

# Calendar No. 300

109TH CONGRESS  
1ST SESSION

# S. 1614

To extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2005

Mr. ENZI (for himself and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

NOVEMBER 17, 2005

Reported by Mr. ENZI, with an amendment

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

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## A BILL

To extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

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

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

4 (a) ~~SHORT TITLE.~~—This Act may be cited as the  
5 ~~“Higher Education Amendments of 2005”.~~

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

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

#### TITLE I—GENERAL PROVISIONS

- Sec. 101. Additional definitions.  
 Sec. 102. General definition of institution of higher education.  
 Sec. 103. Definition of institution of higher education for purposes of title IV programs.  
 Sec. 104. Protection of student speech and association rights.  
 Sec. 105. National Advisory Committee on Institutional Quality and Integrity.  
 Sec. 106. Drug and alcohol abuse prevention.  
 Sec. 107. Prior rights and obligations.  
 Sec. 108. Cost of higher education.  
 Sec. 109. Performance-based organization for the delivery of Federal student financial assistance.  
 Sec. 110. Procurement flexibility.

#### TITLE II—TEACHER QUALITY ENHANCEMENT

- Sec. 201. Teacher quality enhancement grants for States and partnerships.

#### TITLE III—INSTITUTIONAL AID

- Sec. 301. Program purpose.  
 Sec. 302. Definitions; eligibility.  
 Sec. 303. American Indian tribally controlled colleges and universities.  
 Sec. 304. Alaska native and native Hawaiian-serving institutions.  
 Sec. 305. Native American-serving, nontribal institutions.  
 Sec. 306. Part B definitions.  
 Sec. 307. Grants to institutions.  
 Sec. 308. Allotments to institutions.  
 Sec. 309. Professional or graduate institutions.  
 Sec. 310. Authorization of appropriations.  
 Sec. 311. Technical corrections.

#### TITLE IV—STUDENT ASSISTANCE

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

- Sec. 401. Federal Pell Grants.  
 Sec. 402. Federal trio programs.  
 Sec. 403. Gaining early awareness and readiness for undergraduate programs.  
 Sec. 404. Academic achievement incentive scholarships.  
 Sec. 405. Federal supplemental educational opportunity grants.  
 Sec. 406. Leveraging Educational Assistance Partnership Program.  
 Sec. 407. Special programs for students whose families are engaged in migrant and seasonal farmwork.  
 Sec. 408. Robert C. Byrd Honors Scholarship Program.  
 Sec. 409. Child care access means parents in school.  
 Sec. 410. Learning anytime anywhere partnerships.

## PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

- Sec. 421. Extension of authorities.
- Sec. 422. Federal payments to reduce student interest costs.
- Sec. 423. Federal Consolidation Loans.
- Sec. 424. Default Reduction Program.
- Sec. 425. Reports to credit bureaus and institutions of higher education.
- Sec. 426. Common forms and formats.
- Sec. 427. Student loan information by eligible borrowers.
- Sec. 428. Consumer education information.
- Sec. 429. Definition of eligible lender.
- Sec. 430. Repayment by the Secretary of loans of bankrupt, deceased, or disabled borrowers; treatment of borrowers attending schools that fail to provide a refund, attending closed schools, or falsely certified as eligible to borrow.

## PART C—FEDERAL WORK-STUDY PROGRAMS

- Sec. 441. Authorization of appropriations.
- Sec. 442. Allowance for books and supplies.
- Sec. 443. Grants for Federal work-study programs.
- Sec. 444. Job location and development programs.
- Sec. 445. Work colleges.

## PART D—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

- Sec. 451. Funds for administrative expenses.

## PART E—FEDERAL PERKINS LOANS

- Sec. 461. Program authority.
- Sec. 462. Terms of loans.
- Sec. 463. Cancellation of loans for certain public service.

## PART F—NEED ANALYSIS

- Sec. 471. Cost of attendance.
- Sec. 472. Definitions.

## PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE

- Sec. 481. Definition of academic and award year.
- Sec. 482. Compliance calendar.
- Sec. 483. Forms and regulations.
- Sec. 484. Student eligibility.
- Sec. 485. Statute of limitations and State court judgments.
- Sec. 486. Institutional refunds.
- Sec. 487. Institutional and financial assistance for students.
- Sec. 488. National Student Loan Data System.
- Sec. 489. Early awareness of financial aid eligibility and demonstration program to provide early estimates and early awards of financial aid.
- Sec. 490. College Access Initiative.
- Sec. 491. Program participation agreements.
- Sec. 492. Regulatory relief and improvement.
- Sec. 493. Transfer of allotments.
- Sec. 494. Wage garnishment requirement.

- Sec. 495. Purpose of administrative payments.
- Sec. 496. Advisory Committee on Student Financial Assistance.
- Sec. 497. Regional meetings.
- Sec. 498. Year 2000 requirements at the Department.

#### PART H—PROGRAM INTEGRITY

- Sec. 499. Recognition of accrediting agency or association.
- Sec. 499A. Administrative capacity standard.
- Sec. 499B. Program review and data.

#### TITLE V—DEVELOPING INSTITUTIONS

- Sec. 501. Definitions.
- Sec. 502. Authorized activities.
- Sec. 503. Duration of grant.
- Sec. 504. Postbaccalaureate opportunities for Hispanic Americans.
- Sec. 505. Applications.
- Sec. 506. Cooperative arrangements.
- Sec. 507. Authorization of appropriations.

#### TITLE VI—INTERNATIONAL EDUCATION PROGRAMS

- Sec. 601. Findings.
- Sec. 602. Graduate and undergraduate language and area centers and programs.
- Sec. 603. Undergraduate international studies and foreign language programs.
- Sec. 604. Research; studies.
- Sec. 605. Technological innovation and cooperation for foreign information access.
- Sec. 606. Selection of certain grant recipients.
- Sec. 607. American overseas research centers.
- Sec. 608. Authorization of appropriations for international and foreign language studies.
- Sec. 609. Centers for international business education.
- Sec. 610. Education and training programs.
- Sec. 611. Authorization of appropriations for business and international education programs.
- Sec. 612. Minority foreign service professional development program.
- Sec. 613. Institutional development.
- Sec. 614. Study abroad program.
- Sec. 615. Advanced degree in international relations.
- Sec. 616. Internships.
- Sec. 617. Financial assistance.
- Sec. 618. Report.
- Sec. 619. Gifts and donations.
- Sec. 620. Authorization of appropriations for the Institute for International Public Policy.
- Sec. 621. Definitions.
- Sec. 622. Assessment and enforcement.

#### TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

- Sec. 701. Purpose.
- Sec. 702. Allocation of Jacob K. Javits Fellowships.
- Sec. 703. Stipends.

- Sec. 704. Authorization of appropriations for the Jacob K. Javits Fellowship Program.
- Sec. 705. Institutional eligibility under the Graduate Assistance in Areas of National Need Program.
- Sec. 706. Awards to graduate students.
- Sec. 707. Additional assistance for cost of education.
- Sec. 708. Authorization of appropriations for the Graduate Assistance in Areas of National Need Program.
- Sec. 709. Authorization of appropriations for the Thurgood Marshall Legal Educational Opportunity Program.
- Sec. 710. Fund for the improvement of postsecondary education.
- Sec. 711. Special projects.
- Sec. 712. Authorization of appropriations for the fund for the improvement of postsecondary education.
- Sec. 713. Authorization of appropriations for the urban community service program.
- Sec. 714. Grants authorized for demonstration projects to ensure students with disabilities receive a quality higher education.
- Sec. 715. Applications for demonstration projects to ensure students with disabilities receive a quality higher education.
- Sec. 716. Authorization of appropriations for the demonstration projects to ensure students with disabilities receive a quality higher education.

#### TITLE VIII—MISCELLANEOUS

- Sec. 801. Mathematics and Science Scholars Program.

#### TITLE IX—AMENDMENTS TO OTHER LAWS

##### PART A—EDUCATION OF THE DEAF ACT OF 1986

- Sec. 901. Laurent Clerc National Deaf Education Center.
- Sec. 902. Agreement with Gallaudet University.
- Sec. 903. Agreement for the National Technical Institute for the Deaf.
- Sec. 904. Cultural experiences grants.
- Sec. 905. Audit.
- Sec. 906. Reports.
- Sec. 907. Monitoring, evaluation, and reporting.
- Sec. 908. Liaison for educational programs.
- Sec. 909. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf.
- Sec. 910. Oversight and effect of agreements.
- Sec. 911. International students.
- Sec. 912. Research priorities.
- Sec. 913. Authorization of appropriations.

##### PART B—UNITED STATES INSTITUTE OF PEACE ACT

- Sec. 921. United States Institute of Peace Act.

##### PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998

- Sec. 931. Repeals.
- Sec. 932. Grants to States for workplace and community transition training for incarcerated youth offenders.

## PART D—INDIAN EDUCATION

## SUBPART 1—TRIBAL COLLEGES AND UNIVERSITIES

Sec. 941. Tribally Controlled College and University Assistance.

## SUBPART 2—NAVAJO HIGHER EDUCATION

Sec. 945. Short title.

Sec. 946. Reauthorization of the Navajo Community College Act.

## TITLE X—RECONCILIATION

Sec. 1001. Provisional grant assistance program.

Sec. 1002. National SMART grants.

Sec. 1003. Loan limits.

Sec. 1004. PLUS loan interest rates and zero special allowance payment.

Sec. 1005. Reduction of lender insurance reimbursement rates.

Sec. 1006. Guaranty agency origination fee.

Sec. 1007. Deferment of student loans for military service.

Sec. 1008. Rehabilitation through consolidation.

Sec. 1009. Single holder rule.

Sec. 1010. Default Reduction Program.

Sec. 1011. Requirements for disbursements of student loans.

Sec. 1012. Special insurance and reinsurance rules.

Sec. 1013. School as lender moratorium.

Sec. 1014. Permanent reduction of special allowance payments for loans from the proceeds of tax exempt issues.

Sec. 1015. Loan fees from lenders.

Sec. 1016. Origination fee.

Sec. 1017. Income contingent repayment for public sector employees.

Sec. 1018. Income protection allowance for dependent students.

Sec. 1019. Simplified need test and automatic zero improvements.

Sec. 1020. Loan forgiveness for teachers.

**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.).

1 **SEC. 3. GENERAL EFFECTIVE DATE.**

2 Except as otherwise provided in this Act or the  
3 amendments made by this Act, the amendments made by  
4 this Act shall take effect on July 1, 2006.

5 **TITLE I—GENERAL PROVISIONS**

6 **SEC. 101. ADDITIONAL DEFINITIONS.**

7 (a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is  
8 amended—

9 (1) by redesignating paragraphs (1) through  
10 (16) as paragraphs (2) through (17), respectively;  
11 and

12 (2) by inserting before paragraph (2) (as redес-  
13 igned by paragraph (1)) the following:

14 “(1) AUTHORIZING COMMITTEES.—The term  
15 ‘authorizing committees’ means the Committee on  
16 Health, Education, Labor, and Pensions of the Sen-  
17 ate and the Committee on Education and the Work-  
18 force of the House of Representatives.”

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

21 (1) in section 131(a)(3)(B) (20 U.S.C.  
22 1015(a)(3)(B)), by striking “Committee on Labor  
23 and Human Resources of the Senate and the Com-  
24 mittee on Education and the Workforce of the  
25 House of Representatives” and inserting “author-  
26 izing committees”;

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

7           (3) in section 206 (20 U.S.C. 1026)—

8           (A) in the matter preceding paragraph (1)  
9           of subsection (a), by striking “; the Committee  
10           on Labor and Human Resources of the Senate,  
11           and the Committee on Education and the  
12           Workforce of the House of Representatives”  
13           and inserting “and the authorizing commit-  
14           tees”; and

15           (B) in subsection (d), by striking “Com-  
16           mittee on Labor and Human Resources of the  
17           Senate and the Committee on Education and  
18           the Workforce of the House of Representatives”  
19           and inserting “authorizing committees”;

20           (4) in section 207(e)(1) (20 U.S.C. 1027(e)(1)),  
21           by striking “Committee on Labor and Human Re-  
22           sources of the Senate and the Committee on Edu-  
23           cation and the Workforce of the House of Rep-  
24           resentatives” and inserting “authorizing commit-  
25           tees”;



1           (5) in section 401(f)(3) (20 U.S.C.  
2           1070a(f)(3)), by striking “to the Committee on Ap-  
3           propriations” and all that follows through “House of  
4           Representatives” and inserting “to the Committee  
5           on Appropriations of the Senate, the Committee on  
6           Appropriations of the House of Representatives, and  
7           the authorizing committees”;

8           (6) in section 428 (20 U.S.C. 1078)—

9           (A) in subsection (e)(9)(K), by striking  
10           “House Committee on Education and the  
11           Workforce and the Senate Committee on Labor  
12           and Human Resources” and inserting “author-  
13           izing committees”;

14           (B) in the matter following paragraph (2)  
15           of subsection (g), by striking “Committee on  
16           Labor and Human Resources of the Senate and  
17           the Committee on Education and the Workforce  
18           of the House of Representatives” and inserting  
19           “authorizing committees”; and

20           (C) in subsection (n)(4), “Committee on  
21           Education and the Workforce of the House of  
22           Representatives and the Committee on Labor  
23           and Human Resources of the Senate” and in-  
24           serting “authorizing committees”;

25           (7) in section 428A (20 U.S.C. 1078-1)—

1           (A) in the matter preceding subparagraph  
2           (A) of subsection (a)(4), by striking “Com-  
3           mittee on Labor and Human Resources of the  
4           Senate and the Committee on Education and  
5           the Workforce of the House of Representatives”  
6           and inserting “authorizing committees”; and

7           (B) in subsection (c)—

8           (i) in the matter preceding subpara-  
9           graph (A) of paragraph (2), by striking  
10           “Chairperson” and all that follows through  
11           “House of Representatives” and inserting  
12           “Chairpersons and Ranking Members of  
13           the authorizing committees”;

14           (ii) in paragraph (3), by striking  
15           “Chairperson” and all that follows through  
16           “House of Representatives” and inserting  
17           “Chairpersons and Ranking Members of  
18           the authorizing committees”; and

19           (iii) in paragraph (5), by striking  
20           “Chairperson” and all that follows through  
21           “House of Representatives” and inserting  
22           “Chairpersons and Ranking Members of  
23           the authorizing committees”;

24           (8) in the matter preceding paragraph (1) of  
25           section 4281(h) (20 U.S.C. 1078–9(h)), by striking

1 “Chairman” and all that follows through “Education  
2 and Labor” and inserting “Chairpersons of the au-  
3 thorizing committees”;

4 (9) in section 432 (20 U.S.C. 1082)—

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

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

17 (10) in section 437(e)(1) (20 U.S.C.  
18 1087(e)(1)), by striking “Committee on Education  
19 and the Workforce of the House of Representatives  
20 and the Committee on Labor and Human Resources  
21 of the Senate” and inserting “authorizing commit-  
22 tees”;

23 (11) in section 439 (20 U.S.C. 1087-2)—

24 (A) in subsection (d)(1)(E)(iii), by striking  
25 “advise the Chairman” and all that follows

1 through “House of Representatives” and insert-  
2 ing “advise the Chairpersons and Ranking  
3 Members of the authorizing committees”;

4 (B) in subsection (r)—

5 (i) in paragraph (3), by striking “in-  
6 form the Chairman” and all that follows  
7 through “House of Representatives,” and  
8 inserting “inform the Chairpersons and  
9 Ranking Members of the authorizing com-  
10 mittees”;

11 (ii) in paragraph (5)(B), by striking  
12 “plan, to the Chairman” and all that fol-  
13 lows through “Education and Labor” and  
14 inserting “plan, to the Chairpersons and  
15 Ranking Members of the authorizing com-  
16 mittees”;

17 (iii) in paragraph (6)(B)—

18 (I) by striking “plan, to the  
19 Chairman” and all that follows  
20 through “House of Representatives”  
21 and inserting “plan, to the Chair-  
22 persons and Ranking Members of the  
23 authorizing committees”; and

24 (II) by striking “Chairmen and  
25 ranking minority members of such

1 Committees” and inserting “Chair-  
2 persons and Ranking Members of the  
3 authorizing committees”;

4 (iv) in paragraph (8)(C), by striking  
5 “implemented to the Chairman” and all  
6 that follows through “House of Represent-  
7 atives, and” and inserting “implemented to  
8 the Chairpersons and Ranking Members of  
9 the authorizing committees, and to”; and

10 (v) in the matter preceding subpara-  
11 graph (A) of paragraph (10), by striking  
12 “days to the Chairman” and all that fol-  
13 lows through “Education and Labor” and  
14 inserting “days to the Chairpersons and  
15 Ranking Members of the authorizing com-  
16 mittees”; and

17 (C) in subsection (s)(2)—

18 (i) in the matter preceding clause (i)  
19 of subparagraph (A), by striking “Treas-  
20 ury and to the Chairman” and all that fol-  
21 lows through “House of Representatives”  
22 and inserting “Treasury and to the Chair-  
23 persons and Ranking Members of the au-  
24 thorizing committees”; and

1           (ii) in subparagraph (B), by striking  
2           “Treasury and to the Chairman” and all  
3           that follows through “House of Represent-  
4           atives” and inserting “Treasury and to the  
5           Chairpersons and Ranking Members of the  
6           authorizing committees”;

7           (12) in section 455(b)(8)(B) (20 U.S.C.  
8           1087e(b)(8)(B)), by striking “Committee on Labor  
9           and Human Resources of the Senate and the Com-  
10          mittee on Education and the Workforce of the  
11          House of Representatives” and inserting “author-  
12          izing committees”;

13          (13) in section 482(d) (20 U.S.C. 1089(d)), by  
14          striking “Committee on Labor and Human Re-  
15          sources of the Senate and the Committee on Edu-  
16          cation and Labor of the House of Representatives”  
17          and inserting “authorizing committees”;

18          (14) in section 483(e) (20 U.S.C. 1090(e)), by  
19          striking “Committee on Labor and Human Re-  
20          sources of the Senate and the Committee on Edu-  
21          cation and the Workforce of the House of Rep-  
22          resentatives” and inserting “authorizing commit-  
23          tees”;

24          (15) in section 485 (20 U.S.C. 1092)—

1           (A) in subsection (f)(5)(A), by striking  
2           “Committee on Education and the Workforce of  
3           the House of Representatives and the Com-  
4           mittee on Labor and Human Resources of the  
5           Senate” and inserting “authorizing commit-  
6           tees”; and

7           (B) in subsection (g)(4)(B), by striking  
8           “Committee on Education and the Workforce of  
9           the House of Representatives and the Com-  
10          mittee on Labor and Human Resources of the  
11          Senate” and inserting “authorizing commit-  
12          tees”;

13          (16) in section 486 (20 U.S.C. 1093)—

14           (A) in subsection (e), by striking “Com-  
15           mittee on Labor and Human Resources of the  
16           Senate and the Committee on Education and  
17           the Workforce of the House of Representatives”  
18           and inserting “authorizing committees”; and

19           (B) in subsection (f)(3)—

20           (i) in the matter preceding clause (i)  
21           of subparagraph (A), by striking “Com-  
22           mittee on Labor and Human Resources of  
23           the Senate and the Committee on Edu-  
24           cation and the Workforce of the House of

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

3 (ii) in the matter preceding clause (i)  
4 of subparagraph (B), by striking “Com-  
5 mittee on Labor and Human Resources of  
6 the Senate and the Committee on Edu-  
7 cation and the Workforce of the House of  
8 Representatives” and inserting “author-  
9 izing committees”;

10 (17) in section 487A (20 U.S.C. 1094a)—

11 (A) in subsection (a)(5), by striking “Com-  
12 mittee on Labor and Human Resources of the  
13 Senate and the Committee on Education and  
14 the Workforce of the House of Representatives”  
15 and inserting “authorizing committees”; and

16 (B) in subsection (b)(3)(B), in the matter  
17 preceding clause (i)—

18 (i) by striking “Committee on Labor  
19 and Human Resources of the Senate and  
20 the Committee on Education and the  
21 Workforce of the House of Representa-  
22 tives” and inserting “authorizing commit-  
23 tees”; and



1 (ii) by striking “such Committees”  
 2 and inserting “the authorizing commit-  
 3 tees”;

4 (18) in section 493A(a)(5) (20 U.S.C.  
 5 1098e(a)(5)), by striking “Chairperson of the Com-  
 6 mittee on Labor and Human Resources of the Sen-  
 7 ate and the Chairperson of the Committee on Edu-  
 8 cation and the Workforce of the House of Rep-  
 9 resentatives” and inserting “Chairpersons of the au-  
 10 thorizing committees”; and

11 (19) in section 498B(d) (20 U.S.C. 1099e-  
 12 2(d))—

13 (A) in paragraph (1), by striking “Com-  
 14 mittee on Labor and Human Resources of the  
 15 Senate and the Committee on Education and  
 16 the Workforce of the House of Representatives”  
 17 and inserting “authorizing committees”; and

18 (B) in paragraph (2), by striking “Com-  
 19 mittee on Labor and Human Resources of the  
 20 Senate and the Committee on Education and  
 21 the Workforce of the House of Representatives”  
 22 and inserting “authorizing committees”.

23 **SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGH-**  
 24 **ER EDUCATION.**

25 Section 101 (20 U.S.C. 1001) is amended—

1           (1) in subsection (a)(3), by inserting “, or  
 2           awards a degree that is acceptable for admission to  
 3           a graduate or professional degree program, subject  
 4           to the review and approval by the Secretary” after  
 5           “such a degree”; and

6           (2) by striking subsection (b)(2) and inserting  
 7           the following:

8           “(2) a public or nonprofit private educational  
 9           institution in any State that, in lieu of the require-  
 10          ment in subsection (a)(1), admits as regular stu-  
 11          dents persons—

12                   “(A) who meet the requirements of section  
 13                   484(d)(3);

14                   “(B) who are beyond the age of compul-  
 15                   sory school attendance in the State in which the  
 16                   institution is located; or

17                   “(C) who will be dually or concurrently en-  
 18                   rolled in such institution and a secondary  
 19                   school.”

20 **SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDU-**  
 21 **CATION FOR PURPOSES OF TITLE IV PRO-**  
 22 **GRAMS.**

23           Section 102 (20 U.S.C. 1002) is amended—

24           (1) in subsection (a)—

1           (A) by striking paragraph (2)(A)(i) and in-  
2           serting the following:

3           “(i) in the case of a graduate medical  
4           school located outside the United States—

5           “(I) at least 60 percent of those  
6           enrolled in, and at least 60 percent of  
7           the graduates of, the graduate med-  
8           ical school outside the United States  
9           were not persons described in section  
10          484(a)(5) in the year preceding the  
11          year for which a student is seeking a  
12          loan under part B of title IV; and

13          “(II) at least 60 percent of the  
14          individuals who were students or  
15          graduates of the graduate medical  
16          school outside the United States or  
17          Canada (both nationals of the United  
18          States and others) taking the exami-  
19          nations administered by the Edu-  
20          cational Commission for Foreign Med-  
21          ical Graduates received a passing  
22          score in the year preceding the year  
23          for which a student is seeking a loan  
24          under part B of title IV; or”;

1           (B) by striking paragraph (3) and insert-  
2           ing the following:

3           ~~“(3) LIMITATIONS BASED ON ENROLLMENT.—~~

4           An institution shall not be considered to meet the  
5           definition of an institution of higher education in  
6           paragraph (1) if such institution—

7           ~~“(A) has a student enrollment in which  
8           more than 25 percent of the students are incar-  
9           cerated; except that the Secretary may waive  
10          the limitation contained in this subparagraph  
11          for a nonprofit institution that provides a 2- or  
12          4-year program of instruction (or both) for  
13          which the institution awards a bachelor’s de-  
14          gree; or an associate’s degree or a postsec-  
15          ondary diploma; respectively; or~~

16          ~~“(B) has a student enrollment in which  
17          more than 50 percent of the students do not  
18          have a secondary school diploma or its recog-  
19          nized equivalent; and does not provide a 2- or  
20          4-year program of instruction (or both) for  
21          which the institution awards a bachelor’s degree  
22          or an associate’s degree; respectively; except  
23          that the Secretary may waive the limitation  
24          contained in this subparagraph if a nonprofit  
25          institution demonstrates to the satisfaction of~~

1 the Secretary that the institution exceeds such  
 2 limitation because the institution serves,  
 3 through contracts with Federal, State, or local  
 4 government agencies, significant numbers of  
 5 students who do not have a secondary school di-  
 6 ploma or its recognized equivalent.”;

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

10 (D) by inserting after paragraph (3) the  
 11 following:

12 “(4) LIMITATIONS BASED ON MODE OF DELIV-  
 13 ERY.—

14 “(A) IN GENERAL.—An institution shall  
 15 not be considered to meet the definition of an  
 16 institution of higher education in paragraph (1)  
 17 if such institution—

18 “(i) offers more than 50 percent of  
 19 such institution’s courses by correspond-  
 20 ence, unless the institution is an institution  
 21 that meets the definition in section 3(3)(C)  
 22 of the Carl D. Perkins Vocational and  
 23 Technical Education Act of 1998; or

24 “(ii) enrolls 50 percent or more of the  
 25 institution’s students in correspondence

1 courses, unless the institution is an institu-  
2 tion that meets the definition in such see-  
3 tion 3(3)(C), except that the Secretary, at  
4 the request of such institution, may waive  
5 the applicability of this subparagraph to  
6 such institution for good cause, as deter-  
7 mined by the Secretary in the case of an  
8 institution of higher education that pro-  
9 vides a 2- or 4-year program of instruction  
10 (or both) for which the institution awards  
11 an associate or baccalaureate degree, re-  
12 spectively.

13 “(B) DISTANCE EDUCATION PROGRAM ELI-  
14 GIBILITY.—Notwithstanding subparagraph (A),  
15 an institution of higher education, other than a  
16 foreign institution, that offers education or  
17 training programs principally through distance  
18 education shall be considered to meet the defini-  
19 tion of an institution of higher education in  
20 paragraph (1) if such institution—

21 “(i) has been evaluated and deter-  
22 mined (before or after the date of enact-  
23 ment of the Higher Education Amend-  
24 ments of 2005) to have capability to effec-  
25 tively deliver distance education programs

1 by an accrediting agency or association  
2 that—

3 “(I) is recognized by the Sec-  
4 retary under title IV; and

5 “(II) has evaluation of distance  
6 education programs within the scope  
7 of its recognition; as described in sec-  
8 tion 496(n)(3);

9 “(ii) is otherwise eligible to participate  
10 in programs authorized under title IV;

11 “(iii) has not had its participation in  
12 programs under title IV suspended or ter-  
13 minated within the 5 years preceding the  
14 year for which the determination is made;

15 “(iv) has not had, or failed to resolve,  
16 an audit finding or program review finding  
17 under this Act during the 2 years pre-  
18 ceeding the year for which the determina-  
19 tion is made that, following any appeal to  
20 the Secretary, resulted in the institution  
21 being required to repay an amount that is  
22 equal to or greater than 25 percent of the  
23 total funds the institution received under  
24 the programs authorized under title IV for  
25 the most recent award year; and

1           “(v) has met the requirements of sec-  
2           tion 487(d), if applicable.

3           “(C) DEFINITION.—

4           “(i) IN GENERAL.—In this Act, except  
5           as otherwise provided, the term ‘distance  
6           education’ means a course or program that  
7           uses  $\pm$  or more of the technologies de-  
8           scribed in clause (ii) to—

9                   “(I) deliver instruction to stu-  
10                   dents who are separated from the in-  
11                   structor; and

12                   “(II) support regular and sub-  
13                   stantive interaction between the stu-  
14                   dents and the instructor, either syn-  
15                   chronously or asynchronously.

16           “(ii) INCLUSIONS.—For the purposes  
17           of clause (i), the technologies used may in-  
18           clude—

19                   “(I) the Internet;

20                   “(II) one-way and two-way trans-  
21                   missions through open broadcast,  
22                   closed circuit, cable, microwave,  
23                   broadband lines, fiber optics, satellite,  
24                   or wireless communications devices;

25                   “(III) audio conferencing; or



- 1                   “(IV) video cassette, DVDs, and  
 2                   CD-ROMs, provided that they are  
 3                   used in a course in conjunction with  
 4                   the technologies listed in subclauses  
 5                   (I) through (III).”; and  
 6                   (2) in subsection (b)(1)—  
 7                   (A) in subparagraph (D), by inserting  
 8                   “and” after the semicolon;  
 9                   (B) in subparagraph (E), by striking “;  
 10                   and” and inserting a period; and  
 11                   (C) by striking subparagraph (F).

12 **SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIA-**  
 13 **TION RIGHTS.**

14 Section 112 (20 U.S.C. 1011a) is amended—

- 15                   (1) in subsection (a)—  
 16                   (A) by inserting “(1)” before “It is the  
 17                   sense”; and  
 18                   (B) by adding at the end the following:  
 19                   “(2) It is the sense of Congress that—  
 20                   “(A) the diversity of institutions and edu-  
 21                   cational missions is one of the key strengths of  
 22                   American higher education;  
 23                   “(B) individual colleges and universities have  
 24                   different missions and each institution should design

1 its academic program in accordance with its edu-  
 2 cational goals;

3 “(C) within the context of institutional mission,  
 4 a college should facilitate the free and open ex-  
 5 change of ideas;

6 “(D) students should not be intimidated, har-  
 7 assed, discouraged from speaking out, or discrimi-  
 8 nated against;

9 “(E) students should be treated equally and  
 10 fairly; and

11 “(F) nothing in this paragraph shall be con-  
 12 strued to modify, change, or infringe upon any con-  
 13 stitutionally protected religious liberty, freedom, ex-  
 14 pression, or association.”; and

15 (2) in subsection (b)(1), by inserting “; pro-  
 16 vided that the imposition of such sanction is done  
 17 objectively and fairly” after “higher education”.

18 **SEC. 105. NATIONAL ADVISORY COMMITTEE ON INSTITU-**  
 19 **TIONAL QUALITY AND INTEGRITY.**

20 Section 114(g) (20 U.S.C. 1011e(g)) is amended by  
 21 striking “September 30, 2004” and inserting “September  
 22 30, 2011”.

23 **SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.**

24 Section 120 (20 U.S.C. 1011i) is amended by striking  
 25 subsections (e) and (f) and inserting the following:

1       “(e) GRANTS DIRECTED AT REDUCING HIGHER  
2 EDUCATION DRUG AND ALCOHOL ABUSE.—

3               “(1) AUTHORIZATION OF PROGRAM.—The Sec-  
4 retary may award grants to eligible entities to enable  
5 the entities to reduce the rate of drug abuse, under-  
6 age alcohol use, and binge drinking among students  
7 at institutions of higher education.

8               “(2) APPLICATIONS.—An eligible entity that de-  
9 sires to receive a grant under this subsection shall  
10 submit an application to the Secretary at such time,  
11 in such manner, and accompanied by such informa-  
12 tion as the Secretary may require. Each application  
13 shall include—

14                       “(A) a description of how the eligible enti-  
15 ty will work to enhance an existing, or where  
16 none exists to build a, statewide coalition;

17                       “(B) a description of how the eligible enti-  
18 ty will target underage students in the State;

19                       “(C) a description of how the eligible enti-  
20 ty intends to ensure that the statewide coalition  
21 is actually implementing the purpose described  
22 in paragraph (1) and moving toward the  
23 achievement indicators described in paragraph  
24 (4);

1           “(D) a list of the members of the statewide  
2 coalition or interested parties involved in the  
3 work of the eligible entity;

4           “(E) a description of how the eligible enti-  
5 ty intends to work with State agencies on sub-  
6 stance abuse prevention and education;

7           “(F) the anticipated impact of funds pro-  
8 vided under this subsection in reducing the  
9 rates of drug abuse and underage alcohol use;

10          “(G) outreach strategies, including ways in  
11 which the eligible entity proposes to—

12           “(i) reach out to students;

13           “(ii) promote the purpose described in  
14 paragraph (1);

15           “(iii) address the range of needs of  
16 the students and the surrounding commu-  
17 nities; and

18           “(iv) address community norms for  
19 underage students regarding drug abuse  
20 and alcohol use; and

21          “(H) such additional information as re-  
22 quired by the Secretary.

23          “(3) USES OF FUNDS.—Each eligible entity  
24 that receives a grant under this subsection shall use  
25 the grant funds to carry out the activities described

1 in such entity's application submitted pursuant to  
2 paragraph (2).

3 “(4) ACCOUNTABILITY.—On the date on which  
4 the Secretary first publishes a notice in the Federal  
5 Register soliciting applications for grants under this  
6 subsection, the Secretary shall include in the notice  
7 achievement indicators for the program authorized  
8 under this subsection. The achievement indicators  
9 shall be designed—

10 “(A) to measure the impact that the state-  
11 wide coalitions assisted under this subsection  
12 are having on the institutions of higher edu-  
13 cation and the surrounding communities, in-  
14 cluding changes in the number of alcohol and  
15 drug-related abuse incidents of any kind (in-  
16 cluding violations, physical assaults, sexual as-  
17 saults, reports of intimidation, disruptions of  
18 school functions, disruptions of student studies,  
19 mental health referrals, illnesses, or deaths);

20 “(B) to measure the quality and accessi-  
21 bility of the programs or information offered by  
22 the statewide coalitions; and

23 “(C) to provide such other measures of  
24 program impact as the Secretary determines  
25 appropriate.

1           “(5) SUPPLEMENT NOT SUPPLANT.—Grant  
2 funds provided under this subsection shall be used to  
3 supplement, and not supplant, Federal and non-Fed-  
4 eral funds available for carrying out the activities  
5 described in this subsection.

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

7           “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
8 ble entity’ means a State, an institution of  
9 higher education, or a nonprofit entity.

10           “(B) INSTITUTION OF HIGHER EDU-  
11 CATION.—The term ‘institution of higher edu-  
12 cation’ has the meaning given the term in sec-  
13 tion 101(a).

14           “(C) STATE.—The term ‘State’ means  
15 each of the 50 States, the District of Columbia,  
16 and the Commonwealth of Puerto Rico.

17           “(D) STATEWIDE COALITION.—The term  
18 ‘statewide coalition’ means a coalition that—

19           “(i) includes—

20           “(I) institutions of higher edu-  
21 cation within a State; and

22           “(II) a nonprofit group; a com-  
23 munity drug abuse or underage drink-  
24 ing prevention coalition; or another

1 substance abuse prevention group  
2 within a State; and

3 “(ii) works toward lowering the alco-  
4 hol abuse rate by targeting underage stu-  
5 dents at institutions of higher education  
6 throughout the State and in the sur-  
7 rounding communities.

8 “(E) SURROUNDING COMMUNITY.—The  
9 term ‘surrounding community’ means the com-  
10 munity—

11 “(i) that surrounds an institution of  
12 higher education participating in a state-  
13 wide coalition;

14 “(ii) where the students from the in-  
15 stitution of higher education take part in  
16 the community; and

17 “(iii) where students from the institu-  
18 tion of higher education live in off-campus  
19 housing.

20 “(7) ADMINISTRATIVE EXPENSES.—Not more  
21 than 5 percent of a grant awarded under this sub-  
22 section may be expended for administrative ex-  
23 penses.

24 “(8) AUTHORIZATION OF APPROPRIATIONS.—

25 There are authorized to be appropriated to carry out

1 this subsection such sums as may be necessary for  
 2 fiscal year 2006 and each of the 5 succeeding fiscal  
 3 years.”.

4 **SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.**

5 Section 121(a) (20 U.S.C. 1011j(a)) is amended—

6 (1) in paragraph (1), by striking “1999” and  
 7 inserting “2006”; and

8 (2) in paragraph (2), by striking “1999” and  
 9 inserting “2006”.

10 **SEC. 108. COST OF HIGHER EDUCATION.**

11 Section 131 (20 U.S.C. 1015) is amended—

12 (1) by striking subsection (b) and inserting the  
 13 following:

14 “(b) COLLEGE CONSUMER INFORMATION.—

15 “(1) IN GENERAL.—The Secretary shall make  
 16 available to the public, on an annual basis, the infor-  
 17 mation described in paragraph (2), in a form that  
 18 enables the public to compare the information  
 19 among institutions of higher education. Such infor-  
 20 mation shall be made available for each of the cat-  
 21 egories described in paragraph (3) and updated reg-  
 22 ularly.

23 “(2) INFORMATION.—The information de-  
 24 scribed in this paragraph is the following:



1           “(A) Tuition and fees for a full-time un-  
2           dergraduate student.

3           “(B) Cost of attendance for a full-time un-  
4           dergraduate student.

5           “(C) The average annual cost of attend-  
6           ance for a full-time undergraduate student for  
7           the 10 academic years preceding the year for  
8           which the information is made available under  
9           this subsection, or if data are not available for  
10          such 10 preceding academic years, data for as  
11          many of such 10 preceding academic years as  
12          are available.

13          “(D) The percentage of full-time under-  
14          graduate students receiving financial assistance,  
15          including—

16                  “(i) Federal grants;

17                  “(ii) State and local grants;

18                  “(iii) institutional grants; and

19                  “(iv) loans to students.

20          “(E) The percentage of students success-  
21          fully transferring academic credit from another  
22          institution of higher education.

23          “(F) Information regarding students who  
24          have completed an undergraduate certificate or

1 degree program and who are placed in employ-  
2 ment.

3 “(G) Information regarding students who  
4 have completed an undergraduate degree and  
5 who enroll in graduate education.

6 “(H) A ranking of the dollar and percent-  
7 age increases in tuition for all institutions of  
8 higher education for which data are available,  
9 disaggregated by quartiles.

10 “(3) CATEGORIES.—The categories described in  
11 this paragraph are as follows:

12 “(A) All institutions of higher education.

13 “(B) 4-year public, degree-granting, insti-  
14 tutions of higher education.

15 “(C) 2-year public, degree-granting, insti-  
16 tutions of higher education.

17 “(D) 4-year, nonprofit, private, degree-  
18 granting institutions of higher education.

19 “(E) 2-year, nonprofit, private, degree-  
20 granting institutions of higher education.

21 “(F) 4-year, for-profit, private, degree-  
22 granting institutions of higher education.

23 “(G) 2-year, for-profit, private, degree-  
24 granting institutions of higher education.

1           “(4) STANDARD DEFINITIONS.—In carrying out  
2 this section, the Secretary shall use the standard  
3 definitions developed under subsection (a)(3).”;  
4           (2) in subsection (c)—

5           (A) in paragraph (1), by inserting “be con-  
6 ducted on an annual basis and” after “Such  
7 study shall”;

8           (B) in paragraph (2)—

9           (i) in subparagraph (B), by striking  
10 “and” after the semicolon;

11           (ii) in subparagraph (C), by striking  
12 the period and inserting a semicolon; and

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

15           “(D) the average cost of attending an in-  
16 stitution of higher education, disaggregated by  
17 category, as described in subsection (b)(3), of  
18 institution of higher education;

19           “(E) the average annual cost of attending  
20 an institution of higher education for the 10  
21 academic years preceding the year for which the  
22 study is conducted (if available), disaggregated  
23 by category, as described in subsection (b)(3),  
24 of institution of higher education; and

1           “(F) the assistance provided to institutions  
2 of higher education by each State, which infor-  
3 mation the Secretary shall make available to  
4 the public.”;

5           (C) in paragraph (3)—

6           (i) in the paragraph heading, by strik-  
7 ing “FINAL” and inserting “ANNUAL”;

8           (ii) by striking “a report” and insert-  
9 ing “an annual report”; and

10           (iii) by striking “not later than Sep-  
11 tember 30, 2002”; and

12           (D) by striking paragraph (4) and insert-  
13 ing the following:

14           “(4) HIGHER EDUCATION COST INDEX.—The  
15 Bureau of Labor Statistics, in consultation with the  
16 Commissioner of Education Statistics, shall develop  
17 a higher education cost index that tracks inflation  
18 changes in the relevant costs associated with higher  
19 education.”.

20 **SEC. 109. PERFORMANCE-BASED ORGANIZATION FOR THE**  
21 **DELIVERY OF FEDERAL STUDENT FINANCIAL**  
22 **ASSISTANCE.**

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

24           (1) in subsection (a)—

1           (A) in paragraph (1), by striking “oper-  
2           ational” and inserting “administrative and  
3           oversight”; and

4           (B) in paragraph (2)(D), by striking “of  
5           the operational functions” and inserting “and  
6           administration”;

7           (2) in subsection (b)—

8           (A) in paragraph (1)—

9           (i) in subparagraph (A), by striking  
10           “the information systems administered by  
11           the PBO, and other functions performed  
12           by the PBO” and inserting “the Federal  
13           student financial assistance programs au-  
14           thorized under title IV”; and

15           (ii) by striking subparagraph (C) and  
16           inserting the following:

17           “(C) assist the Chief Operating Officer in  
18           identifying goals for—

19           “(i) the administration of the systems  
20           used to administer the Federal student fi-  
21           nancial assistance programs authorized  
22           under title IV; and

23           “(ii) the updating of such systems to  
24           current technology.”; and

25           (B) in paragraph (2)—

1 (i) in the matter preceding subpara-  
2 graph (A), by striking “administration of  
3 the information and financial systems that  
4 support” and inserting “the administration  
5 of Federal”;

6 (ii) in subparagraph (A)—

7 (I) in the matter preceding clause  
8 (i), by striking “of the delivery system  
9 for Federal student assistance” and  
10 inserting “for the Federal student as-  
11 sistance programs authorized under  
12 title IV”;

13 (II) by striking clauses (i) and  
14 (ii) and inserting the following:

15 “(i) the collection, processing, and  
16 transmission of data to students, institu-  
17 tions, lenders, State agencies, and other  
18 authorized parties;

19 “(ii) the design and technical speci-  
20 fications for software development and pro-  
21 curement for systems supporting the stu-  
22 dent financial assistance programs author-  
23 ized under title IV”;

1 (III) in clause (iii), by striking  
2 “delivery” and inserting “administra-  
3 tion”;

4 (IV) in clause (iv)—

5 (aa) by inserting “the” after  
6 “supporting”; and

7 (bb) by striking “and” after  
8 the semicolon;

9 (V) in clause (v), by striking  
10 “systems that support those pro-  
11 grams.” and inserting “the adminis-  
12 tration of the Federal student assist-  
13 ance programs authorized under title  
14 IV; and”;

15 (VI) by adding at the end the fol-  
16 lowing:

17 “(vi) ensuring the integrity of the stu-  
18 dent assistance programs authorized under  
19 title IV.”; and

20 (iii) in subparagraph (B), by striking  
21 “operations and services” and inserting  
22 “activities and functions”; and

23 (3) in subsection (c)—

24 (A) in paragraph (1)(C)—

- 1 (i) in clause (iii), by striking “infor-  
2 mation and delivery”; and  
3 (ii) in clause (iv)—  
4 (I) by striking “Developing an”  
5 and inserting “Developing”; and  
6 (II) by striking “delivery and in-  
7 formation system” and inserting “sys-  
8 tems”;
- 9 (B) in paragraph (2)—  
10 (i) in subparagraph (A), by inserting  
11 “the” after “PBO and”; and  
12 (ii) in subparagraph (B), by striking  
13 “Officer” and inserting “Officers”; and  
14 (C) in paragraph (3), by inserting “stu-  
15 dents,” after “consult with”;
- 16 (4) in subsection (d)—  
17 (A) in paragraph (1), by striking the sec-  
18 ond sentence; and  
19 (B) in paragraph (5)—  
20 (i) in subparagraph (B), by striking  
21 “paragraph (2)” and inserting “paragraph  
22 (4)”; and  
23 (ii) in subparagraph (C), by striking  
24 “this”;
- 25 (5) in subsection (f)—



1           (A) in paragraph (2), by striking “to bor-  
2           rowers” and inserting “to students, bor-  
3           rowers,”; and

4           (B) in paragraph (3)(A), by striking  
5           “(1)(A)” and inserting “(1)”;

6           (6) in subsection (g)(3), by striking “not more  
7           than 25”;

8           (7) in subsection (h), by striking “organiza-  
9           tional effectiveness” and inserting “effectiveness”;

10          (8) by striking subsection (i);

11          (9) by redesignating subsection (j) as sub-  
12          section (i); and

13          (10) in subsection (i) (as redesignated by para-  
14          graph (9)), by striking “, including transition costs”.

15 **SEC. 110. PROCUREMENT FLEXIBILITY.**

16          Section 142 (20 U.S.C. 1018a) is amended—

17           (1) in subsection (b)—

18            (A) in paragraph (1)—

19              (i) by striking “for information sys-  
20              tems supporting the programs authorized  
21              under title IV”; and

22              (ii) by striking “and” after the semi-  
23              colon;

24            (B) in paragraph (2), by striking the pe-  
25            riod at the end and inserting “, and”; and

1           (C) by adding at the end the following:

2           ~~“(3) through the Chief Operating Officer—~~

3           ~~“(A) to the maximum extent practicable,~~  
4           ~~utilize procurement systems that streamline op-~~  
5           ~~erations; improve internal controls; and enhance~~  
6           ~~management; and~~

7           ~~“(B) assess the efficiency of such systems~~  
8           ~~and assess such systems’ ability to meet PBO~~  
9           ~~requirements.”;~~

10          (2) by striking subsection (c)(2) and inserting  
11          the following:

12          ~~“(2) FEE FOR SERVICE ARRANGEMENTS.—The~~  
13          ~~Chief Operating Officer shall, when appropriate and~~  
14          ~~consistent with the purposes of the PBO, acquire~~  
15          ~~services related to the functions set forth in section~~  
16          ~~141(b)(2) from any entity that has the capability~~  
17          ~~and capacity to meet the requirements set by the~~  
18          ~~PBO. The Chief Operating Officer is authorized to~~  
19          ~~pay fees that are equivalent to those paid by other~~  
20          ~~entities to an organization that provides services~~  
21          ~~that meet the requirements of the PBO, as deter-~~  
22          ~~mined by the Chief Operating Officer.”;~~

23          (3) in subsection (d)(2)(B), by striking “on  
24          Federal Government contracts”;

25          (4) in subsection (g)—

1                   (A) in paragraph (4)(A)—

2                   (i) in the subparagraph heading, by  
3 striking “SOLE SOURCE.—” and inserting  
4 “SINGLE-SOURCE BASIS.—”; and

5                   (ii) by striking “sole-source” and in-  
6 serting “single-source”; and

7                   (B) in paragraph (7), by striking “sole-  
8 source” and inserting “single-source”;

9                   (5) in subsection (h)(2)(A), by striking “sole-  
10 source” and inserting “single-source”; and

11                   (6) in subsection (l), by striking paragraph (3)  
12 and inserting the following:

13                   “~~(3)~~ SINGLE-SOURCE BASIS.—The term ‘single-  
14 source basis’, with respect to an award of a contract,  
15 means that the contract is awarded to a source after  
16 soliciting an offer or offers from, and negotiating  
17 with, only such source (although such source is not  
18 the only source in the marketplace capable of meet-  
19 ing the need) because such source is the most advan-  
20 tageous source for purposes of the award.”.

1       **TITLE II—TEACHER QUALITY**  
 2                   **ENHANCEMENT**

3       **SEC. 201. TEACHER QUALITY ENHANCEMENT GRANTS FOR**  
 4                   **STATES AND PARTNERSHIPS.**

5           Part A of title II (20 U.S.C. 1021 et seq.) is amended  
 6 to read as follows:

7       **“PART A—TEACHER QUALITY ENHANCEMENT**  
 8                   **GRANTS FOR STATES AND PARTNERSHIPS**

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

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

11           “(1) improve student achievement;

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

16           “(3) hold institutions of higher education ac-  
 17 countable for preparing highly qualified teachers;  
 18 and

19           “(4) recruit qualified individuals, including mi-  
 20 norities and individuals from other occupations, into  
 21 the teaching force.

22       “(b) DEFINITIONS.—In this part:

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

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

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

11          “(2) CHILDREN FROM LOW-INCOME FAMI-  
12          LIES.—The term ‘children from low-income families’  
13          means children as described in section 1124(c)(1)(A)  
14          of the Elementary and Secondary Education Act of  
15          1965.

16          “(3) EARLY CHILDHOOD EDUCATION PRO-  
17          GRAM.—The term ‘early childhood education pro-  
18          gram’ means a Head Start program or an Early  
19          Head Start program carried out under the Head  
20          Start Act (42 U.S.C. 9831 et seq.); a State licensed  
21          or regulated child care program or school; or a State  
22          prekindergarten program that serves children from  
23          birth through kindergarten and that addresses the  
24          children’s cognitive (including language, early lit-

1 eracy, and pre-numeracy), social, emotional, and  
 2 physical development.

3 “(4) EARLY CHILDHOOD EDUCATOR.—The  
 4 term ‘early childhood educator’ means an individual  
 5 with primary responsibility for the education of chil-  
 6 dren in an early childhood education program.

7 “(5) EDUCATIONAL SERVICE AGENCY.—The  
 8 term ‘educational service agency’ has the meaning  
 9 given such term in section 9101 of the Elementary  
 10 and Secondary Education Act of 1965.

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

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

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

21 “(ii) for which not less than 20 percent of  
 22 the children served by the agency are children  
 23 from low-income families; or

24 “(iii) with a total of less than 600 students  
 25 in average daily attendance at the schools that

1 are served by the agency and all of whose  
2 schools are designated with a school locale code  
3 of 7 or 8, as determined by the Secretary; and

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

8 “(ii) for which there is a high teacher  
9 turnover rate or a high percentage of teachers  
10 with emergency, provisional, or temporary cer-  
11 tification or licensure.

12 “(8) HIGHLY QUALIFIED.—The term ‘highly  
13 qualified’ has the meaning given such term in sec-  
14 tion 9101 of the Elementary and Secondary Edu-  
15 cation Act of 1965 and, with respect to special edu-  
16 cation teachers, in section 602 of the Individuals  
17 with Disabilities Education Act.

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

22 “(10) SCIENTIFICALLY BASED READING RE-  
23 SEARCH.—The term ‘scientifically based reading re-  
24 search’ has the meaning given such term in section

1 1208 of the Elementary and Secondary Education  
2 Act of 1965.

3 “(11) SCIENTIFICALLY BASED RESEARCH.—

4 The term ‘scientifically based research’ has the  
5 meaning given such term in section 9101 of the Ele-  
6 mentary and Secondary Education Act of 1965.

7 “(12) TEACHER MENTORING.—The term  
8 ‘teacher mentoring’ means mentoring of teachers  
9 through an established or implemented program—

10 “(A) that includes qualifications for men-  
11 tors;

12 “(B) that provides training for mentors;

13 “(C) that provides regular and ongoing op-  
14 portunities for mentors and mentees to observe  
15 each other’s teaching methods in classroom set-  
16 tings during the school day;

17 “(D) in which the mentoring is provided by  
18 a colleague who teaches in the same field,  
19 grade, or subject as the mentee; and

20 “(E) that includes—

21 “(i) common planning time or regu-  
22 larly scheduled collaboration with teachers  
23 in the teachers’ same field, grade, or sub-  
24 ject area; and



1                   “(ii) additional professional develop-  
2                   ment opportunities.

3                   “(13) TEACHING SKILLS.—The term ‘teaching  
4                   skills’ means the ability to—

5                   “(A) increase student achievement;

6                   “(B) effectively convey and explain aca-  
7                   demic subject matter;

8                   “(C) employ strategies that—

9                   “(i) are based on scientifically based  
10                  research;

11                  “(ii) are specific to academic subject  
12                  matter; and

13                  “(iii) focus on identification and tai-  
14                  loring of academic instruction to students’  
15                  specific learning needs, particularly stu-  
16                  dents with disabilities, students who are  
17                  limited English proficient, and students  
18                  who are gifted and talented;

19                  “(D) conduct ongoing assessment of stu-  
20                  dent learning;

21                  “(E) effectively manage a classroom;

22                  “(F) communicate and work with parents  
23                  and guardians, and involve parents and guard-  
24                  ians in their children’s education; and

1           “(G) in the case of an early childhood edu-  
2           cator, use age appropriate strategies and prac-  
3           tices for children in early childhood education  
4           programs.

5 **“SEC. 202. STATE GRANTS.**

6           “(a) IN GENERAL.—From amounts made available  
7 under section 209(a)(1) for a fiscal year, the Secretary  
8 is authorized to award grants under this section, on a  
9 competitive basis, to eligible States to enable the eligible  
10 States to carry out the activities described in subsections  
11 (d) and (e).

12           “(b) ELIGIBLE STATE.—

13           “(1) DEFINITION.—In this part, the term ‘eligi-  
14           ble State’ means—

15           “(A) the Governor of a State; or

16           “(B) in the case of a State for which the  
17           constitution or law of such State designates an-  
18           other individual, entity, or agency in the State  
19           to be responsible for teacher certification or li-  
20           censure and preparation activity, such indi-  
21           vidual, entity, or agency.

22           “(2) CONSULTATION.—The Governor or the in-  
23           dividual, entity, or agency designated under para-  
24           graph (1)(B) shall consult with the Governor, State  
25           board of education, State educational agency, State

1 agency for higher education, or other applicable  
2 State entities (including the State agency responsible  
3 for early childhood education); as appropriate, with  
4 respect to the activities assisted under this section,  
5 including the development of the grant application  
6 and implementation of the activities.

7 “(3) CONSTRUCTION.—Nothing in this sub-  
8 section shall be construed to negate or supersede the  
9 legal authority under State law of any State agency,  
10 State entity, or State public official over programs  
11 that are under the jurisdiction of the agency, entity,  
12 or official.

13 “(c) APPLICATION.—To be eligible to receive a grant  
14 under this section, an eligible State shall submit an appli-  
15 cation to the Secretary that—

16 “(1) meets the requirement of this section;

17 “(2) demonstrates that the eligible State is in  
18 full compliance with—

19 “(A) sections 206(b) and 207; and

20 “(B) if applicable, sections 207(b) and  
21 208, as such sections were in effect on the day  
22 before the date of enactment of the Higher  
23 Education Amendments of 2005;

1           “(3) includes a description of how the eligible  
2 State intends to use funds provided under this sec-  
3 tion;

4           “(4) includes measurable objectives for the use  
5 of the funds provided under this section;

6           “(5) describes how funded activities will—

7           “(A) reduce shortages, if any, of—

8                   “(i) highly qualified general and spe-  
9 cial education teachers, including in low-in-  
10 come urban and rural areas and in high-  
11 need academic subject areas; and

12                   “(ii) fully competent early childhood  
13 educators; and

14           “(B) be consistent with State, local, and  
15 other education reform activities that promote  
16 effective teaching skills and student academic  
17 achievement and consistent with State early  
18 learning standards for early childhood education  
19 programs, including how funded activities will  
20 support carrying out the applicable require-  
21 ments of the eligible State under sections 1111  
22 and 1119 of the Elementary and Secondary  
23 Education Act of 1965, and section 612(a)(14)  
24 of the Individuals with Disabilities Education  
25 Act;

1           “(6) contains an assurance that the eligible  
2 State will carry out each of the intended uses of  
3 grant funds described in paragraph (3);

4           “(7) describes the eligible State’s—

5               “(A) current capacity to measure the effec-  
6 tiveness of teacher preparation programs and  
7 professional development activities within the  
8 State using available statewide data;

9               “(B) activities to enhance or expand the  
10 integration of existing data systems to better  
11 measure the effectiveness of teacher preparation  
12 programs and professional development activi-  
13 ties within the State; or

14               “(C) if such data systems do not exist,  
15 plans for the development of an integrated  
16 statewide data system to measure the effective-  
17 ness of teacher preparation programs and pro-  
18 fessional development activities within the State  
19 using available statewide data; and

20           “(8) contains such other information and assur-  
21 ances as the Secretary may require.

22           “(d) REQUIRED USES OF FUNDS.—An eligible State  
23 that receives a grant under this section shall use the grant  
24 funds to reform teacher preparation requirements; to co-  
25 ordinate with State activities under section 2113(e) of the

1 Elementary and Secondary Education Act of 1965 and  
2 subsections (a) and (b) of section 654 of the Individuals  
3 with Disabilities Education Act, and to ensure that cur-  
4 rent and prospective teachers are highly qualified, by ear-  
5 rying out each of the following activities:

6           “(1) REFORMS.—Ensuring that all teacher  
7 preparation programs in the State are preparing  
8 current or prospective teachers to become highly  
9 qualified, to understand scientifically based research  
10 and its applicability, and to use technology effec-  
11 tively, including use of instructional techniques to  
12 improve student academic achievement, by assisting  
13 such programs—

14                   “(A) in retraining faculty;

15                   “(B) in designing (or redesigning) teacher  
16 preparation programs so that such programs—

17                           “(i) are based on rigorous academic  
18 content and scientifically based research  
19 (including scientifically based reading re-  
20 search), and aligned with challenging State  
21 academic content standards;

22                           “(ii) promote effective teaching skills;  
23 and

24                           “(iii) promote understanding of effec-  
25 tive instructional strategies for students

1 with special needs, including students with  
2 disabilities, students who are limited  
3 English proficient, and students who are  
4 gifted and talented;

5 “(C) in ensuring collaboration with depart-  
6 ments, programs, or units outside of the teach-  
7 er preparation program in relevant academic  
8 content areas to ensure a successful combina-  
9 tion of training in both teaching and such con-  
10 tent;

11 “(D) in developing high-quality, rigorous  
12 clinical experiences (that include student teach-  
13 ing experience) in which students participate  
14 while enrolled in a teacher preparation pro-  
15 gram, lasting not less than 1 term, through dis-  
16 semination of best practices, technical assist-  
17 ance, or other relevant activities; and

18 “(E) in collecting and using data, in col-  
19 laboration with institutions of higher education,  
20 schools, and local educational agencies, on  
21 teacher retention rates, by school, to evaluate  
22 and strengthen the effectiveness of the State’s  
23 teacher support system.

1           “(2) CERTIFICATION OR LICENSURE REQUIRE-  
2           MENTS.—Reforming teacher certification or licen-  
3           sure requirements to ensure that—

4                   “(A) teachers have the academic content  
5                   knowledge and teaching skills in the academic  
6                   subject areas that the teachers teach that are  
7                   necessary to help students meet challenging  
8                   State student academic achievement standards;

9                   “(B) such requirements are aligned with  
10                  challenging State academic content standards;

11                  “(C) teacher certification and licensure as-  
12                  sessments are—

13                          “(i) used for purposes for which such  
14                          assessments are valid and reliable;

15                          “(ii) consistent with relevant, profes-  
16                          sional, and technical standards; and

17                          “(iii) aligned with the reporting re-  
18                          quirements of sections 205 and 206; and

19                  “(D) such requirements for high-need aca-  
20                  demic subject areas (such as reading, mathe-  
21                  matics, science, and foreign language, including  
22                  less commonly taught languages) and high-need  
23                  areas (such as special education, language in-  
24                  struction educational programs, and early child-  
25                  hood education) exist and reflect qualifications



1 to help students meet high standards, which  
2 may include the development of a State test for  
3 such areas.

4 ~~“(3) EVALUATION.—~~

5 ~~“(A) ANNUAL EVALUATION.—An eligible~~  
6 ~~State that receives a grant under this section~~  
7 ~~shall evaluate annually the effectiveness of~~  
8 ~~teacher preparation programs and professional~~  
9 ~~development activities within the State. To the~~  
10 ~~extent practicable, such evaluation shall exam-~~  
11 ~~ine—~~

12 ~~“(i) teachers’ contributions to improv-~~  
13 ~~ing student academic achievement, as~~  
14 ~~measured by State academic assessments~~  
15 ~~required under section 1111(b)(3) of the~~  
16 ~~Elementary and Secondary Education Act~~  
17 ~~of 1965; and~~

18 ~~“(ii) teacher mastery of the academic~~  
19 ~~subject matter the teachers teach.~~

20 ~~“(B) PUBLIC REPORTING.—The eligible~~  
21 ~~State shall make the information described in~~  
22 ~~subparagraph (A) (except such information that~~  
23 ~~is individually identifiable) widely available~~  
24 ~~through public means, such as posting on the~~

1 Internet, distribution to the media, and dis-  
2 tribution through public agencies.

3 “(C) BETTER MEASUREMENT OF EFFEC-  
4 TIVENESS.—

5 “(i) IN GENERAL.—An eligible State  
6 that receives a grant under this section  
7 and does not have the capacity to measure  
8 the effectiveness of teacher preparation  
9 programs and professional development ac-  
10 tivities within the State using available  
11 statewide data, shall use a portion of funds  
12 received under this section to enhance or  
13 expand the integration of existing data sys-  
14 tems, as described in subsection (e)(7)(B),  
15 or develop an integrated statewide data  
16 system, as described in subsection  
17 (e)(7)(C), to better measure the effective-  
18 ness of teacher preparation programs on  
19 student learning and achievement, and the  
20 impact of pre-service and ongoing profes-  
21 sional development on teacher placement  
22 and retention.

23 “(ii) TECHNICAL QUALITY; STUDENT  
24 PRIVACY; FUNDS FROM OTHER SOURCES.—

1 In carrying out clause (i), the eligible State  
2 shall ensure—

3 “(I) the technical quality of the  
4 data system to maximize the validity,  
5 reliability, and accessibility of the  
6 data;

7 “(II) that student privacy is pro-  
8 tected and that individually identifi-  
9 able information about students, their  
10 achievements, and their families re-  
11 mains confidential, in accordance with  
12 the Family Educational Rights and  
13 Privacy Act of 1974; and

14 “(III) that funds provided under  
15 this section are used to supplement  
16 State efforts to enhance or expand the  
17 integration of existing data systems or  
18 to develop an integrated statewide  
19 data system.

20 “(e) ALLOWABLE USES OF FUNDS.—An eligible  
21 State that receives a grant under this section may use the  
22 grant funds to reform teacher preparation requirements,  
23 to coordinate with State activities under section 2113(e)  
24 of the Elementary and Secondary Education Act of 1965  
25 and subsections (a) and (b) of section 654 of the Individ-

1 uals with Disabilities Education Act, and to ensure that  
2 current and future teachers are highly qualified, by ear-  
3 rying out any of the following activities:

4           “(1) ALTERNATIVES TO TRADITIONAL PREPA-  
5           RATION FOR TEACHING AND STATE CERTIFICATION  
6           OR LICENSURE.—Providing prospective teachers  
7           with alternative routes to State certification or licen-  
8           sure and alternative route programs to become high-  
9           ly qualified teachers through—

10                   “(A) innovative approaches that reduce un-  
11                   necessary barriers to State certification or licen-  
12                   sure while producing highly qualified teachers;

13                   “(B) a selective means for admitting indi-  
14                   viduals into such programs that includes pas-  
15                   sage of State approved teacher examinations in  
16                   appropriate subject areas;

17                   “(C) programs that help prospective teach-  
18                   ers develop effective teaching skills and strate-  
19                   gies through knowledge of research-based infor-  
20                   mation on the learning process and learning  
21                   practices;

22                   “(D) programs that provide support to  
23                   teachers during the teachers’ initial years in the  
24                   profession; and

1           “(E) alternative routes to State certifi-  
2           cation or licensure of teachers for qualified indi-  
3           viduals, including mid-career professionals from  
4           other occupations, paraprofessionals, former  
5           military personnel, and recent college graduates  
6           with records of academic distinction.

7           “(2) INNOVATIVE PROGRAMS.—Planning and  
8           implementing innovative programs to enhance the  
9           ability of institutions of higher education, including  
10          charter colleges of education, or university and local  
11          educational agency partnership schools, to prepare  
12          highly qualified teachers, which programs shall—

13                 “(A) permit flexibility in the manner in  
14                 which the institution of higher education meets  
15                 State requirements as long as graduates, during  
16                 the graduates’ initial years in the profession, in-  
17                 crease student academic achievement;

18                 “(B) provide a description in the applica-  
19                 tion of long-term data gathered from teachers’  
20                 performance over multiple years in the class-  
21                 room regarding the teachers’ ability to increase  
22                 student academic achievement;

23                 “(C) ensure high-quality preparation of  
24                 teachers from underrepresented groups;

1           “(D) create performance measures that  
2           can be used to document the effectiveness of in-  
3           novative methods for preparing highly qualified  
4           teachers; and

5           “(E) develop frameworks for exemplary in-  
6           duction programs informed by research and  
7           best practices.

8           “(3) TEACHER RECRUITMENT AND RETEN-  
9           TION.—Undertaking activities that develop and im-  
10          plement effective mechanisms to ensure that local  
11          educational agencies and schools are able to recruit  
12          and retain highly qualified teachers, which may in-  
13          clude the following activities:

14          “(A) PERFORMANCE BASED COMPENSA-  
15          TION.—Assisting local educational agencies in  
16          developing—

17               “(i) performance systems that reward  
18               teachers who increase student academic  
19               achievement and take on additional respon-  
20               sibilities, such as teacher mentoring and  
21               serving as master teachers; and

22               “(ii) strategies that provide differen-  
23               tial and bonus pay in high-need local edu-  
24               cational agencies to recruit and retain—

25                       “(I) principals;

1           “(II) highly qualified teachers  
2           who teach in high-need academic sub-  
3           ject areas (such as reading, mathe-  
4           matics, science, and foreign language,  
5           including less commonly taught lan-  
6           guages);

7           “(III) highly qualified teachers  
8           who teach in schools identified for  
9           school improvement under section  
10          1116(b) of the Elementary and Sec-  
11          ondary Education Act of 1965;

12          “(IV) highly qualified special  
13          education teachers;

14          “(V) highly qualified teachers  
15          specializing in teaching children who  
16          are limited English proficient; and

17          “(VI) highly qualified teachers in  
18          low-income urban and rural schools or  
19          districts.

20          “(B) ADDITIONAL MECHANISMS.—Devel-  
21          oping and implementing effective mechanisms  
22          to ensure that local educational agencies and  
23          schools are able to—

24                 “(i) address needs identified with re-  
25                 spect to—

- 1                   “(I) underrepresented groups;
- 2                   “(II) high-need academic subject
- 3                   areas (such as reading, mathematics,
- 4                   science, and foreign language, includ-
- 5                   ing less commonly taught languages);
- 6                   “(III) high-need areas (such as
- 7                   special education, language instruc-
- 8                   tion educational programs, and early
- 9                   childhood education);
- 10                  “(IV) high-need communities,
- 11                  such as rural and urban areas;
- 12                  “(V) high-need schools, including
- 13                  schools with high rates of teacher
- 14                  turnover; and
- 15                  “(VI) students with disabilities
- 16                  and students who are limited English
- 17                  proficient;
- 18                  “(ii) offer teacher mentoring for new
- 19                  teachers during such teachers’ initial years
- 20                  of teaching; and
- 21                  “(iii) provide access to ongoing profes-
- 22                  sional development opportunities for teach-
- 23                  ers and administrators.
- 24                  “(C) TEACHER ADVANCEMENT.—Assisting
- 25                  local educational agencies in developing teacher



1 advancement and retention initiatives that pro-  
2 mote professional growth and emphasize mul-  
3 tiple career paths (such as paths to becoming a  
4 highly qualified mentor teacher or exemplary  
5 teacher) and pay differentiation.

6 “(D) RECRUIT QUALIFIED PROFES-  
7 SIONALS.—Developing recruitment programs or  
8 assisting local educational agencies in—

9 “(i) recruiting qualified professionals  
10 from other fields, including highly qualified  
11 paraprofessionals (as defined in section  
12 2102 of the Elementary and Secondary  
13 Education Act of 1965); and

14 “(ii) providing such professionals with  
15 alternative routes to teacher certification  
16 or licensure.

17 “(E) UNDERREPRESENTED POPU-  
18 LATIONS.—Providing increased opportunities  
19 for minorities, individuals with disabilities, and  
20 other individuals underrepresented in the teach-  
21 ing profession.

22 “(F) RURAL EDUCATION RECRUITMENT  
23 AND RETENTION PROGRAMS.—Making grants to  
24 rural school districts, or a consortia of rural  
25 school districts, to implement—

1           “(i) teacher recruitment strategies,  
2           which may include tuition assistance, stu-  
3           dent loan forgiveness, housing assistance,  
4           bonus pay, and other effective approaches;

5           “(ii) teacher retention strategies, such  
6           as mentoring programs and ongoing oppor-  
7           tunities for professional growth and ad-  
8           vancement; and

9           “(iii) partnerships with institutions of  
10          higher education designed to—

11                 “(I) prepare beginning teachers  
12                 to teach; and

13                 “(II) assist teachers (including  
14                 teachers who teach multiple subjects)  
15                 to become highly qualified.

16          “(4) TEACHER SCHOLARSHIPS AND SUPPORT.—

17          Providing—

18                 “(A) scholarships to help students, such as  
19                 individuals who have been accepted by, or who  
20                 are enrolled in, a program of undergraduate  
21                 education at an institution of higher education,  
22                 pay the costs of tuition, room, board, and other  
23                 expenses of completing a teacher preparation  
24                 program, if—

1           “(i) the Secretary establishes such re-  
2           quirements as the Secretary determines  
3           necessary to ensure that recipients of  
4           scholarships under this section who com-  
5           plete teacher preparation programs—

6                   “(I) subsequently teach in an  
7                   early childhood education program or  
8                   a high-need local educational agency  
9                   for a period of time equivalent to the  
10                  period of time for which the recipient  
11                  received scholarship assistance, plus  
12                  an additional 1 year; or

13                  “(II) repay the amount of the  
14                  scholarship if the recipient does not  
15                  teach as described in subclause (I);  
16                  and

17                  “(ii) the eligible State provides an as-  
18                  surance that the eligible State will recruit  
19                  minority students to become highly quali-  
20                  fied teachers;

21                  “(B) support services, if needed, to enable  
22                  scholarship recipients to complete postsecondary  
23                  education programs, or to move from a career  
24                  outside of the field of education into a teaching  
25                  career; and

1           “(C) follow-up services to former scholar-  
2           ship recipients during the recipients’ initial  
3           years of teaching.

4           “(5) TEACHER REMOVAL.—Developing and im-  
5           plementing effective mechanisms to ensure that local  
6           educational agencies and schools are able to expedi-  
7           tiously remove incompetent or unqualified teachers  
8           consistent with procedures to ensure due process for  
9           the teachers.

10          “(6) TEACHER EFFECTIVENESS.—Developing—

11           “(A) systems to measure the effectiveness  
12           of teacher preparation programs and profes-  
13           sional development programs; and

14           “(B) strategies to document gains in stu-  
15           dent academic achievement or increases in  
16           teacher mastery of the academic subject matter  
17           the teachers teach, as a result of such pro-  
18           grams.

19          “(7) EARLY CHILDHOOD EDUCATORS.—Devel-  
20           oping strategies to improve and expand teacher  
21           preparation programs for early childhood educators  
22           to teach in early childhood education programs.

23          “(8) PROFESSIONAL DEVELOPMENT.—Devel-  
24           oping and enhancing high-quality professional devel-

1       opment, instructional materials, and relevant train-  
2       ing materials.

3           “(9) TECHNOLOGY.—Assisting teachers to use  
4       technology effectively, including use for instructional  
5       techniques and the collection, management, and  
6       analysis of data to improve teaching, learning, and  
7       decision making for the purpose of increasing stu-  
8       dent academic achievement.

9           “(10) AREAS OF INSTRUCTIONAL SHORTAGE.—  
10      Increasing the number of—

11           “(A) teachers in the classroom providing  
12      instruction in high-need academic subject areas  
13      (such as reading, mathematics, science, and for-  
14      eign language, including less commonly taught  
15      languages) and high-need areas (such as special  
16      education, language instruction educational pro-  
17      grams, and early childhood education); and

18           “(B) special education faculty dedicated to  
19      preparing highly qualified special education  
20      teachers at institutions of higher education.

21           “(11) TECHNICAL ASSISTANCE.—Providing  
22      technical assistance to low-performing programs of  
23      teacher preparation within institutions of higher  
24      education identified under section 207(a).

1           “(12) EVALUATION SUPPORT.—Performing  
2 data collection, evaluation, and reporting to meet the  
3 requirements of subsection (d)(3).

4           “(13) PROFESSIONAL ADVANCEMENT.—Developing a professional advancement system to—

6           “(A) initiate or enhance a system in which  
7 highly qualified teachers who pursue advanced  
8 licensure levels are required to demonstrate in-  
9 creased competencies and undertake increased  
10 responsibilities for increased compensation as  
11 the teachers progress through levels established  
12 by the State; or

13           “(B) provide opportunities for professional  
14 growth, including through—

15           “(i) a nationally recognized advance  
16 credentialing system; or

17           “(ii) special certification in advanced  
18 placement or international baccalaureate  
19 content, teaching gifted and talented stu-  
20 dents, and pedagogy.

21           “(f) SUPPLEMENT, NOT SUPPLANT.—Funds made  
22 available under this section shall be used to supplement,  
23 and not supplant, other Federal, State, and local funds  
24 that would otherwise be expended to carry out activities  
25 under this section.

1 **“SEC. 203. PARTNERSHIP GRANTS.**

2       “(a) GRANTS.—From amounts made available under  
3 section 209(a)(2) for a fiscal year, the Secretary is author-  
4 ized to award grants under this section, on a competitive  
5 basis, to eligible partnerships to enable the eligible part-  
6 nerships to carry out the activities described in subsections  
7 (e) and (f).

8       “(b) DEFINITIONS.—

9           “(1) ELIGIBLE PARTNERSHIP.—

10               “(A) IN GENERAL.—In this part, the term  
11 ‘eligible partnership’ means an entity that shall  
12 include—

13                   “(i) a partner institution;

14                   “(ii) a school of arts and sciences;

15                   “(iii) a high-need local educational  
16 agency and a school or a consortium of  
17 schools served by the agency; and

18                   “(iv) at least 1 individual or entity de-  
19 scribed in subparagraph (B).

20           “(B) ADDITIONAL INDIVIDUALS AND ENTI-  
21 TIES.—In this part, the term ‘eligible partner-  
22 ship’ means an entity that shall include at least  
23 1 of the following:

24                   “(i) A Governor.

25                   “(ii) A State educational agency.

26                   “(iii) A State board of education.

1           “(iv) A State agency for higher edu-  
2           cation.

3           “(v) A school or department within  
4           the partner institution focusing on edu-  
5           cation, psychology, human development, or  
6           a department with comparable expertise in  
7           the disciplines of teaching, learning, and  
8           child and adolescent development.

9           “(vi) An institution of higher edu-  
10          cation or a department within such institu-  
11          tion, not described in subparagraph (A).

12          “(vii) A public charter school.

13          “(viii) A public or private elementary  
14          school or secondary school.

15          “(ix) A public or private nonprofit  
16          educational organization.

17          “(x) A business.

18          “(xi) A science-, mathematics-, or  
19          technology-oriented entity.

20          “(xii) An early childhood education  
21          program.

22          “(xiii) A teacher organization.

23          “(xiv) An educational service agency.

24          “(xv) A consortium of local edu-  
25          cational agencies.



1                   “(xvi) A nonprofit telecommunications  
2                   entity.

3                   “(2) PARTNER INSTITUTION.—In this section,  
4                   the term ‘partner institution’ means an institution of  
5                   higher education, which may include a 2-year insti-  
6                   tution of higher education offering a dual program  
7                   with a 4-year institution of higher education, that  
8                   has a teacher preparation program—

9                   “(A) whose graduates exhibit strong per-  
10                  formance on State-determined qualifying assess-  
11                  ments for new teachers through—

12                  “(i) demonstrating that 80 percent or  
13                  more of the graduates of the program who  
14                  intend to enter the field of teaching have  
15                  passed all of the applicable State qualifica-  
16                  tion assessments for new teachers, which  
17                  shall include an assessment of each pro-  
18                  spective teacher’s subject matter knowledge  
19                  in the content area in which the teacher in-  
20                  tends to teach; or

21                  “(ii) being ranked among the highest-  
22                  performing teacher preparation programs  
23                  in the State as determined by the State—

1           “(I) using criteria consistent with  
2           the requirements for the State report  
3           card under section 206(b); and

4           “(II) using the State report card  
5           on teacher preparation required under  
6           section 206(b), after the first publica-  
7           tion of such report card and for every  
8           year thereafter; or

9           “(B) that requires all the students of the  
10          program to meet high academic standards and  
11          participate in intensive clinical experience;  
12          and—

13               “(i) in the case of secondary school  
14               candidates, to successfully complete—

15                   “(I) a major or its equivalent in  
16                   coursework in the academic subject  
17                   area in which the candidate intends to  
18                   teach; or

19                   “(II) a related major in the aca-  
20                   demic subject area in which the can-  
21                   didate intends to teach;

22               “(ii) in the case of elementary school  
23               candidates, to successfully complete—

1                   “(I) an academic major or its  
2                   equivalent in coursework in the arts  
3                   and sciences; or

4                   “(II) a major in elementary edu-  
5                   cation with a significant amount of  
6                   coursework in the arts and sciences;  
7                   and

8                   “(iii) in the case of early childhood  
9                   educators, to become fully competent and  
10                  meet degree requirements, as established  
11                  by the State.

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

17                         “(1) a needs assessment of all the partners with  
18                         respect to the preparation, induction, and profes-  
19                         sional development of early childhood educators,  
20                         general and special education teachers, and prin-  
21                         cipals;

22                         “(2) a description of the extent to which the  
23                         teacher preparation program of the eligible partner-  
24                         ship prepares new teachers with effective teaching  
25                         skills;

1           “(3) a description of how the eligible partner-  
2           ship will coordinate with other teacher preparation  
3           or professional development programs, including  
4           those funded under the Elementary and Secondary  
5           Education Act of 1965 and the Individuals with Dis-  
6           abilities Education Act, and how the activities of the  
7           eligible partnership will be consistent with State,  
8           local, and other education reform activities that pro-  
9           mote student achievement;

10           “(4) a resource assessment that describes the  
11           resources available to the eligible partnership; the in-  
12           tended use of the grant funds (including a descrip-  
13           tion of how the grant funds will be fairly distrib-  
14           uted); and the commitment of the resources of the  
15           eligible partnership to the activities assisted under  
16           this part, including financial support, faculty partici-  
17           pation, time commitments, and continuation of the  
18           activities when the grant period ends;

19           “(5) a description of—

20                   “(A) how the eligible partnership will meet  
21                   the purposes of this part;

22                   “(B) how the eligible partnership will carry  
23                   out the activities required under subsection (e)  
24                   and any permissible activities under subsection  
25                   (f);

1           “(C) the eligible partnership’s evaluation  
2 plan pursuant to section 205(b);

3           “(D) how the eligible partnership will align  
4 the teacher preparation program with the chal-  
5 lenging student academic achievement stand-  
6 ards, State early learning standards for early  
7 childhood education programs (where applica-  
8 ble), and challenging academic content stand-  
9 ards, established by the State in which the  
10 partnership is located;

11           “(E) how faculty of the teacher prepara-  
12 tion program at the partner institution will  
13 serve, over the period of the grant, with highly  
14 qualified teachers in the classrooms of the high-  
15 need local educational agency included in the el-  
16 igible partnership;

17           “(F) how the eligible partnership will en-  
18 sure that teachers, principals, and superintend-  
19 ents in all schools (including private schools, as  
20 appropriate) located in the geographic areas  
21 served by an eligible partnership under this sec-  
22 tion are provided information about the activi-  
23 ties carried out with funds under this section,  
24 including through electronic means;

1           “(G) how the eligible partnership will de-  
2           sign, implement, or enhance the clinical pro-  
3           gram component, including promoting close su-  
4           pervision of student teachers by faculty of the  
5           teacher preparation program and mentor teach-  
6           ers while in the program and during the stu-  
7           dent teachers’ initial years of teaching if hired  
8           by schools included in the eligible partnership;

9           “(H) how the eligible partnership will de-  
10          velop or enhance an induction program that in-  
11          cludes high-quality professional development to  
12          support new teachers during the teachers’ ini-  
13          tial years of teaching that includes teacher  
14          mentoring and collaborating with teachers in  
15          the same grade, department, or field; and

16          “(I) how the eligible partnership will col-  
17          lect, analyze, use, and disseminate data on the  
18          retention of all teachers in schools located in  
19          the geographic areas served by the eligible part-  
20          nership to evaluate the effectiveness of its  
21          teacher support system; and

22          “(6) an assurance that the eligible partnership  
23          will carry out each of the activities described in  
24          paragraph (5).

25          “(d) CONSULTATION.—

1           “(1) IN GENERAL.—Members of an eligible  
2 partnership that receives a grant under this section  
3 shall engage in regular consultation throughout the  
4 development and implementation of programs and  
5 activities under this section.

6           “(2) REGULAR COMMUNICATION.—To ensure  
7 timely and meaningful consultation, regular commu-  
8 nication shall occur among all members of the eligi-  
9 ble partnership, including the high-need local edu-  
10 cational agency. Such communication shall continue  
11 throughout the implementation of the grant and the  
12 assessment of programs and activities under this  
13 section.

14           “(3) WRITTEN CONSENT.—The Secretary may  
15 approve changes in grant activities only if a written  
16 consent signed by all members of the eligible part-  
17 nership is submitted to the Secretary.

18           “(e) REQUIRED USES OF FUNDS.—An eligible part-  
19 nership that receives a grant under this section shall use  
20 the grant funds to carry out each of the following activi-  
21 ties:

22           “(1) REFORMS.—Ensuring that each teacher  
23 preparation program and each early childhood edu-  
24 cator preparation program, where applicable, of the  
25 eligible partnership that is assisted under this sec-

1       tion addresses the needs identified in the needs as-  
2       sessment of the partnership and is preparing current  
3       or prospective teachers to be highly qualified, and,  
4       where applicable, early childhood educators to be  
5       fully competent, to understand scientifically based  
6       research and its applicability, and to use technology  
7       effectively, including use of instructional techniques  
8       to improve student academic achievement, and in the  
9       case of early childhood educators, techniques to im-  
10      prove children’s cognitive, social, emotional, and  
11      physical development, by assisting such programs—

12               “(A) in retraining faculty;

13               “(B) in designing (or redesigning) teacher  
14      preparation programs so that such programs—

15                   “(i) are based on rigorous academic  
16                   content and scientifically based research  
17                   (including scientifically based reading re-  
18                   search), and aligned with challenging State  
19                   academic content standards and for early  
20                   childhood educators, aligned with State  
21                   early learning standards;

22                   “(ii) promote effective teaching skills;

23                   “(iii) promote understanding of effec-  
24                   tive instructional strategies for students  
25                   with special needs, including students with



1 disabilities, students who are limited  
 2 English proficient, students who are gifted  
 3 and talented, and children in early child-  
 4 hood education programs; and

5 “(iv) promote high-quality mathe-  
 6 matics, science, and foreign language in-  
 7 struction, where applicable;

8 “(C) in ensuring collaboration with depart-  
 9 ments, programs, or units outside of the teach-  
 10 er preparation program in all academic content  
 11 areas to ensure a successful combination of  
 12 training in both teaching and such content; and

13 “(D) in developing high-quality, rigorous  
 14 clinical experiences, lasting not less than 1  
 15 term, through dissemination of best practices,  
 16 technical assistance, or other relevant activities.

17 “(2) CLINICAL EXPERIENCE AND INTER-  
 18 ACTION.—Improving sustained and high-quality  
 19 preservice clinical experiences, including—

20 “(A) providing teacher mentoring; and

21 “(B) substantially increasing interaction  
 22 between faculty at institutions of higher edu-  
 23 cation and new and experienced teachers, prin-  
 24 cipals, and other administrators at elementary  
 25 schools or secondary schools; and providing sup-

1 port, including preparation time and release  
2 time, for such interaction.

3 ~~“(3) SUPPORT PROGRAMS FOR NEW TEACH-~~  
4 ~~ERS.—~~Creating a program to support new teachers  
5 during the initial years of teaching (for not less than  
6 1 year and not more than 3 years). Such program  
7 shall promote effective teaching skills and may in-  
8 clude the following components:

9 ~~“(A) Development of skills in educational~~  
10 ~~interventions based on scientifically based re-~~  
11 ~~search.~~

12 ~~“(B) Development of knowledge of scientif-~~  
13 ~~ically based research on teaching and learning.~~

14 ~~“(C) Inclusion of faculty who model the in-~~  
15 ~~tegration of research and practice in the class-~~  
16 ~~room.~~

17 ~~“(D) Opportunities for—~~

18 ~~“(i) high-quality teacher mentoring;~~  
19 ~~and~~

20 ~~“(ii) additional professional develop-~~  
21 ~~ment, dissemination of evidence-based re-~~  
22 ~~search on educational practices, and pro-~~  
23 ~~fessional development activities.~~

24 ~~“(E) Interdisciplinary collaboration among~~  
25 ~~exemplary teachers, faculty, researchers, and~~

1 other staff who prepare new teachers on the  
2 learning process and the assessment of learn-  
3 ing.

4 “(f) ALLOWABLE USES OF FUNDS.—An eligible part-  
5 nership that receives a grant under this section may use  
6 the grant funds to carry out any of the following activities  
7 that address the needs identified in the needs assessment:

8 “(1) ALTERNATIVES TO TRADITIONAL PREPA-  
9 RATION FOR TEACHING AND STATE CERTIFICATION  
10 OR LICENSURE.—The activity described in section  
11 202(e)(1).

12 “(2) DISSEMINATION AND COORDINATION.—  
13 Broadly disseminating information on effective prac-  
14 tices used by the eligible partnership, and coordi-  
15 nating with the activities of the Governor, State  
16 board of education, State agency for higher edu-  
17 cation, State agency responsible for early childhood  
18 education, and State educational agency, as appro-  
19 priate.

20 “(3) INNOVATIVE PROGRAMS.—Developing in-  
21 novative programs designed to provide graduates of  
22 programs funded under this title with opportunities  
23 to continue their education through supports and op-  
24 portunities to improve instructional practices in the  
25 initial years of teaching, including the following:

1 “(A) INTERNSHIPS.—

2 “(i) TEACHER PREPARATION EN-  
3 HANCEMENT INTERNSHIP.—Developing a  
4 1-year paid internship program for stu-  
5 dents who have completed a 4-year teacher  
6 preparation program; or alternative routes  
7 to State certification or licensure program;  
8 to enable such students to develop the  
9 skills and experience necessary for success  
10 in teaching; including providing intensive  
11 clinical training and combining in-service  
12 instruction in teacher methods and assess-  
13 ments with classroom observations; experi-  
14 ences; and practices. Such interns shall  
15 have a reduced teaching load and a mentor  
16 for assistance in the classroom.

17 “(ii) MID-CAREER PROFESSIONAL IN-  
18 TERNSHIPS.—Developing a 1-year paid in-  
19 ternship program for mid-career profes-  
20 sionals from other occupations; former  
21 military personnel; and recent college grad-  
22 uates from fields other than teacher prepa-  
23 ration with records of academic distinction  
24 to enable such individuals to develop the  
25 skills and experience necessary for success

1 in teaching, including providing intensive  
2 clinical training and combining in-service  
3 instruction in teacher methods and assess-  
4 ments with classroom observations, experi-  
5 ences, and practices. Such interns shall  
6 have a reduced teaching load and a mentor  
7 for assistance in the classroom.

8 “(B) RESIDENCY PROGRAMS FOR NEW  
9 TEACHERS.—Supporting teachers in a residency  
10 program that provides an induction period for  
11 all new general education and special education  
12 teachers that includes—

13 “(i) a forum for information sharing  
14 among prospective teachers, teachers, prin-  
15 cipals, administrators, and participating  
16 faculty in the partner institution; and

17 “(ii) the application of scientifically  
18 based research on teaching and learning  
19 generated by entities such as the Institute  
20 of Education Sciences, and the National  
21 Research Council of the National Acad-  
22 emies.

23 “(C) PATHWAYS FOR PARAPROFESSIONALS  
24 TO ENTER TEACHING.—Creating intensive pro-  
25 grams to provide the coursework and clinical

1 experiences needed by highly qualified para-  
 2 professionals, as defined in section 2102 of the  
 3 Elementary and Secondary Education Act of  
 4 1965, to qualify for State teacher certification  
 5 or licensure.

6 “(4) MANAGERIAL AND LEADERSHIP SKILLS.—  
 7 Developing and implementing proven mechanisms to  
 8 provide principals and superintendents with effective  
 9 managerial, leadership, curricula, and instructional  
 10 skills that result in increased student academic  
 11 achievement.

12 “(5) TEACHER SCHOLARSHIPS AND SUPPORT.—  
 13 Providing—

14 “(A) scholarships to help students, such as  
 15 individuals who have been accepted by, or who  
 16 are enrolled in, a program of undergraduate  
 17 education at an institution of higher education,  
 18 pay the costs of tuition, room, board, and other  
 19 expenses of completing a teacher preparation  
 20 program, if—

21 “(i) the Secretary establishes such re-  
 22 quirements as the Secretary determines  
 23 necessary to ensure that recipients of  
 24 scholarships under this paragraph who  
 25 complete teacher preparation programs—

1           “(I) subsequently teach in a  
2           high-need local educational agency for  
3           a period of time equivalent to the pe-  
4           riod of time for which the recipient re-  
5           ceived the scholarship assistance, plus  
6           an additional 1 year; or

7           “(II) repay the amount of the  
8           scholarship if the recipient does not  
9           teach as described in subclause (I);  
10          and

11          “(ii) the eligible partnership provides  
12          an assurance that the eligible partnership  
13          will recruit minority students to become  
14          highly qualified teachers;

15          “(B) support services, if needed, to enable  
16          scholarship recipients to complete postsecondary  
17          education programs, or to transition from a ca-  
18          reer outside of the field of education into a  
19          teaching career; and

20          “(C) follow-up services for former scholar-  
21          ship recipients during the recipients’ initial  
22          years of teaching.

23          “(6) COORDINATION WITH COMMUNITY COL-  
24          LEGES.—

1           “(A) TEACHER PREPARATION PRO-  
2 GRAMS.—Coordinating with 2-year institutions  
3 of higher education to implement teacher prepa-  
4 ration programs, including through distance  
5 learning, for the purposes of allowing prospec-  
6 tive teachers—

7                   “(i) to obtain a bachelor’s degree and  
8 State certification or licensure; and

9                   “(ii) to become highly qualified teach-  
10 ers.

11           “(B) PROFESSIONAL DEVELOPMENT.—Co-  
12 ordinating with 2-year institutions of higher  
13 education to provide professional development  
14 that—

15                   “(i) improves the academic content  
16 knowledge of teachers in the academic sub-  
17 ject areas in which the teachers are cer-  
18 tified or licensed to teach, or in which the  
19 teachers are working toward certification  
20 or licensure to teach; and

21                   “(ii) promotes effective teaching skills.

22           “(7) CLINICAL EXPERIENCE IN SCIENCE, MATH-  
23 EMATICS, AND TECHNOLOGY.—Creating opportuni-  
24 ties for clinical experience and training for teachers  
25 and prospective teachers through participation with



1 professionals in business, research, and work envi-  
2 ronments in areas relating to science, mathematics,  
3 and technology, including opportunities for using  
4 laboratory equipment.

5 “(8) PROFESSIONAL DEVELOPMENT.—Creating  
6 opportunities for enhanced and ongoing professional  
7 development for experienced general education and  
8 special education teachers, early childhood edu-  
9 cators, principals, administrators, and faculty.

10 “(9) TECHNOLOGY.—The activity described in  
11 section 202(e)(9).

12 “(10) AREAS OF INSTRUCTIONAL SHORTAGE.—  
13 Increasing the number of—

14 “(A) teachers in the classroom providing  
15 instruction in high-need academic subject areas  
16 (such as reading, mathematics, science, and for-  
17 eign language, including less commonly taught  
18 languages), and high-need areas (such as spe-  
19 cial education, language instruction educational  
20 programs, and early childhood education);

21 “(B) special education faculty dedicated to  
22 preparing highly qualified special education  
23 teachers at institutions of higher education; and

1           “(C) faculty at institutions of higher edu-  
2           cation with expertise in instruction of students  
3           who are limited English proficient.

4           “(11) IMPROVING INSTRUCTION.—Improving  
5           instruction by—

6           “(A) improving understanding and instruc-  
7           tion in core academic subjects and other, spe-  
8           cialized courses, such as geography, American  
9           history and government, and world history; and

10          “(B) creating externships for teachers and  
11          prospective teachers for field experience and  
12          training through participation in business, re-  
13          search, and work environments in high-need  
14          academic subject areas (such as reading, math-  
15          ematics, science, and foreign language, includ-  
16          ing less commonly taught languages) and high-  
17          need areas (such as special education, language  
18          instruction educational programs, and early  
19          childhood education).

20          “(12) GRADUATE PROGRAMS.—Developing, in  
21          collaboration with departments, programs, or units  
22          of both academic content and teacher education  
23          within a partner institution, master’s degree pro-  
24          grams that meet the demonstrated needs of teachers  
25          in the high-need local educational agency partici-

1       participating in the eligible partnership for content exper-  
 2       tise and teaching skills.

3               “(13) LITERACY TEACHER TRAINING.—Estab-  
 4       lishing and implementing a program that strength-  
 5       ens content knowledge and teaching skills of sec-  
 6       ondary school teachers in literacy that—

7               “(A) provides teacher training and sti-  
 8       pends for literacy coaches who train classroom  
 9       teachers to implement literacy programs;

10              “(B) develops or redesigns rigorous re-  
 11       search-based curricula that are aligned with  
 12       challenging State and local academic content  
 13       standards, and with postsecondary standards  
 14       for reading and writing;

15              “(C) provides training and stipends for  
 16       teachers to tutor students with intense individ-  
 17       ualized reading, writing, and subject matter in-  
 18       struction during or beyond the school day;

19              “(D) provides opportunities for teachers to  
 20       plan and assess instruction with other teachers,  
 21       school leaders, and faculty at institutions of  
 22       higher education; and

23              “(E) establishes an evaluation and ac-  
 24       countability plan for activities conducted under

1           this paragraph to measure the impact of such  
2           activities.

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

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

16 **“SEC. 204. ADMINISTRATIVE PROVISIONS.**

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

19           “(1) DURATION.—

20           “(A) ELIGIBLE STATES.—Grants awarded  
21 to eligible States under this part shall be  
22 awarded for a period not to exceed 3 years.

23           “(B) ELIGIBLE PARTNERSHIPS.—Grants  
24 awarded to eligible partnerships under this part  
25 shall be awarded for a period of 5 years.

1           “(2) NUMBER OF AWARDS.—An eligible part-  
2           nership may not receive more than 1 grant during  
3           a 5-year period. Nothing in this title shall be con-  
4           strued to prohibit an individual member, that can  
5           demonstrate need, of an eligible partnership that re-  
6           ceives a grant under this title from entering into an-  
7           other eligible partnership consisting of new members  
8           and receiving a grant with such other eligible part-  
9           nership before the 5-year period described in the  
10          preceding sentence applicable to the eligible partner-  
11          ship with which the individual member has first  
12          partnered has expired.

13           “(3) PAYMENTS.—The Secretary shall make  
14          annual payments of grant funds awarded under this  
15          part.

16          “(b) PEER REVIEW.—

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

23           “(2) PRIORITY.—In recommending applications  
24          to the Secretary for funding under this part, the  
25          panel shall—

1           “(A) with respect to grants under section  
2           202, give priority to eligible States—

3           “(i) that have innovative reforms to  
4           hold institutions of higher education with  
5           teacher preparation programs accountable  
6           for preparing teachers to become highly  
7           qualified and have effective teaching skills;

8           “(ii) that have innovative efforts  
9           aimed at reducing the shortage of highly  
10          qualified general and special education  
11          teachers, including in low-income urban  
12          and rural areas and in high-need academic  
13          subject areas (such as reading, mathe-  
14          matics, science, and foreign language, in-  
15          cluding less commonly taught languages);  
16          and

17          “(iii) whose awards promote an equi-  
18          table geographic distribution of grants  
19          among rural and urban areas; and

20          “(B) with respect to grants under section  
21          203, give priority—

22          “(i) to applications from broad-based  
23          eligible partnerships that involve busi-  
24          nesses and community organizations; and

1                   “(ii) to eligible partnerships so that  
2                   the awards promote an equitable geo-  
3                   graphic distribution of grants among rural  
4                   and urban areas.

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

13                  “(c) MATCHING REQUIREMENTS.—

14                  “(1) STATE GRANTS.—Each eligible State re-  
15                  ceiving a grant under section 202 shall provide, from  
16                  non-Federal sources, an amount equal to 50 percent  
17                  of the amount of the grant (in cash or in kind) to  
18                  carry out the activities supported by the grant.

19                  “(2) PARTNERSHIP GRANTS.—Each eligible  
20                  partnership receiving a grant under section 203  
21                  shall provide, from non-Federal sources (in cash or  
22                  in kind), an amount equal to 25 percent of the  
23                  amount of the grant for the first year of the grant,  
24                  35 percent of the amount of the grant for the second

1 year of the grant, and 50 percent of the amount of  
2 the grant for each succeeding year of the grant.

3 “(d) **LIMITATION ON ADMINISTRATIVE EXPENSES.**—

4 An eligible State or eligible partnership that receives a  
5 grant under this part may use not more than 2 percent  
6 of the grant funds for purposes of administering the grant.

7 “(e) **ADDITIONAL ACTIVITIES.**—The Secretary shall  
8 use funds repaid pursuant to section 202(e)(4)(A)(i)(II)  
9 or section 203(f)(5)(A)(i)(II) to carry out additional ac-  
10 tivities under section 202 or 203, respectively.

11 **“SEC. 205. ACCOUNTABILITY AND EVALUATION.**

12 “(a) **STATE GRANT ACCOUNTABILITY REPORT.**—An  
13 eligible State that receives a grant under section 202 shall  
14 submit an annual accountability report to the Secretary  
15 and the authorizing committees. Such report shall include  
16 a description of the degree to which the eligible State, in  
17 using funds provided under such section, has made  
18 progress in meeting the purposes of this part and substan-  
19 tial progress in meeting the following goals, as applicable:

20 “(1) **STUDENT ACADEMIC ACHIEVEMENT.**—In-  
21 creasing student academic achievement for all stu-  
22 dents as defined by the eligible State.

23 “(2) **RAISING STANDARDS.**—Raising the State  
24 academic standards required to enter the teaching  
25 profession as a highly qualified teacher, and where



1 applicable, as a fully competent early childhood edu-  
 2 cator.

3 ~~“(3) INITIAL CERTIFICATION OR LICENSURE.—~~

4 Increasing success in the pass rates and scaled  
 5 scores for initial State teacher certification or licen-  
 6 sure, or increasing the numbers of qualified individ-  
 7 uals being certified or licensed as teachers through  
 8 alternative routes to State certification or licensure  
 9 programs.

10 ~~“(4) PERCENTAGE OF HIGHLY QUALIFIED~~

11 ~~TEACHERS.—~~Providing data on the progress of the  
 12 State towards meeting the highly qualified teacher  
 13 requirements under section 1119(a)(2) of the Ele-  
 14 mentary and Secondary Education Act of 1965.

15 ~~“(5) DECREASING TEACHER SHORTAGES.—~~De-

16 creasing shortages of—

17 ~~“(A) highly qualified teachers in—~~

18 ~~“(i) low-income urban and rural~~  
 19 ~~areas;~~

20 ~~“(ii) high-need academic subject areas~~  
 21 ~~(such as reading, mathematics, science,~~  
 22 ~~and foreign language, including less com-~~  
 23 ~~monly taught languages);~~

24 ~~“(iii) special education; and~~

1                   “(iv) high-need areas (such as special  
2                   education, language instruction educational  
3                   programs, and early childhood education);  
4                   and

5                   “(B) fully competent early childhood edu-  
6                   cators.

7                   “(6) INCREASING OPPORTUNITIES FOR PROFES-  
8                   SIONAL DEVELOPMENT.—Increasing opportunities  
9                   for enhanced and ongoing professional development  
10                  that—

11                  “(A) improves the academic content knowl-  
12                  edge of teachers in the academic subject areas  
13                  in which the teachers are certified or licensed to  
14                  teach or in which the teachers are working to-  
15                  ward certification or licensure to teach; and

16                  “(B) promotes effective teaching skills.

17                  “(b) ELIGIBLE PARTNERSHIP EVALUATION.—Each  
18                  eligible partnership submitting an application for a grant  
19                  under section 203 shall establish and include in such ap-  
20                  plication, an evaluation plan that includes strong perform-  
21                  ance objectives. The plan shall include objectives and  
22                  measures for increasing—

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

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

3           ~~“(3) success in the pass rates and scaled scores~~  
4           ~~for initial State certification or licensure of teachers;~~

5           ~~“(4) the percentage of highly qualified teachers~~  
6           ~~hired by the high-need local educational agency par-~~  
7           ~~ticipating in the eligible partnership; and~~

8           ~~“(5) the percentage of—~~

9                   ~~“(A) highly qualified teachers among~~  
10                   ~~underrepresented groups, in high-need academic~~  
11                   ~~subject areas (such as reading, mathematics,~~  
12                   ~~science, and foreign language, including less~~  
13                   ~~commonly taught languages), in high-need~~  
14                   ~~areas (such as special education, language in-~~  
15                   ~~struction educational programs, and early child-~~  
16                   ~~hood education), and in high-need schools;~~

17                   ~~“(B) elementary school, middle school, and~~  
18                   ~~secondary school classes taught by teachers who~~  
19                   ~~are highly qualified;~~

20                   ~~“(C) early childhood education program~~  
21                   ~~classes taught by providers who are fully com-~~  
22                   ~~petent; and~~

23                   ~~“(D) highly qualified special education~~  
24                   ~~teachers.~~

25           ~~“(e) REVOCATION OF GRANT.—~~

1           “(1) ELIGIBLE STATES.—If the Secretary de-  
2           termines that an eligible State is not making sub-  
3           stantial progress in meeting the purposes, goals, ob-  
4           jectives, and measures, as appropriate, by the end of  
5           the second year of a grant under this part, then the  
6           grant payment shall not be made for the third year  
7           of the grant.

8           “(2) ELIGIBLE PARTNERSHIPS.—If the See-  
9           retary determines that an eligible partnership is not  
10          making substantial progress in meeting the pur-  
11          poses, goals, objectives, and measures, as appro-  
12          priate, by the end of the third year of a grant under  
13          this part, then the grant payments shall not be made  
14          for any succeeding year of the grant.

15          “(d) EVALUATION AND DISSEMINATION.—The See-  
16          retary shall evaluate the activities funded under this part  
17          and report the Secretary’s findings regarding the activities  
18          to the authorizing committees. The Secretary shall broadly  
19          disseminate—

20                 “(1) successful practices developed by eligible  
21                 States and eligible partnerships under this part; and

22                 “(2) information regarding such practices that  
23                 were found to be ineffective.

1 **“SEC. 206. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**  
2 **PARE TEACHERS.**

3 “(a) **INSTITUTIONAL AND PROGRAM REPORT CARDS**  
4 **ON THE QUALITY OF TEACHER PREPARATION.—**

5 “(1) **REPORT CARD.—**Each institution of higher  
6 education that conducts a traditional teacher prepa-  
7 ration program or an alternative routes to State cer-  
8 tification or licensure program and that enrolls stu-  
9 dents receiving Federal assistance under this Act  
10 shall report annually to the State and the general  
11 public, in a uniform and comprehensible manner  
12 that conforms with the definitions and methods es-  
13 tablished by the Secretary, both for traditional  
14 teacher preparation programs and alternative routes  
15 to State certification or licensure programs, the fol-  
16 lowing information:

17 “(A) **PASS RATES AND SCALED SCORES.—**

18 For the most recent year for which the informa-  
19 tion is available for those students who are en-  
20 rolled in the traditional teacher preparation  
21 program or alternative routes to State certifi-  
22 cation or licensure program, or who have com-  
23 pleted the traditional teacher preparation pro-  
24 gram or alternative routes to State certification  
25 or licensure program during the 2-year period  
26 preceding such year, for each of the assess-

1           ments used for teacher certification or licensure  
2           by the State in which the program is located—

3                   “(i) the percentage of students who  
4                   have completed 100 percent of the nonclin-  
5                   ical coursework and taken the assessment  
6                   who pass such assessment;

7                   “(ii) the percentage of all students  
8                   who passed each such assessment;

9                   “(iii) the percentage of students tak-  
10                  ing an assessment who completed the  
11                  teacher preparation program after enroll-  
12                  ing in the program, which shall be made  
13                  available widely and publicly by the State;

14                  “(iv) the average scaled score for all  
15                  students who passed each such assessment;

16                  “(v) a comparison of the program’s  
17                  pass rates with the average pass rates for  
18                  programs in the State; and

19                  “(vi) a comparison of the program’s  
20                  average scaled scores with the average  
21                  scaled scores for programs in the State.

22                  “(B) PROGRAM INFORMATION.—The cri-  
23                  teria for admission into the program, the num-  
24                  ber of students in the program (disaggregated  
25                  by race and gender), the average number of

1 hours of supervised clinical experience required  
2 for those in the program, the number of full-  
3 time equivalent faculty and students in the su-  
4 pervised clinical experience, and the total num-  
5 ber of students who have been certified or li-  
6 censed as teachers, disaggregated by subject  
7 and area of certification or licensure.

8 “(C) STATEMENT.—In States that require  
9 approval or accreditation of teacher preparation  
10 programs, a statement of whether the institu-  
11 tion’s program is so approved or accredited,  
12 and by whom.

13 “(D) DESIGNATION AS LOW-PER-  
14 FORMING.—Whether the program has been des-  
15 ignated as low-performing by the State under  
16 section 207(a).

17 “(E) USE OF TECHNOLOGY.—A descrip-  
18 tion of the activities that prepare teachers to ef-  
19 fectively integrate technology into curricula and  
20 instruction and effectively use technology to col-  
21 lect, manage, and analyze data in order to im-  
22 prove teaching, learning, and decision making  
23 for the purpose of increasing student academic  
24 achievement.

1           “(2) REPORT.—Each eligible partnership re-  
 2           ceiving a grant under section 203 shall report annu-  
 3           ally on the progress of the eligible partnership to-  
 4           ward meeting the purposes of this part and the ob-  
 5           jectives and measures described in section 205(b).

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

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

22          “(b) STATE REPORT CARD ON THE QUALITY OF  
 23          TEACHER PREPARATION.—

24                 “(1) IN GENERAL.—Each State that receives  
 25                 funds under this Act shall provide to the Secretary,



1 annually, in a uniform and comprehensible manner  
2 that conforms with the definitions and methods es-  
3 tablished by the Secretary, a State report card on  
4 the quality of teacher preparation in the State, both  
5 for traditional teacher preparation programs and for  
6 alternative routes to State certification or licensure  
7 programs, which shall include not less than the fol-  
8 lowing:

9           “(A) A description of reliability and valid-  
10           ity of the teacher certification and licensure as-  
11           sessments, and any other certification and licen-  
12           sure requirements, used by the State.

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

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

1 learning standards for early childhood education  
2 programs.

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

5 “(i) for each institution of higher edu-  
6 cation located in the State and each entity  
7 located in the State that offers an alter-  
8 native route for teacher certification or li-  
9 censure, the percentage of students at such  
10 institution or entity who have completed  
11 100 percent of the nonclinical coursework  
12 and taken the assessment who pass such  
13 assessment;

14 “(ii) the percentage of all such stu-  
15 dents at all such institutions taking the as-  
16 sessment who pass such assessment; and

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

22 “(E) A description of alternative routes to  
23 State certification or licensure in the State, if  
24 any, including, for each of the assessments used

1 by the State for teacher certification or licen-  
2 sure—

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

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

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

20 “(G) For each teacher preparation pro-  
21 gram in the State, the criteria for admission  
22 into the program, the number of students in the  
23 program (disaggregated by race and gender),  
24 the average number of hours of supervised clin-  
25 ical experience required for those in the pro-

1           gram, and the number of full-time equivalent  
2           faculty, adjunct faculty, and students in super-  
3           vised clinical experience.

4           “(H) For the State as a whole, and for  
5           each teacher preparation program in the State,  
6           the number of teachers prepared, in the aggre-  
7           gate and reported separately by—

8                   “(i) area of certification or licensure;

9                   “(ii) academic major; and

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

12           “(I) Using the data generated under sub-  
13           paragraphs (G) and (H), a description of the  
14           extent to which teacher preparation programs  
15           are helping to address shortages of highly quali-  
16           fied teachers, by area of certification or licen-  
17           sure, subject, and specialty, in the State’s pub-  
18           lic schools, including those areas described in  
19           section 205(a)(5).

20           “(J) A description of the activities that  
21           prepare teachers to effectively integrate tech-  
22           nology into curricula and instruction and effec-  
23           tively use technology to collect, manage, and  
24           analyze data in order to improve teaching;

1 learning, and decision making for the purpose  
2 of increasing student academic achievement.

3 ~~“(2) PROHIBITION AGAINST CREATING A NA-~~  
4 ~~TIONAL LIST.—The Secretary shall not create a na-~~  
5 ~~tional list or ranking of States or schools using the~~  
6 ~~sealed scores provided under this subsection.~~

7 ~~“(c) REPORT OF THE SECRETARY ON THE QUALITY~~  
8 ~~OF TEACHER PREPARATION.—~~

9 ~~“(1) REPORT CARD.—The Secretary shall pro-~~  
10 ~~vide to Congress, and publish and make widely avail-~~  
11 ~~able, a report card on teacher qualifications and~~  
12 ~~preparation in the United States, including all the~~  
13 ~~information reported in subparagraphs (A) through~~  
14 ~~(J) of subsection (b)(1). Such report shall identify~~  
15 ~~States for which eligible States and eligible partner-~~  
16 ~~ships received a grant under this part. Such report~~  
17 ~~shall be so provided, published, and made available~~  
18 ~~annually.~~

19 ~~“(2) REPORT TO CONGRESS.—The Secretary~~  
20 ~~shall prepare and submit a report to Congress that~~  
21 ~~contains the following:~~

22 ~~“(A) A comparison of States efforts to im-~~  
23 ~~prove the quality of the current and future~~  
24 ~~teaching force.~~

1           “(B) A comparison of eligible partnerships’  
2           efforts to improve the quality of the current  
3           and future teaching force.

4           “(C) The national mean and median scaled  
5           scores and pass rate on any standardized test  
6           that is used in more than 1 State for teacher  
7           certification or licensure.

8           “(3) SPECIAL RULE.—In the case of a teacher  
9           preparation program with fewer than 10 scores re-  
10          ported on any single initial teacher certification or li-  
11          censure assessment during an academic year, the  
12          Secretary shall collect and publish information, and  
13          make publicly available, with respect to an average  
14          pass rate and scaled score on each State certification  
15          or licensure assessment taken over a 3-year period.

16          “(d) COORDINATION.—The Secretary, to the extent  
17          practicable, shall coordinate the information collected and  
18          published under this part among States for individuals  
19          who took State teacher certification or licensure assess-  
20          ments in a State other than the State in which the indi-  
21          vidual received the individual’s most recent degree.

22          **“SEC. 207. STATE FUNCTIONS.**

23          “(a) STATE ASSESSMENT.—In order to receive funds  
24          under this Act, a State shall have in place a procedure  
25          to identify and assist, through the provision of technical

1 assistance, low-performing programs of teacher prepara-  
2 tion. Such State shall provide the Secretary an annual list  
3 of such low-performing teacher preparation programs that  
4 includes an identification of those programs at risk of  
5 being placed on such list. Such levels of performance shall  
6 be determined solely by the State and may include criteria  
7 based on information collected pursuant to this part. Such  
8 assessment shall be described in the report under section  
9 206(b).

10       “(b) TERMINATION OF ELIGIBILITY.—Any program  
11 of teacher preparation from which the State has with-  
12 drawn the State’s approval, or terminated the State’s fi-  
13 nancial support, due to the low performance of the pro-  
14 gram based upon the State assessment described in sub-  
15 section (a)—

16               “(1) shall be ineligible for any funding for pro-  
17 fessional development activities awarded by the De-  
18 partment;

19               “(2) shall not be permitted to accept or enroll  
20 any student that receives aid under title IV in the  
21 institution’s teacher preparation program; and

22               “(3) shall provide transitional support, includ-  
23 ing remedial services if necessary, for students en-  
24 rolled at the institution at the time of termination  
25 of financial support or withdrawal of approval.

1       “(c) **NEGOTIATED RULEMAKING.**—If the Secretary  
2 develops any regulations implementing subsection (b)(2),  
3 the Secretary shall submit such proposed regulations to  
4 a negotiated rulemaking process, which shall include rep-  
5 resentatives of States, institutions of higher education,  
6 and educational and student organizations.

7       “(d) **APPLICATION OF THE REQUIREMENTS.**—The  
8 requirements of this section shall apply to both traditional  
9 teacher preparation programs and alternative routes to  
10 State certification and licensure programs.

11       **“SEC. 208. GENERAL PROVISIONS.**

12       “(a) **METHODS.**—In complying with sections 206 and  
13 207, the Secretary shall ensure that States and institu-  
14 tions of higher education use fair and equitable methods  
15 in reporting and that the reporting methods do not allow  
16 identification of individuals.

17       “(b) **SPECIAL RULE.**—For each State that does not  
18 use content assessments as a means of ensuring that all  
19 teachers teaching in core academic subjects within the  
20 State are highly qualified not later than the end of the  
21 2005-2006 school year, as required under section 1119 of  
22 the Elementary and Secondary Education Act of 1965,  
23 and that each person employed as a special education  
24 teacher in the State who teaches elementary school, middle  
25 school, or secondary school is highly qualified by such



1 deadline, as required under section 612(a)(14)(C) of the  
2 Individuals with Disabilities Education Act,—

3 “(1) the Secretary shall, to the extent prac-  
4 ticable, collect data comparable to the data required  
5 under this part from States, local educational agen-  
6 cies, institutions of higher education, or other enti-  
7 ties that administer such assessments to teachers or  
8 prospective teachers; and

9 “(2) notwithstanding any other provision of this  
10 part, the Secretary shall use such data to carry out  
11 requirements of this part related to assessments,  
12 pass rates, and scaled scores.

13 “(c) LIMITATIONS.—

14 “(1) FEDERAL CONTROL PROHIBITED.—Noth-  
15 ing in this title shall be construed to permit, allow,  
16 encourage, or authorize any Federal control over any  
17 aspect of any private, religious, or home school,  
18 whether or not a home school is treated as a private  
19 school or home school under State law. This section  
20 shall not be construed to prohibit private, religious,  
21 or home schools from participation in programs or  
22 services under this title.

23 “(2) NO CHANGE IN STATE CONTROL ENCOUR-  
24 AGED OR REQUIRED.—Nothing in this title shall be  
25 construed to encourage or require any change in a

1 State's treatment of any private, religious, or home  
 2 school, whether or not a home school is treated as  
 3 a private school or home school under State law.

4 “(3) NATIONAL SYSTEM OF TEACHER CERTIFI-  
 5 CATION OR LICENSURE PROHIBITED.—Nothing in  
 6 this title shall be construed to permit, allow, encour-  
 7 age, or authorize the Secretary to establish or sup-  
 8 port any national system of teacher certification or  
 9 licensure.

10 “(d) RELEASE OF INFORMATION TO TEACHER PREP-  
 11 ARATION PROGRAMS.—

12 “(1) IN GENERAL.—For the purpose of improv-  
 13 ing teacher preparation programs, a State edu-  
 14 cational agency shall provide to a teacher prepara-  
 15 tion program, upon the request of the teacher prepa-  
 16 ration program, any and all pertinent education-re-  
 17 lated information that—

18 “(A) may enable the teacher preparation  
 19 program to evaluate the effectiveness of the  
 20 program's graduates or the program itself; and

21 “(B) is possessed, controlled, or accessible  
 22 by the State educational agency.

23 “(2) CONTENT OF INFORMATION.—The infor-  
 24 mation described in paragraph (1)—

1           “(A) shall include an identification of spe-  
 2           cific individuals who graduated from the teach-  
 3           er preparation program to enable the teacher  
 4           preparation program to evaluate the informa-  
 5           tion provided to the program from the State  
 6           educational agency with the program’s own  
 7           data about the specific courses taken by, and  
 8           field experiences of, the individual graduates;  
 9           and

10           “(B) may include—

11           “(i) kindergarten through grade 12  
 12           academic achievement and demographic  
 13           data, without individual identifying infor-  
 14           mation, for students who have been taught  
 15           by graduates of the teacher preparation  
 16           program; and

17           “(ii) teacher effectiveness evaluations  
 18           for teachers who graduated from the teach-  
 19           er preparation program.

20 **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

21           “(a) **IN GENERAL.**—There are authorized to be ap-  
 22           propriated to carry out this part such sums as may be  
 23           necessary for fiscal year 2006 and each of the 5 suc-  
 24           ceeding fiscal years, of which—

1           “~~(1)~~ 50 percent shall be available for each fiscal  
2           year to award grants under section 202; and

3           “~~(2)~~ 50 percent shall be available for each fiscal  
4           year to award grants under section 203.

5           “~~(b)~~ SPECIAL RULE.—If the Secretary determines  
6           that there is an insufficient number of meritorious appli-  
7           cations for grants under section 202 or 203 to justify  
8           awarding the full amount described in paragraph (1) or  
9           (2) of subsection (a); respectively, the Secretary may, after  
10          funding the meritorious applications, use the remaining  
11          funds for grants under the other such section.”.

## 12       **TITLE III—INSTITUTIONAL AID**

### 13       **SEC. 301. PROGRAM PURPOSE.**

14          Section 311 (20 U.S.C. 1057) is amended—

15               (1) in subsection (b)—

16                       (A) in paragraph (1), by striking “351”  
17                       and inserting “391”; and

18                       (B) in paragraph (3)(F), by inserting “,  
19                       including services that will assist in the edu-  
20                       cation of special populations” before the period;  
21                       and

22               (2) in subsection (c)—

23                       (A) in paragraph (6), by inserting “, in-  
24                       cluding innovative, customized, remedial edu-  
25                       cation and English language instruction courses

1 designed to help retain students and move the  
 2 students rapidly into core courses and through  
 3 program completion” before the period;

4 (B) by redesignating paragraphs (7)  
 5 through (12) as paragraphs (8) through (13),  
 6 respectively;

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

9 “(7) Education or counseling services designed  
 10 to improve the financial literacy and economic lit-  
 11 eracy of students or the students’ parents.”; and

12 (D) in the matter preceding subparagraph  
 13 (A) of paragraph (13) (as redesignated by sub-  
 14 paragraph (B)), by striking “subsection (e)”  
 15 and inserting “subsection (b) and section 391”.

16 **SEC. 302. DEFINITIONS; ELIGIBILITY.**

17 Section 312 (20 U.S.C. 1058) is amended—

18 (1) in subsection (b)(1)(A), by striking “sub-  
 19 section (c) of this section” and inserting “subsection  
 20 (d)”;

21 (2) in subsection (d)(2), by striking “subdivi-  
 22 sion” and inserting “paragraph”.

23 **SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COL-  
 24 LEGES AND UNIVERSITIES.**

25 Section 316 (20 U.S.C. 1059c) is amended—

1           (1) by striking subsection (b)(3) and inserting  
2 the following:

3           “~~(3)~~ TRIBAL COLLEGE OR UNIVERSITY.—The  
4 term ‘Tribal College or University’ means an institu-  
5 tion that meets the definition of a tribally controlled  
6 college or university in section 2 of the Tribally Con-  
7 trolled College or University Assistance Act of 1978  
8 (25 U.S.C. 1801).”;

9           (2) in subsection (c)(2)—

10           (A) in subparagraph (B), by inserting be-  
11 fore the semicolon at the end the following:  
12 “and the acquisition of real property adjacent  
13 to the campus of the institution”;

14           (B) by redesignating subparagraphs (G),  
15 (H), (I), (J), (K), and (L) as subparagraphs  
16 (H), (I), (J), (K), (L), and (N), respectively;

17           (C) by inserting after subparagraph (F)  
18 the following:

19           “(G) education or counseling services de-  
20 signed to improve the financial literacy and eco-  
21 nomic literacy of students or parents of stu-  
22 dents;”;

23           (D) in subparagraph (L) (as redesignated  
24 by subparagraph (B)), by striking “and” after  
25 the semicolon;

1           (E) by inserting after subparagraph (L)  
 2           (as redesignated by subparagraph (B)) the fol-  
 3           lowing:

4           “(M) developing or improving facilities for  
 5           Internet use or other distance learning aca-  
 6           demic instruction capabilities; and”;

7           (F) in subparagraph (N) (as redesignated  
 8           by subparagraph (B)), by striking “subpara-  
 9           graphs (A) through (K)” and inserting “sub-  
 10          paragraphs (A) through (M)”;

11          (3) by striking subsection (d) and inserting the  
 12          following:

13          “(d) APPLICATION, PLAN, AND ALLOCATION.—

14               “(1) INSTITUTIONAL ELIGIBILITY.—To be eligi-  
 15               ble to receive assistance under this section, a Tribal  
 16               College or University shall be an eligible institution  
 17               under section 312(b).

18               “(2) APPLICATION.—

19                   “(A) IN GENERAL.—A Tribal College or  
 20                   University desiring to receive assistance under  
 21                   this section shall submit an application to the  
 22                   Secretary at such time, and in such manner, as  
 23                   the Secretary may reasonably require.

24                   “(B) STREAMLINED PROCESS.—The Sec-  
 25                   retary shall establish application requirements

1 in such a manner as to simplify and streamline  
2 the process for applying for grants.

3 ~~“(3) ALLOCATIONS TO INSTITUTIONS.—~~

4 ~~“(A) CONSTRUCTION GRANTS.—~~

5 ~~“(i) IN GENERAL.—Of the amount ap-~~  
6 ~~propriated to carry out this section for any~~  
7 ~~fiscal year, the Secretary may reserve 30~~  
8 ~~percent for the purpose of awarding 1-year~~  
9 ~~grants of not less than \$1,000,000 to ad-~~  
10 ~~dress maintenance and renovation needs at~~  
11 ~~eligible institutions.~~

12 ~~“(ii) PREFERENCE.—In providing~~  
13 ~~grants under clause (i), the Secretary shall~~  
14 ~~give preference to eligible institutions that~~  
15 ~~have not yet received an award under this~~  
16 ~~section.~~

17 ~~“(B) ALLOTMENT OF REMAINING~~  
18 ~~FUNDS.—~~

19 ~~“(i) IN GENERAL.—Except as pro-~~  
20 ~~vided in clause (ii), the Secretary shall dis-~~  
21 ~~tribute the remaining funds appropriated~~  
22 ~~for any fiscal year to each eligible institu-~~  
23 ~~tion as follows:~~

24 ~~“(I) 60 percent of the remaining~~  
25 ~~appropriated funds shall be distrib-~~



1           uted among the eligible Tribal Col-  
2           leges and Universities on a pro rata  
3           basis, based on the respective Indian  
4           student counts (as defined in section  
5           2(a) of the Tribally Controlled College  
6           or University Assistance Act of 1978  
7           (25 U.S.C. 1801(a)) of the Tribal  
8           Colleges and Universities; and

9                   “(H) the remaining 40 percent  
10           shall be distributed in equal shares to  
11           eligible Tribal Colleges and Univer-  
12           sities.

13                   “(ii) MINIMUM GRANT.—The amount  
14           distributed to a Tribal College or Univer-  
15           sity under clause (i) shall not be less than  
16           \$500,000.

17           “(4) SPECIAL RULES.—

18                   “(A) CONCURRENT FUNDING.—For the  
19           purposes of this part, no Tribal College or Uni-  
20           versity that is eligible for and receives funds  
21           under this section shall concurrently receive  
22           funds under other provisions of this part or  
23           part B.

1           “(B) EXEMPTION.—Section 313(d) shall  
2           not apply to institutions that are eligible to re-  
3           ceive funds under this section.”.

4 **SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING**  
5 **INSTITUTIONS.**

6           Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amend-  
7 ed—

8           (1) in subparagraph (G), by striking “and”  
9           after the semicolon;

10          (2) in subparagraph (H), by striking the period  
11          and inserting “; and”; and

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

13                 “(I) education or counseling services de-  
14                 signed to improve the financial literacy and eco-  
15                 nomic literacy of students or the students’ par-  
16                 ents.”.

17 **SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**  
18 **TUTIONS.**

19          (a) GRANT PROGRAM AUTHORIZED.—Part A of title  
20 III (20 U.S.C. 1057 et seq.) is amended by adding at the  
21 end the following:

22 **“SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**  
23 **TUTIONS.**

24                 “(a) PROGRAM AUTHORIZED.—The Secretary shall  
25 provide grants and related assistance to Native American-

1 serving, nontribal institutions to enable such institutions  
2 to improve and expand their capacity to serve Native  
3 Americans.

4 “(b) DEFINITIONS.—In this section:

5 “(1) NATIVE AMERICAN.—The term ‘Native  
6 American’ means an individual who is of a tribe,  
7 people, or culture that is indigenous to the United  
8 States.

9 “(2) NATIVE AMERICAN-SERVING, NONTRIBAL  
10 INSTITUTION.—The term ‘Native American-serving,  
11 nontribal institution’ means an institution of higher  
12 education that, at the time of application—

13 “(A) has an enrollment of undergraduate  
14 students that is not less than 10 percent Native  
15 American students; and

16 “(B) is not a Tribal College or University  
17 (as defined in section 316).

18 “(c) AUTHORIZED ACTIVITIES.—

19 “(1) TYPES OF ACTIVITIES AUTHORIZED.—  
20 Grants awarded under this section shall be used by  
21 Native American-serving, nontribal institutions to  
22 assist such institutions to plan, develop, undertake,  
23 and carry out activities to improve and expand such  
24 institutions’ capacity to serve Native Americans.

1           “(2) EXAMPLES OF AUTHORIZED ACTIVITIES.—

2           Such programs may include—

3                   “(A) the purchase, rental, or lease of sci-  
4                   entific or laboratory equipment for educational  
5                   purposes, including instructional and research  
6                   purposes;

7                   “(B) renovation and improvement in class-  
8                   room, library, laboratory, and other instrue-  
9                   tional facilities;

10                   “(C) support of faculty exchanges, and fac-  
11                   ulty development and faculty fellowships to as-  
12                   sist faculty in attaining advanced degrees in the  
13                   faculty’s field of instruction;

14                   “(D) curriculum development and aca-  
15                   demic instruction;

16                   “(E) the purchase of library books, peri-  
17                   odicals, microfilm, and other educational mate-  
18                   rials;

19                   “(F) funds and administrative manage-  
20                   ment, and acquisition of equipment for use in  
21                   strengthening funds management;

22                   “(G) the joint use of facilities such as lab-  
23                   oratories and libraries; and

24                   “(H) academic tutoring and counseling  
25                   programs and student support services.

1       “(d) APPLICATION PROCESS.—

2               “(1) INSTITUTIONAL ELIGIBILITY.—A Native  
3       ~~American-serving~~, nontribal institution desiring to  
4       receive assistance under this section shall submit to  
5       the Secretary such enrollment data as may be nec-  
6       essary to demonstrate that the institution is a Na-  
7       tive ~~American-serving~~, nontribal institution, along  
8       with such other information and data as the Sec-  
9       retary may by regulation require.

10              “(2) APPLICATIONS.—

11                      “(A) PERMISSION TO SUBMIT APPLICA-  
12                      TIONS.—Any institution that is determined by  
13                      the Secretary to be a Native ~~American-serving~~,  
14                      nontribal institution may submit an application  
15                      for assistance under this section to the Sec-  
16                      retary.

17                      “(B) SIMPLIFIED AND STREAMLINED FOR-  
18                      MAT.—The Secretary shall, to the extent pos-  
19                      sible, prescribe a simplified and streamlined for-  
20                      mat for applications under this section that  
21                      takes into account the limited number of insti-  
22                      tutions that are eligible for assistance under  
23                      this section.

24                      “(C) CONTENT.—An application submitted  
25                      under subparagraph (A) shall include—

1           “(i) a 5-year plan for improving the  
2           assistance provided by the Native Amer-  
3           ican-serving, nontribal institution to Native  
4           Americans; and

5           “(ii) such other information and as-  
6           surances as the Secretary may require.

7           “(3) SPECIAL RULES.—

8           “(A) ELIGIBILITY.—No Native American-  
9           serving, nontribal institution that receives funds  
10          under this section shall concurrently receive  
11          funds under other provisions of this part or  
12          part B.

13          “(B) EXEMPTION.—Section 313(d) shall  
14          not apply to institutions that are eligible to re-  
15          ceive funds under this section.

16          “(C) DISTRIBUTION.—In awarding grants  
17          under this section, the Secretary shall, to the  
18          extent possible and consistent with the competi-  
19          tive process under which such grants are  
20          awarded, ensure maximum and equitable dis-  
21          tribution among all eligible institutions.”.

22          (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
23          399 (20 U.S.C. 1068h) is amended by adding at the end  
24          the following:

1       “(e) **MINIMUM GRANT AMOUNT.**—The minimum  
2 amount of a grant under this title shall be \$200,000.”.

3 **SEC. 306. PART B DEFINITIONS.**

4       Section 322(4) (20 U.S.C. 1061(4)) is amended by  
5 inserting “, in consultation with the Commissioner for  
6 Education Statistics” before “and the Commissioner”.

7 **SEC. 307. GRANTS TO INSTITUTIONS.**

8       Section 323(a) (20 U.S.C. 1062(a)) is amended—

9           (1) in the matter preceding paragraph (1), by  
10 striking “360(a)(2)” and inserting “399(a)(2)”;

11           (2) by redesignating paragraphs (7) through  
12 (12) as paragraphs (8) through (13), respectively;  
13 and

14           (3) by inserting after paragraph (6) the fol-  
15 lowing:

16           “(7) Education or counseling services designed  
17 to improve the financial literacy and economic lit-  
18 eracy of students or the students’ parents.”.

19 **SEC. 308. ALLOTMENTS TO INSTITUTIONS.**

20       Section 324 (20 U.S.C. 1063) is amended by adding  
21 at the end the following:

22       “(h) **SPECIAL RULE ON ELIGIBILITY.**—Notwith-  
23 standing any other provision of this section, a part B insti-  
24 tution shall not receive an allotment under this section un-

1 less the part B institution provides data indicating that  
2 the part B institution—

3           “(1) enrolled Federal Pell Grant recipients in  
4 the preceding academic year;

5           “(2) in the preceding academic year, has grad-  
6 uated students from a program of academic study  
7 that is licensed or accredited by a nationally recog-  
8 nized accrediting agency or association recognized by  
9 the Secretary pursuant to part H of title IV where  
10 appropriate; and

11           “(3) where appropriate, has graduated students  
12 who, within the past 5 years, enrolled in graduate or  
13 professional school.”.

14 **SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.**

15 Section 326 (20 U.S.C. 1063b) is amended—

16           (1) in subsection (c)—

17                   (A) in paragraph (2), by inserting “, and  
18 for the acquisition and development of real  
19 property that is adjacent to the campus for  
20 such construction, maintenance, renovation, or  
21 improvement” after “services”;

22                   (B) by redesignating paragraphs (5)  
23 through (7) as paragraphs (7) through (9), re-  
24 spectively;



1           (C) by inserting after paragraph (4) the  
2 following:

3           ~~“(5) tutoring, counseling, and student service~~  
4 ~~programs designed to improve academic success;~~

5           ~~“(6) education or counseling services designed~~  
6 ~~to improve the financial literacy and economic lit-~~  
7 ~~eracy of students or the students’ parents;”;~~

8           (D) in paragraph (7) (as redesignated by  
9 subparagraph (B)); by striking “establish or  
10 improve” and inserting “establishing or improv-

11 ing”;  
12           (E) in paragraph (8) (as redesignated by  
13 subparagraph (B))—

14           (i) by striking “assist” and inserting  
15 “assisting”; and

16           (ii) by striking “and” after the semi-  
17 colon;

18           (F) in paragraph (9) (as redesignated by  
19 subparagraph (B)); by striking the period and  
20 inserting “; and”; and

21           (G) by adding at the end the following:

22           ~~“(10) other activities proposed in the applica-~~  
23 ~~tion submitted under subsection (d) that—~~

24           ~~“(A) contribute to carrying out the pur-~~  
25 ~~poses of this part; and~~

- 1           “(B) are approved by the Secretary as part  
2 of the review and acceptance of such applica-  
3 tion.”;
- 4       (2) in subsection (c)—
- 5           (A) in paragraph (1)—
- 6               (i) by inserting a colon after “the fol-  
7 lowing”;
- 8               (ii) in subparagraph (Q), by striking  
9 “and” at the end;
- 10              (iii) in subparagraph (R), by striking  
11 the period and inserting a semicolon; and
- 12              (iv) by adding at the end the fol-  
13 lowing:
- 14           “(S) Alabama State University qualified  
15 graduate program;
- 16           “(T) Coppin State University qualified  
17 graduate program; and
- 18           “(U) Prairie View A & M University quali-  
19 fied graduate program.”;
- 20           (B) in paragraph (2), by inserting “in law  
21 or” after “instruction”;
- 22           (C) in paragraph (3), by striking “1998”  
23 and inserting “2006”;
- 24       (3) in subsection (f)(3)—

1           (A) by striking subparagraphs (A) and (B)  
2 and inserting the following:

3           “(A) The amount of non-Federal funds for  
4 the fiscal year for which the determination is  
5 made that the institution or program listed in  
6 subsection (e)—

7                 “(i) allocates from institutional re-  
8 sources;

9                 “(ii) secures from non-Federal  
10 sources, including amounts appropriated  
11 by the State and amounts from the private  
12 sector; and

13                 “(iii) will utilize to match Federal  
14 funds awarded for the fiscal year for which  
15 the determination is made under this sec-  
16 tion to the institution or program.

17           “(B) The number of students enrolled in  
18 the qualified graduate programs of the eligible  
19 institution or program, for which the institution  
20 or program received and allocated funding  
21 under this section in the preceding year.”;

22           (B) in subparagraph (C), by striking “(or  
23 the equivalent) enrolled in the eligible profes-  
24 sional or graduate school” and all that follows  
25 through the period and inserting “enrolled in

1 the qualified programs or institutions listed in  
2 paragraph (1).”;

3 (C) in subparagraph (D)—

4 (i) by striking “students” and insert-  
5 ing “Black American students or minority  
6 students”; and

7 (ii) by striking “institution” and in-  
8 serting “institution or program”; and

9 (D) by striking subparagraph (E) and in-  
10 serting the following:

11 “(E) The percentage that the total number  
12 of Black American students and minority stu-  
13 dents who receive their first professional, mas-  
14 ter’s, or doctoral degrees from the institution or  
15 program in the academic year preceding the  
16 academic year for which the determination is  
17 made, represents of the total number of Black  
18 American students and minority students in the  
19 United States who receive their first profes-  
20 sional, master’s, or doctoral degrees in the pro-  
21 fessions or disciplines related to the course of  
22 study at such institution or program, respec-  
23 tively, in the preceding academic year.”; and

24 (4) in subsection (g), by striking “1998” and  
25 inserting “2006”.

1 **SEC. 310. AUTHORIZATION OF APPROPRIATIONS.**

2 Subsection (a) of section 399 (20 U.S.C. 1068h) is  
3 amended to read as follows:

4 “(a) AUTHORIZATIONS.—

5 “(1) PART A.—(A) There are authorized to be  
6 appropriated to carry out part A (other than section  
7 316) such sums as may be necessary for fiscal year  
8 2006 and each of the 5 succeeding fiscal years.

9 “(B) There are authorized to be appropriated  
10 to carry out section 316 such sums as may be nee-  
11 cessary for fiscal year 2006 and each of the 5 sue-  
12 ceeding fiscal years.

13 “(C) There are authorized to be appropriated to  
14 carry out section 317 such sums as may be nee-  
15 cessary for fiscal year 2006 and each of the 5 sue-  
16 ceeding fiscal years.

17 “(D) There are authorized to be appropriated  
18 to carry out section 318 such sums as may be nee-  
19 cessary for fiscal year 2006 and each of the 5 sue-  
20 ceeding fiscal years.

21 “(2) PART B.—(A) There are authorized to be  
22 appropriated to carry out part B (other than section  
23 326) such sums as may be necessary for fiscal year  
24 2006 and each of the 5 succeeding fiscal years.

25 “(B) There are authorized to be appropriated  
26 to carry out section 326 such sums as may be nee-

1        essary for fiscal year 2006 and each of the 5 suc-  
2        ceeding fiscal years.

3            “(3) PART C.—There are authorized to be ap-  
4        propriated to carry out part C such sums as may be  
5        necessary for fiscal year 2006 and each of the 5 suc-  
6        ceeding fiscal years.

7            “(4) PART D.—(A) There are authorized to be  
8        appropriated to carry out part D (other than section  
9        345(7), but including section 347) such sums as  
10       may be necessary for fiscal year 2006 and each of  
11       the 5 succeeding fiscal years.

12           “(B) There are authorized to be appropriated  
13       to carry out section 345(7) such sums as may be  
14       necessary for fiscal year 2006 and each of the 5 suc-  
15       ceeding fiscal years.

16           “(5) PART E.—There are authorized to be ap-  
17       propriated to carry out part E such sums as may be  
18       necessary for fiscal year 2006 and each of the 5 suc-  
19       ceeding fiscal years.”.

20   **SEC. 311. TECHNICAL CORRECTIONS.**

21        Title III (20 U.S.C. 1051 et seq.) is further amend-  
22       ed—

23            (1) in section 342(5)(C) (20 U.S.C.  
24        1066a(5)(C)), by striking “,” and inserting “,”;

1           (2) in section 343(e) (20 U.S.C. 1066b(e)), by  
 2           inserting “**SALE OF QUALIFIED BONDS.—**” before  
 3           “Notwithstanding”;

4           (3) in the matter preceding clause (i) of section  
 5           365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking  
 6           “support” and inserting “supports”;

7           (4) in section 391(b)(7)(E) (20 U.S.C.  
 8           1068(b)(7)(E)), by striking “subparagraph (E)” and  
 9           inserting “subparagraph (D)”;

10          (5) in the matter preceding subparagraph (A)  
 11          of section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by  
 12          striking “eligible institutions under part A institu-  
 13          tions” and inserting “eligible institutions under part  
 14          A”; and

15          (6) in the matter preceding paragraph (1) of  
 16          section 396 (20 U.S.C. 1068e), by striking “360”  
 17          and inserting “399”.

## 18 **TITLE IV—STUDENT ASSISTANCE**

### 19 **PART A—GRANTS TO STUDENTS IN ATTENDANCE**

#### 20 **AT INSTITUTIONS OF HIGHER EDUCATION**

#### 21 **SEC. 401. FEDERAL PELL GRANTS.**

22          Section 401 (20 U.S.C. 1070a) is amended—

23           (1) in subsection (a)(1)—

24                   (A) in the first sentence, by striking  
 25                   “2004” and inserting “2012”; and

1           (B) in the second sentence, by striking “,”  
2           and inserting “,”;

3           ~~(2)~~ in subsection (b)—

4           (A) by striking paragraph ~~(2)~~(A) and in-  
5           serting the following:

6           “~~(2)~~(A) the amount of the Federal Pell Grant for a  
7           student eligible under this part shall be—

8           “(i) \$5,100 for academic year 2006–2007;

9           “(ii) \$5,400 for academic year 2007–2008;

10          “(iii) \$5,700 for academic year 2008–2009;

11          “(iv) \$6,000 for academic year 2009–2010; and

12          “(v) \$6,300 for academic year 2010–2011;

13          less an amount equal to the amount determined to be the  
14          expected family contribution with respect to that student  
15          for that year.”;

16          (B) by striking paragraph ~~(3)~~;

17          (C) by redesignating paragraphs ~~(4)~~  
18          through ~~(8)~~ as paragraphs ~~(3)~~ through ~~(7)~~, re-  
19          spectively;

20          (D) in paragraph ~~(4)~~ (as redesignated by  
21          subparagraph (C)), by striking “\$400, except”  
22          and all that follows through the period and in-  
23          serting “10 percent of the maximum basic  
24          grant level specified in the appropriate Approp-  
25          riation Act for such academic year.”; and



1           (E) by striking paragraph (5) (as redesignated by subparagraph (C)) and inserting the  
2           following:  
3

4           “(5) In the case of a student who is enrolled, on at  
5 least a half-time basis and for a period of more than 1  
6 academic year in a 2-year or 4-year program of instruction  
7 for which an institution of higher education awards an as-  
8 sociate or baccalaureate degree, the Secretary shall allow  
9 such student to receive not more than 2 Federal Pell  
10 Grants during a single award year to permit such student  
11 to accelerate the student’s progress toward a degree by  
12 attending additional sessions. In the case of a student re-  
13 ceiving more than 1 Federal Pell Grant in a single award  
14 year, the total amount of Federal Pell Grants awarded to  
15 such student for the award year may exceed the basic  
16 grant level specified in the appropriate Appropriation Act  
17 for such award year.”; and

18           (3) in subsection (e), by adding at the end the  
19           following:

20           “(5) The period of time during which a student may  
21 receive Federal Pell Grants shall not exceed 18 semesters,  
22 or an equivalent period of time as determined by the Sec-  
23 retary pursuant to regulations, which period shall—

1           “(A) be determined without regard to whether  
2           the student is enrolled on a full-time basis during  
3           any portion of the period of time; and

4           “(B) include any period of time for which the  
5           student received a Federal Pell Grant prior to the  
6           date of enactment of the Higher Education Amend-  
7           ments of 2005.”.

8   **SEC. 402. FEDERAL TRIO PROGRAMS.**

9           (a) PROGRAM AUTHORITY; AUTHORIZATION OF AP-  
10          PROPRIATIONS.—Section 402A (20 U.S.C. 1070a-11) is  
11          amended—

12                 (1) in subsection (b)—

13                         (A) in paragraph (2)—

14                                 (i) in the matter preceding subpara-  
15                                 graph (A), by striking “4” and inserting  
16                                 “5”;

17                                 (ii) by striking subparagraph (A); and

18                                 (iii) by redesignating subparagraphs  
19                                 (B) and (C) as subparagraphs (A) and  
20                                 (B), respectively; and

21                         (B) by striking paragraph (3) and insert-  
22                         ing the following:

23                         “(3) MINIMUM GRANTS.—Unless the institution  
24                         or agency requests a smaller amount, an individual  
25                         grant authorized under this chapter shall be award-

1 ed in an amount that is not less than \$200,000, ex-  
2 cept that an individual grant authorized under sec-  
3 tion 402G shall be awarded in an amount that is not  
4 less than \$170,000.”;

5 (2) in subsection (e)—

6 (A) in paragraph (2), by striking “service  
7 delivery” and inserting “high quality service de-  
8 livery, as determined under subsection (f)”;

9 (B) in paragraph (3)(B), by striking “is  
10 not required to” and inserting “shall not”; and

11 (C) in paragraph (5), by striking “cam-  
12 puses” and inserting “different campuses”;

13 (3) in subsection (e), by striking “(g)(2)” each  
14 place the term occurs and inserting “(h)(4)”;

15 (4) by redesignating subsections (f) and (g) as  
16 subsections (g) and (h), respectively;

17 (5) by inserting after subsection (e) the fol-  
18 lowing:

19 “(f) OUTCOME CRITERIA.—

20 “(1) IN GENERAL.—The Secretary, by regula-  
21 tion, shall establish outcome criteria for measuring,  
22 annually and for longer periods, the quality and ef-  
23 fectiveness of programs authorized under this chap-  
24 ter.

1           “(2) USE FOR PRIOR EXPERIENCE DETERMINA-  
2           TION.—The outcome criteria under paragraph (1)  
3           shall be used to evaluate the programs provided by  
4           a recipient of a grant under this chapter, and the  
5           Secretary shall determine an eligible entity’s prior  
6           experience of high quality service delivery, as re-  
7           quired in subsection (c)(2), based on the outcome  
8           criteria.

9           “(3) CONSIDERATION OF RELEVANT DATA.—  
10          The outcome criteria under this subsection shall  
11          take into account data pertaining to secondary  
12          school completion, postsecondary education enroll-  
13          ment, and postsecondary education completion for  
14          low-income students, first generation college stu-  
15          dents, and individuals with disabilities, in the schools  
16          and institutions of higher education served by the  
17          program to be evaluated.

18          “(4) CONTENTS OF OUTCOME CRITERIA.—The  
19          outcome criteria shall include the following:

20                 “(A) For programs authorized under sec-  
21                 tion 402B, whether the eligible entity met or  
22                 exceeded the entity’s objectives established in  
23                 the entity’s application for such program re-  
24                 garding—

1           “(i) the delivery of service to a total  
2           number of students served by the program;

3           “(ii) the continued secondary school  
4           enrollment of such students;

5           “(iii) the graduation of such students  
6           from secondary school; and

7           “(iv) the enrollment of such students  
8           in an institution of higher education.

9           “(B) For programs authorized under sec-  
10          tion 402C, whether the eligible entity met or ex-  
11          ceeded its objectives for such program regard-  
12          ing—

13           “(i) the delivery of service to a total  
14           number of students served by the program;  
15           as agreed upon by the entity and the Sec-  
16           retary for the period;

17           “(ii) such students’ school perform-  
18           ance, as measured by the grade point aver-  
19           age, or its equivalent;

20           “(iii) such students’ academic per-  
21           formance, as measured by standardized  
22           tests, including tests required by the stu-  
23           dents’ State;

1           “(iv) the retention in, and graduation  
2           from, secondary school of such students;  
3           and

4           “(v) the enrollment of such students  
5           in an institution of higher education.

6           “(C) For programs authorized under sec-  
7           tion 402D—

8           “(i) whether the eligible entity met or  
9           exceeded the entity’s objectives regarding  
10          the retention in postsecondary education of  
11          the students served by the program;

12          “(ii)(I) in the case of an entity that is  
13          an institution of higher education offering  
14          a baccalaureate degree, the extent to which  
15          the entity met or exceeded the entity’s ob-  
16          jectives regarding such students’ comple-  
17          tion of the degree programs in which such  
18          students were enrolled; or

19          “(II) in the case of an entity that is  
20          an institution of higher education that does  
21          not offer a baccalaureate degree, the extent  
22          to which the entity met or exceeded the en-  
23          tity’s objectives regarding—

24                  “(aa) the completion of a degree  
25                  or certificate by such students; and

1                   “(bb) the transfer of such stu-  
2                   dents to institutions of higher edu-  
3                   cation that offer baccalaureate de-  
4                   grees;

5                   “(iii) whether the entity met or ex-  
6                   ceeded the entity’s objectives regarding the  
7                   delivery of service to a total number of stu-  
8                   dents, as agreed upon by the entity and  
9                   the Secretary for the period; and

10                   “(iv) whether the applicant met or ex-  
11                   ceeded the entity’s objectives regarding  
12                   such students remaining in good academic  
13                   standing.

14                   “(D) For programs authorized under sec-  
15                   tion 402E, whether the entity met or exceeded  
16                   the entity’s objectives for such program regard-  
17                   ing—

18                   “(i) the delivery of service to a total  
19                   number of students, as agreed upon by the  
20                   entity and the Secretary for the period;

21                   “(ii) the provision of appropriate  
22                   scholarly and research activities for the  
23                   students served by the program;

1           “(iii) the acceptance and enrollment  
2           of such students in graduate programs;  
3           and

4           “(iv) the attainment of doctoral de-  
5           grees by former program participants.

6           “(E) For programs authorized under sec-  
7           tion 402F, whether the entity met or exceeded  
8           the entity’s objectives for such program regard-  
9           ing—

10           “(i) the enrollment of students with-  
11           out a secondary school diploma or its rec-  
12           ognized equivalent, who were served by the  
13           program, in programs leading to such di-  
14           ploma or equivalent;

15           “(ii) the enrollment of secondary  
16           school graduates who were served by the  
17           program in programs of postsecondary  
18           education;

19           “(iii) the delivery of service to a total  
20           number of students, as agreed upon by the  
21           entity and the Secretary for the period;  
22           and

23           “(iv) the provision of assistance to  
24           students served by the program in com-



1           pleting financial aid applications and col-  
2           lege admission applications.”;

3           (6) in subsection (g) (as redesignated by para-  
4           graph (4))—

5           (A) in the first sentence, by striking  
6           “\$700,000,000 for fiscal year 1999” and all  
7           that follows through the period and inserting  
8           “such sums as may be necessary for fiscal year  
9           2006 and each of the 5 succeeding fiscal  
10          years.”; and

11          (B) by striking the fourth sentence; and

12          (7) in subsection (h) (as redesignated by para-  
13          graph (4))—

14          (A) by redesignating paragraphs (1)  
15          through (4) as paragraphs (3) through (6), re-  
16          spectively;

17          (B) by inserting before paragraph (3) (as  
18          redesignated by subparagraph (A)) the fol-  
19          lowing:

20          “(1) DIFFERENT CAMPUS.—The term ‘different  
21          campus’ means a site of an institution of higher edu-  
22          cation that—

23                  “(A) is geographically apart from the main  
24                  campus of the institution;

25                  “(B) is permanent in nature; and

1           “(C) offers courses in educational pro-  
2           grams leading to a degree, certificate, or other  
3           recognized educational credential.

4           “(2) DIFFERENT POPULATION.—The term ‘dif-  
5           ferent population’ means a group of individuals, with  
6           respect to whom an eligible entity desires to serve  
7           through an application for a grant under this chap-  
8           ter, that—

9           “(A) is separate and distinct from any  
10          other population that the entity has applied for  
11          a grant under this chapter to serve; or

12          “(B) while sharing some of the same needs  
13          as another population that the eligible entity  
14          has applied for a grant under this chapter to  
15          serve; has distinct needs for specialized serv-  
16          ices.”;

17          (C) in paragraph (5) (as redesignated by  
18          subparagraph (A))—

19                 (i) in subparagraph (A), by striking  
20                 “or” after the semicolon;

21                 (ii) in subparagraph (B), by striking  
22                 the period at the end and inserting “; or”;  
23                 and

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

1           “(C) was a member of a reserve component  
2 of the Armed Forces called to active duty for a  
3 period of more than 180 days.”; and

4           (D) in paragraph (6), by striking “sub-  
5 paragraph (A) or (B) of paragraph (3)” and in-  
6 serting “subparagraph (A), (B), or (C) of para-  
7 graph (5)”.

8       (b) TALENT SEARCH.—Section 402B (20 U.S.C.  
9 1070a-12) is amended—

10       (1) in subsection (a)—

11           (A) in paragraph (1), by striking “to iden-  
12 tify qualified youths with potential for edu-  
13 cation at the postsecondary level and to encour-  
14 age such youths” and inserting “to encourage  
15 eligible youths”;

16           (B) in paragraph (2), by inserting “, and  
17 facilitate the application for,” after “the avail-  
18 ability of”; and

19           (C) in paragraph (3), by striking “, but  
20 who have the ability to complete such programs,  
21 to reenter” and inserting “to enter or reenter,  
22 and complete”;

23       (2) by redesignating subsection (e) as sub-  
24 section (d);

1           ~~(3)~~ by striking subsection (b) and inserting the  
2 following:

3           ~~“(b) REQUIRED SERVICES.—Any project assisted~~  
4 under this section shall provide—

5           ~~“(1) academic tutoring; or connections to high~~  
6 quality academic tutoring services; to enable stu-  
7 dents to complete secondary or postsecondary  
8 courses; which may include instruction in reading;  
9 writing; study skills; mathematics; science; and other  
10 subjects;

11           ~~“(2) advice and assistance in secondary course~~  
12 selection and; if applicable; initial postsecondary  
13 course selection;

14           ~~“(3) assistance in preparing for college entrance~~  
15 examinations and completing college admission ap-  
16 plications;

17           ~~“(4)(A) information on both the full range of~~  
18 Federal student financial aid programs (including  
19 Federal Pell Grant awards and loan forgiveness) and  
20 resources for locating public and private scholar-  
21 ships; and

22           ~~“(B) assistance in completing financial aid ap-~~  
23 plications; including the Free Application for Fed-  
24 eral Student Aid described in section 483(a);

25           ~~“(5) guidance on and assistance in—~~

1           “(A) secondary school reentry;

2           “(B) alternative education programs for  
3 secondary school dropouts that lead to the re-  
4 ceipt of a regular secondary school diploma;

5           “(C) entry into general educational devel-  
6 opment (GED) programs; or

7           “(D) postsecondary education; and

8           “(6) education or counseling services designed  
9 to improve the financial literacy and economic lit-  
10 eracy of students or their parents, including finan-  
11 cial planning for postsecondary education.

12       “(e) PERMISSIBLE SERVICES.—Any project assisted  
13 under this section may provide services such as—

14           “(1) personal and career counseling or activi-  
15 ties;

16           “(2) information and activities designed to ac-  
17 quaint youths with the range of career options avail-  
18 able to the youths;

19           “(3) exposure to the campuses of institutions of  
20 higher education, as well as cultural events, aca-  
21 demic programs, and other sites or activities not  
22 usually available to disadvantaged youth;

23           “(4) workshops and counseling for families of  
24 students served;

1           “(5) mentoring programs involving elementary  
2           or secondary school teachers or counselors, faculty  
3           members at institutions of higher education, stu-  
4           dents, or any combination of such persons; and

5           “(6) programs and activities as described in  
6           subsection (b) or paragraphs (1) through (5) of this  
7           subsection that are specially designed for students  
8           who are limited English proficient, students with  
9           disabilities, students who are homeless children and  
10          youths (as such term is defined in section 725 of the  
11          McKinney-Vento Homeless Assistance Act (42  
12          U.S.C. 11434a)), or students who are in foster care  
13          or are aging out of the foster care system.”; and

14          (4) in the matter preceding paragraph (1) of  
15          subsection (d) (as redesignated by paragraph (2)),  
16          by striking “talent search projects under this chap-  
17          ter” and inserting “projects under this section”.

18          (c) UPWARD BOUND.—Section 402C (20 U.S.C.  
19          1070a-13) is amended—

20                 (1) by striking subsection (b) and inserting the  
21                 following:

22                 “(b) REQUIRED SERVICES.—Any project assisted  
23                 under this section shall provide—

24                         “(1) academic tutoring to enable students to  
25                         complete secondary or postsecondary courses, which

1 may include instruction in reading, writing, study  
2 skills, mathematics, science, and other subjects;

3 “(2) advice and assistance in secondary and  
4 postsecondary course selection;

5 “(3) assistance in preparing for college entrance  
6 examinations and completing college admission ap-  
7 plications;

8 “(4)(A) information on both the full range of  
9 Federal student financial aid programs (including  
10 Federal Pell Grant awards and loan forgiveness) and  
11 resources for locating public and private scholar-  
12 ships; and

13 “(B) assistance in completing financial aid ap-  
14 plications, including the Free Application for Fed-  
15 eral Student Aid described in section 483(a);

16 “(5) guidance on and assistance in—

17 “(A) secondary school reentry;

18 “(B) alternative education programs for  
19 secondary school dropouts that lead to the re-  
20 ceipt of a regular secondary school diploma;

21 “(C) entry into general educational devel-  
22 opment (GED) programs; or

23 “(D) postsecondary education; and

24 “(6) education or counseling services designed  
25 to improve the financial literacy and economic lit-

1 eracy of students, including financial planning for  
2 postsecondary education.”;

3 ~~(2)~~ in subsection (c)—

4 (A) in the subsection heading, by striking  
5 “REQUIRED SERVICES” and inserting “ADDITIONAL  
6 REQUIRED SERVICES FOR MULTIPLE-  
7 YEAR GRANT RECIPIENTS”; and

8 (B) by striking “upward bound project as-  
9 sisted under this chapter” and inserting  
10 “project assisted under this section”;

11 ~~(3)~~ by redesignating subsections (d) and (e) as  
12 subsections (e) and (f), respectively;

13 (4) by inserting after subsection (c) the fol-  
14 lowing:

15 “(d) PERMISSIBLE SERVICES.—Any project assisted  
16 under this section may provide such services as—

17 “(1) exposure to cultural events, academic pro-  
18 grams, and other activities not usually available to  
19 disadvantaged youth;

20 “(2) information, activities and instruction de-  
21 signed to acquaint youths participating in the  
22 project with the range of career options available to  
23 the youths;

24 “(3) on-campus residential programs;



1           “(4) mentoring programs involving elementary  
2 school or secondary school teachers or counselors;  
3 faculty members at institutions of higher education;  
4 students; or any combination of such persons;

5           “(5) work-study positions where youth partici-  
6 pating in the project are exposed to careers requir-  
7 ing a postsecondary degree;

8           “(6) special services to enable veterans to make  
9 the transition to postsecondary education; and

10          “(7) programs and activities as described in  
11 subsection (b); subsection (e); or paragraphs (1)  
12 through (6) of this subsection that are specially de-  
13 signed for students who are limited English pro-  
14 ficient; students with disabilities; students who are  
15 homeless children and youths (as such term is de-  
16 fined in section 725 of the McKinney-Vento Home-  
17 less Assistance Act (42 U.S.C. 11434a)); or students  
18 who are in foster care or are aging out of the foster  
19 care system.”;

20          (5) in the matter preceding paragraph (1) of  
21 subsection (e) (as redesignated by paragraph (3));  
22 by striking “upward bound projects under this chap-  
23 ter” and inserting “projects under this section”; and

24          (6) in subsection (f) (as redesignated by para-  
25 graph (3))—

1           (A) by striking “during June, July, and  
2           August” each place the term occurs and insert-  
3           ing “during the summer school recess, for a pe-  
4           riod not to exceed 3 months”; and

5           (B) by striking “(b)(10)” and inserting  
6           “(d)(5)”.

7           (d) STUDENT SUPPORT SERVICES.—Section 402D  
8           (20 U.S.C. 1070a-14) is amended—

9           (1) in subsection (a)—

10           (A) in paragraph (2), by striking “and”  
11           after the semicolon;

12           (B) by striking paragraph (3) and insert-  
13           ing the following:

14           “(3) to foster an institutional climate sup-  
15           portive of the success of low-income and first gen-  
16           eration college students, students with disabilities,  
17           students who are limited English proficient, students  
18           who are homeless children and youths (as such term  
19           is defined in section 725 of the McKinney-Vento  
20           Homeless Assistance Act (42 U.S.C. 11434a)), and  
21           students who are in foster care or are aging out of  
22           the foster care system.”; and

23           (C) by adding at the end the following:

24           “(4) to improve the financial literacy and eco-  
25           nomic literacy of students, including—

1           “(A) basic personal income, household  
2           money management, and financial planning  
3           skills; and

4           “(B) basic economic decisionmaking  
5           skills.”;

6           (2) by redesignating subsections (c) and (d) as  
7           subsections (d) and (e);

8           (3) by striking subsection (b) and inserting the  
9           following:

10          “(b) REQUIRED SERVICES.—A project assisted under  
11 this section shall provide—

12           “(1) academic tutoring to enable students to  
13           complete postsecondary courses, which may include  
14           instruction in reading, writing, study skills, mathe-  
15           matics, science, and other subjects;

16           “(2) advice and assistance in postsecondary  
17           course selection;

18           “(3)(A) information on both the full range of  
19           Federal student financial aid programs (including  
20           Federal Pell Grant awards and loan forgiveness) and  
21           resources for locating public and private scholar-  
22           ships; and

23           “(B) assistance in completing financial aid ap-  
24           plications, including the Free Application for Fed-  
25           eral Student Aid described in section 483(a);

1           “(4) education or counseling services designed  
2           to improve the financial literacy and economic lit-  
3           eracy of students, including financial planning for  
4           postsecondary education;

5           “(5) activities designed to assist students par-  
6           ticipating in the project in securing college admis-  
7           sion and financial assistance for enrollment in grad-  
8           uate and professional programs; and

9           “(6) activities designed to assist students en-  
10          rolled in 2-year institutions of higher education in  
11          securing admission and financial assistance for en-  
12          rollment in a 4-year program of postsecondary edu-  
13          cation.

14          “(e) PERMISSIBLE SERVICES.—A project assisted  
15          under this section may provide services such as—

16               “(1) consistent, individualized personal, career,  
17               and academic counseling, provided by assigned coun-  
18               selors;

19               “(2) information, activities, and instruction de-  
20               signed to acquaint youths participating in the  
21               project with the range of career options available to  
22               the students;

23               “(3) exposure to cultural events and academic  
24               programs not usually available to disadvantaged stu-  
25               dents;

1           “(4) activities designed to acquaint students  
2 participating in the project with the range of career  
3 options available to the students;

4           “(5) mentoring programs involving faculty or  
5 upper class students, or a combination thereof;

6           “(6) securing temporary housing during breaks  
7 in the academic year for students who are homeless  
8 children and youths (as such term is defined in sec-  
9 tion 725 of the McKinney-Vento Homeless Assist-  
10 ance Act (42 U.S.C. 11434a)) or were formerly  
11 homeless children and youths and students who are  
12 in foster care or are aging out of the foster care sys-  
13 tem; and

14           “(7) programs and activities as described in  
15 subsection (b) or paragraphs (1) through (5) of this  
16 subsection that are specially designed for students  
17 who are limited English proficient, students with  
18 disabilities, students who are homeless children and  
19 youths (as such term is defined in section 725 of the  
20 McKinney-Vento Homeless Assistance Act (42  
21 U.S.C. 11434a)) or were formerly homeless children  
22 and youths, or students who are in foster care or are  
23 aging out of the foster care system.”;

1           (4) in subsection (d)(1) (as redesignated by  
2 paragraph (2)), by striking “subsection (b)” and in-  
3 serting “subsection (e)”; and

4           (5) in the matter preceding paragraph (1) of  
5 subsection (e) (as redesignated by paragraph (2)),  
6 by striking “student support services projects under  
7 this chapter” and inserting “projects under this sec-  
8 tion”.

9           (c) POSTBACCALAUREATE ACHIEVEMENT PROGRAM

10 AUTHORITY.—Section 402E (20 U.S.C. 1070a-15) is  
11 amended—

12           (1) in subsection (b)—

13               (A) in the subsection heading, by inserting  
14 “REQUIRED” before “SERVICES”;

15               (B) in the matter preceding paragraph (1),  
16 by striking “A postbaccalaureate achievement  
17 project assisted under this section may provide  
18 services such as—” and inserting “A project as-  
19 sisted under this section shall provide—”;

20               (C) in paragraph (5), by inserting “and”  
21 after the semicolon;

22               (D) in paragraph (6), by striking the semi-  
23 colon and inserting a period; and

24               (E) by striking paragraphs (7) and (8);

1           (2) by redesignating subsections (e) through (f)  
2 as subsections (d) through (g), respectively;

3           (3) by inserting after subsection (b) the fol-  
4 lowing:

5           “(e) PERMISSIBLE SERVICES.—A project assisted  
6 under this section may provide services such as—

7           “(1) education or counseling services designed  
8 to improve the financial literacy and economic lit-  
9 eracy of students or their parents, including finan-  
10 cial planning for postsecondary education;

11           “(2) mentoring programs involving faculty  
12 members at institutions of higher education; stu-  
13 dents; or any combination of such persons; and

14           “(3) exposure to cultural events and academic  
15 programs not usually available to disadvantaged stu-  
16 dents.”;

17           (4) in the matter preceding paragraph (1) of  
18 subsection (d) (as redesignated by paragraph (2)),  
19 by striking “postbaccalaureate achievement”;

20           (5) in the matter preceding paragraph (1) of  
21 subsection (f) (as redesignated by paragraph (2)), by  
22 striking “postbaccalaureate achievement project”  
23 and inserting “project under this section”; and

24           (6) in subsection (g) (as redesignated by para-  
25 graph (2))—

1           (A) by striking “402A(f)” and inserting  
2           “402A(g)”; and

3           (B) by striking “1993 through 1997” and  
4           inserting “2006 through 2010”.

5           (f) EDUCATIONAL OPPORTUNITY CENTERS.—Section  
6 402F (20 U.S.C. 1070a–16) is amended—

7           (1) in subsection (a)—

8           (A) in paragraph (1), by striking “and”  
9           after the semicolon;

10          (B) in paragraph (2), by striking the pe-  
11          riod at the end and inserting “; and”; and

12          (C) by adding at the end the following:

13          “~~(3)~~ to improve the financial literacy and eco-  
14          nomic literacy of students, including—

15               “(A) basic personal income, household  
16               money management, and financial planning  
17               skills; and

18               “(B) basic economic decisionmaking  
19               skills.”; and

20          (2) in subsection (b)—

21               (A) by redesignating paragraphs (5)  
22               through (10) as paragraphs (6) through (11),  
23               respectively;

24               (B) by inserting after paragraph (4) the  
25               following:



1           “(5) education or counseling services designed  
2           to improve the financial literacy and economic lit-  
3           eracy of students or their parents;”;

4           (C) by striking paragraph (7) (as redesign-  
5           ated by subparagraph (A)) and inserting the  
6           following:

7           “(7) individualized personal, career, and aca-  
8           demic counseling;”;

9           (D) by striking paragraph (11) (as redesign-  
10          ated by subparagraph (A)) and inserting the  
11          following:

12          “(11) programs and activities as described in  
13          paragraphs (1) through (10) that are specially de-  
14          signed for students who are limited English pro-  
15          ficient, students with disabilities, or students who  
16          are homeless children and youths (as such term is  
17          defined in section 725 of the McKinney-Vento  
18          Homeless Assistance Act (42 U.S.C. 11434a)); or  
19          programs and activities for students who are in fos-  
20          ter care or are aging out of the foster care system.”;

21          (g) STAFF DEVELOPMENT ACTIVITIES.—Section  
22          402G(b)(3) (20 U.S.C. 1070a-17(b)(3)) is amended by in-  
23          serting “, including strategies for recruiting and serving  
24          students who are homeless children and youths (as such  
25          term is defined in section 725 of the McKinney-Vento

1 Homeless Assistance Act (42 U.S.C. 11434a)) and stu-  
 2 dents who are in foster care or are aging out of the foster  
 3 care system” before the period at the end.

4 (h) REPORTS, EVALUATIONS, AND GRANTS FOR  
 5 PROJECT IMPROVEMENT AND DISSEMINATION.—Section  
 6 402H (20 U.S.C. 1070a–18) is amended—

7 (1) by striking the section heading and insert-  
 8 ing “**REPORTS, EVALUATIONS, AND GRANTS**  
 9 **FOR PROJECT IMPROVEMENT AND DISSEMINA-**  
 10 **TION.**”;

11 (2) by redesignating subsections (a) through (e)  
 12 as subsections (b) through (d), respectively; and

13 (3) by inserting before subsection (b) (as redesi-  
 14 gnated by paragraph (2)) the following:

15 “(a) REPORT TO CONGRESS.—At least once every 2-  
 16 year period, the Secretary shall prepare and submit to  
 17 Congress a report on the outcomes achieved by the pro-  
 18 grams authorized under this chapter. Such report shall in-  
 19 clude a statement for the preceding fiscal year speci-  
 20 fying—

21 “(1) the number of grants awarded during each  
 22 fiscal year, and the number of individuals served by  
 23 the programs carried out under such grants;

1           “(2) the number of entities that received grants  
2 during the fiscal year, including the number of enti-  
3 ties that—

4           “(A) received a grant to carry out a pro-  
5 gram under this chapter for the fiscal year; and

6           “(B) had not received funding for that  
7 particular program during the previous grant  
8 cycle;

9           “(3) a comparison of the number and percent-  
10 age of grant awards made to entities described in  
11 paragraph (2), with the number of such entities  
12 funded through discretionary grant competitions  
13 conducted by the Secretary under this chapter in the  
14 3 grant cycles preceding the fiscal year;

15           “(4) information on the number of individuals  
16 served in each program authorized under this chap-  
17 ter; and

18           “(5) information on the outcomes achieved by  
19 each program authorized under this chapter, includ-  
20 ing the outcome criteria described in section 402A(f)  
21 for each program.”.

1 **SEC. 403. GAINING EARLY AWARENESS AND READINESS**  
2 **FOR UNDERGRADUATE PROGRAMS.**

3 (a) EARLY INTERVENTION AND COLLEGE AWARE-  
4 NESS PROGRAM AUTHORIZED.—Section 404A (20 U.S.C.  
5 1070a–21) is amended—

6 (1) by striking subsection (a) and inserting the  
7 following:

8 “(a) PROGRAM AUTHORIZED.—The Secretary is au-  
9 thorized, in accordance with the requirements of this chap-  
10 ter, to establish a program that encourages eligible entities  
11 to provide support to eligible low-income students to assist  
12 the students in obtaining a secondary school diploma (or  
13 its recognized equivalent) and to prepare for and succeed  
14 in postsecondary education, by providing—

15 “(1) financial assistance, academic support, ad-  
16 ditional counseling, mentoring, outreach, and sup-  
17 portive services to middle school and secondary  
18 school students to reduce—

19 “(A) the risk of such students dropping  
20 out of school; or

21 “(B) the need for remedial education for  
22 such students at the postsecondary level; and

23 “(2) information to students and their parents  
24 about the advantages of obtaining a postsecondary  
25 education and the college financing options for the  
26 students and their parents.”;

1           (2) by striking subsection (b)(2)(A) and insert-  
2           ing the following:

3                   “(A) give priority to eligible entities that  
4           have a prior, demonstrated commitment to  
5           early intervention leading to college access  
6           through collaboration and replication of suc-  
7           cessful strategies;” and

8           (3) by striking subsection (c)(2) and inserting  
9           the following:

10                   “(2) a partnership—

11                           “(A) consisting of—

12                                   “(i) 1 or more local educational agen-  
13                                   cies; and

14                                   “(ii) 1 or more degree granting insti-  
15                                   tutions of higher education; and

16                   “(B) which may include not less than 2  
17           other community organizations or entities, such  
18           as businesses, professional organizations, State  
19           agencies, institutions or agencies sponsoring  
20           programs authorized under subpart 4, or other  
21           public or private agencies or organizations.”.

22           (b) REQUIREMENTS.—Section 404B (20 U.S.C.  
23 1070a-22) is amended—

24                   (1) by striking subsection (a) and inserting the  
25           following:—

1       “(a) FUNDING RULES.—

2               “(1) DISTRIBUTION.—In awarding grants from  
3       the amount appropriated under section 404G for a  
4       fiscal year, the Secretary shall take into consider-  
5       ation—

6                       “(A) the geographic distribution of such  
7               awards; and

8                       “(B) the distribution of such awards be-  
9               tween urban and rural applicants.

10               “(2) SPECIAL RULE.—The Secretary shall an-  
11       nually reevaluate the distribution of funds described  
12       in paragraph (1) based on number, quality, and  
13       promise of the applications.”;

14               (2) by striking subsections (b), (e), and (f);

15               (3) by redesignating subsections (e), (d), and  
16       (g) as subsections (b), (c), and (d), respectively; and

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

18               “(e) SUPPLEMENT, NOT SUPPLANT.—Grant funds  
19       awarded under this chapter shall be used to supplement,  
20       and not supplant, other Federal, State, and local funds  
21       that would otherwise be expended to carry out activities  
22       assisted under this chapter.”;

23               (e) APPLICATION.—Section 404C (20 U.S.C. 1070a–  
24       23) is amended—

1           (1) in the section heading, by striking “**ELIGI-**  
2           **BLE ENTITY PLANS**” and inserting “**APPLICA-**  
3           **TIONS**”;

4           (2) in subsection (a)—

5                 (A) in the subsection heading, by striking  
6                 “**PLAN**” and inserting “**APPLICATION**”;

7                 (B) in paragraph (1)—

8                     (i) by striking “a plan” and inserting  
9                     “an application”; and

10                    (ii) by striking the second sentence;

11                    and

12                 (C) by striking paragraph (2) and insert-  
13                 ing the following:

14                 “(2) **CONTENTS.**—Each application submitted  
15                 pursuant to paragraph (1) shall be in such form,  
16                 contain or be accompanied by such information or  
17                 assurances, and be submitted at such time as the  
18                 Secretary may require. Each such application shall,  
19                 at a minimum—

20                     “(A) describe the activities for which as-  
21                     sistance under this chapter is sought, including  
22                     how the eligible entity will carry out the re-  
23                     quired activities described in section 404D(a);

24                     “(B) describe how the eligible agency will  
25                     meet the requirements of section 404E;

1           “(C) provide assurances that adequate ad-  
2 ministrative and support staff will be respon-  
3 sible for coordinating the activities described in  
4 section 404D;

5           “(D) ensure that activities assisted under  
6 this chapter will not displace an employee or  
7 eliminate a position at a school assisted under  
8 this chapter, including a partial displacement  
9 such as a reduction in hours, wages or employ-  
10 ment benefits;

11           “(E) describe, in the case of an eligible en-  
12 tity described in section 404A(e)(2), how the el-  
13 igible entity will define the cohorts of the stu-  
14 dents served by the eligible entity pursuant to  
15 section 404B(d), and how the eligible entity will  
16 serve the cohort through grade 12, including—

17                   “(i) how vacancies in the program  
18                   under this chapter will be filled; and

19                   “(ii) how the eligible entity will serve  
20                   students attending different secondary  
21                   schools;

22           “(F) describe how the eligible entity will  
23           coordinate programs with other existing Fed-  
24           eral, State, or local programs to avoid duplica-



1 tion and maximize the number of students  
2 served;

3 “(G) provide such additional assurances as  
4 the Secretary determines necessary to ensure  
5 compliance with the requirements of this chap-  
6 ter; and

7 “(H) provide information about the activi-  
8 ties that will be carried out by the eligible enti-  
9 ty to support systemic changes from which fu-  
10 ture cohorts of students will benefit.”;

11 (3) in the matter preceding subparagraph (A)  
12 of subsection (b)(1)—

13 (A) by striking “a plan” and inserting “an  
14 application”; and

15 (B) by striking “such plan” and inserting  
16 “such application”; and

17 (4) in subsection (e)(1), by striking the semi-  
18 colon at the end and inserting “including—

19 “(A) the amount contributed to a student  
20 scholarship fund established under section  
21 404E; and

22 “(B) the amount of the costs of admin-  
23 istering the scholarship program under section  
24 404E.”.

1       (d) ~~ACTIVITIES.—Section 404D (20 U.S.C. 1070a-~~  
2 ~~24) is amended to read as follows:~~

3 ~~“SEC. 404D. ACTIVITIES.~~

4       ~~“(a) REQUIRED ACTIVITIES.—Each eligible entity re-~~  
5 ~~ceiving a grant under this chapter shall carry out the fol-~~  
6 ~~lowing:~~

7           ~~“(1) Provide information regarding financial~~  
8 ~~aid for postsecondary education to participating stu-~~  
9 ~~dents in the cohort described in subsection~~  
10 ~~404B(d)(1)(A).~~

11           ~~“(2) Encourage student enrollment in rigorous~~  
12 ~~and challenging curricula and coursework, in order~~  
13 ~~to reduce the need for remedial coursework at the~~  
14 ~~postsecondary level.~~

15           ~~“(3) Support activities designed to improve the~~  
16 ~~number of participating students who—~~

17           ~~“(A) obtain a secondary school diploma;~~  
18 ~~and~~

19           ~~“(B) complete applications for and enroll~~  
20 ~~in a program of postsecondary education.~~

21           ~~“(4) In the case of an eligible entity described~~  
22 ~~in section 404A(c)(1), provide for the scholarships~~  
23 ~~described in section 404E.~~

24       ~~“(b) OPTIONAL ACTIVITIES FOR STATES AND PART-~~  
25 ~~NERSHIPS.—An eligible entity that receives a grant under~~

1 this chapter may use grant funds to carry out 1 or more  
2 of the following activities:

3           “(1) Providing tutoring and supporting men-  
4           tors, including adults or former participants of a  
5           program under this chapter, for eligible students.

6           “(2) Conducting outreach activities to recruit  
7           priority students described in subsection (d) to par-  
8           ticipate in program activities.

9           “(3) Providing supportive services to eligible  
10          students.

11          “(4) Supporting the development or implemen-  
12          tation of rigorous academic curricula, which may in-  
13          clude college preparatory, Advanced Placement, or  
14          International Baccalaureate programs, and providing  
15          participating students access to rigorous core  
16          courses that reflect challenging State academic  
17          standards.

18          “(5) Supporting dual or concurrent enrollment  
19          programs between the secondary school and institu-  
20          tion of higher education partners of an eligible entity  
21          described in section 404A(c)(2), and other activities  
22          that support participating students in—

23                  “(A) achieving challenging academic stand-  
24                  ards;

1           “(B) successfully applying for postsec-  
2           ondary education;

3           “(C) successfully applying for student fi-  
4           nancial aid; and

5           “(D) developing graduation and career  
6           plans.

7           “(6) Providing support for scholarships de-  
8           scribed in section 404E.

9           “(7) Introducing eligible students to institutions  
10          of higher education, through trips and school-based  
11          sessions.

12          “(8) Providing an intensive extended school  
13          day, school year, or summer program that offers—

14               “(A) additional academic classes; or

15               “(B) assistance with college admission ap-  
16               plications.

17          “(9) Providing other activities designed to en-  
18          sure secondary school completion and postsecondary  
19          education enrollment of at-risk children, such as—

20               “(A) the identification of at-risk children;

21               “(B) after-school and summer tutoring;

22               “(C) assistance to at-risk children in ob-  
23               taining summer jobs;

24               “(D) academic counseling;

25               “(E) volunteer and parent involvement;

1           “(F) encouraging former or current par-  
 2           ticipants of a program under this chapter to  
 3           serve as peer counselors;

4           “(G) skills assessments;

5           “(H) personal counseling;

6           “(I) family counseling and home visits;

7           “(J) staff development; and

8           “(K) programs and activities described in  
 9           this subsection that are specially designed for  
 10          students who are limited English proficient.

11          “(10) Enabling eligible students to enroll in Ad-  
 12          vanced Placement or International Baccalaureate  
 13          courses, or college entrance examination preparation  
 14          courses.

15          “(11) Providing services to eligible students in  
 16          the participating cohort described in section  
 17          404B(d)(1)(A), through the first year of attendance  
 18          at an institution of higher education.

19          “(e) ADDITIONAL OPTIONAL ACTIVITIES FOR  
 20          STATES.—In addition to the required activities described  
 21          in subsection (a) and the optional activities described in  
 22          subsection (b), an eligible entity described in section  
 23          404A(e)(1) receiving funds under this chapter may use  
 24          grant funds to carry out 1 or more of the following activi-  
 25          ties:

1           “(1) Providing technical assistance to—

2                   “(A) middle schools or secondary schools  
3           that are located within the State; or

4                   “(B) partnerships described in section  
5           404A(e)(2) that are located within the State.

6           “(2) Providing professional development oppor-  
7           tunities to individuals working with eligible cohorts  
8           of students described in section 404B(d)(1)(A).

9           “(3) Providing strategies and activities that  
10           align efforts in the State to prepare eligible students  
11           for attending and succeeding in postsecondary edu-  
12           cation, which may include the development of grad-  
13           uation and career plans.

14           “(4) Disseminating information on the use of  
15           scientifically based research and best practices to  
16           improve services for eligible students.

17           “(5)(A) Disseminating information on effective  
18           coursework and support services that assist students  
19           in obtaining the goals described in subparagraph  
20           (B)(ii).

21           “(B) Identifying and disseminating information  
22           on best practices with respect to—

23                   “(i) increasing parental involvement; and

24                   “(ii) preparing students, including students  
25           with disabilities and students who are limited

1 English proficient, to succeed academically in,  
2 and prepare financially for, postsecondary edu-  
3 cation.

4 “(6) Working to align State academic standards  
5 and curricula with the expectations of postsecondary  
6 institutions and employers.

7 “(7) Developing alternatives to traditional sec-  
8 ondary school that give students a head start on at-  
9 taining a recognized postsecondary credential (in-  
10 cluding an industry certificate, an apprenticeship, or  
11 an associate’s or a bachelor’s degree), including  
12 school designs that give students early exposure to  
13 college-level courses and experiences and allow stu-  
14 dents to earn transferable college credits or an asso-  
15 ciate’s degree at the same time as a secondary  
16 school diploma.

17 “(8) Creating community college programs for  
18 drop-outs that are personalized drop-out recovery  
19 programs that allow drop-outs to complete a regular  
20 secondary school diploma and begin college-level  
21 work.

22 “(d) PRIORITY STUDENTS.—For eligible entities not  
23 using a cohort approach, the eligible entity shall treat as  
24 priority students any student in middle or secondary  
25 school who is eligible—

1           “(1) to be counted under section 1124(e) of the  
2       Elementary and Secondary Education Act of 1965;

3           “(2) for free or reduced price meals under the  
4       Richard B. Russell National School Lunch Act;

5           “(3) for assistance under a State program  
6       funded under part A or E of title IV of the Social  
7       Security Act (42 U.S.C. 601 et seq., 670 et seq.);  
8       or

9           “(4) for assistance under subtitle B of title VII  
10      of the McKinney-Vento Homeless Assistance Act (42  
11      U.S.C. 11431 et seq.).

12      “(e) ALLOWABLE PROVIDERS.—In the case of eligible  
13      entities described in section 404A(c)(1), the activities re-  
14      quired by this section may be provided by service providers  
15      such as community-based organizations, schools, institu-  
16      tions of higher education, public and private agencies,  
17      nonprofit and philanthropic organizations, businesses, in-  
18      stitutions and agencies sponsoring programs authorized  
19      under subpart 4, and other organizations the State deter-  
20      mines appropriate.”.

21      (e) SCHOLARSHIP COMPONENT.—Section 404E (20  
22      U.S.C. 1070a-25) is amended—

23           (1) by striking subsections (e) and (f);

24           (2) by redesignating subsections (b), (e), and

25           (d) as subsections (d), (f), and (g), respectively;



1           (3) by inserting after subsection (a) the fol-  
2           lowing:

3           “(b) LIMITATION.—

4           “(1) IN GENERAL.—Subject to paragraph (2),  
5           each eligible entity described in section 404A(e)(1)  
6           that receives a grant under this chapter shall use  
7           not less than 25 percent and not more than 50 per-  
8           cent of the grant funds for activities described in  
9           section 404D(e), with the remainder of such funds  
10          to be used for a scholarship program under this sec-  
11          tion.

12          “(2) EXCEPTION.—Notwithstanding paragraph  
13          (1), the Secretary may allow an eligible entity to use  
14          more than 50 percent of grant funds received under  
15          this chapter for such activities, if the eligible entity  
16          demonstrates that the eligible entity has another  
17          means of providing the students with the financial  
18          assistance described in this section and describes  
19          such means in the application submitted under sec-  
20          tion 404C.

21          “(c) NOTIFICATION OF ELIGIBILITY.—Each eligible  
22          entity providing scholarships under this section shall pro-  
23          vide information on the eligibility requirements for the  
24          scholarships to all participating students upon the stu-

1 dents' entry into the programs assisted under this chap-  
 2 ter.”;

3           (4) in subsection (d) (as redesignated by para-  
 4 graph (2)), by striking “the lesser of” and all that  
 5 follows through the period at the end of paragraph  
 6 (2) and inserting “the minimum Federal Pell Grant  
 7 award under section 401 for such award year.”;

8           (5) by inserting after subsection (d) (as redesi-  
 9 gated by paragraph (2) and amended by paragraph  
 10 (4)) the following:

11       “(e) PORTABILITY OF ASSISTANCE.—

12           “(1) IN GENERAL.—Each eligible entity de-  
 13 scribed in section 404A(c)(1) that receives a grant  
 14 under this chapter shall create or organize a trust  
 15 for each cohort described in section 404B(d)(1)(A)  
 16 for which the grant is sought in the application sub-  
 17 mitted by the entity, which trust shall be an amount  
 18 that is not less than the minimum scholarship  
 19 amount described in subsection (d), multiplied by  
 20 the number of students participating in the cohort.

21           “(2) REQUIREMENT FOR PORTABILITY.—Funds  
 22 contributed to the trust for a cohort shall be avail-  
 23 able to a student in the cohort when the student  
 24 has—

1           “(A) completed a secondary school di-  
2           ploma, its recognized equivalent, or other recog-  
3           nized alternative standard for individuals with  
4           disabilities; and

5           “(B) enrolled in an institution of higher  
6           education.

7           “(3) QUALIFIED EDUCATIONAL EXPENSES.—

8           Funds available to an eligible student from a trust  
9           may be used for—

10           “(A) tuition, fees, books, supplies, and  
11           equipment required for the enrollment or at-  
12           tendance of the eligible student at an institution  
13           of higher education; and

14           “(B) in the case of an eligible student with  
15           special needs, expenses for special needs serv-  
16           ices which are incurred in connection with such  
17           enrollment or attendance.

18           “(4) RETURN OF FUNDS.—

19           “(A) REDISTRIBUTION.—

20           “(i) IN GENERAL.—Trust funds that  
21           are not used by an eligible student within  
22           6 years of the student’s scheduled comple-  
23           tion of secondary school may be redistrib-  
24           uted by the eligible entity to other eligible  
25           students.

1           “(ii) RETURN OF EXCESS TO THE  
 2           SECRETARY.—If, after meeting the require-  
 3           ments of paragraph (1) and, if applicable,  
 4           redistributing excess funds in accordance  
 5           with clause (i), an eligible entity has funds  
 6           remaining, the eligible entity shall return  
 7           excess funds to the Secretary for distribu-  
 8           tion to other grantees under this chapter.

9           “(B) NONPARTICIPATING ENTITY.—Not-  
 10          withstanding subparagraph (A), in the case of  
 11          an eligible entity described in section  
 12          404A(c)(1)(A) that does not receive assistance  
 13          under this subpart for 6 fiscal years, the eligi-  
 14          ble entity shall return any trust funds not  
 15          awarded or obligated to eligible students to the  
 16          Secretary for distribution to other grantees  
 17          under this chapter.”; and

18          (6) in subsection (g) (as redesignated by para-  
 19          graph (2))—

20                 (A) in paragraph (2), by striking “1993”  
 21                 and inserting “2000”; and

22                 (B) in paragraph (4), by striking “early  
 23                 intervention component required under section  
 24                 404D” and inserting “activities required under  
 25                 section 404D(a)”.

1       (f) REPEAL OF 21ST CENTURY SCHOLAR CERTIFI-  
2 CATES.—Chapter 2 of subpart 2 of part A of title IV (20  
3 U.S.C. 1070a–21 et seq.) is further amended—

4           (1) by striking section 404F; and

5           (2) by redesignating sections 404G and 404H  
6 as sections 404F and 404G, respectively.

7       (g) AUTHORIZATION OF APPROPRIATIONS.—Section  
8 404G (as redesignated by subsection (f)) (20 U.S.C.  
9 1070a–28) is amended by striking “\$200,000,000 for fis-  
10 cal year 1999” and all that follows through the period and  
11 inserting “such sums as may be necessary for fiscal year  
12 2006 and each of the 5 succeeding fiscal years.”

13       (h) CONFORMING AMENDMENTS.—Chapter 2 of sub-  
14 part 2 of part A of title IV (20 U.S.C. 1070a–21 et seq.)  
15 is further amended—

16           (1) in section 404A(b)(1), by striking “404H”  
17 and inserting “404G”;

18           (2) in section 404B(a)(1), by striking “404H”  
19 and inserting “404G”; and

20           (3) in section 404F(e) (as redesignated by sec-  
21 tion 6(2)), by striking “404H” and inserting  
22 “404G”.

1 **SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLAR-**  
 2 **SHIPS.**

3 Chapter 3 of subpart 2 of part A of title IV (20  
 4 U.S.C. 1070a-31 et seq.) is repealed.

5 **SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPOR-**  
 6 **TUNITY GRANTS.**

7 (a) APPROPRIATIONS AUTHORIZED.—Section  
 8 413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by strik-  
 9 ing “\$675,000,000 for fiscal year 1999” and all that fol-  
 10 lows through the period and inserting “such sums as may  
 11 be necessary for fiscal year 2006 and each of the 5 suc-  
 12 ceeding fiscal years.”.

13 (b) ALLOCATION OF FUNDS.—

14 (1) ALLOCATION OF FUNDS.—Section 413D  
 15 (20 U.S.C. 1070b-3) is amended—

16 (A) by striking subsection (a)(4); and

17 (B) in subsection (c)(3)(D), by striking  
 18 “\$450” and inserting “\$600”.

19 (2) TECHNICAL CORRECTION.—Section  
 20 413D(a)(1) (20 U.S.C. 1070b-3(a)(1)) is amended  
 21 by striking “such institution” and all that follows  
 22 through the period and inserting “such institution  
 23 received under subsections (a) and (b) of this section  
 24 for fiscal year 1999 (as such subsections were in ef-  
 25 fect with respect to allocations for such fiscal  
 26 year).”.

1 **SEC. 406. LEVERAGING EDUCATIONAL ASSISTANCE PART-**  
 2 **nership Program.**

3 (a) **APPROPRIATIONS AUTHORIZED.**—Section  
 4 415A(b)(1) (20 U.S.C. 1070e(b)(1)) is amended to read  
 5 as follows:

6 “(1) **IN GENERAL.**—There are authorized to be  
 7 appropriated to carry out this subpart such sums as  
 8 may be necessary for fiscal year 2006 and each of  
 9 the 5 succeeding fiscal years.”

10 (b) **APPLICATIONS.**—Section 415C(b) (20 U.S.C.  
 11 1070e-2(b)) is amended—

12 (1) in the matter preceding subparagraph (A)  
 13 of paragraph (2), by striking “not in excess of  
 14 \$5,000 per academic year” and inserting “not to ex-  
 15 ceed the lesser of \$12,500 or the student’s cost of  
 16 attendance per academic year”; and

17 (2) by striking paragraph (10) and inserting  
 18 the following:

19 “(10) provides notification to eligible students  
 20 that such grants are—

21 “(A) Leveraging Educational Assistance  
 22 Partnership grants; and

23 “(B) funded by the Federal Government,  
 24 the State, and other contributing partners.”

1       (c) GRANTS FOR ACCESS AND PERSISTENCE.—Sec-  
 2 tion 415E (20 U.S.C. 1070e-3a) is amended to read as  
 3 follows:

4       **“SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.**

5       “(a) PURPOSE.—It is the purpose of this section to  
 6 expand college access and increase college persistence by  
 7 making allotments to States to enable the States to—

8               “(1) expand and enhance partnerships with in-  
 9 stitutions of higher education; early information and  
 10 intervention; mentoring; or outreach programs; pri-  
 11 vate corporations; philanthropic organizations; and  
 12 other interested parties in order to—

13                       “(A) carry out activities under this section;  
 14                       and

15                       “(B) provide coordination and cohesion  
 16 among Federal; State; and local governmental  
 17 and private efforts that provide financial assist-  
 18 ance to help low-income students attend an in-  
 19 stitution of higher education;

20               “(2) provide need-based grants for access and  
 21 persistence to eligible low-income students;

22               “(3) provide early notification to low-income  
 23 students of the students’ eligibility for financial aid;  
 24               and



1           “(4) encourage increased participation in early  
2 information and intervention, mentoring, or outreach  
3 programs.

4           “(b) ALLOTMENTS TO STATES.—

5           “(1) IN GENERAL.—

6           “(A) AUTHORIZATION.—From sums re-  
7 served under section 415A(b)(2) for each fiscal  
8 year, the Secretary shall make an allotment to  
9 each State that submits an application for an  
10 allotment in accordance with subsection (c) to  
11 enable the State to pay the Federal share, as  
12 described in paragraph (2), of the cost of ear-  
13 rying out the activities under subsection (d).

14           “(B) DETERMINATION OF ALLOTMENT.—

15 In making allotments under subparagraph (A),  
16 the Secretary shall consider the following:

17           “(i) CONTINUATION OF AWARD.—If a  
18 State continues to meet the specifications  
19 established in such State’s application  
20 under subsection (c), the Secretary shall  
21 make an allotment to such State that is  
22 not less than the allotment made to such  
23 State for the previous fiscal year.

24           “(ii) PRIORITY.—The Secretary shall  
25 give priority in making allotments to

1 States that meet the requirements de-  
 2 scribed in paragraph (2)(A)(ii).

3 ~~“(2) FEDERAL SHARE.—~~

4 ~~“(A) IN GENERAL.—~~The Federal share  
 5 under this section shall be determined in ac-  
 6 cordance with the following:

7 ~~“(i) If a State applies for an allot-~~  
 8 ~~ment under this section in partnership~~  
 9 ~~with—~~

10 ~~“(I) any number of degree grant-~~  
 11 ~~ing institutions of higher education in~~  
 12 ~~the State whose combined full-time~~  
 13 ~~enrollment represents less than a ma-~~  
 14 ~~jority of all students attending institu-~~  
 15 ~~tions of higher education in the State;~~  
 16 ~~and~~

17 ~~“(II)(aa) philanthropic organiza-~~  
 18 ~~tions that are located in, or that pro-~~  
 19 ~~vide funding in, the State; or~~

20 ~~“(bb) private corporations that~~  
 21 ~~are located in, or that do business in,~~  
 22 ~~the State,~~

23 then the Federal share of the cost of ear-  
 24 rying out the activities under subsection  
 25 (d) shall be equal to 50 percent.

1           “(ii) If a State applies for an allot-  
2           ment under this section in partnership  
3           with—

4                   “(I) any number of degree grant-  
5                   ing institutions of higher education in  
6                   the State whose combined full-time  
7                   enrollment represents a majority of all  
8                   students attending institutions of  
9                   higher education in the State; and

10                   “(II)(aa) philanthropic organiza-  
11                   tions that are located in, or that pro-  
12                   vide funding in, the State; or

13                   “(bb) private corporations that  
14                   are located in, or that do business in,  
15                   the State;

16           then the Federal share of the cost of ear-  
17           rying out the activities under subsection  
18           (d) shall be equal to 57 percent.

19           “(B) NON-FEDERAL SHARE.—

20                   “(i) IN GENERAL.—The non-Federal  
21                   share under this section may be provided  
22                   in cash or in kind, fully evaluated and in  
23                   accordance with this subparagraph.

24                   “(ii) IN KIND CONTRIBUTION.—For  
25                   the purpose of calculating the non-Federal

1 share under this section; an in kind con-  
 2 tribution is a non-cash award that has  
 3 monetary value, such as provision of room  
 4 and board and transportation passes; and  
 5 that helps a student meet the cost of at-  
 6 tendance.

7 ~~“(iii) EFFECT ON NEED ANALYSIS.—~~

8 For the purpose of calculating a student’s  
 9 need in accordance with part F of this  
 10 title, an in-kind contribution described in  
 11 clause (ii) shall be considered a resource  
 12 and not a reduction in the cost of attend-  
 13 ance.

14 ~~“(e) APPLICATION FOR ALLOTMENT.—~~

15 ~~“(1) IN GENERAL.—~~

16 ~~“(A) SUBMISSION.—~~A State that desires  
 17 to receive an allotment under this section on be-  
 18 half of a partnership described in paragraph (3)  
 19 shall submit an application to the Secretary at  
 20 such time, in such manner, and containing such  
 21 information as the Secretary may require.

22 ~~“(B) CONTENT.—~~An application submitted  
 23 under subparagraph (A) shall include the fol-  
 24 lowing:

1           “(i) A description of the State’s plan  
2 for using the allotted funds.

3           “(ii) Assurances that the State will  
4 provide the non-Federal share from State,  
5 institutional, philanthropic, or private  
6 funds, of not less than the required share  
7 of the cost of carrying out the activities  
8 under subsection (d), as determined under  
9 subsection (b), in accordance with the fol-  
10 lowing:

11           “(I) The State shall specify the  
12 methods by which non-Federal share  
13 funds will be paid and include provi-  
14 sions designed to ensure that funds  
15 provided under this section will be  
16 used to supplement, and not supplant,  
17 Federal and non-Federal funds avail-  
18 able for carrying out the activities  
19 under this title.

20           “(II) A State that uses non-Fed-  
21 eral funds to create or expand existing  
22 partnerships with nonprofit organiza-  
23 tions or community-based organiza-  
24 tions in which such organizations  
25 match State funds for student schol-

1 arships, may apply such matching  
2 funds from such organizations toward  
3 fulfilling the State's non-Federal  
4 share obligation under this clause.

5 “(iii) Assurances that early informa-  
6 tion and intervention, mentoring, or out-  
7 reach programs exist within the State or  
8 that there is a plan to make such pro-  
9 grams widely available.

10 “(iv) A description of the organiza-  
11 tional structure that the State has in place  
12 to administer the activities under sub-  
13 section (d), including a description of the  
14 system the State will use to track the par-  
15 ticipation of students who receive grants  
16 under this section to degree completion.

17 “(v) Assurances that the State has a  
18 method in place, such as acceptance of the  
19 automatic zero expected family contribu-  
20 tion determination described in section  
21 479, to identify eligible low-income stu-  
22 dents and award State grant aid to such  
23 students.

24 “(vi) Assurances that the State will  
25 provide notification to eligible low-income

1 students that grants under this section  
2 are—

3 “(I) Leveraging Educational As-  
4 sistance Partnership Grants; and

5 “(II) funded by the Federal Gov-  
6 ernment, the State, and other contrib-  
7 uting partners.

8 “(2) STATE AGENCY.—The State agency that  
9 submits an application for a State under section  
10 415C(a) shall be the same State agency that sub-  
11 mits an application under paragraph (1) for such  
12 State.

13 “(3) PARTNERSHIP.—In applying for an allot-  
14 ment under this section, the State agency shall apply  
15 for the allotment in partnership with—

16 “(A) not less than 1 public and 1 private  
17 degree granting institution of higher education  
18 that are located in the State, if applicable;

19 “(B) new or existing early information and  
20 intervention, mentoring, or outreach programs  
21 located in the State; and

22 “(C) not less than 1—

23 “(i) philanthropic organization located  
24 in, or that provides funding in, the State;  
25 or

1                   “(ii) private corporation located in, or  
2                   that does business in, the State.

3                   ~~“(4) ROLES OF PARTNERS.—~~

4                   ~~“(A) STATE AGENCY.—A State agency~~  
5                   ~~that is in a partnership receiving an allotment~~  
6                   ~~under this section—~~

7                   ~~“(i) shall—~~

8                   ~~“(I) serve as the primary admin-~~  
9                   ~~istrative unit for the partnership;~~

10                  ~~“(II) provide or coordinate non-~~  
11                  ~~Federal share funds, and coordinate~~  
12                  ~~activities among partners;~~

13                  ~~“(III) encourage each institution~~  
14                  ~~of higher education in the State to~~  
15                  ~~participate in the partnership;~~

16                  ~~“(IV) make determinations and~~  
17                  ~~early notifications of assistance as de-~~  
18                  ~~scribed under subsection (d)(2); and~~

19                  ~~“(V) annually report to the Sec-~~  
20                  ~~retary on the partnership’s progress~~  
21                  ~~in meeting the purpose of this section;~~  
22                  ~~and~~

23                  ~~“(ii) may provide early information~~  
24                  ~~and intervention, mentoring, or outreach~~  
25                  ~~programs.~~



1           “(B) DEGREE GRANTING INSTITUTIONS OF  
2           HIGHER EDUCATION.—A degree granting insti-  
3           tution of higher education that is in a partner-  
4           ship receiving an allotment under this section—

5                   “(i) shall—

6                           “(I) recruit and admit partici-  
7                           pating qualified students and provide  
8                           such additional institutional grant aid  
9                           to participating students as agreed to  
10                          with the State agency;

11                          “(II) provide support services to  
12                          students who receive grants for access  
13                          and persistence under this section and  
14                          are enrolled at such institution; and

15                          “(III) assist the State in the  
16                          identification of eligible students and  
17                          the dissemination of early notifica-  
18                          tions of assistance as agreed to with  
19                          the State agency; and

20                          “(ii) may provide funding for early in-  
21                          formation and intervention, mentoring, or  
22                          outreach programs or provide such services  
23                          directly.

24           “(C) PROGRAMS.—An early information  
25           and intervention, mentoring, or outreach pro-

1           gram that is in a partnership receiving an allot-  
 2           ment under this section shall provide direct  
 3           services, support, and information to partici-  
 4           pating students.

5           “(D) PHILANTHROPIC ORGANIZATION OR  
 6           PRIVATE CORPORATION.—A philanthropic orga-  
 7           nization or private corporation that is in a part-  
 8           nership receiving an allotment under this sec-  
 9           tion shall provide funds for grants for access  
 10          and persistence for participating students, or  
 11          provide funds or support for early information  
 12          and intervention, mentoring, or outreach pro-  
 13          grams.

14          “(d) AUTHORIZED ACTIVITIES.—

15           “(1) IN GENERAL.—

16           “(A) ESTABLISHMENT OF PARTNER-  
 17           SHIP.—Each State receiving an allotment under  
 18           this section shall use the funds to establish a  
 19           partnership to award grants for access and per-  
 20           sistence to eligible low-income students in order  
 21           to increase the amount of financial assistance  
 22           such students receive under this subpart for un-  
 23           dergraduate education expenses.

24           “(B) AMOUNT OF GRANTS.—

1           “(i) PARTNERSHIPS WITH INSTITU-  
2           TIONS SERVING LESS THAN A MAJORITY  
3           OF STUDENTS IN THE STATE.—

4           “(I) IN GENERAL.—In the case  
5           where a State receiving an allotment  
6           under this section is in a partnership  
7           described in subsection (b)(2)(B)(i),  
8           the amount of a grant for access and  
9           persistence awarded by such State  
10          shall be not less than the amount that  
11          is equal to the average undergraduate  
12          tuition and mandatory fees at 4-year  
13          public institutions of higher education  
14          in the State where the student resides  
15          (less any other Federal or State spon-  
16          sored grant amount, work study  
17          amount, and scholarship amount re-  
18          ceived by the student), and such  
19          amount shall be used toward the cost  
20          of attendance at an institution of  
21          higher education, located in the State,  
22          that is a partner in the partnership.

23          “(II) COST OF ATTENDANCE.—A  
24          State that has a program, apart from  
25          the partnership under this section, of

1 providing eligible low-income students  
2 with grants that are equal to the aver-  
3 age undergraduate tuition and man-  
4 datory fees at 4-year public institu-  
5 tions of higher education in the State,  
6 may increase the amount of access  
7 and persistence grants awarded by  
8 such State up to an amount that is  
9 equal to the average cost of attend-  
10 ance at 4-year public institutions of  
11 higher education in the State (less  
12 any other Federal or State sponsored  
13 grant amount, work study amount,  
14 and scholarship amount received by  
15 the student).

16 “(ii) PARTNERSHIP WITH INSTITU-  
17 TIONS SERVING THE MAJORITY OF STU-  
18 DENTS IN THE STATE.—In the case where  
19 a State receiving an allotment under this  
20 section is in a partnership described in  
21 subsection (b)(2)(B)(ii), the amount of an  
22 access and persistence grant awarded by  
23 such State shall be not more than an  
24 amount that is equal to the average at 4-  
25 year public institutions of higher education

1 in the State where the student resides (less  
 2 any other Federal or State sponsored  
 3 grant amount, college work study amount,  
 4 and scholarship amount received by the  
 5 student), and such amount shall be used  
 6 by the student to attend an institution of  
 7 higher education, located in the State, that  
 8 is a partner in the partnership.

9 ~~“(2) EARLY NOTIFICATION.—~~

10 ~~“(A) IN GENERAL.—~~Each State receiving  
 11 an allotment under this section shall annually  
 12 notify low-income students, such as students  
 13 who are eligible to receive a free lunch under  
 14 the school lunch program established under the  
 15 Richard B. Russell National School Lunch Act,  
 16 in grade 7 through grade 12 in the State, of  
 17 the students’ potential eligibility for student fi-  
 18 nancial assistance, including an access and per-  
 19 sistence grant, to attend an institution of high-  
 20 er education.

21 ~~“(B) CONTENT OF NOTICE.—~~The notifica-  
 22 tion under subparagraph (A)—

23 ~~“(i) shall include—~~

24 ~~“(I) information about early in-~~  
 25 ~~formation and intervention, men-~~

1           toring, or outreach programs available  
2           to the student;

3           “(II) information that a stu-  
4           dent’s candidacy for an access and  
5           persistence grant is enhanced through  
6           participation in an early information  
7           and intervention, mentoring, or out-  
8           reach program;

9           “(III) an explanation that stu-  
10          dent and family eligibility and partici-  
11          pation in other Federal means-tested  
12          programs may indicate eligibility for  
13          an access and persistence grant and  
14          other student aid programs;

15          “(IV) a nonbinding estimation of  
16          the total amount of financial aid a  
17          low-income student with a similar in-  
18          come level may expect to receive, in-  
19          cluding an estimation of the amount  
20          of an access and persistence grant  
21          and an estimation of the amount of  
22          grants, loans, and all other available  
23          types of aid from the major Federal  
24          and State financial aid programs;

1           “(V) an explanation that in order  
2           to be eligible for an access and per-  
3           sistence grant, at a minimum, a stu-  
4           dent shall—

5                   “(aa) meet the requirement  
6                   under paragraph (3);

7                   “(bb) graduate from sec-  
8                   ondary school; and

9                   “(cc) enroll at an institution  
10                  of higher education that is a  
11                  partner in the partnership;

12               “(VI) information on any addi-  
13               tional requirements (such as a student  
14               pledge detailing student responsibil-  
15               ities) that the State may impose for  
16               receipt of an access and persistence  
17               grant under this section; and

18               “(VII) instructions on how to  
19               apply for an access and persistence  
20               grant and an explanation that a stu-  
21               dent is required to file a Free Applica-  
22               tion for Federal Student Aid author-  
23               ized under section 483(a) to be eligi-  
24               ble for such grant and assistance from

1 other Federal and State financial aid  
2 programs; and

3 “(ii) may include a disclaimer that ac-  
4 cess and persistence grant awards are con-  
5 tingent upon—

6 “(I) a determination of the stu-  
7 dent’s financial eligibility at the time  
8 of the student’s enrollment at an in-  
9 stitution of higher education that is a  
10 partner in the partnership;

11 “(II) annual Federal and State  
12 appropriations; and

13 “(III) other aid received by the  
14 student at the time of the student’s  
15 enrollment at an institution of higher  
16 education that is a partner in the  
17 partnership.

18 “(3) ELIGIBILITY.—In determining which stu-  
19 dents are eligible to receive access and persistence  
20 grants, the State shall ensure that each such student  
21 meets not less than 1 of the following:

22 “(A) Meets not less than 2 of the following  
23 criteria, with priority given to students meeting  
24 all of the following criteria:



1           “(i) Has an expected family contribu-  
2           tion equal to zero (as described in section  
3           479) or a comparable alternative based  
4           upon the State’s approved criteria in sec-  
5           tion 415C(b)(4).

6           “(ii) Has qualified for a free lunch, or  
7           at the State’s discretion a reduced price  
8           lunch, under the school lunch program es-  
9           tablished under the Richard B. Russell Na-  
10          tional School Lunch Act.

11          “(iii) Qualifies for the State’s max-  
12          imum undergraduate award, as authorized  
13          under section 415C(b).

14          “(iv) Is participating in, or has par-  
15          ticipated in, a Federal, State, institutional,  
16          or community early information and inter-  
17          vention, mentoring, or outreach program,  
18          as recognized by the State agency admin-  
19          istering activities under this section.

20          “(B) Is receiving, or has received, an ac-  
21          cess and persistence grant under this section, in  
22          accordance with paragraph (5).

23          “(4) GRANT AWARD.—Once a student, includ-  
24          ing those students who have received early notifica-  
25          tion under paragraph (2) from the State, applies for

1 admission to an institution that is a partner in the  
2 partnership, files a Free Application for Federal  
3 Student Aid and any related existing State form,  
4 and is determined eligible by the State under para-  
5 graph (3), the State shall—

6 “(A) issue the student a preliminary access  
7 and persistence grant award certificate with  
8 tentative award amounts; and

9 “(B) inform the student that payment of  
10 the access and persistence grant award  
11 amounts is subject to certification of enrollment  
12 and award eligibility by the institution of higher  
13 education.

14 “(5) DURATION OF AWARD.—An eligible stu-  
15 dent that receives an access and persistence grant  
16 under this section shall receive such grant award for  
17 each year of such student’s undergraduate education  
18 in which the student remains eligible for assistance  
19 under this title, including pursuant to section  
20 484(e), and remains financially eligible as deter-  
21 mined by the State, except that the State may im-  
22 pose reasonable time limits to baccalaureate degree  
23 completion.

24 “(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS  
25 PROHIBITED.—A State that receives an allotment under

1 this section shall not use any of the allotted funds to pay  
2 administrative costs associated with any of the authorized  
3 activities described in subsection (d).

4       “(f) STATUTORY AND REGULATORY RELIEF FOR IN-  
5 STITUTIONS OF HIGHER EDUCATION.—The Secretary  
6 may grant, upon the request of an institution of higher  
7 education that is in a partnership described in subsection  
8 (b)(2)(B)(ii) and that receives an allotment under this sec-  
9 tion, a waiver for such institution from statutory or regu-  
10 latory requirements that inhibit the ability of the institu-  
11 tion to successfully and efficiently participate in the activi-  
12 ties of the partnership.

13       “(g) APPLICABILITY RULE.—The provisions of this  
14 subpart which are not inconsistent with this section shall  
15 apply to the program authorized by this section.

16       “(h) MAINTENANCE OF EFFORT REQUIREMENT.—  
17 Each State receiving an allotment under this section for  
18 a fiscal year shall provide the Secretary with an assurance  
19 that the aggregate amount expended per student or the  
20 aggregate expenditures by the State, from funds derived  
21 from non-Federal sources, for the authorized activities de-  
22 scribed in subsection (d) for the preceding fiscal year were  
23 not less than the amount expended per student or the ag-  
24 gregate expenditure by the State for the activities for the  
25 second preceding fiscal year.

1       “(i) SPECIAL RULE.—Notwithstanding subsection  
 2 (h), for purposes of determining a State’s share of the cost  
 3 of the authorized activities described in subsection (d), the  
 4 State shall consider only those expenditures from non-  
 5 Federal sources that exceed the State’s total expenditures  
 6 for need-based grants, scholarships, and work-study as-  
 7 sistance for fiscal year 1999 (including any such assist-  
 8 ance provided under this subpart).

9       “(j) REPORTS.—Not later than 3 years after the date  
 10 of enactment of the Higher Education Amendments of  
 11 2005 and annually thereafter, the Secretary shall submit  
 12 a report describing the activities and the impact of the  
 13 partnerships under this section to the authorizing commit-  
 14 tees.”.

15 **SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAM-**  
 16 **ILIES ARE ENGAGED IN MIGRANT AND SEA-**  
 17 **SONAL FARMWORK.**

18 Section 418A (20 U.S.C. 1070d-2) is amended—

19       (1) in subsection (a), by adding “(including  
 20 providing outreach and technical assistance)” after  
 21 “maintain and expand”;

22       (2) in subsection (b)—

23               (A) in paragraph (1)(B)(i), by striking  
 24 “parents” and inserting “immediate family”;

1           (B) in paragraph (3)(B), by inserting “(in-  
2           cluding preparation for college entrance exami-  
3           nations)” after “college program”;

4           (C) in paragraph (5), by striking “weekly”;

5           (D) in paragraph (7), by striking “and”  
6           after the semicolon;

7           (E) in paragraph (8), by striking the pe-  
8           riod at the end and inserting “; and”;

9           (F) by adding at the end the following:

10          “(9) other activities to improve persistence and  
11          retention in postsecondary education.”;

12          (3) in subsection (c)—

13           (A) in paragraph (1)—

14           (i) in subparagraph (B)—

15           (I) in the matter preceding clause  
16           (i), by inserting “to improve place-  
17           ment, persistence, and retention in  
18           postsecondary education” after “serv-  
19           ices”;

20           (II) in clause (i), by striking  
21           “and career” and inserting “career,  
22           and economic education or personal fi-  
23           nance”;

24           (ii) in subparagraph (E), by striking  
25           “and” after the semicolon;

1 (iii) by redesignating subparagraph  
2 (F) as subparagraph (G); and

3 (iv) by inserting after subparagraph  
4 (E) the following:

5 “(F) internships; and”; and

6 (B) in paragraph (2)—

7 (i) in subparagraph (A), by striking  
8 “and” after the semicolon;

9 (ii) in subparagraph (B), by striking  
10 the period at the end and inserting “, and  
11 coordinating such services, assistance, and  
12 aid with other non-program services, as-  
13 sistance, and aid, including services, assist-  
14 ance, and aid provided by community-  
15 based organizations, which may include  
16 mentoring and guidance; and”; and

17 (iii) by adding at the end the fol-  
18 lowing:

19 “(C) for students attending 2-year institu-  
20 tions of higher education, encouraging the stu-  
21 dents to transfer to 4-year institutions of higher  
22 education, where appropriate, and monitoring  
23 the rate of transfer of such students.”;

24 (4) in subsection (c), by striking “section  
25 402A(c)(1)” and inserting “section 402A(c)(2)”;

1           (5) in subsection (f)—

2                   (A) in paragraph (1), by striking  
3           “\$150,000” and inserting “\$180,000”; and

4                   (B) in paragraph (2), by striking  
5           “\$150,000” and inserting “\$180,000”; and

6           (6) in subsection (h)—

7                   (A) in paragraph (1), by striking  
8           “\$15,000,000 for fiscal year 1999” and all that  
9           follows through the period and inserting “such  
10          sums as may be necessary for fiscal year 2006  
11          and each of the 5 succeeding fiscal years.”; and

12                   (B) in paragraph (2), by striking  
13          “\$5,000,000 for fiscal year 1999” and all that  
14          follows through the period and inserting “such  
15          sums as may be necessary for fiscal year 2006  
16          and each of the 5 succeeding fiscal years.”.

17 **SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PRO-**  
18 **GRAM.**

19          Section 419K (20 U.S.C. 1070d-41) is amended by  
20          striking “\$45,000,000 for fiscal year 1999” and all that  
21          follows through the period and inserting “such sums as  
22          may be necessary for fiscal year 2006 and each of the 5  
23          succeeding fiscal years.”.

1 **SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN**  
 2 **SCHOOL.**

3 (a) **MINIMUM GRANT.**—Section 419N(b)(2)(B) (20  
 4 U.S.C. 1070e(b)(2)(B)) is amended—

5 (1) by striking “A grant” and inserting the fol-  
 6 lowing:

7 “(i) **IN GENERAL.**—Except as pro-  
 8 vided in clause (ii), a grant”;

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

10 “(ii) **INCREASE TRIGGER.**—For any  
 11 fiscal year for which the amount appro-  
 12 priated under the authority of subsection  
 13 (g) is equal to or greater than  
 14 \$20,000,000, a grant under this section  
 15 shall be awarded in an amount that is not  
 16 less than \$30,000.”.

17 (b) **DEFINITION OF LOW-INCOME STUDENT.**—Para-  
 18 graph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is  
 19 amended to read as follows:

20 “(7) **DEFINITION OF LOW-INCOME STUDENT.**—

21 For the purpose of this section, the term ‘low-income  
 22 student’ means a student who—

23 “(A) is eligible to receive a Federal Pell  
 24 Grant for the fiscal year for which the deter-  
 25 mination is made; or



1           “(B) would otherwise be eligible to receive  
2           a Federal Pell Grant for the fiscal year for  
3           which the determination is made, except that  
4           the student fails to meet the requirements of—

5                   “(i) section 401(e)(1) because the stu-  
6                   dent is enrolled in a graduate or first pro-  
7                   fessional course of study; or

8                   “(ii) section 484(a)(5) because the  
9                   student is in the United States for a tem-  
10                  porary purpose.”.

11           (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
12   419N(g) (20 U.S.C. 1070e(g)) is amended by striking  
13   “\$45,000,000 for fiscal year 1999” and all that follows  
14   through the period and inserting “such sums as may be  
15   necessary for fiscal year 2006 and each of the 5 suc-  
16   ceeding fiscal years.”.

17   **SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.**

18           Subpart 8 of part A of title IV (20 U.S.C. 1070f et  
19   seq.) is repealed.

20   **PART B—FEDERAL FAMILY EDUCATION LOAN**  
21   **PROGRAM**

22   **SEC. 421. EXTENSION OF AUTHORITIES.**

23           (a) FEDERAL INSURANCE LIMITATIONS.—Section  
24   424(a) (20 U.S.C. 1074(a)) is amended—

1 (1) by striking “2004” and inserting “2012”;

2 and

3 (2) by striking “2008” and inserting “2016”.

4 (b) GUARANTEED LOANS.—Section 428(a)(5) (20  
5 U.S.C. 1078(a)(5)) is amended—

6 (1) by striking “2004” and inserting “2012”;

7 and

8 (2) by striking “2008” and inserting “2016”.

9 (3) CONSOLIDATION LOANS.—Section 428C(e)  
10 (20 U.S.C. 1078-3(e)) is amended by striking  
11 “2004” and inserting “2012”.

12 **SEC. 422. FEDERAL PAYMENTS TO REDUCE STUDENT IN-**  
13 **TEREST COSTS.**

14 Section 428 (20 U.S.C. 1078) is amended—

15 (1) in subsection (b)(1)—

16 (A) in subparagraph (N)—

17 (i) in clause (i), by striking “or” after  
18 the semicolon; and

19 (ii) by striking clause (ii) and insert-  
20 ing the following:

21 “(ii) in the case of a student who is  
22 studying outside the United States in a  
23 program of study abroad that is approved  
24 for credit by the home institution at which  
25 such student is enrolled, are, at the re-

1           quest of the student, disbursed directly to  
 2           the student by the means described in  
 3           clause (i), unless such student requests  
 4           that the check be endorsed, or the funds  
 5           transfer be authorized, pursuant to an au-  
 6           thorized power-of-attorney; or

7           “~~(iii)~~ in the case of a student who is  
 8           studying outside the United States in a  
 9           program of study at an eligible foreign in-  
 10          stitution, are, at the request of the foreign  
 11          institution, disbursed directly to the stu-  
 12          dent by the means described in clause  
 13          (i);”, and

14          (B) in subparagraph (Y)(i)(III), by insert-  
 15          ing “, except that, if requested by an institution  
 16          of higher education, the lender shall confirm  
 17          such status through use of the National Stu-  
 18          dent Loan Data System” before the semicolon;  
 19          and

20          (2) in subsection (e)(2)(H)(i), by striking  
 21          “preclaims” and inserting “default aversion”.

22 **SEC. 423. FEDERAL CONSOLIDATION LOANS.**

23          Section 428C(b)(1) (20 U.S.C. 1078-3(b)(1)) is  
 24 amended—

1           (1) in subparagraph (E), by striking “and”  
2 after the semicolon;

3           (2) by redesignating subparagraph (F) as sub-  
4 paragraph (G); and

5           (3) by inserting after subparagraph (E) the fol-  
6 lowing:

7           “(F) that the lender will disclose, in a  
8 clear and conspicuous manner, to borrowers  
9 who consolidate loans made under part E of  
10 this title—

11           “(i) that once the borrower adds the  
12 borrower’s Federal Perkins Loan to a Fed-  
13 eral Consolidation Loan, the borrower will  
14 lose all interest-free periods that would  
15 have been available, such as those periods  
16 when no interest accrues on the Federal  
17 Perkins Loan while the borrower is en-  
18 rolled in school at least half-time, during  
19 the grace period, and during periods when  
20 the borrower’s student loan repayments  
21 are deferred;

22           “(ii) that the borrower will no longer  
23 be eligible for loan forgiveness of Federal  
24 Perkins Loans under any provision of sec-  
25 tion 465; and

1                   “~~(iii) the occupations described in sec-~~  
 2                   ~~tion 465(a)(2), individually and in detail,~~  
 3                   ~~for which the borrower will lose eligibility~~  
 4                   ~~for Federal Perkins Loan forgiveness;~~  
 5                   ~~and”.~~

6 **SEC. 424. DEFAULT REDUCTION PROGRAM.**

7           Section 428F (20 U.S.C. 1078-6) is amended by  
 8 adding at the end the following:

9           “~~(e) FINANCIAL AND ECONOMIC LITERACY.—Where~~  
 10 ~~appropriate as determined by the institution of higher edu-~~  
 11 ~~cation in which a borrower is enrolled; each program de-~~  
 12 ~~scribed in subsection (b) shall include making available fi-~~  
 13 ~~nancial and economic education materials for the bor-~~  
 14 ~~rower, including making the materials available before,~~  
 15 ~~during, or after rehabilitation of a loan.”.~~

16 **SEC. 425. REPORTS TO CREDIT BUREAUS AND INSTITU-**  
 17 **TIONS OF HIGHER EDUCATION.**

18           Section 430A(a) (20 U.S.C. 1080a(a)) is amended—  
 19           (1) in the first sentence, by striking “with cred-  
 20           it bureau organizations” and inserting “with each  
 21           consumer reporting agency that compiles and main-  
 22           tains files on consumers on a nationwide basis (as  
 23           defined in section 603(q) of the Fair Credit Report-  
 24           ing Act (15 U.S.C. 1681a(q))”;

1           (2) by redesignating paragraphs (1), (2), and  
2           (3) as paragraphs (2), (4), and (5), respectively;

3           (3) by inserting before paragraph (2) (as redesi-  
4           gnated by paragraph (2)), the following:

5           “(1) the type of loan made, insured, or guaran-  
6           teed under this title;”;

7           (4) by inserting after paragraph (2) (as redesi-  
8           gnated by paragraph (2)), the following:

9           “(3) information concerning the repayment sta-  
10          tus of the loan, which information shall be included  
11          in the file of the borrower, except that nothing in  
12          this paragraph shall be construed to affect any oth-  
13          erwise applicable provision of the Fair Credit Re-  
14          porting Act (15 U.S.C. 1681 et seq.)”;

15          (5) in paragraph (4) (as redesignated by para-  
16          graph (2)), by striking “and” after the semicolon;

17          (6) in paragraph (5) (as redesignated by para-  
18          graph (2)), by striking the period and inserting “;  
19          and”; and

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

21          “(6) any other information required to be re-  
22          ported by Federal law.”.

23 **SEC. 426. COMMON FORMS AND FORMATS.**

24          Section        432(m)(1)(D)(i)       (20        U.S.C.  
25          1082(m)(1)(D)(i)) is amended by adding at the end the

1 following: “Unless otherwise notified by the Secretary,  
 2 each institution of higher education that participates in  
 3 the program under this part or part D may use a master  
 4 promissory note for loans under this part and part D.”.

5 **SEC. 427. STUDENT LOAN INFORMATION BY ELIGIBLE BOR-**  
 6 **ROWERS.**

7 Section 433 (20 U.S.C. 1083) is amended by adding  
 8 at the end the following:

9 “(f) BORROWER INFORMATION AND PRIVACY.—Each  
 10 eligible lender, guaranty agency, secondary market, con-  
 11 sumer reporting agency, or student loan servicer partici-  
 12 pating in a program under this part shall not use, release,  
 13 sell, transfer, or give any student information, including  
 14 the name, address, social security number, or amount bor-  
 15 rowed by a borrower or a borrower’s parent, for any pur-  
 16 pose that is not related to the processing of, the collecting  
 17 of, the servicing of, or other activities associated with the  
 18 prevention of default on, loans under this title.

19 “(g) LOAN BENEFIT DISCLOSURES.—

20 “(1) IN GENERAL.—Each eligible lender, hold-  
 21 er, or servicer of a loan made, insured, or guaran-  
 22 teed under this part shall provide the borrower with  
 23 information on the loan benefit repayment options  
 24 the lender, holder, or servicer offer, including infor-  
 25 mation on reductions in interest rates—

1           “(A) by repaying the loan by automatic  
2           payroll or checking account deduction;

3           “(B) by completing a program of on-time  
4           repayment; and

5           “(C) under any other interest rate reduc-  
6           tion program.

7           “(2) INFORMATION.—Such borrower informa-  
8           tion shall include—

9           “(A) any limitations on such options;

10           “(B) explicit information on the reasons a  
11           borrower may lose eligibility for such an option;

12           “(C) examples of the impact the interest  
13           rate reductions will have on a borrower’s time  
14           for repayment and amount of repayment;

15           “(D) upon the request of the borrower, the  
16           effect the reductions in interest rates will have  
17           with respect to the borrower’s payoff amount  
18           and time for repayment; and

19           “(E) information on borrower recertifi-  
20           cation requirements.”.

21 **SEC. 428. CONSUMER EDUCATION INFORMATION.**

22           Part B (20 U.S.C. 1071 et seq.) is amended by in-  
23           serting after section 433 (20 U.S.C. 1083) the following:



1 **“SEC. 433A. CONSUMER EDUCATION INFORMATION.**

2       “Each guaranty agency participating in a program  
3 under this part working with the institutions of higher  
4 education served by such guaranty agency (or in the case  
5 of an institution of higher education that provides loans  
6 exclusively through part D, the institution working with  
7 a guaranty agency or with the Secretary) shall develop and  
8 make available a quality educational program and mate-  
9 rials to provide training for students in budgeting and fi-  
10 nancial management, including debt management and  
11 other aspects of financial literacy, such as the cost of using  
12 very high interest loans to pay for postsecondary edu-  
13 cation, particularly as budgeting and financial manage-  
14 ment relates to student loan programs authorized by this  
15 title. Nothing in this section shall be construed to prohibit  
16 a guaranty agency from using an existing program or ex-  
17 isting materials to meet the requirement of this section.  
18 The activities described in this section shall be considered  
19 default reduction activities for the purposes of section  
20 422.”.

21 **SEC. 429. DEFINITION OF ELIGIBLE LENDER.**

22       Section 435(d)(2) (20 U.S.C. 1085(d)(2)) is amended  
23 by striking subparagraph (F) and inserting the following:

24               “(F) shall use the proceeds from special al-  
25               lowance payments, interest payments from bor-  
26               rowers, proceeds from the sale of a loan made,

1 insured, or guaranteed under this part, and all  
 2 other proceeds related to such a loan that are  
 3 furnished to the eligible institution or any enti-  
 4 ty affiliated (directly or indirectly) with the eli-  
 5 gible institution, for need based grant pro-  
 6 grams, except that such payments and proceeds  
 7 may be used for reasonable reimbursement for  
 8 direct administrative expenses;”.

9 **SEC. 430. REPAYMENT BY THE SECRETARY OF LOANS OF**  
 10 **BANKRUPT, DECEASED, OR DISABLED BOR-**  
 11 **ROWERS; TREATMENT OF BORROWERS AT-**  
 12 **TENDING SCHOOLS THAT FAIL TO PROVIDE A**  
 13 **REFUND, ATTENDING CLOSED SCHOOLS, OR**  
 14 **FALSELY CERTIFIED AS ELIGIBLE TO BOR-**  
 15 **ROW.**

16 Section 437 (20 U.S.C. 1087) is amended—

17 (1) in the section heading, by striking  
 18 “**CLOSED SCHOOLS OR FALSELY CERTIFIED AS**  
 19 **ELIGIBLE TO BORROW**” and inserting “**SCHOOLS**  
 20 **THAT FAIL TO PROVIDE A REFUND, ATTEND-**  
 21 **ING CLOSED SCHOOLS, OR FALSELY CERTIFIED**  
 22 **AS ELIGIBLE TO BORROW**”; and

23 (2) in the first sentence of subsection (c)(1), by  
 24 inserting “or was falsely certified as a result of a

1 crime of identity theft” after “falsely certified by the  
2 eligible institution”.

3 **PART C—FEDERAL WORK-STUDY PROGRAMS**

4 **SEC. 441. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 441(b) (42 U.S.C. 2751(b)) is amended by  
6 striking “\$1,000,000 for fiscal year 1999” and all that  
7 follows through the period and inserting “such sums as  
8 may be necessary for fiscal year 2006 and each of the 5  
9 succeeding fiscal years.”.

10 **SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.**

11 Section 442(e)(4)(D) (42 U.S.C. 2752(e)(4)(D)) is  
12 amended by striking “\$450” and inserting “\$600”.

13 **SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.**

14 Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amend-  
15 ed—

16 (1) by striking subparagraph (A);

17 (2) by redesignating subparagraphs (B) and  
18 (C) as subparagraphs (A) and (B), respectively; and

19 (3) in subparagraph (A) (as redesignated by  
20 paragraph (2)), by striking “this subparagraph if”  
21 and all that follows through “institution;” and in-  
22 serting “this subparagraph if—

23 “(i) the Secretary determines that en-  
24 forcing this subparagraph would cause  
25 hardship for students at the institution; or

1                   “(ii) the institution certifies to the  
2                   Secretary that 15 percent or more of its  
3                   total full-time enrollment participates in  
4                   community service activities described in  
5                   section 441(e) or tutoring and literacy ac-  
6                   tivities described in subsection (d) of this  
7                   section.”.

8   **SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.**

9           Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended  
10 by striking “\$50,000” and inserting “\$75,000”.

11 **SEC. 445. WORK COLLEGES.**

12           Section 448(f) (42 U.S.C. 2756b(f)) is amended by  
13 striking “5,000,000 for fiscal year 1999” and all that fol-  
14 lows through the period and inserting “such sums as may  
15 be necessary for fiscal year 2006 and each of the 5 suc-  
16 ceeding fiscal years.”.

17   **PART D—WILLIAM D. FORD FEDERAL DIRECT**  
18                   **LOAN PROGRAM**

19 **SEC. 451. FUNDS FOR ADMINISTRATIVE EXPENSES.**

20           Section 458 (20 U.S.C. 1087h) is amended—

21                   (1) in subsection (a)(1), in the matter following  
22                   subparagraph (B), by striking “\$617,000,000” and  
23                   all that follows through the period and inserting  
24                   “\$904,000,000 in fiscal year 2006, \$943,000,000 in  
25                   fiscal year 2007, \$983,000,000 in fiscal year 2008,

1       \$1,023,000,000 in fiscal year 2009, \$1,064,000,000  
 2       in fiscal year 2010, and \$1,106,000,000 in fiscal  
 3       year 2011.”; and

4           (2) in subsection (c)(1), by striking subpara-  
 5       graphs (A) through (E) and inserting the following:

6           “(A) for fiscal year 2006, shall not exceed  
 7       \$271,000,000;

8           “(B) for fiscal year 2007, shall not exceed  
 9       \$293,000,000;

10          “(C) for fiscal year 2008, shall not exceed  
 11       \$315,000,000;

12          “(D) for fiscal year 2009, shall not exceed  
 13       \$336,000,000;

14          “(E) for fiscal year 2010, shall not exceed  
 15       \$356,000,000; and

16          “(F) for fiscal year 2011, shall not exceed  
 17       \$378,000,000.”.

18           **PART E—FEDERAL PERKINS LOANS**

19       **SEC. 461. PROGRAM AUTHORITY.**

20       Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

21           (1) in paragraph (1), by striking  
 22       “\$250,000,000 for fiscal year 1999” and all that  
 23       follows through the period and inserting “such sums  
 24       as may be necessary for fiscal year 2006 and each  
 25       of the 5 succeeding fiscal years.”; and

1           (2) in paragraph (2),—

2                   (A) by striking “fiscal year 2003” and in-  
3                   serting “fiscal year 2009”; and

4                   (B) by striking “October 1, 2003” and in-  
5                   serting “October 1, 2009”.

6 **SEC. 462. TERMS OF LOANS.**

7           Section 464 (20 U.S.C. 1087dd) is amended—

8                   (1) in subsection (b)(1), by striking “for an ad-  
9                   ditional loan under this part” and inserting “for ad-  
10                   ditional aid under this title”; and

11                   (2) in subsection (e), by striking “written”.

12 **SEC. 463. CANCELLATION OF LOANS FOR CERTAIN PUBLIC**  
13                   **SERVICE.**

14           Section 465(a) (20 U.S.C. 1087ee(a)) is amended—

15                   (1) in paragraph (2)—

16                           (A) in subparagraph (B), by striking  
17                           “Head Start Act which” and inserting “Head  
18                           Start Act, or in a prekindergarten or child care  
19                           program that is licensed or regulated by the  
20                           State, that”;

21                           (B) in subparagraph (H), by striking “or”  
22                           after the semicolon;

23                           (C) in subparagraph (I), by striking the  
24                           period and inserting a semicolon; and

1           (D) by inserting before the matter fol-  
 2           lowing subparagraph (I) (as amended by sub-  
 3           paragraph (C)) the following:

4           “(J) as a full-time faculty member at a tribally  
 5           controlled college or university, as that term is de-  
 6           fined in section 2 of the Tribally Controlled College  
 7           or University Assistance Act of 1978; or

8           “(K) as a librarian, if the librarian has a mas-  
 9           ter’s degree in library science and is employed in—

10           “(i) an elementary school or secondary  
 11           school library that is eligible for assistance  
 12           under title I of the Elementary and Secondary  
 13           Education Act of 1965; or

14           “(ii) a public library that serves a geo-  
 15           graphic area that contains 1 or more schools el-  
 16           igible for assistance under title I of the Elemen-  
 17           tary and Secondary Education Act of 1965.”;  
 18           and

19           (2) in paragraph (3)(A)(i), by striking “or (I)”  
 20           and inserting “(I), (J), or (K)”.

## 21           **PART F—NEED ANALYSIS**

### 22           **SEC. 471. COST OF ATTENDANCE.**

23           Section 472 (20 U.S.C. 1087H) is amended—

24           (1) by striking paragraph (4) and inserting the  
 25           following:

1           “(4) for less than half-time students (as deter-  
 2           mined by the institution); tuition and fees and an al-  
 3           lowance for only—

4                   “(A) books, supplies, and transportation  
 5                   (as determined by the institution);

6                   “(B) dependent care expenses (determined  
 7                   in accordance with paragraph (8)); and

8                   “(C) room and board costs (determined in  
 9                   accordance with paragraph (3)); except that a  
 10                  student may receive an allowance for such costs  
 11                  under this subparagraph for not more than 3  
 12                  semesters or the equivalent, of which not more  
 13                  than 2 semesters or the equivalent may be con-  
 14                  secutive;”;

15           (2) in paragraph (11), by striking “and” after  
 16           the semicolon;

17           (3) in paragraph (12), by striking the period  
 18           and inserting “; and”; and

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

20                   “(13) at the option of the institution, for a stu-  
 21                   dent in a program requiring professional licensure or  
 22                   certification, the one time cost of obtaining the first  
 23                   professional credentials (as determined by the insti-  
 24                   tution).”.



1 **SEC. 472. DEFINITIONS.**

2 (a) **DEFINITIONS.**—Section 480 (20 U.S.C. 1087vv)  
3 is amended—

4 (1) in subsection (f)—

5 (A) in paragraph (1), by inserting “quali-  
6 fied education benefits (except as provided in  
7 paragraph (3)),” after “tax shelters;” and

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

9 “(3) A qualified education benefit shall not be consid-  
10 ered an asset of a student for purposes of section 475.

11 “(4) In determining the value of assets in a deter-  
12 mination of need under this title (other than for subpart  
13 4 of part A), the value of a qualified education benefit  
14 shall be—

15 “(A) the refund value of any tuition credits or  
16 certificates purchased under a qualified education  
17 benefit; and

18 “(B) in the case of a program in which con-  
19 tributions are made to an account that is established  
20 for the purpose of meeting the qualified higher edu-  
21 cation expenses of the designated beneficiary of the  
22 account, the current balance of such account.

23 “(5) In this subsection:

24 “(A) **QUALIFIED EDUCATION BENEFIT.**—The  
25 term ‘qualified education benefit’ means—

1           “(i) a qualified tuition program (as defined  
2           in section 529(b)(1)(A) of the Internal Revenue  
3           Code of 1986) or other prepaid tuition plan of-  
4           fered by a State; and

5           “(ii) a Coverdell education savings account  
6           (as defined in section 530(b)(1) of the Internal  
7           Revenue Code of 1986).

8           “(B) QUALIFIED HIGHER EDUCATION EX-  
9           PENSES.—The term ‘qualified higher education ex-  
10          penses’ has the meaning given the term in section  
11          529(e) of the Internal Revenue Code of 1986.”; and  
12          (2) in subsection (j)—

13                 (A) in the subsection heading, by striking  
14                 “; TUITION PREPAYMENT PLANS”;

15                 (B) by striking paragraph (2);

16                 (C) by redesignating paragraph (3) as  
17                 paragraph (2); and

18                 (D) by inserting after paragraph (2) (as  
19                 redesignated by subparagraph (C)) the fol-  
20                 lowing paragraph:

21                 “(3) Notwithstanding paragraph (1) and section 472,  
22                 assistance not received under this title may be excluded  
23                 from both estimated financial assistance and cost of at-  
24                 tendance, if that assistance is designated by the State pro-  
25                 viding that assistance to offset a specific component of the

1 cost of attendance. If that assistance is excluded from esti-  
 2 mated financial assistance or cost of attendance, that as-  
 3 sistance shall be excluded from both calculations.”.

4 (b) **EFFECTIVE DATE.**—The amendments made by  
 5 this section shall apply with respect to determinations of  
 6 need under part F of title IV for academic years beginning  
 7 on or after July 1, 2006.

8 **PART G—GENERAL PROVISIONS RELATING TO**  
 9 **STUDENT ASSISTANCE**

10 **SEC. 481. DEFINITION OF ACADEMIC AND AWARD YEAR.**

11 The second sentence of section 481(a)(2) (20 U.S.C.  
 12 1088(a)(2)) is amended by inserting “and that measures  
 13 program length in credit hours or clock hours” after “bac-  
 14 calaureate degree”.

15 **SEC. 482. COMPLIANCE CALENDAR.**

16 Section 482 (20 U.S.C. 1089) is amended by adding  
 17 at the end the following:

18 “(a) **COMPLIANCE CALENDAR.**—Prior to the begin-  
 19 ning of each award year, the Secretary shall provide to  
 20 institutions of higher education a list of all the reports  
 21 and disclosures required under this Act. The list shall in-  
 22 clude—

23 “(1) the date each report or disclosure is re-  
 24 quired to be completed and to be submitted, made  
 25 available, or disseminated;

1           “(2) the required recipients of each report or  
2 disclosure;

3           “(3) any required method for transmittal or  
4 dissemination of each report or disclosure;

5           “(4) a description of the content of each report  
6 or disclosure sufficient to allow the institution to  
7 identify the appropriate individuals to be assigned  
8 the responsibility for such report or disclosure;

9           “(5) references to the statutory authority, ap-  
10 plicable regulations, and current guidance issued by  
11 the Secretary regarding each report or disclosure;  
12 and

13           “(6) any other information which is pertinent to  
14 the content or distribution of the report or disclo-  
15 sure.”.

16 **SEC. 483. FORMS AND REGULATIONS.**

17 Section 483 (20 U.S.C. 1090) is amended—

18           (1) by striking subsections (a) and (b), and in-  
19 serting the following:

20           “(a) COMMON FINANCIAL AID FORM DEVELOPMENT  
21 AND PROCESSING.—

22           “(1) IN GENERAL.—The Secretary, in coopera-  
23 tion with representatives of agencies and organiza-  
24 tions involved in student financial assistance, shall  
25 produce, distribute, and process free of charge com-

1 mon financial reporting forms as described in this  
2 subsection to be used to determine the need and eli-  
3 gibility of a student for financial assistance under  
4 parts A through E of this title (other than under  
5 subpart 4 of part A). The forms shall be made avail-  
6 able to applicants in both paper and electronic for-  
7 mats and shall be referred to (except as otherwise  
8 provided in this subsection) as the ‘Free Application  
9 for Federal Student Aid’, or ‘FAFSA’.

10 “(2) PAPER FORMAT.—

11 “(A) IN GENERAL.—Subject to subpara-  
12 graph (C), the Secretary shall produce, dis-  
13 tribute, and process common forms in paper  
14 format to meet the requirements of paragraph  
15 (1). The Secretary shall develop a common  
16 paper form for applicants who do not meet the  
17 requirements of or do not wish to use the proe-  
18 cess described in subparagraph (B).

19 “(B) EZ FAFSA.—

20 “(i) IN GENERAL.—The Secretary  
21 shall develop and use a simplified paper  
22 application form, to be known as the ‘EZ  
23 FAFSA’, to be used for applicants meeting  
24 the requirements under section 479(e).

1           “(ii) REDUCED DATA REQUIRE-  
2           MENTS.—The EZ FAFSA shall permit an  
3           applicant to submit for purposes of deter-  
4           mining financial need and eligibility, only  
5           the data elements required to make a de-  
6           termination of student eligibility and  
7           whether the applicant meets the require-  
8           ments of section 479(e).

9           “(iii) STATE DATA.—The Secretary  
10          shall include on the EZ FAFSA such data  
11          items as may be necessary to award State  
12          financial assistance, as provided under  
13          paragraph (5), except the Secretary shall  
14          not include a State’s data if that State  
15          does not permit its applicants for State as-  
16          sistance to use the EZ FAFSA.

17          “(iv) FREE AVAILABILITY AND PROC-  
18          ESSING.—The provisions of paragraph (6)  
19          shall apply to the EZ FAFSA, and the  
20          data collected by means of the EZ FAFSA  
21          shall be available to institutions of higher  
22          education, guaranty agencies, and States  
23          in accordance with paragraph (9).

1           “(v) TESTING.—The Secretary shall  
2           conduct appropriate field testing on the  
3           EZ FAFSA.

4           “(C) PHASING OUT THE FULL PAPER  
5           FORM FOR STUDENTS WHO DO NOT MEET THE  
6           REQUIREMENTS OF THE EZ FAFSA.—

7           “(i) IN GENERAL.—The Secretary  
8           shall make all efforts to encourage all ap-  
9           plicants to utilize the electronic forms de-  
10          scribed in paragraph (3).

11          “(ii) PHASEOUT OF FULL PAPER  
12          FAFSA.—Not later than 5 years after the  
13          date of enactment of the Higher Education  
14          Amendments of 2005, to the extent prac-  
15          ticable, the Secretary shall phase out the  
16          printing of the long paper form created  
17          under subparagraph (A) and used by appli-  
18          cants who do not meet the requirements of  
19          the EZ FAFSA described in subparagraph  
20          (B).

21          “(iii) AVAILABILITY OF FULL PAPER  
22          FAFSA.—

23                 “(I) IN GENERAL.—Both prior to  
24                 and after the phaseout described in  
25                 clause (ii), the Secretary shall main-

1           tain on the Internet printable versions  
2           of the paper forms described in sub-  
3           paragraphs (A) and (B).

4           “(II)       ACCESSIBILITY.—The  
5           printable versions described in sub-  
6           clause (I) shall be made easily acces-  
7           sible and downloadable to students on  
8           the same Web site used to provide  
9           students with the common electronic  
10          forms described in paragraph (3).

11          “(III) SUBMISSION OF FORMS.—  
12          The Secretary shall conduct a study  
13          to determine the feasibility of using  
14          downloaded forms to ensure sufficient  
15          quality to meet the processing require-  
16          ments of this section. Following the  
17          completion of the study, the Secretary  
18          shall enable, to the extent practicable,  
19          students to submit a form described  
20          in this clause that is downloaded from  
21          the Internet and printed, in order to  
22          meet the filing requirements of this  
23          section and to receive financial assist-  
24          ance under this title.

25          “(iv) USE OF SAVINGS.—



1                   “(I) IN GENERAL.—The Sec-  
2                   retary shall utilize any realized sav-  
3                   ings accrued by phasing out the full  
4                   paper FAFSA and moving more appli-  
5                   cants to the common electronic forms,  
6                   to improve access to the electronic  
7                   forms for applicants meeting the re-  
8                   quirements of section 479(e).

9                   “(II) REPORT.—The Secretary  
10                  shall report annually to the author-  
11                  izing committees on—

12                           “(aa) the steps taken to im-  
13                           prove access to the common elec-  
14                           tronic forms for applicants meet-  
15                           ing the requirements of section  
16                           479(e); and

17                           “(bb) the phaseout of the  
18                           long common paper form de-  
19                           scribed in subparagraph (A).

20                  “(3) ELECTRONIC FORMAT.—

21                           “(A) IN GENERAL.—The Secretary shall  
22                           produce, distribute, and process common forms  
23                           in electronic format and make such forms avail-  
24                           able through a broadly accessible website to  
25                           meet the requirements of paragraph (1). The

1 Secretary shall develop common electronic  
2 forms for applicants who do not meet the re-  
3 quirements of subparagraph (B). The Secretary  
4 shall include on the common electronic forms  
5 space for information that needs to be sub-  
6 mitted from the applicant to be eligible for  
7 State financial assistance, as provided under  
8 paragraph (5), except the Secretary shall not  
9 require applicants to complete data required by  
10 any State other than the applicant's State of  
11 residence. The Secretary shall use all available  
12 technology to ensure that a student using a  
13 common electronic form answers only the min-  
14 imum number of questions necessary.

15 “(B) SIMPLIFIED ELECTRONIC APPLICA-  
16 TIONS.—

17 “(i) IN GENERAL.—The Secretary  
18 shall develop and use a simplified elec-  
19 tronic application form to be used by appli-  
20 cants meeting the requirements of section  
21 479(c) and an additional, separate sim-  
22 plified electronic application form to be  
23 used by applicants meeting the require-  
24 ments under section 479(b).

1           “(ii) REDUCED DATA REQUIRE-  
2           MENTS.—The simplified electronic applica-  
3           tion forms shall permit an applicant to  
4           submit for purposes of determining finan-  
5           cial need and eligibility, only the data ele-  
6           ments required to make a determination of  
7           student eligibility and whether the appli-  
8           cant meets the requirements under sub-  
9           section (b) or (c) of section 479.

10           “(iii) STATE DATA.—The Secretary  
11           shall include on the simplified electronic  
12           application forms such data items as may  
13           be necessary to award State financial as-  
14           sistance, as provided under paragraph (5),  
15           except the Secretary shall not require ap-  
16           plicants to complete data required by any  
17           State other than the applicant’s State of  
18           residence and shall not include a State’s  
19           data if such State does not permit its ap-  
20           plicants for State assistance to use the  
21           simplified electronic application form de-  
22           scribed in this subparagraph.

23           “(iv) FREE AVAILABILITY AND PROC-  
24           ESSING.—The provisions of paragraph (6)  
25           shall apply to the simplified electronic ap-

1           plication forms, and the data collected by  
2           means of the simplified electronic applica-  
3           tion forms shall be available to institutions  
4           of higher education, guaranty agencies,  
5           and States in accordance with paragraph  
6           (9).

7           “(v) TESTING.—The Secretary shall  
8           conduct appropriate field testing on the  
9           forms developed under this subparagraph.

10          “(C) USE OF FORMS.—Nothing in this  
11          subsection shall be construed to prohibit the use  
12          of the forms developed by the Secretary pursu-  
13          ant to this paragraph by an eligible institution,  
14          eligible lender, a guaranty agency, a State  
15          grant agency, a private computer software pro-  
16          vider, a consortium of such entities, or such  
17          other entity as the Secretary may designate.  
18          Data collected by the forms shall be used only  
19          for the application, award, and administration  
20          of aid awarded under this title, State aid, or aid  
21          awarded by eligible institutions or such entities  
22          as the Secretary may designate. No data col-  
23          lected by such electronic version of the forms  
24          shall be used for making final aid awards under  
25          this title until such data have been processed by

1 the Secretary or a contractor or designee of the  
2 Secretary, except as may be permitted under  
3 this title.

4 “(D) PRIVACY.—The Secretary shall en-  
5 sure that data collection under this paragraph  
6 complies with section 552a of title 5, United  
7 States Code, and that any entity using the elec-  
8 tronic version of the forms developed by the  
9 Secretary pursuant to this paragraph shall  
10 maintain reasonable and appropriate adminis-  
11 trative, technical, and physical safeguards to  
12 ensure the integrity and confidentiality of the  
13 information, and to protect against security  
14 threats, or unauthorized uses or disclosures of  
15 the information provided on the electronic  
16 version of the forms.

17 “(E) SIGNATURE.—Notwithstanding any  
18 other provision of this Act, the Secretary may  
19 permit an electronic form under this paragraph  
20 to be submitted without a signature, if a signa-  
21 ture is subsequently submitted by the applicant  
22 or if the applicant uses a personal identification  
23 number provided by the Secretary under sub-  
24 paragraph (F).

1           “(F) PERSONAL IDENTIFICATION NUM-  
2           BERS AUTHORIZED.—The Secretary is author-  
3           ized to assign to applicants personal identifica-  
4           tion numbers—

5                   “(i) to enable the applicants to use  
6                   such numbers as a signature for purposes  
7                   of completing a form under this paragraph;  
8                   and

9                   “(ii) for any purpose determined by  
10                  the Secretary to enable the Secretary to  
11                  carry out this title.

12           “(4) STREAMLINED REAPPLICATION PROC-  
13           ESS.—

14                   “(A) IN GENERAL.—The Secretary shall  
15                   develop streamlined reapplication forms and  
16                   processes, including both paper and electronic  
17                   reapplication processes, consistent with the re-  
18                   quirements of this subsection, for an applicant  
19                   who applies for financial assistance under this  
20                   title in the next succeeding academic year sub-  
21                   sequent to an academic year in which such ap-  
22                   plicant applied for financial assistance under  
23                   this title.

1           “(B) MECHANISMS FOR REAPPLICATION.—

2           The Secretary shall develop appropriate mecha-  
3           nisms to support reapplication.

4           “(C) IDENTIFICATION OF UPDATED

5           DATA.—The Secretary shall determine, in co-  
6           operation with States, institutions of higher  
7           education, and agencies and organizations in-  
8           volved in student financial assistance, the data  
9           elements that can be updated from the previous  
10          academic year’s application.

11          “(D) REDUCED DATA AUTHORIZED.—

12          Nothing in this title shall be construed as lim-  
13          iting the authority of the Secretary to reduce  
14          the number of data elements required of re-  
15          applicants.

16          “(E) ZERO FAMILY CONTRIBUTION.—Ap-

17          plicants determined to have a zero family con-  
18          tribution pursuant to section 479(e) shall not  
19          be required to provide any financial data in a  
20          reapplication form, except that which is nec-  
21          essary to determine eligibility under such sec-  
22          tion.

23          “(5) STATE REQUIREMENTS.—

24          “(A) IN GENERAL.—Except as provided in  
25          paragraphs (2)(B)(iii), (3)(A), and (3)(B)(iii);

1 the Secretary shall include on the forms devel-  
2 oped under this subsection, such State-specific  
3 data items as the Secretary determines are nec-  
4 essary to meet State requirements for need-  
5 based State aid. Such items shall be selected in  
6 consultation with State agencies in order to as-  
7 sist in the awarding of State financial assist-  
8 ance in accordance with the terms of this sub-  
9 section, except as provided in paragraphs  
10 (2)(B)(iii), (3)(A), and (3)(B)(iii). The number  
11 of such data items shall not be less than the  
12 number included on the form for the 2005-  
13 2006 award year unless a State notifies the  
14 Secretary that the State no longer requires  
15 those data items for the distribution of State  
16 need-based aid.

17 “(B) ANNUAL REVIEW.—The Secretary  
18 shall conduct an annual review process to deter-  
19 mine which data items the States require to  
20 award need-based State aid.

21 “(C) ENCOURAGE USE OF FORMS.—The  
22 Secretary shall encourage States to take such  
23 steps as are necessary to encourage the use of  
24 simplified application forms, including those de-  
25 scribed in paragraphs (2)(B) and (3)(B), for



1 applicants who meet the requirements of sub-  
2 section (b) or (c) of section 479.

3 “(D) FEDERAL REGISTER NOTICE.—The  
4 Secretary shall publish, on an annual basis, a  
5 notice in the Federal Register requiring States  
6 to inform the Secretary—

7 “(i) if the State plans to use the  
8 FAFSA to collect data to determine eligi-  
9 bility for State need-based financial aid;

10 “(ii) of the State-specific data that  
11 the State requires for delivery of State  
12 need-based financial aid; and

13 “(iii) if the State agency is unable to  
14 permit applicants to utilize the simplified  
15 application forms described in paragraph  
16 (2)(B) or (3)(B).

17 “(E) STATE NOTIFICATION TO THE SEC-  
18 RETARY.—

19 “(i) IN GENERAL.—Each State agency  
20 shall notify the Secretary—

21 “(I) whether the State permits  
22 an applicant to file a form described  
23 in paragraph (2)(B) or (3)(B) for  
24 purposes of determining eligibility for  
25 State need-based financial aid; and

1                   “(H) of the State-specific data  
2                   that the State requires for delivery of  
3                   State need-based financial aid.

4                   “(ii) ACCEPTANCE OF FORMS.—If a  
5                   State does not permit an applicant to file  
6                   a form described in paragraph (2)(B) or  
7                   (3)(B) for purposes of determining eligi-  
8                   bility for State need-based financial aid,  
9                   then the State shall notify the Secretary if  
10                  it is not permitted to do so because of  
11                  State law or agency policy. The notification  
12                  shall include an acknowledgment that  
13                  State-specific questions will not be included  
14                  on a form described in paragraph (2)(B)  
15                  or (3)(B).

16                  “(iii) LACK OF NOTIFICATION BY THE  
17                  STATE.—If a State does not notify the  
18                  Secretary pursuant to clause (i), the Sec-  
19                  retary shall—

20                         “(I) permit residents of that  
21                         State to complete simplified applica-  
22                         tion forms under paragraphs (2)(B)  
23                         and (3)(B); and

24                         “(II) not require any resident of  
25                         such State to complete any data pre-

1                   viously required by that State under  
2                   this section.

3                   “(F) RESTRICTION.—The Secretary shall  
4                   not require applicants to complete any financial  
5                   or non-financial data that are not required by  
6                   the applicant’s State, except as may be required  
7                   for applicants who use the paper forms de-  
8                   scribed in subparagraphs (A) and (B) of para-  
9                   graph (2).

10                  “(6) CHARGES TO STUDENTS AND PARENTS  
11                  FOR USE OF FORMS PROHIBITED.—The common fi-  
12                  nancial reporting forms prescribed by the Secretary  
13                  under this subsection shall be produced, distributed,  
14                  and processed by the Secretary, and no parent or  
15                  student shall be charged a fee by the Secretary, a  
16                  contractor, a third-party servicer or private software  
17                  provider, or any other public or private entity for the  
18                  collection, processing, or delivery of financial aid  
19                  through the use of such forms. The need and eligi-  
20                  bility of a student for financial assistance under  
21                  parts A through E (other than under subpart 4 of  
22                  part A) may be determined only by using a form de-  
23                  veloped by the Secretary pursuant to this subsection.  
24                  No student may receive financial assistance under  
25                  parts A through E (other than under subpart 4 of

1 part A), except by use of a form developed by the  
2 Secretary pursuant to this subsection. No data col-  
3 lected on a paper or electronic form, worksheet, or  
4 other document for which a fee is charged shall be  
5 used to complete the form prescribed under this sub-  
6 section. No person, commercial entity, or other enti-  
7 ty shall request, obtain, or utilize an applicant's per-  
8 sonal identification number assigned under para-  
9 graph (3)(F) for purposes of submitting an applica-  
10 tion on an applicant's behalf.

11 “(7) APPLICATION PROCESSING CYCLE.—The  
12 Secretary shall—

13 “(A) enable students to submit forms cre-  
14 ated under this subsection in order to meet the  
15 filing requirements of this section and in order  
16 to receive financial assistance from programs  
17 under this title; and

18 “(B) enable students to submit forms cre-  
19 ated under this subsection and initiate the proc-  
20 essing of such forms under this subsection, as  
21 early as practicable prior to January 1 of the  
22 student's planned year of enrollment.

23 “(8) EARLY ESTIMATES.—The Secretary shall  
24 permit an applicant to complete a form described in  
25 this subsection in the years prior to enrollment in

1 order to obtain from the Secretary a nonbinding es-  
2 timate of the applicant's expected family contribu-  
3 tion, as defined in section 473. Such applicant shall  
4 be permitted to update information submitted on a  
5 form described in this subsection using the process  
6 required under paragraph (4).

7 “(9) DISTRIBUTION OF DATA.—Institutions of  
8 higher education, guaranty agencies, and States  
9 shall receive, without charge, the data collected by  
10 the Secretary using the form developed pursuant to  
11 this subsection for the purposes of processing loan  
12 applications and determining need and eligibility for  
13 institutional and State financial aid awards. Entities  
14 designated by institutions of higher education, guar-  
15 anty agencies, or States to receive such data shall be  
16 subject to all the requirements of this section, unless  
17 such requirements are waived by the Secretary.

18 “(10) THIRD PARTY SERVICERS AND PRIVATE  
19 SOFTWARE PROVIDERS.—To the extent practicable  
20 and in a timely manner, the Secretary shall provide,  
21 to private organizations and consortia that develop  
22 software used by institutions of higher education for  
23 the administration of funds under this title, all the  
24 necessary specifications that the organizations and  
25 consortia must meet for the software the organiza-

1 tions and consortia develop, produce, and distribute  
2 (including any diskette, modem, or network commu-  
3 nications) which are so used. The specifications shall  
4 contain record layouts for required data. The Sec-  
5 retary shall develop in advance of each processing  
6 cycle an annual schedule for providing such speci-  
7 fications. The Secretary, to the extent practicable,  
8 shall use means of providing such specifications, in-  
9 cluding conferences and other meetings, outreach,  
10 and technical support mechanisms (such as training  
11 and printed reference materials). The Secretary  
12 shall, from time to time, solicit from such organiza-  
13 tions and consortia means of improving the support  
14 provided by the Secretary.

15 “(11) PARENT’S SOCIAL SECURITY NUMBER  
16 AND BIRTH DATE.—The Secretary is authorized to  
17 include on the form developed under this subsection  
18 space for the social security number and birth date  
19 of parents of dependent students seeking financial  
20 assistance under this title.”;

21 (2) by redesignating subsections (c) through (e)  
22 as subsections (b) through (d), respectively; and

23 (3) in subsection (c) (as redesignated by para-  
24 graph (2)), by striking “that is authorized” and all  
25 that follows through the period at the end and in-

1       serting “or other appropriate provider of technical  
2       assistance and information on postsecondary edu-  
3       cational services that is authorized under section  
4       663(a) of the Individuals with Disabilities Education  
5       Act. Not later than 2 years after the date of enact-  
6       ment of the Higher Education Amendments of 2005,  
7       the Secretary shall test and implement, to the extent  
8       practicable, a toll-free telephone based system to  
9       permit applicants who meet the requirements of  
10      479(c) to submit an application over such system.”.

11 **SEC. 484. STUDENT ELIGIBILITY.**

12      Section 484 (20 U.S.C. 1091) is amended—

13           (1) in subsection (d), by adding at the end the  
14      following:

15           “(4) The student shall be determined by the in-  
16      stitution of higher education as having the ability to  
17      benefit from the education or training offered by the  
18      institution of higher education, upon satisfactory  
19      completion of 6 credit hours or the equivalent  
20      coursework that are applicable toward a degree or  
21      certificate offered by the institution of higher edu-  
22      cation.”;

23           (2) by striking subsection (l) and inserting the  
24      following:

1       “(1) COURSES OFFERED THROUGH DISTANCE EDU-  
2       CATION.—

3               “(1)     RELATION     TO     CORRESPONDENCE  
4       COURSES.—

5               “(A) IN GENERAL.—A student enrolled in  
6       a course of instruction at an institution of high-  
7       er education that is offered predominately  
8       through distance education and leads to a rec-  
9       ognized certificate, or associate, baccalaureate,  
10      or graduate degree, conferred by such institu-  
11      tion, shall not be considered to be enrolled in  
12      correspondence courses.

13              “(B) EXCEPTION.—An institution of high-  
14      er education referred to in subparagraph (A)  
15      shall not include an institution or school de-  
16      scribed in section 3(3)(C) of the Carl D. Per-  
17      kins Vocational and Technical Education Act of  
18      1998.

19              “(2) RESTRICTION OR REDUCTIONS OF FINAN-  
20      CIAL AID.—A student’s eligibility to receive grants,  
21      loans, or work assistance under this title shall be re-  
22      duced if a financial aid officer determines under the  
23      discretionary authority provided in section 479A  
24      that telecommunications instruction results in a sub-



1       stantially reduced cost of attendance to such stu-  
2       dent.

3           “(3) SPECIAL RULE.—For award years prior to  
4       the date of enactment of this subsection, the Sec-  
5       retary shall not take any compliance, disallowance,  
6       penalty, or other action against a student or an eli-  
7       gible institution when such action arises out of such  
8       institution’s prior award of student assistance under  
9       this title if the institution demonstrates to the satis-  
10      faction of the Secretary that its course of instruction  
11      would have been in conformance with the require-  
12      ments of this subsection.

13           “(4) DEFINITION.—In this subsection, the term  
14      ‘distance education’ has the meaning given the term  
15      in section 102.”; and

16           (3) in subsection (r)—

17           (A) in the matter preceding the table, by  
18      inserting “of a controlled substance, while such  
19      student is enrolled in an institution of higher  
20      education and receiving financial assistance  
21      under this title,” after “the possession”;

22           (B) in the column heading of the first  
23      table, by inserting “**WHILE THE STUDENT IS**  
24      **ENROLLED IN AN INSTITUTION OF HIGHER**  
25      **EDUCATION AND RECEIVING FINANCIAL**

1           **ASSISTANCE UNDER THIS TITLE**” after  
 2           **“POSSESSION OF A CONTROLLED SUB-**  
 3           **STANCE**”; and

4           (C) by redesignating paragraph (3) as  
 5           paragraph (4); and

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

8           **“(2) INTERACTION WITH FAFSA.—**The Sec-  
 9           retary shall not require a student to provide infor-  
 10          mation regarding the student’s possession of a con-  
 11          trolled substance on the Free Application for Fed-  
 12          eral Student Aid described in section 483(a).”.

13 **SEC. 485. STATUTE OF LIMITATIONS AND STATE COURT**  
 14           **JUDGMENTS.**

15          Section 484A (20 U.S.C. 1091a) is amended—

16           (1) in subsection (b)—

17           (A) in paragraph (1), by striking “and”  
 18           after the semicolon;

19           (B) in paragraph (2), by striking the pe-  
 20           riod and inserting “; and”; and

21           (C) by adding at the end the following:

22           **“(3) in collecting any obligation arising from a**  
 23          loan made under part E of this title, an institution  
 24          of higher education that has an agreement with the  
 25          Secretary pursuant to section 463(a) shall not be

1 subject to a defense raised by any borrower based on  
2 a claim of infancy.”; and

3 ~~(2)~~ by adding at the end the following:

4 “(d) **SPECIAL RULE.**—This section shall not apply in  
5 the case of a student who is deceased or to a deceased  
6 student’s estate or the estate of such student’s family. If  
7 a student is deceased, then the student’s estate or the es-  
8 tate of the student’s family shall not be required to repay  
9 any financial assistance under this title ; including interest  
10 paid on the student’s behalf, collection costs, or other  
11 charges specified in this title.”.

12 **SEC. 486. INSTITUTIONAL REFUNDS.**

13 Section 484B (20 U.S.C. 1091B) is amended—

14 (1) in subsection (a)—

15 (A) in the matter preceding clause (i) of  
16 paragraph (2)(A), by striking “a leave of” and  
17 inserting “1 or more leaves of”; and

18 (B) in paragraph (3)(C)(i), by striking  
19 “grant or loan assistance under this title” and  
20 inserting “grant assistance under subparts 1  
21 and 3 of part A, or loan assistance under parts  
22 B, D, and E.”;

23 (2) in subsection (b), by adding at the end the  
24 following:

1           “(4) TIME FRAME.—Not later than 45 days  
2 after the date of an institution’s determination that  
3 a student withdrew from the institution, the institu-  
4 tion shall—

5           “(A) return the amount required under  
6 paragraph (1);

7           “(B) notify the student of the applicable  
8 requirements regarding the overpayment of  
9 grant and loan assistance and

10          “(C) notify the student of the student’s eli-  
11 gibility for post-withdrawal disbursements.”;

12          (3) in subsection (c)(2)—

13           (A) by striking the period at the end and  
14 inserting “; or”;

15           (B) by striking “may determine the appro-  
16 priate” and inserting “may determine—

17           “(A) the appropriate”; and

18           (C) by adding at the end the following:

19           “(B) that the requirements of this section  
20 do not apply to the student.”; and

21          (4) in subsection (d)(2), by striking “clock  
22 hours—” and all that follows through the period and  
23 inserting “clock hours scheduled to be completed by  
24 the student in that period as of the day the student  
25 withdrew.”.

1 **SEC. 487. INSTITUTIONAL AND FINANCIAL ASSISTANCE FOR**  
2 **STUDENTS.**

3 Section 485 (20 U.S.C. 1092) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (N), by striking  
7 “and” after the semicolon;

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

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

12 “(P) student body diversity at the institution;  
13 including information on the percentage of enrolled,  
14 full-time students who are—

15 “(i) male;

16 “(ii) female;

17 “(iii) from a low-income background; and

18 “(iv) a self-identified member of a major  
19 racial or ethnic group.”;

20 (B) by striking paragraph (4) and insert-  
21 ing the following:

22 “(4) For purposes of this section, institutions  
23 may—

24 “(A) exclude from the information dis-  
25 closed in accordance with subparagraph (L) of  
26 paragraph (1) the completion or graduation

1 rates of students who leave school to serve in  
2 the Armed Forces, on official church missions,  
3 or with a recognized foreign aid service of the  
4 Federal Government; or

5 “(B) in cases where 20 percent or more of  
6 the students described in subparagraph (A) are  
7 excluded in a reporting year, include in such in-  
8 formation on the completion or graduation rates  
9 of students described in subparagraph (A) by  
10 excluding from the calculation described in  
11 paragraph (3) the time period such students  
12 were not enrolled due to their service in the  
13 Armed Forces, on official church missions, or  
14 with a recognized foreign aid service of the Fed-  
15 eral Government.”; and

16 (C) by adding at the end the following:

17 “(7) The information disclosed under subparagraph  
18 (L) of paragraph (1), or reported under subsection (e),  
19 shall include information disaggregated by gender, by each  
20 major racial and ethnic subgroup, and by low-income  
21 background status as measured by Federal Pell Grant eli-  
22 gibility, if the number of students in such subgroup or  
23 with such status is sufficient to yield statistically reliable  
24 information and reporting would not reveal personally  
25 identifiable information about an individual student. If

1 such number is not sufficient for such purposes, then the  
2 institution shall note that the institution enrolled too few  
3 of such students to so disclose or report with confidence  
4 and confidentiality.”;

5           (2) in subsection (b), by adding at the end the  
6 following:

7           “(3) Each eligible institution shall, during the  
8 exit interview required by this subsection, provide to  
9 a borrower of a loan made under part B, D, or E  
10 a clear and conspicuous notice describing the general  
11 effects of using a consolidation loan to discharge the  
12 borrower’s student loans, including—

13           “(A) the effects of consolidation on total  
14 interest to be paid, fees to be paid, and length  
15 of repayment;

16           “(B) the effects of consolidation on a bor-  
17 rower’s underlying loan benefits, including loan  
18 forgiveness, cancellation, and deferment;

19           “(C) the ability for the borrower to prepay  
20 the loan, pay on a shorter schedule, and to  
21 change repayment plans, and that borrower  
22 benefit programs may vary among different  
23 loan holders;

24           “(D) the tax benefits for which the bor-  
25 rower may be eligible; and

1           “(E) the consequences of default.”;

2           (3) in subsection (d)(2)—

3           (A) by inserting “grant assistance, as well  
4 as State” after “describing State”; and

5           (B) by inserting “and other means, includ-  
6 ing through the Internet” before the period at  
7 the end;

8           (4) in subsection (e), by striking paragraph (3)  
9 and inserting the following:

10           “(3) For purposes of this subsection, institu-  
11 tions may—

12           (A) exclude from the reporting require-  
13 ments under paragraphs (1) and (2) the com-  
14 pletion or graduation rates of students and stu-  
15 dent athletes who leave school to serve in the  
16 Armed Forces, on official church missions, or  
17 with a recognized foreign aid service of the Fed-  
18 eral Government; or

19           (B) in cases where 20 percent or more of  
20 the students described in subparagraph (A) are  
21 excluded in a reporting year, include in such in-  
22 formation on the completion or graduation rates  
23 of students described in subparagraph (A) by  
24 excluding from the calculation described in sub-  
25 section (a)(3) the time period such students



1           were not enrolled due to their service in the  
2           Armed Forces, on official church missions, or  
3           with a recognized foreign aid service of the Fed-  
4           eral Government.”;

5           (5) in the matter preceding subparagraph (A)  
6           of subsection (f)(1), by inserting “, other than a for-  
7           eign institution of higher education,” after “under  
8           this title”; and

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

10          “(h) TRANSFER OF CREDIT POLICIES.—

11           “(1) DISCLOSURE.—Each institution of higher  
12           education participating in any program under this  
13           title shall publicly disclose in a readable and com-  
14           prehensible manner the institution’s transfer of cred-  
15           it policies which shall include a statement of the in-  
16           stitution’s current transfer of credit policies that in-  
17           cludes, at a minimum—

18           “(A) a statement that transfer of credit  
19           shall not be denied solely on the basis of the  
20           agency or association that accredited such other  
21           institution of higher education, if that agency  
22           or association is recognized by the Secretary  
23           pursuant to section 496 to be a reliable author-  
24           ity as to the quality of the education or training  
25           offered; and

1           ~~“(B) a list of institutions of higher edu-~~  
 2           ~~cation with which the institution has established~~  
 3           ~~an articulation agreement.~~

4           ~~“(2) RULE OF CONSTRUCTION.—Nothing in~~  
 5           ~~this subsection shall be construed to—~~

6           ~~“(A) authorize an officer or employee of~~  
 7           ~~the Department to exercise any direction, su-~~  
 8           ~~pervision, or control over the curriculum, pro-~~  
 9           ~~gram of instruction, administration, or per-~~  
 10          ~~sonnel of any institution of higher education, or~~  
 11          ~~over any accrediting agency or association;~~

12          ~~“(B) limit the application of the General~~  
 13          ~~Education Provisions Act; or~~

14          ~~“(C) create any legally enforceable right on~~  
 15          ~~the part of a student to require an institution~~  
 16          ~~of higher education to accept a transfer of cred-~~  
 17          ~~it from another institution.”.~~

18 **SEC. 488. NATIONAL STUDENT LOAN DATA SYSTEM.**

19          ~~Section 485B(a) (20 U.S.C. 1092b(a)) is amended—~~

20           ~~(1) by redesignating paragraphs (6) through~~  
 21           ~~(10) as paragraphs (7) through (11), respectively;~~

22           ~~(2) in paragraph (5) (as added by Public Law~~  
 23           ~~101–610), by striking “effectiveness.” and inserting~~  
 24           ~~“effectiveness;” and~~

1           (3) by redesignating paragraph (5) (as added  
2           by Public Law 101–234) as paragraph (6).

3 **SEC. 489. EARLY AWARENESS OF FINANCIAL AID ELIGI-**  
4                           **BILITY AND DEMONSTRATION PROGRAM TO**  
5                           **PROVIDE EARLY ESTIMATES AND EARLY**  
6                           **AWARDS OF FINANCIAL AID.**

7           Part G of title IV (20 U.S.C. 1088 et seq.) is amend-  
8 ed by inserting after section 485C (20 U.S.C. 1092e) the  
9 following:

10 **“SEC. 485D. EARLY AWARENESS OF FINANCIAL AID ELIGI-**  
11                           **BILITY AND DEMONSTRATION PROGRAM TO**  
12                           **PROVIDE EARLY ESTIMATES AND EARLY**  
13                           **AWARDS OF FINANCIAL AID.**

14           “(a) IN GENERAL.—The Secretary shall implement,  
15 in cooperation with States, institutions of higher edu-  
16 cation, secondary schools, middle schools, early interven-  
17 tion and outreach programs under this title, other agen-  
18 cies and organizations involved in student financial assist-  
19 ance and college access, public libraries, community cen-  
20 ters, employers, and businesses, a comprehensive system  
21 of early financial aid information in order to provide stu-  
22 dents and families with early information about financial  
23 aid and early estimates of such students’ eligibility for fi-  
24 nancial aid from multiple sources. Such system shall in-  
25 clude the activities described in subsections (b) and (c).

1       “(b) COMMUNICATION OF AVAILABILITY OF AID AND  
2 AID ELIGIBILITY.—

3           “(1) STUDENTS WHO RECEIVE BENEFITS.—The  
4 Secretary shall—

5           “(A) make special efforts to notify stu-  
6 dents who receive or are eligible to receive bene-  
7 fits under Federal means-tested benefit pro-  
8 grams (including the school lunch program es-  
9 tablished under the Richard B. Russell National  
10 School Lunch Act (42 U.S.C. 1751 et seq.); the  
11 food stamp program under the Food Stamp Act  
12 of 1977 (7 U.S.C. 2011 et seq.); and other such  
13 programs as determined by the Secretary) of  
14 such students’ potential eligibility for a max-  
15 imum Federal Pell Grant under subpart 1 of  
16 part A; and

17           “(B) disseminate such informational mate-  
18 rials as the Secretary determines necessary.

19           “(2) MIDDLE SCHOOL STUDENTS.—The Sec-  
20 retary, in cooperation with States, institutions of  
21 higher education, other organizations involved in col-  
22 lege access and student financial aid, middle schools,  
23 and programs under this title that serve middle  
24 school students, shall make special efforts to notify  
25 students and their parents of the availability of fi-

1       nancial aid under this title and, in accordance with  
2       subsection (e), shall provide nonbinding estimates of  
3       grant, work-study, and loan aid that an individual  
4       may be eligible for under this title upon completion  
5       of an application form under section 483(a). The  
6       Secretary shall ensure that such information is as  
7       accurate as possible and that such information is  
8       provided in an age-appropriate format using dissemi-  
9       nation mechanisms suitable for students in middle  
10      school.

11           “(3) SECONDARY SCHOOL STUDENTS.—The  
12      Secretary, in cooperation with States, institutions of  
13      higher education, other organizations involved in col-  
14      lege access and student financial aid, secondary  
15      schools, and programs under this title that serve sec-  
16      ondary school students, shall make special efforts to  
17      notify students in secondary school and their par-  
18      ents, as early as possible but not later than such  
19      students’ junior year of secondary school, of the  
20      availability of financial aid under this title and, in  
21      accordance with subsection (e), shall provide non-  
22      binding estimates of the amounts of grant, work-  
23      study, and loan aid that an individual may be eligi-  
24      ble for under this title upon completion of an appli-  
25      cation form under section 483(a). The Secretary

1 shall ensure that such information is as accurate as  
2 possible and that such information is provided in an  
3 age-appropriate format using dissemination mecha-  
4 nisms suitable for students in secondary school.

5 “(4) ADULT LEARNERS.—The Secretary, in co-  
6 operation with States, institutions of higher edu-  
7 cation, other organizations involved in college access  
8 and student financial aid, employers, workforce in-  
9 vestment boards and public libraries, shall make spe-  
10 cial efforts to provide individuals who would qualify  
11 as independent students, as defined in section  
12 480(d), with information regarding the availability  
13 of financial aid under this title and, in accordance  
14 with subsection (e), with nonbinding estimates of the  
15 amounts of grant, work-study, and loan aid that an  
16 individual may be eligible for under this title upon  
17 completion of an application form under section  
18 483(a). The Secretary shall ensure that such infor-  
19 mation—

20 “(A) is as accurate as possible;

21 “(B) includes specific information regard-  
22 ing the availability of financial aid for students  
23 qualified as independent students, as defined in  
24 section 480(d); and

1           “(C) uses dissemination mechanisms suit-  
2           able for adult learners.

3           “(5) PUBLIC AWARENESS CAMPAIGN.—Not  
4           later than 2 years after the date of enactment of the  
5           Higher Education Amendments of 2005, the Sec-  
6           retary, in coordination with States, institutions of  
7           higher education, early intervention and outreach  
8           programs under this title, other agencies and organi-  
9           zations involved in student financial aid, local edu-  
10          cational agencies, public libraries, community cen-  
11          ters, businesses, employers, employment services,  
12          workforce investment boards, and movie theaters,  
13          shall implement a public awareness campaign in  
14          order to increase national awareness regarding the  
15          availability of financial aid under this title. The pub-  
16          lic awareness campaign shall disseminate accurate  
17          information regarding the availability of financial  
18          aid under this title and shall be implemented, to the  
19          extent practicable, using a variety of media, includ-  
20          ing print, television, radio and the Internet. The  
21          Secretary shall design and implement the public  
22          awareness campaign based upon relevant inde-  
23          pendent research and the information and dissemi-  
24          nation strategies found most effective in imple-  
25          menting paragraphs (1) through (4).

1       “(c) AVAILABILITY OF NONBINDING ESTIMATES OF  
2 FEDERAL FINANCIAL AID ELIGIBILITY.—

3           “(1) IN GENERAL.—The Secretary, in coopera-  
4 tion with States, institutions of higher education,  
5 and other agencies and organizations involved in stu-  
6 dent financial aid, shall provide, via a printed form  
7 and the Internet or other electronic means, the capa-  
8 bility for individuals to determine easily, by entering  
9 relevant data, nonbinding estimates of amounts of  
10 grant and loan aid an individual may be eligible for  
11 under this title upon completion and processing of  
12 an application and enrollment in an institution of  
13 higher education.

14           “(2) DATA ELEMENTS.—The Secretary, in co-  
15 operation with States, institutions of higher edu-  
16 cation, and other agencies and organizations in-  
17 volved in student financial aid, shall determine the  
18 data elements that are necessary to create a sim-  
19 plified form that individuals can use to obtain easily  
20 nonbinding estimates of the amounts of grant and  
21 loan aid an individual may be eligible for under this  
22 title.

23           “(3) QUALIFICATION TO USE SIMPLIFIED AP-  
24 PPLICATION.—The capability provided under this  
25 paragraph shall include the capability to determine



1 whether the individual is eligible to submit a sim-  
 2 plified application form under paragraph (2)(B) or  
 3 (3)(B) of section 483(a).”.

4 **SEC. 490. COLLEGE ACCESS INITIATIVE.**

5 Part G of title IV (20 U.S.C. 1088 et seq.) is further  
 6 amended by inserting after section 485D (as added by sec-  
 7 tion 489) the following:

8 **“SEC. 485E. COLLEGE ACCESS INITIATIVE.**

9 **“(a) STATE-BY-STATE INFORMATION.—**The Sec-  
 10 retary shall direct each guaranty agency with which the  
 11 Secretary has an agreement under section 428(e) to pro-  
 12 vide to the Secretary the information necessary for the de-  
 13 velopment of Internet Web links and access for students  
 14 and families to a comprehensive listing of the postsec-  
 15 ondary education opportunities programs, publications,  
 16 Internet Web sites, and other services available in the  
 17 States for which such agency serves as the designated  
 18 guarantor.

19 **“(b) GUARANTY AGENCY ACTIVITIES.—**

20 **“(1) PLAN AND ACTIVITY REQUIRED.—**Each  
 21 guaranty agency with which the Secretary has an  
 22 agreement under section 428(e) shall develop a plan,  
 23 and undertake the activity, necessary to gather the  
 24 information required under subsection (a) and to  
 25 make such information available to the public and to

1 the Secretary in a form and manner prescribed by  
2 the Secretary.

3 “(2) ACTIVITIES.—Each guaranty agency shall  
4 undertake such activities as are necessary to pro-  
5 mote access to postsecondary education for students  
6 through providing information on college planning,  
7 career preparation, and paying for college that is  
8 limited or related to subsection (a). The guaranty  
9 agency shall publicize such information and coordi-  
10 nate such activities with other entities that provide  
11 or distribute such information in the States for  
12 which such guaranty agency serves as the designated  
13 guarantor.

14 “(3) FUNDING.—The activities required by this  
15 section may be funded from the guaranty agency’s  
16 Operating Fund established pursuant to section  
17 422B and to the extent funds remain, from earnings  
18 on the restricted account established pursuant to  
19 section 422(h)(4).

20 “(4) RULE OF CONSTRUCTION.—Nothing in  
21 this subsection shall require a guaranty agency to  
22 duplicate any efforts currently underway that meet  
23 the requirements of this subsection.

24 “(e) ACCESS TO INFORMATION.—

1           “(1) SECRETARY’S RESPONSIBILITY.—The Sec-  
 2           retary shall ensure the availability of the information  
 3           provided, by the guaranty agencies in accordance  
 4           with this section, to students, parents, and other in-  
 5           terested individuals, through Web links or other  
 6           methods prescribed by the Secretary.

7           “(2) GUARANTY AGENCY RESPONSIBILITY.—  
 8           The guaranty agencies shall ensure that the infor-  
 9           mation required by this section is available without  
 10          charge in printed format for students and parents  
 11          requesting such information.

12          “(3) PUBLICITY.—Not later than 270 days  
 13          after the date of enactment of the Higher Education  
 14          Amendments Act of 2005, the Secretary and guar-  
 15          anty agencies shall publicize the availability of the  
 16          information required by this section, with special  
 17          emphasis on ensuring that populations that are tra-  
 18          ditionally underrepresented in postsecondary edu-  
 19          cation are made aware of the availability of such in-  
 20          formation.”.

21 **SEC. 491. PROGRAM PARTICIPATION AGREEMENTS.**

22          Section 487 (20 U.S.C. 1094) is amended—

23                 (1) in subsection (a)—

24                         (A) in paragraph (23), by adding at the  
 25                         end the following:

1           “(D) An institution shall be considered in  
 2           compliance with the requirements of subpara-  
 3           graph (A) for any student to whom the institu-  
 4           tion electronically transmits a message con-  
 5           taining a voter registration form acceptable for  
 6           use in the State in which the institution is lo-  
 7           cated; or an Internet address where such a  
 8           form can be downloaded; if such information is  
 9           in an electronic message devoted solely to voter  
 10          registration.”; and

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

12           “(24) The institution will, as calculated in ac-  
 13          cordance with subsection (f)(1), have not less than  
 14          10 percent of its revenues from sources other than  
 15          funds provided under this title, or will be subject to  
 16          the sanctions described in subsection (f)(2).”;

17           (2) by redesignating subsections (d) and (e) as  
 18          subsection (e) and (f), respectively;

19           (3) by inserting after subsection (e) the fol-  
 20          lowing:

21           “(d) INSTITUTIONAL REQUIREMENTS FOR TEACH-  
 22          OUTS.—

23           “(1) IN GENERAL.—In the event the Secretary  
 24          initiates the limitation, suspension, or termination of  
 25          the participation of an institution of higher edu-

1 eation in any program under this title under the au-  
 2 thority of subsection (e)(1)(F) or initiates an emer-  
 3 gency action for termination under the authority of  
 4 subsection (e)(1)(G) and its prescribed regulations;  
 5 the Secretary shall require that institution to pre-  
 6 pare a teach-out plan for submission to the institu-  
 7 tion's accrediting agency or association in compli-  
 8 ance with section 496(e)(4), the Secretary's regula-  
 9 tions on teach-out plans, and the standards of the  
 10 institution's accrediting agency or association.

11 “(2) TEACH-OUT PLAN DEFINED.—In this sub-  
 12 section, the term ‘teach-out plan’ means a written  
 13 plan that provides for the equitable treatment of stu-  
 14 dents if an institution of higher education ceases to  
 15 operate before all students have completed their en-  
 16 rollment at the institution, and may include, if re-  
 17 quired by the institution's accrediting agency or as-  
 18 sociation, an agreement between institutions for  
 19 such a teach-out plan.”; and

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

21 “(g) IMPLEMENTATION OF NONTITLE IV REVENUE  
 22 REQUIREMENT.—

23 “(1) CALCULATION.—In carrying out sub-  
 24 section (a)(24), an institution shall use the cash  
 25 basis of accounting and count the following funds as

1 from sources of funds other than funds provided  
2 under this title:

3 “(A) Funds used by students from sources  
4 other than funds received under this title to pay  
5 tuition, fees, and other institutional charges to  
6 the institution, provided the institution can rea-  
7 sonably demonstrate that such funds were used  
8 for such purposes.

9 “(B) Funds used by the institution to sat-  
10 isfy matching-fund requirements for programs  
11 under this title.

12 “(C) Funds used by a student from sav-  
13 ings plans for educational expenses established  
14 by or on behalf of the student and which qualify  
15 for special tax treatment under the Internal  
16 Revenue Code of 1986.

17 “(D) Funds paid by a student, or on be-  
18 half of a student by a party other than the in-  
19 stitution, to the institution for an education or  
20 training program that is not eligible for funds  
21 under this title, provided that the program is  
22 approved or licensed by the appropriate State  
23 agency or an accrediting agency recognized by  
24 the Secretary.

1           “(E) Funds generated by the institution  
2           from institutional activities that are necessary  
3           for the education and training of the institu-  
4           tion’s students, if such activities are—

5                   “(i) conducted on campus or at a fa-  
6                   cility under the control of the institution;

7                   “(ii) performed under the supervision  
8                   of a member of the institution’s faculty;  
9                   and

10                   “(iii) required to be performed by all  
11                   students in a specific educational program  
12                   at the institution.

13           “(F) Institutional aid, as follows:

14                   “(i) In the case of loans made by the  
15                   institution, only the amount of loan repay-  
16                   ments received by the institution during  
17                   the fiscal year for which the determination  
18                   is made.

19                   “(ii) In the case of scholarships pro-  
20                   vided by the institution, only those scholar-  
21                   ship funds provided by the institution that  
22                   are—

23                           “(I) in the form of monetary aid  
24                           or tuition discounts based upon the

1           academic achievements or financial  
2           need of students; and

3                   “(II) disbursed during the fiscal  
4           year for which the determination is  
5           made from an established restricted  
6           account and only to the extent that  
7           the funds in that account represent  
8           designated funds from an outside  
9           source or income earned on those  
10          funds.

11                   “(iii) In the case of tuition discounts,  
12          only those tuition discounts based upon the  
13          academic achievement or financial need of  
14          students.

15          “(2) SANCTIONS.—

16                   “(A) FAILURE TO MEET REQUIREMENT  
17          FOR 1 YEAR.—In addition to such other means  
18          of enforcing the requirements of this title as  
19          may be available to the Secretary, if an institu-  
20          tion fails to meet the requirements of sub-  
21          section (a)(24) in any year, the Secretary may  
22          impose 1 or both of the following sanctions on  
23          the institution:

24                   “(i) Place the institution on provi-  
25          sional certification in accordance with sec-



1           tion 498(h) until the institution dem-  
 2           onstrates, to the satisfaction of the Sec-  
 3           retary, that it is in compliance with sub-  
 4           section (a)(24).

5           “(ii) Require such other increased  
 6           monitoring and reporting requirements as  
 7           the Secretary determines necessary until  
 8           the institution demonstrates, to the satis-  
 9           faction of the Secretary, that it is in com-  
 10          pliance with subsection (a)(24).

11          “(B) FAILURE TO MEET REQUIREMENT  
 12          FOR 3 YEARS.—An institution that fails to meet  
 13          the requirements of subsection (a)(24) for 2  
 14          consecutive years shall be ineligible to partici-  
 15          pate in the programs authorized under this  
 16          title.

17          “(3) PUBLIC AVAILABILITY OF INFORMATION.—  
 18          The Secretary shall make publicly available, through  
 19          the means described in subsection (b) of section 131,  
 20          any institution that fails to meet the requirements of  
 21          subsection (a)(24) in any year as an institution that  
 22          is failing to meet the minimum non-Federal source  
 23          of revenue requirements of such subsection  
 24          (a)(24).”.

1 **SEC. 492. REGULATORY RELIEF AND IMPROVEMENT.**

2 Section 487A(b) (20 U.S.C. 1094a(b)) is amended—

3 (1) in paragraph (1)

4 (A) by striking “1998” and inserting  
5 “2005” ; and

6 (B) by striking “1999” and inserting  
7 “2006”; and

8 (2) by striking the matter preceding paragraph  
9 (2)(A) and inserting the following:

10 “(2) REPORT.—The Secretary shall review and  
11 evaluate the experience of institutions participating  
12 as experimental sites and shall, on a biennial basis,  
13 submit a report based on the review and evaluation  
14 to the authorizing committees. Such report shall in-  
15 clude—”; and

16 (3) in paragraph (3)—

17 (A) in subparagraph (A)—

18 (i) by striking “Upon the submission  
19 of the report required by paragraph (2),  
20 the” and inserting “The”; and

21 (ii) by inserting “periodically” after  
22 “authorized to”;

23 (B) by striking subparagraph (B);

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

1           (D) in subparagraph (B) (as redesignated  
2           by subparagraph (C))—

3           (i) by inserting “, including require-  
4           ments related to the award process and  
5           disbursement of student financial aid (such  
6           as innovative delivery systems for modular  
7           or compressed courses, or other innovative  
8           systems), verification of student financial  
9           aid application data, entrance and exit  
10          interviews, or other management proce-  
11          dures or processes as determined in the ne-  
12          gotiated rulemaking process under section  
13          492,” after “requirements in this title”;  
14          and

15          (ii) by inserting “(other than an  
16          award rule related to an experiment in  
17          modular or compressed schedules)” after  
18          “award rules”; and

19          (iii) by inserting “unless the waiver of  
20          such provisions is authorized by another  
21          provision under this title” before the pe-  
22          riod at the end.

23 **SEC. 493. TRANSFER OF ALLOTMENTS.**

24          Section 488 (20 U.S.C. 1095) is amended in the first  
25          sentence—

1           (1) in paragraph (1), by striking “and” after  
2           the semicolon;

3           (2) in paragraph (2), by striking “413D.” and  
4           inserting “413D; and”; and

5           (3) by adding at the end “(3) transfer 25 per-  
6           cent of the institution’s allotment under section  
7           413D to the institution’s allotment under section  
8           442.”.

9   **SEC. 494. WAGE GARNISHMENT REQUIREMENT.**

10          Section 488A(a)(1) (20 U.S.C. 1095a(a)(1)) is  
11          amended by striking “10 percent” and inserting “15 per-  
12          cent”.

13   **SEC. 495. PURPOSE OF ADMINISTRATIVE PAYMENTS.**

14          Section 489(b) (20 U.S.C. 1096(b)) is amended by  
15          striking “offsetting the administrative costs of” and in-  
16          serting “administering”.

17   **SEC. 496. ADVISORY COMMITTEE ON STUDENT FINANCIAL**  
18                                   **ASSISTANCE.**

19          Section 491 (20 U.S.C. 1098) is amended—

20               (1) in subsection (a)(2)—

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

23                       (B) in subparagraph (C), by striking the  
24                       period and inserting a semicolon; and

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

1           “(D) to provide knowledge and under-  
2           standing of early intervention programs; and to  
3           make recommendations that will result in early  
4           awareness by low- and moderate-income stu-  
5           dents and families—

6                   “(i) of their eligibility for assistance  
7                   under this title; and

8                   “(ii) to the extent practicable, of their  
9                   eligibility for other forms of State and in-  
10                  stitutional need-based student assistance;  
11                  and

12           “(E) to make recommendations that will  
13           expand and improve partnerships among the  
14           Federal Government, States, institutions of  
15           higher education, and private entities to in-  
16           crease the awareness and the total amount of  
17           need-based student assistance available to low-  
18           and moderate-income students.”;

19           (2) in subsection (d)(6), by striking “, but  
20           nothing” and all that follows through “or analyses”;

21           (3) in subsection (j)—

22                   (A) in paragraph (1)—

23                   (i) by inserting “and simplification”  
24                   after “modernization” each place the term  
25                   appears; and

1                   (ii) by striking “including” and all  
2                   that follows through “Department,”; and  
3                   (B) by striking paragraphs (4) and (5) and  
4                   inserting the following:

5                   “(4) conduct a review and analysis of regula-  
6                   tions in accordance with subsection (l); and

7                   “(5) conduct a study in accordance with sub-  
8                   section (m).”;

9                   (4) in subsection (k); by striking “2004” and  
10                  inserting “2010”; and

11                  (5) by adding at the end the following:

12                  “(1) REVIEW AND ANALYSIS OF REGULATIONS.—

13                  “(1) RECOMMENDATIONS.—The Advisory Com-  
14                  mittee shall make recommendations to the Secretary  
15                  for consideration of future legislative action regard-  
16                  ing redundant or outdated regulations under this  
17                  title, consistent with the Secretary’s requirements  
18                  under section 498B.

19                  “(2) REVIEW AND ANALYSIS OF REGULA-  
20                  TIONS.—The Advisory Committee shall conduct a re-  
21                  view and analysis of the regulations issued under  
22                  this title that are in effect at the time of the review  
23                  and that apply to the operations or activities of par-  
24                  ticipants in the programs assisted under this title.  
25                  The review and analysis may include a determina-

1 tion of whether the regulation is duplicative, is no  
2 longer necessary, is inconsistent with other Federal  
3 requirements, or is overly burdensome. In con-  
4 ducting the review, the Advisory Committee shall  
5 pay specific attention to evaluating ways in which  
6 regulations under this title affecting institutions of  
7 higher education (other than institutions described  
8 in section 102(a)(1)(C)), that have received in each  
9 of the 2 most recent award years prior to the date  
10 of enactment of the Higher Education Amendments  
11 of 2005 less than \$200,000 in funds through this  
12 title, may be improved, streamlined, or eliminated.

13 “(3) CONSULTATION.—

14 “(A) IN GENERAL.—In carrying out the  
15 review and analysis under paragraph (2), the  
16 Advisory Committee shall consult with the Sec-  
17 retary, relevant representatives of institutions  
18 of higher education, and individuals who have  
19 expertise and experience with the regulations  
20 issued under this title, in accordance with sub-  
21 paragraph (B).

22 “(B) REVIEW PANELS.—The Advisory  
23 Committee shall convene not less than 2 review  
24 panels of representatives of the groups involved  
25 in student financial assistance programs under

1           this title who have experience and expertise in  
2           the regulations issued under this title to review  
3           the regulations under this title, and to provide  
4           recommendations to the Advisory Committee  
5           with respect to the review and analysis under  
6           paragraph (2). The panels shall be made up of  
7           experts in areas such as the operations of the  
8           financial assistance programs, the institutional  
9           eligibility requirements for the financial assist-  
10          ance programs, regulations not directly related  
11          to the operations or the institutional eligibility  
12          requirements of the financial assistance pro-  
13          grams, and regulations for dissemination of in-  
14          formation to students about the financial assist-  
15          ance programs.

16           “(4) REPORTS TO CONGRESS.—The Advisory  
17          Committee shall submit, not later than 2 years after  
18          the completion of the negotiated rulemaking process  
19          required under section 492 resulting from the  
20          amendments to this Act made by the Higher Edu-  
21          cation Amendments of 2005, a report to the author-  
22          izing committees and the Secretary detailing the ex-  
23          pert panels’ findings and recommendations with re-  
24          spect to the review and analysis under paragraph  
25          (2).



1           “(5) *ADDITIONAL SUPPORT.*—The Secretary  
2 and the Inspector General of the Department shall  
3 provide such assistance and resources to the Advi-  
4 sory Committee as the Secretary and Inspector Gen-  
5 eral determine are necessary to conduct the review  
6 required by this subsection.

7           “(m) *STUDY OF INNOVATIVE PATHWAYS TO BACCA-*  
8 *LAUREATE DEGREE ATTAINMENT.*—

9           “(1) *STUDY REQUIRED.*—The Advisory Com-  
10 mittee shall conduct a study of the feasibility of in-  
11 creasing baccalaureate degree attainment rates by  
12 reducing the costs and financial barriers to attaining  
13 a baccalaureate degree through innovative programs.

14           “(2) *SCOPE OF STUDY.*—The Advisory Com-  
15 mittee shall examine new and existing programs that  
16 promote baccalaureate degree attainment through  
17 innovative ways, such as dual or concurrent enroll-  
18 ment programs, changes made to the Federal Pell  
19 Grant program, simplification of the needs analysis  
20 process, compressed or modular scheduling, articula-  
21 tion agreements, and programs that allow 2-year in-  
22 stitutions of higher education to offer baccalaureate  
23 degrees.

24           “(3) *REQUIRED ASPECTS OF THE STUDY.*—In  
25 performing the study described in this subsection,

1 the Advisory Committee shall examine the following  
2 aspects of such innovative programs:

3 “(A) The impact of such programs on bac-  
4 calaureate attainment rates.

5 “(B) The degree to which a student’s total  
6 cost of attaining a baccalaureate degree can be  
7 reduced by such programs.

8 “(C) The ways in which low- and mod-  
9 erate-income students can be specifically tar-  
10 geted by such programs.

11 “(D) The ways in which nontraditional  
12 students can be specifically targeted by such  
13 programs.

14 “(E) The cost-effectiveness for the Federal  
15 Government, States, and institutions of higher  
16 education to implement such programs.

17 “(4) CONSULTATION.—

18 “(A) IN GENERAL.—In performing the  
19 study described in this subsection the Advisory  
20 Committee shall consult with a broad range of  
21 interested parties in higher education, including  
22 parents, students, appropriate representatives  
23 of secondary schools and institutions of higher  
24 education, appropriate State administrators, ad-

1 administrators of dual enrollment programs, and  
2 appropriate officials from the Department.

3 ~~“(B) CONGRESSIONAL CONSULTATION.—~~

4 The Advisory Committee shall consult on a reg-  
5 ular basis with the authorizing committees in  
6 carrying out the study required by this section.

7 ~~“(5) REPORTS TO CONGRESS.—~~

8 ~~“(A) INTERIM REPORT.—~~The Advisory  
9 Committee shall prepare and submit to the au-  
10 thorizing committees and the Secretary ~~1~~ in-  
11 terim report, not later than ~~1~~ year after the  
12 date of enactment of the Higher Education  
13 Amendments of 2005, describing the progress  
14 that has been made in conducting the study re-  
15 quired by this subsection and any preliminary  
16 findings on the topics identified under para-  
17 graph ~~(2)~~.

18 ~~“(B) FINAL REPORT.—~~The Advisory Com-  
19 mittee shall, not later than ~~3~~ years after the  
20 date of enactment of the Higher Education  
21 Amendments of 2005, prepare and submit to  
22 the authorizing committees and the Secretary a  
23 final report on the study, including rec-  
24 ommendations for legislative, regulatory, and  
25 administrative changes based on findings re-

1           lated to the topics identified under paragraph  
2           (2).”.

3 **SEC. 497. REGIONAL MEETINGS.**

4           Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amend-  
5 ed by inserting “State student grant agencies,” after “in-  
6 stitutions of higher education,”.

7 **SEC. 498. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.**

8           (a) REPEAL.—Section 493A (20 U.S.C. 1098e) is re-  
9 pealed.

10          (b) REDESIGNATION.—Section 493B (20 U.S.C.  
11 1098d) is redesignated as section 493A.

12 **PART H—PROGRAM INTEGRITY**

13 **SEC. 499. RECOGNITION OF ACCREDITING AGENCY OR AS-**  
14 **SOCIATION.**

15           Section 496 (200 U.S.C. 1099b) is amended—

16           (1) in subsection (a)—

17           (A) by striking paragraph (4) and insert-  
18 ing the following:

19           “(4)(A) such agency or association consistently  
20 applies and enforces standards that respect the stat-  
21 ed mission of the institution of higher education, in-  
22 cluding religious missions, and that ensure that the  
23 courses or programs of instruction, training, or  
24 study offered by the institution of higher education,  
25 including distance education courses or programs,

1 are of sufficient quality to achieve, for the duration  
2 of the accreditation period, the stated objective for  
3 which the courses or the programs are offered; and

4 “(B) if such agency or association has or seeks  
5 to include within its scope of recognition the evalua-  
6 tion of the quality of institutions or programs offer-  
7 ing distance education, such agency or association  
8 shall, in addition to meeting the other requirements  
9 of this subpart, demonstrate to the Secretary that—

10 “(i) the agency or association’s standards  
11 effectively address the quality of an institution’s  
12 distance education in the areas identified in sec-  
13 tion 496(a)(5), except that the agency or asso-  
14 ciation shall not be required to have separate  
15 standards, procedures or policies for the evalua-  
16 tion of distance education institutions or pro-  
17 grams in order to meet the requirements of this  
18 subparagraph; and

19 “(ii) the agency or association requires an  
20 institution that offers distance education to  
21 have processes through which the institution es-  
22 tablishes that the student who registers in a  
23 distance education course or program is the  
24 same student who participates, completes and  
25 receives the academic credit;”;

1           (B) in paragraph (5), by striking subpara-  
2 graph (A) and inserting the following:

3           “(A) success with respect to student  
4 achievement in relation to the institution’s mis-  
5 sion, including—

6           “(i) consideration of student academic  
7 achievement as determined by the institu-  
8 tion;

9           “(ii) student retention;

10           “(iii) course and program completion;

11           “(iv) as appropriate, State licensing  
12 examinations;

13           “(v) as appropriate, job placement  
14 rates; and

15           “(vi) as appropriate, other student  
16 performance information selected by the  
17 institution, particularly that information  
18 used by the institution to evaluate or  
19 strengthen its programs;”;

20           (C) by striking paragraph (6) and insert-  
21 ing the following:

22           “(6) such an agency or association shall estab-  
23 lish and apply review procedures throughout the ac-  
24 crediting process, including evaluation and with-

1 drawal proceedings which comply with due process  
2 procedures that provide for—

3 “(A) adequate specification of require-  
4 ments and deficiencies at the institution of  
5 higher education or program examined;

6 “(B) an opportunity for a written response  
7 by any such institution to be included in the  
8 evaluation and withdrawal proceedings prior to  
9 final action;

10 “(C) upon the written request of an insti-  
11 tution, an opportunity for the institution to ap-  
12 peal any adverse action, including denial, with-  
13 drawal, suspension, or termination of accredita-  
14 tion, or placement on probation of an institu-  
15 tion, at a hearing prior to such action becoming  
16 final, before an appeals panel that—

17 “(i) shall not include current members  
18 of the agency or association’s underlying  
19 decision-making body that made the ad-  
20 verse decision; and

21 “(ii) is subject to a conflict of interest  
22 policy; and

23 “(D) the right to representation by counsel  
24 for such an institution;” and

1           (D) by striking paragraph (8) and insert-  
2           ing the following:

3           “(8) such agency or association shall make  
4           available to the public and the State licensing or au-  
5           thorizing agency, and submit to the Secretary, a  
6           summary of agency or association actions, includ-  
7           ing—

8           “(A) the award of accreditation or re-  
9           accreditation of an institution;

10          “(B) final denial, withdrawal, suspension,  
11          or termination of accreditation, or placement on  
12          probation of an institution, and any findings  
13          made in connection with the action taken, to-  
14          gether with the official comments of the af-  
15          fected institution; and

16          “(C) any other adverse action taken with  
17          respect to an institution.”; and

18          (2) in subsection (c)—

19               (A) in paragraph (1), by inserting “, in-  
20               cluding those regarding distance education”  
21               after “their responsibilities”;

22               (B) by redesignating paragraphs (2)  
23               through (6) as paragraphs (5) through (9);

24               (C) by inserting after paragraph (1) (as  
25               amended by subparagraph (A)) the following:



1           ~~“(2)~~ ensures that the agency or association’s  
2 on-site evaluation for accreditation or reaccreditation  
3 includes review of the Federally required information  
4 the institution or program provides its current and  
5 prospective students;

6           ~~“(3)~~ monitors the growth of programs at insti-  
7 tutions that are experiencing significant enrollment  
8 growth;

9           ~~“(4)~~ requires an institution to submit a teach-  
10 out plan for approval to the accrediting agency upon  
11 the occurrence of any of the following events:

12                   ~~“(A)~~ The Department notifies the accred-  
13 iting agency of an action against the institution  
14 pursuant to section 487(d).

15                   ~~“(B)~~ The accrediting agency acts to with-  
16 draw, terminate, or suspend the accreditation of  
17 an institution.

18                   ~~“(C)~~ The institution notifies the accred-  
19 iting agency that the institution intends to  
20 cease operations.”;

21                   ~~(D)~~ in paragraph (8) (as redesignated by  
22 subparagraph (B)), by striking “and” after the  
23 semicolon;

1           (E) in subparagraph (9) (as redesignated  
2           by subparagraph (B)), by striking the period  
3           and inserting “; and”; and

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

5           “(10) confirms, as a part of the agency or asso-  
6           ciation’s review for accreditation or reaccreditation,  
7           that the institution has transfer of credit policies—

8           “(A) that are publicly disclosed;

9           “(B) that do not deny transfer of credit  
10          based solely on the accreditation of the sending  
11          institution, if the agency or association accred-  
12          iting the sending institution is recognized by  
13          the Secretary pursuant to this section; and

14          “(C) in which acceptance or denial of  
15          transfer of credit is decided according to cri-  
16          teria established in guidelines developed by the  
17          institution’s admissions committee.”.

18 **SEC. 499A. ADMINISTRATIVE CAPACITY STANDARD.**

19          Section 498 (20 U.S.C. 1099c) is amended—

20          (1) in subsection (d)(1)(B), by inserting “and”  
21          after the semicolon; and

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

23          “(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL  
24          LOCATIONS.—

1           “(1) IN GENERAL.—A location of a closed insti-  
 2           tution of higher education shall be eligible as an ad-  
 3           ditional location of an eligible institution of higher  
 4           education, as defined pursuant to regulations of the  
 5           Secretary, for the purposes of a teach-out, if such  
 6           teach-out has been approved by the institution’s ac-  
 7           crediting agency.

8           “(2) SPECIAL RULE.—An institution of higher  
 9           education that conducts a teach-out through the es-  
 10          tablishment of an additional location described in  
 11          paragraph (1) shall be permitted to establish a per-  
 12          manent additional location at a closed institution  
 13          and shall not be required—

14                   “(A) to meet the requirements of sections  
 15                   102(b)(1)(E) and 102(c)(1)(C) for such addi-  
 16                   tional location; or

17                   “(B) to assume the liabilities of the closed  
 18                   institution.”.

19 **SEC. 499B. PROGRAM REVIEW AND DATA.**

20           Section 498A(b) (20 U.S.C. 1099e–1(b)) is amend-  
 21 ed—

22           (1) in paragraph (4), by striking “and” after  
 23           the semicolon;

24           (2) in paragraph (5) by striking the period and  
 25           inserting a semicolon; and

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

2           “(6) provide to an institution of higher edu-  
3           cation an adequate opportunity to review and re-  
4           spond to any program review report or audit finding;  
5           and relevant materials related to the report or find-  
6           ing; before any final program review or audit deter-  
7           mination is reached;

8           “(7) review and take into consideration an in-  
9           stitution of higher education’s response in any final  
10          program review or audit determination; and

11          “(8) maintain and preserve at all times the con-  
12          fidentiality of any program review report or audit  
13          finding until the requirements of paragraphs (6) and  
14          (7) are met, and until a final program review or  
15          audit determination is issued, other than to the ex-  
16          tent required to comply with paragraph (5); except  
17          that the Secretary shall promptly disclose any and  
18          all program review reports and audit findings to the  
19          institution of higher education under review.”.

20                   **TITLE V—DEVELOPING**  
21                   **INSTITUTIONS**

22   **SEC. 501. DEFINITIONS.**

23          Section 502(a) (20 U.S.C. 1101a(a)) is amended—  
24          (1) in paragraph (5)—

- 1           (A) in subparagraph (A), by inserting  
2           “and” after the semicolon;  
3           (B) in subparagraph (B), by striking “;  
4           and” and inserting a period; and  
5           (C) by striking subparagraph (C); and  
6           (2) by striking paragraph (7).

7 **SEC. 502. AUTHORIZED ACTIVITIES.**

- 8           Section 503(b) (20 U.S.C. 1101b(b)) is amended—  
9           (1) by redesignating paragraphs (6) through  
10          (14) as paragraphs (8) through (16), respectively;  
11          (2) in paragraph (5), by inserting “, including  
12          innovative, customized remedial education and  
13          English language instruction courses designed to  
14          help retain students and move the students rapidly  
15          into core courses and through program completion”  
16          before the period at the end; and  
17          (3) by inserting after paragraph (5) the fol-  
18          lowing:  
19                “(6) Education or counseling services designed  
20                to improve the financial literacy and economic lit-  
21                eracy of students or the students’ parents.  
22                “(7) Articulation agreements and student sup-  
23                port programs designed to facilitate the transfer  
24                from 2-year to 4-year institutions.”.

1 **SEC. 503. DURATION OF GRANT.**

2 Section 504(a) (20 U.S.C. 1101e(a)) is amended to  
3 read as follows:

4 “(a) AWARD PERIOD.—The Secretary may award a  
5 grant to a Hispanic-serving institution under this title for  
6 5 years.”

7 **SEC. 504. POSTBACCALAUREATE OPPORTUNITIES FOR HIS-**  
8 **PANIC AMERICANS.**

9 (a) ESTABLISHMENT OF PROGRAM.—Title V (20  
10 U.S.C. 1101 et seq.) is amended—

11 (1) by redesignating part B as part C;

12 (2) by redesignating sections 511 through 518  
13 as sections 521 through 528, respectively; and

14 (3) by inserting after section 505 the following:

15 **“PART B—PROMOTING POSTBACCALAUREATE**  
16 **OPPORTUNITIES FOR HISPANIC AMERICANS**

17 **“SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.**

18 “(a) PROGRAM AUTHORIZED.—Subject to the avail-  
19 ability of funds appropriated to carry out this part, the  
20 Secretary shall award grants, on a competitive basis, to  
21 eligible institutions to enable the eligible institutions to  
22 carry out the authorized activities described in section  
23 512.

24 “(b) ELIGIBILITY.—For the purposes of this part, an  
25 ‘eligible institution’ means an institution of higher edu-  
26 cation that—

1           “(1) is a Hispanic-serving institution (as de-  
2           fined in section 502); and

3           “(2) offers a postbaccalaureate certificate or de-  
4           gree granting program.

5   **“SEC. 512. AUTHORIZED ACTIVITIES.**

6           “Grants awarded under this part shall be used for  
7   1 or more of the following activities:

8           “(1) Purchase, rental, or lease of scientific or  
9           laboratory equipment for educational purposes, in-  
10          cluding instructional and research purposes.

11          “(2) Construction, maintenance, renovation,  
12          and improvement in classroom, library, laboratory,  
13          and other instructional facilities, including purchase  
14          or rental of telecommunications technology equip-  
15          ment or services.

16          “(3) Purchase of library books, periodicals,  
17          technical and other scientific journals, microfilm,  
18          microfiche, and other educational materials, includ-  
19          ing telecommunications program materials.

20          “(4) Support for needy postbaccalaureate stu-  
21          dents, including outreach, academic support services,  
22          mentoring, scholarships, fellowships, and other fi-  
23          nancial assistance, to permit the enrollment of such  
24          students in postbaccalaureate certificate and degree  
25          granting programs.

1           “(5) Support of faculty exchanges, faculty de-  
2           velopment, faculty research, curriculum development,  
3           and academic instruction.

4           “(6) Creating or improving facilities for Inter-  
5           net or other distance learning academic instruction  
6           capabilities, including purchase or rental of tele-  
7           communications technology equipment or services.

8           “(7) Collaboration with other institutions of  
9           higher education to expand postbaccalaureate certifi-  
10          cate and degree offerings.

11          “(8) Other activities proposed in the application  
12          submitted pursuant to section 513 that are approved  
13          by the Secretary as part of the review and accept-  
14          ance of such application.

15       **“SEC. 513. APPLICATION AND DURATION.**

16          “(a) APPLICATION.—Any eligible institution may  
17          apply for a grant under this part by submitting an applica-  
18          tion to the Secretary at such time and in such manner  
19          as the Secretary may require. Such application shall dem-  
20          onstrate how the grant funds will be used to improve  
21          postbaccalaureate education opportunities for Hispanic  
22          and low-income students and will lead to such students’  
23          greater financial independence.

24          “(b) DURATION.—Grants under this part shall be  
25          awarded for a period not to exceed 5 years.



1       “(c) **LIMITATION.**—The Secretary may not award  
2 more than 1 grant under this part in any fiscal year to  
3 any Hispanic-serving institution.”.

4 **SEC. 505. APPLICATIONS.**

5       Section 521(b)(1)(A) (as redesignated by section  
6 504(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by  
7 striking “subsection (b)” and inserting “subsection (c)”.

8 **SEC. 506. COOPERATIVE ARRANGEMENTS.**

9       Section 524(a) (as redesignated by section 504(a)(2))  
10 (20 U.S.C. 1103c(a)) is amended by striking “section  
11 503” and inserting “sections 503 and 512”.

12 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

13       Section 528(a) (as redesignated by section 504(a)(2))  
14 (20 U.S.C. 1103g(a)) is amended—

15           (1) by inserting “part A of” after “carry out”;

16           (2) by striking “\$62,500,000 for fiscal year  
17 1999” and all that follows through the period and  
18 inserting “such sums as may be necessary for fiscal  
19 year 2006 and each of the 5 succeeding fiscal  
20 years.”;

21           (3) by striking “(a) **AUTHORIZATIONS.**—

22 There are” and inserting the following:

23 “(a) **AUTHORIZATIONS.**—

24           “(1) **PART A.**—There are”; and

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

1           “(2) PART B.—There are authorized to be ap-  
 2           propriated to carry out part B of this title such  
 3           sums as may be necessary for fiscal year 2006 and  
 4           each of the 5 succeeding fiscal years.”.

5           **TITLE VI—INTERNATIONAL**  
 6           **EDUCATION PROGRAMS**

7           **SEC. 601. FINDINGS.**

8           Section 601 (20 U.S.C. 1121) is amended—

9           (1) in the section heading, by striking “**AND**  
 10           **PURPOSES**” and inserting “; **PURPOSES; CON-**  
 11           **SULTATION; SURVEY**”

12           (2) in subsection (a)(3), by striking “post-Cold  
 13           War”;

14           (3) in subsection (b)(1)(D), by inserting “, in-  
 15           cluding through linkages with overseas institutions”  
 16           before the semicolon; and

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

18           “(e) **CONSULTATION.**—The Secretary shall, prior to  
 19           requesting applications for funding under this title during  
 20           each grant cycle, consult with and receive recommenda-  
 21           tions regarding national need for expertise in foreign lan-  
 22           guages and world regions from the head official, or a des-  
 23           ignee of such head official, of the National Security Coun-  
 24           cil, the Department of Homeland Security, the Depart-  
 25           ment of Defense, the Department of State, the Federal

1 Bureau of Investigation, the Department of Labor, and  
 2 the Department of Commerce, and the Director of Na-  
 3 tional Intelligence. These entities shall provide information  
 4 to the Secretary regarding how they utilize services pro-  
 5 vided by grantees under this title. The Secretary shall take  
 6 into account such recommendations and information when  
 7 requesting applications for funding under this title, and  
 8 shall make available to applicants a list of areas identified  
 9 as areas of national need.

10 “(d) SURVEY.—The Secretary shall assist grantees in  
 11 developing a survey to administer to students who have  
 12 participated in programs under this title to determine  
 13 postparticipation placement. All grantees, where applica-  
 14 ble, shall administer such survey not less often than annu-  
 15 ally and report such data to the Secretary.”

16 **SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE**  
 17 **AND AREA CENTERS AND PROGRAMS.**

18 Section 602 (20 U.S.C. 1122) is amended—

19 (1) in subsection (a)—

20 (A) in paragraph (2)—

21 (i) in subparagraph (G), by striking  
 22 “and” after the semicolon;

23 (ii) in subparagraph (H), by striking  
 24 the period and inserting “; and”; and

1                   (iii) by adding at the end the fol-  
2                   lowing:

3                   “(I) support for instructors of the less  
4                   commonly taught languages.”; and

5                   (B) in paragraph (4)—

6                   (i) by redesignating subparagraphs  
7                   (C) through (E) as subparagraphs (D)  
8                   through (F), respectively;

9                   (ii) by inserting after subparagraph  
10                  (B) the following:

11                  “(C) Programs of linkage or outreach be-  
12                  tween or among—

13                   “(i) foreign language, area studies, or  
14                   other international fields; and

15                   “(ii) State educational agencies or  
16                   local educational agencies.”; and

17                   (iii) in subparagraph (F) (as redesign-  
18                   ated by clause (i)), by striking “and (D)”  
19                   and inserting “(D), and (E)”;

20                  (2) in subsection (b)—

21                   (A) in the subsection heading, by striking  
22                   “GRADUATE”; and

23                   (B) by striking paragraph (2) and insert-  
24                   ing the following:

1           “(2) ELIGIBLE STUDENTS.—A student receiv-  
2           ing a stipend described in paragraph (1) shall be en-  
3           gaged—

4                   “(A) in an instructional program with stat-  
5                   ed performance goals for functional foreign lan-  
6                   guage use or in a program developing such per-  
7                   formance goals, in combination with area stud-  
8                   ies, international studies, or the international  
9                   aspects of a professional studies program; and

10                   “(B)(i) in the case of an undergraduate  
11                   student, in the intermediate or advanced study  
12                   of a less commonly taught language; or

13                   “(ii) in the case of a graduate student, in  
14                   graduate study in connection with a program  
15                   described in subparagraph (A), including—

16                           “(I) predissertation level study;

17                           “(II) preparation for dissertation re-  
18                   search;

19                           “(III) dissertation research abroad; or

20                           “(IV) dissertation writing.”;

21           (3) by striking subsection (d) and inserting the  
22           following:

23           “(d) ALLOWANCES.—

24                   “(1) GRADUATE LEVEL RECIPIENTS.—A sti-  
25           pend awarded to a graduate level recipient may in-

1 elude allowances for dependents and for travel for  
2 research and study in the United States and abroad.

3 “(2) UNDERGRADUATE LEVEL RECIPIENTS.—A  
4 stipend awarded to an undergraduate level recipient  
5 may include an allowance for educational programs  
6 in the United States or educational programs abroad  
7 that—

8 “(A) are closely linked to the overall goals  
9 of the recipient’s course of study; and

10 “(B) have the purpose of promoting for-  
11 eign language fluency and knowledge of foreign  
12 cultures.”; and

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

14 “(e) APPLICATION.—Each institution or combination  
15 of institutions desiring a grant under this section shall  
16 submit an application to the Secretary at such time, in  
17 such manner, and accompanied by such information and  
18 assurances as the Secretary may require. Each application  
19 shall include an explanation of how the activities funded  
20 by the grant will reflect diverse and balanced perspectives  
21 and generate debate on world regions and international  
22 affairs. Each application shall also describe how the appli-  
23 cant will address disputes regarding diversity and balance  
24 of activities funded under the application. Each applica-  
25 tion shall also include a description of how the applicant

1 will encourage government service in areas of national  
2 need as identified by the Secretary.”.

3 **SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND**  
4 **FOREIGN LANGUAGE PROGRAMS.**

5 Section 604 (20 U.S.C. 1124) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)—

8 (i) by redesignating subparagraphs (I)  
9 through (M) as subparagraphs (J) through  
10 (N), respectively; and

11 (ii) by inserting after subparagraph  
12 (H) the following:

13 “(I) providing subgrants to undergraduate  
14 students for educational programs abroad  
15 that—

16 “(i) are closely linked to the overall  
17 goals of the program for which the grant  
18 is awarded; and

19 “(ii) have the purpose of promoting  
20 foreign language fluency and knowledge of  
21 foreign cultures;” and

22 (B) in paragraph (7)—

23 (i) in subparagraph (C), by striking  
24 “and” after the semicolon;

1           (ii) in subparagraph (D), by striking  
2           the period at the end and inserting a semi-  
3           colon; and

4           (iii) by adding at the end the fol-  
5           lowing:

6           “(E) an explanation of how the activities  
7           funded by the grant will reflect diverse and bal-  
8           anced perspectives and generate debate on  
9           world regions and international affairs, where  
10          applicable;

11          “(F) a description of how the applicant  
12          will address disputes regarding diversity and  
13          balance of activities funded under the applica-  
14          tion; and

15          “(G) a description of how the applicant  
16          will encourage government service in areas of  
17          national need as identified by the Secretary.”;  
18          and

19          (2) in subsection (c)—

20               (A) by striking “**FUNDING SUPPORT.—**  
21               The Secretary” and inserting “**FUNDING**  
22               **RULES.—**

23               “(1) **THE SECRETARY.—**The Secretary”;

24               (B) by striking “10” and inserting “20”;  
25               and



1                   (C) by adding at the end the following:

2                   “(2) GRANTEES.—Of the total amount of grant  
3 funds awarded to a grantee under this section, the  
4 grantee may use not more than 10 percent of such  
5 funds for the activity described in subsection  
6 (a)(2)(I).”.

7 **SEC. 604. RESEARCH; STUDIES.**

8 Section 605(a) (20 U.S.C. 1125(a)) is amended—

9                   (1) in paragraph (8), by striking “and” after  
10 the semicolon;

11                   (2) in paragraph (9), by striking the period and  
12 inserting a semicolon; and

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

14                   “(10) evaluation of the extent to which pro-  
15 grams assisted under this title reflect diverse and  
16 balanced perspectives and generate debate on world  
17 regions and international affairs;

18                   “(11) the systematic collection, analysis, and  
19 dissemination of data that contribute to achieving  
20 the purposes of this part; and

21                   “(12) support for programs or activities to  
22 make data collected, analyzed, or disseminated under  
23 this section publicly available and easy to under-  
24 stand.”.

1 **SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERA-**  
 2 **TION FOR FOREIGN INFORMATION ACCESS.**

3 Section 606 (20 U.S.C. 1126) is amended—

4 (1) in subsection (a)—

5 (A) by striking “new electronic tech-

6 nologies” and insert “electronic technologies”;

7 (B) by inserting “from foreign sources”

8 after “disseminate information”;

9 (C) by striking “**AUTHORITY.**—The Sec-

10 retary” and insert “**AUTHORITY.**—

11 “(1) **IN GENERAL.**—The Secretary”; and

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

13 “(2) **PARTNERSHIPS WITH NOT-FOR-PROFIT**

14 **EDUCATIONAL ORGANIZATIONS.**—The Secretary may

15 award grants under this section to carry out the ac-

16 tivities authorized under this section to the fol-

17 lowing:

18 “(A) An institution of higher education.

19 “(B) A public or nonprofit private library.

20 “(C) A consortium of an institution of

21 higher education and 1 or more of the fol-

22 lowing:

23 “(i) Another institution of higher edu-

24 cation.

25 “(ii) A library.

1                   “(iii) A not-for-profit educational or-  
2                   ganization.”;

3           (2) in subsection (b)—

4                   (A) in paragraph (1), by striking “to facili-  
5                   tate access to” and inserting “to acquire, facili-  
6                   tate access to,”;

7                   (B) in paragraph (2), by inserting “or  
8                   standards for” after “means of”;

9                   (C) in paragraph (6), by striking “and”  
10                  after the semicolon;

11                  (D) in paragraph (7), by striking the pe-  
12                  riod and inserting a semicolon; and

13                  (E) by adding at the end the following:

14                  “(8) to establish linkages to facilitate carrying  
15                  out the activities described in this subsection be-  
16                  tween—

17                         “(A) the institutions of higher education,  
18                         libraries, and consortia receiving grants under  
19                         this section; and

20                         “(B) institutions of higher education, not-  
21                         for-profit educational organizations, and librar-  
22                         ies overseas; and

23                  “(9) to carry out other activities that the Sec-  
24                  retary determines are consistent with the purpose of

1 the grants or contracts awarded under this section.”;

2 and

3 (3) in subsection (c), by striking “institution or  
4 consortium” and inserting “institution of higher  
5 education, library, or consortium”.

6 **SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.**

7 Section 607 (20 U.S.C. 1127) is amended—

8 (1) in subsection (a), by striking “evaluates the  
9 applications for comprehensive and undergraduate  
10 language and area centers and programs.” and in-  
11 serting “evaluates—

12 “(1) the applications for comprehensive foreign  
13 language and area or international studies centers  
14 and programs; and

15 “(2) the applications for undergraduate foreign  
16 language and area or international studies centers  
17 and programs.”; and

18 (2) in subsection (b), by adding at the end the  
19 following: “The Secretary shall also consider an ap-  
20 plicant’s record of sending students into public serv-  
21 ice and an applicant’s stated efforts to increase the  
22 number of students that go into public service.”.

23 **SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.**

24 Section 609 (20 U.S.C. 1128a) is amended by adding  
25 at the end the following:

1       “(e) APPLICATION.—Each center desiring a grant  
2 under this section shall submit an application to the Sec-  
3 retary at such time, in such manner, and accompanied by  
4 such information and assurances as the Secretary may re-  
5 quire. Each application shall include how the activities  
6 funded by the grant will reflect diverse and balanced per-  
7 spectives and generate debate on world regions and inter-  
8 national affairs, where applicable. Each application shall  
9 also describe how the applicant will address disputes re-  
10 garding diversity and balance of activities funded under  
11 the application.”.

12 **SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR**  
13                   **INTERNATIONAL AND FOREIGN LANGUAGE**  
14                   **STUDIES.**

15       Section 610 (20 U.S.C. 1128b) is amended by strik-  
16 ing “\$80,000,000 for fiscal year 1999” and all that fol-  
17 lows through the period and inserting “such sums as may  
18 be necessary for fiscal year 2006 and each of the 5 suc-  
19 ceeding fiscal years.”.

20 **SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDU-**  
21                   **CATION.**

22       Section 612(f) (20 U.S.C. 1130–1(f)) is amended—  
23           (1) in paragraph (3), by striking “and” after  
24       the semicolon;

1           (2) in paragraph (4), by striking the period at  
2           the end and inserting “; and”; and

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

4           “(5) assurances that activities funded by the  
5           grant will reflect diverse and balanced perspectives  
6           and generate debate on world regions and inter-  
7           national affairs, where applicable.”.

8   **SEC. 610. EDUCATION AND TRAINING PROGRAMS.**

9           Section 613(e) (20 U.S.C. 1130a(e)) is amended by  
10          adding at the end the following: “Each such application  
11          shall include an assurance that, where applicable, the ac-  
12          tivities funded by the grant will reflect diverse and bal-  
13          anced perspectives on world regions and international af-  
14          fairs.”.

15   **SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSI-**  
16                                   **NESS AND INTERNATIONAL EDUCATION PRO-**  
17                                   **GRAMS.**

18          Section 614 (20 U.S.C. 1130b) is amended—

19           (1) in subsection (a), by striking “\$11,000,000  
20           for fiscal year 1999” and all that follows through  
21           “fiscal years” and inserting “such sums as may be  
22           necessary for fiscal year 2006 and each of the 5 suc-  
23           ceeding fiscal years”; and

24           (2) in subsection (b), by striking “\$7,000,000  
25           for fiscal year 1999” and all that follows through

1 “fiscal years,” and inserting “such sums as may be  
 2 necessary for fiscal year 2006 and each of the 5 suc-  
 3 ceeding fiscal years”.

4 **SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DE-**  
 5 **VELOPMENT PROGRAM.**

6 Section 621 (20 U.S.C. 1131) is amended—

7 (1) in subsection (c), by adding at the end the  
 8 following: “Each application shall include a descrip-  
 9 tion of how the activities funded by the grant will re-  
 10 flect diverse and balanced perspectives on world re-  
 11 gions and international affairs, where applicable.”;  
 12 and

13 (2) in subsection (c)—

14 (A) by striking “**MATCH REQUIRED.—**  
 15 The eligible” and inserting “**MATCHING**  
 16 **FUNDS.—**

17 “(1) **IN GENERAL.—**Subject to paragraph (2),  
 18 the eligible”; and

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

20 “(2) **WAIVER.—**The Secretary may waive the  
 21 requirement of paragraph (1) for an eligible recipi-  
 22 ent if the Secretary determines such waiver is appro-  
 23 priate.”.

24 **SEC. 613. INSTITUTIONAL DEVELOPMENT.**

25 Section 622 (20 U.S.C. 1131–1) is amended—

1 (1) in subsection (a)—

2 (A) by striking “Tribally Controlled Col-  
3 leges or Universities” and inserting “tribally  
4 controlled colleges or universities”; and

5 (B) by striking “international affairs pro-  
6 grams.” and inserting “international affairs,  
7 international business, and foreign language  
8 study programs, including the teaching of for-  
9 eign languages, at such colleges, universities,  
10 and institutions, respectively, through increased  
11 collaboration with institutions of higher edu-  
12 cation that receive funding under this title.”;  
13 and

14 (2) in subsection (c)—

15 (A) by striking paragraphs (1) and (3);  
16 and

17 (B) by redesignating paragraphs (2) and  
18 (4) as paragraphs (1) and (2), respectively.

19 **SEC. 614. STUDY ABROAD PROGRAM.**

20 Section 623(a) (20 U.S.C. 1131a(a)) is amended—

21 (1) by striking “as defined in section 322 of  
22 this Act”; and

23 (2) by striking “tribally controlled Indian com-  
24 munity colleges as defined in the Tribally Controlled



1 Community College Assistance Act of 1978” and in-  
2 serting “tribally controlled colleges or universities”.

3 **SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELA-**  
4 **TIONS.**

5 Section 624 (20 U.S.C. 1131b) is amended—

6 (1) in the section heading, by striking “**MAS-**  
7 **TERS**” and inserting “**ADVANCED**”;

8 (2) in the first sentence, by inserting “, and in  
9 exceptional circumstances, a doctoral degree,” after  
10 “masters degree”;

11 (3) in the second sentence, by striking “masters  
12 degree” and inserting “advanced degree”; and

13 (4) in the fourth sentence, by striking “United  
14 States” and inserting “United States.”.

15 **SEC. 616. INTERNSHIPS.**

16 Section 625 (20 U.S.C. 1131e) is amended—

17 (1) in subsection (a)—

18 (A) by striking “as defined in section 322  
19 of this Act”;

20 (B) by striking “tribally controlled Indian  
21 community colleges as defined in the Tribally  
22 Controlled Community College Assistance Act  
23 of 1978” and inserting “tribally controlled col-  
24 leges or universities”;

1           (C) by striking “an international” and in-  
2           serting “international,”; and

3           (D) by striking “the United States Infor-  
4           mation Agency” and inserting “the Department  
5           of State”; and

6           (2) in subsection (c)(1)—

7           (A) in subparagraph (E), by inserting  
8           “and” after the semicolon;

9           (B) in subparagraph (F), by striking “;  
10          and” and inserting a period; and

11          (C) by striking subparagraph (G).

12 **SEC. 617. FINANCIAL ASSISTANCE.**

13          Part C of title VI (20 U.S.C. 1131 et seq.) is further  
14          amended—

15          (1) by redesignating sections 626, 627, and 628  
16          as sections 627, 628, and 629, respectively; and

17          (2) by inserting after section 625 the following:

18 **“SEC. 626. FINANCIAL ASSISTANCE.**

19          “(a) **AUTHORITY.**—The Institute may provide finan-  
20          cial assistance, in the form of summer stipends described  
21          in subsection (b) and Ralph Bunche scholarship assistance  
22          described in subsection (c), to needy students to facilitate  
23          the participation of the students in the Institute’s pro-  
24          grams under this part.

25          “(b) **SUMMER STIPENDS.**—

1           “(1) REQUIREMENTS.—A student receiving a  
2           summer stipend under this section shall use such sti-  
3           pend to defray the student’s cost of participation in  
4           a summer institute program funded under this part,  
5           including the costs of travel, living, and educational  
6           expenses necessary for the student’s participation in  
7           such program.

8           “(2) AMOUNT.—A summer stipend awarded to  
9           a student under this section shall not exceed \$3,000  
10          per summer.

11         “(c) RALPH BUNCHE SCHOLARSHIP.—

12           “(1) REQUIREMENTS.—A student receiving a  
13          Ralph Bunche scholarship under this section—

14                 “(A) shall be a full-time student at an in-  
15                 stitution of higher education who is accepted  
16                 into a program funded under this part; and

17                 “(B) shall use such scholarship to pay  
18                 costs related to the cost of attendance, as de-  
19                 fined in section 472, at the institution of higher  
20                 education in which the student is enrolled.

21           “(2) AMOUNT AND DURATION.—A Ralph  
22          Bunche scholarship awarded to a student under this  
23          section shall not exceed \$5,000 per academic year.”.

1 **SEC. 618. REPORT.**

2 Section 627 (as redesignated by section 617(1)) (20  
3 U.S.C. 1131d) is amended by striking “annually” and in-  
4 serting “biennially”.

5 **SEC. 619. GIFTS AND DONATIONS.**

6 Section 628 (as redesignated by section 617(1)) (20  
7 U.S.C. 1131e) is amended by striking “annual report de-  
8 scribed in section 626” and inserting “biennial report de-  
9 scribed in section 627”.

10 **SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
11 **INSTITUTE FOR INTERNATIONAL PUBLIC**  
12 **POLICY.**

13 Section 629 (as redesignated by section 617(1)) (20  
14 U.S.C. 1131f) is amended by striking “\$10,000,000 for  
15 fiscal year 1999” and all that follows through the period  
16 and inserting “such sums as may be necessary for fiscal  
17 year 2006 and each of the 5 succeeding fiscal years.”.

18 **SEC. 621. DEFINITIONS.**

19 Section 631 (20 U.S.C. 1132) is amended—

20 (1) by redesignating paragraphs (2), (3), (4),  
21 (5), (6), (7), (8), and (9), as paragraphs (8), (5),  
22 (9), (2), (11), (3), (7), and (4), respectively;

23 (2) in paragraph (2), as redesignated by para-  
24 graph (1), by striking “comprehensive language and  
25 area center” and inserting “comprehensive foreign  
26 language and area or international studies center”;

1           (3) in paragraph (11), as redesignated by para-  
2           graph (1), by striking “undergraduate language and  
3           area center” and inserting “undergraduate foreign  
4           language and area or international studies center”;

5           (4) in paragraph (3), as redesignated by para-  
6           graph (1), by striking the first occurrence of the  
7           term “critical languages” and inserting “critical for-  
8           eign languages”;

9           (5) in paragraph (7), as redesignated by para-  
10          graph (1), by striking “and” after the semicolon;

11          (6) in paragraph (4), as redesignated by para-  
12          graph (1), by striking the period at the end and in-  
13          serting a semicolon;

14          (7) by inserting after paragraph (5), as redesi-  
15          gnated by paragraph (1), the following:

16          “(6) the term ‘historically Black college and  
17          university’ has the meaning given the term ‘part B  
18          institution’ in section 322;” and

19          (8) by inserting after paragraph (9), as redesi-  
20          gnated by paragraph (1), the following:

21          “(10) the term ‘tribally controlled college or  
22          university’ has the meaning given the term in sec-  
23          tion 2 of the Tribally Controlled College or Univer-  
24          sity Assistance Act of 1978 (25 U.S.C. 1801); and”.

1 **SEC. 622. ASSESSMENT AND ENFORCEMENT.**

2 Part D of title VI (20 U.S.C. 1132) is amended by  
3 adding at the end the following:

4 **“SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CON-**  
5 **STRUCTION.**

6 “(a) **IN GENERAL.**—The Secretary is authorized to  
7 assess and ensure compliance with all the conditions and  
8 terms of grants provided under this title. If a complaint  
9 regarding activities funded under this title is not resolved  
10 under the process outlined in the relevant grantee’s appli-  
11 cation, and such complaint is filed with the Department,  
12 the Secretary shall be notified, and is authorized, when  
13 circumstances warrant, to immediately suspend future  
14 funding for the grant pending resolution of such dispute.  
15 Such resolution shall not exceed 60 days. The Secretary  
16 shall take the outcomes of such complaints into account  
17 when determining the renewal of grants.

18 “(b) **RULE OF CONSTRUCTION.**—Nothing in this title  
19 shall be construed to authorize the Secretary to mandate,  
20 direct, or control an institution of higher education’s spe-  
21 cific instructional content, curriculum, or program of in-  
22 struction.

23 **“SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.**

24 “The Secretary may use not more than 1 percent of  
25 the funds made available under this title to carry out pro-  
26 gram evaluation, national outreach, and information dis-

1 semination activities relating to the programs authorized  
2 under this title.”.

3 **TITLE VII—GRADUATE AND**  
4 **POSTSECONDARY IMPROVE-**  
5 **MENT PROGRAMS**

6 **SEC. 701. PURPOSE.**

7 Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is  
8 amended by inserting “, including those areas critical to  
9 United States national and homeland security needs such  
10 as mathematics, science, and engineering” before the  
11 semicolon at the end.

12 **SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.**

13 Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amend-  
14 ed to read as follows:

15 “(1) APPOINTMENT.—

16 “(A) IN GENERAL.—The Secretary shall  
17 appoint a Jacob K. Javits Fellows Program  
18 Fellowship Board (referred to in this subpart as  
19 the ‘Board’) consisting of 9 individuals rep-  
20 resentative of both public and private institu-  
21 tions of higher education who are especially  
22 qualified to serve on the Board.

23 “(B) QUALIFICATIONS.—In making ap-  
24 pointments under subparagraph (A), the Sec-  
25 retary shall—

1           “(i) give due consideration to the ap-  
2           pointment of individuals who are highly re-  
3           spected in the academic community;

4           “(ii) assure that individuals appointed  
5           to the Board are broadly representative of  
6           a range of disciplines in graduate edu-  
7           cation in arts, humanities, and social  
8           sciences;

9           “(iii) appoint members to represent  
10          the various geographic regions of the  
11          United States; and

12          “(iv) include representatives from mi-  
13          nority institutions, as defined in section  
14          365.”.

15 **SEC. 703. STIPENDS.**

16          Section 703(a) (20 U.S.C. 1134b(a)) is amended by  
17          striking “graduate fellowships” and inserting “Graduate  
18          Research Fellowship Program”.

19 **SEC. 704. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
20 **JACOB K. JAVITS FELLOWSHIP PROGRAM.**

21          Section 705 (20 U.S.C. 1134d) is amended by strik-  
22          ing “\$30,000,000 for fiscal year 1999” and all that fol-  
23          lows through the period and inserting “such sums as may  
24          be necessary for fiscal year 2006 and each of the 5 suc-  
25          ceeding fiscal years to carry out this subpart.”.



1 **SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRAD-**  
2 **UATE ASSISTANCE IN AREAS OF NATIONAL**  
3 **NEED PROGRAM.**

4 Section 712(b) (20 U.S.C. 1135a(b)) is amended to  
5 read as follows:

6 “(b) DESIGNATION OF AREAS OF NATIONAL  
7 NEED.—After consultation with appropriate Federal and  
8 nonprofit agencies and organizations, including the Na-  
9 tional Science Foundation, the Department of Defense,  
10 the Department of Homeland Security, the National Acad-  
11 emy of Sciences, and the Bureau of Labor Statistics, the  
12 Secretary shall designate areas of national need. In mak-  
13 ing such designations, the Secretary shall take into consid-  
14 eration—

15 “(1) the extent to which the interest in the area  
16 is compelling;

17 “(2) the extent to which other Federal pro-  
18 grams support postbaccalaureate study in the area  
19 concerned;

20 “(3) an assessment of how the program may  
21 achieve the most significant impact with available re-  
22 sources; and

23 “(4) an assessment of current and future pro-  
24 fessional workforce needs of the United States.”.

25 **SEC. 706. AWARDS TO GRADUATE STUDENTS.**

26 Section 714 (20 U.S.C. 1135e) is amended—

1 (1) in subsection (b)—

2 (A) by striking “1999–2000” and inserting  
3 “2006–2007”; and

4 (B) by striking “graduate fellowships” and  
5 inserting “Graduate Research Fellowship Pro-  
6 gram”; and

7 (2) in subsection (c)—

8 (A) by striking “716(a)” and inserting  
9 “715(a)”; and

10 (B) by striking “714(b)(2)” and inserting  
11 “713(b)(2)”.

12 **SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDU-**  
13 **CATION.**

14 Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amend-  
15 ed—

16 (1) by striking “1999–2000” and inserting  
17 “2006–2007”; and

18 (2) by striking “1998–1999” and inserting  
19 “2005–2006”.

20 **SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
21 **GRADUATE ASSISTANCE IN AREAS OF NA-**  
22 **TIONAL NEED PROGRAM.**

23 Section 716 (20 U.S.C. 1135e) is amended by strik-  
24 ing “\$35,000,000 for fiscal year 1999” and all that fol-  
25 lows through the period and inserting “such sums as may

1 be necessary for fiscal year 2006 and each of the 5 suc-  
2 ceeding fiscal years to carry out this subpart.”.

3 **SEC. 709. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
4 **THURGOOD MARSHALL LEGAL EDUCATIONAL**  
5 **OPPORTUNITY PROGRAM.**

6 Section 721(h) (20 U.S.C. 1136(h)) is amended by  
7 striking “\$5,000,000 for fiscal year 1999” and all that  
8 follows through the period and inserting “such sums as  
9 may be necessary for fiscal year 2006 and each of the 5  
10 succeeding fiscal years.”.

11 **SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSEC-**  
12 **ONDARY EDUCATION.**

13 Section 741(a) (20 U.S.C. 1138(a)) is amended—

14 (1) by striking paragraph (3) and inserting the  
15 following:

16 “(3) the establishment and continuation of in-  
17 stitutions, programs, consortia, collaborations, and  
18 other joint efforts based on the technology of com-  
19 munications, including those efforts that utilize dis-  
20 tance education and technological advancements to  
21 educate and train postsecondary students (including  
22 health professionals serving medically underserved  
23 populations);”.

24 (2) in paragraph (7), by striking “and” after  
25 the semicolon;

1           ~~(3)~~ in paragraph ~~(8)~~, by striking the period at  
2 the end and inserting a semicolon; and

3           ~~(4)~~ by adding at the end the following:

4           “~~(9)~~ the introduction of reforms in remedial  
5 education, including English language instruction, to  
6 customize remedial courses to student goals and help  
7 students progress rapidly from remedial courses into  
8 core courses and through program completion; and

9           “~~(10)~~ the creation of consortia that join diverse  
10 institutions of higher education for the purpose of  
11 integrating curricular and co-curricular interdiscipli-  
12 nary study.”.

13 **SEC. 711. SPECIAL PROJECTS.**

14           Section 744(e) (20 U.S.C. 1138e) is amended to read  
15 as follows:

16           “~~(c)~~ **AREAS OF NATIONAL NEED.**—Areas of national  
17 need shall include, at a minimum, the following:

18           “~~(1)~~ Institutional restructuring to improve  
19 learning and promote productivity, efficiency, quality  
20 improvement, and cost and price control.

21           “~~(2)~~ Improvements in academic instruction and  
22 student learning, including efforts designed to assess  
23 the learning gains made by postsecondary students.

24           “~~(3)~~ Articulation between 2- and 4-year institu-  
25 tions of higher education, including developing inno-

1 vative methods for ensuring the successful transfer  
 2 of students from 2- to 4-year institutions of higher  
 3 education.

4 “(4) Development, evaluation and dissemination  
 5 of model programs, including model core curricula  
 6 that—

7 “(A) provide students with a broad and in-  
 8 tegrated knowledge base;

9 “(B) include, at a minimum, broad survey  
 10 courses in English literature, American and  
 11 world history, American political institutions,  
 12 economics, philosophy, college-level mathe-  
 13 matics, and the natural sciences; and

14 “(C) include sufficient study of a foreign  
 15 language to lead to reading and writing com-  
 16 petency in the foreign language.

17 “(5) International cooperation and student ex-  
 18 changes among postsecondary educational institu-  
 19 tions.”.

20 **SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
 21 **FUND FOR THE IMPROVEMENT OF POSTSEC-**  
 22 **ONDARY EDUCATION.**

23 Section 745 (20 U.S.C. 1138d) is amended by strik-  
 24 ing “\$30,000,000 for fiscal year 1999” and all that fol-  
 25 lows through the period and inserting “such sums as may

1 be necessary for fiscal year 2006 and each of the 5 suc-  
 2 ceeding fiscal years.”.

3 **SEC. 713. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
 4 **URBAN COMMUNITY SERVICE PROGRAM.**

5 Section 759 (20 U.S.C. 1139h) is amended by strik-  
 6 ing “\$20,000,000 for fiscal year 1999” and all that fol-  
 7 lows through the period and inserting “such sums as may  
 8 be necessary for fiscal year 2006 and each of the 5 suc-  
 9 ceeding fiscal years to carry out this part.”.

10 **SEC. 714. GRANTS AUTHORIZED FOR DEMONSTRATION**  
 11 **PROJECTS TO ENSURE STUDENTS WITH DIS-**  
 12 **ABILITIES RECEIVE A QUALITY HIGHER EDU-**  
 13 **CATION.**

14 Section 762 (20 U.S.C. 1140a) is amended—

15 (1) in subsection (b)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A), by striking  
 18 “to teach students with disabilities” and  
 19 inserting “to teach and meet the academic  
 20 and programmatic needs of students with  
 21 disabilities in order to improve retention  
 22 and completion of postsecondary edu-  
 23 cation”;

1                   (ii) by redesignating subparagraphs  
2                   (B) and (C) as subparagraphs (C) and  
3                   (F), respectively;

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

6                   “(B) EFFECTIVE TRANSITION PRAC-  
7                   TICES.—The development of innovative and ef-  
8                   fective teaching methods and strategies to en-  
9                   sure the successful transition of students with  
10                  disabilities from secondary school to postsec-  
11                  ondary education.”;

12                  (iv) in subparagraph (C), as redesi-  
13                  gnated by clause (ii), by striking the period  
14                  at the end and inserting “, including data  
15                  on the postsecondary education of and im-  
16                  pact on subsequent employment of stu-  
17                  dents with disabilities. Such research, in-  
18                  formation, and data shall be made publicly  
19                  available and accessible.”;

20                  (v) by inserting after subparagraph  
21                  (C), as redesignated by clause (ii), the fol-  
22                  lowing:

23                  “(D) DISTANCE LEARNING.—The develop-  
24                  ment of innovative and effective teaching meth-  
25                  ods and strategies to provide faculty and ad-

1 administrators with the ability to provide acces-  
2 sible distance education programs or classes  
3 that would enhance access of students with dis-  
4 abilities to higher education, including the use  
5 of accessible curriculum and electronic commu-  
6 nication for instruction and advisement.

7 “(E) DISABILITY CAREER PATHWAYS.—

8 Training and providing support to secondary  
9 and postsecondary staff to encourage interest  
10 in, enhance awareness and understanding of,  
11 provide educational opportunities in, teach prac-  
12 tical skills related to, and offer work-based op-  
13 portunities in, disability related fields, among  
14 students, including students with disabilities.  
15 Such training and support may include devel-  
16 oping means to offer students credit-bearing,  
17 college-level coursework, and career and edu-  
18 cational counseling.”; and

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

21 “(G) ACCESSIBILITY OF EDUCATION.—

22 Making postsecondary education more acces-  
23 sible to students with disabilities through cur-  
24 riculum development.”; and



1           (B) in paragraph (3), by striking “sub-  
 2           paragraphs (A) through (C)” and inserting  
 3           “subparagraphs (A) through (G)”; and  
 4           (2) by adding at the end the following:

5           “(d) REPORT.—The Secretary shall prepare and dis-  
 6           seminate a report reviewing the activities of the dem-  
 7           onstration projects authorized under this part and pro-  
 8           viding guidance and recommendations on how successful  
 9           projects can be replicated.”.

10 **SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS**  
 11                           **TO ENSURE STUDENTS WITH DISABILITIES**  
 12                           **RECEIVE A QUALITY HIGHER EDUCATION.**

13           Section 763 (20 U.S.C. 1140b) is amended—

14           (1) by striking paragraph (1) and inserting the  
 15           following:

16           “(1) a description of how such institution plans  
 17           to address the activities allowed under this part;”;

18           (2) in paragraph (2), by striking “and” after  
 19           the semicolon;

20           (3) in paragraph (3), by striking the period at  
 21           the end and inserting “; and”; and

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

23           “(4) a description of the extent to which the in-  
 24           stitution will work to replicate the research based  
 25           and best practices of institutions of higher education

1 with demonstrated success in serving students with  
2 disabilities.”.

3 **SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
4 **DEMONSTRATION PROJECTS TO ENSURE**  
5 **STUDENTS WITH DISABILITIES RECEIVE A**  
6 **QUALITY HIGHER EDUCATION.**

7 Section 765 (20 U.S.C. 1140d) is amended by strik-  
8 ing “\$10,000,000 for fiscal year 1999” and all that fol-  
9 lows through the period and inserting “such sums as may  
10 be necessary for fiscal year 2006 and each of the 5 suc-  
11 ceeding fiscal years.”.

12 **TITLE VIII—MISCELLANEOUS**

13 **SEC. 801. MATHEMATICS AND SCIENCE SCHOLARS PRO-**  
14 **GRAM.**

15 The Act (20 U.S.C. 1001 et seq.) is amended by add-  
16 ing at the end the following:

17 **“TITLE VIII—MISCELLANEOUS**

18 **“PART A—MATHEMATICS AND SCIENCE**

19 **SCHOLARS PROGRAM**

20 **“SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PRO-**  
21 **GRAM.**

22 **“(a) PROGRAM AUTHORIZED.—**The Secretary is au-  
23 **thorized to award grants to States, on a competitive basis,**  
24 **to enable the States to award eligible students, who com-**

1 plete a rigorous secondary school curriculum in mathe-  
2 matics and science, scholarships for undergraduate study.

3 “(b) ELIGIBLE STUDENTS.—A student is eligible for  
4 a scholarship under this section if the student is a full-  
5 time undergraduate student in the student’s first and sec-  
6 ond year of study who has completed a rigorous secondary  
7 school curriculum in mathematics and science.

8 “(c) RIGOROUS CURRICULUM.—Each participating  
9 State shall determine the requirements for a rigorous sec-  
10 ondary school curriculum in mathematics and science de-  
11 scribed in subsection (b).

12 “(d) PRIORITY FOR SCHOLARSHIPS.—The Governor  
13 of a State may set a priority for awarding scholarships  
14 under this section for particular eligible students, such as  
15 students attending schools in high-need areas, students  
16 who are from groups underrepresented in the fields of  
17 mathematics, science, and engineering, students served by  
18 local educational agencies that do not meet or exceed State  
19 standards in mathematics and science, or students with  
20 regional or geographic needs as determined appropriate by  
21 the Governor.

22 “(e) AMOUNT AND DURATION OF SCHOLARSHIP.—  
23 The Secretary shall award a grant under this section—

24 “(1) in an amount that does not exceed \$1,000;  
25 and

1           “(2) for not more than 2 years of under-  
2 graduate study.

3           “(f) **MATCHING REQUIREMENT.**—In order to receive  
4 a grant under this section, a State shall provide matching  
5 funds for the scholarships awarded under this section in  
6 an amount equal to 50 percent of the Federal funds re-  
7 ceived.

8           “(g) **AUTHORIZATION.**—There are authorized to be  
9 appropriated to carry out this section such sums as may  
10 be necessary for fiscal year 2006 and each of the 5 suc-  
11 ceeding fiscal years.

12           **“PART B—POSTSECONDARY EDUCATION**

13                           **ASSESSMENT**

14           **“SEC. 821. POSTSECONDARY EDUCATION ASSESSMENT.**

15           “(a) **CONTRACT FOR ASSESSMENT.**—The Secretary  
16 shall enter into a contract, with an independent, bipartisan  
17 organization with specific expertise in public administra-  
18 tion and financial management, to carry out an inde-  
19 pendent assessment of the cost factors associated with the  
20 cost of tuition at institutions of higher education.

21           “(b) **TIMEFRAME.**—The Secretary shall enter into  
22 the contract described in subsection (a) not later than 90  
23 days after the date of enactment of the Higher Education  
24 Amendments of 2005.

1 “(e) MATTERS ASSESSED.—The assessment de-  
2 scribed in subsection (a) shall—

3 “(1) examine the key elements driving the cost  
4 factors associated with the cost of tuition at institu-  
5 tions of higher education during academic year 2000  
6 and succeeding academic years;

7 “(2) identify and evaluate measures being used  
8 to control postsecondary education costs;

9 “(3) identify and evaluate effective measures  
10 that may be utilized to control postsecondary edu-  
11 cation costs in the future; and

12 “(4) identify systemic approaches to monitor  
13 future postsecondary education costs trends and  
14 postsecondary education cost control mechanisms.

15 **“PART C—JOB SKILL TRAINING IN HIGH-GROWTH**  
16 **OCCUPATIONS OR INDUSTRIES**

17 **“SEC. 831. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPA-**  
18 **TIONS OR INDUSTRIES.**

19 “(a) GRANTS AUTHORIZED.—The Secretary is au-  
20 thorized to award grants, on a competitive basis, to eligible  
21 partnerships to enable the eligible partnerships to provide  
22 relevant job skill training in high-growth industries or oc-  
23 cupations.

24 “(b) DEFINITIONS.—In this section:

1           “(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-  
2           ble partnership’ means a partnership—

3                   “(A) between an institution of higher edu-  
4                   cation and a local board (as such term is de-  
5                   fined in section 101 of the Workforce Invest-  
6                   ment Act of 1998); or

7                   “(B) if an institution of higher education  
8                   is located within a State that does not operate  
9                   local boards; between the institution of higher  
10                  education and a State board (as such term is  
11                  defined in section 101 of the Workforce Invest-  
12                  ment Act of 1998).

13           “(2) NONTRADITIONAL STUDENT.—The term  
14           ‘nontraditional student’ means a student who—

15                   “(A) is independent, as defined in section  
16                   480(d);

17                   “(B) attends an institution of higher edu-  
18                   cation—

19                           “(i) on less than a full-time basis;

20                           “(ii) via evening, weekend, modular,  
21                           or compressed courses; or

22                           “(iii) via distance learning methods;

23                           or

24                   “(C) has delayed enrollment at an institu-  
25                   tion of higher education.

1           “(3) INSTITUTION OF HIGHER EDUCATION.—

2           The term ‘institution of higher education’ means an  
3           institution of higher education, as defined in section  
4           101(b), that offers a 1- or 2-year program of study  
5           leading to a degree or certificate.

6           “(e) APPLICATION.—

7           “(1) IN GENERAL.—Each eligible partnership  
8           that desires a grant under this section shall submit  
9           an application to the Secretary at such time, in such  
10          manner, and accompanied by such additional infor-  
11          mation as the Secretary may require.

12          “(2) CONTENTS.—Each application submitted  
13          under paragraph (1) shall include a description of—

14                 “(A) how the eligible partnership, through  
15                 the institution of higher education, will provide  
16                 relevant job skill training for students to enter  
17                 high-growth occupations or industries;

18                 “(B) local high-growth occupations or in-  
19                 dustries; and

20                 “(C) the need for qualified workers to meet  
21                 the local demand of high-growth occupations or  
22                 industries.

23          “(d) AWARD BASIS.—In awarding grants under this  
24          section, the Secretary shall—

1           “(1) ensure an equitable distribution of grant  
2 funds under this section among urban and rural  
3 areas of the United States; and

4           “(2) take into consideration the capability of  
5 the institution of higher education—

6           “(A) to offer relevant, high quality instruc-  
7 tion and job skill training for students entering  
8 a high-growth occupation or industry;

9           “(B) to involve the local business commu-  
10 nity and to place graduates in the community  
11 in employment in high-growth occupations or  
12 industries;

13           “(C) to provide secondary students with  
14 dual-enrollment or concurrent enrollment op-  
15 tions;

16           “(D) to serve nontraditional or low-income  
17 students; or adult or displaced workers; and

18           “(E) to serve students from rural or re-  
19 mote communities.

20           “(e) USE OF FUNDS.—Grant funds provided under  
21 this section may be used—

22           “(1) to expand or create academic programs or  
23 programs of training that provide relevant job skill  
24 training for high-growth occupations or industries;



1           “(2) to purchase equipment which will facilitate  
2 the development of academic programs or programs  
3 of training that provide training for high-growth oc-  
4 cupations or industries;

5           “(3) to support outreach efforts that enable  
6 students to attend institutions of higher education  
7 with academic programs or programs of training fo-  
8 cused on high-growth occupations or industries;

9           “(4) to expand or create programs for distance,  
10 evening, weekend, modular, or compressed learning  
11 opportunities that provide relevant job skill training  
12 in high-growth occupations or industries;

13           “(5) to build partnerships with local businesses  
14 in high-growth occupations or industries;

15           “(6) to support curriculum development related  
16 to entrepreneurial training; and

17           “(7) for other uses that the Secretary deter-  
18 mines to be consistent with the intent of this section.

19           “(f) REQUIREMENTS.—

20           “(1) FISCAL AGENT.—For the purpose of this  
21 section, the institution of higher education in an eli-  
22 gible partnership shall serve as the fiscal agent and  
23 grant recipient for the eligible partnership.

1           “(2) DURATION.—The Secretary shall award  
2 grants under this section for periods that may not  
3 exceed 5 years.

4           “(3) SUPPLEMENT, NOT SUPPLANT.—Funds  
5 made available under this section shall be used to  
6 supplement and not supplant other Federal, State,  
7 and local funds available to the eligible partnership  
8 for carrying out the activities described in subsection  
9 (c).

10          “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to carry out this part  
12 such sums as may be necessary for fiscal year 2006 and  
13 each of the 5 succeeding fiscal years.

14 **“PART D—GRANT PROGRAM TO INCREASE STU-**  
15 **DENT RETENTION AND PROMOTE ARTICULA-**  
16 **TION AGREEMENTS**

17 **“SEC. 841. GRANT PROGRAM TO INCREASE STUDENT RE-**  
18 **TENTION AND PROMOTE ARTICULATION**  
19 **AGREEMENTS.**

20          “(a) AUTHORIZATION OF PROGRAM.—The Secretary  
21 shall award grants, on a competitive basis, to eligible insti-  
22 tutions to enable the institutions to—

23           “(1) focus on increasing traditional and non-  
24 traditional student retention at such institutions;  
25 and

1           “(2) promote articulation agreements among  
2           different institutions that will increase the likelihood  
3           of progression of students at such institutions to  
4           baccalaureate degrees.

5           “(b) DEFINITION OF ELIGIBLE INSTITUTION.—In  
6           this section, the term ‘eligible institution’ means an insti-  
7           tution of higher education (as defined in section 101(a))  
8           where not less than 40 percent of such institution’s stu-  
9           dent body receives financial aid under subpart 1 of part  
10          A of title IV.

11          “(c) APPLICATION.—An eligible institution that de-  
12          sires a grant under this section shall submit an application  
13          to the Secretary at such time, in such manner, and con-  
14          taining such information as the Secretary may require, in-  
15          cluding the number of students proposed to be served and  
16          a description of the services that will be provided.

17          “(d) MANDATORY ACTIVITIES.—An eligible institu-  
18          tion that receives a grant under this section shall use the  
19          grant funds to carry out each of the following:

20                 “(1) Offering counseling and advisement serv-  
21                 ices to help students adapt to postsecondary edu-  
22                 cation and select appropriate coursework.

23                 “(2) Making mentors available to students who  
24                 are at risk for not completing a degree.

1           “(3) Providing detailed assistance to students  
2 who request help in understanding—

3           “(A) the options for financing their edu-  
4 cation, including information on grants, loans,  
5 and loan repayment programs;

6           “(B) the process of applying for financial  
7 assistance;

8           “(C) the outcome of their financial assist-  
9 ance application; and

10           “(D) any unanticipated problems related to  
11 financing their education that arise.

12           “(4) Offering tutoring to students at risk of  
13 dropping out of school with any course or subject.

14           “(5) Designing and implementing innovative  
15 ways to improve retention in and completion of  
16 courses, such as enrolling students in cohorts, pro-  
17 viding counseling, or creating bridge programs that  
18 customize courses to the needs of special population  
19 students.

20           “(6) Conducting outreach activities so that all  
21 students know that these services are available and  
22 are aware of how to access the services.

23           “(7) Creating articulation agreements to pro-  
24 mote smooth transition from two year to four year  
25 programs.

1           “(8) Making services listed in paragraphs (1)  
2 through (5) available in students’ native languages,  
3 if it is not English, if the percentage of students  
4 needing translation services in a specific language  
5 exceeds 5 percent.

6           “(e) PERMISSIBLE ACTIVITIES.—An eligible institu-  
7 tion that receives a grant under this section may use grant  
8 funds to carry out any of the following activities:

9           “(1) Designing innovative course schedules to  
10 meet the needs of working adults, such as online,  
11 modular, compressed, or other alternative methods.

12           “(2) Offering childcare during the hours when  
13 students have class or are studying.

14           “(3) Providing transportation assistance to stu-  
15 dents that helps such students manage their sched-  
16 ules.

17           “(4) Partnering with local businesses to create  
18 flexible work-hour programs so that students can  
19 balance work and school.

20           “(5) Offering time management or financial lit-  
21 eracy seminars to help students improve their man-  
22 agement skills.

23           “(6) Improving professional development to  
24 align instruction with innovative program designs.

1           “(7) Any other activities the Secretary believes  
2           will promote retention of students attending eligible  
3           institutions.

4           “(f) TECHNICAL ASSISTANCE.—The Secretary may  
5           enter into a contract with a private entity to provide such  
6           technical assistance to grantees under this section as the  
7           Secretary determines appropriate.

8           “(g) EVALUATION.—The Secretary shall conduct an  
9           evaluation of program impacts under the demonstration  
10          program, and shall disseminate to the public the findings  
11          from the evaluation and information on best practices.

12          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
13          is authorized to be appropriated to carry out this and such  
14          sums as may be necessary for fiscal year 2006 and each  
15          of the 5 succeeding fiscal years.

16          **“PART E—AMERICAN HISTORY FOR FREEDOM**

17          **“SEC. 851. AMERICAN HISTORY FOR FREEDOM.**

18          “(a) GRANTS AUTHORIZED.—The Secretary is au-  
19          thorized to award 3-year grants, on a competitive basis,  
20          to eligible institutions to establish or strengthen postsec-  
21          ondary academic programs or centers that promote and  
22          impart knowledge of—

23                  “(1) traditional American history;

24                  “(2) the history and nature of, and threats to,  
25          free institutions; or

1           “(3) the history and achievements of Western  
2           civilization.

3           “(b) DEFINITIONS.—In this section:

4           “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-  
5           ble institution’ means an institution of higher edu-  
6           cation as defined in section 101.

7           “(2) FREE INSTITUTION.—The term ‘free insti-  
8           tution’ means an institution that emerged out of  
9           Western civilization, such as democracy, constitu-  
10          tional government, individual rights, market econom-  
11          ies, religious freedom and religious tolerance, and  
12          freedom of thought and inquiry.

13          “(3) TRADITIONAL AMERICAN HISTORY.—The  
14          term ‘traditional American history’ means—

15                 “(A) the significant constitutional, polit-  
16                 ical, intellectual, economic, and foreign policy  
17                 trends and issues that have shaped the course  
18                 of American history; and

19                 “(B) the key episodes, turning points, and  
20                 leading figures involved in the constitutional,  
21                 political, intellectual, diplomatic, and economic  
22                 history of the United States.

23          “(c) APPLICATION.—

24                 “(1) IN GENERAL.—Each eligible institution  
25                 that desires a grant under this part shall submit an

1 application to the Secretary at such time, in such  
2 manner, and accompanied by such additional infor-  
3 mation as the Secretary may require.

4 “(2) CONTENTS.—Each application submitted  
5 under subsection (a) shall include a description of —

6 “(A) how funds made available under this  
7 part will be used for the activities set forth  
8 under subsection (e), including how such activi-  
9 ties will increase knowledge with respect to tra-  
10 ditional American history, free institutions, or  
11 Western civilization;

12 “(B) how the eligible institution will ensure  
13 that information about the activities funded  
14 under this part is widely disseminated pursuant  
15 to subsection (e)(1)(B);

16 “(C) any activities to be undertaken pursu-  
17 ant to subsection (e)(2)(A), including identifica-  
18 tion of entities intended to participate;

19 “(D) how funds made available under this  
20 part shall be used to supplement and not sup-  
21 plant non-Federal funds available for the activi-  
22 ties described in subsection (e); and

23 “(E) such fiscal controls and accounting  
24 procedures as may be necessary to ensure prop-  
25 er disbursement of and accounting for funding



1           made available to the eligible institution under  
2           this part.

3           “(d) AWARD BASIS.—In awarding grants under this  
4 part, the Secretary shall take into consideration the capa-  
5 bility of the eligible institution to—

6           “(1) increase access to quality programming  
7 that expands knowledge of traditional American his-  
8 tory, free institutions, or Western civilization;

9           “(2) involve personnel with strong expertise in  
10 traditional American history, free institutions, or  
11 Western civilization; and

12           “(3) sustain the activities funded under this  
13 part after the grant has expired.

14           “(e) USE OF FUNDS.—

15           “(1) REQUIRED USE OF FUNDS.—Funds pro-  
16 vided under this part shall be used to—

17           “(A) establish or strengthen academic pro-  
18 grams or centers focused on traditional Amer-  
19 ican history, free institutions, or Western civili-  
20 zation, which may include—

21           “(i) design and implementation of  
22 programs of study, courses, lecture series,  
23 seminars, and symposia;

24           “(ii) development, publication, and  
25 dissemination of instructional materials;

1                   “(iii) research;

2                   “(iv) support for faculty teaching in  
3 undergraduate and, if applicable, graduate  
4 programs;

5                   “(v) support for graduate and post-  
6 graduate fellowships, if applicable; or

7                   “(vi) teacher preparation initiatives  
8 that stress content mastery regarding tra-  
9 ditional American history, free institutions,  
10 or Western civilization; and

11                  “(B) conduct outreach activities to ensure  
12 that information about the activities funded  
13 under this part is widely disseminated—

14                   “(i) to undergraduate students (in-  
15 cluding students enrolled in teacher edu-  
16 cation programs, if applicable);

17                   “(ii) to graduate students (including  
18 students enrolled in teacher education pro-  
19 grams), if applicable;

20                   “(iii) to faculty;

21                   “(iv) to local educational agencies;

22                  and

23                   “(v) within the local community.

24                  “(2) ALLOWABLE USES OF FUNDS.—Funds  
25 provided under this part may be used to support—

1 “(A) collaboration with entities such as—

2 “(i) local educational agencies, for the  
3 purpose of providing elementary, middle  
4 and secondary school teachers an oppor-  
5 tunity to enhance their knowledge of tradi-  
6 tional American history, free institutions,  
7 or Western civilization; and

8 “(ii) nonprofit organizations whose  
9 mission is consistent with the purpose of  
10 this part, such as academic organizations,  
11 museums, and libraries, for assistance in  
12 carrying out activities described under sub-  
13 section (a); and

14 “(B) other activities that meet the pur-  
15 poses of this part.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—For the  
17 purpose of carrying out this part, there are authorized to  
18 be appropriated such sums as may be necessary for fiscal  
19 year 2006 and each of the 5 succeeding fiscal years.

20 **“PART F—TEACH FOR AMERICA**

21 **“SEC. 861. TEACH FOR AMERICA.**

22 “(a) DEFINITIONS.—

23 “(1) IN GENERAL.—The terms ‘highly quali-  
24 fied’, ‘local educational agency’, and ‘Secretary’ have  
25 the meanings given the terms in section 9101 of the

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

3 “(2) GRANTEE.—The term ‘grantee’ means  
4 Teach For America, Inc.

5 “(3) HIGH NEED.—The term ‘high need’, when  
6 used with respect to a local educational agency,  
7 means a local educational agency experiencing a  
8 shortage of highly qualified teachers.

9 “(b) GRANTS AUTHORIZED.—The Secretary is au-  
10 thorized to award a grant to Teach For America, Inc.,  
11 the national teacher corps of outstanding recent college  
12 graduates who commit to teach for 2 years in underserved  
13 communities in the United States, to implement and ex-  
14 pand its program of recruiting, selecting, training, and  
15 supporting new teachers.

16 “(c) REQUIREMENTS.—In carrying out the grant pro-  
17 gram under subsection (b), the Secretary shall enter into  
18 an agreement with the grantee under which the grantee  
19 agrees to use the grant funds provided under this sec-  
20 tion—

21 “(1) to provide highly qualified teachers to high  
22 need local educational agencies in urban and rural  
23 communities;

24 “(2) to pay the cost of recruiting, selecting,  
25 training, and supporting new teachers; and

1           ~~“(3) to serve a substantial number and percent-~~  
2           ~~age of underserved students.~~

3           ~~“(d) AUTHORIZED ACTIVITIES.—~~

4           ~~“(1) IN GENERAL.—Grant funds provided~~  
5           ~~under this section shall be used by the grantee to~~  
6           ~~carry out each of the following activities:~~

7                   ~~“(A) Recruiting and selecting teachers~~  
8                   ~~through a highly selective national process.~~

9                   ~~“(B) Providing preservice training to the~~  
10                  ~~teachers through a rigorous summer institute~~  
11                  ~~that includes hands-on teaching experience and~~  
12                  ~~significant exposure to education coursework~~  
13                  ~~and theory.~~

14                  ~~“(C) Placing the teachers in schools and~~  
15                  ~~positions designated by partner local edu-~~  
16                  ~~cational agencies as high need placements serv-~~  
17                  ~~ing underserved students.~~

18                  ~~“(D) Providing ongoing professional devel-~~  
19                  ~~opment activities for the teachers’ first 2 years~~  
20                  ~~in the classroom, including regular classroom~~  
21                  ~~observations and feedback, and ongoing train-~~  
22                  ~~ing and support.~~

23                  ~~“(2) LIMITATION.—The grantee shall use all~~  
24                  ~~grant funds received under this section to support~~  
25                  ~~activities related directly to the recruitment, selec-~~

1 tion; training; and support of teachers as described  
2 in subsection (a).

3 “(e) REPORTS AND EVALUATIONS.—

4 “(1) ANNUAL REPORT.—The grantee shall pro-  
5 vide to the Secretary an annual report that in-  
6 eludes—

7 “(A) data on the number and quality of  
8 the teachers provided to local educational agen-  
9 cies through a grant under this section;

10 “(B) an externally conducted analysis of  
11 the satisfaction of local educational agencies  
12 and principals with the teachers so provided;  
13 and

14 “(C) comprehensive data on the back-  
15 ground of the teachers chosen; the training the  
16 teachers received; the placement sites of the  
17 teachers; the professional development of the  
18 teachers; and the retention of the teachers.

19 “(2) STUDY.—

20 “(A) IN GENERAL.—From funds appro-  
21 priated under subsection (f), the Secretary shall  
22 provide for a study that examines the achieve-  
23 ment levels of the students taught by the teach-  
24 ers assisted under this section.

1           “(B) ACHIEVEMENT GAINS COMPARED.—

2           The study shall compare, within the same  
3           schools, the achievement gains made by stu-  
4           dents taught by teachers who are assisted  
5           under this section with the achievement gains  
6           made by students taught by teachers who are  
7           not assisted under this section.

8           “(3) REQUIREMENTS.—The Secretary shall  
9           provide for such a study not less than once every 3  
10          years, and each such study shall include multiple  
11          placement sites and multiple schools within place-  
12          ment sites.

13          “(4) PEER REVIEW STANDARDS.—Each such  
14          study shall meet the peer review standards of the  
15          education research community.

16          “(f) AUTHORIZATION OF APPROPRIATIONS.—

17          “(1) IN GENERAL.—There are authorized to be  
18          appropriated to carry out this section such sums as  
19          may be necessary for fiscal year 2006 and each of  
20          the 5 succeeding fiscal years.

21          “(2) LIMITATION.—The grantee shall not use  
22          more than 25 percent of Federal funds from any  
23          source for administrative costs.

1 **“PART G—PATSY T. MINK FELLOWSHIP PROGRAM**

2 **“SEC. 1. PATSY T. MINK FELLOWSHIP PROGRAM.**

3 “(a) PURPOSE.—

4 “(1) IN GENERAL.—It is the purpose of this  
5 section to provide, through eligible institutions, a  
6 program of fellowship awards to assist highly quali-  
7 fied minorities and women to acquire the doctoral  
8 degree, or highest possible degree available, in aca-  
9 demic areas in which such individuals are underrep-  
10 resented for the purpose of enabling such individuals  
11 to enter the higher education professoriate.

12 “(2) DESIGNATION.—Each recipient of a fellow-  
13 ship award from an eligible institution receiving a  
14 grant under this section shall be known as a ‘Patsy  
15 T. Mink Graduate Fellow’.

16 “(b) DEFINITIONS.—In this section, the term ‘eligible  
17 institution’ means an institution of higher education, or  
18 a consortium of such institutions, that offers a program  
19 of postbaccalaureate study leading to a graduate degree.

20 “(c) PROGRAM AUTHORIZED.—

21 “(1) GRANTS BY SECRETARY.—

22 “(A) IN GENERAL.—The Secretary shall  
23 award grants to eligible institutions to enable  
24 such institutions to make fellowship awards to  
25 individuals in accordance with the provisions of  
26 this section.



1           “(B) PRIORITY CONSIDERATION.—In  
2           awarding grants under this section, the Sec-  
3           retary shall consider the eligible institution’s  
4           prior experience in producing doctoral degree,  
5           or highest possible degree available, holders who  
6           are minorities and women, and shall give pri-  
7           ority consideration in making grants under this  
8           section to those eligible institutions with a dem-  
9           onstrated record of producing minorities and  
10          women who have earned such degrees.

11          “(2) APPLICATIONS.—

12           “(A) IN GENERAL.—An eligible institution  
13           that desires a grant under this section shall  
14           submit an application to the Secretary at such  
15           time, in such manner, and containing such in-  
16           formation as the Secretary may require.

17           “(B) APPLICATIONS MADE ON BEHALF.—

18           “(i) IN GENERAL.—The following en-  
19           tities may submit an application on behalf  
20           of an eligible institution:

21                   “(I) A graduate school or depart-  
22                   ment of such institution.

23                   “(II) A graduate school or de-  
24                   partment of such institution in col-

1           laboration with an undergraduate col-  
2           lege or university of such institution.

3           ~~“(III) An organizational unit~~  
4           within such institution that offers a  
5           program of postbaccalaureate study  
6           leading to a graduate degree, includ-  
7           ing an interdisciplinary or an inter-  
8           departmental program.

9           ~~“(IV) A nonprofit organization~~  
10          with a demonstrated record of helping  
11          minorities and women earn  
12          postbaccalaureate degrees.

13          ~~“(ii) NONPROFIT ORGANIZATIONS.—~~  
14          Nothing in this paragraph shall be con-  
15          strued to permit the Secretary to award a  
16          grant under this section to an entity other  
17          than an eligible institution.

18          ~~“(3) SELECTION OF APPLICATIONS.—In award-~~  
19          ing grants under subsection (a), the Secretary  
20          shall—

21                 ~~“(A) take into account—~~

22                         ~~“(i) the number and distribution of~~  
23                         minority and female faculty nationally;

1           “(ii) the current and projected need  
2           for highly trained individuals in all areas  
3           of the higher education professoriate; and

4           “(iii) the present and projected need  
5           for highly trained individuals in academic  
6           career fields in which minorities and  
7           women are underrepresented in the higher  
8           education professoriate; and

9           “(B) consider the need to prepare a large  
10          number of minorities and women generally in  
11          academic career fields of high national priority,  
12          especially in areas in which such individuals are  
13          traditionally underrepresented in college and  
14          university faculties, such as mathematics,  
15          science, technology, and engineering.

16          “(4) DISTRIBUTION AND AMOUNTS OF  
17          GRANTS.—

18                 “(A) EQUITABLE DISTRIBUTION.—In  
19                 awarding grants under this section, the Sec-  
20                 retary shall, to the maximum extent feasible,  
21                 ensure an equitable geographic distribution of  
22                 awards and an equitable distribution among  
23                 public and independent eligible institutions that  
24                 apply for grants under this section and that

1 demonstrate an ability to achieve the purpose of  
2 this section.

3 “(B) SPECIAL RULE.—To the maximum  
4 extent practicable, the Secretary shall use not  
5 less than 30 percent of the amount appro-  
6 priated pursuant to subsection (f) to award  
7 grants to eligible institutions that—

8 “(i) are eligible for assistance under  
9 title III or title V; or

10 “(ii) have formed a consortium that  
11 includes both non-minority serving institu-  
12 tions and minority serving institutions.

13 “(C) ALLOCATION.—In awarding grants  
14 under this section, the Secretary shall allocate  
15 appropriate funds to those eligible institutions  
16 whose applications indicate an ability to signifi-  
17 cantly increase the numbers of minorities and  
18 women entering the higher education professo-  
19 riate and that commit institutional resources to  
20 the attainment of the purpose of this section.

21 “(D) NUMBER OF FELLOWSHIP  
22 AWARDS.—An eligible institution that receives a  
23 grant under this section shall make not less  
24 than 15 fellowship awards.

1           “(E) REALLOTMENT.—If the Secretary de-  
2           termines that an eligible institution awarded a  
3           grant under this section is unable to use all of  
4           the grant funds awarded to the institution, the  
5           Secretary shall reallocate, on such date during  
6           each fiscal year as the Secretary may fix, the  
7           unused funds to other eligible institutions that  
8           demonstrate that such institutions can use any  
9           reallocated grant funds to make fellowship  
10          awards to individuals under this section.

11          “(5) INSTITUTIONAL ALLOWANCE.—

12                 “(A) IN GENERAL.—

13                         “(i) NUMBER OF ALLOWANCES.—In  
14                         awarding grants under this section, the  
15                         Secretary shall pay to each eligible institu-  
16                         tion awarded a grant, for each individual  
17                         awarded a fellowship by such institution  
18                         under this section, an institutional allow-  
19                         ance.

20                         “(ii) AMOUNT.—Except as provided in  
21                         paragraph (3), an institutional allowance  
22                         shall be in an amount equal to, for aca-  
23                         demic year 2006–2007 and succeeding aca-  
24                         demic years, the amount of institutional al-  
25                         lowance made to an institution of higher

1 education under section 715 for such aca-  
2 demic year.

3 “(B) USE OF FUNDS.—Institutional allow-  
4 ances may be expended in the discretion of the  
5 eligible institution and may be used to provide,  
6 except as prohibited under paragraph (4), aca-  
7 demic support and career transition services for  
8 individuals awarded fellowships by such institu-  
9 tion.

10 “(C) REDUCTION.—The institutional at-  
11 lowance paid under paragraph (1) shall be re-  
12 duced by the amount the eligible institution  
13 charges and collects from a fellowship recipient  
14 for tuition and other expenses as part of the re-  
15 cipient’s instructional program.

16 “(D) USE FOR OVERHEAD PROHIBITED.—  
17 Funds made available under this section may  
18 not be used for general operational overhead of  
19 the academic department or institution receiv-  
20 ing funds under this section.

21 “(d) FELLOWSHIP RECIPIENTS.—

22 “(1) AUTHORIZATION.—An eligible institution  
23 that receives a grant under this section shall use the  
24 grant funds to make fellowship awards to minorities  
25 and women who are enrolled at such institution in

1 a doctoral degree, or highest possible degree avail-  
2 able, program and—

3 “(A) intend to pursue a career in instruc-  
4 tion at—

5 “(i) an institution of higher education  
6 (as the term is defined in section 101);

7 “(ii) an institution of higher education  
8 (as the term is defined in section  
9 102(a)(1));

10 “(iii) an institution of higher edu-  
11 cation outside the United States (as the  
12 term is described in section 102(a)(2)); or

13 “(iv) a proprietary institution of high-  
14 er education (as the term is defined in sec-  
15 tion 102(b)); and

16 “(B) sign an agreement with the Secretary  
17 agreeing—

18 “(i) to begin employment at an insti-  
19 tution described in paragraph (1) not later  
20 than 3 years after receiving the doctoral  
21 degree or highest possible degree available,  
22 which 3-year period may be extended by  
23 the Secretary for extraordinary cir-  
24 cumstances; and

1                   “(ii) to be employed by such institu-  
2                   tion for 1 year for each year of fellowship  
3                   assistance received under this section.

4                   “(2) FAILURE TO COMPLY.—If an individual  
5                   who receives a fellowship award under this section  
6                   fails to comply with the agreement signed pursuant  
7                   to subsection (a)(2), then the Secretary shall do 1  
8                   or both of the following:

9                   “(A) Require the individual to repay all or  
10                  the applicable portion of the total fellowship  
11                  amount awarded to the individual by converting  
12                  the balance due to a loan at the interest rate  
13                  applicable to loans made under part B of title  
14                  IV.

15                  “(B) Impose a fine or penalty in an  
16                  amount to be determined by the Secretary.

17                  “(3) WAIVER AND MODIFICATION.—

18                  “(A) REGULATIONS.—The Secretary shall  
19                  promulgate regulations setting forth criteria to  
20                  be considered in granting a waiver for the serv-  
21                  ice requirement under subsection (a)(2).

22                  “(B) CONTENT.—The criteria under para-  
23                  graph (1) shall include whether compliance with  
24                  the service requirement by the fellowship recipi-  
25                  ent would be—



1                   “(i) inequitable and represent an ex-  
2                   traordinary hardship; or

3                   “(ii) deemed impossible because the  
4                   individual is permanently and totally dis-  
5                   abled at the time of the waiver request.

6                   “(4) AMOUNT OF FELLOWSHIP AWARDS.—Fel-  
7                   lowship awards under this section shall consist of a  
8                   stipend in an amount equal to the level of support  
9                   provided to the National Science Foundation grad-  
10                  uate fellows, except that such stipend shall be ad-  
11                  justed as necessary so as not to exceed the fellow’s  
12                  tuition and fees or demonstrated need (as deter-  
13                  mined by the institution of higher education where  
14                  the graduate student is enrolled), whichever is great-  
15                  er.

16                  “(5) ACADEMIC PROGRESS REQUIRED.—An in-  
17                  dividual student shall not be eligible to receive a fel-  
18                  lowship award—

19                         “(A) except during periods in which such  
20                         student is enrolled, and such student is main-  
21                         taining satisfactory academic progress in, and  
22                         devoting essentially full time to, study or re-  
23                         search in the pursuit of the degree for which  
24                         the fellowship support was awarded; and

1           “(B) if the student is engaged in gainful  
2           employment, other than part-time employment  
3           in teaching, research, or similar activity deter-  
4           mined by the eligible institution to be consistent  
5           with and supportive of the student’s progress  
6           toward the appropriate degree.

7           “(e) RULE OF CONSTRUCTION.—Nothing in this sec-  
8           tion shall be construed to require an eligible institution  
9           that receives a grant under this section—

10           “(1) to grant a preference or to differentially  
11           treat any applicant for a faculty position as a result  
12           of the institution’s participation in the program  
13           under this section; or

14           “(2) to hire a Patsy T. Mink Fellow who com-  
15           pletes this program and seeks employment at such  
16           institution.

17           “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
18           is authorized to be appropriated to carry out this section  
19           such sums as may be necessary for fiscal year 2006 for  
20           each of the 5 succeeding fiscal years.

1 **“PART H—STUDY ON COLLEGE ENROLLMENT BY**  
 2 **SECONDARY SCHOOLS**

3 **“SEC. 1. STUDY ON COLLEGE ENROLLMENT BY SECONDARY**  
 4 **SCHOOLS.**

5 “The Secretary shall contract with a not-for-profit or-  
 6 ganization, with demonstrated expertise in increasing col-  
 7 lege enrollment rates in low-income communities nation-  
 8 wide, to make publicly available year-to-year college enroll-  
 9 ment rate trends by secondary schools, in full compliance  
 10 with the Family Educational Rights and Privacy Act of  
 11 1974 (FERPA).”

12 **TITLE IX—AMENDMENTS TO**  
 13 **OTHER LAWS**

14 **PART A—EDUCATION OF THE DEAF ACT OF 1986**  
 15 **SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION**  
 16 **CENTER.**

17 Section 104 of the Education of the Deaf Act of 1986  
 18 (20 U.S.C. 4304) is amended—

19 (1) by striking the heading and inserting  
 20 **“LAURENT CLERC NATIONAL DEAF EDUCATION**  
 21 **CENTER”**;

22 (2) in subsection (a)(1)(A), by inserting “the  
 23 Laurent Clerc National Deaf Education Center (re-  
 24 ferred to in this section as the ‘Clerc Center’) to  
 25 carry out” after “maintain and operate”; and

26 (3) in subsection (b)—

1           (A) in the matter preceding subparagraph  
2           (A) of paragraph (1), by striking “elementary  
3           and secondary education programs” and insert-  
4           ing “Clere Center”;

5           (B) in paragraph (2), by striking “elemen-  
6           tary and secondary education programs” and  
7           inserting “Clere Center”; and

8           (C) by adding at the end the following:

9           “(5) The University, for purposes of the elementary  
10          and secondary education programs carried out at the Clere  
11          Center, shall—

12           “(A)(i) select challenging academic content  
13           standards, challenging student academic achieve-  
14           ment standards, and academic assessments of a  
15           State, adopted and implemented, as appropriate,  
16           pursuant to paragraphs (1) and (3) of section  
17           1111(b) of the Elementary and Secondary Edu-  
18           cation Act of 1965 (20 U.S.C. 6311(b)(1) and (3))  
19           and approved by the Secretary; and

20           “(ii) implement such standards and assess-  
21           ments for such programs by not later than the be-  
22           ginning of the 2008–2009 academic year;

23           “(B) annually determine whether such pro-  
24           grams at the Clere Center are making adequate  
25           yearly progress, as determined according to the defi-

1 nition of adequate yearly progress defined (pursuant  
 2 to section 1111(b)(2)(C) of such Act (20 U.S.C.  
 3 6311(b)(2)(C))) by the State that has adopted and  
 4 implemented the standards and assessments selected  
 5 under subparagraph (A)(i); and

6 “(C) publicly report the results of the academic  
 7 assessments implemented under subparagraph (A)  
 8 and whether the programs at the Clere Center are  
 9 making adequate yearly progress, as determined  
 10 under subparagraph (B).”.

11 **SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.**

12 Section 105(b)(4) of the Education of the Deaf Act  
 13 of 1986 (20 U.S.C. 4305(b)(4)) is amended—

14 (1) by striking “the Act of March 3, 1931 (40  
 15 U.S.C. 276a—276a-5) commonly referred to as the  
 16 Davis-Bacon Act” and inserting “subchapter IV of  
 17 chapter 31 of title 40, United States Code, com-  
 18 monly referred to as the Davis-Bacon Act”; and

19 (2) by striking “section 2 of the Act of June  
 20 13, 1934 (40 U.S.C. 276e)” and inserting “section  
 21 3145 of title 40, United States Code”.

22 **SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL IN-**  
 23 **STITUTE FOR THE DEAF.**

24 Section 112 of the Education of the Deaf Act of 1986  
 25 (20 U.S.C. 4332) is amended—

1           (1) in subsection (a)—

2                   (A) in paragraph (1)—

3                           (i) in the first sentence—

4                                   (I) by striking “an institution of  
5                                   higher education” and inserting “the  
6                                   Rochester Institute of Technology,  
7                                   Rochester, New York”; and

8                                   (II) by striking “of a” and in-  
9                                   serting “of the”; and

10                                  (ii) by striking the second sentence;

11                                  (B) by redesignating paragraph (2) as  
12                                  paragraph (3); and

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

15                                  “(2) Notwithstanding the requirement under  
16                                  paragraph (1), if the Secretary or the Rochester In-  
17                                  stitute of Technology terminates the agreement  
18                                  under paragraph (1), the Secretary shall consider  
19                                  proposals from other institutions of higher education  
20                                  and enter into an agreement with 1 of such institu-  
21                                  tions for the establishment and operation of a Na-  
22                                  tional Technical Institution for the Deaf.”; and

23                                  (2) in subsection (b)—

24                                   (A) in paragraph (3), by striking “Com-  
25                                   mittee on Education and Labor of the House of

1 Representatives and to the Committee on Labor  
2 and Human Resources of the Senate” and in-  
3 serting “Committee on Education and the  
4 Workforce of the House of Representatives and  
5 to the Committee on Health, Education, Labor,  
6 and Pensions of the Senate”; and

7 (B) in paragraph (5)—

8 (i) by striking “the Act of March 3,  
9 1931 (40 U.S.C. 276a—276a-5) com-  
10 monly referred to as the Davis-Bacon Act”  
11 and inserting “subchapter IV of chapter  
12 31 of title 40, United States Code, com-  
13 monly referred to as the Davis-Bacon  
14 Act”; and

15 (ii) by striking “section 2 of the Act  
16 of June 13, 1934 (40 U.S.C. 276c)” and  
17 inserting “section 3145 of title 40, United  
18 States Code”.

19 **SEC. 904. CULTURAL EXPERIENCES GRANTS.**

20 (a) CULTURAL EXPERIENCES GRANTS.—Title I of  
21 the Education of the Deaf Act of 1986 (20 U.S.C. 4301  
22 et seq.) is amended by adding at the end the following:

1                   **“PART C—OTHER PROGRAMS**

2   **“SEC. 121. CULTURAL EXPERIENCES GRANTS.**

3           “(a) IN GENERAL.—The Secretary shall, on a com-  
4 petitive basis, make grants to, and enter into contracts  
5 and cooperative agreements with, eligible entities to sup-  
6 port the activities described in subsection (b).

7           “(b) ACTIVITIES.—In carrying out this section, the  
8 Secretary shall support activities providing cultural experi-  
9 ences, through appropriate nonprofit organizations with a  
10 demonstrated proficiency in providing such activities,  
11 that—

12                   “(1) enrich the lives of deaf and hard-of-hear-  
13 ing children and adults;

14                   “(2) increase public awareness and under-  
15 standing of deafness and of the artistic and intellec-  
16 tual achievements of deaf and hard-of-hearing per-  
17 sons; or

18                   “(3) promote the integration of hearing, deaf,  
19 and hard-of-hearing persons through shared cul-  
20 tural, educational, and social experiences.

21           “(c) APPLICATIONS.—An eligible entity that desires  
22 to receive a grant, or enter into a contract or cooperative  
23 agreement, under this section shall submit an application  
24 to the Secretary at such time, in such manner, and con-  
25 taining such information as the Secretary may require.



1       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section  
3 such sums as may be necessary for fiscal year 2006 and  
4 each of the 5 succeeding fiscal years.”.

5       (b) CONFORMING AMENDMENT.—The title heading  
6 of title I of the Education of the Deaf Act of 1986 (20  
7 U.S.C. 4301 et seq.) is amended by adding at the end  
8 “; OTHER PROGRAMS”.

9       **SEC. 905. AUDIT.**

10       Section 203 of the Education of the Deaf Act of 1986  
11 (20 U.S.C. 4353) is amended—

12               (1) in subsection (b)—

13                       (A) in paragraph (1), by striking the sec-  
14                       ond sentence and inserting the following: “The  
15                       institution of higher education that the Sec-  
16                       retary has an agreement with under section 112  
17                       shall have an annual independent financial and  
18                       compliance audit made of NTID programs and  
19                       activities. The audit shall follow the cycle of the  
20                       Federal fiscal year.”;

21                       (B) in paragraph (2), by striking “sec-  
22                       tions” and all that follows through the period  
23                       and inserting “sections 102(b), 105(b)(4),  
24                       112(b)(5), 203(e), 207(b)(2), subsections (e)

1 through (f) of section 207, and subsections (b)  
2 and (e) of section 209.”; and

3 (C) in paragraph (3), by inserting “and  
4 the Committee on Education and the Workforce  
5 of the House of Representatives and the Com-  
6 mittee on Health, Education, Labor, and Pen-  
7 sions of the Senate” after “Secretary”; and

8 (2) in subsection (e)(2)(A), by striking “Com-  
9 mittee on Education and Labor of the House of  
10 Representatives and the Committee on Labor and  
11 Human Resources of the Senate” and inserting  
12 “Committee on Education and the Workforce of the  
13 House of Representatives and the Committee on  
14 Health, Education, Labor, and Pensions of the Sen-  
15 ate”.

16 **SEC. 906. REPORTS.**

17 Section 204 of the Education of the Deaf Act of 1986  
18 (20 U.S.C. 4354) is amended—

19 (1) in the matter preceding paragraph (1), by  
20 striking “Committee on Education and Labor of the  
21 House of Representatives and the Committee on  
22 Labor and Human Resources of the Senate” and in-  
23 serting “Committee on Education and the Workforce  
24 of the House of Representatives and the Committee

1 on Health, Education, Labor, and Pensions of the  
2 Senate”;

3 (2) in paragraph (1), by striking “pre-  
4 paratory”;

5 (3) in paragraph (2)(C), by striking “upon  
6 graduation/completion” and inserting “on the date  
7 that is 1 year after the date of graduation or com-  
8 pletion”; and

9 (4) in paragraph (3)(B), by striking “of the in-  
10 stitution of higher education” and all that follows  
11 through the period and inserting “of NTID pro-  
12 grams and activities.”.

13 **SEC. 907. MONITORING, EVALUATION, AND REPORTING.**

14 Section 205 of the Education of the Deaf Act of 1986  
15 (20 U.S.C. 4355) is amended—

16 (1) in subsection (b), by striking “The Sec-  
17 retary, as part of the annual report required under  
18 section 426 of the Department of Education Organi-  
19 zation Act, shall include a description of” and in-  
20 serting “The Secretary shall annually transmit infor-  
21 mation to Congress on”; and

22 (2) in subsection (c), by striking “fiscal years  
23 1998 through 2003” and inserting “fiscal years  
24 2006 through 2010”.

1 **SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.**

2 Section 206(a) of the Education of the Deaf Act of  
 3 1986 (20 U.S.C. 4356(a)) is amended by striking “Not  
 4 later than 30 days after the date of enactment of this Act,  
 5 the” and inserting “The”.

6 **SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GAL-**  
 7 **LAUDET UNIVERSITY AND THE NATIONAL**  
 8 **TECHNICAL INSTITUTE FOR THE DEAF.**

9 Section 207(h) of the Education of the Deaf Act of  
 10 1986 (20 U.S.C. 4357(h)) is amended by striking “fiscal  
 11 years 1998 through 2003” each place it appears and in-  
 12 serting “fiscal years 2006 through 2010”.

13 **SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.**

14 Section 208(a) of the Education of the Deaf Act of  
 15 1986 (20 U.S.C. 4359(a)) is amended by striking “Com-  
 16 mittee on Labor and Human Resources of the Senate and  
 17 the Committee on Education and the Workforce of the  
 18 House of Representatives” and inserting “Committee on  
 19 Education and the Workforce of the House of Representa-  
 20 tives and the Committee on Health, Education, Labor,  
 21 and Pensions of the Senate”.

22 **SEC. 911. INTERNATIONAL STUDENTS.**

23 Section 209 of the Education of the Deaf Act of 1986  
 24 (20 U.S.C. 4359a) is amended—  
 25 (1) in subsection (a)—

1           (A) by striking “preparatory, under-  
2 graduate,” and inserting “undergraduate”;

3           (B) by striking “Effective with” and in-  
4 serting the following:

5           “(1) IN GENERAL.—Except as provided in para-  
6 graph (2), effective with”; and

7           (C) by adding at the end the following:

8           “(2) DISTANCE LEARNING.—International stu-  
9 dents who participate in distance learning courses  
10 that are at NTID or the University and who are re-  
11 siding outside of the United States shall—

12           “(A) not be counted as international stu-  
13 dents for purposes of the cap on international  
14 students under paragraph (1), except that in  
15 any school year no United States citizen who  
16 applies to participate in distance learning  
17 courses that are at the University or NTID  
18 shall be denied participation in such courses be-  
19 cause of the participation of an international  
20 student in such courses; and

21           “(B) not be charged a tuition surcharge,  
22 as described in subsection (b).”;

23           (2) by striking subsections (b), (c), and (d), and  
24 inserting the following:

1       “(b) TUITION SURCHARGE.—Except as provided in  
 2 subsections (a)(2)(B) and (c), the tuition for postsec-  
 3 ondary international students enrolled in the University  
 4 (including undergraduate and graduate students) or  
 5 NTID shall include, for academic year 2007–2008 and  
 6 any succeeding academic year, a surcharge of—

7           “(1) 100 percent for a postsecondary inter-  
 8 national student from a non-developing country; and

9           “(2) 50 percent for a postsecondary inter-  
 10 national student from a developing country.

11       “(c) REDUCTION OF SURCHARGE.—

12           “(1) IN GENERAL.—Beginning with the aca-  
 13 demic year 2007–2008, the University or NTID may  
 14 reduce the surcharge—

15           “(A) under subsection (b)(1) to 50 percent  
 16 if—

17           “(i) a student described under sub-  
 18 section (b)(1) demonstrates need; and

19           “(ii) such student has made a good  
 20 faith effort to secure aid through such stu-  
 21 dent’s government or other sources; and

22           “(B) under subsection (b)(2) to 25 percent  
 23 if—

24           “(i) a student described under sub-  
 25 section (b)(2) demonstrates need; and

1           “(ii) such student has made a good  
2           faith effort to secure aid through such stu-  
3           dent’s government or other sources.

4           “(2) DEVELOPMENT OF SLIDING SCALE.—The  
5           University and NTID shall develop a sliding scale  
6           model that—

7           “(A) will be used to determine the amount  
8           of a tuition surcharge reduction pursuant to  
9           paragraph (1); and

10          “(B) shall be approved by the Secretary.

11          “(d) DEFINITION.—In this section, the term ‘devel-  
12          oping country’ means a country with a per-capita income  
13          of not more than \$4,825, measured in 1999 United States  
14          dollars, as adjusted by the Secretary to reflect inflation  
15          since 1999.”.

16       **SEC. 912. RESEARCH PRIORITIES.**

17          Section 210(b) of the Education of the Deaf Act of  
18          1986 (20 U.S.C. 4359b(b)) is amended by striking “Com-  
19          mittee on Labor and Human Resources of the Senate”  
20          and inserting “Committee on Health, Education, Labor,  
21          and Pensions of the Senate”.

22       **SEC. 913. AUTHORIZATION OF APPROPRIATIONS.**

23          Section 212 of the Education of the Deaf Act of 1986  
24          (20 U.S.C. 4360a) is amended—

1 (1) in subsection (a), in the matter preceding  
 2 paragraph (1), by striking “fiscal years 1998  
 3 through 2003” and inserting “fiscal years 2006  
 4 through 2011”; and

5 (2) in subsection (b), by striking “fiscal years  
 6 1998 through 2003” and inserting “fiscal years  
 7 2006 through 2011”.

8 **PART B—UNITED STATES INSTITUTE OF PEACE**  
 9 **ACT**

10 **SEC. 921. UNITED STATES INSTITUTE OF PEACE ACT.**

11 (a) POWERS AND DUTIES.—Section 1705(b)(3) of  
 12 the United States Institute of Peace Act (22 U.S.C.  
 13 4604(b)(3)) is amended by striking “the Arms Control  
 14 and Disarmament Agency,”.

15 (b) BOARD OF DIRECTORS.—Section 1706 of the  
 16 United States Institute of Peace Act (22 U.S.C. 4605)  
 17 is amended—

18 (1) by striking “(b)(5)” each place the term ap-  
 19 pears and inserting “(b)(4)”; and

20 (2) in subsection (e), by adding at the end the  
 21 following:

22 “(5) The term of a member of the Board shall  
 23 not commence until the member is confirmed by the  
 24 Senate and sworn in as a member of the Board.”.



1           (c) FUNDING.—Section 1710 of the United States In-  
 2 stitute of Peace Act (22 U.S.C. 4609) is amended by add-  
 3 ing at the end the following:

4           “(d) EXTENSION.—Any authorization of appropria-  
 5 tions made for the purposes of carrying out this title shall  
 6 be extended in the same manner as applicable programs  
 7 are extended under section 422 of the General Education  
 8 Provisions Act.”.

9                           **PART C—THE HIGHER EDUCATION**

10                                   **AMENDMENTS OF 1998**

11       **SEC. 931. REPEALS.**

12           The following provisions of title VIII of the Higher  
 13 Education Amendments of 1998 (Public Law 105–244)  
 14 are repealed:

15                   (1) Part A.

16                   (2) Part C (20 U.S.C. 1070 note).

17                   (3) Part F (20 U.S.C. 1862 note).

18                   (4) Part J.

19                   (5) Section 861.

20                   (6) Section 863.

21       **SEC. 932. GRANTS TO STATES FOR WORKPLACE AND COM-**  
 22                                   **MUNITY TRANSITION TRAINING FOR INCAR-**  
 23                                   **CERATED YOUTH OFFENDERS.**

24           Section 821(b) of the Higher Education Amendment  
 25 of 1988 is amended by striking “25” and inserting “35”.

**PART D—INDIAN EDUCATION****Subpart 1—Tribal Colleges and Universities****SEC. 941. TRIBALLY CONTROLLED COLLEGE AND UNIVERSITY ASSISTANCE.**

(a) CLARIFICATION OF THE DEFINITION OF NATIONAL INDIAN ORGANIZATION.—Section 2(a)(6) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(6)) is amended by striking “in the field of Indian education” and inserting “in the fields of tribally controlled colleges and universities and Indian higher education”.

(b) INDIAN STUDENT COUNT.—Section 2(a) of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1801(a)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

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

“(7) ‘Indian student’ means a student who is—

“(A) a member of an Indian tribe; or

“(B) a biological child of a member of an Indian tribe, living or deceased;”.

(c) CONTINUING EDUCATION.—Section 2(b) of the Tribally Controlled College or University Assistance Act (25 U.S.C. 1801(b)) is amended by striking paragraph (5) and inserting the following:

1           “(5) DETERMINATION OF CREDITS.—Eligible  
2 credits earned in a continuing education program—

3           “(A) shall be determined as 1 credit for  
4 every 10 contact hours in the case of an institu-  
5 tion on a quarter system, or 15 contact hours  
6 in the case of an institution on a semester sys-  
7 tem, of participation in an organized continuing  
8 education experience under responsible sponsor-  
9 ship, capable direction, and qualified instruc-  
10 tion, as described in the criteria established by  
11 the International Association for Continuing  
12 Education and Training; and

13           “(B) shall be limited to 10 percent of the  
14 Indian student count of a tribally controlled col-  
15 lege or university.”.

16           (d) ACCREDITATION REQUIREMENT.—Section 103 of  
17 the Tribally Controlled College or University Assistance  
18 Act (25 U.S.C. 1804) is amended—

19           (1) in paragraph (2), by striking “and” at the  
20 end;

21           (2) in paragraph (3), by striking the period at  
22 the end and inserting “; and”; and

23           (3) by inserting after paragraph (3), the fol-  
24 lowing:

1           “(4)(A) is accredited by a nationally recognized  
2           accrediting agency or association determined by the  
3           Secretary of Education to be a reliable authority  
4           with regard to the quality of training offered; or

5           “(B) is, according to such an agency or associa-  
6           tion, making reasonable progress toward accredita-  
7           tion.”.

8           (e) TECHNICAL ASSISTANCE CONTRACT AWARDS.—  
9           Section 105 of the Tribally Controlled College or Univer-  
10          sity Assistance Act (25 U.S.C. 1805) is amended in the  
11          second sentence by striking “In the awarding of contracts  
12          for technical assistance, preference shall be given” and in-  
13          serting “The Secretary shall direct that contracts for tech-  
14          nical assistance be awarded”.

15          (f) TITLE I REAUTHORIZATION.—Section 110(a) of  
16          the Tribally Controlled College or University Assistance  
17          Act of 1978 (25 U.S.C. 1810(a)) is amended—

18                 (1) in paragraphs (1), (2), (3), and (4), by  
19                 striking “1999” and inserting “2006”;

20                 (2) in paragraphs (1), (2), and (3), by striking  
21                 “4 succeeding” and inserting “5 succeeding”;

22                 (3) in paragraph (2), by striking  
23                 “\$40,000,000” and inserting “such sums as may be  
24                 necessary”;

1           (4) in paragraph (3), by striking  
2           “\$10,000,000” and inserting “such sums as may be  
3           necessary”; and

4           (5) in paragraph (4), by striking “succeeding  
5           4” and inserting “5 succeeding”.

6           (g) TITLE III REAUTHORIZATION.—Section 306(a)  
7 of the Tribally Controlled College or University Assistance  
8 Act of 1978 (25 U.S.C. 1836(a)) is amended—

9           (1) by striking “1999” and inserting “2006”;  
10          and

11          (2) by striking “4 succeeding” and inserting “5  
12          succeeding”.

13          (h) TITLE IV REAUTHORIZATION.—Section 403 of  
14 the Tribal Economic Development and Technology Re-  
15 lated Education Assistance Act of 1990 (25 U.S.C. 1852)  
16 is amended—

17          (1) by striking “\$2,000,000 for fiscal year  
18          1999” and inserting “such sums as may be nee-  
19          essary for fiscal year 2006”; and

20          (2) by striking “4 succeeding” and inserting “5  
21          succeeding”.

## 22                   **Subpart 2—Navajo Higher Education**

### 23           **SEC. 945. SHORT TITLE.**

24           This subpart may be cited as the “Navajo Nation  
25 Higher Education Act of 2005”.

1 **SEC. 946. REAUTHORIZATION OF THE NAVAJO COMMUNITY**  
 2 **COLLEGE ACT.**

3 Section 5(a)(1) of the Navajo Community College Act  
 4 (~~25 U.S.C. 640e-1(a)(1)~~) is amended by striking  
 5 “\$2,000,000” and all that follows through “years” and  
 6 inserting “such sums as may be necessary for fiscal year  
 7 2006 and each of the 5 succeeding fiscal years”.

8 **TITLE X—RECONCILIATION**

9 **SEC. 1001. PROVISIONAL GRANT ASSISTANCE PROGRAM.**

10 (a) AMENDMENT.—Subpart 1 of part A of title IV  
 11 of the Higher Education Act of 1965 (~~20 U.S.C. 1070a~~)  
 12 is amended by adding at the end the following:

13 **“SEC. 401A. PROVISIONAL GRANT ASSISTANCE PROGRAM.**

14 **“(a) GRANTS.—**

15 **“(1) IN GENERAL.—**From amounts appro-  
 16 priated under subsection (c) for a fiscal year and  
 17 subject to subsection (b), the Secretary shall award  
 18 grants to students (which shall be known as  
 19 ‘ProGAP awards’) in the same manner as the Sec-  
 20 retary awards grants to students under section 401,  
 21 except that the Secretary shall determine the  
 22 amount of a grant under this section for an aca-  
 23 demic year by—

24 **“(A) determining the total number of stu-**  
 25 **dents eligible for a grant under section 401 for**  
 26 **the academic year, and the amount that each of**

1 those students are eligible to receive under sec-  
2 tion 401 calculated on the basis of the max-  
3 imum grant level specified in the appropriate  
4 Appropriation Act for section 401 for the aca-  
5 demic year;

6 “(B) determining the amount each of those  
7 students would receive under section 401 if the  
8 grant award under section 401 were calculated  
9 on the basis of the sum of the total amount ap-  
10 propriated to carry out section 401 and the  
11 total amount appropriated to carry out this sec-  
12 tion for the academic year; and

13 “(C) awarding to each of those students  
14 the amount by which the amount determined  
15 under subparagraph (B) exceeds the amount  
16 determined under subparagraph (A).

17 “(2) STUDENTS WITH THE GREATEST NEED.—  
18 The Secretary shall ensure grants are awarded  
19 under this section to students with the greatest need  
20 as determined under paragraph (1).

21 “(b) COST OF ATTENDANCE LIMITATION.—A grant  
22 awarded under this section for an academic year shall be  
23 awarded in an amount that does not exceed—

24 “(1) the student’s cost of attendance for the  
25 academic year; less

1           “(2) an amount equal to the expected family  
2           contribution for that student for the academic year.

3           “(e) AUTHORIZATION AND APPROPRIATION OF  
4 FUNDS.—There are authorized to be appropriated, and  
5 there are appropriated, out of any money in the Treasury  
6 not otherwise appropriated, for the Department of Edu-  
7 cation to carry out this section and section 401B—

8           “(1) \$1,165,000,000 for fiscal year 2006;

9           “(2) \$1,171,000,000 for fiscal year 2007;

10          “(3) \$1,171,000,000 for fiscal year 2008;

11          “(4) \$1,172,000,000 for fiscal year 2009; and

12          “(5) \$1,647,000,000 for fiscal year 2010.

13          “(d) SUNSET PROVISION.—This section shall be ef-  
14 fective with respect to amounts appropriated for fiscal  
15 year 2006 and each of the 4 succeeding fiscal years.”.

16          (b) SENSE OF THE SENATE.—It is the sense of the  
17 Senate that the amounts appropriated to carry out sec-  
18 tions 401A and 401B of the Higher Education Act of  
19 1965 are the result of the savings generated by the  
20 amendments made by this title.

21 **SEC. 1002. NATIONAL SMART GRANTS.**

22          Subpart 1 of part A of title IV of the Higher Edu-  
23 cation Act of 1965 (20 U.S.C. 1070a) is further amended  
24 by adding after section 401A (as added by section 1001):



1 **“SEC. 401B. NATIONAL SMART GRANTS.**

2       “(a) GRANTS AUTHORIZED.—From amounts appro-  
3 priated under section 401A(e) for a fiscal year, the Sec-  
4 retary shall award grants to eligible students to assist the  
5 eligible students in paying their college education ex-  
6 penses.

7       “(b) DESIGNATION.—A grant under this section shall  
8 be known as a ‘National Science and Mathematics Access  
9 to Retain Talent Grant’ or a ‘National SMART Grant’.

10       “(c) DEFINITION OF ELIGIBLE STUDENT.—In this  
11 section the term ‘eligible student’ means a student who,  
12 for the academic year for which the determination is  
13 made—

14               “(1) is eligible for a Federal Pell Grant; and

15               “(2) is in the student’s 3rd or 4th year at an  
16 institution of higher education majoring in—

17                       “(A) mathematics, science, technology, or  
18 engineering (as determined by the Secretary  
19 pursuant to regulations); or

20                       “(B) a foreign language that the Sec-  
21 retary, in consultation with the Director of Na-  
22 tional Intelligence, determines is critical to the  
23 national security of the United States.

24       “(d) GRANT AMOUNT.—The Secretary shall award a  
25 grant under this section in an amount that does not exceed  
26 \$1,500 for an academic year.

1       “(e) FUNDING RULE.—The Secretary shall use not  
2 more than \$200,000,000 of the funds appropriated under  
3 section 401A(e) for each of the fiscal years 2006 through  
4 2010 to carry out this section.

5       “(f) UNOBLIGATED FUNDS AVAILABLE FOR FED-  
6 ERAL GRANT ASSISTANCE.—The Secretary shall make  
7 any funds made available under subsection (e) for a fiscal  
8 year that remain unobligated at the end of the fiscal year  
9 available to carry out section 401A.

10       “(g) MATCHING ASSISTANCE.—An institution of  
11 higher education may, from funds provided from private  
12 sources, provide additional assistance to a student receiv-  
13 ing a grant under this section, except that the total assist-  
14 ance provided under this title to a student shall not exceed  
15 the student’s cost of attendance.”.

16 **SEC. 1003. LOAN LIMITS.**

17       (a) FEDERAL INSURANCE LIMITS.—Section  
18 425(a)(1)(A) of the Higher Education Act of 1965 (20  
19 U.S.C. 1075(a)(1)(A)) is amended—

20               (1) in clause (i)(I), by striking “\$2,625” and  
21               inserting “\$3,500”; and

22               (2) in clause (ii)(I), by striking “\$3,500” and  
23               inserting “\$4,500”.

1 (b) GUARANTEE LIMITS.—Section 428(b)(1)(A) of  
2 the Higher Education Act of 1965 (20 U.S.C.  
3 1078(b)(1)(A)) is amended—

4 (1) in clause (i)(I), by striking “\$2,625” and  
5 inserting “\$3,500”; and

6 (2) in clause (ii)(I), by striking “\$3,500” and  
7 inserting “\$4,500”.

8 (c) FEDERAL PLUS LOANS.—Section 428B of the  
9 Higher Education Act of 1965 (20 U.S.C. 1078–2) is  
10 amended—

11 (1) in subsection (a)(1)—

12 (A) in the matter preceding subparagraph  
13 (A), by striking “Parents” and inserting “A  
14 graduate or professional student or the par-  
15 ents”;

16 (B) in subparagraph (A), by striking “the  
17 parents” and inserting “the graduate or profes-  
18 sional student or the parents”; and

19 (C) in subparagraph (B), by striking “the  
20 parents” and inserting “the graduate or profes-  
21 sional student or the parents”;

22 (2) in subsection (b), by striking “any parent”  
23 and inserting “any graduate or professional student  
24 or any parent”;

1           (3) in subsection (c)(2), by striking “parent”  
2           and inserting “graduate or professional student or  
3           parent”; and

4           (4) in subsection (d)(1), by striking “the par-  
5           ent” and inserting “the graduate or professional stu-  
6           dent or the parent”.

7           (d) **UNSUBSIDIZED STAFFORD LOANS FOR GRAD-**  
8 **UATE OR PROFESSIONAL STUDENTS.**—Section  
9 428H(d)(2) of the Higher Education Act of 1965 (20  
10 U.S.C. 1078–8(d)(2)) is amended—

11           (1) in subparagraph (C), by striking “\$10,000”  
12           and inserting “\$12,000”; and

13           (2) in subparagraph (D)—

14           (A) in clause (i), by striking “\$5,000” and  
15           inserting “\$7,000”; and

16           (B) in clause (ii), by striking “\$5,000”  
17           and inserting “\$7,000”.

18 **SEC. 1004. PLUS LOAN INTEREST RATES AND ZERO SPE-**  
19 **CIAL ALLOWANCE PAYMENT.**

20           (a) **PLUS LOANS.**—Section 427A(1)(2) of the Higher  
21 Education Act of 1965 (20 U.S.C. 1077a(1)(2)) is amend-  
22 ed by striking “7.9 percent” and inserting “8.5 percent”.

23           (b) **CONFORMING AMENDMENTS FOR SPECIAL AL-**  
24 **LOWANCES.**—

1           (1) AMENDMENTS.—Subparagraph (I) of sec-  
2           tion 438(b)(2) of the Higher Education Act of 1965  
3           (20 U.S.C. 1087-1(b)(2)) is amended—

4                   (A) in clause (iii), by striking “, subject to  
5                   clause (v) of this subparagraph”;

6                   (B) in clause (iv), by striking “, subject to  
7                   clause (vi) of this subparagraph”; and

8                   (C) by striking clauses (v), (vi), and (vii)  
9                   and inserting the following:

10                           “(v) RECAPTURE OF EXCESS INTER-  
11                           EST.—

12                                   “(I) EXCESS CREDITED.—With  
13                                   respect to a loan on which the applica-  
14                                   ble interest rate is determined under  
15                                   section 427A(1) and for which the  
16                                   first disbursement of principal is  
17                                   made on or after April 1, 2006, if the  
18                                   applicable interest rate for any 3-  
19                                   month period exceeds the special at-  
20                                   lowance support level applicable to  
21                                   such loan under this subparagraph for  
22                                   such period, then an adjustment shall  
23                                   be made by calculating the excess in-  
24                                   terest in the amount computed under  
25                                   subclause (II) of this clause, and by

1 crediting the excess interest to the  
2 Government not less often than annu-  
3 ally.

4 “(II) CALCULATION OF EX-  
5 CESS.—The amount of any adjust-  
6 ment of interest on a loan to be made  
7 under this subsection for any quarter  
8 shall be equal to—

9 “(aa) the applicable interest  
10 rate minus the special allowance  
11 support level determined under  
12 this subparagraph; multiplied by

13 “(bb) the average daily prin-  
14 cipal balance of the loan (not in-  
15 cluding unearned interest added  
16 to principal) during such cal-  
17 endar quarter; divided by

18 “(cc) four.

19 “(III) SPECIAL ALLOWANCE SUP-  
20 PORT LEVEL.—For purposes of this  
21 clause, the term ‘special allowance  
22 support level’ means, for any loan, a  
23 number expressed as a percentage  
24 equal to the sum of the rates deter-  
25 mined under subclauses (I) and (II)

1 of clause (i), and applying any substi-  
 2 tution rules applicable to such loan  
 3 under clauses (ii), (iii), and (iv) in de-  
 4 termining such sum.”.

5 (2) EFFECTIVE DATE.—The amendments made  
 6 by this subsection shall not apply with respect to  
 7 any special allowance payment made under section  
 8 438 of the Higher Education Act of 1965 (20 U.S.C  
 9 1087–1) before April 1, 2006.

10 **SEC. 1005. REDUCTION OF LENDER INSURANCE REIM-**  
 11 **BURSEMENT RATES.**

12 (a) AMENDMENT.—Subparagraph (G) of section  
 13 428(b)(1) of the Higher Education Act of 1965 (20  
 14 U.S.C. 1078(b)(1)) is amended to read as follows:

15 “(G) insures 97 percent of the unpaid  
 16 principal of loans insured under the program;”.

17 (b) EFFECTIVE DATE.—The amendment made by  
 18 subsection (a) shall apply with respect to any loan made,  
 19 insured, or guaranteed under part B of title IV of the  
 20 Higher Education Act of 1965 (20 U.S.C. 1071 et seq.)  
 21 for which the first disbursement is made on or after Janu-  
 22 ary 1, 2006.

1 **SEC. 1006. GUARANTY AGENCY ORIGINATION FEE.**

2 (a) **AMENDMENT.**—Section 428(b)(1)(H) of the  
3 Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(H))  
4 is amended to read as follows:

5 “(H) provides for the collection, and the  
6 deposit in the Federal Fund established under  
7 section 422A(a), of a guaranty agency origina-  
8 tion fee of 1.0 percent of each disbursement of  
9 the proceeds of the loan, which fee may be pro-  
10 vided from funds in the guaranty agency’s oper-  
11 ating fund under section 422B or from other  
12 non-Federal funds;”.

13 (b) **EFFECTIVE DATE.**—The amendment made by  
14 subsection (a) shall be effective with respect to any loan  
15 guaranteed under part B of title IV of the Higher Edu-  
16 cation Act of 1965 on or after April 1, 2006.

17 **SEC. 1007. DEFERMENT OF STUDENT LOANS FOR MILITARY**  
18 **SERVICE.**

19 (a) **FEDERAL FAMILY EDUCATION LOANS.**—Section  
20 428(b)(1)(M) of the Higher Education Act of 1965 (20  
21 U.S.C. 1078(b)(1)(M)) is amended—

22 (1) by striking “or” at the end of clause (ii);

23 (2) by redesignating clause (iii) as clause (iv);

24 and

25 (3) by inserting after clause (ii) the following  
26 new clause:



1           “~~(iii)~~ not in excess of 3 years during  
2           which the borrower—

3                   “~~(I)~~ is serving on active duty  
4                   during a war or other military oper-  
5                   ation or national emergency; or

6                   “~~(II)~~ is performing qualifying  
7                   National Guard duty during a war or  
8                   other military operation or national  
9                   emergency; or”.

10       (b) DIRECT LOANS.—Section 455(f)(2) of the Higher  
11 Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amend-  
12 ed—

13           (1) by redesignating subparagraph (C) as sub-  
14           paragraph (D); and

15           (2) by inserting after subparagraph (B) the fol-  
16           lowing new subparagraph:

17                   “~~(C)~~ not in excess of 3 years during which  
18                   the borrower—

19                   “~~(i)~~ is serving on active duty during a  
20                   war or other military operation or national  
21                   emergency; or

22                   “~~(ii)~~ is performing qualifying National  
23                   Guard duty during a war or other military  
24                   operation or national emergency; or”.

1 (e) PERKINS LOANS.—Section 464(c)(2)(A) of the  
 2 Higher Education Act of 1965 (20 U.S.C.  
 3 1087dd(c)(2)(A)) is amended—

4 (1) by redesignating clauses (iii) and (iv) as  
 5 clauses (iv) and (v), respectively; and

6 (2) by inserting after clause (ii) the following  
 7 new clause:

8 “(iii) not in excess of 3 years during  
 9 which the borrower—

10 “(I) is serving on active duty  
 11 during a war or other military oper-  
 12 ation or national emergency; or

13 “(II) is performing qualifying  
 14 National Guard duty during a war or  
 15 other military operation or national  
 16 emergency;”.

17 (d) DEFINITIONS.—Section 481 of the Higher Edu-  
 18 cation Act of 1965 (20 U.S.C. 1088) is amended by add-  
 19 ing at the end the following new subsection:

20 “(d) DEFINITIONS FOR MILITARY DEFERMENTS.—  
 21 For purposes of parts B, D, and E of this title:

22 “(1) ACTIVE DUTY.—The term ‘active duty’ has  
 23 the meaning given such term in section 101(d)(1) of  
 24 title 10, United States Code, except that such term

1 does not include active duty for training or attend-  
2 ance at a service school.

3 “(2) MILITARY OPERATION.—The term ‘mili-  
4 tary operation’ means a contingency operation as  
5 such term is defined in section 101(a)(13) of title  
6 10, United States Code.

7 “(3) NATIONAL EMERGENCY.—The term ‘na-  
8 tional emergency’ means the national emergency by  
9 reason of certain terrorist attacks declared by the  
10 President on September 14, 2001, or subsequent na-  
11 tional emergencies declared by the President by rea-  
12 son of terrorist attacks.

13 “(4) SERVING ON ACTIVE DUTY.—The term  
14 ‘serving on active duty during a war or other mili-  
15 tary operation or national emergency’ means service  
16 by an individual who is—

17 “(A) a Reserve of an Armed Force ordered  
18 to active duty under section 12301(a),  
19 12301(g), 12302, 12304, or 12306 of title 10,  
20 United States Code, or any retired member of  
21 an Armed Force ordered to active duty under  
22 section 688 of such title, for service in connec-  
23 tion with a war or other military operation or  
24 national emergency, regardless of the location

1 at which such active duty service is performed;  
2 and

3 “(B) any other member of an Armed Force  
4 on active duty in connection with such emer-  
5 gency or subsequent actions or conditions who  
6 has been assigned to a duty station at a loca-  
7 tion other than the location at which such mem-  
8 ber is normally assigned.

9 “(5) QUALIFYING NATIONAL GUARD DUTY.—

10 The term ‘qualifying National Guard duty during a  
11 war or other military operation or national emer-  
12 gency’ means service as a member of the National  
13 Guard on full-time National Guard duty (as defined  
14 in section 101(d)(5) of title 10, United States Code)  
15 under a call to active service authorized by the  
16 President or the Secretary of Defense for a period  
17 of more than 30 consecutive days under section  
18 502(f) of title 32, United States Code, in connection  
19 with a war, other military operation, or a national  
20 emergency declared by the President and supported  
21 by Federal funds.”.

22 (e) RULE OF CONSTRUCTION.—Nothing in the  
23 amendments made by this section shall be construed to  
24 authorize any refunding of any repayment of a loan.

1           (f) **EFFECTIVE DATE.**—The amendments made by  
 2 this section shall apply with respect to loans for which the  
 3 first disbursement is made on or after July 1, 2001.

4 **SEC. 1008. REHABILITATION THROUGH CONSOLIDATION.**

5           Section 428(e) of the Higher Education Act of 1965  
 6 (20 U.S.C 1078(e)) is amended—

7           (1) in paragraph (2)(A)—

8                   (A) by inserting “(i)” after “including”;  
 9                   and

10                   (B) by inserting before the semicolon at  
 11 the end the following: “and (ii) requirements es-  
 12 tablishing procedures to preclude consolidation  
 13 lending from being an excessive proportion of  
 14 guaranty agency recoveries on defaulted loans  
 15 under this part”;

16           (2) in paragraph (2)(D), by striking “para-  
 17 graph (6)” and inserting “paragraph (6)(A)”;

18           (3) in paragraph (6)—

19                   (A) by inserting “(A)” before “For the  
 20 purposes of paragraph (2)(D),”;

21                   (B) by redesignating subparagraphs (A)  
 22 and (B) as clauses (i) and (ii), respectively; and

23                   (C) by adding at the end the following new  
 24 subparagraphs:

1           “(B) GUARANTY AGENCY OBLIGATIONS.—A  
2 guaranty agency shall—

3           “(i) on or after October 1, 2006—

4           “(I) not charge the borrower collec-  
5 tion costs in an amount in excess of 18.5  
6 percent of the outstanding principal and  
7 interest of a defaulted loan that is paid off  
8 through consolidation by the borrower  
9 under this title; and

10           “(II) remit to the Secretary a portion  
11 of the collection charge under subclause (I)  
12 equal to 8.5 percent of the outstanding  
13 principal and interest of such defaulted  
14 loan; and

15           “(ii) on and after October 1, 2009, remit  
16 to the Secretary the entire amount charged  
17 under clause (i)(I) with respect to each de-  
18 faulted loan that is paid off with excess consoli-  
19 dation proceeds.

20           “(C) EXCESS CONSOLIDATION PRO-  
21 CEEDS.—For purposes of subparagraph (B),  
22 the term ‘excess consolidation proceeds’ means,  
23 with respect to any guaranty agency for any  
24 Federal fiscal year beginning on or after Octo-  
25 ber 1, 2009, the proceeds of consolidation of de-

1           faulted loans under this title that exceed 45  
2           percent of the agency's total collections on de-  
3           faulted loans in such Federal fiscal year.”.

4 **SEC. 1009. SINGLE HOLDER RULE.**

5           Subparagraph (A) of section 428C(b)(1) of the High-  
6   er Education Act of 1965 (20 U.S.C. 1078-3(b)(1)) is  
7   amended by striking “and (i)” and all that follows through  
8   “so selected for consolidation”.

9 **SEC. 1010. DEFAULT REDUCTION PROGRAM.**

10          Section 428F(a)(1) of the Higher Education Act of  
11 1965 (20 U.S.C. 1078-6(a)(1)) is amended—

12           (1) in subparagraph (A), by striking “consecu-  
13          tive payments for 12 months” and inserting “9 pay-  
14          ments made within 20 days of the due date during  
15          10 consecutive months”;

16           (2) by redesignating subparagraph (C) as sub-  
17          paragraph (D); and

18           (3) by inserting after subparagraph (B) the fol-  
19          lowing new subparagraph:

20                   “(C) A guaranty agency may charge the  
21          borrower and retain collection costs in an  
22          amount not to exceed 18.5 percent of the out-  
23          standing principal and interest at the time of  
24          sale of a loan rehabilitated under subparagraph  
25          (A).”.

1 **SEC. 1011. REQUIREMENTS FOR DISBURSEMENTS OF STU-**  
 2 **DENT LOANS.**

3 Section 428G of the Higher Education Act of 1965  
 4 (20 U.S.C. 1078–7) is amended—

5 (1) in subsection (a)(3), by adding at the end  
 6 the following: “Notwithstanding section 422(d) of  
 7 the Higher Education Amendments of 1998, this  
 8 paragraph shall be effective beginning on the date of  
 9 enactment of the Higher Education Amendments of  
 10 2005.”; and

11 (2) in subsection (b)(1), by adding at the end  
 12 the following: “Notwithstanding section 422(d) of  
 13 the Higher Education Amendments of 1998, the sec-  
 14 ond sentence of this paragraph shall be effective be-  
 15 ginning on the date of enactment of the Higher  
 16 Education Amendments of 2005.”.

17 **SEC. 1012. SPECIAL INSURANCE AND REINSURANCE RULES.**

18 (a) **REPEAL.**—Section 428I of the Higher Education  
 19 Act of 1965 (20 U.S.C. 1078–9) is repealed.

20 (b) **CONFORMING AMENDMENTS.**—Part A of title IV  
 21 of the Higher Education Act of 1965 (20 U.S.C. 1070 et  
 22 seq.) is amended—

23 (1) in section 428(c)(1)—

24 (A) by striking subparagraph (D); and



1           (B) by redesignating subparagraphs (E)  
2           and (F) as subparagraphs (D) and (E), respec-  
3           tively; and

4           (2) in section 438(b)(5), by striking the matter  
5           following subparagraph (B).

6 **SEC. 1013. SCHOOL AS LENDER MORATORIUM.**

7           Section 435(d)(2) of the Higher Education Act of  
8 1965 (20 U.S.C. 1085(d)(2)) is amended—

9           (1) in subparagraph (E), by striking “and”  
10          after the semicolon; and

11          (2) by inserting before the matter following  
12          subparagraph (F) the following:

13               “(G) shall have met the requirements of  
14               subparagraphs (A) through (F), and made  
15               loans under this part, on or before August 31,  
16               2005;

17               “(H) shall hold each loan the eligible insti-  
18               tution makes under this part to a student en-  
19               rolled at the eligible institution until the stu-  
20               dent enters into a grace period described in sec-  
21               tion 427(a)(2)(B) or 428(b)(7);

22               “(I) shall use the proceeds from the sale of  
23               a loan made under this part, for need based  
24               grant aid programs, except that such pro-  
25               ceeds—

1           “(i) shall not be used to provide a  
2           grant to a student for an academic year in  
3           an amount that is more than the student’s  
4           cost of attendance for the academic year;  
5           and

6           “(ii) shall supplement and not sup-  
7           plant other Federal, State, and institu-  
8           tional grant aid; and

9           “(J) shall not be a foundation or alumni  
10          organization;”.

11 **SEC. 1014. PERMANENT REDUCTION OF SPECIAL ALLOW-**  
12 **ANCE PAYMENTS FOR LOANS FROM THE PRO-**  
13 **CEEDS OF TAX EXEMPT ISSUES.**

14       (a) **TECHNICAL CLARIFICATION.**—The matter pre-  
15       ceding paragraph (1) of section 2 of the Taxpayer-Teacher  
16       Protection Act of 2004 (Public Law 108–409; 118 Stat.  
17       2299) is amended by inserting “of the Higher Education  
18       Act of 1965” after “Section 438(b)(2)(B)”. The amend-  
19       ment made by the preceding sentence shall be effective as  
20       if enacted on October 30, 2004.

21       (b) **AMENDMENT.**—Section 438(b)(2)(B) of the  
22       Higher Education Act of 1965 (20 U.S.C. 1087–  
23       1(b)(2)(B)) is amended—

24           (1) in clause (iv), by striking “and before Janu-  
25       ary 1, 2006;” and

1           (2) in clause (v)(H)—

2                   (A) in item (aa), by striking “and before  
3           January 1, 2006,”;

4                   (B) in item (bb), by striking “and before  
5           January 1, 2006,”; and

6                   (C) in item (cc), by striking “and before  
7           January 1, 2006.”

8   **SEC. 1015. LOAN FEES FROM LENDERS.**

9           (a) **AMENDMENT.**—Paragraph (2) of section  
10 438(d)(2) (20 U.S.C. 1087–1(d)) is amended to read as  
11 follows:

12                   “~~(2) AMOUNT OF LOAN FEES.—~~

13                           “(A) **IN GENERAL.**—Except as provided in  
14                   subparagraph (B), with respect to any loan  
15                   made under this part for which the first dis-  
16                   bursement was made on or after October 1,  
17                   1993, the amount of the loan fee that shall be  
18                   deducted under paragraph (1) shall be equal to  
19                   0.50 percent of the principal amount of the  
20                   loan.

21                           “(B) **CONSOLIDATION LOANS.**—With re-  
22                   spect to any loan made under section 428C on  
23                   or after April 1, 2006, the amount of the loan  
24                   fee that shall be deducted under paragraph (1)



1           “(7) REPAYMENT PLAN FOR PUBLIC SECTOR  
2 EMPLOYEES.—

3           “(A) IN GENERAL.—The Secretary shall  
4 forgive the balance due on any loan made under  
5 this part for a borrower—

6           “(i) who has made 120 payments on  
7 such loan pursuant to income contingent  
8 repayment; and

9           “(ii) who is employed, and was em-  
10 ployed for the 10-year period in which the  
11 borrower made the 120 payments de-  
12 scribed in clause (i); in a public sector job.

13           “(B) PUBLIC SECTOR JOB.—In this para-  
14 graph, the term ‘public sector job’ means a full-  
15 time job in emergency management, govern-  
16 ment, public safety, law enforcement, public  
17 health, education (including early childhood  
18 education); or public interest legal services (in-  
19 cluding prosecution or public defense).

20           “(8) RETURN TO STANDARD REPAYMENT.—A  
21 borrower who is repaying a loan made under this  
22 part pursuant to income contingent repayment may  
23 choose, at any time, to terminate repayment pursu-  
24 ant to income contingent repayment and repay such  
25 loan under the standard repayment plan.”.

1 **SEC. 1018. INCOME PROTECTION ALLOWANCE FOR DE-**  
2 **PENDENT STUDENTS.**

3 (a) **AMENDMENT.**—Section 475(g)(2)(D) (20 U.S.C.  
4 1087oo(g)(2)(D)) is amended by striking “\$2,200” and  
5 inserting “\$3,000”.

6 (b) **EFFECTIVE DATE.**—The amendment made by  
7 paragraph (1) shall apply with respect to determinations  
8 of need for periods of enrollment beginning on or after  
9 July 1, 2006.

10 **SEC. 1019. SIMPLIFIED NEED TEST AND AUTOMATIC ZERO**  
11 **IMPROVEMENTS.**

12 Section 479(c) of the Higher Education Act of 1965  
13 (20 U.S.C. 10877ss(c)) is amended—

14 (1) in paragraph (1), by striking subparagraph  
15 (B) and inserting the following:

16 “(B) the sum of the adjusted gross income  
17 of the parents is less than or equal to \$20,000;  
18 or”;

19 (2) in paragraph (2), by striking subparagraph  
20 (B) and inserting the following:

21 “(B) the sum of the adjusted gross income  
22 of the student and spouse (if appropriate) is  
23 less than or equal to \$20,000.”.

1 **SEC. 1020. LOAN FORGIVENESS FOR TEACHERS.**

2 Section ~~3(b)(3)~~ of the Taxpayer-Teacher Protection  
 3 Act of 2004 (~~20 U.S.C. 1078–10~~ note) is amended by  
 4 striking “, and before October 1, 2005”.

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

6 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 7 *“Higher Education Amendments of 2005”.*

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

*Sec. 1. Short title; table of contents.*

*Sec. 2. References.*

*Sec. 3. General effective date.*

*TITLE I—GENERAL PROVISIONS*

*Sec. 101. Additional definitions.*

*Sec. 102. General definition of institution of higher education.*

*Sec. 103. Definition of institution of higher education for purposes of title IV pro-*  
*grams.*

*Sec. 104. Protection of student speech and association rights.*

*Sec. 105. National Advisory Committee on Institutional Quality and Integrity.*

*Sec. 106. Drug and alcohol abuse prevention.*

*Sec. 107. Prior rights and obligations.*

*Sec. 108. Cost of higher education.*

*Sec. 109. Performance-based organization for the delivery of Federal student fi-*  
*nancial assistance.*

*Sec. 110. Procurement flexibility.*

*TITLE II—TEACHER QUALITY ENHANCEMENT*

*Sec. 201. Teacher quality enhancement grants for States and partnerships.*

*TITLE III—INSTITUTIONAL AID*

*Sec. 301. Program purpose.*

*Sec. 302. Definitions; eligibility.*

*Sec. 303. American Indian tribally controlled colleges and universities.*

*Sec. 304. Alaska native and native Hawaiian-serving institutions.*

*Sec. 305. Native American-serving, nontribal institutions.*

*Sec. 306. Part B definitions.*

*Sec. 307. Grants to institutions.*

*Sec. 308. Allotments to institutions.*

*Sec. 309. Professional or graduate institutions.*

*Sec. 310. Authorization of appropriations.*

*Sec. 311. Technical corrections.*

## TITLE IV—STUDENT ASSISTANCE

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

- Sec. 401. *Federal Pell Grants.*  
 Sec. 402. *Federal trio programs.*  
 Sec. 403. *Gaining early awareness and readiness for undergraduate programs.*  
 Sec. 404. *Academic achievement incentive scholarships.*  
 Sec. 405. *Federal supplemental educational opportunity grants.*  
 Sec. 406. *Leveraging Educational Assistance Partnership Program.*  
 Sec. 407. *Special programs for students whose families are engaged in migrant and seasonal farmwork.*  
 Sec. 408. *Robert C. Byrd Honors Scholarship Program.*  
 Sec. 409. *Child care access means parents in school.*  
 Sec. 410. *Learning anytime anywhere partnerships.*

## PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

- Sec. 421. *Extension of authorities.*  
 Sec. 422. *Federal payments to reduce student interest costs.*  
 Sec. 423. *Federal consolidation loans.*  
 Sec. 424. *Default Reduction Program.*  
 Sec. 425. *Requirements for disbursement of student loans.*  
 Sec. 426. *Reports to credit bureaus and institutions of higher education.*  
 Sec. 427. *Common forms and formats.*  
 Sec. 428. *Student loan information by eligible borrowers.*  
 Sec. 429. *Consumer education information.*  
 Sec. 430. *Definition of eligible lender.*  
 Sec. 431. *Repayment by the Secretary of loans of bankrupt, deceased, or disabled borrowers; treatment of borrowers attending schools that fail to provide a refund, attending closed schools, or falsely certified as eligible to borrow.*

## PART C—FEDERAL WORK-STUDY PROGRAMS

- Sec. 441. *Authorization of appropriations.*  
 Sec. 442. *Allowance for books and supplies.*  
 Sec. 443. *Grants for Federal work-study programs.*  
 Sec. 444. *Job location and development programs.*  
 Sec. 445. *Work colleges.*

## PART D—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

- Sec. 451. *Funds for administrative expenses.*

## PART E—FEDERAL PERKINS LOANS

- Sec. 461. *Program authority.*  
 Sec. 462. *Terms of loans.*  
 Sec. 463. *Cancellation of loans for certain public service.*  
 Sec. 464. *Federal capital contribution recovery.*

## PART F—NEED ANALYSIS

- Sec. 471. *Cost of attendance.*  
 Sec. 472. *Discretion of student financial aid administrators.*  
 Sec. 473. *Definitions.*



*PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE*

- Sec. 481. Definitions.*
- Sec. 482. Compliance calendar.*
- Sec. 483. Forms and regulations.*
- Sec. 484. Student eligibility.*
- Sec. 485. Statute of limitations and State court judgments.*
- Sec. 486. Institutional refunds.*
- Sec. 487. Institutional and financial assistance for students.*
- Sec. 488. National student loan data system.*
- Sec. 489. Early awareness of financial aid eligibility.*
- Sec. 490. College access initiative.*
- Sec. 491. Program participation agreements.*
- Sec. 492. Regulatory relief and improvement.*
- Sec. 493. Transfer of allotments.*
- Sec. 494. Wage garnishment requirement.*
- Sec. 495. Purpose of administrative payments.*
- Sec. 496. Advisory Committee on Student Financial Assistance.*
- Sec. 497. Regional meetings.*
- Sec. 498. Year 2000 requirements at the Department.*

*PART H—PROGRAM INTEGRITY*

- Sec. 499. Recognition of accrediting agency or association.*
- Sec. 499A. Administrative capacity standard.*
- Sec. 499B. Program review and data.*

*TITLE V—DEVELOPING INSTITUTIONS*

- Sec. 501. Definitions.*
- Sec. 502. Authorized activities.*
- Sec. 503. Duration of grant.*
- Sec. 504. Postbaccalaureate opportunities for Hispanic Americans.*
- Sec. 505. Applications.*
- Sec. 506. Cooperative arrangements.*
- Sec. 507. Authorization of appropriations.*

*TITLE VI—INTERNATIONAL EDUCATION PROGRAMS*

- Sec. 601. Findings.*
- Sec. 602. Graduate and undergraduate language and area centers and programs.*
- Sec. 603. Undergraduate international studies and foreign language programs.*
- Sec. 604. Research; studies.*
- Sec. 605. Technological innovation and cooperation for foreign information access.*
- Sec. 606. Selection of certain grant recipients.*
- Sec. 607. American overseas research centers.*
- Sec. 608. Authorization of appropriations for international and foreign language studies.*
- Sec. 609. Centers for international business education.*
- Sec. 610. Education and training programs.*
- Sec. 611. Authorization of appropriations for business and international education programs.*
- Sec. 612. Minority foreign service professional development program.*
- Sec. 613. Institutional development.*
- Sec. 614. Study abroad program.*
- Sec. 615. Advanced degree in international relations.*

- Sec. 616. Internships.*  
*Sec. 617. Financial assistance.*  
*Sec. 618. Report.*  
*Sec. 619. Gifts and donations.*  
*Sec. 620. Authorization of appropriations for the Institute for International Public Policy.*  
*Sec. 621. Definitions.*  
*Sec. 622. Assessment and enforcement.*

*TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS*

- Sec. 701. Purpose.*  
*Sec. 702. Allocation of Jacob K. Javits Fellowships.*  
*Sec. 703. Stipends.*  
*Sec. 704. Authorization of appropriations for the Jacob K. Javits Fellowship Program.*  
*Sec. 705. Institutional eligibility under the Graduate Assistance in Areas of National Need Program.*  
*Sec. 706. Awards to graduate students.*  
*Sec. 707. Additional assistance for cost of education.*  
*Sec. 708. Authorization of appropriations for the Graduate Assistance in Areas of National Need Program.*  
*Sec. 709. Authorization of appropriations for the Thurgood Marshall Legal Educational Opportunity Program.*  
*Sec. 710. Fund for the improvement of postsecondary education.*  
*Sec. 711. Special projects.*  
*Sec. 712. Authorization of appropriations for the fund for the improvement of postsecondary education.*  
*Sec. 713. Repeal of the urban community service program.*  
*Sec. 714. Grants authorized for demonstration projects to ensure students with disabilities receive a quality higher education.*  
*Sec. 715. Applications for demonstration projects to ensure students with disabilities receive a quality higher education.*  
*Sec. 716. Authorization of appropriations for the demonstration projects to ensure students with disabilities receive a quality higher education.*

*TITLE VIII—MISCELLANEOUS*

- Sec. 801. Miscellaneous.*

*TITLE IX—AMENDMENTS TO OTHER LAWS*

*PART A—EDUCATION OF THE DEAF ACT OF 1986*

- Sec. 901. Laurent Clerc National Deaf Education Center.*  
*Sec. 902. Agreement with Gallaudet University.*  
*Sec. 903. Agreement for the National Technical Institute for the Deaf.*  
*Sec. 904. Cultural experiences grants.*  
*Sec. 905. Audit.*  
*Sec. 906. Reports.*  
*Sec. 907. Monitoring, evaluation, and reporting.*  
*Sec. 908. Liaison for educational programs.*  
*Sec. 909. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf.*  
*Sec. 910. Oversight and effect of agreements.*  
*Sec. 911. International students.*

- Sec. 912. Research priorities.*  
*Sec. 913. Authorization of appropriations.*

*PART B—UNITED STATES INSTITUTE OF PEACE ACT*

- Sec. 921. United States Institute of Peace Act.*

*PART C—THE HIGHER EDUCATION AMENDMENTS OF 1998*

- Sec. 931. Repeals.*  
*Sec. 932. Grants to States for workplace and community transition training for incarcerated youth offenders.*

*PART D—INDIAN EDUCATION*

*SUBPART 1—TRIBAL COLLEGES AND UNIVERSITIES*

- Sec. 941. Reauthorization of the Tribally Controlled College or University Assistance Act of 1978.*

*SUBPART 2—NAVAJO HIGHER EDUCATION*

- Sec. 945. Short title.*  
*Sec. 946. Reauthorization of Navajo Community College Act.*

*TITLE X—RECONCILIATION*

*PART A—EDUCATION PROVISIONS*

- Sec. 1001. Provisional grant assistance program.*  
*Sec. 1002. National SMART grants.*  
*Sec. 1003. Loan limits.*  
*Sec. 1004. PLUS loan interest rates and zero special allowance payment.*  
*Sec. 1005. Reduction of lender insurance reimbursement rates.*  
*Sec. 1006. Guaranty agency origination fee.*  
*Sec. 1007. Deferment of student loans for military service.*  
*Sec. 1008. Recovery through consolidation.*  
*Sec. 1009. Single holder rule.*  
*Sec. 1010. Default reduction program.*  
*Sec. 1011. Requirements for disbursements of student loans.*  
*Sec. 1012. Special insurance and reinsurance rules.*  
*Sec. 1013. School as lender moratorium.*  
*Sec. 1014. Permanent reduction of special allowance payments for loans from the proceeds of tax exempt issues.*  
*Sec. 1015. Special allowances.*  
*Sec. 1016. Origination fee.*  
*Sec. 1017. Income contingent repayment for public sector employees.*  
*Sec. 1018. Family contribution for dependent students.*  
*Sec. 1019. Family contribution for independent students without dependents other than a spouse.*  
*Sec. 1020. Family contribution for independent students with dependents other than a spouse.*  
*Sec. 1021. Regulations; updated tables.*  
*Sec. 1022. Simplified need test and automatic zero improvements.*  
*Sec. 1023. Loan forgiveness for teachers.*  
*Sec. 1024. Effective date.*

## PART B—HURRICANE KATRINA HIGHER EDUCATION RECOVERY

Sec. 1051. Short title.

Sec. 1052. Definitions.

Sec. 1053. Waiver authority and modifications to certain provisions of the Higher Education Act of 1965.

Sec. 1054. General waiver authority and required consultation.

Sec. 1055. Notice of waivers, modifications, or extensions.

Sec. 1056. Regulatory requirements inapplicable.

Sec. 1057. Department of Education Inspector General audit and report.

Sec. 1058. Sunset provision.

1 **SEC. 2. REFERENCES.**

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

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

9 *Except as otherwise provided in this Act or the amend-*  
 10 *ments made by this Act, the amendments made by this Act*  
 11 *shall take effect on July 1, 2006.*

12 **TITLE I—GENERAL PROVISIONS**

13 **SEC. 101. ADDITIONAL DEFINITIONS.**

14 (a) AMENDMENT.—Section 103 (20 U.S.C. 1003) is  
 15 amended—

16 (1) by redesignating paragraphs (1) through (16)  
 17 as paragraphs (2) through (17), respectively; and

18 (2) by inserting before paragraph (2) (as redesign-  
 19 ated by paragraph (1)) the following:

1           “(1) *AUTHORIZING COMMITTEES.*—*The term ‘au-*  
2           *thorizing committees’ means the Committee on*  
3           *Health, Education, Labor, and Pensions of the Senate*  
4           *and the Committee on Education and the Workforce*  
5           *of the House of Representatives.’”.*

6           (b) *CONFORMING AMENDMENTS.*—*The Act (20 U.S.C.*  
7           *1001 et seq.) is amended—*

8           (1) *in section 131(a)(3)(B) (20 U.S.C.*  
9           *1015(a)(3)(B)), by striking “Committee on Labor and*  
10           *Human Resources of the Senate and the Committee*  
11           *on Education and the Workforce of the House of Rep-*  
12           *resentatives” and inserting “authorizing committees”;*

13           (2) *in section 141(d)(4)(B) (20 U.S.C.*  
14           *1018(d)(4)(B)), by striking “Committee on Education*  
15           *and the Workforce of the House of Representatives*  
16           *and the Committee on Labor and Human Resources*  
17           *of the Senate” and inserting “authorizing commit-*  
18           *tees”;*

19           (3) *in section 207(c)(1) (20 U.S.C. 1027(c)(1)),*  
20           *by striking “Committee on Labor and Human Re-*  
21           *sources of the Senate and the Committee on Edu-*  
22           *cation and the Workforce of the House of Representa-*  
23           *tives” and inserting “authorizing committees”;*

24           (4) *in section 401(f)(3) (20 U.S.C. 1070a(f)(3)),*  
25           *by striking “to the Committee on Appropriations”*

1       *and all that follows through “House of Representa-*  
2       *tives” and inserting “to the Committee on Appropria-*  
3       *tions of the Senate, the Committee on Appropriations*  
4       *of the House of Representatives, and the authorizing*  
5       *committees”;*

6             (5) *in section 428 (20 U.S.C. 1078)—*

7                 (A) *in subsection (c)(9)(K), by striking*  
8                 *“House Committee on Education and the Work-*  
9                 *force and the Senate Committee on Labor and*  
10                *Human Resources” and inserting “authorizing*  
11                *committees”;*

12               (B) *in the matter following paragraph (2)*  
13               *of subsection (g), by striking “Committee on*  
14               *Labor and Human Resources of the Senate and*  
15               *the Committee on Education and the Workforce*  
16               *of the House of Representatives” and inserting*  
17                *“authorizing committees”; and*

18               (C) *in subsection (n)(4), “Committee on*  
19                *Education and the Workforce of the House of*  
20                *Representatives and the Committee on Labor*  
21                *and Human Resources of the Senate” and insert-*  
22                *ing “authorizing committees”;*

23             (6) *in section 428A (20 U.S.C. 1078–1)—*

24                 (A) *in the matter preceding subparagraph*  
25                 (A) *of subsection (a)(4), by striking “Committee*

1           *on Labor and Human Resources of the Senate*  
2           *and the Committee on Education and the Work-*  
3           *force of the House of Representatives” and in-*  
4           *serting “authorizing committees”; and*

5           *(B) in subsection (c)—*

6           *(i) in the matter preceding subpara-*  
7           *graph (A) of paragraph (2), by striking*  
8           *“Chairperson” and all that follows through*  
9           *“House of Representatives” and inserting*  
10           *“Chairpersons and Ranking Members of the*  
11           *authorizing committees”;*

12           *(ii) in paragraph (3), by striking*  
13           *“Chairperson” and all that follows through*  
14           *“House of Representatives” and inserting*  
15           *“Chairpersons and Ranking Members of the*  
16           *authorizing committees”; and*

17           *(iii) in paragraph (5), by striking*  
18           *“Chairperson” and all that follows through*  
19           *“House of Representatives” and inserting*  
20           *“Chairpersons and Ranking Members of the*  
21           *authorizing committees”;*

22           *(7) in section 432 (20 U.S.C. 1082)—*

23           *(A) in subsection (f)(1)(C), by striking “the*  
24           *Committee on Education and the Workforce of*  
25           *the House of Representatives or the Committee*

1           *on Labor and Human Resources of the Senate”*  
2           *and inserting “either of the authorizing commit-*  
3           *tees”; and*

4           *(B) in the matter following subparagraph*  
5           *(D) of subsection (n)(3), by striking “Committee*  
6           *on Education and the Workforce of the House of*  
7           *Representatives and the Committee on Labor*  
8           *and Human Resources of the Senate” and insert-*  
9           *ing “authorizing committees”;*

10          *(8) in section 437(c)(1) (20 U.S.C. 1087(c)(1)),*  
11          *by striking “Committee on Education and the Work-*  
12          *force of the House of Representatives and the Com-*  
13          *mittee on Labor and Human Resources of the Senate”*  
14          *and inserting “authorizing committees”;*

15          *(9) in section 439 (20 U.S.C. 1087–2)—*

16                 *(A) in subsection (d)(1)(E)(iii), by striking*  
17                 *“advise the Chairman” and all that follows*  
18                 *through “House of Representatives” and insert-*  
19                 *ing “advise the Chairpersons and Ranking Mem-*  
20                 *bers of the authorizing committees”;*

21                 *(B) in subsection (r)—*

22                         *(i) in paragraph (3), by striking “in-*  
23                         *form the Chairman” and all that follows*  
24                         *through “House of Representatives,” and in-*  
25                         *serting “inform the Chairpersons and*



1           *Ranking Members of the authorizing com-*  
2           *mittees”;*

3           (ii) *in paragraph (5)(B), by striking*  
4           *“plan, to the Chairman” and all that fol-*  
5           *lows through “Education and Labor” and*  
6           *inserting “plan, to the Chairpersons and*  
7           *Ranking Members of the authorizing com-*  
8           *mittees”;*

9           (iii) *in paragraph (6)(B)—*

10           (I) *by striking “plan, to the*  
11           *Chairman” and all that follows*  
12           *through “House of Representatives”*  
13           *and inserting “plan, to the Chair-*  
14           *persons and Ranking Members of the*  
15           *authorizing committees”; and*

16           (II) *by striking “Chairmen and*  
17           *ranking minority members of such*  
18           *Committees” and inserting “Chair-*  
19           *persons and Ranking Members of the*  
20           *authorizing committees”;*

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

1           *the Chairpersons and Ranking Members of*  
2           *the authorizing committees, and to”;* and

3                   *(v) in the matter preceding subpara-*  
4           *graph (A) of paragraph (10), by striking*  
5           *“days to the Chairman” and all that follows*  
6           *through “Education and Labor” and insert-*  
7           *ing “days to the Chairpersons and Ranking*  
8           *Members of the authorizing committees”;*  
9           *and*

10           *(C) in subsection (s)(2)—*

11                   *(i) in the matter preceding clause (i) of*  
12           *subparagraph (A), by striking “Treasury*  
13           *and to the Chairman” and all that follows*  
14           *through “House of Representatives” and in-*  
15           *serting “Treasury and to the Chairpersons*  
16           *and Ranking Members of the authorizing*  
17           *committees”;* and

18                   *(ii) in subparagraph (B), by striking*  
19           *“Treasury and to the Chairman” and all*  
20           *that follows through “House of Representa-*  
21           *tives” and inserting “Treasury and to the*  
22           *Chairpersons and Ranking Members of the*  
23           *authorizing committees”;*

24                   *(10) in section 455(b)(8)(B) (20 U.S.C.*  
25           *1087e(b)(8)(B)), by striking “Committee on Labor*

1 *and Human Resources of the Senate and the Com-*  
2 *mittee on Education and the Workforce of the House*  
3 *of Representatives” and inserting “authorizing com-*  
4 *mittees”;*

5 (11) *in section 482(d) (20 U.S.C. 1089(d)), by*  
6 *striking “Committee on Labor and Human Resources*  
7 *of the Senate and the Committee on Education and*  
8 *Labor of the House of Representatives” and inserting*  
9 *“authorizing committees”;*

10 (12) *in section 483(c) (20 U.S.C. 1090(c)), by*  
11 *striking “Committee on Labor and Human Resources*  
12 *of the Senate and the Committee on Education and*  
13 *the Workforce of the House of Representatives” and*  
14 *inserting “authorizing committees”;*

15 (13) *in section 485 (20 U.S.C. 1092)—*

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

21 (B) *in subsection (g)(4)(B), by striking*  
22 *“Committee on Education and the Workforce of*  
23 *the House of Representatives and the Committee*  
24 *on Labor and Human Resources of the Senate”*  
25 *and inserting “authorizing committees”;*

1           (14) *in section 486 (20 U.S.C. 1093)—*

2                   (A) *in subsection (e), by striking “Com-*  
3 *mittee on Labor and Human Resources of the*  
4 *Senate and the Committee on Education and the*  
5 *Workforce of the House of Representatives” and*  
6 *inserting “authorizing committees”; and*

7                   (B) *in subsection (f)(3)—*

8                           (i) *in the matter preceding clause (i) of*  
9 *subparagraph (A), by striking “Committee*  
10 *on Labor and Human Resources of the Sen-*  
11 *ate and the Committee on Education and*  
12 *the Workforce of the House of Representa-*  
13 *tives” and inserting “authorizing commit-*  
14 *tees”; and*

15                           (ii) *in the matter preceding clause (i)*  
16 *of subparagraph (B), by striking “Com-*  
17 *mittee on Labor and Human Resources of*  
18 *the Senate and the Committee on Education*  
19 *and the Workforce of the House of Rep-*  
20 *resentatives” and inserting “authorizing*  
21 *committees”;*

22           (15) *in section 487A(a)(5) (20 U.S.C.*  
23 *1094a(a)(5)), by striking “Committee on Labor and*  
24 *Human Resources of the Senate and the Committee*  
25 *on Education and the Workforce of the House of Rep-*

1        *representatives” and inserting “authorizing committees”;*  
2        *and*

3                *(16) in section 498B(d) (20 U.S.C. 1099c-*  
4        *2(d))—*

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

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

15        **SEC. 102. GENERAL DEFINITION OF INSTITUTION OF HIGH-**  
16                        **ER EDUCATION.**

17        *Section 101 (20 U.S.C. 1001) is amended—*

18                *(1) in subsection (a)(3), by inserting “, or*  
19        *awards a degree that is acceptable for admission to*  
20        *a graduate or professional degree program, subject to*  
21        *the review and approval by the Secretary” after “such*  
22        *a degree”; and*

23                *(2) by striking subsection (b)(2) and inserting*  
24        *the following:*

1           “(2) a public or nonprofit private educational  
2           institution in any State that, in lieu of the require-  
3           ment in subsection (a)(1), admits as regular students  
4           persons—

5                   “(A) who meet the requirements of section  
6                   484(d)(3);

7                   “(B) who are beyond the age of compulsory  
8                   school attendance in the State in which the insti-  
9                   tution is located; or

10                   “(C) who are dually or concurrently en-  
11                   rolled in such institution and a secondary  
12                   school.”.

13 **SEC. 103. DEFINITION OF INSTITUTION OF HIGHER EDU-**  
14 **CATION FOR PURPOSES OF TITLE IV PRO-**  
15 **GRAMS.**

16           Section 102 (20 U.S.C. 1002) is amended—

17                   (1) in subsection (a)—

18                           (A) by striking paragraph (2)(A)(i) and in-  
19                           serting the following:

20                                   “(i) in the case of a graduate medical  
21                                   school located outside the United States—

22   “(I) at least 60 percent of those  
23   enrolled in, and at least 60 percent of  
24   the graduates of, the graduate medical  
25   school outside the United States were

1           not persons described in section  
2           484(a)(5) in the year preceding the  
3           year for which a student is seeking a  
4           loan under part B of title IV; and

5                   “(II) at least 60 percent of the in-  
6           dividuals who were students or grad-  
7           uates of the graduate medical school  
8           outside the United States or Canada  
9           (both nationals of the United States  
10          and others) taking the examinations  
11          administered by the Educational Com-  
12          mission for Foreign Medical Graduates  
13          received a passing score in the year  
14          preceding the year for which a student  
15          is seeking a loan under part B of title  
16          IV; or”;

17                   (B) by striking paragraph (3) and inserting  
18          the following:

19                   “(3) LIMITATIONS BASED ON ENROLLMENT.—An  
20          institution shall not be considered to meet the defini-  
21          tion of an institution of higher education in para-  
22          graph (1) if such institution—

23                           “(A) has a student enrollment in which  
24                           more than 25 percent of the students are incar-  
25                           cerated, except that the Secretary may waive the

1           *limitation contained in this subparagraph for a*  
2           *nonprofit institution that provides a 2- or 4-year*  
3           *program of instruction (or both) for which the*  
4           *institution awards a bachelor's degree, or an as-*  
5           *sociate's degree or a postsecondary diploma, re-*  
6           *spectively; or*

7           “(B) *has a student enrollment in which*  
8           *more than 50 percent of the students do not have*  
9           *a secondary school diploma or its recognized*  
10          *equivalent, and does not provide a 2- or 4-year*  
11          *program of instruction (or both) for which the*  
12          *institution awards a bachelor's degree or an as-*  
13          *sociate's degree, respectively, except that the Sec-*  
14          *retary may waive the limitation contained in*  
15          *this subparagraph if a nonprofit institution*  
16          *demonstrates to the satisfaction of the Secretary*  
17          *that the institution exceeds such limitation be-*  
18          *cause the institution serves, through contracts*  
19          *with Federal, State, or local government agen-*  
20          *cies, significant numbers of students who do not*  
21          *have a secondary school diploma or its recog-*  
22          *nized equivalent.”;*

23          (C) *by redesignating paragraphs (4), (5),*  
24          *and (6), as paragraphs (5), (6), and (7), respec-*  
25          *tively; and*



1                   (D) by inserting after paragraph (3) the fol-  
2                   lowing:

3                   “(4) *LIMITATIONS BASED ON MODE OF DELIV-*  
4                   *ERY.—*

5                   “(A) *IN GENERAL.—An institution shall not*  
6                   *be considered to meet the definition of an institu-*  
7                   *tion of higher education in paragraph (1) if such*  
8                   *institution—*

9                   “(i) *offers more than 50 percent of such*  
10                   *institution’s courses by correspondence, un-*  
11                   *less the institution is an institution that*  
12                   *meets the definition in section 3(3)(C) of the*  
13                   *Carl D. Perkins Vocational and Technical*  
14                   *Education Act of 1998; or*

15                   “(ii) *enrolls 50 percent or more of the*  
16                   *institution’s students in correspondence*  
17                   *courses, unless the institution is an institu-*  
18                   *tion that meets the definition in such sec-*  
19                   *tion 3(3)(C), except that the Secretary, at*  
20                   *the request of such institution, may waive*  
21                   *the applicability of this subparagraph to*  
22                   *such institution for good cause, as deter-*  
23                   *mined by the Secretary in the case of an in-*  
24                   *stitution of higher education that provides a*  
25                   *2- or 4-year program of instruction (or*

1           *both) for which the institution awards an*  
2           *associate or baccalaureate degree, respec-*  
3           *tively.*

4           “(B) *DISTANCE EDUCATION PROGRAM ELI-*  
5           *GIBILITY.—Notwithstanding subparagraph (A),*  
6           *an institution of higher education, other than a*  
7           *foreign institution, that offers education or*  
8           *training programs principally through distance*  
9           *education shall be considered to meet the defini-*  
10          *tion of an institution of higher education in*  
11          *paragraph (1) if such institution—*

12           *“(i) has been evaluated and determined*  
13           *(before or after the date of enactment of the*  
14           *Higher Education Amendments of 2005) to*  
15           *have the capability to effectively deliver dis-*  
16           *tance education programs by an accrediting*  
17           *agency or association that—*

18           *“(I) is recognized by the Secretary*  
19           *under title IV; and*

20           *“(II) has evaluation of distance*  
21           *education programs within the scope of*  
22           *its recognition, as described in section*  
23           *496(n)(3);*

24           *“(ii) is otherwise eligible to participate*  
25           *in programs authorized under title IV;*

1           “(iii) has not had its participation in  
2 programs under title IV suspended or termi-  
3 nated within the previous 5 years;

4           “(iv) has not had, or failed to resolve,  
5 an audit finding or program review finding  
6 under this Act during the 2 years preceding  
7 the year for which the determination is  
8 made that, following any appeal to the Sec-  
9 retary, resulted in the institution being re-  
10 quired to repay an amount that is equal to  
11 or greater than 25 percent of the total funds  
12 the institution received under the programs  
13 authorized under title IV for the most recent  
14 award year; and

15           “(v) has met the requirements of sec-  
16 tion 487(d), if applicable.

17           “(C) DEFINITION.—

18           “(i) IN GENERAL.—In this Act, except  
19 as otherwise provided, the term ‘distance  
20 education’ means a course or program that  
21 uses 1 or more of the technologies described  
22 in clause (ii) to—

23           “(I) deliver instruction to students  
24 who are separated from the instructor;  
25 and

1                   “(II) support regular and sub-  
 2                   stantive interaction between the stu-  
 3                   dents and the instructor, either syn-  
 4                   chronously or asynchronously.

5                   “(ii) INCLUSIONS.—For the purposes of  
 6                   clause (i), the technologies used may in-  
 7                   clude—

8                   “(I) the Internet;

9                   “(II) one-way and two-way trans-  
 10                  missions through open broadcast, closed  
 11                  circuit, cable, microwave, broadband  
 12                  lines, fiber optics, satellite, or wireless  
 13                  communications devices;

14                  “(III) audio conferencing; or

15                  “(IV) video cassette, DVDs, and  
 16                  CD-ROMs, provided that they are used  
 17                  in a course in conjunction with the  
 18                  technologies listed in subclauses (I)  
 19                  through (III).”; and

20                  (2) in subsection (b)(1)—

21                  (A) in subparagraph (D), by inserting  
 22                  “and” after the semicolon;

23                  (B) in subparagraph (E), by striking “;  
 24                  and” and inserting a period; and

25                  (C) by striking subparagraph (F).

1 **SEC. 104. PROTECTION OF STUDENT SPEECH AND ASSOCIA-**  
2 **TION RIGHTS.**

3 *Section 112 (20 U.S.C. 1011a) is amended—*

4 *(1) in subsection (a)—*

5 *(A) by inserting “(1)” before “It is the*  
6 *sense”; and*

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

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

9 *“(A) the diversity of institutions and educational*  
10 *missions is one of the key strengths of American high-*  
11 *er education;*

12 *“(B) individual colleges and universities have*  
13 *different missions and each institution should design*  
14 *its academic program in accordance with its edu-*  
15 *cational goals;*

16 *“(C) within the context of institutional mission,*  
17 *a college should facilitate the free and open exchange*  
18 *of ideas;*

19 *“(D) students should not be intimidated, harassed,*  
20 *discouraged from speaking out, or discriminated*  
21 *against;*

22 *“(E) students should be treated equally and fair-*  
23 *ly; and*

24 *“(F) nothing in this paragraph shall be con-*  
25 *strued to modify, change, or infringe upon any con-*

1       stitutionally protected religious liberty, freedom, ex-  
2       pression, or association.”; and

3               (2) in subsection (b)(1), by inserting “, provided  
4       that the imposition of such sanction is done objec-  
5       tively and fairly” after “higher education”.

6       **SEC. 105. NATIONAL ADVISORY COMMITTEE ON INSTITU-**  
7                               **TIONAL QUALITY AND INTEGRITY.**

8       Section 114(g) (20 U.S.C. 1011c(g)) is amended by  
9       striking “September 30, 2004” and inserting “September  
10       30, 2011”.

11       **SEC. 106. DRUG AND ALCOHOL ABUSE PREVENTION.**

12       Section 120 (20 U.S.C. 1011i) is amended by striking  
13       subsections (e) and (f) and inserting the following:

14               “(e) *GRANTS DIRECTED AT REDUCING HIGHER EDU-*  
15       *CATION DRUG AND ALCOHOL ABUSE.—*

16                       “(1) *AUTHORIZATION OF PROGRAM.—The Sec-*  
17       *retary may award grants to eligible entities to enable*  
18       *the entities to reduce the rate of drug use, underage*  
19       *alcohol use, and binge drinking among students at in-*  
20       *stitutions of higher education.*

21                       “(2) *APPLICATIONS.—An eligible entity that de-*  
22       *sires to receive a grant under this subsection shall*  
23       *submit an application to the Secretary at such time,*  
24       *in such manner, and accompanied by such informa-*

1        *tion as the Secretary may require. Each application*  
2        *shall include—*

3                *“(A) a description of how the eligible entity*  
4                *will work to enhance an existing, or where none*  
5                *exists to build a, statewide coalition;*

6                *“(B) a description of how the eligible entity*  
7                *will target underage students in the State;*

8                *“(C) a description of how the eligible entity*  
9                *intends to ensure that the statewide coalition is*  
10                *actually implementing the purpose described in*  
11                *paragraph (1) and moving toward the achieve-*  
12                *ment indicators described in paragraph (4);*

13                *“(D) a list of the members of the statewide*  
14                *coalition or interested parties involved in the*  
15                *work of the eligible entity;*

16                *“(E) a description of how the eligible entity*  
17                *intends to work with State agencies on substance*  
18                *abuse prevention and education;*

19                *“(F) the anticipated impact of funds pro-*  
20                *vided under this subsection in reducing the rates*  
21                *of drug abuse and underage alcohol use;*

22                *“(G) outreach strategies, including ways in*  
23                *which the eligible entity proposes to—*

24                        *“(i) reach out to students;*

1                   “(ii) promote the purpose described in  
2                   paragraph (1);

3                   “(iii) address the range of needs of the  
4                   students and the surrounding communities;  
5                   and

6                   “(iv) address community norms for  
7                   underage students regarding drug and alco-  
8                   hol use; and

9                   “(H) such additional information as re-  
10                  quired by the Secretary.

11                  “(3) USES OF FUNDS.—Each eligible entity that  
12                  receives a grant under this subsection shall use the  
13                  grant funds to carry out the activities described in  
14                  such entity’s application submitted pursuant to para-  
15                  graph (2).

16                  “(4) ACCOUNTABILITY.—On the date on which  
17                  the Secretary first publishes a notice in the Federal  
18                  Register soliciting applications for grants under this  
19                  subsection, the Secretary shall include in the notice  
20                  achievement indicators for the program authorized  
21                  under this subsection. The achievement indicators  
22                  shall be designed—

23                         “(A) to measure the impact that the state-  
24                         wide coalitions assisted under this subsection are  
25                         having on the institutions of higher education



1           *and the surrounding communities, including*  
2           *changes in the number of alcohol and drug-re-*  
3           *lated abuse incidents of any kind (including vio-*  
4           *lations, physical assaults, sexual assaults, reports*  
5           *of intimidation, disruptions of school functions,*  
6           *disruptions of student studies, mental health re-*  
7           *ferrals, illnesses, or deaths);*

8           “(B) *to measure the quality and accessi-*  
9           *bility of the programs or information offered by*  
10           *the statewide coalitions; and*

11           “(C) *to provide such other measures of pro-*  
12           *gram impact as the Secretary determines appro-*  
13           *priate.*

14           “(5) *SUPPLEMENT NOT SUPPLANT.—Grant funds*  
15           *provided under this subsection shall be used to supple-*  
16           *ment, and not supplant, Federal and non-Federal*  
17           *funds available for carrying out the activities de-*  
18           *scribed in this subsection.*

19           “(6) *DEFINITIONS.—In this subsection:*

20           “(A) *ELIGIBLE ENTITY.—The term ‘eligible*  
21           *entity’ means a State, an institution of higher*  
22           *education as defined in section 102, or a non-*  
23           *profit entity.*

24           “(B) *INSTITUTION OF HIGHER EDU-*  
25           *CATION.—The term ‘institution of higher edu-*

1           *cation' has the meaning given the term in sec-*  
2           *tion 101(a).*

3           “(C) *STATE.*—*The term ‘State’ means each*  
4           *of the 50 States, the District of Columbia, and*  
5           *the Commonwealth of Puerto Rico.*

6           “(D) *STATEWIDE COALITION.*—*The term*  
7           *‘statewide coalition’ means a coalition that—*

8                   “(i) *includes—*

9                           “(I) *institutions of higher edu-*  
10                           *cation within a State; and*

11                           “(II) *a nonprofit group, a com-*  
12                           *munity anti-drug or underage drink-*  
13                           *ing prevention coalition, or another*  
14                           *substance abuse prevention group with-*  
15                           *in a State; and*

16                           “(ii) *works toward lowering alcohol*  
17                           *abuse rates by targeting underage students*  
18                           *at institutions of higher education through-*  
19                           *out the State and in the surrounding com-*  
20                           *munities.*

21           “(E) *SURROUNDING COMMUNITY.*—*The term*  
22           *‘surrounding community’ means the commu-*  
23           *nity—*

1           “(i) that surrounds an institution of  
2           higher education participating in a state-  
3           wide coalition;

4           “(ii) where the students from the insti-  
5           tution of higher education take part in the  
6           community; and

7           “(iii) where students from the institu-  
8           tion of higher education live in off-campus  
9           housing.

10           “(7) *ADMINISTRATIVE EXPENSES.*—Not more  
11           than 5 percent of a grant awarded under this sub-  
12           section may be expended for administrative expenses.

13           “(8) *AUTHORIZATION OF APPROPRIATIONS.*—  
14           There are authorized to be appropriated to carry out  
15           this subsection such sums as may be necessary for fis-  
16           cal year 2006 and each of the 5 succeeding fiscal  
17           years.”.

18 **SEC. 107. PRIOR RIGHTS AND OBLIGATIONS.**

19           Section 121(a) (20 U.S.C. 1011j(a)) is amended—

20           (1) in paragraph (1), by striking “1999” and in-  
21           serting “2006”; and

22           (2) in paragraph (2), by striking “1999” and in-  
23           serting “2006”.

24 **SEC. 108. COST OF HIGHER EDUCATION.**

25           Section 131 (20 U.S.C. 1015) is amended—

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

3           “(b) *COLLEGE CONSUMER INFORMATION.—*

4           “(1) *IN GENERAL.—The Secretary shall make*  
5 *available to the public the information described in*  
6 *paragraph (2), in a form that enables the public to*  
7 *compare the information among institutions of higher*  
8 *education. Such information shall be made available*  
9 *for each of the categories described in paragraph (3)*  
10 *and updated annually.*

11           “(2) *INFORMATION.—The information described*  
12 *in this paragraph is the following:*

13           “(A) *Tuition and fees for a first-time, full-*  
14 *time undergraduate student.*

15           “(B) *Cost of attendance for a first-time,*  
16 *full-time undergraduate student.*

17           “(C) *The average annual cost of attendance*  
18 *for a first-time, full-time undergraduate student*  
19 *for the preceding periods of 5 and 10 academic*  
20 *years preceding the year for which the informa-*  
21 *tion is made available under this subsection, or*  
22 *if data are not available for such academic*  
23 *years, data for as many of such academic years*  
24 *as are available.*

1           “(D) *The percentage of full-time under-*  
2 *graduate students receiving financial assistance,*  
3 *including—*

4                   “(i) *Federal grants;*

5                   “(ii) *State and local grants;*

6                   “(iii) *institutional grants; and*

7                   “(iv) *loans to students.*

8           “(E) *The average amount of financial aid*  
9 *received by students from sources described in*  
10 *clauses (i) through (iv) of subparagraph (D).*

11           “(F) *Graduation rates, as described in sec-*  
12 *tion 485(a)(1)(L).*

13           “(G) *A ranking of the dollar and percentage*  
14 *increases in tuition and fees for all institutions*  
15 *of higher education for which data are available*  
16 *in each of the categories described in paragraph*  
17 *(3).*

18           “(3) *CATEGORIES.—The categories described in*  
19 *this paragraph are as follows:*

20                   “(A) *All institutions of higher education.*

21                   “(B) *4-year public, degree-granting, institu-*  
22 *tions of higher education.*

23                   “(C) *2-year public, degree-granting, institu-*  
24 *tions of higher education.*

1           “(D) 4-year, nonprofit, private, degree-  
2           granting institutions of higher education.

3           “(E) 2-year, nonprofit, private, degree-  
4           granting institutions of higher education.

5           “(F) 4-year, for-profit, private, degree-  
6           granting institutions of higher education.

7           “(G) 2-year, for-profit, private, degree-  
8           granting institutions of higher education.

9           “(H) Less than 2-year, for-profit, private  
10          institutions of higher education.

11          “(4) STANDARD DEFINITIONS.—In carrying out  
12          this section, the Secretary shall use the standard defi-  
13          nitions developed under subsection (a)(3).”; and

14          (2) in subsection (c)—

15                (A) in paragraph (1), by inserting “be con-  
16                ducted on an annual basis and” after “Such  
17                study shall”;

18                (B) in paragraph (2)—

19                   (i) in subparagraph (B), by striking  
20                   “and” after the semicolon;

21                   (ii) in subparagraph (C), by striking  
22                   the period and inserting a semicolon; and

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

1           “(D) the average cost of attending an insti-  
2           tution of higher education, disaggregated by cat-  
3           egory, as described in subsection (b)(3);

4           “(E) the average annual cost of attending  
5           an institution of higher education for the periods  
6           of 5 and 10 academic years preceding the year  
7           for which the study is conducted (or if data are  
8           not available for such academic years, data for  
9           as many of such academic years as are avail-  
10          able), disaggregated by category, as described in  
11          subsection (b)(3); and

12          “(F) the assistance provided to institutions  
13          of higher education by each State.”;

14          (C) in paragraph (3)—

15               (i) in the paragraph heading, by strik-  
16               ing “FINAL” and inserting “ANNUAL”;

17               (ii) by striking “a report” and insert-  
18               ing “an annual report”; and

19               (iii) by striking “not later than Sep-  
20               tember 30, 2002” and inserting “and the  
21               public”; and

22          (D) by striking paragraph (4) and insert-  
23          ing the following:

24               “(4) HIGHER EDUCATION COST INDEX.—The Bu-  
25          reau of Labor Statistics, in consultation with the

1        *Commissioner of Education Statistics, shall develop a*  
2        *higher education cost index that tracks inflation*  
3        *changes in the relevant costs associated with higher*  
4        *education.”.*

5        **SEC. 109. PERFORMANCE-BASED ORGANIZATION FOR THE**  
6                                    **DELIVERY OF FEDERAL STUDENT FINANCIAL**  
7                                    **ASSISTANCE.**

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

9                *(1) in subsection (a)—*

10                        *(A) in paragraph (1), by striking “oper-*  
11                        *ational” and inserting “administrative and*  
12                        *oversight”; and*

13                        *(B) in paragraph (2)(D), by striking “of*  
14                        *the operational functions” and inserting “and*  
15                        *administration”;*

16                *(2) in subsection (b)—*

17                        *(A) in paragraph (1)—*

18                                *(i) in subparagraph (A), by striking*  
19                                *“the information systems administered by*  
20                                *the PBO, and other functions performed by*  
21                                *the PBO” and inserting “the Federal stu-*  
22                                *dent financial assistance programs author-*  
23                                *ized under title IV”; and*

24                                *(ii) by striking subparagraph (C) and*  
25                                *inserting the following:*



1           “(C) assist the Chief Operating Officer in  
2           identifying goals for—

3                   “(i) the administration of the systems  
4                   used to administer the Federal student fi-  
5                   nancial assistance programs authorized  
6                   under title IV; and

7                   “(ii) the updating of such systems to  
8                   current technology.”; and

9           (B) in paragraph (2)—

10                   (i) in the matter preceding subpara-  
11                   graph (A), by striking “administration of  
12                   the information and financial systems that  
13                   support” and inserting “the administration  
14                   of Federal”;

15                   (ii) in subparagraph (A)—

16                           (I) in the matter preceding clause  
17                           (i), by striking “of the delivery system  
18                           for Federal student assistance” and in-  
19                           serting “for the Federal student assist-  
20                           ance programs authorized under title  
21                           IV”;

22                           (II) by striking clauses (i) and  
23                           (ii) and inserting the following:

24                           “(i) the collection, processing, and  
25                           transmission of data to students, institu-

1                    *tions, lenders, State agencies, and other au-*  
2                    *thorized parties;*

3                    *“(ii) the design and technical specifica-*  
4                    *tions for software development and procure-*  
5                    *ment for systems supporting the student fi-*  
6                    *nancial assistance programs authorized*  
7                    *under title IV;”;*

8                    *(III) in clause (iii), by striking*  
9                    *“delivery” and inserting “administra-*  
10                    *tion”;*

11                    *(IV) in clause (iv)—*

12                    *(aa) by inserting “the” after*  
13                    *“supporting”; and*

14                    *(bb) by striking “and” after*  
15                    *the semicolon;*

16                    *(V) in clause (v), by striking “sys-*  
17                    *tems that support those programs.”*  
18                    *and inserting “the administration of*  
19                    *the Federal student assistance pro-*  
20                    *grams authorized under title IV; and”;*  
21                    *and*

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

1           “(vi) ensuring the integrity of the stu-  
2           dent assistance programs authorized under  
3           title IV.”; and

4           (iii) in subparagraph (B), by striking  
5           “operations and services” and inserting  
6           “activities and functions”; and

7           (3) in subsection (c)—

8           (A) in paragraph (1)(C)—

9           (i) in clause (iii), by striking “infor-  
10          mation and delivery”; and

11          (ii) in clause (iv)—

12           (I) by striking “Developing an”  
13           and inserting “Developing”; and

14           (II) by striking “delivery and in-  
15           formation system” and inserting “sys-  
16           tems”;

17          (B) in paragraph (2)—

18           (i) in subparagraph (A), by inserting  
19           “the” after “PBO and”; and

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

22          (C) in paragraph (3), by inserting “stu-  
23          dents,” after “consult with”;

24          (4) in subsection (d)—

1           (A) in paragraph (1), by striking the second  
2 sentence; and

3           (B) in paragraph (5)—

4                 (i) in subparagraph (B), by striking  
5 “paragraph (2)” and inserting “paragraph  
6 (4)”; and

7                 (ii) in subparagraph (C), by striking  
8 “this”;

9           (5) in subsection (f)—

10                 (A) in paragraph (2), by striking “to bor-  
11 rowers” and inserting “to students, borrowers,”;  
12 and

13                 (B) in paragraph (3)(A), by striking  
14 “(1)(A)” and inserting “(1)”;

15           (6) in subsection (g)(3), by striking “not more  
16 than 25”;

17           (7) in subsection (h), by striking “organizational  
18 effectiveness” and inserting “effectiveness”;

19           (8) by striking subsection (i);

20           (9) by redesignating subsection (j) as subsection  
21 (i); and

22           (10) in subsection (i) (as redesignated by para-  
23 graph (9)), by striking “, including transition costs”.

24 **SEC. 110. PROCUREMENT FLEXIBILITY.**

25           Section 142 (20 U.S.C. 1018a) is amended—

1           (1) *in subsection (b)—*

2                 (A) *in paragraph (1)—*

3                     (i) *by striking “for information sys-*  
4                     *tems supporting the programs authorized*  
5                     *under title IV”; and*

6                     (ii) *by striking “and” after the semi-*  
7                     *colon;*

8                 (B) *in paragraph (2), by striking the period*  
9                 *at the end and inserting “; and”; and*

10                (C) *by adding at the end the following:*

11                “*(3) through the Chief Operating Officer—*

12                     (A) *to the maximum extent practicable,*  
13                     *utilize procurement systems that streamline op-*  
14                     *erations, improve internal controls, and enhance*  
15                     *management; and*

16                     (B) *assess the efficiency of such systems*  
17                     *and assess such systems’ ability to meet PBO re-*  
18                     *quirements.”;*

19                (2) *by striking subsection (c)(2) and inserting*  
20                *the following:*

21                     “(2) *FEE FOR SERVICE ARRANGEMENTS.—The*  
22                     *Chief Operating Officer shall, when appropriate and*  
23                     *consistent with the purposes of the PBO, acquire serv-*  
24                     *ices related to the functions set forth in section*  
25                     *141(b)(2) from any entity that has the capability and*

1       *capacity to meet the requirements set by the PBO.*  
 2       *The Chief Operating Officer is authorized to pay fees*  
 3       *that are equivalent to those paid by other entities to*  
 4       *an organization that provides services that meet the*  
 5       *requirements of the PBO, as determined by the Chief*  
 6       *Operating Officer.”;*

7               *(3) in subsection (d)(2)(B), by striking “on Fed-*  
 8       *eral Government contracts”;*

9               *(4) in subsection (g)—*

10               *(A) in paragraph (4)(A)—*

11                       *(i) in the subparagraph heading, by*  
 12                       *striking “SOLE SOURCE.—” and inserting*  
 13                       *“SINGLE-SOURCE BASIS.—”; and*

14                       *(ii) by striking “sole-source” and in-*  
 15                       *serting “single-source”; and*

16               *(B) in paragraph (7), by striking “sole-*  
 17       *source” and inserting “single-source”;*

18               *(5) in subsection (h)(2)(A), by striking “sole-*  
 19       *source” and inserting “single-source”; and*

20               *(6) in subsection (l), by striking paragraph (3)*  
 21       *and inserting the following:*

22               *“(3) SINGLE-SOURCE BASIS.—The term ‘single-*  
 23       *source basis’, with respect to an award of a contract,*  
 24       *means that the contract is awarded to a source after*  
 25       *soliciting an offer or offers from, and negotiating*

1       *with, only such source (although such source is not*  
 2       *the only source in the marketplace capable of meeting*  
 3       *the need) because such source is the most advan-*  
 4       *tageous source for purposes of the award.”.*

5       ***TITLE II—TEACHER QUALITY***  
 6               ***ENHANCEMENT***

7       ***SEC. 201. TEACHER QUALITY ENHANCEMENT GRANTS FOR***  
 8               ***STATES AND PARTNERSHIPS.***

9       *Part A of title II (20 U.S.C. 1021 et seq.) is amended*  
 10   *to read as follows:*

11       ***“PART A—TEACHER QUALITY ENHANCEMENT***  
 12               ***GRANTS FOR STATES AND PARTNERSHIPS***

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

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

15               ***“(1) improve student achievement;***

16               ***“(2) improve the quality of the current and fu-***  
 17       ***ture teaching force by improving the preparation of***  
 18       ***prospective teachers and enhancing professional devel-***  
 19       ***opment activities;***

20               ***“(3) hold institutions of higher education ac-***  
 21       ***countable for preparing highly qualified teachers; and***

22               ***“(4) recruit qualified individuals, including mi-***  
 23       ***norities and individuals from other occupations, into***  
 24       ***the teaching force.***

25       ***“(b) DEFINITIONS.—In this part:***

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

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

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

13           “(2) *CHILDREN FROM LOW-INCOME FAMILIES.*—  
14           *The term ‘children from low-income families’ means*  
15           *children as described in section 1124(c)(1)(A) of the*  
16           *Elementary and Secondary Education Act of 1965.*

17           “(3) *EARLY CHILDHOOD EDUCATION PRO-*  
18           *GRAM.*—*The term ‘early childhood education pro-*  
19           *gram’ means a Head Start program or an Early*  
20           *Head Start program carried out under the Head*  
21           *Start Act (42 U.S.C. 9831 et seq.), a State licensed*  
22           *or regulated child care program or school, or a State*  
23           *prekindergarten program that serves children from*  
24           *birth through kindergarten and that addresses the*  
25           *children’s cognitive (including language, early lit-*



1        *eracy, and pre-numeracy), social, emotional, and*  
 2        *physical development.*

3            “(4) *EARLY CHILDHOOD EDUCATOR.*—*The term*  
 4        *‘early childhood educator’ means an individual with*  
 5        *primary responsibility for the education of children*  
 6        *in an early childhood education program.*

7            “(5) *EDUCATIONAL SERVICE AGENCY.*—*The term*  
 8        *‘educational service agency’ has the meaning given*  
 9        *such term in section 9101 of the Elementary and Sec-*  
 10       *ondary Education Act of 1965.*

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

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

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

21                “(ii) *for which not less than 20 percent of*  
 22                *the children served by the agency are children*  
 23                *from low-income families; or*

24                “(iii) *with a total of less than 600 students*  
 25                *in average daily attendance at the schools that*

1           are served by the agency and all of whose schools  
2           are designated with a school locale code of 7 or  
3           8, as determined by the Secretary; and

4           “(B)(i) for which there is a high percentage  
5           of teachers not teaching in the academic subject  
6           areas or grade levels in which the teachers were  
7           trained to teach; or

8           “(i) for which there is a high teacher turn-  
9           over rate or a high percentage of teachers with  
10          emergency, provisional, or temporary certifi-  
11          cation or licensure.

12          “(8) *HIGHLY QUALIFIED*.—The term ‘highly  
13          qualified’ has the meaning given such term in section  
14          9101 of the *Elementary and Secondary Education*  
15          *Act of 1965* and, with respect to special education  
16          teachers, in section 602 of the *Individuals with Dis-*  
17          *abilities Education Act*.

18          “(9) *PROFESSIONAL DEVELOPMENT*.—The term  
19          ‘professional development’ has the meaning given such  
20          term in section 9101 of the *Elementary and Sec-*  
21          *ondary Education Act of 1965*.

22          “(10) *SCIENTIFICALLY BASED READING RE-*  
23          *SEARCH*.—The term ‘scientifically based reading re-  
24          search’ has the meaning given such term in section

1        *1208 of the Elementary and Secondary Education*  
2        *Act of 1965.*

3                “(11) *SCIENTIFICALLY BASED RESEARCH.*—*The*  
4        *term ‘scientifically based research’ has the meaning*  
5        *given such term in section 9101 of the Elementary*  
6        *and Secondary Education Act of 1965.*

7                “(12) *TEACHER MENTORING.*—*The term ‘teacher*  
8        *mentoring’ means mentoring of teachers through an*  
9        *established or implemented program—*

10                “(A) *that includes qualifications for men-*  
11        *tors;*

12                “(B) *that provides training for mentors;*

13                “(C) *that provides regular and ongoing op-*  
14        *portunities for mentors and mentees to observe*  
15        *each other’s teaching methods in classroom set-*  
16        *tings during the school day;*

17                “(D) *in which the mentoring is provided by*  
18        *a colleague who teaches in the same field, grade,*  
19        *or subject as the mentee; and*

20                “(E) *that includes—*

21                “(i) *common planning time or regu-*  
22        *larly scheduled collaboration with teachers*  
23        *in the teachers’ same field, grade, or subject*  
24        *area; and*

1                   “(ii) additional professional develop-  
2                   ment opportunities.

3                   “(13) *TEACHING SKILLS*.—The term ‘teaching  
4                   skills’ means the ability to—

5                   “(A) increase student achievement;

6                   “(B) effectively convey and explain aca-  
7                   demic subject matter;

8                   “(C) employ strategies that—

9                   “(i) are based on scientifically based  
10                  research;

11                  “(ii) are specific to academic subject  
12                  matter; and

13                  “(iii) focus on identification and tai-  
14                  loring of academic instruction to students’  
15                  specific learning needs, particularly stu-  
16                  dents with disabilities, students who are  
17                  limited English proficient, and students  
18                  who are gifted and talented;

19                  “(D) conduct ongoing assessment of student  
20                  learning;

21                  “(E) effectively manage a classroom;

22                  “(F) communicate and work with parents  
23                  and guardians, and involve parents and guard-  
24                  ians in their children’s education; and

1           “(G) *in the case of an early childhood edu-*  
2           *cator, use age appropriate strategies and prac-*  
3           *tices for children in early childhood education*  
4           *programs.*

5 **“SEC. 202. STATE GRANTS.**

6           “(a) *IN GENERAL.—From amounts made available*  
7           *under section 209(a)(1) for a fiscal year, the Secretary is*  
8           *authorized to award grants under this section, on a com-*  
9           *petitive basis, to eligible States to enable the eligible States*  
10          *to carry out the activities described in subsections (d) and*  
11          *(e).*

12          “(b) *ELIGIBLE STATE.—*

13                 “(1) *DEFINITION.—In this part, the term ‘eligi-*  
14                 *ble State’ means—*

15                         “(A) *the Governor of a State; or*

16                         “(B) *in the case of a State for which the*  
17                         *constitution or law of such State designates an-*  
18                         *other individual, entity, or agency in the State*  
19                         *to be responsible for teacher certification or licen-*  
20                         *sure and preparation activity, such individual,*  
21                         *entity, or agency.*

22                 “(2) *CONSULTATION.—The Governor or the indi-*  
23                 *vidual, entity, or agency designated under paragraph*  
24                 *(1)(B) shall consult with the Governor, State board of*  
25                 *education, State educational agency, State agency for*

1       *higher education, or other applicable State entities*  
2       *(including the State agency responsible for early*  
3       *childhood education), as appropriate, with respect to*  
4       *the activities assisted under this section, including the*  
5       *development of the grant application and implemen-*  
6       *tation of the activities.*

7               “(3) *CONSTRUCTION.*—*Nothing in this subsection*  
8       *shall be construed to negate or supersede the legal au-*  
9       *thority under State law of any State agency, State*  
10       *entity, or State public official over programs that are*  
11       *under the jurisdiction of the agency, entity, or offi-*  
12       *cial.*

13               “(c) *APPLICATION.*—*To be eligible to receive a grant*  
14       *under this section, an eligible State shall submit an appli-*  
15       *cation to the Secretary that—*

16                       “(1) *meets the requirement of this section;*

17                       “(2) *demonstrates that the eligible State is in*  
18       *full compliance with—*

19                               “(A) *sections 206(b) and 207; and*

20                               “(B) *if applicable, sections 207(b) and 208,*  
21       *as such sections were in effect on the day before*  
22       *the date of enactment of the Higher Education*  
23       *Amendments of 2005;*

1           “(3) includes a description of how the eligible  
2           State intends to use funds provided under this sec-  
3           tion;

4           “(4) includes measurable objectives for the use of  
5           the funds provided under this section;

6           “(5) describes how funded activities will—

7           “(A) reduce shortages, if any, of—

8                   “(i) highly qualified general and spe-  
9                   cial education teachers, including in low-in-  
10                  come urban and rural areas and in high-  
11                  need academic subject areas; and

12                  “(ii) fully competent early childhood  
13                  educators; and

14           “(B) be consistent with State, local, and  
15           other education reform activities that promote ef-  
16           fective teaching skills and student academic  
17           achievement and consistent with State early  
18           learning standards for early childhood education  
19           programs, including how funded activities will  
20           support carrying out the applicable requirements  
21           of the eligible State under sections 1111 and  
22           1119 of the Elementary and Secondary Edu-  
23           cation Act of 1965, and section 612(a)(14) of the  
24           Individuals with Disabilities Education Act;

1           “(6) contains an assurance that the eligible State  
2           will carry out each of the intended uses of grant funds  
3           described in paragraph (3);

4           “(7) describes the eligible State’s—

5           “(A) current capacity to measure the effec-  
6           tiveness of teacher preparation programs and  
7           professional development activities within the  
8           State using available statewide data;

9           “(B) activities to enhance or expand the in-  
10          tegration of existing data systems to better meas-  
11          ure the effectiveness of teacher preparation pro-  
12          grams and professional development activities  
13          within the State; or

14          “(C) if such data systems do not exist,  
15          plans for the development of an integrated state-  
16          wide data system to measure the effectiveness of  
17          teacher preparation programs and professional  
18          development activities within the State using  
19          available statewide data; and

20          “(8) contains such other information and assur-  
21          ances as the Secretary may require.

22          “(d) *REQUIRED USES OF FUNDS.*—An eligible State  
23          that receives a grant under this section shall use the grant  
24          funds to reform teacher preparation requirements, to co-  
25          ordinate with State activities under section 2113(c) of the



1 *Elementary and Secondary Education Act of 1965 and sub-*  
2 *sections (a) and (b) of section 654 of the Individuals with*  
3 *Disabilities Education Act, and to ensure that current and*  
4 *prospective teachers are highly qualified, by carrying out*  
5 *each of the following activities:*

6           “(1) REFORMS.—Ensuring that all teacher prep-  
7           aration programs in the State are preparing current  
8           or prospective teachers to become highly qualified, to  
9           understand scientifically based research and its appli-  
10          cability, and to use technology effectively, including  
11          use of instructional techniques to improve student  
12          academic achievement, by assisting such programs—

13                   “(A) in retraining faculty;

14                   “(B) in designing (or redesigning) teacher  
15          preparation programs so that such programs—

16                           “(i) are based on rigorous academic  
17                           content and scientifically based research  
18                           (including scientifically based reading re-  
19                           search), and aligned with challenging State  
20                           academic content standards;

21                           “(ii) promote effective teaching skills;

22                           and

23                           “(iii) promote understanding of effec-  
24                           tive instructional strategies for students  
25                           with special needs, including students with

1           *disabilities, students who are limited*  
2           *English proficient, and students who are*  
3           *gifted and talented;*

4           “(C) *in ensuring collaboration with depart-*  
5           *ments, programs, or units outside of the teacher*  
6           *preparation program in relevant academic con-*  
7           *tent areas to ensure a successful combination of*  
8           *training in both teaching and such content;*

9           “(D) *in developing high-quality, rigorous*  
10           *clinical experiences (that include student teach-*  
11           *ing experience) in which students participate*  
12           *while enrolled in a teacher preparation program,*  
13           *lasting not less than 1 term, through dissemina-*  
14           *tion of best practices, technical assistance, or*  
15           *other relevant activities; and*

16           “(E) *in collecting and using data, in col-*  
17           *laboration with institutions of higher education,*  
18           *schools, and local educational agencies, on teach-*  
19           *er retention rates, by school, to evaluate and*  
20           *strengthen the effectiveness of the State’s teacher*  
21           *support system.*

22           “(2) *CERTIFICATION OR LICENSURE REQUIRE-*  
23           *MENTS.—Reforming teacher certification or licensure*  
24           *requirements to ensure that—*

1           “(A) teachers have the academic content  
2 knowledge and teaching skills in the academic  
3 subject areas that the teachers teach that are nec-  
4 essary to help students meet challenging State  
5 student academic achievement standards, as re-  
6 quired under section 1111(b)(1) of the Elemen-  
7 tary and Secondary Education Act of 1965;

8           “(B) such requirements are aligned with  
9 challenging State academic content standards, as  
10 required under section 1111(b)(1) of the Elemen-  
11 tary and Secondary Education Act of 1965;

12           “(C) teacher certification and licensure as-  
13 sessments are—

14               “(i) used for purposes for which such  
15 assessments are valid and reliable;

16               “(ii) consistent with relevant, profes-  
17 sional, and technical standards; and

18               “(iii) aligned with the reporting re-  
19 quirements of sections 205 and 206; and

20           “(D) such requirements for high-need aca-  
21 demic subject areas (such as reading, mathe-  
22 matics, science, and foreign language, including  
23 less commonly taught languages) and high-need  
24 areas (such as special education, language in-  
25 struction educational programs, and early child-

1           *hood education) exist and reflect qualifications to*  
2           *help students meet high standards, which may*  
3           *include the development of a State test for such*  
4           *areas.*

5           “(3) *EVALUATION.*—

6                   “(A) *ANNUAL EVALUATION.*—*An eligible*  
7           *State that receives a grant under this section*  
8           *shall evaluate annually the effectiveness of teach-*  
9           *er preparation programs and professional devel-*  
10           *opment activities within the State. To the extent*  
11           *practicable, such evaluation shall examine—*

12                           “(i) *teachers’ contributions to improv-*  
13                           *ing student academic achievement, as meas-*  
14                           *ured by State academic assessments re-*  
15                           *quired under section 1111(b)(3) of the Ele-*  
16                           *mentary and Secondary Education Act of*  
17                           *1965; and*

18                           “(ii) *teacher mastery of the academic*  
19                           *subject matter the teachers teach.*

20                   “(B) *PUBLIC REPORTING.*—*The eligible*  
21           *State shall make the information described in*  
22           *subparagraph (A) widely available through pub-*  
23           *lic means, such as posting on the Internet, dis-*  
24           *tribution to the media, and distribution through*  
25           *public agencies, except such reporting shall not*

1           *be made in a case in which the reporting of the*  
2           *data would reveal personally identifiable infor-*  
3           *mation about a teacher or student.*

4           “(C) *BETTER MEASUREMENT OF EFFEC-*  
5           *TIVENESS.—*

6           “(i) *IN GENERAL.—An eligible State*  
7           *that receives a grant under this section and*  
8           *does not have the capacity to measure the*  
9           *effectiveness of teacher preparation pro-*  
10           *grams and professional development activi-*  
11           *ties within the State using available state-*  
12           *wide data, shall use a portion of funds re-*  
13           *ceived under this section to enhance or ex-*  
14           *pend the integration of existing data sys-*  
15           *tems, as described in subsection (c)(7)(B),*  
16           *or develop an integrated statewide data sys-*  
17           *tem, as described in subsection (c)(7)(C), to*  
18           *better measure and provide information*  
19           *that will improve the effectiveness of teacher*  
20           *preparation programs on student learning*  
21           *and achievement, and the impact of pre-*  
22           *service and ongoing professional develop-*  
23           *ment on teacher placement and retention.*

24           “(ii) *TECHNICAL QUALITY; STUDENT*  
25           *PRIVACY; FUNDS FROM OTHER SOURCES.—*

1            *In carrying out clause (i), the eligible State*  
2            *shall ensure—*

3                    *“(I) the technical quality of the*  
4                    *data system to maximize the validity,*  
5                    *reliability, and accessibility of the*  
6                    *data;*

7                    *“(II) that student privacy is pro-*  
8                    *ected and that individually identifi-*  
9                    *able information about students, their*  
10                   *achievements, and their families re-*  
11                   *mains confidential, in accordance with*  
12                   *the Family Educational Rights and*  
13                   *Privacy Act of 1974; and*

14                   *“(III) that funds provided under*  
15                   *this section are used to supplement*  
16                   *State efforts to enhance or expand the*  
17                   *integration of existing data systems or*  
18                   *to develop an integrated statewide data*  
19                   *system.*

20            *“(e) ALLOWABLE USES OF FUNDS.—An eligible State*  
21            *that receives a grant under this section may use the grant*  
22            *funds to reform teacher preparation requirements, to co-*  
23            *ordinate with State activities under section 2113(c) of the*  
24            *Elementary and Secondary Education Act of 1965 and sub-*  
25            *sections (a) and (b) of section 654 of the Individuals with*

1 *Disabilities Education Act, and to ensure that current and*  
2 *future teachers are highly qualified, by carrying out any*  
3 *of the following activities:*

4           “(1) *ALTERNATIVES TO TRADITIONAL PREPARA-*  
5           *TION FOR TEACHING AND STATE CERTIFICATION OR*  
6           *LICENSURE.—Providing prospective teachers with al-*  
7           *ternative routes to State certification or licensure and*  
8           *alternative route programs to become highly qualified*  
9           *teachers through—*

10                   “(A) *innovative approaches that reduce un-*  
11                   *necessary barriers to State certification or licen-*  
12                   *sure while producing highly qualified teachers;*

13                   “(B) *a selective means for admitting indi-*  
14                   *viduals into such programs that includes passage*  
15                   *of State approved teacher examinations in ap-*  
16                   *propriate subject areas;*

17                   “(C) *programs that help prospective teach-*  
18                   *ers develop effective teaching skills and strategies*  
19                   *through knowledge of research-based information*  
20                   *on the learning process and learning practices;*

21                   “(D) *programs that provide support to*  
22                   *teachers during the teachers’ initial years in the*  
23                   *profession; and*

24                   “(E) *alternative routes to State certification*  
25                   *or licensure of teachers for qualified individuals,*

1           *including mid-career professionals from other oc-*  
2           *cupations, paraprofessionals, former military*  
3           *personnel, and recent college graduates with*  
4           *records of academic distinction.*

5           “(2) *INNOVATIVE PROGRAMS.—Planning and im-*  
6           *plementing innovative programs to enhance the abil-*  
7           *ity of institutions of higher education, including*  
8           *charter colleges of education, or university and local*  
9           *educational agency partnership schools, to prepare*  
10          *highly qualified teachers, which programs shall—*

11                 “(A) *permit flexibility in the manner in*  
12                 *which the institution of higher education meets*  
13                 *State requirements as long as graduates, during*  
14                 *the graduates’ initial years in the profession, in-*  
15                 *crease student academic achievement;*

16                 “(B) *provide a description in the applica-*  
17                 *tion of long-term data gathered from teachers’*  
18                 *performance over multiple years in the classroom*  
19                 *regarding the teachers’ ability to increase student*  
20                 *academic achievement;*

21                 “(C) *ensure high-quality preparation of*  
22                 *teachers from underrepresented groups;*

23                 “(D) *create performance measures that can*  
24                 *be used to document the effectiveness of innova-*



1           *tive methods for preparing highly qualified*  
2           *teachers; and*

3           “(E) *develop frameworks for exemplary in-*  
4           *duction programs informed by research and best*  
5           *practices.*

6           “(3) *TEACHER RECRUITMENT AND RETENTION.—*  
7           *Undertaking activities that develop and implement ef-*  
8           *fective mechanisms to ensure that local educational*  
9           *agencies and schools are able to recruit and retain*  
10          *highly qualified teachers, which may include the fol-*  
11          *lowing activities:*

12           “(A) *PERFORMANCE BASED COMPENSA-*  
13          *TION.—Assisting local educational agencies in*  
14          *developing—*

15           “(i) *performance systems that reward*  
16          *teachers who increase student academic*  
17          *achievement and take on additional respon-*  
18          *sibilities, such as teacher mentoring and*  
19          *serving as master teachers; and*

20           “(ii) *strategies that provide differential*  
21          *and bonus pay in high-need local edu-*  
22          *cational agencies to recruit and retain—*

23           “(I) *principals;*

24           “(II) *highly qualified teachers*  
25          *who teach in high-need academic sub-*

1            *ject areas (such as reading, mathe-*  
2            *matics, science, and foreign language,*  
3            *including less commonly taught lan-*  
4            *guages);*

5            *“(III) highly qualified teachers*  
6            *who teach in schools identified for*  
7            *school improvement under section*  
8            *1116(b) of the Elementary and Sec-*  
9            *ondary Education Act of 1965;*

10           *“(IV) highly qualified special edu-*  
11           *cation teachers;*

12           *“(V) highly qualified teachers spe-*  
13           *cializing in teaching children who are*  
14           *limited English proficient; and*

15           *“(VI) highly qualified teachers in*  
16           *low-income urban and rural schools or*  
17           *districts.*

18           *“(B) ADDITIONAL MECHANISMS.—Devel-*  
19           *oping and implementing effective mechanisms to*  
20           *ensure that local educational agencies and*  
21           *schools are able to—*

22           *“(i) address needs identified with re-*  
23           *spect to—*

24           *“(I) underrepresented groups;*

1                   “(II) *high-need academic subject*  
2                   *areas (such as reading, mathematics,*  
3                   *science, and foreign language, includ-*  
4                   *ing less commonly taught languages);*

5                   “(III) *high-need areas (such as*  
6                   *special education, language instruction*  
7                   *educational programs for limited*  
8                   *English proficient students, and early*  
9                   *childhood education);*

10                  “(IV) *high-need communities,*  
11                  *such as rural and urban areas; and*

12                  “(V) *high-need schools, including*  
13                  *schools with high rates of teacher turn-*  
14                  *over;*

15                  “(ii) *offer teacher mentoring for new*  
16                  *teachers during such teachers’ initial years*  
17                  *of teaching; and*

18                  “(iii) *provide access to ongoing profes-*  
19                  *sional development and innovative training*  
20                  *opportunities for teachers and administra-*  
21                  *tors.*

22                  “(C) *TEACHER ADVANCEMENT.—Assisting*  
23                  *local educational agencies in developing teacher*  
24                  *advancement and retention initiatives that pro-*  
25                  *mote professional growth and emphasize multiple*

1           *career paths (such as paths to becoming a highly*  
 2           *qualified mentor teacher or exemplary teacher)*  
 3           *and pay differentiation.*

4           “(D) *RECRUIT QUALIFIED PROFES-*  
 5           *SIONALS.—Developing recruitment programs or*  
 6           *assisting local educational agencies in—*

7                   “(i) *recruiting qualified professionals*  
 8                   *from other fields, including highly qualified*  
 9                   *paraprofessionals (as defined in section*  
 10                   *2102 of the Elementary and Secondary*  
 11                   *Education Act of 1965); and*

12                   “(ii) *providing such professionals with*  
 13                   *alternative routes to teacher certification or*  
 14                   *licensure.*

15           “(E) *UNDERREPRESENTED POPULATIONS.—*  
 16           *Providing increased opportunities for minorities,*  
 17           *individuals with disabilities, and other individ-*  
 18           *uals underrepresented in the teaching profession*  
 19           *to become highly qualified teachers.*

20           “(F) *RURAL EDUCATION RECRUITMENT AND*  
 21           *RETENTION PROGRAMS.—Making grants to rural*  
 22           *school districts, or a consortia of rural school*  
 23           *districts, to implement—*

24                   “(i) *teacher recruitment strategies,*  
 25                   *which may include tuition assistance, stu-*

1           *dent loan forgiveness, housing assistance,*  
2           *bonus pay, and other effective approaches;*

3           “(ii) *teacher retention strategies, such*  
4           *as mentoring programs and ongoing oppor-*  
5           *tunities for professional growth and ad-*  
6           *vancement; and*

7           “(iii) *partnerships with institutions of*  
8           *higher education designed to—*

9                   “(I) *prepare beginning teachers to*  
10           *teach; and*

11                   “(II) *assist teachers (including*  
12           *teachers who teach multiple subjects) to*  
13           *become highly qualified.*

14           “(4) *TEACHER SCHOLARSHIPS AND SUPPORT.—*

15           *Providing—*

16                   “(A) *scholarships to help students, such as*  
17           *individuals who have been accepted by, or who*  
18           *are enrolled in, a program of undergraduate edu-*  
19           *cation or initial teacher preparation at an insti-*  
20           *tution of higher education, pay the costs of tui-*  
21           *tion, room, board, and other expenses of com-*  
22           *pleting a teacher preparation program, if—*

23                   “(i) *the Secretary establishes such re-*  
24           *quirements as the Secretary determines nec-*  
25           *essary to ensure that recipients of scholar-*

1                    *ships under this section who complete teach-*  
2                    *er preparation programs—*

3                    *“(I) subsequently teach in an*  
4                    *early childhood education program or*  
5                    *a high-need local educational agency*  
6                    *for a period of time equivalent to the*  
7                    *period of time for which the recipient*  
8                    *received scholarship assistance, plus an*  
9                    *additional 1 year; or*

10                   *“(II) repay the amount of the*  
11                   *scholarship if the recipient does not*  
12                   *teach as described in subclause (I); and*

13                   *“(ii) the eligible State provides an as-*  
14                   *surance that the eligible State will recruit*  
15                   *minority students to become highly quali-*  
16                   *fied teachers;*

17                   *“(B) support services, if needed, to enable*  
18                   *scholarship recipients to complete postsecondary*  
19                   *education programs, or to move from a career*  
20                   *outside of the field of education into a teaching*  
21                   *career; and*

22                   *“(C) follow-up services to former scholarship*  
23                   *recipients during the recipients’ initial years of*  
24                   *teaching.*

1           “(5) *TEACHER REMOVAL.*—*Developing and im-*  
2           *plementing effective mechanisms to ensure that local*  
3           *educational agencies and schools are able to expedi-*  
4           *tiously remove incompetent or unqualified teachers*  
5           *consistent with procedures to ensure due process for*  
6           *the teachers.*

7           “(6) *TEACHER EFFECTIVENESS.*—*Developing—*  
8            “(A) *systems to measure the effectiveness of*  
9            *teacher preparation programs and professional*  
10           *development programs; and*

11            “(B) *strategies to document gains in stu-*  
12            *dent academic achievement or increases in teach-*  
13            *er mastery of the academic subject matter the*  
14            *teachers teach, as a result of such programs.*

15           “(7) *EARLY CHILDHOOD EDUCATORS.*—*Devel-*  
16            *oping strategies to improve and expand teacher prep-*  
17            *aration programs for early childhood educators to*  
18            *teach in early childhood education programs.*

19           “(8) *PROFESSIONAL DEVELOPMENT.*—*Developing*  
20            *and enhancing high-quality professional development,*  
21            *instructional materials, and relevant educational ma-*  
22            *terials.*

23           “(9) *TECHNOLOGY.*—*Assisting teachers to use*  
24            *technology effectively, including use for instructional*  
25            *techniques and the collection, management, and anal-*

1        *ysis of data to improve teaching, learning, and deci-*  
2        *sion making for the purpose of increasing student*  
3        *academic achievement.*

4            “(10) *AREAS OF INSTRUCTIONAL SHORTAGE.—*  
5        *Increasing the number of—*

6            “(A) *teachers in the classroom providing in-*  
7        *struction in high-need academic subject areas*  
8        *(such as reading, mathematics, science, and for-*  
9        *foreign language, including less commonly taught*  
10       *languages) and high-need areas (such as special*  
11       *education, language instruction educational pro-*  
12       *grams for limited English proficient students,*  
13       *and early childhood education); and*

14           “(B) *special education faculty dedicated to*  
15       *preparing highly qualified special education*  
16       *teachers at institutions of higher education.*

17           “(11) *TECHNICAL ASSISTANCE.—Providing tech-*  
18       *nical assistance to low-performing programs of teach-*  
19       *er preparation within institutions of higher education*  
20       *identified under section 207(a).*

21           “(12) *EVALUATION SUPPORT.—Performing data*  
22       *collection, evaluation, and reporting to meet the re-*  
23       *quirements of subsection (d)(3).*

24           “(13) *PROFESSIONAL ADVANCEMENT.—Devel-*  
25       *oping a professional advancement system to—*



1           “(A) *initiate or enhance a system in which*  
 2           *highly qualified teachers who pursue advanced*  
 3           *licensure levels are required to demonstrate in-*  
 4           *creased competencies and undertake increased re-*  
 5           *sponsibilities for increased compensation as the*  
 6           *teachers progress through levels established by the*  
 7           *State; or*

8           “(B) *provide opportunities for professional*  
 9           *growth, including through—*

10                   “(i) *a nationally recognized advance*  
 11                   *credentialing system; or*

12                   “(ii) *special certification in advanced*  
 13                   *placement or international baccalaureate*  
 14                   *content, teaching gifted and talented stu-*  
 15                   *dents, and pedagogy.*

16           “(f) *SUPPLEMENT, NOT SUPPLANT.—Funds made*  
 17           *available under this section shall be used to supplement,*  
 18           *and not supplant, other Federal, State, and local funds that*  
 19           *would otherwise be expended to carry out activities under*  
 20           *this section.*

21           **“SEC. 203. PARTNERSHIP GRANTS.**

22           “(a) *GRANTS.—From amounts made available under*  
 23           *section 209(a)(2) for a fiscal year, the Secretary is author-*  
 24           *ized to award grants under this section, on a competitive*  
 25           *basis, to eligible partnerships to enable the eligible partner-*

1 *ships to carry out the activities described in subsections (e)*  
2 *and (f).*

3 “(b) *DEFINITIONS.—*

4 “(1) *ELIGIBLE PARTNERSHIP.—*

5 “(A) *IN GENERAL.—In this part, the term*  
6 *‘eligible partnership’ means an entity that shall*  
7 *include—*

8 “(i) *a partner institution;*

9 “(ii) *a school of arts and sciences;*

10 “(iii) *a high-need local educational*  
11 *agency and a school or a consortium of*  
12 *schools served by the agency; and*

13 “(iv) *at least 1 individual or entity de-*  
14 *scribed in subparagraph (B).*

15 “(B) *ADDITIONAL INDIVIDUALS AND ENTI-*  
16 *TIES.—In this part, the term ‘eligible partner-*  
17 *ship’ means an entity that shall include at least*  
18 *1 of the following:*

19 “(i) *A Governor.*

20 “(ii) *A State educational agency.*

21 “(iii) *A State board of education.*

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

24 “(v) *A school or department within the*  
25 *partner institution focusing on education,*

1           *psychology, human development, or a de-*  
2           *partment with comparable expertise in the*  
3           *disciplines of teaching, learning, and child*  
4           *and adolescent development.*

5           “(vi) *An institution of higher edu-*  
6           *cation or a department within such institu-*  
7           *tion, not described in subparagraph (A).*

8           “(vii) *A public charter school.*

9           “(viii) *A public or private elementary*  
10          *school or secondary school.*

11          “(ix) *A public or private nonprofit*  
12          *educational organization.*

13          “(x) *A business.*

14          “(xi) *A science-, mathematics-, or tech-*  
15          *nology-oriented entity.*

16          “(xii) *An early childhood education*  
17          *program.*

18          “(xiii) *A teacher organization.*

19          “(xiv) *An educational service agency.*

20          “(xv) *A consortium of local educational*  
21          *agencies.*

22          “(xvi) *A nonprofit telecommunications*  
23          *entity.*

24          “(2) *PARTNER INSTITUTION.—In this section, the*  
25          *term ‘partner institution’ means an institution of*

1 *higher education, which may include a 2-year institu-*  
2 *tion of higher education offering a dual program with*  
3 *a 4-year institution of higher education, that has a*  
4 *teacher preparation program—*

5 *“(A) whose graduates exhibit strong per-*  
6 *formance on State-determined qualifying assess-*  
7 *ments for new teachers through—*

8 *“(i) demonstrating that 80 percent or*  
9 *more of the graduates of the program who*  
10 *intend to enter the field of teaching have*  
11 *passed all of the applicable State qualifica-*  
12 *tion assessments for new teachers, which*  
13 *shall include an assessment of each prospec-*  
14 *tive teacher’s subject matter knowledge in*  
15 *the content area in which the teacher in-*  
16 *tends to teach; or*

17 *“(ii) being ranked among the highest-*  
18 *performing teacher preparation programs*  
19 *in the State as determined by the State—*

20 *“(I) using criteria consistent with*  
21 *the requirements for the State report*  
22 *card under section 206(b); and*

23 *“(II) using the State report card*  
24 *on teacher preparation required under*  
25 *section 206(b), after the first publica-*

1                    *tion of such report card and for every*  
2                    *year thereafter; or*

3                    *“(B) that requires all the students of the*  
4                    *program to meet high academic standards and*  
5                    *participate in intensive clinical experience,*  
6                    *and—*

7                    *“(i) in the case of secondary school*  
8                    *candidates, to successfully complete—*

9                    *“(I) a major or its equivalent in*  
10                    *coursework in the academic subject*  
11                    *area in which the candidate intends to*  
12                    *teach; or*

13                    *“(II) a related major in the aca-*  
14                    *demie subject area in which the can-*  
15                    *didate intends to teach;*

16                    *“(ii) in the case of elementary school*  
17                    *candidates, to successfully complete—*

18                    *“(I) an academic major or its*  
19                    *equivalent in coursework in the arts*  
20                    *and sciences; or*

21                    *“(II) a major in elementary edu-*  
22                    *cation with a significant amount of*  
23                    *coursework in the arts and sciences;*  
24                    *and*

1                   “(iii) in the case of early childhood  
2                   educators, to become fully competent and  
3                   meet degree requirements, as established by  
4                   the State.

5                   “(c) APPLICATION.—Each eligible partnership desiring  
6 a grant under this section shall submit an application to  
7 the Secretary at such time, in such manner, and accom-  
8 panied by such information as the Secretary may require.  
9 Each such application shall contain—

10                   “(1) a needs assessment of all the partners with  
11                   respect to the preparation, induction, and profes-  
12                   sional development of early childhood educators, gen-  
13                   eral and special education teachers, and principals;

14                   “(2) a description of the extent to which the  
15                   teacher preparation program of the eligible partner-  
16                   ship prepares new teachers with effective teaching  
17                   skills;

18                   “(3) a description of how the eligible partnership  
19                   will coordinate with other teacher preparation or pro-  
20                   fessional development programs, including those fund-  
21                   ed under the Elementary and Secondary Education  
22                   Act of 1965 and the Individuals with Disabilities  
23                   Education Act, and how the activities of the eligible  
24                   partnership will be consistent with State, local, and

1        *other education reform activities that promote student*  
2        *achievement;*

3            *“(4) a resource assessment that describes the re-*  
4        *sources available to the eligible partnership, the in-*  
5        *tended use of the grant funds (including a description*  
6        *of how the grant funds will be fairly distributed), and*  
7        *the commitment of the resources of the eligible part-*  
8        *nership to the activities assisted under this part, in-*  
9        *cluding financial support, faculty participation, time*  
10       *commitments, and continuation of the activities when*  
11       *the grant period ends;*

12            *“(5) a description of—*

13            *“(A) how the eligible partnership will meet*  
14        *the purposes of this part;*

15            *“(B) how the eligible partnership will carry*  
16        *out the activities required under subsection (e)*  
17        *and any permissible activities under subsection*  
18        *(f);*

19            *“(C) the eligible partnership’s evaluation*  
20        *plan pursuant to section 205(b);*

21            *“(D) how the eligible partnership will align*  
22        *the teacher preparation program with the chal-*  
23        *lenging student academic achievement standards,*  
24        *State early learning standards for early child-*  
25        *hood education programs (where applicable), and*

1           *challenging academic content standards, estab-*  
2           *lished by the State in which the partnership is*  
3           *located;*

4           “(E) *how faculty of the teacher preparation*  
5           *program at the partner institution will serve,*  
6           *over the period of the grant, with highly quali-*  
7           *fied teachers in the classrooms of the high-need*  
8           *local educational agency included in the eligible*  
9           *partnership;*

10           “(F) *how the eligible partnership will en-*  
11           *sure that teachers, principals, and superintend-*  
12           *ents in all schools (including private schools, as*  
13           *appropriate) located in the geographic areas*  
14           *served by an eligible partnership under this sec-*  
15           *tion are provided information about the activi-*  
16           *ties carried out with funds under this section,*  
17           *including through electronic means;*

18           “(G) *how the eligible partnership will de-*  
19           *sign, implement, or enhance the clinical program*  
20           *component, including promoting close super-*  
21           *vision of student teachers by faculty of the teach-*  
22           *er preparation program and mentor teachers*  
23           *while in the program and during the student*  
24           *teachers’ initial years of teaching if hired by*  
25           *schools included in the eligible partnership;*



1           “(H) how the eligible partnership will de-  
2           velop or enhance an induction program that in-  
3           cludes high-quality professional development to  
4           support new teachers during the teachers’ initial  
5           years of teaching that includes teacher mentoring  
6           and collaborating with teachers in the same  
7           grade, department, or field; and

8           “(I) how the eligible partnership will collect,  
9           analyze, use, and disseminate data on the reten-  
10          tion of all teachers in schools located in the geo-  
11          graphic areas served by the eligible partnership  
12          to evaluate the effectiveness of its teacher support  
13          system; and

14          “(6) an assurance that the eligible partnership  
15          will carry out each of the activities described in para-  
16          graph (5).

17          “(d) CONSULTATION.—

18                 “(1) IN GENERAL.—Members of an eligible part-  
19                 nership that receives a grant under this section shall  
20                 engage in regular consultation throughout the develop-  
21                 ment and implementation of programs and activities  
22                 under this section.

23                 “(2) REGULAR COMMUNICATION.—To ensure  
24                 timely and meaningful consultation, regular commu-  
25                 nication shall occur among all members of the eligible

1       *partnership, including the high-need local educational*  
2       *agency. Such communication shall continue through-*  
3       *out the implementation of the grant and the assess-*  
4       *ment of programs and activities under this section.*

5               “(3) *WRITTEN CONSENT.*—*The Secretary may*  
6       *approve changes in grant activities only if a written*  
7       *consent signed by all members of the eligible partner-*  
8       *ship is submitted to the Secretary.*

9               “(e) *REQUIRED USES OF FUNDS.*—*An eligible part-*  
10       *nership that receives a grant under this section shall use*  
11       *the grant funds to carry out each of the following activities:*

12               “(1) *REFORMS.*—*Ensuring that each teacher*  
13       *preparation program and each early childhood educa-*  
14       *tor preparation program, where applicable, of the eli-*  
15       *gible partnership that is assisted under this section*  
16       *addresses the needs identified in the needs assessment*  
17       *of the partnership and is preparing current or pro-*  
18       *spective teachers to be highly qualified, and, where*  
19       *applicable, early childhood educators to be fully com-*  
20       *petent, to understand scientifically based research and*  
21       *its applicability, and to use technology effectively, in-*  
22       *cluding use of instructional techniques to improve*  
23       *student academic achievement, and in the case of*  
24       *early childhood educators, techniques to improve chil-*

1        *dren’s cognitive, social, emotional, and physical devel-*  
2        *opment, by assisting such programs—*

3                *“(A) in retraining faculty;*

4                *“(B) in designing (or redesigning) teacher*  
5        *preparation programs so that such programs—*

6                *“(i) are based on rigorous academic*  
7        *content and scientifically based research*  
8        *(including scientifically based reading re-*  
9        *search), and aligned with challenging State*  
10        *academic content standards, as required*  
11        *under section 1111(b)(1) of the Elementary*  
12        *and Secondary Education Act of 1965, and*  
13        *for early childhood educators, aligned with*  
14        *State early learning standards;*

15                *“(ii) promote effective teaching skills;*

16                *“(iii) promote understanding of effec-*  
17        *tive instructional strategies for students*  
18        *with special needs, including students with*  
19        *disabilities, students who are limited*  
20        *English proficient, students who are gifted*  
21        *and talented, and children in early child-*  
22        *hood education programs; and*

23                *“(iv) promote high-quality mathe-*  
24        *matics, science, and foreign language in-*  
25        *struction, where applicable;*

1           “(C) *in ensuring collaboration with depart-*  
 2           *ments, programs, or units outside of the teacher*  
 3           *preparation program in all academic content*  
 4           *areas to ensure a successful combination of*  
 5           *training in both teaching and such content; and*

6           “(D) *in developing high-quality, rigorous*  
 7           *clinical experiences, lasting not less than 1 term,*  
 8           *through dissemination of best practices, technical*  
 9           *assistance, or other relevant activities.*

10           “(2) *CLINICAL EXPERIENCE AND INTERACTION.—*  
 11           *Improving sustained and high-quality preservice clin-*  
 12           *ical experiences, including—*

13                   “(A) *providing teacher mentoring; and*

14                   “(B) *substantially increasing interaction*  
 15           *between faculty at institutions of higher edu-*  
 16           *cation and new and experienced teachers, prin-*  
 17           *cipals, and other administrators at elementary*  
 18           *schools or secondary schools, and providing sup-*  
 19           *port, including preparation time and release*  
 20           *time, for such interaction.*

21           “(3) *SUPPORT PROGRAMS FOR NEW TEACH-*  
 22           *ERS.—Creating a program to support new teachers*  
 23           *during the initial years of teaching (for not less than*  
 24           *1 year and not more than 3 years). Such program*

1       *shall promote effective teaching skills and may in-*  
2       *clude the following components:*

3               “(A) *Development of skills in educational*  
4               *interventions based on scientifically based re-*  
5               *search.*

6               “(B) *Development of knowledge of scientif-*  
7               *ically based research on teaching and learning.*

8               “(C) *Inclusion of faculty who model the in-*  
9               *tegration of research and practice in the class-*  
10              *room.*

11              “(D) *Opportunities for—*

12                      “(i) *high-quality teacher mentoring;*  
13                      *and*

14                      “(ii) *additional professional develop-*  
15                      *ment, dissemination of evidence-based re-*  
16                      *search on educational practices, and profes-*  
17                      *sional development activities.*

18              “(E) *Interdisciplinary collaboration among*  
19              *exemplary teachers, faculty, researchers, and*  
20              *other staff who prepare new teachers in the*  
21              *learning process and the assessment of learning.*

22              “(f) *ALLOWABLE USES OF FUNDS.—An eligible part-*  
23              *nership that receives a grant under this section may use*  
24              *the grant funds to carry out any of the following activities*  
25              *that address the needs identified in the needs assessment:*

1           “(1) *ALTERNATIVES TO TRADITIONAL PREPARA-*  
2           *TION FOR TEACHING AND STATE CERTIFICATION OR*  
3           *LICENSURE.—The activity described in section*  
4           *202(e)(1).*

5           “(2) *DISSEMINATION AND COORDINATION.—*  
6           *Broadly disseminating information on effective prac-*  
7           *tices used by the eligible partnership, and coordi-*  
8           *nating with the recruitment and training activities of*  
9           *the Governor, State board of education, State agency*  
10           *for higher education, State agency responsible for*  
11           *early childhood education, and State educational*  
12           *agency, as appropriate.*

13           “(3) *INNOVATIVE PROGRAMS.—Developing inno-*  
14           *vative programs designed to provide graduates of pro-*  
15           *grams funded under this title with opportunities to*  
16           *continue their education through supports and oppor-*  
17           *tunities to improve instructional practices in the ini-*  
18           *tial years of teaching, including the following:*

19           “(A) *INTERNSHIPS.—*

20           “(i) *TEACHER PREPARATION ENHANCE-*  
21           *MENT INTERNSHIP.—Developing a 1-year*  
22           *paid internship program for students who*  
23           *have completed an initial teacher prepara-*  
24           *tion program, or alternative routes to State*  
25           *certification or licensure program, to enable*

1           *such students to develop the skills and expe-*  
2           *rience necessary for success in teaching, in-*  
3           *cluding providing intensive clinical train-*  
4           *ing and combining in-service instruction in*  
5           *teacher methods and assessments with class-*  
6           *room observations, experiences, and prac-*  
7           *tices. Such interns shall have a reduced*  
8           *teaching load and a mentor for assistance*  
9           *in the classroom.*

10           “(i) *MID-CAREER PROFESSIONAL IN-*  
11           *TERNSHIPS.—Developing a 1-year paid in-*  
12           *ternship program for mid-career profes-*  
13           *sionals from other occupations, former mili-*  
14           *tary personnel, and recent college graduates*  
15           *from fields other than teacher preparation*  
16           *with records of academic distinction to en-*  
17           *able such individuals to develop the skills*  
18           *and experience necessary for success in*  
19           *teaching, including providing intensive*  
20           *clinical training and combining in-service*  
21           *instruction in teacher methods and assess-*  
22           *ments with classroom observations, experi-*  
23           *ences, and practices. Such interns shall have*  
24           *a reduced teaching load and a mentor for*  
25           *assistance in the classroom.*

1           “(B) *RESIDENCY PROGRAMS FOR NEW*  
2           *TEACHERS.—Supporting teachers in a residency*  
3           *program that provides an induction period for*  
4           *all new general education and special education*  
5           *teachers that includes—*

6                     “(i) *a forum for information sharing*  
7                     *among prospective teachers, teachers, prin-*  
8                     *cipals, administrators, and participating*  
9                     *faculty in the partner institution; and*

10                    “(ii) *the application of scientifically*  
11                    *based research on teaching and learning*  
12                    *generated by entities such as the Institute of*  
13                    *Education Sciences, and the National Re-*  
14                    *search Council of the National Academies.*

15           “(C) *PATHWAYS FOR PARAPROFESSIONALS*  
16           *TO ENTER TEACHING.—Creating intensive pro-*  
17           *grams to provide the coursework and clinical ex-*  
18           *periences needed by highly qualified paraprofes-*  
19           *sionals, as defined in section 2102 of the Elemen-*  
20           *tary and Secondary Education Act of 1965, to*  
21           *qualify for State teacher certification or licen-*  
22           *sure to become highly qualified teachers.*

23                    “(4) *MANAGERIAL AND LEADERSHIP SKILLS.—*  
24           *Developing and implementing proven mechanisms to*  
25           *provide principals and superintendents with effective*



1       *managerial, leadership, curricula, and instructional*  
2       *skills that result in increased student academic*  
3       *achievement.*

4               “(5) *TEACHER SCHOLARSHIPS AND SUPPORT.—*  
5       *Providing—*

6               “(A) *scholarships to help students, such as*  
7       *individuals who have been accepted by, or who*  
8       *are enrolled in, a program of undergraduate edu-*  
9       *cation at an institution of higher education, pay*  
10       *the costs of tuition, room, board, and other ex-*  
11       *penses of completing a teacher preparation pro-*  
12       *gram, if—*

13               “(i) *the Secretary establishes such re-*  
14       *quirements as the Secretary determines nec-*  
15       *essary to ensure that recipients of scholar-*  
16       *ships under this paragraph who complete*  
17       *teacher preparation programs—*

18               “(I) *subsequently teach in a high-*  
19       *need local educational agency for a pe-*  
20       *riod of time equivalent to the period of*  
21       *time for which the recipient received*  
22       *the scholarship assistance, plus an ad-*  
23       *ditional 1 year; or*

1                   “(II) repay the amount of the  
2                   scholarship if the recipient does not  
3                   teach as described in subclause (I); and

4                   “(ii) the eligible partnership provides  
5                   an assurance that the eligible partnership  
6                   will recruit minority students to become  
7                   highly qualified teachers;

8                   “(B) support services, if needed, to enable  
9                   scholarship recipients to complete postsecondary  
10                  education programs, or to transition from a ca-  
11                  reer outside of the field of education into a teach-  
12                  ing career; and

13                  “(C) follow-up services for former scholar-  
14                  ship recipients during the recipients’ initial  
15                  years of teaching.

16                  “(6) COORDINATION WITH COMMUNITY COL-  
17                  LEGES.—

18                  “(A) TEACHER PREPARATION PROGRAMS.—  
19                  Coordinating with 2-year institutions of higher  
20                  education to implement teacher preparation pro-  
21                  grams, including through distance learning, for  
22                  the purposes of allowing prospective teachers—

23                         “(i) to obtain a bachelor’s degree and  
24                         State certification or licensure; and

1                   “(ii) to become highly qualified teach-  
2                   ers.

3                   “(B) *PROFESSIONAL DEVELOPMENT.*—Co-  
4                   ordinating with 2-year institutions of higher  
5                   education to provide professional development  
6                   that—

7                   “(i) improves the academic content  
8                   knowledge of teachers in the academic sub-  
9                   ject areas in which the teachers are certified  
10                  or licensed to teach, or in which the teachers  
11                  are working toward certification or licen-  
12                  sure to teach; and

13                  “(ii) promotes effective teaching skills.

14                  “(7) *CLINICAL EXPERIENCE IN SCIENCE, MATHE-*  
15                  *MATICS, AND TECHNOLOGY.*—Creating opportunities  
16                  for clinical experience and training for teachers and  
17                  prospective teachers through participation with pro-  
18                  fessionals in business, research, and work environ-  
19                  ments in areas relating to science, mathematics, and  
20                  technology, including opportunities for using labora-  
21                  tory equipment.

22                  “(8) *PROFESSIONAL DEVELOPMENT.*—Creating  
23                  opportunities for enhanced and ongoing professional  
24                  development for experienced general education and

1       *special education teachers, early childhood educators,*  
2       *principals, administrators, and faculty.*

3               “(9) *TECHNOLOGY.*—*The activity described in*  
4       *section 202(e)(9).*

5               “(10) *AREAS OF INSTRUCTIONAL SHORTAGE.*—  
6       *Increasing the number of—*

7                       “(A) *teachers in the classroom providing in-*  
8       *struction in high-need academic subject areas*  
9       *(such as reading, mathematics, science, and for-*  
10       *foreign language, including less commonly taught*  
11       *languages), and high-need areas (such as special*  
12       *education, language instruction educational pro-*  
13       *grams for limited English proficient students,*  
14       *and early childhood education);*

15                      “(B) *special education faculty dedicated to*  
16       *preparing highly qualified special education*  
17       *teachers at institutions of higher education; and*

18                      “(C) *faculty at institutions of higher edu-*  
19       *cation with expertise in instruction of students*  
20       *who are limited English proficient.*

21               “(11) *IMPROVING INSTRUCTION.*—*Improving in-*  
22       *struction by—*

23                      “(A) *improving understanding and instruc-*  
24       *tion in core academic subjects and other, special-*

1            *ized courses, such as geography, American his-*  
2            *tory and government, and world history; and*

3            *“(B) creating externships for teachers and*  
4            *prospective teachers for field experience and*  
5            *training through participation in business, re-*  
6            *search, and work environments in high-need aca-*  
7            *ademic subject areas (such as reading, mathe-*  
8            *matics, science, and foreign language, including*  
9            *less commonly taught languages) and high-need*  
10           *areas (such as special education, language in-*  
11           *struction educational programs for limited*  
12           *English proficient students, and early childhood*  
13           *education).*

14           *“(12) GRADUATE PROGRAMS.—Developing, in*  
15           *collaboration with departments, programs, or units of*  
16           *both academic content and teacher education within*  
17           *a partner institution, master’s degree programs that*  
18           *meet the demonstrated needs of teachers in the high-*  
19           *need local educational agency participating in the eli-*  
20           *gible partnership for content expertise and teaching*  
21           *skills.*

22           *“(13) LITERACY TEACHER TRAINING.—Estab-*  
23           *lishing and implementing a program that strengthens*  
24           *content knowledge and teaching skills of secondary*  
25           *school teachers in literacy that—*

1           “(A) provides teacher training and stipends  
2 for literacy coaches who train classroom teachers  
3 to implement literacy programs;

4           “(B) develops or redesigns rigorous re-  
5 search-based curricula that are aligned with  
6 challenging State academic content standards, as  
7 required under section 1111(b)(1) of the Elemen-  
8 tary and Secondary Education Act of 1965, and  
9 with postsecondary standards for reading and  
10 writing;

11           “(C) provides training and stipends for  
12 teachers to tutor students with intense individ-  
13 ualized reading, writing, and subject matter in-  
14 struction during or beyond the school day;

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

19           “(E) establishes an evaluation and account-  
20 ability plan for activities conducted under this  
21 paragraph to measure the impact of such activi-  
22 ties.

23           “(g) CONSTRUCTION.—Nothing in this section shall be  
24 construed to prohibit an eligible partnership from using  
25 grant funds to coordinate with the activities of eligible part-

1 *nerships in other States or on a regional basis through Gov-*  
 2 *ernors, State boards of education, State educational agen-*  
 3 *cies, State agencies responsible for early childhood edu-*  
 4 *cation, local educational agencies, or State agencies for*  
 5 *higher education.*

6       “(h) *SUPPLEMENT, NOT SUPPLANT.—Funds made*  
 7 *available under this section shall be used to supplement,*  
 8 *and not supplant, other Federal, State, and local funds that*  
 9 *would otherwise be expended to carry out activities under*  
 10 *this section.*

11 **“SEC. 204. ADMINISTRATIVE PROVISIONS.**

12       “(a) *DURATION; NUMBER OF AWARDS; PAYMENTS.—*

13               “(1) *DURATION.—*

14                       “(A) *ELIGIBLE STATES.—Grants awarded*  
 15 *to eligible States under this part shall be award-*  
 16 *ed for a period not to exceed 3 years.*

17                       “(B) *ELIGIBLE PARTNERSHIPS.—Grants*  
 18 *awarded to eligible partnerships under this part*  
 19 *shall be awarded for a period of 5 years.*

20               “(2) *NUMBER OF AWARDS.—An eligible partner-*  
 21 *ship may not receive more than 1 grant during a 5-*  
 22 *year period. Nothing in this title shall be construed*  
 23 *to prohibit an individual member, that can dem-*  
 24 *onstrate need, of an eligible partnership that receives*  
 25 *a grant under this title from entering into another el-*

1        *eligible partnership consisting of new members and re-*  
2        *ceiving a grant with such other eligible partnership*  
3        *before the 5-year period described in the preceding*  
4        *sentence applicable to the eligible partnership with*  
5        *which the individual member has first partnered has*  
6        *expired.*

7                *“(3) PAYMENTS.—The Secretary shall make an-*  
8        *ual payments of grant funds awarded under this*  
9        *part.*

10              *“(b) PEER REVIEW.—*

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

17                    *“(2) PRIORITY.—In recommending applications*  
18        *to the Secretary for funding under this part, the*  
19        *panel shall—*

20                    *“(A) with respect to grants under section*  
21        *202, give priority to eligible States—*

22                    *“(i) that have innovative reforms to*  
23        *hold institutions of higher education with*  
24        *teacher preparation programs accountable*



1           for preparing teachers to become highly  
2           qualified and have effective teaching skills;

3           “(ii) that have innovative efforts aimed  
4           at reducing the shortage of highly qualified  
5           general and special education teachers, in-  
6           cluding in low-income urban and rural  
7           areas and in high-need academic subject  
8           areas (such as reading, mathematics,  
9           science, and foreign language, including less  
10          commonly taught languages); and

11          “(iii) whose awards promote an equi-  
12          table geographic distribution of grants  
13          among rural and urban areas; and

14          “(B) with respect to grants under section  
15          203, give priority—

16          “(i) to applications from broad-based  
17          eligible partnerships that involve businesses  
18          and community organizations; and

19          “(ii) to eligible partnerships so that the  
20          awards promote an equitable geographic  
21          distribution of grants among rural and  
22          urban areas.

23          “(3) SECRETARIAL SELECTION.—The Secretary  
24          shall determine, based on the peer review process,  
25          which applications shall receive funding and the

1        *amounts of the grants. In determining grant*  
2        *amounts, the Secretary shall take into account the*  
3        *total amount of funds available for all grants under*  
4        *this part and the types of activities proposed to be*  
5        *carried out.*

6        *“(c) MATCHING REQUIREMENTS.—*

7                *“(1) STATE GRANTS.—Each eligible State receiv-*  
8        *ing a grant under section 202 shall provide, from*  
9        *non-Federal sources, an amount equal to 50 percent*  
10        *of the amount of the grant (in cash or in kind) to*  
11        *carry out the activities supported by the grant.*

12                *“(2) PARTNERSHIP GRANTS.—Each eligible part-*  
13        *nership receiving a grant under section 203 shall pro-*  
14        *vide, from non-Federal sources (in cash or in kind),*  
15        *an amount equal to 25 percent of the amount of the*  
16        *grant for the first year of the grant, 35 percent of the*  
17        *amount of the grant for the second year of the grant,*  
18        *and 50 percent of the amount of the grant for each*  
19        *succeeding year of the grant.*

20        *“(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—*  
21        *An eligible State or eligible partnership that receives a*  
22        *grant under this part may use not more than 2 percent*  
23        *of the grant funds for purposes of administering the grant.*

24        *“(e) ADDITIONAL ACTIVITIES.—The Secretary shall*  
25        *use funds repaid pursuant to section 202(e)(4)(A)(i)(II) or*

1 *section 203(f)(5)(A)(i)(II) to carry out additional activities*  
2 *under section 202 or 203, respectively.*

3 **“SEC. 205. ACCOUNTABILITY AND EVALUATION.**

4       “(a) *STATE GRANT ACCOUNTABILITY REPORT.*—*An el-*  
5 *igible State that receives a grant under section 202 shall*  
6 *submit an annual accountability report to the Secretary*  
7 *and the authorizing committees. Such report shall include*  
8 *a description of the degree to which the eligible State, in*  
9 *using funds provided under such section, has made progress*  
10 *in meeting the purposes of this part and substantial*  
11 *progress in meeting the following goals, as applicable:*

12               “(1) *STUDENT ACADEMIC ACHIEVEMENT.*—*In-*  
13 *creasing student academic achievement for all stu-*  
14 *dents as defined by the eligible State.*

15               “(2) *RAISING STANDARDS.*—*Raising the State*  
16 *academic standards required to enter the teaching*  
17 *profession as a highly qualified teacher, and where*  
18 *applicable, as a fully competent early childhood edu-*  
19 *cator.*

20               “(3) *INITIAL CERTIFICATION OR LICENSURE.*—  
21 *Improving the pass rates and scaled scores for initial*  
22 *State teacher certification or licensure, or increasing*  
23 *the numbers of qualified individuals being certified or*  
24 *licensed as teachers through alternative routes to*  
25 *State certification or licensure programs.*

1           “(4) *PERCENTAGE OF HIGHLY QUALIFIED*  
2 *TEACHERS.—Providing data on the progress of the*  
3 *State towards meeting the highly qualified teacher re-*  
4 *quirements under section 1119(a)(2) of the Elemen-*  
5 *tary and Secondary Education Act of 1965.*

6           “(5) *DECREASING TEACHER SHORTAGES.—De-*  
7 *creasing shortages of—*

8           “(A) *highly qualified teachers in—*

9           “(i) *low-income urban and rural areas;*

10           “(ii) *high-need academic subject areas*  
11 *(such as reading, mathematics, science, and*  
12 *foreign language, including less commonly*  
13 *taught languages);*

14           “(iii) *special education; and*

15           “(iv) *high-need areas (such as special*  
16 *education, language instruction educational*  
17 *programs for limited English proficient stu-*  
18 *dents, and early childhood education); and*

19           “(B) *fully competent early childhood edu-*  
20 *cators.*

21           “(6) *INCREASING OPPORTUNITIES FOR PROFES-*  
22 *SIONAL DEVELOPMENT.—Increasing opportunities for*  
23 *enhanced and ongoing professional development*  
24 *that—*

1           “(A) improves the academic content knowl-  
2           edge of teachers in the academic subject areas in  
3           which the teachers are certified or licensed to  
4           teach or in which the teachers are working to-  
5           ward certification or licensure to teach; and

6           “(B) promotes effective teaching skills.

7           “(b) *ELIGIBLE PARTNERSHIP EVALUATION.*—Each el-  
8           igible partnership submitting an application for a grant  
9           under section 203 shall establish and include in such appli-  
10          cation, an evaluation plan that includes strong performance  
11          objectives. The plan shall include objectives and measures  
12          for increasing—

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

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

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

20           “(4) the percentage of highly qualified teachers  
21          hired by the high-need local educational agency par-  
22          ticipating in the eligible partnership; and

23           “(5) the percentage of—

24           “(A) highly qualified teachers among under-  
25          represented groups, in high-need academic sub-

1           *ject areas (such as reading, mathematics, science,*  
2           *and foreign language, including less commonly*  
3           *taught languages), in high-need areas (such as*  
4           *special education, language instruction edu-*  
5           *cational programs for limited English proficient*  
6           *students, and early childhood education), and in*  
7           *high-need schools;*

8           “(B) *elementary school, middle school, and*  
9           *secondary school classes taught by teachers who*  
10           *are highly qualified;*

11           “(C) *early childhood education program*  
12           *classes taught by providers who are fully com-*  
13           *petent; and*

14           “(D) *highly qualified special education*  
15           *teachers.*

16           “(c) *REVOCATION OF GRANT.—*

17           “(1) *ELIGIBLE STATES.—If the Secretary deter-*  
18           *mines that an eligible State is not making substantial*  
19           *progress in meeting the purposes, goals, objectives,*  
20           *and measures, as appropriate, by the end of the sec-*  
21           *ond year of a grant under this part, then the grant*  
22           *payment shall not be made for the third year of the*  
23           *grant.*

24           “(2) *ELIGIBLE PARTNERSHIPS.—If the Secretary*  
25           *determines that an eligible partnership is not making*

1       *substantial progress in meeting the purposes, goals,*  
 2       *objectives, and measures, as appropriate, by the end*  
 3       *of the third year of a grant under this part, then the*  
 4       *grant payments shall not be made for any succeeding*  
 5       *year of the grant.*

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

11               “(1) *successful practices developed by eligible*  
 12               *States and eligible partnerships under this part; and*

13               “(2) *information regarding such practices that*  
 14               *were found to be ineffective.*

15       **“SEC. 206. ACCOUNTABILITY FOR PROGRAMS THAT PRE-**  
 16               **PARE TEACHERS.**

17       “(a) *INSTITUTIONAL AND PROGRAM REPORT CARDS*  
 18       *ON THE QUALITY OF TEACHER PREPARATION.*—

19               “(1) *REPORT CARD.*—*Each institution of higher*  
 20               *education that conducts a traditional teacher prepa-*  
 21               *ration program or alternative routes to State certifi-*  
 22               *cation or licensure program and that enrolls students*  
 23               *receiving Federal assistance under this Act shall re-*  
 24               *port annually to the State and the general public, in*  
 25               *a uniform and comprehensible manner that conforms*

1 *with the definitions and methods established by the*  
2 *Secretary, both for traditional teacher preparation*  
3 *programs and alternative routes to State certification*  
4 *or licensure programs, the following information:*

5 *“(A) PASS RATES AND SCALED SCORES.—*

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

19 *“(i) the percentage of students who*  
20 *have completed 100 percent of the nonclin-*  
21 *ical coursework and taken the assessment*  
22 *who pass such assessment;*

23 *“(ii) the percentage of all such students*  
24 *who passed each such assessment;*



1           “(iii) the percentage of students taking  
2           an assessment who completed the teacher  
3           preparation program after enrolling in the  
4           program, which shall be made available  
5           widely and publicly by the State;

6           “(iv) the average scaled score for all  
7           students who took each such assessment;

8           “(v) a comparison of the program’s  
9           pass rates with the average pass rates for  
10          programs in the State; and

11          “(vi) a comparison of the program’s  
12          average scaled scores with the average scaled  
13          scores for programs in the State.

14          “(B) PROGRAM INFORMATION.—The criteria  
15          for admission into the program, the number of  
16          students in the program (disaggregated by race  
17          and gender), the average number of hours of su-  
18          pervised clinical experience required for those in  
19          the program, the number of full-time equivalent  
20          faculty and students in the supervised clinical  
21          experience, and the total number of students who  
22          have been certified or licensed as teachers,  
23          disaggregated by subject and area of certification  
24          or licensure.

1           “(C) *STATEMENT.*—*In States that require*  
2           *approval or accreditation of teacher preparation*  
3           *programs, a statement of whether the institu-*  
4           *tion’s program is so approved or accredited, and*  
5           *by whom.*

6           “(D) *DESIGNATION AS LOW-PERFORMING.*—  
7           *Whether the program has been designated as low-*  
8           *performing by the State under section 207(a).*

9           “(E) *USE OF TECHNOLOGY.*—*A description*  
10          *of the activities that prepare teachers to effec-*  
11          *tively integrate technology into curricula and in-*  
12          *struction and effectively use technology to collect,*  
13          *manage, and analyze data in order to improve*  
14          *teaching, learning, and decision making for the*  
15          *purpose of increasing student academic achieve-*  
16          *ment.*

17          “(2) *REPORT.*—*Each eligible partnership receiv-*  
18          *ing a grant under section 203 shall report annually*  
19          *on the progress of the eligible partnership toward*  
20          *meeting the purposes of this part and the objectives*  
21          *and measures described in section 205(b).*

22          “(3) *FINES.*—*The Secretary may impose a fine*  
23          *not to exceed \$25,000 on an institution of higher edu-*  
24          *cation for failure to provide the information described*  
25          *in this subsection in a timely or accurate manner.*

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

12          “(b) *STATE REPORT CARD ON THE QUALITY OF*  
13          *TEACHER PREPARATION.*—

14                 “(1) *IN GENERAL.*—*Each State that receives*  
15                 *funds under this Act shall provide to the Secretary,*  
16                 *annually, in a uniform and comprehensible manner*  
17                 *that conforms with the definitions and methods estab-*  
18                 *lished by the Secretary, a State report card on the*  
19                 *quality of teacher preparation in the State, both for*  
20                 *traditional teacher preparation programs and for al-*  
21                 *ternative routes to State certification or licensure pro-*  
22                 *grams, which shall include not less than the following:*

23                         “(A) *A description of reliability and valid-*  
24                         *ity of the teacher certification and licensure as-*

1           *sessments, and any other certification and licen-*  
2           *sure requirements, used by the State.*

3           “(B) *The standards and criteria that pro-*  
4           *spective teachers must meet in order to attain*  
5           *initial teacher certification or licensure and to be*  
6           *certified or licensed to teach particular academic*  
7           *subject areas or in particular grades within the*  
8           *State.*

9           “(C) *A description of how the assessments*  
10          *and requirements described in subparagraph (A)*  
11          *are aligned with the State’s challenging aca-*  
12          *ademic content standards required under section*  
13          *1111(b)(1) of the Elementary and Secondary*  
14          *Education Act of 1965 and State early learning*  
15          *standards for early childhood education pro-*  
16          *grams.*

17          “(D) *For each of the assessments used by*  
18          *the State for teacher certification or licensure—*

19                 “(i) *for each institution of higher edu-*  
20                 *cation located in the State and each entity*  
21                 *located in the State that offers an alter-*  
22                 *native route for teacher certification or li-*  
23                 *cence, the percentage of students at such*  
24                 *institution or entity who have completed*  
25                 *100 percent of the nonclinical coursework*

1                   *and taken the assessment who pass such as-*  
2                   *essment;*

3                   “(ii) *the percentage of all such students*  
4                   *at all such institutions taking the assess-*  
5                   *ment who pass such assessment; and*

6                   “(iii) *the percentage of students taking*  
7                   *an assessment who completed the teacher*  
8                   *preparation program after enrolling in the*  
9                   *program, which shall be made available*  
10                  *widely and publicly by the State.*

11                  “(E) *A description of alternative routes to*  
12                  *State certification or licensure in the State (in-*  
13                  *cluding any such routes operated by entities that*  
14                  *are not institutions of higher education), if any,*  
15                  *including, for each of the assessments used by the*  
16                  *State for teacher certification or licensure—*

17                  “(i) *the percentage of individuals par-*  
18                  *ticipating in such routes, or who have com-*  
19                  *pleted such routes during the 2-year period*  
20                  *preceding the date of the determination,*  
21                  *who passed each such assessment; and*

22                  “(ii) *the average scaled score of indi-*  
23                  *viduals participating in such routes, or who*  
24                  *have completed such routes during the pe-*

1           riod preceding the date of the determina-  
2           tion, who took each such assessment.

3           “(F) A description of the State’s criteria for  
4           assessing the performance of teacher preparation  
5           programs within institutions of higher education  
6           in the State. Such criteria shall include indica-  
7           tors of the academic content knowledge and  
8           teaching skills of students enrolled in such pro-  
9           grams.

10           “(G) For each teacher preparation program  
11           in the State, the criteria for admission into the  
12           program, the number of students in the program,  
13           disaggregated by race and gender (except that  
14           such disaggregation shall not be required in a  
15           case in which the number of students in a cat-  
16           egory is insufficient to yield statistically reliable  
17           information or the results would reveal person-  
18           ally identifiable information about an indi-  
19           vidual student), the average number of hours of  
20           supervised clinical experience required for those  
21           in the program, and the number of full-time  
22           equivalent faculty, adjunct faculty, and students  
23           in supervised clinical experience.

24           “(H) For the State as a whole, and for each  
25           teacher preparation program in the State, the

1           *number of teachers prepared, in the aggregate*  
2           *and reported separately by—*

3                     *“(i) area of certification or licensure;*

4                     *“(ii) academic major; and*

5                     *“(iii) subject area for which the teacher*  
6                     *has been prepared to teach.*

7                     *“(I) Using the data generated under sub-*  
8                     *paragraphs (G) and (H), a description of the ex-*  
9                     *tent to which teacher preparation programs are*  
10                    *helping to address shortages of highly qualified*  
11                    *teachers, by area of certification or licensure,*  
12                    *subject, and specialty, in the State’s public*  
13                    *schools, including those areas described in section*  
14                    *205(a)(5).*

15                    *“(J) A description of the activities that pre-*  
16                    *pare teachers to effectively integrate technology*  
17                    *into curricula and instruction and effectively use*  
18                    *technology to collect, manage, and analyze data*  
19                    *in order to improve teaching, learning, and deci-*  
20                    *sion making for the purpose of increasing stu-*  
21                    *dent academic achievement.*

22                    *“(2) PROHIBITION AGAINST CREATING A NA-*  
23                    *TIONAL LIST.—The Secretary shall not create a na-*  
24                    *tional list or ranking of States, institutions, or*

1        *schools using the scaled scores provided under this*  
2        *subsection.*

3        “(c) *REPORT OF THE SECRETARY ON THE QUALITY*  
4        *OF TEACHER PREPARATION.*—

5                “(1) *REPORT CARD.*—*The Secretary shall pro-*  
6        *vide to Congress, and publish and make widely avail-*  
7        *able, a report card on teacher qualifications and*  
8        *preparation in the United States, including all the*  
9        *information reported in subparagraphs (A) through*  
10        *(J) of subsection (b)(1). Such report shall identify*  
11        *States for which eligible States and eligible partner-*  
12        *ships received a grant under this part. Such report*  
13        *shall be so provided, published, and made available*  
14        *annually.*

15                “(2) *REPORT TO CONGRESS.*—*The Secretary*  
16        *shall prepare and submit a report to Congress that*  
17        *contains the following:*

18                        “(A) *A comparison of States’ efforts to im-*  
19        *prove the quality of the current and future teach-*  
20        *ing force.*

21                        “(B) *A comparison of eligible partnerships’*  
22        *efforts to improve the quality of the current and*  
23        *future teaching force.*

24                        “(C) *The national mean and median scaled*  
25        *scores and pass rate on any standardized test*



1           *that is used in more than 1 State for teacher cer-*  
2           *tification or licensure.*

3           “(3) *SPECIAL RULE.*—*In the case of a teacher*  
4           *preparation program with fewer than 10 scores re-*  
5           *ported on any single initial teacher certification or li-*  
6           *cence assessment during an academic year, the Sec-*  
7           *retary shall collect and publish information, and*  
8           *make publicly available, with respect to an average*  
9           *pass rate and scaled score on each State certification*  
10          *or licensure assessment taken over a 3-year period.*

11          “(d) *COORDINATION.*—*The Secretary, to the extent*  
12          *practicable, shall coordinate the information collected and*  
13          *published under this part among States for individuals who*  
14          *took State teacher certification or licensure assessments in*  
15          *a State other than the State in which the individual re-*  
16          *ceived the individual’s most recent degree.*

17          **“SEC. 207. STATE FUNCTIONS.**

18          “(a) *STATE ASSESSMENT.*—*In order to receive funds*  
19          *under this Act, a State shall have in place a procedure to*  
20          *identify and assist, through the provision of technical as-*  
21          *sistance, low-performing programs of teacher preparation.*  
22          *Such State shall provide the Secretary an annual list of*  
23          *such low-performing teacher preparation programs that in-*  
24          *cludes an identification of those programs at risk of being*  
25          *placed on such list. Such levels of performance shall be de-*

1 *terminated solely by the State and may include criteria based*  
2 *on information collected pursuant to this part. Such assess-*  
3 *ment shall be described in the report under section 206(b).*

4       “(b) *TERMINATION OF ELIGIBILITY.*—*Any program of*  
5 *teacher preparation from which the State has withdrawn*  
6 *the State’s approval, or terminated the State’s financial*  
7 *support, due to the low performance of the program based*  
8 *upon the State assessment described in subsection (a)—*

9               “(1) *shall be ineligible for any funding for pro-*  
10 *fessional development activities awarded by the De-*  
11 *partment;*

12               “(2) *shall not be permitted to accept or enroll*  
13 *any student that receives aid under title IV in the in-*  
14 *stitution’s teacher preparation program; and*

15               “(3) *shall provide transitional support, includ-*  
16 *ing remedial services if necessary, for students en-*  
17 *rolled at the institution at the time of termination of*  
18 *financial support or withdrawal of approval.*

19       “(c) *NEGOTIATED RULEMAKING.*—*If the Secretary de-*  
20 *velops any regulations implementing subsection (b)(2), the*  
21 *Secretary shall submit such proposed regulations to a nego-*  
22 *tiated rulemaking process, which shall include representa-*  
23 *tives of States, institutions of higher education, and edu-*  
24 *cational and student organizations.*

1       “(d) *APPLICATION OF THE REQUIREMENTS.*—*The re-*  
2 *quirements of this section shall apply to both traditional*  
3 *teacher preparation programs and alternative routes to*  
4 *State certification and licensure programs.*

5       “**SEC. 208. GENERAL PROVISIONS.**

6       “(a) *METHODS.*—*In complying with sections 206 and*  
7 *207, the Secretary shall ensure that States and institutions*  
8 *of higher education use fair and equitable methods in re-*  
9 *porting and that the reporting methods do not allow identi-*  
10 *fication of individuals.*

11       “(b) *SPECIAL RULE.*—*For each State that does not use*  
12 *content assessments as a means of ensuring that all teachers*  
13 *teaching in core academic subjects within the State are*  
14 *highly qualified not later than the end of the 2005-2006*  
15 *school year, as required under section 1119 of the Elemen-*  
16 *tary and Secondary Education Act of 1965, and that each*  
17 *person employed as a special education teacher in the State*  
18 *who teaches elementary school, middle school, or secondary*  
19 *school is highly qualified by such deadline, as required*  
20 *under section 612(a)(14)(C) of the Individuals with Dis-*  
21 *abilities Education Act,—*

22               “(1) *the Secretary shall, to the extent practicable,*  
23 *collect data comparable to the data required under*  
24 *this part from States, local educational agencies, in-*  
25 *stitutions of higher education, or other entities that*

1       *administer such assessments to teachers or prospective*  
2       *teachers; and*

3               “(2) *notwithstanding any other provision of this*  
4       *part, the Secretary shall use such data to carry out*  
5       *requirements of this part related to assessments, pass*  
6       *rates, and scaled scores.*

7       “(c) *LIMITATIONS.—*

8               “(1) *FEDERAL CONTROL PROHIBITED.—Nothing*  
9       *in this title shall be construed to permit, allow, en-*  
10       *courage, or authorize any Federal control over any*  
11       *aspect of any private, religious, or home school,*  
12       *whether or not a home school is treated as a private*  
13       *school or home school under State law. This section*  
14       *shall not be construed to prohibit private, religious, or*  
15       *home schools from participation in programs or serv-*  
16       *ices under this title.*

17               “(2) *NO CHANGE IN STATE CONTROL ENCOUR-*  
18       *AGED OR REQUIRED.—Nothing in this title shall be*  
19       *construed to encourage or require any change in a*  
20       *State’s treatment of any private, religious, or home*  
21       *school, whether or not a home school is treated as a*  
22       *private school or home school under State law.*

23               “(3) *NATIONAL SYSTEM OF TEACHER CERTIFI-*  
24       *CATION OR LICENSURE PROHIBITED.—Nothing in this*  
25       *title shall be construed to permit, allow, encourage, or*

1 *authorize the Secretary to establish or support any*  
2 *national system of teacher certification or licensure.*

3 *“(d) RELEASE OF INFORMATION TO TEACHER PREPA-*  
4 *RATION PROGRAMS.—*

5 *“(1) IN GENERAL.—For the purpose of improv-*  
6 *ing teacher preparation programs, a State edu-*  
7 *cational agency shall provide to a teacher preparation*  
8 *program, upon the request of the teacher preparation*  
9 *program, any and all pertinent education-related in-*  
10 *formation that—*

11 *“(A) may enable the teacher preparation*  
12 *program to evaluate the effectiveness of the pro-*  
13 *gram’s graduates or the program itself; and*

14 *“(B) is possessed, controlled, or accessible by*  
15 *the State educational agency.*

16 *“(2) CONTENT OF INFORMATION.—The informa-*  
17 *tion described in paragraph (1)—*

18 *“(A) shall include an identification of spe-*  
19 *cific individuals who graduated from the teacher*  
20 *preparation program to enable the teacher prep-*  
21 *aration program to evaluate the information*  
22 *provided to the program from the State edu-*  
23 *cational agency with the program’s own data*  
24 *about the specific courses taken by, and field ex-*  
25 *periences of, the individual graduates; and*

1           “(B) may include—

2                   “(i) kindergarten through grade 12  
3                   academic achievement and demographic  
4                   data, without revealing personally identifi-  
5                   able information about an individual stu-  
6                   dent, for students who have been taught by  
7                   graduates of the teacher preparation pro-  
8                   gram; and

9                   “(ii) teacher effectiveness evaluations  
10                  for teachers who graduated from the teacher  
11                  preparation program.

12   **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

13           “(a) *IN GENERAL.*—There are authorized to be appro-  
14           priated to carry out this part such sums as may be nec-  
15           essary for fiscal year 2006 and each of the 5 succeeding  
16           fiscal years, of which—

17                   “(1) 50 percent shall be available for each fiscal  
18                   year to award grants under section 202; and

19                   “(2) 50 percent shall be available for each fiscal  
20                   year to award grants under section 203.

21           “(b) *SPECIAL RULE.*—If the Secretary determines that  
22           there is an insufficient number of meritorious applications  
23           for grants under section 202 or 203 to justify awarding the  
24           full amount described in paragraph (1) or (2) of subsection  
25           (a), respectively, the Secretary may, after funding the meri-

1 *torious applications, use the remaining funds for grants*  
 2 *under the other such section.”.*

### 3 **TITLE III—INSTITUTIONAL AID**

#### 4 **SEC. 301. PROGRAM PURPOSE.**

5 *Section 311 (20 U.S.C. 1057) is amended—*

6 *(1) in subsection (b)—*

7 *(A) in paragraph (1), by striking “351”*  
 8 *and inserting “391”; and*

9 *(B) in paragraph (3)(F), by inserting “, in-*  
 10 *cluding services that will assist in the education*  
 11 *of special populations” before the period; and*

12 *(2) in subsection (c)—*

13 *(A) in paragraph (6), by inserting “, in-*  
 14 *cluding innovative, customized, remedial edu-*  
 15 *cation and English language instruction courses*  
 16 *designed to help retain students and move the*  
 17 *students rapidly into core courses and through*  
 18 *program completion” before the period;*

19 *(B) by redesignating paragraphs (7)*  
 20 *through (12) as paragraphs (8) through (13), re-*  
 21 *spectively;*

22 *(C) by inserting after paragraph (6) the fol-*  
 23 *lowing:*

1           “(7) *Education or counseling services designed to*  
 2           *improve the financial literacy and economic literacy*  
 3           *of students or the students’ parents.*”; and

4                   (D) *in the matter preceding subparagraph*  
 5           (A) *of paragraph (13) (as redesignated by sub-*  
 6           *paragraph (B)), by striking “subsection (c)” and*  
 7           *inserting “subsection (b) and section 391”.*

8   **SEC. 302. DEFINITIONS; ELIGIBILITY.**

9           Section 312 (20 U.S.C. 1058) is amended—

10           (1) *in subsection (b)(1)(A), by striking “sub-*  
 11           *section (c) of this section” and inserting “subsection*  
 12           *(d)”;* and

13           (2) *in subsection (d)(2), by striking “subdivi-*  
 14           *sion” and inserting “paragraph”.*

15   **SEC. 303. AMERICAN INDIAN TRIBALLY CONTROLLED COL-**  
 16                   **LEGES AND UNIVERSITIES.**

17           Section 316 (20 U.S.C. 1059c) is amended—

18           (1) *by striking subsection (b)(3) and inserting*  
 19           *the following:*

20                   “(3) **TRIBAL COLLEGE OR UNIVERSITY.**—*The*  
 21           *term ‘Tribal College or University’ means an institu-*  
 22           *tion that—*

23                           “(A) *qualifies for funding under the Trib-*  
 24                   *ally Controlled College or University Assistance*  
 25                   *Act of 1978 (25 U.S.C. 1801 et seq.) or the Nav-*



1           *ajo Community College Assistance Act of 1978*  
2           *(25 U.S.C. 640a note); or*

3           *“(B) is cited in section 532 of the Equity*  
4           *in Educational Land-Grant Status Act of 1994*  
5           *(7 U.S.C. 301 note).”;*

6           *(2) in subsection (c)(2)—*

7           *(A) in subparagraph (B), by inserting be-*  
8           *fore the semicolon at the end the following: “and*  
9           *the acquisition of real property adjacent to the*  
10          *campus of the institution”;*

11          *(B) by redesignating subparagraphs (G),*  
12          *(H), (I), (J), (K), and (L) as subparagraphs*  
13          *(H), (I), (J), (K), (L), and (N), respectively;*

14          *(C) by inserting after subparagraph (F) the*  
15          *following:*

16          *“(G) education or counseling services de-*  
17          *signed to improve the financial literacy and eco-*  
18          *nomical literacy of students or parents of stu-*  
19          *dents;”;*

20          *(D) in subparagraph (L) (as redesignated*  
21          *by subparagraph (B)), by striking “and” after*  
22          *the semicolon;*

23          *(E) by inserting after subparagraph (L) (as*  
24          *redesignated by subparagraph (B)) the following:*

1           “(M) developing or improving facilities for  
2           Internet use or other distance learning academic  
3           instruction capabilities; and”;

4           (F) in subparagraph (N) (as redesignated  
5           by subparagraph (B)), by striking “subpara-  
6           graphs (A) through (K)” and inserting “sub-  
7           paragraphs (A) through (M)”;

8           (3) by striking subsection (d) and inserting the  
9           following:

10          “(d) APPLICATION, PLAN, AND ALLOCATION.—

11           “(1) INSTITUTIONAL ELIGIBILITY.—To be eligible  
12           to receive assistance under this section, a Tribal Col-  
13           lege or University shall be an eligible institution  
14           under section 312(b).

15          “(2) APPLICATION.—

16           “(A) IN GENERAL.—A Tribal College or  
17           University desiring to receive assistance under  
18           this section shall submit an application to the  
19           Secretary at such time, and in such manner, as  
20           the Secretary may reasonably require.

21           “(B) STREAMLINED PROCESS.—The Sec-  
22           retary shall establish application requirements  
23           in such a manner as to simplify and streamline  
24           the process for applying for grants.

25          “(3) ALLOCATIONS TO INSTITUTIONS.—

1           “(A) CONSTRUCTION GRANTS.—

2                   “(i) IN GENERAL.—Of the amount ap-  
3                   propriated to carry out this section for any  
4                   fiscal year, the Secretary may reserve 30  
5                   percent for the purpose of awarding 1-year  
6                   grants of not less than \$1,000,000 to ad-  
7                   dress construction, maintenance, and ren-  
8                   ovation needs at eligible institutions.

9                   “(ii) PREFERENCE.—In providing  
10                   grants under clause (i), the Secretary shall  
11                   give preference to eligible institutions that  
12                   have not yet received an award under this  
13                   section.

14           “(B) ALLOTMENT OF REMAINING FUNDS.—

15                   “(i) IN GENERAL.—Except as provided  
16                   in clause (ii), the Secretary shall distribute  
17                   the remaining funds appropriated for any  
18                   fiscal year to each eligible institution as fol-  
19                   lows:

20                           “(I) 60 percent of the remaining  
21                           appropriated funds shall be distributed  
22                           among the eligible Tribal Colleges and  
23                           Universities on a pro rata basis, based  
24                           on the respective Indian student counts  
25                           (as defined in section 2(a) of the Trib-

1                   ally Controlled College or University  
2                   Assistance Act of 1978 (25 U.S.C.  
3                   1801(a)) of the Tribal Colleges and  
4                   Universities; and

5                   “(II) the remaining 40 percent  
6                   shall be distributed in equal shares to  
7                   the eligible Tribal Colleges and Univer-  
8                   sities.

9                   “(i) *MINIMUM GRANT.*—The amount  
10                  distributed to a Tribal College or University  
11                  under clause (i) shall not be less than  
12                  \$500,000.

13                  “(4) *SPECIAL RULES.*—

14                  “(A) *CONCURRENT FUNDING.*—For the pur-  
15                  poses of this part, no Tribal College or Univer-  
16                  sity that is eligible for and receives funds under  
17                  this section shall concurrently receive funds  
18                  under other provisions of this part or part B.

19                  “(B) *EXEMPTION.*—Section 313(d) shall not  
20                  apply to institutions that are eligible to receive  
21                  funds under this section.”.

22   **SEC. 304. ALASKA NATIVE AND NATIVE HAWAIIAN-SERVING**  
23                   **INSTITUTIONS.**

24                  Section 317(c)(2) (20 U.S.C. 1059d(c)(2)) is amend-  
25   ed—

1           (1) in subparagraph (G), by striking “and” after  
2           the semicolon;

3           (2) in subparagraph (H), by striking the period  
4           and inserting “; and”; and

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

6                   “(I) education or counseling services de-  
7                   signed to improve the financial literacy and eco-  
8                   nomic literacy of students or the students’ par-  
9                   ents.”.

10 **SEC. 305. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**  
11 **TUTIONS.**

12           (a) *GRANT PROGRAM AUTHORIZED.*—Part A of title  
13 *III (20 U.S.C. 1057 et seq.)* is amended by adding at the  
14 *end the following:*

15 **“SEC. 318. NATIVE AMERICAN-SERVING, NONTRIBAL INSTI-**  
16 **TUTIONS.**

17           “(a) *PROGRAM AUTHORIZED.*—The Secretary shall  
18 *provide grants and related assistance to Native American-*  
19 *servicing, nontribal institutions to enable such institutions*  
20 *to improve and expand their capacity to serve Native Amer-*  
21 *icans.*

22           “(b) *DEFINITIONS.*—In this section:

23                   “(1) *NATIVE AMERICAN.*—The term ‘Native  
24                   American’ means an individual who is of a tribe,

1       *people, or culture that is indigenous to the United*  
2       *States.*

3               “(2) *NATIVE AMERICAN-SERVING, NONTRIBAL IN-*  
4       *STITUTION.—The term ‘Native American-serving,*  
5       *nontribal institution’ means an institution of higher*  
6       *education that, at the time of application—*

7                       “(A) *has an enrollment of undergraduate*  
8                       *students that is not less than 10 percent Native*  
9                       *American students; and*

10                      “(B) *is not a Tribal College or University*  
11                      *(as defined in section 316).*

12       “(c) *AUTHORIZED ACTIVITIES.—*

13               “(1) *TYPES OF ACTIVITIES AUTHORIZED.—*  
14       *Grants awarded under this section shall be used by*  
15       *Native American-serving, nontribal institutions to as-*  
16        *sist such institutions to plan, develop, undertake, and*  
17       *carry out activities to improve and expand such in-*  
18       *stitutions’ capacity to serve Native Americans.*

19               “(2) *EXAMPLES OF AUTHORIZED ACTIVITIES.—*  
20       *Such programs may include—*

21                      “(A) *the purchase, rental, or lease of sci-*  
22                      *entific or laboratory equipment for educational*  
23                      *purposes, including instructional and research*  
24                      *purposes;*

1           “(B) renovation and improvement in class-  
2 room, library, laboratory, and other instruc-  
3 tional facilities;

4           “(C) support of faculty exchanges, and fac-  
5 ulty development and faculty fellowships to as-  
6 sist faculty in attaining advanced degrees in the  
7 faculty’s field of instruction;

8           “(D) curriculum development and academic  
9 instruction;

10          “(E) the purchase of library books, periodi-  
11 cals, microfilm, and other educational materials;

12          “(F) funds and administrative manage-  
13 ment, and acquisition of equipment for use in  
14 strengthening funds management;

15          “(G) the joint use of facilities such as lab-  
16 oratories and libraries; and

17          “(H) academic tutoring and counseling pro-  
18 grams and student support services.

19          “(d) APPLICATION PROCESS.—

20           “(1) INSTITUTIONAL ELIGIBILITY.—A Native  
21 American-serving, nontribal institution desiring to  
22 receive assistance under this section shall submit to  
23 the Secretary such enrollment data as may be nec-  
24 essary to demonstrate that the institution is a Native  
25 American-serving, nontribal institution, along with

1 *such other information and data as the Secretary*  
2 *may by regulation require.*

3 “(2) *APPLICATIONS.*—

4 “(A) *PERMISSION TO SUBMIT APPLICATIONS.*—*Any institution that is determined by*  
5 *the Secretary to be a Native American-serving,*  
6 *nontribal institution may submit an application*  
7 *for assistance under this section to the Secretary.*

9 “(B) *SIMPLIFIED AND STREAMLINED FOR-*  
10 *MAT.*—*The Secretary shall, to the extent possible,*  
11 *prescribe a simplified and streamlined format*  
12 *for applications under this section that takes*  
13 *into account the limited number of institutions*  
14 *that are eligible for assistance under this section.*

15 “(C) *CONTENT.*—*An application submitted*  
16 *under subparagraph (A) shall include—*

17 “(i) *a 5-year plan for improving the*  
18 *assistance provided by the Native Amer-*  
19 *ican-serving, nontribal institution to Native*  
20 *Americans; and*

21 “(ii) *such other information and assur-*  
22 *ances as the Secretary may require.*

23 “(3) *SPECIAL RULES.*—

24 “(A) *ELIGIBILITY.*—*No Native American-*  
25 *serving, nontribal institution that receives funds*



1           *under this section shall concurrently receive*  
 2           *funds under other provisions of this part or part*  
 3           *B.*

4           “(B) *EXEMPTION.*—*Section 313(d) shall not*  
 5           *apply to institutions that are eligible to receive*  
 6           *funds under this section.*”

7           “(C) *DISTRIBUTION.*—*In awarding grants*  
 8           *under this section, the Secretary shall, to the ex-*  
 9           *tent possible and consistent with the competitive*  
 10           *process under which such grants are awarded,*  
 11           *ensure maximum and equitable distribution*  
 12           *among all eligible institutions.”.*

13           (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*  
 14           *399 (20 U.S.C. 1068h) is amended by adding at the end*  
 15           *the following:*

16           “(c) *MINIMUM GRANT AMOUNT.*—*The minimum*  
 17           *amount of a grant under this title shall be \$200,000.”.*

18           **SEC. 306. PART B DEFINITIONS.**

19           *Section 322(4) (20 U.S.C. 1061(4)) is amended by in-*  
 20           *serting “, in consultation with the Commissioner for Edu-*  
 21           *cation Statistics” before “and the Commissioner”.*

22           **SEC. 307. GRANTS TO INSTITUTIONS.**

23           *Section 323(a) (20 U.S.C. 1062(a)) is amended—*

24           (1) *in the matter preceding paragraph (1), by*  
 25           *striking “360(a)(2)” and inserting “399(a)(2)”;*

1           (2) by redesignating paragraphs (7) through (12)  
2           as paragraphs (8) through (13), respectively; and

3           (3) by inserting after paragraph (6) the fol-  
4           lowing:

5           “(7) *Education or counseling services designed to*  
6           *improve the financial literacy and economic literacy*  
7           *of students or the students’ parents.*”.

8   **SEC. 308. ALLOTMENTS TO INSTITUTIONS.**

9           Section 324 (20 U.S.C. 1063) is amended by adding  
10          at the end the following:

11          “(h) *SPECIAL RULE ON ELIGIBILITY.*—Notwith-  
12          standing any other provision of this section, a part B insti-  
13          tution shall not receive an allotment under this section un-  
14          less the part B institution provides, on an annual basis,  
15          data indicating that the part B institution—

16                 “(1) *enrolled Federal Pell Grant recipients in the*  
17                 *preceding academic year;*

18                 “(2) *in the preceding academic year, has grad-*  
19                 *uated students from a program of academic study*  
20                 *that is licensed or accredited by a nationally recog-*  
21                 *nized accrediting agency or association recognized by*  
22                 *the Secretary pursuant to part H of title IV where*  
23                 *appropriate; and*

1           “(3) where appropriate, has graduated students  
2           who, within the past 5 years, enrolled in graduate or  
3           professional school.”.

4 **SEC. 309. PROFESSIONAL OR GRADUATE INSTITUTIONS.**

5           Section 326 (20 U.S.C. 1063b) is amended—

6           (1) in subsection (c)—

7                   (A) in paragraph (2), by inserting “, and  
8                   for the acquisition and development of real prop-  
9                   erty that is adjacent to the campus for such con-  
10                   struction, maintenance, renovation, or improve-  
11                   ment” after “services”;

12                   (B) by redesignating paragraphs (5)  
13                   through (7) as paragraphs (7) through (9), re-  
14                   spectively;

15                   (C) by inserting after paragraph (4) the fol-  
16                   lowing:

17                   “(5) tutoring, counseling, and student service  
18                   programs designed to improve academic success;

19                   “(6) education or counseling services designed to  
20                   improve the financial literacy and economic literacy  
21                   of students or the students’ parents;”;

22                   (D) in paragraph (7) (as redesignated by  
23                   subparagraph (B)), by striking “establish or im-  
24                   prove” and inserting “establishing or improv-  
25                   ing”;

1           (E) in paragraph (8) (as redesignated by  
2           subparagraph (B))—

3                   (i) by striking “assist” and inserting  
4                   “assisting”; and

5                   (ii) by striking “and” after the semi-  
6                   colon;

7           (F) in paragraph (9) (as redesignated by  
8           subparagraph (B)), by striking the period and  
9           inserting “; and”; and

10           (G) by adding at the end the following:

11           “(10) other activities proposed in the application  
12           submitted under subsection (d) that—

13                   “(A) contribute to carrying out the purposes  
14                   of this part; and

15                   “(B) are approved by the Secretary as part  
16                   of the review and acceptance of such applica-  
17                   tion.”;

18           (2) in subsection (e)—

19                   (A) in paragraph (1)—

20                           (i) by inserting a colon after “the fol-  
21                           lowing”;

22                           (ii) in subparagraph (Q), by striking  
23                           “and” at the end;

24                           (iii) in subparagraph (R), by striking  
25                           the period and inserting a semicolon; and

1                   (iv) by adding at the end the following:

2                   “(S) Alabama State University qualified  
3 graduate program;

4                   “(T) Coppin State University qualified  
5 graduate program; and

6                   “(U) Prairie View A & M University quali-  
7 fied graduate program.”;

8                   (B) in paragraph (2), by inserting “in law  
9 or” after “instruction”; and

10                  (C) in paragraph (3)—

11                   (i) by striking “1998” and inserting  
12 “2006”; and

13                   (ii) by striking “(Q) and (R)” and in-  
14 serting “(S), (T), and (U)”;

15                  (3) in subsection (f)—

16                   (A) in paragraph (1), by striking “(P)”  
17 and inserting “(R)”; and

18                   (B) in paragraph (3)—

19                   (i) by striking subparagraphs (A) and  
20 (B) and inserting the following:

21                   “(A) The amount of non-Federal funds for  
22 the fiscal year for which the determination is  
23 made that the institution or program listed in  
24 subsection (e)—

1           “(i) allocates from institutional re-  
2           sources;

3           “(ii) secures from non-Federal sources,  
4           including amounts appropriated by the  
5           State and amounts from the private sector;  
6           and

7           “(iii) will utilize to match Federal  
8           funds awarded for the fiscal year for which  
9           the determination is made under this sec-  
10          tion to the institution or program.

11          “(B) The number of students enrolled in the  
12          qualified graduate programs of the eligible insti-  
13          tution or program, for which the institution or  
14          program received and allocated funding under  
15          this section in the preceding year.”;

16          (ii) in subparagraph (C), by striking  
17          “(or the equivalent) enrolled in the eligible  
18          professional or graduate school” and all  
19          that follows through the period and insert-  
20          ing “enrolled in the qualified programs or  
21          institutions listed in paragraph (1).”;

22          (iii) in subparagraph (D)—

23                  (I) by striking “students” and in-  
24                  serting “Black American students or  
25                  minority students”; and

1                   (II) by striking “institution” and  
2                   inserting “institution or program”;  
3                   and

4                   (iv) by striking subparagraph (E) and  
5                   inserting the following:

6                   “(E) The percentage that the total number  
7                   of Black American students and minority stu-  
8                   dents who receive their first professional, mas-  
9                   ter’s, or doctoral degrees from the institution or  
10                  program in the academic year preceding the aca-  
11                  demic year for which the determination is made,  
12                  represents of the total number of Black American  
13                  students and minority students in the United  
14                  States who receive their first professional, mas-  
15                  ter’s, or doctoral degrees in the professions or  
16                  disciplines related to the course of study at such  
17                  institution or program, respectively, in the pre-  
18                  ceding academic year.”; and

19                  (4) in subsection (g), by striking “1998” and in-  
20                  serting “2006”.

21 **SEC. 310. AUTHORIZATION OF APPROPRIATIONS.**

22                  Subsection (a) of section 399 (20 U.S.C. 1068h) is  
23                  amended to read as follows:

24                  “(a) AUTHORIZATIONS.—

1           “(1) *PART A.—(A) There are authorized to be*  
2           *appropriated to carry out part A (other than section*  
3           *316) such sums as may be necessary for fiscal year*  
4           *2006 and each of the 5 succeeding fiscal years.*

5           “(B) *There are authorized to be appropriated to*  
6           *carry out section 316 such sums as may be necessary*  
7           *for fiscal year 2006 and each of the 5 succeeding fis-*  
8           *cal years.*

9           “(C) *There are authorized to be appropriated to*  
10          *carry out section 317 such sums as may be necessary*  
11          *for fiscal year 2006 and each of the 5 succeeding fis-*  
12          *cal years.*

13          “(D) *There are authorized to be appropriated to*  
14          *carry out section 318 such sums as may be necessary*  
15          *for fiscal year 2006 and each of the 5 succeeding fis-*  
16          *cal years.*

17          “(2) *PART B.—(A) There are authorized to be*  
18          *appropriated to carry out part B (other than section*  
19          *326) such sums as may be necessary for fiscal year*  
20          *2006 and each of the 5 succeeding fiscal years.*

21          “(B) *There are authorized to be appropriated to*  
22          *carry out section 326 such sums as may be necessary*  
23          *for fiscal year 2006 and each of the 5 succeeding fis-*  
24          *cal years.*



1           “(3) *PART C.*—*There are authorized to be appro-*  
2           *priated to carry out part C such sums as may be nec-*  
3           *essary for fiscal year 2006 and each of the 5 suc-*  
4           *ceeding fiscal years.*”

5           “(4) *PART D.*—(A) *There are authorized to be*  
6           *appropriated to carry out part D (other than section*  
7           *345(7), but including section 347) such sums as may*  
8           *be necessary for fiscal year 2006 and each of the 5*  
9           *succeeding fiscal years.*”

10           “(B) *There are authorized to be appropriated to*  
11           *carry out section 345(7) such sums as may be nec-*  
12           *essary for fiscal year 2006 and each of the 5 suc-*  
13           *ceeding fiscal years.*”

14           “(5) *PART E.*—*There are authorized to be appro-*  
15           *priated to carry out part E such sums as may be nec-*  
16           *essary for fiscal year 2006 and each of the 5 suc-*  
17           *ceeding fiscal years.*”

18 **SEC. 311. TECHNICAL CORRECTIONS.**

19           *Title III (20 U.S.C. 1051 et seq.) is further amended—*

20           (1) *in section 342(5)(C) (20 U.S.C.*  
21           *1066a(5)(C)), by striking “,” and inserting “,”;*

22           (2) *in section 343(e) (20 U.S.C. 1066b(e)), by in-*  
23           *serting “SALE OF QUALIFIED BONDS.—” before “Not-*  
24           *withstanding”;*

1           (3) *in the matter preceding clause (i) of section*  
 2           *365(9)(A) (20 U.S.C. 1067k(9)(A)), by striking “sup-*  
 3           *port” and inserting “supports”;*

4           (4) *in section 391(b)(7)(E) (20 U.S.C.*  
 5           *1068(b)(7)(E)), by striking “subparagraph (E)” and*  
 6           *inserting “subparagraph (D)”;*

7           (5) *in the matter preceding subparagraph (A) of*  
 8           *section 392(b)(2) (20 U.S.C. 1068a(b)(2)), by striking*  
 9           *“eligible institutions under part A institutions” and*  
 10          *inserting “eligible institutions under part A”; and*

11          (6) *in the matter preceding paragraph (1) of sec-*  
 12          *tion 396 (20 U.S.C. 1068e), by striking “360” and*  
 13          *inserting “399”.*

14       **TITLE IV—STUDENT ASSISTANCE**

15       **PART A—GRANTS TO STUDENTS IN ATTENDANCE**

16       **AT INSTITUTIONS OF HIGHER EDUCATION**

17       **SEC. 401. FEDERAL PELL GRANTS.**

18       *Section 401 (20 U.S.C. 1070a) is amended—*

19           (1) *in subsection (a)(1)—*

20                   (A) *in the first sentence, by striking “2004”*  
 21                   *and inserting “2012”; and*

22                   (B) *in the second sentence, by striking “,”*  
 23                   *and inserting “;”;*

24           (2) *in subsection (b)—*

1                   (A) by striking paragraph (2)(A) and in-  
2                   serting the following:

3                   “(2)(A) the amount of the Federal Pell Grant for a  
4 student eligible under this part shall be—

5                   “(i) \$5,100 for academic year 2006–2007;

6                   “(ii) \$5,400 for academic year 2007–2008;

7                   “(iii) \$5,700 for academic year 2008–2009;

8                   “(iv) \$6,000 for academic year 2009–2010; and

9                   “(v) \$6,300 for academic year 2010–2011,

10 less an amount equal to the amount determined to be the  
11 expected family contribution with respect to that student  
12 for that year.”;

13                   (B) by striking paragraph (3);

14                   (C) by redesignating paragraphs (4)  
15 through (8) as paragraphs (3) through (7), re-  
16 spectively;

17                   (D) in paragraph (4) (as redesignated by  
18 subparagraph (C)), by striking “\$400, except”  
19 and all that follows through the period and in-  
20 sserting “10 percent of the maximum basic grant  
21 level specified in the appropriate Appropriation  
22 Act for such academic year, except that a student  
23 who is eligible for a Federal Pell Grant in an  
24 amount that is equal to or greater than 5 percent  
25 of such level but less than 10 percent of such level

1           *shall be awarded a Federal Pell grant in the*  
2           *amount of 10 percent of such level.”; and*

3           *(E) by striking paragraph (5) (as redesign-*  
4           *ated by subparagraph (C)) and inserting the*  
5           *following:*

6           *“(5) In the case of a student who is enrolled, on at*  
7           *least a half-time basis and for a period of more than 1 aca-*  
8           *demic year in a 2-year or 4-year program of instruction*  
9           *for which an institution of higher education awards an as-*  
10          *sociate or baccalaureate degree, the Secretary shall allow*  
11          *such student to receive not more than 2 Federal Pell Grants*  
12          *during a single award year to permit such student to accel-*  
13          *erate the student’s progress toward a degree by attending*  
14          *additional sessions. In the case of a student receiving more*  
15          *than 1 Federal Pell Grant in a single award year, the total*  
16          *amount of Federal Pell Grants awarded to such student for*  
17          *the award year may exceed the maximum basic grant level*  
18          *specified in the appropriate Appropriation Act for such*  
19          *award year.”; and*

20          *(3) in subsection (c), by adding at the end the*  
21          *following:*

22          *“(5) The period of time during which a student may*  
23          *receive Federal Pell Grants shall not exceed 18 semesters,*  
24          *or an equivalent period of time as determined by the Sec-*  
25          *retary pursuant to regulations, which period shall—*

1           “(A) be determined without regard to whether  
2           the student is enrolled on a full-time basis during any  
3           portion of the period of time; and

4           “(B) include any period of time for which the  
5           student received a Federal Pell Grant prior to the  
6           date of enactment of the Higher Education Amend-  
7           ments of 2005.”.

8   **SEC. 402. FEDERAL TRIO PROGRAMS.**

9           (a) *PROGRAM AUTHORITY; AUTHORIZATION OF AP-*  
10 *PROPRIATIONS.*—Section 402A (20 U.S.C. 1070a–11) is  
11 *amended—*

12           (1) *in subsection (b)—*

13           (A) *in paragraph (2)—*

14           (i) *in the matter preceding subpara-*  
15 *graph (A), by striking “4” and inserting*  
16 *“5”;*

17           (ii) *by striking subparagraph (A); and*

18           (iii) *by redesignating subparagraphs*  
19 *(B) and (C) as subparagraphs (A) and (B),*  
20 *respectively; and*

21           (B) *by striking paragraph (3) and inserting*  
22 *the following:*

23           “(3) *MINIMUM GRANTS.*—*Unless the institution*  
24 *or agency requests a smaller amount, an individual*  
25 *grant authorized under this chapter shall be awarded*

1        *in an amount that is not less than \$200,000, except*  
2        *that an individual grant authorized under section*  
3        *402G shall be awarded in an amount that is not less*  
4        *than \$170,000.”;*

5            *(2) in subsection (c)—*

6                    *(A) in paragraph (2), by striking “service*  
7                    *delivery” and inserting “high quality service de-*  
8                    *livery, as determined under subsection (f),”;*

9                    *(B) in paragraph (3)(B), by striking “is*  
10                   *not required to” and inserting “shall not”; and*

11                   *(C) in paragraph (5), by striking “cam-*  
12                   *pus” and inserting “different campuses”;*

13            *(3) in subsection (e), by striking “(g)(2)” each*  
14            *place the term occurs and inserting “(h)(4)”;*

15            *(4) by redesignating subsections (f) and (g) as*  
16            *subsections (g) and (h), respectively;*

17            *(5) by inserting after subsection (e) the following:*

18            *“(f) OUTCOME CRITERIA.—*

19                    *“(1) IN GENERAL.—The Secretary, by regulation,*  
20                    *shall establish outcome criteria for measuring, annu-*  
21                    *ally and for longer periods, the quality and effective-*  
22                    *ness of programs authorized under this chapter.*

23                    *“(2) USE FOR PRIOR EXPERIENCE DETERMINA-*  
24                    *TION.—The outcome criteria under paragraph (1)*  
25                    *shall be used to evaluate the programs provided by a*

1        *recipient of a grant under this chapter, and the Sec-*  
2        *retary shall determine an eligible entity's prior expe-*  
3        *rience of high quality service delivery, as required in*  
4        *subsection (c)(2), based on the outcome criteria.*

5            *“(3) CONSIDERATION OF RELEVANT DATA.—The*  
6        *outcome criteria under this subsection shall take into*  
7        *account data pertaining to secondary school comple-*  
8        *tion, postsecondary education enrollment, and postsec-*  
9        *ondary education completion for low-income students,*  
10       *first generation college students, and individuals with*  
11       *disabilities, in the schools and institutions of higher*  
12       *education served by the program to be evaluated.*

13           *“(4) CONTENTS OF OUTCOME CRITERIA.—The*  
14       *outcome criteria shall include the following:*

15            *“(A) For programs authorized under section*  
16        *402B, whether the eligible entity met or exceeded*  
17        *the entity's objectives established in the entity's*  
18        *application for such program regarding—*

19                    *“(i) the delivery of service to a total*  
20                    *number of students served by the program;*

21                    *“(ii) the continued secondary school*  
22                    *enrollment of such students;*

23                    *“(iii) the graduation of such students*  
24                    *from secondary school; and*

1           “(iv) the enrollment of such students in  
2           an institution of higher education.

3           “(B) For programs authorized under section  
4           402C, whether the eligible entity met or exceeded  
5           its objectives for such program regarding—

6           “(i) the delivery of service to a total  
7           number of students served by the program,  
8           as agreed upon by the entity and the Sec-  
9           retary for the period;

10           “(ii) such students’ school performance,  
11           as measured by the grade point average, or  
12           its equivalent;

13           “(iii) such students’ academic perform-  
14           ance, as measured by standardized tests, in-  
15           cluding tests required by the students’ State;

16           “(iv) the retention in, and graduation  
17           from, secondary school of such students; and

18           “(v) the enrollment of such students in  
19           an institution of higher education.

20           “(C) For programs authorized under section  
21           402D—

22           “(i) whether the eligible entity met or  
23           exceeded the entity’s objectives regarding the  
24           retention in postsecondary education of the  
25           students served by the program;



1           “(ii)(I) in the case of an entity that is  
2           an institution of higher education offering a  
3           baccalaureate degree, the extent to which the  
4           entity met or exceeded the entity’s objectives  
5           regarding such students’ completion of the  
6           degree programs in which such students  
7           were enrolled; or

8           “(II) in the case of an entity that is an  
9           institution of higher education that does not  
10          offer a baccalaureate degree, the extent to  
11          which the entity met or exceeded the entity’s  
12          objectives regarding—

13                 “(aa) the completion of a degree  
14                 or certificate by such students; and

15                 “(bb) the transfer of such students  
16                 to institutions of higher education that  
17                 offer baccalaureate degrees;

18           “(iii) whether the entity met or exceed-  
19           ed the entity’s objectives regarding the deliv-  
20           ery of service to a total number of students,  
21           as agreed upon by the entity and the Sec-  
22           retary for the period; and

23           “(iv) whether the applicant met or ex-  
24           ceeded the entity’s objectives regarding such

1           *students remaining in good academic stand-*  
2           *ing.*

3           “(D) *For programs authorized under sec-*  
4           *tion 402E, whether the entity met or exceeded the*  
5           *entity’s objectives for such program regarding—*

6                   “(i) *the delivery of service to a total*  
7                   *number of students, as agreed upon by the*  
8                   *entity and the Secretary for the period;*

9                   “(ii) *the provision of appropriate*  
10                  *scholarly and research activities for the stu-*  
11                  *dents served by the program;*

12                  “(iii) *the acceptance and enrollment of*  
13                  *such students in graduate programs; and*

14                  “(iv) *the attainment of doctoral degrees*  
15                  *by former program participants.*

16           “(E) *For programs authorized under section*  
17           *402F, whether the entity met or exceeded the en-*  
18           *tity’s objectives for such program regarding—*

19                   “(i) *the enrollment of students without*  
20                   *a secondary school diploma or its recognized*  
21                   *equivalent, who were served by the program,*  
22                   *in programs leading to such diploma or*  
23                   *equivalent;*

1           “(ii) the enrollment of secondary school  
2 graduates who were served by the program  
3 in programs of postsecondary education;

4           “(iii) the delivery of service to a total  
5 number of students, as agreed upon by the  
6 entity and the Secretary for the period; and

7           “(iv) the provision of assistance to stu-  
8 dents served by the program in completing  
9 financial aid applications and college ad-  
10 mission applications.”;

11           (6) in subsection (g) (as redesignated by para-  
12 graph (4))—

13           (A) in the first sentence, by striking  
14 “\$700,000,000 for fiscal year 1999” and all that  
15 follows through the period and inserting “such  
16 sums as may be necessary for fiscal year 2006  
17 and each of the 5 succeeding fiscal years.”; and

18           (B) by striking the fourth sentence; and

19           (7) in subsection (h) (as redesignated by para-  
20 graph (4))—

21           (A) by redesignating paragraphs (1)  
22 through (4) as paragraphs (3) through (6), re-  
23 spectively;

24           (B) by inserting before paragraph (3) (as  
25 redesignated by subparagraph (A)) the following:

1           “(1) *DIFFERENT CAMPUS.*—The term ‘different  
2           *campus*’ means a site of an institution of higher edu-  
3           *cation that—*

4                   “(A) *is geographically apart from the main*  
5                   *campus of the institution;*

6                   “(B) *is permanent in nature; and*

7                   “(C) *offers courses in educational programs*  
8                   *leading to a degree, certificate, or other recog-*  
9                   *nized educational credential.*

10           “(2) *DIFFERENT POPULATION.*—The term ‘dif-  
11           *ferent population*’ means a group of individuals, with  
12           *respect to whom an eligible entity desires to serve*  
13           *through an application for a grant under this chap-*  
14           *ter, that—*

15                   “(A) *is separate and distinct from any*  
16                   *other population that the entity has applied for*  
17                   *a grant under this chapter to serve; or*

18                   “(B) *while sharing some of the same needs*  
19                   *as another population that the eligible entity has*  
20                   *applied for a grant under this chapter to serve,*  
21                   *has distinct needs for specialized services.”;*

22                   “(C) *in paragraph (5) (as redesignated by*  
23                   *subparagraph (A))—*

24                           *(i) in subparagraph (A), by striking*

25                           *“or” after the semicolon;*

1                   (ii) in subparagraph (B), by striking  
2                   the period at the end and inserting “; or”;  
3                   and

4                   (iii) by adding at the end the fol-  
5                   lowing:

6                   “(C) was a member of a reserve component  
7                   of the Armed Forces called to active duty for a  
8                   period of more than 180 days.”; and

9                   (D) in paragraph (6), by striking “sub-  
10                   paragraph (A) or (B) of paragraph (3)” and in-  
11                   serting “subparagraph (A), (B), or (C) of para-  
12                   graph (5)”.

13           (b) *TALENT SEARCH*.—Section 402B (20 U.S.C.  
14 1070a–12) is amended—

15                   (1) in subsection (a)—

16                   (A) in paragraph (1), by striking “to iden-  
17                   tify qualified youths with potential for education  
18                   at the postsecondary level and to encourage such  
19                   youths” and inserting “to encourage eligible  
20                   youths”;

21                   (B) in paragraph (2), by inserting “, and  
22                   facilitate the application for,” after “the avail-  
23                   ability of”; and

24                   (C) in paragraph (3), by striking “, but  
25                   who have the ability to complete such programs,

1           to reenter” and inserting “to enter or reenter,  
2           and complete”;

3           (2) by redesignating subsection (c) as subsection  
4           (d);

5           (3) by striking subsection (b) and inserting the  
6           following:

7           “(b) *REQUIRED SERVICES.*—Any project assisted  
8           under this section shall provide—

9                 “(1) academic tutoring, or connections to high  
10              quality academic tutoring services, to enable students  
11              to complete secondary or postsecondary courses, which  
12              may include instruction in reading, writing, study  
13              skills, mathematics, science, and other subjects;

14              “(2) advice and assistance in secondary course  
15              selection and, if applicable, initial postsecondary  
16              course selection;

17              “(3) assistance in preparing for college entrance  
18              examinations and completing college admission appli-  
19              cations;

20              “(4)(A) information on both the full range of  
21              Federal student financial aid programs (including  
22              Federal Pell Grant awards and loan forgiveness) and  
23              resources for locating public and private scholarships;  
24              and

1           “(B) assistance in completing financial aid ap-  
2           plications, including the Free Application for Federal  
3           Student Aid described in section 483(a);

4           “(5) guidance on and assistance in—

5                 “(A) secondary school reentry;

6                 “(B) alternative education programs for sec-  
7           ondary school dropouts that lead to the receipt of  
8           a regular secondary school diploma;

9                 “(C) entry into general educational develop-  
10           ment (GED) programs; or

11                 “(D) postsecondary education; and

12           “(6) education or counseling services designed to  
13           improve the financial literacy and economic literacy  
14           of students or their parents, including financial plan-  
15           ning for postsecondary education.

16           “(c) *PERMISSIBLE SERVICES*.—Any project assisted  
17           under this section may provide services such as—

18                 “(1) personal and career counseling or activities;

19                 “(2) information and activities designed to ac-  
20           quaint youths with the range of career options avail-  
21           able to the youths;

22                 “(3) exposure to the campuses of institutions of  
23           higher education, as well as cultural events, academic  
24           programs, and other sites or activities not usually  
25           available to disadvantaged youth;

1           “(4) workshops and counseling for families of  
2 students served;

3           “(5) mentoring programs involving elementary  
4 or secondary school teachers or counselors, faculty  
5 members at institutions of higher education, students,  
6 or any combination of such persons; and

7           “(6) programs and activities as described in sub-  
8 section (b) or paragraphs (1) through (5) of this sub-  
9 section that are specially designed for students who  
10 are limited English proficient, students with disabili-  
11 ties, students who are homeless children and youths  
12 (as such term is defined in section 725 of the McKin-  
13 ney-Vento Homeless Assistance Act (42 U.S.C.  
14 11434a)), or students who are in foster care or are  
15 aging out of the foster care system.”; and

16           (4) in the matter preceding paragraph (1) of  
17 subsection (d) (as redesignated by paragraph (2)), by  
18 striking “talent search projects under this chapter”  
19 and inserting “projects under this section”.

20           (c) *UPWARD BOUND*.—Section 402C (20 U.S.C.  
21 1070a-13) is amended—

22           (1) by striking subsection (b) and inserting the  
23 following:

24           “(b) *REQUIRED SERVICES*.—Any project assisted  
25 under this section shall provide—



1           “(1) *academic tutoring to enable students to*  
2           *complete secondary or postsecondary courses, which*  
3           *may include instruction in reading, writing, study*  
4           *skills, mathematics, science, and other subjects;*

5           “(2) *advice and assistance in secondary and*  
6           *postsecondary course selection;*

7           “(3) *assistance in preparing for college entrance*  
8           *examinations and completing college admission appli-*  
9           *cations;*

10           “(4)(A) *information on both the full range of*  
11           *Federal student financial aid programs (including*  
12           *Federal Pell Grant awards and loan forgiveness) and*  
13           *resources for locating public and private scholarships;*  
14           *and*

15           “(B) *assistance in completing financial aid ap-*  
16           *plications, including the Free Application for Federal*  
17           *Student Aid described in section 483(a);*

18           “(5) *guidance on and assistance in—*

19           “(A) *secondary school reentry;*

20           “(B) *alternative education programs for sec-*  
21           *ondary school dropouts that lead to the receipt of*  
22           *a regular secondary school diploma;*

23           “(C) *entry into general educational develop-*  
24           *ment (GED) programs; or*

25           “(D) *postsecondary education; and*

1           “(6) education or counseling services designed to  
2           improve the financial literacy and economic literacy  
3           of students, including financial planning for postsec-  
4           ondary education.”;

5           (2) in subsection (c)—

6           (A) in the subsection heading, by striking  
7           “REQUIRED SERVICES” and inserting “ADDI-  
8           TIONAL REQUIRED SERVICES FOR MULTIPLE-  
9           YEAR GRANT RECIPIENTS”; and

10          (B) by striking “upward bound project as-  
11          sisted under this chapter” and inserting “project  
12          assisted under this section”;

13          (3) by redesignating subsections (d) and (e) as  
14          subsections (e) and (f), respectively;

15          (4) by inserting after subsection (c) the fol-  
16          lowing:

17          “(d) *PERMISSIBLE SERVICES*.—Any project assisted  
18          under this section may provide such services as—

19               “(1) exposure to cultural events, academic pro-  
20               grams, and other activities not usually available to  
21               disadvantaged youth;

22               “(2) information, activities and instruction de-  
23               signed to acquaint youths participating in the project  
24               with the range of career options available to the  
25               youths;

1           “(3) *on-campus residential programs;*

2           “(4) *mentoring programs involving elementary*  
3 *school or secondary school teachers or counselors, fac-*  
4 *ulty members at institutions of higher education, stu-*  
5 *dents, or any combination of such persons;*

6           “(5) *work-study positions where youth partici-*  
7 *pating in the project are exposed to careers requiring*  
8 *a postsecondary degree;*

9           “(6) *special services to enable veterans to make*  
10 *the transition to postsecondary education; and*

11           “(7) *programs and activities as described in sub-*  
12 *section (b), subsection (c), or paragraphs (1) through*  
13 *(6) of this subsection that are specially designed for*  
14 *students who are limited English proficient, students*  
15 *with disabilities, students who are homeless children*  
16 *and youths (as such term is defined in section 725 of*  
17 *the McKinney-Vento Homeless Assistance Act (42*  
18 *U.S.C. 11434a)), or students who are in foster care or*  
19 *are aging out of the foster care system.”;*

20           (5) *in the matter preceding paragraph (1) of*  
21 *subsection (e) (as redesignated by paragraph (3)), by*  
22 *striking “upward bound projects under this chapter”*  
23 *and inserting “projects under this section”; and*

24           (6) *in subsection (f) (as redesignated by para-*  
25 *graph (3))—*

1           (A) by striking “during June, July, and  
2           August” each place the term occurs and inserting  
3           “during the summer school recess, for a period  
4           not to exceed 3 months”; and

5           (B) by striking “(b)(10)” and inserting  
6           “(d)(5)”.

7           (d) *STUDENT SUPPORT SERVICES.—Section 402D (20*  
8           *U.S.C. 1070a–14) is amended—*

9           (1) *in subsection (a)—*

10           (A) *in paragraph (2), by striking “and”*  
11           *after the semicolon;*

12           (B) *by striking paragraph (3) and inserting*  
13           *the following:*

14           “(3) *to foster an institutional climate supportive*  
15           *of the success of low-income and first generation col-*  
16           *lege students, students with disabilities, students who*  
17           *are limited English proficient, students who are*  
18           *homeless children and youths (as such term is defined*  
19           *in section 725 of the McKinney-Vento Homeless As-*  
20           *stance Act (42 U.S.C. 11434a)), and students who*  
21           *are in foster care or are aging out of the foster care*  
22           *system.”; and*

23           (C) *by adding at the end the following:*

24           “(4) *to improve the financial literacy and eco-*  
25           *nomical literacy of students, including—*

1           “(A) basic personal income, household  
2           money management, and financial planning  
3           skills; and

4           “(B) basic economic decisionmaking skills.”;  
5           (2) by redesignating subsections (c) and (d) as  
6           subsections (d) and (e);

7           (3) by striking subsection (b) and inserting the  
8           following:

9           “(b) *REQUIRED SERVICES.*—A project assisted under  
10          this section shall provide—

11           “(1) academic tutoring to enable students to  
12           complete postsecondary courses, which may include  
13           instruction in reading, writing, study skills, mathe-  
14           matics, science, and other subjects;

15           “(2) advice and assistance in postsecondary  
16           course selection;

17           “(3)(A) information on both the full range of  
18           Federal student financial aid programs (including  
19           Federal Pell Grant awards and loan forgiveness) and  
20           resources for locating public and private scholarships;  
21           and

22           “(B) assistance in completing financial aid ap-  
23           plications, including the Free Application for Federal  
24           Student Aid described in section 483(a);

1           “(4) education or counseling services designed to  
2           improve the financial literacy and economic literacy  
3           of students, including financial planning for postsec-  
4           ondary education;

5           “(5) activities designed to assist students partici-  
6           pating in the project in securing college admission  
7           and financial assistance for enrollment in graduate  
8           and professional programs; and

9           “(6) activities designed to assist students enrolled  
10          in 2-year institutions of higher education in securing  
11          admission and financial assistance for enrollment in  
12          a 4-year program of postsecondary education.

13          “(c) *PERMISSIBLE SERVICES*.—A project assisted  
14          under this section may provide services such as—

15               “(1) consistent, individualized personal, career,  
16               and academic counseling, provided by assigned coun-  
17               selors;

18               “(2) information, activities, and instruction de-  
19               signed to acquaint youths participating in the project  
20               with the range of career options available to the stu-  
21               dents;

22               “(3) exposure to cultural events and academic  
23               programs not usually available to disadvantaged stu-  
24               dents;

1           “(4) activities designed to acquaint students par-  
2           ticipating in the project with the range of career op-  
3           tions available to the students;

4           “(5) mentoring programs involving faculty or  
5           upper class students, or a combination thereof;

6           “(6) securing temporary housing during breaks  
7           in the academic year for students who are homeless  
8           children and youths (as such term is defined in sec-  
9           tion 725 of the McKinney-Vento Homeless Assistance  
10          Act (42 U.S.C. 11434a)) or were formerly homeless  
11          children and youths and students who are in foster  
12          care or are aging out of the foster care system; and

13          “(7) programs and activities as described in sub-  
14          section (b) or paragraphs (1) through (5) of this sub-  
15          section that are specially designed for students who  
16          are limited English proficient, students with disabil-  
17          ities, students who are homeless children and youths  
18          (as such term is defined in section 725 of the McKin-  
19          ney-Vento Homeless Assistance Act (42 U.S.C.  
20          11434a)) or were formerly homeless children and  
21          youths, or students who are in foster care or are  
22          aging out of the foster care system.”;

23          (4) in subsection (d)(1) (as redesignated by  
24          paragraph (2)), by striking “subsection (b)” and in-  
25          serting “subsection (c)”; and

1           (5) *in the matter preceding paragraph (1) of*  
2           *subsection (e) (as redesignated by paragraph (2)), by*  
3           *striking “student support services projects under this*  
4           *chapter” and inserting “projects under this section”.*

5           (e) *POSTBACCALAUREATE ACHIEVEMENT PROGRAM*  
6 *AUTHORITY.—Section 402E (20 U.S.C. 1070a–15) is*  
7 *amended—*

8           (1) *in subsection (b)—*

9           (A) *in the subsection heading, by inserting*  
10           *“REQUIRED” before “SERVICES”;*

11           (B) *in the matter preceding paragraph (1),*  
12           *by striking “A postbaccalaureate achievement*  
13           *project assisted under this section may provide*  
14           *services such as—” and inserting “A project as-*  
15           *sisted under this section shall provide—”;*

16           (C) *in paragraph (5), by inserting “and”*  
17           *after the semicolon;*

18           (D) *in paragraph (6), by striking the semi-*  
19           *colon and inserting a period; and*

20           (E) *by striking paragraphs (7) and (8);*

21           (2) *by redesignating subsections (c) through (f)*  
22           *as subsections (d) through (g), respectively;*

23           (3) *by inserting after subsection (b) the fol-*  
24           *lowing:*



1       “(c) *PERMISSIBLE SERVICES*.—A project assisted  
2 under this section may provide services such as—

3               “(1) education or counseling services designed to  
4 improve the financial literacy and economic literacy  
5 of students or their parents, including financial plan-  
6 ning for postsecondary education;

7               “(2) mentoring programs involving faculty mem-  
8 bers at institutions of higher education, students, or  
9 any combination of such persons; and

10              “(3) exposure to cultural events and academic  
11 programs not usually available to disadvantaged stu-  
12 dents.”;

13              (4) in the matter preceding paragraph (1) of  
14 subsection (d) (as redesignated by paragraph (2)), by  
15 striking “postbaccalaureate achievement”;

16              (5) in the matter preceding paragraph (1) of  
17 subsection (f) (as redesignated by paragraph (2)), by  
18 striking “postbaccalaureate achievement project” and  
19 inserting “project under this section”; and

20              (6) in subsection (g) (as redesignated by para-  
21 graph (2))—

22                      (A) by striking “402A(f)” and inserting  
23 “402A(g)”; and

24                      (B) by striking “1993 through 1997” and  
25 inserting “2006 through 2010”.

1           (f) *EDUCATIONAL OPPORTUNITY CENTERS.*—Section  
2 *402F (20 U.S.C. 1070a–16) is amended—*

3           (1) *in subsection (a)—*

4                   (A) *in paragraph (1), by striking “and”*  
5 *after the semicolon;*

6                   (B) *in paragraph (2), by striking the period*  
7 *at the end and inserting “; and”; and*

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

9                   “*(3) to improve the financial literacy and eco-*  
10 *nomical literacy of students, including—*

11                           “*(A) basic personal income, household*  
12 *money management, and financial planning*  
13 *skills; and*

14                           “*(B) basic economic decisionmaking skills.”;*  
15 *and*

16           (2) *in subsection (b)—*

17                   (A) *by redesignating paragraphs (5)*  
18 *through (10) as paragraphs (6) through (11), re-*  
19 *spectively;*

20                   (B) *by inserting after paragraph (4) the fol-*  
21 *lowing:*

22                   “*(5) education or counseling services designed to*  
23 *improve the financial literacy and economic literacy*  
24 *of students;”;*

1           (C) by striking paragraph (7) (as redesign-  
2           nated by subparagraph (A)) and inserting the  
3           following:

4           “(7) individualized personal, career, and aca-  
5           demic counseling;”; and

6           (D) by striking paragraph (11) (as redesign-  
7           nated by subparagraph (A)) and inserting the  
8           following:

9           “(11) programs and activities as described in  
10          paragraphs (1) through (10) that are specially de-  
11          signed for students who are limited English pro-  
12          ficient, students with disabilities, or students who are  
13          homeless children and youths (as such term is defined  
14          in section 725 of the McKinney-Vento Homeless As-  
15          sistance Act (42 U.S.C. 11434a)), or programs and  
16          activities for students who are in foster care or are  
17          aging out of the foster care system.”.

18          (g) *STAFF DEVELOPMENT ACTIVITIES*.—Section  
19          402G(b)(3) (20 U.S.C. 1070a–17(b)(3)) is amended by in-  
20          serting “, including strategies for recruiting and serving  
21          students who are homeless children and youths (as such  
22          term is defined in section 725 of the McKinney-Vento  
23          Homeless Assistance Act (42 U.S.C. 11434a)) and students  
24          who are in foster care or are aging out of the foster care  
25          system” before the period at the end.

1       (h) *REPORTS, EVALUATIONS, AND GRANTS FOR*  
 2 *PROJECT IMPROVEMENT AND DISSEMINATION.*—Section  
 3 402H (20 U.S.C. 1070a–18) is amended—

4           (1) by striking the section heading and inserting  
 5       **“REPORTS, EVALUATIONS, AND GRANTS FOR**  
 6 **PROJECT IMPROVEMENT AND DISSEMINA-**  
 7 **TION.”**;

8           (2) by redesignating subsections (a) through (c)  
 9 as subsections (b) through (d), respectively; and

10          (3) by inserting before subsection (b) (as redesign-  
 11 nated by paragraph (2)) the following:

12       “(a) *REPORT TO CONGRESS.*—At least once every 2-  
 13 year period, the Secretary shall prepare and submit to Con-  
 14 gress a report on the outcomes achieved by the programs  
 15 authorized under this chapter. Such report shall include a  
 16 statement for the preceding fiscal year specifying—

17           “(1) the number of grants awarded during each  
 18 fiscal year, and the number of individuals served by  
 19 the programs carried out under such grants;

20           “(2) the number of entities that received grants  
 21 during the fiscal year, including the number of enti-  
 22 ties that—

23           “(A) received a grant to carry out a pro-  
 24 gram under this chapter for the fiscal year; and

1           “(B) had not received funding for that par-  
2           ticular program during the previous grant cycle;

3           “(3) a comparison of the number and percentage  
4           of grant awards made to entities described in para-  
5           graph (2), with the number of such entities funded  
6           through discretionary grant competitions conducted  
7           by the Secretary under this chapter in the 3 grant cy-  
8           cles preceding the fiscal year;

9           “(4) information on the number of individuals  
10          served in each program authorized under this chapter;  
11          and

12          “(5) information on the outcomes achieved by  
13          each program authorized under this chapter, includ-  
14          ing the outcome criteria described in section 402A(f)  
15          for each program.”.

16 **SEC. 403. GAINING EARLY AWARENESS AND READINESS**  
17 **FOR UNDERGRADUATE PROGRAMS.**

18          (a) *EARLY INTERVENTION AND COLLEGE AWARENESS*  
19 *PROGRAM AUTHORIZED.*—Section 404A (20 U.S.C. 1070a–  
20 21) is amended—

21           (1) by striking subsection (a) and inserting the  
22           following:

23           “(a) *PROGRAM AUTHORIZED.*—The Secretary is au-  
24           thorized, in accordance with the requirements of this chap-  
25           ter, to establish a program that encourages eligible entities

1 *to provide support to eligible low-income students to assist*  
2 *the students in obtaining a secondary school diploma (or*  
3 *its recognized equivalent) and to prepare for and succeed*  
4 *in postsecondary education, by providing—*

5           *“(1) financial assistance, academic support, ad-*  
6           *ditional counseling, mentoring, outreach, and sup-*  
7           *portive services to middle school and secondary school*  
8           *students to reduce—*

9                   *“(A) the risk of such students dropping out*  
10                   *of school; or*

11                   *“(B) the need for remedial education for*  
12                   *such students at the postsecondary level; and*

13           *“(2) information to students and their parents*  
14           *about the advantages of obtaining a postsecondary*  
15           *education and the college financing options for the*  
16           *students and their parents.”;*

17           *(2) by striking subsection (b)(2)(A) and inserting*  
18           *the following:*

19                   *“(A) give priority to eligible entities that*  
20                   *have a prior, demonstrated commitment to early*  
21                   *intervention leading to college access through col-*  
22                   *laboration and replication of successful strate-*  
23                   *gies;”; and*

24           *(3) by striking subsection (c)(2) and inserting*  
25           *the following:*

1           “(2) a partnership—

2                 “(A) consisting of—

3                         “(i) 1 or more local educational agen-  
4                                 cies; and

5                                 “(ii) 1 or more degree granting institu-  
6                                 tions of higher education; and

7                 “(B) which may include not less than 2  
8                 other community organizations or entities, such  
9                 as businesses, professional organizations, State  
10                 agencies, institutions or agencies sponsoring pro-  
11                 grams authorized under subpart 4, or other pub-  
12                 lic or private agencies or organizations.”.

13           (b) *REQUIREMENTS.*—Section 404B (20 U.S.C.  
14 1070a-22) is amended—

15                 (1) by striking subsection (a) and inserting the  
16                 following:—

17                 “(a) *FUNDING RULES.*—

18                         “(1) *DISTRIBUTION.*—In awarding grants from  
19                                 the amount appropriated under section 404G for a  
20                                 fiscal year, the Secretary shall take into consider-  
21                                 ation—

22                                 “(A) the geographic distribution of such  
23                                 awards; and

24                                 “(B) the distribution of such awards be-  
25                                 tween urban and rural applicants.

1           “(2) *SPECIAL RULE.*—*The Secretary shall annu-*  
 2           *ally reevaluate the distribution of funds described in*  
 3           *paragraph (1) based on number, quality, and promise*  
 4           *of the applications.”;*

5           (2) *by striking subsections (b), (e), and (f);*

6           (3) *by redesignating subsections (c), (d), and (g)*  
 7           *as subsections (b), (c), and (d), respectively; and*

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

9           “(e) *SUPPLEMENT, NOT SUPPLANT.*—*Grant funds*  
 10          *awarded under this chapter shall be used to supplement,*  
 11          *and not supplant, other Federal, State, and local funds that*  
 12          *would otherwise be expended to carry out activities assisted*  
 13          *under this chapter.”.*

14          (c) *APPLICATION.*—*Section 404C (20 U.S.C. 1070a-*  
 15          *23) is amended—*

16           (1) *in the section heading, by striking “ELIGI-*  
 17           *BLE ENTITY PLANS” and inserting “APPLICA-*  
 18           *TIONS”;*

19           (2) *in subsection (a)—*

20           (A) *in the subsection heading, by striking*  
 21           *“PLAN” and inserting “APPLICATION”;*

22           (B) *in paragraph (1)—*

23           (i) *by striking “a plan” and inserting*  
 24           *“an application”; and*



1                   (ii) by striking the second sentence;

2                   and

3                   (C) by striking paragraph (2) and inserting  
4                   the following:

5                   “(2) CONTENTS.—Each application submitted  
6                   pursuant to paragraph (1) shall be in such form, con-  
7                   tain or be accompanied by such information or assur-  
8                   ances, and be submitted at such time as the Secretary  
9                   may require. Each such application shall, at a min-  
10                  imum—

11                  “(A) describe the activities for which assist-  
12                  ance under this chapter is sought, including how  
13                  the eligible entity will carry out the required ac-  
14                  tivities described in section 404D(a);

15                  “(B) describe how the eligible agency will  
16                  meet the requirements of section 404E;

17                  “(C) provide assurances that adequate ad-  
18                  ministrative and support staff will be responsible  
19                  for coordinating the activities described in sec-  
20                  tion 404D;

21                  “(D) ensure that activities assisted under  
22                  this chapter will not displace an employee or  
23                  eliminate a position at a school assisted under  
24                  this chapter, including a partial displacement

1           *such as a reduction in hours, wages or employ-*  
2           *ment benefits;*

3           “(E) describe, in the case of an eligible enti-  
4           *ty described in section 404A(c)(2), how the eligi-*  
5           *ble entity will define the cohorts of the students*  
6           *served by the eligible entity pursuant to section*  
7           *404B(d), and how the eligible entity will serve*  
8           *the cohort through grade 12, including—*

9                   “(i) how vacancies in the program  
10                   *under this chapter will be filled; and*

11                   “(ii) how the eligible entity will serve  
12                   *students attending different secondary*  
13                   *schools;*

14           “(F) describe how the eligible entity will co-  
15           *ordinate programs with other existing Federal,*  
16           *State, or local programs to avoid duplication*  
17           *and maximize the number of students served;*

18           “(G) provide such additional assurances as  
19           *the Secretary determines necessary to ensure*  
20           *compliance with the requirements of this chapter;*  
21           *and*

22           “(H) provide information about the activi-  
23           *ties that will be carried out by the eligible entity*  
24           *to support systemic changes from which future*  
25           *cohorts of students will benefit.”;*

1           (3) *in the matter preceding subparagraph (A) of*  
2           *subsection (b)(1)—*

3                   (A) *by striking “a plan” and inserting “an*  
4                   *application”;* and

5                   (B) *by striking “such plan” and inserting*  
6                   *“such application”;* and

7           (4) *in subsection (c)(1), by striking the semicolon*  
8           *at the end and inserting “including—*

9                   *“(A) the amount contributed to a student*  
10                   *scholarship fund established under section 404E;*  
11                   *and*

12                   *“(B) the amount of the costs of admin-*  
13                   *istering the scholarship program under section*  
14                   *404E;”.*

15           (d) *ACTIVITIES.—Section 404D (20 U.S.C. 1070a–24)*  
16           *is amended to read as follows:*

17           **“SEC. 404D. ACTIVITIES.**

18                   “(a) *REQUIRED ACTIVITIES.—Each eligible entity re-*  
19                   *ceiving a grant under this chapter shall carry out the fol-*  
20                   *lowing:*

21                   “(1) *Provide information regarding financial*  
22                   *aid for postsecondary education to participating stu-*  
23                   *dents in the cohort described in subsection*  
24                   *404B(d)(1)(A).*

1           “(2) *Encourage student enrollment in rigorous*  
2 *and challenging curricula and coursework, in order to*  
3 *reduce the need for remedial coursework at the post-*  
4 *secondary level.*

5           “(3) *Support activities designed to improve the*  
6 *number of participating students who—*

7                 “(A) *obtain a secondary school diploma;*  
8                 *and*

9                 “(B) *complete applications for and enroll in*  
10 *a program of postsecondary education.*

11           “(4) *In the case of an eligible entity described in*  
12 *section 404A(c)(1), provide for the scholarships de-*  
13 *scribed in section 404E.*

14           “(b) *OPTIONAL ACTIVITIES FOR STATES AND PART-*  
15 *NEERSHIPS.—An eligible entity that receives a grant under*  
16 *this chapter may use grant funds to carry out 1 or more*  
17 *of the following activities:*

18                 “(1) *Providing tutoring and supporting mentors,*  
19 *including adults or former participants of a program*  
20 *under this chapter, for eligible students.*

21                 “(2) *Conducting outreach activities to recruit*  
22 *priority students described in subsection (d) to par-*  
23 *ticipate in program activities.*

24                 “(3) *Providing supportive services to eligible stu-*  
25 *dents.*

1           “(4) *Supporting the development or implementa-*  
2           *tion of rigorous academic curricula, which may in-*  
3           *clude college preparatory, Advanced Placement, or*  
4           *International Baccalaureate programs, and providing*  
5           *participating students access to rigorous core courses*  
6           *that reflect challenging State academic standards.*

7           “(5) *Supporting dual or concurrent enrollment*  
8           *programs between the secondary school and institu-*  
9           *tion of higher education partners of an eligible entity*  
10          *described in section 404A(c)(2), and other activities*  
11          *that support participating students in—*

12                   “(A) *meeting challenging academic stand-*  
13                   *ards;*

14                   “(B) *successfully applying for postsecondary*  
15                   *education;*

16                   “(C) *successfully applying for student fi-*  
17                   *nancial aid; and*

18                   “(D) *developing graduation and career*  
19                   *plans.*

20           “(6) *Providing support for scholarships described*  
21           *in section 404E.*

22           “(7) *Introducing eligible students to institutions*  
23           *of higher education, through trips and school-based*  
24           *sessions.*

1           “(8) *Providing an intensive extended school day,*  
2           *school year, or summer program that offers—*

3                   “(A) *additional academic classes; or*

4                   “(B) *assistance with college admission ap-*  
5                   *plications.*

6           “(9) *Providing other activities designed to ensure*  
7           *secondary school completion and postsecondary edu-*  
8           *cation enrollment of at-risk children, such as—*

9                   “(A) *the identification of at-risk children;*

10                  “(B) *after-school and summer tutoring;*

11                  “(C) *assistance to at-risk children in ob-*  
12                  *taining summer jobs;*

13                  “(D) *academic counseling;*

14                  “(E) *volunteer and parent involvement;*

15                  “(F) *encouraging former or current partici-*  
16                  *pants of a program under this chapter to serve*  
17                  *as peer counselors;*

18                  “(G) *skills assessments;*

19                  “(H) *personal counseling;*

20                  “(I) *family counseling and home visits;*

21                  “(J) *staff development; and*

22                  “(K) *programs and activities described in*  
23                  *this subsection that are specially designed for*  
24                  *students who are limited English proficient.*

1           “(10) *Enabling eligible students to enroll in Ad-*  
2           *vanced Placement or International Baccalaureate*  
3           *courses, or college entrance examination preparation*  
4           *courses.*

5           “(11) *Providing services to eligible students in*  
6           *the participating cohort described in section*  
7           *404B(d)(1)(A), through the first year of attendance at*  
8           *an institution of higher education.*

9           “(c) *ADDITIONAL OPTIONAL ACTIVITIES FOR*  
10          *STATES.—In addition to the required activities described*  
11          *in subsection (a) and the optional activities described in*  
12          *subsection (b), an eligible entity described in section*  
13          *404A(c)(1) receiving funds under this chapter may use*  
14          *grant funds to carry out 1 or more of the following activi-*  
15          *ties:*

16               “(1) *Providing technical assistance to—*  
17                       “(A) *middle schools or secondary schools*  
18                       *that are located within the State; or*

19                       “(B) *partnerships described in section*  
20                       *404A(c)(2) that are located within the State.*

21               “(2) *Providing professional development oppor-*  
22               *tunities to individuals working with eligible cohorts*  
23               *of students described in section 404B(d)(1)(A).*

24               “(3) *Providing strategies and activities that*  
25               *align efforts in the State to prepare eligible students*

1     *for attending and succeeding in postsecondary edu-*  
2     *cation, which may include the development of gradua-*  
3     *tion and career plans.*

4             “(4) *Disseminating information on the use of*  
5     *scientifically based research and best practices to im-*  
6     *prove services for eligible students.*

7             “(5)(A) *Disseminating information on effective*  
8     *coursework and support services that assist students*  
9     *in obtaining the goals described in subparagraph*  
10    *(B)(ii).*

11            “(B) *Identifying and disseminating information*  
12    *on best practices with respect to—*

13                    “(i) *increasing parental involvement; and*

14                    “(ii) *preparing students, including students*  
15                    *with disabilities and students who are limited*  
16                    *English proficient, to succeed academically in,*  
17                    *and prepare financially for, postsecondary edu-*  
18                    *cation.*

19            “(6) *Working to align State academic standards*  
20    *and curricula with the expectations of postsecondary*  
21    *institutions and employers.*

22            “(7) *Developing alternatives to traditional sec-*  
23    *ondary school that give students a head start on at-*  
24    *taining a recognized postsecondary credential (includ-*  
25    *ing an industry certificate, an apprenticeship, or an*



1       *associate’s or a bachelor’s degree), including school de-*  
2       *signs that give students early exposure to college-level*  
3       *courses and experiences and allow students to earn*  
4       *transferable college credits or an associate’s degree at*  
5       *the same time as a secondary school diploma.*

6               “(8) *Creating community college programs for*  
7       *drop-outs that are personalized drop-out recovery pro-*  
8       *grams that allow drop-outs to complete a regular sec-*  
9       *ondary school diploma and begin college-level work.*

10       “(d) *PRIORITY STUDENTS.—For eligible entities not*  
11       *using a cohort approach, the eligible entity shall treat as*  
12       *priority students any student in middle or secondary school*  
13       *who is eligible—*

14               “(1) *to be counted under section 1124(c) of the*  
15       *Elementary and Secondary Education Act of 1965;*

16               “(2) *for free or reduced price meals under the*  
17       *Richard B. Russell National School Lunch Act;*

18               “(3) *for assistance under a State program fund-*  
19       *ed under part A or E of title IV of the Social Secu-*  
20       *rity Act (42 U.S.C. 601 et seq., 670 et seq.); or*

21               “(4) *for assistance under subtitle B of title VII*  
22       *of the McKinney-Vento Homeless Assistance Act (42*  
23       *U.S.C. 11431 et seq.).*

24       “(e) *ALLOWABLE PROVIDERS.—In the case of eligible*  
25       *entities described in section 404A(c)(1), the activities re-*

1 *quired by this section may be provided by service providers*  
 2 *such as community-based organizations, schools, institu-*  
 3 *tions of higher education, public and private agencies, non-*  
 4 *profit and philanthropic organizations, businesses, institu-*  
 5 *tions and agencies sponsoring programs authorized under*  
 6 *subpart 4, and other organizations the State determines ap-*  
 7 *propriate.”.*

8 *(e) SCHOLARSHIP COMPONENT.—Section 404E (20*  
 9 *U.S.C. 1070a–25) is amended—*

10 *(1) by striking subsections (e) and (f);*

11 *(2) by redesignating subsections (b), (c), and (d)*  
 12 *as subsections (d), (f), and (g), respectively;*

13 *(3) by inserting after subsection (a) the fol-*  
 14 *lowing:*

15 *“(b) LIMITATION.—*

16 *“(1) IN GENERAL.—Subject to paragraph (2),*  
 17 *each eligible entity described in section 404A(c)(1)*  
 18 *that receives a grant under this chapter shall use not*  
 19 *less than 25 percent and not more than 50 percent of*  
 20 *the grant funds for activities described in section*  
 21 *404D(c), with the remainder of such funds to be used*  
 22 *for a scholarship program under this section.*

23 *“(2) EXCEPTION.—Notwithstanding paragraph*  
 24 *(1), the Secretary may allow an eligible entity to use*  
 25 *more than 50 percent of grant funds received under*

1        *this chapter for such activities, if the eligible entity*  
2        *demonstrates that the eligible entity has another*  
3        *means of providing the students with the financial as-*  
4        *sistance described in this section and describes such*  
5        *means in the application submitted under section*  
6        *404C.*

7        *“(c) NOTIFICATION OF ELIGIBILITY.—Each eligible en-*  
8        *tity providing scholarships under this section shall provide*  
9        *information on the eligibility requirements for the scholar-*  
10       *ships to all participating students upon the students’ entry*  
11       *into the programs assisted under this chapter.”;*

12                *(4) in subsection (d) (as redesignated by para-*  
13                *graph (2)), by striking “the lesser of” and all that fol-*  
14                *lows through the period at the end of paragraph (2)*  
15                *and inserting “the minimum Federal Pell Grant*  
16                *award under section 401 for such award year.”;*

17                *(5) by inserting after subsection (d) (as redesign-*  
18                *ated by paragraph (2) and amended by paragraph*  
19                *(4)) the following:*

20        *“(e) PORTABILITY OF ASSISTANCE.—*

21                *“(1) IN GENERAL.—Each eligible entity de-*  
22                *scribed in section 404A(c)(1) that receives a grant*  
23                *under this chapter shall create or organize a trust for*  
24                *each cohort described in section 404B(d)(1)(A) for*  
25                *which the grant is sought in the application sub-*

1        *mitted by the entity, which trust shall be an amount*  
2        *that is not less than the minimum scholarship*  
3        *amount described in subsection (d), multiplied by the*  
4        *number of students participating in the cohort.*

5            *“(2) REQUIREMENT FOR PORTABILITY.—Funds*  
6        *contributed to the trust for a cohort shall be available*  
7        *to a student in the cohort when the student has—*

8            *“(A) completed a secondary school diploma,*  
9        *its recognized equivalent, or other recognized al-*  
10       *ternative standard for individuals with disabil-*  
11       *ities; and*

12           *“(B) enrolled in an institution of higher*  
13       *education.*

14           *“(3) QUALIFIED EDUCATIONAL EXPENSES.—*  
15       *Funds available to an eligible student from a trust*  
16       *may be used for—*

17           *“(A) tuition, fees, books, supplies, and*  
18       *equipment required for the enrollment or attend-*  
19       *ance of the eligible student at an institution of*  
20       *higher education; and*

21           *“(B) in the case of an eligible student with*  
22       *special needs, expenses for special needs services*  
23       *which are incurred in connection with such en-*  
24       *rollment or attendance.*

25           *“(4) RETURN OF FUNDS.—*

1                   “(A) *REDISTRIBUTION.*—

2                   “*(i) IN GENERAL.*—Trust funds that  
3                   are not used by an eligible student within  
4                   6 years of the student’s scheduled comple-  
5                   tion of secondary school may be redistrib-  
6                   uted by the eligible entity to other eligible  
7                   students.

8                   “*(ii) RETURN OF EXCESS TO THE SEC-*  
9                   *RETARY.*—If, after meeting the requirements  
10                  of paragraph (1) and, if applicable, redis-  
11                  tributing excess funds in accordance with  
12                  clause (i), an eligible entity has funds re-  
13                  maining, the eligible entity shall return ex-  
14                  cess funds to the Secretary for distribution  
15                  to other grantees under this chapter.

16                  “(B) *NONPARTICIPATING ENTITY.*—Notwith-  
17                  standing subparagraph (A), in the case of an eli-  
18                  gible entity described in section 404A(c)(1)(A)  
19                  that does not receive assistance under this sub-  
20                  part for 6 fiscal years, the eligible entity shall  
21                  return any trust funds not awarded or obligated  
22                  to eligible students to the Secretary for distribu-  
23                  tion to other grantees under this chapter.”; and  
24                  (6) in subsection (g) (as redesignated by para-  
25                  graph (2))—

1           (A) in paragraph (2), by striking “1993”  
2           and inserting “2000”; and

3           (B) in paragraph (4), by striking “early  
4           intervention component required under section  
5           404D” and inserting “activities required under  
6           section 404D(a)”.

7           (f) *REPEAL OF 21ST CENTURY SCHOLAR CERTIFI-*  
8 *CATES.*—Chapter 2 of subpart 2 of part A of title IV (20  
9 *U.S.C. 1070a–21 et seq.*) is further amended—

10           (1) by striking section 404F; and

11           (2) by redesignating sections 404G and 404H as  
12           sections 404F and 404G, respectively.

13           (g) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
14 404G (as redesignated by subsection (f)) (20 *U.S.C. 1070a–*  
15 *28*) is amended by striking “\$200,000,000 for fiscal year  
16 1999” and all that follows through the period and inserting  
17 “such sums as may be necessary for fiscal year 2006 and  
18 each of the 5 succeeding fiscal years.”.

19           (h) *CONFORMING AMENDMENTS.*—Chapter 2 of sub-  
20 part 2 of part A of title IV (20 *U.S.C. 1070a–21 et seq.*)  
21 is further amended—

22           (1) in section 404A(b)(1), by striking “404H”  
23           and inserting “404G”;

24           (2) in section 404B(a)(1), by striking “404H”  
25           and inserting “404G”; and

1           (3) in section 404F(c) (as redesignated by sub-  
 2           section (f)(2)), by striking “404H” and inserting  
 3           “404G”.

4   **SEC. 404. ACADEMIC ACHIEVEMENT INCENTIVE SCHOLAR-**  
 5                                   **SHIPS.**

6           Chapter 3 of subpart 2 of part A of title IV (20 U.S.C.  
 7   1070a-31 et seq.) is repealed.

8   **SEC. 405. FEDERAL SUPPLEMENTAL EDUCATIONAL OPPOR-**  
 9                                   **TUNITY GRANTS.**

10          (a)    **APPROPRIATIONS        AUTHORIZED.**—Section  
 11   413A(b)(1) (20 U.S.C. 1070b(b)(1)) is amended by striking  
 12   “\$675,000,000 for fiscal year 1999” and all that follows  
 13   through the period and inserting “such sums as may be nec-  
 14   essary for fiscal year 2006 and each of the 5 succeeding  
 15   fiscal years.”.

16          (b) **ALLOCATION OF FUNDS.**—

17               (1) **ALLOCATION OF FUNDS.**—Section 413D (20  
 18   U.S.C. 1070b-3) is amended—

19                       (A) by striking subsection (a)(4); and

20                       (B) in subsection (c)(3)(D), by striking  
 21   “\$450” and inserting “\$600”.

22          (2)    **TECHNICAL        CORRECTION.**—Section  
 23   413D(a)(1) (20 U.S.C. 1070b-3(a)(1)) is amended by  
 24   striking “such institution” and all that follows  
 25   through the period and inserting “such institution re-

1 *ceived under subsections (a) and (b) of this section for*  
2 *fiscal year 1999 (as such subsections were in effect*  
3 *with respect to allocations for such fiscal year).”.*

4 **SEC. 406. LEVERAGING EDUCATIONAL ASSISTANCE PART-**  
5 **NERSHIP PROGRAM.**

6 *(a) APPROPRIATIONS AUTHORIZED.—Section*  
7 *415A(b)(1) (20 U.S.C. 1070c(b)(1)) is amended to read as*  
8 *follows:*

9 *“(1) IN GENERAL.—There are authorized to be*  
10 *appropriated to carry out this subpart such sums as*  
11 *may be necessary for fiscal year 2006 and each of the*  
12 *5 succeeding fiscal years.”.*

13 *(b) APPLICATIONS.—Section 415C(b) (20 U.S.C.*  
14 *1070c–2(b)) is amended—*

15 *(1) in the matter preceding subparagraph (A) of*  
16 *paragraph (2), by striking “not in excess of \$5,000*  
17 *per academic year” and inserting “not to exceed the*  
18 *lesser of \$12,500 or the student’s cost of attendance*  
19 *per academic year”; and*

20 *(2) by striking paragraph (10) and inserting the*  
21 *following:*

22 *“(10) provides notification to eligible students*  
23 *that such grants are—*

24 *“(A) Leveraging Educational Assistance*  
25 *Partnership grants; and*



1                   “(B) funded by the Federal Government, the  
2                   State, and other contributing partners.”.

3           (c) *GRANTS FOR ACCESS AND PERSISTENCE*.—Section  
4 *415E* (20 U.S.C. 1070c–3a) is amended to read as follows:

5 **“SEC. 415E. GRANTS FOR ACCESS AND PERSISTENCE.**

6           “(a) *PURPOSE*.—It is the purpose of this section to ex-  
7 pand college access and increase college persistence by mak-  
8 ing allotments to States to enable the States to—

9                   “(1) expand and enhance partnerships with in-  
10                  stitutions of higher education, early information and  
11                  intervention, mentoring, or outreach programs, pri-  
12                  vate corporations, philanthropic organizations, and  
13                  other interested parties in order to—

14                         “(A) carry out activities under this section;  
15                         and

16                         “(B) provide coordination and cohesion  
17                         among Federal, State, and local governmental  
18                         and private efforts that provide financial assist-  
19                         ance to help low-income students attend an insti-  
20                         tution of higher education;

21                         “(2) provide need-based grants for access and  
22                         persistence to eligible low-income students;

23                         “(3) provide early notification to low-income  
24                         students of the students’ eligibility for financial aid;  
25                         and

1           “(4) encourage increased participation in early  
2 information and intervention, mentoring, or outreach  
3 programs.

4           “(b) ALLOTMENTS TO STATES.—

5           “(1) IN GENERAL.—

6           “(A) AUTHORIZATION.—From sums re-  
7 served under section 415A(b)(2) for each fiscal  
8 year, the Secretary shall make an allotment to  
9 each State that submits an application for an al-  
10 lotment in accordance with subsection (c) to en-  
11 able the State to pay the Federal share, as de-  
12 scribed in paragraph (2), of the cost of carrying  
13 out the activities under subsection (d).

14           “(B) DETERMINATION OF ALLOTMENT.—In  
15 making allotments under subparagraph (A), the  
16 Secretary shall consider the following:

17           “(i) CONTINUATION OF AWARD.—If a  
18 State continues to meet the specifications es-  
19 tablished in such State’s application under  
20 subsection (c), the Secretary shall make an  
21 allotment to such State that is not less than  
22 the allotment made to such State for the  
23 previous fiscal year.

24           “(ii) PRIORITY.—The Secretary shall  
25 give priority in making allotments to States

1           that meet the requirements described in  
2           paragraph (2)(A)(ii).

3           “(2) *FEDERAL SHARE.*—

4           “(A) *IN GENERAL.*—The Federal share  
5           under this section shall be determined in accord-  
6           ance with the following:

7           “(i) If a State applies for an allotment  
8           under this section in partnership with—

9                   “(I) any number of degree grant-  
10                   ing institutions of higher education in  
11                   the State whose combined full-time en-  
12                   rollment represents less than a major-  
13                   ity of all students attending institu-  
14                   tions of higher education in the State;  
15                   and

16                   “(II)(aa) philanthropic organiza-  
17                   tions that are located in, or that pro-  
18                   vide funding in, the State; or

19                   “(bb) private corporations that  
20                   are located in, or that do business in,  
21                   the State,

22           then the Federal share of the cost of car-  
23           rying out the activities under subsection (d)  
24           shall be equal to 50 percent.

1           “(ii) *If a State applies for an allot-*  
2           *ment under this section in partnership*  
3           *with—*

4                   “(I) *any number of degree grant-*  
5                   *ing institutions of higher education in*  
6                   *the State whose combined full-time en-*  
7                   *rollment represents a majority of all*  
8                   *students attending institutions of high-*  
9                   *er education in the State; and*

10                   “(II)(aa) *philanthropic organiza-*  
11                   *tions that are located in, or that pro-*  
12                   *vide funding in, the State; or*

13                   “(bb) *private corporations that*  
14                   *are located in, or that do business in,*  
15                   *the State,*

16           *then the Federal share of the cost of car-*  
17           *rying out the activities under subsection (d)*  
18           *shall be equal to 57 percent.*

19           “(B) *NON-FEDERAL SHARE.—*

20                   “(i) *IN GENERAL.—The non-Federal*  
21                   *share under this section may be provided in*  
22                   *cash or in kind, fully evaluated and in ac-*  
23                   *cordance with this subparagraph.*

24                   “(ii) *IN KIND CONTRIBUTION.—For the*  
25                   *purpose of calculating the non-Federal share*

1            *under this section, an in kind contribution*  
2            *is a non-cash award that has monetary*  
3            *value, such as provision of room and board*  
4            *and transportation passes, and that helps a*  
5            *student meet the cost of attendance.*

6            “(iii) *EFFECT ON NEED ANALYSIS.—*

7            *For the purpose of calculating a student’s*  
8            *need in accordance with part F of this title,*  
9            *an in-kind contribution described in clause*  
10           *(ii) shall not be considered an asset or in-*  
11           *come.*

12           “(c) *APPLICATION FOR ALLOTMENT.—*

13           “(1) *IN GENERAL.—*

14           “(A) *SUBMISSION.—A State that desires to*  
15           *receive an allotment under this section on behalf*  
16           *of a partnership described in paragraph (3) shall*  
17           *submit an application to the Secretary at such*  
18           *time, in such manner, and containing such in-*  
19           *formation as the Secretary may require.*

20           “(B) *CONTENT.—An application submitted*  
21           *under subparagraph (A) shall include the fol-*  
22           *lowing:*

23           “(i) *A description of the State’s plan*  
24           *for using the allotted funds.*

1           “(ii) Assurances that the State will  
2           provide the non-Federal share from State,  
3           institutional, philanthropic, or private  
4           funds, of not less than the required share of  
5           the cost of carrying out the activities under  
6           subsection (d), as determined under sub-  
7           section (b), in accordance with the fol-  
8           lowing:

9                   “(I) The State shall specify the  
10                  methods by which non-Federal share  
11                  funds will be paid and include provi-  
12                  sions designed to ensure that funds  
13                  provided under this section will be  
14                  used to supplement, and not supplant,  
15                  Federal and non-Federal funds avail-  
16                  able for carrying out the activities  
17                  under this title.

18                   “(II) A State that uses non-Fed-  
19                  eral funds to create or expand existing  
20                  partnerships with nonprofit organiza-  
21                  tions or community-based organiza-  
22                  tions in which such organizations  
23                  match State funds for student scholar-  
24                  ships, may apply such matching funds  
25                  from such organizations toward ful-

1            *filling the State’s non-Federal share*  
2            *obligation under this clause.*

3            *“(iii) Assurances that early informa-*  
4            *tion and intervention, mentoring, or out-*  
5            *reach programs exist within the State or*  
6            *that there is a plan to make such programs*  
7            *widely available.*

8            *“(iv) A description of the organiza-*  
9            *tional structure that the State has in place*  
10           *to administer the activities under subsection*  
11           *(d), including a description of the system*  
12           *the State will use to track the participation*  
13           *of students who receive grants under this*  
14           *section to degree completion.*

15           *“(v) Assurances that the State has a*  
16           *method in place, such as acceptance of the*  
17           *automatic zero expected family contribution*  
18           *determination described in section 479, to*  
19           *identify eligible low-income students and*  
20           *award State grant aid to such students.*

21           *“(vi) Assurances that the State will*  
22           *provide notification to eligible low-income*  
23           *students that grants under this section*  
24           *are—*

1                   “(I) *Leveraging Educational As-*  
2                   *sistance Partnership Grants; and*

3                   “(II) *funded by the Federal Gov-*  
4                   *ernment, the State, and other contrib-*  
5                   *uting partners.*

6                   “(2) *STATE AGENCY.—The State agency that*  
7                   *submits an application for a State under section*  
8                   *415C(a) shall be the same State agency that submits*  
9                   *an application under paragraph (1) for such State.*

10                  “(3) *PARTNERSHIP.—In applying for an allot-*  
11                  *ment under this section, the State agency shall apply*  
12                  *for the allotment in partnership with—*

13                         “(A) *not less than 1 public and 1 private*  
14                         *degree granting institution of higher education*  
15                         *that are located in the State, if applicable;*

16                         “(B) *new or existing early information and*  
17                         *intervention, mentoring, or outreach programs*  
18                         *located in the State; and*

19                         “(C) *not less than 1—*

20                                 “(i) *philanthropic organization located*  
21                                 *in, or that provides funding in, the State;*  
22                                 *or*

23                                 “(ii) *private corporation located in, or*  
24                                 *that does business in, the State.*

25                   “(4) *ROLES OF PARTNERS.—*



1           “(A) *STATE AGENCY*.—A State agency that  
2 is in a partnership receiving an allotment under  
3 this section—

4           “(i) shall—

5           “(I) serve as the primary admin-  
6 istrative unit for the partnership;

7           “(II) provide or coordinate non-  
8 Federal share funds, and coordinate  
9 activities among partners;

10          “(III) encourage each institution  
11 of higher education in the State to par-  
12 ticipate in the partnership;

13          “(IV) make determinations and  
14 early notifications of assistance as de-  
15 scribed under subsection (d)(2); and

16          “(V) annually report to the Sec-  
17 retary on the partnership’s progress in  
18 meeting the purpose of this section;  
19 and

20          “(ii) may provide early information  
21 and intervention, mentoring, or outreach  
22 programs.

23          “(B) *DEGREE GRANTING INSTITUTIONS OF*  
24 *HIGHER EDUCATION*.—A degree granting institu-

1            *tion of higher education that is in a partnership*  
2            *receiving an allotment under this section—*

3            *“(i) shall—*

4                    *“(I) recruit and admit partici-*  
5                    *pating qualified students and provide*  
6                    *such additional institutional grant aid*  
7                    *to participating students as agreed to*  
8                    *with the State agency;*

9                    *“(II) provide support services to*  
10                   *students who receive grants for access*  
11                   *and persistence under this section and*  
12                   *are enrolled at such institution; and*

13                   *“(III) assist the State in the iden-*  
14                   *tification of eligible students and the*  
15                   *dissemination of early notifications of*  
16                   *assistance as agreed to with the State*  
17                   *agency; and*

18                   *“(ii) may provide funding for early in-*  
19                   *formation and intervention, mentoring, or*  
20                   *outreach programs or provide such services*  
21                   *directly.*

22                   *“(C) PROGRAMS.—An early information*  
23                   *and intervention, mentoring, or outreach pro-*  
24                   *gram that is in a partnership receiving an allot-*  
25                   *ment under this section shall provide direct serv-*

1           ices, support, and information to participating  
2           students.

3           “(D) *PHILANTHROPIC ORGANIZATION OR*  
4           *PRIVATE CORPORATION.*—A philanthropic orga-  
5           nization or private corporation that is in a  
6           partnership receiving an allotment under this  
7           section shall provide funds for grants for access  
8           and persistence for participating students, or  
9           provide funds or support for early information  
10          and intervention, mentoring, or outreach pro-  
11          grams.

12          “(d) *AUTHORIZED ACTIVITIES.*—

13           “(1) *IN GENERAL.*—

14           “(A) *ESTABLISHMENT OF PARTNERSHIP.*—  
15           Each State receiving an allotment under this  
16           section shall use the funds to establish a partner-  
17           ship to award grants for access and persistence  
18           to eligible low-income students in order to in-  
19           crease the amount of financial assistance such  
20           students receive under this subpart for under-  
21           graduate education expenses.

22           “(B) *AMOUNT OF GRANTS.*—

23           “(i) *PARTNERSHIPS WITH INSTITU-*  
24           *TIONS SERVING LESS THAN A MAJORITY OF*  
25           *STUDENTS IN THE STATE.*—

1           “(I) *IN GENERAL.*—*In the case*  
2           *where a State receiving an allotment*  
3           *under this section is in a partnership*  
4           *described in subsection (b)(2)(A)(i), the*  
5           *amount of a grant for access and per-*  
6           *sistence awarded by such State shall be*  
7           *not less than the amount that is equal*  
8           *to the average undergraduate tuition*  
9           *and mandatory fees at 4-year public*  
10           *institutions of higher education in the*  
11           *State where the student resides (less*  
12           *any other Federal or State sponsored*  
13           *grant amount, work study amount,*  
14           *and scholarship amount received by the*  
15           *student), and such amount shall be*  
16           *used toward the cost of attendance at*  
17           *an institution of higher education lo-*  
18           *cated in the State.*

19           “(II) *COST OF ATTENDANCE.*—*A*  
20           *State that has a program, apart from*  
21           *the partnership under this section, of*  
22           *providing eligible low-income students*  
23           *with grants that are equal to the aver-*  
24           *age undergraduate tuition and manda-*  
25           *tory fees at 4-year public institutions*

1                   of higher education in the State, may  
2                   increase the amount of grants for ac-  
3                   cess and persistence awarded by such  
4                   State up to an amount that is equal to  
5                   the average cost of attendance at 4-  
6                   year public institutions of higher edu-  
7                   cation in the State (less any other Fed-  
8                   eral or State sponsored grant amount,  
9                   work study amount, and scholarship  
10                  amount received by the student).

11                  “(ii) *PARTNERSHIPS WITH INSTITU-*  
12                  *TIONS SERVING THE MAJORITY OF STU-*  
13                  *DENTS IN THE STATE.*—In the case where a  
14                  State receiving an allotment under this sec-  
15                  tion is in a partnership described in sub-  
16                  section (b)(2)(A)(ii), the amount of a grant  
17                  for access and persistence awarded by such  
18                  State shall be not more than an amount  
19                  that is equal to the average cost of attend-  
20                  ance at 4-year public institutions of higher  
21                  education in the State where the student re-  
22                  sides (less any other Federal or State spon-  
23                  sored grant amount, college work study  
24                  amount, and scholarship amount received  
25                  by the student), and such amount shall be

1           *used by the student to attend an institution*  
2           *of higher education located in the State.*

3           “(C) *SPECIAL RULES.*—

4                 “(i) *PARTNERSHIP INSTITUTIONS.*—A  
5           *State receiving an allotment under this sec-*  
6           *tion may restrict the use of grants for access*  
7           *and persistence under this section by*  
8           *awarding the grants only to students at-*  
9           *tending institutions of higher education that*  
10          *are participating in the partnership.*

11                “(ii) *OUT-OF-STATE INSTITUTIONS.*—If  
12          *a State provides grants through another*  
13          *program under this subpart to students at-*  
14          *tending institutions of higher education lo-*  
15          *cated in another State, such agreement may*  
16          *also apply to grants awarded under this*  
17          *section.*

18          “(2) *EARLY NOTIFICATION.*—

19                “(A) *IN GENERAL.*—Each State receiving  
20          *an allotment under this section shall annually*  
21          *notify low-income students, such as students who*  
22          *are eligible to receive a free lunch under the*  
23          *school lunch program established under the Rich-*  
24          *ard B. Russell National School Lunch Act, in*  
25          *grade 7 through grade 12 in the State, of the stu-*

1           *dents' potential eligibility for student financial*  
2           *assistance, including a grant for access and per-*  
3           *sistence, to attend an institution of higher edu-*  
4           *cation.*

5           “(B) *CONTENT OF NOTICE.—The notifica-*  
6           *tion under subparagraph (A)—*

7                   “(i) *shall include—*

8                           “(I) *information about early in-*  
9                           *formation and intervention, mentoring,*  
10                           *or outreach programs available to the*  
11                           *student;*

12                           “(II) *information that a student's*  
13                           *candidacy for a grant for access and*  
14                           *persistence is enhanced through par-*  
15                           *ticipation in an early information and*  
16                           *intervention, mentoring, or outreach*  
17                           *program;*

18                           “(III) *an explanation that student*  
19                           *and family eligibility and participa-*  
20                           *tion in other Federal means-tested pro-*  
21                           *grams may indicate eligibility for a*  
22                           *grant for access and persistence and*  
23                           *other student aid programs;*

24                           “(IV) *a nonbinding estimation of*  
25                           *the total amount of financial aid a*

1 *low-income student with a similar in-*  
2 *come level may expect to receive, in-*  
3 *cluding an estimation of the amount of*  
4 *a grant for access and persistence and*  
5 *an estimation of the amount of grants,*  
6 *loans, and all other available types of*  
7 *aid from the major Federal and State*  
8 *financial aid programs;*

9 “(V) *an explanation that in order*  
10 *to be eligible for a grant for access and*  
11 *persistence, at a minimum, a student*  
12 *shall—*

13 “(aa) *meet the requirement*  
14 *under paragraph (3);*

15 “(bb) *graduate from sec-*  
16 *ondary school; and*

17 “(cc) *enroll at an institution*  
18 *of higher education that is a part-*  
19 *ner in the partnership or qualifies*  
20 *under subsection (d)(1)(C)(ii);*

21 “(VI) *information on any addi-*  
22 *tional requirements (such as a student*  
23 *pledge detailing student responsibil-*  
24 *ities) that the State may impose for re-*



1           *ceipt of a grant for access and persist-*  
2           *ence under this section; and*

3           “(VII) *instructions on how to*  
4           *apply for a grant for access and per-*  
5           *sistence and an explanation that a stu-*  
6           *dent is required to file a Free Applica-*  
7           *tion for Federal Student Aid author-*  
8           *ized under section 483(a) to be eligible*  
9           *for such grant and assistance from*  
10          *other Federal and State financial aid*  
11          *programs; and*

12          “(ii) *may include a disclaimer that*  
13          *grant awards for access and persistence are*  
14          *contingent upon—*

15               “(I) *a determination of the stu-*  
16               *dent’s financial eligibility at the time*  
17               *of the student’s enrollment at an insti-*  
18               *tution of higher education that is a*  
19               *partner in the partnership or qualifies*  
20               *under subsection (d)(1)(C)(ii);*

21               “(II) *annual Federal and State*  
22               *appropriations; and*

23               “(III) *other aid received by the*  
24               *student at the time of the student’s en-*

1                    *rollment at such institution of higher*  
2                    *education.*

3                    “(3) *ELIGIBILITY.—In determining which stu-*  
4                    *dents are eligible to receive grants for access and per-*  
5                    *sistence, the State shall ensure that each such student*  
6                    *meets not less than 1 of the following:*

7                    “(A) *Meets not less than 2 of the following*  
8                    *criteria, with priority given to students meeting*  
9                    *all of the following criteria:*

10                    “(i) *Has an expected family contribu-*  
11                    *tion equal to zero (as described in section*  
12                    *479) or a comparable alternative based*  
13                    *upon the State’s approved criteria in sec-*  
14                    *tion 415C(b)(4).*

15                    “(ii) *Has qualified for a free lunch, or*  
16                    *at the State’s discretion a reduced price*  
17                    *lunch, under the school lunch program es-*  
18                    *tablished under the Richard B. Russell Na-*  
19                    *tional School Lunch Act.*

20                    “(iii) *Qualifies for the State’s max-*  
21                    *imum undergraduate award, as authorized*  
22                    *under section 415C(b).*

23                    “(iv) *Is participating in, or has par-*  
24                    *ticipated in, a Federal, State, institutional,*  
25                    *or community early information and inter-*

1            *vention, mentoring, or outreach program, as*  
2            *recognized by the State agency admin-*  
3            *istering activities under this section.*

4            *“(B) Is receiving, or has received, a grant*  
5            *for access and persistence under this section, in*  
6            *accordance with paragraph (5).*

7            *“(4) GRANT AWARD.—Once a student, including*  
8            *those students who have received early notification*  
9            *under paragraph (2) from the State, applies for ad-*  
10           *mission to an institution that is a partner in the*  
11           *partnership, files a Free Application for Federal Stu-*  
12           *dent Aid and any related existing State form, and is*  
13           *determined eligible by the State under paragraph (3),*  
14           *the State shall—*

15           *“(A) issue the student a preliminary award*  
16           *certificate for a grant for access and persistence*  
17           *with tentative award amounts; and*

18           *“(B) inform the student that payment of the*  
19           *grant for access and persistence award amounts*  
20           *is subject to certification of enrollment and*  
21           *award eligibility by the institution of higher*  
22           *education.*

23           *“(5) DURATION OF AWARD.—An eligible student*  
24           *that receives a grant for access and persistence under*  
25           *this section shall receive such grant award for each*

1        *year of such student's undergraduate education in*  
2        *which the student remains eligible for assistance*  
3        *under this title, including pursuant to section 484(c),*  
4        *and remains financially eligible as determined by the*  
5        *State, except that the State may impose reasonable*  
6        *time limits to degree completion.*

7        *“(e) USE OF FUNDS FOR ADMINISTRATIVE COSTS*  
8        *PROHIBITED.—A State that receives an allotment under*  
9        *this section shall not use any of the allotted funds to pay*  
10       *administrative costs associated with any of the authorized*  
11       *activities described in subsection (d).*

12       *“(f) STATUTORY AND REGULATORY RELIEF FOR INSTI-*  
13       *TUTIONS OF HIGHER EDUCATION.—The Secretary may*  
14       *grant, upon the request of an institution of higher education*  
15       *that is in a partnership described in subsection*  
16       *(b)(2)(A)(ii) and that receives an allotment under this sec-*  
17       *tion, a waiver for such institution from statutory or regu-*  
18       *latory requirements that inhibit the ability of the institu-*  
19       *tion to successfully and efficiently participate in the activi-*  
20       *ties of the partnership.*

21       *“(g) APPLICABILITY RULE.—The provisions of this*  
22       *subpart which are not inconsistent with this section shall*  
23       *apply to the program authorized by this section.*

24       *“(h) MAINTENANCE OF EFFORT REQUIREMENT.—*  
25       *Each State receiving an allotment under this section for*

1 *a fiscal year shall provide the Secretary with an assurance*  
2 *that the aggregate amount expended per student or the ag-*  
3 *gregate expenditures by the State, from funds derived from*  
4 *non-Federal sources, for the authorized activities described*  
5 *in subsection (d) for the preceding fiscal year were not less*  
6 *than the amount expended per student or the aggregate ex-*  
7 *penditure by the State for the activities for the second pre-*  
8 *ceding fiscal year.*

9       “(i) *SPECIAL RULE.—Notwithstanding subsection (h),*  
10 *for purposes of determining a State’s share of the cost of*  
11 *the authorized activities described in subsection (d), the*  
12 *State shall consider only those expenditures from non-Fed-*  
13 *eral sources that exceed the State’s total expenditures for*  
14 *need-based grants, scholarships, and work-study assistance*  
15 *for fiscal year 1999 (including any such assistance provided*  
16 *under this subpart).*

17       “(j) *CONTINUATION AND TRANSITION.—For the 2-year*  
18 *period that begins on the date of enactment of the Higher*  
19 *Education Amendments of 2005, the Secretary shall con-*  
20 *tinue to award grants under section 415E of the Higher*  
21 *Education Act of 1965 as such section existed on the day*  
22 *before the date of enactment of such Act to States that choose*  
23 *to apply for grants under such predecessor section.*

24       “(k) *REPORTS.—Not later than 3 years after the date*  
25 *of enactment of the Higher Education Amendments of 2005*

1 *and annually thereafter, the Secretary shall submit a report*  
 2 *describing the activities and the impact of the partnerships*  
 3 *under this section to the authorizing committees.”.*

4 **SEC. 407. SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMI-**  
 5 **LIES ARE ENGAGED IN MIGRANT AND SEA-**  
 6 **SONAL FARMWORK.**

7 *Section 418A (20 U.S.C. 1070d-2) is amended—*

8 *(1) in subsection (a), by adding “(including pro-*  
 9 *viding outreach and technical assistance)” after*  
 10 *“maintain and expand”;*

11 *(2) in subsection (b)—*

12 *(A) in paragraph (1)(B)(i), by striking*  
 13 *“parents” and inserting “immediate family”;*

14 *(B) in paragraph (3)(B), by inserting “(in-*  
 15 *cluding preparation for college entrance exami-*  
 16 *nations)” after “college program”;*

17 *(C) in paragraph (5), by striking “weekly”;*

18 *(D) in paragraph (7), by striking “and”*  
 19 *after the semicolon;*

20 *(E) in paragraph (8), by striking the period*  
 21 *at the end and inserting “; and”; and*

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

23 *“(9) other activities to improve persistence and*  
 24 *retention in postsecondary education.”;*

25 *(3) in subsection (c)—*

1                   (A) in paragraph (1)—

2                    (i) in subparagraph (B)—

3                      (I) in the matter preceding clause  
4                      (i), by inserting “to improve place-  
5                      ment, persistence, and retention in  
6                      postsecondary education” after “serv-  
7                      ices”; and

8                      (II) in clause (i), by striking  
9                      “and career” and inserting “career,  
10                     and economic education or personal fi-  
11                     nance”;

12                     (ii) in subparagraph (E), by striking  
13                     “and” after the semicolon;

14                     (iii) by redesignating subparagraph  
15                     (F) as subparagraph (G); and

16                     (iv) by inserting after subparagraph  
17                     (E) the following:

18                     “(F) internships; and”; and

19                    (B) in paragraph (2)—

20                      (i) in subparagraph (A), by striking  
21                      “and” after the semicolon;

22                      (ii) in subparagraph (B), by striking  
23                      the period at the end and inserting “, and  
24                      coordinating such services, assistance, and  
25                      aid with other non-program services, assist-

1           *ance, and aid, including services, assist-*  
2           *ance, and aid provided by community-based*  
3           *organizations, which may include men-*  
4           *toring and guidance; and”;* and

5           *(iii) by adding at the end the fol-*  
6           *lowing:*

7           *“(C) for students attending 2-year institu-*  
8           *tions of higher education, encouraging the stu-*  
9           *dents to transfer to 4-year institutions of higher*  
10           *education, where appropriate, and monitoring*  
11           *the rate of transfer of such students.”;*

12           *(4) in subsection (e), by striking “section*  
13           *402A(c)(1)” and inserting “section 402A(c)(2)”;*

14           *(5) in subsection (f)—*

15           *(A) in paragraph (1), by striking*  
16           *“\$150,000” and inserting “\$180,000”; and*

17           *(B) in paragraph (2), by striking*  
18           *“\$150,000” and inserting “\$180,000”; and*

19           *(6) in subsection (h)—*

20           *(A) in paragraph (1), by striking*  
21           *“\$15,000,000 for fiscal year 1999” and all that*  
22           *follows through the period and inserting “such*  
23           *sums as may be necessary for fiscal year 2006*  
24           *and each of the 5 succeeding fiscal years.”;* and



1           (B) in paragraph (2), by striking  
 2           “\$5,000,000 for fiscal year 1999” and all that  
 3           follows through the period and inserting “such  
 4           sums as may be necessary for fiscal year 2006  
 5           and each of the 5 succeeding fiscal years.”.

6 **SEC. 408. ROBERT C. BYRD HONORS SCHOLARSHIP PRO-**  
 7           **GRAM.**

8           (a) *ELIGIBILITY OF SCHOLARS.*—Section 419F(a) (20  
 9 U.S.C. 1070d–36(a)) is amended by inserting “(or a home  
 10 school, whether treated as a home school or a private school  
 11 under State law)” after “public or private secondary  
 12 school”.

13           (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
 14 419K (20 U.S.C. 1070d–41) is amended by striking  
 15 “\$45,000,000 for fiscal year 1999” and all that follows  
 16 through the period and inserting “such sums as may be nec-  
 17 essary for fiscal year 2006 and each of the 5 succeeding  
 18 fiscal years.”.

19 **SEC. 409. CHILD CARE ACCESS MEANS PARENTS IN**  
 20           **SCHOOL.**

21           (a) *MINIMUM GRANT.*—Section 419N(b)(2)(B) (20  
 22 U.S.C. 1070e(b)(2)(B)) is amended—

23                   (1) by striking “A grant” and inserting the fol-  
 24           lowing:

1                   “(i) *IN GENERAL.*—*Except as provided*  
2                   *in clause (i), a grant*”; and

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

4                   “(i) *INCREASE TRIGGER.*—*For any*  
5                   *fiscal year for which the amount appro-*  
6                   *propriated under the authority of subsection*  
7                   *(g) is equal to or greater than \$20,000,000,*  
8                   *a grant under this section shall be awarded*  
9                   *in an amount that is not less than*  
10                  *\$30,000.*”.

11                  (b) *DEFINITION OF LOW-INCOME STUDENT.*—*Para-*  
12 *graph (7) of section 419N(b) (20 U.S.C. 1070e(b)) is amend-*  
13 *ed to read as follows:*

14                  “(7) *DEFINITION OF LOW-INCOME STUDENT.*—  
15                  *For the purpose of this section, the term ‘low-income*  
16                  *student’ means a student who—*

17                         “(A) *is eligible to receive a Federal Pell*  
18                         *Grant for the fiscal year for which the deter-*  
19                         *mination is made; or*

20                         “(B) *would otherwise be eligible to receive a*  
21                         *Federal Pell Grant for the fiscal year for which*  
22                         *the determination is made, except that the stu-*  
23                         *dent fails to meet the requirements of—*

1                   “(i) section 401(c)(1) because the stu-  
2                   dent is enrolled in a graduate or first pro-  
3                   fessional course of study; or

4                   “(ii) section 484(a)(5) because the stu-  
5                   dent is in the United States for a tem-  
6                   porary purpose.”.

7           (c) *AUTHORIZATION OF APPROPRIATIONS.*—Section  
8 419N(g) (20 U.S.C. 1070e(g)) is amended by striking  
9 “\$45,000,000 for fiscal year 1999” and all that follows  
10 through the period and inserting “such sums as may be nec-  
11 essary for fiscal year 2006 and each of the 5 succeeding  
12 fiscal years.”.

13 **SEC. 410. LEARNING ANYTIME ANYWHERE PARTNERSHIPS.**

14           Subpart 8 of part A of title IV (20 U.S.C. 1070f et  
15 seq.) is repealed.

16           **PART B—FEDERAL FAMILY EDUCATION LOAN**  
17   **PROGRAM**

18 **SEC. 421. EXTENSION OF AUTHORITIES.**

19           (a) *FEDERAL INSURANCE LIMITATIONS.*—Section  
20 424(a) (20 U.S.C. 1074(a)) is amended—

21                   (1) by striking “2004” and inserting “2012”;  
22                   and

23                   (2) by striking “2008” and inserting “2016”.

24           (b) *GUARANTEED LOANS.*—Section 428(a)(5) (20  
25 U.S.C. 1078(a)(5)) is amended—

1           (1) *by striking “2004” and inserting “2012”;*  
2       *and*

3           (2) *by striking “2008” and inserting “2016”.*

4           (3) *CONSOLIDATION LOANS.—Section 428C(e)*  
5       *(20 U.S.C. 1078–3(e)) is amended by striking “2004”*  
6       *and inserting “2012”.*

7       **SEC. 422. FEDERAL PAYMENTS TO REDUCE STUDENT IN-**  
8               **TEREST COSTS.**

9       *Section 428 (20 U.S.C. 1078) is amended—*

10           (1) *in subsection (b)(1)—*

11               (A) *in subparagraph (N)—*

12                       (i) *in clause (i), by striking “or” after*  
13                       *the semicolon; and*

14                       (ii) *by striking clause (ii) and insert-*  
15                       *ing the following:*

16                               “(ii) *in the case of a student who is*  
17                               *studying outside the United States in a pro-*  
18                               *gram of study abroad that is approved for*  
19                               *credit by the home institution at which such*  
20                               *student is enrolled, and only after*  
21                               *verification of the student’s enrollment by*  
22                               *the lender or guaranty agency, are, at the*  
23                               *request of the student, disbursed directly to*  
24                               *the student by the means described in clause*  
25                               *(i), unless such student requests that the*

1           *check be endorsed, or the funds transfer be*  
 2           *authorized, pursuant to an authorized*  
 3           *power-of-attorney; or*

4           *“(iii) in the case of a student who is*  
 5           *studying outside the United States in a pro-*  
 6           *gram of study at an eligible foreign institu-*  
 7           *tion, are, at the request of the foreign insti-*  
 8           *tution, disbursed directly to the student,*  
 9           *only after verification of the student’s en-*  
 10          *rollment by the lender or guaranty agency*  
 11          *by the means described in clause (i);”;* and  
 12          *(B) in subparagraph (Y)(i)(III), by insert-*  
 13          *ing “, except that, if requested by an institution*  
 14          *of higher education, the lender shall confirm such*  
 15          *status through use of the National Student Loan*  
 16          *Data System” before the semicolon; and*

17          *(2) in subsection (c)(2)(H)(i), by striking*  
 18          *“preclaims” and inserting “default aversion”.*

19 **SEC. 423. FEDERAL CONSOLIDATION LOANS.**

20          *Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is*  
 21          *amended—*

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

24                  *(2) by redesignating subparagraph (F) as sub-*  
 25                  *paragraph (G); and*

1           (3) *by inserting after subparagraph (E) the fol-*  
2           *lowing:*

3                   “(F) *that the lender will disclose, in a clear*  
4                   *and conspicuous manner, to borrowers who con-*  
5                   *solidate loans made under part E of this title—*

6                           “(i) *that once the borrower adds the*  
7                           *borrower’s Federal Perkins Loan to a Fed-*  
8                           *eral Consolidation Loan, the borrower will*  
9                           *lose all interest-free periods that would have*  
10                           *been available, such as those periods when*  
11                           *no interest accrues on the Federal Perkins*  
12                           *Loan while the borrower is enrolled in*  
13                           *school at least half-time, during the grace*  
14                           *period, and during periods when the bor-*  
15                           *rower’s student loan repayments are de-*  
16                           *ferred;*

17                           “(ii) *that the borrower will no longer*  
18                           *be eligible for loan forgiveness of Federal*  
19                           *Perkins Loans under any provision of sec-*  
20                           *tion 465; and*

21                           “(iii) *the occupations described in sec-*  
22                           *tion 465(a)(2), individually and in detail,*  
23                           *for which the borrower will lose eligibility*  
24                           *for Federal Perkins Loan forgiveness; and”.*

1 **SEC. 424. DEFAULT REDUCTION PROGRAM.**

2 *Section 428F (20 U.S.C. 1078–6) is amended by add-*  
 3 *ing at the end the following:*

4 *“(c) FINANCIAL AND ECONOMIC LITERACY.—Where*  
 5 *appropriate as determined by the institution of higher edu-*  
 6 *cation in which a borrower is enrolled, each program de-*  
 7 *scribed in subsection (b) shall include making available fi-*  
 8 *nancial and economic education materials for the borrower,*  
 9 *including making the materials available before, during, or*  
 10 *after rehabilitation of a loan.”.*

11 **SEC. 425. REQUIREMENTS FOR DISBURSEMENT OF STU-**  
 12 **DENT LOANS.**

13 *Section 428G(e) (20 U.S.C. 1078–7(e)) is amended by*  
 14 *striking “, made to a student to cover the cost of attendance*  
 15 *at an eligible institution outside the United States”.*

16 **SEC. 426. REPORTS TO CREDIT BUREAUS AND INSTITU-**  
 17 **TIONS OF HIGHER EDUCATION.**

18 *Section 430A(a) (20 U.S.C. 1080a(a)) is amended—*

19 *(1) in the first sentence, by striking “with credit*  
 20 *bureau organizations” and inserting “with each con-*  
 21 *sumer reporting agency that compiles and maintains*  
 22 *files on consumers on a nationwide basis (as defined*  
 23 *in section 603(p) of the Fair Credit Reporting Act*  
 24 *(15 U.S.C. 1681a(p))”;*

25 *(2) by redesignating paragraphs (1), (2), and (3)*  
 26 *as paragraphs (2), (4), and (5), respectively;*

1           (3) by inserting before paragraph (2) (as redesignated by paragraph (2)), the following:

2           “(1) the type of loan made, insured, or guaranteed under this title;”;

3           (4) by inserting after paragraph (2) (as redesignated by paragraph (2)), the following:

4           “(3) information concerning the repayment status of the loan, which information shall be included in the file of the borrower, except that nothing in this subsection shall be construed to affect any otherwise applicable provision of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)”;

5           (5) in paragraph (4) (as redesignated by paragraph (2)), by striking “and” after the semicolon;

6           (6) in paragraph (5) (as redesignated by paragraph (2)), by striking the period and inserting “; and”;

7           (7) by adding at the end the following:

8           “(6) any other information required to be reported by Federal law.”.

9           **SEC. 427. COMMON FORMS AND FORMATS.**

10           Section 432(m)(1)(D)(i) (20 U.S.C. 1082(m)(1)(D)(i)) is amended by adding at the end the following: “Unless otherwise notified by the Secretary, each institution of higher education that participates in the program under this part



1 *or part D may use a master promissory note for loans*  
 2 *under this part and part D.”.*

3 **SEC. 428. STUDENT LOAN INFORMATION BY ELIGIBLE BOR-**  
 4 **ROWERS.**

5 *Section 433 (20 U.S.C. 1083) is amended by adding*  
 6 *at the end the following:*

7 *“(f) BORROWER INFORMATION AND PRIVACY.—Each*  
 8 *entity participating in a program under this part that is*  
 9 *subject to subtitle A of title V of the Gramm-Leach-Bliley*  
 10 *Act (15 U.S.C. 6801 et seq.) shall only use, release, disclose,*  
 11 *sell, transfer, or give student information, including the*  
 12 *name, address, social security number, or amount borrowed*  
 13 *by a borrower or a borrower’s parent, in accordance with*  
 14 *the provisions of such subtitle.*

15 *“(g) LOAN BENEFIT DISCLOSURES.—*

16 *“(1) IN GENERAL.—Each eligible lender, holder,*  
 17 *or servicer of a loan made, insured, or guaranteed*  
 18 *under this part shall provide the borrower with infor-*  
 19 *mation on the loan benefit repayment options the*  
 20 *lender, holder, or servicer offer, including information*  
 21 *on reductions in interest rates—*

22 *“(A) by repaying the loan by automatic*  
 23 *payroll or checking account deduction;*

24 *“(B) by completing a program of on-time*  
 25 *repayment; and*

1           “(C) under any other interest rate reduction  
2           program.

3           “(2) *INFORMATION.*—Such borrower information  
4           shall include—

5                   “(A) any limitations on such options;

6                   “(B) explicit information on the reasons a  
7           borrower may lose eligibility for such an option;

8                   “(C) examples of the impact the interest  
9           rate reductions will have on a borrower’s time  
10          for repayment and amount of repayment;

11                  “(D) upon the request of the borrower, the  
12          effect the reductions in interest rates will have  
13          with respect to the borrower’s payoff amount and  
14          time for repayment; and

15                  “(E) information on borrower recertifi-  
16          cation requirements.”.

17 **SEC. 429. CONSUMER EDUCATION INFORMATION.**

18          Part B (20 U.S.C. 1071 et seq.) is amended by insert-  
19          ing after section 433 (20 U.S.C. 1083) the following:

20 **“SEC. 433A. CONSUMER EDUCATION INFORMATION.**

21          “Each guaranty agency participating in a program  
22          under this part working with the institutions of higher edu-  
23          cation served by such guaranty agency (or in the case of  
24          an institution of higher education that provides loans exclu-  
25          sively through part D, the institution working with a guar-

1 *anty agency or with the Secretary) shall develop and make*  
2 *available a quality educational program and materials to*  
3 *provide training for students in budgeting and financial*  
4 *management, including debt management and other aspects*  
5 *of financial literacy, such as the cost of using very high*  
6 *interest loans to pay for postsecondary education, particu-*  
7 *larly as budgeting and financial management relates to stu-*  
8 *dent loan programs authorized by this title. Nothing in this*  
9 *section shall be construed to prohibit a guaranty agency*  
10 *from using an existing program or existing materials to*  
11 *meet the requirement of this section. The activities described*  
12 *in this section shall be considered default reduction activi-*  
13 *ties for the purposes of section 422.”.*

14 **SEC. 430. DEFINITION OF ELIGIBLE LENDER.**

15 *Section 435(d)(2) (20 U.S.C. 1085(d)(2)) is amended*  
16 *by striking subparagraph (F) and inserting the following:*

17 *“(F) shall use the proceeds from special al-*  
18 *lowance payments, interest payments from bor-*  
19 *rowers, proceeds from the sale of a loan made,*  
20 *insured, or guaranteed under this part, and all*  
21 *other proceeds related to such a loan that are*  
22 *furnished to the eligible institution or any entity*  
23 *affiliated (directly or indirectly) with the eligible*  
24 *institution, for need based grant programs, ex-*  
25 *cept that such payments and proceeds may be*

1           *used for reasonable reimbursement for direct ad-*  
 2           *ministrative expenses;”.*

3 **SEC. 431. REPAYMENT BY THE SECRETARY OF LOANS OF**  
 4           **BANKRUPT, DECEASED, OR DISABLED BOR-**  
 5           **ROWERS; TREATMENT OF BORROWERS AT-**  
 6           **TENDING SCHOOLS THAT FAIL TO PROVIDE A**  
 7           **REFUND, ATTENDING CLOSED SCHOOLS, OR**  
 8           **FALSELY CERTIFIED AS ELIGIBLE TO BOR-**  
 9           **ROW.**

10           *Section 437 (20 U.S.C. 1087) is amended—*

11           *(1) in the section heading, by striking “CLOSED*  
 12           *SCHOOLS OR FALSELY CERTIFIED AS ELIGIBLE*  
 13           *TO BORROW” and inserting “SCHOOLS THAT*  
 14           *FAIL TO PROVIDE A REFUND, ATTENDING*  
 15           *CLOSED SCHOOLS, OR FALSELY CERTIFIED AS*  
 16           *ELIGIBLE TO BORROW”; and*

17           *(2) in the first sentence of subsection (c)(1), by*  
 18           *inserting “or was falsely certified as a result of a*  
 19           *crime of identity theft” after “falsely certified by the*  
 20           *eligible institution”.*

21           **PART C—FEDERAL WORK-STUDY PROGRAMS**

22           **SEC. 441. AUTHORIZATION OF APPROPRIATIONS.**

23           *Section 441(b) (42 U.S.C. 2751(b)) is amended by*  
 24           *striking “\$1,000,000 for fiscal year 1999” and all that fol-*  
 25           *lows through the period and inserting “such sums as may*

1 *be necessary for fiscal year 2006 and each of the 5 suc-*  
2 *ceeding fiscal years.”.*

3 **SEC. 442. ALLOWANCE FOR BOOKS AND SUPPLIES.**

4 *Section 442(c)(4)(D) (42 U.S.C. 2752(c)(4)(D)) is*  
5 *amended by striking “\$450” and inserting “\$600”.*

6 **SEC. 443. GRANTS FOR FEDERAL WORK-STUDY PROGRAMS.**

7 *Section 443(b)(2) (42 U.S.C. 2753(b)(2)) is amend-*  
8 *ed—*

9 *(1) by striking subparagraph (A);*

10 *(2) by redesignating subparagraphs (B) and (C)*  
11 *as subparagraphs (A) and (B), respectively; and*

12 *(3) in subparagraph (A) (as redesignated by*  
13 *paragraph (2)), by striking “this subparagraph if”*  
14 *and all that follows through “institution;” and insert-*  
15 *ing “this subparagraph if—*

16 *“(i) the Secretary determines that en-*  
17 *forcing this subparagraph would cause*  
18 *hardship for students at the institution; or*

19 *“(ii) the institution certifies to the Sec-*  
20 *retary that 15 percent or more of its total*  
21 *full-time enrollment participates in commu-*  
22 *nity service activities described in section*  
23 *441(c) or tutoring and literacy activities*  
24 *described in subsection (d) of this section;”.*

1 **SEC. 444. JOB LOCATION AND DEVELOPMENT PROGRAMS.**

2 *Section 446(a)(1) (42 U.S.C. 2756(a)(1)) is amended*  
3 *by striking “\$50,000” and inserting “\$75,000”.*

4 **SEC. 445. WORK COLLEGES.**

5 *Section 448 (42 U.S.C. 2756b) is amended—*

6 *(1) in subsection (b)—*

7 *(A) in paragraph (1), by striking “under*  
8 *subsection (f)” and inserting “for this section*  
9 *under section 441(b)”;* and

10 *(B) in paragraph (2)—*

11 *(i) in the matter preceding subpara-*  
12 *graph (A), by striking “pursuant to sub-*  
13 *section (f)” and inserting “for this section*  
14 *under section 441(b)”;*

15 *(ii) by redesignating subparagraphs*  
16 *(C) through (F) as subparagraphs (D)*  
17 *through (G), respectively; and*

18 *(iii) by inserting after subparagraph*  
19 *(B) the following:*

20 *“(C) support existing and new model stu-*  
21 *dent volunteer community service projects associ-*  
22 *ated with local institutions of higher education,*  
23 *such as operating drop-in resource centers that*  
24 *are staffed by students and that link people in*  
25 *need with the resources and opportunities nec-*  
26 *essary to become self-sufficient;”;*

1           (2) *in subsection (c), by striking “by subsection*  
2           *(f) to use funds under subsection (b)(1)” and insert-*  
3           *ing “for this section under section 441(b) or to use*  
4           *funds under subsection (b)(1),”;* and  
5           (3) *by striking subsection (f).*

6           **PART D—WILLIAM D. FORD FEDERAL DIRECT**

7                           **LOAN PROGRAM**

8           **SEC. 451. FUNDS FOR ADMINISTRATIVE EXPENSES.**

9           *Section 458 (20 U.S.C. 1087h) is amended—*

10           (1) *in subsection (a)(1), in the matter following*  
11           *subparagraph (B), by striking “\$617,000,000” and*  
12           *all that follows through the period and inserting*  
13           *“\$904,000,000 in fiscal year 2006, \$943,000,000 in*  
14           *fiscal year 2007, \$983,000,000 in fiscal year 2008,*  
15           *\$1,023,000,000 in fiscal year 2009, \$1,064,000,000 in*  
16           *fiscal year 2010, and \$1,106,000,000 in fiscal year*  
17           *2011.”;* and

18           (2) *in subsection (c)(1), by striking subpara-*  
19           *graphs (A) through (E) and inserting the following:*

20                           *“(A) for fiscal year 2006, shall not exceed*  
21                           *\$271,000,000;*

22                           *“(B) for fiscal year 2007, shall not exceed*  
23                           *\$293,000,000;*

24                           *“(C) for fiscal year 2008, shall not exceed*  
25                           *\$315,000,000;*

1           “(D) for fiscal year 2009, shall not exceed  
2           \$336,000,000;

3           “(E) for fiscal year 2010, shall not exceed  
4           \$356,000,000; and

5           “(F) for fiscal year 2011, shall not exceed  
6           \$378,000,000.”.

7           **PART E—FEDERAL PERKINS LOANS**

8           **SEC. 461. PROGRAM AUTHORITY.**

9           Section 461(b) (20 U.S.C. 1087aa(b)) is amended—

10           (1) in paragraph (1), by striking “\$250,000,000  
11           for fiscal year 1999” and all that follows through the  
12           period and inserting “such sums as may be necessary  
13           for fiscal year 2006 and each of the 5 succeeding fis-  
14           cal years.”; and

15           (2) in paragraph (2),—

16           (A) by striking “fiscal year 2003” and in-  
17           serting “fiscal year 2012”; and

18           (B) by striking “October 1, 2003” and in-  
19           serting “October 1, 2012”.

20           **SEC. 462. TERMS OF LOANS.**

21           Section 464 (20 U.S.C. 1087dd) is amended—

22           (1) in subsection (b)(1), by striking “for an ad-  
23           ditional loan under this part” and inserting “for ad-  
24           ditional aid under this title”; and

25           (2) in subsection (e), by striking “written”.



1 **SEC. 463. CANCELLATION OF LOANS FOR CERTAIN PUBLIC**  
2 **SERVICE.**

3 *Section 465(a) (20 U.S.C. 1087ee(a)) is amended—*

4 *(1) in paragraph ( 2)—*

5 *(A) in subparagraph (B), by striking*  
6 *“Head Start Act which” and inserting “Head*  
7 *Start Act, or in a prekindergarten or child care*  
8 *program that is licensed or regulated by the*  
9 *State, that”;*

10 *(B) in subparagraph (H), by striking “or”*  
11 *after the semicolon;*

12 *(C) in subparagraph (I), by striking the pe-*  
13 *riod and inserting a semicolon; and*

14 *(D) by inserting before the matter following*  
15 *subparagraph (I) (as amended by subparagraph*  
16 *(C)) the following:*

17 *“(J) as a full-time faculty member at a Tribal*  
18 *College or University, as that term is defined in sec-*  
19 *tion 316;*

20 *“(K) as a librarian, if the librarian has a mas-*  
21 *ter’s degree in library science and is employed in—*

22 *“(i) an elementary school or secondary*  
23 *school that is eligible for assistance under title I*  
24 *of the Elementary and Secondary Education Act*  
25 *of 1965; or*

1           “(ii) a public library that serves a geo-  
2           graphic area that contains 1 or more schools eli-  
3           gible for assistance under title I of the Elemen-  
4           tary and Secondary Education Act of 1965; or

5           “(L) as a full-time speech language therapist, if  
6           the therapist has a master’s degree and is working ex-  
7           clusively with schools that are eligible for assistance  
8           under title I of the Elementary and Secondary Edu-  
9           cation Act of 1965.”; and

10           (2) in paragraph (3)(A)(i), by striking “or (I)”  
11           and inserting “(I), (J), (K), or (L)”.

12 **SEC. 464. FEDERAL CAPITAL CONTRIBUTION RECOVERY.**

13           Section 466 (20 U.S.C. 1087ff) is amended—

14           (1) in subsection (a)—

15           (A) by striking “2003” each place it ap-  
16           pears and inserting “2011”; and

17           (B) by striking “2004” and inserting  
18           “2012”; and

19           (2) in subsection (c), by striking “2004” and in-  
20           serting “2012”.

21 **PART F—NEED ANALYSIS**

22 **SEC. 471. COST OF ATTENDANCE.**

23           Section 472 (20 U.S.C. 1087ll) is amended—

24           (1) by striking paragraph (4) and inserting the  
25           following:

1           “(4) for less than half-time students (as deter-  
2           mined by the institution), tuition and fees and an al-  
3           lowance for only—

4                   “(A) books, supplies, and transportation (as  
5                   determined by the institution);

6                   “(B) dependent care expenses (determined  
7                   in accordance with paragraph (8)); and

8                   “(C) room and board costs (determined in  
9                   accordance with paragraph (3)), except that a  
10                  student may receive an allowance for such costs  
11                  under this subparagraph for not more than 3 se-  
12                  mesters or the equivalent, of which not more than  
13                  2 semesters or the equivalent may be consec-  
14                  utive;”;

15           (2) in paragraph (11), by striking “and” after  
16           the semicolon;

17           (3) in paragraph (12), by striking the period  
18           and inserting “; and”; and

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

20                   “(13) at the option of the institution, for a stu-  
21                   dent in a program requiring professional licensure or  
22                   certification, the one time cost of obtaining the first  
23                   professional credentials (as determined by the institu-  
24                   tion).”.

1 **SEC. 472. DISCRETION OF STUDENT FINANCIAL AID ADMIN-**  
 2 **ISTRATORS.**

3 *The third sentence of section 479A(a) (20 U.S.C.*  
 4 *1087tt(a)) is amended—*

5 *(1) by inserting “or an independent student”*  
 6 *after “family member”; and*

7 *(2) by inserting “a change in housing status that*  
 8 *results in homelessness,” after “under section 487.”*

9 **SEC. 473. DEFINITIONS.**

10 *(a) DEFINITIONS.—Section 480 (20 U.S.C. 1087vv) is*  
 11 *amended—*

12 *(1) in subsection (f)—*

13 *(A) in paragraph (1), by inserting “quali-*  
 14 *fied education benefits (except as provided in*  
 15 *paragraph (3)),” after “tax shelters;” and*

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

17 *“(3) A qualified education benefit shall not be consid-*  
 18 *ered an asset of a student for purposes of section 475.*

19 *“(4) In determining the value of assets in a determina-*  
 20 *tion of need under this title (other than for subpart 4 of*  
 21 *part A), the value of a qualified education benefit shall be—*

22 *“(A) the refund value of any tuition credits or*  
 23 *certificates purchased under a qualified education*  
 24 *benefit; and*

25 *“(B) in the case of a program in which contribu-*  
 26 *tions are made to an account that is established for*

1 *the purpose of meeting the qualified higher education*  
 2 *expenses of the designated beneficiary of the account,*  
 3 *the current balance of such account.*

4 *“(5) In this subsection:*

5 *“(A) QUALIFIED EDUCATION BENEFIT.—The*  
 6 *term ‘qualified education benefit’ means—*

7 *“(i) a qualified tuition program (as defined*  
 8 *in section 529(b)(1)(A) of the Internal Revenue*  
 9 *Code of 1986) or other prepaid tuition plan of-*  
 10 *fered by a State; and*

11 *“(ii) a Coverdell education savings account*  
 12 *(as defined in section 530(b)(1) of the Internal*  
 13 *Revenue Code of 1986).*

14 *“(B) QUALIFIED HIGHER EDUCATION EX-*  
 15 *PENSES.—The term ‘qualified higher education ex-*  
 16 *penses’ has the meaning given the term in section*  
 17 *529(e) of the Internal Revenue Code of 1986.”; and*

18 *(2) in subsection (j)—*

19 *(A) in the subsection heading, by striking “;*  
 20 *TUITION PREPAYMENT PLANS”;*

21 *(B) by striking paragraph (2);*

22 *(C) by redesignating paragraph (3) as*  
 23 *paragraph (2); and*

1                   (D) by inserting after paragraph (2) (as re-  
 2                   designated by subparagraph (C)) the following  
 3                   paragraph:

4                   “(3) Notwithstanding paragraph (1) and section 472,  
 5                   assistance not received under this title may be excluded  
 6                   from both estimated financial assistance and cost of attend-  
 7                   ance, if that assistance is designated by the State providing  
 8                   that assistance to offset a specific component of the cost of  
 9                   attendance. If that assistance is excluded from estimated fi-  
 10                   nancial assistance or cost of attendance, that assistance  
 11                   shall be excluded from both calculations.”.

12                   (b) *EFFECTIVE DATE.*—The amendments made by this  
 13                   section shall apply with respect to determinations of need  
 14                   under part F of title IV for academic years beginning on  
 15                   or after July 1, 2006.

16                   **PART G—GENERAL PROVISIONS RELATING TO**  
 17   **STUDENT ASSISTANCE**

18                   **SEC. 481. DEFINITIONS.**

19                   Section 481 (20 U.S.C. 1088) is amended—

20                                   (1) in the second sentence of subsection (a)(2), by  
 21                   inserting “and that measures program length in cred-  
 22                   it hours or clock hours” after “baccalaureate degree”;  
 23                   and

24                                   (2) in subsection (b), by adding at the end the  
 25                   following:

1           “(3) For purposes of this title, the term ‘eligible pro-  
2 gram’ includes an instructional program that utilizes direct  
3 assessment of student learning or recognizes the direct as-  
4 sessment of student learning by others, if such assessment  
5 is consistent with the accreditation of the institution or pro-  
6 gram utilizing the results of the assessment, in lieu of credit  
7 hours or clock hours as the measure of student learning.  
8 In the case of a program being determined eligible for the  
9 first time under this paragraph, such determination shall  
10 be made by the Secretary before such program is considered  
11 to be an eligible program.”.

12 **SEC. 482. COMPLIANCE CALENDAR.**

13           Section 482 (20 U.S.C. 1089) is amended by adding  
14 at the end the following:

15           “(e) COMPLIANCE CALENDAR.—Prior to the beginning  
16 of each award year, the Secretary shall provide to institu-  
17 tions of higher education a list of all the reports and disclo-  
18 sures required under this Act. The list shall include—

19                   “(1) the date each report or disclosure is required  
20 to be completed and to be submitted, made available,  
21 or disseminated;

22                   “(2) the required recipients of each report or dis-  
23 closure;

24                   “(3) any required method for transmittal or dis-  
25 semination of each report or disclosure;

1           “(4) a description of the content of each report  
2 or disclosure sufficient to allow the institution to  
3 identify the appropriate individuals to be assigned  
4 the responsibility for such report or disclosure;

5           “(5) references to the statutory authority, appli-  
6 cable regulations, and current guidance issued by the  
7 Secretary regarding each report or disclosure; and

8           “(6) any other information which is pertinent to  
9 the content or distribution of the report or disclo-  
10 sure.”.

11 **SEC. 483. FORMS AND REGULATIONS.**

12           Section 483 (20 U.S.C. 1090) is amended—

13           (1) by striking subsections (a) and (b), and in-  
14 serting the following:

15           “(a) COMMON FINANCIAL AID FORM DEVELOPMENT  
16 AND PROCESSING.—

17           “(1) IN GENERAL.—The Secretary, in coopera-  
18 tion with representatives of agencies and organiza-  
19 tions involved in student financial assistance, shall  
20 produce, distribute, and process free of charge com-  
21 mon financial reporting forms as described in this  
22 subsection to be used to determine the need and eligi-  
23 bility of a student for financial assistance under  
24 parts A through E of this title (other than under sub-  
25 part 4 of part A). The forms shall be made available



1       to applicants in both paper and electronic formats  
2       and shall be referred to (except as otherwise provided  
3       in this subsection) as the ‘Free Application for Fed-  
4       eral Student Aid’, or ‘FAFSA’.

5               “(2) PAPER FORMAT.—

6                       “(A) IN GENERAL.—Subject to subpara-  
7                       graph (C), the Secretary shall produce, dis-  
8                       tribute, and process common forms in paper for-  
9                       mat to meet the requirements of paragraph (1).  
10                      The Secretary shall develop a common paper  
11                      form for applicants who do not meet the require-  
12                      ments of or do not wish to use the process de-  
13                      scribed in subparagraph (B).

14               “(B) EZ FAFSA.—

15                       “(i) IN GENERAL.—The Secretary shall  
16                       develop and use a simplified paper applica-  
17                       tion form, to be known as the ‘EZ FAFSA’,  
18                       to be used for applicants meeting the re-  
19                       quirements under section 479(c).

20                       “(ii) REDUCED DATA REQUIRE-  
21                       MENTS.—The EZ FAFSA shall permit an  
22                       applicant to submit for purposes of deter-  
23                       mining financial need and eligibility, only  
24                       the data elements required to make a deter-  
25                       mination of student eligibility and whether

1           *the applicant meets the requirements of sec-*  
2           *tion 479(c).*

3           “(iii) *STATE DATA.—The Secretary*  
4           *shall include on the EZ FAFSA such data*  
5           *items as may be necessary to award State*  
6           *financial assistance, as provided under*  
7           *paragraph (5), except the Secretary shall*  
8           *not include a State’s data if that State does*  
9           *not permit its applicants for State assist-*  
10           *ance to use the EZ FAFSA.*

11           “(iv) *FREE AVAILABILITY AND PROC-*  
12           *ESSING.—The provisions of paragraph (6)*  
13           *shall apply to the EZ FAFSA, and the data*  
14           *collected by means of the EZ FAFSA shall*  
15           *be available to institutions of higher edu-*  
16           *cation, guaranty agencies, and States in ac-*  
17           *cordance with paragraph (9).*

18           “(v) *TESTING.—The Secretary shall*  
19           *conduct appropriate field testing on the EZ*  
20           *FAFSA.*

21           “(C) *PHASING OUT THE FULL PAPER FORM*  
22           *FOR STUDENTS WHO DO NOT MEET THE RE-*  
23           *QUIREMENTS OF THE EZ FAFSA.—*

24           “(i) *IN GENERAL.—The Secretary shall*  
25           *make all efforts to encourage all applicants*

1           to utilize the electronic forms described in  
2           paragraph (3).

3           “(ii) *PHASEOUT OF FULL PAPER*  
4           *FAFSA.*—Not later than 5 years after the  
5           date of enactment of the Higher Education  
6           Amendments of 2005, to the extent prac-  
7           ticable, the Secretary shall phase out the  
8           printing of the long paper form created  
9           under subparagraph (A) and used by appli-  
10          cants who do not meet the requirements of  
11          the EZ FAFSA described in subparagraph  
12          (B).

13          “(iii) *AVAILABILITY OF FULL PAPER*  
14          *FAFSA.*—

15                 “(I) *IN GENERAL.*—Both prior to  
16                 and after the phaseout described in  
17                 clause (ii), the Secretary shall main-  
18                 tain on the Internet printable versions  
19                 of the paper forms described in sub-  
20                 paragraphs (A) and (B).

21                 “(II) *ACCESSIBILITY.*—The print-  
22                 able versions described in subclause (I)  
23                 shall be made easily accessible and  
24                 downloadable to students on the same  
25                 Web site used to provide students with

1           *the common electronic forms described*  
2           *in paragraph (3).*

3           “(III) *SUBMISSION OF FORMS.—*

4           *The Secretary shall conduct a study to*  
5           *determine the feasibility of using*  
6           *downloaded forms to ensure sufficient*  
7           *quality to meet the processing require-*  
8           *ments of this section. Following the*  
9           *completion of the study, the Secretary*  
10          *shall enable, to the extent practicable,*  
11          *students to submit a form described in*  
12          *this clause that is downloaded from the*  
13          *Internet and printed, in order to meet*  
14          *the filing requirements of this section*  
15          *and to receive financial assistance*  
16          *under this title.*

17          “(iv) *USE OF SAVINGS.—*

18          “(I) *IN GENERAL.—The Secretary*  
19          *shall utilize any realized savings ac-*  
20          *crued by phasing out the full paper*  
21          *FAFSA and moving more applicants*  
22          *to the common electronic forms, to im-*  
23          *prove access to the electronic forms for*  
24          *applicants meeting the requirements of*  
25          *section 479(c).*

1                   “(II) *REPORT.*—*The Secretary*  
2                   *shall report annually to the author-*  
3                   *izing committees on—*

4                   “*(aa) the steps taken to im-*  
5                   *prove access to the common elec-*  
6                   *tronic forms for applicants meet-*  
7                   *ing the requirements of section*  
8                   *479(c); and*

9                   “*(bb) the phaseout of the long*  
10                   *common paper form described in*  
11                   *subparagraph (A).*

12                   “(3) *ELECTRONIC FORMAT.*—

13                   “*(A) IN GENERAL.*—*The Secretary shall*  
14                   *produce, distribute, and process common forms*  
15                   *in electronic format and make such forms avail-*  
16                   *able through a broadly accessible website to meet*  
17                   *the requirements of paragraph (1). The Secretary*  
18                   *shall develop common electronic forms for appli-*  
19                   *cants who do not meet the requirements of sub-*  
20                   *paragraph (B). The Secretary shall include on*  
21                   *the common electronic forms space for informa-*  
22                   *tion that needs to be submitted from the appli-*  
23                   *cant to be eligible for State financial assistance,*  
24                   *as provided under paragraph (5), except the Sec-*  
25                   *retary shall not require applicants to complete*

1           *data required by any State other than the appli-*  
2           *cant's State of residence. The Secretary shall use*  
3           *all available technology to ensure that a student*  
4           *using a common electronic form answers only the*  
5           *minimum number of questions necessary.*

6           “(B) *SIMPLIFIED ELECTRONIC APPLICA-*  
7           *TIONS.—*

8                   “(i) *IN GENERAL.—The Secretary shall*  
9                   *develop and use a simplified electronic ap-*  
10                   *plication form to be used by applicants*  
11                   *meeting the requirements of section 479(c)*  
12                   *and an additional, separate simplified elec-*  
13                   *tronic application form to be used by appli-*  
14                   *cants meeting the requirements under sec-*  
15                   *tion 479(b).*

16                   “(ii) *REDUCED DATA REQUIRE-*  
17                   *MENTS.—The simplified electronic applica-*  
18                   *tion forms shall permit an applicant to sub-*  
19                   *mit for purposes of determining financial*  
20                   *need and eligibility, only the data elements*  
21                   *required to make a determination of student*  
22                   *eligibility and whether the applicant meets*  
23                   *the requirements of subsection (b) or (c) of*  
24                   *section 479.*

1           “(iii) *STATE DATA.*—*The Secretary*  
2           *shall include on the simplified electronic*  
3           *application forms such data items as may*  
4           *be necessary to award State financial as-*  
5           *sistance, as provided under paragraph (5),*  
6           *except the Secretary shall not require appli-*  
7           *cants to complete data required by any*  
8           *State other than the applicant’s State of*  
9           *residence and shall not include a State’s*  
10           *data if such State does not permit its appli-*  
11           *cants for State assistance to use the sim-*  
12           *plified electronic application form described*  
13           *in this subparagraph.*

14           “(iv) *FREE AVAILABILITY AND PROC-*  
15           *ESSING.*—*The provisions of paragraph (6)*  
16           *shall apply to the simplified electronic ap-*  
17           *plication forms, and the data collected by*  
18           *means of the simplified electronic applica-*  
19           *tion forms shall be available to institutions*  
20           *of higher education, guaranty agencies, and*  
21           *States in accordance with paragraph (9).*

22           “(v) *TESTING.*—*The Secretary shall*  
23           *conduct appropriate field testing on the*  
24           *forms developed under this subparagraph.*

1           “(C) *USE OF FORMS.*—*Nothing in this sub-*  
2           *section shall be construed to prohibit the use of*  
3           *the forms developed by the Secretary pursuant to*  
4           *this paragraph by an eligible institution, eligible*  
5           *lender, a guaranty agency, a State grant agency,*  
6           *a private computer software provider, a consor-*  
7           *tium of such entities, or such other entity as the*  
8           *Secretary may designate. Data collected by the*  
9           *forms shall be used only for the application,*  
10           *award, and administration of aid awarded*  
11           *under this title, State aid, or aid awarded by el-*  
12           *igible institutions or such entities as the Sec-*  
13           *retary may designate. No data collected by such*  
14           *electronic version of the forms shall be used for*  
15           *making final aid awards under this title until*  
16           *such data have been processed by the Secretary*  
17           *or a contractor or designee of the Secretary, ex-*  
18           *cept as may be permitted under this title.*

19           “(D) *PRIVACY.*—*The Secretary shall ensure*  
20           *that data collection under this paragraph com-*  
21           *plies with section 552a of title 5, United States*  
22           *Code, and that any entity using the electronic*  
23           *version of the forms developed by the Secretary*  
24           *pursuant to this paragraph shall maintain rea-*  
25           *sonable and appropriate administrative, tech-*



1            *nical, and physical safeguards to ensure the in-*  
2            *tegrity and confidentiality of the information,*  
3            *and to protect against security threats, or unau-*  
4            *thorized uses or disclosures of the information*  
5            *provided on the electronic version of the forms.*

6            “(E) *SIGNATURE.*—*Notwithstanding any*  
7            *other provision of this Act, the Secretary may*  
8            *permit an electronic form under this paragraph*  
9            *to be submitted without a signature, if a signa-*  
10           *ture is subsequently submitted by the applicant*  
11           *or if the applicant uses a personal identification*  
12           *number provided by the Secretary under sub-*  
13           *paragraph (F).*

14           “(F) *PERSONAL IDENTIFICATION NUMBERS*  
15           *AUTHORIZED.*—*The Secretary is authorized to*  
16           *assign to applicants personal identification*  
17           *numbers—*

18                    “(i) *to enable the applicants to use*  
19                    *such numbers as a signature for purposes of*  
20                    *completing a form under this paragraph;*  
21                    *and*

22                    “(ii) *for any purpose determined by*  
23                    *the Secretary to enable the Secretary to*  
24                    *carry out this title.*

25           “(4) *STREAMLINED REAPPLICATION PROCESS.*—

1           “(A) *IN GENERAL.*—*The Secretary shall de-*  
2           *velop streamlined reapplication forms and proc-*  
3           *esses, including both paper and electronic re-*  
4           *application processes, consistent with the re-*  
5           *quirements of this subsection, for an applicant*  
6           *who applies for financial assistance under this*  
7           *title in the next succeeding academic year subse-*  
8           *quent to an academic year in which such appli-*  
9           *cant applied for financial assistance under this*  
10          *title.*

11          “(B) *MECHANISMS FOR REAPPLICATION.*—  
12          *The Secretary shall develop appropriate mecha-*  
13          *nisms to support reapplication.*

14          “(C) *IDENTIFICATION OF UPDATED DATA.*—  
15          *The Secretary shall determine, in cooperation*  
16          *with States, institutions of higher education, and*  
17          *agencies and organizations involved in student*  
18          *financial assistance, the data elements that can*  
19          *be updated from the previous academic year’s*  
20          *application.*

21          “(D) *REDUCED DATA AUTHORIZED.*—*Noth-*  
22          *ing in this title shall be construed as limiting the*  
23          *authority of the Secretary to reduce the number*  
24          *of data elements required of reapplicants.*

1           “(E) *ZERO FAMILY CONTRIBUTION.*—Applicants  
2           determined to have a zero family contribu-  
3           tion pursuant to section 479(c) shall not be re-  
4           quired to provide any financial data in a rep-  
5           lication form, except that which is necessary to  
6           determine eligibility under such section.

7           “(5) *STATE REQUIREMENTS.*—

8           “(A) *IN GENERAL.*—Except as provided in  
9           paragraphs (2)(B)(iii), (3)(A), and (3)(B)(iii),  
10          the Secretary shall include on the forms devel-  
11          oped under this subsection, such State-specific  
12          data items as the Secretary determines are nec-  
13          essary to meet State requirements for need-based  
14          State aid. Such items shall be selected in con-  
15          sultation with State agencies in order to assist  
16          in the awarding of State financial assistance in  
17          accordance with the terms of this subsection, ex-  
18          cept as provided in paragraphs (2)(B)(iii),  
19          (3)(A), and (3)(B)(iii). The number of such data  
20          items shall not be less than the number included  
21          on the form for the 2005–2006 award year unless  
22          a State notifies the Secretary that the State no  
23          longer requires those data items for the distribu-  
24          tion of State need-based aid.

1           “(B) *ANNUAL REVIEW.*—*The Secretary shall*  
2           *conduct an annual review process to determine*  
3           *which data items the States require to award*  
4           *need-based State aid.*

5           “(C) *ENCOURAGE USE OF FORMS.*—*The*  
6           *Secretary shall encourage States to take such*  
7           *steps as are necessary to encourage the use of*  
8           *simplified application forms, including those de-*  
9           *scribed in paragraphs (2)(B) and (3)(B), for ap-*  
10           *plicants who meet the requirements of subsection*  
11           *(b) or (c) of section 479.*

12           “(D) *FEDERAL REGISTER NOTICE.*—*The*  
13           *Secretary shall publish, on an annual basis, a*  
14           *notice in the Federal Register requiring States to*  
15           *inform the Secretary—*

16                   “(i) *if the State plans to use the*  
17                   *FAFSA to collect data to determine eligi-*  
18                   *bility for State need-based financial aid;*

19                   “(ii) *of the State-specific data that the*  
20                   *State requires for delivery of State need-*  
21                   *based financial aid; and*

22                   “(iii) *if the State agency is unable to*  
23                   *permit applicants to utilize the simplified*  
24                   *application forms described in paragraph*  
25                   *(2)(B) or (3)(B).*

1                   “(E) STATE NOTIFICATION TO THE SEC-  
2                   RETARY.—

3                   “(i) IN GENERAL.—Each State agency  
4                   shall notify the Secretary—

5                   “(I) whether the State permits an  
6                   applicant to file a form described in  
7                   paragraph (2)(B) or (3)(B) for pur-  
8                   poses of determining eligibility for  
9                   State need-based financial aid; and

10                  “(II) of the State-specific data  
11                  that the State requires for delivery of  
12                  State need-based financial aid.

13                  “(ii) ACCEPTANCE OF FORMS.—If a  
14                  State does not permit an applicant to file  
15                  a form described in paragraph (2)(B) or  
16                  (3)(B) for purposes of determining eligi-  
17                  bility for State need-based financial aid,  
18                  then the State shall notify the Secretary if  
19                  it is not permitted to do so because of State  
20                  law or agency policy. The notification shall  
21                  include an acknowledgment that State-spe-  
22                  cific questions will not be included on a  
23                  form described in paragraph (2)(B) or  
24                  (3)(B).

1                   “(iii) *LACK OF NOTIFICATION BY THE*  
2                   *STATE.—If a State does not notify the Sec-*  
3                   *retary pursuant to clause (i), the Secretary*  
4                   *shall—*

5                   “(I) *permit residents of that State*  
6                   *to complete simplified application*  
7                   *forms under paragraphs (2)(B) and*  
8                   *(3)(B); and*

9                   “(II) *not require any resident of*  
10                  *such State to complete any data pre-*  
11                  *viously required by that State under*  
12                  *this section.*

13                  “(F) *RESTRICTION.—The Secretary shall*  
14                  *not require applicants to complete any financial*  
15                  *or non-financial data that are not required by*  
16                  *the applicant’s State, except as may be required*  
17                  *for applicants who use the paper forms described*  
18                  *in subparagraphs (A) and (B) of paragraph (2).*

19                  “(6) *CHARGES TO STUDENTS AND PARENTS FOR*  
20                  *USE OF FORMS PROHIBITED.—The common financial*  
21                  *reporting forms prescribed by the Secretary under*  
22                  *this subsection shall be produced, distributed, and*  
23                  *processed by the Secretary, and no parent or student*  
24                  *shall be charged a fee by the Secretary, a contractor,*  
25                  *a third-party servicer or private software provider, or*

1     *any other public or private entity for the collection,*  
2     *processing, or delivery of financial aid through the*  
3     *use of such forms. The need and eligibility of a stu-*  
4     *dent for financial assistance under parts A through E*  
5     *(other than under subpart 4 of part A) may be deter-*  
6     *mined only by using a form developed by the Sec-*  
7     *retary pursuant to this subsection. No student may*  
8     *receive financial assistance under parts A through E*  
9     *(other than under subpart 4 of part A), except by use*  
10    *of a form developed by the Secretary pursuant to this*  
11    *subsection. No data collected on a paper or electronic*  
12    *form or other document that the Secretary determines*  
13    *was created to replace a form prescribed under this*  
14    *subsection and therefore violates the integrity of a*  
15    *simplified and free financial aid application process*  
16    *and for which a fee is charged shall be used to com-*  
17    *plete the form prescribed under this subsection. No*  
18    *person, commercial entity, or other entity shall re-*  
19    *quest, obtain, or utilize an applicant's personal iden-*  
20    *tification number assigned under paragraph (3)(F)*  
21    *for purposes of submitting an application on an ap-*  
22    *plicant's behalf.*

23           “(7) *APPLICATION PROCESSING CYCLE.—The*  
24    *Secretary shall—*

1           “(A) enable students to submit forms cre-  
2           ated under this subsection in order to meet the  
3           filing requirements of this section and in order  
4           to receive financial assistance from programs  
5           under this title; and

6           “(B) enable students to submit forms cre-  
7           ated under this subsection and initiate the proc-  
8           essing of such forms under this subsection, as  
9           early as practicable prior to January 1 of the  
10          student’s planned year of enrollment.

11          “(8) *EARLY ESTIMATES.*—The Secretary shall  
12          permit an applicant to complete a form described in  
13          this subsection in the years prior to enrollment in  
14          order to obtain from the Secretary a nonbinding esti-  
15          mate of the applicant’s expected family contribution,  
16          as defined in section 473. Such applicant shall be  
17          permitted to update information submitted on a form  
18          described in this subsection using the process required  
19          under paragraph (4).

20          “(9) *DISTRIBUTION OF DATA.*—Institutions of  
21          higher education, guaranty agencies, and States shall  
22          receive, without charge, the data collected by the Sec-  
23          retary using the form developed pursuant to this sub-  
24          section for the purposes of processing loan applica-  
25          tions and determining need and eligibility for institu-



1        *tional and State financial aid awards. Entities des-*  
2        *ignated by institutions of higher education, guaranty*  
3        *agencies, or States to receive such data shall be subject*  
4        *to all the requirements of this section, unless such re-*  
5        *quirements are waived by the Secretary.*

6                *“(10) THIRD PARTY SERVICERS AND PRIVATE*  
7        *SOFTWARE PROVIDERS.—To the extent practicable*  
8        *and in a timely manner, the Secretary shall provide,*  
9        *to private organizations and consortia that develop*  
10        *software used by institutions of higher education for*  
11        *the administration of funds under this title, all the*  
12        *necessary specifications that the organizations and*  
13        *consortia must meet for the software the organizations*  
14        *and consortia develop, produce, and distribute (in-*  
15        *cluding any diskette, modem, or network communica-*  
16        *tions) which are so used. The specifications shall con-*  
17        *tain record layouts for required data. The Secretary*  
18        *shall develop in advance of each processing cycle an*  
19        *annual schedule for providing such specifications. The*  
20        *Secretary, to the extent practicable, shall use means*  
21        *of providing such specifications, including conferences*  
22        *and other meetings, outreach, and technical support*  
23        *mechanisms (such as training and printed reference*  
24        *materials). The Secretary shall, from time to time, so-*

1        *licit from such organizations and consortia means of*  
2        *improving the support provided by the Secretary.*

3            *“(11) PARENT’S SOCIAL SECURITY NUMBER AND*  
4        *BIRTH DATE.—The Secretary is authorized to include*  
5        *on the form developed under this subsection space for*  
6        *the social security number and birth date of parents*  
7        *of dependent students seeking financial assistance*  
8        *under this title.”;*

9            *(2) by redesignating subsections (c) through (e)*  
10        *as subsections (b) through (d), respectively;*

11            *(3) in subsection (c) (as redesignated by para-*  
12        *graph (2)), by striking “that is authorized” and all*  
13        *that follows through the period at the end and insert-*  
14        *ing “or other appropriate provider of technical assist-*  
15        *ance and information on postsecondary educational*  
16        *services that is authorized under section 663(a) of the*  
17        *Individuals with Disabilities Education Act. Not*  
18        *later than 2 years after the date of enactment of the*  
19        *Higher Education Amendments of 2005, the Secretary*  
20        *shall test and implement, to the extent practicable, a*  
21        *toll-free telephone based system to permit applicants*  
22        *who meet the requirements of 479(c) to submit an ap-*  
23        *plication over such system.”; and*

24            *(4) by striking subsection (d) (as redesignated by*  
25        *paragraph (2)) and inserting the following:*

1       “(d) *ASSISTANCE IN PREPARATION OF FINANCIAL AID*  
2 *APPLICATION.*—

3               “(1) *PREPARATION AUTHORIZED.*—*Notwith-*  
4 *standing any provision of this Act, an applicant may*  
5 *use a preparer for consultative or preparation services*  
6 *for the completion of the common financial reporting*  
7 *forms described in subsection (a) if the preparer satis-*  
8 *fies the requirements of this subsection.*

9               “(2) *PREPARER IDENTIFICATION.*—*Any common*  
10 *financial reporting form required to be made under*  
11 *this title shall include the name, signature, address or*  
12 *employer’s address, social security number or em-*  
13 *ployer identification number, and organizational af-*  
14 *filiation of the preparer of such common financial re-*  
15 *porting form.*

16               “(3) *ADDITIONAL REQUIREMENTS.*—*A preparer*  
17 *that provides consultative or preparation services*  
18 *pursuant to this subsection shall—*

19                       “(A) *clearly inform individuals upon ini-*  
20 *tial contact (including advertising in clear and*  
21 *conspicuous language on the website of the pre-*  
22 *parer, including by providing a link directly to*  
23 *the website described in subsection (a)(3), if the*  
24 *preparer provides such services through a*  
25 *website) that the common financial reporting*

1        *forms that are required to determine eligibility*  
2        *for financial assistance under parts A through E*  
3        *(other than subpart 4 of part A) may be com-*  
4        *pleted for free via paper or electronic forms pro-*  
5        *vided by the Secretary;*

6                *“(B) refrain from producing or dissemi-*  
7                *nating any form other than the forms produced*  
8                *by the Secretary under subsection (a); and*

9                *“(C) not charge any fee to any individual*  
10               *seeking such services who meets the requirements*  
11               *of subsection (b) or (c) of section 479.*

12               *“(4) SPECIAL RULE.—Nothing in this Act shall*  
13               *be construed to limit preparers of the common finan-*  
14               *cial reporting forms required to be made under this*  
15               *title who meet the requirements of this subsection*  
16               *from collecting source information from a student or*  
17               *parent, including Internal Revenue Service tax forms,*  
18               *in providing consultative and preparation services in*  
19               *completing the forms.”.*

20    **SEC. 484. STUDENT ELIGIBILITY.**

21        *Section 484 (20 U.S.C. 1091) is amended—*

22               *(1) in subsection (d), by adding at the end the*  
23        *following:*

24               *“(4) The student shall be determined by the in-*  
25        *stitution of higher education as having the ability to*

1 *benefit from the education or training offered by the*  
2 *institution of higher education, upon satisfactory*  
3 *completion of 6 credit hours or the equivalent*  
4 *coursework that are applicable toward a degree or cer-*  
5 *tificate offered by the institution of higher edu-*  
6 *cation.”;*

7 (2) *by striking subsection (l) and inserting the*  
8 *following:*

9 “(l) *COURSES OFFERED THROUGH DISTANCE EDU-*  
10 *CATION.—*

11 “(1) *RELATION TO CORRESPONDENCE*  
12 *COURSES.—*

13 “(A) *IN GENERAL.—A student enrolled in a*  
14 *course of instruction at an institution of higher*  
15 *education that is offered principally through dis-*  
16 *tance education and leads to a recognized certifi-*  
17 *cate, or associate, baccalaureate, or graduate de-*  
18 *gree, conferred by such institution, shall not be*  
19 *considered to be enrolled in correspondence*  
20 *courses.*

21 “(B) *EXCEPTION.—An institution of higher*  
22 *education referred to in subparagraph (A) shall*  
23 *not include an institution or school described in*  
24 *section 3(3)(C) of the Carl D. Perkins Vocational*  
25 *and Technical Education Act of 1998.*

1           “(2) *RESTRICTION OR REDUCTIONS OF FINAN-*  
2           *CIAL AID.*—*A student’s eligibility to receive grants,*  
3           *loans, or work assistance under this title shall be re-*  
4           *duced if a financial aid officer determines under the*  
5           *discretionary authority provided in section 479A that*  
6           *distance education results in a substantially reduced*  
7           *cost of attendance to such student.*

8           “(3) *SPECIAL RULE.*—*For award years prior to*  
9           *the date of enactment of this subsection, the Secretary*  
10          *shall not take any compliance, disallowance, penalty,*  
11          *or other action against a student or an eligible insti-*  
12          *tution when such action arises out of such institu-*  
13          *tion’s prior award of student assistance under this*  
14          *title if the institution demonstrates to the satisfaction*  
15          *of the Secretary that its course of instruction would*  
16          *have been in conformance with the requirements of*  
17          *this subsection.*

18          “(4) *DEFINITION.*—*In this subsection, the term*  
19          *‘distance education’ has the meaning given the term*  
20          *in section 102.’; and*

21                 (3) *in subsection (r)*—

22                         (A) *in the matter preceding the table, by in-*  
23                         *serting “of a controlled substance, while such stu-*  
24                         *dent is enrolled in an institution of higher edu-*

1            *cation and receiving financial assistance under*  
 2            *this title,” after “the possession”;*

3            (B) *in the column heading of the first table,*  
 4            *by inserting “**while the student is en-***  
 5            *rolled in an institution of higher edu-*  
 6            *cation and receiving financial assist-*  
 7            *ance under this title” after “possession*  
 8            *of a controlled substance”;* and

9            (C) *by redesignating paragraph (3) as*  
 10           *paragraph (4); and*

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

13           “(3) *INTERACTION WITH FAFSA.—The Secretary*  
 14           *shall not require a student to provide information re-*  
 15           *garding the student’s possession of a controlled sub-*  
 16           *stance on the Free Application for Federal Student*  
 17           *Aid described in section 483(a).”.*

18    **SEC. 485. STATUTE OF LIMITATIONS AND STATE COURT**

19                            **JUDGMENTS.**

20            *Section 484A (20 U.S.C. 1091a) is amended—*

21            (1) *in subsection (b)—*

22                            (A) *in paragraph (1), by striking “and”*  
 23                            *after the semicolon;*

24                            (B) *in paragraph (2), by striking the period*  
 25                            *and inserting “; and”;* and

1                   (C) by adding at the end the following:

2                   “(3) in collecting any obligation arising from a  
3                   loan made under part E of this title, an institution  
4                   of higher education that has an agreement with the  
5                   Secretary pursuant to section 463(a) shall not be sub-  
6                   ject to a defense raised by any borrower based on a  
7                   claim of infancy.”; and

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

9                   “(d) *SPECIAL RULE.*—This section shall not apply in  
10                  the case of a student who is deceased or to a deceased stu-  
11                  dent’s estate or the estate of such student’s family. If a stu-  
12                  dent is deceased, then the student’s estate or the estate of  
13                  the student’s family shall not be required to repay any fi-  
14                  nancial assistance under this title , including interest paid  
15                  on the student’s behalf, collection costs, or other charges  
16                  specified in this title.”.

17   **SEC. 486. INSTITUTIONAL REFUNDS.**

18                  Section 484B (20 U.S.C. 1091B) is amended—

19                  (1) in subsection (a)—

20                         (A) in the matter preceding clause (i) of  
21                         paragraph (2)(A), by striking “a leave of” and  
22                         inserting “1 or more leaves of”; and

23                         (B) in paragraph (3)(C)(i), by striking  
24                         “grant or loan assistance under this title” and  
25                         inserting “grant assistance under subparts 1 and



1           *3 of part A, or loan assistance under parts B,*  
2           *D, and E,”;*

3           *(2) in subsection (b), by adding at the end the*  
4           *following:*

5           *“(4) TIME FRAME.—Not later than 45 days after*  
6           *the date of an institution’s determination that a stu-*  
7           *dent withdrew from the institution, the institution*  
8           *shall—*

9                   *“(A) return the amount required under*  
10                   *paragraph (1);*

11                   *“(B) notify the student of the applicable re-*  
12                   *quirements regarding the overpayment of grant*  
13                   *and loan assistance and*

14                   *“(C) notify the student of the student’s eligi-*  
15                   *bility for post-withdrawal disbursements.”;*

16           *(3) in subsection (c)(2), by striking “may deter-*  
17           *mine the appropriate withdrawal date.” and insert-*  
18           *ing “may determine—*

19                   *(A) the appropriate withdrawal date; and*

20                   *“(B) that the requirements of this section do*  
21                   *not apply to the student.”; and*

22           *(4) in subsection (d)(2), by striking “clock*  
23           *hours—” and all that follows through the period and*  
24           *inserting “clock hours scheduled to be completed by*

1       *the student in that period as of the day the student*  
2       *withdrew.”.*

3       **SEC. 487. INSTITUTIONAL AND FINANCIAL ASSISTANCE FOR**  
4               **STUDENTS.**

5       *Section 485 (20 U.S.C. 1092) is amended—*

6               *(1) in subsection (a)—*

7                       *(A) in paragraph (1)—*

8                               *(i) in subparagraph (N), by striking*

9                                       *“and” after the semicolon;*

10                               *(ii) in subparagraph (O), by striking the period*  
11       *and inserting a semicolon; and*

12                               *(iii) by adding at the end the fol-*  
13       *lowing:*

14                       *“(P) student body diversity at the institution,*  
15       *including information on the percentage of enrolled,*  
16       *full-time students who are—*

17                               *“(i) male;*

18                               *“(ii) female;*

19                               *“(iii) from a low-income background; and*

20                               *“(iv) a self-identified member of a major*  
21       *racial or ethnic group;*

22                               *“(Q) the placement in employment of, and*  
23       *types of employment obtained by, graduates of*  
24       *the institution’s degree or certificate programs,*  
25       *gathered from such sources as alumni surveys,*

1           *student satisfaction surveys, the National Survey*  
2           *of Student Engagement, the Community College*  
3           *Survey of Student Engagement, State data sys-*  
4           *tems, or other relevant sources; and*

5           *“(R) the types of graduate and professional*  
6           *education in which graduates of the institution’s*  
7           *4-year degree programs enrolled, gathered from*  
8           *such sources as alumni surveys, student satisfac-*  
9           *tion surveys, the National Survey of Student En-*  
10          *gagement, State data systems, or other relevant*  
11          *sources.”;*

12           *(B) by striking paragraph (4) and inserting*  
13          *the following:*

14          *“(4) For purposes of this section, institutions*  
15          *may—*

16           *“(A) exclude from the information disclosed*  
17           *in accordance with subparagraph (L) of para-*  
18           *graph (1) the completion or graduation rates of*  
19           *students who leave school to serve in the Armed*  
20           *Forces, on official church missions, or with a*  
21           *recognized foreign aid service of the Federal Gov-*  
22           *ernment; or*

23           *“(B) in cases where the students described*  
24           *in subparagraph (A) represent 20 percent or*  
25           *more of the certificate- or degree-seeking, full-*

1           *time, undergraduate students at the institution,*  
2           *the institution may recalculate the completion or*  
3           *graduation rates of such students by excluding*  
4           *from the calculation described in paragraph (3)*  
5           *the time period such students were not enrolled*  
6           *due to their service in the Armed Forces, on offi-*  
7           *cial church missions, or with a recognized for-*  
8           *ign aid service of the Federal Government.”;*  
9           *and*

10                   *(C) by adding at the end the following:*

11           *“(7) The information disclosed under subparagraph*  
12           *(L) of paragraph (1), or reported under subsection (e), shall*  
13           *include information disaggregated by gender, by each major*  
14           *racial and ethnic subgroup, and by low-income background*  
15           *status as measured by Federal Pell Grant eligibility, if the*  
16           *number of students in such subgroup or with such status*  
17           *is sufficient to yield statistically reliable information and*  
18           *reporting would not reveal personally identifiable informa-*  
19           *tion about an individual student. If such number is not*  
20           *sufficient for such purposes, then the institution shall note*  
21           *that the institution enrolled too few of such students to so*  
22           *disclose or report with confidence and confidentiality.”;*

23                   *(2) in subsection (b), by adding at the end the*  
24           *following:*

1           “(3) *Each eligible institution shall, during the*  
2 *exit interview required by this subsection, provide to*  
3 *a borrower of a loan made under part B, D, or E a*  
4 *clear and conspicuous notice describing the general ef-*  
5 *fects of using a consolidation loan to discharge the*  
6 *borrower’s student loans, including—*

7           “(A) *the effects of consolidation on total in-*  
8 *terest to be paid, fees to be paid, and length of*  
9 *repayment;*

10           “(B) *the effects of consolidation on a bor-*  
11 *rower’s underlying loan benefits, including loan*  
12 *forgiveness, cancellation, and deferment;*

13           “(C) *the ability for the borrower to prepay*  
14 *the loan, pay on a shorter schedule, and to*  
15 *change repayment plans, and that borrower ben-*  
16 *efit programs may vary among different loan*  
17 *holders;*

18           “(D) *the tax benefits for which the borrower*  
19 *may be eligible; and*

20           “(E) *the consequences of default.”;*

21           (3) *in subsection (d)(2)—*

22           (A) *by inserting “grant assistance, as well*  
23 *as State” after “describing State”; and*

1           (B) by inserting “and other means, includ-  
2           ing through the Internet” before the period at the  
3           end;

4           (4) in subsection (e), by striking paragraph (3)  
5           and inserting the following:

6           “(3) For purposes of this subsection, institutions  
7           may—

8           “(A) exclude from the reporting require-  
9           ments under paragraphs (1) and (2) the comple-  
10          tion or graduation rates of students and student  
11          athletes who leave school to serve in the Armed  
12          Forces, on official church missions, or with a  
13          recognized foreign aid service of the Federal Gov-  
14          ernment; or

15          “(B) in cases where the students described  
16          in subparagraph (A) represent 20 percent or  
17          more of the certificate- or degree-seeking, full-  
18          time, undergraduate students at the institution,  
19          the institution may calculate the completion or  
20          graduation rates of such students by excluding  
21          from the calculations described in paragraph (1)  
22          the time period such students were not enrolled  
23          due to their service in the Armed Forces, on offi-  
24          cial church missions, or with a recognized for-  
25          eign aid service of the Federal Government.”;

1           (5) *in the matter preceding subparagraph (A) of*  
2 *subsection (f)(1), by inserting “, other than a foreign*  
3 *institution of higher education,” after “under this*  
4 *title”; and*

5           (6) *by adding at the end the following:*

6           “(h) *TRANSFER OF CREDIT POLICIES.—*

7           “(1) *DISCLOSURE.—Each institution of higher*  
8 *education participating in any program under this*  
9 *title shall publicly disclose in a readable and com-*  
10 *prehensible manner the institution’s transfer of credit*  
11 *policies which shall include a statement of the institu-*  
12 *tion’s current transfer of credit policies that includes,*  
13 *at a minimum—*

14           “(A) *a statement that transfer of credit*  
15 *shall not be denied solely on the basis of the*  
16 *agency or association that accredited such other*  
17 *institution of higher education, if that agency or*  
18 *association is recognized by the Secretary pursu-*  
19 *ant to section 496 to be a reliable authority as*  
20 *to the quality of the education or training of-*  
21 *fered;*

22           “(B) *a list of institutions of higher edu-*  
23 *cation with which the institution has established*  
24 *an articulation agreement; and*

1           “(C) the percentage of students at the insti-  
 2           tution who successfully transfer academic credits,  
 3           updated on an annual basis.

4           “(2) *RULE OF CONSTRUCTION.*—Nothing in this  
 5           subsection shall be construed to—

6           “(A) authorize an officer or employee of the  
 7           Department to exercise any direction, super-  
 8           vision, or control over the curriculum, program  
 9           of instruction, administration, or personnel of  
 10          any institution of higher education, or over any  
 11          accrediting agency or association;

12          “(B) limit the application of the General  
 13          Education Provisions Act; or

14          “(C) create any legally enforceable right on  
 15          the part of a student to require an institution of  
 16          higher education to accept a transfer of credit  
 17          from another institution.”.

18 **SEC. 488. NATIONAL STUDENT LOAN DATA SYSTEM.**

19          Section 485B(a) (20 U.S.C. 1092b(a)) is amended—

20                 (1) by redesignating paragraphs (6) through (10)  
 21                 as paragraphs (7) through (11), respectively;

22                 (2) in paragraph (5) (as added by Public Law  
 23                 101–610), by striking “effectiveness.” and inserting  
 24                 “effectiveness;”; and



1           (3) by redesignating paragraph (5) (as added by  
2           Public Law 101–234) as paragraph (6).

3   **SEC. 489. EARLY AWARENESS OF FINANCIAL AID ELIGI-**  
4                                   **BILITY.**

5           Part G of title IV (20 U.S.C. 1088 et seq.) is amended  
6 by inserting after section 485C (20 U.S.C. 1092c) the fol-  
7 lowing:

8   **“SEC. 485D. EARLY AWARENESS OF FINANCIAL AID ELIGI-**  
9                                   **BILITY.**

10           “(a) *IN GENERAL.*—The Secretary shall implement, in  
11 cooperation with States, institutions of higher education,  
12 secondary schools, middle schools, early intervention and  
13 outreach programs under this title, other agencies and orga-  
14 nizations involved in student financial assistance and col-  
15 lege access, public libraries, community centers, employers,  
16 and businesses, a comprehensive system of early financial  
17 aid information in order to provide students and families  
18 with early information about financial aid and early esti-  
19 mates of such students’ eligibility for financial aid from  
20 multiple sources. Such system shall include the activities  
21 described in subsections (b) and (c).

22           “(b) *COMMUNICATION OF AVAILABILITY OF AID AND*  
23 *AID ELIGIBILITY.*—

24           “(1) *STUDENTS WHO RECEIVE BENEFITS.*—The  
25           Secretary shall—

1           “(A) make special efforts to notify students  
2           who receive or are eligible to receive benefits  
3           under Federal means-tested benefit programs (in-  
4           cluding the school lunch program established  
5           under the Richard B. Russell National School  
6           Lunch Act (42 U.S.C. 1751 et seq.), the food  
7           stamp program under the Food Stamp Act of  
8           1977 (7 U.S.C. 2011 et seq.), and other such pro-  
9           grams as determined by the Secretary) of such  
10          students’ potential eligibility for a maximum  
11          Federal Pell Grant under subpart 1 of part A;  
12          and

13           “(B) disseminate such informational mate-  
14          rials as the Secretary determines necessary.

15          “(2) MIDDLE SCHOOL STUDENTS.—The Sec-  
16          retary, in cooperation with States, institutions of  
17          higher education, other organizations involved in col-  
18          lege access and student financial aid, middle schools,  
19          and programs under this title that serve middle school  
20          students, shall make special efforts to notify students  
21          and their parents of the availability of financial aid  
22          under this title and, in accordance with subsection  
23          (c), shall provide nonbinding estimates of grant and  
24          loan aid that an individual may be eligible for under  
25          this title upon completion of an application form

1        *under section 483(a). The Secretary shall ensure that*  
2        *such information is as accurate as possible and that*  
3        *such information is provided in an age-appropriate*  
4        *format using dissemination mechanisms suitable for*  
5        *students in middle school.*

6            *“(3) SECONDARY SCHOOL STUDENTS.—The Sec-*  
7        *retary, in cooperation with States, institutions of*  
8        *higher education, other organizations involved in col-*  
9        *lege access and student financial aid, secondary*  
10       *schools, and programs under this title that serve sec-*  
11       *ondary school students, shall make special efforts to*  
12       *notify students in secondary school and their parents,*  
13       *as early as possible but not later than such students’*  
14       *junior year of secondary school, of the availability of*  
15       *financial aid under this title and, in accordance with*  
16       *subsection (c), shall provide nonbinding estimates of*  
17       *the amounts of grant and loan aid that an individual*  
18       *may be eligible for under this title upon completion*  
19       *of an application form under section 483(a). The Sec-*  
20       *retary shall ensure that such information is as accu-*  
21       *rate as possible and that such information is provided*  
22       *in an age-appropriate format using dissemination*  
23       *mechanisms suitable for students in secondary school.*

24            *“(4) ADULT LEARNERS.—The Secretary, in co-*  
25        *operation with States, institutions of higher edu-*

1        *cation, other organizations involved in college access*  
2        *and student financial aid, employers, workforce in-*  
3        *vestment boards and public libraries, shall make spe-*  
4        *cial efforts to provide individuals who would qualify*  
5        *as independent students, as defined in section 480(d),*  
6        *with information regarding the availability of finan-*  
7        *cial aid under this title and, in accordance with sub-*  
8        *section (c), with nonbinding estimates of the amounts*  
9        *of grant and loan aid that an individual may be eli-*  
10       *gible for under this title upon completion of an appli-*  
11       *cation form under section 483(a). The Secretary shall*  
12       *ensure that such information—*

13                *“(A) is as accurate as possible;*

14                *“(B) includes specific information regard-*  
15        *ing the availability of financial aid for students*  
16        *qualified as independent students, as defined in*  
17        *section 480(d); and*

18                *“(C) uses dissemination mechanisms suit-*  
19        *able for adult learners.*

20                *“(5) PUBLIC AWARENESS CAMPAIGN.—Not later*  
21        *than 2 years after the date of enactment of the Higher*  
22        *Education Amendments of 2005, the Secretary, in co-*  
23        *ordination with States, institutions of higher edu-*  
24        *cation, early intervention and outreach programs*  
25        *under this title, other agencies and organizations in-*

1        *involved in student financial aid, local educational*  
2        *agencies, public libraries, community centers, busi-*  
3        *nesses, employers, employment services, workforce in-*  
4        *vestment boards, and movie theaters, shall implement*  
5        *a public awareness campaign in order to increase na-*  
6        *tional awareness regarding the availability of finan-*  
7        *cial aid under this title. The public awareness cam-*  
8        *pany shall disseminate accurate information regard-*  
9        *ing the availability of financial aid under this title*  
10       *and shall be implemented, to the extent practicable,*  
11       *using a variety of media, including print, television,*  
12       *radio and the Internet. The Secretary shall design*  
13       *and implement the public awareness campaign based*  
14       *upon relevant independent research and the informa-*  
15       *tion and dissemination strategies found most effective*  
16       *in implementing paragraphs (1) through (4).*

17       *“(c) AVAILABILITY OF NONBINDING ESTIMATES OF*  
18       *FEDERAL FINANCIAL AID ELIGIBILITY.—*

19                *“(1) IN GENERAL.—The Secretary, in coopera-*  
20        *tion with States, institutions of higher education, and*  
21        *other agencies and organizations involved in student*  
22        *financial aid, shall provide, via a printed form and*  
23        *the Internet or other electronic means, the capability*  
24        *for individuals to determine easily, by entering rel-*  
25        *evant data, nonbinding estimates of amounts of grant*

1        *and loan aid an individual may be eligible for under*  
 2        *this title upon completion and processing of an appli-*  
 3        *cation and enrollment in an institution of higher edu-*  
 4        *cation.*

5            “(2) *DATA ELEMENTS.*—*The Secretary, in co-*  
 6        *operation with States, institutions of higher edu-*  
 7        *cation, and other agencies and organizations involved*  
 8        *in student financial aid, shall determine the data ele-*  
 9        *ments that are necessary to create a simplified form*  
 10       *that individuals can use to obtain easily nonbinding*  
 11       *estimates of the amounts of grant and loan aid an in-*  
 12       *dividual may be eligible for under this title.*

13            “(3) *QUALIFICATION TO USE SIMPLIFIED APPLI-*  
 14        *CATION.*—*The capability provided under this para-*  
 15        *graph shall include the capability to determine wheth-*  
 16        *er the individual is eligible to submit a simplified ap-*  
 17        *plication form under paragraph (2)(B) or (3)(B) of*  
 18        *section 483(a).”.*

19        **SEC. 490. COLLEGE ACCESS INITIATIVE.**

20        *Part G of title IV (20 U.S.C. 1088 et seq.) is further*  
 21        *amended by inserting after section 485D (as added by sec-*  
 22        *tion 489) the following:*

23        **“SEC. 485E. COLLEGE ACCESS INITIATIVE.**

24            “(a) *STATE-BY-STATE INFORMATION.*—*The Secretary*  
 25        *shall direct each guaranty agency with which the Secretary*

1 *has an agreement under section 428(c) to provide to the*  
2 *Secretary the information necessary for the development of*  
3 *Internet Web links and access for students and families to*  
4 *a comprehensive listing of the postsecondary education op-*  
5 *portunities programs, publications, Internet Web sites, and*  
6 *other services available in the States for which such agency*  
7 *serves as the designated guarantor.*

8 “(b) *GUARANTY AGENCY ACTIVITIES.*—

9 “(1) *PLAN AND ACTIVITY REQUIRED.*—*Each*  
10 *guaranty agency with which the Secretary has an*  
11 *agreement under section 428(c) shall develop a plan,*  
12 *and undertake the activity, necessary to gather the in-*  
13 *formation required under subsection (a) and to make*  
14 *such information available to the public and to the*  
15 *Secretary in a form and manner prescribed by the*  
16 *Secretary.*

17 “(2) *ACTIVITIES.*—*Each guaranty agency shall*  
18 *undertake such activities as are necessary to promote*  
19 *access to postsecondary education for students through*  
20 *providing information on college planning, career*  
21 *preparation, and paying for college. The guaranty*  
22 *agency shall publicize such information and coordi-*  
23 *nate such activities with other entities that provide or*  
24 *distribute such information in the States for which*

1       *such guaranty agency serves as the designated guar-*  
2       *antor.*

3               “(3) *FUNDING.*—*The activities required by this*  
4       *section may be funded from the guaranty agency’s*  
5       *Operating Fund established pursuant to section 422B*  
6       *and to the extent funds remain, from earnings on the*  
7       *restricted account established pursuant to section*  
8       *422(h)(4).*

9               “(4) *RULE OF CONSTRUCTION.*—*Nothing in this*  
10       *subsection shall require a guaranty agency to dupli-*  
11       *cate any efforts currently underway that meet the re-*  
12       *quirements of this subsection.*

13              “(c) *ACCESS TO INFORMATION.*—

14               “(1) *SECRETARY’S RESPONSIBILITY.*—*The Sec-*  
15       *retary shall ensure the availability of the information*  
16       *provided, by the guaranty agencies in accordance*  
17       *with this section, to students, parents, and other in-*  
18       *terested individuals, through Web links or other meth-*  
19       *ods prescribed by the Secretary.*

20               “(2) *GUARANTY AGENCY RESPONSIBILITY.*—*The*  
21       *guaranty agencies shall ensure that the information*  
22       *required by this section is available without charge in*  
23       *printed format for students and parents requesting*  
24       *such information.*



1           “(3) *PUBLICITY.*—Not later than 270 days after  
2           the date of enactment of the Higher Education  
3           Amendments Act of 2005, the Secretary and guaranty  
4           agencies shall publicize the availability of the infor-  
5           mation required by this section, with special empha-  
6           sis on ensuring that populations that are tradition-  
7           ally underrepresented in postsecondary education are  
8           made aware of the availability of such information.”.

9   **SEC. 491. PROGRAM PARTICIPATION AGREEMENTS.**

10          Section 487 (20 U.S.C. 1094) is amended—

11                 (1) in subsection (a)—

12                         (A) in paragraph (23), by adding at the  
13                         end the following:

14                                 “(D) An institution shall be considered in  
15                                 compliance with the requirements of subpara-  
16                                 graph (A) for any student to whom the institu-  
17                                 tion electronically transmits a message con-  
18                                 taining a voter registration form acceptable for  
19                                 use in the State in which the institution is lo-  
20                                 cated, or an Internet address where such a form  
21                                 can be downloaded, if such information is in an  
22                                 electronic message devoted solely to voter reg-  
23                                 istration.”; and

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

1           “(24) *The institution will, as calculated in ac-*  
2           *cordance with subsection (g)(1), have not less than 10*  
3           *percent of its revenues from sources other than funds*  
4           *provided under this title, or will be subject to the*  
5           *sanctions described in subsection (g)(2).”;*

6           (2) *in subsection (c)(1)(A)(i), by inserting “, ex-*  
7           *cept that the Secretary may modify the requirements*  
8           *of this clause with regard to an institution outside the*  
9           *United States” before the semicolon at the end;*

10          (3) *by redesignating subsections (d) and (e) as*  
11          *subsection (e) and (f), respectively;*

12          (4) *by inserting after subsection (c) the fol-*  
13          *lowing:*

14          “(d) *INSTITUTIONAL REQUIREMENTS FOR TEACH-*  
15          *OUTS.—*

16                 “(1) *IN GENERAL.—In the event the Secretary*  
17                 *initiates the limitation, suspension, or termination of*  
18                 *the participation of an institution of higher education*  
19                 *in any program under this title under the authority*  
20                 *of subsection (c)(1)(F) or initiates an emergency ac-*  
21                 *tion for termination under the authority of subsection*  
22                 *(c)(1)(G) and its prescribed regulations, the Secretary*  
23                 *shall require that institution to prepare a teach-out*  
24                 *plan for submission to the institution’s accrediting*  
25                 *agency or association in compliance with section*

1       496(c)(4), the Secretary's regulations on teach-out  
 2       plans, and the standards of the institution's accred-  
 3       iting agency or association.

4               “(2) *TEACH-OUT PLAN DEFINED.*—In this sub-  
 5       section, the term ‘teach-out plan’ means a written  
 6       plan that provides for the equitable treatment of stu-  
 7       dents if an institution of higher education ceases to  
 8       operate before all students have completed their pro-  
 9       gram of study, and may include, if required by the  
 10      institution's accrediting agency or association, an  
 11      agreement between institutions for such a teach-out  
 12      plan.”; and

13              (5) by adding at the end the following:

14              “(g) *IMPLEMENTATION OF NONTITLE IV REVENUE RE-*  
 15      *QUIREMENT.*—

16              “(1) *CALCULATION.*—In carrying out subsection  
 17      (a)(24), an institution shall use the cash basis of ac-  
 18      counting and count the following funds as from  
 19      sources of funds other than funds provided under this  
 20      title:

21              “(A) *Funds used by students from sources*  
 22      *other than funds received under this title to pay*  
 23      *tuition, fees, and other institutional charges to*  
 24      *the institution, provided the institution can rea-*

1           *sonably demonstrate that such funds were used*  
2           *for such purposes.*

3           “(B) *Funds used by the institution to sat-*  
4           *isfy matching-fund requirements for programs*  
5           *under this title.*

6           “(C) *Funds used by a student from savings*  
7           *plans for educational expenses established by or*  
8           *on behalf of the student and which qualify for*  
9           *special tax treatment under the Internal Revenue*  
10          *Code of 1986.*

11          “(D) *Funds paid by a student, or on behalf*  
12          *of a student by a party other than the institu-*  
13          *tion, to the institution for an education or train-*  
14          *ing program that is not eligible for funds under*  
15          *this title, provided that the program is approved*  
16          *or licensed by the appropriate State agency or*  
17          *an accrediting agency recognized by the Sec-*  
18          *retary.*

19          “(E) *Funds generated by the institution*  
20          *from institutional activities that are necessary*  
21          *for the education and training of the institu-*  
22          *tion’s students, if such activities are—*

23                  “(i) *conducted on campus or at a facil-*  
24                  *ity under the control of the institution;*

1           “(ii) performed under the supervision  
2 of a member of the institution’s faculty; and

3           “(iii) required to be performed by all  
4 students in a specific educational program  
5 at the institution.

6           “(F) Institutional aid, as follows:

7           “(i) In the case of loans made by the  
8 institution, only the amount of loan repay-  
9 ments received by the institution during the  
10 fiscal year for which the determination is  
11 made.

12           “(ii) In the case of scholarships pro-  
13 vided by the institution, only those scholar-  
14 ship funds provided by the institution that  
15 are—

16           “(I) in the form of monetary aid  
17 based upon the academic achievements  
18 or financial need of students; and

19           “(II) disbursed during the fiscal  
20 year for which the determination is  
21 made from an established restricted ac-  
22 count and only to the extent that the  
23 funds in that account represent des-  
24 ignated funds from an outside source  
25 or income earned on those funds.

1                   “(iii) *In the case of tuition discounts,*  
2                   *only those tuition discounts based upon the*  
3                   *academic achievement or financial need of*  
4                   *students.*

5                   “(2) *SANCTIONS.—*

6                   “(A) *FAILURE TO MEET REQUIREMENT FOR*  
7                   *1 YEAR.—In addition to such other means of en-*  
8                   *forcing the requirements of this title as may be*  
9                   *available to the Secretary, if an institution fails*  
10                   *to meet the requirements of subsection (a)(24) in*  
11                   *any year, the Secretary may impose 1 or both of*  
12                   *the following sanctions on the institution:*

13                   “(i) *Place the institution on provi-*  
14                   *sional certification in accordance with sec-*  
15                   *tion 498(h) until the institution dem-*  
16                   *onstrates, to the satisfaction of the Sec-*  
17                   *retary, that it is in compliance with sub-*  
18                   *section (a)(24).*

19                   “(ii) *Require such other increased*  
20                   *monitoring and reporting requirements as*  
21                   *the Secretary determines necessary until the*  
22                   *institution demonstrates, to the satisfaction*  
23                   *of the Secretary, that it is in compliance*  
24                   *with subsection (a)(24).*

1                   “(B) *FAILURE TO MEET REQUIREMENT FOR*  
 2                   2 *YEARS.—An institution that fails to meet the*  
 3                   *requirements of subsection (a)(24) for 2 consec-*  
 4                   *utive years shall be ineligible to participate in the*  
 5                   *programs authorized under this title.*

6                   “(3) *PUBLIC AVAILABILITY OF INFORMATION.—*  
 7                   *The Secretary shall make publicly available, through*  
 8                   *the means described in subsection (b) of section 131,*  
 9                   *any institution that fails to meet the requirements of*  
 10                   *subsection (a)(24) in any year as an institution that*  
 11                   *is failing to meet the minimum non-Federal source of*  
 12                   *revenue requirements of such subsection (a)(24).”.*

13 **SEC. 492. REGULATORY RELIEF AND IMPROVEMENT.**

14                   *Section 487A(b) (20 U.S.C. 1094a(b)) is amended—*

15                   (1) *in paragraph (1)—*

16                   (A) *by striking “1998” and inserting*  
 17                   *“2005”; and*

18                   (B) *by striking “1999” and inserting*  
 19                   *“2006”; and*

20                   (2) *by striking the matter preceding paragraph*  
 21                   (2)(A) *and inserting the following:*

22                   “(2) *REPORT.—The Secretary shall review and*  
 23                   *evaluate the experience of institutions participating*  
 24                   *as experimental sites and shall, on a biennial basis,*  
 25                   *submit a report based on the review and evaluation*

1 *to the authorizing committees. Such report shall in-*  
2 *clude—”; and*

3 *(3) in paragraph (3)—*

4 *(A) in subparagraph (A)—*

5 *(i) by striking “Upon the submission*  
6 *of the report required by paragraph (2),*  
7 *the” and inserting “The”; and*

8 *(ii) by inserting “periodically” after*  
9 *“authorized to”;*

10 *(B) by striking subparagraph (B);*

11 *(C) by redesignating subparagraph (C) as*  
12 *subparagraph (B); and*

13 *(D) in subparagraph (B) (as redesignated*  
14 *by subparagraph (C))—*

15 *(i) by inserting “, including require-*  
16 *ments related to the award process and dis-*  
17 *bursement of student financial aid (such as*  
18 *innovative delivery systems for modular or*  
19 *compressed courses, or other innovative sys-*  
20 *tems), verification of student financial aid*  
21 *application data, entrance and exit inter-*  
22 *views, or other management procedures or*  
23 *processes as determined in the negotiated*  
24 *rulemaking process under section 492” after*  
25 *“requirements in this title”; and*



1                   (ii) by inserting “(other than an  
2                   award rule related to an experiment in  
3                   modular or compressed schedules)” after  
4                   “award rules”; and

5                   (iii) by inserting “unless the waiver of  
6                   such provisions is authorized by another  
7                   provision under this title” before the period  
8                   at the end.

9   **SEC. 493. TRANSFER OF ALLOTMENTS.**

10       Section 488 (20 U.S.C. 1095) is amended in the first  
11 sentence—

12               (1) in paragraph (1), by striking “and” after the  
13 semicolon;

14               (2) in paragraph (2), by striking “413D.” and  
15 inserting “413D; and”; and

16               (3) by adding at the end “(3) transfer 25 percent  
17 of the institution’s allotment under section 413D to  
18 the institution’s allotment under section 442.”.

19   **SEC. 494. WAGE GARNISHMENT REQUIREMENT.**

20       Section 488A(a)(1) (20 U.S.C. 1095a(a)(1)) is amend-  
21 ed by striking “10 percent” and inserting “15 percent”.

22   **SEC. 495. PURPOSE OF ADMINISTRATIVE PAYMENTS.**

23       Section 489(b) (20 U.S.C. 1096(b)) is amended by  
24 striking “offsetting the administrative costs of” and insert-  
25 ing “administering”.

1 **SEC. 496. ADVISORY COMMITTEE ON STUDENT FINANCIAL**  
2 **ASSISTANCE.**

3 *Section 491 (20 U.S.C. 1098) is amended—*

4 *(1) in subsection (a)(2)—*

5 *(A) in subparagraph (B), by striking “and”*  
6 *after the semicolon;*

7 *(B) in subparagraph (C), by striking the*  
8 *period and inserting a semicolon; and*

9 *(C) by adding at the end the following:*

10 *“(D) to provide knowledge and under-*  
11 *standing of early intervention programs, and to*  
12 *make recommendations that will result in early*  
13 *awareness by low- and moderate-income students*  
14 *and families—*

15 *“(i) of their eligibility for assistance*  
16 *under this title; and*

17 *“(ii) to the extent practicable, of their*  
18 *eligibility for other forms of State and insti-*  
19 *tutional need-based student assistance; and*

20 *“(E) to make recommendations that will ex-*  
21 *pand and improve partnerships among the Fed-*  
22 *eral Government, States, institutions of higher*  
23 *education, and private entities to increase the*  
24 *awareness and the total amount of need-based*  
25 *student assistance available to low- and mod-*  
26 *erate-income students.”;*

1           (2) *in subsection (c), by adding at the end the*  
2           *following:*

3           “(3) *The appointment of a member under subpara-*  
4           *graph (A) or (B) of paragraph (1) shall be effective upon*  
5           *confirmation of the member by the Senate and publication*  
6           *of such appointment in the Congressional Record.”.*

7           (3) *in subsection (d)(6), by striking “, but noth-*  
8           *ing” and all that follows through “or analyses”;*

9           (4) *in subsection (j)—*

10           (A) *in paragraph (1)—*

11                   (i) *by inserting “and simplification”*  
12                   *after “modernization” each place the term*  
13                   *appears; and*

14                   (ii) *by striking “including” and all*  
15                   *that follows through “Department,”; and*

16           (B) *by striking paragraphs (4) and (5) and*  
17           *inserting the following:*

18                   “(4) *conduct a review and analysis of regula-*  
19                   *tions in accordance with subsection (l); and*

20                   “(5) *conduct a study in accordance with sub-*  
21                   *section (m).”;*

22           (5) *in subsection (k), by striking “2004” and in-*  
23           *serting “2010”; and*

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

25           “(l) *REVIEW AND ANALYSIS OF REGULATIONS.—*

1           “(1) *RECOMMENDATIONS.*—*The Advisory Com-*  
2           *mittee shall make recommendations to the Secretary*  
3           *and Congress for consideration of future legislative*  
4           *action regarding redundant or outdated regulations*  
5           *under this title, consistent with the Secretary’s re-*  
6           *quirements under section 498B.*

7           “(2) *REVIEW AND ANALYSIS OF REGULATIONS.*—  
8           *The Advisory Committee shall conduct a review and*  
9           *analysis of the regulations issued under this title that*  
10          *are in effect at the time of the review and that apply*  
11          *to the operations or activities of participants in the*  
12          *programs assisted under this title. The review and*  
13          *analysis may include a determination of whether the*  
14          *regulation is duplicative, is no longer necessary, is*  
15          *inconsistent with other Federal requirements, or is*  
16          *overly burdensome. In conducting the review, the Ad-*  
17          *visory Committee shall pay specific attention to eval-*  
18          *uating ways in which regulations under this title af-*  
19          *fecting institutions of higher education (other than*  
20          *institutions described in section 102(a)(1)(C)), that*  
21          *have received in each of the 2 most recent award*  
22          *years prior to the date of enactment of the Higher*  
23          *Education Amendments of 2005 less than \$200,000 in*  
24          *funds through this title, may be improved, stream-*  
25          *lined, or eliminated.*

1           “(3) *CONSULTATION.*—

2                   “(A) *IN GENERAL.*—*In carrying out the re-*  
3 *view and analysis under paragraph (2), the Ad-*  
4 *visory Committee shall consult with the Sec-*  
5 *retary, relevant representatives of institutions of*  
6 *higher education, and individuals who have ex-*  
7 *pertise and experience with the regulations*  
8 *issued under this title, in accordance with sub-*  
9 *paragraph (B).*

10                   “(B) *REVIEW PANELS.*—*The Advisory Com-*  
11 *mittee shall convene not less than 2 review pan-*  
12 *els of representatives of the groups involved in*  
13 *student financial assistance programs under this*  
14 *title who have experience and expertise in the*  
15 *regulations issued under this title to review the*  
16 *regulations under this title, and to provide rec-*  
17 *ommendations to the Advisory Committee with*  
18 *respect to the review and analysis under para-*  
19 *graph (2). The panels shall be made up of ex-*  
20 *erts in areas such as the operations of the fi-*  
21 *nancial assistance programs, the institutional*  
22 *eligibility requirements for the financial assist-*  
23 *ance programs, regulations not directly related*  
24 *to the operations or the institutional eligibility*  
25 *requirements of the financial assistance pro-*

1           *grams, and regulations for dissemination of in-*  
2           *formation to students about the financial assist-*  
3           *ance programs.*

4           “(4) *REPORTS TO CONGRESS.—The Advisory*  
5           *Committee shall submit, not later than 2 years after*  
6           *the completion of the negotiated rulemaking process*  
7           *required under section 492 resulting from the amend-*  
8           *ments to this Act made by the Higher Education*  
9           *Amendments of 2005, a report to the authorizing*  
10          *committees and the Secretary detailing the expert*  
11          *panels’ findings and recommendations with respect to*  
12          *the review and analysis under paragraph (2).*

13          “(5) *ADDITIONAL SUPPORT.—The Secretary and*  
14          *the Inspector General of the Department shall provide*  
15          *such assistance and resources to the Advisory Com-*  
16          *mittee as the Secretary and Inspector General deter-*  
17          *mine are necessary to conduct the review required by*  
18          *this subsection.*

19          “(m) *STUDY OF INNOVATIVE PATHWAYS TO BACCA-*  
20          *LAUREATE DEGREE ATTAINMENT.—*

21          “(1) *STUDY REQUIRED.—The Advisory Com-*  
22          *mittee shall conduct a study of the feasibility of in-*  
23          *creasing baccalaureate degree attainment rates by re-*  
24          *ducing the costs and financial barriers to attaining*  
25          *a baccalaureate degree through innovative programs.*

1           “(2) *SCOPE OF STUDY.*—*The Advisory Com-*  
2           *mittee shall examine new and existing programs that*  
3           *promote baccalaureate degree attainment through in-*  
4           *novative ways, such as dual or concurrent enrollment*  
5           *programs, changes made to the Federal Pell Grant*  
6           *program, simplification of the needs analysis process,*  
7           *compressed or modular scheduling, articulation agree-*  
8           *ments, and programs that allow 2-year institutions of*  
9           *higher education to offer baccalaureate degrees.*

10           “(3) *REQUIRED ASPECTS OF THE STUDY.*—*In*  
11           *performing the study described in this subsection, the*  
12           *Advisory Committee shall examine the following as-*  
13           *pects of such innovative programs:*

14                   “(A) *The impact of such programs on bac-*  
15                   *calaureate attainment rates.*

16                   “(B) *The degree to which a student’s total*  
17                   *cost of attaining a baccalaureate degree can be*  
18                   *reduced by such programs.*

19                   “(C) *The ways in which low- and moderate-*  
20                   *income students can be specifically targeted by*  
21                   *such programs.*

22                   “(D) *The ways in which nontraditional stu-*  
23                   *dents can be specifically targeted by such pro-*  
24                   *grams.*

1           “(E) *The cost-effectiveness for the Federal*  
2           *Government, States, and institutions of higher*  
3           *education to implement such programs.*

4           “(4) *CONSULTATION.—*

5           “(A) *IN GENERAL.—In performing the*  
6           *study described in this subsection the Advisory*  
7           *Committee shall consult with a broad range of*  
8           *interested parties in higher education, including*  
9           *parents, students, appropriate representatives of*  
10           *secondary schools and institutions of higher edu-*  
11           *cation, appropriate State administrators, ad-*  
12           *ministrators of dual enrollment programs, and*  
13           *appropriate officials from the Department.*

14           “(B) *CONGRESSIONAL CONSULTATION.—The*  
15           *Advisory Committee shall consult on a regular*  
16           *basis with the authorizing committees in car-*  
17           *rying out the study required by this section.*

18           “(5) *REPORTS TO CONGRESS.—*

19           “(A) *INTERIM REPORT.—The Advisory*  
20           *Committee shall prepare and submit to the au-*  
21           *thorizing committees and the Secretary 1 in-*  
22           *terim report, not later than 1 year after the date*  
23           *of enactment of the Higher Education Amend-*  
24           *ments of 2005, describing the progress that has*  
25           *been made in conducting the study required by*



1           *this subsection and any preliminary findings on*  
 2           *the topics identified under paragraph (2).*

3           “(B) *FINAL REPORT.*—*The Advisory Com-*  
 4           *mittee shall, not later than 3 years after the date*  
 5           *of enactment of the Higher Education Amend-*  
 6           *ments of 2005, prepare and submit to the au-*  
 7           *thorizing committees and the Secretary a final*  
 8           *report on the study, including recommendations*  
 9           *for legislative, regulatory, and administrative*  
 10           *changes based on findings related to the topics*  
 11           *identified under paragraph (2).”.*

12 **SEC. 497. REGIONAL MEETINGS.**

13           *Section 492(a)(1) (20 U.S.C. 1098a(a)(1)) is amended*  
 14           *by inserting “State student grant agencies,” after “institu-*  
 15           *tions of higher education,”.*

16 **SEC. 498. YEAR 2000 REQUIREMENTS AT THE DEPARTMENT.**

17           (a) *REPEAL.*—*Section 493A (20 U.S.C. 1098c) is re-*  
 18           *pealed.*

19           (b) *REDESIGNATION.*—*Section 493B (20 U.S.C.*  
 20           *1098d) is redesignated as section 493A.*

21           **PART H—PROGRAM INTEGRITY**

22 **SEC. 499. RECOGNITION OF ACCREDITING AGENCY OR AS-**  
 23           **SOCIATION.**

24           *Section 496 (200 U.S.C. 1099b) is amended—*

25           (1) *in subsection (a)—*

1           (A) by striking paragraph (4) and inserting  
2           the following:

3           “(4)(A) such agency or association consistently  
4           applies and enforces standards that respect the stated  
5           mission of the institution of higher education, includ-  
6           ing religious missions, and that ensure that the  
7           courses or programs of instruction, training, or study  
8           offered by the institution of higher education, includ-  
9           ing distance education courses or programs, are of  
10          sufficient quality to achieve, for the duration of the  
11          accreditation period, the stated objective for which the  
12          courses or the programs are offered; and

13          “(B) if such agency or association has or seeks  
14          to include within its scope of recognition the evalua-  
15          tion of the quality of institutions or programs offering  
16          distance education, such agency or association shall,  
17          in addition to meeting the other requirements of this  
18          subpart, demonstrate to the Secretary that—

19                  “(i) the agency or association’s standards  
20                  effectively address the quality of an institution’s  
21                  distance education in the areas identified in sec-  
22                  tion 496(a)(5), except that the agency or associa-  
23                  tion shall not be required to have separate stand-  
24                  ards, procedures or policies for the evaluation of  
25                  distance education institutions or programs in

1           *order to meet the requirements of this subpara-*  
2           *graph; and*

3           *“(ii) the agency or association requires an*  
4           *institution that offers distance education to have*  
5           *processes through which the institution estab-*  
6           *lishes that the student who registers in a distance*  
7           *education course or program is the same student*  
8           *who participates, completes and receives the aca-*  
9           *demically credit;”;*

10           *(B) in paragraph (5), by striking subpara-*  
11           *graph (A) and inserting the following:*

12           *“(A) success with respect to student achieve-*  
13           *ment in relation to the institution’s mission, in-*  
14           *cluding—*

15           *“(i) consideration of student academic*  
16           *achievement as determined by the institu-*  
17           *tion;*

18           *“(ii) student retention;*

19           *“(iii) course and program completion;*

20           *“(iv) as appropriate, State licensing*  
21           *examinations;*

22           *“(v) as appropriate, job placement*  
23           *rates or enrollment in graduate or profes-*  
24           *sional programs; and*

1                   “(vi) as appropriate, other student per-  
2                   formance information selected by the insti-  
3                   tution, particularly that information used  
4                   by the institution to evaluate or strengthen  
5                   its programs;”;

6                   (C) by striking paragraph (6) and inserting  
7                   the following:

8                   “(6) such an agency or association shall establish  
9                   and apply review procedures throughout the accred-  
10                  iting process, including evaluation and withdrawal  
11                  proceedings which comply with due process procedures  
12                  that provide for—

13                  “(A) adequate specification of requirements  
14                  and deficiencies at the institution of higher edu-  
15                  cation or program examined;

16                  “(B) an opportunity for a written response  
17                  by any such institution to be included, prior to  
18                  final action, in the evaluation and withdrawal  
19                  proceedings;

20                  “(C) upon the written request of an institu-  
21                  tion, an opportunity for the institution to appeal  
22                  any adverse action, including denial, with-  
23                  drawal, suspension, or termination of accredita-  
24                  tion, or placement on probation of an institu-

1           *tion, at a hearing prior to such action becoming*  
2           *final, before an appeals panel that—*

3                     *“(i) shall not include current members*  
4                     *of the agency or association’s underlying de-*  
5                     *cision-making body that made the adverse*  
6                     *decision; and*

7                     *“(ii) is subject to a conflict of interest*  
8                     *policy; and*

9                     *“(D) the right to representation by counsel*  
10                    *for such an institution during an appeal of the*  
11                    *adverse action;”;* and

12                    *(D) by striking paragraph (8) and insert-*  
13                    *ing the following:*

14                    *“(8) such agency or association shall make avail-*  
15                    *able to the public and the State licensing or author-*  
16                    *izing agency, and submit to the Secretary, a sum-*  
17                    *mary of agency or association actions, including—*

18                    *“(A) the award of accreditation or re-*  
19                    *accreditation of an institution;*

20                    *“(B) final denial, withdrawal, suspension,*  
21                    *or termination of accreditation, or placement on*  
22                    *probation of an institution, and any findings*  
23                    *made in connection with the action taken, to-*  
24                    *gether with the official comments of the affected*  
25                    *institution; and*

1           “(C) any other adverse action taken with  
2           respect to an institution.”; and

3           (2) in subsection (c)—

4           (A) in paragraph (1), by inserting “, in-  
5           cluding those regarding distance education” after  
6           “their responsibilities”;

7           (B) by redesignating paragraphs (2)  
8           through (6) as paragraphs (5) through (9);

9           (C) by inserting after paragraph (1) (as  
10          amended by subparagraph (A)) the following:

11          “(2) ensures that the agency or association’s on-  
12          site evaluation for accreditation or reaccreditation in-  
13          cludes review of the Federally required information  
14          the institution or program provides its current and  
15          prospective students;

16          “(3) monitors the growth of programs at institu-  
17          tions that are experiencing significant enrollment  
18          growth;

19          “(4) requires an institution to submit a teach-  
20          out plan for approval to the accrediting agency upon  
21          the occurrence of any of the following events:

22                 “(A) The Department notifies the accred-  
23                 iting agency of an action against the institution  
24                 pursuant to section 487(d).

1           “(B) The accrediting agency acts to with-  
2 draw, terminate, or suspend the accreditation of  
3 an institution.

4           “(C) The institution notifies the accrediting  
5 agency that the institution intends to cease oper-  
6 ations.”;

7           (D) in paragraph (8) (as redesignated by  
8 subparagraph (B)), by striking “and” after the  
9 semicolon;

10          (E) in subparagraph (9) (as redesignated  
11 by subparagraph (B)), by striking the period  
12 and inserting “; and”; and

13          (F) by adding at the end the following:

14          “(10) confirms, as a part of the agency or asso-  
15 ciation’s review for accreditation or reaccreditation,  
16 that the institution has transfer of credit policies—

17           “(A) that are publicly disclosed;

18           “(B) that do not deny transfer of credit  
19 based solely on the accreditation of the sending  
20 institution, if the agency or association accred-  
21 iting the sending institution is recognized by the  
22 Secretary pursuant to this section; and

23           “(C) in which acceptance or denial of trans-  
24 fer of credit is decided according to criteria es-

1           *established in guidelines developed by the institu-*  
 2           *tion’s admissions committee.”.*

3 **SEC. 499A. ADMINISTRATIVE CAPACITY STANDARD.**

4           *Section 498 (20 U.S.C. 1099c) is amended—*

5           *(1) in subsection (d)(1)(B), by inserting “and”*  
 6           *after the semicolon; and*

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

8           *“(k) TREATMENT OF TEACH-OUTS AT ADDITIONAL LO-*  
 9           *CATIONS.—*

10           *“(1) IN GENERAL.—A location of a closed insti-*  
 11           *tution of higher education shall be eligible as an addi-*  
 12           *tional location of an eligible institution of higher edu-*  
 13           *cation, as defined pursuant to regulations of the Sec-*  
 14           *retary, for the purposes of a teach-out, if such teach-*  
 15           *out has been approved by the institution’s accrediting*  
 16           *agency.*

17           *“(2) SPECIAL RULE.—An institution of higher*  
 18           *education that conducts a teach-out through the estab-*  
 19           *lishment of an additional location described in para-*  
 20           *graph (1) shall be permitted to establish a permanent*  
 21           *additional location at a closed institution and shall*  
 22           *not be required—*

23           *“(A) to meet the requirements of sections*  
 24           *102(b)(1)(E) and 102(c)(1)(C) for such addi-*  
 25           *tional location; or*



1                   “(B) to assume the liabilities of the closed  
2                   institution.”.

3 **SEC. 499B. PROGRAM REVIEW AND DATA.**

4                   Section 498A(b) (20 U.S.C. 1099c-1(b)) is amended—

5                   (1) in paragraph (4), by striking “and” after the  
6                   semicolon;

7                   (2) in paragraph (5) by striking the period and  
8                   inserting a semicolon; and

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

10                   “(6) provide to an institution of higher edu-  
11                   cation an adequate opportunity to review and re-  
12                   spond to any program review report and relevant ma-  
13                   terials related to the report before any final program  
14                   review is reached;

15                   “(7) review and take into consideration an insti-  
16                   tution of higher education’s response in any final  
17                   program review; and

18                   “(8) maintain and preserve at all times the con-  
19                   fidentiality of any program review report until the  
20                   requirements of paragraphs (6) and (7) are met, and  
21                   until a final program review is issued, other than to  
22                   the extent required to comply with paragraph (5), ex-  
23                   cept that the Secretary shall promptly disclose any  
24                   and all program review reports to the institution of  
25                   higher education under review.”.

1                   **TITLE V—DEVELOPING**  
2                   **INSTITUTIONS**

3 **SEC. 501. DEFINITIONS.**

4           *Section 502(a) (20 U.S.C. 1101a(a)) is amended—*

5                   (1) *in paragraph (5)—*

6                           (A) *in subparagraph (A), by inserting*  
7                           *“and” after the semicolon;*

8                           (B) *in subparagraph (B), by striking “;*  
9                           *and” and inserting a period; and*

10                           (C) *by striking subparagraph (C); and*

11                   (2) *by striking paragraph (7).*

12 **SEC. 502. AUTHORIZED ACTIVITIES.**

13           *Section 503(b) (20 U.S.C. 1101b(b)) is amended—*

14                   (1) *by redesignating paragraphs (6) through (14)*  
15                   *as paragraphs (8) through (16), respectively;*

16                   (2) *in paragraph (5), by inserting “, including*  
17                   *innovative, customized remedial education and*  
18                   *English language instruction courses designed to help*  
19                   *retain students and move the students rapidly into*  
20                   *core courses and through program completion” before*  
21                   *the period at the end; and*

22                   (3) *by inserting after paragraph (5) the fol-*  
23                   *lowing:*

1           “(6) *Education or counseling services designed to*  
 2           *improve the financial literacy and economic literacy*  
 3           *of students or the students’ parents.*

4           “(7) *Articulation agreements and student sup-*  
 5           *port programs designed to facilitate the transfer from*  
 6           *2-year to 4-year institutions.*”.

7   **SEC. 503. DURATION OF GRANT.**

8           *Section 504(a) (20 U.S.C. 1101c(a)) is amended to*  
 9           *read as follows:*

10          “(a) *AWARD PERIOD.—The Secretary may award a*  
 11          *grant to a Hispanic-serving institution under this title for*  
 12          *5 years.*”.

13   **SEC. 504. POSTBACCALAUREATE OPPORTUNITIES FOR HIS-**  
 14                                   **PANIC AMERICANS.**

15          (a) *ESTABLISHMENT OF PROGRAM.—Title V (20*  
 16          *U.S.C. 1101 et seq.) is amended—*

17                   (1) *by redesignating part B as part C;*

18                   (2) *by redesignating sections 511 through 518 as*  
 19                   *sections 521 through 528, respectively; and*

20                   (3) *by inserting after section 505 the following:*

21          **“PART B—PROMOTING POSTBACCALAUREATE**  
 22          **OPPORTUNITIES FOR HISPANIC AMERICANS**

23          **“SEC. 511. PROGRAM AUTHORITY AND ELIGIBILITY.**

24                   “(a) *PROGRAM AUTHORIZED.—Subject to the avail-*  
 25                   *ability of funds appropriated to carry out this part, the*

1 *Secretary shall award grants, on a competitive basis, to eli-*  
2 *gible institutions to enable the eligible institutions to carry*  
3 *out the authorized activities described in section 512.*

4 “(b) *ELIGIBILITY.*—*For the purposes of this part, an*  
5 *‘eligible institution’ means an institution of higher edu-*  
6 *cation that—*

7 “(1) *is a Hispanic-serving institution (as de-*  
8 *fined in section 502); and*

9 “(2) *offers a postbaccalaureate certificate or de-*  
10 *gree granting program.*

11 **“SEC. 512. AUTHORIZED ACTIVITIES.**

12 “*Grants awarded under this part shall be used for 1*  
13 *or more of the following activities:*

14 “(1) *Purchase, rental, or lease of scientific or*  
15 *laboratory equipment for educational purposes, in-*  
16 *cluding instructional and research purposes.*

17 “(2) *Construction, maintenance, renovation, and*  
18 *improvement in classroom, library, laboratory, and*  
19 *other instructional facilities, including purchase or*  
20 *rental of telecommunications technology equipment or*  
21 *services.*

22 “(3) *Purchase of library books, periodicals, tech-*  
23 *nical and other scientific journals, microfilm, micro-*  
24 *fiche, and other educational materials, including tele-*  
25 *communications program materials.*

1           “(4) *Support for needy postbaccalaureate stu-*  
2           *dents, including outreach, academic support services,*  
3           *mentoring, scholarships, fellowships, and other finan-*  
4           *cial assistance, to permit the enrollment of such stu-*  
5           *dents in postbaccalaureate certificate and degree*  
6           *granting programs.*

7           “(5) *Support of faculty exchanges, faculty devel-*  
8           *opment, faculty research, curriculum development,*  
9           *and academic instruction.*

10           “(6) *Creating or improving facilities for Internet*  
11           *or other distance learning academic instruction capa-*  
12           *bilities, including purchase or rental of telecommuni-*  
13           *cations technology equipment or services.*

14           “(7) *Collaboration with other institutions of*  
15           *higher education to expand postbaccalaureate certifi-*  
16           *cate and degree offerings.*

17           “(8) *Other activities proposed in the application*  
18           *submitted pursuant to section 513 that are approved*  
19           *by the Secretary as part of the review and acceptance*  
20           *of such application.*

21   **“SEC. 513. APPLICATION AND DURATION.**

22           “(a) *APPLICATION.—Any eligible institution may*  
23           *apply for a grant under this part by submitting an appli-*  
24           *cation to the Secretary at such time and in such manner*  
25           *as the Secretary may require. Such application shall dem-*

1 *onstrate how the grant funds will be used to improve*  
2 *postbaccalaureate education opportunities for Hispanic*  
3 *and low-income students and will lead to such students'*  
4 *greater financial independence.*

5       “(b) *DURATION.*—*Grants under this part shall be*  
6 *awarded for a period not to exceed 5 years.*”

7       “(c) *LIMITATION.*—*The Secretary may not award*  
8 *more than 1 grant under this part in any fiscal year to*  
9 *any Hispanic-serving institution.*”

10 **SEC. 505. APPLICATIONS.**

11       *Section 521(b)(1)(A) (as redesignated by section*  
12 *504(a)(2)) (20 U.S.C. 1103(b)(1)(A)) is amended by strik-*  
13 *ing “subsection (b)” and inserting “subsection (c)”.*

14 **SEC. 506. COOPERATIVE ARRANGEMENTS.**

15       *Section 524(a) (as redesignated by section 504(a)(2))*  
16 *(20 U.S.C. 1103c(a)) is amended by striking “section 503”*  
17 *and inserting “sections 503 and 512”.*

18 **SEC. 507. AUTHORIZATION OF APPROPRIATIONS.**

19       *Section 528(a) (as redesignated by section 504(a)(2))*  
20 *(20 U.S.C. 1103g(a)) is amended—*

21             (1) *by inserting “part A of” after “carry out”;*

22             (2) *by striking “\$62,500,000 for fiscal year*  
23 *1999” and all that follows through the period and in-*  
24 *serting “such sums as may be necessary for fiscal*  
25 *year 2006 and each of the 5 succeeding fiscal years.”;*

1           (3) by striking “(a) AUTHORIZATIONS.—There  
2 are” and inserting the following:

3           “(a) AUTHORIZATIONS.—

4                 “(1) PART A.—There are”; and

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

6                 “(2) PART B.—There are authorized to be appro-  
7 priated to carry out part B of this title such sums as  
8 may be necessary for fiscal year 2006 and each of the  
9 5 succeeding fiscal years.”.

10           **TITLE VI—INTERNATIONAL**  
11           **EDUCATION PROGRAMS**

12   **SEC. 601. FINDINGS.**

13           Section 601 (20 U.S.C. 1121) is amended—

14                 (1) in the section heading, by striking “**AND**  
15                 **PURPOSES**” and inserting “; **PURPOSES; CON-**  
16                 **SULTATION; SURVEY**”

17                 (2) in subsection (a)(3), by striking “post-Cold  
18                 War”;

19                 (3) in subsection (b)(1)(D), by inserting “, in-  
20                 cluding through linkages with overseas institutions”  
21                 before the semicolon; and

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

23                 “(c) CONSULTATION.—The Secretary shall, prior to re-  
24                 questing applications for funding under this title during  
25                 each grant cycle, consult with and receive recommendations

1 *regarding national need for expertise in foreign languages*  
2 *and world regions from the head official, or a designee of*  
3 *such head official, of the National Security Council, the De-*  
4 *partment of Homeland Security, the Department of De-*  
5 *fense, the Department of State, the Federal Bureau of Inves-*  
6 *tigation, the Department of Labor, and the Department of*  
7 *Commerce, the Director of National Intelligence, and other*  
8 *relevant agencies. These entities shall provide information*  
9 *to the Secretary regarding how the entities utilize expertise*  
10 *and resources provided by grantees under this title. The Sec-*  
11 *retary shall take into account such recommendations and*  
12 *information when requesting applications for funding*  
13 *under this title, and shall make available to applicants a*  
14 *list of areas identified as areas of national need.*

15       “(d) *SURVEY.—The Secretary shall assist grantees in*  
16 *developing a survey to administer to students who have par-*  
17 *ticipated in programs under this title to determine*  
18 *postparticipation placement. All grantees, where applicable,*  
19 *shall administer such survey not less often than annually*  
20 *and report such data to the Secretary.”.*

21 **SEC. 602. GRADUATE AND UNDERGRADUATE LANGUAGE**

22                                   **AND AREA CENTERS AND PROGRAMS.**

23       *Section 602 (20 U.S.C. 1122) is amended—*

24                                   (1) *in subsection (a)—*

25   (A) *in paragraph (2)—*



1                   (i) in subparagraph (G), by striking  
2                   “and” after the semicolon;

3                   (ii) in subparagraph (H), by striking  
4                   the period and inserting “; and”; and

5                   (iii) by adding at the end the fol-  
6                   lowing:

7                   “(I) support for instructors of the less com-  
8                   monly taught languages.”; and

9                   (B) in paragraph (4)—

10                   (i) by redesignating subparagraphs (C)  
11                   through (E) as subparagraphs (D) through  
12                   (F), respectively;

13                   (ii) by inserting after subparagraph  
14                   (B) the following:

15                   “(C) Programs of linkage or outreach be-  
16                   tween or among—

17                   “(i) foreign language, area studies, or  
18                   other international fields; and

19                   “(ii) State educational agencies or  
20                   local educational agencies.”; and

21                   (iii) in subparagraph (F) (as redesign-  
22                   ated by clause (i)), by striking “and (D)”  
23                   and inserting “(D), and (E)”;

24                   (2) in subsection (b)—

1           (A) in the subsection heading, by striking  
2           “GRADUATE”; and

3           (B) by striking paragraph (2) and inserting  
4           the following:

5           “(2) *ELIGIBLE STUDENTS*.—A student receiving  
6           a stipend described in paragraph (1) shall be en-  
7           gaged—

8           “(A) in an instructional program with stat-  
9           ed performance goals for functional foreign lan-  
10          guage use or in a program developing such per-  
11          formance goals, in combination with area stud-  
12          ies, international studies, or the international  
13          aspects of a professional studies program; and

14          “(B)(i) in the case of an undergraduate stu-  
15          dent, in the intermediate or advanced study of a  
16          less commonly taught language; or

17          “(ii) in the case of a graduate student, in  
18          graduate study in connection with a program  
19          described in subparagraph (A), including—

20                  “(I) predissertation level study;

21                  “(II) preparation for dissertation re-  
22                  search;

23                  “(III) dissertation research abroad; or

24                  “(IV) dissertation writing.”;

1           (3) *by striking subsection (d) and inserting the*  
2 *following:*

3           “(d) *ALLOWANCES.—*

4                 “(1) *GRADUATE LEVEL RECIPIENTS.—A stipend*  
5 *awarded to a graduate level recipient may include al-*  
6 *lowances for dependents and for travel for research*  
7 *and study in the United States and abroad.*

8                 “(2) *UNDERGRADUATE LEVEL RECIPIENTS.—A*  
9 *stipend awarded to an undergraduate level recipient*  
10 *may include an allowance for educational programs*  
11 *in the United States or educational programs abroad*  
12 *that—*

13                     “(A) *are closely linked to the overall goals*  
14 *of the recipient’s course of study; and*

15                     “(B) *have the purpose of promoting foreign*  
16 *language fluency and knowledge of foreign cul-*  
17 *tures.”; and*

18           (4) *by adding at the end the following:*

19                 “(e) *APPLICATION.—Each institution or combination*  
20 *of institutions desiring a grant under this section shall sub-*  
21 *mit an application to the Secretary at such time, in such*  
22 *manner, and accompanied by such information and assur-*  
23 *ances as the Secretary may require. Each application shall*  
24 *include an explanation of how the activities funded by the*  
25 *grant will reflect diverse perspectives and a wide range of*

1 *views and generate debate on world regions and inter-*  
 2 *national affairs. Each application shall also describe how*  
 3 *the applicant will address disputes regarding whether ac-*  
 4 *tivities funded under the application reflect diverse perspec-*  
 5 *tives and a wide range of views. Each application shall also*  
 6 *include a description of how the applicant will encourage*  
 7 *government service in areas of national need as identified*  
 8 *by the Secretary.”.*

9 **SEC. 603. UNDERGRADUATE INTERNATIONAL STUDIES AND**  
 10 **FOREIGN LANGUAGE PROGRAMS.**

11 *Section 604 (20 U.S.C. 1124) is amended—*

12 *(1) in subsection (a)—*

13 *(A) in paragraph (2)—*

14 *(i) by redesignating subparagraphs (I)*  
 15 *through (M) as subparagraphs (J) through*  
 16 *(N), respectively; and*

17 *(ii) by inserting after subparagraph*  
 18 *(H) the following:*

19 *“(I) providing subgrants to undergraduate*  
 20 *students for educational programs abroad that—*

21 *“(i) are closely linked to the overall*  
 22 *goals of the program for which the grant is*  
 23 *awarded; and*

- 1                   “(ii) have the purpose of promoting  
2                   *foreign language fluency and knowledge of*  
3                   *foreign cultures;”*; and  
4                   (B) in paragraph (7)—  
5                   (i) in subparagraph (C), by striking  
6                   “and” after the semicolon;  
7                   (ii) in subparagraph (D), by striking  
8                   the period at the end and inserting a semi-  
9                   colon; and  
10                   (iii) by adding at the end the fol-  
11                   lowing:  
12                   “(E) an explanation of how the activities  
13                   *funded by the grant will reflect diverse perspec-*  
14                   *tives and a wide range of views and generate de-*  
15                   *bate on world regions and international affairs,*  
16                   *where applicable;*  
17                   “(F) a description of how the applicant will  
18                   *address disputes regarding whether the activities*  
19                   *funded under the application reflect diverse per-*  
20                   *spectives and a wide range of views; and*  
21                   “(G) a description of how the applicant will  
22                   *encourage government service in areas of na-*  
23                   *tional need as identified by the Secretary.”*; and  
24                   (2) in subsection (c)—

1           (A) by striking “*FUNDING SUPPORT.—The*  
2           *Secretary*” and inserting “*FUNDING RULES.—*

3           “(1) *THE SECRETARY.—The Secretary*”;

4           (B) by striking “10” and inserting “20”;  
5           and

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

7           “(2) *GRANTEES.—Of the total amount of grant*  
8           *funds awarded to a grantee under this section, the*  
9           *grantee may use not more than 10 percent of such*  
10          *funds for the activity described in subsection*  
11          *(a)(2)(I).*”.

12 **SEC. 604. RESEARCH; STUDIES.**

13          *Section 605(a) (20 U.S.C. 1125(a)) is amended—*

14           (1) *in paragraph (8), by striking “and” after the*  
15           *semicolon;*

16           (2) *in paragraph (9), by striking the period and*  
17           *inserting a semicolon; and*

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

19           “(10) *evaluation of the extent to which programs*  
20           *assisted under this title reflect diverse perspectives*  
21           *and a wide range of views and generate debate on*  
22           *world regions and international affairs;*

23           “(11) *the systematic collection, analysis, and dis-*  
24           *semination of data that contribute to achieving the*  
25           *purposes of this part; and*

1           “(12) support for programs or activities to make  
2           data collected, analyzed, or disseminated under this  
3           section publicly available and easy to understand.”.

4 **SEC. 605. TECHNOLOGICAL INNOVATION AND COOPERA-**  
5 **TION FOR FOREIGN INFORMATION ACCESS.**

6           Section 606 (20 U.S.C. 1126) is amended—

7           (1) in subsection (a)—

8                 (A) by striking “new electronic tech-  
9                 nologies” and insert “electronic technologies”;

10                (B) by inserting “from foreign sources”  
11                after “disseminate information”;

12                (C) by striking “AUTHORITY.—The Sec-  
13                retary” and insert “AUTHORITY.—

14                “(1) IN GENERAL.—The Secretary”; and

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

16                “(2) PARTNERSHIPS WITH NOT-FOR-PROFIT EDU-  
17                CATIONAL ORGANIZATIONS.—The Secretary may  
18                award grants under this section to carry out the ac-  
19                tivities authorized under this section to the following:

20                    “(A) An institution of higher education.

21                    “(B) A public or nonprofit private library.

22                    “(C) A consortium of an institution of high-  
23                er education and 1 or more of the following:

24                        “(i) Another institution of higher edu-  
25                        cation.

1                   “(ii) *A library.*

2                   “(iii) *A not-for-profit educational or-*  
3                   *ganization.*”;

4                   (2) *in subsection (b)—*

5                   (A) *in paragraph (1), by striking “to facili-*  
6                   *tate access to” and inserting “to acquire, facili-*  
7                   *tate access to,”;*

8                   (B) *in paragraph (2), by inserting “or*  
9                   *standards for” after “means of”;*

10                  (C) *in paragraph (6), by striking “and”*  
11                  *after the semicolon;*

12                  (D) *in paragraph (7), by striking the pe-*  
13                  *riod and inserting a semicolon; and*

14                  (E) *by adding at the end the following:*

15                  “(8) *to establish linkages to facilitate carrying*  
16                  *out the activities described in this subsection be-*  
17                  *tween—*

18                  “(A) *the institutions of higher education, li-*  
19                  *braries, and consortia receiving grants under*  
20                  *this section; and*

21                  “(B) *institutions of higher education, not-*  
22                  *for-profit educational organizations, and librar-*  
23                  *ies overseas; and*

24                  “(9) *to carry out other activities that the Sec-*  
25                  *retary determines are consistent with the purpose of*



1 *the grants or contracts awarded under this section.”;*  
 2 *and*

3 *(3) in subsection (c), by striking “institution or*  
 4 *consortium” and inserting “institution of higher edu-*  
 5 *cation, library, or consortium”.*

6 **SEC. 606. SELECTION OF CERTAIN GRANT RECIPIENTS.**

7 *Section 607 (20 U.S.C. 1127) is amended—*

8 *(1) in subsection (a), by striking “evaluates the*  
 9 *applications for comprehensive and undergraduate*  
 10 *language and area centers and programs.” and in-*  
 11 *serting “evaluates—*

12 *“(1) the applications for comprehensive foreign*  
 13 *language and area or international studies centers*  
 14 *and programs; and*

15 *“(2) the applications for undergraduate foreign*  
 16 *language and area or international studies centers*  
 17 *and programs.”; and*

18 *(2) in subsection (b), by adding at the end the*  
 19 *following: “The Secretary shall also consider an ap-*  
 20 *plicant’s record of sending students into public service*  
 21 *and an applicant’s stated efforts to increase the num-*  
 22 *ber of students that go into public service.”.*

23 **SEC. 607. AMERICAN OVERSEAS RESEARCH CENTERS.**

24 *Section 609 (20 U.S.C. 1128a) is amended by adding*  
 25 *at the end the following:*

1       “(e) *APPLICATION.*—Each center desiring a grant  
2 under this section shall submit an application to the Sec-  
3 retary at such time, in such manner, and accompanied by  
4 such information and assurances as the Secretary may re-  
5 quire. Each application shall include how the activities  
6 funded by the grant will reflect diverse perspectives and a  
7 wide range of views and generate debate on world regions  
8 and international affairs, where applicable. Each applica-  
9 tion shall also describe how the applicant will address dis-  
10 putes regarding whether the activities funded under the ap-  
11 plication reflect diverse perspectives and a wide range of  
12 views.”.

13 **SEC. 608. AUTHORIZATION OF APPROPRIATIONS FOR**  
14                   **INTERNATIONAL AND FOREIGN LANGUAGE**  
15                   **STUDIES.**

16       Section 610 (20 U.S.C. 1128b) is amended by striking  
17 “\$80,000,000 for fiscal year 1999” and all that follows  
18 through the period and inserting “such sums as may be nec-  
19 essary for fiscal year 2006 and each of the 5 succeeding  
20 fiscal years.”.

21 **SEC. 609. CENTERS FOR INTERNATIONAL BUSINESS EDU-**  
22                   **CATION.**

23       Section 612(f) (20 U.S.C. 1130–1(f)) is amended—  
24                   (1) in paragraph (3), by striking “and” after the  
25                   semicolon;

1           (2) *in paragraph (4), by striking the period at*  
 2           *the end and inserting “; and”; and*

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

4           “(5) *assurances that activities funded by the*  
 5           *grant will reflect diverse perspectives and a wide*  
 6           *range of views and generate debate on world regions*  
 7           *and international affairs, where applicable.”.*

8   **SEC. 610. EDUCATION AND TRAINING PROGRAMS.**

9           Section 613(c) (20 U.S.C. 1130a(c)) *is amended by*  
 10          *adding at the end the following: “Each such application*  
 11          *shall include an assurance that, where applicable, the ac-*  
 12          *tivities funded by the grant will reflect diverse perspectives*  
 13          *and a wide range of views on world regions and inter-*  
 14          *national affairs.”.*

15   **SEC. 611. AUTHORIZATION OF APPROPRIATIONS FOR BUSI-**  
 16                            **NESS AND INTERNATIONAL EDUCATION PRO-**  
 17                            **GRAMS.**

18          Section 614 (20 U.S.C. 1130b) *is amended—*

19           (1) *in subsection (a), by striking “\$11,000,000*  
 20           *for fiscal year 1999” and all that follows through “fis-*  
 21           *cal years” and inserting “such sums as may be nec-*  
 22           *essary for fiscal year 2006 and each of the 5 suc-*  
 23           *ceeding fiscal years”; and*

24           (2) *in subsection (b), by striking “\$7,000,000 for*  
 25           *fiscal year 1999” and all that follows through “fiscal*

1       *years,” and inserting “such sums as may be necessary*  
2       *for fiscal year 2006 and each of the 5 succeeding fis-*  
3       *cal years”.*

4       **SEC. 612. MINORITY FOREIGN SERVICE PROFESSIONAL DE-**  
5                               **VELOPMENT PROGRAM.**

6       *Section 621 (20 U.S.C. 1131) is amended—*

7               *(1) in subsection (c), by adding at the end the*  
8       *following: “Each application shall include a descrip-*  
9       *tion of how the activities funded by the grant will re-*  
10       *fect diverse perspectives and a wide range of views on*  
11       *world regions and international affairs, where appli-*  
12       *cable.”; and*

13               *(2) in subsection (e)—*

14                       *(A) by striking “MATCH REQUIRED.—The*  
15       *eligible” and inserting “MATCHING FUNDS.—*

16               *“(1) IN GENERAL.—Subject to paragraph (2), the*  
17       *eligible”; and*

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

19               *“(2) WAIVER.—The Secretary may waive the re-*  
20       *quirement of paragraph (1) for an eligible recipient*  
21       *if the Secretary determines such waiver is appro-*  
22       *priate.”.*

23       **SEC. 613. INSTITUTIONAL DEVELOPMENT.**

24       *Section 622 (20 U.S.C. 1131–1) is amended—*

25               *(1) in subsection (a)—*

1           (A) by striking “Tribally Controlled Col-  
 2           leges or Universities” and inserting “tribally  
 3           controlled colleges or universities”; and

4           (B) by striking “international affairs pro-  
 5           grams.” and inserting “international affairs,  
 6           international business, and foreign language  
 7           study programs, including the teaching of for-  
 8           eign languages, at such colleges, universities, and  
 9           institutions, respectively, through increased col-  
 10          laboration with institutions of higher education  
 11          that receive funding under this title.”; and

12          (2) in subsection (c)—

13               (A) by striking paragraphs (1) and (3);

14               (B) by redesignating paragraphs (2) and  
 15               (4) as paragraphs (1) and (2), respectively; and

16               (C) in paragraph (1) (as redesignated by  
 17               subparagraph (B)), by inserting “and” after the  
 18               semicolon.

19 **SEC. 614. STUDY ABROAD PROGRAM.**

20          Section 623(a) (20 U.S.C. 1131a(a)) is amended—

21               (1) by striking “as defined in section 322 of this  
 22               Act”; and

23               (2) by striking “tribally controlled Indian com-  
 24               munity colleges as defined in the Tribally Controlled

1        *Community College Assistance Act of 1978*” and in-  
2        *serting “tribally controlled colleges or universities”.*

3        **SEC. 615. ADVANCED DEGREE IN INTERNATIONAL RELA-**  
4        **TIONS.**

5        *Section 624 (20 U.S.C. 1131b) is amended—*

6            (1) *in the section heading, by striking “MAS-*  
7        ***TERS” and inserting “ADVANCED”;***

8            (2) *in the first sentence, by inserting “, and in*  
9        *exceptional circumstances, a doctoral degree,” after*  
10        *“masters degree”;*

11            (3) *in the second sentence, by striking “masters*  
12        *degree” and inserting “advanced degree”; and*

13            (4) *in the fourth sentence, by striking “United*  
14        *States” and inserting “United States.”.*

15        **SEC. 616. INTERNSHIPS.**

16        *Section 625 (20 U.S.C. 1131c) is amended—*

17            (1) *in subsection (a)—*

18                    (A) *by striking “as defined in section 322*  
19        *of this Act”;*

20                    (B) *by striking “tribally controlled Indian*  
21        *community colleges as defined in the Tribally*  
22        *Controlled Community College Assistance Act of*  
23        *1978” and inserting “tribally controlled colleges*  
24        *or universities”;*

1           (C) by striking “an international” and in-  
2           serting “international,”; and

3           (D) by striking “the United States Informa-  
4           tion Agency” and inserting “the Department of  
5           State”; and

6           (2) in subsection (c)(1)—

7           (A) in subparagraph (E), by inserting  
8           “and” after the semicolon;

9           (B) in subparagraph (F), by striking “;  
10          and” and inserting a period; and

11          (C) by striking subparagraph (G).

12 **SEC. 617. FINANCIAL ASSISTANCE.**

13          Part C of title VI (20 U.S.C. 1131 et seq.) is further  
14          amended—

15          (1) by redesignating sections 626, 627, and 628  
16          as sections 627, 628, and 629, respectively; and

17          (2) by inserting after section 625 the following:

18 **“SEC. 626. FINANCIAL ASSISTANCE.**

19          “(a) *AUTHORITY.*—The Institute may provide finan-  
20          cial assistance, in the form of summer stipends described  
21          in subsection (b) and Ralph Bunche scholarship assistance  
22          described in subsection (c), to needy students to facilitate  
23          the participation of the students in the Institute’s programs  
24          under this part.

25          “(b) *SUMMER STIPENDS.*—

1           “(1) *REQUIREMENTS.*—*A student receiving a*  
2           *summer stipend under this section shall use such sti-*  
3           *pend to defray the student’s cost of participation in*  
4           *a summer institute program funded under this part,*  
5           *including the costs of travel, living, and educational*  
6           *expenses necessary for the student’s participation in*  
7           *such program.*

8           “(2) *AMOUNT.*—*A summer stipend awarded to a*  
9           *student under this section shall not exceed \$3,000 per*  
10           *summer.*

11           “(c) *RALPH BUNCHE SCHOLARSHIP.*—

12           “(1) *REQUIREMENTS.*—*A student receiving a*  
13           *Ralph Bunche scholarship under this section—*

14                   “(A) *shall be a full-time student at an insti-*  
15                   *tution of higher education who is accepted into*  
16                   *a program funded under this part; and*

17                   “(B) *shall use such scholarship to pay costs*  
18                   *related to the cost of attendance, as defined in*  
19                   *section 472, at the institution of higher edu-*  
20                   *cation in which the student is enrolled.*

21           “(2) *AMOUNT AND DURATION.*—*A Ralph Bunche*  
22           *scholarship awarded to a student under this section*  
23           *shall not exceed \$5,000 per academic year.”.*



1 **SEC. 618. REPORT.**

2 *Section 627 (as redesignated by section 617(1)) (20*  
 3 *U.S.C. 1131d) is amended by striking “annually” and in-*  
 4 *serting “biennially”.*

5 **SEC. 619. GIFTS AND DONATIONS.**

6 *Section 628 (as redesignated by section 617(1)) (20*  
 7 *U.S.C. 1131e) is amended by striking “annual report de-*  
 8 *scribed in section 626” and inserting “biennial report de-*  
 9 *scribed in section 627”.*

10 **SEC. 620. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
 11 **INSTITUTE FOR INTERNATIONAL PUBLIC**  
 12 **POLICY.**

13 *Section 629 (as redesignated by section 617(1)) (20*  
 14 *U.S.C. 1131f) is amended by striking “\$10,000,000 for fis-*  
 15 *cal year 1999” and all that follows through the period and*  
 16 *inserting “such sums as may be necessary for fiscal year*  
 17 *2006 and each of the 5 succeeding fiscal years.”.*

18 **SEC. 621. DEFINITIONS.**

19 *Section 631 (20 U.S.C. 1132) is amended—*

20 *(1) by redesignating paragraphs (2), (3), (4),*  
 21 *(5), (6), (7), (8), and (9), as paragraphs (8), (5), (9),*  
 22 *(2), (11), (3), (7), and (4), respectively;*

23 *(2) in paragraph (2), as redesignated by para-*  
 24 *graph (1), by striking “comprehensive language and*  
 25 *area center” and inserting “comprehensive foreign*  
 26 *language and area or international studies center”;*

1           (3) in paragraph (11), as redesignated by para-  
2           graph (1), by striking “undergraduate language and  
3           area center” and inserting “undergraduate foreign  
4           language and area or international studies center”;

5           (4) in paragraph (3), as redesignated by para-  
6           graph (1), by striking the first occurrence of the term  
7           “critical languages” and inserting “critical foreign  
8           languages”;

9           (5) in paragraph (7), as redesignated by para-  
10          graph (1), by striking “and” after the semicolon;

11          (6) in paragraph (4), as redesignated by para-  
12          graph (1), by striking the period at the end and in-  
13          serting a semicolon;

14          (7) by inserting after paragraph (5), as redesign-  
15          ated by paragraph (1), the following:

16               “(6) the term ‘historically Black college and uni-  
17               versity’ has the meaning given the term ‘part B insti-  
18               tution’ in section 322;” and

19          (8) by inserting after paragraph (9), as redesign-  
20          ated by paragraph (1), the following:

21               “(10) the term ‘tribally controlled college or uni-  
22               versity’ has the meaning given the term in section 2  
23               of the Tribally Controlled College or University As-  
24               sistance Act of 1978 (25 U.S.C. 1801); and”.

1 **SEC. 622. ASSESSMENT AND ENFORCEMENT.**

2 *Part D of title VI (20 U.S.C. 1132) is amended by*  
3 *adding at the end the following:*

4 **“SEC. 632. ASSESSMENT; ENFORCEMENT; RULE OF CON-**  
5 **STRUCTION.**

6 *“(a) IN GENERAL.—The Secretary is authorized to as-*  
7 *sess and ensure compliance with all the conditions and*  
8 *terms of grants provided under this title. If a complaint*  
9 *regarding activities funded under this title is not resolved*  
10 *under the process outlined in the relevant grantee’s applica-*  
11 *tion, and such complaint is filed with the Department, the*  
12 *Secretary shall be notified, and is authorized, when cir-*  
13 *cumstances warrant, to immediately suspend future fund-*  
14 *ing for the grant pending resolution of such dispute. Such*  
15 *resolution shall not exceed 60 days. The Secretary shall take*  
16 *the outcomes of such complaints into account when deter-*  
17 *mining the renewal of grants.*

18 *“(b) RULE OF CONSTRUCTION.—Nothing in this title*  
19 *shall be construed to authorize the Secretary to mandate,*  
20 *direct, or control an institution of higher education’s spe-*  
21 *cific instructional content, curriculum, or program of in-*  
22 *struction.*

23 **“SEC. 633. EVALUATION, OUTREACH, AND INFORMATION.**

24 *“The Secretary may use not more than 1 percent of*  
25 *the funds made available under this title to carry out pro-*  
26 *gram evaluation, national outreach, and information dis-*

1 *semination activities relating to the programs authorized*  
 2 *under this title.”.*

3 **TITLE VII—GRADUATE AND**  
 4 **POSTSECONDARY IMPROVE-**  
 5 **MENT PROGRAMS**

6 **SEC. 701. PURPOSE.**

7 *Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is*  
 8 *amended by inserting “, including those areas critical to*  
 9 *United States national and homeland security needs such*  
 10 *as mathematics, science, and engineering” before the semi-*  
 11 *colon at the end.*

12 **SEC. 702. ALLOCATION OF JACOB K. JAVITS FELLOWSHIPS.**

13 *Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended*  
 14 *to read as follows:*

15 *“(1) APPOINTMENT.—*

16 *“(A) IN GENERAL.—The Secretary shall ap-*  
 17 *point a Jacob K. Javits Fellows Program Fel-*  
 18 *lowship Board (referred to in this subpart as the*  
 19 *‘Board’) consisting of 9 individuals representa-*  
 20 *tive of both public and private institutions of*  
 21 *higher education who are especially qualified to*  
 22 *serve on the Board.*

23 *“(B) QUALIFICATIONS.—In making ap-*  
 24 *pointments under subparagraph (A), the Sec-*  
 25 *retary shall—*



1 **SEC. 705. INSTITUTIONAL ELIGIBILITY UNDER THE GRAD-**  
2 **UATE ASSISTANCE IN AREAS OF NATIONAL**  
3 **NEED PROGRAM.**

4 *Section 712(b) (20 U.S.C. 1135a(b)) is amended to*  
5 *read as follows:*

6 “(b) *DESIGNATION OF AREAS OF NATIONAL NEED.—*  
7 *After consultation with appropriate Federal and nonprofit*  
8 *agencies and organizations, including the National Science*  
9 *Foundation, the Department of Defense, the Department of*  
10 *Homeland Security, the National Academy of Sciences, and*  
11 *the Bureau of Labor Statistics, the Secretary shall designate*  
12 *areas of national need. In making such designations, the*  
13 *Secretary shall take into consideration—*

14 “(1) *the extent to which the interest in the area*  
15 *is compelling;*

16 “(2) *the extent to which other Federal programs*  
17 *support postbaccalaureate study in the area con-*  
18 *cerned;*

19 “(3) *an assessment of how the program may*  
20 *achieve the most significant impact with available re-*  
21 *sources; and*

22 “(4) *an assessment of current and future profes-*  
23 *sional workforce needs of the United States.”.*

24 **SEC. 706. AWARDS TO GRADUATE STUDENTS.**

25 *Section 714 (20 U.S.C. 1135c) is amended—*

26 (1) *in subsection (b)—*

1           (A) by striking “1999–2000” and inserting  
2           “2006–2007”; and

3           (B) by striking “graduate fellowships” and  
4           inserting “Graduate Research Fellowship Pro-  
5           gram”; and

6           (2) in subsection (c)—

7           (A) by striking “716(a)” and inserting  
8           “715(a)”; and

9           (B) by striking “714(b)(2)” and inserting  
10          “713(b)(2)”.

11 **SEC. 707. ADDITIONAL ASSISTANCE FOR COST OF EDU-**  
12 **CATION.**

13          Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amend-  
14 ed—

15          (1) by striking “1999–2000” and inserting  
16          “2006–2007”; and

17          (2) by striking “1998–1999” and inserting  
18          “2005–2006”.

19 **SEC. 708. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
20 **GRADUATE ASSISTANCE IN AREAS OF NA-**  
21 **TIONAL NEED PROGRAM.**

22          Section 716 (20 U.S.C. 1135e) is amended by striking  
23          “\$35,000,000 for fiscal year 1999” and all that follows  
24          through the period and inserting “such sums as may be nec-

1 *essary for fiscal year 2006 and each of the 5 succeeding*  
 2 *fiscal years to carry out this subpart.”.*

3 **SEC. 709. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
 4 **THURGOOD MARSHALL LEGAL EDUCATIONAL**  
 5 **OPPORTUNITY PROGRAM.**

6 *Section 721(h) (20 U.S.C. 1136(h)) is amended by*  
 7 *striking “\$5,000,000 for fiscal year 1999” and all that fol-*  
 8 *lows through the period and inserting “such sums as may*  
 9 *be necessary for fiscal year 2006 and each of the 5 suc-*  
 10 *ceeding fiscal years.”.*

11 **SEC. 710. FUND FOR THE IMPROVEMENT OF POSTSEC-**  
 12 **ONDARY EDUCATION.**

13 *Section 741(a) (20 U.S.C. 1138(a)) is amended—*

14 *(1) by striking paragraph (3) and inserting the*  
 15 *following:*

16 *“(3) the establishment and continuation of insti-*  
 17 *tutions, programs, consortia, collaborations, and other*  
 18 *joint efforts based on the technology of communica-*  
 19 *tions, including those efforts that utilize distance edu-*  
 20 *cation and technological advancements to educate and*  
 21 *train postsecondary students (including health profes-*  
 22 *sionals serving medically underserved populations);”;*

23 *(2) in paragraph (7), by striking “and” after the*  
 24 *semicolon;*



1           (3) *in paragraph (8), by striking the period at*  
2 *the end and inserting a semicolon; and*

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

4           “(9) *the introduction of reforms in remedial edu-*  
5 *cation, including English language instruction, to*  
6 *customize remedial courses to student goals and help*  
7 *students progress rapidly from remedial courses into*  
8 *core courses and through program completion;*

9           “(10) *the creation of consortia that join diverse*  
10 *institutions of higher education for the purpose of in-*  
11 *tegrating curricular and co-curricular interdiscipli-*  
12 *nary study; and*

13           “(11) *providing support and assistance to pro-*  
14 *grams implementing integrated education reform*  
15 *services in order to improve secondary school gradua-*  
16 *tion and college attendance and completion rates for*  
17 *disadvantaged students.”.*

18 **SEC. 711. SPECIAL PROJECTS.**

19           *Section 744(c) (20 U.S.C. 1138c) is amended to read*  
20 *as follows:*

21           “(c) *AREAS OF NATIONAL NEED.—Areas of national*  
22 *need shall include, at a minimum, the following:*

23           “(1) *Institutional restructuring to improve*  
24 *learning and promote productivity, efficiency, quality*  
25 *improvement, and cost and price control.*

1           “(2) *Improvements in academic instruction and*  
2           *student learning, including efforts designed to assess*  
3           *the learning gains made by postsecondary students.*

4           “(3) *Articulation between 2- and 4-year institu-*  
5           *tions of higher education, including developing inno-*  
6           *vative methods for ensuring the successful transfer of*  
7           *students from 2- to 4-year institutions of higher edu-*  
8           *cation.*

9           “(4) *Development, evaluation and dissemination*  
10          *of model programs, including model core curricula*  
11          *that—*

12                 “(A) *provide students with a broad and in-*  
13                 *tegrated knowledge base;*

14                 “(B) *include, at a minimum, broad survey*  
15                 *courses in English literature, American and*  
16                 *world history, American political institutions,*  
17                 *economics, philosophy, college-level mathematics,*  
18                 *and the natural sciences; and*

19                 “(C) *include sufficient study of a foreign*  
20                 *language to lead to reading and writing com-*  
21                 *petency in the foreign language.*

22           “(5) *International cooperation and student ex-*  
23           *changes among postsecondary educational institu-*  
24           *tions.”.*

1 **SEC. 712. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
2 **FUND FOR THE IMPROVEMENT OF POSTSEC-**  
3 **ONDARY EDUCATION.**

4 *Section 745 (20 U.S.C. 1138d) is amended by striking*  
5 *“\$30,000,000 for fiscal year 1999” and all that follows*  
6 *through the period and inserting “such sums as may be nec-*  
7 *essary for fiscal year 2006 and each of the 5 succeeding*  
8 *fiscal years.”.*

9 **SEC. 713. REPEAL OF THE URBAN COMMUNITY SERVICE**  
10 **PROGRAM.**

11 *Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.*

12 **SEC. 714. GRANTS AUTHORIZED FOR DEMONSTRATION**  
13 **PROJECTS TO ENSURE STUDENTS WITH DIS-**  
14 **ABILITIES RECEIVE A QUALITY HIGHER EDU-**  
15 **CATION.**

16 *Section 762 (20 U.S.C. 1140a) is amended—*

17 *(1) in subsection (b)—*

18 *(A) in paragraph (2)—*

19 *(i) in subparagraph (A), by striking*  
20 *“to teach students with disabilities” and in-*  
21 *serting “to teach and meet the academic*  
22 *and programmatic needs of students with*  
23 *disabilities in order to improve retention*  
24 *and completion of postsecondary edu-*  
25 *cation”;*

1                   (ii) by redesignating subparagraphs  
2                   (B) and (C) as subparagraphs (C) and (F),  
3                   respectively;

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

6                   “(B) *EFFECTIVE TRANSITION PRACTICES.*—  
7                   *The development of innovative and effective*  
8                   *teaching methods and strategies to ensure the*  
9                   *successful transition of students with disabilities*  
10                  *from secondary school to postsecondary edu-*  
11                  *cation.*”;

12                  (iv) in subparagraph (C), as redesign-  
13                  ated by clause (ii), by striking the period  
14                  at the end and inserting “, including data  
15                  on the postsecondary education of and im-  
16                  pact on subsequent employment of students  
17                  with disabilities. Such research, informa-  
18                  tion, and data shall be made publicly avail-  
19                  able and accessible.”;

20                  (v) by inserting after subparagraph  
21                  (C), as redesignated by clause (ii), the fol-  
22                  lowing:

23                  “(D) *DISTANCE LEARNING.*—*The develop-*  
24                  *ment of innovative and effective teaching meth-*  
25                  *ods and strategies to provide faculty and admin-*

1            *istrators with the ability to provide accessible*  
2            *distance education programs or classes that*  
3            *would enhance access of students with disabilities*  
4            *to higher education, including the use of acces-*  
5            *sible curriculum and electronic communication*  
6            *for instruction and advisement.*

7            “(E) *DISABILITY CAREER PATHWAYS.—*  
8            *Training and providing support to secondary*  
9            *and postsecondary staff to encourage interest in,*  
10           *enhance awareness and understanding of, pro-*  
11           *vide educational opportunities in, teach prac-*  
12           *tical skills related to, and offer work-based op-*  
13           *portunities in, disability related fields, among*  
14           *students, including students with disabilities.*  
15           *Such training and support may include devel-*  
16           *oping means to offer students credit-bearing, col-*  
17           *lege-level coursework, and career and educational*  
18           *counseling.”; and*

19            *(vi) by adding at the end the following:*

20            “(G) *ACCESSIBILITY OF EDUCATION.—Mak-*  
21            *ing postsecondary education more accessible to*  
22            *students with disabilities through curriculum de-*  
23            *velopment.”; and*

1                   (B) in paragraph (3), by striking “subpara-  
 2                   graphs (A) through (C)” and inserting “subpara-  
 3                   graphs (A) through (G)”; and

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

5                   “(d) *REPORT.*—The Secretary shall prepare and dis-  
 6                   seminate a report reviewing the activities of the demonstra-  
 7                   tion projects authorized under this part and providing  
 8                   guidance and recommendations on how successful projects  
 9                   can be replicated.”.

10 **SEC. 715. APPLICATIONS FOR DEMONSTRATION PROJECTS**

11                   **TO ENSURE STUDENTS WITH DISABILITIES**

12                   **RECEIVE A QUALITY HIGHER EDUCATION.**

13                   Section 763 (20 U.S.C. 1140b) is amended—

14                   (1) by striking paragraph (1) and inserting the  
 15                   following:

16                   “(1) a description of how such institution plans  
 17                   to address the activities allowed under this part;”;

18                   (2) in paragraph (2), by striking “and” after the  
 19                   semicolon;

20                   (3) in paragraph (3), by striking the period at  
 21                   the end and inserting “; and”; and

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

23                   “(4) a description of the extent to which the in-  
 24                   stitution will work to replicate the research based and  
 25                   best practices of institutions of higher education with

1       *demonstrated success in serving students with disabili-*  
 2       *ties.”.*

3   **SEC. 716. AUTHORIZATION OF APPROPRIATIONS FOR THE**  
 4                   **DEMONSTRATION PROJECTS TO ENSURE**  
 5                   **STUDENTS WITH DISABILITIES RECEIVE A**  
 6                   **QUALITY HIGHER EDUCATION.**

7       *Section 765 (20 U.S.C. 1140d) is amended by striking*  
 8       *“\$10,000,000 for fiscal year 1999” and all that follows*  
 9       *through the period and inserting “such sums as may be nec-*  
 10       *essary for fiscal year 2006 and each of the 5 succeeding*  
 11       *fiscal years.”.*

12       **TITLE VIII—MISCELLANEOUS**

13   **SEC. 801. MISCELLANEOUS.**

14       *The Act (20 U.S.C. 1001 et seq.) is amended by adding*  
 15       *at the end the following:*

16       **“TITLE VIII—MISCELLANEOUS**

17                   **“PART A—MATHEMATICS AND SCIENCE**

18                                   **SCHOLARS PROGRAM**

19   **“SEC. 811. MATHEMATICS AND SCIENCE SCHOLARS PRO-**  
 20                   **GRAM.**

21       *“(a) PROGRAM AUTHORIZED.—The Secretary is au-*  
 22       *thorized to award grants to States, on a competitive basis,*  
 23       *to enable the States to award eligible students, who complete*  
 24       *a rigorous secondary school curriculum in mathematics and*  
 25       *science, scholarships for undergraduate study.*

1       “(b) *ELIGIBLE STUDENTS.*—*A student is eligible for*  
2 *a scholarship under this section if the student is a full-time*  
3 *undergraduate student in the student’s first and second year*  
4 *of study who has completed a rigorous secondary school cur-*  
5 *riculum in mathematics and science.*

6       “(c) *RIGOROUS CURRICULUM.*—*Each participating*  
7 *State shall determine the requirements for a rigorous sec-*  
8 *ondary school curriculum in mathematics and science de-*  
9 *scribed in subsection (b).*

10       “(d) *PRIORITY FOR SCHOLARSHIPS.*—*The Governor of*  
11 *a State may set a priority for awarding scholarships under*  
12 *this section for particular eligible students, such as students*  
13 *attending schools in high-need areas, students who are from*  
14 *groups underrepresented in the fields of mathematics,*  
15 *science, and engineering, students served by local edu-*  
16 *cational agencies that do not meet or exceed State standards*  
17 *in mathematics and science, or students with regional or*  
18 *geographic needs as determined appropriate by the Gov-*  
19 *ernor.*

20       “(e) *AMOUNT AND DURATION OF SCHOLARSHIP.*—*The*  
21 *Secretary shall award a grant under this section—*

22               “(1) *in an amount that does not exceed \$1,000;*

23               *and*

24               “(2) *for not more than 2 years of undergraduate*  
25               *study.*



1       “(f) *MATCHING REQUIREMENT.*—*In order to receive a*  
 2 *grant under this section, a State shall provide matching*  
 3 *funds for the scholarships awarded under this section in an*  
 4 *amount equal to 50 percent of the Federal funds received.*

5       “(g) *AUTHORIZATION.*—*There are authorized to be ap-*  
 6 *propriated to carry out this section such sums as may be*  
 7 *necessary for fiscal year 2006 and each of the 5 succeeding*  
 8 *fiscal years.*

9           **“PART B—POSTSECONDARY EDUCATION**

10                   **ASSESSMENT**

11       **“SEC. 821. POSTSECONDARY EDUCATION ASSESSMENT.**

12       “(a) *CONTRACT FOR ASSESSMENT.*—*The Secretary*  
 13 *shall enter into a contract, with an independent, bipartisan*  
 14 *organization with specific expertise in public administra-*  
 15 *tion and financial management, to carry out an inde-*  
 16 *pendent assessment of the cost factors associated with the*  
 17 *cost of tuition at institutions of higher education.*

18       “(b) *TIMEFRAME.*—*The Secretary shall enter into the*  
 19 *contract described in subsection (a) not later than 90 days*  
 20 *after the date of enactment of the Higher Education Amend-*  
 21 *ments of 2005.*

22       “(c) *MATTERS ASSESSED.*—*The assessment described*  
 23 *in subsection (a) shall—*

24           “(1) *examine the key elements driving the cost*  
 25 *factors associated with the cost of tuition at institu-*

1        *tions of higher education during academic year 2000*  
 2        *and succeeding academic years;*

3            *“(2) identify and evaluate measures being used*  
 4        *to control postsecondary education costs;*

5            *“(3) identify and evaluate effective measures that*  
 6        *may be utilized to control postsecondary education*  
 7        *costs in the future; and*

8            *“(4) identify systemic approaches to monitor fu-*  
 9        *ture postsecondary education cost trends and postsec-*  
 10       *ondary education cost control mechanisms.*

11        **“PART C—JOB SKILL TRAINING IN HIGH-GROWTH**  
 12                                **OCCUPATIONS OR INDUSTRIES**

13        **“SEC. 831. JOB SKILL TRAINING IN HIGH-GROWTH OCCUPA-**  
 14                                **TIONS OR INDUSTRIES.**

15            *“(a) GRANTS AUTHORIZED.—The Secretary is author-*  
 16        *ized to award grants, on a competitive basis, to eligible*  
 17        *partnerships to enable the eligible partnerships to provide*  
 18        *relevant job skill training in high-growth industries or oc-*  
 19        *cupations.*

20            *“(b) DEFINITIONS.—In this section:*

21                                *“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligi-*  
 22        *ble partnership’ means a partnership—*

23                                        *“(A) between an institution of higher edu-*  
 24                                *cation and a local board (as such term is defined*

1           *in section 101 of the Workforce Investment Act*  
2           *of 1998); or*

3           “(B) *if an institution of higher education is*  
4           *located within a State that does not operate local*  
5           *boards, between the institution of higher edu-*  
6           *cation and a State board (as such term is de-*  
7           *fined in section 101 of the Workforce Investment*  
8           *Act of 1998).*

9           “(2) *NONTRADITIONAL STUDENT.—The term*  
10          *‘nontraditional student’ means a student who—*

11           “(A) *is independent, as defined in section*  
12           *480(d);*

13           “(B) *attends an institution of higher edu-*  
14           *cation—*

15           “(i) *on less than a full-time basis;*

16           “(ii) *via evening, weekend, modular, or*  
17           *compressed courses; or*

18           “(iii) *via distance learning methods; or*

19           “(C) *has delayed enrollment at an institu-*  
20           *tion of higher education.*

21           “(3) *INSTITUTION OF HIGHER EDUCATION.—The*  
22          *term ‘institution of higher education’ means an insti-*  
23          *tution of higher education, as defined in section*  
24          *101(b), that offers a 1- or 2-year program of study*  
25          *leading to a degree or certificate.*

1       “(c) *APPLICATION.*—

2               “(1) *IN GENERAL.*—*Each eligible partnership*  
3 *that desires a grant under this section shall submit*  
4 *an application to the Secretary at such time, in such*  
5 *manner, and accompanied by such additional infor-*  
6 *mation as the Secretary may require.*

7               “(2) *CONTENTS.*—*Each application submitted*  
8 *under paragraph (1) shall include a description of—*

9                       “(A) *how the eligible partnership, through*  
10 *the institution of higher education, will provide*  
11 *relevant job skill training for students to enter*  
12 *high-growth occupations or industries;*

13                      “(B) *local high-growth occupations or in-*  
14 *dustries; and*

15                      “(C) *the need for qualified workers to meet*  
16 *the local demand of high-growth occupations or*  
17 *industries.*

18       “(d) *AWARD BASIS.*—*In awarding grants under this*  
19 *section, the Secretary shall—*

20               “(1) *ensure an equitable distribution of grant*  
21 *funds under this section among urban and rural*  
22 *areas of the United States; and*

23               “(2) *take into consideration the capability of the*  
24 *institution of higher education—*

1           “(A) to offer relevant, high quality instruc-  
2           tion and job skill training for students entering  
3           a high-growth occupation or industry;

4           “(B) to involve the local business commu-  
5           nity and to place graduates in the community in  
6           employment in high-growth occupations or in-  
7           dustries;

8           “(C) to provide secondary students with  
9           dual-enrollment or concurrent enrollment op-  
10          tions;

11          “(D) to serve nontraditional or low-income  
12          students, or adult or displaced workers; and

13          “(E) to serve students from rural or remote  
14          communities.

15          “(e) USE OF FUNDS.—Grant funds provided under  
16          this section may be used—

17               “(1) to expand or create academic programs or  
18               programs of training that provide relevant job skill  
19               training for high-growth occupations or industries;

20               “(2) to purchase equipment which will facilitate  
21               the development of academic programs or programs of  
22               training that provide training for high-growth occu-  
23               pations or industries;

24               “(3) to support outreach efforts that enable stu-  
25               dents to attend institutions of higher education with

1 *academic programs or programs of training focused*  
2 *on high-growth occupations or industries;*

3 *“(4) to expand or create programs for distance,*  
4 *evening, weekend, modular, or compressed learning*  
5 *opportunities that provide relevant job skill training*  
6 *in high-growth occupations or industries;*

7 *“(5) to build partnerships with local businesses*  
8 *in high-growth occupations or industries;*

9 *“(6) to support curriculum development related*  
10 *to entrepreneurial training; and*

11 *“(7) for other uses that the Secretary determines*  
12 *to be consistent with the intent of this section.*

13 *“(f) REQUIREMENTS.—*

14 *“(1) FISCAL AGENT.—For the purpose of this*  
15 *section, the institution of higher education in an eli-*  
16 *gible partnership shall serve as the fiscal agent and*  
17 *grant recipient for the eligible partnership.*

18 *“(2) DURATION.—The Secretary shall award*  
19 *grants under this section for periods that may not ex-*  
20 *ceed 5 years.*

21 *“(3) SUPPLEMENT, NOT SUPPLANT.—Funds*  
22 *made available under this section shall be used to*  
23 *supplement and not supplant other Federal, State,*  
24 *and local funds available to the eligible partnership*

1       *for carrying out the activities described in subsection*  
 2       *(e).*

3       “(g) *AUTHORIZATION OF APPROPRIATIONS.—There*  
 4 *are authorized to be appropriated to carry out this part*  
 5 *such sums as may be necessary for fiscal year 2006 and*  
 6 *each of the 5 succeeding fiscal years.*

7       **“PART D—GRANT PROGRAM TO INCREASE STU-**  
 8       **DENT RETENTION AND PROMOTE ARTICULA-**  
 9       **TION AGREEMENTS**

10      **“SEC. 841. GRANT PROGRAM TO INCREASE STUDENT RE-**  
 11                   **TENTION AND PROMOTE ARTICULATION**  
 12                   **AGREEMENTS.**

13      “(a) *AUTHORIZATION OF PROGRAM.—The Secretary*  
 14 *shall award grants, on a competitive basis, to eligible insti-*  
 15 *tutions to enable the institutions to—*

16           “(1) *focus on increasing traditional and non-*  
 17 *traditional student retention at such institutions; and*

18           “(2) *promote articulation agreements among dif-*  
 19 *ferent institutions that will increase the likelihood of*  
 20 *progression of students at such institutions to bacca-*  
 21 *laureate degrees.*

22      “(b) *DEFINITION OF ELIGIBLE INSTITUTION.—In this*  
 23 *section, the term ‘eligible institution’ means an institution*  
 24 *of higher education (as defined in section 101(a)) where not*

1 *less than 40 percent of such institution's student body re-*  
2 *ceives financial aid under subpart 1 of part A of title IV.*

3       “(c) *APPLICATION.—An eligible institution that de-*  
4 *sires a grant under this section shall submit an application*  
5 *to the Secretary at such time, in such manner, and con-*  
6 *taining such information as the Secretary may require, in-*  
7 *cluding the number of students proposed to be served and*  
8 *a description of the services that will be provided.*

9       “(d) *MANDATORY ACTIVITIES.—An eligible institution*  
10 *that receives a grant under this section shall use the grant*  
11 *funds to carry out each of the following:*

12               “(1) *Offering counseling and advisement services*  
13 *to help students adapt to postsecondary education and*  
14 *select appropriate coursework.*

15               “(2) *Making mentors available to students who*  
16 *are at risk for not completing a degree.*

17               “(3) *Providing detailed assistance to students*  
18 *who request help in understanding—*

19                       “(A) *the options for financing their edu-*  
20 *cation, including information on grants, loans,*  
21 *and loan repayment programs;*

22                       “(B) *the process of applying for financial*  
23 *assistance;*

24                       “(C) *the outcome of their financial assist-*  
25 *ance application; and*



1           “(D) any unanticipated problems related to  
2           financing their education that arise.

3           “(4) Offering tutoring to students at risk of  
4           dropping out of school with any course or subject.

5           “(5) Designing and implementing innovative  
6           ways to improve retention in and completion of  
7           courses, such as enrolling students in cohorts, pro-  
8           viding counseling, or creating bridge programs that  
9           customize courses to the needs of special population  
10          students.

11          “(6) Conducting outreach activities so that all  
12          students know that these services are available and  
13          are aware of how to access the services.

14          “(7) Creating articulation agreements to promote  
15          smooth transition from two year to four year pro-  
16          grams.

17          “(8) Making services listed in paragraphs (1)  
18          through (5) available in students’ native languages, if  
19          it is not English, if the percentage of students needing  
20          translation services in a specific language exceeds 5  
21          percent.

22          “(e) *PERMISSIBLE ACTIVITIES*.—An eligible institu-  
23          tion that receives a grant under this section may use grant  
24          funds to carry out any of the following activities:

1           “(1) *Designing innovative course schedules to*  
2           *meet the needs of working adults, such as online, mod-*  
3           *ular, compressed, or other alternative methods.*

4           “(2) *Offering childcare during the hours when*  
5           *students have class or are studying.*

6           “(3) *Providing transportation assistance to stu-*  
7           *dents that helps such students manage their schedules.*

8           “(4) *Partnering with local businesses to create*  
9           *flexible work-hour programs so that students can bal-*  
10          *ance work and school.*

11          “(5) *Offering time management or financial lit-*  
12          *eracy seminars to help students improve their man-*  
13          *agement skills.*

14          “(6) *Improving professional development to align*  
15          *instruction with innovative program designs.*

16          “(7) *Any other activities the Secretary believes*  
17          *will promote retention of students attending eligible*  
18          *institutions.*

19          “(f) *TECHNICAL ASSISTANCE.—The Secretary may*  
20          *enter into a contract with a private entity to provide such*  
21          *technical assistance to grantees under this section as the*  
22          *Secretary determines appropriate.*

23          “(g) *EVALUATION.—The Secretary shall conduct an*  
24          *evaluation of program impacts under the demonstration*

1 program, and shall disseminate to the public the findings  
2 from the evaluation and information on best practices.

3 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
4 authorized to be appropriated to carry out this and such  
5 sums as may be necessary for fiscal year 2006 and each  
6 of the 5 succeeding fiscal years.

7 **“PART E—AMERICAN HISTORY FOR FREEDOM**

8 **“SEC. 851. AMERICAN HISTORY FOR FREEDOM.**

9 “(a) *GRANTS AUTHORIZED.*—The Secretary is author-  
10 ized to award 3-year grants, on a competitive basis, to eligi-  
11 ble institutions to establish or strengthen postsecondary aca-  
12 demic programs or centers that promote and impart knowl-  
13 edge of—

14 “(1) *traditional American history;*

15 “(2) *the history and nature of, and threats to,*  
16 *free institutions; or*

17 “(3) *the history and achievements of Western civ-*  
18 *ilization.*

19 “(b) *DEFINITIONS.*—In this section:

20 “(1) *ELIGIBLE INSTITUTION.*—The term ‘eligible  
21 institution’ means an institution of higher education  
22 as defined in section 101.

23 “(2) *FREE INSTITUTION.*—The term ‘free institu-  
24 tion’ means an institution that emerged out of West-  
25 ern civilization, such as democracy, constitutional

1       *government, individual rights, market economics, reli-*  
 2       *gious freedom and religious tolerance, and freedom of*  
 3       *thought and inquiry.*

4           “(3) *TRADITIONAL AMERICAN HISTORY.*—*The*  
 5       *term ‘traditional American history’ means—*

6                   “(A) *the significant constitutional, political,*  
 7                   *intellectual, economic, and foreign policy trends*  
 8                   *and issues that have shaped the course of Amer-*  
 9                   *ican history; and*

10                   “(B) *the key episodes, turning points, and*  
 11                   *leading figures involved in the constitutional, po-*  
 12                   *litical, intellectual, diplomatic, and economic*  
 13                   *history of the United States.*

14           “(c) *APPLICATION.*—

15                   “(1) *IN GENERAL.*—*Each eligible institution that*  
 16       *desires a grant under this part shall submit an appli-*  
 17       *cation to the Secretary at such time, in such manner,*  
 18       *and accompanied by such additional information as*  
 19       *the Secretary may require.*

20                   “(2) *CONTENTS.*—*Each application submitted*  
 21       *under subsection (a) shall include a description of —*

22                   “(A) *how funds made available under this*  
 23                   *part will be used for the activities set forth under*  
 24                   *subsection (e), including how such activities will*  
 25                   *increase knowledge with respect to traditional*

1           *American history, free institutions, or Western*  
2           *civilization;*

3           “(B) *how the eligible institution will ensure*  
4           *that information about the activities funded*  
5           *under this part is widely disseminated pursuant*  
6           *to subsection (e)(1)(B);*

7           “(C) *any activities to be undertaken pursu-*  
8           *ant to subsection (e)(2)(A), including identifica-*  
9           *tion of entities intended to participate;*

10          “(D) *how funds made available under this*  
11          *part shall be used to supplement and not sup-*  
12          *plant non-Federal funds available for the activi-*  
13          *ties described in subsection (e); and*

14          “(E) *such fiscal controls and accounting*  
15          *procedures as may be necessary to ensure proper*  
16          *disbursement of and accounting for funding*  
17          *made available to the eligible institution under*  
18          *this part.*

19          “(d) *AWARD BASIS.—In awarding grants under this*  
20          *part, the Secretary shall take into consideration the capa-*  
21          *bility of the eligible institution to—*

22                 “(1) *increase access to quality programming that*  
23                 *expands knowledge of traditional American history,*  
24                 *free institutions, or Western civilization;*

1           “(2) involve personnel with strong expertise in  
2           *traditional American history, free institutions, or*  
3           *Western civilization; and*

4           “(3) sustain the activities funded under this part  
5           *after the grant has expired.*

6           “(e) *USE OF FUNDS.—*

7           “(1) *REQUIRED USE OF FUNDS.—Funds pro-*  
8           *vided under this part shall be used to—*

9           “(A) *establish or strengthen academic pro-*  
10           *grams or centers focused on traditional Amer-*  
11           *ican history, free institutions, or Western civili-*  
12           *zation, which may include—*

13                   “(i) *design and implementation of pro-*  
14                   *grams of study, courses, lecture series, semi-*  
15                   *nars, and symposia;*

16                   “(ii) *development, publication, and*  
17                   *dissemination of instructional materials;*

18                   “(iii) *research;*

19                   “(iv) *support for faculty teaching in*  
20                   *undergraduate and, if applicable, graduate*  
21                   *programs;*

22                   “(v) *support for graduate and post-*  
23                   *graduate fellowships, if applicable; or*

24                   “(vi) *teacher preparation initiatives*  
25                   *that stress content mastery regarding tradi-*

1            *tional American history, free institutions,*  
2            *or Western civilization; and*

3            *“(B) conduct outreach activities to ensure*  
4            *that information about the activities funded*  
5            *under this part is widely disseminated—*

6            *“(i) to undergraduate students (includ-*  
7            *ing students enrolled in teacher education*  
8            *programs, if applicable);*

9            *“(ii) to graduate students (including*  
10           *students enrolled in teacher education pro-*  
11           *grams), if applicable;*

12           *“(iii) to faculty;*

13           *“(iv) to local educational agencies; and*

14           *“(v) within the local community.*

15           *“(2) ALLOWABLE USES OF FUNDS.—Funds pro-*  
16           *vided under this part may be used to support—*

17           *“(A) collaboration with entities such as—*

18           *“(i) local educational agencies, for the*  
19           *purpose of providing elementary, middle*  
20           *and secondary school teachers an oppor-*  
21           *tunity to enhance their knowledge of tradi-*  
22           *tional American history, free institutions,*  
23           *or Western civilization; and*

24           *“(ii) nonprofit organizations whose*  
25           *mission is consistent with the purpose of*

1            *this part, such as academic organizations,*  
 2            *museums, and libraries, for assistance in*  
 3            *carrying out activities described under sub-*  
 4            *section (a); and*

5            *“(B) other activities that meet the purposes*  
 6            *of this part.*

7            *“(f) AUTHORIZATION OF APPROPRIATIONS.—For the*  
 8            *purpose of carrying out this part, there are authorized to*  
 9            *be appropriated such sums as may be necessary for fiscal*  
 10           *year 2006 and each of the 5 succeeding fiscal years.*

11            **“PART F—TEACH FOR AMERICA**

12            **“SEC. 861. TEACH FOR AMERICA.**

13            *“(a) DEFINITIONS.—*

14            *“(1) IN GENERAL.—The terms ‘highly qualified’,*  
 15            *‘local educational agency’, and ‘Secretary’ have the*  
 16            *meanings given the terms in section 9101 of the Ele-*  
 17            *mentary and Secondary Education Act of 1965 (20*  
 18            *U.S.C. 7801).*

19            *“(2) GRANTEE.—The term ‘grantee’ means Teach*  
 20            *For America, Inc.*

21            *“(3) HIGH NEED.—The term ‘high need’, when*  
 22            *used with respect to a local educational agency,*  
 23            *means a local educational agency experiencing a*  
 24            *shortage of highly qualified teachers.*



1       “(b) *GRANTS AUTHORIZED.*—*The Secretary is author-*  
2 *ized to award a grant to Teach For America, Inc., the na-*  
3 *tional teacher corps of outstanding recent college graduates*  
4 *who commit to teach for 2 years in underserved commu-*  
5 *nities in the United States, to implement and expand its*  
6 *program of recruiting, selecting, training, and supporting*  
7 *new teachers.*

8       “(c) *REQUIREMENTS.*—*In carrying out the grant pro-*  
9 *gram under subsection (b), the Secretary shall enter into*  
10 *an agreement with the grantee under which the grantee*  
11 *agrees to use the grant funds provided under this section—*

12               “(1) *to provide highly qualified teachers to high*  
13 *need local educational agencies in urban and rural*  
14 *communities;*

15               “(2) *to pay the cost of recruiting, selecting,*  
16 *training, and supporting new teachers; and*

17               “(3) *to serve a substantial number and percent-*  
18 *age of underserved students.*

19       “(d) *AUTHORIZED ACTIVITIES.*—

20               “(1) *IN GENERAL.*—*Grant funds provided under*  
21 *this section shall be used by the grantee to carry out*  
22 *each of the following activities:*

23                       “(A) *Recruiting and selecting teachers*  
24 *through a highly selective national process.*

1           “(B) *Providing preservice training to the*  
2           *teachers through a rigorous summer institute*  
3           *that includes hands-on teaching experience and*  
4           *significant exposure to education coursework and*  
5           *theory.*

6           “(C) *Placing the teachers in schools and po-*  
7           *sitions designated by partner local educational*  
8           *agencies as high need placements serving under-*  
9           *served students.*

10           “(D) *Providing ongoing professional devel-*  
11           *opment activities for the teachers’ first 2 years*  
12           *in the classroom, including regular classroom ob-*  
13           *servations and feedback, and ongoing training*  
14           *and support.*

15           “(2) *LIMITATION.—The grantee shall use all*  
16           *grant funds received under this section to support ac-*  
17           *tivities related directly to the recruitment, selection,*  
18           *training, and support of teachers as described in sub-*  
19           *section (a).*

20           “(e) *REPORTS AND EVALUATIONS.—*

21           “(1) *ANNUAL REPORT.—The grantee shall pro-*  
22           *vide to the Secretary an annual report that in-*  
23           *cludes—*

1           “(A) *data on the number and quality of the*  
2 *teachers provided to local educational agencies*  
3 *through a grant under this section;*

4           “(B) *an externally conducted analysis of the*  
5 *satisfaction of local educational agencies and*  
6 *principals with the teachers so provided; and*

7           “(C) *comprehensive data on the background*  
8 *of the teachers chosen, the training the teachers*  
9 *received, the placement sites of the teachers, the*  
10 *professional development of the teachers, and the*  
11 *retention of the teachers.*

12           “(2) *STUDY.—*

13           “(A) *IN GENERAL.—From funds appro-*  
14 *priated under subsection (f), the Secretary shall*  
15 *provide for a study that examines the achieve-*  
16 *ment levels of the students taught by the teachers*  
17 *assisted under this section.*

18           “(B) *ACHIEVEMENT GAINS COMPARED.—*  
19 *The study shall compare, within the same*  
20 *schools, the achievement gains made by students*  
21 *taught by teachers who are assisted under this*  
22 *section with the achievement gains made by stu-*  
23 *dents taught by teachers who are not assisted*  
24 *under this section.*

1           “(3) *REQUIREMENTS.*—*The Secretary shall pro-*  
 2           *vide for such a study not less than once every 3 years,*  
 3           *and each such study shall include multiple placement*  
 4           *sites and multiple schools within placement sites.*

5           “(4) *PEER REVIEW STANDARDS.*—*Each such*  
 6           *study shall meet the peer review standards of the edu-*  
 7           *cation research community.*

8           “(f) *AUTHORIZATION OF APPROPRIATIONS.*—

9           “(1) *IN GENERAL.*—*There are authorized to be*  
 10           *appropriated to carry out this section such sums as*  
 11           *may be necessary for fiscal year 2006 and each of the*  
 12           *5 succeeding fiscal years.*

13           “(2) *LIMITATION.*—*The grantee shall not use*  
 14           *more than 25 percent of Federal funds from any*  
 15           *source for administrative costs.*

16   **“PART G—PATSY T. MINK FELLOWSHIP PROGRAM**

17   **“SEC. 871. PATSY T. MINK FELLOWSHIP PROGRAM.**

18           “(a) *PURPOSE.*—

19           “(1) *IN GENERAL.*—*It is the purpose of this sec-*  
 20           *tion to provide, through eligible institutions, a pro-*  
 21           *gram of fellowship awards to assist highly qualified*  
 22           *minorities and women to acquire the doctoral degree,*  
 23           *or highest possible degree available, in academic areas*  
 24           *in which such individuals are underrepresented for*

1       *the purpose of enabling such individuals to enter the*  
2       *higher education professoriate.*

3               “(2) *DESIGNATION.*—*Each recipient of a fellow-*  
4       *ship award from an eligible institution receiving a*  
5       *grant under this section shall be known as a ‘Patsy*  
6       *T. Mink Graduate Fellow’.*

7               “(b) *DEFINITIONS.*—*In this section, the term ‘eligible*  
8       *institution’ means an institution of higher education, or a*  
9       *consortium of such institutions, that offers a program of*  
10       *postbaccalaureate study leading to a graduate degree.*

11              “(c) *PROGRAM AUTHORIZED.*—

12                      “(1) *GRANTS BY SECRETARY.*—

13                              “(A) *IN GENERAL.*—*The Secretary shall*  
14       *award grants to eligible institutions to enable*  
15       *such institutions to make fellowship awards to*  
16       *individuals in accordance with the provisions of*  
17       *this section.*

18                              “(B) *PRIORITY CONSIDERATION.*—*In*  
19       *awarding grants under this section, the Sec-*  
20       *retary shall consider the eligible institution’s*  
21       *prior experience in producing doctoral degree, or*  
22       *highest possible degree available, holders who are*  
23       *minorities and women, and shall give priority*  
24       *consideration in making grants under this sec-*  
25       *tion to those eligible institutions with a dem-*

1           *onstrated record of producing minorities and*  
2           *women who have earned such degrees.*

3           “(2) *APPLICATIONS.*—

4                   “(A) *IN GENERAL.*—*An eligible institution*  
5           *that desires a grant under this section shall sub-*  
6           *mit an application to the Secretary at such time,*  
7           *in such manner, and containing such informa-*  
8           *tion as the Secretary may require.*

9                   “(B) *APPLICATIONS MADE ON BEHALF.*—

10                           “(i) *IN GENERAL.*—*The following enti-*  
11           *ties may submit an application on behalf of*  
12           *an eligible institution:*

13                                   “(I) *A graduate school or depart-*  
14           *ment of such institution.*

15                                   “(II) *A graduate school or depart-*  
16           *ment of such institution in collabora-*  
17           *tion with an undergraduate college or*  
18           *university of such institution.*

19                                   “(III) *An organizational unit*  
20           *within such institution that offers a*  
21           *program of postbaccalaureate study*  
22           *leading to a graduate degree, including*  
23           *an interdisciplinary or an interdepart-*  
24           *mental program.*

1                   “(IV) *A nonprofit organization*  
2                   *with a demonstrated record of helping*  
3                   *minorities and women earn*  
4                   *postbaccalaureate degrees.*

5                   “(ii) *NONPROFIT ORGANIZATIONS.—*  
6                   *Nothing in this paragraph shall be con-*  
7                   *strued to permit the Secretary to award a*  
8                   *grant under this section to an entity other*  
9                   *than an eligible institution.*

10                   “(3) *SELECTION OF APPLICATIONS.—In award-*  
11                   *ing grants under subsection (a), the Secretary shall—*

12                   “(A) *take into account—*

13                   “(i) *the number and distribution of*  
14                   *minority and female faculty nationally;*

15                   “(ii) *the current and projected need for*  
16                   *highly trained individuals in all areas of*  
17                   *the higher education professoriate; and*

18                   “(iii) *the present and projected need*  
19                   *for highly trained individuals in academic*  
20                   *career fields in which minorities and*  
21                   *women are underrepresented in the higher*  
22                   *education professoriate; and*

23                   “(B) *consider the need to prepare a large*  
24                   *number of minorities and women generally in*  
25                   *academic career fields of high national priority,*

1 *especially in areas in which such individuals are*  
2 *traditionally underrepresented in college and*  
3 *university faculties, such as mathematics,*  
4 *science, technology, and engineering.*

5 *“(4) DISTRIBUTION AND AMOUNTS OF GRANTS.—*

6 *“(A) EQUITABLE DISTRIBUTION.—In*  
7 *awarding grants under this section, the Sec-*  
8 *retary shall, to the maximum extent feasible, en-*  
9 *sure an equitable geographic distribution of*  
10 *awards and an equitable distribution among*  
11 *public and independent eligible institutions that*  
12 *apply for grants under this section and that*  
13 *demonstrate an ability to achieve the purpose of*  
14 *this section.*

15 *“(B) SPECIAL RULE.—To the maximum ex-*  
16 *tent practicable, the Secretary shall use not less*  
17 *than 30 percent of the amount appropriated pur-*  
18 *suant to subsection (f) to award grants to eligible*  
19 *institutions that—*

20 *“(i) are eligible for assistance under*  
21 *title III or title V; or*

22 *“(ii) have formed a consortium that*  
23 *includes both non-minority serving institu-*  
24 *tions and minority serving institutions.*



1           “(C) *ALLOCATION.*—*In awarding grants*  
2           *under this section, the Secretary shall allocate*  
3           *appropriate funds to those eligible institutions*  
4           *whose applications indicate an ability to signifi-*  
5           *cantly increase the numbers of minorities and*  
6           *women entering the higher education professo-*  
7           *riate and that commit institutional resources to*  
8           *the attainment of the purpose of this section.*

9           “(D) *NUMBER OF FELLOWSHIP AWARDS.*—  
10          *An eligible institution that receives a grant*  
11          *under this section shall make not less than 15*  
12          *fellowship awards.*

13          “(E) *REALLOTMENT.*—*If the Secretary de-*  
14          *termines that an eligible institution awarded a*  
15          *grant under this section is unable to use all of*  
16          *the grant funds awarded to the institution, the*  
17          *Secretary shall reallot, on such date during each*  
18          *fiscal year as the Secretary may fix, the unused*  
19          *funds to other eligible institutions that dem-*  
20          *onstrate that such institutions can use any re-*  
21          *allocated grant funds to make fellowship awards*  
22          *to individuals under this section.*

23          “(5) *INSTITUTIONAL ALLOWANCE.*—

24          “(A) *IN GENERAL.*—

1           “(i) *NUMBER OF ALLOWANCES.*—*In*  
2           *awarding grants under this section, the Sec-*  
3           *retary shall pay to each eligible institution*  
4           *awarded a grant, for each individual*  
5           *awarded a fellowship by such institution*  
6           *under this section, an institutional allow-*  
7           *ance.*

8           “(ii) *AMOUNT.*—*Except as provided in*  
9           *paragraph (3), an institutional allowance*  
10          *shall be in an amount equal to, for aca-*  
11          *demie year 2006-2007 and succeeding aca-*  
12          *demie years, the amount of institutional al-*  
13          *lowance made to an institution of higher*  
14          *education under section 715 for such aca-*  
15          *demie year.*

16          “(B) *USE OF FUNDS.*—*Institutional allow-*  
17          *ances may be expended in the discretion of the*  
18          *eligible institution and may be used to provide,*  
19          *except as prohibited under paragraph (4), aca-*  
20          *demie support and career transition services for*  
21          *individuals awarded fellowships by such institu-*  
22          *tion.*

23          “(C) *REDUCTION.*—*The institutional allow-*  
24          *ance paid under paragraph (1) shall be reduced*  
25          *by the amount the eligible institution charges*

1           *and collects from a fellowship recipient for tui-*  
2           *tion and other expenses as part of the recipient's*  
3           *instructional program.*

4           “(D) *USE FOR OVERHEAD PROHIBITED.—*  
5           *Funds made available under this section may*  
6           *not be used for general operational overhead of*  
7           *the academic department or institution receiving*  
8           *funds under this section.*

9           “(d) *FELLOWSHIP RECIPIENTS.—*

10           “(1) *AUTHORIZATION.—An eligible institution*  
11           *that receives a grant under this section shall use the*  
12           *grant funds to make fellowship awards to minorities*  
13           *and women who are enrolled at such institution in a*  
14           *doctoral degree, or highest possible degree available,*  
15           *program and—*

16           “(A) *intend to pursue a career in instruc-*  
17           *tion at—*

18           “(i) *an institution of higher education*  
19           *(as the term is defined in section 101);*

20           “(ii) *an institution of higher education*  
21           *(as the term is defined in section*  
22           *102(a)(1));*

23           “(iii) *an institution of higher edu-*  
24           *cation outside the United States (as the*  
25           *term is described in section 102(a)(2)); or*

1           “(iv) a proprietary institution of high-  
2           er education (as the term is defined in sec-  
3           tion 102(b)); and

4           “(B) sign an agreement with the Secretary  
5           agreeing—

6           “(i) to begin employment at an insti-  
7           tution described in paragraph (1) not later  
8           than 3 years after receiving the doctoral de-  
9           gree or highest possible degree available,  
10          which 3-year period may be extended by the  
11          Secretary for extraordinary circumstances;  
12          and

13          “(ii) to be employed by such institu-  
14          tion for 1 year for each year of fellowship  
15          assistance received under this section.

16          “(2) *FAILURE TO COMPLY.*—If an individual  
17          who receives a fellowship award under this section  
18          fails to comply with the agreement signed pursuant to  
19          subsection (a)(2), then the Secretary shall do 1 or  
20          both of the following:

21          “(A) Require the individual to repay all or  
22          the applicable portion of the total fellowship  
23          amount awarded to the individual by converting  
24          the balance due to a loan at the interest rate ap-  
25          plicable to loans made under part B of title IV.

1           “(B) *Impose a fine or penalty in an*  
2           *amount to be determined by the Secretary.*

3           “(3) *WAIVER AND MODIFICATION.—*

4           “(A) *REGULATIONS.—The Secretary shall*  
5           *promulgate regulations setting forth criteria to*  
6           *be considered in granting a waiver for the serv-*  
7           *ice requirement under subsection (a)(2).*

8           “(B) *CONTENT.—The criteria under para-*  
9           *graph (1) shall include whether compliance with*  
10          *the service requirement by the fellowship recipi-*  
11          *ent would be—*

12                  “(i) *inequitable and represent an ex-*  
13                  *traordinary hardship; or*

14                  “(ii) *deemed impossible because the in-*  
15                  *dividual is permanently and totally dis-*  
16                  *abled at the time of the waiver request.*

17          “(4) *AMOUNT OF FELLOWSHIP AWARDS.—Fellow-*  
18          *ship awards under this section shall consist of a sti-*  
19          *pend in an amount equal to the level of support pro-*  
20          *vided to the National Science Foundation graduate*  
21          *fellows, except that such stipend shall be adjusted as*  
22          *necessary so as not to exceed the fellow’s tuition and*  
23          *fees or demonstrated need (as determined by the insti-*  
24          *tution of higher education where the graduate student*  
25          *is enrolled), whichever is greater.*

1           “(5) *ACADEMIC PROGRESS REQUIRED.*—*An indi-*  
2           *vidual student shall not be eligible to receive a fellow-*  
3           *ship award—*

4                   “(A) *except during periods in which such*  
5                   *student is enrolled, and such student is main-*  
6                   *taining satisfactory academic progress in, and*  
7                   *devoting essentially full time to, study or re-*  
8                   *search in the pursuit of the degree for which the*  
9                   *fellowship support was awarded; and*

10                   “(B) *if the student is engaged in gainful*  
11                   *employment, other than part-time employment*  
12                   *in teaching, research, or similar activity deter-*  
13                   *mined by the eligible institution to be consistent*  
14                   *with and supportive of the student’s progress to-*  
15                   *ward the appropriate degree.*

16           “(e) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*  
17           *tion shall be construed to require an eligible institution that*  
18           *receives a grant under this section—*

19                   “(1) *to grant a preference or to differentially*  
20                   *treat any applicant for a faculty position as a result*  
21                   *of the institution’s participation in the program*  
22                   *under this section; or*

23                   “(2) *to hire a Patsy T. Mink Fellow who com-*  
24                   *pletes this program and seeks employment at such in-*  
25                   *stitution.*

1       “(f) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
 2 *authorized to be appropriated to carry out this section such*  
 3 *sums as may be necessary for fiscal year 2006 for each of*  
 4 *the 5 succeeding fiscal years.*

5       **“PART H—STUDY ON COLLEGE ENROLLMENT BY**  
 6                                   **SECONDARY SCHOOLS**

7       **“SEC. 881. STUDY ON COLLEGE ENROLLMENT BY SEC-**  
 8                                   **ONDARY SCHOOLS.**

9       *“The Secretary shall contract with a not-for-profit or-*  
 10 *ganization, with demonstrated expertise in increasing col-*  
 11 *lege enrollment rates in low-income communities nation-*  
 12 *wide, to make publicly available year-to-year college enroll-*  
 13 *ment rate trends by secondary schools, in full compliance*  
 14 *with the Family Educational Rights and Privacy Act of*  
 15 *1974 (FERPA).”.*

16       **TITLE IX—AMENDMENTS TO**  
 17                                   **OTHER LAWS**

18       **PART A—EDUCATION OF THE DEAF ACT OF 1986**

19       **SEC. 901. LAURENT CLERC NATIONAL DEAF EDUCATION**  
 20                                   **CENTER.**

21       *Section 104 of the Education of the Deaf Act of 1986*  
 22 *(20 U.S.C. 4304) is amended—*

23                   (1) *by striking the heading and inserting*  
 24       **“LAURENT CLERC NATIONAL DEAF EDUCATION**  
 25       **CENTER”;**

1           (2) in subsection (a)(1)(A), by inserting “the  
2           *Laurent Clerc National Deaf Education Center* (re-  
3           ferred to in this section as the ‘Clerc Center’) to carry  
4           out” after “maintain and operate”; and

5           (3) in subsection (b)—

6           (A) in the matter preceding subparagraph  
7           (A) of paragraph (1), by striking “elementary  
8           and secondary education programs” and insert-  
9           ing “Clerc Center”;

10          (B) in paragraph (2), by striking “elemen-  
11          tary and secondary education programs” and  
12          inserting “Clerc Center”; and

13          (C) by adding at the end the following:

14          “(5) *The University, for purposes of the elementary*  
15          *and secondary education programs carried out at the Clerc*  
16          *Center, shall—*

17               “(A)(i) *select challenging academic content*  
18               *standards, challenging student academic achievement*  
19               *standards, and academic assessments of a State,*  
20               *adopted and implemented, as appropriate, pursuant*  
21               *to paragraphs (1) and (3) of section 1111(b) of the*  
22               *Elementary and Secondary Education Act of 1965*  
23               *(20 U.S.C. 6311(b)(1) and (3)) and approved by the*  
24               *Secretary; and*



1           “(ii) implement such standards and assessments  
2 for such programs by not later than the beginning of  
3 the 2008–2009 academic year;

4           “(B) annually determine whether such programs  
5 at the Clerc Center are making adequate yearly  
6 progress, as determined according to the definition of  
7 adequate yearly progress defined (pursuant to section  
8 1111(b)(2)(C) of such Act (20 U.S.C. 6311(b)(2)(C)))  
9 by the State that has adopted and implemented the  
10 standards and assessments selected under subpara-  
11 graph (A)(i); and

12           “(C) publicly report the results of the academic  
13 assessments implemented under subparagraph (A)  
14 and whether the programs at the Clerc Center are  
15 making adequate yearly progress, as determined  
16 under subparagraph (B).”.

17 **SEC. 902. AGREEMENT WITH GALLAUDET UNIVERSITY.**

18           Section 105(b)(4) of the Education of the Deaf Act of  
19 1986 (20 U.S.C. 4305(b)(4)) is amended—

20           (1) by striking “the Act of March 3, 1931 (40  
21 U.S.C. 276a–276a–5) commonly referred to as the  
22 Davis-Bacon Act” and inserting “subchapter IV of  
23 chapter 31 of title 40, United States Code, commonly  
24 referred to as the Davis-Bacon Act”; and

1           (2) by striking “section 2 of the Act of June 13,  
2           1934 (40 U.S.C. 276c)” and inserting “section 3145  
3           of title 40, United States Code”.

4   **SEC. 903. AGREEMENT FOR THE NATIONAL TECHNICAL IN-**  
5                                   **STITUTE FOR THE DEAF.**

6           Section 112 of the Education of the Deaf Act of 1986  
7   (20 U.S.C. 4332) is amended—

8           (1) in subsection (a)—

9                               (A) in paragraph (1)—

10                                       (i) in the first sentence—

11   (I) by striking “an institution of  
12   higher education” and inserting “the  
13   Rochester Institute of Technology,  
14   Rochester, New York”; and

15   (II) by striking “of a” and insert-  
16   ing “of the”; and

17   (ii) by striking the second sentence;

18                               (B) by redesignating paragraph (2) as  
19                               paragraph (3); and

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

22           “(2) Notwithstanding the requirement under  
23           paragraph (1), if the Secretary or the Rochester Insti-  
24           tute of Technology terminates the agreement under  
25           paragraph (1), the Secretary shall consider proposals

1 *from other institutions of higher education and enter*  
2 *into an agreement with 1 of such institutions for the*  
3 *establishment and operation of a National Technical*  
4 *Institution for the Deaf.”; and*

5 *(2) in subsection (b)—*

6 *(A) in paragraph (3), by striking “Com-*  
7 *mittee on Education and Labor of the House of*  
8 *Representatives and to the Committee on Labor*  
9 *and Human Resources of the Senate” and insert-*  
10 *ing “Committee on Education and the Workforce*  
11 *of the House of Representatives and to the Com-*  
12 *mittee on Health, Education, Labor, and Pen-*  
13 *sions of the Senate”;* and

14 *(B) in paragraph (5)—*

15 *(i) by striking “the Act of March 3,*  
16 *1931 (40 U.S.C. 276a–276a–5) commonly*  
17 *referred to as the Davis-Bacon Act” and in-*  
18 *serting “subchapter IV of chapter 31 of title*  
19 *40, United States Code, commonly referred*  
20 *to as the Davis-Bacon Act”;* and

21 *(ii) by striking “section 2 of the Act of*  
22 *June 13, 1934 (40 U.S.C. 276c)” and in-*  
23 *serting “section 3145 of title 40, United*  
24 *States Code”.*

1 **SEC. 904. CULTURAL EXPERIENCES GRANTS.**

2       (a) *CULTURAL EXPERIENCES GRANTS.*—*Title I of the*  
 3 *Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.)*  
 4 *is amended by adding at the end the following:*

5                   **“PART C—OTHER PROGRAMS**

6 **“SEC. 121. CULTURAL EXPERIENCES GRANTS.**

7       “(a) *IN GENERAL.*—*The Secretary shall, on a competi-*  
 8 *tive basis, make grants to, and enter into contracts and co-*  
 9 *operative agreements with, eligible entities to support the*  
 10 *activities described in subsection (b).*

11       “(b) *ACTIVITIES.*—*In carrying out this section, the*  
 12 *Secretary shall support activities providing cultural experi-*  
 13 *ences, through appropriate nonprofit organizations with a*  
 14 *demonstrated proficiency in providing such activities,*  
 15 *that—*

16               “(1) *enrich the lives of deaf and hard-of-hearing*  
 17 *children and adults;*

18               “(2) *increase public awareness and under-*  
 19 *standing of deafness and of the artistic and intellec-*  
 20 *tual achievements of deaf and hard-of-hearing per-*  
 21 *sons; or*

22               “(3) *promote the integration of hearing, deaf,*  
 23 *and hard-of-hearing persons through shared cultural,*  
 24 *educational, and social experiences.*

25       “(c) *APPLICATIONS.*—*An eligible entity that desires to*  
 26 *receive a grant, or enter into a contract or cooperative*

1 *agreement, under this section shall submit an application*  
2 *to the Secretary at such time, in such manner, and con-*  
3 *taining such information as the Secretary may require.*

4       “(d) *AUTHORIZATION OF APPROPRIATIONS.—There*  
5 *are authorized to be appropriated to carry out this section*  
6 *such sums as may be necessary for fiscal year 2006 and*  
7 *each of the 5 succeeding fiscal years.”.*

8       “(b) *CONFORMING AMENDMENT.—The title heading of*  
9 *title I of the Education of the Deaf Act of 1986 (20 U.S.C.*  
10 *4301 et seq.) is amended by adding at the end “; OTHER*  
11 *PROGRAMS”.*

12 **SEC. 905. AUDIT.**

13       *Section 203 of the Education of the Deaf Act of 1986*  
14 *(20 U.S.C. 4353) is amended—*

15           *(1) in subsection (b)—*

16                   *(A) in paragraph (1), by striking the second*  
17 *sentence and inserting the following: “The insti-*  
18 *tution of higher education that the Secretary has*  
19 *an agreement with under section 112 shall have*  
20 *an annual independent financial and compli-*  
21 *ance audit made of NTID programs and activi-*  
22 *ties. The audit shall follow the cycle of the Fed-*  
23 *eral fiscal year.”;*

24                   *(B) in paragraph (2), by striking “sections”*  
25 *and all that follows through the period and in-*

1           serting “sections 102(b), 105(b)(4), 112(b)(5),  
2           203(c), 207(b)(2), subsections (c) through (f) of  
3           section 207, and subsections (b) and (c) of sec-  
4           tion 209.”; and

5           (C) in paragraph (3), by inserting “and the  
6           Committee on Education and the Workforce of  
7           the House of Representatives and the Committee  
8           on Health, Education, Labor, and Pensions of  
9           the Senate” after “Secretary”; and

10          (2) in subsection (c)(2)(A), by striking “Com-  
11          mittee on Education and Labor of the House of Rep-  
12          resentatives and the Committee on Labor and Human  
13          Resources of the Senate” and inserting “Committee  
14          on Education and the Workforce of the House of Rep-  
15          resentatives and the Committee on Health, Education,  
16          Labor, and Pensions of the Senate”.

17 **SEC. 906. REPORTS.**

18          Section 204 of the Education of the Deaf Act of 1986  
19          (20 U.S.C. 4354) is amended—

20          (1) in the matter preceding paragraph (1), by  
21          striking “Committee on Education and Labor of the  
22          House of Representatives and the Committee on Labor  
23          and Human Resources of the Senate” and inserting  
24          “Committee on Education and the Workforce of the  
25          House of Representatives and the Committee on

1 *Health, Education, Labor, and Pensions of the Sen-*  
2 *ate”;*

3 (2) *in paragraph (1), by striking “pre-*  
4 *paratory,”;*

5 (3) *in paragraph (2)(C), by striking “upon*  
6 *graduation/completion” and inserting “on the date*  
7 *that is 1 year after the date of graduation or comple-*  
8 *tion”;* and

9 (4) *in paragraph (3)(B), by striking “of the in-*  
10 *stitution of higher education” and all that follows*  
11 *through the period and inserting “of NTID programs*  
12 *and activities.”.*

13 **SEC. 907. MONITORING, EVALUATION, AND REPORTING.**

14 *Section 205 of the Education of the Deaf Act of 1986*  
15 *(20 U.S.C. 4355) is amended—*

16 (1) *in subsection (b), by striking “The Secretary,*  
17 *as part of the annual report required under section*  
18 *426 of the Department of Education Organization*  
19 *Act, shall include a description of” and inserting*  
20 *“The Secretary shall annually transmit information*  
21 *to Congress on”;* and

22 (2) *in subsection (c), by striking “fiscal years*  
23 *1998 through 2003” and inserting “fiscal years 2006*  
24 *through 2010”.*

1 **SEC. 908. LIAISON FOR EDUCATIONAL PROGRAMS.**

2 *Section 206(a) of the Education of the Deaf Act of*  
3 *1986 (20 U.S.C. 4356(a)) is amended by striking “Not later*  
4 *than 30 days after the date of enactment of this Act, the”*  
5 *and inserting “The”.*

6 **SEC. 909. FEDERAL ENDOWMENT PROGRAMS FOR GAL-**  
7 **LAUDET UNIVERSITY AND THE NATIONAL**  
8 **TECHNICAL INSTITUTE FOR THE DEAF.**

9 *Section 207(h) of the Education of the Deaf Act of*  
10 *1986 (20 U.S.C. 4357(h)) is amended by striking “fiscal*  
11 *years 1998 through 2003” each place it appears and insert-*  
12 *ing “fiscal years 2006 through 2010”.*

13 **SEC. 910. OVERSIGHT AND EFFECT OF AGREEMENTS.**

14 *Section 208(a) of the Education of the Deaf Act of*  
15 *1986 (20 U.S.C. 4359(a)) is amended by striking “Com-*  
16 *mittee on Labor and Human Resources of the Senate and*  
17 *the Committee on Education and the Workforce of the*  
18 *House of Representatives” and inserting “Committee on*  
19 *Education and the Workforce of the House of Representa-*  
20 *tives and the Committee on Health, Education, Labor, and*  
21 *Pensions of the Senate”.*

22 **SEC. 911. INTERNATIONAL STUDENTS.**

23 *Section 209 of the Education of the Deaf Act of 1986*  
24 *(20 U.S.C. 4359a) is amended—*  
25 *(1) in subsection (a)—*



1           (A) by striking “preparatory, under-  
2           graduate,” and inserting “undergraduate”;

3           (B) by striking “Effective with” and insert-  
4           ing the following:

5           “(1) *IN GENERAL.*—Except as provided in para-  
6           graph (2), effective with”; and

7           (C) by adding at the end the following:

8           “(2) *DISTANCE LEARNING.*—International stu-  
9           dents who participate in distance learning courses  
10          that are at NTID or the University and who are re-  
11          siding outside of the United States shall—

12           “(A) not be counted as international stu-  
13          dents for purposes of the cap on international  
14          students under paragraph (1), except that in any  
15          school year no United States citizen who applies  
16          to participate in distance learning courses that  
17          are at the University or NTID shall be denied  
18          participation in such courses because of the par-  
19          ticipation of an international student in such  
20          courses; and

21           “(B) not be charged a tuition surcharge, as  
22          described in subsection (b).”; and

23          (2) by striking subsections (b), (c), and (d), and  
24          inserting the following:

1       “(b) *TUITION SURCHARGE.*—*Except as provided in*  
 2 *subsections (a)(2)(B) and (c), the tuition for postsecondary*  
 3 *international students enrolled in the University (including*  
 4 *undergraduate and graduate students) or NTID shall in-*  
 5 *clude, for academic year 2007–2008 and any succeeding*  
 6 *academic year, a surcharge of—*

7               “(1) *100 percent for a postsecondary inter-*  
 8 *national student from a non-developing country; and*

9               “(2) *50 percent for a postsecondary international*  
 10 *student from a developing country.*

11       “(c) *REDUCTION OF SURCHARGE.*—

12               “(1) *IN GENERAL.*—*Beginning with the aca-*  
 13 *ademic year 2007–2008, the University or NTID may*  
 14 *reduce the surcharge—*

15               “(A) *under subsection (b)(1) to 50 percent*  
 16 *if—*

17                       “(i) *a student described under sub-*  
 18 *section (b)(1) demonstrates need; and*

19                       “(ii) *such student has made a good*  
 20 *faith effort to secure aid through such stu-*  
 21 *dent’s government or other sources; and*

22               “(B) *under subsection (b)(2) to 25 percent*  
 23 *if—*

24                       “(i) *a student described under sub-*  
 25 *section (b)(2) demonstrates need; and*

1                   “(i) such student has made a good  
2                   faith effort to secure aid through such stu-  
3                   dent’s government or other sources.

4                   “(2) *DEVELOPMENT OF SLIDING SCALE.*—The  
5                   University and NTID shall develop a sliding scale  
6                   model that—

7                   “(A) will be used to determine the amount  
8                   of a tuition surcharge reduction pursuant to  
9                   paragraph (1); and

10                  “(B) shall be approved by the Secretary.

11                  “(d) *DEFINITION.*—In this section, the term ‘devel-  
12                  oping country’ means a country with a per-capita income  
13                  of not more than \$4,825, measured in 1999 United States  
14                  dollars, as adjusted by the Secretary to reflect inflation  
15                  since 1999.”.

16   **SEC. 912. RESEARCH PRIORITIES.**

17                  Section 210(b) of the Education of the Deaf Act of 1986  
18                  (20 U.S.C. 4359b(b)) is amended by striking “Committee  
19                  on Labor and Human Resources of the Senate” and insert-  
20                  ing “Committee on Health, Education, Labor, and Pensions  
21                  of the Senate”.

22   **SEC. 913. AUTHORIZATION OF APPROPRIATIONS.**

23                  Section 212 of the Education of the Deaf Act of 1986  
24                  (20 U.S.C. 4360a) is amended—





1                                   **PART D—INDIAN EDUCATION**  
2                   **Subpart 1—Tribal Colleges and Universities**

3 **SEC. 941. REAUTHORIZATION OF THE TRIBALLY CON-**  
4                                   **TROLLED COLLEGE OR UNIVERSITY ASSIST-**  
5                                   **ANCE ACT OF 1978.**

6           (a) *CLARIFICATION OF THE DEFINITION OF NATIONAL*  
7 *INDIAN ORGANIZATION.*—Section 2(a)(6) of the Tribally  
8 *Controlled College or University Assistance Act of 1978 (25*  
9 *U.S.C. 1801(a)(6)) is amended by striking “in the field of*  
10 *Indian education” and inserting “in the fields of tribally*  
11 *controlled colleges and universities and Indian higher edu-*  
12 *cation”.*

13           (b) *INDIAN STUDENT COUNT.*—Section 2(a) of the  
14 *Tribally Controlled College or University Assistance Act (25*  
15 *U.S.C. 1801(a)) is amended—*

16                   (1) *by redesignating paragraphs (7) and (8) as*  
17 *paragraphs (8) and (9), respectively; and*

18                   (2) *by inserting after paragraph (6) the fol-*  
19 *lowing:*

20                   “(7) ‘Indian student’ means a student who is—

21                                   “(A) a member of an Indian tribe; or

22                                   “(B) a biological child of a member of an  
23 *Indian tribe, living or deceased;”.*

24           (c) *CONTINUING EDUCATION.*—Section 2(b) of the  
25 *Tribally Controlled College or University Assistance Act (25*

1 *U.S.C. 1801(b)) is amended by striking paragraph (5) and*  
2 *inserting the following:*

3           “(5) *DETERMINATION OF CREDITS.—Eligible*  
4 *credits earned in a continuing education program—*

5                   “(A) *shall be determined as 1 credit for*  
6 *every 10 contact hours in the case of an institu-*  
7 *tion on a quarter system, or 15 contact hours in*  
8 *the case of an institution on a semester system,*  
9 *of participation in an organized continuing edu-*  
10 *cation experience under responsible sponsorship,*  
11 *capable direction, and qualified instruction, as*  
12 *described in the criteria established by the Inter-*  
13 *national Association for Continuing Education*  
14 *and Training; and*

15                   “(B) *shall be limited to 10 percent of the*  
16 *Indian student count of a tribally controlled col-*  
17 *lege or university.”.*

18           “(d) *ACCREDITATION REQUIREMENT.—Section 103 of*  
19 *the Tribally Controlled College or University Assistance Act*  
20 *(25 U.S.C. 1804) is amended—*

21                   “(1) *in paragraph (2), by striking “and” at the*  
22 *end;*

23                   “(2) *in paragraph (3), by striking the period at*  
24 *the end and inserting “; and”; and*

1           (3) by inserting after paragraph (3), the fol-  
2           lowing:

3           “(4)(A) is accredited by a nationally recognized  
4           accrediting agency or association determined by the  
5           Secretary of Education to be a reliable authority with  
6           regard to the quality of training offered; or

7           “(B) is, according to such an agency or associa-  
8           tion, making reasonable progress toward accredita-  
9           tion.”.

10          (e) *TECHNICAL ASSISTANCE CONTRACT AWARDS.*—  
11          Section 105 of the Tribally Controlled College or University  
12          Assistance Act (25 U.S.C. 1805) is amended in the second  
13          sentence by striking “In the awarding of contracts for tech-  
14          nical assistance, preference shall be given” and inserting  
15          “The Secretary shall direct that contracts for technical as-  
16          sistance be awarded”.

17          (f) *TITLE I REAUTHORIZATION.*—Section 110(a) of the  
18          Tribally Controlled College or University Assistance Act of  
19          1978 (25 U.S.C. 1810(a)) is amended—

20                 (1) in paragraphs (1), (2), (3), and (4), by strik-  
21                 ing “1999” and inserting “2006”;

22                 (2) in paragraphs (1), (2), and (3), by striking  
23                 “4 succeeding” and inserting “5 succeeding”;

24                 (3) in paragraph (2), by striking “\$40,000,000”  
25                 and inserting “such sums as may be necessary”;



1           (4) in paragraph (3), by striking “\$10,000,000”  
 2           and inserting “such sums as may be necessary”; and  
 3           (5) in paragraph (4), by striking “succeeding 4”  
 4           and inserting “5 succeeding”.

5           (g) *TITLE III REAUTHORIZATION.*—Section 306(a) of  
 6 *the Tribally Controlled College or University Assistance Act*  
 7 *of 1978 (25 U.S.C. 1836(a)) is amended—*

8           (1) by striking “1999” and inserting “2006”;  
 9           and

10          (2) by striking “4 succeeding” and inserting “5  
 11          succeeding”.

12          (h) *TITLE IV REAUTHORIZATION.*—Section 403 of the  
 13 *Tribal Economic Development and Technology Related*  
 14 *Education Assistance Act of 1990 (25 U.S.C. 1852) is*  
 15 *amended—*

16          (1) by striking “\$2,000,000 for fiscal year 1999”  
 17          and inserting “such sums as may be necessary for fis-  
 18          cal year 2006”; and

19          (2) by striking “4 succeeding” and inserting “5  
 20          succeeding”.

21                   **Subpart 2—Navajo Higher Education**

22   **SEC. 945. SHORT TITLE.**

23           *This subpart may be cited as the “Navajo Nation*  
 24 *Higher Education Act of 2005”.*

1 **SEC. 946. REAUTHORIZATION OF NAVAJO COMMUNITY COL-**  
 2 **LEGE ACT.**

3 (a) *PURPOSE.*—Section 2 of the Navajo Community  
 4 College Act (25 U.S.C. 640a) is amended—

5 (1) by striking “Navajo Tribe of Indians” and  
 6 inserting “Navajo Nation”; and

7 (2) by striking “the Navajo Community College”  
 8 and inserting “Diné College”.

9 (b) *GRANTS.*—Section 3 of the Navajo Community Col-  
 10 lege Act (25 U.S.C. 640b) is amended—

11 (1) in the first sentence—

12 (A) by inserting “the” before “Interior”;

13 (B) by striking “Navajo Tribe of Indians”  
 14 and inserting “Navajo Nation”; and

15 (C) by striking “the Navajo Community  
 16 College” and inserting “Diné College”; and

17 (2) in the second sentence—

18 (A) by striking “Navajo Tribe” and insert-  
 19 ing “Navajo Nation”; and

20 (B) by striking “Navajo Indians” and in-  
 21 serting “Navajo people”.

22 (c) *STUDY OF FACILITIES NEEDS.*—Section 4 of the  
 23 Navajo Community College Act (25 U.S.C. 640c) is amend-  
 24 ed—

25 (1) in subsection (a)—

26 (A) in the first sentence—

1                   (i) by striking “the Navajo Community  
2                   College” and inserting “Diné College”; and

3                   (ii) by striking “August 1, 1979” and  
4                   inserting “October 31, 2009”; and

5                   (B) in the second sentence, by striking  
6                   “Navajo Tribe” and inserting “Navajo Nation”;

7                   (2) in subsection (b), by striking “the date of en-  
8                   actment of the Tribally Controlled Community College  
9                   Assistance Act of 1978” and inserting “October 1,  
10                  2006”; and

11                  (3) in subsection (c), in the first sentence, by  
12                  striking “the Navajo Community College” and insert-  
13                  ing “Diné College”.

14                  (d) *AUTHORIZATION OF APPROPRIATIONS.*—Section 5  
15                  of the Navajo Community College Act (25 U.S.C. 640c-1)  
16                  is amended—

17                  (1) in subsection (a)—

18                         (A) in paragraph (1), by striking  
19                         “\$2,000,000” and all that follows through the  
20                         end of the paragraph and inserting “such sums  
21                         as are necessary for fiscal years 2006 through  
22                         2011.”; and

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

24                                 “(3) Sums described in paragraph (2) shall be used  
25                                 to provide grants for construction activities, including the

1 *construction of buildings, water and sewer facilities, roads,*  
2 *information technology and telecommunications infrastruc-*  
3 *ture, classrooms, and external structures (such as walk-*  
4 *ways).”;*

5 (2) *in subsection (b)(1)—*

6 (A) *in the matter preceding subparagraph*

7 (A)—

8 (i) *by striking “the Navajo Community*  
9 *College” and inserting “Diné College”; and*

10 (ii) *by striking “, for each fiscal year”*  
11 *and all that follows through “for—” and in-*  
12 *serting “such sums as are necessary for fis-*  
13 *cal years 2006 through 2011 to pay the cost*  
14 *of—”;*

15 (B) *in subparagraph (A)—*

16 (i) *by striking “college” and inserting*  
17 *“College”;*

18 (ii) *in clauses (i) and (iii), by striking*  
19 *the commas at the ends of the clauses and*  
20 *inserting semicolons; and*

21 (iii) *in clause (ii), by striking “, and”*  
22 *at the end and inserting “; and”;*

23 (C) *in subparagraph (B), by striking the*  
24 *comma at the end and inserting a semicolon;*

1           (D) in subparagraph (C), by striking “,  
2           and” at the end and inserting a semicolon;

3           (E) in subparagraph (D), by striking the  
4           period at the end and inserting “; and”; and

5           (F) by adding at the end the following:

6           “(E) improving and expanding the College,  
7           including by providing, for the Navajo people  
8           and others in the community of the College—

9           “(i) higher education programs;

10           “(ii) vocational and technical edu-  
11           cation;

12           “(iii) activities relating to the preser-  
13           vation and protection of the Navajo lan-  
14           guage, philosophy, and culture;

15           “(iv) employment and training oppor-  
16           tunities;

17           “(v) economic development and com-  
18           munity outreach; and

19           “(vi) a safe learning, working, and liv-  
20           ing environment.”; and

21           (3) in subsection (c), by striking “the Navajo  
22           Community College” and inserting “Diné College”.

23           (e) *EFFECT ON OTHER LAWS.*—Section 6 of the Navajo  
24           Community College Act (25 U.S.C. 640c-2) is amended—

1           (1) by striking “the Navajo Community College”  
 2           each place it appears and inserting “Diné College”;  
 3           and

4           (2) in subsection (b), by striking “college” and  
 5           inserting “College”.

6           (f) *PAYMENTS; INTEREST.*—Section 7 of the Navajo  
 7           Community College Act (25 U.S.C. 640c–3) is amended by  
 8           striking “the Navajo Community College” each place it ap-  
 9           pears and inserting “Diné College”.

## 10           **TITLE X—RECONCILIATION**

### 11           **PART A—EDUCATION PROVISIONS**

#### 12           **SEC. 1001. PROVISIONAL GRANT ASSISTANCE PROGRAM.**

13           (a) *AMENDMENT.*—Subpart 1 of part A of title IV (20  
 14           U.S.C. 1070a) is amended by adding at the end the fol-  
 15           lowing:

#### 16           **“SEC. 401A. PROVISIONAL GRANT ASSISTANCE PROGRAM.**

17           “(a) *GRANTS.*—

18           “(1) *IN GENERAL.*—From amounts appropriated  
 19           under subsection (e) for a fiscal year and subject to  
 20           subsection (b), the Secretary shall award grants to  
 21           students (which shall be known as ‘ProGAP awards’)  
 22           in the same manner as the Secretary awards grants  
 23           to students under section 401, except that—

24           “(A) at the beginning of each award year,  
 25           the Secretary shall establish a maximum and

1           *minimum award level based on amounts made*  
2           *available under subsection (e);*

3           “(B) *the Secretary shall only award grants*  
4           *under this section to students eligible for a grant*  
5           *under section 401 for the award year; and*

6           “(C) *when determining eligibility for the*  
7           *awards, the Secretary shall consider only those*  
8           *students who are eligible for a grant under sec-*  
9           *tion 401, as of June 30 of the award year for*  
10          *which the determination is made.*

11          “(2) *STUDENTS WITH THE GREATEST NEED.—*  
12          *The Secretary shall ensure grants are awarded under*  
13          *this section to students with the greatest need as de-*  
14          *termined in accordance with section 471.*

15          “(b) *COST OF ATTENDANCE LIMITATION.—A grant*  
16          *awarded under this section for an award year shall be*  
17          *awarded in an amount that does not exceed—*

18                 “(1) *the student’s cost of attendance for the*  
19                 *award year; less*

20                 “(2) *an amount equal to the expected family con-*  
21                 *tribution for that student for the award year.*

22          “(c) *SUPPLEMENT NOT SUPPLANT.—Grants awarded*  
23          *from funds made available under subsection (e) shall be*  
24          *used to supplement, and not supplant, other Federal, State,*  
25          *or institutional grant funds.*

1       “(d) *USE OF EXCESS FUNDS.*—

2               “(1) *15 PERCENT OR LESS.*—If, at the end of a  
3       *fiscal year, the funds available for making grant pay-*  
4       *ments under this section exceed the amount necessary*  
5       *to make the grant payments required under this sec-*  
6       *tion to eligible students by 15 percent or less, then all*  
7       *of the excess funds shall remain available for making*  
8       *grant payments under this section during the next*  
9       *succeeding fiscal year.*

10              “(2) *MORE THAN 15 PERCENT.*—If, at the end of  
11       *a fiscal year, the funds available for making grant*  
12       *payments under this section exceed the amount nec-*  
13       *essary to make the grant payments required under*  
14       *this section to eligible students by more than 15 per-*  
15       *cent, then all of such funds shall remain available for*  
16       *making such grant payments but grant payments*  
17       *may be made under this paragraph only with respect*  
18       *to awards for that fiscal year.*

19       “(e) *AUTHORIZATION AND APPROPRIATION OF*  
20       *FUNDS.*—There are authorized to be appropriated, and  
21       *there are appropriated, out of any money in the Treasury*  
22       *not otherwise appropriated, for the Department of Edu-*  
23       *cation to carry out this section and section 401B—*

24              “(1) \$1,897,000,000 for fiscal year 2006;

25              “(2) \$1,901,000,000 for fiscal year 2007;



1           “(3) \$1,899,000,000 for fiscal year 2008;

2           “(4) \$1,898,000,000 for fiscal year 2009; and

3           “(5) \$1,897,000,000 for fiscal year 2010.

4           “(f) *SUNSET PROVISION.*—*This section shall be effective with respect to amounts appropriated for fiscal year*  
5 *2006 and each of the 4 succeeding fiscal years.*”

7           “(b) *SENSE OF THE SENATE.*—*It is the sense of the Senate that the amounts appropriated to carry out sections*  
8 *401A and 401B of the Higher Education Act of 1965 are*  
9 *the result of the savings generated by the amendments made*  
10 *by this part.*

12 **SEC. 1002. NATIONAL SMART GRANTS.**

13           *Subpart 1 of part A of title IV (20 U.S.C. 1070a) is*  
14 *further amended by adding after section 401A (as added*  
15 *by section 1001):*

16 **“SEC. 401B. NATIONAL SMART GRANTS.**

17           “(a) *FINDINGS.*—*Congress makes the following find-*  
18 *ings:*

19           “(1) *If the United States is to remain a world*  
20 *leader in the global economy, its college students must*  
21 *have the training they need to compete for the best*  
22 *jobs of the 21st century.*

23           “(2) *The United States intelligence community*  
24 *faces major shortages in foreign languages critical to*

1        *national security, and will also require major incen-*  
2        *tives to fill projected workforce needs.*

3            *“(3) Increasingly, the best jobs of the 21st cen-*  
4        *tury will require baccalaureate degrees in the sciences,*  
5        *mathematics, technology, engineering, and foreign*  
6        *languages critical to national security, or be gen-*  
7        *erated by people who have such degrees.*

8            *“(4) Congress should establish a National*  
9        *Science and Mathematics Access to Retain Talent*  
10       *(SMART) grant program to meet the goals described*  
11       *in paragraphs (1) through (3).*

12        *“(b) PURPOSE.—The purpose of this section is to in-*  
13       *crease the number of postsecondary students from low-in-*  
14       *come backgrounds who are enrolled in studies leading to*  
15       *baccalaureate degrees in physical, life, or computer sciences,*  
16       *mathematics, technology, engineering, and foreign lan-*  
17       *guages critical to national security.*

18        *“(c) GRANTS AUTHORIZED.—From amounts appro-*  
19       *priated under section 401A(c) for a fiscal year, the Sec-*  
20       *retary shall award grants to eligible students to assist the*  
21       *eligible students in paying their college education expenses.*

22        *“(d) DESIGNATION.—A grant under this section shall*  
23       *be known as a ‘National Science and Mathematics Access*  
24       *to Retain Talent Grant’ or a ‘National SMART Grant’.*

1       “(e) *DEFINITION OF ELIGIBLE STUDENT.*—*In this sec-*  
2 *tion the term ‘eligible student’ means a student who, for*  
3 *the academic year for which the determination is made—*

4               “(1) *is eligible for a Federal Pell Grant; and*

5               “(2) *is in the student’s 3rd or 4th year at an in-*  
6 *stitution of higher education majoring in—*

7                       “(A) *mathematics, science, technology, or*  
8 *engineering (as determined by the Secretary pur-*  
9 *suant to regulations); or*

10                      “(B) *a foreign language that the Secretary,*  
11 *in consultation with the Director of National In-*  
12 *telligence, determines is critical to the national*  
13 *security of the United States.*

14       “(f) *GRANT AMOUNT.*—*The Secretary shall award a*  
15 *grant under this section in an amount that does not exceed*  
16 *\$1,500 for an academic year.*

17       “(g) *FUNDING RULE.*—*The Secretary shall use not*  
18 *more than \$450,000,000 of the funds appropriated under*  
19 *section 401A(c) for each of the fiscal years 2006 through*  
20 *2010 to carry out this section.*

21       “(h) *UNOBLIGATED FUNDS AVAILABLE FOR FEDERAL*  
22 *GRANT ASSISTANCE.*—*The Secretary shall make any funds*  
23 *made available under subsection (g) for a fiscal year that*  
24 *remain unobligated at the end of the fiscal year available*  
25 *to carry out section 401A.*

1       “(i) *MATCHING ASSISTANCE*.—An institution of higher  
 2 education may, from funds provided from private sources,  
 3 provide additional assistance to a student receiving a grant  
 4 under this section, except that the total assistance provided  
 5 under this title to a student shall not exceed the student’s  
 6 cost of attendance.”.

7 **SEC. 1003. LOAN LIMITS.**

8       (a) *FEDERAL INSURANCE LIMITS*.—Section  
 9 425(a)(1)(A) (20 U.S.C. 1075(a)(1)(A)) is amended—

10           (1) in clause (i)(I), by striking “\$2,625” and in-  
 11 sserting “\$3,500”; and

12           (2) in clause (ii)(I), by striking “\$3,500” and  
 13 inserting “\$4,500”.

14       (b) *GUARANTEE LIMITS*.—Section 428(b)(1)(A) (20  
 15 U.S.C. 1078(b)(1)(A)) is amended—

16           (1) in clause (i)(I), by striking “\$2,625” and in-  
 17 sserting “\$3,500”; and

18           (2) in clause (ii)(I), by striking “\$3,500” and  
 19 inserting “\$4,500”.

20       (c) *FEDERAL PLUS LOANS*.—Section 428B (20  
 21 U.S.C. 1078–2) is amended—

22           (1) in subsection (a)(1)—

23                   (A) in the matter preceding subparagraph

24                   (A), by striking “Parents” and inserting “A

25                   graduate or professional student or the parents”;

1           (B) in subparagraph (A), by striking “the  
2           parents” and inserting “the graduate or profes-  
3           sional student or the parents”; and

4           (C) in subparagraph (B), by striking “the  
5           parents” and inserting “the graduate or profes-  
6           sional student or the parents”;

7           (2) in subsection (b), by striking “any parent”  
8           and inserting “any graduate or professional student  
9           or any parent”;

10          (3) in subsection (c)(2), by striking “parent”  
11          and inserting “graduate or professional student or  
12          parent”; and

13          (4) in subsection (d)(1), by striking “the parent”  
14          and inserting “the graduate or professional student or  
15          the parent”.

16          (d) *UNSUBSIDIZED STAFFORD LOANS FOR GRADUATE*  
17          *OR PROFESSIONAL STUDENTS.—Section 428H(d)(2) (20*  
18          *U.S.C. 1078–8(d)(2)) is amended—*

19               (1) in subparagraph (C), by striking “\$10,000”  
20               and inserting “\$12,000”; and

21               (2) in subparagraph (D)—

22                       (A) in clause (i), by striking “\$5,000” and  
23                       inserting “\$7,000”; and

24                       (B) in clause (ii), by striking “\$5,000” and  
25                       inserting “\$7,000”.

1 **SEC. 1004. PLUS LOAN INTEREST RATES AND ZERO SPECIAL**  
 2 **ALLOWANCE PAYMENT.**

3 (a) *PLUS LOANS.*—Section 427A(l)(2) (20 U.S.C.  
 4 1077a(l)(2)) is amended by striking “7.9 percent” and in-  
 5 serting “8.5 percent”.

6 (b) *CONFORMING AMENDMENTS FOR SPECIAL ALLOW-*  
 7 *ANCES.*—

8 (1) *AMENDMENTS.*—Subparagraph (I) of section  
 9 438(b)(2) (20 U.S.C. 1087–1(b)(2)) is amended—

10 (A) in clause (iv), by striking “, subject to  
 11 clause (vi) of this subparagraph”;

12 (B) in clause (v), by striking “July 1,  
 13 2006” each place it appears and inserting  
 14 “April 1, 2006”; and

15 (C) by striking clauses (vi) and (vii) and  
 16 inserting the following:

17 “(vi) *RECAPTURE OF EXCESS INTER-*  
 18 *EST.*—

19 “(I) *EXCESS CREDITED.*—With  
 20 respect to a loan on which the applica-  
 21 ble interest rate is determined under  
 22 subsection (k) or (l) of section 427A  
 23 and for which the first disbursement of  
 24 principal is made on or after April 1,  
 25 2006, if the applicable interest rate for  
 26 any 3-month period exceeds the special

1            *allowance support level applicable to*  
2            *such loan under this subparagraph for*  
3            *such period, then an adjustment shall*  
4            *be made by calculating the excess inter-*  
5            *est in the amount computed under sub-*  
6            *clause (II) of this clause, and by cred-*  
7            *iting the excess interest to the Govern-*  
8            *ment not less often than annually.*

9            *“(II) CALCULATION OF EXCESS.—*

10           *The amount of any adjustment of in-*  
11           *terest on a loan to be made under this*  
12           *subsection for any quarter shall be*  
13           *equal to—*

14           *“(aa) the applicable interest*  
15           *rate minus the special allowance*  
16           *support level determined under*  
17           *this subparagraph; multiplied by*

18           *“(bb) the average daily prin-*  
19           *cipal balance of the loan (not in-*  
20           *cluding unearned interest added*  
21           *to principal) during such cal-*  
22           *endar quarter; divided by*

23           *“(cc) four.*

24           *“(III) SPECIAL ALLOWANCE SUP-*  
25           *PORT LEVEL.—For purposes of this*

1                   *clause, the term ‘special allowance sup-*  
 2                   *port level’ means, for any loan, a num-*  
 3                   *ber expressed as a percentage equal to*  
 4                   *the sum of the rates determined under*  
 5                   *subclauses (I) and (III) of clause (i),*  
 6                   *and applying any substitution rules*  
 7                   *applicable to such loan under clauses*  
 8                   *(ii), (iii), and (iv) in determining such*  
 9                   *sum.’.*

10                   (2) *EFFECTIVE DATE.*—*The amendments made*  
 11                   *by this subsection shall not apply with respect to any*  
 12                   *special allowance payment made under section 438 of*  
 13                   *the Higher Education Act of 1965 (20 U.S.C 1087–*  
 14                   *1) before April 1, 2006.*

15 **SEC. 1005. REDUCTION OF LENDER INSURANCE REIM-**  
 16                   **BURSEMENT RATES.**

17                   (a) *AMENDMENT.*—*Subparagraph (G) of section*  
 18                   *428(b)(1) (20 U.S.C. 1078(b)(1)) is amended to read as fol-*  
 19                   *lows:*

20                                   *“(G) insures 97 percent of the unpaid prin-*  
 21                                   *cipal of loans insured under the program;”.*

22                   (b) *EFFECTIVE DATE.*—*The amendment made by sub-*  
 23                   *section (a) shall apply with respect to any loan made, in-*  
 24                   *sured, or guaranteed under part B of title IV of the Higher*



1 *Education Act of 1965 (20 U.S.C. 1071 et seq.) for which*  
 2 *the first disbursement is made on or after January 1, 2006.*

3 **SEC. 1006. GUARANTY AGENCY ORIGINATION FEE.**

4 (a) *AMENDMENT.—Section 428(b)(1)(H) (20 U.S.C.*  
 5 *1078(b)(1)(H)) is amended to read as follows:*

6 “(H) provides for the collection, and the de-  
 7 posit in the Federal Fund established under sec-  
 8 tion 422A(a), of a guaranty agency origination  
 9 fee of 1.0 percent of each disbursement of the pro-  
 10 ceeds of the loan, which fee may be provided  
 11 from funds in the guaranty agency’s operating  
 12 fund under section 422B or from other non-Fed-  
 13 eral funds;”.

14 (b) *EFFECTIVE DATE.—The amendment made by sub-*  
 15 *section (a) shall be effective with respect to any loan dis-*  
 16 *bursed under part B of title IV of the Higher Education*  
 17 *Act of 1965 on or after April 1, 2006.*

18 **SEC. 1007. DEFERMENT OF STUDENT LOANS FOR MILITARY**  
 19 **SERVICE.**

20 (a) *FEDERAL FAMILY EDUCATION LOANS.—Section*  
 21 *428(b)(1)(M) (20 U.S.C. 1078(b)(1)(M)) is amended—*

22 (1) *by striking “or” at the end of clause (ii);*

23 (2) *by redesignating clause (iii) as clause (iv);*

24 *and*

1           (3) by inserting after clause (ii) the following  
2           new clause:

3                   “(iii) not in excess of 3 years during  
4                   which the borrower—

5                           “(I) is serving on active duty dur-  
6                           ing a war or other military operation  
7                           or national emergency; or

8                           “(II) is performing qualifying  
9                           National Guard duty during a war or  
10                          other military operation or national  
11                          emergency; or”.

12           (b) *DIRECT LOANS*.—Section 455(f)(2) (20 U.S.C.  
13 1087e(f)(2)) is amended—

14                   (1) by redesignating subparagraph (C) as sub-  
15                   paragraph (D); and

16                   (2) by inserting after subparagraph (B) the fol-  
17                   lowing new subparagraph:

18                           “(C) not in excess of 3 years during which  
19                           the borrower—

20                                   “(i) is serving on active duty during a  
21                                   war or other military operation or national  
22                                   emergency; or

23                                   “(ii) is performing qualifying National  
24                                   Guard duty during a war or other military  
25                                   operation or national emergency; or”.

1       (c) *PERKINS LOANS*.—Section 464(c)(2)(A) (20 U.S.C.  
2 1087dd(c)(2)(A)) is amended—

3           (1) by redesignating clauses (iii) and (iv) as  
4 clauses (iv) and (v), respectively; and

5           (2) by inserting after clause (ii) the following  
6 new clause:

7                   “(iii) not in excess of 3 years during  
8 which the borrower—

9                           “(I) is serving on active duty dur-  
10                           ing a war or other military operation  
11                           or national emergency; or

12                           “(II) is performing qualifying  
13                           National Guard duty during a war or  
14                           other military operation or national  
15                           emergency;”.

16       (d) *DEFINITIONS*.—Section 481 (20 U.S.C. 1088) is  
17 amended by adding at the end the following new subsection:

18       “(d) *DEFINITIONS FOR MILITARY DEFERMENTS*.—For  
19 purposes of parts B, D, and E of this title:

20           “(1) *ACTIVE DUTY*.—The term ‘active duty’ has  
21 the meaning given such term in section 101(d)(1) of  
22 title 10, United States Code, except that such term  
23 does not include active duty for training or attend-  
24 ance at a service school.

1           “(2) *MILITARY OPERATION.*—*The term ‘military*  
2 *operation’ means a contingency operation as such*  
3 *term is defined in section 101(a)(13) of title 10,*  
4 *United States Code.*

5           “(3) *NATIONAL EMERGENCY.*—*The term ‘na-*  
6 *tional emergency’ means the national emergency by*  
7 *reason of certain terrorist attacks declared by the*  
8 *President on September 14, 2001, or subsequent na-*  
9 *tional emergencies declared by the President by rea-*  
10 *son of terrorist attacks.*

11           “(4) *SERVING ON ACTIVE DUTY.*—*The term ‘serv-*  
12 *ing on active duty during a war or other military op-*  
13 *eration or national emergency’ means service by an*  
14 *individual who is—*

15                   “(A) *a Reserve of an Armed Force ordered*  
16 *to active duty under section 12301(a), 12301(g),*  
17 *12302, 12304, or 12306 of title 10, United States*  
18 *Code, or any retired member of an Armed Force*  
19 *ordered to active duty under section 688 of such*  
20 *title, for service in connection with a war or*  
21 *other military operation or national emergency,*  
22 *regardless of the location at which such active*  
23 *duty service is performed; and*

24                   “(B) *any other member of an Armed Force*  
25 *on active duty in connection with such emer-*

1           *gency or subsequent actions or conditions who*  
2           *has been assigned to a duty station at a location*  
3           *other than the location at which such member is*  
4           *normally assigned.*

5           “(5) *QUALIFYING NATIONAL GUARD DUTY.*—*The*  
6           *term ‘qualifying National Guard duty during a war*  
7           *or other military operation or national emergency’*  
8           *means service as a member of the National Guard on*  
9           *full-time National Guard duty (as defined in section*  
10           *101(d)(5) of title 10, United States Code) under a call*  
11           *to active service authorized by the President or the*  
12           *Secretary of Defense for a period of more than 30*  
13           *consecutive days under section 502(f) of title 32,*  
14           *United States Code, in connection with a war, other*  
15           *military operation, or a national emergency declared*  
16           *by the President and supported by Federal funds.”.*

17           “(e) *RULE OF CONSTRUCTION.*—*Nothing in the amend-*  
18           *ments made by this section shall be construed to authorize*  
19           *any refunding of any repayment of a loan.*

20           “(f) *EFFECTIVE DATE.*—*The amendments made by this*  
21           *section shall apply with respect to loans for which the first*  
22           *disbursement is made on or after July 1, 2001.*

23           **SEC. 1008. RECOVERY THROUGH CONSOLIDATION.**

24           *Section 428(c) (20 U.S.C 1078(c)) is amended—*

25                   (1) *in paragraph (2)(A)—*

1           (A) by inserting “(i)” after “including”;

2           and

3           (B) by inserting before the semicolon at the  
4           end the following: “and (ii) requirements estab-  
5           lishing procedures to preclude consolidation lend-  
6           ing from being an excessive proportion of guar-  
7           anty agency recoveries on defaulted loans under  
8           this part”;

9           (2) in paragraph (2)(D), by striking “paragraph  
10          (6)” and inserting “paragraph (6)(A)”; and

11          (3) in paragraph (6)—

12           (A) by inserting “(A)” before “For the pur-  
13           poses of paragraph (2)(D),”;

14           (B) by redesignating subparagraphs (A)  
15           and (B) as clauses (i) and (ii), respectively; and

16           (C) by adding at the end the following new  
17           subparagraphs:

18           “(B) GUARANTY AGENCY OBLIGATIONS.—A guar-  
19           anty agency shall—

20           “(i) on or after October 1, 2006—

21           “(I) not charge the borrower collection  
22           costs in an amount in excess of 18.5 percent  
23           of the outstanding principal and interest of  
24           a defaulted loan that is paid off through

1           *consolidation by the borrower under this*  
2           *title; and*

3                   “(II) remit to the Secretary a portion  
4           of the collection charge under subclause (I)  
5           equal to 8.5 percent of the outstanding prin-  
6           cipal and interest of such defaulted loan;  
7           and

8                   “(i) on and after October 1, 2009, remit to  
9           the Secretary the entire amount charged under  
10          clause (i)(I) with respect to each defaulted loan  
11          that is paid off with excess consolidation pro-  
12          ceeds.

13                   “(C) *EXCESS CONSOLIDATION PROCEEDS.*—  
14          For purposes of subparagraph (B), the term ‘ex-  
15          cess consolidation proceeds’ means, with respect  
16          to any guaranty agency for any Federal fiscal  
17          year beginning on or after October 1, 2009, the  
18          proceeds of consolidation of defaulted loans under  
19          this title that exceed 45 percent of the agency’s  
20          total collections on defaulted loans in such Fed-  
21          eral fiscal year.”.

22   **SEC. 1009. SINGLE HOLDER RULE.**

23           Subparagraph (A) of section 428C(b)(1) (20 U.S.C.  
24   1078–3(b)(1)) is amended by striking “and (i)” and all that  
25   follows through “so selected for consolidation)”.

1 **SEC. 1010. DEFAULT REDUCTION PROGRAM.**

2 *Section 428F(a)(1) (20 U.S.C. 1078-6(a)(1)) is*  
3 *amended—*

4 *(1) in subparagraph (A), by striking “consecu-*  
5 *tive payments for 12 months” and inserting “9 pay-*  
6 *ments made within 20 days of the due date during*  
7 *10 consecutive months”;*

8 *(2) by redesignating subparagraph (C) as sub-*  
9 *paragraph (D); and*

10 *(3) by inserting after subparagraph (B) the fol-*  
11 *lowing new subparagraph:*

12 *“(C) A guaranty agency may charge the*  
13 *borrower and retain collection costs in an*  
14 *amount not to exceed 18.5 percent of the out-*  
15 *standing principal and interest at the time of*  
16 *sale of a loan rehabilitated under subparagraph*  
17 *(A).”.*

18 **SEC. 1011. REQUIREMENTS FOR DISBURSEMENTS OF STU-**  
19 **DENT LOANS.**

20 *Section 428G (20 U.S.C. 1078-7) is amended—*

21 *(1) in subsection (a)(3), by adding at the end the*  
22 *following: “Notwithstanding section 422(d) of the*  
23 *Higher Education Amendments of 1998, this para-*  
24 *graph shall be effective beginning on the date of enact-*  
25 *ment of the Higher Education Amendments of 2005.”;*  
26 *and*



1           (2) in subsection (b)(1), by adding at the end the  
2 following: “Notwithstanding section 422(d) of the  
3 Higher Education Amendments of 1998, the second  
4 sentence of this paragraph shall be effective beginning  
5 on the date of enactment of the Higher Education  
6 Amendments of 2005.”.

7 **SEC. 1012. SPECIAL INSURANCE AND REINSURANCE RULES.**

8           (a) *REPEAL*.—Section 428I (20 U.S.C. 1078–9) is re-  
9 pealed.

10          (b) *CONFORMING AMENDMENTS*.—Part A of title IV  
11 (20 U.S.C.1070 et seq.) is amended—

12           (1) in section 428(c)(1)—

13                   (A) by striking subparagraph (D); and

14                   (B) by redesignating subparagraphs (E)  
15 and (F) as subparagraphs (D) and (E), respec-  
16 tively; and

17           (2) in section 438(b)(5), by striking the matter  
18 following subparagraph (B).

19 **SEC. 1013. SCHOOL AS LENDER MORATORIUM.**

20          Section 435(d)(2) (20 U.S.C. 1085(d)(2)) is amend-  
21 ed—

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

1           (2) by inserting before the matter following sub-  
2           paragraph (F) (as amended by section 430) the fol-  
3           lowing:

4                   “(G) shall have met the requirements of sub-  
5                   paragraphs (A) through (F), and made loans  
6                   under this part, on or before August 31, 2005;

7                   “(H) shall hold each loan the eligible insti-  
8                   tution makes under this part to a student en-  
9                   rolled at the eligible institution until the student  
10                  enters into a grace period described in section  
11                  427(a)(2)(B) or 428(b)(7);

12                  “(I) shall use the proceeds from the sale of  
13                  a loan made under this part, for need based  
14                  grant aid programs, except that such proceeds—

15                          “(i) shall not be used to provide a  
16                          grant to a student for an academic year in  
17                          an amount that is more than the student’s  
18                          cost of attendance for the academic year;  
19                          and

20                          “(ii) shall supplement and not sup-  
21                          plant other Federal, State, and institutional  
22                          grant aid; and

23                  “(J) shall not be a foundation or alumni  
24                  organization;”.

1 **SEC. 1014. PERMANENT REDUCTION OF SPECIAL ALLOW-**  
2 **ANCE PAYMENTS FOR LOANS FROM THE PRO-**  
3 **CEEDS OF TAX EXEMPT ISSUES.**

4 (a) *TECHNICAL CLARIFICATION.*—*The matter pre-*  
5 *ceding paragraph (1) of section 2 of the Taxpayer-Teacher*  
6 *Protection Act of 2004 (Public Law 108–409; 118 Stat.*  
7 *2299) is amended by inserting “of the Higher Education*  
8 *Act of 1965” after “Section 438(b)(2)(B)”. The amendment*  
9 *made by the preceding sentence shall be effective as if en-*  
10 *acted on October 30, 2004.*

11 (b) *AMENDMENT.*—*Section 438(b)(2)(B) (20 U.S.C.*  
12 *1087–1(b)(2)(B)) is amended—*

13 (1) *in clause (iv), by striking “and before Janu-*  
14 *ary 1, 2006,”; and*

15 (2) *in clause (v)(II)—*

16 (A) *in item (aa), by striking “and before*  
17 *January 1, 2006,”;*

18 (B) *in item (bb), by striking “and before*  
19 *January 1, 2006,”; and*

20 (C) *in item (cc), by striking “and before*  
21 *January 1, 2006.”.*

22 **SEC. 1015. SPECIAL ALLOWANCES.**

23 (a) *ORIGINATION FEES.*—*Paragraph (2) of section*  
24 *438(c) (20 U.S.C. 1087–1(c)) is amended—*

25 (1) *by striking the designation and heading of*  
26 *such paragraph and inserting the following:*

1           “(2) *AMOUNT OF ORIGINATION FEES.*—

2                   “(A) *IN GENERAL.*—”; and

3           (2) by adding at the end the following new sub-  
4 paragraph:

5                   “(B) *SUBSEQUENT REDUCTIONS.*—Subpara-  
6 graph (A) shall be applied to loans made under  
7 this part (other than loans made under sections  
8 428C and 439(o)) by substituting ‘2.50 percent’  
9 for ‘3.0 percent’ with respect to loans for which  
10 the first disbursement of principal is made on or  
11 after July 1, 2007.”.

12           (b) *LOAN FEES FROM LENDERS.*—

13                   (1) *AMENDMENT.*—Paragraph (2) of section  
14 438(d) (20 U.S.C. 1087–1(d)) is amended to read as  
15 follows:

16                   “(2) *AMOUNT OF LOAN FEES.*—

17                           “(A) *IN GENERAL.*—Except as provided in  
18 subparagraph (B), with respect to any loan  
19 made under this part for which the first dis-  
20bursement was made on or after October 1, 1993,  
21 the amount of the loan fee that shall be deducted  
22 under paragraph (1) shall be equal to 0.50 per-  
23 cent of the principal amount of the loan.

24                           “(B) *CONSOLIDATION LOANS.*—With respect  
25 to any loan made under section 428C on or after

1           *April 1, 2006, the amount of the loan fee that*  
2           *shall be deducted under paragraph (1) shall be*  
3           *equal to 1.0 percent of the principal amount of*  
4           *the loan.”.*

5           (2) *EFFECTIVE DATE.*—*The amendment made by*  
6           *paragraph (1) shall apply with respect to any loan*  
7           *made, insured, or guaranteed under part B of title IV*  
8           *of the Higher Education Act of 1965 (20 U.S.C. 1071*  
9           *et seq.) for which the first disbursement is made on*  
10          *or after April 1, 2006.*

11 **SEC. 1016. ORIGINATION FEE.**

12          *Section 455(c) (20 U.S.C. 1087e(c)) is amended—*

13           (1) *by striking “shall” and inserting “is author-*  
14           *ized to”;* *and*

15           (2) *by striking “4.0 percent of the principal*  
16           *amount of loan” and inserting “not less than 1 per-*  
17           *cent and not more than 3 percent of the principal*  
18           *amount of the loan, except that the Secretary shall*  
19           *charge the borrower of a Federal Direct PLUS Loan*  
20           *an origination fee of 4.0 percent of the principal*  
21           *amount of the loan. Beginning on July 1, 2007, the*  
22           *preceding sentence shall be applied by substituting*  
23           *‘2.5 percent’ for ‘3 percent’.*

1 **SEC. 1017. INCOME CONTINGENT REPAYMENT FOR PUBLIC**  
2 **SECTOR EMPLOYEES.**

3 *Section 455(e) (20 U.S.C. 1087e(e)) is amended by*  
4 *adding at the end the following:*

5 *“(7) REPAYMENT PLAN FOR PUBLIC SECTOR EM-*  
6 *PLOYEES.—*

7 *“(A) IN GENERAL.—The Secretary shall for-*  
8 *give the balance due on any loan made under*  
9 *this part or section 428C(b)(5) for a borrower—*

10 *“(i) who has made 120 payments on*  
11 *such loan pursuant to income contingent re-*  
12 *payment; and*

13 *“(ii) who is employed, and was em-*  
14 *ployed for the 10-year period in which the*  
15 *borrower made the 120 payments described*  
16 *in clause (i), in a public sector job.*

17 *“(B) PUBLIC SECTOR JOB.—In this para-*  
18 *graph, the term ‘public sector job’ means a full-*  
19 *time job in emergency management, government,*  
20 *public safety, law enforcement, public health,*  
21 *education (including early childhood education),*  
22 *or public interest legal services (including pros-*  
23 *ecution or public defense).*

24 *“(8) RETURN TO STANDARD REPAYMENT.—A*  
25 *borrower who is repaying a loan made under this*  
26 *part pursuant to income contingent repayment may*

1       *choose, at any time, to terminate repayment pursuant*  
2       *to income contingent repayment and repay such loan*  
3       *under the standard repayment plan.”.*

4   **SEC. 1018. FAMILY CONTRIBUTION FOR DEPENDENT STU-**  
5                                   **DENTS.**

6       (a) *AMENDMENTS.*—Section 475 (20 U.S.C. 1087oo) is  
7   *amended—*

8               (1) *in subsection (g)(2)(D), by striking “\$2,200”*  
9       *and inserting “\$3,000”; and*

10              (2) *in subsection (h), by striking “35” and in-*  
11       *serting “20”.*

12       (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
13       *section (a) shall apply with respect to determinations of*  
14       *need for periods of enrollment beginning on or after July*  
15       *1, 2007.*

16   **SEC. 1019. FAMILY CONTRIBUTION FOR INDEPENDENT STU-**  
17                                   **DENTS WITHOUT DEPENDENTS OTHER THAN**  
18                                   **A SPOUSE.**

19       (a) *AMENDMENTS.*—Section 476 (20 U.S.C.1087pp) is  
20   *amended—*

21              (1) *in subsection (b)(1)(A)(iv)—*

22                      (A) *in subclause (I), by striking “\$5,000”*  
23       *and inserting “\$6,050”;*

24                      (B) *in subclause (II), by striking “\$5,000”*  
25       *and inserting “\$6,050”; and*

1                   (C) in subclause (III), by striking “\$8,000”  
 2                   and inserting “\$9,700”; and  
 3                   (2) in subsection (c)(4), by striking “35” and in-  
 4                   serting “20”.

5                   (b) *EFFECTIVE DATE.*—The amendments made by sub-  
 6                   section (a) shall apply with respect to determinations of  
 7                   need for periods of enrollment beginning on or after July  
 8                   1, 2007.

9                   **SEC. 1020. FAMILY CONTRIBUTION FOR INDEPENDENT STU-**  
 10                   **DENTS WITH DEPENDENTS OTHER THAN A**  
 11                   **SPOUSE.**

12                   (a) *AMENDMENT.*—Section 477(c)(4) (20 U.S.C.  
 13                   1087qq(c)(4)) is amended by striking “12” and inserting  
 14                   “7”.

15                   (b) *EFFECTIVE DATE.*—The amendment made by sub-  
 16                   section (a) shall apply with respect to determinations of  
 17                   need for periods of enrollment beginning on or after July  
 18                   1, 2007.

19                   **SEC. 1021. REGULATIONS; UPDATED TABLES.**

20                   Section 478(b) (20 U.S.C. 1087rr(b)) is amended—

21                   (1) in paragraph (1), by adding at the end the  
 22                   following: “For the 2007–2008 academic year, the  
 23                   Secretary shall revise the tables in accordance with  
 24                   this paragraph, except that the Secretary shall in-  
 25                   crease the amounts contained in the table in section



1       477(b)(4) by a percentage equal to the greater of the  
 2       estimated percentage increase in the Consumer Price  
 3       Index (as determined under the preceding sentence) or  
 4       5 percent.”; and

5               (2) in paragraph (2), by striking “2000–2001”  
 6       and inserting “2007–2008”.

7       **SEC. 1022. SIMPLIFIED NEED TEST AND AUTOMATIC ZERO**  
 8               **IMPROVEMENTS.**

9       (a) *AMENDMENTS.*—Section 479 (20 U.S.C. 1087ss) is  
 10   amended—

11               (1) in subsection (b)—

12                       (A) in paragraph (1)—

13                               (i) in subparagraph (A), by striking  
 14       clause (i) and inserting the following:

15                                       “(i) the student’s parents—

16   “(I) file, or are eligible to file, a  
 17       form described in paragraph (3);

18   “(II) certify that the parents are  
 19       not required to file a Federal income  
 20       tax return; or

21   “(III) received, or the student re-  
 22       ceived, benefits at some time during the  
 23       previous 12-month period under a  
 24       means-tested Federal benefit program

1 *as defined under subsection (d); and”;*

2 *and*

3 *(ii) in subparagraph (B), by striking*

4 *clause (i) and inserting the following:*

5 *“(i) the student (and the student’s*  
6 *spouse, if any)—*

7 *“(I) files, or is eligible to 1 file, a*  
8 *form described in paragraph (3);*

9 *“(II) certifies that the student*  
10 *(and the student’s spouse, if any) is*  
11 *not required to file a Federal income*  
12 *tax return; or*

13 *“(III) received benefits at some*  
14 *time during the previous 12-month pe-*  
15 *riod under a means-tested Federal ben-*  
16 *efit program as defined under sub-*  
17 *section (d); and”;* and

18 *(B) in the matter preceding subparagraph*  
19 *(A) of paragraph (3), by striking “A student or*  
20 *family files a form described in this subsection,*  
21 *or subsection (c), as the case maybe, if the stu-*  
22 *dent or family, respectively, files” and inserting*  
23 *“In the case of an independent student, the stu-*  
24 *dent, or in the case of a dependent student, the*  
25 *family, files a form described in this subsection,*

1           or subsection (c), as the case may be, if the stu-  
2           dent or family, as appropriate, files”;

3           (2) in subsection (c)—

4                 (A) in paragraph (1)—

5                         (i) by striking subparagraph (A) and  
6                         inserting the following:

7                         “(A) the student’s parents—

8                                 “(i) file, or are eligible to file, a form  
9                                 described in subsection (b)(3);

10                                 “(ii) certify that the parents are not  
11                                 required to file a Federal income tax return;  
12                                 or

13                                 “(iii) received, or the student received,  
14                                 benefits at some time during the previous  
15                                 12-month period under a means-tested Fed-  
16                                 eral benefit program as defined under sub-  
17                                 section (d); and”;

18                                 (ii) by striking subparagraph (B) and  
19                                 inserting the following:

20                                 “(B) the sum of the adjusted gross income  
21                                 of the parents is less than or equal to \$20,000;  
22                                 or”;

23                         (B) in paragraph (2)—

24                                 (i) by striking subparagraph (A) and  
25                                 inserting the following:

1           “(A) the student (and the student’s spouse,  
2           if any)—

3                   “(i) files, or is eligible to file, a form  
4                   described in subsection (b)(3);

5                   “(ii) certifies that the student (and the  
6                   student’s spouse, if any) is not required to  
7                   file a Federal income tax return; or

8                   “(iii) received benefits at some time  
9                   during the previous 12-month period under  
10                  a means-tested Federal benefit program as  
11                  defined under subsection (d); and”;

12                  (ii) by striking subparagraph (B) and  
13                  inserting the following:

14                  “(B) the sum of the adjusted gross income  
15                  of the student and spouse (if appropriate) is less  
16                  than or equal to \$20,000.”; and

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

18                  “(d) DEFINITIONS.—In this section:

19                   “(1) MEANS-TESTED FEDERAL BENEFIT PRO-  
20                   GRAM.—In this section, the term “means-tested Fed-  
21                   eral benefit program” means a mandatory spending  
22                   program of the Federal Government, other than a  
23                   program under this title, in which eligibility for the  
24                   program’s benefits, or the amount of such benefits, are  
25                   determined on the basis of income or resources of the

1 *individual or family seeking the benefit, and may in-*  
2 *clude such programs as—*

3 *“(A) the supplemental security income pro-*  
4 *gram under title XVI of the Social Security Act*  
5 *(42 U.S.C. 1381 et seq.);*

6 *“(B) the food stamp program under the*  
7 *Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);*

8 *“(C) the free and reduced price school lunch*  
9 *program established under the Richard B. Rus-*  
10 *sell National School Lunch Act (42 U.S.C. 1751*  
11 *et seq.);*

12 *“(D) the program of block grants for States*  
13 *for temporary assistance for needy families es-*  
14 *tablished under part A of title IV of the Social*  
15 *Security Act (42 U.S.C. 601 et seq.);*

16 *“(E) the special supplemental nutrition*  
17 *program for women, infants, and children estab-*  
18 *lished by section 17 of the Child Nutrition Act*  
19 *of 1966 (42 U.S.C. 1786); and*

20 *“(F) other programs identified by the Sec-*  
21 *retary.”.*

22 *(b) EVALUATION OF SIMPLIFIED NEEDS TEST.—*

23 *(1) ELIGIBILITY GUIDELINES.—The Secretary of*  
24 *Education shall regularly evaluate the impact of the*  
25 *eligibility guidelines in subsections (b)(1)(A)(i),*

1       **(b)(1)(B)(i), (c)(1)(A), and (c)(2)(A) of section 479 of**  
2       **the Higher Education Act of 1965 (20 U.S.C.**  
3       **1087ss(b)(1)(A)(i), (b)(1)(B)(i), (c)(1)(A), and**  
4       **(c)(2)(A)).**

5               **(2) MEANS-TESTED FEDERAL BENEFIT PRO-**  
6       **GRAM.—For each 3-year period, the Secretary of Edu-**  
7       **cation shall evaluate the impact of including the re-**  
8       **ceipt of benefits by a student or parent under a**  
9       **means-tested Federal benefit program (as defined in**  
10       **section 479(d) of the Higher Education Act of 1965**  
11       **(20 U.S.C. 1087ss(d)) as a factor in determining eli-**  
12       **gibility under subsections (b) and (c) of section 479**  
13       **of the Higher Education Act of 1965 (20 U.S.C.**  
14       **1087ss(b) and (c)).**

15       **SEC. 1023. LOAN FORGIVENESS FOR TEACHERS.**

16       *Section 3(b)(3) of the Taxpayer-Teacher Protection Act*  
17       *of 2004 (20 U.S.C. 1078–10 note) is amended by striking*  
18       *“, and before October 1, 2005”.*

19       **SEC. 1024. EFFECTIVE DATE.**

20       *Except as otherwise provided in this part or the*  
21       *amendments made by this part, the amendments made by*  
22       *this part shall take effect on July 1, 2006.*

1           **PART B—HURRICANE KATRINA HIGHER**

2                           **EDUCATION RECOVERY**

3   **SEC. 1051. SHORT TITLE.**

4           *This part may be cited as the “Hurricane Katrina*  
5 *Higher Education Recovery Act”.*

6   **SEC. 1052. DEFINITIONS.**

7           *In this part:*

8                   (1) *AFFECTED BORROWER.*—*The term “affected*  
9 *borrower” means an individual who—*

10                           (A) *was in repayment, but not in*  
11 *deferment, on a loan made, insured, or guaran-*  
12 *teed under part B, D, or E of the Higher Edu-*  
13 *cation Act of 1965 (20 U.S.C. 1071 et seq.,*  
14 *1087a et seq., 1087aa et seq.) on August 22,*  
15 *2005, or enters or entered repayment after Au-*  
16 *gust 22, 2005 and before June 30, 2006; and*

17                           (B)(i) *lives or lived, as of August 22, 2005,*  
18 *in a county or parish of Alabama, Louisiana, or*  
19 *Mississippi—*

20                                   (I) *in which a major disaster has been*  
21 *declared in accordance with section 401 of*  
22 *the Robert T. Stafford Disaster Relief and*  
23 *Emergency Assistance Act (42 U.S.C. 5170)*  
24 *as a result of Hurricane Katrina; and*

1                   (ii) which the President has deter-  
2                   mined warrants individual assistance from  
3                   the Federal Government; or

4                   (ii) worked, as of August 22, 2005, in a  
5                   county or parish described in clause (i).

6                   (2) *AFFECTED INSTITUTION.*—

7                   (A) *IN GENERAL.*—The term “affected insti-  
8                   tution” means an institution of higher edu-  
9                   cation, as defined in section 101 or 102 of the  
10                  Higher Education Act of 1965 (20 U.S.C. 1001,  
11                  1002), that—

12                  (i) is located in an area in which a  
13                  major disaster has been declared in accord-  
14                  ance with section 401 of the Robert T. Staf-  
15                  ford Disaster Relief and Emergency Assist-  
16                  ance Act due to the effects of Hurricane  
17                  Katrina; and

18                  (ii) is impacted by Hurricane  
19                  Katrina.

20                  (B) *LENGTH OF TIME.*—In determining eli-  
21                  gibility for assistance under this part, the Sec-  
22                  retary, using consistent, objective criteria, shall  
23                  determine the time period for which an institu-  
24                  tion of higher education is an affected institu-  
25                  tion.



1           (C) *SPECIAL RULE.*—An organizational  
2           unit of an affected institution that is not im-  
3           pacted by Hurricane Katrina shall not be con-  
4           sidered as part of such affected institution for  
5           purposes of receiving assistance under this part.

6           (3) *AFFECTED STUDENT.*—The term “affected  
7           student” means a student who was enrolled on August  
8           29, 2005 in an affected institution.

9           (4) *DISTANCE EDUCATION.*—

10           (A) *IN GENERAL.*—The term “distance edu-  
11           cation” means a course or program that uses 1  
12           or more of the technologies described in subpara-  
13           graph (B) to—

14                   (i) deliver instruction to students who  
15                   are separated from the instructor; and

16                   (ii) support regular and substantive  
17                   interaction between the students and the in-  
18                   structor, either synchronously or asyn-  
19                   chronously.

20           (B) *INCLUSIONS.*—For the purposes of sub-  
21           paragraph (A), the technologies used may in-  
22           clude—

23                   (i) the Internet;

24                   (ii) one-way and two-way trans-  
25                   missions through open broadcast, closed cir-

1            *cuit, cable, microwave, broadband lines,*  
2            *fiber optics, satellite, or wireless commu-*  
3            *nications devices;*

4                            *(iii) audio conferencing; or*

5                            *(iv) video cassette, DVDs, and CD-*  
6            *ROMs, provided that they are used in a*  
7            *course in conjunction with the technologies*  
8            *listed in clauses (i) through (iii).*

9                            (5) *SECRETARY.*—*The term “Secretary” means*  
10          *the Secretary of Education.*

11    **SEC. 1053. WAIVER AUTHORITY AND MODIFICATIONS TO**  
12                            **CERTAIN PROVISIONS OF THE HIGHER EDU-**  
13                            **CATION ACT OF 1965.**

14          (a) *WAIVER OF INSTITUTIONAL REPAYMENT.*—*Not-*  
15          *withstanding any other provision of law, including require-*  
16          *ments related to cash management, an affected institution*  
17          *shall not be required to return any funds received by the*  
18          *affected institution for, or on behalf of, its students under*  
19          *subparts 1 and 3 of part A and parts B, C, D, and E of*  
20          *title IV of the Higher Education Act of 1965 (20 U.S.C.*  
21          *1070, 1070b et seq., 1071 et seq., 1087a et seq., 1087aa et*  
22          *seq., 42 U.S.C. 2751 et seq.) during the 2005–2006 aca-*  
23          *demic year.*

24          (b) *WAIVER OF STUDENT RETURN OF ASSISTANCE.*—  
25          *Notwithstanding any other provision of law, an affected*

1 *student who, as of the date of enactment of this Act, received*  
2 *assistance under subpart 1 or 3 of part A or parts B, C,*  
3 *D, or E of title IV of the Higher Education Act of 1965*  
4 *for attendance at an affected institution of higher education*  
5 *during the 2005–2006 academic year, shall not be required*  
6 *to return such assistance.*

7 *(c) AFFECTED STUDENTS WHO DO NOT ENROLL IN*  
8 *ANOTHER INSTITUTION AND BORROWERS IN GRACE PERI-*  
9 *ODS OR DEFERMENT.—With respect to a loan made, in-*  
10 *sured, or guaranteed under part B, D, or E of title IV of*  
11 *the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.,*  
12 *1087a et seq., 1087aa et seq.)—*

13 *(1) an affected student who does not enroll in*  
14 *another institution of higher education shall be re-*  
15 *tained in in-school status during the period beginning*  
16 *on August 22, 2005, and ending on June 30, 2006;*  
17 *and*

18 *(2) a borrower in a grace period or in deferment*  
19 *as of August 22, 2005 who satisfies the requirement*  
20 *described in clause (i) or clause (ii) of section*  
21 *201(1)(B) shall be retained in such status, without*  
22 *documentation or action by the borrower, until June*  
23 *30, 2006.*

24 *(d) DISCHARGE OR CANCELLATION OF LOANS.—The*  
25 *Secretary shall—*

1           (1) discharge all loan amounts under parts B  
2           and D of title IV of the Higher Education Act of 1965  
3           (20 U.S.C. 1071 et seq., 1087a et seq.) disbursed to,  
4           or on behalf of, an affected student for attendance at  
5           an affected institution of higher education during the  
6           2005–2006 academic year;

7           (2) reimburse lenders for the purpose of dis-  
8           charging any loan amounts disbursed to, or on behalf  
9           of, a student under part B of title IV of the Higher  
10          Education Act of 1965 (20 U.S.C. 1071 et seq.), for  
11          attendance at an affected institution of higher edu-  
12          cation during the 2005–2006 academic year; and

13          (3) cancel any loan under part E of title IV of  
14          the Higher Education Act of 1965 (20 U.S.C. 1087aa  
15          et seq.) disbursed to a student for attendance at an  
16          affected institution of higher education during the  
17          2005–2006 academic year.

18          (e) *AGGREGATE AND ANNUAL LIMITS.*—In the case of  
19          an affected student, any grant or loan assistance under title  
20          IV of the Higher Education Act of 1965 (20 U.S.C. 1070  
21          et seq.) that such student received, or was to have received,  
22          for a program of study at an affected institution of higher  
23          education during the 2005–2006 academic year shall not  
24          count against such student’s annual or aggregate grant or  
25          loan limits for receipt of aid under such title.

1           (f) *FORBEARANCE.*—Notwithstanding the provisions of  
2 part B, D, or E of title IV of the Higher Education Act  
3 of 1965 (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et  
4 seq.), a lender, the Secretary, or an institution of higher  
5 education is authorized to provide not more than 1 year  
6 of forbearance to an affected borrower without documenta-  
7 tion.

8           (g) *PROFESSIONAL JUDGMENT.*—A financial aid ad-  
9 ministrator shall be considered to be making an adjustment  
10 in accordance with section 479A(a) of the Higher Edu-  
11 cation Act of 1965 (20 U.S.C. 1087tt(a)) if the financial  
12 aid administrator makes the adjustment with respect to the  
13 calculation of the expected student or parent contribution  
14 (or both) for an affected student, or for a student or a par-  
15 ent who resides or resided on August 22, 2005, or was em-  
16 ployed on August 22, 2005, in an area in which a major  
17 disaster has been declared in accordance with section 401  
18 of the Robert T. Stafford Disaster Relief and Emergency  
19 Assistance Act due to the effects of Hurricane Katrina. The  
20 financial aid administrator shall adequately document the  
21 need for the adjustment.

22           (h) *MODIFICATION OF PART A OF TITLE II GRANTS*  
23 *AUTHORIZED.*—The Secretary is authorized to approve  
24 modifications to the requirements for Teacher Quality En-  
25 hancement Grants for States and Partnerships under part

1 *A of title II of the Higher Education Act of 1965 (20 U.S.C.*  
2 *1021 et seq.), at the request of the grantee—*

3 *(1) to assist States and local educational agen-*  
4 *cies to recruit and retain highly qualified teachers in*  
5 *a school district located in an area in which a major*  
6 *disaster has been declared in accordance with section*  
7 *401 of the Robert T. Stafford Disaster Relief and*  
8 *Emergency Assistance Act due to the effects of Hurri-*  
9 *cane Katrina; and*

10 *(2) to assist institutions of higher education, as*  
11 *defined in section 101 of such Act (20 U.S.C. 1001),*  
12 *located in such area to recruit and retain faculty nec-*  
13 *essary to prepare teachers and provide professional*  
14 *development.*

15 *(i) WAIVER AUTHORITY TO MODIFY AUTHORIZED*  
16 *USES OF TRIO, GEAR-UP, PART A OR B OF TITLE III,*  
17 *AND OTHER GRANTS.—The Secretary is authorized to mod-*  
18 *ify the required and allowable uses of funds under chapters*  
19 *1 and 2 of subpart 2 of part A of title IV of the Higher*  
20 *Education Act of 1965 (20 U.S.C. 1070a et seq., 1070a–*  
21 *21 et seq.), under part A or B of title III (20 U.S.C. 1057*  
22 *et seq., 1060 et seq.), and under any other competitive grant*  
23 *program, at the request of an affected institution or other*  
24 *grantee, with respect to affected institutions and other*  
25 *grantees located in an area in which a major disaster has*

1 *been declared in accordance with section 401 of the Robert*  
 2 *T. Stafford Disaster Relief and Emergency Assistance Act*  
 3 *due to the effects of Hurricane Katrina.*

4       (j) *AUTHORITY TO EXTEND OR WAIVE REPORTING*  
 5 *REQUIREMENTS UNDER SECTION 131(a).—The Secretary*  
 6 *is authorized to extend reporting deadlines or waive report-*  
 7 *ing requirements under section 131(a) of the Higher Edu-*  
 8 *cation Act of 1965 (20 U.S.C. 1015(a)) for an affected insti-*  
 9 *tution.*

10       (k) *DISTANCE EDUCATION.—The Secretary may waive*  
 11 *the restrictions of subparagraphs (A) and (B) of section*  
 12 *102(a)(3) of the Higher Education Act of 1965 (20 U.S.C.*  
 13 *1002(a)(3)(A) and (B)) with respect to an institution of*  
 14 *higher education, other than a foreign institution, that of-*  
 15 *fers education or training programs through distance edu-*  
 16 *cation and is otherwise eligible to participate in programs*  
 17 *authorized under title IV of such Act (20 U.S.C. 1070 et*  
 18 *seq.), if such institution exceeds such restrictions described*  
 19 *in such subparagraphs due to the enrollment of affected stu-*  
 20 *dents.*

21 **SEC. 1054. GENERAL WAIVER AUTHORITY AND REQUIRED**  
 22 **CONSULTATION.**

23       (a) *WAIVER AUTHORITY.—*

24           (1) *IN GENERAL.—Notwithstanding any other*  
 25 *provision of law, the Secretary may waive or modify*

1     *any statutory provision of the Higher Education Act*  
2     *of 1965 (20 U.S.C. 1001 et seq.) or any regulation*  
3     *implementing such Act as the Secretary determines*  
4     *necessary in connection with a major disaster that*  
5     *has been declared in accordance with section 401 of*  
6     *the Robert T. Stafford Disaster Relief and Emergency*  
7     *Assistance Act due to the effects of Hurricane*  
8     *Katrina.*

9             (2) *ACTIONS AUTHORIZED.*—*In carrying out*  
10     *paragraph (1), the Secretary is authorized to waive*  
11     *or modify any provision described in paragraph (1)*  
12     *as the Secretary determines necessary to ensure*  
13     *that—*

14             (A) *administrative requirements placed on*  
15     *affected students, affected borrowers, institutions*  
16     *of higher education, lenders, guaranty agencies*  
17     *and grantees are minimized to the extent possible*  
18     *without impairing the integrity of the higher*  
19     *education programs under the Higher Education*  
20     *Act of 1965, to ease the burden on such partici-*  
21     *pants; or*

22             (B) *institutions of higher education, lenders,*  
23     *guaranty agencies, and other entities partici-*  
24     *parting in the student financial assistance pro-*  
25     *grams under title IV of the Higher Education*



1           *Act of 1965 (20 U.S.C. 1070 et seq.), that serve*  
2           *an area in which a major disaster has been de-*  
3           *clared in accordance with section 401 of the Rob-*  
4           *ert T. Stafford Disaster Relief and Emergency*  
5           *Assistance Act due to the effects of Hurricane*  
6           *Katrina, may be granted temporary relief from*  
7           *requirements that are rendered infeasible or un-*  
8           *reasonable due to the effects of Hurricane*  
9           *Katrina, including due diligence requirements*  
10          *and reporting deadlines.*

11          **(b) CONSTRUCTION.**—*Nothing in this section shall be*  
12          *construed to allow the Secretary to waive or modify any*  
13          *applicable statutory or regulatory requirements prohibiting*  
14          *discrimination in a program or activity, or in employment*  
15          *or contracting, under existing law (in existence on the date*  
16          *of the Secretary's action).*

17          **(c) CONSULTATION.**—*Prior to granting any waiver or*  
18          *modification under this section, the Secretary shall consult*  
19          *with the Committee on Health, Education, Labor, and Pen-*  
20          *sions and the Committee on Appropriations of the Senate*  
21          *and the Committee on Education and the Workforce and*  
22          *the Committee on Appropriations of the House of Rep-*  
23          *resentatives with respect to waivers or modifications under*  
24          *this section.*

1 **SEC. 1055. NOTICE OF WAIVERS, MODIFICATIONS, OR EX-**  
2 **TENSIONS.**

3 *Notwithstanding section 437 of the General Education*  
4 *Provisions Act (20 U.S.C. 1232) and section 553 of title*  
5 *5, United States Code, the Secretary shall make publicly*  
6 *available the waivers, modifications, or extensions granted*  
7 *under section 1053 or 1054.*

8 **SEC. 1056. REGULATORY REQUIREMENTS INAPPLICABLE.**

9 *Sections 482(c) and 492 of the Higher Education Act*  
10 *of 1965 (20 U.S.C. 1089(c), 1098a), section 437 of the Gen-*  
11 *eral Education Provisions Act (20 U.S.C. 1232), and sec-*  
12 *tion 553 of title 5, United States Code, shall not apply to*  
13 *this part.*

14 **SEC. 1057. DEPARTMENT OF EDUCATION INSPECTOR GEN-**  
15 **ERAL AUDIT AND REPORT.**

16 *(a) IN GENERAL.—The Inspector General of the De-*  
17 *partment of Education (referred to in this section as the*  
18 *“Inspector General”)* shall conduct an audit and investiga-  
19 *tion of each program carried out by the Department of Edu-*  
20 *cation that includes response and recovery activities related*  
21 *to Hurricane Katrina.*

22 *(b) WEEKLY REPORT.—Not less frequently than once*  
23 *a week, the Inspector General shall provide a report to the*  
24 *Committee on Health, Education, Labor, and Pensions and*  
25 *the Committee on Appropriations of the Senate and the*  
26 *Committee on Education and the Workforce and the Com-*

1 *mittee on Appropriations of the House of Representatives*  
2 *listing the audits and investigations initiated pursuant to*  
3 *subsection (a).*

4       (c) *STATUS REPORT.*—*Not later than 6 months after*  
5 *the date of enactment of this Act, and biannually thereafter*  
6 *until the audits and investigations described in subsection*  
7 *(a) are complete, the Inspector General shall report to the*  
8 *Committee on Health, Education, Labor, and Pensions and*  
9 *the Committee on Appropriations of the Senate and the*  
10 *Committee on Education and the Workforce and the Com-*  
11 *mittee on Appropriations of the House of Representatives*  
12 *on the full status of the activities of the Inspector General*  
13 *under this section.*

14       (d) *COOPERATIVE VENTURES.*—*In carrying out this*  
15 *section, the Inspector General is encouraged to enter into*  
16 *cooperative ventures with Inspectors General of other Fed-*  
17 *eral agencies.*

18 **SEC. 1058. SUNSET PROVISION.**

19       *Except as otherwise provided in this part, the provi-*  
20 *sions of this part shall be effective for the period beginning*  
21 *on the date of enactment of this Act and ending on Sep-*  
22 *tember 30, 2006.*

**Calendar No. 300**

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1614**

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**A BILL**

To extend the authorization of programs under the  
Higher Education Act of 1965, and for other  
purposes.

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NOVEMBER 17, 2005

Reported with an amendment