

College Affordability Act (CAA)

TITLE I—GENERAL PROVISIONS

Sec. 1001. Definition of Institution of Higher Education for Purposes of Title IV Programs

- Amends Sec. 102(a) (4) “Limitations Based on Management” to include institutions that file for receivership, as well as those that file for bankruptcy.
- Amends the definition of a proprietary institution to add the requirement that at least 15 percent of institutional revenues must be derived from sources other than federal assistance funds.

Sec. 1002. Additional Definitions

- Amends Sec. 103 Additional Definitions of the Higher Education Act (HEA)
- Amends paragraph (6) “disability” by striking section 3 (2) and including section 3 of the Americans with Disabilities Act of 1990.
- Amends paragraph (13) “nonprofit” to add that the word “controlled” to “The term “nonprofit” as applied to a school, agency, organization or institution means a school, agency, organization or institution **controlled**, owned and operated by one or more nonprofit corporations or associations...”
- Creates a new paragraph (25) and adds a definition of “Public Institution of Higher Education.” Defined as an institution for which “all obligations of the institution are valid and binding obligations of a State (or an equivalent governmental entity) AND for which the full faith and credit of such State (or an equivalent) is pledged for the timely payment of such obligations.”
- Adds paragraph (26) to create a definition of “Foster Care Youth.”
- Adds paragraph (27) to create a definition of “Federal Education Assistance Funds.” Defined as “any federal funds...disbursed or delivered to an institution or on behalf of a student or to a student to be used to attend the institution” and DOES NOT include any monthly housing stipend provided under the Post-9/11 Education Assistance Program.
- Adds paragraph (28) to create a definition of “Progress Period Status” defined as “the status of an institution of higher education that is determined by the Secretary to be in danger of failing to meet Title IV eligibility criteria relating to student debt because the institution has an adjusted cohort default rate of not less than 10 percent and not more than 15 percent.”

Sec. 1003. Gainful Employment Programs

- Creates a new Sec. 104 “Program of training to prepare students for gainful employment in a recognized occupation.” Includes a definition of a gainful employment program or a “program of training to prepare students for gainful employment in a recognized occupation.” That

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- Provides credits to incarcerated individuals that are equivalent to credits earned by non-incarcerated individuals and provides access to transcripts and educational records to incarcerated individuals.
- Cannot offer primarily online courses unless the institution provides the Secretary with “confirmation that the distance education program offers levels of faculty interaction, peer engagement, and student support sufficient to enable incarcerated individuals to successfully participate in such a program,” as well as “evidence of the institution's success in offering other distance education programs.”
- Limits the amount an institution can charge an incarcerated individual to COA or the individual’s family’s EFC and restricts any charges that exceed the Pell Grant for which the incarcerated individual is eligible to forms of state, institutional or other non-federal aid that does not need to be repaid by incarcerated individual.
- The institution is required to provide to the incarcerated individual or their family information on:
 - the cost of attendance;
 - the mode of instruction (such as distance education, in-person instruction, or a combination of such modes);
 - the source of funds (in addition to Federal Pell Grants) used to carry out such course of study, including the funds used to ensure compliance with subparagraph (G);
 - how enrollment in such course of study will impact the period of eligibility for Federal Pell Grants for such an individual, including in a case in which the individual is transferred to another facility or released before the completion of such course;
 - the transferability of credits earned, and the acceptability of such credits toward a certificate or degree program offered by the institution; and
 - the process for continuing postsecondary education:
 - (aa) upon transfer to another facility; or
 - (bb) after the student's period of incarceration or confinement.
- The process for continuing enrollment at the institution after the student's period of incarceration or confinement, including any barriers to admission (such as criminal history questions on applications for admission to such institution).
- In the case of an institution that offers a program to prepare incarcerated individuals for gainful employment in a recognized occupation (as such term is defined in section 104):
 - information on any applicable State licensure and certification requirements, including the requirements of the State in which the facility involved is located and each State in which such individuals permanently reside; and

- restrictions related to the employment of formerly incarcerated individuals for each recognized occupation for which the course of study prepares students, including such restrictions,
 - in federal law; and
 - in the laws of the state in which the facility involved is located and each state in which such individuals permanently reside.

SUBPART 2—FEDERAL EARLY OUTREACH AND STUDENT SERVICES PROGRAMS

CHAPTER 1—FEDERAL TRIO PROGRAMS

Sec. 4021. Program authority, authorization of appropriations

- Increases minimum grant award to \$220,000, except if that amount would result in fewer than 2,780 grants.
- Rebrands “prior experience” as “accountability for outcomes.”
- Requires all programs (except McNair and Training Grants) to “identify and conduct outreach to foster care youth and homeless individuals” and make program services available to such individuals.
- Requires the Department to notify grant applicants of their status at least 90 days before a proposed start date.
- Requires the Department to publish grant materials at least 90 days before the application deadline.
- Prohibits the Department from disqualifying a grant application for non-substantive formatting errors (e.g., exceeding page limit, incorrect line spacing, etc.) or typographical/rounding errors (unless the applicant has been provided an opportunity to correct such errors).
- Requires the Department to host at least one virtual, interactive training to provide technical assistance to grant applicants.
- Allows documentation of Pell Grant eligibility as sufficient to indicate low-income status.
- In the case of Talent Search and Educational Opportunity Centers (EOC), allows attendance at a school where virtually all of the students qualify for free or reduced lunch to be indicative of low-income status.
- Requires disaggregation of data to include information regarding homeless individuals and foster care youth.
- For Talent Search, students’ completion of rigorous curricula that includes 4 years of math, 3 years of science, and 2 years of a foreign language. Adds completion of FAFSA and college applications as objectives.

- For Upward Bound (Except for VUB) students' completion of rigorous curricula that includes 4 years of math, 3 years of science, and 2 years of a foreign language. Adds completion of FAFSA and college applications as objectives.
- For Student Support Services, allows projects at four-year institutions to recognize any student who graduates within six years of initial enrollment at said project (regardless of where the student obtains the degree). Allows projects at two-year institutions to recognize students who transfer to four-year institution, without regard for whether the student earned a degree or certificate or the completion of such students of a degree or certificate within four years of initial enrollment at said project.
- For McNair, allows students a two-year gap between receipt of baccalaureate and graduate school enrollment. Separates "graduate study" and "attainment of doctoral degree within 10 years of receipt of baccalaureate" as objectives.
- For EOC, allows programs to recognize clients who (re)enroll in secondary education programs within two years of service by the project. Allows programs to recognize students who re-enroll in postsecondary education programs after service by project.
- Authorizes an annual appropriation of \$1.12 billion (which reflects figure passed in the House FY 2020 Labor, Health and Human Services and Labor Appropriations bill).
- Requires subsequent appropriations to increase in accordance with the Consumer Price Index for the most recent calendar year.
- Increases amount Department may use for administration of programs to 1 percent of appropriations (up from half a percent)
- Updates definition of "low-income individual" to "an individual from a family whose taxable income for the preceding year did not exceed 150 percent of the poverty line applicable to the individual's family size as determined by the Community Service Block Grant Act."
- Reiterates eligibility for Pell Grant and attendance at school with widespread free/reduced lunch as sufficient to document low-income status.
- Authorizes \$1.12 billion for FY 2021 and each of the five succeeding fiscal years, as well as an annual inflation increase for FY 2022 through FY 2026.

Sec. 4022. Talent search

- Adds the following required services: (1) counseling for students and families regarding career choice and (2) connections to financial literacy programs.
- Requires assurances that (1) all projects will "review[]and revise[] policies and practices as need to remove barriers to participation" for foster youth and homeless individuals, (2) submit as part of the application a description for activities to be undertaken to outreach to homeless individuals and foster care youth" and (3) provide reports to the Department about services provided to homeless individuals and foster care youth.

Sec. 4023. Upward Bound

- Adds the following required services: (1) counseling for students and families regarding career choice, (2) connections to financial literacy programs, and (except for VUB), instruction in math (through pre-calculus), science, foreign language, language arts and literature. (VUB programs require all instruction except literature.)
- Requires assurances that (1) all projects will “review[]and revise[] policies and practices as need to remove barriers to participation” for foster youth and homeless individuals; (2) submit as part of the application a description for activities to be undertaken to outreach to homeless individuals and foster care youth” and (3) provide reports to the Department about services provided to homeless individuals and foster care youth.
- Increases youth stipends to \$90/month during the summer (except for work-study positions, which are increased to \$450/month) and \$60/month during the school year. Allows VUB to provide stipends up to \$100/ month.

Sec. 4024. Student support services

- Adds the following required services: (1) financial planning for postsecondary education, (2) basic personal income, household, and financial management skills, (3) basic economic decision-making skills, and (4) providing basic and emergency supplemental living assistance grants.
- Requires assurances that (1) all projects will “review[]and revise[] policies and practices as need to remove barriers to participation” for foster youth and homeless individuals; (2) submit as part of the application a description for activities to be undertaken to outreach to homeless individuals and foster care youth” and (3) provide reports to the Department about services provided to homeless individuals and foster care youth.
- Requires projects to provide basic and emergency supplemental living assistance grants (up to \$500 per student per year) to cover reasonable, anticipated expenses associated with the course of study or unanticipated emergency expenses necessary for students to persist.

Sec. 4025. Post-baccalaureate achievement program authority

- Expands scope of internship opportunities (may include academic term and faculty-led research experiences).
- Increases student stipend to \$4,000.

Sec. 4026. Educational opportunity centers

- Expands permissible financial literacy services to include (1) financial planning for postsecondary education, (2) basic personal income, household money management, and financial planning skills and (3) basic economic decision-making skills.
- Requires assurances that (1) all projects will “review[]and revise[] policies and practices as need to remove barriers to participation” for foster youth and homeless individuals, (2) submit as part of the application a description for activities to be undertaken to outreach to homeless

individuals and foster care youth” and (3) provide reports to the Department about services provided to homeless individuals and foster care youth.

Sec. 4027. Staff developmental activities

- Amends the types of staff developmental activities to include webinars and online classes and requires that training be made available to all TRIO program staff.
- Provides two types of training on legislative and regulatory compliance: one for new directors and one for continuing directors and staff.

Sec. 4028. Reports and evaluations

- Call for the evaluation of TRIO program effectiveness to compare performance of students who participated in TRIO against those who did not participate in TRIO with respect to college admission, retention, and completion rates and “other issues as the Secretary considers appropriate” and to identify effective institutional, community, and program practices.
- Requires Talent Search, Upward Bound, Student Support Services, and EOC projects to submit reports on the strategies and program enhancements made to support homeless individuals and foster care youth.

CHAPTER 2—GEAR-UP

Sec. 4031. Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP)

- Amends Chapter 2 of part A of title IV of the Higher Education Act.
- Competitive priority is given to eligible entities that: have carried out successful GEAR UP programs; have a prior, demonstrated commitment to early intervention leading to college access and readiness; and ensure that students that receive GEAR UP assistance continue to receive such assistance through the completion of secondary school.
- Multiple awards are prohibited.
- Grantees must provide an assurance that they have reviewed and revised policies and practices as needed to remove barriers for participation by students who may be homeless, unaccompanied youth, and foster care youth, and also undertake activities to reach out to those populations.
- Grantees are required to provide matching funds at a rate of one non-federal dollar to two non-federal dollars.
- Secretary will convene peer review panels to assist in determining the awarding of grants.
- Authorizes \$500 million for FY 2021 and for the subsequent five years.

SUBPART 3—FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS (FSEOG)

Sec. 4041. Purpose; appropriations authorized

- Limits program eligibility to nonprofit institutions.
- Significantly increases funding from FY19 level of \$840 million to:
 - \$1,150,000,000 for fiscal year 2021;
 - \$1,300,000,000 for fiscal year 2022;
 - \$1,450,000,000, for fiscal year 2023;
 - \$1,600,000,000 for fiscal year 2025; and
 - \$1,750,000,000 for fiscal year 2026 and each succeeding fiscal year.
- Creates an annual fund of \$12,500,000 for five years for the Secretary to fund the emergency grant aid program created below.

Sec. 4042. Institutional Eligibility

- Exempts programs eligible to participate in programs under Titles III and V from providing an institutional match (so the federal share is 100 percent).

Sec. 4043. Allocation of funds

- Starting in FY 2021, CAA would begin reducing current allocations and phasing in the need-based “Fair Share Amount” by providing institutional allocations as follows:
- In FY 2021 an institution receives the greater of either 90 percent of their FY 2020 allocation or the fair-share amount;
 - In FY 2022 an institution receives the greater of either 80 percent of their FY 2020 allocation or the fair-share amount;
 - In FY 2023 an institution receives the greater of either 60 percent of their FY 2020 allocation or the fair-share amount;
 - In FY 2024 an institution receives the greater of either 40 percent of their FY 2020 allocation or the fair-share amount;
 - In FY25 an institution receives the greater of either 20 percent of their FY 2020 allocation or the fair-share amount;
 - In FY26 an institution receives their fair-share amount;
- The fair-share amount is calculated by:
 - 50 percent of the institution’s allocation is calculated by determining the proportion of Pell Grant funding awarded at an institution relative to all Pell Grant funding awarded at all participating institutions in the preceding year.

- The other 50 percent of the institution’s allocation is calculated by determining the proportion of undergraduate student need at an institution, relative to the total undergraduate student need at all participating institutions in the preceding year.
- The institutional undergraduate student need at an institution is defined in the section on Federal Work Study [Sec. 4402(e)(2) and Sec. 4402(e)(5)(D)]. It is calculated by first identifying the lesser of the following amounts for each individual student at an institution:
 - An individual undergraduate’s COA minus their EFC; or
 - The total loan limit for a Federal Direct Unsubsidized Stafford Loan and a Federal Direct Loan.
- Institutions must maintain at least seven percent Pell Grant enrollment to be eligible to participate.

Sec. 4044. Emergency financial aid grant program

- Establishes an emergency grant aid program for students, to cover:
 - “Loss of employment, transportation, utilities, childcare or housing of the student.”
 - A medical condition, including pregnancy.
 - Food insecurity for the student.
 - For dependent students, the death of a parent or guardian; or a medical condition of a parent or guardian that would cause that parent or guardian to lose employment.
- Provides a federal match of 50 percent , except for institutions defined in sec. 371(a) which are not required to provide an institutional share.
- Institutional share cannot be comprised of in-kind contributions.
- Institutions must apply to participate and outline expected need; eligibility criteria; process; administration of program.
- Institutions must will make students aware of their eligibility for certain federal means-tested programs.
- Requires an interview (where practicable) with applicant; the opportunity for a student to appeal a denial; and a response and a separate disbursement within timeframes to be determined by the Secretary.
- Priority for funds goes to schools with at least 30 percent Pell enrollment.
- Maximum grant disbursed is \$750 per award, with (cumulative lifetime cap of \$2,000 in federal funds).
- Institutions are not limited in how much additional institutional funds may be provided beyond the federal match.

- Annual reporting requirement on institutions, covering how many students received a grant; how many students received more than one grant; the average award; the types and frequency of emergencies; how many students applied; how many students were denied; the average time to respond to requests and the average time to make a decision; outcomes data on recipients, including persistence, retention, completion and how these percentages compare to the institution's Pell recipients.
- Grants are limited to nonprofit institutions that are participating in the FSEOG program.

SUBPART 4—SPECIAL PROGRAMS FOR STUDENTS WHOSE FAMILIES ARE ENGAGED IN MIGRANT AND SEASONAL FARM WORK

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

- Reauthorizes this program for five years.

SUBPART 5—CHILD CARE ACCESS MEANS PARENTS IN SCHOOL (CCAMPIS)

Sec. 4061. CCAMPIS Reauthorization

- Authorizes a \$200 million funding level for the program.
- Increases the maximum grant amount from 1 percent to 2 percent of total Pell funds awarded to an institution.
- Provides for a “performance bonus” of not more than 20 percent of the total grant amount to be awarded to institutions in the event appropriated funding exceeds \$140 million in a fiscal year, with the same allowable uses as the base grant.
- Authorizes a five-year grant period and identifies the information required to be provided on applications.
- Requires recipients to meet quality standards that apply to other federal childcare programs within three years of receiving a grant.
- Requires programs to provide information on the availability of certain federal means-tested benefits programs.
- Allows the Secretary to provide technical assistance to grant applicants and recipients.
- Modifies the reporting requirements for grant recipients to include greater information on outcomes of students as well as the use of funds, including “sufficiently ambitious levels of performance.”
- Requires the Secretary to produce an annual report on CCAMPIS grant recipients.

- Expands the use of funds to include “evening, summer, weekend and before and after school services;” and “services to expectant parents, such as the provision of information regarding the relationship between prenatal health and early child development and the administration of a home visit closely following the birth of the child.”
- Requires applications to include an assurance that an institution will post notice of the availability of child care subsidies through this program, on its website.

SUBPART 6—JUMPSTART TO COLLEGE GRANT PROGRAMS

Sec. 4071. Jumpstart to college grant programs

- Creates a new six-year, competitive grant program, to establish or support concurrent or dual-enrollment programs, funded at \$250 million annually, with funding allocated as follows:
 - 40 percent to partnerships between institutions and local educational agencies;
 - 55 percent to grants to states; and
 - 5 percent for national activities.
- Eligible entities include institutions partnering “with one or more local educational agencies (which may be an educational service agency). Such partnership may also include other entities such as nonprofit organizations or businesses, and schools in juvenile detention centers.”
- Incorporates terms and definitions from ESEA.
- Grants are capped at \$2 million, and require matching funds as follows:
 - 20 percent in the first and second year;
 - 30 percent in the third and fourth year;
 - 40 percent in the fifth year; and
 - 50 percent in the sixth year.
- Matching funds can include in-kind contributions and no more than 50 percent of matching funds can derive from federal sources.
- Priority for grants is given to diversity of geographical region and institution types, as well as for states that have existing supports for concurrent or dual enrollment.
- Grantees are required to submit annual reports to the Secretary, and states are required to use the funds provided to supplement, and not supplant, state and local funding.

SUBPART 7—TEACH GRANTS

Sec. 4081. Revised definitions of TEACH grants

- Revises the existing definition of TEACH Grants to stipulate that the program must be “state approved.”

Sec. 4082. Revisions to establishing TEACH grant program

- Allows access to TEACH Grants for students enrolled in associates degree programs, for up to \$4,000 for each of two years, and not to exceed \$8,000 total.
- Retains \$8,000 grant for each of the junior and senior year for students enrolled in baccalaureate programs.

Sec. 4083. Revisions to TEACH grant agreements to serve and eligibility.

- Revises the criteria for meeting the requirements of the grant (and preventing conversion to a loan) to the following:
 - Teach for one year within the first five years of leaving the program;
 - Teach for two years within the first six years of leaving the program;
 - Teach for three years within the first seven years of leaving the program; or,
 - Teach for four years within the first eight years of leaving the program
- Amends the process for certifying to a loan servicer appointed by the Secretary that a recipient of a grant has met the terms of the grant.

Sec. 4084. Revisions to TEACH grant data collection and reporting

- Requires the Secretary to make annual public reports on disaggregated data related to TEACH grant recipient outcomes as well as the percentage of grants converted into loans.
- Requires the Secretary to issue reports to Congress at least every three years regarding program utilization, best practices and recommended improvements.

SUBPART 8—NORTHERN MARIANA ISLANDS AND AMERICAN SAMOA COLLEGE ACCESS

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

- Authorizes a new grant program, funded at \$5 million annually to pay for the difference in tuition between in-state and out-of-state tuition for residents of the Northern Mariana Islands and American Samoa.
- Caps the amount available to students at \$15,000, and eligible students must be attending a baccalaureate program, have graduated from a public institution in the Northern Mariana

Islands or American Samoa in the preceding three years, or have served in the military, Peace Corps or national community service in that time.

- Excludes nonprofit institutions from being eligible institutions.

SUBPART 9—COMMUNITY COLLEGE STUDENT SUCCESS

Sec. 4092. Community College Student Success Grant program authorized

- Authorizes \$1 billion for a competitive grant program for community colleges to improve their 150 percent completion rates.
- Provides for a one-year, peer-reviewed planning grant for institutions, with priority for institutions eligible to receive funds under Titles III and V of the HEA.
- No more than 50 percent of the readers for the peer review process can be federal employees.
- Within a year of receiving a planning grant, institutions are required to submit a report with a variety of data related to their plan, including “sufficiently ambitious outcome goals.”
- Institutions that received a planning grant are then eligible to receive a five-year competitive grant.
- The five-year grant requires an escalating match by the institution of federal funds, as follows: no match in the first year; 20 percent in the second year; 30 percent in the third year; 40 percent in the fourth year; and 50 percent in the fifth year.
- Tribal Colleges and Universities and institutions located in U.S. territories are only required to match 5 percent in year.
- Allowable uses of funds include: establishing or expanding a data tracking system; providing eligible students with financial assistance; establishing or expanding career development services; establishing or expanding tutoring services; covering the employment of administrators for the program whose sole job shall be to administer the program; and providing financial support for eligible students participating in such a program.
- Requires institutions to submit annual reports on the program, as well as a comprehensive report following the conclusion of the grant.
- Requires the Secretary to contract with an outside evaluator prior to awarding grants in a fiscal year to make recommendations as to which institutions should receive grants under this program.
- Requires the Secretary to provide outreach to increase awareness of the program, along with technical assistance to institutions applying or participating.
- Requires the Secretary to send reports to Congress following receipt of the final evaluation results from institutions.

- Includes languages to states mandating that federal funds provided through this program be used to supplement and not supplant state and local support for community colleges.

Sec. 4093. Federal Pell Bonus Program

- Amends Part A Title IV and adds Sec. 420CC “Federal Pell Grant Bonus Program.”
- Creates a new program that provides additional Pell Grant funding to institutions to support completion of bachelor’s degrees among low-income students. May provide financial aid or support services for those students.
- Allotment is based on the number of Pell recipient students that complete a degree within a normal time frame (based on Sec. 132 (i)(1)(J)(i)).
- Eligible institutions include public and private, non-profit institutions that enroll at least 25 percent Pell-eligible undergraduate students.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFEL)

Sec. 4101. Termination of certain repayment plan options and opportunity to change repayment plans

- Restricts FFEL program borrowers to one of two repayment plans—fixed payment and income-based—after July 1, 2021.
- Makes conforming amendments regarding the two repayment plans.

Sec. 4102. Termination of interest capitalization for subsidized loans after certain periods

- Eliminates interest capitalization on subsidized Stafford loans—both FFEL and Direct—after periods of forbearance, effective upon enactment.

Sec. 4103. Termination of interest capitalization for PLUS loans after certain periods

- Eliminates interest capitalization on PLUS loans after periods of forbearance and certain types of deferment, effective upon enactment.

Sec. 4104. Consolidation loans

- Adds two circumstances under which a FFEL program borrower may obtain a subsequent Direct Loan consolidation loan: 1) to separate an existing Joint Consolidation Loan into two separate Direct Consolidation Loans, or 2) to enter repayment under an IBR plan or fixed repayment plan.

Sec. 4105 Default reduction program

- Upon the sale or assignment of the loan, the Secretary, guaranty agency, or holder of the loan will report to any consumer reporting agency that the default was reported to “remove any adverse item of information relating to such loan from the borrower’s credit history.”

Sec. 4106. Termination of interest capitalization for unsubsidized loans after certain periods

- Eliminates interest capitalization on unsubsidized Stafford loans—both FFEL and Direct—after periods of deferment and forbearance, effective upon enactment.

Sec. 4107. Disbursement of student loans

- Eliminates multiple disbursements for institutions with very low adjusted cohort default rates.

Sec. 4108. Student loan contract and loan disclosures

- Eliminates the multi-year functionality of the master promissory note.
- Requires completion of all counseling requirements.
- Renames Direct Loan “master promissory note” to “student loan contract.”
- Requires the Secretary to streamline the required disclosures and counseling.

Sec. 4109. Borrower advocate conforming amendments

- Makes conforming amendments for the new “Borrower Advocate” in the federal student aid office.

Sec. 4110. Cohort default rates

- Establishes a credential-level “adjusted cohort default rate” for institutions that equals the cohort default rate multiplied by the percentage of enrolled students who are Direct Loan borrowers.
- The adjusted cohort default rate measures default performance over three-, six-, and eight-year periods.
- The six- and eight-year measurement periods include the Secretary’s assessment of an institution’s progress in meeting its accrediting agency’s standards for student achievement.
- Includes borrowers in a short-term forbearance (less than 18 months) in the cohort default rate calculations.
- Deems borrowers in forbearance for three years or more as being in default.

Sec. 4111. Automatic income monitoring procedures after a total and permanent disability discharge

- Requires the Secretary to establish and implement an automatic, three-year income-monitoring system to determine if a loan obligation that has been discharged due to total and permanent disability should be reinstated.
- Requires the Secretary to establish income monitoring for borrowers who have received a student loan discharge due to total and permanent disability.
- Borrowers have the right to opt out of such monitoring.

Sec. 4112. Automatic closed school discharge

- Requires the Secretary to automatically discharge a student loan if the borrower was unable to complete a program due to the closure of the institution and the student has not enrolled in a new institution (for the same program) two years after the closure of the institution.

Sec. 4113. Repayment of parent loans due to student disability

- Allows for the discharge of Parent PLUS loans for cases in which the student on whose behalf the loans were taken out experiences total and permanent disability or is unable to be gainfully employed for 60 months or more.
- Requires similar fraud safeguards as are established for a total and permanent disability discharge and allows the Secretary to establish negotiated rulemaking on situations in which the obligation could be reinstated.

PART C—FEDERAL WORK-STUDY PROGRAMS

Sec. 4201. Purpose, Authorization of Appropriations

- Amends Section 441 of the Higher Education Act.
- Increases authorization levels each year, up to \$2.5 billion for fiscal year 2025 and each succeeding year.
- “Work-based learning” defined as “sustained interactions with industry, community, or academic professionals in real workplace settings,” including campus opportunities, foster in-depth, first-hand engagement with tasks that are aligned to a student’s field of study, and may include internships, fellowships, research assistant positions, and apprenticeships.

Sec. 4202. Allocation Formula

- Includes additional funds for “improved institutions” (included in Sec. 4202):
 - Creates a reserve fund for “improved institutions”, two years after the date of the enactment of the College Affordability Act, for a fiscal year in which the amount is over \$700 million for the program. From the appropriation, the Secretary shall reserve the lesser amount of: an amount equal to 20 percent of the amount that exceeds \$700 million or \$150 million. Those funds will be allocated to each improved institution based on the proportion of Pell Grant funds or \$5,000 each.
 - Improved institution is defined as an institution of higher education (as defined by Sec. 101), with a completion rate or graduation rate for federal Pell Grant students in the top 75 percent of all institutions; or in the top 50 percent of institutions with the highest percentage of Pell Grant recipients; or by an annual increase in the completion rate or graduate rate of Pell grant recipients in the top 50 percent of the institutions.
- Allocation formula for Fiscal Years 2021 through 2025: for FY 2021, an amount equal to the greater of 90 percent of the amount the institution received in FY 2020 of the fair share

allocation, whichever is greater; for FY 2022, an amount equal to the greater of 80 percent received in FY 2020 or the fair share amount for the institution; for FY 2023 an amount equal to the greater of 60 percent of the 2020 amount; for FY 2024, an amount equal to the greater of 40 percent of the 2020 amount; for FY 2025, an amount equal to the greater of 20 percent of the 2020 amount.

- Allocation after FY 2025 and each succeeding year shall be determined by the fair share amount:
 - Determination of fair share amount—the fair share amount for an institution shall be equal to the sum of 100 percent of the institution’s undergraduate student need for the preceding fiscal year; and 25 percent of the institution’s graduate student need.
 - Institutional undergraduate student need is equal to: 50 percent of the amount that bears the same proportion to the available appropriated amount for such fiscal year as the total amount of Pell Grant funds for undergraduate and graduate students.
 - Institutions are not eligible for the fair share amount if the student population has less than a seven percent population of Pell Grant students; if the institution only enrolls graduate students; or has a student population with at least five percent of students with EFC of zero.

Sec. 4203. Grants for Federal Work Study Programs

- At least three percent of the total amount allocated to an institution will be used to compensate students with exceptional need (as defined in Sec. 413C (c)(2)). But allows the Secretary to waive this clause if it causes undue hardship for students at the institution.
- At least seven percent of the total amount allocated will be used to compensate students employed in work-based learning positions. The Secretary may waive this clause if it causes undue hardship for students at the institution.
- Institutions may use a portion of the funds to compensate students employed in community service, meet administrative expenses, and/ or use a portion to meet the cost of a job location and development program.
- Federal share for institutions eligible for assistance under Title III or Title V will be 100 percent (no match required).
- Institutions shall prioritize employment for students who are homeless or foster care youth.
- Strikes language around “provide assurances that employment made available from funds under this part will...complement and reinforce the educational program and vocational goals” and replaces “vocational goals” with “career goals.”
- Institutions must provide assurances that compensation of students shall include reimbursement for reasonable travel directly related to work-study program; institutions will collect data from students and employers; and complement and reinforce career goals of students receiving assistance.

- Institutions must provide assurances that they will collect data from students and employers to ensure that the work-study jobs will complement and reinforce the educational goals or career goals of each student.
- Amends paragraph (c) “Private Sector Employment Agreements.” Allows the Secretary to issue waivers for institutions to use up to 50 percent of work-study funds for private sector employment agreements.
- Add a requirement that the Secretary develop a notification for work-study participants of their possible eligibility for federal SNAP benefits, and provide certification that the students status makes them eligible for participation in SNAP.

Sec. 4204. Flexible Use of Funds

- Allows institutions to carry over 20 percent of funds from the previous year to permit a student who completed the previous award period to continue to earn unearned portions of the work study award from the previous period. Any reduction in the student’s need upon which the award was made is accounted for in the remaining portion, and the student is currently enrolled in a work-based learning position.

Sec. 4205. Job Location and Development Programs

- Amends Sec. 446 “Job Location and Development Programs” and includes language that allows the Secretary to enter into agreements with eligible institutions and use up to 20 percent or \$150,000 of their funds to establish or expand a program to locate and develop jobs for currently enrolled students. This is an increase from 10 percent or up to \$75,000 in existing statute.

Sec. 4206. Community Service

- Amends Sec. 447 “Additional funds to conduct community service work study programs.” Adds language that the community service portion of Work Study (up to 10 percent of the funds available to an institution) must also support the educational goals or career goals of students participating in the program. Can also include funds to recruit and compensate students for time spent in training and for reasonable travel.

Sec. 4207. Amendments to Work Colleges

- Amends Sec. 448 of the Higher Education Act, “Work Colleges.”
- Requires first-time eligible institutions to submit applications five months prior to the application due date for returning applicants.
- Under definition, eligible applicants must be accredited and operated a work-study program and operated a comprehensive student work learning-service program for at least two years prior to the date of determination. Must also be a 4-year, degree granting program.

Sec. 4208. Pilot grant program

- Amends the Higher Education Act to create a new program: Sec. 449 “Work-based learning opportunities pilot grant program.” Secretary will reserve \$30 million each year to carry out grants under Sec. 449.
- Purpose of the grants will be to establish or expand a program to develop work-based learning positions. Each grant cannot exceed \$1 million for a four-year period (and can be renewed for an additional 2 years).
- Grant applications must benefit students with exceptional need, identify high-demand occupations, involve participating employers, track and report academic and employment outcomes, and be able to continue after the end of the federal grant.

Sec. 4209. Department activities

- Requires the Secretary to establish within one year of enactment an annual consumer-tested electronic survey for students participating in work-study regarding their satisfaction and other measures of their experience; as well as a similar survey for employers of work-study students.
- Requires the Secretary to establish a survey to be administered at least once every four years to institutions regarding data related to participation in the program.
- Requires the Secretary to publish at least once every four years a report on the data produced through the surveys.

Sec. 42010. Study and report

- Requires the Comptroller General to prepare a report on best practices for facilitating students in Federal Work-Study.

PART D—FEDERAL DIRECT LOAN PROGRAM

Sec. 4301. Program authority

- Makes technical corrections to provide the Department access to mandatory funds to implement changes in this Part.

Sec. 4302. Amendments to terms and conditions of loans and repayment plans

- Repeals student loan origination fees.
- Requires the Secretary to end eligibility for all current repayment plans.
- Establishes two new repayment plans: a fixed repayment plan and an income-based repayment (IBR) plan as the sole federal repayment plans.
- Requires the Secretary to create an awareness campaign around the new repayment options and the availability to existing borrowers of entering one of these plans.

- Provides for the Secretary to place borrowers who have not selected a plan into the fixed repayment plan.
- Restores eligibility for subsidized Stafford loans to graduate and professional students enrolled at nonprofit, public and private institutions.
- Borrowers under existing repayment plans are eligible to remain in their current plan or enter either of the two new plans and retain credit towards years of repayment for cancellation or forgiveness under the new plans.
- For borrowers who are 60-days delinquent, authorizes the Secretary to obtain income and family size information, and send those borrowers a notice informing them of their repayment options.
- For borrowers who are 120-days delinquent, authorizes the Secretary to place them in (if not already in) the new IBR plan, so long as that plan offers a lower monthly payment. Borrowers can elect not to participate, and/or enter the fixed repayment plan instead.
- For borrowers who are rehabilitating a covered loan, authorizes the Secretary to obtain income and family size information, and send those borrowers a notice within 30 days of the borrower making their sixth payment, that they will be converted to the IBR plan upon making their ninth and final payment. Borrowers rehabilitating defaulted loans have the option to opt out.
- Automatically applies prepayments made by a borrower with multiple loans to those loans with the highest interest rates; and for loans with identical interest rates, to the loans with the largest outstanding balances.
- Allows borrowers in income-contingent repayment to enter the new IBR plan.
- Establishes automatic annual recertification of the income and family size of a borrower (and spouse, as necessary) for borrowers enrolled in all federal income-based repayment plans. Borrowers may opt-out but are then required to re-certify annually.
- Prohibits the capitalization of accrued interest following deferment for:
 - graduate fellowship deferment;
 - rehabilitation training program deferment;
 - unemployment deferment;
 - economic hardship deferment;
 - military service deferment;
 - and post-active duty student deferment
- Allows married or divorced borrowers who had received a Joint Consolidation Loan (JCL) split the loan into two separate Federal Direct Consolidation Loans. Payments made under the prior JCL count toward payment calculations for forgiveness or cancellation.

- Allows borrowers eligible for subsidized Stafford loans to borrow beyond 150 percent of their program length.

Sec. 4303. Amendments to terms and conditions of Public Service Loan Forgiveness

- Makes conforming amendments related to the new repayment plans.
- Allows borrowers to apply for PSLF so long as they meet the requirements, even if they are not currently employed in a public service position. Requires the Secretary to process forgiveness once the requirements have been met, without requiring additional actions by the borrower.
- Requires the Secretary to treat loans made under certain repayment plans as qualifying for the purposes of PSLF eligibility. Payments made before consolidation that would otherwise qualify are treated as qualifying payments towards the portion of the relevant Direct Consolidation Loan.
- Requires the Secretary to establish an online portal for borrowers to use to determine eligibility, and apply, for PSLF which allows for electronic signatures and provides borrowers the right to appeal. Requires the Secretary to establish an online directory of qualifying employment.
- Expands PSLF employment eligibility to full time positions:
 - as “a part-time faculty member or instructor” who teaches at least two courses at a nonprofit public or private institution; is not a student of that institution; and is not employed elsewhere.
 - as “an employee or manager of a farm or ranch with fiscal year gross revenues greater than \$35,000;”
 - “at certain veterans or military service organizations that do not engage in partisan political campaign activity;” and
 - “as a healthcare practitioner who provides medical services at a nonprofit or public hospital or healthcare facility and who is prohibited by state law from being employed directly by such hospital or healthcare facility.”
- Allows for loan forgiveness or reduction for teachers who qualify under PSLF and other programs.

Sec. 4304. Federal Direct Perkins Loans terms and conditions

- Authorizes the Federal Direct Perkins Loan program.
- Institutions can offer loans to undergraduate and graduate and professional students that do not exceed \$5,500 for undergraduates and \$8,000 for graduate and professional students.
- Interest rates on these loans are set at 5 percent .

Sec. 4305. Common manual for loan servicers.

- Conforming amendment to establish a common manual for loan servicers the Department contracts with.

Sec. 4306. Refinancing FFEL and Federal Direct Loans

- Authorizes the Secretary to allow borrowers to refinance federal student loans.
- Refinancing is limited to “FFEL loans disbursed no later than July 1, 2010, and all other eligible loans no later than July 1, 2020.”
- These loans carry the same terms and conditions and repayment terms as the original loan. Refinancing a loan does not preclude a borrower from moving into a different repayment plan.
- Interest rates for refinanced loans are fixed for the life of the loan and terms are as follows:
 - “Where the original loan was a FFEL or Direct Loan program Subsidized or Unsubsidized Loan issued to an undergraduate student, the current rate applicable to Direct Subsidized and Unsubsidized Loans issued to undergraduate students between July 1, 2019 and June 30, 2020 (i.e. 4.53 percent).
 - Where the original loan was a FFEL or Direct Loan program Subsidized or Unsubsidized Loan issued to graduate/professional student, the current rate applicable to Direct Unsubsidized Loans issued to graduate/professional students between July 1, 2019 and June 30, 2020 (i.e. 6.08 percent).
 - Where the original loan was a FFEL or Direct Loan program PLUS loan, the current rate applicable to Direct PLUS Loans issued between July 1, 2019 and June 30, 2020 (i.e. 7.08 percent).
 - Where the original loan was a FFEL and Direct Loan program Consolidation Loan, the Secretary must calculate an interest rate according to the proportion of unpaid principal balance on each of the component loans. The refinanced interest rate must be the rate established for borrowers originating a loan between July 2017 and June 2018 or the original interest rate of the component loan, whichever is lowest. For component loans that are not FFEL or Direct Loan program loans (e.g. Health Education Assistance Loans program loans, Nursing Student Loans, National Defense Student Loans, etc.), the original interest rate of the component loan is applied in calculating the weighted average of the FFEL or Direct Loan program Consolidation Loan.”

Sec. 4307. Refinancing private student loans

- Authorizes a Federal Direct Refinanced Private Loan program for qualified private loans disbursed before July 1, 2020.
- Borrowers need to be in good standing on their loans, have been current for at least six months, undergo counseling prior to their refinancing, and must comply with other criteria as determined by the Secretary.

- The process for refinancing involves the Secretary issuing a new Federal Direct Refinanced Private Loan, which offers the same terms as a Direct Unsubsidized loan, for the total amount of the private loan, with the proceeds of the new federal loan being used to pay off the private lender.
- Refinanced loans do not count against a borrower’s annual or cumulative borrowing limits.
- Refinanced loans are ineligible for forgiveness or cancellation programs.
- Under the following conditions, loan terms are adjusted as follows:
 - For undergraduate only private loans; they are refinanced at the rate for Direct Subsidized and Unsubsidized Loans for undergraduate students issued between July 1, 2019 and June 30, 2020.
 - For graduate and professional only private loans; they are refinanced at the rate for Direct Unsubsidized Loans for graduate and professional students issued between July 1, 2019 and June 30, 2020.
 - For loans that were taken out for a mix of undergraduate and graduate and professional studies, they are refinanced at the rate for Grad PLUS loans issued between July 1, 2019 and June 30, 2020.

PART E-FEDERAL PERKINS LOANS

Sec. 4401. Authorization of appropriations for Perkins loans

- Authorizes appropriations for the Federal Perkins Loan program.

Sec. 4402. Allocation of funds for Perkins loan

- Sets the allocation level for the program in years prior to FY 2021 at the institution’s previous allocation level.

Sec. 4403. Federal Direct Perkins loan allocation

- Provides \$2.4 billion in annual loan allocation.
- Minimum allocation threshold for an institution cannot be less than that institution’s average allocation for AYs 2012-13 through 2016-17, or will be ratably reduced as necessary.
- Allocation of loan authority is determined using the same formula as used for the determination of Federal Work Study allocation (in sec. 4202).

Sec. 4404. Agreements with institutions of higher education for purposes of the Perkins loan program

- Allows the Secretary to require institutions to assign loans to ED if, under criteria determined by regulation, the institution “has failed to maintain an acceptable collection record with respect to such loan.”

- Repeals the authority for the Secretary to divide defaulted loans among other institutions.
- If a loan is assigned to the Department of Education, ED is still required to reimburse institutions for the institutional share as repayments are made.
- Allows institutions to receive .5 percent of outstanding principal and interest balance of loans serviced as an administrative fee.
- Requires institutions to maintain an escrow account in which the Department will deposit institutional funds on a quarterly basis.
- Makes institutions ineligible to offer Perkins Loans if an institution fails to meet the adjusted cohort default rate metric.
- For loans made after July 1, 2021, the institution shall operate the program consistent with the requirements of the direct loan program unless otherwise specified and will lose eligibility to participate in the direct Perkins loan program if such institution has a high adjusted cohort default rate.

Sec. 4405. Student loan information by eligible institutions for purposes of the Perkins loan program

- Clarifies that existing loan disclosures related to Perkins loans are required for loans issued prior to July 1, 2021

Sec. 4406. Terms of loans for purposes of the Perkins loan program

- For Perkins loans made before July 1, 2021, the same terms apply. For loans made after that date, there is no institutional match going forward.

Sec. 4407. Reimbursement for cancellation of Perkins loans for certain public service

- Requires the Department to reimburse institutions for cancellation costs on a quarterly basis.
- Allows institutions to withhold loan payments from loans the institution has retained servicing on from the loan repayments the institution is making to the Department.

Sec. 4408. Distribution of assets from student loan funds for purposes of the Perkins loan program

- Allows institutions to withhold outstanding administrative costs, charges, and loan cancellation costs and short-term loan costs from the amount paid to the Department by the institution.
- Authorizes a quarterly payment to institutions until such time as all outstanding Perkins loans originated prior to the expiration of the program in October 2017 have been assigned to the Department.

PART F—NEED ANALYSIS

Sec. 4501. Amendments to family contribution

- Makes conforming amendments.

Sec. 4502. Amendments to data elements when determining the expected family contribution

- Makes a conforming amendment.

Sec. 4503. Amendments to family contribution for dependent students

- Increases the income protection allowance for dependent students by 35 percent.
- Makes conforming amendments.

Sec. 4504. Amendments to family contribution for independent students without dependents other than a spouse

- Increases the income protection allowance for independent students without dependents other than a spouse by 35 percent.
- Makes conforming amendments.

Sec. 4505. Amendments to family contribution for independent students with dependents other than a spouse

- Increases the income protection allowance for independent students with dependents other than a spouse by 35 percent.
- Makes conforming amendments.

Sec. 4506. Institutional calculations for COA

- Provides an exception to the general prohibition on regulating Part F allowing the Secretary to prescribe a methodology for institutions to use in determining the room and board allowance in the cost of attendance for students not residing in housing owned or operated by the institution and for students residing in on-base military housing.
- Authorizes the Secretary to waive the above requirement to allow institutions to use their own methodology.
- Requires the Secretary to establish such methodology within 18 months of enactment.

Sec. 4507. Updated tables and amounts to need analysis

- Updates the base year for the inflation-based annual updates to the need analysis tables.

Sec. 4508. Zero expected family contribution

- Makes all independent students eligible, that is, without regard to having dependents other than a spouse.

- Increases the income threshold to \$37,000 from \$23,000.
- Conforms relevant income tax forms to the 2017 tax law revision.
- Adds the state Medicaid program to the definition of means-tested federal benefit programs.
- Removes the free and reduced price school lunch program from the definition of means-tested federal benefit programs.

Sec. 4509. Amendments to definitions in need analysis

- Mandates the use of prior-prior year income and tax data.
- Narrows significantly the definition of untaxed income and benefits and, correspondingly, expands significantly the list of excluded untaxed income and benefits.
- Clarifies and expands the definition of independent student with regard to foster care and homeless youth.
- Simplifies and streamline the independent student status verification process for foster care and homeless youth.

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

Sec. 4601. Definition of eligible program

- Replaces the requirement for a 70 percent placement rate with a requirement that verified annual earnings for program completers are not less than those for high school graduates.
- Requires students to be prepared for gainful employment in a recognized profession.
- Requires the program to have been in operation for at least two years.
- Must be annually evaluated by the Secretary to ensure compliance with eligibility requirements.
- Provides for an appeal process if the program is found to be noncompliant.

Sec. 4602. Definition of third-party servicer

- Expands the definition to include any services provided on behalf of a Title IV-participating institution.

Sec. 4603. FAFSA simplification

- Mandates a single question to identify unaccompanied youth seeking independent student status.
- Requires streamlined processes for incarcerated persons to apply for Pell Grants.

- Requires all applicants to indicate receipt of any means-tested federal benefit within the previous two years.
- Segments the application process into three “pathways.”
 1. Applicants who received any means-tested Federal benefit within the previous two years. (Automatic zero EFC.)
 2. Applicants who did not receive any means-tested Federal benefit within the previous two years, who have adjusted gross income equal to or less than \$60,000, and who were not required to file an income tax return or who filed an “uncomplicated” tax return, i.e. that did not include any of 10 specific schedules. (A simplified needs test.)
 3. All other applicants.
- Provides one-time FAFSA filing for first-time applicants who are Pell-eligible and certify no change in dependency status in subsequent years.
- Requires the Secretary to translate the FAFSA into at least 11 foreign languages.
- Requires the Secretary to publish annually a significant amount of disaggregated data on FAFSA filers who are homeless persons, unaccompanied youth, or foster care youth.
- Requires the Secretary to report annually disaggregated data on the outcomes of the FAFSA verification process.
- Directs the Secretary to consumer test and then standardize financial aid offer sheets.
- Makes conforming amendments.

Sec. 4604. Federal aid eligibility

- Extends Title IV eligibility to those who are registered under DACA, those who would have been eligible under DAPA (Deferred Action for Parents of Americans), and those who are defined as Dreamers. Dreamers are defined as those who were younger than 16 years of age on the date of arrival to the United States, have a high school diploma or equivalent, or have served in the uniformed services for not less than four years.
- Eliminates the Selective Service data base matching.
- Repeals the suspension or denial of Title IV aid due to convictions for drug-related offenses.

Sec. 4605 Reasonable collection costs on defaulted loans.

- Collection costs are limited to 5 percent of the outstanding principal and interest for the first collection attempt; 10 percent for the second attempt; 15 percent for the third attempt; and 20 percent for the fourth and any subsequent collection attempts.

Sec. 4606. Student eligibility information for nutrition assistance programs

- Requires the Secretary to include the most recent relevant guidance on student eligibility for the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) on the College Navigator website.

Sec. 4607. Exit counseling

- Clarifies that institutions are responsible for ensuring borrowers receive exit counseling, but are not responsible for conducting that counseling.
- Requires providing the borrower with additional information, including a detailed summary of the outstanding debt, an explanation of the grace period and the expected date repayment will begin, and the borrower’s anticipated monthly payments under both the fixed payment and income-based repayment plans.
- Makes several conforming amendments.

Sec. 4608. Clery Act amendments

- Amends Sec. 485 (f) of the Higher Education Act.
- Requires institutions to include a statement regarding current campus policies on background checks for employees and volunteers working with student athletes, children or youth participating in university-sponsored programs held in campus facilities.
- Annual Security Report (ASR) must be published in a “prominent location on the institution’s website.”
- Adds two new crime reporting categories:
 - harassment incidents reported to Campus Security Authorities (CSAs) or local police agencies; and
 - hazing incidents reported to CSAs or local police agencies.
- Defines “harassment” as “unwelcome conduct, of a hostile, intimidating or offensive nature based on a student’s actual or perceived race, color, religion, sex (including sexual orientation, gender identity, pregnancy, childbirth, a medical condition related to pregnancy or childbirth, and sex stereotype), disability, or national origin, that unreasonably interferes with a student’s ability to participate in a program or activity including by creating an intimidating, hostile or offensive environment.”
 - Clarifies that the definition is not limited to physical acts and includes verbal, nonverbal conduct, and harassment undertaken through e-mail or other technology or the placement or display of hostile or offensive images.
 - Clarifies that the harassment definition includes sexual harassment and provides a non-exhaustive list of examples of sexual harassment.
- Defines “hazing” as “any intentional, knowing or reckless act committed by a student, or a former student of an institution of higher education, whether individually or in concert with others, against another student that (1) was committed in connection with an initiation

into, an affiliation with, or maintenance of membership in, any student organization; and (2) causes or contributes to a substantial risk of physical injury, mental harm or personal degradation.”

- Mandates new ASR requirements for detailed information on hazing by student organizations. The report must include, for the three most recent calendar years, any findings that a student organization committed a violation of the institution’s standards of conduct or a federal, state or local law related to hazing. For each finding, the institution must provide:
 - The name of the organization
 - A general description of the activities, charges and findings of the institution, and the sanctions placed on the organization
 - The dates on which:
 - the violation was alleged to occur
 - the student organization was charged
 - the investigation was initiated
 - the investigation ended with a finding of a violation
 - The report may not include any information about allegations that do not result in a formal finding of a violation of code of conduct or law, or any personally identifiable information on any individual student or member.
- Institutions are required to report the anti-hazing policies of the institution and any changes made in the preceding year to such policies and the justification for the changes.
- If the allegation involves a multi-institution student organization, any institution where either a student member was involved or victim was enrolled must report.
- Student organization covers any organization “officially recognized by or otherwise affiliated with” an institution.
- Adds “sexual harassment” to the VAWA categories of sexual assault, domestic violence, dating violence, and stalking throughout paragraph (f)(8), which details requirements for education and prevention programs and for institutional disciplinary procedures relating to these categories. For example, campuses will now be required to:
 - provide primary and ongoing education and prevention programs to prevent sexual harassment, including how the use of bystander intervention can prevent sexual harassment;
 - provide procedures victims should follow after an incident of sexual harassment, including preserving evidence;
 - provide the accuser and accused with written notification about options for changing academic, living and transportation options, if alternatives are reasonably available;

- options for reporting sexual harassment to law enforcement; and
- information on no-contact orders.
- Requires that investigations of sexual harassment and the VAWA categories must be conducted by individuals trained to conduct “trauma-informed investigations.”
- Requires institutions to provide written notification to victims of institutional polices regarding reimbursement of lost tuition and costs associated with student loan interest related to sexual harassment and the four VAWA categories.
- Requires a statement of policy on harassment that includes:
 - a statement prohibiting harassment everywhere (on campus, non-campus property, or public property, in dorms, through campus email through the use of computers or networks owned or operated by, or contracted for by the institution);
 - a description of the institution’s programs to combat and prevent harassment;
 - a description of the procedures a student should follow if an incident of harassment occurs; and
 - a description of the procedures the institution will follow once an incident of harassment has been reported, including the standard of evidence that will be used in an institutional conduct proceeding.
- Provide a link to the policy on harassment on a prominent location on the institutions website, including a statement notifying the public of the availability of the information including findings and sanctions, except for information protected by FERPA, a description of how the public may obtain such information; and a statement that the institution is required to provide such information.
- Requires that the statement of policy on harassment must address the following areas:
 - procedures for timely action in cases of alleged harassment
 - Sanctions after disciplinary procedures
 - Notification of services for victims or perpetrators of harassment on campus and in the community
 - Identification of an employee or office responsible for receiving and tracking each report of harassment
- Raises the fines imposed for violations of the Clery Act to \$100,000 (from the current \$25,000).

Sec. 4609. Online survey tool for campus safety

- Incorporates climate survey provisions from S. 976 Campus Accountability and Safety Act (CASA), with some additions.

- Orders the Secretary to develop and make available through an online portal a “standardized online survey tool regarding student experiences with domestic violence, dating violence, sexual assault, sexual harassment, and stalking. The survey must use trauma informed language to prevent re-traumatization.
- Survey must include questions on long list of congressionally mandated topics including in (jj) the willingness of individuals to intervene as a bystander of sex, race, national origin, sexual orientation, gender identity, disability-based discrimination, harassment, or the four VAWA crimes, as well as other questions “determined by the Secretary.”
- An institution must administer the survey every two years. Institutions are allowed to add additional questions but cannot eliminate any of the questions in the federal survey.
- The survey is required of any institution participating in Title IV, so it would appear to apply to wholly online institutions.
- Institutions must ensure “to the maximum extent practicable” that “an adequate, random and representative sample size of students” complete the survey.
- Requires the Secretary to provide a biennial report on the results of the climate survey which shall include campus-level data for each school in a manner that permits comparison across campuses.
- Requires institutions to publish the campus-level results on the institution’s website and in the annual security report, and publish on the institution’s website the results, if any, of any additional elements modifying the survey.

Sec. 4610. Transfer of credit policies

- The bill requires an institution’s policy on transfer of credit to be disclosed “on the website and at least one other relevant publication.”
- The policy must be easy to find.
- The website must include a link to the website of each institution on an institution’s list of institutions with which it has an articulation agreement as well as a link to, or explanation of, the provisions of each such articulation agreement.
- The institution must provide a list of transfer-related resources and information.

Sec. 4611. Amendments to institutional and financial assistance

- Repeals Sec. 485 (k), which requires institutions to notify students of the penalties attached to the loss of eligibility for student financial aid that result from a drug conviction under section 484(r).
- Support for homeless and foster care youth.
 - Requires institutions to:

- Designate a liaison for homeless and foster care youth, with responsibility for ensuring they are connected to available support and community resources.
 - Post public notices about student financial assistance and other assistance available to homeless and foster care youth.
 - Give priority to homeless and foster care youth for institutional housing facilities, including those that remain open for breaks.
 - Institutions must have “developed a plan” for how homeless and foster care youth can access housing resources during and between academic terms through means that may include access to institutional housing and a list of housing sources in the community that provide short-term housing.
- The institution must include questions in their application regarding a student’s status as a homeless and foster care youth that can be answered voluntarily, in order to be provided information on financial aid and other assistance.
- Institutions must explain the terms on the application in a manner homeless and foster care youth can understand in order to declare their eligibility as a homeless and foster care youth and, with the consent of the applicant, share the information with the institutional liaison after admission but before start of the term.
- Annual financial aid counseling
 - The bill would mandate annual financial aid counseling which would replace the current entrance counseling requirements.
 - Institutions must ensure that each borrower receives comprehensive information on the terms and responsibilities.
 - The institution must provide this information for each award year for which the individual receives a loan, in a simple and understandable manner either in person, with an online counseling tool where the borrower acknowledges receipt or through the online tool identified in section (n)(1)b).
 - If an institution doesn’t use the Departmental online tool, an institution must test an individual’s understanding of the information.
 - Extensive information must be provided to borrowers.
 - An institution is required to provide a separate set of information for Parent PLUS loan borrowers.
 - The counseling includes an “annual loan acceptance” requirement that a borrower must sign and return (or e-sign).
 - The secretary is required to create the online counseling tool within one year after enactment.
- Title IX Religious Exemptions:

- Each institution that intends to exercise a religious exemption to Title IX shall submit in writing to the Office of Civil Rights at the Department of Education a statement identifying the part of the Title IX regulations that conflict with a specific tenet of the religious organization, and publish the following on their website:
 - The letter requesting the exemption;
 - Each letter from the Department granting or denying the exemption
 - Notice that they've received an exemption;
 - A list of personal characteristics or behaviors to which the exemption applies
 - A list of activities to which the exemption applies; and
 - A statement that students continue to have rights under Title IX

Sec. 4612 Prevention of improper access

- Amends Sec. 485 “Institutional and Financial Assistance Information for Students.”
- Allows for a third-party preparer to access loan information to repay loans on behalf of a student or their family.

Sec. 4613. Information with respect to crime statistics for programs of study abroad

- Requires institutions to develop and distribute a statement of policy with respect to students participating in study abroad programs approved for credit by the institution concerning crime and harm that may occur while participating in such program.
- An institution must conduct a biennial review to determine:
 - the effectiveness of the program at protecting students from crime and harm and whether changes are needed;
 - for the preceding five years, the number (in aggregate, for all study abroad programs) of deaths (during the program or during the study abroad period) of sexual assaults against program participants occurring during program participation and reported to the institution;
 - accidents and illnesses that resulted in hospitalization and were reported to the institution; and
 - incidents that resulted in police involvement or a police report and were reported to the institution.
- Requires an institution to provide information to students about all programs and incidents before they go.
- Must report using campus, non-campus and public definitions for Clery, in addition to reporting incidents that occur outside these locations. It is unclear how definitions used abroad will translate to Clery reporting.

- The language appears to make these requirements apply to all study abroad programs for which an institution offers credit, and not solely those programs offered or administered by an institution.

Sec. 4614. Remedial education grants

- Authorizes at least 30 annual five-year competitive grants of at least \$500,000 to improve remedial education.
- Eligible entities must provide assurances that they will use more than two measures (such as SAT, high school GPA, etc.) to identify students in need of remediation.
- The eligible institution must provide 10 percent matching funds, with an exemption for Tribal Colleges and Universities and institutions located in Puerto Rico, Guam, American Samoa, Virgin Islands, Northern Mariana, Marshall Islands, Federated States of Micronesia, and the Republic of Palau.
- The Secretary is authorized to select a contractor to oversee selections of the grant recipients and to advise.
- The legislation provides “experimental authority” to allow students to receive loans or grants for up to two years of remedial education.
- Eligible entities must provide student level data back to the Department during the grant and for five years after the grant ends to share such data with the independent evaluator.
- The evaluator selected by the Secretary will provide a report to the authorizing committees about the results of the grants.
- The Secretary must consult with the Director of Institute of Education Sciences (IES) in making the awards.

Sec. 4615. Competency-based education

- Authorizes demonstration projects at between 25 to 100 institutions to allow eligible entities to carry out competency-based education (CBE) demonstration projects for a five-year period and receive waivers or other flexibility to carry out such projects.
- Places limits on expanding enrollment.
- The demonstration projects must have an employment focus, demonstrating how:
 - the CBE will award credit to advance student toward completion of a certificate or degree that is portable and used by in-demand employers for making employment decisions; and
 - the CBE program is aligned with a career pathway.
- Each application must include information specified in 21 paragraphs, the last of which allows the Secretary to require additional information.

- Only between 25 and 3,000 students may participate in the project at an institution, unless the institution gets approval to increase the limit to 5,000 students.
- An institution must demonstrate that it has been recognized as a direct assessment program by an accreditor, or alternatively, a letter from an institution’s accreditor describing how it will enforce standards for the CBE program.
- Allows the Secretary to waive a number of current requirements on institutions to facilitate CBE.
- Authorizes \$5 million to carry out the demonstration project.

Sec. 4616. Competency-based education council

- Establishes a council consisting of members representing federal agencies, stakeholders, experts in the area and members appointed by the leadership of the House and the Senate to hold at least six meetings to study CBE and prepare a report regarding effective strategies for implementing CBE programs.

Sec. 4617. Written arrangements to provide educational programs

- Creates a new section 486D of the HEA that covers the relationships between two institutions or organizations where one institution or organization provides educational programs to students enrolled at another institution.
- In cases where both entities are eligible institutions under Title IV and have common ownership or control, the arrangement is valid so long as the degree-granting institution is eligible and offers more than 50 percent of the educational program.
- This applies to study abroad programs offered by another institution, so long as the institution offering the study abroad program is an eligible program; is not under sanction or termination of eligibility by ED, or its accreditor; and does not have any role in the admission of students to the degree-granting institution.
- In cases where an eligible, degree-granting institution partners with an institution or organization not eligible under Title IV, but the program offered by the degree-granting institution is Title IV eligible, then the ineligible institution or organization:
 - Must not be under sanction or termination of eligibility by ED, or its accreditor
 - May not have any role in the admission of students to the degree-granting institution
 - Must provide less than 50 percent of the educational program
 - Cannot be owned or controlled by the same entity that owns or controls the degree-granting institution
- The degree-granting institution’s accrediting agency for private institutions, or the relevant state agency for public institutions must “specifically determin[e] that the institution’s arrangement meets the agency’s standards for the contracting out of educational services.”

- The degree-granting institution must provide to the Secretary “the institution’s expenditures on instruction, student services, marketing, recruitment, advertising, and lobbying” for the portion of the program covered by this arrangement, in the revised IPEDS reporting in section 132(i)(1)(AA).
- Any institution entering into any such written agreement must make publicly accessible on their website:
 - “(1) the portion of the educational program that the institution that grants the degree or certificate is not providing;
 - (2) the name and location of the other institutions or organizations that are providing the portion of the educational program that the institution that grants the degree or certificate is not providing;
 - (3) the method of delivery of the portion of the educational program that the institution that grants the degree or certificate is not providing; and
 - (4) estimated additional costs students may incur as the result of enrolling in an educational program that is provided, in part, under the written arrangement.”

Sec. 4618. Improvements to program participation agreements

- Conforming amendment.
- Conforming amendment to use adjusted cohort default rate in excess of 5 percent in place of 10 percent in each place it appears.
- Requires institutions to “collect and submit data to the Commissioner for Education Statistics in a timely manner” for IPEDS, student unit record data and other information collections.
- Institutions must provide means for homeless students to access institutional housing if the student is temporarily unable to meet financial obligations including due to of delays in Social Security Administration vouchers for educational training or delays due to actions of the institution.
- Institutions must provide voter registration forms in all states—the section providing that 4(b) of National Voter Registration act does not apply is removed.
- Closes 90/10 loophole. Only applies to for-profit institutions. Changes 90/10 to 85/15. Says 15 percent must be from sources other than “federal education assistance funds” which is defined to include GI bill and DOD TA funds.

Sec. 4619. Compliance with the Civil Rights Act of 1964

- Institutions are required to designate at least one employee to coordinate compliance with Title VI of the Civil Rights Act. Title VI prohibits discrimination on the basis of race, color and national origin in programs receiving federal funding.
- The designated employee(s) would be required to conduct any investigation of complaints alleging noncompliance with Title VI.

- Institutions would also be required to:
 - submit an annual report of all complaints to the Secretary;
 - make the report publicly available on the website;
 - notify students and employees of the name, office address, telephone number of each designated employee; and
 - notify students and employees of the enforcement policies of the institution respecting Title VI, and the institution’s procedure for reporting and investigating complaints under Title VI.

Sec. 4620. Submission of data with respect to students with disabilities

- Requires institutions to report in IPEDS on the number and percentage of undergraduate and graduate students with disabilities registered with an institution or requesting accommodations.

Sec. 4621. Education program on hazing

- Requires institution to provide students with an educational program on hazing which includes information on hazing awareness, hazing prevention and institutional policies on hazing.

Sec. 4622. Changes to program participation agreements to strengthen consumer protections

- Bars an institution from withholding transcripts or other academic records from a student due to defaulting on a federal student loan.
- Bars an institution from requiring students to sign waivers of their right to pursue litigation against an institution.

Sec. 4623. Misrepresentation and substantial misrepresentation defined

- Authorizes the Secretary to impose a civil penalty of \$60,000 per violation on an institution for violations of any Title VI provision or for making a “substantial misrepresentation.”
- Provides expansive definitions of the terms “misleading,” “misrepresentation,” “statement,” and “substantial misrepresentation” that are very similar to those introduced in the Obama administration’s rulemaking on borrower defenses to repayment.

Sec. 4624 Revenue requirement

- Amends Sec. 487 (d) “Implementation of Non-Title IV Revenue Requirement.” In this section, strikes “Title IV” and inserts “Federal Education Assistance Funds” to align it with that new definition.
- Makes changes to the use of payments to loans held by a for-profit school as “revenue”, as well as revenue received by institutions providing training to third-party entities.

Sec. 4625. Teach-out plans

- Mandates that institutional teach-out plans include a process for maintaining student contact information and require that students in a teach-out process retain access to their academic records.

Sec. 4626. Experimental programs

- Creates a new student success authorization for experimental sites.
- Requires the Secretary to end experimental sites that have not been effective in improving student success.
- Maintains the waiver authority.
- Requires the Secretary to notify Congress 60 days before the start of a program before carrying out a new experimental sites program, and the Secretary must prepare evaluation plans that address the methodology that will be used to disaggregate data on students.
- Limits experimental sites to four years, but can be extended for an additional two years by the Secretary.
- Establishes measures for determining whether an experimental sites program is successful, based on:
 - “whether, and to what extent, student outcomes improve as a direct result of the experiment;
 - whether the experimental site improves the delivery of services to, or otherwise benefitted, students; and
 - the extent to which the experiment reduces administrative burdens on institutions participating as experimental sites...without harming students.”
- Establishes the terms for annual data reporting by the Secretary to Congress about each program, as well as final reports for each program.

Sec. 4627. Administrative expenses

Makes conforming amendments.

Sec. 4628. Criminal penalties for misuse of access devices

- Allows for criminal penalties for someone who knowingly uses an access device, issued to another person or gained by fraud, to access Department information technology for commercial advantage or financial gain.

Sec. 4629. Regional meetings and negotiated rulemaking

- Modifies the non-exhaustive list of entities with whom the Secretary should generally consult when developing regulations.

- Adds new requirements for the negotiated rulemaking process, including making transcripts and video recordings, both contemporaneous and archived, of each negotiated rulemaking session publicly available.

Sec. 4630. Income-based repayment plan

- Permits current borrowers in an income-based repayment plan to switch to either the new fixed payment plan or the new income-based repayment plan.
- Reiterates that a borrower may repay the outstanding loan balance without penalty.
- Makes income-based repayment the default repayment plan within two years of enactment.
- Modifies the parameters and formula elements for the income-based repayment plan:
 - Payment amount is 10 percent of income in excess of floor level income;
 - Floor level income is 200 percent of the poverty line income for the relevant family size, reduced by five percentage points for each \$1,000 of income that exceeds \$80,000 (\$160,000 for a married borrower);
 - There is no interest capitalization;
 - The maximum term of the repayment obligation is 20 years;
 - Payments made on federal loans prior to consolidation or refinancing apply to the maximum repayment term;
 - The maximum term of the repayment obligation is 20 years; and
 - There is no payment cap.
- Allows borrowers to enroll in the income-based repayment plan verbally, electronically, or through a written request.
- Makes conforming amendments.

Sec. 4631. Fixed repayment plan

- Provides for increasing the maximum time periods during which payments are required:
 - 10 years for loan amounts less than or equal to \$20,000
 - 15 years for loan amounts more than \$20,000 and less than or equal to \$30,000
 - 20 years for loan amounts more than \$30,000 and less than or equal to \$40,000
 - 25 years for loan amounts equal to or greater than \$40,000

Sec. 4632. Requiring a common manual for loan servicers

- Requires the Secretary to develop a manual of common procedures and policies for federal student loan contractors to ensure consistency of quality and practice across all contractors.

Sec. 4633. Removal of record of default

- Requires any holder of a defaulted federal student loan that is fully repaid to ask any consumer reporting agency to which the holder previously reported the default to remove the record of that default from the borrower's credit history.

Sec. 4634. Amendments to terms and conditions of borrower defenses

- Codifies the Obama-era borrower defense regulation.
- Requires the Secretary to report quarterly to Congress and make publicly available the number, status and outcomes of borrower defense claims.

Sec. 4635. On-time repayment rates

- Defines on-time repayment rate as the percentage of an institution's student borrowers who have been in repayment for three years and have made at least 90 percent of the monthly payments during that three-year period.
- Provides for an alternative calculation for institutions with fewer than 30 borrowers in the three-year cohort.
- Assigns loans for on-time repayment calculation purposes to the institution attended.
- Defines a monthly payment as:
 - A payment made within 30 days of the due date
 - A payment amount due that is zero
 - A payment that results in the loan being paid in full
 - A discharge of the borrower's obligation to repay
 - A period of deferment other than economic hardship or unemployment
 - A period of forbearance due to medical or dental internship or residency, National service, active duty in the Armed Forces, or anticipated teacher loan forgiveness
- Exempts from sanction any institution with borrowers comprising 20 percent or fewer of its students enrolled at least half time.
- Rescinds Title VI program eligibility for any institution that fails to meet or exceed the on-time repayment threshold and spends less than one-third of its tuition and fee revenues on instruction.
- Directs the Secretary to establish at least one on-time repayment rate threshold.
- Allows institutions appeal for an exemption from sanction for categories of educational programs with higher on-time repayment rates than the institution's overall rate.
- Provides for an appeal process for institutions facing loss of eligibility.

- Requires institutions with relatively lower on-time repayment rates but relatively higher amounts spent of instruction to develop and implement a repayment management plan.
- Requires the Secretary to publish an annual report on each institution’s on-time repayment rates, tuition and fee revenues, and instructional expenditures.

PART H—PROGRAM INTEGRITY

SUBPART 1—STATE ROLE

Sec. 4701. State responsibilities

- State must now inform Secretary if it “takes an adverse action” in addition to revoking an institution license.
- Also requires states to “evaluate” each institution located in the state or seeking authorization to determine if it meets standards of the state relating to facilities; equipment; supplies measures of program length and factors to receive a professional license from the state.
- Requires state to certify to the Secretary that the state shall report to Secretary and to the accreditor relevant student complaints, including multiple complaints presenting consistent allegations; as well as other complaints the Secretary determines necessary.
- State must establish policies to anticipate and respond to closure of an institution including institutions’ maintaining cash reserves, a plan to ensure recording keeping in case of closures, contact information for every student, and a process to identify when a campus in a state “closes.”

SUBPART A—ACCREDITING AGENCY RECOGNITION

Sec. 4711. Accrediting agency recognition of eligible job training programs

- Requires accreditors to review and enforce the relevant standards and oversee the quality of short-term job training programs that are eligible for Pell Grants as defined under Sec. 4013.

Sec. 4712. Accrediting agency recognition of institutions enrolling incarcerated individuals

- Accreditors must oversee the quality of institutional programs that seek to award Pell Grants to incarcerated individuals.

Sec. 4713. Requirements for accrediting agency recognition “Measures” of success with respect to student achievement:

- Requires Secretary (within a year) to establish a working group to establish a glossary of measures and corresponding definitions accreditors may use to assess student achievement for each of the following outcomes:
 - completion (measures may include grad rates);

- progress toward completion (measures may include retention rates and credit; accumulation); and
- workforce participation (measures may include rates of licensure and job placement).
- Accreditors may also establish other measures to assess such outcomes.
- The measures developed must provide accreditors with “enough flexibility for adequate assessment” of the outcomes.
- The measures developed may include measures and definitions set forth under IPEDS or a successor system.
- Future working groups may add measures that meet the requirements outlined.
- The Secretary shall not have the authority to approve these measures.
- The working group shall be sufficient in size to ensure a full range of accrediting agencies and institutions are represented.
- The working group shall include at a minimum:
 - representatives of national, regional and specialized accreditations, nominated by those representatives ;
 - representatives of diverse institutions – two-year, four-year, public, NP, FP and MSIs.
 - NCES Commissioner; and
 - student advocate representatives familiar with the accreditation process.

1. Negotiated Rulemaking on accreditation:

- Within a year of enactment, Secretary must initiate a negotiated rulemaking session to develop:
 - procedures for identifying representative member institutions that an accreditor will use to demonstrate to the Secretary that the accreditor:
 - consistently applies and enforces standards; and
 - effectively evaluates the quality of the education offered by the institutions it accredits;
 - common definitions for terms related to sanctions, adverse actions, and other actions taken by accreditors; and
 - notice and disclosure requirements for accreditors when such actions are taken.
 - Must be consistent with subsections (a)(7) [due process procedures for institutions] and (c)(7) [required operating procedures for accreditors].

2. Revises accreditation “standards:”

- (A) Success with respect to student achievement in relation to the institution’s mission:
 - shall be assessed using at least one measure selected from the glossary established by the working group, or established by the accreditor, for each of the following outcomes:
 - completion
 - progress toward completion
 - workforce participation
 - may be assessed using different measures selected from the working group list for different institutions;
 - for each measure selected or established, shall be assessed using a single performance benchmark established by the agency or association, except that an accreditor may establish a different benchmark for such a measure in each category of educational programs;
 - when assessing student achievement for a public or nonprofit, accreditors may consider the historical significance of the institution and whether it is the only physical location in a geographic area.
- (B) Student achievement outcomes, disaggregated by specified elements required in student data system in Sec. 132 of the bill;
- (C) Credentials – including consideration of non-monetary value of credentials to students;
- (D) Curricula – including program length, course sequencing, credentialing objectives to “curricula”;
- (E) Faculty (unchanged);
- (F) Student support services (unchanged);
- (G) Recruiting and admissions practices, academic calendars, catalogues, publications and grading (removed “advertising); and
- (H) Fiscal and administrative capacity – added “which shall include the institution’s governance;” and
- removes “student complaints” and “record of compliance with T4” standards from current law.

3. Requires accreditors to make available on publicly accessible website, up-to-date information on:

- institutions under accreditor’s jurisdiction;
- the measure used to assess each of the three outcomes;

- performance benchmarks established for each measure selected by the accreditor for student achievement, the rationale for the benchmark, and how benchmarks are factored into the accreditation process;
 - the process the accreditor follows when an institution fails to meet a benchmark; and
 - any sanction, adverse action taken against an institution and the reason for it.
4. Requires accreditor to notify the Secretary and state licensing or authorizing agency within 10 (instead of 30) days of any denial, suspension, withdrawal, probation or other adverse action.
 5. Requires accreditor to make available on its website, and to the Secretary, and the state licensing or authorizing agency, a summary, including the decision and rationale, of any review resulting in a final accrediting decision involving denial, termination, or suspension together with comments from the institution. The accreditor must ensure that the affected institution puts this same information on its institutional website.
 6. Substantive change:
 - Requires accreditor to ensure that any substantive change to the educational mission or a program of an institution after the agency has accredited the institution does not adversely affect the capacity of the IHE to meet the standards of the agency.
 - Requires institution to obtain approval of the accreditor with respect to substantive change before the agency includes the change of scope of accreditation previously granted.
 - Requires agency to make public any decisions about substantive change and the rationale.
 7. Revises “Separate and Independent” requirements:
 - Must have at least one public member, and at least one public member for every three members of the board.
 - Includes a number of new requirements regarding accreditor board members in an effort to prevent conflicts of interest.
 8. Revises “Operating Procedures” requirements to require accreditors to:
 - Perform regular reviews by teams that are well-trained and knowledgeable regarding distance education and “the mission of the institutions reviewed.”
 - Monitor the growth “and decline” of programs at institutions experiencing significant growth.
 - Require an institution to submit for approval a teach out plan upon the occurrence of the following events:
 - Secretary notifies accreditor that it has determined that IHE doesn’t meet 498(c) financial responsibility requirements. [this applies only after the Secretary completes the negotiated rulemaking process required in 4721(b) of the bill to update FRS];

- Secretary notifies agency of determination by institution’s independent auditor expressing doubt with the institutional ability to operate, or finding of material weakness (exempts publics);
- The agency places institution on probation, show cause or similar; and
- Secretary notifies that IHE is participating in T4 under provisional PPA.
- Teach-out agreements between institutions must be approved by the accreditor, consistent with accreditor standards and are required if:
 - the Secretary notifies the accreditor that it has placed the institution on reimbursement payment method or that the institution has failed the ratios for FRS;
 - the Secretary notifies the accreditor that it has initiated (1) an emergency action under 487(c)(1)(G) or (2) an action to limit, suspend or terminate T4 funding;
 - the institution notifies the accreditor it intends to cease operations;
 - the institution notifies accreditors that it intends to close a location that provides 100 percent of a program; or
 - the state notifies the accreditor that an institution’s license or legal authorization to operate has been or will be revoked.
- Requires accreditors to, within 10 days of the action, make available to public and the state agency, and to submit to the Secretary a summary of agency actions including:
 - the award of accreditation or reaccreditation;
 - the final denial withdrawal suspension termination of accreditation and any findings made in connection and the official comments of the institution; or
 - any other adverse action taken with respect to an institution or placement of institution on probation.

9. Complaints:

- Requires accreditors to:
 - respond to complaints about an institution within 30 days (including complaints passed on by the Secretary or state agency);
 - monitor and assess the institution’s record of student complaints; and
 - submit complaints relevant to the Secretary and state agency involved.

10. Statutory language designed to protect against federal intrusion into accreditation:

- Maintains prohibition against the Secretary regulating in section 496(o).
- Maintains rule of construction in 496(p).

11. Permits indirect federal intrusion into accreditation:

- Requires the Secretary to direct NACIQI to
 - regularly evaluate the effectiveness of the measures selected and the performance benchmarks established by accreditors; and
 - compare similarly situated accreditors (can't be determined based solely on sector to which its institutions belong) based on the measures and performance benchmarks used by those accreditors; and
- Permits Secretary to require an accreditor to “review and revise” a performance benchmark if the Secretary determines that it is “too low for the measure for which the benchmark is established.”
 - Gives Secretary control over accreditors’ performance benchmarks.

12. Report cards on accreditors:

- Within 180 dates of passage, the Secretary shall issue a public report for each accreditor that includes:
 - number of institutions evaluated by the accreditor in each sector;
 - the number of locations of institutions;
 - the number of student enrolled at such institutions;
 - the number of students receiving a Pell grant in the prior year;
 - the total amount of federal aid received by students;
 - the grad rate of such institutions;
 - the median earnings 10 years after enrollment; and
 - the number of institutions placed on reimbursement.

13. Institutions are allowed to seek accreditation from another accreditor if the accrediting agency accredits a branch campus of a similar institution in the State in which the institution is located.

SUBPART B—PROGRAM REVIEW AND DATA

Sec. 4721. Eligibility and certification procedures

- Amends Sec. 498 to establish events that mandate an institution reporting within 30 days to the Secretary on events that could jeopardize the financial stability of the institution.
- Automatically finds an institution does not comply with the financial responsibility standards if, for private, nonprofit institutions or proprietary institutions, these events include:
 - “is required by the accrediting agency of such institution to submit a teach-out plan;

- with respect to the preceding 2 fiscal years, has an adjusted cohort default rate (as determined under section 435(m)) of 20 percent or greater, unless the institution files a challenge, request for adjustment, or appeal; and
- is subject to a number of pending or approved borrower relief claims under section 493H from borrowers that equals or exceeds, with respect to the prior academic year, half of the enrollment of full-time equivalent students at such institution.”
- Automatically finds an institution does not comply with the financial responsibility standards if, for proprietary institutions that are public-traded, events include:
 - “is sanctioned by the Securities and Exchange Commission;
 - fails to file a required annual or quarterly report with the Securities and Exchange Commission;
 - the stock of which is delisted;
 - Failing the 85/15 test; and
 - Shareholder equity declines by over 10 percent
- Requires private, nonprofit institutions or proprietary institutions to submit current financial information to the Secretary in the event that:
 - “The institution is required to pay any material debt, as determined by the Secretary, or incur any material liability, as determined by the Secretary, arising from a final judgment in a judicial proceeding, an administrative proceeding or determination, or settlement.
 - The institution is involved in a lawsuit that is brought on or after the date of the enactment of College Affordability Act by a Federal or State authority for financial relief on claims related to the making of loans under part D of title IV.”
- Requires private, nonprofit institutions or proprietary institutions to submit an addendum to the Secretary if any of their programs fail gainful employment requirements.
- The Secretary is required to request additional information from private, nonprofit institutions or proprietary institutions when the institution experiences the following:
 - “that the Secretary will likely receive a significant number of borrower relief claims under section 493H as the result of a lawsuit, settlement, or judgement against the institution; or
 - that the institution experienced one of the following:
 - A significant fluctuation in enrollments between consecutive award years or a period of award years.
 - A citation by a state licensing or authorizing agency for failing State or agency requirements.

- High annual drop-out rates.
- Pending borrower relief claims under section 493H.
- Requires that the updated financial information be made public.
- Requires the Secretary to host a formal negotiated rulemaking session to update composite score used for the financial responsibility standards.

Sec. 4722. Program review and data

- Makes conforming amendments to incorporate the adjusted CDR (aCDR) metric and to require the Secretary to prioritize program reviews on “institutions with an adjusted cohort default rate for loans under part D in excess of 18 percent or which places such institutions in the highest 25 percent of such institutions.”
- Requires the Secretary to conduct “undercover and secret shopper operations for the purpose of encouraging the ethical treatment of students and prospective students and detecting fraud and abuse in the Federal student aid programs,” as well as to develop guidelines that are consistent with federal practice for similar programs and make the results publicly available.

SUBPART C—STRENGTHENING INSTITUTIONAL QUALITY

Sec. 4731. Strengthening Institutional Quality

- Amends Part H of Title IV of the Higher Education Act “Program Integrity” and adds Subpart 4—Strengthening Institutional Quality.

Sec. 498C. Assistance to Progress Period Institutions

- Adds Sec. 498C Assistance to Progress Period Institutions. The Secretary shall provide grants and technical assistance to covered progress period institutions to improve student outcomes. Covered progress period institutions are defined as public institutions of higher education, HBCUs, and private/non-profit institutions of higher education, with an enrollment of more than 45 percent low-income students.
- Grants will be awarded for a period of not less than a year, but no more than three years.
- Includes conditional benchmarks including that an institution must show progress, as determined by the Secretary, toward meeting the standards for student achievement “established by the relevant accrediting agency or association pursuant to Sec. 496 (a)(5)(A).”
- Institutions shall not be eligible for support under this section if, while the institution is receiving support, the total enrollment of low-income students decreases by 10 percent or more.
- Authorizes \$100 million for the program in FY 2021 and each succeeding fiscal year.
- Requires the Secretary to establish a formula through negotiated rulemaking to allocate funding for the program.

Sec. 498D. Restrictions on Certain Expenditures

- For the purposes of each survey conducted under IPEDS after the enactment of the College Affordability Act, the Secretary will define the terms:
 - Marketing
 - Recruitment
 - Advertising
 - Lobbying
 - Student Services (note: in defining student services, the Secretary will ensure such term does not include marketing, recruiting, advertising or lobbying).
- For any institution participating under Title IV programs, if an institution spends less than 1/3 of tuition and fees on instruction, the sum of the amount expended by the institution on marketing, recruitment, advertising, and lobbying may not exceed the amount received from non-federal sources. If an institution fails to meet that threshold for two consecutive fiscal years, it loses Title IV eligibility for at least two fiscal years.

Sec. 498E. Institutional Disclosure System

- The Secretary is required to publish an annual list on the Department's website of institutions where the amount expended by the institution on marketing, recruitment, advertising, and lobbying exceeds the amount received from non-federal sources.

Institutions participating under Title IV will be required to disclose the accreditation status on individual institutional websites. Institutions must note any failure to meet an accreditation standard. The Secretary shall develop a template for the disclosure of this information that allows it to be easily understood by consumers.

PART J—AMERICA'S COLLEGE PROMISE FEDERAL-STATE PARTNERSHIP

Sec. 4801. Program authorized

- Allocates \$92.692 billion over ten years to create a two-year community college partnership program with states that choose to apply.
- Federal government covers a per-student amount that is equal to 75 percent (95 percent for certain Indian tribes) of the average resident community college tuition and fees, modified annually by the lower of CPI or 3 percent.
- Requires states applying to participate to provide:
 - An estimate of the total number of students (at least half-time) who would be served.
 - A commitment to waive all community college tuition and fees within the state.

- A commitment to implement or maintain an extensive list of “institutional reforms and innovative practices,” such as:
 - Comprehensive academic support services;
 - Direct support services, such as childcare, transportation, emergency financial assistance and mental health and substance abuse treatment;
 - Support to students in obtaining health insurance, securing housing, addressing food insecurity, facilitating enrollment in other federal means-tested programs; and
 - Dual or early enrollment programs; redesigning remedial or developmental education; implementing redesigns of high-enrollment courses; utilizing degree or career pathways including through building capacity for career and technical education as defined in Carl D. Perkins CTE Act.
- As a condition of receiving a grant, states are required to:
 - Expand access to state managed means-tested programs.
 - Align HS diploma with necessary requirements for entering community college; and certify this within 3 years (which can be appealed for an additional five years).
 - Ensure that all public institutions within the state have articulation agreements; and certify this within 3 years (which can be appealed for an additional five years). These agreements need to include:
 - A common general education curriculum of not less than 30 hours that “are fully transferable to any such public institutions...toward meeting specific degree or certification requirements;”
 - Common course numbering for general education core curriculum; and
 - A guarantee that an associate degree should be fully equivalent to and transferable to and credited as the first two years at a baccalaureate program at a public institution.
- Additional funds left over after meeting the requirement to cover tuition and fees can be used to fund:
 - Expanding the scope and capacity of academic and occupational skills training at community colleges, including in collaboration with “one or more industry or sector” partners;
 - Improving postsecondary education readiness;
 - Expanding access to dual or concurrent enrollment programs;
 - Improving affordability at public four-year institutions; and
- States must comply with a maintenance of effort provision that:

- Maintains financial support for public higher education at or above a level equaling an average of the last three years.
 - The calculation of the average:
 - Would not include capital expenses and R&D costs.
 - Would include need-based financial aid for students who attend public institutions.
- Maintains financial support for operational expenses for four-year public colleges and universities at or above a level equaling an average of the last three years.
- Requires states to supplement and not supplant federal funding.

Sec. 4802. Student Success Fund

Authorizes a \$500 million annual grant program for public two- and four-year institutions for states that participate in America's College Promise (sec. 4801).

Requires states to provide matching funding that increases over time, from 25 percent for years one through four; 50 percent for years five and six; 75 percent for years seven and eight; and moves to full state funding in the ninth year and beyond. Indian tribes can request a waiver of the match so long as 75 percent of the students served are low-income.

- Requires states to supplement and not supplant federal funding.
- States are required to file an application detailing how funds will be used, including how funds will be used to “implement the promising and evidence-based institutional reforms and innovative practices to improve student outcomes,” along with benchmarks (including improvements in transfer and completion rates) to reflect this process.
- The application must also detail the degree to which institutions within the state with the lowest share of funding per student may serve the highest shares of low-income students, students of color, students with disabilities, or students in need of remediation.
- States are required to submit reports every two years detailing the progress made as well as any changes to the plans by the state for the use of grant funds going forward.
- The Secretary may require states to revise plans regarding the use of funds, and all plans will be made publicly available.
- 10 percent of the funds made available may be used for administrative purposes.

Sec. 4803. Pathways to student success for Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority Serving Institutions

- Funding unallocated under ACP can be allocated towards “Pathways to Student Success” for (in this order):
 - Historically Black Colleges and Universities;

- Tribal Colleges and Universities; and
- Hispanic-Serving Institutions and other minority-serving institutions
- These funds can be used to:
 - Encourage enrollment at participating institutions;
 - Provide incentives for community college students to transfer to participating institutions; and
 - Support institutions in implementing reforms and innovations to improve completion and other student outcomes.
- As a condition of participation, institutions must:
 - Have a student body that is at least 35 percent low-income students.
 - Commit to implement or maintain an extensive list of “institutional reforms and innovative practices,” such as:
 - Comprehensive academic support services;
 - Direct support services, such as childcare, transportation, emergency financial assistance and mental health and substance abuse treatment;
 - Support to students in obtaining health insurance, securing housing, addressing food insecurity, facilitating enrollment in other federal means-tested programs;
 - Dual or early enrollment programs; redesigning remedial or developmental education; implementing redesigns of high-enrollment courses; utilizing degree or career pathways; and
 - Partner with outside organizations (including employers, industry, associations, etc.) to improve learning outside the classroom, including study abroad and cultural exchange programs.
- Grant amounts equal the actual cost of tuition and fees for all eligible students:
 - Annual increase is limited to 3 percent maximum;
 - The per-student amount cannot exceed the national average of public four-year tuition and fees
 - No eligible institution can increase tuition and fees at a rate greater than they have at any point over the preceding five years.

Sec. 4804. Unmet need for Federal Pell Grant recipients

- Funding unallocated under ACP and the Pathways to Student Success can be allocated towards unmet need for Pell Grant recipients:

- Grants cover 75 percent (and 95 percent for certain tribes) of the national average of unmet need of all Pell recipients, awarded to all Pell recipients within a participating state;
- States match 25 percent ;
- These funds are available to cover COA, including beyond tuition and fees;
- The total annual increase is the lesser of 3 percent or CPI;
- Unmet need is calculated by the difference between an institution’s COA and the total of an individuals’ EFC and need- and merit-based grant aid from all sources; and
- Requires the same commitment to implement or maintain an extensive list of “institutional reforms and innovative practices” as noted above.

Sec. 4805. Unmet need for students

- Funding unallocated under ACP, the Pathways to Student Success and the unmet need for Pell Grant recipients can be allocated towards unmet need for all students within a state.
- Grants cover 75 percent of the unmet need of all Pell Grant recipients in a state, and are available to cover COA, including beyond tuition and fees.
- The total annual increase is the lesser of 3 percent or CPI.
- Unmet need is calculated by the difference between an institution’s COA and the total of an individuals’ EFC and need- and merit-based grant aid from all sources.
- Requires the same commitment to implement or maintain an extensive list of “institutional reforms and innovative practices” as noted above.

Sec. 4806. Tuition waivers

- Funding unallocated under ACP, the Pathways to Student Success, the unmet need for Pell Grant recipients and unmet need for all students at public institutions can be allocated towards covering the cost of tuition waivers for students attending public institutions within the state.
- Grants cover 75 percent of the unmet need of all Pell recipients in a state, and are available to cover COA, including beyond tuition and fees.
- The total annual increase is the lesser of 3 percent or CPI.
- Unmet need is calculated by the difference between an institution’s COA and the total of an individual’s EFC and need- and merit-based grant aid from all sources.
- Requires the same commitment to implement or maintain an extensive list of “institutional reforms and innovative practices” as noted above.

Sec. 4807. Expansion for private institutions

- Funding unallocated under ACP, the Pathways to Student Success, the unmet need for Pell Grant recipients, unmet need for all students and tuition waivers for students at public

institutions within a state can be allocated towards tuition waivers for students attending private, non-profit institutions within a state.

- ED sets eligibility standards on:
 - Benchmarks for enrollment of low-income students
 - Requirements on institutions not to reduce institutional need-based aid
 - Requirements on institutions to not raise tuition by more than CPI
 - Grants amounts cannot exceed grants to similar students at public institutions

TITLE V—DEVELOPING INSTITUTIONS

Sec. 5001. Hispanic Serving Institutions

- Amends Sec. 503 (b) authorized activities of the Higher Education Act. Inserts language that allows funds to be used for promoting opportunities for international education, including developing partnerships with international institutions of higher education.
- Amends Sec. 503 (c) endowment fund limitations and allows for funds to be used to establish or increase scholarships to students for attendance at the institution.

Sec. 5002. Promoting Post-baccalaureate Opportunities for Hispanic Americans

- Amends Sec. 512 program authority and eligibility. Requires the Secretary to use not less than 1/3 of the funds for activities authorized for 513 (b) grants and not less than 1/3 of the funds for 513 (c) faculty development grants.
- Expands use of funds to include: scientific or laboratory equipment; construction, maintenance, renovation and improvement of classroom or other instructional activities; purchase of library books and periodicals; support for low-income post-baccalaureate students including outreach and academic support; support for distance education programs; and collaboration activities with other colleges and universities.
- Faculty development grants may be used for faculty development, including support of faculty exchanges; financial support to graduate students who are planning to pursue academic careers at an HSI; career services for graduate students; developing partnerships with other institutions; faculty recruitment efforts; and research support for early career faculty.

Sec. 5003. General Provisions

- Authorizes appropriations for Title V. Authorizes \$350 million for part A and C and \$115 million for part B. Under part A, requires the Secretary to reserve 0.75 percent from the amount appropriated to carry out technical assistance and administrative training for staff and faculty at HSIs.

TITLE VI—INTERNATIONAL PROGRAMS

Sec. 6001. International Education

- Amends Sec. 602 (b)(2)(B)(ii) to allow fellowships for graduate students to include “beginning, intermediate, or advanced study of a foreign language related to the area of specialization.”
- Amends the current Sec. 605 “Research; Studies; Annual Report” to now read Sec. 605 “International Research and Innovation.” From the amount provided, the Secretary shall carry out the following activities:
 - research to provide a systematic understanding of the U.S. international and foreign language education capacity, structures and effectiveness in meeting demands;
 - create innovative paradigms or enhance or scale up proven strategies and practices that address systematic challenges to develop and deliver international and foreign language education resources; and
 - develop and manage a national standardized database that includes the strengths and gaps in the U.S. in international and foreign education capacity, and documents the outcomes of Title VI grants.
- The Secretary shall carry out activities either directly through the Department of Education or through research grants awarded to institutions of higher education; libraries; a nonprofit educational organization; or a partnership between two of those entities.
- Authorizes research grants to fund projects that include the systematic development, collection, analysis, publication, and dissemination of data and other information. Eligible entities may use grants to assess and document international and foreign language education capacity, determine gaps in current education efforts, measure the number and types of degrees awarded in area studies or language.
- Authorizes “innovative grants” to improve communication, sharing, and delivery of resources including networking structures and systems to more effectively match graduate with employment; sharing international specialist expertise across institutions of higher education or in the workforce; producing collecting, organizing, and preserving foreign language and education expertise and resources; collaborative initiatives to identify, capture and provide consistent access to and the creation of digital global library resources; utilization of technology to create open-source resources in international and foreign language studies; and innovative curriculum, teaching, and learning strategies; and innovative assessment and outcome tools.
- Matching requirement: the federal share shall be no more than 66.66 percent of the cost of the project. Non-federal share can be in-kind or in cash, including contributions state or private sector corporations, nonprofits, or foundations. Secretary may waive the matching requirement for MSIs, community colleges, or institutions that demonstrate need.

- Secretary shall directly or through a grant or contract create a publicly available website that showcases the results of the grants.

Sec. 6002. Global Business and Professional Education Programs

- Amends Sec. 611 of Part B—Business and International Education Programs. Includes language under “findings and purpose” to now include language that the future welfare of the U.S. will depend substantially on increasing international and global skills and that concerted efforts are necessary to engage business and other professional education programs.
- Renames Sec. 613 from “Education and Training Programs” to “Professional and Technical Education for Global Competitiveness.” Creates a new grant program to fund “innovative strategies that provide undergraduate and graduate students with the global professional competencies, perspectives and skills need to strengthen and enrich global engagement and competitiveness...”

Sec. 6003. Repeal of Assistance Program for Institute for International Public Policy

- Repeals Part C—Institute for International Public Policy.

Sec. 6004. General Provisions

- Amends Sec. 631 (a) Definitions to include a definition for a “heritage student” who was born in the U.S. to immigrant parents or immigrated to the U.S. at a young age.
- Sec. 638 creates a priority for Title VI grants to Minority Serving Institutions.
- Sec. 639 authorizes appropriations at \$125 million for FY 2021 and the succeeding five fiscal years.

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

Sec. 7001 Graduate assistance in areas of national need

- Provides authorization of GAANN programs until 2021.

Sec. 7002. Graduate Education Programs

- Amends Sec. 723 Master’s Degree Programs at Historically Black Colleges and Universities. Under institutional eligibility, expands eligibility to institutions that receive funds under part B of title III and offer a qualified master’s degree program.
- Amends Sec. 724 Master’s Degree Programs at Predominantly Black Institutions. Under institutional eligibility, expands eligibility to institutions that receive funds under Sec. 318 (Predominantly Black Institutions) and that offers a qualified master’s degree program.

Subpart 5—Graduate Opportunities at Asian American and Native American Pacific Islander Serving Institutions

- Secs. 726, 727, and 728 establish a new grant program, “Graduate Opportunities at Asian American and Native American Pacific Islander Serving Institutions.” Grants would be awarded for activities promoting graduate education and supporting faculty development (same language as Sec. 5002). Authorizes funding of \$30 million for FY 2021 and each of the five succeeding fiscal years.

Subpart 6—Graduate Opportunities at Tribal Colleges and Universities

- Secs. 729, 730, and 731 establish a new grant program, “Graduate Opportunities at Tribal Colleges and Universities.” Grants would be awarded for activities promoting graduate education and supporting faculty development (same language as Sec. 5002). Authorizes funding of \$5 million for FY 2021 and each of the five succeeding years.

Sec. 7003. Fund for the Improvement of Postsecondary Education

- Reauthorizes FIPSE for the next five years.

Sec. 7004. Minority-Serving Institutions Innovation Fund

- Inserts “Part C—Funding Innovations at Minority Serving Institutions” (after Part B—Fund for the Improvement of Postsecondary Education).
- Secs. 751, 752, 753, 754, 755, 756, and 757 create a new program to assist minority-serving institutions in planning, developing, implementing, validating, and replicating innovations that provide solutions to enable economically and educationally disadvantaged students. Programs supported would increase the successful recruitment of low income, older students, or military students at MSIs. Increase the number of students pursuing STEM degrees. Would fund planning and implementing grants. Authorizes \$850 million for FY 2021 and the succeeding five years for these programs.

Sec. 7005. Definitions

- Provides definitions for the following terms: “comprehensive transition and postsecondary program for students with intellectual disabilities,” “disability,” “institution of higher education,” “Office of Accessibility,” “Recognized Postsecondary Credential,” “Student with Intellectual Disability,” “Universal Design for Learning,” and “student with intellectual disability.”

Sec. 7006. Supporting postsecondary faculty, staff, and administrators in providing accessible education.

- Provides for five-year grants from appropriated funds to institutions to improve the access and completion of postsecondary education for students with disabilities. Grants are to be used to implement activities in the following areas:
 - Teaching methods and strategies
 - Implementing accommodations

- Effective transition practices
- Distance learning
- Career pathway guidance

Sec. 7007. Office of Accessibility

- Mandates institutions create a central office of accessibility on a campus to “to develop and implement policies to support students who enter postsecondary education with disabilities and students who acquire a disability while enrolled in an institution of higher education.”
- It is not clear if institutions with existing offices providing services and support for students with disabilities would be required to create a new office.
- It does appear that on campuses where these roles are part of other responsibilities, or where these services are offered through a number of offices, they would need to be consolidated and/or create new positions and offices to be in compliance.
- Requires institutions to accept documentation of a disability from a large number of organizations, institutions, agencies and healthcare providers, and bars institutions from requiring additional testing in those cases.
- Creates five-year grants from funds to be appropriated to institutions to employ the principles of universal design for learning in both physical campuses and in distance education.

Sec. 7008. Postsecondary programs for students with intellectual disabilities

- Provides grants for institutions (up to \$300,000) or consortia of institutions (up to \$500,000) to develop transition programs for students with intellectual disabilities.
- The grants require that the programs meet certain standards and that institutions report on the programs’ effectiveness.

Sec. 7009. National Technical Assistance Center and National Coordinating Center for Inclusion of Students with Intellectual Disabilities

- Creates (from funds appropriated for this purpose) a National Technical Assistance Center that assists students and families of students with intellectual disabilities with information and technical assistance in preparing for, and accessing postsecondary education.
- The Center would also assist institutions with information and technical assistance, including development and dissemination of best practices for serving students with intellectual disabilities; as well as gathering data and publishing relevant reports.

Sec. 7010. Formula grants to States to improve higher education opportunities for foster youth and homeless youth

- Through funds appropriated for this purpose, would create grants to states (25 percent of funding) and institutions (70 percent of funding) to support homeless students in preparing for and accessing postsecondary education.

- Funding is directed to the states, and institutions receive grants through the relevant state agency.
- Participating institutions are required to make certain types of aid available to; provide a range of adjustments to institutional policies for; and provide a number of support services to homeless students as a condition of eligibility.

TITLE VIII—ADDITIONAL PROGRAMS

Sec. 8001 Repeals

- Repeals Part A: “Project Grad”
- Repeals Part C: “Business workforce partnerships for job skill training in high-growth occupations or industries”
- Repeals Part D: “Capacity for nursing students and faculty”
- Repeals Part E: “American history for freedom”
- Repeals Part H: “Improving college enrollment by secondary schools”
- Repeals Part I: “Early childhood education professional development and career taskforce”
- Repeals Part K: “Pilot programs to increase college persistence and success”
- Repeals Part L: “Student safety and campus emergency management”
- Repeals Part M: “Low tuition” Authorized program that provided incentives and rewards for low tuition.
- Repeals Part N: “Cooperative education”
- Repeals Part O: “College partnership grants” Authorized grants to develop and implement articulation agreements.
- Repeals Part P: “Jobs to Careers” Authorized grants to improve developmental education.
- Repeals Part R: “Campus based digital theft prevention.”
- Repeals Part X: “School of veterinary medicine competitive grant program”
- Repeals Part Y: “Early federal Pell grant commitment demonstration program”
- Repeals Part Z: “Henry Kuualoha Giugni Kupuna Memorial Archives”

Sec. 8002. Ronald V. Dellums Memorial STEAM Scholars Program

- Authorizes a program to provide grants for scholarships to institutions of higher education for the purpose of enabling students to enter into the STEAM workforce and increasing the number of underrepresented students in the STEAM fields.
- At least 50 percent of the grants must be awarded to eligible students who attend HBCUs or MSIs.
- Scholarships would be \$10,000 per student for an academic year, and \$40,000 per student in the aggregate.
- Requires a 25 percent match from participating institutions.

Sec. 8003. Teach for America

- Authorizes \$30 million for FY 2021 and each of the five succeeding fiscal years for Teach for America.

Sec. 8004. Patsy T. Mink Fellowship Program

- Authorizes \$10 million for FY 2021 and each of the five succeeding fiscal years for the Patsy T. Mink Fellowship program.

Sec. 8005. Improving science, technology, engineering, and mathematics education with a focus on American Indian, Alaska Native, and Native Hawaiian students

- Amends Sec. 819 of the Higher Education Act “Improving Science, Technology, Engineering and Mathematics Education with a Focus on Alaska Native and Native Hawaiian Students.”
- Strikes the “Alaska Native and Native Hawaiian” and inserting “Native American.”
- Strikes “Alaska native and native Hawaiians” and inserts “American Indians, Alaska Natives, Native Hawaiians, and other Native American Pacific Islanders” under the purpose.
- Authorizes \$5 million for FY 2021 and each of the five succeeding fiscal years for the program.

Sec. 8006 Encouraging campus comprehensive mental health and suicide prevention plans

- Directs the Secretary to encourage institutions of higher education to develop and implement comprehensive campus mental health and suicide prevention plans. The Secretary will coordinate with the Secretary of Health and Human Services and align with the efforts of the Suicide Prevention Resource Center.

Sec. 8007. Grants for rural-serving institutions of higher education

- Authorizes \$20 million for FY 2021 and each of the five succeeding fiscal years.

Sec. 8008. Training for real time writers to provide closed captioning and court reporting services

- Extends the authorization by striking 2009 and inserting 2021.

Sec. 8009. Grant program to establish, maintain, and improve veteran student centers

- Strikes existing part T “Centers for Excellence for Veteran Student Success” and inserts “Part T- Grants for Veteran Student Centers.”
- Grants authorized for institutions or consortia to assist in the establishment, maintenance, improvement and operation of Veteran Student Centers.
- Secretary shall award no more than 30 grants each fiscal year.
- As part of the requirements, institutions must submit a sustainability plan to demonstrate how the Center will be supported after the conclusion of the grant.
- Each grant cannot exceed \$500,000 and shall be for a four-year period.
- Not later than three years after the first grant is awarded, the Secretary shall develop and implement a website for veteran student services, which details best practices for serving veteran students.

Sec. 8010. University Sustainability Program amendments

- Amends Sec. 881 of the Higher Education Act.
- Purpose of the grants is expanded to include “establish sustainability programs to design and implement the teaching and practice of sustainability, including in the areas of staff and faculty professional development, energy management, greenhouse gas emissions reduction...”
- Grant must demonstrate that they are “in alignment with local community needs.”

Sec. 8011. Modeling and simulation

- Authorizes \$75 million for FY 2021 and each of the five succeeding fiscal years for this program.

Sec. 8012 Path to Success

- Reauthorizes Sec. 892 of the Higher Education Act until 2021.
- The programs authorized encourage community supported programs that support at-risk young adults, as well as grants to re-entry programs.

Sec. 8013. Mandatory funding for master’s and post-baccalaureate programs

- Increases the mandatory funding for Title VII, part A, subpart 4 “Master’s Degree Programs at Historically Black Colleges and Universities” from \$11.5 million to \$13.5 million for FY 2021 and each succeeding fiscal year.
- Increases mandatory funding for Title V, part B “Promoting Postbaccalaureate Opportunities for Hispanic Americans” from \$11.5 million to \$21 million for FY 2021 and each succeeding fiscal year.

Sec. 8014. Funds for access to open educational resources

- Amends Title VIII by adding Part BB “Access to Open Educational Resources.”
- Adds Sec. 899 a new grant program for “Affordable College Textbooks.” Grants are authorized for institutions of higher education or consortia of institutions to support projects that “expand the use of high-quality open textbooks in order to achieve savings for students while improving instruction and student learning outcomes.”
- Includes an open-license requirement for any copyrightable work first produced under these grants.
- Program is authorized at \$5 million for FY 2021 and each of the five succeeding fiscal years.
- Includes a GAO report that must be produced not later than three years after the date of enactment on the cost of textbooks to students at institutions of higher education and the impact of open source materials on the cost.

TITLE IX—DIRECTIVES TO THE SECRETARY OF EDUCATION

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

- Bars the Secretary from implementing, enforcing, or taking any action on the Nov 29, 2018, NPRM regarding sexual assault and campus safety. Also prohibits any rule or guidance that is “similar in substance or effect” to the proposed amendments.

Sec. 9002. Study and report on single certification form

- Creates a study on the feasibility of a single form for borrowers to electronically submit information for TEACH, loan forgiveness, loan cancellation, and Public Service Loan Forgiveness.

Sec. 9003. Longitudinal study on the effectiveness of student loan counseling

- One year after passage, the Secretary is required to begin a study on the impact and effectiveness of the annual student loan counseling provided under section 485, and then report to Congress 18 months later, and annually thereafter.

Sec. 9004. Study and procedures on determining family size

- Creates a study on using the deduction for personal exemptions in Sec. 151 of the Internal Revenue Code as a proxy for family size in forms related to income-driven repayment plans.

Sec. 9005. Universal unique numeric data identifier

- Requires the Secretary to assign a single identifier to each campus of all Title IV-participating institutions for purposes of:

- IPEDS surveys completion
- Campus crime reporting
- NSLDS reporting
- Accreditation actions
- College Scorecard reporting
- Unit record system reporting

And to facilitate:

- Disaggregation of institutional information by corporate ownership
- Identification of institutions with multiple campuses
- Distinguishing campuses by specific location and distance education programs
- Prevention of institutional attempts to evade program requirements

Sec. 9006. Questions on food and housing insecurity in national postsecondary student aid study

- Add questions that measure food and housing insecurity to the NPSAS survey.

Sec. 9007. Disaggregation of data using racial groups

- ED must use the racial groups from the American Community Survey of the Bureau of the Census when disaggregating data reported to the Department.

Sec. 9008. Disaggregation of data by sexual orientation and gender identity

- Not later than one year after enactment, the Secretary shall carry out a study on the option for disaggregating data reported under HEA by sexual orientation and gender identity.

Sec. 9009. Accessible instructional materials and technology

- Creates a commission to produce voluntary guidelines for institutions to use when employing accessible instructional materials.
- The CAA language does not include a provision allowing for institutional use of pilot programs to evaluate accessibility of instructional materials, which is included in a nearly identical bill supported by a coalition of stakeholder groups.

Sec. 9010. Serving and supporting students with mental health disabilities in institutions of higher education

- Incorporates H.R. 3489 the “Higher Education Mental Health Act of 2019.”
- Creates an Advisory Commission on Serving and Supporting Students with Mental Health Disabilities in Institutions of Higher Education. The Commission will conduct a study and

prepare a report for the Secretary that includes recommendations to improve the overall education, retention and graduation rates of students with mental health disabilities.

- Also requires a GAO study on the challenges faced by students with mental health disabilities in institutions of higher education.

Sec. 9011. Federal Student Loan Cancellation Commission

- Creates a Commission on Federal Student Loan Cancellation to study the impact of federal student loan debt on individual borrowers and local/regional economies; as well as to study the feasibility of cancelling student loan debt and what the impacts of cancellation would be.
- Commission is required to submit a report of their findings to Congress.

Sec. 9012. Distribution of Resources to Prevent Incidents of Bias on Campus

- (This section is labelled as sec. 9011 in the underlying amendment, but was accepted subsequent to another amendment that established a sec. 9011 as well).
- Requires the Secretary to consult with the Attorney General of the United States and then disseminate to institutions resources on best practices for preventing and responding to incidences of bias, including institutional practices that have been successful in this area.

Sec. 9013. GAO Study on Racial and Socioeconomic Equity Gaps at Public Four-Year Institutions

- (This section is labelled as sec. 9011 in the underlying amendment, but was accepted subsequent to another amendment that established a sec. 9011 as well).
- Requires the Comptroller General to prepare and submit a report examining:
 - “(1) Racial and socioeconomic equity gaps among racial and income groups in enrollment, degree attainment, Federal student loan repayment rates, and other outcomes at public 4-year degree granting institutions of higher education, disaggregated by State;
 - (2) the extent to which the rates and other outcomes described in paragraph (1) have changed over 14time;
 - (3) the factors that may contribute to differences in the rates and other outcomes described in paragraph (1) among racial and income groups (such as State spending on public, 4-year institutions of higher education, the availability of Federal and State financial aid, and FAFSA filing rates); and
 - (4) efforts by States and institutions of higher education to attempt to close racial and income gaps in the rates and other outcomes described in paragraph (1).”
- Requires the GAO report to also include data on:
 - “the racial breakdown of faculty and staff at public 4-year institutions of higher education and how retention rates for minority faculty and staff compare to non-minority faculty and staff;” and

- efforts by States and institutions of higher education to attempt to improve inclusion for students belonging to racial and income groups that are historically underrepresented in higher education.”

TITLE X—AMENDMENTS TO OTHER LAWS

PART A—EDUCATION OF THE DEAF ACT OF 1986

Sec. 10001. Composition of Board of Trustees

- Increases the number of members of the Board of Trustees of Gallaudet University to 23 (from 21) and requires that two members of the board be U.S. Senators.

Sec. 10002. Administrative requirements of Laurent Clerc National Deaf Education Center

- Conforming amendment to align the administrative requirements of the Laurent Clerc National Deaf Education Center with ESEA.

Sec. 10003. Federal endowment programs for Gallaudet University and the National Technical Institute for the Deaf

- Technical amendment modifying the definition of the federal endowment fund for Gallaudet University and the National Technical Institute for the Deaf.

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

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

- Authorizes such sums as may be necessary for FY 2021 and subsequent years, and makes related conforming amendments.
- Amends the definition of “tribally controlled college or university.”
- Modifies how the number of students are calculated for purposes of determining funding.
- Authorizes planning grants to help tribes determine the feasibility of opening a tribal college or university; authorizes the Department of Interior to provide financial support for feasibility studies; and requires the Secretary of the Interior to report annually on inquiries about establishing a tribal college or university.
- Amends grant and funding priorities, including prioritizing existing TCCUs over new TCCUs when funding is insufficient to address need.
- Requires the Bureau of Indian Affairs to produce a public study on construction, renovation, and infrastructure enhancements at TCCUs.

- Amends the endowment program authorized under the TCCUAA including by restricting the grants to 20 years and makes changes to align the program with the Endowment Challenge Grant Program administered by the Department.

PART C—STRENGTHENING POSTSECONDARY ALIGNMENT TO THE STRENGTHENING CAREER AND TECHNICAL EDUCATION FOR THE 21ST CENTURY ACT

Sec. 10201. Strengthening program alignment for postsecondary Perkins career and technical education programs

- Authorizes \$183.52 million in additional appropriations for Perkins CTE programs for FY 2021 and beyond.

PART D—GENERAL EDUCATION PROVISIONS ACT

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

- Amends FERPA to allow institutions to share student transcripts of previously enrolled students, without obtaining their consent, in order to determine whether they would be eligible to receive a degree through a reverse transfer process, provided that the institution gets the students' written consent to award them the credential.

PART E—EDUCATION SCIENCES REFORM ACT OF 2002

Sec. 10401. Inclusion of racial subgroups in IPEDS data

- Requires the Secretary to collect (and thus institutions to report) on the IPEDS student-level surveys information to be disaggregated by race using the racial groups identified by the Census Bureau.

PART F—U.S. INSTITUTE OF PEACE

Sec. 10501. Reauthorization of the U.S. Institute of Peace

- Extends authorization of the U.S. Institute of Peace to FY 2026.