency or association accredits such institution not later than 30 days after receiving the complaint (including complaints shared with the agency or association by the Secretary or a State agency under section 495), monitors and assesses an institution's record of student complaints during such period, and submits the complaints relevant to the Secretary and to the State agency involved.'';

(4) in subsection (m), by adding at the end the following: ''Nothing in this section shall prohibit the Secretary from implementing a process of recognition under this section which differs for the accrediting agencies or associations described in subsection (a)(2)(A)(ii) for the purposes of participation in pro-

grams (other than the programs under this Act) administered by the Department or other Federal agencies if such differentiation would be beneficial to taxpayers and the performance of such agencies or associations.''; and

(5) in subsection (n)—

(A) in paragraph (1)—

(i) in the second sentence of the matter preceding subparagraph (A), by inserting before the period the following: '', which shall include information on at least one institution of higher education representing each of the sectors (including public, nonprofit, and proprietary) of the representative member institutions''; and

(ii) in subparagraph (A), by inserting before the semicolon the following: '', and for purposes of facilitating such third-party information, the Secretary shall make publicly available the application of the accrediting agency or association seeking recognition by the Secretary upon publishing in the Federal Register the solicitation for such third-party information''; and

(B) by adding at the end the following:

"(5) In the case in which an official of the Department (other than the Secretary) makes a decision on the recognition of an accrediting agency or association that differs from the recommendation made by the National Advisory Committee on Institutional Quality and Integrity on such recognition, without regard to whether any appeals process with respect to such decision has been concluded, the official shall submit to the authorizing committees the rationale and evidence for such decision.

"(6) During the first 90-day period of each fiscal year, the Secretary shall submit to the authorizing committees the following information with respect to the preceding fiscal year—

"(A) information about each accrediting agency that the Secretary reviews and evaluates under this subsection;

"(B) the recommendation of the National Advisory Committee on Institutional Quality and Integrity about whether to recognize such accrediting agency or association and the rationale for such recommendation;

"(C) in the case in which an official of the Department (other than the Secretary) makes a decision on the recognition of such accrediting

agency or association (without regard to whether any appeals process with respect to such decision has been concluded), such decision and the rationale for such decision; and

"(D) the final decision of the Secretary on the recognition of such accrediting agency or association and the rationale for such final decision."; and

(6) by adding at the end the following:

"(r) EVALUATION OF QUALITY AND ACHIEVEMENT MEASURES.—

"(1) IN GENERAL.—The Secretary shall direct the National Advisory Committee on Institutional Quality and Integrity to—

"(A) regularly evaluate the effectiveness of the measures selected and the performance benchmarks established by accrediting agencies and associations under subsection (a)(5)(A); and

"(B) compare similarly situated accrediting agencies or associations, whose similarity may not be determined solely by the educational sector to which the institutions being evaluated belong, based on the measures and performance

benchmarks used in subsection (a)(5)(A) by such agencies and associations.

"(2) REVISING PERFORMANCE BENCHMARKS.—The Secretary may require an accrediting agency or association to review and revise a performance benchmark established by such agency or association if the Secretary determines that such performance benchmark is too low for the measure for which such benchmark is established.

"(s) REPORT ON RECOGNIZED INSTITUTIONAL ACCREDITORS REQUIRED.—Not later than 180 days after the date of the enactment of the College Affordability Act, and annually thereafter, the Secretary shall publish a report that includes with respect to each accrediting agency or association recognized under this section by the Secretary, the following:

"(1) The number of institutions of higher education evaluated by such accrediting agency or association in each educational sector.

"(2) The number of locations of such institutions of higher education.

"(3) The number of students enrolled at such institutions of higher education.

"(4) The number of students receiving a Federal Pell Grant at such institutions of higher education in the preceding year.

"(5) The total amount of Federal student aid received by students enrolled at such institutions of higher education in the preceding year.

"(6) The graduation rates of such institutions of higher education.

"(7) The median earnings of students 10 years after enrollment.

"(8) The number of institutions placed on a reimbursement payment method pursuant to section 487(c)(1)(B).".

Subpart B—Program Review and Data

SEC. 4721. ELIGIBILITY AND CERTIFICATION PROCEDURES.

(a) FINANCIAL RESPONSIBILITY STANDARDS.—Section 498 of the Higher Education Act of 1965 (20 U.S.C. 1099c) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) includes an addendum under which an institution of higher education shall report a change in circumstances described in subparagraph (A)(ii) or clauses (ii) or (iii) of subparagraph (B) of subsection (c)(8), not later than 30 days after the date on which such change in circumstance occurs.";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and" ; and

(iii) by adding at the end the following:

"(D) the institution is not an institution described in paragraph (7)(B)."; and

(B) by adding at the end the following:

"(7) PROHIBITED FINANCIAL RESPONSIBILITY DETERMINATIONS.—

"(A) IN GENERAL.—The Secretary may not determine that an institution has the financial responsibility required by this title if such institution is an institution described in subparagraph (B).

"(B) SPECIFIED INSTITUTION.—An institution described in this subparagraph is—

"(i) a private non-profit institution of higher education or a proprietary institution of higher education (as defined in section 102(b)) that—

"(I) is required by the accrediting agency of such institution to submit a teach-out plan under section 487(f);

"(II) with respect to the preceding 2 fiscal years, has an adjusted cohort default rate (as determined under section 435(m)) of 20 percent or greater, unless the institution files a challenge, request for adjustment, or appeal under section 435(a) with respect to such rates for one or both of such fiscal years;

"(III) is subject to a number of pending or approved borrower relief claims under section 493H from borrowers that equals or exceeds, with respect to the prior academic year, half of the enrollment of full-time equivalent students at such institution;

1 "(ii) a proprietary institution of higher
2 education (as defined in section 102(b)) that—
3 "(I) is publicly traded; and
4 "(II)(aa) is sanctioned by the Securi-
5 ties and Exchange Commission;
6 "(bb) fails to file a required an-
7 nual or quarterly report with the Se-
8 curities and Exchange Commission; or
9 "(cc) the stock of which is
10 delisted; or
11 "(iii) a proprietary institution of higher
12 education (as defined in section 102(b))—
13 "(I) that derived, in the most recent
14 award year, more than 85 percent of the
15 revenue of the institution from Federal
16 education assistance funds; or
17 "(II) from which shareholder equity is
18 reduced by over 10 percent of the value of
19 the title IV revenues received by such pro-
20 prietary institution of higher education in
21 the prior academic year.
22 "(8) CHANGE IN CIRCUMSTANCES.—
23 "(A) REQUIRED REDETERMINATION.—
24 "(i) IN GENERAL.—In the case of a private
25 non-profit institution of higher education or a

proprietary institution of higher education (as defined in section 102(b)) that submits an addendum described in clause (ii) or (iii) to the Secretary, the Secretary shall, not later than 30 days after such addendum is submitted, redetermine whether such institution meets the requirements of this subsection.

''(ii) SPECIFIED CIRCUMSTANCES.—An institution of higher education shall submit an addendum under subsection (b)(6) if, with respect to such institution of higher education, one of the following occurs:

''(I) The institution is required to pay any material debt, as determined by the Secretary, or incur any material liability, as determined by the Secretary, arising from a final judgment in a judicial proceeding, an administrative proceeding or determination, or settlement.

''(II) The institution is involved in a lawsuit that is brought on or after the date of the enactment of College Affordability Act by a Federal or State authority for financial relief on claims related to the making of loans under part D of title IV.

1 "(III) Such other circumstance the
2 Secretary determines necessary.
3 "(iii) GAINFUL EMPLOYMENT DETERMINA-
4 TION BY SECRETARY.—An institution of higher
5 education shall submit an addendum under sub-
6 section (b)(6) if the Secretary makes a deter-
7 mination that such institution has programs
8 that could become ineligible under gainful em-
9 ployment (as defined in section 104) in the next
10 award year.
11 "(B) PERMISSIBLE REDETERMINATION.—
12 "(i) REDETERMINATION.—In the case of
13 an institution that submits an addendum under
14 clause (ii), the Secretary may, not later than 30
15 days after such addendum is submitted, rede-
16 termine whether such institution meets the re-
17 quirements of this subsection.
18 "(ii) SPECIFIED CIRCUMSTANCES.—The
19 Secretary shall require an institution to submit
20 an addendum under subsection (b)(6) if the
21 Secretary makes a determination—
22 "(I) that the Secretary will likely re-
23 ceive a significant number of borrower re-
24 lief claims under section 493H as the re-

sult of a lawsuit, settlement, or judgement against the institution; or

"(II) that the institution experienced one of the following:

"(aa) A significant fluctuation in enrollments between consecutive award years or a period of award years.

"(bb) A citation by a State licensing or authorizing agency for failing State or agency requirements.

"(cc) High annual drop out rates.

"(dd) Pending borrower relief claims under section 493H.

"(C) FINANCIAL CIRCUMSTANCES MATERIALS.—If the institution's financial circumstances materially change after the institution submits an addendum under subsection (b)(6), such institution shall submit to the Secretary such certified financial statements and other information as the Secretary may require.

"(9) TRANSPARENCY.—Beginning not later than 90 days after the date of the enactment of this paragraph, and not less than once every 120 days thereafter, the Sec-

retary shall make publicly available on the website of the Department the following:

"(A) The ratios used to demonstrate financial responsibility under this section.

"(B) Each reports made to the Secretary under this section.

"(C) Each audited financial statement submitted to the Secretary by an institution of higher education under this section.

"(D) Each certified financial statement submitted to the Secretary under paragraph (8)(C)."; and

(3) in subsection (i)(2)—

(A) in subparagraph (E), by striking "or" at the end;

(B) in subparagraph (F), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(G) the transfer of ownership as a result of a court-ordered receivership.".

(b) RULEMAKING.—Not 1 year after the date of the enactment of this Act, the Secretary of Education shall carry out a negotiated rulemaking to update the criteria used under section 498(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1099c) to make a determination of

the ability of an institution of higher education to meet the standards under such section in accordance with the amendments made by this section.

SEC. 4722. PROGRAM REVIEW AND DATA.

Section 498A of the Higher Education Act of 1965 (20 U.S.C. 1099c-1) is amended—

(1) in subsection (a)(2), by striking subparagraph (A) and inserting the following:

"(A) institutions with an adjusted cohort default rate for loans under part D in excess of 18 percent or which places such institutions in the highest 25 percent of such institutions;";

(2) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(3) by inserting after subsection (b) the following:

"(c) UNDERCOVER OPERATIONS.—In carrying out paragraphs (1) and (2) of subsection (a) and any other relevant provisions of this subpart, the Secretary—

"(1) shall conduct undercover and secret shopper operations for the purpose of encouraging the ethical treatment of students and prospective students and detecting fraud and abuse in the Federal student aid programs, including—

"(A) violations described in section 487(c)(3);

"(B) violations of section 487(a)(20); and

"(C) violations by any entity with which the institution has contracted for student recruitment or admission activity;

"(2) shall develop written guidelines for the conduct of activities under paragraph (1) in accordance with commonly-accepted Federal practices for undercover operations and in consultation with other relevant agencies, including the Department of Justice, Federal Trade Commission, Consumer Financial Protection Bureau, and the Department of Education's Office of Inspector General; and

"(3) shall provide an annual report on the results of activities under paragraph (1) to the authorizing committees, and thereafter shall make the report available to the public.".

Subpart C—Strengthening Institutional Quality

SEC. 4731. STRENGTHENING INSTITUTIONAL QUALITY.

Part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099a et seq.) is amended by adding at the end the following:

"Subpart 4—Strengthening Institutional Quality

"SEC. 498C. ASSISTANCE TO PROGRESS PERIOD INSTITUTIONS.

"(a) IN GENERAL.—The Secretary shall provide grants and technical assistance to covered progress period institutions in accordance with this section.

"(b) AUTHORIZED ACTIVITIES.—Grants and assistance provided under this section shall be used to improve student achievement (as described in section 496(a)(5)(A)) at covered progress period institutions.

"(c) DURATION.—Grants and assistance may be provided under this section for a period of not less than one year and not more than three years.

"(d) CONDITIONS.—

"(1) BENCHMARKS.—

"(A) IN GENERAL.—To continue to receive support under this section after the first year in which such support is provided, an institution must show progress, as determined by the Secretary, toward meeting the standards for student achievement established by the relevant accrediting agency or association pursuant to section 496(a)(5)(A).

"(B) CONSIDERATIONS.—In determining the progress of an institution under subparagraph (A), the Secretary may take into consid-

eration extenuating circumstances that may have contributed to the poor performance of the institution in the first year of the review period.

''(2) DEADLINE FOR COMPLIANCE.—An institution that does not achieve an adjusted cohort default rate of less than 10 percent after receiving support under this section for three consecutive years shall be ineligible to receive further support under this section.

''(3) PROHIBITION.—An institution shall be ineligible to receive further support under this section if, while the institution was receiving such support, the total enrollment of low-income students (as such term is defined in section 419N(b)(7)) at the institution decreased by 10 percent or more.

''(e) COVERED PROGRESS PERIOD INSTITUTION.—In this section, the term 'covered progress period institution' means—

''(1) a public institution of higher education that is determined to be in progress period status;

''(2) a part B institution (as defined in section 322) that is determined to be in progress period status; or

''(3) a private, nonprofit institution of higher education—

"(A) that is determined to be in progress period status; and

"(B) at which not less than 45 percent of the total student enrollment consists of low-income students (as such term is defined in section 419N(b)(7)).

"(f) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, such funds as the Secretary, using the formula described in paragraph (2), determines necessary to meet the needs of all eligible institutions under this subsection, except that such funds shall not exceed $100,000,000 for fiscal year 2021 and each succeeding fiscal year. Such funds shall be available until expended.

"(2) FORMULA.—Not later than 1 year after the date of the enactment of this section, the Secretary shall establish through negotiated rulemaking a formula to determine the—

"(A) proportional amount of institutional need under this section; and

"(B) total amount of institutional need under this section.

"(3) SPECIAL RULE.—Such formula must at minimum take into consideration the severity of the problem, size of the institution, institutional resources, historical underfunding, and the number of low-income students (as such term is defined in section 419N(b)(7)) being served.

"SEC. 498D. RESTRICTIONS ON CERTAIN EXPENDITURES.

"(a) ESTABLISHING DEFINITIONS.—

"(1) IN GENERAL.—For purposes of each survey conducted under the Integrated Postsecondary Education Data System after the date of enactment of the College Affordability Act and this Act, the Secretary shall define the following terms:

"(A) Marketing.

"(B) Recruitment.

"(C) Advertising.

"(D) Lobbying.

"(E) Student services.

"(2) EXCLUSION OF CERTAIN ACTIVITIES.—In defining the term 'student services' under paragraph (1)(E), the Secretary shall ensure that such term does not include marketing, recruitment, advertising, or lobbying.

"(b) LIMITATION ON EXPENDITURES.—In a case in which the Secretary determines with respect to an institu-

tion of higher education participating in any program under this title that, for any of the 3 most recent institutional fiscal years after the promulgation of regulations by the Secretary defining the terms in subsection (a)(1) for which the institution submits to the Secretary disclosures on the expenditures of the institution on instruction for purposes of section 132(i)(1)(AA), the amount expended by such institution on instruction for such fiscal year is less than an amount equal to ⅓ of institution's revenues derived from tuition and fees—

"(1) for any institutional fiscal year after such determination is made, the sum of the amount expended by the institution on marketing, recruitment, advertising, and lobbying may not exceed the amount of the institution's revenues derived from sources other than Federal education assistance funds; and

"(2) in a case in which the institution fails to meet the requirements of paragraph (1) for 2 consecutive institutional fiscal years, the institution shall be ineligible to participate in the programs authorized by this title for a period of not less than two institutional fiscal years.

"(c) PUBLICATION ON WEBSITE.—The Secretary shall, on an annual basis, publicly disclose on the Depart-

ment's website, information with respect to any institution of higher education that is subject to the requirements of subsection (b)(1), including—

"(1) the quotient of the amount that the institution expends on instruction divided by the institution's revenues derived from tuition and fees, expressed as a percentage;

"(2) the sum of such institution's expenditures on advertising, recruiting, marketing, and lobbying;

"(3) the amount of such institution's revenues received from sources outside of Federal education assistance funds; and

"(4) the difference between paragraphs (2) and (3).

"SEC. 498E. INSTITUTIONAL DISCLOSURE SYSTEM.

"(a) DEPARTMENTAL DISCLOSURE.—The Secretary shall make available, on a publicly accessible website of the Department of Education, a list of institutions of higher education that—

"(1) have failed to meet the requirements for accreditation by an agency or association recognized by the Secretary pursuant to section 496(a); or

"(2) have failed to meet the requirements for participation in programs under this title.

"(b) INSTITUTIONAL DISCLOSURE.—

"(1) IN GENERAL.—To be eligible to participate in programs under this title, an institution of higher education shall, using the template developed by the Secretary under subsection (c), disclose the accreditation status of the institution on a publicly accessible website of the institution. Any failure of the institution to meet an accreditation standard shall be specifically identified by the institution as part of the disclosure under this paragraph.

"(2) UPDATES.—Any change in the accreditation status of an institution of higher education shall be disclosed in accordance with paragraph (1) not later than 30 days after such change occurs.

"(c) TEMPLATE.—The Secretary shall develop a template that shall be used by institutions of higher education to make the disclosures required under subsection (b). The Secretary shall ensure that the template—

"(1) clearly identifies the information to be disclosed; and

"(2) is in a format that is easily understood by consumers.".

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

SEC. 4801. PROGRAM AUTHORIZED.

Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) is amended by adding at the end the following:

"PART I—AMERICA'S COLLEGE PROMISE FEDERAL-STATE PARTNERSHIP

"Subpart 1—State and Indian Tribe Grants for Community Colleges

"SEC. 499A. IN GENERAL.

''From amounts appropriated under section 499G for any fiscal year, the Secretary shall award grants to eligible States and Indian tribes to pay the Federal share of expenditures needed to carry out the activities and services described in section 499E.

"SEC. 499B. FEDERAL SHARE; NON-FEDERAL SHARE.

''(a) FEDERAL SHARE.—

''(1) FORMULA.—Subject to paragraph (2), the Federal share of a grant under this subpart shall be based on a formula, determined by the Secretary, that—

''(A) accounts for the State or Indian tribe's share of eligible students;

''(B) accounts for the ratio between a State or Indian tribe's funding per full-time

equivalent (FTE) student at public colleges and universities and the average net price at State public four-year colleges and universities, in such a way as to reward States that keep net prices for students low while maintaining their investment in higher education; and

''(C) provides, for each eligible student in the State or Indian tribe, a per-student amount that is at least 75 percent of—

''(i) for the 2021–2022 award year, the average resident community college tuition and fees per student in all States for the most recent year for which data are available; and

''(ii) for each subsequent award year, the amount determined under this subparagraph for the preceding award year, increased by the lesser of—

''(I) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

''(II) 3 percent.

1 "(2) EXCEPTION FOR CERTAIN INDIAN
2 TRIBES.—In any case in which not less than 75 per-
3 cent of the students at the community colleges oper-
4 ated or controlled by an Indian tribe are low-income
5 students, the amount of the Federal share for such
6 Indian tribe shall be not less than 95 percent of the
7 total amount needed to waive tuition and fees for all
8 eligible students enrolled in such community col-
9 leges.
10 "(b) STATE OR TRIBAL SHARE.—
11 "(1) FORMULA.—
12 "(A) IN GENERAL.—The State or tribal
13 share of a grant under this subpart for each fis-
14 cal year shall be the amount needed to pay 25
15 percent of the average community college resi-
16 dent tuition and fees per student in all States
17 in the 2021–2022 award year for all eligible
18 students in the State or Indian tribe, respec-
19 tively, for such fiscal year, except as provided in
20 subparagraph (B).
21 "(B) EXCEPTION FOR CERTAIN INDIAN
22 TRIBES.—In the case of an Indian tribe de-
23 scribed in subsection (a)(2), the amount of such
24 Indian tribe's tribal share shall not exceed 5
25 percent of the total amount needed to waive tui-

tion and fees for all eligible students enrolled in such community colleges.

"(2) NEED-BASED AID.—A State or Indian tribe may include, as part of the State or tribal share, any need-based financial aid that—

"(A) is provided from State or tribal funds to an eligible student; and

"(B) may be used by such student to pay costs of attendance other than tuition and fees.

"(3) NO IN-KIND CONTRIBUTIONS.—A State or Indian tribe shall not include in-kind contributions for purposes of the State or tribal share described in paragraph (1).

"(c) DETERMINING NUMBER OF ELIGIBLE STUDENTS.—

"(1) IN GENERAL.—The Secretary of Education shall develop and implement a process for accurately estimating the number of eligible students in a State or Indian tribe for purposes of subsection (a) and (b).

"(2) INITIAL DETERMINATION.—For the first year for which grants are awarded under this subpart, the number of eligible students in a State or Indian tribe shall be considered to be equal to the

number of eligible students that were in the State or tribe for the preceding school year.

"(d) ADJUSTMENT OF GRANT AMOUNT.—Not later than 180 days after the date on which a State or Indian tribe receives a grant under this subpart, the Secretary shall—

"(1) in consultation with the State or tribe concerned, determine whether the actual number of eligible students in the State or Tribe for the year covered by the grant is greater than the estimated number of such students that was used to determine the amount of the grant; and

"(2) if it is determined under paragraph (1) that the actual number of eligible students in the State or Tribe is higher than such estimate, issue a supplementary grant payment to the State or tribe in an amount that ensures that the total amount of the grant funds received by the State or tribe under this subpart for the year covered by the grant accurately reflects the higher number of eligible students.

"SEC. 499C. APPLICATIONS.

"(a) SUBMISSION.—In order to receive a grant under this subpart, a State or tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

1 ''(b) CONTENTS.—Each application under subsection
2 (a) shall include, at a minimum—
3 ''(1) an estimate of the number of eligible stu-
4 dents in the State or Indian tribe and the cost of
5 waiving community college resident tuition and fees
6 for all eligible students for each fiscal year covered
7 by the grant;
8 ''(2) an assurance that all community colleges
9 in the State or under the jurisdiction of the Indian
10 tribe, respectively, will waive resident tuition and
11 fees for eligible students in accordance with section
12 499D(a);
13 ''(3) a description of the promising and evi-
14 dence-based institutional reforms and innovative
15 practices to improve student outcomes, including
16 transfer and completion rates, that have been or will
17 be adopted by the participating community colleges,
18 such as—
19 ''(A) providing comprehensive academic
20 and student support services, including men-
21 toring and advising, especially for low-income,
22 first-generation, and adult students, and other
23 students belonging to racial and other groups
24 that are underrepresented in higher education;

1 ''(B) the provision of direct support serv-
2 ices such as—
3 ''(i) childcare, transportation, emer-
4 gency financial assistance, and mental
5 health and substance use disorder treat-
6 ment;
7 ''(ii) assistance in obtaining health in-
8 surance coverage;
9 ''(iii) assistance securing affordable
10 housing;
11 ''(iv) efforts to address food insecurity
12 and campus hunger; and
13 ''(v) efforts to facilitate student par-
14 ticipation in means-tested Federal benefit
15 programs (as defined in section 479(d));
16 ''(C) providing accelerated learning oppor-
17 tunities, such as dual or concurrent enrollment
18 programs, including early college high school
19 programs;
20 ''(D) strengthening and reforming remedial
21 and developmental education, especially for low-
22 income, first-generation, and adult students,
23 and other students belonging to racial and
24 other groups that are underrepresented in high-
25 er education, including through the use of mul-

tiple measures (such as a student's college entrance examination score, grade point average, high school course list, or a placement examination) to identify students in need of remedial education; or

''(E) utilizing career pathways or degree pathways;

''(4) a description of how the State or Indian tribe will ensure that programs leading to a recognized postsecondary credential meet the quality criteria established by the State under section 123(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3153(a)) or other quality criteria determined appropriate by the State or Indian tribe;

''(5) an assurance that all participating community colleges in the State or under the authority of the Indian tribe have entered into program participation agreements under section 487;

''(6) an assurance that the State or Indian tribe will, to the extent practicable, assist eligible students in obtaining information about and accessing means-tested Federal benefit programs (as defined in section 479(d)) for which such students may be eligible;

''(7) an assurance that, for each year of the grant, the State or Indian tribe will notify each eligi-

ble student of the student's remaining eligibility for assistance under this subpart; and

"(8) if the application is submitted by a State—

"(A) an assurance that the State will, to the extent practicable, consider changes to State law that will enable more community college students to be eligible for means-tested Federal benefit programs (as defined in section 479(d));

"(B) an assurance that the State will meet the requirements of section 499D(b)(1) relating to the alignment of secondary and postsecondary education; and

"(C) an assurance that the State will meet the requirements of section 499D(b)(2) relating to the improvement of transfer pathways between institutions of higher education.

"SEC. 499D. PROGRAM REQUIREMENTS.

"(a) GENERAL REQUIREMENTS FOR STATES AND INDIAN TRIBES.—As a condition of receiving a grant under this subpart a State or Indian tribe shall meet the following requirements:

"(1) For each year of the grant the total amount of community college resident tuition and

fees charged to an eligible student in the State or Indian tribe shall be $0.

"(2) For each year of the grant no amount of financial assistance for which an eligible student qualifies may be applied to such tuition or fees.

"(b) STATE REQUIREMENTS.—As a condition of receiving a grant under this subpart a State shall meet the following requirements:

"(1) ALIGNMENT OF K–12 AND HIGHER EDUCATION.—

"(A) IN GENERAL.—The State shall—

"(i) submit a plan to align the requirements for receiving a regular high school diploma from a public high school with the requirements for entering credit-bearing coursework at a participating community college; and

"(ii) not later than three years after the date on which the State first receives a grant under this subpart, certify to the Secretary that such alignment has been achieved.

"(B) FAILURE TO CERTIFY.— If a State does not provide the certification required under subparagraph (A) by the date specified in

such subparagraph, the State shall submit to the Secretary, at such time and in such manner as the Secretary may require—

"(i) a written explanation for the delay in making the certification; and

"(ii) a plan that will enable the State to make the certification by not later than 5 years after the date on which the State first received a grant under this subpart.

"(2) TRANSFER PATHWAYS.—

"(A) IN GENERAL.—The State shall—

"(i) submit a plan, developed in collaboration with faculty from institutions of higher education in the State, to improve transfer pathways between institutions of higher education in the State, including by ensuring that associate degrees awarded by public institutions in the State are fully transferable to, and credited as, the first 2 years of related baccalaureate programs at public institutions of higher education in such State; and

"(ii) not later than 3 years after the date on which the State first receives a grant under this subpart, certify to the

Secretary that an associate degree in an academic major in the arts or sciences that is awarded by a public institution of higher education in the State on or after the date that is not later than 3 years after the date on which the State first receives a grant under this subpart shall be fully transferrable to, and credited as, the first 2 years of a related baccalaureate program at a public institution of higher education in such State.

"(B) FAILURE TO CERTIFY.— If a State does not provide the certification required under subparagraph (A) by the date specified in such subparagraph, the State shall submit to the Secretary, at such time and in such manner as the Secretary may require—

"(i) a written explanation for the delay in making the certification; and

"(ii) a plan that will enable the State to make the certification by not later than 5 years after the date on which the State first received a grant under this subpart.

"(3) APPLICABILITY.—The Secretary may not apply the requirements under this subsection to an Indian tribe.

"SEC. 499E. ALLOWABLE USES OF FUNDS.

"(a) IN GENERAL.—Except as provided in subsection (b), a State or Indian tribe shall use a grant under this subpart only to provide funds to participating community colleges to enable such community colleges to waive resident tuition and fees for eligible students as required under section 499D(a).

"(b) ADDITIONAL USES.—If a State or Indian tribe demonstrates to the Secretary that it has grant funds remaining after meeting the demand for activities described in subsection (a), the State or Indian tribe may use those funds to carry out one or more of the following:

"(1) Enhancing the quality of public higher education to improve student outcomes, including transfer and completion rates.

"(2) Expanding the scope and capacity of high-quality academic and occupational skills training programs at community colleges.

"(3) Improving postsecondary education readiness in the State or Indian tribe, including through outreach and early intervention.

"(4) Expanding access to dual or concurrent enrollment programs, including early college high school programs.

"(5) Improving affordability at 4-year public institutions of higher education.

"(c) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State or Indian tribe that receives a grant under this subpart may not use any funds provided under this subpart for administrative purposes relating to the grant under this subpart.

"(d) MAINTENANCE OF EFFORT.—A State or Indian tribe receiving a grant under this subpart is entitled to receive its full allotment of funds under this subpart for a fiscal year only if, for each year of the grant, the State or Indian tribe provides—

"(1) financial support for public higher education at a level equal to or exceeding the average amount provided per full-time equivalent student for public institutions of higher education for the three consecutive preceding fiscal years. In making the calculation under this subsection, the State or Indian tribe shall—

"(A) exclude capital expenses and research and development costs; and

"(B) include need-based financial aid for students who attend public institutions of higher education;

"(2) financial support for operational expenses for public, four-year colleges and universities at a level equal to or exceeding the average amount provided for the three consecutive preceding State or Indian tribe fiscal years; and

"(3) financial support for need-based financial aid at a level equal to or exceeding the average amount provided for the three consecutive preceding State or Indian tribe fiscal years.

"(e) ANNUAL REPORT.—A State or Indian tribe receiving a grant under this subpart shall submit an annual report to the Secretary describing the uses of grant funds under this subpart, the progress made in fulfilling the requirements of the grant, and rates of transfer, graduation, and attainment of recognized postsecondary credentials at participating community colleges, including such rates disaggregated by race, income, and age, and including any other information as the Secretary may require.

"(f) REPORTING BY SECRETARY.—The Secretary annually shall—

"(1) compile and analyze the information described in subsection (e); and

"(2) prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives containing the analysis described in paragraph (1) and an identification of State and Indian tribe best practices for achieving the purpose of this subpart.

"(g) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible States and Indian tribes concerning best practices regarding the promising and evidence-based institutional reforms and innovative practices to improve student outcomes and shall disseminate such best practices among the States and Indian tribes.

"(h) CONTINUATION OF FUNDING.—

"(1) IN GENERAL.—A State or Indian tribe receiving a grant under this subpart for a fiscal year may continue to receive funding under this subpart for future fiscal years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

"(2) DISCONTINUATION.—The Secretary may discontinue funding of the Federal share of a grant under this subpart if the State or Indian tribe has violated the terms of the grant or is not making ade-

quate progress in implementing the reforms described in the application submitted under section 499C.

''(i) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

''SEC. 499F. DEFINITIONS.

''In this subpart:

''(1) CAREER PATHWAY.—The term 'career pathway' has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

''(2) COMMUNITY COLLEGE.—The term 'community college' means a public institution of higher education at which the highest degree that is predominantly awarded to students is an associate's degree, including 2-year tribally controlled colleges under section 316 and public 2-year State institutions of higher education.

''(3) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term 'dual or concurrent enrollment program' has the meaning given the term in section

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

"(4) EARLY COLLEGE HIGH SCHOOL.—The term 'early college high school' has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(5) ELIGIBLE STUDENT.—

"(A) DEFINITION.—The term 'eligible student' means a student who—

"(i) attends the community college on not less than a half-time basis;

"(ii) is maintaining satisfactory progress (as defined in section 484(c)) in the student's course of study;

"(iii) is enrolled in an eligible program (as defined in section 481(b)); and

"(iv) either—

"(I) qualifies for in-State resident community college tuition, as determined by the State or Indian tribe; or

"(II) would qualify for such in-State resident community college tui-

tion, but for the immigration status of such student.

"(B) SPECIAL RULE.—An otherwise eligible student shall lose eligibility 3 calendar years after first receiving benefits under this subpart.

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(8) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning as described in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(9) STATE.—The term 'State' has the meaning given the term in section 103.

"SEC. 499G. APPROPRIATIONS.

"(a) AUTHORIZATION AND APPROPRIATIONS.—For the purpose of making grants under this subpart there are authorized to be appropriated, and there are appropriated—

"(1) $1,569,700,000 for fiscal year 2021;

1 ''(2) $3,472,880,000 for fiscal year 2022;
2 ''(3) $4,431,950,000 for fiscal year 2023;
3 ''(4) $6,204,030,000 for fiscal year 2024;
4 ''(5) $8,119,870,000 for fiscal year 2025;
5 ''(6) $9,297,430,000 for fiscal year 2026;
6 ''(7) $11,708,890,000 for fiscal year 2027;
7 ''(8) $14,971,330,000 for fiscal year 2028;
8 ''(9) $15,619,910,000 for fiscal year 2029; and
9 ''(10) $16,296,080,000 for fiscal year 2030 and
10 each succeeding fiscal year.
11 ''(b) AVAILABILITY.—Funds appropriated under sub-
12 section (a) shall remain available to the Secretary until
13 expended.
14 ''(c) INSUFFICIENT FUNDS.—If the amount appro-
15 priated under subsection (a) for a fiscal year is not suffi-
16 cient to award each participating State and Indian tribe
17 a grant under this subpart that is equal to the minimum
18 amount of the Federal share described in section 499B,
19 the Secretary may ratably reduce the amount of each such
20 grant or take other actions necessary to ensure an equi-
21 table distribution of such amount.''.
22 **SEC. 4802. STUDENT SUCCESS FUND.**
23 Part I of title IV of the Higher Education Act of
24 1965 (20 U.S.C. 1070 et seq.), as added by section 4801,
25 is further amended by adding at the end the following:

"Subpart 2—Student Success Fund

"SEC. 499H. IN GENERAL.

''From amounts appropriated under section 499N for any fiscal year, the Secretary shall carry out a grant program (to be known as the Student Success Fund) to make grants to eligible entities to carry out the activities and services described in section 499L.

"SEC. 499I. ALLOCATION.

''(a) FEDERAL SHARE ALLOCATION.—The Federal share of a grant under this subpart shall be determined using the formula determined under section 499B(1).

''(b) MATCHING FUNDS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity participating in the program under this subpart shall provide, from non-Federal sources, in cash or in-kind—

''(A) in each of the first, second, third, and fourth year of participation in the program, an amount equal to 25 percent of the amount such entity received under subsection (a) with respect to such year;

''(B) in each of the fifth and sixth year of participation in the program, an amount equal to 50 percent of the amount such entity received under subsection (a) with respect to such year;

"(C) in each of the seventh and eighth year of participation in the program, an amount equal to 75 percent of the amount such entity received under subsection (a) with respect to such year; and

"(D) in each ninth year and each subsequent year thereafter of participation in the program, an amount equal to 100 percent of the amount such entity received under subsection (a) with respect to such year.

"(2) EXCEPTION FOR CERTAIN INDIAN TRIBES.—The Secretary may waive the matching fund requirements under paragraph (1) in the case of an eligible entity that is an Indian tribe if at least 75 percent of the students at the institutions of higher education operated or controlled by such Indian tribe are low-income students.

"(3) REALLOTMENT.—If an eligible entity returns to the Secretary any portion of the sums allocated to such eligible entity under this section for any fiscal year, the Secretary shall reallot such excess as part of the available appropriated amount for the succeeding fiscal year.

"(c) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement,

and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities assisted under this subpart.

''(d) LIMITATION.—An eligible entity may only participate in the program under this subpart in a year in which such entity receives a grant under subpart 1.

"SEC. 499J. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to participate in the program under this subpart, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a plan that includes—

''(A) the amount of funds requested by the eligible entity under this subpart and the intended use of such funds;

''(B) how the eligibility entity will use the requested funds to implement the promising and evidence-based institutional reforms and innovative practices to improve student outcomes identified by such entity under section 499C(b)(3), including annual implementation benchmarks that the entity will use to track progress in implementing such reforms and practices;

"(C) how the eligible entity will meet its matching fund requirements under section 499I(b);

"(D) if the eligible entity is a State, how such eligible entity will prioritize spending on the public institutions of higher education specified in paragraph (2)(B); and

"(E) the improvements the eligible entity anticipates in student outcomes, including improvements in transfer rates or completion rates, or both.

"(2) if the eligible entity is a State, an analysis that includes—

"(A) with respect to each public institution of higher education of the eligible entity—

"(i) the total per-student funding;

"(ii) the amount of per-student funding from State-appropriated funds;

"(iii) the student demographics (including, data on race, income, disability status, and remediation); and

"(iv) transfer and completion rates, including such rates among low-income students, students of color, students with

disabilities, and students in need of remediation; and

"(B) an analysis of whether, of the public institutions of higher education of the eligible entity, the public institutions of higher education that received less funding on a per-student basis described in clause (i) or (ii), or both, of subparagraph (A), are serving disproportionately high shares of low-income students, students of color, students with disabilities, or students in need of remediation.

"(b) APPROVAL.—

"(1) IN GENERAL.—Not later than 180 days after receiving a plan under subsection (a), the Secretary shall—

"(A) approve the plan; or

"(B) require revisions to such plan.

"(2) REVISIONS REQUIRED.—An eligible entity shall make such revisions as required by the Secretary under paragraph (1)(B).

"(c) PUBLICATION.—The Secretary shall make each plan approved under subsection (b)(1)(A) and each plan revised under subsection (b)(2) available to the public on the website of the Department.

1 **"SEC. 499K. PROGRAM REQUIREMENTS.**

2 "(a) GENERAL REQUIREMENTS.—

3 "(1) REPORT ON DEMONSTRATED PROGRESS.—
4 For the third year in which an eligible entity partici-
5 pates in the program under this subpart, and every
6 2 years thereafter, the eligible entity shall submit a
7 report to the Secretary, in such manner and con-
8 taining such information as the Secretary may re-
9 quire, that includes—

10 "(A) the progress in meeting the annual
11 implementation benchmarks included in the ap-
12 plication of such eligible entity under section
13 499J(a)(1)(B);

14 "(B) the progress in improving the student
15 outcomes identified by the entity under section
16 499(J)(a)(1)(E); and

17 "(C) with respect to the 2 years after such
18 report is submitted—

19 "(i) a plan for the use of funds under
20 this subpart; and

21 "(ii) the amount of funds requested
22 by the eligible entity under this subpart .

23 "(2) APPROVAL.—Not later than 180 days
24 after receiving a plan under paragraph (1)(C)(i), the
25 Secretary shall—

26 "(A) approve the plan; or

"(B) require revisions to such plan.

"(3) REVISIONS REQUIRED.—An eligible entity shall make such revisions as required by the Secretary under paragraph (2)(B).

"(b) FAILURE TO MEET REQUIREMENTS.— If an eligible entity does not meet the annual implementation benchmarks included in the application of such eligible entity under section 499J(a)(1)(B), as required to be reported under subsection (a)(1)(A), such eligible entity shall submit to the Secretary, at such time and in such manner as the Secretary may require—

"(1) a written explanation for the delay in meeting such requirements; and

"(2) a plan that will enable such eligible entity to meet such requirements not later than 1 year after the date on which the eligible entity submitted the written explanation under paragraph (1).

"(c) PUBLICATION.—The Secretary shall make each plan approved under subsection (a)(2)(A), each plan revised under subsection (a)(3), and each plan submitted under subsection (b)(2) available to the public on the website of the Department.

"SEC. 499L. ALLOWABLE USES OF FUNDS.

"(a) IN GENERAL.—Except as provided in subsection (b), an eligible entity shall use a grant under this subpart

only to allocate funds in accordance with the plan submitted for such year under section 499J(a)(1).

''(b) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—An eligible entity that receives a grant under this subpart may use not more than 10 percent of such grant for administrative purposes relating to the grant under this subpart.

"SEC. 499M. ELIGIBLE ENTITY DEFINED.

''In this subpart, the term 'eligible entity' means a State or Indian tribe that received a grant under subpart 1 for the fiscal year in which such State or Indian tribe receives a grant under this subpart.

"SEC. 499N. APPROPRIATIONS.

''(a) AUTHORIZATION AND APPROPRIATIONS.—For the purpose of making grants under this subpart there are authorized to be appropriated and there are appropriated $500,000,000 for fiscal year 2021 and each succeeding fiscal year.

''(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available to the Secretary until expended.''.

SEC. 4803. PATHWAYS TO STUDENT SUCCESS FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS.

Part I of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as added by section 4801, is further amended by adding at the end the following:

"Subpart 3—Grants to Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions

"SEC. 499O. PATHWAYS TO STUDENT SUCCESS FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.

''(a) IN GENERAL.—From amounts appropriated under section 499S(a) for any fiscal year, the Secretary shall award grants to participating 4-year historically black colleges or universities that meet the requirements of subsection (b) to—

''(1) encourage students to enroll and successfully complete a bachelor's degree at participating institutions;

''(2) provide incentives to community college students to transfer to participating institutions through strong transfer pathways to complete a bachelor's degree program; and

"(3) support participating institutions to better serve new and existing students by engaging in reforms and innovations designed to improve completion rates and other student outcomes.

"(b) ELIGIBILITY.—To be eligible to receive a grant under the program under this section, an institution shall be a historically black college or university that—

"(1) has a student body of which not less than 35 percent are low-income students;

"(2) commits to maintaining or adopting and implementing promising and evidence-based institutional reforms and innovative practices to improve the completion rates and other student outcomes, such as—

"(A) providing comprehensive academic and student support services, including mentoring and advising, especially for low-income, first-generation, and adult students, and other students belonging to racial and other groups that are underrepresented in higher education;

"(B) providing direct support services such as—

"(i) childcare, transportation, emergency financial assistance, and mental

health and substance use disorder treatment;

''(ii) assistance in obtaining health insurance coverage;

''(iii) assistance securing affordable housing;

''(iv) efforts to address food insecurity and campus hunger; and

''(v) efforts to facilitate student participation in means-tested Federal benefit programs (as defined in section 479(d));

''(C) providing accelerated learning opportunities and degree pathways, such as dual enrollment and pathways to graduate and professional degree programs;

''(D) partnering with employers, industry, not-for-profit associations, and other groups to provide opportunities to advance learning outside the classroom, including work-based learning opportunities such as internships or apprenticeships or programs designed to improve inter-cultural development and personal growth, such as foreign exchange and study abroad programs; or

"(E) strengthening remedial education, especially for low-income, first-generation, and adult students, and other students belonging to racial and other groups that are underrepresented in higher education, including through the use of multiple measures (such as a student's college entrance examination score, grade point average, high school course list, or a placement examination) to identify students in need of remedial education;

"(3) sets performance goals for improving student outcomes for the duration of the grant; and

"(4) if receiving a grant for transfer students, has articulation agreements with community colleges at the national, State, or local level to ensure that community college credits can fully transfer to the participating institution.

"(c) GRANT AMOUNT.—

"(1) INITIAL AMOUNT.—For the first year that an eligible institution participates in the grant program under this section and subject to paragraph (3), such eligible institution shall receive a grant in an amount based on the product of—

"(A) the actual cost of tuition and fees at the eligible institution in such year (referred to in this section as the per-student rebate); and

"(B) the number of eligible students enrolled in the eligible institution for the preceding year.

"(2) SUBSEQUENT INCREASES.—For each succeeding year after the first year of the grant program under this section, each participating eligible institution shall receive a grant in the amount determined under paragraph (1) for such year, except that in no case shall the amount of the per-student rebate for an eligible institution increase by more than 3 percent as compared to the amount of such rebate for the preceding year.

"(3) LIMITATIONS.—

"(A) MAXIMUM PER-STUDENT REBATE.—No eligible institution participating in the grant program under this section shall receive a per-student rebate amount for any year that is greater than the national average of annual tuition and fees at public 4-year institutions of higher education for such year, as determined by the Secretary.

"(B) FIRST-YEAR TUITION AND FEES.—During the first year of participation in the grant program under this section, no eligible institution may increase tuition and fees at a rate greater than any annual increase at the eligible institution in the previous 5 years.

"(d) APPLICATION.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) USE OF FUNDS.—Funds awarded under this section to a participating eligible institution shall be used to waive or significantly reduce tuition and fees for eligible students in an amount of not more than up to the annual per-student rebate amount for each student, for not more than the first 60 credits an eligible student enrolls in the participating eligible institution.

"(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under section 499S to carry out this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

"SEC. 499P. PATHWAYS TO STUDENT SUCCESS FOR TRIBAL COLLEGES AND UNIVERSITIES.

"(a) IN GENERAL.—From amounts appropriated under section 499S(a) for any fiscal year, the Secretary shall award grants to participating 4-year Tribal Colleges or Universities that meet the requirements of subsection (b) to—

"(1) encourage students to enroll and successfully complete a bachelor's degree at participating institutions;

"(2) provide incentives to community college students to transfer to participating institutions through strong transfer pathways to complete a bachelor's degree program; and

"(3) support participating institutions to better serve new and existing students by engaging in reforms and innovations designed to improve completion rates and other student outcomes.

"(b) ELIGIBILITY.—To be eligible to receive a grant under the program under this section, an institution shall be a Tribal College or University that—

"(1) has a student body of which not less than 35 percent are low-income students;

"(2) commits to maintaining or adopting and implementing promising and evidence-based institutional reforms and innovative practices to improve

the completion rates and other student outcomes, such as—

"(A) providing comprehensive academic and student support services, including mentoring and advising, especially for low-income, first-generation, and adult students, and other students belonging to racial and other groups that are underrepresented in higher education;

"(B) providing direct support services such as—

"(i) childcare, transportation, emergency financial assistance, and mental health and substance use disorder treatment;

"(ii) assistance in obtaining health insurance coverage;

"(iii) assistance securing affordable housing;

"(iv) efforts to address food insecurity and campus hunger; and

"(v) efforts to facilitate student participation in means-tested Federal benefit programs (as defined in section 479(d));

"(C) providing accelerated learning opportunities and degree pathways, such as dual en-

rollment and pathways to graduate and professional degree programs;

''(D) partnering with employers, industry, not-for-profit associations, and other groups to provide opportunities to advance learning outside the classroom, including work-based learning opportunities such as internships or apprenticeships or programs designed to improve inter-cultural development and personal growth, such as foreign exchange and study abroad programs; or

''(E) strengthening remedial education, especially for low-income, first-generation, and adult students, and other students belonging to racial and other groups that are underrepresented in higher education, including through the use of multiple measures (such as a student's college entrance examination score, grade point average, high school course list, or a placement examination) to identify students in need of remedial education;

''(3) sets performance goals for improving student outcomes for the duration of the grant; and

''(4) if receiving a grant for transfer students, has articulation agreements with community colleges

at the national, State, or local level to ensure that community college credits can fully transfer to the participating institution.

"(c) GRANT AMOUNT.—

"(1) INITIAL AMOUNT.—For the first year that an eligible institution participates in the grant program under this section and subject to paragraph (3), such eligible institution shall receive a grant in an amount based on the product of—

"(A) the actual cost of tuition and fees at the eligible institution in such year (referred to in this section as the per-student rebate); and

"(B) the number of eligible students enrolled in the eligible institution for the preceding year.

"(2) SUBSEQUENT INCREASES.—For each succeeding year after the first year of the grant program under this section, each participating eligible institution shall receive a grant in the amount determined under paragraph (1) for such year, except that in no case shall the amount of the per-student rebate for an eligible institution increase by more than 3 percent as compared to the amount of such rebate for the preceding year.

"(3) LIMITATIONS.—

"(A) MAXIMUM PER-STUDENT REBATE.—No eligible institution participating in the grant program under this section shall receive a per-student rebate amount for any year that is greater than the national average of annual tuition and fees at public 4-year institutions of higher education for such year, as determined by the Secretary.

"(B) FIRST-YEAR TUITION AND FEES.—During the first year of participation in the grant program under this section, no eligible institution may increase tuition and fees at a rate greater than any annual increase at the eligible institution in the previous 5 years.

"(d) APPLICATION.—An eligible institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(e) USE OF FUNDS.—Funds awarded under this section to a participating eligible institution shall be used to waive or significantly reduce tuition and fees for eligible students in an amount of not more than up to the annual per-student rebate amount for each student, for not more than the first 60 credits an eligible student enrolls in the participating eligible institution.

"(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under section 499S to carry out this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

"SEC. 499Q. PATHWAYS TO STUDENT SUCCESS FOR HISPANIC-SERVING INSTITUTIONS, ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS, ALASKA NATIVE-SERVING INSTITUTIONS, NATIVE HAWAIIAN-SERVING INSTITUTIONS, PREDOMINANTLY BLACK INSTITUTIONS, AND NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTIONS.

"(a) IN GENERAL.—From amounts appropriated under section 499S(a) for any fiscal year, the Secretary shall award grants to participating 4-year minority-serving institutions to—

"(1) encourage students to enroll and successfully complete a bachelor's degree at participating institutions;

"(2) provide incentives to community college students to transfer to participating institutions through strong transfer pathways to complete a bachelor's degree program; and

"(3) support participating institutions to better serve new and existing students by engaging in reforms and innovations designed to improve completion rates and other student outcomes.

"(b) INSTITUTIONAL ELIGIBILITY.—To be eligible to participate and receive a grant under this section, an institution shall be a minority-serving institution that—

"(1) has a student body of which not less than 35 percent are low-income students;

"(2) commits to maintaining or adopting and implementing promising and evidence-based institutional reforms and innovative practices to improve the completion rates and other student outcomes, such as—

"(A) providing comprehensive academic and student support services, including mentoring and advising, especially for low-income, first-generation, and adult students, and other students belonging to racial and other groups that are historically underrepresented in higher education;

"(B) providing direct support services such as—

"(i) childcare, transportation, emergency financial assistance, and mental

health and substance use disorder treatment;

''(ii) assistance in obtaining health insurance coverage;

''(iii) assistance securing affordable housing;

''(iv) efforts to address food insecurity and campus hunger; and

''(v) efforts to facilitate student participation in means-tested Federal benefit programs (as defined in section 479(d));

''(C) providing accelerated learning opportunities and degree pathways, such as dual enrollment and pathways to graduate and professional degree programs;

''(D) partnering with employers, industry, not-for-profit associations, and other groups to provide opportunities to advance learning outside the classroom, including work-based learning opportunities such as internships or apprenticeships or programs designed to improve inter-cultural development and personal growth, such as foreign exchange and study abroad programs; or

"(E) strengthening remedial education, especially for low-income, first-generation, and adult students, and other students belonging to racial and other groups that are underrepresented in higher education, including through the use of multiple measures (such as a student's college entrance examination score, grade point average, high school course list, or a placement examination) to identify students in need of remedial education;

"(3) sets performance goals for improving student outcomes for the duration of the grant; and

"(4) if receiving a grant for transfer students, has articulation agreements with community colleges at the national, State, or local levels to ensure that community college credits can fully transfer to the participating institution.

"(c) GRANT AMOUNT.—

"(1) INITIAL AMOUNT.—For the first year that an eligible institution participates in the grant program under this section and subject to paragraph (3), such participating eligible institution shall receive a grant in an amount based on the product of—

"(A) the actual cost of tuition and fees at the eligible institution in such year (referred to in this section as the per-student rebate); and

"(B) the number of eligible students enrolled in the eligible institution for the preceding year.

"(2) SUBSEQUENT INCREASES.—For each succeeding year after the first year of the grant program under this section, each participating eligible institution shall receive a grant in the amount determined under paragraph (1) for such year, except that in no case shall the amount of the per-student rebate increase by more than 3 percent as compared to the amount of such rebate for the preceding year.

"(3) LIMITATIONS.—

"(A) MAXIMUM PER-STUDENT REBATE.—No eligible institution participating in the grant program under this section shall receive a per-student rebate amount for a grant year greater than the national average of public four-year institutional tuition and fees, as determined by the Secretary.

"(B) FIRST-YEAR TUITION AND FEES.—During the first year of participation in the grant program under this section, no eligible in-

stitution may increase tuition and fees at a rate greater than any annual increase made by the institution in the previous 5 years.

''(d) APPLICATION.—An eligible institution shall submit an application to the Secretary at such time, in such a manner, and containing such information as determined by the Secretary.

''(e) USE OF FUNDS.—Funds awarded under this section to a participating eligible institution shall be used to waive or significantly reduce tuition and fees for eligible students in an amount of not more than up to the annual per-student rebate amount for each student, for not more than the first 60 credits an eligible student enrolls in the participating eligible institution.

''(f) SUPPLEMENT, NOT SUPPLANT.—Funds made available under section 499S to carry out this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

''SEC. 499R. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE STUDENT.—

''(A) DEFINITION.—The term 'eligible student' means a student, regardless of age, who—

1 ''(i)(I) enrolls in a historically black
2 college or university, Tribal College or Uni-
3 versity, or minority-serving institution; or
4 ''(II) transfers from a community col-
5 lege into a historically black college or uni-
6 versity, Tribal College or University, or mi-
7 nority-serving institution;
8 ''(ii) attends the historically black col-
9 lege or university, Tribal College or Uni-
10 versity, or minority-serving institution, on
11 at least a half-time basis;
12 ''(iii) maintains satisfactory academic
13 progress; and
14 ''(iv) is a low-income student.
15 ''(B) SPECIAL RULES.—
16 ''(i) FIRST 3 YEARS.—An otherwise el-
17 igible student shall lose eligibility 3 cal-
18 endar years after first receiving benefits
19 under this title.
20 ''(ii) SPECIAL RULE FOR CERTAIN
21 STUDENTS.—Notwithstanding subpara-
22 graph (A)(i), an otherwise eligible student
23 whose parent or guardian was denied a
24 Federal Direct PLUS loan under part D
25 after November 1, 2011, and before March

29, 2015, and who subsequently withdrew from a historically black college or university, Tribal College or University, or minority-serving institution, and has not yet completed a program of study at such historically black college or university or minority-serving institution, shall be eligible to participate under sections 499O, 499P, or 499Q in order to complete such program of study, subject to all other requirements of sections 499O, 499P, or 499Q (as the case may be).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a part B institution described in section 322(2).

"(3) LOW-INCOME STUDENT.—The term 'low-income student'—

"(A) shall include any student eligible for a Federal Pell Grant under section 401; and

"(B) may include a student ineligible for a Federal Pell Grant under section 401 who is determined by the institution to be a low-income student based on an analysis of the stu-

1 dent's ability to afford the cost of attendance at
2 the institution.
3 ''(4) MINORITY-SERVING INSTITUTION.—The
4 term 'minority-serving institution' means any public
5 or not-for-profit institution of higher education—
6 ''(A) described in paragraph (2) and para-
7 graphs (4) through (7) of section 371(a); and
8 ''(B) designated as a minority-serving in-
9 stitution by the Secretary.
10 ''(5) TRIBAL COLLEGE OR UNIVERSITY.—The
11 term 'Tribal College or University' has the meaning
12 given the term in section 316.
13 **''SEC. 499S. APPROPRIATIONS.**
14 ''(a) AUTHORIZATION AND APPROPRIATIONS FOR
15 HBCU, TCU, AND MSI GRANTS.—For the purpose of
16 carrying out sections 499O, 499P, and 499Q there are
17 authorized to be appropriated, and there are appro-
18 priated—
19 ''(1) $63,250,000 for fiscal year 2021;
20 ''(2) $206,990,000 for fiscal year 2022;
21 ''(3) $1,232,760,000 for fiscal year 2023;
22 ''(4) $1,282,210,000 for fiscal year 2024;
23 ''(5) $1,333,950,000 for fiscal year 2025;
24 ''(6) $1,386,850,000 for fiscal year 2026;
25 ''(7) $1,408,700,000 for fiscal year 2027;

"(8) $1,501,850,000 for fiscal year 2028;

"(9) $1,562,800,000 for fiscal year 2029; and

"(10) $1,626,040,000 for fiscal year 2030 and each succeeding fiscal year.

"(b) AVAILABILITY.—Funds appropriated under subsection (a) are to remain available to the Secretary until expended.

"(c) INSUFFICIENT FUNDS.—If the amount appropriated under subsection (a) for a fiscal year is not sufficient to award each participating institution in the grant programs under sections 499O, 499P, and 499Q a grant under this part equal to 100 percent of the grant amount determined under section 499O(c), 499P(c), or 499Q(c), as appropriate, the Secretary may ratably reduce the amount of each such grant or take other actions necessary to ensure an equitable distribution of such amount.".

SEC. 4804. UNMET NEED FOR FEDERAL PELL GRANT RECIPIENTS.

Part I of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as added by section 4801, is further amended by adding at the end the following:

"Subpart 4—Additional College Affordability Grants

"SEC. 499T. UNMET NEED FOR FEDERAL PELL GRANT RECIPIENTS.

"(a) IN GENERAL.—

1 "(1) GRANT PROGRAM.—Subject to paragraph
2 (2), from amounts appropriated under subsection (f)
3 for any fiscal year, the Secretary may award grants
4 to eligible States and Indian tribes described in
5 paragraph (3) to pay the Federal share of expendi-
6 tures needed to carry out the activities and services
7 described in subsection (d).
8 "(2) LIMITATION.—The Secretary may not
9 make grants under paragraph (1) in fiscal year un-
10 less all grants eligible to be made under subpart 1
11 have been made for such fiscal year.
12 "(3) ELIGIBILITY.—A State or Indian tribe
13 may only be eligible for a grant under this section
14 in a fiscal year if such State or Indian tribe received
15 a grant under subpart 1 for such fiscal year.
16 "(b) FEDERAL SHARE; NON-FEDERAL SHARE.—
17 "(1) FEDERAL SHARE.—
18 "(A) FORMULA.—Subject to paragraph
19 (2), the Federal share of a grant under this
20 section shall be based on a formula, determined
21 by the Secretary, that—
22 "(i) accounts for the State or Indian
23 tribe's share of Pell Grant recipients;
24 "(ii) provides, for each Pell Grant re-
25 cipient in the State or Indian tribe, a per-

student amount that is at least 75 percent of—

"(I) for the first award year for which grants are made under this section, the average unmet need of Pell Grant recipients in all States for the most recent year for which data are available; and

"(II) for each subsequent award year, the amount determined under this subparagraph for the preceding award year, increased by the lesser of—

"(aa) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

"(bb) 3 percent.

"(B) EXCEPTION FOR CERTAIN INDIAN TRIBES.—In any case in which not less than 75 percent of the students at the institutions of higher education operated or controlled by an Indian tribe are low-income students, the

amount of the Federal share for such Indian tribe shall be not less than 95 percent of the total amount needed to waive tuition and fees for all Pell Grant recipients enrolled in such institutions of higher education.

''(2) STATE OR TRIBAL SHARE.—

''(A) FORMULA.—

''(i) IN GENERAL.—The State or tribal share of a grant under this section for each fiscal year shall be the amount needed to pay 25 percent of the average unmet need of Pell Grant recipients in all States in the first award year for which grants are made under this section for all Pell Grant recipients in the State or Indian tribe, respectively, for such fiscal year, except as provided in clause (ii).

''(ii) EXCEPTION FOR CERTAIN INDIAN TRIBES.—In the case of an Indian tribe described in paragraph (1)(B), the amount of such Indian tribe's tribal share shall not exceed 5 percent of the total amount needed to pay the average unmet need for all Pell Grant recipients enrolled

in the institutions of higher education described in such paragraph.

"(B) NEED-BASED AID.—A State or Indian tribe may include, as part of the State or tribal share, any need-based financial aid that—

"(i) is provided from State or tribal funds to a Pell Grant recipient; and

"(ii) may be used by such student to pay costs of attendance other than tuition and fees.

"(3) DETERMINING NUMBER OF PELL GRANT RECIPIENTS.—

"(A) IN GENERAL.—The Secretary shall develop and implement a process for accurately estimating the number of Pell Grant recipients in a State or Indian tribe for purposes of paragraphs (1) and (2).

"(B) INITIAL DETERMINATION.—For the first year for which grants are awarded under this section, the number of Pell Grant recipients in a State or Indian tribe shall be considered to be equal to the number of Pell Grant recipients that were in the State or tribe for the preceding school year.

"(4) ADJUSTMENT OF GRANT AMOUNT.—Not later than 180 days after the date on which a State or Indian tribe receives a grant under this section, the Secretary shall—

"(A) in consultation with the State or tribe concerned, determine whether the actual number of Pell Grant recipients in the State or Tribe for the year covered by the grant is greater than the estimated number of such students that was used to determine the amount of the grant; and

"(B) if it is determined under paragraph (1) that the actual number of Pell Grant recipients in the State or Tribe is higher than such estimate, issue a supplementary grant payment to the State or tribe in an amount that ensures that the total amount of the grant funds received by the State or tribe under this section for the year covered by the grant accurately reflects the higher number of Pell Grant recipients.

"(c) APPLICATIONS.—In order to receive a grant under this section, a State or tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

1 "(d) ALLOWABLE USES OF FUNDS.—
2 "(1) IN GENERAL.—A State or Indian tribe
3 shall use a grant under this section only to provide
4 to each Pell Grant recipient a grant that equals the
5 unmet need of such recipient.
6 "(2) ANNUAL REPORT.—A State or Indian
7 tribe receiving a grant under this section shall sub-
8 mit an annual report to the Secretary describing the
9 uses of grant funds under this section, the progress
10 made in fulfilling the requirements of the grant, and
11 rates of transfer, graduation, and attainment of rec-
12 ognized postsecondary credentials at institutions of
13 higher education in the State or Indian tribe, includ-
14 ing such rates disaggregated by race, income, and
15 age, and including any other information as the Sec-
16 retary may require.
17 "(3) REPORTING BY THE SECRETARY.—The
18 Secretary annually shall—
19 "(A) compile and analyze the information
20 described in paragraph (2); and
21 "(B) prepare and submit a report to the
22 Committee on Health, Education, Labor, and
23 Pensions of the Senate and the Committee on
24 Education and Labor of the House of Rep-
25 resentatives containing the analysis described in

subparagraph (A) and an identification of State and Indian tribe best practices for achieving the purpose of this section.

''(4) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible States and Indian tribes concerning best practices regarding the promising and evidence-based institutional reforms and innovative practices to improve student outcomes and shall disseminate such best practices among the States and Indian tribes.

''(5) CONTINUATION OF FUNDING.—

''(A) IN GENERAL.—A State or Indian tribe receiving a grant under this section for a fiscal year may continue to receive funding under this section for future fiscal years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

''(B) DISCONTINUATION.—The Secretary may discontinue funding of the Federal share of a grant under this section if the State or Indian tribe has violated the terms of the grant.

''(6) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State,

and local funds that would otherwise be expended to carry out activities under this section.

''(e) DEFINITIONS.—In this section:

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(3) PELL GRANT RECIPIENT.—

''(A) DEFINITION.—The term 'Pell Grant recipient' means a student who—

''(i) attends a public institution of higher education on not less than a half-time basis;

''(ii) is a recipient of a Federal Pell Grant under subpart 1 of part A of title IV of this Act;

''(iii) is maintaining satisfactory progress (as defined in section 484(c)) in the student's course of study;

''(iv) is enrolled in an eligible program (as defined in section 481(b)); and

''(v) either—

"(I) qualifies for in-State resident institution of higher education tuition, as determined by the State or Indian tribe; or

"(II) would qualify for such in-State tuition, but for the immigration status of such student.

"(B) SPECIAL RULE.—An otherwise Pell Grant recipient shall lose eligibility under this section—

"(i) after 3 years of receiving benefits under this section for enrollment at a community college (as defined in section 499F); and

"(ii) after 6 years of receiving benefits under this section for enrollment in a 4-year institution of higher education.

"(4) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning as described in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(5) STATE.—The term 'State' has the meaning given the term in section 103.

"(6) UNMET NEED.—The term 'unmet need' means, with respect to a Pell Grant recipient, the amount determined by calculating the difference between—

"(A) the institution's cost of attendance (as defined in section 472) for the year for which the determination is made; and

"(B) the sum of—

"(i) the total amount of need-based grant aid and merit-based grant aid, from Federal, State, and institutional sources, provided to such Pell Grant recipient for the year for which the determination is made; and

"(ii) the expected family contribution for such Pell Grant recipient for the year for which the determination is made.

"(f) APPROPRIATIONS.—

"(1) AUTHORIZATION AND APPROPRIATIONS.—For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2021 and each succeeding fiscal year.

"(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available to the Secretary until expended.

"(3) INSUFFICIENT FUNDS.—If the amount appropriated under paragraph (1) for a fiscal year is not sufficient to award each participating State and Indian tribe a grant under this section that is equal to the minimum amount of the Federal share described in subsection (b), the Secretary may ratably reduce the amount of each such grant or take other actions necessary to ensure an equitable distribution of such amount.

"(4) TRANSFER AVAILABILITY.—The Secretary is authorized, subject to the availability of appropriations, to transfer amounts authorized to be appropriated to carry out subpart 1 for a fiscal year to make grants under this section if all grants eligible to be made under such subpart have been made for such fiscal year.".

SEC. 4805. UNMET NEED FOR STUDENTS.

Subpart 4 of part I of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as added by section 4804, is further amended by adding at the end the following:

"SEC. 499U. UNMET NEED FOR STUDENTS.

"(a) IN GENERAL.—

"(1) GRANT PROGRAM.—Subject to paragraph (2), from amounts appropriated under subsection (f) for any fiscal year, the Secretary may award grants to eligible States and Indian tribes described in paragraph (3) to pay the Federal share of expenditures needed to carry out the activities and services described in subsection (d).

"(2) LIMITATION.—The Secretary may not make grants under paragraph (1) in fiscal year unless—

"(A) all grants eligible to be made under subpart 1 have been made for such fiscal year; and

"(B) all grants eligible to be made under section 499T have been made for such fiscal year.

"(3) ELIGIBILITY.—A State or Indian tribe may only be eligible for a grant under this section in a fiscal year if such State or Indian tribe received—

"(A) a grant under subpart 1 for such fiscal year; and

"(B) a grant under 499T for such fiscal year.

1 "(b) FEDERAL SHARE; NON-FEDERAL SHARE.—
2 "(1) FEDERAL SHARE.—
3 "(A) FORMULA.—Subject to paragraph
4 (2), the Federal share of a grant under this
5 section shall be based on a formula, determined
6 by the Secretary, that—
7 "(i) accounts for the State or Indian
8 tribe's share of eligible students;
9 "(ii) provides, for each eligible student
10 in the State or Indian tribe, a per-student
11 amount that is at least 75 percent of—
12 "(I) for the first award year for
13 which grants are made under this sec-
14 tion, the average unmet need of eligi-
15 ble students in all States for the most
16 recent year for which data are avail-
17 able; and
18 "(II) for each subsequent award
19 year, the amount determined under
20 this subparagraph for the preceding
21 award year, increased by the lesser
22 of—
23 "(aa) a percentage equal to
24 the estimated percentage increase
25 in the Consumer Price Index (as

1 determined by the Secretary)
2 since the date of such determina-
3 tion; or
4 ''(bb) 3 percent.
5 ''(B) EXCEPTION FOR CERTAIN INDIAN
6 TRIBES.—In any case in which not less than 75
7 percent of the students at the institutions of
8 higher education operated or controlled by an
9 Indian tribe are low-income students, the
10 amount of the Federal share for such Indian
11 tribe shall be not less than 95 percent of the
12 total amount needed to waive tuition and fees
13 for all eligible students enrolled in such institu-
14 tions of higher education.
15 ''(2) STATE OR TRIBAL SHARE.—
16 ''(A) FORMULA.—
17 ''(i) IN GENERAL.—The State or trib-
18 al share of a grant under this section for
19 each fiscal year shall be the amount needed
20 to pay 25 percent of the average unmet
21 need of eligible students in all States in
22 the first award year for which grants are
23 made under this section for all eligible stu-
24 dents in the State or Indian tribe, respec-

tively, for such fiscal year, except as provided in clause (ii).

"(ii) EXCEPTION FOR CERTAIN INDIAN TRIBES.—In the case of an Indian tribe described in paragraph (1)(B), the amount of such Indian tribe's tribal share shall not exceed 5 percent of the total amount needed to pay the average unmet need for all eligible students enrolled in the institutions of higher education described in such subparagraph.

"(B) NEED-BASED AID.—A State or Indian tribe may include, as part of the State or tribal share, any need-based financial aid that—

"(i) is provided from State or tribal funds to an eligible student; and

"(ii) may be used by such student to pay costs of attendance other than tuition and fees.

"(3) DETERMINING NUMBER OF ELIGIBLE STUDENTS.—

"(A) IN GENERAL.—The Secretary shall develop and implement a process for accurately estimating the number of eligible students in a

State or Indian tribe for purposes of paragraphs (1) and (2).

"(B) INITIAL DETERMINATION.—For the first year for which grants are awarded under this section, the number of eligible students in a State or Indian tribe shall be considered to be equal to the number of eligible students that were in the State or tribe for the preceding school year.

"(4) ADJUSTMENT OF GRANT AMOUNT.—Not later than 180 days after the date on which a State or Indian tribe receives a grant under this section, the Secretary shall—

"(A) in consultation with the State or tribe concerned, determine whether the actual number of eligible students in the State or Tribe for the year covered by the grant is greater than the estimated number of such students that was used to determine the amount of the grant; and

"(B) if it is determined under paragraph (1) that the actual number of eligible students in the State or Tribe is higher than such estimate, issue a supplementary grant payment to the State or tribe in an amount that ensures that the total amount of the grant funds re-

ceived by the State or tribe under this section for the year covered by the grant accurately reflects the higher number of eligible students.

''(c) APPLICATIONS.—In order to receive a grant under this section, a State or tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(d) ALLOWABLE USES OF FUNDS.—

''(1) IN GENERAL.—A State or Indian tribe shall use a grant under this section only to provide to each eligible student a grant that equals the unmet need of such recipient.

''(2) ANNUAL REPORT.—A State or Indian tribe receiving a grant under this section shall submit an annual report to the Secretary describing the uses of grant funds under this section, the progress made in fulfilling the requirements of the grant, and rates of transfer, graduation, and attainment of recognized postsecondary credentials at institutions of higher education in the State or Indian tribe, including such rates disaggregated by race, income, and age, and including any other information as the Secretary may require.

''(3) REPORTING BY THE SECRETARY.—The Secretary annually shall—

"(A) compile and analyze the information described in paragraph (2); and

"(B) prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives containing the analysis described in subparagraph (A) and an identification of State and Indian tribe best practices for achieving the purpose of this section.

"(4) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible States and Indian tribes concerning best practices regarding the promising and evidence-based institutional reforms and innovative practices to improve student outcomes and shall disseminate such best practices among the States and Indian tribes.

"(5) CONTINUATION OF FUNDING.—

"(A) IN GENERAL.—A State or Indian tribe receiving a grant under this section for a fiscal year may continue to receive funding under this section for future fiscal years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

1 "(B) DISCONTINUATION.—The Secretary
2 may discontinue funding of the Federal share of
3 a grant under this section if the State or Indian
4 tribe has violated the terms of the grant.
5 "(6) SUPPLEMENT, NOT SUPPLANT.—Funds
6 made available under this section shall be used to
7 supplement, and not supplant, other Federal, State,
8 and local funds that would otherwise be expended to
9 carry out activities under this section.
10 "(e) DEFINITIONS.—In this section:
11 "(1) ELIGIBLE STUDENT.—
12 "(A) DEFINITION.—The term 'eligible stu-
13 dent' means a student who—
14 "(i) attends a public institution of
15 higher education on not less than a half-
16 time basis;
17 "(ii) is not a recipient of a Federal
18 Pell Grant under subpart 1 of part A of
19 title IV of this Act;
20 "(iii) is maintaining satisfactory
21 progress (as defined in section 484(c)) in
22 the student's course of study;
23 "(iv) is enrolled in an eligible program
24 (as defined in section 481(b)); and
25 "(v) either—

"(I) qualifies for in-State resident institution of higher education tuition, as determined by the State or Indian tribe; or

"(II) would qualify for such in-State tuition, but for the immigration status of such student.

"(B) SPECIAL RULE.—An otherwise eligible student shall lose eligibility under this section—

"(i) after 3 years of receiving benefits under this section for enrollment at a community college (as defined in section 499F); and

"(ii) after 6 years of receiving benefits under this section for enrollment in a 4-year institution of higher education.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(4) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning as described in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

"(5) STATE.—The term 'State' has the meaning given the term in section 103.

"(6) UNMET NEED.—The term 'unmet need' means, with respect to an eligible student, the amount determined by calculating the difference between—

"(A) the institution's cost of attendance (as defined in section 472) for the year for which the determination is made; and

"(B) the sum of—

"(i) the total amount of need-based grant aid and merit-based grant aid, from Federal, State, and institutional sources, provided to such eligible student for the year for which the determination is made; and

"(ii) the expected family contribution for such eligible student for the year for which the determination is made.

"(f) APPROPRIATIONS.—

"(1) AUTHORIZATION AND APPROPRIATIONS.—For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2021 and each succeeding fiscal year.

"(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available to the Secretary until expended.

"(3) INSUFFICIENT FUNDS.—If the amount appropriated under paragraph (1) for a fiscal year is not sufficient to award each participating State and Indian tribe a grant under this section that is equal to the minimum amount of the Federal share described in subsection (b), the Secretary may ratably reduce the amount of each such grant or take other actions necessary to ensure an equitable distribution of such amount.

"(4) TRANSFER AVAILABILITY.—The Secretary is authorized, subject to the availability of appropriations, to transfer amounts authorized to be appropriated to carry out subpart 1 or to carry out section 499T for a fiscal year to make grants under this section if—

"(A) all grants eligible to be made under such subpart have been made for such fiscal year; and

"(B) all grants eligible to be made under such section have been made for such fiscal year.".

SEC. 4806. TUITION WAIVERS.

Subpart 4 of part I of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as added by section 4804, is further amended by adding at the end the following:

"SEC. 499V. TUITION WAIVERS.

"(a) IN GENERAL.—

"(1) GRANT PROGRAM.—Subject to paragraph (2), from amounts appropriated under subsection (g) for any fiscal year, the Secretary may award grants to eligible States and Indian tribes to pay the Federal share of expenditures needed to carry out the activities and services described in subsection (d).

"(2) LIMITATION.—The Secretary may not make grants under paragraph (1) in fiscal year unless—

"(A) all grants eligible to be made under subpart 1 have been made for such fiscal year;

1 "(B) all grants eligible to be made under
2 499T have been made for such fiscal year; and
3 "(C) all grants eligible to be made under
4 499U have been made for such fiscal year.
5 "(3) ELIGIBILITY.—A State or Indian tribe
6 may only be eligible for a grant under this section
7 in a fiscal year if such State or Indian tribe re-
8 ceived—
9 "(A) a grant under subpart 1 for such fis-
10 cal year;
11 "(B) a grant under section 499T for such
12 fiscal year; and
13 "(C) a grant under 499U for such fiscal
14 year.
15 "(b) FEDERAL SHARE; NON-FEDERAL SHARE.—
16 "(1) FEDERAL SHARE.—
17 "(A) FORMULA.—Subject to paragraph
18 (2), the Federal share of a grant under this
19 section shall be based on a formula, determined
20 by the Secretary, that—
21 "(i) accounts for the State or Indian
22 tribe's share of eligible students;
23 "(ii) provides, for each eligible student
24 in the State or Indian tribe, a per-student
25 amount that is at least 75 percent of—

"(I) for the first award year for which grants are made under this section, the average resident public 4-year institutions of higher education tuition and fees per student in all States for the most recent year for which data are available; and

"(II) for each subsequent award year, the amount determined under this subparagraph for the preceding award year, increased by the lesser of—

"(aa) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

"(bb) 3 percent.

"(B) EXCEPTION FOR CERTAIN INDIAN TRIBES.—In any case in which not less than 75 percent of the students at the institutions of higher education operated or controlled by an Indian tribe are low-income students, the amount of the Federal share for such Indian

tribe shall be not less than 95 percent of the total amount needed to waive tuition and fees for all eligible students enrolled in such institutions of higher education.

''(2) STATE OR TRIBAL SHARE.—

''(A) FORMULA.—

''(i) IN GENERAL.—The State or tribal share of a grant under this section for each fiscal year shall be the amount needed to pay 25 percent of the average resident public 4-year institutions of higher education tuition and fees for eligible students in all States in first award year for which grants are made under this section for all eligible students in the State or Indian tribe, respectively, for such fiscal year, except as provided in clause (ii).

''(ii) EXCEPTION FOR CERTAIN INDIAN TRIBES.—In the case of an Indian tribe described in paragraph (1)(B), the amount of such Indian tribe's tribal share shall not exceed 5 percent of the total amount needed to waive tuition and fees for all eligible students enrolled in the in-

stitutions of higher education described in such paragraph.

"(B) NEED-BASED AID.—A State or Indian tribe may include, as part of the State or tribal share, any need-based financial aid that—

"(i) is provided from State or tribal funds to an eligible student; and

"(ii) may be used by such student to pay costs of attendance other than tuition and fees.

"(3) DETERMINING NUMBER OF ELIGIBLE STUDENTS.—

"(A) IN GENERAL.—The Secretary shall develop and implement a process for accurately estimating the number of eligible students in a State or Indian tribe for purposes of paragraphs (1) and (2).

"(B) INITIAL DETERMINATION.—For the first year for which grants are awarded under this section, the number of eligible students in a State or Indian tribe shall be considered to be equal to the number of eligible students that were in the State or tribe for the preceding school year.

"(4) ADJUSTMENT OF GRANT AMOUNT.—Not later than 180 days after the date on which a State or Indian tribe receives a grant under this section, the Secretary shall—

"(A) in consultation with the State or tribe concerned, determine whether the actual number of eligible students in the State or Tribe for the year covered by the grant is greater than the estimated number of such students that was used to determine the amount of the grant; and

"(B) if it is determined under paragraph (1) that the actual number of eligible students in the State or Tribe is higher than such estimate, issue a supplementary grant payment to the State or tribe in an amount that ensures that the total amount of the grant funds received by the State or tribe under this section for the year covered by the grant accurately reflects the higher number of eligible students.

"(c) APPLICATIONS.—In order to receive a grant under this section, a State or tribe shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

1 ''(d) GENERAL REQUIREMENTS.—As a condition of
2 receiving a grant under this subpart a State or Indian
3 tribe shall meet the following requirements:
4 ''(1) For each year of the grant the total
5 amount of public 4-year institution of higher edu-
6 cation resident tuition and fees charged to an eligi-
7 ble student in the State or Indian tribe shall be $0.
8 ''(2) For each year of the grant no amount of
9 financial assistance for which an eligible student
10 qualifies may be applied to such tuition or fees.
11 ''(e) ALLOWABLE USES OF FUNDS.—
12 ''(1) IN GENERAL.—A State or Indian tribe
13 shall use a grant under this section only to provide
14 funds to participating public 4-year institutions to
15 enable such public 4-year institutions to waive resi-
16 dent tuition and fees for eligible students as required
17 under subsection (d).
18 ''(2) ANNUAL REPORT.—A State or Indian
19 tribe receiving a grant under this section shall sub-
20 mit an annual report to the Secretary describing the
21 uses of grant funds under this section, the progress
22 made in fulfilling the requirements of the grant, and
23 rates of transfer, graduation, and attainment of rec-
24 ognized postsecondary credentials at institutions of
25 higher education in the State or Indian tribe, includ-

ing such rates disaggregated by race, income, and age, and including any other information as the Secretary may require.

"(3) REPORTING BY THE SECRETARY.—The Secretary annually shall—

"(A) compile and analyze the information described in paragraph (2); and

"(B) prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives containing the analysis described in subparagraph (A) and an identification of State and Indian tribe best practices for achieving the purpose of this section.

"(4) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible States and Indian tribes concerning best practices regarding the promising and evidence-based institutional reforms and innovative practices to improve student outcomes and shall disseminate such best practices among the States and Indian tribes.

"(5) CONTINUATION OF FUNDING.—

"(A) IN GENERAL.—A State or Indian tribe receiving a grant under this section for a

fiscal year may continue to receive funding under this section for future fiscal years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

"(B) DISCONTINUATION.—The Secretary may discontinue funding of the Federal share of a grant under this section if the State or Indian tribe has violated the terms of the grant.

"(6) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to carry out activities under this section.

"(f) DEFINITIONS.—In this section:

"(1) ELIGIBLE STUDENT.—

"(A) DEFINITION.—The term 'eligible student' means a student who—

"(i) attends a public institution of higher education on not less than a half-time basis;

"(ii) is maintaining satisfactory progress (as defined in section 484(c)) in the student's course of study;

"(iii) is enrolled in an eligible program (as defined in section 481(b)); and

"(iv) either—

"(I) qualifies for in-State resident institution of higher education tuition, as determined by the State or Indian tribe; or

"(II) would qualify for such in-State tuition, but for the immigration status of such student.

"(B) SPECIAL RULE.—An otherwise eligible student shall lose eligibility under this section after 6 years of receiving benefits under this section.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(4) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning as described in section 3 of the

1 Workforce Innovation and Opportunity Act (29
2 U.S.C. 3102).
3 ''(5) STATE.—The term 'State' has the mean-
4 ing given the term in section 103.
5 ''(g) APPROPRIATIONS.—
6 ''(1) AUTHORIZATION AND APPROPRIATIONS.—
7 For the purpose of making grants under this section
8 there are authorized to be appropriated such sums
9 as may be necessary to carry out this section for fis-
10 cal year 2021 and each succeeding fiscal year.
11 ''(2) AVAILABILITY.—Funds appropriated
12 under paragraph (1) shall remain available to the
13 Secretary until expended.
14 ''(3) INSUFFICIENT FUNDS.—If the amount ap-
15 propriated under paragraph (1) for a fiscal year is
16 not sufficient to award each participating State and
17 Indian tribe a grant under this section that is equal
18 to the minimum amount of the Federal share de-
19 scribed in subsection (b), the Secretary may ratably
20 reduce the amount of each such grant or take other
21 actions necessary to ensure an equitable distribution
22 of such amount.
23 ''(4) TRANSFER AVAILABILITY.—The Secretary
24 is authorized, subject to the availability of appro-
25 priations, to transfer amounts authorized to be ap-

propriated to carry out subpart 1, to carry out 499T, and to carry out 499U for a fiscal year to make grants under this section if—

"(A) all grants eligible to be made under such subpart have been made for such fiscal year;

"(B) all grants eligible to be made under 499T have been made for such year; and

"(C) all grants eligible to be made under 499U have been made for such fiscal year.".

SEC. 4807. EXPANSION FOR PRIVATE INSTITUTIONS.

Subpart 4 of part I of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), as added by section 4804, is further amended by adding at the end the following:

"SEC. 499W. EXPANSION FOR PRIVATE INSTITUTIONS.

"(a) AUTHORITY.—The Secretary may establish a program under which—

"(1) a State that participates in section 499T may elect to carry out the grant programs under such section to students who—

"(A) meet the requirements under clauses (i) through (iv) of subparagraph (A) and subparagraph (B) of subsection (e)(3) of such section; and

"(B) are enrolled in nonprofit private institution of higher education in such State; and

"(2) a State that participates in section 499U may elect to carry out the grant programs under such section to students who—

"(A) meet the requirements under clauses (i) through (iv) of subparagraph (A) and subparagraph (B) of subsection (e)(1) of such section; and

"(B) and are enrolled in nonprofit private institution of higher education in such States.

"(b) PROGRAM REQUIREMENTS.—The Secretary shall set eligibility standards for nonprofit private institutions of higher education which shall, at a minimum, include—

"(1) benchmarks for the enrollment of low-income students;

"(2) a requirement that any nonprofit private institution of higher education that participates in a grant program pursuant to this section may not reduce the funding for institutional need-based aid; or

"(3) a requirement that grant amounts for students at such institutions of higher education shall not exceed grants for students with similar levels of

financial need (as measured by expected family contribution) at public institutions of higher education.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal year 2021 and each succeeding fiscal year.''.

TITLE V—DEVELOPING INSTITUTIONS

SEC. 5001. HISPANIC-SERVING INSTITUTIONS.

(a) AUTHORIZED ACTIVITIES.—Section 503(b) of the Higher Education Act of 1965 (20 U.S.C. 1101b(b)) is amended—

(1) by redesignating paragraph (16) as paragraph (17); and

(2) by inserting after paragraph (15) the following:

''(16) Promoting opportunities for international education, including through the development of partnerships with institutions of higher education outside the United States.''.

(b) ENDOWMENT FUNDING LIMITATIONS.—Section 503(c) of the Higher Education Act of 1965 (20 U.S.C. 1101b(c)) is amended—

(1) in paragraph (2)—

(A) by striking ''non-Federal funds'' and inserting ''non-Federal funds (which may include gifts to the endowment fund restricted for a specific purpose)''; and

(B) by striking ''equal to or greater than'' and inserting ''equal to 50 percent of''; and

(2) by inserting after paragraph (3) the following:

''(4) SCHOLARSHIPS.—An eligible institution that uses grant funds provided under this title to establish or increase an endowment fund may use the interest proceeds from such endowment to provide scholarships to students for the purposes of attending such institution.''.

SEC. 5002. PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) PROGRAM AUTHORITY.—Section 512 of the Higher Education Act of 1965 (20 U.S.C. 1102a) is amended by adding at the end the following:

''(c) MINIMUM GRANTS AWARDED.—Of the funds appropriated to carry out this part for a fiscal year, the Secretary—

''(1) shall—

"(A) use not less than one-third of such funds to award grants to carry out the activities described in section 513(b); and

"(B) use not less than one-third of such funds to award grants to carry out the activities described in section 513(c); and

"(2) may use any funds remaining (after using the funds in accordance with paragraph (1)) to award grants to carry out activities described in subsection (b) or (c) of section 513.".

(b) AUTHORIZED ACTIVITIES.—Section 513 of the Higher Education Act of 1965 (20 U.S.C. 1102b) is amended to read as follows:

"SEC. 513. AUTHORIZED ACTIVITIES.

"(a) REQUIREMENTS.—

"(1) IN GENERAL.—Grants awarded under this part shall be used for—

"(A) one or more of the activities described in subsection (b); or

"(B) one or more of the activities described in subsection (c).

"(2) PROHIBITION.—A grant awarded under this part may not be used for activities under both subsections (b) and (c).

"(b) PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS ACTIVITIES.—Grants awarded under this part may be used for one or more of the following activities promoting postbaccalaureate opportunities for Hispanic Americans:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for low-income postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and postbaccalaureate degree granting programs.

"(5) Creating or improving facilities for Internet or other distance education technologies, includ-

ing purchase or rental of telecommunications technology equipment or services.

"(6) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and postbaccalaureate degree offerings.

"(7) Other activities proposed in the application submitted pursuant to section 514 that—

"(A) contribute to carrying out the purposes of this part; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"(c) FACULTY DEVELOPMENT ACTIVITIES.—Grants awarded under this part may be used for one or more of the following activities for faculty development:

"(1) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(2) Financial support to graduate students planning to pursue academic careers who desire to become faculty at Hispanic-serving institutions.

"(3) Career services in preparing for an academic career and identifying opportunities.

"(4) Developing partnerships between Hispanic-serving institutions to help graduate students and hiring institutions connect with each other.

"(5) Faculty recruitment efforts with an emphasis on graduates from Hispanic-serving institutions and other minority-serving institutions.

"(6) Recruitment and retention incentives to allow Hispanic-serving institutions to make competitive offers to potential faculty, including use of funds for student loan repayment.

"(7) Research support specifically for early career faculty.".

SEC. 5003. GENERAL PROVISIONS.

Section 528(a) of the Higher Education Act of 1965 (20 U.S.C. 1103g(a)) is amended—

(1) in paragraph (1), by striking "$175,000,000" and inserting "$350,000,000";

(2) in paragraph (2), by striking "$100,000,000" and inserting "$115,000,000";

(3) by striking "2009" each place it appears and inserting "2021"; and

(4) by adding at the end the following:

"(3) RESERVATION FOR TECHNICAL ASSISTANCE.—From the amounts appropriated under paragraph (1) to carry out part A for a fiscal year, the

Secretary shall reserve 0.75 percent to carry out technical assistance and administrative training for staff and faculty at Hispanic-serving institutions under such part.''.

TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

SEC. 6001. INTERNATIONAL EDUCATION.

(a) GRADUATE AND UNDERGRADUATE LANGUAGE AND AREA CENTERS AND PROGRAMS.—Section 602(b)(2)(B)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1122(b)(2)(B)(ii)) is amended—

(1) in subclause (III), by striking ''or'';

(2) in subclause (IV), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(V) the beginning, intermediate, or advanced study of a foreign language related to the area of specialization.''.

(b) INTERNATIONAL RESEARCH AND INNOVATION.—Section 605 of the Higher Education Act of 1965 (20 U.S.C. 1125) is amended to read as follows:

''SEC. 605. INTERNATIONAL RESEARCH AND INNOVATION.

''(a) PURPOSE.—It is the purpose of this section to support essential international and foreign language education research and innovation projects with the goal of

1 assessing and strengthening international education ca-
2 pacity, coordination, delivery, and outcomes to meet na-
3 tional needs.

4 "(b) AUTHORITY.—

5 "(1) IN GENERAL.—From the amount provided
6 to carry out this section, the Secretary shall carry
7 out the following activities:

8 "(A) Conduct research and studies that
9 contribute to the purpose described in sub-
10 section (a), which shall include research to pro-
11 vide a systematic understanding of the United
12 States' international and foreign language edu-
13 cation capacity, structures, and effectiveness in
14 meeting growing demands by education, govern-
15 ment, and the private sector (including business
16 and other professions).

17 "(B) Create innovative paradigms or en-
18 hance or scale up proven strategies and prac-
19 tices that address systemic challenges to devel-
20 oping and delivering international and foreign
21 language education resources and expertise
22 across educational disciplines, institutions, em-
23 ployers, and other stakeholders.

24 "(C) Develop and manage a national
25 standardized database that—

1 "(i) includes the strengths, gaps, and
2 trends in the United States' international
3 and foreign language education capacity;
4 and
5 "(ii) documents the outcomes of pro-
6 grams funded under this title for every
7 grant cycle.
8 "(2) GRANTS OR CONTRACTS.—The Secretary
9 shall carry out activities to achieve the outcomes de-
10 scribed in paragraph (1)—
11 "(A) directly; or
12 "(B) through grants awarded under sub-
13 section (d) or (e).
14 "(c) ELIGIBLE ENTITY DEFINED.—In this section,
15 the term 'eligible entity' means—
16 "(1) an institution of higher education;
17 "(2) a public or private nonprofit library;
18 "(3) a nonprofit educational organization;
19 "(4) an entity that—
20 "(A) received a grant under this title for
21 a preceding fiscal year; or
22 "(B) is receiving a grant under this title as
23 of the date of application for a grant under this
24 section; or

"(5) a partnership of two or more entities described in paragraphs (1) through (4).

"(d) RESEARCH GRANTS.—

"(1) PROGRAM AUTHORIZED.—For any fiscal year for which the Secretary carries out activities under subsection (b)(1) through research grants under this subsection, the Secretary shall award such grants, on a competitive basis, to eligible entities.

"(2) REQUIRED ACTIVITIES.—An eligible entity that receives a grant under this subsection shall use the grant funds for the systematic development, collection, analysis, publication, and dissemination of data, and other information resources in a manner that is easily understandable, made publicly available, and that contributes to achieving the purposes of subsection (a) and carries out at least one activity under subsection (b)(1).

"(3) DISCRETIONARY ACTIVITIES.—An eligible entity that receives a grant under this subsection may use the grant to carry out the following activities:

"(A) Assess and document international and foreign language education capacity and supply through studies or surveys that—

1 ''(i) determine the number of foreign
2 language courses, programs, and enroll-
3 ments at all levels of education and in all
4 languages, including a determination of
5 gaps in those deemed critical to the na-
6 tional interest;
7 ''(ii) measure the number and types of
8 degrees or certificates awarded in area
9 studies, global studies, foreign language
10 studies, and international business and
11 professional studies, including identifica-
12 tion of gaps in those deemed critical to the
13 national interest;
14 ''(iii) measure the number of foreign
15 language, area or international studies fac-
16 ulty, including international business fac-
17 ulty, and elementary school and secondary
18 school foreign language teachers by lan-
19 guage, degree, and world area; or
20 ''(iv) measure the number of under-
21 graduate and graduate students engaging
22 in long- or short-term education or intern-
23 ship abroad programs as part of their cur-
24 riculum, including countries of destination.

1 ''(B) Assess the demands for, and out-
2 comes of, international and foreign language
3 education and their alignment, through studies,
4 surveys, and conferences to—
5 ''(i) determine demands for increased
6 or improved instruction in foreign lan-
7 guage, area or global studies, or other
8 international fields, and the demand for
9 employees with such skills and knowledge
10 in the education, government, and private
11 sectors (including business and other pro-
12 fessions);
13 ''(ii) assess the employment or utiliza-
14 tion of graduates of programs supported
15 under this title by educational, govern-
16 mental, and private sector organizations
17 (including business and other professions);
18 or
19 ''(iii) assess standardized outcomes
20 and effectiveness and benchmarking of
21 programs supported under this title.
22 ''(C) Develop and publish specialized mate-
23 rials for use in foreign language, area, global,
24 or other international studies, including in

international business or other professional education or technical training, as appropriate.

''(D) Conduct studies or surveys that identify and document systemic challenges and changes needed in higher education and elementary school and secondary school systems to make international and foreign language education available to all students as part of the basic curriculum, including challenges in current evaluation standards, entrance and graduation requirements, program accreditation, student degree requirements, or teacher and faculty legal workplace barriers to education and research abroad.

''(E) With respect to underrepresented institutions of higher education (including minority-serving institutions or community colleges), carry out studies or surveys that identify and document—

''(i) current systemic challenges and changes incentives, and partnerships needed to comprehensively and sustainably internationalize educational programming; or

1 ''(ii) short- and long-term outcomes of
2 successful internationalization strategies
3 and funding models.
4 ''(F) Evaluate the extent to which pro-
5 grams assisted under this title—
6 ''(i) reflect diverse perspectives and a
7 wide range of views; and
8 ''(ii) generate debate on world regions
9 and international affairs
10 ''(e) INNOVATION GRANTS.—
11 ''(1) PROGRAM AUTHORIZED.—For any fiscal
12 year for which the Secretary carries out activities to
13 achieve the outcomes described in subsection (b)(1)
14 through innovation grants under this subsection, the
15 Secretary shall award such grants, on a competitive
16 basis, to eligible entities.
17 ''(2) USES OF FUNDS.—An eligible entity that
18 receives an innovation grant under this subsection
19 shall use the grant funds to fund projects consistent
20 with this section, which may include one or more of
21 the following:
22 ''(A) Innovative paradigms to improve
23 communication, sharing, and delivery of re-
24 sources that further the purposes described in
25 subsection (a) including the following:

"(i) Networking structures and systems to more effectively match graduates possessing international and foreign language education skills with employment needs.

"(ii) Sharing international specialist expertise across institutions of higher education or in the workforce to pursue specialization or learning opportunities not available at any single institution of higher education, such as shared courses for studying less commonly taught languages, world areas or regions, international business or other professional areas, or specialized research topics of national strategic interest.

"(iii) Producing, collecting, organizing, preserving, and widely disseminating international and foreign language education expertise, resources, courses, and other information through the use of electronic technologies and other techniques.

"(iv) Collaborative initiatives to identify, capture, and provide consistent access to, and creation of, digital global library

resources that are beyond the capacity of any single eligible entity receiving a grant under this section or any single institution of higher education, including the professional development of library staff.

''(v) Utilization of technology to create open-source resources in international, area, global, and foreign language studies that are adaptable to multiple educational settings and promote interdisciplinary partnerships between technologists, curriculum designers, international and foreign language education experts, language teachers, and librarians.

''(B) Innovative curriculum, teaching, and learning strategies, including the following:

''(i) New initiatives for collaborations of disciplinary programs with foreign language, area, global, and international studies, and education abroad programs that address the internationalization of such disciplinary studies with the purpose of producing globally competent graduates.

''(ii) Innovative collaborations between established centers of international and

foreign language education excellence and underrepresented institutions and populations seeking to further their goals for strengthening international, area, global, and foreign language studies, including at minority-serving institutions or community colleges.

''(iii) Teaching and learning collaborations among foreign language, area, global, or other international studies with diaspora communities, including heritage students.

''(iv) New approaches and methods to teaching emerging global issues, cross-regional interactions, and underrepresented regions or countries, such as project- and team-based learning.

''(C) Innovative assessment and outcome tools and techniques that further the purposes described in subsection (a), including the following:

''(i) International and foreign language education assessment techniques that are coupled with outcome-focused training modules, such as certificates or

badges, immersion learning, or e-portfolio systems.

"(ii) Effective and easily accessible methods of assessing professionally useful levels of proficiency in foreign languages or competencies in area, culture, and global knowledge or other international fields in programs under this title, which may include use of open access online and other cost-effective tools for students and educators at all educational levels and in the workplace.

"(f) APPLICATION.—Each eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

"(1) a description of each proposed project the eligible entity plans to carry out under this section and how such project meets the purposes described in subsection (a);

"(2) if applicable, a demonstration of why the entity needs a waiver or reduction of the matching requirement under subsection (g); and

"(3) an assurance that each such proposed project will be self-sustainable after the grant term is completed.

"(g) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Federal share of the total cost for carrying out a project supported by a grant under this section shall be no more than 66.66 percent of the cost of the project.

"(2) NON-FEDERAL SHARE CONTRIBUTIONS.—The non-Federal share of such cost may be provided either in-kind or in cash, from institutional and non-institutional funds, including contributions from State or private sector corporations, nonprofits, or foundations.

"(3) SPECIAL RULE.—The Secretary may waive or reduce the share required under paragraph (1) for eligible entities that—

"(A) are minority-serving institutions or are community colleges; or

"(B) demonstrate need in an application for such a waiver or reduction under subsection (f)(2).

"(h) DATABASE AND REPORTING.—The Secretary shall directly, or through grants or contracts with an eligible grant recipient—

"(1) establish, curate, maintain, and update at least every grant cycle, a publically available website which shall showcase the results of this section and serve as a user-friendly repository of the information, resources, and best practices generated through activities conducted under this section; and

"(2) prepare, publish, and disseminate to Congress and the public at least once every 5 years, a report that summarizes key findings and policy issues from the activities conducted under this section, including as such activities relate to international and foreign language education and outcomes.".

(c) DISCONTINUATION OF FOREIGN INFORMATION ACCESS PROGRAM.—Part A of title VI of the Higher Education Act of 1965 (20 U.S.C. 1121 et seq.) is further amended by striking sections 606 and 610, and redesignating sections 607, 608, and 609 as sections 606, 607, and 608, respectively.

SEC. 6002. GLOBAL BUSINESS AND PROFESSIONAL EDUCATION PROGRAMS.

(a) FINDINGS; PURPOSE.—Section 611 of the Higher Education Act of 1965 (20 U.S.C. 1130) is amended—

(1) in subsection (a)—

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

''(1) the future welfare of the United States will depend substantially on increasing international and global skills in business, educational, and other professional communities and creating an awareness among the American public of the internationalization of our economy and numerous other professional areas important to the national interest;'';

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

''(2) concerted efforts are necessary to engage business and other professional education and technical training programs, language, area, and global study programs, professional international affairs education programs, public and private sector organizations, and United States' business community in a mutually productive relationship which benefits the Nation's future economic and security interests;'';

(C) in paragraph (3), by striking ''and the international'' and inserting ''and other professional fields and the international and global''; and

(D) in paragraph (4)—

(i) by inserting ", as well as other professional organizations" after "departments of commerce"; and

(ii) by inserting "or other professions" after "business"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking "and economic enterprise" and inserting ", economic enterprise, and security"; and

(ii) by inserting "and other professional" before "personnel"; and

(B) in paragraph (2), by striking "to prosper in an international" and inserting "and other professional fields to prosper in a global".

(b) PROFESSIONAL AND TECHNICAL EDUCATION FOR GLOBAL COMPETITIVENESS.—Section 613 of the Higher Education Act of 1965 (20 U.S.C. 1130a) is amended to read as follows:

"SEC. 613. PROFESSIONAL AND TECHNICAL EDUCATION FOR GLOBAL COMPETITIVENESS.

"(a) PURPOSE.—The purpose of this section is to support innovative strategies that provide undergraduate and graduate students with the global professional competencies, perspectives, and skills needed to strengthen

and enrich global engagement and competitiveness in a wide variety of professional and technical fields important to the national interest.

"(b) PROGRAM AUTHORIZED.—The Secretary shall make grants to, or enter into contracts with eligible entities to pay the Federal share of the cost of programs designed to—

"(1) establish an interdisciplinary global focus in the undergraduate and graduate curricula of business, science, technology, engineering, and other professional education and technical training programs to be determined by the Secretary based on national needs;

"(2) produce graduates with proficiencies in both the global aspects of their professional education or technical training fields and international, cross-cultural, and foreign language skills; and

"(3) provide appropriate services to or partnerships with the corporate, government, and nonprofit communities in order to expand knowledge and capacity for global engagement and competitiveness and provide internship or employment opportunities for students and graduates with international skills.

1 ''(c) MANDATORY ACTIVITIES.—An eligible entity
2 that receives a grant under this section shall use the grant
3 to carry out the following:
4 ''(1) With respect to undergraduate or graduate
5 professional education and technical training cur-
6 ricula, incorporating—
7 ''(A) foreign language programs that lead
8 to proficiency, including immersion opportuni-
9 ties;
10 ''(B) international, area, or global studies
11 programs;
12 ''(C) education, internships, or other inno-
13 vative or technological linkages abroad; and
14 ''(D) global business, economic, and trade
15 studies, where appropriate.
16 ''(2) Innovating and improving international,
17 global, and foreign language education curricula to
18 serve the needs of business and other professional
19 and nonprofit communities, including development of
20 new programs for nontraditional, mid-career, or
21 part-time students.
22 ''(3) Establishing education or internship
23 abroad programs, domestic globally focused intern-
24 ships, or other innovative approaches to enable un-
25 dergraduate or graduate students in professional

education or technical training to develop foreign language skills and knowledge of foreign cultures, societies, and global dimensions of their professional fields.

''(4) Developing collaborations between institutions of higher education and corporations or non-profit organizations in order to strengthen engagement and competitiveness in global business, trade, or other global professional activities.

''(d) DISCRETIONARY ACTIVITIES.—An eligible entity that receives a grant under this section may use the grant to carry out the following:

''(1) Developing specialized teaching materials and courses, including foreign language and area or global studies materials, and innovative technological delivery systems appropriate for professionally oriented students.

''(2) Establishing student fellowships or other innovative support opportunities, including for underrepresented populations, first generation college students (defined in section 402A(h)), and heritage learners, for education and training in global professional development activities.

''(3) Developing opportunities or fellowships for faculty or junior faculty of professional education or

technical training (including the faculty of minority-serving institutions or community colleges) to acquire or strengthen international and global skills and perspectives.

''(4) Creating institutes that take place over academic breaks, like the summer, including through technological means, and cover foreign language, world area, global, or other international studies in learning areas of global business, science, technology, engineering, or other professional education and training fields.

''(5) Internationalizing curricula at minority-serving institutions or community colleges to further the purposes of this section.

''(6) Establishing international linkages or partnerships with institutions of higher education, corporations, or organizations that contribute to the objectives of this section.

''(7) Developing programs to inform the public of increasing global interdependence in professional education and technical training fields.

''(8) Establishing trade education programs through agreements with regional, national, global, bilateral, or multilateral trade centers, councils, or associations.

1 ''(e) APPLICATION.—Each eligible entity desiring a
2 grant under this section shall submit an application to the
3 Secretary at such time, in such manner, and including
4 such information as the Secretary may reasonably require,
5 including assurances that—
6 ''(1) each proposed project will be self-sustain-
7 able after the grant term is completed;
8 ''(2) the institution of higher education will use
9 the assistance provided under this section to supple-
10 ment and not supplant activities conducted by insti-
11 tutions of higher education described in (c);
12 ''(3) in the case of eligible entities that are con-
13 sortia of institutions of higher education, or partner-
14 ship described in subsection (g)(1)(C), a copy of
15 their partnership agreement that demonstrates com-
16 pliance with subsection (c) will be provided to the
17 Secretary;
18 ''(4) the activities funded by the grant will re-
19 flect diverse perspectives and a wide range of views
20 of world regions and international affairs where ap-
21 plicable; and
22 ''(5) if applicable, a demonstration of why the
23 eligible entity needs a waiver or reduction of the
24 matching requirement under subsection (f).
25 ''(f) MATCHING REQUIREMENT.—

1 "(1) IN GENERAL.—The Federal share of the
2 total cost for carrying out a program supported by
3 a grant under this section shall be not more than 50
4 percent of the total cost of the project.
5 "(2) NON-FEDERAL SHARE CONTRIBUTIONS.—
6 The non-Federal share of such cost may be provided
7 either in-kind or in cash, from institutional and non-
8 institutional funds, including contributions from
9 State and private sector corporations, nonprofits, or
10 foundations.
11 "(3) SPECIAL RULE.—The Secretary may waive
12 or reduce the share required under paragraph (1)
13 for eligible entities that—
14 "(A) are minority-serving institutions or
15 are community colleges; or
16 "(B) have submitted a grant application as
17 required by subsection (e) that demonstrates a
18 need for such a waiver or reduction.
19 "(g) DEFINITIONS.—In this section:
20 "(1) ELIGIBLE ENTITY.—The term 'eligible en-
21 tity' means—
22 "(A) an institution of higher education;
23 "(B) a consortia of such institutions; or
24 "(C) a partnership between—

"(i) an institution of higher education or a consortia of such institutions; and

"(ii) at least one corporate or non-profit entity.

"(2) PROFESSIONAL EDUCATION AND TECHNICAL TRAINING.—The term 'professional education and technical training' means a program at an institution of higher education that offers undergraduate, graduate, or postgraduate level education in a professional or technical field that is determined by the Secretary as meeting a national need for global or international competency (which may include business, science, technology, engineering, law, health, energy, environment, agriculture, transportation, or education).

"(h) FUNDING RULE.—Notwithstanding any other provision of this title, funds made available to the Secretary for a fiscal year may not be obligated or expended to carry out this section unless the funds appropriated for such fiscal year to carry out this title exceeds $65,103,000.".

(c) DISCONTINUATION OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.—Part B of the Higher Education Act of 1965 (20 U.S.C. 1130 et seq.) is further amended by striking section 614.

SEC. 6003. REPEAL OF ASSISTANCE PROGRAM FOR INSTITUTE FOR INTERNATIONAL PUBLIC POLICY.

Part C of title VI of the Higher Education Act of 1965 (20 U.S.C. 1131 et seq.) is repealed.

SEC. 6004. GENERAL PROVISIONS.

(a) DEFINITIONS.—Section 631(a) of the Higher Education Act of 1965 (20 U.S.C. 1132(a)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(11) the term 'community college' has the meaning given the term 'junior or community college' in section 312(f);

''(12) the term 'heritage student' means a post-secondary student who—

''(A) was born in the United States to immigrant parents or immigrated to the United States at an early age;

''(B) is proficient in English, but raised in a family primarily speaking 1 or more languages of the country of origin; and

''(C) maintains a close affinity with the family's culture and language of origin; and

"(13) the term 'minority-serving institution' means an institution of higher education that is eligible to receive a grant under part A or B of title III or title V.".

(b) MINORITY-SERVING INSTITUTIONS.—Part D of title VI of the Higher Education Act of 1965 (20 U.S.C. 1132 et seq.) is amended—

(1) by striking section 637;

(2) by redesignating section 638 as section 637; and

(3) by inserting after section 637, as so redesignated, the following:

"SEC. 638. PRIORITY TO MINORITY-SERVING INSTITUTIONS.

"(a) PRIORITY.—In seeking applications and awarding grants under this title, the Secretary, may give priority to—

"(1) minority-serving institutions; or

"(2) institutions of higher education that apply for such grants that propose significant and sustained collaborative activities with one or more minority-serving institutions.

"(b) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to minority-serving institutions to ensure maximum distribution of grants to eligible

minority-serving institutions and among each category of such institutions.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Part D of title VI of the Higher Education Act of 1965 (20 U.S.C. 1132 et seq.) is further amended by adding at the end the following new section:

''SEC. 639. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to carry out this title $125,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.

''(b) ADJUSTMENT FOR INFLATION.—

''(1) IN GENERAL.—The amount authorized to be appropriated under subsection (a) for fiscal year 2022 and each of the 4 succeeding fiscal years shall be deemed increased by a percentage equal to the annual adjustment percentage.

''(2) DEFINITION.—In this subsection, the term 'annual adjustment percentage' as applied to a fiscal year, means the estimated percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending prior to the beginning of that fiscal year.''.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

SEC. 7001. GRADUATE EDUCATION PROGRAMS.

(a) HBCU.—Section 723 of the Higher Education Act of 1965 (20 U.S.C. 1136a) is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(S) Each institution not listed under subparagraphs (A) through (R) that is eligible to receive funds under part B of title III and that offers a qualified masters degree program.";

(2) in subsection (e), by striking "or 724" and inserting "or 724, or subpart 5 or 6 of this part"; and

(3) in subsection (f)(3)—

(A) by striking "any amount in excess of $9,000,000" and inserting "after the application of paragraph (2), the remaining amount"; and

(B) by striking "(R)" and inserting "(S)".

(b) PREDOMINANTLY BLACK INSTITUTIONS.—Section 724 of the Higher Education Act of 1965 (20 U.S.C. 1136b) is amended—

(1) in subsection (b)(1), by adding at the end the following:

"(F) Each institution not listed in subparagraph (A) through (E) that is eligible to receive funds under section 318 and that offers a qualified masters degree program.";

(2) in subsection (e), by striking "or 723" and inserting "or 723, or subpart 5 or 6"; and

(3) in subsection (f)(3)—

(A) by striking "any amount in excess of $2,500,000" and inserting "after the application of paragraph (2), any remaining amount"; and

(B) by striking "(E)" and inserting "(F)".

(c) ENHANCING SUPPORT FOR ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS AND TRIBAL COLLEGES AND UNIVERSITIES.—Part A of title VII of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) in section 731—

(A) by striking "1 through 4" each place it appears and inserting "1 through 6"; and

(B) by striking "subpart 1, 2, 3, or 4" and inserting "subparts 1 through 6";

(2) by redesignating subpart 5 as subpart 7;

(3) by redesignating section 731 as section 735; and

(4) by inserting after subpart 4 the following:

"Subpart 5—Graduate Opportunities at Asian American and Native American Pacific Islander Serving Institutions

"SEC. 726. GRANT PROGRAM ESTABLISHED.

"(a) IN GENERAL.—Subject to the availability of funds appropriated to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the activities described in section 727.

"(b) AWARD OF GRANT FUNDS.—Of the funds appropriated to carry out this subpart for a fiscal year, the Secretary—

"(1) shall reserve—

"(A) not less than one-third of such funds to award grants to carry out the activities described in section 727(b); and

"(B) not less than one-third of such funds to award grants to carry out the activities described in section 727(c); and

"(2) may use the amount of funds remaining after the reservation required under paragraph (1)

to award grants to carry out the activities described in subsections (b) and (c) of section 727.

''(c) DURATION.—Grants under this subpart shall be awarded for a period not to exceed five years.

''(d) LIMITATION ON NUMBER OF AWARDS.—The Secretary may not award more than one grant under this subpart in any fiscal year to any Asian American and Native American Pacific Islander-serving institutions.

''(e) APPLICATION.—Any eligible institution may apply for a grant under this subpart by submitting an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for Asian American and Native American Pacific Islander and low-income students.

''(f) INTERACTION WITH OTHER GRANT PROGRAMS.—No institution that is eligible for and receives an award under section 326, 512, 723, or 724, or subpart 6 of this part for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this subpart for the same fiscal year.

''(g) ELIGIBLE INSTITUTION DEFINED.—For the purposes of this subpart, an 'eligible institution' means an institution of higher education that—

"(1) is an Asian-American and Native American Pacific Islander-serving institution (as defined in section 320); and

"(2) offers a postbaccalaureate certificate or postbaccalaureate degree granting program.

"SEC. 727. USE OF FUNDS.

"(a) IN GENERAL.—

"(1) ACTIVITIES.—An eligible institution that receives a grant under this subpart shall use such funds to carry out—

"(A) one or more of the activities described in subsection (b); or

"(B) one or more of the activities described in subsection (c).

"(2) REQUIREMENT.—An eligible institution that receives a grant under this subpart may not use such funds for activities under both subsections (b) and (c).

"(b) GRADUATE PROGRAM ACTIVITIES.—Grants awarded under this subpart may be used for one or more of the following activities promoting postbaccaulaureate opportunities for Asian American and Native American Pacific Islander students:

1 ''(1) Purchase, rental, or lease of scientific or
2 laboratory equipment for educational purposes, in-
3 cluding instructional and research purposes.
4 ''(2) Construction, maintenance, renovation,
5 and improvement of classrooms, libraries, labora-
6 tories, and other instructional facilities, including
7 purchase or rental of telecommunications technology
8 equipment or services.
9 ''(3) Purchase of library books, periodicals,
10 technical and other scientific journals, microfilm,
11 microfiche, and other educational materials, includ-
12 ing telecommunications program materials.
13 ''(4) Support for low-income postbaccalaureate
14 students including outreach, academic support serv-
15 ices and mentoring, scholarships, fellowships, and
16 other financial assistance to permit the enrollment of
17 such students in postbaccalaureate certificate and
18 postbaccalaureate degree granting programs.
19 ''(5) Creating or improving facilities for Inter-
20 net or other distance education technologies, includ-
21 ing purchase or rental of telecommunications tech-
22 nology equipment or services.
23 ''(6) Collaboration with other institutions of
24 higher education to expand postbaccalaureate certifi-
25 cate and postbaccalaureate degree offerings.

"(7) Other activities proposed in the application submitted pursuant to section 726 that—

"(A) contribute to carrying out the purposes of this subpart; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"(c) FACULTY DEVELOPMENT ACTIVITIES.—Grants awarded under this subpart may be used for one or more of the following activities for faculty development:

"(1) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(2) Financial support to graduate students planning to pursue academic careers who desire to become faculty at Asian American and Native American Pacific Islander-serving institutions.

"(3) Career services in preparing for an academic career and identifying opportunities.

"(4) Developing partnerships between Asian American and Native American Pacific Islander-serving institutions to facilitate connections between graduate students and hiring institutions.

"(5) Faculty recruitment efforts with an emphasis on graduates from Asian American and Na-

tive American Pacific Islander-serving institutions and other minority-serving institutions.

''(6) Recruitment and retention incentives to allow Asian American and Native American Pacific Islander-serving institutions to make competitive offers to potential faculty, including use of funds for student loan repayment.

''(7) Research support for early career faculty.

''(8) Other activities proposed in the application submitted pursuant to section 726 that—

''(A) contribute to carrying out the purposes of this subpart; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 728. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $30,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.

''Subpart 6—Graduate Opportunities at Tribal Colleges and Universities

''SEC. 729. GRANT PROGRAM ESTABLISHED.

''(a) IN GENERAL.—Subject to the availability of funds appropriated to carry out this subpart, the Secretary shall award grants, on a competitive basis, to eligi-

ble institutions to enable the eligible institutions to carry out the activities described in section 730.

"(b) AWARD OF GRANT FUNDS.—Of the funds appropriated to carry out this subpart for a fiscal year, the Secretary—

"(1) shall reserve—

"(A) not less than one-third of such funds to award grants to carry out the activities described in section 730(b); and

"(B) not less than one-third of such funds to award grants to carry out the activities described in section 730(c); and

"(2) may use the amount of funds remaining after the reservation required under paragraph (1) to award grants to carry out the activities described in subsections (b) and (c) of section 730.

"(c) DURATION.—Grants under this part shall be awarded for a period not to exceed five years.

"(d) LIMITATION ON NUMBER OF AWARDS.—The Secretary may not award more than one grant under this subpart in any fiscal year to any Tribal College and University.

"(e) APPLICATION.—Any eligible institution may apply for a grant under this subpart by submitting an application to the Secretary at such time and in such manner

as the Secretary may require. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities for American Indian and Alaska Native students.

"(f) INTERACTION WITH OTHER GRANT PROGRAMS.—No institution that is eligible for and receives an award under section 326, 512, 723, or 724, or subpart 5 of this part for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this section for the same fiscal year.

"(g) ELIGIBLE INSTITUTION DEFINED.—For the purposes of this subpart, an 'eligible institution' means an institution of higher education that—

"(1) is a Tribal College or University (as defined in section 316); and

"(2) offers a postbaccalaureate certificate or postbaccalaureate degree granting program.

"SEC. 730. USE OF FUNDS.

"(a) IN GENERAL.—

"(1) ACTIVITIES.—An eligible institution that receives a grant under this subpart shall use such funds to carry out—

"(A) one or more of the activities described in subsection (b); or

"(B) one or more of the activities described in subsection (c).

"(2) REQUIREMENT.—An eligible institution that receives a grant under this subpart may not use such funds for activities under both subsections (b) and (c).

"(b) GRADUATE PROGRAM ACTIVITIES.—Grants awarded under this subpart may be used for one or more of the following activities promoting postbaccalaureate opportunities for American Indian and Alaska Native students:

"(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

"(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

"(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

"(4) Support for American Indian and Alaska Native postbaccalaureate students including out-

reach, academic support services and mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and postbaccalaureate degree granting programs.

''(5) Creating or improving facilities for Internet or other distance education technologies, including purchase or rental of telecommunications technology equipment or services.

''(6) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and postbaccalaureate degree offerings.

''(7) Other activities proposed in the application submitted pursuant to section 729 that—

''(A) contribute to carrying out the purposes of this subpart; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''(c) FACULTY DEVELOPMENT ACTIVITIES.—Grants awarded under this subpart may be used for one or more of the following activities for faculty development:

''(1) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

"(2) Financial support to graduate students planning to pursue academic careers who desire to become faculty at Tribal Colleges and Universities.

"(3) Career services in preparing for an academic career and identifying opportunities.

"(4) Developing partnerships between Tribal Colleges and Universities to facilitate connections between graduate students and hiring institutions.

"(5) Faculty recruitment efforts with an emphasis on graduates from Tribal Colleges and Universities and other minority-serving institutions.

"(6) Recruitment and retention incentives to allow Tribal Colleges and Universities to make competitive offers to potential faculty, including use of funds for student loan repayment.

"(7) Research support for early career faculty.

"(8) Other activities proposed in the application submitted pursuant to section 729 that—

"(A) contribute to carrying out the purposes of this subpart; and

"(B) are approved by the Secretary as part of the review and acceptance of such application.

"SEC. 731. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out this subpart $5,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.''.

SEC. 7002. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

Section 745 of the Higher Education Act of 1965 (20 U.S.C. 1138d) is amended by striking ''2009'' and inserting ''2021''.

SEC. 7003. MINORITY-SERVING INSTITUTIONS INNOVATION FUND.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is amended by inserting after part B the following:

"PART C—FUNDING INNOVATIONS AT MINORITY-SERVING INSTITUTIONS

"SEC. 751. PURPOSE.

''It is the purpose of this part to assist minority-serving institutions in planning, developing, implementing, validating, and replicating innovations that provide solutions to persistent challenges in enabling economically and educationally disadvantaged students to enroll in, persist through, and graduate from college, including innovations designed to—

''(1) increase the successful recruitment at minority-serving institutions of—

"(A) students from low-income families of all races;

"(B) students who begin college when over 21 years of age; and

"(C) military-affiliated students;

"(2) increase the rate at which students enrolled in minority-serving institutions make adequate or accelerated progress toward graduation, and successfully graduate from such institutions;

"(3) increase the number of students pursuing and completing degrees in science, technology, engineering, and mathematics at minority-serving institutions and pursuing graduate work in such fields, including through the establishment of innovation ecosystems on the campuses of such institutions;

"(4) redesign course offerings and other instructional strategies at minority-serving institutions to improve student outcomes and reduce postsecondary education costs;

"(5) enhance the quality and number of traditional and alternative route teacher preparation programs offered by minority-serving institutions;

"(6) expand the effective use of technology at minority-serving institutions; and

"(7) strengthen postgraduate employment outcomes for students enrolled in minority-serving institutions.

"SEC. 752. DEFINITION.

"In this part:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) a minority-serving institution; or

"(B) a consortium of a minority-serving institution and—

"(i) one or more other institutions of higher education;

"(ii) a private nonprofit organization;

"(iii) a local educational agency;

"(iv) a high school that—

"(I) receives funding under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.); and

"(II) has been identified for comprehensive support and improvement under section 1111(c)(4)(D)(i) of such Act (20 U.S.C. 6311(c)(4)(D)(i)); or

"(v) any combination of the entities described in clauses (i) through (iv).

"(2) MINORITY SERVING INSTITUTION.—The term 'minority serving institution' means an institution of higher education described in paragraph (1), (2), (3), (4), (5), (6), or (7) of section 371(a).

"SEC. 753. GRANTS AUTHORIZED.

"(a) IN GENERAL.—Except as provided in subsection (b)(2), with the funds made available for this part under section 757, the Secretary shall make planning and implementation grants, as described in subsections (b) and (c), to eligible entities to enable such entities to plan for the implementation of, in the case of a planning grant, and implement, in the case of an implementation grant, innovations described in section 751 and to support the planning, development, implementation, validation, scaling up, and replication of such innovations.

"(b) PLANNING GRANTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), with the funds made available under section 757 for a fiscal year, the Secretary shall use not more than 5 percent or $42,500,000 (whichever is greater) to award planning grants to enable eligible entities to plan, design, and develop innovations described in section 751.

"(2) TYPE OF INSTITUTION.—Planning grants shall be awarded to minority-serving institutions in proportion to the allocations made in subparagraphs (A) through (G) of section 757(1).

"(3) ORDER OF CONSIDERATION.—Subject to paragraph (2) and the priority described in section 755(a), planning grants shall be awarded to eligible entities satisfying the application requirements under section 754 in the order in which received by the Secretary.

"(4) DURATION.—A planning grant authorized under this subsection shall be for the duration of 1 year.

"(5) GRANT AMOUNTS.—Each planning grant authorized under this subsection shall be in an amount that is not more than $150,000.

"(c) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—With funds made available for this part under section 757, the Secretary shall award implementation grants on a competitive basis to enable eligible entities to further develop, pilot, field-test, implement, document, validate, and, as applicable, scale up and replicate, innovations described in section 751.

1 "(2) DURATION.—An implementation grant au-
2 thorized under this subsection shall be for a dura-
3 tion of 5 years, except that the Secretary may not
4 continue providing funds under the grant after year
5 3 of the grant period unless the eligible entity dem-
6 onstrates that the entity has achieved satisfactory
7 progress toward carrying out the educational innova-
8 tions, activities, and projects described in their appli-
9 cation pursuant to section 754(d), as determined by
10 the Secretary.

11 "(3) GRANT AMOUNT.—Each implementation
12 grant authorized under this subsection shall be in an
13 amount sufficient to enable the eligible entity to
14 achieve the purposes of its proposed activities and
15 projects, but shall not exceed $10,000,000.

16 "(d) SPECIAL RULES FOR CONSORTIUMS.—

17 "(1) FISCAL AGENT.—

18 "(A) IN GENERAL.—In the case of an eligi-
19 ble entity applying for a grant under this part
20 as a consortium, each member of the consor-
21 tium shall agree on 1 such member of such eli-
22 gibility entity to serve as a fiscal agent of such
23 entity.

24 "(B) RESPONSIBILITIES.—The fiscal agent
25 of an eligible entity, as described in subpara-

graph (A), shall act on behalf of such entity in performing the financial duties of such entity under this part.

"(C) WRITTEN AGREEMENT.—The agreement described in subparagraph (A) shall be in writing and signed by each member of the consortium.

"(2) SUBGRANTS.—In the case of an eligible entity applying for a grant under this part as a consortium, the fiscal agent for such entity (as described in paragraph (1)) may use the funds provided by the grant to make subgrants to members of the consortium.

"SEC. 754. APPLICATIONS.

"(a) IN GENERAL.—An eligible entity desiring to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONSORTIUM ENTITIES.—An application under this section which is submitted by an eligible entity applying as a consortium shall include the written agreement described in section 753(d)(1)(C).

"(c) PLANNING GRANTS.—The Secretary shall ensure that the application requirements under this section

for a planning grant authorized under section 753(b) include, in addition to the requirement in subsection (b) (if applicable), only those minimal requirements that are necessary to review the proposed process of an eligible entity for the planning, design, and development of one or more of the innovations described in section 751.

"(d) IMPLEMENTATION GRANTS.—An application under this section for an innovation grant authorized under section 753(c) shall include, in addition to the requirement under subsection (b) (if applicable), descriptions of—

"(1) each innovation described in section 751 that the eligible entity would implement using the funds made available by such grant, including, as applicable, a description of the evidence base supporting such innovation;

"(2) how each such innovation will address the purpose of this part, as described in section 751, and how each such innovation will further the institutional or organizational mission of the minority-serving institution that is part of the eligible entity;

"(3) the specific activities that the eligible entity will carry out with funds made available by such grant, including, in the case of an eligible entity applying as a consortium, a description of the activities

that each member of the consortium will carry out and a description of the capacity of each such member to carry out those activities;

''(4) the performance measures that the eligible entity will use to track its progress in implementing each such innovation, including a description of how the entity will implement those performance measures and use information on performance to make adjustments and improvements to its implementation activities, as needed, over the course of the grant period;

''(5) how the eligible entity will provide for an independent evaluation of the implementation and impact of the projects funded by such grant, including—

''(A) an interim report (evaluating the progress made in the first 3 years of the grant); and

''(B) a final report (completed at the end of the grant period); and

''(6) the plan of the eligible entity for continuing each proposed innovation after the grant has ended.

"SEC. 755. PRIORITY.

"(a) PLANNING GRANTS.—In awarding planning grants under this part, the Secretary shall give priority to applications that were submitted with respect to the prior award year, but did not receive a planning grant due to insufficient funds.

"(b) IMPLEMENTATION GRANTS.—In awarding implementation grants under this part, the Secretary shall give—

"(1) first priority to applications for programs at minority-serving institutions that have not previously received an implementation grant under this part; and

"(2) second priority to applications that address issues of major national need, including—

"(A) innovative partnerships between minority-serving institutions and local educational agencies that are designed to increase the enrollment of historically underrepresented populations in higher education;

"(B) educational innovations designed to increase the rate of postsecondary degree attainment for populations within minority groups that have low relative rates of postsecondary degree attainment;

"(C) educational innovations that support programs and initiatives at minority-serving institutions to enhance undergraduate and graduate programs in science, technology, engineering, and mathematics;

"(D) innovative partnerships between minority-serving institutions and other organizations to establish innovation ecosystems in support of economic development, entrepreneurship, and the commercialization of technology supported by research funded through this grant;

"(E) educational innovations that enhance the quality and number of traditional and alternative route teacher preparation programs at minority-serving institutions to enable teachers to be highly effective in the classroom and to enable such programs to meet the demands for diversity and accountability in teacher education; and

"(F) educational innovations that strengthen postgraduate employment outcomes of minority-serving institutions through the implementation of comprehensive and strategic career pathways for students.

"SEC. 756. USES OF FUNDS.

"(a) PLANNING GRANTS.—An eligible entity receiving a planning grant under section 753(b) shall use funds made available by such grant to conduct an institutional planning process that includes—

"(1) an assessment of the needs of the minority-serving institution;

"(2) research on educational innovations described in section 751 that will meet the needs described in paragraph (1);

"(3) the selection of one or more such educational innovations for implementation;

"(4) an assessment of the capacity of the minority-serving institution to implement such educational innovation; and

"(5) activities to further develop such capacity.

"(b) IMPLEMENTATION GRANTS.—An eligible entity receiving an implementation grant under section 753(c) shall use the funds made available by such grant to further develop, pilot, field-test, implement, document, validate, and, as applicable, scale up, and replicate innovations described in section 751, such as innovations designed to—

"(1) create a college-bound culture at secondary schools (including efforts targeting high-achieving students from low-income families) through activities

1 undertaken in partnership with local educational
2 agencies and nonprofit organizations, such as—
3 ''(A) activities that promote postsecondary
4 school awareness, including recruitment, orga-
5 nizing campus visits, and providing assistance
6 with entrance and financial aid application com-
7 pletion; and
8 ''(B) postsecondary school preparation ef-
9 forts such as—
10 ''(i) aligning high school coursework
11 and high school graduation requirements
12 with the requirements for entrance into
13 credit-bearing coursework at 4-year institu-
14 tions of higher education;
15 ''(ii) early identification and support
16 for students at risk of not graduating from
17 high school, or at risk of requiring remedi-
18 ation upon enrolling in postsecondary edu-
19 cation; and
20 ''(iii) dual-enrollment programs;
21 ''(2) improve student achievement, such as
22 through activities designed to increase the number
23 or percentage of students who successfully complete
24 developmental or remedial coursework (which may
25 be accomplished through the evidence-based redesign

of such coursework) and pursue and succeed in postsecondary studies;

''(3) increase the number of minority males who attain a postsecondary degree, such as through evidence-based interventions that integrate academic advising with social and cultural supports and assistance with job placement;

''(4) increase the number or percentage of students who make satisfactory or accelerated progress toward graduation from postsecondary school and the number or percentage who graduate from postsecondary school on time, such as through the provision of comprehensive academic and nonacademic student support services.

''(5) activities to promote a positive climate on campuses of institutions of higher education and to increase the sense of belonging among eligible students, including through first year support programs such as mentoring and peer networks and advisories;

''(6) increase the number or percentage of students, particularly students who are members of historically underrepresented populations, who enroll in science, technology, engineering, and mathematics courses, graduate with degrees in such fields, and pursue advanced studies in such fields;

1 ''(7) develop partnerships between minority-
2 serving institutions and other organizations to estab-
3 lish innovation ecosystems in support of economic
4 development, entrepreneurship, and the commer-
5 cialization of technology supported by funded re-
6 search;
7 ''(8) implement evidence-based improvements to
8 courses, particularly high-enrollment courses, to im-
9 prove student outcomes and reduce education costs
10 for students, including costs of remedial courses;
11 ''(9) enhance the quality and number of tradi-
12 tional and alternative route teacher and school lead-
13 er preparation programs at minority-serving institu-
14 tions that enable graduates to be profession-ready
15 and highly effective in the classroom and to enable
16 such programs to meet the demands for diversity
17 and accountability in educator preparation;
18 ''(10) expand the effective use of technology in
19 higher education, such as through collaboration be-
20 tween institutions on implementing technology-en-
21 abled delivery models (including hybrid models) or
22 through the use of open educational resources and
23 digital content;
24 ''(11) strengthen postgraduate employment out-
25 comes through the implementation of comprehensive

and strategic career pathways for students, which may include aligning curricula with workforce needs, experiential learning, integration of career services, and developing partnerships with employers and business organizations; and

''(12) provide a continuum of solutions by incorporating activities that address multiple objectives described in paragraphs (1) through (11).

"SEC. 757. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out activities under this part $850,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years, to be allocated as follows:

''(1) for institutions described in paragraph (1) of section 371(a), $224,987,083;

''(2) for institutions described in paragraph (2) of section 371(a), $214,446,428;

''(3) for institutions described in paragraph (3) of section 371(a), $78,056,743;

''(4) for institutions described in paragraph (4) of section 371(a), $20,662,079;

''(5) for institutions described in paragraph (5) of section 371(a), $130,859,834;

''(6) for institutions described in paragraph (6) of section 371(a), $122,305,533; and

"(7) for institutions described in paragraph (7) of section 371(a), $58,682,300.".

SEC. 7004. DEFINITIONS.

Section 760 of the Higher Education Act of 1965 (20 U.S.C. 1140) is amended to read as follows:

"SEC. 760. DEFINITIONS.

"In this part:

"(1) COMPREHENSIVE TRANSITION AND POSTSECONDARY PROGRAM FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—The term 'comprehensive transition and postsecondary program for students with intellectual disabilities' means a program that leads to a degree, certificate, or recognized postsecondary credential issued by an institution of higher education that meets each of the following requirements:

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

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

"(C) Includes student advising and a program of study.

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

"(i) Regular enrollment in credit-bearing courses with students without disabilities that are offered by the institution.

"(ii) Auditing or participating in courses with students without disabilities that are offered by the institution and for which the student does not receive regular academic credit.

"(iii) Enrollment in noncredit-bearing, nondegree courses with students without disabilities.

"(iv) Participation in internships, registered apprenticeships, or work-based experiences in competitive integrated settings for a semester, or multiple semesters.

"(E) Requires students with intellectual disabilities to be socially and academically integrated with students without disabilities to the maximum extent practicable.

"(F) Does not require the work components (ii) to occur each semester.

"(2) DISABILITY.—The term 'disability' has the meaning given such term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101.

"(4) OFFICE OF ACCESSIBILITY.—The term 'Office of Accessibility' has the meaning given to the office of disability services of the institution or equivalent office.

"(5) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term 'recognized postsecondary credential' has the meaning given the term in section 101 of the Workforce Innovation and Opportunity Act.

"(6) STUDENT WITH AN INTELLECTUAL DISABILITY.—The term 'student with an intellectual disability' means a student—

1 ''(A) with a cognitive impairment, charac-
2 terized by significant limitations in—
3 ''(i) intellectual and cognitive func-
4 tioning; and
5 ''(ii) adaptive behavior as expressed in
6 conceptual, social, and practical adaptive
7 skills;
8 ''(B) who is currently, or was formerly, eli-
9 gible for a free appropriate public education
10 under the Individuals with Disabilities Edu-
11 cation Act (20 U.S.C. 1400 et seq.); and
12 ''(C) or, in the case of a student who has
13 not currently or formerly been found eligible for
14 a free appropriate education under the Individ-
15 uals with Disabilities Education Act, or a stu-
16 dent who has not previously been found eligible
17 as a student with an intellectual disability
18 under IDEA, documentation establishing that
19 the student has an intellectual disability, such
20 as—
21 ''(i) a documented comprehensive and
22 individualized psycho-educational evalua-
23 tion and diagnosis of an intellectual dis-
24 ability by a psychologist or other qualified
25 professional; or

"(ii) a record of the disability from a local or State educational agency, or government agency, such as the Social Security Administration or a vocational rehabilitation agency, that identifies the intellectual disability.".

SEC. 7005. SUPPORTING POSTSECONDARY FACULTY, STAFF, AND ADMINISTRATORS IN PROVIDING ACCESSIBLE EDUCATION.

(a) GRANTS.—Section 762 of the Higher Education Act of 1965 (20 U.S.C. 1140b) is amended to read as follows:

"SEC. 762. GRANTS AUTHORIZED.

"(a) COMPETITIVE GRANTS AUTHORIZED TO SUPPORT POSTSECONDARY FACULTY, STAFF, AND ADMINISTRATORS IN PROVIDING AN ACCESSIBLE EDUCATION.—

"(1) IN GENERAL.—From amounts appropriated under section 765C, the Secretary shall award grants, on a competitive basis, to institutions of higher education to enable the institutions to carry out the activities under subsection (b).

"(2) AWARDS FOR PROFESSIONAL DEVELOPMENT AND TECHNICAL ASSISTANCE.—Not less than 5 grants shall be awarded to institutions of higher education that provide professional development and

technical assistance in order to improve access to, and completion of, postsecondary education for students, including students with disabilities.

''(b) DURATION; ACTIVITIES.—

''(1) DURATION.—A grant under this section shall be awarded for a period of 5 years.

''(2) AUTHORIZED ACTIVITIES.—A grant awarded under this section shall be used to carry out one or more of the following activities:

''(A) TEACHING METHODS AND STRATEGIES.—The development and implementation of training to provide innovative, effective, and evidence-based teaching methods and strategies, consistent with the principles of universal design for learning, to provide postsecondary faculty, staff, and administrators with the skills and supports necessary to teach and meet the academic and programmatic needs of students (including students with disabilities) in order to improve the retention of such students in, and the completion by such students of, postsecondary education. Such methods and strategies may include in-service training, professional development, customized and general technical assistance, workshops, summer institutes, dis-

tance learning, and training in the use of assistive and educational technology.

"(B) IMPLEMENTING ACCOMMODATIONS.—The development and implementation of training to provide postsecondary faculty, staff, and administrators methods and strategies of providing appropriate accommodations consistent with the principles of universal design for learning for students with disabilities, including descriptions of legal obligations of the institution of higher education to provide such accommodations.

"(C) EFFECTIVE TRANSITION PRACTICES.—The development and implementation of innovative, effective, and evidence-based teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the skills and supports necessary to ensure the successful and smooth transition of students with disabilities from secondary school to postsecondary education. The teaching methods and strategies may include supporting students in the development of self-advocacy skills to improve transition to, and completion of, postsecondary education.

"(D) DISTANCE LEARNING.—The development and implementation of training to provide innovative, effective, and evidence-based teaching methods and strategies to enable postsecondary faculty, staff, and administrators to provide accessible distance education programs or classes that would enhance the access of students (including students with disabilities) to postsecondary education, including the use of accessible curricula and electronic communication for instruction and advising that meet the requirements of section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(E) CAREER PATHWAY GUIDANCE.—The development and implementation of effective and evidence-based teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the ability to advise students with disabilities with respect to their chosen career pathway, which shall include at least one of the following:

"(i) Supporting internships, apprenticeships, or work-based learning opportunities.

"(ii) Counseling on coursework to meet the recognized educational credential or recognized postsecondary credential appropriate for the field chosen.

"(iii) Developing self-advocacy skills to advocate for appropriate accommodations once in the workplace.

"(iv) Support with selecting a career pathway that leads to competitive, integrated employment.

"(3) MANDATORY EVALUATION AND DISSEMINATION.—An institution of higher education awarded a grant under this section shall evaluate and disseminate to other institutions of higher education the information obtained through the activities described in subparagraphs (A) through (E) of paragraph (2).

"(c) CONSIDERATIONS IN MAKING AWARDS.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall consider the following:

"(1) GEOGRAPHIC DISTRIBUTION.—Providing an equitable geographic distribution of such awards.

"(2) RURAL AND URBAN AREAS.—Distributing such awards to urban and rural areas.

"(3) RANGE AND TYPE OF INSTITUTION.—Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

"(d) REPORTS.—

"(1) INITIAL REPORT.—Not later than one year after the date of enactment of the College Affordability Act, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report on all projects awarded grants under this part, including a review of the activities and program performance of such projects based on existing information as of the date of the report.

"(2) SUBSEQUENT REPORT.—Not later than five years after the date of the first award of a grant under this section after the date of enactment of the College Affordability Act, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report that—

"(A) reviews the activities and program performance of the projects authorized under subsection (b); and

"(B) provides guidance and recommendations on how effective projects can be replicated.".

(b) APPLICATIONS.—Section 763 of the Higher Education Act of 1965 (20 U.S.C. 1140c) is amended to read as follows:

"SEC. 763. APPLICATIONS.

''Each institution of higher education desiring to receive a grant under section 762 shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

''(1) a description of the activities authorized under section 762(b) that the institution proposes to carry out, and how such institution plans to conduct such activities in order to further the purposes of this subpart;

''(2) a description of how the institution consulted with a broad range of people including students with disabilities and individuals with expertise in disability supports or special education within the institution to develop activities for which assistance is sought;

''(3) a description of how the institution will coordinate and collaborate with the office of accessibility; and

''(4) a description of the extent to which the institution will work to replicate the research-based

and best practices of institutions of higher education with demonstrated effectiveness in serving students with disabilities.''.

SEC. 7006. OFFICE OF ACCESSIBILITY.

Subpart 1 of part D of title VII of the Higher Education Act of 1965 (20 U.S.C. 1140a et seq.) is amended—

(1) by redesignating section 765 as section 765C;

(2) by inserting after section 764 the following:

''SEC. 765A. OFFICE OF ACCESSIBILITY.

''(a) ESTABLISHMENT.—Each institution of higher education shall establish an office of accessibility to develop and implement policies to support students who enter postsecondary education with disabilities and students who acquire a disability while enrolled in an institution of higher education.

''(b) DUTIES.—Each office of accessibility shall—

''(1) inform students, during student orientation, about services provided at the institution of higher education, and continually update such information through the accessibility office's website and other communications to improve accessibility of such services;

1 ''(2) provide information to students regarding
2 accommodations and modifications provided by the
3 institution of higher education with respect to in-
4 ternships, practicums, work-based learning, appren-
5 ticeships, or other work-related environments that—
6 ''(A) the student may engage in through
7 courses; or
8 ''(B) are necessary for completion of a rec-
9 ognized educational credential or recognized
10 postsecondary credential;
11 ''(3) provide information to students regarding
12 their legal rights under the Americans with Disabil-
13 ities Act (42 U.S.C. 12101 et seq.) and section 504
14 of the Rehabilitation Act (29 U.S.C. 794); and
15 ''(4) in order to provide appropriate accom-
16 modations to students with disabilities, carry out the
17 following:
18 ''(A) Adopt policies that, at a minimum,
19 make any of the following documentation sub-
20 mitted by an individual sufficient to establish
21 that such individual is an individual with a dis-
22 ability:
23 ''(i) Documentation that the indi-
24 vidual has had an individualized education
25 program (in this clause referred to as an

'IEP') in accordance with section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)), including an IEP that may not be current on the date of the determination that the individual has a disability. The office of accessibility may ask for additional documentation from an individual who had an IEP but who was subsequently evaluated and determined to be ineligible for services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), including an individual determined to be ineligible during elementary school.

''(ii) Documentation describing services or accommodations provided to the individual pursuant to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) (commonly referred to as a 'Section 504 plan').

''(iii) A plan or record of service for the individual from a private school, a local educational agency, a State educational agency, or an institution of higher education provided in accordance with the

Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

''(iv) A record or evaluation from a relevant licensed professional finding that the individual has a disability.

''(v) A plan or record of disability from another institution of higher education.

''(vi) Documentation of a disability due to service in the uniformed services, as defined in section 484C(a).

''(B) Adopt policies that are transparent and explicit regarding the process by which the institution determines eligibility for accommodations.

''(C) Disseminate the information described in subparagraph (B) to students, parents, and faculty—

''(i) in an accessible format;

''(ii) during student orientation; and

''(iii) by making such information readily available on a public website of the institution.

"(D) Provide accommodations to students with mental health disabilities, and students with disabilities associated with pregnancy.

"(E) Provide outreach and consult with students in inclusive higher education.

"SEC. 765B. COMPETITIVE GRANT FOR INNOVATION AND ACCESSIBILITY.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under section 765C, the Secretary may award grants on a competitive basis to institutions of higher education to enable the institutions to carry out the activities described under subsection (c).

"(2) DURATION.—A grant under this section shall be awarded for a period of 5 years.

"(3) CONSIDERATION IN MAKING AWARDS.—In awarding grants under this section, the Secretary shall consider the following:

"(A) Providing an equitable geographic distribution of such awards.

"(B) Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

"(b) APPLICATION.—Each institution of higher education desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

"(1) a description of how the institution will carry out the activities under subsection (c);

"(2) a description of the consultation the institution has had with a broad range of people within the institution, including students with disabilities and individuals with expertise in disability supports or special education, in developing the information under paragraph (1);

"(3) a plan for the sustainability of the program after the end of the grant period; and

"(4) a written business plan for revenue and expenditures to be provided to the Department under subsection (d).

"(c) ACTIVITIES.—A grant awarded under this section shall be used to—

"(1) develop and implement across the institution of higher education, a universal design for learning framework for course design and instructional materials to improve campus-wide accessibility

to instruction, materials, and the learning environment; or

''(2) develop or improve distance education courses consistent with the principles of universal design for learning to improve accessibility of instruction and materials.

''(d) REPORTS.—

''(1) GRANT RECIPIENT REPORTS.—An institution of higher education awarded a grant under this section shall evaluate and disseminate to other institutions of higher education, the information obtained through the activities described in subsection (c).

''(2) INITIAL REPORT BY SECRETARY.—Not later than one year after the date of the enactment of this section, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report on all projects awarded grants under this section, including a review of the activities and program performance of such projects based on existing information as of the date of the report.

''(3) FINAL REPORT BY SECRETARY.—Not later than 6 years after the date of the first award of a grant under this section, the Secretary shall prepare

and submit to the authorizing committees, and make available to the public, a report that—

"(A) reviews the activities and program performance of the projects authorized under this section; and

"(B) provides guidance and recommendations on how effective projects can be replicated."; and

(3) by amending section 765C, as so redesignated, by striking "2009" and inserting "2021".

SEC. 7007. POSTSECONDARY PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

(a) PURPOSE.—Section 766 of the Higher Education Act of 1965 (20 U.S.C. 1140f) is amended to read as follows:

"SEC. 766. PURPOSE.

"It is the purpose of this subpart to support inclusive programs that promote the successful transition of students with intellectual disabilities into higher education and the earning of a recognized educational credential or recognized postsecondary credential issued by the institution of higher education.".

(b) PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.—Section 767 of the Higher Education Act of 1965 (20 U.S.C. 1140g) is amended to read as follows:

"SEC. 767. INCLUSIVE HIGHER EDUCATION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES.

"(a) GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From amounts appropriated under section 769(a), the Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of three or more institutions of higher education), to enable such institutions or consortia to create or expand a comprehensive transition and postsecondary education program for students with intellectual disabilities.

"(2) ELIGIBILITY AND APPROPRIATIONS LIMITS.—

"(A) RELATION TO OTHER GRANTS.—An institution of higher education that received a grant under this section before the date of the enactment of the College Affordability Act may not receive an additional grant under this section unless—

"(i) the institution receives a grant as part of a consortium of three or more institutions of higher education; or

"(ii) the grant term of such preceding grant has ended.

"(B) LIMITATION ON AMOUNTS.—

"(i) INSTITUTION OF HIGHER EDUCATION.—A grant under this section made to an institution of higher education may not be in an amount greater than $300,000.

"(ii) CONSORTIUM.—A grant under this section made to a consortia of institutions of higher education may not be in an amount greater than $500,000.

"(3) ADMINISTRATION.—The program under this section shall be administered by the office in the Department that administers other postsecondary education programs in collaboration with the Office of Postsecondary Education and the Office of Special Education and Rehabilitative Services of the Department of Education.

"(4) DURATION OF GRANTS.—A grant under this section shall be awarded for a period of 5 years.

"(b) APPLICATION.—An institution of higher education or a consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

1 ''(c) AWARD BASIS.—In awarding grants under this
2 section, the Secretary shall—
3 ''(1) provide for an equitable geographic dis-
4 tribution of such grants;
5 ''(2) to the extent possible, provide for an equi-
6 table distribution of such grants between 4–year in-
7 stitutions of higher education and 2–year institu-
8 tions of higher education, including community col-
9 leges;
10 ''(3) provide grant funds for high-quality, inclu-
11 sive higher education programs for students with in-
12 tellectual disabilities, herein after referred to as in-
13 clusive higher education programs, that will serve
14 areas that are underserved by programs of this type;
15 ''(4) in the case of an institution of higher edu-
16 cation that provides institutionally owned or oper-
17 ated housing for students attending the institution,
18 award grants only to such institutions that integrate
19 students with intellectual disabilities into the hous-
20 ing offered to students without disabilities or to in-
21 stitutions that provide such integrated housing
22 through providing supports to students directly or
23 through partnerships with other organizations;
24 ''(5) provide grant funds to encourage involve-
25 ment of students attending institutions of higher

education in the fields of special education, general education, vocational rehabilitation, assistive technology, or related fields in the program;

''(6) select applications that—

''(A) demonstrate an existing comprehensive transition and postsecondary education program for students with intellectual disabilities that is title IV eligible; or

''(B) agree to establish such a program; and

''(7) give preference to applications submitted under subsection (b) that agree to incorporate into the inclusive higher education program for students with intellectual disabilities carried out under the grant one or more of the following elements:

''(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

''(B) Applications that represent geographically underserved States.

''(d) USE OF FUNDS; REQUIREMENTS.—An institution of higher education or consortium receiving a grant under this section shall—

1 ''(1) use the grant funds to establish an inclu-
2 sive higher education program for students with in-
3 tellectual disabilities that—
4 ''(A) serves students with intellectual dis-
5 abilities;
6 ''(B) provides individual supports and serv-
7 ices for the academic and social inclusion of
8 students with intellectual disabilities in aca-
9 demic courses, extracurricular activities, and
10 other aspects of the regular postsecondary pro-
11 gram, including access to health and mental
12 health services, offices of accessibility, and
13 graduation ceremonies;
14 ''(C) with respect to the students with in-
15 tellectual disabilities participating in the pro-
16 gram, provides a focus on—
17 ''(i) academic and career development;
18 ''(ii) socialization and inclusion with
19 the general student population;
20 ''(iii) independent living skills, includ-
21 ing self-advocacy skills; and
22 ''(iv) integrated work experiences and
23 career skills that lead to competitive inte-
24 grated employment;

1 ''(D) integrates person-centered planning
2 in the development of the course of study for
3 each student with an intellectual disability par-
4 ticipating in the program;
5 ''(E) plans for the sustainability of the
6 program after the end of the grant period, with
7 a written business plan for revenue and expend-
8 itures to be provided to the Department by the
9 end of year 3; and
10 ''(F) awards a degree, certificate, or recog-
11 nized postsecondary credential for students with
12 intellectual disabilities upon the completion of
13 the program;
14 ''(2) in the case of an institution of higher edu-
15 cation that provides institutionally owned or oper-
16 ated housing for students attending the institution
17 or integrated housing through providing supports to
18 students directly or through partnerships with other
19 organizations, provide for the integration of students
20 with intellectual disabilities into housing offered to
21 students without disabilities;
22 ''(3) participate with the coordinating center es-
23 tablished under section 777(b) in the evaluation of
24 the program, including by regularly submitting data

on experiences and outcomes of individual students participating in the program; and

''(4) partner with one or more local educational agencies to support students with intellectual disabilities participating in the program who are eligible for special education and related services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), including the use of funds available under part B of such Act (20 U.S.C. 1411 et seq.) to support the participation of such students in the program.

''(e) MATCHING REQUIREMENT.—An institution of higher education (or consortium) that receives a grant under this section shall provide matching funds toward the cost of the inclusive higher education program for students with intellectual disabilities carried out under the grant. Such matching funds may be provided in cash or in-kind, and shall be in an amount of not less than 25 percent of the amount of such costs.

''(f) DATA COLLECTION AND TRANSMISSION.—

''(1) IN GENERAL.—An institution or consortium receiving a grant under this section shall collect and transmit to the coordinating center established under section 777(b) on an annual basis for each student who is enrolled in the program, stu-

dent-level information related to the experiences and outcomes of students who participate in the inclusive higher education program for students with intellectual disabilities.

"(2) LONGITUDINAL DATA.—Each grantee shall collect longitudinal outcome data from each student participating in the program and transmit such data to the coordinating center established under section 777(b). Such longitudinal data shall be collected for every student each year for 5 years after the student graduates from, or otherwise exits, the program.

"(3) DATA TO BE COLLECTED.—The program-level information and data and student-level information and data to be collected under this subsection shall include—

"(A) the number and type of postsecondary education courses taken and completed by the student;

"(B) academic outcomes;

"(C) competitive, integrated employment outcomes;

"(D) independent living outcomes; and

"(E) social outcomes, including community integration.

"(4) DISAGGREGATION.—The information determined under paragraph (3) shall be disaggregated by race, gender, socioeconomic status, Federal Pell Grant eligibility status, status as a first generation college student, and veteran or active duty status.

"(g) REPORT.—Not later than 5 years after the date of the first grant awarded under this section, the Secretary shall prepare and disseminate a report to the authorizing committees and to the public that—

"(1) reviews the activities of the inclusive higher education programs for students with intellectual disabilities funded under this section; and

"(2) provides guidance and recommendations on how effective programs can be replicated.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 769(a) of the Higher Education Act of 1965 (20 U.S.C. 1140i) is amended by striking "2009" and inserting "2021".

SEC. 7008. NATIONAL TECHNICAL ASSISTANCE CENTER AND NATIONAL COORDINATING CENTER FOR INCLUSION OF STUDENTS WITH INTELLECTUAL DISABILITIES.

(a) IN GENERAL.—Section 777 of the Higher Education Act of 1965 (20 U.S.C. 1140q) is amended to read as follows:

"SEC. 777. NATIONAL TECHNICAL ASSISTANCE CENTER AND NATIONAL COORDINATING CENTER FOR INCLUSION OF STUDENTS WITH INTELLECTUAL DISABILITIES.

"(a) NATIONAL TECHNICAL ASSISTANCE CENTER.—

"(1) IN GENERAL.—From amounts appropriated under paragraph (5), the Secretary shall award a grant to, or enter into a contract or cooperative agreement with, an eligible entity to provide for the establishment and support of a National Technical Assistance Center. The National Technical Assistance Center shall carry out the duties set forth in paragraph (4).

"(2) ADMINISTRATION.—The program under this section shall be administered by the office in the Department that administers other postsecondary education programs in consultation with the Office of Special Education and Rehabilitative Services.

"(3) ELIGIBLE ENTITY.—In this subpart, the term 'eligible entity' means an institution of higher education, a nonprofit organization, or partnership of two or more such institutions or organizations, with demonstrated expertise in—

"(A) transitioning students with disabilities from secondary school to postsecondary education;

"(B) supporting students with disabilities in postsecondary education;

"(C) technical knowledge necessary for the dissemination of information in accessible formats; and

"(D) working with diverse types of institutions of higher education, including community colleges.

"(4) DUTIES.—The duties of the National Technical Assistance Center shall include the following:

"(A) ASSISTANCE TO STUDENTS AND FAMILIES.—The National Technical Assistance Center shall provide information and technical assistance to students with disabilities and the families of students with disabilities to support students across the broad spectrum of disabilities, including—

"(i) information to assist individuals with disabilities who are prospective students of an institution of higher education in planning for postsecondary education while the students are in secondary school;

"(ii) information and technical assistance provided to individualized education

program teams (as defined in section 614(d)(1) of the Individuals with Disabilities Education Act) for secondary school students with disabilities, and to early outreach and student services programs, including programs authorized under subparts 2, 4, and 5 of part A of title IV, to support students across a broad spectrum of disabilities with the successful transition to postsecondary education;

''(iii) research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;

''(iv) information on student mentoring and networking opportunities for students with disabilities; and

''(v) effective recruitment and transition programs at postsecondary educational institutions.

''(B) ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—The National Technical Assistance Center shall provide information and technical assistance to faculty, staff, and ad-

ministrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—

"(i) collection and dissemination of best and promising practices and materials for accommodating and supporting students with disabilities, including practices and materials supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3;

"(ii) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting postsecondary students with disabilities across a range of academic fields, which may include universal design for learning and practices supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3; and

"(iii) development of technology-based tutorials for higher education faculty and staff, including new faculty and graduate

students, on best and promising practices related to support and retention of students with disabilities in postsecondary education.

"(C) INFORMATION COLLECTION AND DISSEMINATION.—The National Technical Assistance Center shall be responsible for building, maintaining, and updating a database of disability support services information with respect to institutions of higher education, or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education. Such database shall be available to the general public through a website built to high technical standards of accessibility practicable for the broad spectrum of individuals with disabilities. Such database and website shall include available information on—

"(i) disability documentation requirements;

"(ii) support services available;

"(iii) links to financial aid;

"(iv) accommodations policies;

"(v) accessible instructional materials;

"(vi) other topics relevant to students with disabilities; and

"(vii) the information in the report described in subparagraph (E).

"(D) DISABILITY SUPPORT SERVICES.—The National Technical Assistance Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.

"(E) REVIEW AND REPORT.—Not later than three years after the establishment of the National Technical Assistance Center, and every two years thereafter, the National Technical Assistance Center shall prepare and disseminate a report to the Secretary and the authorizing committees analyzing the condition of postsecondary success for students with disabilities. Such report shall include—

"(i) a review of the activities and the effectiveness of the programs authorized under this part;

"(ii) annual enrollment and graduation rates of students with disabilities in institutions of higher education from publicly reported data;

"(iii) recommendations for effective postsecondary supports and services for students with disabilities, and how such supports and services may be widely implemented at institutions of higher education;

"(iv) recommendations on reducing barriers to full participation for students with disabilities in higher education; and

"(v) a description of strategies with a demonstrated record of effectiveness in improving the success of such students in postsecondary education.

"(F) STAFFING OF THE CENTER.—In hiring employees of the National Technical Assistance Center, the National Technical Assistance Center shall consider the expertise and experience of prospective employees in providing training and technical assistance to practitioners.

1 "(5) AUTHORIZATION OF APPROPRIATIONS.—
2 There is authorized to be appropriated to carry out
3 this subsection $10,000,000.
4 "(b) THE NATIONAL COORDINATING CENTER FOR
5 INCLUSION OF STUDENTS WITH INTELLECTUAL DISABIL-
6 ITIES.—
7 "(1) DEFINITION OF ELIGIBLE ENTITY.—In
8 this subsection, the term 'eligible entity' means an
9 entity, or a partnership of entities, that has dem-
10 onstrated expertise in the fields of—
11 "(A) higher education;
12 "(B) the education of students with intel-
13 lectual disabilities;
14 "(C) the development of inclusive higher
15 education programs for students with intellec-
16 tual disabilities; and
17 "(D) evaluation and technical assistance.
18 "(2) IN GENERAL.—From amounts appro-
19 priated under paragraph (7), the Secretary shall
20 enter into a cooperative agreement, on a competitive
21 basis, with an eligible entity for the purpose of es-
22 tablishing a coordinating center for institutions of
23 higher education that offer inclusive higher edu-
24 cation programs for students with intellectual dis-

abilities, including institutions participating in grants authorized under subpart 2 to provide—

"(A) recommendations related to the development of standards for such programs;

"(B) technical assistance for such programs; and

"(C) evaluations for such programs, including systematic collection of data on the experiences and outcomes of individuals with intellectual disabilities.

"(3) ADMINISTRATION.—The program under this subsection shall be administered by the Office of Postsecondary Education, in collaboration with the Office of Special Education and Rehabilitative Services.

"(4) DURATION.—The Secretary shall enter into a cooperative agreement under this subsection for a period of five years.

"(5) REQUIREMENTS OF COOPERATIVE AGREEMENT.—The eligible entity entering into a cooperative agreement under this subsection shall establish and maintain a coordinating center that shall—

"(A) serve as the technical assistance entity for all inclusive higher education programs and comprehensive transition and postsec-

ondary programs for students with intellectual disabilities;

''(B) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;

''(C) evaluate such programs using qualitative and quantitative methodologies for measuring program strengths in the areas of academic access, academic enrichment, socialization, competitive integrated employment, attainment of a degree, certificate, or recognized postsecondary credential, and independent living;

''(D) evaluate participant progress by creating and maintaining a database of student-level information and data related to the experiences and outcomes of youth who participate in each inclusive higher education program that receives a grant under this subpart;

''(E) create and maintain a mechanism for continuing to collect outcome information from students who participated in inclusive higher education programs that were developed in previous grant award cycles;

"(F) assist recipients of a grant under this subpart in efforts to award a degree, certificate, or recognized postsecondary credential;

"(G) create and maintain a database of student and program level data reflecting implementation of the inclusive higher education program that receives a grant under this subpart;

"(H) create and maintain a mechanism to consolidate follow up data on student outcomes collected by inclusive higher education programs funded through previous grant cycles;

"(I) assist recipients of grants under subpart 2 in efforts to award a degree, certificate, or recognized postsecondary credential to students with intellectual disabilities upon the completion of such programs;

"(J) identify model memoranda of agreement for use between or among institutions of higher education and State and local agencies providing funding for such programs;

"(K) develop recommendations for the necessary components of such programs, such as—

"(i) academic, career and technical, social, and independent living skills;

"(ii) evaluation of student progress;

"(iii) program administration and evaluation;

"(iv) student eligibility;

"(v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be; and

"(vi) access to student housing for students participating in the inclusive higher education programs, including accommodations and services that support independent living;

"(L) review and analyze—

"(i) the impact of State and Federal policy on inclusive higher education legislation; and

"(ii) funding streams for such programs;

"(M) provide recommendations regarding the funding streams described in paragraph (H)(ii);

"(N) develop mechanisms for regular communication, outreach and dissemination of information about inclusive higher education pro-

grams for students with intellectual disabilities under subpart 2 between or among such programs and to families and prospective students;

''(O) host a meeting of all recipients of grants under subpart 2 not less often than once each year; and

''(P) convene a work group to continue the development of and recommendations for model criteria, standards, and components of inclusive higher education programs and comprehensive transition and postsecondary programs for students with intellectual disabilities, that are appropriate for the development of accreditation standards—

''(i) which work group shall include—

''(I) an expert in community college education;

''(II) an expert in career technical education;

''(III) an expert in 4–year institutions of higher education;

''(IV) an expert in special education;

1 "(V) a disability organization
2 that represents students with intellec-
3 tual disabilities;
4 "(VI) a representative from the
5 National Advisory Committee on In-
6 stitutional Quality and Integrity; and
7 "(VII) a representative of a re-
8 gional or national accreditation agen-
9 cy or association; and
10 "(ii) the work group will carry out the
11 following activities—
12 "(I) conduct outreach to accred-
13 iting agencies;
14 "(II) develop a technical guid-
15 ance document to support implemen-
16 tation of the model standards;
17 "(III) develop and conduct a pro-
18 tocol for implementing the model
19 standards; and
20 "(IV) update recommendations
21 for the model standards, criteria, and
22 components of such programs, as ap-
23 plicable.
24 "(6) REPORT.—Not later than 5 years after the
25 date of the establishment of the coordinating center

under this subsection, the coordinating center shall report to the Secretary, the authorizing committees, and the National Advisory Committee on Institutional Quality and Integrity on the activities described in paragraph (5).

''(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2021 and each of the five succeeding fiscal years.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 778 of the Higher Education Act of 1965 (20 U.S.C. 1140r) is repealed.

SEC. 7009. FORMULA GRANTS TO STATES TO IMPROVE HIGHER EDUCATION OPPORTUNITIES FOR FOSTER YOUTH AND HOMELESS YOUTH.

Title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.) is further amended by adding at the end the following new part:

''PART F—GRANTS FOR IMPROVING ACCESS TO AND SUCCESS IN HIGHER EDUCATION FOR FOSTER YOUTH AND HOMELESS YOUTH

''SEC. 791. DEFINITIONS.

''In this part:

1 "(1) FOSTER YOUTH.—The term 'foster
2 youth'—
3 "(A) means an individual whose care and
4 placement is the responsibility of the State or
5 tribal agency that administers a State or tribal
6 plan under part B or E of title IV of the Social
7 Security Act (42 U.S.C. 621 et seq.; 670 et
8 seq.), without regard to whether foster care
9 maintenance payments are made under section
10 472 of such Act (42 U.S.C. 672) on behalf of
11 the individual; and
12 "(B) includes any individual—
13 "(i) whose care and placement was
14 the responsibility of such a State or tribal
15 agency when, or at any time after, the in-
16 dividual attained 13 years of age, without
17 regard to whether foster care maintenance
18 payments were made under section 472 of
19 such Act (42 U.S.C. 672) on behalf of the
20 individual; and
21 "(ii) who is no longer under the care
22 and responsibility of such a State or tribal
23 agency, without regard to any subsequent
24 adoption, guardianship arrangement, or
25 other form of permanency option.

1 ''(2) HOMELESS YOUTH.—The term 'homeless
2 youth' has the meaning given the term 'homeless
3 children and youths' in section 725 of the McKin-
4 ney-Vento Homeless Assistance Act (42 U.S.C.
5 11434a).
6 ''(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—
7 The terms 'Indian Tribe' and 'tribal organization'
8 have the meanings given the terms in section 4 of
9 the Indian Self-Determination and Education Assist-
10 ance Act (25 U.S.C. 5304).
11 ''(4) INSTITUTION OF HIGHER EDUCATION.—
12 The term 'institution of higher education' has the
13 meaning given the term in section 101.
14 ''(5) STATE.—The term 'State' means each of
15 the several States and the District of Columbia.
16 ''(6) TERRITORY.—The term 'territory' means
17 Puerto Rico, United States Virgin Islands, Guam,
18 American Samoa, and the Commonwealth of the
19 Northern Mariana Islands, the Republic of the Mar-
20 shall Islands, the Federated States of Micronesia,
21 and the Republic of Palau.

"SEC. 792. FORMULA GRANTS TO STATES TO IMPROVE ACCESS TO AND SUCCESS IN HIGHER EDUCATION FOR FOSTER YOUTH AND HOMELESS YOUTH.

"(a) GRANT PROGRAM ESTABLISHED.—From the amount appropriated under subsection (h), the Secretary shall make allotments under subsection (b), to States having applications approved under subsection (c), to enable each State to—

"(1) carry out the Statewide transition initiative described in subsection (d); and

"(2) make subgrants described in subsection (e).

"(b) ALLOCATIONS.—

"(1) FORMULA.—

"(A) RESERVATION FOR INDIAN TRIBES AND TERRITORIES.—

"(i) IN GENERAL.—From the amount appropriated under subsection (h) for a fiscal year and subject to clause (ii), the Secretary shall reserve—

"(I) not more than 3 percent for grants to Indian Tribes, consortia of Indian Tribes, or Tribal organizations; and

"(II) not more than 2 percent for grants to territories.

"(ii) REQUIREMENTS.—In awarding grants under this subparagraph, the Secretary—

"(I) shall not award a grant under subclause (I) or (II) of clause (i) for a fiscal year for which no Indian Tribe (or consortium of Indian Tribes) or Tribal organization, or territory, respectively, submits a satisfactory application for a grant under such subclause;

"(II) shall require that any Indian Tribe, consortium, Tribal organization, or territory that receives a grant under this subparagraph provide an assurance of a partnership among relevant education, child welfare, and homeless agencies or organizations; and

"(III) may determine any other requirements with respect to such grants (including the allocation, application, and use of fund requirements),

which to the extent possible, shall be consistent with the requirements for States under this part, except that appropriate adjustments shall be made based on the needs and size of populations served by the Indian Tribe, consortium, Tribal organization, or territory applying for the grant.

"(B) RESERVATION FOR DEPARTMENT ACTIVITIES.—From the amount appropriated under subsection (h) for a fiscal year, the Secretary may reserve—

"(i) not more than 7 percent to—

"(I) provide technical assistance, in consultation with Secretary of Health and Human Services, to States carrying out activities under this section; and

"(II) complete the evaluations required by subsection (g)(1); and

"(ii) not more than 3 percent for administrative expenses.

"(C) ALLOCATIONS.—From the amount appropriated under subsection (h) for a fiscal year and remaining after the Secretary reserves

1 funds under subparagraphs (A) and (B), the
2 Secretary shall allocate to each State the great-
3 er of—
4 ''(i) $500,000; or
5 ''(ii) the amount that bears the same
6 proportion to the remaining appropriated
7 amount for such fiscal year as the number
8 of foster youth and homeless youth in the
9 State bears to the number of foster youth
10 and homeless youth in all States.
11 ''(D) RATABLE REDUCTION.—If the
12 amount appropriated under subsection (h) for a
13 fiscal year and remaining after the Secretary
14 reserves funds under subparagraphs (A) and
15 (B) is less than the amount required to be allo-
16 cated to States under subparagraph (C), then
17 the amount of the allocation to each State shall
18 be ratably reduced.
19 ''(2) STATE RESERVATION.—From the amounts
20 awarded a State under paragraph (1)(C) for a fiscal
21 year, the State may reserve not more than 5 percent
22 for administrative expenses.
23 ''(3) TEMPORARY INELIGIBILITY FOR SUBSE-
24 QUENT PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall determine a State to be temporarily ineligible to receive a grant payment under this subsection for a fiscal year if—

"(i) the State fails to submit an annual report under subsection (f) for the preceding fiscal year; or

"(ii) the Secretary determines, based on information in such annual report, that the State is not effectively—

"(I) meeting the outcomes described in the application of such State under subsection (c)(2)(C), and does not have a plan to improve the outcomes;

"(II) monitoring and evaluating the activities under subsections (d) and (e); or

"(III) using funds as required under subsections (d) and (e).

"(B) REINSTATEMENT.—If the Secretary determines that a State is ineligible under subparagraph (A), the Secretary may enter into an agreement with the State setting forth the terms and conditions under which the State

may regain eligibility to receive payments under this section.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—For each fiscal year for which a State desires an allotment under subsection (b), the State shall submit an application to the Secretary at such time, in such manner, and containing the information described in paragraph (2).

"(2) INFORMATION REQUIRED.—An application submitted under paragraph (1) shall include the following:

"(A) A plan for how the State will carry out the activities under subsections (d) and (e).

"(B) A description of the State's capacity to carry out such activities.

"(C) A description of intended outcomes for such activities.

"(D) A plan for how the State will monitor and evaluate such activities, including how the State will use data to continually update and improve such activities.

"(E) A description of how students will be identified and recruited for participation in the Statewide transition initiative under subsection (d).

"(F) An estimate of the number and characteristics of the populations targeted for participation in the Statewide transition initiative under subsection (d) with attention to the diverse needs of homeless youth and foster youth in the State.

"(G) A description of how the State will coordinate services provided under the grant with services provided to foster youth and homeless youth under the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.), the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.), and other services provided to foster youth and homeless youth by the State.

"(H) An assurance that the State will comply with subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.).

"(I) An assurance that the State will partner with State educational agencies, local educational agencies, institutions of higher education, State and local child welfare authorities,

and other relevant organizations that serve foster youth or homeless youth.

"(J) An assurance that the State will submit the annual report required under subsection (f).

"(K) A budgetary analysis of the use of funds awarded under this section.

"(L) Such other information as the Secretary may require.

"(d) STATEWIDE TRANSITION INITIATIVE.—

"(1) USE OF FUNDS.—Subject to subsection (b)(2), and in consultation and coordination with the entities described in paragraph (2) of this subsection, a State receiving a grant award under this section shall use not less than 25 percent of the funds to—

"(A) provide intensive outreach and support to foster youth and homeless youth to—

"(i) improve the understanding and preparation of such youth for enrollment in institutions of higher education;

"(ii) increase the number of applications to institutions of higher education submitted by such youth; and

1 ''(iii) increase the number of enroll-
2 ments at institutions of higher education;
3 ''(B) provide education to foster youth and
4 homeless youth with respect to—
5 ''(i) the benefits and opportunities of
6 postsecondary education;
7 ''(ii) planning for postsecondary edu-
8 cation;
9 ''(iii) financial aid opportunities that
10 assist youth with covering the cost of at-
11 tendance of an institution of higher edu-
12 cation;
13 ''(iv) the Federal and State services
14 and benefits available to foster youth and
15 homeless youth while enrolled at an insti-
16 tution of higher education, including health
17 and mental health services;
18 ''(v) career exploration; and
19 ''(vi) financial literacy training, in-
20 cluding security from identity theft;
21 ''(C) assist foster youth and homeless
22 youth with submitting applications for—
23 ''(i) enrollment at an institution of
24 higher education;

1 ''(ii) financial aid for such enrollment;
2 and
3 ''(iii) scholarships available for such
4 students, including under a State edu-
5 cational and training voucher program re-
6 ferred to in section 477(i) of the Social Se-
7 curity Act; and
8 ''(D) provide free programming, which may
9 include free transportation to and from such
10 programming, for foster youth and homeless
11 youth to prepare such individuals socially and
12 academically for the rigors of postsecondary
13 education during the summer before such indi-
14 viduals first attend an institution of higher edu-
15 cation.
16 ''(2) REQUIRED CONSULTATION AND COORDI-
17 NATION.—In carrying out the activities described in
18 paragraph (1), a State shall consult and coordinate
19 with State educational agencies, local educational
20 agencies, institutions of higher education, State and
21 local child welfare authorities, and other relevant or-
22 ganizations that serve foster youth or homeless
23 youth.
24 ''(e) SUBGRANTS TO CREATE INSTITUTIONS OF EX-
25 CELLENCE.—

"(1) IN GENERAL.—Subject to the subsection (b)(2), a State receiving a grant under this section shall, acting through the administering State agency, use not less than 70 percent of the funds to award, on a competitive basis, subgrants to eligible institutions to enable such institutions to become institutions of excellence by improving college access, retention, and completion rates for foster and homeless youth as described in paragraph (3).

"(2) APPLICATION.—

"(A) IN GENERAL.—An eligible institution desiring a subgrant under this subsection shall submit an application to the State in which such eligible institution is located, at such time, in such manner, and containing such information as the State may require.

"(B) TECHNICAL ASSISTANCE.—States shall provide outreach and technical assistance to eligible institutions with respect to applications for subgrants under this subsection.

"(3) ACTIVITIES.—An eligible institution that receives a grant under this subsection shall use the grant funds to carry out the following activities with respect to homeless youth and foster youth:

"(A) Provide flexibility and assistance in completing the application process to enroll at such institution.

"(B) Coordinate programs with relevant on- and off-campus stakeholders to increase the enrollment of such youth at the institution and align services at the institution for such youth.

"(C) Adjust the cost of attendance for such youth at such eligible institution to include the cost of housing during periods of non-enrollment.

"(D) Provide institutional aid to such students to meet the cost of attendance that is not covered by other Federal or State educational grants.

"(E) Provide outreach to such students to ensure that such youth are aware of housing resources available during periods of non-enrollment.

"(F) Subsidize any fees for such students associated with orientation and offer free transportation to college orientation or move-in week.

"(G) Hire and provide training for at least one full-time staff at the eligible institution to serve as a point of contact to provide case man-

agement services and monthly face-to-face meetings with students who are foster youth or homeless youth. Such individual shall have an advanced degree and at least two years of relevant experience.

''(H) Establish or enhance campus support programs to provide such students with a wide-range of on-campus services including—

''(i) assistance with financial aid;

''(ii) career advice; and

''(iii) leadership development.

''(I) Ensure the availability of robust student health services (physical and mental) that meet the specific needs of foster youth and homeless youth.

''(J) Establish or expand early alert systems to identify and support such students who may be struggling academically.

''(K) For each such student with reasonable, unanticipated expenses that would not be covered by the institutional aid provided under subparagraph (D) and that would be necessary for the student to persist in college during an academic year, provide the student with access

to an emergency grant to help cover such expenses.

"(L) Collect, review, and monitor data for program improvement.

"(4) RELIANCE ON INSTITUTIONAL AID.—Any institutional aid provided to a student under paragraph (3)(D) by an eligible institution during the grant period of the institution's grant under this section shall continue to be provided during the student's continuous enrollment at the institution, without regard to whether the grant period ends during such enrollment.

"(5) DEFINITIONS.—In this subsection:

"(A) ADMINISTERING STATE AGENCY.—The term 'administering State agency' means a State agency—

"(i) designated by the Governor or executive of the State to administer the subgrants under this subsection; and

"(ii) that, with respect to such State, has jurisdiction over—

"(I) foster youth;

"(II) homeless youth;

"(III) elementary and secondary education; or

1 "(IV) higher education.
2 "(B) ELIGIBLE INSTITUTION.—The term
3 'eligible institution' means an institution of
4 higher education—
5 "(i) that is in partnership with—
6 "(I) the State child welfare agen-
7 cy that is responsible for the adminis-
8 tration of the State plan under part B
9 or E of title IV of the Social Security
10 Act (42 U.S.C. 621 et seq.; 670 et
11 seq.); and
12 "(II) an organization that serves
13 homeless youth (such as a youth shel-
14 ter or outreach program); and
15 "(ii) that may partner with any other
16 provider, agency, official, or entity that
17 serves foster youth and homeless youth, or
18 former foster youth and homeless youth.
19 "(f) STATE REPORTS.—For each year in which a
20 State receives an allotment under subsection (b), the State
21 shall prepare and submit a report to the Secretary that
22 includes—
23 "(1) each activity or service that was carried
24 out under this section;

"(2) the cost of providing each such activity or service;

"(3) the number of students who received each activity or service disaggregated by each subgroup of students described in subclauses (I) through (VI) of section 1111(b)(2)(B)(xi) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(B)(xi));

"(4) using qualitative and quantitative analysis, how the State—

"(A) improved access to higher education for foster youth and homeless youth; and

"(B) measured youth satisfaction with activities carried out under this part;

"(5) an analysis of the implementation and progress of the Statewide transition initiative under subsection (d), including challenges and changes made to the initiative throughout the preceding year;

"(6) if, based on the analysis under paragraph (5), the State determines that the program is not on track to meet the intended outcomes described in the application of the State under subsection (c)(2)(C), a description of how the State plans to meet such intended outcomes; and

"(7) information on the eligible institutions receiving subgrants, including how such institutions used subgrant funds to carry out the activities described in subsection (e)(3).

"(g) DEPARTMENT ACTIVITIES.—

"(1) EVALUATIONS.—Beginning on the date on which funds are first allotted under subsection (b), and annually thereafter, the Secretary shall evaluate recipients of allotments and subgrants under this section. The results of such evaluations shall be made publicly available on the website of the Department.

"(2) REPORT TO CONGRESS.—Not later than 1 year after the date on which funds are first allocated under subsection (b), and annually thereafter, the Secretary shall submit a report to Congress that includes—

"(A) the amount of each allotment under subsection (b);

"(B) the amount of each subgrant under subsection (e); and

"(C) with respect to the year for which such report is made, the results of the evaluations under paragraph (1).

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this part $150,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.

"(2) ADJUSTMENT FOR INFLATION.—

"(A) IN GENERAL.—The amount authorized to be appropriated under paragraph (1) for fiscal year 2022 and each of the 4 succeeding fiscal years shall be deemed increased by the annual adjustment percentage.

"(B) DEFINITION.—In this paragraph, the term 'annual adjustment percentage', as applied to a fiscal year, means the estimated percentage change in the Consumer Price Index (as determined by the Secretary, using the definition in section 478(f)) for the most recent calendar year ending before the beginning of that fiscal year.".

TITLE VIII—ADDITIONAL PROGRAMS

SEC. 8001. RONALD V. DELLUMS MEMORIAL STEAM SCHOLARS PROGRAM.

Part B of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161b) is amended to read as follows:

"PART B—RONALD V. DELLUMS MEMORIAL STEAM SCHOLARS

"SEC. 802. RONALD V. DELLUMS MEMORIAL STEAM SCHOLARS PROGRAM.

"(a) PROGRAM AUTHORIZED.—

"(1) GRANTS FOR SCHOLARSHIPS.—The Secretary shall award grants under this section to institutions of higher education (as defined in section 101) to provide scholarships to eligible students for the purpose of enabling such students to enter into the STEAM workforce and increasing the number of underrepresented students in STEAM fields.

"(2) ELIGIBLE STUDENTS.—A student is eligible for a scholarship under this section if the student—

"(A) meets the requirements of section 484(a);

"(B) is an at least half-time student who has completed at least the first year of undergraduate study;

"(C) is enrolled in a program of undergraduate instruction leading to a bachelor's degree at the institution with a major in a STEAM field; and

"(D) has obtained a cumulative grade point average of at least a 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) at the end of the most recently completed term.

"(3) PRIORITY FOR SCHOLARSHIPS.—The Secretary shall set a priority for awarding scholarships under this section for students agreeing to work after graduation in a STEAM field.

"(4) STUDENTS FROM MINORITY-SERVING INSTITUTIONS AND HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The Secretary shall ensure that not fewer than 50 percent of the scholarships awarded under this section are awarded to eligible students who attend historically Black colleges and universities and other minority-serving institutions, including Hispanic-serving institutions, Asian American and Native American Pacific Islander-serving institutions, American Indian Tribally controlled colleges and universities, Alaska Native and Native Hawaiian-serving institutions, Predominantly Black Institutions, and Native American-serving, Nontribal institutions.

"(5) AMOUNT AND DURATION OF SCHOLARSHIP.—Scholarship amounts awarded under this section shall not exceed—

"(A) $10,000 per student for an academic year; and

"(B) $40,000 per student in the aggregate.

"(b) MATCHING REQUIREMENT.—In order to receive a grant under this section, an institution of higher education shall provide matching funds for the scholarships awarded under this section in an amount equal to 25 percent of the Federal funds received.

"(c) APPLICATION.—An institution that desires a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Each application shall include a description of how the institution will meet the matching requirement of subsection (b).

"(d) REPORTS.—Not later than 2 years after the date on which the first scholarship is awarded under this section, and each academic year thereafter, the Secretary shall submit to the Congress a report containing—

"(1) a description and analysis of the demographic information of students who receive scholarships under this section, including information with respect to such students regarding—

1 ''(A) race;
2 ''(B) ethnicity;
3 ''(C) gender; and
4 ''(D) eligibility to receive a Pell Grant;
5 ''(2) the total number of underrepresented stu-
6 dents in STEAM fields who obtain a degree with
7 scholarship funds each year; and
8 ''(3) an analysis of the effects of the program
9 on the goals of increasing the number of underrep-
10 resented students in STEAM fields and the number
11 of such students who enter into the STEAM work-
12 force.
13 ''(e) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 $5,000,000 for fiscal year 2021 and each of the five suc-
16 ceeding fiscal years.
17 ''(f) DEFINITIONS.—For purposes of this section:
18 ''(1) The term 'minority-serving institution'
19 means an institution eligible to receive assistance
20 under title III or V.
21 ''(2) The term 'STEAM' means science, tech-
22 nology, engineering, arts, and mathematics.
23 ''(3) The term 'underrepresented student in
24 STEAM fields' means a student who is a member of
25 a minority group for which the number of individ-

uals in such group who annually receive bachelor's degrees in the STEAM fields per 10,000 individuals in such group is substantially less than the number of white, non-Hispanic individuals who annually receive bachelor's degrees in the STEAM fields per 10,000 such individuals.''.

SEC. 8002. TEACH FOR AMERICA.

Subparagraph (C) of section 806(f)(1) (20 U.S.C. 1161f(f)(1)) is amended to read as follows:

''(C) $30,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.''.

SEC. 8003. PATSY T. MINK FELLOWSHIP PROGRAM.

Subsection (f) of section 807 (20 U.S.C. 1161g) is amended to read as follows:

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.''.

SEC. 8004. IMPROVING SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS EDUCATION WITH A FOCUS ON AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN STUDENTS.

Section 819 of the Higher Education Act of 1965 (20 U.S.C. 1161j) is amended—

(1) in the section heading, by striking ''**ALASKA NATIVE AND NATIVE HAWAIIAN**'' and inserting ''**NATIVE AMERICAN**'';

(2) in subsection (a)(2), by striking ''Alaska Natives and Native Hawaiians'' and inserting ''American Indians, Alaska Natives, Native Hawaiians and other Native American Pacific Islanders to enable them to succeed in these fields'';

(3) in subsection (b)—

(A) by redesignating paragraphs (1), (2), (3), and (4), as paragraphs (2), (4), (5), and (6), respectively;

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following:

''(1) NATIVE AMERICAN.—The term 'Native American' includes Alaska Natives, American Indians, Native Hawaiians and Native American Pacific Islanders.''; and

(C) by inserting after paragraph (2), as redesignated by subparagraph (A), the following:

''(3) AMERICAN INDIAN.—The term 'American Indian' has the meaning given the term 'Indian' in section 202 of the Indian Land Consolidation Act (25 U.S.C. 2201).'';

(4) in subsection (c)—

(A) by inserting ''create or'' after ''to enable the eligible partnership to'';

(B) by inserting ''Native American'' after ''the development of''; and

(C) by striking '', including existing programs for Alaska Native and Native Hawaiian students'';

(5) in subsection (d)—

(A) in paragraph (1), by striking ''Alaska Native or Native Hawaiian students'' and inserting ''programs that serve Native American students'';

(B) in paragraph (2), by striking ''Alaska Native and Native Hawaiian students'' and inserting ''programs that serve Native American students''; and

(C) in paragraph (3), by striking ''Alaska Native or Native Hawaiian students'' and inserting ''Native American students'';

(6) in subsection (f), by striking ''30 percent or more of the program participants are Alaska Native or Native Hawaiian'' and inserting ''30 percent or more of the program participants are Native American''; and

(7) in subsection (i), by striking ''to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years'' and inserting ''$5,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years''.

SEC. 8005. GRANTS FOR RURAL-SERVING INSTITUTIONS OF HIGHER EDUCATION.

Subsection (g) of section 861 (20 U.S.C. 1161q) is amended to read as follows:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.''.

SEC. 8006. TRAINING FOR REALTIME WRITERS TO PROVIDE CLOSED CAPTIONING AND COURT REPORTING SERVICES.

Section 872(e) (20 U.S.C. 1161s(e)) is amended by striking ''2009'' and inserting ''2021''.

SEC. 8007. GRANT PROGRAM TO ESTABLISH, MAINTAIN, AND IMPROVE VETERAN STUDENT CENTERS.

(a) IN GENERAL.—Title VIII (20 U.S.C. 1161a et seq.) is amended by striking part T (20 U.S.C. 1161t) and inserting the following:

"PART T—GRANTS FOR VETERAN STUDENT CENTERS

"SEC. 873. GRANTS FOR VETERAN STUDENT CENTERS.

''(a) GRANTS AUTHORIZED.—Subject to the availability of appropriations under subsection (i), the Secretary shall award grants to institutions of higher education or consortia of institutions of higher education to assist in the establishment, maintenance, improvement, and operation of Veteran Student Centers. The Secretary shall award not more than 30 grants in a fiscal year under this section.

''(b) ELIGIBILITY.—

''(1) APPLICATION.—An institution or consortium seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(2) CRITERIA.—The Secretary may award a grant under subsection (a) to an institution or a consortium if the institution or consortium meets each of the following criteria:

''(A) The institution or consortium enrolls in undergraduate or graduate courses—

''(i) a significant number of veteran students, members of the Armed Forces

serving on active duty, and members of a reserve component of the Armed Forces; or

"(ii) a significant percentage of veteran students, as measured by comparing the overall enrollment of the institution or consortium to the number, for the most recent academic year for which data are available, of veteran students, members of the Armed Forces serving on active duty, and members of a reserve component of the Armed Forces who are enrolled in undergraduate or graduate courses at the institution or consortium.

"(B) The institution or consortium presents a sustainability plan to demonstrate that the Veteran Student Center of such institution or consortium will be maintained and will continue operations upon conclusion of the grant period under subsection (a).

"(3) ADDITIONAL CRITERIA.—

"(A) MANDATORY CONSIDERATIONS.—In awarding grants under subsection (a), the Secretary shall consider institutions or consortia representing a broad spectrum of sectors and sizes, including institutions or consortia from

urban, suburban, and rural regions of the United States.

"(B) DISCRETIONARY CRITERIA.—In awarding grants under subsection (a), the Secretary may provide consideration to institutions or consortia that meet one or more of the following criteria:

"(i) The institution or consortium is located in a region or community that has a significant population of veterans.

"(ii) The institution or consortium carries out programs or activities that assist veterans in the local community and the spouses of veteran students.

"(iii) The institution or consortium partners in its veteran-specific programming with nonprofit veteran service organizations, local workforce development organizations, or institutions of higher education.

"(iv) The institution or consortium commits to hiring staff at the Veteran Student Center that includes veterans (including veteran student volunteers and veteran students participating in a Federal work-

study program under part C of title IV, a work-study program administered by the Secretary of Veteran Affairs, or a State work-study program).

"(v) The institution or consortium commits to using a portion of the grant received under this section to develop and implement an early-warning veteran student retention program designed to alert staff at the Veteran Student Center that a veteran student may be facing difficulties that could lead to the non-completion of the course of study of such veteran.

"(vi) The institution or consortium commits to providing mental health counseling to its veteran students and their spouses.

"(vii) The institution or consortium carries out programs or activities that assist individuals pursuing a course of education using educational assistance under chapter 31 of title 38, United States Code.

"(c) USE OF FUNDS.—

"(1) IN GENERAL.—An institution or consortium that is awarded a grant under subsection (a)

shall use such grant to establish, maintain, improve, or operate a Veteran Student Center.

"(2) OTHER ALLOWABLE USES.—An institution or consortium receiving a grant under subsection (a) may use a portion of such funds to carry out supportive instruction services for student veterans, including—

"(A) assistance with special admissions and transfer of credit from previous postsecondary education or experience; and

"(B) any other support services the institution or consortium determines to be necessary to ensure the success of veterans on campus in achieving education and career goals.

"(d) AMOUNTS AWARDED.—

"(1) DURATION.—Each grant awarded under subsection (a) shall be for a 4-year period.

"(2) TOTAL AMOUNT OF GRANT AND SCHEDULE.—Each grant awarded under subsection (a) may not exceed a total of $500,000. The Secretary shall disburse to an institution or consortium the amounts awarded under the grant in such amounts and at such times during the grant period as the Secretary determines appropriate.

"(e) REPORT.—From the amounts appropriated to carry out this section, and not later than 3 years after the date on which the first grant is awarded under subsection (a), the Secretary shall submit to Congress a report on the grant program established under subsection (a), including—

"(1) the number of grants awarded;

"(2) the institutions of higher education and consortia that have received grants;

"(3) with respect to each such institution of higher education and consortium—

"(A) the amounts awarded;

"(B) how such institution or consortium used such amounts;

"(C) a description of the students to whom services were offered as a result of the award; and

"(D) data enumerating whether the use of the amounts awarded helped veteran students at the institution or consortium toward completion of a degree, certificate, or credential;

"(4) best practices for veteran student success, identified by reviewing data provided by institutions and consortia that received a grant under this section; and

"(5) a determination by the Secretary with respect to whether the grant program under this section should be extended or expanded.

"(f) TERMINATION.—The authority of the Secretary to carry out the grant program established under subsection (a) shall terminate on the date that is 4 years after the date on which the first grant is awarded under subsection (a).

"(g) DEPARTMENT OF EDUCATION BEST PRACTICES WEBSITE.—Subject to the availability of appropriations under subsection (i) and not later than 3 years after the date on which the first grant is awarded under subsection (a), the Secretary shall develop and implement a website for veteran student services at institutions of higher education, which details best practices for serving veteran students at institutions of higher education.

"(h) DEFINITIONS.—In this section:

"(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

"(2) VETERAN STUDENT CENTER.—The term 'Veteran Student Center' means a dedicated space on a campus of an institution of higher education that provides students who are veterans or members of the Armed Forces with the following:

1 ''(A) A lounge or meeting space for such
2 veteran students, their spouses or partners, and
3 veterans in the community.
4 ''(B) A centralized office for veteran serv-
5 ices that—
6 ''(i) is a single point of contact to co-
7 ordinate comprehensive support services
8 for veteran students;
9 ''(ii) is staffed by trained employees
10 and volunteers, which includes veterans
11 and at least one full-time employee or vol-
12 unteer who is trained as a veterans' bene-
13 fits counselor;
14 ''(iii) provides veteran students with
15 assistance relating to—
16 ''(I) transitioning from the mili-
17 tary to student life;
18 ''(II) transitioning from the mili-
19 tary to the civilian workforce;
20 ''(III) networking with other vet-
21 eran students and veterans in the
22 community;
23 ''(IV) understanding and obtain-
24 ing benefits provided by the institu-
25 tion of higher education, Federal Gov-

ernment, and State for which such students may be eligible;

"(V) understanding how to succeed in the institution of higher education, including by understanding academic policies, the course selection process, and institutional policies and practices related to the transfer of academic credits; and

"(VI) understanding their disability-related rights and protections under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

"(iv) provides comprehensive academic and tutoring services for veteran students, including peer-to-peer tutoring and academic mentorship.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part $15,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.".

(b) CONTINUATION OF AWARDS.—An institution of higher education that received a grant under section 873

of the Higher Education Act of 1965 (20 U.S.C. 1161t) before the date of enactment of this Act, as such section 873 (20 U.S.C. 1161t) was in effect on the day before the date of enactment of this Act, shall continue to receive funds in accordance with the terms and conditions of such grant.

SEC. 8008. UNIVERSITY SUSTAINABILITY PROGRAM AMENDMENTS.

Section 881 of the Higher Education Act of 1965 (20 U.S.C. 1161u) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting:

"(1) IN GENERAL.—From the amounts appropriated to carry out this section, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall make grants to eligible entities to establish sustainability programs to design and implement the teaching and practice of sustainability, including in the areas of staff and faculty professional development, energy management, greenhouse gas emissions reductions, green building, waste management, transportation, resilience, green workforce, and other aspects of sustainability that integrate the local community with mul-

tidisciplinary academic programs and are applicable to the private and Government sectors.''; and

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

''(B) a nonprofit consortium, association, alliance, or collaboration operating in partnership with more than one institution of higher education.'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''in alignment with local community needs'' after ''following purposes'';

(ii) in subparagraph (D)—

(I) by striking ''establish'' and inserting ''scale established'';

(II) by striking ''purchasing, toxics management,''; and

(III) by inserting ''resilience, green workforce,'' after ''transportation,''; and

(iii) in subparagraph (G), by inserting ''economics, law, political science,'' after ''business,''; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''of'' and inserting ''relating to''; and

(ii) in subparagraph (C), by inserting ''city and State governments,'' after ''business,'';

(3) in subsection (e), by striking ''$250,000 or more than $2,000,000'' and inserting ''$200,000 or more than $500,000''; and

(4) in subsection (f), by striking ''2009'' and inserting ''2021''.

SEC. 8009. MODELING AND SIMULATION.

Subsection (e) of section 891 (20 U.S.C. 1161v) is amended, in the matter preceding paragraph (1), by striking the first sentence and inserting the following: ''There is authorized to be appropriated to carry out this section $75,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.''.

SEC. 8010. MANDATORY FUNDING FOR MASTERS AND POSTBACCALAUREATE PROGRAMS.

(a) MASTERS DEGREE PROGRAMS.—Section 897 (20 U.S.C. 1161aa) is amended by striking ''$11,500,000 for fiscal year 2009 and for each of the five succeeding fiscal years'' and inserting ''$13,500,000 for fiscal year 2021 and each succeeding fiscal year''.

(b) POSTBACCALAUREATE PROGRAMS.—Section 898 (20 U.S.C. 1161aa–1) is amended—

(1) by striking ''In addition'' and inserting ''(a) ADDITIONAL APPROPRIATIONS FOR PART B OF TITLE V.—In addition'';

(2) by striking ''$11,500,000 for fiscal year 2009 and for each of the five succeeding fiscal years'' and inserting ''$21,000,000 for fiscal year 2021 and each succeeding fiscal year''; and

(3) by adding at the end the following:

''(b) ADDITIONAL APPROPRIATIONS FOR PART A OF TITLE VII.—In addition to any amounts appropriated under subpart 5 of part A of title VII, there are authorized to be appropriated, and there are appropriated, out of any funds in the Treasury not otherwise appropriated, $13,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years to carry out subpart 5 of part A of title VII.''.

SEC. 8011. FUNDS FOR ACCESS TO OPEN EDUCATIONAL RESOURCES.

Title VIII (20 U.S.C. 1161a et seq.) is amended by adding at the end the following:

"PART BB—ACCESS TO OPEN EDUCATIONAL RESOURCES

"SEC. 899. AFFORDABLE COLLEGE TEXTBOOKS.

"(a) GRANT PROGRAM.—

"(1) GRANTS AUTHORIZED.—From the amounts appropriated under paragraph (8), the Secretary shall make grants, on a competitive basis, to eligible entities to support projects that expand the use of high-quality open textbooks in order to achieve savings for students while improving instruction and student learning outcomes.

"(2) APPLICATIONS.—

"(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection, after consultation with relevant faculty, shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

"(i) a description of the proposed project to be completed with grant funds;

"(ii) a plan for promoting and tracking the use of open textbooks in postsecondary courses offered by the eligible entity, including an estimate of the projected

savings that will be achieved for students through the use of such textbooks;

''(iii) a description of how the eligible entity will evaluate whether existing open educational resources could be used or adapted into open educational resources before creating new open educational resources;

''(iv) a plan for quality review (including peer review), review of accuracy, and review of accessibility of any open educational resources created or adapted through the grant;

''(v) a plan for assessing the impact of open textbooks on instruction and student learning outcomes at the eligible entity;

''(vi) a plan for disseminating information about the results of the project to institutions of higher education outside of the eligible entity, including promoting the adoption of any open textbooks created or adapted through the grant;

''(vii) a statement on consultation with relevant faculty, including those engaged in the creation of open educational

resources, in the development of the application; and

"(viii) an assurance that open educational resources utilized, developed, or researched will be available in accessible formats, which may include braille, audio books, closed captioning, and audio descriptions.

"(3) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to—

"(A) achieve the highest level of savings for students through sustainable expanded use of high-quality open textbooks in postsecondary courses offered by the eligible entity;

"(B) achieve improvements in student learning and student outcomes;

"(C) expand the use of open textbooks at institutions of higher education outside of the eligible entity; and

"(D) produce—

"(i) the highest quality and most accessible open textbooks;

"(ii) open textbooks that can be most easily utilized and adapted by faculty members at institutions of higher education;

"(iii) open textbooks that correspond to the highest enrollment courses at institutions of higher education;

"(iv) open textbooks created or adapted in partnership with entities, including campus bookstores, that will assist in marketing and distribution of the open textbook; and

"(v) open textbooks that conform to accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(4) USE OF FUNDS.—

"(A) MANDATORY USES OF FUNDS.—An eligible entity that receives a grant under this section shall use the grant funds to carry out the following activities to expand the use of open textbooks:

"(i) Professional development for any faculty and staff members at institutions

of higher education, including the search for and review of open textbooks.

''(ii) Creation or adaptation of high-quality open educational resources that conform to accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), especially open textbooks, and the quality assurance of such open educational resources.

''(iii) Development or improvement of tools and informational resources that support the use of open textbooks, including improving accessible instructional materials for students with disabilities that conform to accessibility standards under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

''(iv) Research evaluating the efficacy of the use of open textbooks for achieving savings for students and the impact on instruction and student learning outcomes.

''(B) DISCRETIONARY USE OF FUNDS.—An eligible entity that receives a grant under this section may use grant funds to purchase or maintain electronic equipment necessary for the

operation or use of digital open educational resources, including mobile computer devices and accompanying hardware, software applications, computer systems and platforms, and other digital and online services and support.

''(5) OPEN LICENSING REQUIREMENT.—

''(A) COPYRIGHT.—An eligible entity receiving a grant under this section may, with prior approval from the Secretary, assert a copyright in a copyrightable work first produced under the grant.

''(B) OPEN LICENSE REQUIREMENT.—

''(i) REQUIREMENT.—With respect to each copyrightable work first produced under the grant, except as provided in clause (ii), an eligible entity that asserts a copyright under subparagraph (A) shall provide to the public a non-exclusive, royalty-free, perpetual, irrevocable, worldwide license to carry out each exclusive right provided to that eligible entity under section 106 of title 17, United States Code.

''(ii) EXCEPTION.—With respect to a copyrightable work first produced under the grant that employs preexisting mate-

rial, the requirement described under such subparagraph shall apply to such work to the extent that—

"(I) no copyright subsists in such preexisting material; or

"(II) the eligible entity is authorized to license such material in the manner described under such subparagraph.

"(C) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as affecting the application of the requirements of chapter 18 of title 35, United States Code (commonly known as the 'Bayh-Dole Act').

"(D) COPYRIGHTABLE WORK DEFINED.—In this subsection, the term 'copyrightable work' means a work subject to protection under title 17, United States Code, but does not include a work that may be patentable or otherwise protectable under title 35, United States Code.

"(6) ACCESS AND DISTRIBUTION.—The full and complete digital content of each educational resource created or adapted under paragraph (5) shall be made available free of charge to the public—

"(A) on an easily accessible and interoperable website, which shall be identified to the Secretary by the eligible entity;

"(B) in a machine readable, digital format that anyone can directly download, edit with attribution, and redistribute; and

"(C) in a fully accessible format in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

"(7) REPORT.—Upon an eligible entity's completion of a project for which the eligible entity received a grant under this section, the eligible entity shall prepare and submit a report to the Secretary regarding—

"(A) the effectiveness of the project in expanding the use of high-quality open textbooks and in achieving savings for students;

"(B) the impact of the project on expanding the use of open textbooks at institutions of higher education outside of the eligible entity;

"(C) educational resources created or adapted under the grant, including instructions on where the public can access each educational

resource under the terms of paragraphs (5) and (6);

"(D) information about the quality review process that was used to ensure quality and accuracy;

"(E) the impact of the project on instruction and student learning outcomes; and

"(F) all project costs, including the value of any volunteer labor and institutional capital used for the project.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.

"(b) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of College Affordability Act, the Secretary shall prepare and submit a report to authorizing committees detailing—

"(1) the high-quality open textbooks created or adapted under this section;

"(2) the adoption of such open textbooks;

"(3) the savings generated for students, States, territories, and the Federal Government through the use of open textbooks; and

1 "(4) the impact of open textbooks on instruc-
2 tion and student learning outcomes.
3 "(c) GAO REPORT.—Not later than 3 years after the
4 date of enactment of College Affordability Act, the Comp-
5 troller General of the United States shall prepare and sub-
6 mit a report to the authorizing committees on the cost
7 of textbooks to students at institutions of higher edu-
8 cation. The report shall include—
9 "(1) the change of the cost of textbooks be-
10 tween the date of the enactment of the College Af-
11 fordability Act and the date of such report;
12 "(2) the factors that have contributed to such
13 change in the cost of textbooks, including the impact
14 of open textbooks on the cost;
15 "(3) the extent to which open textbooks are
16 used at institutions of higher education compared to
17 the use of open textbooks before the date of the en-
18 actment of this subsection;
19 "(4) how institutions are tracking the impact of
20 open textbooks on instruction and student learning
21 outcomes;
22 "(5) the availability of accessible forms of open
23 textbooks and the barriers faced by students with
24 disabilities in accessing accessible forms of open edu-

cational resources compared to the barriers faced in accessing traditional educational materials; and

''(6) the barriers faced by other student populations, including low-income students, in accessing high-quality open educational resources compared to the barriers faced in accessing traditional educational materials.

''(d) DEFINITIONS.—In this section:

''(1) EDUCATIONAL RESOURCE.—The term 'educational resource' means a print or digital educational material that can be used in postsecondary instruction, including textbooks and other written or audiovisual works.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an institution of higher education or a consortia of such institutions of higher education.

''(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101.

''(4) OPEN EDUCATIONAL RESOURCE.—The term 'open educational resource' means a print or digital educational resource that either resides in the public domain or has been released under an intellectual property license that permits its free use, reuse, modification, and sharing with others.

"(5) OPEN TEXTBOOK.—The term 'open textbook' means an open educational resource or set of open educational resources that either is a textbook or can be used in place of a textbook for a postsecondary course at an institution of higher education.

"(6) RELEVANT FACULTY.—The term 'relevant faculty' means both tenure track and contingent faculty members who may be involved in the creation of open educational resources or the use of open educational resources created as part of the grant application.".

SEC. 8012. REPEALS.

Title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161a et seq.), as amended by this title, is further amended by repealing the following:

(1) Section 801 (20 U.S.C. 1161a).

(2) Section 803 (20 U.S.C. 1161c).

(3) Section 804 (20 U.S.C. 1161d).

(4) Section 805 (20 U.S.C. 1161e).

(5) Section 808 (20 U.S.C. 1161h).

(6) Section 818 (20 U.S.C. 1161i-7).

(7) Section 820 (20 U.S.C. 1161k).

(8) Section 824 (20 U.S.C. 1161l-3)

(9) Section 830 (20 U.S.C. 1161m).

(10) Section 835 (20 U.S.C. 1161n-4).

(11) Section 841 (20 U.S.C. 1161o).

(12) Section 851 (20 U.S.C. 1161p).

(13) Section 871 (20 U.S.C. 1161r).

(14) Section 893 (20 U.S.C. 1161x).

(15) Section 894 (20 U.S.C. 1161y).

(16) Section 895 (20 U.S.C. 1161z).

TITLE IX—DIRECTIVES TO THE SECRETARY OF EDUCATION

SEC. 9001. PROVIDING THAT THE SECRETARY OF EDUCATION MAY NOT ISSUE OR ENFORCE CERTAIN RULES THAT WEAKEN THE ENFORCEMENT OF THE PROHIBITION OF SEX DISCRIMINATION APPLICABLE UNDER TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.

The Secretary of Education may not—

(1) take any action to implement, enforce, or otherwise give effect to the proposed amendments to regulations relating to the enforcement of title IX of the Education Amendments of 1972, published on November 29, 2018, under the heading ''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (83 Fed. Reg. 61462); or

(2) propose or issue any rule or guidance that is similar in substance or effect to any of such proposed amendments.

SEC. 9002. STUDY AND REPORT ON SINGLE CERTIFICATION FORM.

(a) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall conduct a study on the feasibility of developing a single certification form that borrowers may use to electronically submit information with respect to—

(1) TEACH Grants under subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.);

(2) loan forgiveness under section 428J of the Higher Education Act of 1965 (20 U.S.C. 1078–10);

(3) loan cancellation under section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j); and

(4) public service loan forgiveness under section 455(m) of the Higher Education Act of 1965 (20 U.S.C. 1087e(m)).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall submit a report to Congress that includes—

(1) the results of the study required under subsection (a); and

(2) recommendations with respect to using a single certification form that borrowers may use to electronically submit information with respect to the programs specified in paragraphs (1) through (4) of such subsection.

SEC. 9003. LONGITUDINAL STUDY ON THE EFFECTIVENESS OF STUDENT LOAN COUNSELING.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education, acting through the Director of the Institute of Education Sciences, shall begin conducting a rigorous, longitudinal study of the impact and effectiveness of the student loan counseling—

(1) provided under subsections (b), (l), and (n) of section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092), as amended by this Act; and

(2) provided through such other means as the Secretary of Education may determine.

(b) CONTENTS.—

(1) BORROWER INFORMATION.—The longitudinal study carried out under subsection (a) shall include borrower information, in the aggregate and disaggregated by race, ethnicity, gender, income,

status as an individual with a disability, and status as a first generation college student (defined in section 402A(h)(3)), on—

(A) student persistence;

(B) degree attainment;

(C) program completion;

(D) successful entry into student loan repayment;

(E) cumulative borrowing levels; and

(F) such other factors as the Secretary of Education may determine.

(2) EXCEPTION.—The disaggregation under paragraph (1) shall not be required in a case in which the number of borrowers in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual borrower.

(c) INTERIM REPORTS.—Not later than 18 months after the commencement of the study under subsection (a), and annually thereafter, the Secretary of Education shall evaluate the progress of the study and report any short-term findings to the appropriate committees of Congress.

SEC. 9004. STUDY AND PROCEDURES ON DETERMINING FAMILY SIZE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Education shall—

(1) conduct, in consultation with the Secretary of the Treasury, a study which meets the specifications described in subsection (b), on the effect of using data from the Internal Revenue Service on the deduction for personal exemptions provided by section 151 of the Internal Revenue Code of 1986 for a proxy for family size in an income-driven repayment plan, and publish such study in the Federal Register;

(2) use the results of the study conducted under paragraph (1) to develop procedures for determining family size for the automatic recertification of income for an income-driven repayment plan in a manner that minimizes burdens and unintended harm to borrowers;

(3) publish the procedures developed under paragraph (2) in the Federal Register; and

(4) after a notice and comment period on such procedures, use such comments to finalize the procedures.

(b) SPECIFICATIONS.—The study conducted under subsection (a)(1) shall—

(1) determine how closely such personal exemptions match the family size that borrowers report on their income-driven repayment plan request form;

(2) compare the borrower's actual monthly payment amount with the monthly payment amount borrowers would have using family size information derived from tax returns; and

(3) use data from more than one year, where possible, to analyze how much family size changes over time.

(c) DEFINITION.—The term ''the income-driven repayment plan'' means a plan described in subparagraph (D) or (E) of section 455(d)(1) of the Higher Education Act of 1965 (20 U.S.C. 1087e(d)(1)) and the income-based repayment plan under section 493C(f) of such Act (20 U.S.C. 1098e(f)), as added by section 4627 of this Act.

SEC. 9005. UNIVERSAL UNIQUE NUMERIC DATA IDENTIFIER.

(a) ASSIGNMENT OF UNIQUE NUMERIC IDENTIFIER REQUIRED.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Education shall assign a unique numeric identifier to at least each

campus of each institution of higher education that participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) to be used for reporting and disaggregating data for the purposes of the following:

(1) Surveys conducted as a part of the Integrated Postsecondary Education Data System (IPEDS) or any other Federal postsecondary institution data collection effort, as completed in accordance with section 487(a)(17) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(17)).

(2) Reports required to be filed under section 485(f) of the Higher Education Act of 1965 (20 U.S.C. 1092(f)).

(3) The electronic exchange of data under section 485B of the Higher Education Act of 1965 (20 U.S.C. 1092b).

(4) Determinations under section 496 of the Higher Education Act of 1965 (20 U.S.C. 1099b).

(5) Reports filed on the College Scorecard website of the Department of Education (or any successor website).

(6) Reports filed on the College Navigator website (as defined in section 132 of the Higher Education Act of 1965 (20 U.S.C. 1015a)).

(7) Data submitted to the postsecondary student data system established under section 132(l) of the Higher Education Act of 1965 (20 U.S.C. 1015a(l)), as added by this Act.

(8) To the extent determined to be appropriate by the Secretary, any other data systems of the Department of Education that include information on institutions of higher education.

(b) CONSIDERATIONS.—In carrying out subsection (a), the Secretary of Education shall—

(1) consider the ability to use the unique numeric identifier assigned under such subsection to—

(A) disaggregate institutions of higher education by corporate ownership;

(B) identify an institution of higher education with more than one campus; and

(C) in the case of institutions of higher education described in subparagraph (B), distinguish between a campus with a specific location and a distance education program;

(2) account for interactions of the unique numeric identifier with requirements under title IV of the Higher Education Act (20 U.S.C. 1070 et seq.), including by preventing institutional attempts to evade such requirements by changing the unique nu-

meric identifiers associated with the campuses of the institution;

(3) to the extent practicable, minimize the paperwork burden on institutions of higher education;

(4) create and make public a crosswalk indicating changes in the unique numeric identifiers assigned by the Secretary to each campus under subsection (a) and the numeric identifiers used by the Department of Education prior to the date on which the Secretary assigns each campus a unique numeric identifier; and

(5) annually create and make public an updated crosswalk indicating changes in unique numeric identifiers assigned to campuses, including changes that result from the establishment of new locations, the closing of campuses, and changes in ownership and affiliation.

SEC. 9006. QUESTIONS ON FOOD AND HOUSING INSECURITY IN NATIONAL POSTSECONDARY STUDENT AID STUDY.

For purposes of each National Postsecondary Student Aid Study conducted after the date of enactment of this Act, the Secretary of Education shall include questions that measure rates of food and housing insecurity in the National Postsecondary Student Aid Study.

SEC. 9007. DISAGGREGATION OF DATA USING RACIAL GROUPS.

(a) STUDY REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall carry out a study on the feasability of disaggregating data reported under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) to the Secretary using the racial groups identified by the American Community Survey of the Bureau of the Census.

(b) ELEMENTS.—The study required by subsection (a) shall, with respect to the data described such subsection—

(1) survey each method by which such data reported to the Secretary is disaggregated by race;

(2) survey each method by which the Secretary disaggregates such data by race; and

(3) in the case of such data that are reported to the Secretary and are not disaggregated by race using the racial groups identified by the American Community Survey of the Bureau of the Census, the feasibility of dissagregating such data using such racial groups.

(c) BEST PRACTICES.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education shall issue best practices with respect to dissagregating data reported to the Secretary using the

1 racial groups identified by the American Community Sur-
2 vey of the Bureau of the Census.

3 **SEC. 9008. ACCESSIBLE INSTRUCTIONAL MATERIALS AND**
4 **TECHNOLOGY.**

5 (a) ESTABLISHMENT OF COMMISSION.—The Speaker
6 of the House of Representatives, the President pro tem-
7 pore of the Senate, and the Secretary of Education shall
8 establish an independent commission, comprised of key
9 stakeholders, to develop guidelines for accessible postsec-
10 ondary electronic instructional materials and related tech-
11 nologies in order—

12 (1) to ensure students with disabilities are af-
13 forded the same educational benefits provided to stu-
14 dents without disabilities through the use of elec-
15 tronic instructional materials and related tech-
16 nologies;

17 (2) to improve the selection and use of such
18 materials and technologies at institutions of higher
19 education; and

20 (3) to encourage entities that produce such ma-
21 terials and technologies to make accessible versions
22 more readily available in the market.

23 (b) REVIEW.—In carrying out subsection (a), the
24 commission shall—

(1) review applicable information technology accessibility standards; and

(2) compile and annotate such accessibility standards as an additional information resource for institutions of higher education and companies that service the higher education market.

(c) MEMBERSHIP.—

(1) STAKEHOLDER GROUPS.—The commission shall be composed of representatives from the following categories:

(A) Communities of persons with disabilities for whom the accessibility of postsecondary electronic instructional materials and related technologies is a significant factor in ensuring equal participation in higher education, and nonprofit organizations that provide accessible electronic materials to these communities.

(B) Higher education leadership, including institution of higher education presidents, provosts, deans, vice presidents or deans of libraries, chief information officers, and other senior institutional executives.

(C) Developers of postsecondary electronic instructional materials and manufacturers of related technologies.

(2) APPOINTMENT OF MEMBERS.—The commission members shall be appointed as follows:

(A) 6 members, 2 from each category described in paragraph (1), shall be appointed by the Speaker of the House of Representatives, 3 of whom shall be appointed on the recommendation of the majority leader of the House of Representatives and 3 of whom shall be appointed on the recommendation of the minority leader of the House of Representatives, with the Speaker ensuring that 1 developer of postsecondary electronic instructional materials and 1 manufacturer of related technologies are appointed. The Speaker shall also appoint 2 additional members, 1 student with a disability and 1 faculty member from an institution of higher education.

(B) 6 members, 2 from each category described in paragraph (1), shall be appointed by the President pro tempore of the Senate, 3 of whom shall be appointed on the recommendation of the majority leader of the Senate and 3 of whom shall be appointed on the recommendation of the minority leader of the Senate, with the President pro tempore ensuring

that 1 developer of postsecondary electronic instructional materials and 1 manufacturer of related technologies are appointed. The President pro tempore shall also appoint 2 additional members, 1 student with a disability and 1 faculty member from an institution of higher education.

(C) 3 members, each of whom must possess extensive, demonstrated technical expertise in the development and implementation of accessible postsecondary electronic instructional materials, shall be appointed by the Secretary of Education. 1 of these members shall represent postsecondary students with disabilities, 1 shall represent higher education leadership, and 1 shall represent developers of postsecondary electronic instructional materials.

(3) ELIGIBILITY TO SERVE AS A MEMBER.—Federal employees are ineligible for appointment to the commission. An appointee to a volunteer or advisory position with a Federal agency or related advisory body may be appointed to the commission so long as his or her primary employment is with a non-Federal entity and he or she is not otherwise engaged in financially compensated work on behalf

of the Federal Government, exclusive of any standard expense reimbursement or grant-funded activities.

(d) AUTHORITY AND ADMINISTRATION.—

(1) AUTHORITY.—The commission's execution of its duties shall be independent of the Secretary of Education, the Attorney General, and the head of any other agency or department of the Federal Government with regulatory or standard setting authority in the areas addressed by the commission.

(2) ADMINISTRATION.—

(A) STAFFING.—There shall be no permanent staffing for the commission.

(B) LEADERSHIP.—Commission members shall elect a chairperson from among the appointees to the commission.

(C) ADMINISTRATIVE SUPPORT.—The Commission shall be provided administrative support, as needed, by the Secretary of Education through the Office of Postsecondary Education of the Department of Education.

(e) DUTIES.—

(1) GUIDELINES.—Not later than 18 months after the date of enactment of this Act, subject to

a 6-month extension that it may exercise at its discretion, the commission shall—

(A) develop and issue guidelines for accessible postsecondary electronic instructional materials, and related technologies; and

(B) in developing the guidelines, the commission shall—

(i) establish a technical panel pursuant to paragraph (4) to support the commission in developing the guidelines;

(ii) develop criteria for determining which materials and technologies constitute postsecondary electronic instructional materials and related technologies;

(iii) identify existing national and international accessibility standards that are relevant to student use of postsecondary electronic instructional materials and related technologies at institutions of higher education;

(iv) identify and address any unique pedagogical and accessibility requirements of postsecondary electronic instructional materials and related technologies that are not addressed, or not adequately ad-

dressed, by the identified, relevant existing accessibility standards;

(v) identify those aspects of accessibility, and types of postsecondary instructional materials and related technologies, for which the commission cannot produce guidelines or which cannot be addressed by existing accessibility standards due to—

(I) inherent limitations of commercially available technologies; or

(II) the challenges posed by a specific category of disability that covers a wide spectrum of impairments and capabilities which makes it difficult to assess the benefits from particular guidelines on a categorical basis;

(vi) ensure that the guidelines are consistent with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131 et seq.; 42 U.S.C. 12181 et seq.);

(vii) ensure that the guidelines are consistent, to the extent feasible and ap-

propriate, with the technical and functional performance criteria included in the national and international accessibility standards identified by the commission as relevant to student use of postsecondary electronic instructional materials and related technologies;

(viii) allow for the use of an alternative design or technology that results in substantially equivalent or greater accessibility and usability by individuals with disabilities than would be provided by compliance with the guidelines; and

(ix) provide that where electronic instructional materials, or related technologies, that comply fully with the guidelines are not commercially available, or where such compliance is not technically feasible, the institution may select the product that best meets the guidelines consistent with the institution's business and pedagogical needs.

(2) ANNOTATED LIST OF INFORMATION TECHNOLOGY STANDARDS.—Not later than 18 months after the date of the enactment of this Act, subject

to a 6-month extension that it may exercise at its discretion, the commission established in section 2 shall, with the assistance of the technical panel established under paragraph (4), develop and issue an annotated list of information technology standards.

(3) APPROVAL.—Issuance of the guidelines and annotated list of information technology standards shall require approval of at least 75 percent of the members of the commission.

(4) TECHNICAL PANEL.—Not later than 1 month after first meeting, the Commission shall appoint and convene a panel of 12 technical experts, each of whom shall have extensive, demonstrated technical experience in developing, researching, or implementing accessible postsecondary electronic instructional materials, or related technologies. The commission has discretion to determine a process for nominating, vetting, and confirming a panel of experts that fairly represents the stakeholder communities on the commission. The technical panel shall include a representative from the United States Access Board.

(f) REVIEW OF GUIDELINES.—Not later than 5 years after issuance of the guidelines and annotated list of information technology standards described in subsections (a)

and (b), and every 5 years thereafter, the Secretary of Education shall publish a notice in the Federal Register requesting public comment about whether there is a need to reconstitute the commission to update the guidelines and annotated list of information technology standards to reflect technological advances, changes in postsecondary electronic instructional materials and related technologies, or updated national and international accessibility standards. The Secretary shall then submit a report and recommendation to Congress regarding whether the Commission should be reconstituted.

(g) RULE OF APPLICATION.—

(1) NONCONFORMING POSTSECONDARY ELECTRONIC INSTRUCTIONAL MATERIALS OR RELATED TECHNOLOGIES.—Nothing in this section shall be construed to require an institution of higher education to require, provide, or both recommend and provide, postsecondary electronic instructional materials or related technologies that conform to the guidelines. However, an institution that selects or uses nonconforming postsecondary electronic instructional materials or related technologies must otherwise comply with existing obligations under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and titles II and III of the Americans with

1 Disabilities Act (42 U.S.C. 12131 et seq.; 42 U.S.C.
2 12181 et seq.) to provide access to the educational
3 benefit afforded by such materials and technologies
4 through provision of appropriate and reasonable
5 modification, accommodation, and auxiliary aids or
6 services.

7 (2) RELATIONSHIP TO EXISTING LAWS AND
8 REGULATIONS.—With respect to the Americans with
9 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)
10 and the Rehabilitation Act of 1973 (29 U.S.C. 701
11 et seq.), nothing in this Act may be construed—

12 (A) to authorize or require conduct prohib-
13 ited under the Americans with Disabilities Act
14 of 1990 and the Rehabilitation Act of 1973, in-
15 cluding the regulations issued pursuant to those
16 laws;

17 (B) to expand, limit, or alter the remedies
18 or defenses under the Americans with Disabil-
19 ities Act of 1990 and the Rehabilitation Act of
20 1973;

21 (C) to supersede, restrict, or limit the ap-
22 plication of the Americans with Disabilities Act
23 of 1990 and the Rehabilitation Act of 1973; or

24 (D) to limit the authority of Federal agen-
25 cies to issue regulations pursuant to the Ameri-

cans with Disabilities Act of 1990 and the Rehabilitation Act of 1973.

(h) DEFINITIONS.—In this section:

(1) ANNOTATED LIST OF INFORMATION TECHNOLOGY STANDARDS.—The term ''annotated list of information technology standards'' means a list of existing national and international accessibility standards relevant to student use of postsecondary electronic instructional materials and related technologies, and to other types of information technology common to institutions of higher education, such as institutional websites or registration systems, annotated by the commission established pursuant to this section. The annotated list of information technology standards is intended to serve solely as a reference tool to inform any consideration of the relevance of such standards in higher education contexts.

(2) POSTSECONDARY ELECTRONIC INSTRUCTIONAL MATERIALS.—The term ''postsecondary electronic instructional materials'' means digital curricular content that is required, provided, or both recommended and provided by an institution of higher education for use in a postsecondary instructional program.

(3) RELATED TECHNOLOGIES.—The term ''related technologies'' refers to any software, applications, learning management or content management systems, and hardware that an institution of higher education requires, provides, or both recommends and provides for student access to and use of postsecondary electronic instructional materials in a postsecondary instructional program.

(4) TECHNICAL PANEL.—The term ''technical panel'' means a group of experts with extensive, demonstrated technical experience in the development and implementation of accessibility features for postsecondary electronic instructional materials and related technologies, established by the Commission pursuant to subsection (e)(4), which will assist the commission in the development of the guidelines and annotated list of information technology standards authorized under this section.

TITLE X—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

SEC. 10001. COMPOSITION OF BOARD OF TRUSTEES.

Section 103(a)(1) of the Education of the Deaf Act of 1986 (20 U.S.C. 4303(a)(1)) is amended—

(1) by striking ''twenty-one'' and inserting ''twenty-three'';

(2) in subparagraph (A)—

(A) by striking ''three'' and inserting ''four''; and

(B) in clause (i)—

(i) by striking ''one'' and inserting ''two''; and

(ii) by striking ''Senator'' and inserting ''Senators''; and

(3) in subparagraph (B), by striking ''eighteen'' and inserting ''nineteen''.

SEC. 10002. ADMINISTRATIVE REQUIREMENTS OF LAURENT CLERC NATIONAL DEAF EDUCATION CENTER.

Section 104(b)(5) of the Education of the Deaf Act of 1986 (20 U.S.C. 4304(b)(5)) is amended to read as follows:

''(5) The University, for purposes of the elementary and secondary education programs carried out by the Clerc Center, shall—

''(A)(i)(I) provide an assurance to the Secretary that the University has adopted and is implementing challenging State academic standards that meet the requirements of section

1111(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(1));

''(II) demonstrate to the Secretary that the University is implementing a set of high-quality student academic assessments in mathematics, reading or language arts, and science, and any other subjects chosen by the University, that meet the requirements of section 1111(b)(2) of such Act (20 U.S.C. 6311(b)(2)); and

''(III) demonstrate to the Secretary that the University is implementing an accountability system consistent with section 1111(c) of such Act (20 U.S.C. 6311(c)); or

''(ii)(I) select the challenging State academic standards and State academic assessments of a State, adopted and implemented, as appropriate, pursuant to paragraphs (1) and (2) of section 1111(b) of such Act (20 U.S.C. 6311(b)); and

''(II) adopt the accountability system, consistent with section 1111(c) of such Act (20 U.S.C. 6311(c)), of such State; and

''(B) publicly report, except in a case in which such reporting would not yield statistically reliable information or would reveal per-

sonally identifiable information about an individual student—

"(i) the results of the academic assessments implemented under subparagraph (A); and

"(ii) the results of the annual evaluation of the programs at the Clerc Center, as determined using the accountability system adopted under subparagraph (A).".

SEC. 10003. FEDERAL ENDOWMENT PROGRAMS FOR GALLAUDET UNIVERSITY AND THE NATIONAL TECHNICAL INSTITUTE FOR THE DEAF.

Section 207 of the Education of the Deaf Act of 1986 (20 U.S.C. 4357) is amended—

(1) in subsection (e), by striking "(and its non-Federal match)"; and

(2) in subsection (g)(1), by striking "amounts contributed to the fund from non-Federal sources, and" and inserting "and the related".

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

SEC. 10101. TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES ASSISTANCE ACT OF 1978.

(a) DEFINITIONS.—Section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ''or has been formally'' and inserting ''and has been formally'';

(B) in paragraph (7), by adding ''and'' at the end;

(C) in paragraph (8), by striking ''; and'' and inserting a period; and

(D) by striking paragraph (9); and

(2) in subsection (b)—

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

''(1) Such number shall be calculated based on the number of Indian students who are enrolled—

''(A) at the conclusion of the third week of each academic term; or

''(B) on the fifth day of a shortened program beginning after the conclusion of the third full week of an academic term.'';

(B) in paragraph (3), by striking ''for purposes of obtaining'' and inserting ''solely for the purpose of obtaining'';

(C) in paragraph (4)—

(i) By striking ''students'' and inserting ''individuals 16 years of age or older''; and

(ii) by striking ''credit hours.'' and inserting ''credit hours, except that the provisions of paragraphs (1) and (3) shall not apply to any determination under this paragraph.'';

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) by inserting ''hour'' after ''credit'';

(II) by striking ''in the case of an institution on a quarter system, or 15 contact hours in the case of an institution on a semester system,''; and

(III) by striking ''and'' at the end;

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

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

''(B) shall be determined as one academic credit hour for every three continuing education program credits earned in the case of an institution on a semester system (which may be adjusted by the Secretary, if necessary, for institutions using academic periods other than semesters, such as trimesters or quarters); and''; and

(E) by inserting after paragraph (5), the following:

''(6) Enrollment data from the prior-prior academic year shall be used.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—The Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.) is amended by inserting after section 2 (25 U.S.C. 1801), the following:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 3. (a)(1) There are authorized to be appropriated to carry out sections 105, 107, 112(b), and 113 such sums as may be necessary for fiscal year 2021 and each of the five succeeding fiscal years.

''(2) Funds appropriated pursuant to the authorization under paragraph (1) shall be transferred by the Sec-

retary of the Treasury through the most expeditious method available, with each of the tribally controlled colleges or universities being designated as its own certifying agency.

''(b) There are authorized to be appropriated to carry out title III such sums as may be necessary for fiscal year 2021 and each of the five succeeding fiscal years. Any funds appropriated pursuant to this subsection are authorized to remain available until expended.

''(c) There are authorized to be appropriated to carry out titles IV and V such sums as may be necessary for fiscal year 2021 and each of the five succeeding fiscal years.

''(d)(1) For the purpose of affording adequate notice of funding available under this Act, amounts appropriated in an appropriation Act for any fiscal year to carry out this Act shall become available for obligation on July 1 of that fiscal year and shall remain available until September 30 of the succeeding fiscal year.

''(2) In order to effect a transition to the forward funding method of timing appropriation action described in paragraph (1), there are authorized to be appropriated, in an appropriation Act or Acts for the same fiscal year, two separate appropriations to carry out this Act, the first of which shall not be subject to paragraph (1).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 110 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1810) is repealed.

(B) Section 111 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1811) is amended by striking ''110(a)(2)'' and inserting ''3(a)(2)''.

(C) Section 306 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1836) is repealed.

(D) Title III of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1831 et seq.) is amended by striking ''section 306'' each place it appears and inserting ''section 3(b)''

(E) Section 403 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1852) is repealed.

(F) Section 502 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1862) is amended—

(i) in subsection (a), by striking ''Subject to the availability of appropriations, for fiscal year 2009 and each fiscal year

thereafter,'' and inserting ''From the amount made available under section 3(c) for each fiscal year,''; and

(ii) in subsection (d)(1), by striking ''For fiscal year 2009 and each fiscal year thereafter, of amounts made available pursuant to section 504,'' and inserting ''From the amount made available under section 3(c) for each fiscal year,''.

(G) Section 504 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1864) is repealed.

(c) ANNUAL REPORT ON EMERGING TRIBAL COLLEGES.—Section 104 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1804a) is amended to read as follows:

''ANNUAL REPORT ON EMERGING TRIBAL COLLEGES

''SEC. 104. Not later than December 31 of each year, the Secretary shall submit a report to the Senate Committee on Indian Affairs, the Senate Committee on Health, Education, Labor and Pensions, the House Committee on Natural Resources, the House Committee on Education and Labor, the Senate Appropriations Subcommittee on the Interior, and the House Appropriations Subcommittee on the Interior on developing and emerging

1 tribally controlled colleges or universities. Such report
2 shall include information on—
3 ''(1) inquiries received by the Secretary from
4 federally recognized Indian Tribes and tribal organi-
5 zations regarding the process for establishing a trib-
6 ally controlled college or university;
7 ''(2) the status of ongoing efforts to establish
8 tribally controlled colleges or universities;
9 ''(3) the geographic location, current and pro-
10 jected size, and anticipated application time frame of
11 each reported institution; and
12 ''(4) such other data as the Secretary may
13 deem relevant.''.
14 (d) ELIGIBILITY STUDIES.—Section 106 of the Trib-
15 ally Controlled Colleges and Universities Assistance Act
16 of 1978 (25 U.S.C. 1806) is amended—
17 (1) in subsection (b), by striking ''for the fiscal
18 year succeeding'' and inserting ''for the second fiscal
19 year succeeding''; and
20 (2) in subsection (c), by striking ''drawn from''
21 and all that follows through the period at the end
22 and inserting ''drawn from the general administra-
23 tive appropriations to the Secretary.''
24 (e) GRANTS TO TRIBALLY CONTROLLED COLLEGES
25 OR UNIVERSITIES.—Section 107 of the Tribally Con-

trolled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1807) is amended—

(1) in subsection (c), by striking ''given to institutions'' and all that follows through the period at the end and inserting ''given to institutions which received payments under this title in fiscal year 2019 or were affiliated with an institution which received payments under this title in fiscal year 2019.''; and

(2) in subsection (d), by inserting ''higher education'' after ''national Indian'' both places it appears.

(f) AMOUNT OF GRANTS.—Section 108 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1808) is amended—

(1) by striking subsection (a)(2) and inserting the following:

''(2) EXCEPTIONS.—

''(A) If the sum appropriated for any fiscal year for payments under this section is not sufficient to pay in full the total amount that approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant that received funds under this part for the preceding

fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

''(B) The amount of a grant under paragraph (1) shall not exceed an amount equal to the total cost of the education program provided by the applicable tribally controlled college or university.''; and

(2) in subsection (b)(1)—

(A) by striking ''of the funds available for allotment by October 15 or no later than 14 days after appropriations become available'' and inserting ''of the amounts appropriated for any fiscal year on or before July 1 of that fiscal year''; and

(B) by striking ''January 1'' and inserting ''September 30''.

(g) REPORT ON FACILITIES.—Section 112 of the Tribally Controlled Colleges and Universities Assistance

Act of 1978 (25 U.S.C. 1812) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Secretary shall provide for the conduct of a study on the condition of tribally controlled college or university facilities, which, for purposes of this section, shall include the facilities of a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)). Such study shall identify the need for new construction, renovation, and infrastructure enhancements of tribally controlled college or university facilities.

"(b) The study required in subsection (a) may be conducted directly by the Secretary or by contract.

"(c) A report on the results of the study required in subsection (a) shall be submitted to the Senate Committee on Indian Affairs, the Senate Committee on Health, Education, Labor and Pensions, the House Committee on Natural Resources, the House Committee on Education and Labor, the Senate Appropriations Subcommittee on the Interior, and the House Appropriations Subcommittee on the Interior not later than 18 months after the date of the enactment of the College Affordability Act.".

(h) MODIFICATION OF FACILITIES PROGRAM.—Section 113 of the Tribally Controlled Colleges and Univer-

sities Assistance Act of 1978 (25 U.S.C. 1813) is amended—

(1) in subsection (a), by striking ''of the Administrator of General Services under section 112(a) of this Act'' and inserting ''under section 112(c)'';

(2) in subsection (b), by striking ''a tribally controlled college or university—'' and all that follows through the period at the end and inserting ''a tribally controlled college or university shall be a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).'';

(3) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(4) by inserting after subsection (c) the following:

''(d) Activities eligible for a grant under this section shall be activities that address a wide variety of facilities and infrastructure needs including—

''(1) building of new facilities;

''(2) renovating or expanding existing or acquired facilities;

''(3) providing new and existing facilities with equipment and infrastructure, including laboratory equipment, computer infrastructure and equipment,

broadband infrastructure and equipment, library books, and furniture; and

"(4) property acquisition.".

(i) CONFORMING AMENDMENT FOR THE NAVAJO TRIBE.—Section 114(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1814(a)) is amended striking "The Navajo" and inserting "Except as provided in sections 112 and 113, the Navajo".

(j) RULES AND REGULATIONS.—Section 115 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1815) is repealed.

(k) ENDOWMENT GRANTS.—Section 302 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1832) is amended by adding at the end the following:

"(c) The period of a grant under this section shall be not more than 20 years. During the grant period, an institution may withdraw and expend interest income generated by the endowment for any operating or academic purpose. An institution may not withdraw or expend any of the endowment fund corpus. After the termination of the grant period, an institution may use the endowment fund corpus for any operating or academic purpose.

1 ''(d)(1) If at any time during the grant period an in-
2 stitution withdraws part of the endowment fund corpus,
3 the institution shall repay to the Secretary an amount
4 equal to 150 percent of the withdrawn amount. The Sec-
5 retary may use up to 75 percent of such repaid funds to
6 make additional endowment grants to, or to increase exist-
7 ing endowment grants at, other eligible institutions.
8 ''(2) Notwithstanding subsection (c) and para-
9 graph(1), the Secretary may allow an institution to expend
10 part of the endowment fund corpus if the institution dem-
11 onstrates such an expenditure is necessary because of—
12 ''(A) a financial emergency, such as a pending
13 insolvency or temporary liquidity problem;
14 ''(B) a life-threatening situation occasioned by
15 a natural disaster or arson; or
16 ''(C) any other unusual occurrence or exigent
17 circumstance.''.
18 (l) PARTICIPATION OF TRIBALLY CONTROLLED
19 POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS
20 UNDER OTHER TITLES.—Section 503(a) of the Tribally
21 Controlled Colleges and Universities Assistance Act of
22 1978 (25 U.S.C. 1863(a)) is amended to read as follows:
23 ''(a) PARTICIPATION OF TRIBALLY CONTROLLED
24 POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS
25 UNDER OTHER TITLES.—For purposes of the preceding

titles of this Act, a tribally controlled postsecondary career and technical institution shall not be considered to be a tribally controlled college or university except as follows:

"(1) For purposes of section 105(a)(1), the Secretary shall provide, upon request from a tribally controlled postsecondary career and technical institution, technical assistance either directly or through contract.

"(2) For purposes of section 113, title III, and title IV, a tribally controlled postsecondary career and technical institution shall be considered to be a tribally controlled college or university.".

(m) CLERICAL AMENDMENTS.—The Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.), as amended by the preceding provisions of this section, is further amended—

(1) by striking "Bureau of Indian Affairs" each place it appears and inserting "Bureau of Indian Education";

(2) by striking "Navajo Community College Act" each place it appears and inserting "Diné College Act"; and

(3) in section 109 (25 U.S.C. 1809), by redesignating the second subsection (c) as subsection (d).

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

SEC. 10201. STRENGTHENING PROGRAM ALIGNMENT FOR POSTSECONDARY PERKINS CAREER AND TECHNICAL EDUCATION PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $181,000,000 for fiscal year 2021 and each of the 5 succeeding fiscal years.

(2) OUTLYING AREAS.—In addition to the amounts authorized to be appropriated under paragraph (1), there are authorized to be appropriated $1,520,000 for fiscal year 2021 and each of the 5 succeeding fiscal years, for the purpose of awarding funds to carry out this section to the outlying areas described in section 115(a) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2325(a)).

(3) TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.—In addition to the amounts authorized to be appropriated under paragraphs (1) and (2), there are authorized to be appropriated $10,469,000 for fiscal year 2021

and each of the 5 succeeding fiscal years, for the purpose of awarding funds to carry out this section to tribally controlled postsecondary career and technical institutions described in section 117(a) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2327(a)).

(b) ALLOTMENT AND ALLOCATION.—

(1) STATE ALLOTMENT.—

(A) IN GENERAL.—From the amount appropriated under subsection (a)(1) for each fiscal year, the Secretary of Education shall allot funds to States in the same manner as allotments are made to States under 111(a)(2) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2321(a)(2)), except that such section 111(a)(2) shall be applied by substituting ''From the amount appropriated under subsection (a)(1),'' for ''From the remainder of the amount appropriated under section 9 and not reserved under paragraph (1) for a fiscal year,''.

(B) REALLOTMENT.—If for any fiscal year the amount appropriated for allotments under this paragraph is insufficient to satisfy the provisions of subparagraph (A), the payments to

all States under such subparagraph shall be ratably reduced.

(2) REQUIREMENTS FOR STATE ALLOTMENT.—From the amount allotted to each State under paragraph (1) for a fiscal year, the eligible agency shall use such funds in the same manner and in the same amounts as described in paragraphs (2) and (3) of section 112(a) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2321(a)).

(3) ELIGIBLE RECIPIENT ALLOCATION.—

(A) IN GENERAL.—From the amount allotted to each State under paragraph (1) and not used under paragraph (2) for a fiscal year, the eligible agency shall allocate funds to each eligible recipient within the State in the same manner that funds are allocated to eligible institutions or consortium of eligible institutions under section 132(a)(2) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2352(a)(2)), except that such section 132(a)(2) shall be applied by substituting ''the amount allotted to the State under paragraph (1) and not used under paragraph (2)'' for ''the

portion of funds made available under section 112(a)(1) to carry out this section''.

(B) REQUIREMENTS FOR ALLOCATION.—To receive an allocation under subparagraph (A), an eligible recipient shall meet the following requirements:

(i) Provide a description to the Secretary, at such time and in such manner, as may be required by the Secretary of how the eligible recipient will use the allocation to support and coordinate with—

(I) any funds received by such eligible recipient under title I of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2321 et seq.); and

(II) the activities described in the State plan of the eligible agency that distributes funds under such title to such eligible recipient, and local application of such eligible recipient under such title.

(ii) Establish partnerships with each of the following:

(I) A local educational agency or a consortia of local educational agencies.

(II) An area career and technical education school, in a case in which such a school is located in the State or local area of the eligible recipient.

(III) A State or local workforce development system.

(IV) A 4-year institution of higher education.

(4) ALLOTMENTS TO OUTLYING AREAS.—From funds appropriated under subsection (a)(2), the Secretary shall—

(A) make a grant in the amount of $660,000 to Guam;

(B) make a grant in the amount of $350,000 to each of the Commonwealth of the Northern Mariana Islands and American Samoa; and

(C) make a grant in the amount of $160,000 to the Republic of Palau.

(c) USES OF FUNDS.—

(1) IN GENERAL.—Each eligible recipient that receives an allocation under subsection (b)(2) shall

use such allocation to carry out a career and technical education program of study that shall—

(A) include alignment to career pathways, the use of articulation agreements, and career guidance and academic counseling;

(B) combine a minimum of 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

(C) include work-based learning or apprenticeship programs;

(D) be aligned with—

(i) the workforce development system; and

(ii) institutions of higher education offering baccalaureate or advanced degree programs;

(E) offer education and training in high-skill, high-wage, or in-demand industry sectors and occupations to meet the regional needs and support the priorities described in the most recent comprehensive local needs assessment conducted by the eligible recipient under section

134(c) of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2354(c)); and

(F) carry out the requirements of subparagraph (A), (B), (C), (D), or (E) of paragraph (2).

(2) REQUIREMENTS.—Each career and technical education program of study described in paragraph (1) shall carry out at least one of the following:

(A) Supporting the development, delivery, or implementation of a statewide effort to scale such program of study and career pathways.

(B) Establishing industry or sector partnerships inside or outside the State.

(C) Providing equal access to, and supports for, successful completion of the career and technical education program of study to individuals who are members of special populations, including the development of services appropriate to the needs of special populations.

(D) Improving career guidance, academic counseling, and career exploration activities for prospective or participating students through the development and implementation of gradua-

tion and career plans aligned to career pathways.

(E) Developing curriculum and supports for effective transitions between the following:

(i) The transition from a secondary career and technical education program to a postsecondary career and technical education program.

(ii) The transition from postsecondary career and technical education programs to an institution of higher education offering a baccalaureate or an advanced degree program.

(iii) The transition from a workforce development system to a postsecondary career and technical education program.

(iv) The transition from a postsecondary career and technical education program to employment.

(v) The transition from a career and technical education program to an apprenticeship program or from an apprenticeship program to an institution of higher education or employment.

(3) RESTRICTION ON USES OF FUNDS.—Each eligible recipient that receives an allocation under subsection (b)(2) shall not use more than 5 percent of such allocation for costs associated with the administration of activities.

(d) DEFINITIONS.—In this section:

(1) APPRENTICESHIP PROGRAM.—The term ''apprenticeship program'' means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the ''National Apprenticeship Act''; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(2) ELIGIBLE RECIPIENT.—The term ''eligible recipient'' has the meaning given the term in section 3(21)(B) of the Carl D. Perkins Career and Technical Education Act of 1965 (20 U.S.C. 2302(21)(B)).

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(4) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given such term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(5) PERKINS CTE TERMS.—The terms ''articulation agreement'', ''area career and technical education school'', ''career and technical education'', ''eligible agency'', ''program of study'', ''special population'', and ''work-based learning'' have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(6) STATE.—The term ''State'' has the meaning given the term in section 111(d) of the Carl D. Perkins Career and Technical Education Act of 2006.

(7) WIOA TERMS.—The terms ''career pathway'', ''workforce development system'', ''in-demand industry sector or occupation'', and ''industry or sector partnership'' have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3201).

PART E—GENERAL EDUCATION PROVISIONS ACT

SEC. 10301. RELEASE OF EDUCATION RECORDS TO FACILITATE THE AWARD OF A RECOGNIZED POSTSECONDARY CREDENTIAL.

Section 444(b) of the General Education Provisions Act (20 U.S.C. 1232g(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (K)(ii), by striking ''; and'' and inserting a semicolon; and

(B) in subparagraph (L), by striking the period at the end and inserting ''; and''; and

(2) by inserting after subparagraph (L) the following:

''(M) an institution of postsecondary education in which the student was previously enrolled, to which records of postsecondary coursework and credits are sent for the purpose of applying such coursework and credits toward completion of a recognized postsecondary credential (as that term is defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), upon condition that the student provides written consent prior to receiving such credential.''.

PART F—EDUCATION SCIENCES REFORM ACT OF 2002

SEC. 10401. INCLUSION OF RACIAL SUBGROUPS IN IPEDS DATA.

Section 153(a)(3) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543(a)(3)) is amended—

(1) by striking ''feasible, information'' and inserting the following: ''feasible—

''(A) information'';

(2) by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(B) information from the Integrated Postsecondary Education Data Survey, the postsecondary student data system established under section 132(l), or a successor system (whichever includes the most recent data), that is disaggregated by race in a manner that captures all the racial groups specified in the American Community Survey of the Bureau of the Census;''.