

117TH CONGRESS
2D SESSION

S. 5155

To establish the Proprietary Education Interagency Oversight Coordination Committee and facilitate the disclosure and reporting of information regarding complaints and investigations related to proprietary institutions of higher education eligible to receive Federal education assistance.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30 (legislative day, NOVEMBER 29), 2022

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

A BILL

To establish the Proprietary Education Interagency Oversight Coordination Committee and facilitate the disclosure and reporting of information regarding complaints and investigations related to proprietary institutions of higher education eligible to receive Federal education assistance.

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.**

4 This Act may be cited as the “Proprietary Education
5 Interagency Oversight Coordination Improvement Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ACCREDITING AGENCY.—The term “accred-
4 iting agency” means a private educational associa-
5 tion that acts as a reliable authority on the quality
6 of education or training provided by an institution of
7 higher education and is recognized by the Secretary
8 of Education under section 496 of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1099b).

10 (2) EXECUTIVE OFFICER.—The term “executive
11 officer”, with respect to a proprietary institution of
12 higher education that is a publicly traded corpora-
13 tion, means—

14 (A) the president of such corporation;

15 (B) a vice president of such corporation
16 who is in charge of a principal business unit, di-
17 vision, or function of such corporation, such as
18 sales, administration, or finance; or

19 (C) any other officer or person who per-
20 forms a policy making function for such cor-
21 poration, including an executive officer of a
22 subsidiary of the corporation if the officer per-
23 forms a policy making function for the corpora-
24 tion.

25 (3) FEDERAL EDUCATION ASSISTANCE.—The
26 term “Federal education assistance” when used with

1 respect to a proprietary institution of higher edu-
 2 cation, means Federal funds that are disbursed or
 3 delivered to or on behalf of a student to be used for
 4 tuition, fees, instruction, or any component of the
 5 student’s cost of attendance (as defined in section
 6 472 of the Higher Education Act of 1965 (20
 7 U.S.C. 1087ll)) to attend such institution.

8 (4) INSTITUTIONAL DEBT.—The term “institu-
 9 tional debt” means any debt owed by a student or
 10 the parent of a student to an institution of higher
 11 education, including—

12 (A) debt owed through a private loan pro-
 13 gram or income share agreement operated by
 14 the institution;

15 (B) debt owed from a return of student as-
 16 sistance made, insured, or guaranteed under
 17 title IV of the Higher Education Act 1965 (20
 18 U.S.C. 1070 et seq.) to the Department of Edu-
 19 cation; and

20 (C) debt owed from the student’s non-
 21 payment of institutional charges or fees.

22 (5) PRIVATE EDUCATION LOAN.—The term
 23 “private education loan” means—

24 (A) a loan provided by a private edu-
 25 cational lender (as defined in section 140(a) of

the Truth in Lending Act (15 U.S.C. 1650(a)))

that—

(i) is not made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(ii) is issued expressly for postsecondary educational expenses to a borrower, regardless of whether the loan is provided through the educational institution that the subject student attends or directly to the borrower from the private educational lender (as so defined); and

(iii) is not made, insured, or guaranteed under title VII or title VIII of the Public Health Service Act (42 U.S.C. 292 et seq. and 296 et seq.); and

(B) does not include an extension of credit under an open end consumer credit plan, a reverse mortgage transaction, a residential mortgage transaction, or any other loan that is secured by real property or a dwelling.

(6) PROPRIETARY INSTITUTION OF HIGHER EDUCATION.—The term “proprietary institution of higher education” has the meaning given the term in

1 section 102(b) of the Higher Education Act of 1965
2 (20 U.S.C. 1002(b)).

3 (7) RECRUITING AND MARKETING ACTIVI-
4 TIES.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), the term “recruiting and
7 marketing activities” means activities that con-
8 sist of the following:

9 (i) Advertising and promotion activi-
10 ties, including paid announcements in
11 newspapers, magazines, radio, television,
12 billboards, electronic media, naming rights,
13 or any other public medium of communica-
14 tion, including paying for displays or pro-
15 motions at job fairs, military installations,
16 or college recruiting events, that are made
17 directly or indirectly to a student, a pro-
18 spective student, the public, an accrediting
19 agency, a State agency, or to the Secretary
20 by an institution of higher education, one
21 of its representatives, or any person with
22 whom the institution has an agreement to
23 provide educational programs, advertising,
24 or admissions services.

1 (ii) Misleading statement, misrepresentation,
2 and substantial misrepresentation (as defined in section 668.71(c) of
3 title 34, Code of Federal Regulations, or
4 any successor regulation).
5

6 (iii) Efforts to identify and attract
7 prospective students, either directly or
8 through a contractor or other third party,
9 including contact concerning a prospective
10 student's potential enrollment or application
11 for a grant, a loan, or work assistance
12 under title IV of the Higher Education Act
13 of 1965 (20 U.S.C. 1070 et seq.) or participation
14 in preadmission or advising activities, including
15 soliciting an individual to provide contact
16 information to an institution of higher education,
17 including through websites established for such
18 purpose and funds paid to third parties for such
19 purpose.
20

21 (iv) Such other activities as the Secretary
22 of Education may prescribe, including paying for
23 promotion or sponsorship of education or military-related
24 associations.

1 (B) EXCEPTIONS.—Any activity that is re-
2 quired as a condition of receipt of funds by an
3 institution under title IV of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1070 et seq.), is
5 specifically authorized under such title, or is
6 otherwise specified by the Secretary of Edu-
7 cation, shall not be considered to be a recruit-
8 ing and marketing activity under subparagraph
9 (A).

10 (8) STATE APPROVAL AGENCY.—The term
11 “State approval agency” means any State agency
12 that determines whether an institution of higher
13 education is legally authorized within such State to
14 provide a program of education beyond secondary
15 education.

16 (9) VETERANS SERVICE ORGANIZATION.—The
17 term “veterans service organization” means an orga-
18 nization that is—

19 (A) recognized by the Secretary of Vet-
20 erans Affairs for the representation of veterans
21 under section 5902 of title 38, United States
22 Code;

23 (B) congressionally chartered under title
24 36, United States Code, and serves or rep-
25 represents veterans;

(C) recognized by the Secretary of Veteran Affairs under section 14.628 of title 38, Code of Federal Regulations (or a successor regulation), as a national organization, State organization, tribal organization, or regional or local organization; or

(D) an organization that has a record of demonstrating expertise in, assists in, or serves the interests of veterans in education.

SEC. 3. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the “Proprietary Education Interagency Oversight Coordination Committee” (referred to in this Act as the “Committee”) and to be composed of the head (or the designee of such head who is designated under subsection (d)) of each of the following Federal entities:

(1) The Department of Education.

(2) The Consumer Financial Protection Bureau.

(3) The Department of Justice.

(4) The Securities and Exchange Commission.

(5) The Department of Defense.

(6) The Department of Veterans Affairs.

(7) The Federal Trade Commission.

1 (8) The Department of Labor.

2 (9) The Internal Revenue Service.

3 (10) At the discretion of the President, any
4 other relevant Federal agency or department.

5 (b) PURPOSES.—The Committee shall have the fol-
6 lowing purposes:

7 (1) To improve enforcement of applicable Fed-
8 eral laws and regulations.

9 (2) To increase accountability of proprietary in-
10 stitutions of higher education to students and tax-
11 payers.

12 (3) To ensure the promotion of quality edu-
13 cation programs.

14 (4) To reduce and prevent fraud and abuse by
15 proprietary institutions of higher education.

16 (c) RESPONSIBILITIES.—To meet the purposes de-
17 scribed in subsection (b), the Committee shall have the
18 following responsibilities:

19 (1) Coordinate administrative oversight of pro-
20 prietary institutions of higher education—

21 (A) such that the Federal agencies rep-
22 resented on the Committee may develop a
23 memorandum of understanding to specify re-
24 sponsibilities of each such Federal agency in
25 creating the report under section 6;

1 (B) to encourage information sharing
 2 among the Federal agencies related to Federal
 3 investigations, audits, or inquiries of propri-
 4 etary institutions of higher education; and

5 (C) to increase coordination and coopera-
 6 tion between Federal and State agencies, in-
 7 cluding State Attorneys General and State ap-
 8 proval agencies, with respect to improving over-
 9 sight and accountability of proprietary institu-
 10 tions of higher education.

11 (2) Synthesize cross-agency industry data on
 12 proprietary institutions of higher education to—

13 (A) develop an annual report under section
 14 6;

15 (B) publish a “For-Profit College Warning
 16 List for Parents and Students”, in accordance
 17 with section 7; and

18 (C) develop consistency among Federal and
 19 State agencies in the dissemination of consumer
 20 information regarding proprietary institutions
 21 of higher education to ensure that students,
 22 parents, and other stakeholders have easy ac-
 23 cess to such information.

24 (d) MEMBERSHIP.—

1 (1) DESIGNEES.—The head of a Federal entity
2 described in subsection (a) may designate a high
3 ranking official of the entity to serve as a designee
4 on the Committee. The designee shall be, whenever
5 possible, the head of the portion of the entity that
6 is most relevant to the purposes described in sub-
7 section (b).

8 (2) CHAIRPERSON.—The Secretary of Edu-
9 cation or the designee of such Secretary shall serve
10 as the Chairperson of the Committee.

11 (3) COMMITTEE SUPPORT.—The Chairperson of
12 the Committee shall ensure appropriate staff and of-
13 ficials at the Department of Education are available
14 to support Committee-related work.

15 **SEC. 4. MEETINGS AND ADVISORY COMMITTEE.**

16 (a) COMMITTEE MEETINGS.—The members of the
17 Committee shall meet regularly, but not less than once
18 during each quarter of each fiscal year, to carry out the
19 purposes described in section 3(b) and responsibilities de-
20 scribed in section 3(c).

21 (b) PROPRIETARY EDUCATION OVERSIGHT ADVI-
22 SORY COMMITTEE.—

23 (1) IN GENERAL.—The Committee shall estab-
24 lish a Proprietary Education Oversight Advisory
25 Committee to advise the Proprietary Education

1 Interagency Oversight Coordination Committee that
2 meets not less than twice each fiscal year.

3 (2) FACA APPLICABILITY.—The activities of
4 the Proprietary Education Oversight Advisory Com-
5 mittee shall be subject to the provisions of the Fed-
6 eral Advisory Committee Act (5 U.S.C. App.).

7 (3) MEMBERSHIP.—The Proprietary Education
8 Oversight Advisory Committee shall be composed of
9 the following members:

10 (A) State Attorneys General.

11 (B) Representatives from State approval
12 agencies.

13 (C) Representatives from veterans service
14 organizations.

15 (D) Representatives from accrediting agen-
16 cies.

17 (E) Representatives from civil rights orga-
18 nizations.

19 (F) Representatives from proprietary insti-
20 tutions of higher education.

21 (G) Consumer advocates.

22 (H) Any additional stakeholders deemed
23 relevant by the Proprietary Education Inter-
24 agency Oversight Coordination Committee to
25 provide input and information to enable the

1 Proprietary Education Interagency Oversight
 2 Coordination Committee to carry out the pur-
 3 poses described in section 3(b) and responsibil-
 4 ities in section 3(c).

5 **SEC. 5. COLLECTION AND TRACKING OF COMPLAINTS.**

6 (a) IN GENERAL.—In consultation with the Com-
 7 mittee, the Secretary of Education shall establish a single,
 8 toll-free telephone number, a website, and a database (or
 9 utilize an existing database) to facilitate the centralized
 10 collection of, monitoring of, and response to student com-
 11 plaints regarding the services or activities of any propri-
 12 etary institution of higher education eligible for Federal
 13 education assistance. The Committee shall coordinate with
 14 the Federal agencies represented on the Committee to
 15 route complaints to such agencies, where appropriate.

16 (b) ROUTING CALLS TO STATES.—To the extent
 17 practicable, State approval agencies may receive appro-
 18 priate complaints from the systems established under sub-
 19 section (a), if—

20 (1) the State approval agency system has the
 21 functional capacity to receive calls or electronic re-
 22 ports routed by the Department of Education sys-
 23 tems;

24 (2) the State approval agency has satisfied any
 25 conditions of participation in the system that the

1 Department of Education may establish, including
2 treatment of personally identifiable information and
3 sharing of information on complaint resolution or re-
4 lated compliance procedures and resources; and

5 (3) participation by the State approval agency
6 includes measures necessary to provide for protec-
7 tion of personally identifiable information that con-
8 form to the standards for protection of the confiden-
9 tiality of personally identifiable information and for
10 data integrity and security that apply to the Federal
11 agencies described in subsection (c).

12 (c) DATA SHARING REQUIRED.—To facilitate prepa-
13 ration of the reports required under section 6, supervision
14 and enforcement activities, and monitoring of the market
15 for educational services provided by any proprietary insti-
16 tution of higher education eligible for Federal education
17 assistance, the Committee members shall share student
18 complaint information with accrediting agencies, the Fed-
19 eral Trade Commission, other Federal agencies, and State
20 agencies, subject to the standards applicable to Federal
21 agencies for protection of the confidentiality of personally
22 identifiable information and for data security and integ-
23 rity. The accrediting agencies, the Federal Trade Commis-
24 sion, and other Federal agencies shall share data relating
25 to student complaints regarding educational services pro-

1 vided by any proprietary institution of higher education
2 with the Department of Education, subject to the stand-
3 ards applicable to Federal agencies for protection of con-
4 fidentiality of personally identifiable information and for
5 data security and integrity.

6 **SEC. 6. REPORT.**

7 (a) IN GENERAL.—The Committee shall submit an
8 annual report to the Committee on Health, Education,
9 Labor, and Pensions of the Senate, the Committee on
10 Education and Labor of the House of Representatives,
11 and any other committee of Congress that the Committee
12 determines appropriate.

13 (b) PUBLIC ACCESS.—The report described in sub-
14 section (a) shall be made available to the public in a man-
15 ner that is easily accessible to parents, students, and other
16 stakeholders.

17 (c) CONTENTS.—

18 (1) IN GENERAL.—The report shall include—

19 (A) a description of the role of each mem-
20 ber of the Committee in achieving the purposes
21 described in section 3(b);

22 (B) an accounting of any action taken by
23 the Federal Government, any member entity of
24 the Committee, or a State to enforce Federal or

1 State laws and regulations applicable to a pro-
2 prietary institution of higher education;

3 (C) a summary of complaints received, re-
4 solved, or pending against each proprietary in-
5 stitution of higher education during the applica-
6 ble year, including—

7 (i) student complaints collected by the
8 complaint system established under section
9 5 or received by any member entity of the
10 Committee;

11 (ii) any complaint filed by a Federal
12 or State agency in a Federal, State, local,
13 or tribal court;

14 (iii) any administrative proceeding by
15 a Federal or State agency involving non-
16 compliance of any applicable law or regula-
17 tion;

18 (iv) any other review, audit, or admin-
19 istrative process by any Federal or State
20 agency that results in a penalty, suspen-
21 sion, or termination from any Federal or
22 State program; and

23 (v) any complaint, review, audit, or
24 administrative process initiated against the
25 proprietary institution of higher education

1 by an accrediting agency or any adverse
2 action taken by an accrediting agency dur-
3 ing the applicable year;

4 (D) the data described in paragraph (2)
5 and any other data relevant to proprietary insti-
6 tutions of higher education that the Committee
7 determines appropriate; and

8 (E) recommendations of the Committee for
9 such legislative and administrative actions as
10 the Committee determines are necessary to—

11 (i) improve enforcement of applicable
12 Federal laws;

13 (ii) increase accountability of propri-
14 etary institutions of higher education to
15 students and taxpayers;

16 (iii) reduce and prevent fraud and
17 abuse by proprietary institutions of higher
18 education; and

19 (iv) ensure the promotion of quality
20 education programs.

21 (2) DATA.—

22 (A) INDUSTRY-WIDE DATA.—The report
23 shall include data on all proprietary institutions
24 of higher education that consists of information
25 regarding—

1 (i) the total amount of Federal edu-
2 cation assistance that proprietary institu-
3 tions of higher education received for the
4 previous academic year, and the percentage
5 of the total amount of Federal education
6 assistance provided to institutions of high-
7 er education (as defined in section 102 of
8 the Higher Education Act of 1965 (20
9 U.S.C. 1002)) for such previous academic
10 year that reflects such total amount of
11 Federal education assistance provided to
12 proprietary institutions of higher education
13 for such previous academic year;

14 (ii) the total amount of Federal edu-
15 cation assistance that proprietary institu-
16 tions of higher education received for the
17 previous academic year, disaggregated
18 by—

19 (I) educational assistance in the
20 form of a loan provided under title IV
21 of the Higher Education Act of 1965
22 (20 U.S.C. 1070 et seq.);

23 (II) educational assistance in the
24 form of a grant provided under title

1 IV of the Higher Education Act of
2 1965 (20 U.S.C. 1070 et seq.);

3 (III) educational assistance pro-
4 vided under chapter 33 of title 38,
5 United States Code;

6 (IV) assistance for tuition and
7 expenses under section 2007 of title
8 10, United States Code;

9 (V) assistance provided under
10 section 1784a of title 10, United
11 States Code; and

12 (VI) Federal education assistance
13 not described in subclauses (I)
14 through (V);

15 (iii) the percentage of the total
16 amount of Federal education assistance
17 provided to institutions of higher education
18 (as defined in section 102 of the Higher
19 Education Act of 1965 (20 U.S.C. 1002))
20 for such previous academic year for each of
21 the programs described in subclauses (I)
22 through (VI) of clause (ii) that reflects
23 such total amount of Federal education as-
24 sistence provided to proprietary institu-

tions of higher education for such previous
academic year for each of such programs;

(iv) the average retention and graduation rates for students pursuing a degree at proprietary institutions of higher education;

(v) the average cohort default rate (as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) for proprietary institutions of higher education, and list of each cohort default rate for each proprietary institution of higher education;

(vi) the average pre-enrollment expenditures on a per-enrolled-student basis, including expenditures on recruiting and marketing activities;

(vii) the average educational and general expenditures (as defined in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a)) per student, excluding all pre-enrollment expenditures;

(viii) for careers requiring the passage of a licensing examination—

1 (I) the passage rate of individ-
2 uals who attended a proprietary insti-
3 tution of higher education taking such
4 examination to pursue such a career;
5 and

6 (II) the passage rate of all indi-
7 viduals taking such exam to pursue
8 such a career; and

9 (ix) the use of private education loans
10 at proprietary institutions of higher edu-
11 cation that includes—

12 (I) an estimate of the total num-
13 ber of such loans;

14 (II) information on the average
15 debt, default rate, and interest rate of
16 such loans; and

17 (III) the names of each lender
18 providing private education loans to
19 borrowers with respect to each propri-
20 etary institution of higher education
21 in the prior academic year, includ-
22 ing—

23 (aa) the number of bor-
24 rowers receiving loans from each
25 lender; and

1 (bb) the volume of dollars
2 provided to borrowers with re-
3 spect to the proprietary institu-
4 tion of higher education by each
5 lender.

6 (B) DATA ON PUBLICLY TRADED COR-
7 PORATIONS.—

8 (i) IN GENERAL.—The report shall in-
9 clude data on proprietary institutions of
10 higher education that are publicly traded
11 corporations, consisting of information
12 on—

13 (I) any pre-tax profit of such
14 proprietary institutions of higher edu-
15 cation—

16 (aa) reported as a total
17 amount and an average percent
18 of revenue for all such propri-
19 etary institutions of higher edu-
20 cation; and

21 (bb) reported for each such
22 proprietary institution of higher
23 education;

24 (II) revenue for such proprietary
25 institutions of higher education spent

1 on recruiting and marketing activities,
2 student instruction, and student sup-
3 port services, reported—

4 (aa) as a total amount and
5 an average percent of revenue for
6 all such proprietary institutions
7 of higher education; and

8 (bb) for each such propri-
9 etary institution of higher edu-
10 cation;

11 (III) total compensation packages
12 of the executive officers of each such
13 proprietary institution of higher edu-
14 cation;

15 (IV) a list of institutional loan
16 programs offered by each such propri-
17 etary institution of higher education
18 that includes information on the de-
19 fault and interest rates of such pro-
20 grams; and

21 (V) the data described in clauses
22 (ii) and (iii).

23 (ii) DISAGGREGATED BY OWNER-
24 SHIP.—The report shall include data on
25 proprietary institutions of higher education

1 that are publicly traded corporations,
2 disaggregated by corporate or parent enti-
3 ty, brand name, and campus, consisting
4 of—

5 (I) the average total cost of at-
6 tendance at each such proprietary in-
7 stitution of higher education, and in-
8 formation comparing such total cost
9 for each such program to—

10 (aa) the average total cost of
11 attendance—

12 (AA) at each public in-
13 stitution of higher edu-
14 cation; and

15 (BB) at each public in-
16 stitution of higher education
17 that offers the same level of
18 education degree or certifi-
19 cation as the proprietary in-
20 stitution of higher edu-
21 cation; and

22 (bb) the average total cost
23 of attendance—

24 (AA) at all institutions
25 of higher education, includ-

1 ing such institutions that
2 are public and such institu-
3 tions that are private; and
4 (BB) at all institutions
5 of higher education that
6 offer the same level of edu-
7 cation degree or certification
8 as the proprietary institu-
9 tion of higher education, in-
10 cluding such institutions
11 that are public and such in-
12 stitutions that are private;
13 (II) total enrollment,
14 disaggregated by—
15 (aa) individuals enrolled in
16 programs taken online;
17 (bb) individuals enrolled in
18 programs that are not taken on-
19 line; and
20 (cc) individuals enrolled in
21 programs taken both online and
22 not online;
23 (III) the average retention and
24 graduation rates for students pur-

1 suing a degree at such proprietary in-
2 stitutions of higher education;

3 (IV) the percentage of students
4 enrolled in such proprietary institu-
5 tions of higher education who com-
6 plete a program of such an institution
7 within—

8 (aa) the standard period of
9 completion for such program; and

10 (bb) a period that is 150
11 percent of such standard period
12 of completion;

13 (V) the average total cost of at-
14 tendance for each program at such
15 proprietary institutions of higher edu-
16 cation;

17 (VI) the average cohort default
18 rate, as defined in section 435(m) of
19 the Higher Education Act of 1965 (20
20 U.S.C. 1085(m)), for such proprietary
21 institutions of higher education, and
22 an annual list of cohort default rates
23 (as so defined) for all proprietary in-
24 stitutions of higher education;

1 (VII) the median Federal edu-
2 cational debt incurred by students
3 who complete a program at such a
4 proprietary institution of higher edu-
5 cation;

6 (VIII) the median Federal edu-
7 cational debt incurred by students
8 who start but do not complete a pro-
9 gram at such a proprietary institution
10 of higher education;

11 (IX) the job placement rate for
12 students who complete a program at
13 such a proprietary institution of high-
14 er education and the type of employ-
15 ment obtained by such students;

16 (X) for careers requiring the pas-
17 sage of a licensing examination, the
18 rate of individuals who attended such
19 a proprietary institution of higher
20 education and passed such an exam-
21 ination;

22 (XI) the number of complaints
23 from students enrolled in such propri-
24 etary institutions of higher education
25 who have submitted a complaint to

1 any member entity of the Committee;
2 and

3 (XII) the volume of institutional
4 debt, number of students who owe in-
5 stitutional debts, and average amount
6 of institutional debt owed by each stu-
7 dent.

8 (iii) DEPARTMENT OF DEFENSE AND
9 VETERANS AFFAIRS ASSISTANCE.—

10 (I) IN GENERAL.—To the extent
11 practicable, the report shall provide
12 information on the data described in
13 clause (ii) for individuals using, to pay
14 for the costs of attending such a pro-
15 prietary institution of higher edu-
16 cation, Federal education assistance
17 provided under—

18 (aa) chapter 33 of title 38,
19 United States Code;

20 (bb) section 2007 of title 10,
21 United States Code; and

22 (cc) section 1784a of title
23 10, United States Code.

24 (II) REVENUE.—The report shall
25 provide information on the revenue of

1 proprietary institutions of higher edu-
2 cation that are publicly traded cor-
3 porations that is derived from the
4 Federal education assistance described
5 in subclause (I).

6 (C) COMPARISON DATA.—To the extent
7 practicable, the report shall provide information
8 comparing the data described in subparagraph
9 (B) for proprietary institutions of higher edu-
10 cation that are publicly traded corporations
11 with such data for public institutions of higher
12 education disaggregated by State.

13 (3) ACCOUNTING OF ANY ACTION.—For the
14 purposes of paragraph (1)(B), the term “any ac-
15 tion” shall include—

16 (A) a complaint filed by a Federal or State
17 agency in a local, State, Federal, or tribal
18 court;

19 (B) an administrative proceeding by a
20 Federal or State agency involving noncompli-
21 ance of any applicable law or regulation; or

22 (C) any other review, audit, or administra-
23 tive process by any Federal or State agency
24 that results in a penalty, suspension, or termi-
25 nation from any Federal or State program.

1 **SEC. 7. FOR-PROFIT COLLEGE WARNING LIST FOR PAR-**
2 **ENTS AND STUDENTS.**

3 (a) IN GENERAL.—Each academic year, the Sec-
4 retary of Education on behalf of the Committee shall pub-
5 lish a list to be known as the “For-Profit College Warning
6 List for Parents and Students” to be comprised of propri-
7 etary institutions of higher education—

8 (1) that have been sued for financial relief by
9 a Federal or State authority, or through a qui tam
10 action in which the Federal Government has inter-
11 vened;

12 (2) that are required to pay a debt or incur a
13 liability from a settlement, arbitration proceeding, or
14 final judgment in a judicial proceeding with a Fed-
15 eral or State agency and the case addresses mis-
16 representation, fraud, liability under sections 3729
17 through 3733 of title 31, United States Code (com-
18 monly known as the “False Claims Act”), or other
19 borrower defense to repayment claims;

20 (3) that have pending claims for borrower relief
21 discharge under the borrower defense to repayment
22 regulations from students or former students of the
23 institution and the Secretary of Education has
24 formed a group process to consider the claims;

25 (4) that have had any eligibility for participa-
26 tion withdrawn or suspended with respect to—

1 (A) educational assistance in the form of a
 2 loan provided under title IV of the Higher Edu-
 3 cation Act of 1965 (20 U.S.C. 1070 et seq.);

4 (B) educational assistance in the form of a
 5 grant provided under title IV of the Higher
 6 Education Act of 1965 (20 U.S.C. 1070 et
 7 seq.);

8 (C) educational assistance provided under
 9 chapter 33 of title 38, United States Code;

10 (D) assistance for tuition and expenses
 11 under section 2007 of title 10, United States
 12 Code;

13 (E) assistance provided under section
 14 1784a of title 10, United States Code; or

15 (F) Federal education assistance not de-
 16 scribed in subparagraphs (A) through (E); or

17 (5) that have been deemed ineligible to receive
 18 Federal education assistance for the next year or re-
 19 quired to repay Federal education assistance pre-
 20 viously received in applicable report year.

21 (b) SUMMARY.—The For-Profit College Warning List
 22 for Parents and Students shall include a summary in plain
 23 language of the basis of each proprietary institution of
 24 higher education's inclusion on the list.

1 (c) PROCEDURES.—The Committee shall establish
 2 and apply review procedures for the For-Profit College
 3 Warning List for Parents and Students, including evalua-
 4 tion and withdrawal proceedings that provide—

5 (1) for adequate written specification of—

6 (A) the procedure for identifying propri-
 7 etary intuitions of higher education for inclu-
 8 sion on the list; and

9 (B) identified deficiencies at the propri-
 10 etary institutions of higher education; and

11 (2) for sufficient opportunity for a written re-
 12 sponse by a proprietary institution of higher edu-
 13 cation regarding any deficiencies identified by the
 14 Committee—

15 (A) within a timeframe determined by the
 16 Committee; and

17 (B) prior to the final publication of the
 18 For-Profit College Warning List for Parents
 19 and Students.

20 (d) PUBLICATION.—Not later than July 1 of each fis-
 21 cal year, on behalf of the Committee, the Secretary of
 22 Education shall publish the For-Profit College Warning
 23 List for Parents and Students prominently and in a man-
 24 ner that is easily accessible to parents, current students,
 25 prospective students, and other stakeholders. The Sec-

- 1 retary of Education may incorporate the For-Profit Col-
- 2 lege Warning List for Parents and Students into pre-
- 3 existing, widely used platforms.

