

**SUMMARY OF MAJOR PROVISIONS IN THE  
HEA CONFERENCE REPORT  
THE HIGHER EDUCATION OPPORTUNITY ACT OF 2008**

**Title I**

- Homeschool Students – Clarifies that institutions will not lose their student aid eligibility for admitting, and providing aid to, homeschool students.
- Dual Enrollment – Permits institutions to remain Title IV eligible if they admit dually enrolled students as regular students pursuing a degree or certificate.
- Foreign Medical Schools – Provides a technical correction ensuring that a for-profit, foreign medical school does not lose its Title IV eligibility for student loans when it moves its clinical training from one program to another so long as the new program is approved by the State. Increases the pass rate on the United States Medical Licensing Exam from 60 percent to 75 percent required of foreign medical schools, effective July 1, 2010. Requires the National Committee on Foreign Medical Education and Accreditation to submit a report to the Secretary and to Congress recommending what criteria need to be met by new foreign medical schools that want to participate in the student loan program. The Secretary is authorized to issue proposed regulations to establish new eligibility criteria for foreign medical schools not earlier than 180 days after the receipt of the recommendations. Final regulations may not be issued for at least 1 year after the publication of proposed regulations.
- Foreign Nursing Schools – Permits foreign nursing schools to gain Title IV eligibility for student loans if the nursing school (1) has an agreement with a hospital in the United States or an accredited nursing school in the United States that requires students to complete their training at such hospital or school, (2) has an agreement with a US nursing school that requires the students graduating from the foreign nursing school to also receive a degree from the US nursing school, (3) agrees to reimburse the Secretary for the cost of any loan defaults for current and former students included in the institution's cohort default rate, and (4) has not less than 75 percent of graduates who took out student loans and who took the National Council Licensure Examination for Registered Nurses and received a passing score on the exam.
- Proprietary School Issues
  - 90/10 Rule – The 90/10 rule requires proprietary schools to get 10% of their revenues from non-Federal sources. Under current law, if a school violates the 90/10 rule, it immediately loses its student aid eligibility. The agreement moves the 90/10 rule to Title IV and expands what revenues can be counted towards the 10 percent. It also requires that a school be placed on provisional certification for 2 years before its participation in the student aid programs is terminated.
  - Liberal Arts Degrees – Permits a proprietary school that has been accredited by a regional accrediting agency since October 1, 2007 to gain Title IV eligibility for students in liberal arts bachelor's degree programs so long as the program is in place by January 1, 2009.
- Protection of Student Speech and Association Rights - Includes a Sense of Congress that institutions should facilitate free, open exchange of ideas and design their academic programs in accordance with their individual missions and educational goals.

- NACIQI – Reconstitutes the National Advisory Committee on Institutional Quality and Integrity (NACIQI). Under current law, the Secretary appoints the Committee. However, under the conference agreement, the Secretary, the Speaker of the House and the President pro tempore of the Senate will each appoint six members. Each party in each chamber is to nominate three of the members. The current NACIQI terminates on date of enactment and the new members may be appointed on or after February 1, 2009.
- Diploma Mills – Defines the term “diploma mill.” Requires the Secretary to maintain a website that contains information and resources to assist the public in understanding how to identify and avoid diploma mills. Requires the Secretary to continue collaborating with other federal agencies to prevent, identify and prosecute diploma mills.
- Financial Aid Websites
  - One-Stop Financial Aid Website –Requires the Department of Education to display a link to the federal student aid website prominently on its website. Requires the Secretary to make the website widely known through a major media campaign. Requires the Secretary to post financial aid opportunities from other federal agencies on the Department’s website.
  - Financial Aid for Military Members and Veterans – Requires the Secretary to create a website that contains information on financial aid and other benefits and services for military members and veterans.
  - Website for Financial Aid in STEM Fields – Requires the Secretary to post public and private financial aid opportunities for individuals interested in pursuing a career in science, technology, engineering or mathematics.
- College Cost Provisions – Includes several provisions to address the issue of rising college costs.
  - College Affordability and Transparency Lists – Requires the Secretary, beginning in 2011 and annually thereafter, to publish 6 national lists, by type of institution:
    - The 5% of institutions with the highest tuition and fees;
    - The 5% most expensive institutions in the country, determined by net price;
    - The 10% of institutions in the country, with the lowest tuition and fees;
    - The 10% least expensive institutions in the country, determined by net price;
    - The top 5% of institutions that have the largest percentage increase in tuition and fees over the last 3 years;; and
    - The top 5% institutions that have the largest percentage increase in net price over the last 3 years.
      - ◆ Institutions on either of “top 5%” lists must submit a report to the Secretary describing the major areas in the institution’s budget with the greatest increases and the steps the institution will take toward the goal of those reducing costs. If cost increases are not within control of the institution, it must provide an explanation and identify the responsible State entities. An institution placed on the list for two or more consecutive years, must describe the progress made in reducing costs.
      - ◆ Institutions will not be on a “top 5%” list if the dollar increase over 3 years is less than \$600.
  - State Higher Education Appropriations Chart – The Secretary shall provide annual information on State appropriations, including percentage changes in (1) spending per student, (2) tuition and fees, and (3) need- and merit-based aid.
  - Net Price – Requires institutions to publish their average net price of aided students by income category and requires institutions to post a net price calculator on their website.

- College Information Website – Requires the Secretary to post on the Department website information on each participating institution, such as the cost of attendance, percentage of students receiving different types of financial assistance, availability of alternate tuition plans, including guaranteed tuition plans, , percentages of undergraduate students who graduate within the normal time for completion, and within 150% and 200% of normal completion times, student-faculty ratios and a link to the institution’s website. The Secretary shall regularly consult with college students, institutions, and experts regarding the convenience and usefulness of the website.
- Institution Pricing Summary Page – Requires the Secretary to annually publish a sortable and searchable list of all institutions that participate in the Title IV aid programs to provide information on tuition and fees, average price after grant aid by income category, and recent price increases.
- Multi-Year Tuition Calculator –Requires the Secretary to develop a calculator that will help students and families estimate what the total tuition and fees for the student’s period of attendance.

Textbooks – Incorporates a compromise on a proposal included in the House-passed bill to require transparency in the costs of college textbooks. Requires publishers to provide faculty members with information on price, copyright dates of the three previous editions, any substantial revisions between current edition and the previous and whether the textbook is available in any other format and at what price. Requires publishers to sell their bundled textbooks in bundled and unbundled formats. Requires institutions to disclose the International Standard Book Number (ISBN) and retail price information of textbooks on the institution’s course schedule. Prohibits the Secretary from regulating on the provisions. Provisions are effective on July 1, 2010.

Student Unit Records System –Prohibits the Secretary from creating a federal student unit record database.

In-State Tuition for Military – Requires States to provide in-state tuition rates to members of the military, their spouses or their dependent children.

State Higher Education Information Pilot Program –Authorizes grants to States to develop state-level postsecondary education student data systems.

- Lobbying Prohibition –Prohibits institutions of higher education from using student aid funds provided under the Higher Education Act for lobbying or fundraising activities.
- Sunshine Provisions –Provide more transparency on the relationships between lenders and institutions of higher education.
  - Disclosures –
    - Lenders - Requires lenders to provide specified information to institutions and the Department.
    - Institutions - Requires institutions to provide the information contained in a model form to the Secretary annually for each lender on the institution’s preferred lender list. In addition to disclosing required information, the institutions must also tell borrowers that the institution is required to process any loan application from any lender selected by the student or family. An institution that provides information about private education loans to students must inform the student about his or her eligibility for Title IV aid, the terms and conditions of private loans, ensure that the information presented about the private loan is done in such a way that is separate from the information about Title IV loans and provide information contained in the model form developed by the Federal Reserve. Prevents lenders from making private loans from using the institution’s name or logo in marketing the loan.

- Model Form - Requires the Secretary, in consultation with the Board of Governors of the Federal Reserve, to develop a model format for lenders and schools to use in reporting information to the Secretary and to students.

## Title II

- Part A – Teacher Quality Partnership Grants – Consolidates the existing State grants, partnership grants, and teacher recruitment grants into one grant program to provide funds to partnerships to improve teacher training and professional development. Partnerships would use grant funds to improve teacher training programs, implement one-year teacher residency programs for prospective new teachers, improve the training of principals or other school leaders, or a combination of the three. Authorized at \$300 million for FY 2009 and such sums for each of the two succeeding fiscal years.
  - Accountability and Evaluation. Similar to current law, requires partnerships that receive grants to establish and implement performance measures to evaluate activities carried out with grant funds, and to report on the progress being made in meeting those objectives. Also requires each college or university that receives Federal aid under the HEA and operates a teacher preparation program, each State, and the Secretary to publicly report on the quality of teacher preparation. Finally, requires States to identify and assist low-performing teacher training programs. Includes new language clarifying that institutions are not required to create a new teacher preparation area of concentration or degree program or adopt any specific curriculum in order to comply with the accountability provisions included in the bill.
- Part B – Enhancing Teacher Education – Rewrites the current Part B. Within this new part are the following new grants. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
  - Subpart 1 – Preparing Teachers for Digital Age Learners – Authorizes the Secretary to award grants to eligible consortia to help develop projects that would assist graduate teacher candidates to use modern information, communication and learning tools in their teaching.
  - Subpart 2 – Honorable Augustus F. Hawkins Centers of Excellence – Authorizes the Secretary to award grants to minority serving institutions with teacher preparation programs to reform and expand those programs.
  - Subpart 3 – Preparing General Education Teachers to More Effectively Educate Students with Disabilities – Authorizes the Secretary to award grants to eligible partnerships to improve the ability of general education teachers to teach students with disabilities in the classroom.
  - Subpart 4 - Adjunct Teacher Corps – Allows school districts to recruit content specialists from among mid-career professionals with expertise in math, science, and critical foreign languages.
  - Subpart 5 – Graduate Fellowships to Prepare Faculty in High-Need Areas at Colleges of Education – Authorizes the Secretary to award grants to institutions of higher education to allow institutions to make graduate fellowship awards available to students preparing for the professorate in math, science, special education, or instruction to limited English proficient students.

- Part C – General Provisions - Continues prohibitions from current law protecting private and home schools and prohibiting a national teacher certification system. Includes a rule of construction against anything in the title being construed as affecting collective bargaining agreements.

### Title III

- Uses of Funds – Aligns the uses of funds in all the minority-serving programs so they are consistent.
- Predominantly Black Institutions – Authorizes a program for institutions that serve a student population composed of at least 40 percent African American students and whose students are also low-income. Authorized at \$75 million for FY 2009 and such sums for each of the five succeeding fiscal years.
- Native American-serving, Nontribal Institutions – Authorizes grants to Native American-serving, nontribal institutions for the improvement and expansion of their capacity to serve Native Americans. An eligible institution has an undergraduate enrollment that is at least 10 percent Native American and is not a Tribal College or University. Authorized at \$25 million or FY 2009 and such sums for each of the five succeeding fiscal years.
- Asian-American and Native American Pacific Islander-serving Institutions – Authorizes grants to institutions that serve a student population composed of at least 10 percent Asian American and Native American Pacific Islander students and whose students are low-income. Authorized at \$30 million for FY 2009 and such sums for each of the five succeeding fiscal years.
- Historically Black Graduate Institutions – Adds 6 institutions to the list of institutions eligible to receive funds under this section.
- Historically Black College and University (HBCU) Capital Financing – Makes several changes and clarifications to the HBCU capital financing program and increases the loan cap for the program.
- Partnerships for Youth Engagement in STEM Fields – Provides five-year grants of not less than \$500,000 to eligible partnerships to support underrepresented youth engagement in science, technology, engineering, and mathematics through outreach and hands-on, experiential based learning projects. Eligible entities shall include at least one institution of higher education eligible for Title III or Title V assistance, at least one high need local educational agency, and at least two community organizations or entities. Grantees must match an amount equal to 50 percent of the costs of the project supported by the grant. Authorized at such sums for FY 2009 and such sums for each of the five succeeding fiscal years.
- Waiver Authority for Hurricane Schools – Provides the Secretary with waiver authority with respect to institutions located in an area affected by disasters, including Hurricanes Katrina and Rita.

### Title IV

#### Part A – Grants

- Pell Grants – Makes a number of changes to the Pell Grant program.

- Authorized Maximums – Incrementally increases the maximum authorization for Pell: \$6,000 for 2009-2010, \$6,400 for 2010-2011, \$6,800 for 2011-2012, \$7,200 for 2012-2013, \$7,600 for 2013-2014, and \$8,000 for 2014-2015.
  - Minimum Pell Grants – Adjusts the minimum Pell Grant a student can receive to 10 percent of the maximum appropriated amount so long as that person is at least eligible for an amount greater than five percent of the maximum appropriated amount.
  - Year Round Pell Grants - Permits students to receive Pell Grants year round to accelerate their programs.
  - Sex Offenders & Pell Grants – Prohibits sex offenders who are in an involuntary civil commitment program from receiving Pell Grants while in the facility.
  - Limitation on Pell Grants – Limit the maximum amount of semesters a student can receive a Pell Grant to 18 semesters or its equivalent; adjusted for students enrolled part time.
  - Children of Soldiers – Permits students to receive the maximum Pell Grant if one of their parents died while performing military service in Iraq or Afghanistan.
- Academic Competitiveness Grants – Makes several technical changes to the ACG/SMART Grant program that were included in H.R. 5715, *Ensuring Continued Access to Student Loan Act of 2008*.
  - TRIO – Makes a number of changes to the TRIO Programs. Authorized at \$900 million for FY 2009 and such sums for each of the five succeeding fiscal years.
    - Uses of Funds – Adds new uses of funds to permit programs to identify and serve foster care youth and homeless youth. Adds new uses of funds throughout the programs and clarifies which uses of funds are required and which are permissive.
    - Evaluation – The Secretary must establish outcome criteria for measuring the quality and effectiveness of the Talent Search, Upward Bound, Student Support Services, Postbaccalaureate Achievement, and Educational Opportunity Centers programs. The Secretary is required to measure the program’s delivery of services and secondary school enrollment and completion, postsecondary enrollment, academic performance and completion outcomes for students served by the grant programs. Outcome criteria must be disaggregated by low-income, first generation, and individuals with disabilities within each school or institution served by the grant program. Programs would be assessed on how they meet or exceed their various objectives, measured against an eligible entity’s stated target outcomes established in their program application.
    - Appeals – Permits applicants the ability to appeal to the Secretary or have their applications read by another peer review panel, depending upon the reason for the appeal.
    - Eligibility – Permits reservists who served on active duty for less than 180 days to be eligible to participate in the Upward Bound program. Clarifies that different campuses of the same institution can receive grants so long as each entity is serving different populations.
    - Upward Bound – Prohibits the Secretary from implementing the absolute priority and new evaluation for Upward Bound. Based on analysis that students are more likely to succeed if they receive Upward Bound services for a longer period of time, the Department issued a priority for applications that demonstrated that they were admitting students into the program no later than 9<sup>th</sup> and 10<sup>th</sup> grade, one-third of which needed to be at high risk of academic failure. The Department also required applicants to

agree to participate in an evaluation whereby students who received services would be compared to students who did not receive services.

- GEAR UP. Makes a number of changes to the GEAR UP program and increases the amount of information required to be collected on the application for a grant. Authorized at \$400 million for FY 2009 and such sums for each of the five succeeding fiscal years.
  - Terms of Grant - Permits GEAR UP grantees to support students into the students' first year of college and permits GEAR UP funds to be used to improve parent and student involvement in supporting a student's dream of a college education by promoting the advantages of college and emphasizing the academic requirements needed for college.
  - Funding – Requires the Secretary to consider applicants from various geographic areas, including from both urban and rural areas. Provides the Secretary with additional flexibility in assisting grantees with meeting the matching requirement.
  - Students Served - Encourages grantees to serve students that were in foster care or were homeless or unaccompanied youth.
  - Scholarship – Requires states to have a scholarship component (optional for partnerships). The minimum scholarship amount is changed to equate to the minimum Federal Pell Grant.
- Grants for Access and Persistence – Provides formula grants to States to expand college access and increase college persistence through coordination and cohesion among Federal, State, and local governmental and private efforts that provide financial assistance to help low-income students attend college. Grant funds can be used to provide need-based access and persistence grants to eligible low-income students, provide early notification to low-income students of their eligibility for financial aid, encourage increased participation in early information and intervention, mentoring or outreach programs.
- Byrd Scholarship Program – Clarifies that home school students are eligible to receive a scholarship under this program. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

#### Part B – Federal Family Education Loan Program

- Student Loan Counseling – Includes additional disclosures that lenders must make to students and borrowers throughout the life of the loan, including prior to disbursement, during deferment or during the repayment period.
- Illegal Inducements – Clarifies what counts as an illegal inducement for guaranty agencies and lenders.
- Interest Rate Cap for Veterans – Caps the interest rate on a federal student loan at 6 percent for a servicemember while the servicemember is called to active duty. Currently federal student loans are the only loans that are not captured by the requirements under the Servicemembers Civil Relief Act.
- PLUS Loan Deferment – Aligns graduate PLUS loans with Stafford loans and allows graduate students to receive an in-school deferment for their PLUS loans. Parent borrowers are also permitted to receive deferments.

- Cohort Default Rate – Defers the implementation of the new three-year cohort default rate until 2011. Increases the thresholds that provide institutions with the ability to receive special loan disbursement benefits and the threshold that would affect an institution’s eligibility to participate in the student aid programs. Permits institutions who hit certain levels with their cohort default rate to receive default prevention training from the Department of Education and the ability to appeal the calculation of the rate if mitigating circumstances are involved. Ensures that low-volume institutions are not unfairly penalized by this rule.
- Loan Forgiveness Service in Areas of National Need – Forgives the student loan obligation of a borrower who is employed full-time in an area of national need and is not in default on the loan for which the borrower seeks forgiveness. Areas of national need include: early childhood educators; nurses; foreign language specialists; librarians; highly qualified teachers serving students who are limited English proficient, low-income, or underrepresented; child welfare workers; speech language pathologists; school counselors; public sector employees; nutrition professionals; mental health professionals; medical specialists; dentists, STEM employees, physical therapists; occupational therapists and superintendents, principals and other administrators. The Secretary shall forgive not more than \$2,000 of the student loan obligation of a borrower that is outstanding after the completion of the school, academic, or calendar year; not to exceed \$10,000 of loan forgiveness for any borrower. This is a discretionary program.
- Settlements at Department of Education – Prior to entering into any settlement agreement over \$1 million, the Secretary must seek the review of the settlement by the Attorney General and the Attorney General must respond to the request. Provides the Attorney General the discretion to issue a written opinion to the Secretary on the proposed settlement.
- Delinquency Prevention – Requires guaranty agencies to develop specific programs designed to prevent delinquencies and avoid defaults.
- School as Lender Audit – Requires institutions serving as a “school as lender” to undergo an annual audit.
- Permanent and Total Disability Discharge – Permits borrowers who have received a disability determination from the Veterans Administration (VA) to have their student loans discharged by the Department of Education.

Part C – Federal Work Study – Authorized at such sums for FY 2009 and each of the 5 succeeding fiscal years.

- Civic Education – Permits work study students to do civic education and other civic activities.
- Flexibility for Disasters – Permits an institution, located in an area where a major disaster occurred, to make payments to students affected by the disaster if the student is prevented from fulfilling his or her work-study obligation under certain circumstances.
- Off-Campus Community Service in the Federal Work Study Program – Authorizes the Secretary to award work study grants to institutions participating under this part to supplement off campus community service employment. Funds shall be used by institutions to recruit and compensate students. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

#### Part D – Direct Loan Program

- Direct Loan Public Service Loan Forgiveness – Clarifies that time served as a Member of Congress does not count towards the 10 year requirement to receive loan forgiveness under the provision passed in CCRA.
- Identity Fraud Protection – Requires the Secretary to ensure that the monthly billing statements going to borrowers on their Direct Loans do not contain the borrower’s full Social Security number.
- Forgiveness for Military – Prevents interest from accruing on Direct Loans made to members of the military who are serving on activity duty in an area of hostility.
- Technical Amendments – Provides technical amendments to H.R. 5715, *Ensuring Continued Access to Student Loans Act of 2008*.

#### Part E – Perkins Loan Program – Authorized at \$300 million for FY 2009 and such sums for each of the five succeeding fiscal years.

- Perkins Loans Collections – Changes the newly published regulations that relate to the collections of defaulted Perkins loans. Under the regulations, the Secretary requires a defaulted loan to be assigned to the Department for collection if that loan has been in default for seven years and no payment has been received on the loan in the preceding 12 months. This permits institutions to transfer the loan to the Secretary for collections but requires that the Secretary return any amount collected back to the institution within 180 days. Prohibits the Secretary from requiring the assignment of loans in other circumstances that are not already prescribed in the Act.
- Loan Limits – Increases the loan limit for Perkins loans.
- Loan Forgiveness for Perkins loans – Adds four new categories of loan forgiveness in the Perkins loan program: full-time fire fighter, full-time faculty member at a Tribal College or University, librarian, and full-time speech language pathologist.

#### Part F – Needs Analysis

- Needs Analysis Changes – Removes the value of on-campus military housing allowances from counting as income for purposes of the needs analysis formula. GI benefits are not considered income or resources. Permits a financial aid administrator to use discretion to adjust the estimated family contribution based on the family having additional nursing home expenses and, under certain circumstances, for dependent students whose parents refuse to file the FAFSA.
- Independent Student – Permits a student who is an orphan, in foster care or a ward of the court (or was in any of the categories at 13 years old or older) to be declared an independent student. Permits the same status to be given to an emancipated minor.

#### Part G – General Provisions

- FAFSA Simplification - Requires the development of the EZ-FAFSA, the development of a streamlined reapplication process, provides for a system through which students can receive early estimates of their eligibility for financial aid, and creates a demonstration program that permits students to receive their aid award estimates two years in advance. Requires the Secretary to develop a model financial aid offer form that can be used by institutions to inform students about their aid awards. Includes a demonstration program to allow dependent students to apply for financial aid using information from two years prior to the year of enrollment. Requires the Secretary to develop and report a model format for financial aid offer forms that institutions can use for students. Requires the Secretary to report on work done to date to simplify the FAFSA process. Requires GAO to work with the Secretary and IRS to determine ways to use less income and asset data and further simplify the award process.
- Drug Provision – Permits students who, as a result of a conviction for a drug offense, lost their eligibility for Federal student aid to regain their eligibility by passing two unannounced drug tests conducted by certain drug rehabilitation programs. Requires the institutions to notify students of the penalties associated with drug convictions.
- Students with Intellectual Disabilities – Amends the student eligibility requirements to include students with cognitive disabilities enrolled in comprehensive postsecondary programs, thereby making these students eligible for Pell Grants, Work Study, and SEOG funds.
- Military & Admissions – Requires institutions to readmit, without reapplication, students who were called up to serve in the military upon their return from military service, unless the student’s service is terminated upon the occurrence of a dishonorable or bad conduct discharge, a dismissal under section 1161(a) of USC 10, or a dropping of the student from the rolls pursuant to 1161(b) of USC 10.
- Illegal Downloading – Includes several provisions to deal with the issue of illegal downloading on campuses:
  - Information to Students - Requires institutions of higher education to notify students on their policies and procedures to combat illegal downloading and to review their procedures and plans related to preventing illegal downloading.
  - Plans – Requires institutions to certify that they have developed plans to combat illegal downloading.
- Campus Crime – Adds new crimes to the list of crimes that must be reported as hate crimes to the Department under the Clery Act. Excludes foreign schools from having to report on campus crime statistics.
- Graduation and Completion Rates – Permits institutions of higher education to use an alternative method of calculating the completion or graduation rates of students who leave school to serve in the armed forces, on official church missions or with a recognized foreign aid service of the Federal government. Under current law, these individuals are often excluded in the calculation of graduation and completion rates.
- Campus Safety – Requires an institution to develop procedures to: 1) notify the campus immediately in the event of a dangerous situation; 2) publicize emergency response and evacuation procedures on an annual basis; and 3) test emergency response and evacuation procedures.

- Transfer of Credit – Requires institutions to have transfer of credit policies and that those policies be publicly disclosed and include, at a minimum, any established criteria the institution uses regarding the transfer of credits and a list of institutions with which the institution has articulation agreements. It also prohibits the Secretary from requiring any particular policies, procedures, or practices that relate to transfer of credit.
- Fire Safety – Requires institutions that maintain on-campus student housing facilities to publish a fire safety report which provides statistics about on-campus fires and a description of the fire safety systems installed on campus.
- Missing Persons – Requires institutions to establish a missing study notification policy for students living on-campus that allows students to identify an emergency contact to be contacted within 24 hours after the time the student is determined missing and advises students under the age of 18 that notification of a custodial parent is required after 24 hours have lapsed since the student is reported missing.
- National Student Loan Data System – Clarifies the individuals permitted to use the National Student Loan Data System (NSLDS) and the reasons for its use.
- Early Awareness of Financial Aid Eligibility – Requires the Secretary to implement early intervention and outreach programs to ensure that students are getting information about their financial aid eligibility early in their educational career.
- Articulation Agreements – Requires the Secretary to work with States and institutions to develop and implement comprehensive articulation agreements among the institutions in a State and across State lines.
- Code of Conduct – Requires institutions (that participate in Title IV or have students who take out private loans) to (1) develop a code of conduct that will prohibit conflicts of interest; (2) include a gift ban (gifts do not include informational/financial literacy material, food or refreshments at trainings, borrower benefits so long as they are given to all similarly situated students at the institution, exit counseling services, or philanthropic contributions so long as contributions are disclosed); (3) ban consulting arrangements between lenders and financial aid employees (there is exception language that permits trustees or board members to serve on bank boards); (4) prohibit revenue sharing; (5) prohibit staffing assistance unless it's for professional development of financial aid employees, providing financial literacy information, or staffing services on a short-term, nonrecurring basis to assist institutions in the event of an emergency; and (6) ban opportunity pools. Clarifies that the president of an institution of higher education is able to sit on the Board of Directors of a bank. Permits lenders, servicers or guaranty agencies to provide staffing assistance to institutions on a short-term basis during emergencies. Permits service on an advisory board so long as it's an uncompensated position; reasonable expenses can be reimbursed for such service.
- Self Certification of Private Loans – Requires that institutions must provide certain pieces of information to students, upon the students' request, in order to meet the self-certification requirements in Title X.
- Campus Disclosures About On Campus Crime – Requires institutions to provide the results of a final on-campus disciplinary action against an alleged perpetrator of a crime to an alleged victim, or the parents of the victim if the victim died, if the parent or victim requests such information.

- Preferred Lender Lists – Requires that institutions with a preferred lender list maintain at least three lenders on the list, disclose why each lender is on the list, inform the students that they do not have to borrow from lenders on the list and inform the student if the lenders are affiliated.
- 90/10 Rule – Delineates what a proprietary school must count as federal funds (90) and what a school must count for non-federal funds (10). Includes a temporary fix for institutions that will exceed the 90/10 threshold because of the higher loan limit increases included in HR 5715. Requires the Secretary to provide an annual report to Congress that will include the results of the 90/10 calculation for all proprietary schools.
- Advisory Committee on Student Financial Assistance – Adds additional duties to the Committee and reconfigures the Committee.

#### Part H – Accreditation

- Accreditation – Includes several provisions to ensure that accreditation is more transparent.
  - Religious Mission – Clarifies that an accrediting agency or association consistently applies and enforces standards that respect the stated mission of the institution, including religious missions.
  - Student Achievement – Clarifies current law that an institution has the ability to determine the manner in which it will meet the standards for student achievement set by the accreditor.
  - Distance Education – Requires that any accreditation agency that accredits distance education have standards in place that will effectively address the quality of distance education. Permits an accreditor to expand its scope to include distance education so long as it notifies the Secretary and ensures that it is reviewed by NACIQI if one of its institutions expands significantly. If an institution accredited by such an accreditor significantly expands within one year, the accreditor must get its scope expansion approved by NACIQI.
  - Due Process – Includes additional due process protections to the accreditation process that will allow institutions to have an understanding of the accreditor’s standards and to refute the decisions of an accreditation agency and present new evidence on appeal if the appeal is related to an institution’s finances. Requires accrediting agencies to post more information online regarding the agency’s accreditation actions.
- Auction Evaluation – Requires the Secretary to evaluate the pilot auction program implemented in the CCRAA.

#### Title V

- Uses of Funds – Adds additional uses of funds for Hispanic-serving institutions to allow the institutions to develop articulation agreements, promote financial literacy, and develop remedial coursework
- Promoting Postbaccalaureate Opportunities for Hispanic Americans – Authorizes the Secretary to make five year competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic Americans. Grants may be used to purchase, rent, or lease laboratory equipment; for the construction or maintenance of instructional

facilities; for the purchase of library books and other scientific journals; to support faculty exchanges; to create or improve facilities for distance learning; and to collaborate with other institutions of higher education. Authorizes \$275 million to Title V for FY 2009 and each of the five succeeding fiscal years.

## **Title VI**

*Part A – International and Foreign Language Studies* – Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

- Part A is composed of the following pieces – Graduate and Undergraduate Language and Area Centers and Programs; Language Resource Centers; Undergraduate International Studies and Foreign Language Programs; Technological Innovation and Cooperation for Foreign Information Access; and American Overseas Research Centers.
- Makes changes to these programs that promote partnerships with institutions in other countries, the teaching of less commonly taught foreign languages and area studies programs. The changes also encourage the improvement of student achievement in foreign language at earlier ages.
- Consultation - Requires the Secretary to consult with other agencies to obtain recommendations about what foreign language shortages exist.
- Survey – Requires grantees to conduct a survey every two years to determine post-graduation placement of students that have graduated from Title VI programs. Requires the Secretary to take into account an applicant’s record of placing students into service in areas of national need.
- Applications – Ensures that applications for grants include an explanation of how the activities funded by the grants will reflect diverse perspectives, a wide range of views and generate debate on international affairs.

*Part B – Business and International Education Programs* - Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

- Part B is composed of the following pieces – Centers for International Business Education and education and training programs.
- Adds a new permissive use of funds in the Centers for International Business Education piece to encourage partnerships between foreign countries and the institutions of higher education in the United States to better understand the cultural, technological and software systems practices instituted by those countries.
- Ensures that minority serving institutions are able to participate in the programs under this part.

*Part C- Institute for International Public Policy* - Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

- Part C has the Minority Foreign Service Professional Development Program. This program is designed to provide federal funds to an institution to develop an Institute for International Public Policy, which would conduct a program to increase the number of underrepresented minorities in international service through

the development of programs leading to masters' degrees in the field, internships, and study abroad programs.

- Refocuses and renames the Minority Foreign Service Professional Development Program to the Program for Foreign Service Professionals in order to have the Institute focus more broadly on ensuring that underrepresented populations participate in international service, including private international voluntary organizations.
- Adds language to ensure that all minority-serving institutions are able to participate in a bid for a grant to establish the Institute.

#### Part D – General Provisions

- Biennial Report – Requires the Secretary, in coordination with other federal agencies, to submit a report once every two years that identifies areas of national need in foreign language, area and international studies as those topics relate to government, education, business, and non-profit needs.
- Science and Technology Advanced Foreign Language Education Grant Program – Creates a grant program designed to encourage institutions to develop innovative programs for teaching foreign languages and develop an understanding of science and technology in order to foster international scientific collaboration. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Gifts Reporting – Requires institutions to report any gift to a Title VI funded center or program over \$250,000 in value given to an institution by a foreign government or private sector corporation, foundation or other entity or individual (excluding domestic government entities).

### Title VII

#### Part A – Graduate Education Programs

- Subpart 1 – Javits Fellowship Program – Permits a Javits Fellow to interrupt their program of study without penalty for exceptional circumstances, such as active duty military status or illness. Requires representation on the Board from diverse geographic regions and requires that at least one member represent a title III or V institution. Authorized at \$30 million for FY 2009 and such sums for each of the five succeeding fiscal years.
- Subpart 2 – Graduate Assistance in Areas of National Need – Requires the Secretary to consult with other federal agencies and nonprofit agencies to determine what constitutes an area of national need. Authorized at \$35 million for FY 2009 and such sums for each of the five succeeding fiscal years.
- Subpart 3 – Thurgood Marshall Legal Education Opportunity Program – Permits this program to award fellowships to law students who participated in the summer institute and are attending an accredited law school. Permits this program to work with secondary school students to help foster their interest in obtaining a legal education. Authorized at \$5 million for FY 2009 and such sums for each of the five succeeding fiscal years.

- Subpart 4 – Masters Degree Programs as Historically Black Colleges and Universities and Other Minority Serving Institutions – Creates a new program for 18 HBCUs and 5 PBIs that have Masters’ degree programs but do not have doctoral programs. Each program is authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

Part B – Fund for the Improvement of Postsecondary Education – Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

- Fund for the Improvement of Postsecondary Education (FIPSE) – Adds several uses of funds in this program to encourage institutions to develop innovative methods for promoting educational opportunity for all students, including nontraditional students, and to develop programs based on distance education. The bill would also:
  - Encourage the reform and improvement of postsecondary education, including expanding opportunities for nontraditional students;
  - Create programs that involve paths to careers and training including efforts to provide academic credit for such programs and that utilize combinations of academic and experiential learning;
  - Encourage the establishment of programs or efforts to utilize distance education to educate and train college students;
  - Encourage reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs tailored to students’ individual needs;
  - Encourage reforms in remedial education;
  - Support efforts to develop partnerships between institutions and secondary schools with a significant population of students identified as late-entering limited English proficient students;
  - Support the creation of consortia that design and offer curricular interdisciplinary programs that focus on poverty and human capital;
  - Encourage demonstration projects to provide comprehensive student services to homeless and foster youth;
  - Encourage the advancement and understanding of cultural, social, and technological issues between IHEs in the US and around the world;
  - Support a nonprofit organization that works to provide scholarships to members of the military and their families; and
  - Support best practices to support single parent students.
- Prohibition on Funds – Prohibits funds from FIPSE being spent to provide direct financial assistance in the form of grants or scholarships to illegal aliens.
- Priority – Includes a priority for the awarding of FIPSE funds to institutions that meet certain energy standards when new facilities are constructed or major renovations take place.

Part D – Programs to Ensure Students with Disabilities Receive a Quality Higher Education

- Subpart 1 – Projects to Support Postsecondary Faculty, Staff, and Administrators in Educating Students with Disabilities – Redesignates the current law part D program as subpart 1 and authorizes programs to develop innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the skill and support necessary to ensure the successful transition of students with disabilities from secondary school to postsecondary education; with the ability to provide accessible

distance education programs or classes to enhance the access of students with disabilities to postsecondary education; and with the ability to expand interest, awareness, and opportunity to excel in disability-related fields. Authorized at such sums for FY 2009 and the four succeeding fiscal years.

- Subpart 2 -- Transition Programs for Students with Intellectual Disabilities into Higher Education – Requires the Secretary to provide competitive grants to institutions of higher education to enable them to create or expand high quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities. The program would provide a focus on academic enrichment, socialization, independent living skills, including self-advocacy skills, and integrated work experiences and career skills that lead to gainful employment. Authorized at such sums for FY 2009 and the four succeeding fiscal years.
- Subpart 3 – Commission on Accessible Materials; Programs to Support Improved Access to Materials
  - Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities -- Authorizes the Secretary to establish the Commission, which would be composed of representatives from the Department, the Library of Congress, the National Association of College Stores, colleges and universities, publishers, and students, to access the barriers and systemic issues that may affect the timely delivery and quality of accessible instructional materials for postsecondary students with print disabilities. The Commission is also charged with making recommendations for future legislation and regulations.
  - Model Demonstration Programs to Support Improved Access to Postsecondary Instructional Materials for Students with Print Disabilities – Requires the Secretary to provide competitive grants to an eligible partnership to support the development and implementation of market-based approaches for making instructional materials in specialized formats directly available to students with print disabilities at prices comparable to standard instructional materials and processes and systems to facilitate the timely delivery of instructional materials in accessible formats to postsecondary students with print disabilities.
  - Authorization Level – Both activities are authorized at such sums for FY 2009 and the five succeeding fiscal years, though the Secretary is required to provide funding to the establishment of the Commission if funds are limited.
- Subpart 4 – National Technical Assistance Center; Coordinating Center
  - National Center for Information and Technical Support for Post-Secondary Students with Disabilities – Requires the Secretary to establish, through an institution of higher education or private nonprofit organization with expertise in supporting postsecondary students with disabilities, a National Center for Information and Technical Support for Postsecondary Students with Disabilities. The Center would provide students with disabilities and their families with information in planning for postsecondary education while the students are in secondary school and provide assistance to faculty, staff, and administrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of students with disabilities in higher education.

- Coordinating Center – Requires the Secretary to establish a Coordinating Center for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities. The Center would provide technical assistance to comprehensive transition and postsecondary programs, develop an evaluation of the programs to measure student outcomes and program strengths. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

### Title VIII

- Part A– Project GRAD – Authorizes Project GRAD, a program to improve high school graduation rates and college attendance and completion rates for disadvantaged individuals. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part B- Mathematics and Science Scholars Program - Authorizes the Secretary to award grants to States to encourage students in secondary and postsecondary schools to pursue degrees in STEM or health-related fields. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part C- Business Workforce Partnerships for Job Skills Training in High-Growth Occupations or Industries - Provides grants to institutions partnering with employers to provide job skill training in industries to non-traditional students. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part D- Capacity for Nursing Students and Faculty- Creates a program to award grants to institutions that offer nursing programs. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part E- American History for Freedom - Authorizes the Secretary to award three-year grants to postsecondary programs focused on traditional American history and achievement of Western civilization studies. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part F- Teach for America - Authorizes the Secretary to provide a 5-year grant to Teach for America, Inc. Authorized at \$20 million for FY 2009, \$25 million for FY 2010 and such sums for each of the four succeeding fiscal years.
- Part G- Patsy T. Mink Fellowship Program - Creates a fellowship program to assist qualified minorities and women in acquiring a terminal degree in academic areas underrepresented by these groups. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part H- Improving College Enrollment by Secondary Schools - Requires the Secretary to contract with a nonprofit organization to make information available on college enrollment trends and identify at least 50 urban local educational agencies and five States with significant rural populations to determine what factors promote improved college enrollment rates. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part I- Early Childhood Education Professional Development and Career Task Force - Establishes a professional development and career task force for early childhood education program staff, directors, administrators and faculty. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

- Part J- Improving Science, Technology, Engineering, and Mathematics Education with a Focus on Alaska Native and Native Hawaiian Students - Provides five year grants to eligible partnerships composed of IHEs, elementary and secondary schools, and private organizations, to develop or expand programs for the development of professionals in STEM fields for Alaska Native and Native Hawaiian students. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part K- Pilot Programs to Increase College Persistence and Success - Provides for a competitive grant program to assist low-income students to persist in and complete postsecondary institutions and training programs. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part L- Student Safety and Campus Emergency Management - Provides two year competitive grants to enable IHEs or consortia to pay 50 percent of the cost of carrying out the following safety initiatives: the development and implementation of state of the art emergency communications systems in order to contact students via cellular, text messaging, or other methods when an emergency occurs; the improvement of safety at the IHE through security assessments and training, coordination with local law enforcement and emergency management authorities; the establishment of a hotline; and the coordination with appropriate local mental health providers. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
  - Best Practices - Requires the Secretary of Education to disseminate best practices for campus safety.
  - Preparation for Future Disasters Plan – Requires the Secretary to develop a disaster relief plan.
  - Education Disaster and Emergency Relief Loan Program - Authorizes the Secretary to establish an Education Disaster and Emergency Relief Loan Program that provides funds for long term, low interest guaranteed loans to institutions for losses incurred as a result of federally-declared major disasters or emergencies.
  - Guidance on Mental Health Disclosures for Student Safety – Requires the Secretary to provide guidance on what institutions can reveal to a parent or guardian if a student demonstrates that the student poses a significant risk of harm.
- Part M- Low Tuition - Provides a competitive grant to institutions that (1) keep the percentage changes in net tuition increase in the lowest 20 percent in its category; (2) are public institutions with total tuition and fees that are in the lowest quartile of institutions; or (3) are public institutions that have a tuition and fee increase of less than \$600 for a first-time, full-time undergraduate student. Institutions that meet (2) or (3) will be provided bonus funds that must be given to Pell eligible students. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part N- Cooperative Education - Authorizes the Secretary to award grants to institutions to develop work experiences for their students. Creates grants for institutions to develop cooperative education programs. Provides grants for the following projects: (1) demonstration projects to show innovative methods of cooperative education; (2) conduct training and resource centers to further the development of cooperative education; and (3) conduct research related to cooperative education. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part O- College Partnership Grants - Provides for grants to eligible partnerships composed of at least two IHEs, a consortium of IHEs, or a State higher education agency, to develop and implement articulation agreements. Grants may be used to facilitate the transfer of credit between institutions through the

expansion of articulation and guaranteed transfer agreements, academic program enhancements, and programs to identify and remove barriers that inhibit student transfers. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

- Part P- Jobs to Careers - Provides competitive grants to institutions at which not less than 50 percent of the institution's first year students are enrolled in developmental courses to bring reading, writing, or mathematics skills to college level, for the purpose of creating bridges from remedial coursework to for-credit occupational certificate programs that are articulated to degree programs. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part Q- Rural Development Grants for Rural-Serving Colleges and Universities - Permits the Secretary to make grants to partnerships of rural institutions, and between institutions and employers to increase enrollment and graduation rates from rural institutions, to improve high school graduation rates in rural areas, and to provide career training. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part R- Campus-Based Digital Theft Prevention - Provides grants to institutions to develop programs to prevent illegal downloading and distribution of intellectual property. The grants may also be used to provide training, technical assistance, evaluation, dissemination and associated services. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part S- Training for Realtime Writers - Provides competitive grants of up to \$1,500,000 to promote the training and placement of individuals as realtime writers in order to meet the requirements for closed captioning of video programming. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part T- Centers of Excellence for Veteran Student Success - Provide grants to institutions to develop programs to support veteran student success in college. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part U- University Sustainability Programs - Creates an initiative to award grants to institutions to establish sustainability programs and to implement sustainability practices on campus. Requires the Secretary to convene a summit of higher education experts that work in the area of sustainable operations to develop and refine sustainability practices and innovation. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part V- Modeling and Simulation Programs - Requires the Secretary to establish a task force to study modeling and simulation and to support the development of the model and simulation field. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part W- Path to Success - Provides grants to community colleges partnered with juvenile detention centers in order to assist individuals who pursue a certificate of completion or an associate's degree. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

- Part X- School of Veterinary Medicine Competitive Grant Program - Authorizes the Secretary of Health and Human Services to award grants to eligible entities for the purpose of increasing the number of veterinarians in the workforce. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part Y- Early Federal Pell Grant Commitment Demonstration Program - Authorizes the Secretary to carry out an Early Federal Pell Grant Commitment Demonstration Program and allows the Secretary to award grants to four State educational agencies that participate in the demonstration. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part Z- Henry Kuualoha Giugni Kupuna Memorial Archives - Provides a grant to the University of Hawaii Academy for Creative Media for the establishment and maintenance of the memorial archives. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Part AA – Master’s and Postbaccalaureate Programs – Provides \$11.5 million in mandatory funds for FY 2009 and each of the five succeeding fiscal years for (1) institutions that are eligible for grants under the Masters Degree Programs for HBCUs and PBIs and (2) for the institutions eligible for funds under the Hispanic-Serving Graduate Institutions program.
- National Center for Research in Advanced Information and Digital Technologies - Creates an entity to provide research and program development into the increasing capacity of advanced information and digital technologies to improve all levels of learning. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Pilot Program for Course Material Rental – Authorizes the Secretary to provide grants to institutions to support a pilot program to allow for college bookstores to operate textbook rental programs. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

## Title IX

- Part A - Education of the Deaf Act – Amends the Education of the Deaf Act.
  - Requires the elementary and secondary school at Gallaudet University to adopt the academic standards and assessments of a State, or develop their own standards and assessments subject to the Secretary’s approval, and meet AYP requirements, under title I of NCLB.
  - Cultural Experience Grants – Authorizes the Secretary to make grants to provide cultural experiences to enrich the lives of deaf and hard-of-hearing children and adults. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
  - Amends requirements for enrolling international students by waiving the international student surcharge for such students who are enrolled in distance learning programs and exempting them from the international student enrollment cap. Amends the tuition surcharge international students must pay by allowing the institutions to lower the surcharge if students demonstrate need and an inability to acquire financial aid from their home countries.
  - Reauthorizes and updates a study on the education of the deaf. Requires the Secretary to establish a Commission to conduct the study and report back to the Secretary and Congress with recommendations based on the results. Authorized at such sums for FY 2008 and FY 2009.

- Part B – United States Institute of Peace – Makes changes to the Board of Directors for the Institutes of Peace. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

Part C – Higher Education Amendments of 1998; Higher Education Amendments of 1992 –

- Grants for Improved Workplace and Community Transition Training for Incarcerated Individuals – Reauthorizes the program and amends it to serve individuals up to the age of 35. Ensures that individuals are eligible to receive assistance under this program only if they are eligible to be released within seven years and have not been convicted of a criminal offense against a victim who is a minor, a sexually violent offense or murder. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.
- Underground Railroad – Reauthorizes the Underground Railroad program and updates the uses of funds to allow grant recipients to make information available to elementary and secondary schools, the public, and institutions of higher education. Authorized at \$3 million for FY 2009 and such sums for each of the five succeeding fiscal years.
- Olympic Scholarships – Reauthorizes the Olympic Scholarship program. Authorized at \$5 million for FY 2009 and such sums for each of the five succeeding fiscal years
- Deputy Assistant Secretary for International and Foreign Language Education – Creates a Deputy Assistant Secretary at the Department of Education for international and foreign language education programs.
- Part D- Indian Education – Amends the Tribally Controlled College or University Assistance Act of 1978 to clarify the determination of credits and the accreditation requirement. Increases the amount of grants from \$6,000 to \$8,000. Reauthorizes the Navajo Community College Act.
  - Tribally Controlled Postsecondary Career and Technical Institution Program – Permits two tribally controlled postsecondary career and technical institutions to receive assistance to help cover the costs of educating Indian students at tribally controlled career and technical institutions.

Part E – Omnibus Crime Control and Safe Streets Act of 1968

- Loan Repayment for Prosecutors and Public Defenders – Authorizes the Attorney General to repay up to \$10,000/ calendar year, or an aggregate total of \$60,000, on behalf of borrowers employed as a prosecutor or public defender who are not in default on a loan for which the borrower seeks forgiveness. Requires that the borrower remain employed as a prosecutor or public defender for a required period of service of not less than three years and gives priority to borrowers who have the least ability to repay their student loans. Should the borrower voluntarily or involuntarily separate from employment during the forgiveness period, the borrower is required to repay the Attorney General the amount of any benefits received.
- Loan Forgiveness for Civil Legal Assistance Attorneys – Provides \$5,000 of loan forgiveness to civil legal assistance attorneys who agree to work for a nonprofit that provides civil legal assistance to low-income individuals for three years. Authorized at \$10 million for FY 2009 and such sums for each of the five succeeding fiscal years.
- Part F – Institutional Loan Repayment Assistance Programs – Clarifies that an institution of higher education may provide loan forgiveness to former students that are working for the federal government or the District of Columbia.

- *Part G - Minority Serving Institution Digital and Wireless Technology Opportunity Program* – Creates a new program to allow the Secretary of Commerce to award grants to institutions to permit institutions to acquire and use digital and wireless networking technologies. Authorized at such sums for FY 2009 and each of the five succeeding fiscal years.

## **Title X**

### Subtitle A – Preventing Unfair and Deceptive Private Educational Lending Practices and Eliminating Conflicts of Interest

- **Prohibitions** – Private lenders are not permitted to offer any gift to an institution or employee of the institution or enter into revenue sharing arrangements. Private lenders may not use the name, emblem, mascot or logo of an institution. Prohibits employees of an institution from receiving any compensation for service on an advisory board; however, employees are permitted to receive reimbursement of reasonable expenses received as part of their service on the advisory board. Requires institutions to provide an annual report to the Secretary on the amounts that employees receive under the advisory board provision. Prohibits a lender from providing any fee or penalty on a borrower for early repayment or prepayment of a private loan.
- **Civil Liability** – Attaches civil liability to the provision of certain disclosures, the 3-day right of rescission, and the 3-day prohibition on disbursement.

### Subtitle B – Improved Disclosures for Private Educational Loans

- Adds more disclosure requirements that must accompany any application for a private education loan, at the time of loan approval and at the time of loan consummation, including the potential range of interest rates; whether the rate is fixed or variable; eligibility criteria for a loan; the terms of the loan; and that the borrower has 30 days after the borrower receives the disclosure to accept the terms of the loan.
- Requires the lender to obtain a signed form from the loan applicant that contains several disclosures and requires the applicant to provide the following information: (1) the cost of attendance at the applicant's institution, (2) for those applicants who have filled out the FAFSA, the applicant's expected family contribution (as determined under Part F of HEA), (3) the applicant's estimated financial assistance as determined by the institution, (4) the difference between the cost of attendance and the estimated financial assistance, and (5) the sum of the applicant's expected family contribution and the estimated financial assistance.

### Subtitle C – College Affordability

- Amends the Community Reinvestment Act of 1977 to require the appropriate federal financial supervisory agency to consider whether a financial institution offered low-cost education loans to low-income borrowers.

### Subtitle D- Financial Literacy; Studies and Reports

- Requires that the Secretary of the Treasury, in coordination with the Secretary of Education, work to enhance financial literacy among students at institutions of higher education and requires the Financial Literacy and Education Commission to report back to Congress on the state of financial education among college students.

## Title XI

- Study on Foreign Graduate Medical Schools – Eighteen months after enactment, the GAO will complete a study to include the amount of Federal aid spent on foreign medical schools and the quality of the schools measured by passage rates of the Medical Board examination, and the extent that such students successfully practice medicine upon return to the U.S.
- Employment of Postsecondary Education Graduates - The GAO will conduct a study to include information on employment preparedness, job satisfaction, the time between graduation and hire, and the best way to collect and display such information. It will also provide assessments regarding relationships between institutions and State agencies, if new methods of collecting information are practical, helpful and not duplicative, and if the National Postsecondary Student Aid Survey could be amended to collect such information.
- GAO Study on IPEDS - The GAO will conduct a study on the cost and time associated with completing the Integrated Postsecondary Education Data System, provide recommendations for reducing the burden of collecting information and submit a report to authorizing committees.
- Report and Study on Articulation Agreements - The Secretary will conduct a study to review the articulation agreements at State-supported institutions and submit a report no later than January 1, 2013.
- Report on Proprietary Institutions of Higher Education - Not later than two years after enactment, the GAO will analyze institutions subject to section 487(a)(24) of HEA and submit to authorizing committees a report of the results.
- Analysis of Federal Regulations on Institutions of Higher Education – Requires that, not later than two years after enactment, the Secretary and the National Research Council of the National Academy of Sciences conduct a study to determine the scope of Federal regulations and reporting requirements with which institutions must comply.
- Independent Evaluation of Distance Education Programs – Requires the Secretary and the National Research Council of the National Academy of Sciences to conduct a statistical evaluation of the quality of distance education programs compared to campus-based education programs.
- Study of Costs of Environmental, Health, and Safety Standards - The Secretary and the National Research Council of the National Academy of Sciences will conduct a study that reviews standards and regulations of environmental, health, and safety standards.
- Study of Minority Male Academic Achievement - Four years after enactment, the Secretary will commission and conduct a national study of underrepresented minority males entering and graduating colleges and universities.
- Study on Bias in Standardized Tests - The Secretary and the Board on Testing and Assessment of the National Academy of Sciences will conduct a study to identify bias in the construction of standardized tests, to be reported two years after enactment.

- Endowment Report - The GAO will conduct a study of the endowments of institutions and submit a report no later than 18 months after enactment.
- Study of Correctional Postsecondary Education - The Secretary, Secretary of Labor and the Attorney General will conduct a study of correctional postsecondary education and submit a report three years after enactment.
- Study of Aid to Less-Than-Half-Time Students - The Secretary will study less-than-half-time students for the purposes of examining student aid available under title IV of HEA and report the findings no later than a year after enactment.
- Study on Regional Sensitivity in the Needs Analysis Formula - The GAO will conduct a study to review the methodology that is used to determine the expected family contribution under title IV of HEA.
- Study of the Impact of Student Loan Debt in Public Service - The Secretary and the Office of Management and Budget is authorized to coordinate with interested parties to conduct a study to determine how student loan debt impacts decisions of postsecondary graduates to enter into public service careers.
- Study on Teaching Students with Reading Disabilities - The Secretary and the Center for Education for the National Academies will conduct a scientifically-based study of the quality of teacher education programs with respect to ensuring that teachers are being prepared to meet the needs of students with different reading disabilities.
- Report on Income Contingent Repayment through the Income Tax Withholding System – Requires the Secretary and the Secretary of the Treasury to study the benefits of loan repayment through income-based plans.
- Developing Additional Measures of Degree Completion - The Secretary of Education, the Commissioner for Education Statistics, and representatives from diverse institutions of higher education will submit a report to Congress concerning alternative ways to measure degree completion rates.
- Study on the Financial and Compliance Audits of the Federal Student Loan Program – Requires the GAO to complete a study to examine audits on federal student loans.
- Summit on Sustainability - No later than September 30, 2010, the Secretary and the Administrator of the EPA will convene a summit to focus on efforts to promote sustainability on institution campuses.
- Nursing School Capacity - The Secretary and relevant agencies will conduct a study on nursing shortages.
- Study and Report on Non-individual Information - The GAO will study the impact on and benefits to borrowers of private loans based on non-individual factors and report no later than 1 year after enactment.
- Feasibility Study on Student Loan Clearinghouse – The GAO will study the feasibility of creating a student loan clearinghouse on the Department of Education’s website.
- Study on Oversight of Recruitment and Admissions Incentives – The GAO will conduct a study on the Department of Education’s oversight and enforcement of the ban on recruitment and admissions incentives.