

## **JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4137), submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

### ***Section 1. Short Title; Table of Contents.***

The Senate amendment and the House bill have different short Titles for the Act. The Senate amendment titles the Act the “Higher Education Amendments of 2007.” The House bill titles the Act the “College Opportunity and Affordability Act of 2007.” The Senate amendment lists “references” and “general effective date” as separate Sections in the table of contents. The House bill combines “references” and “general effective date” in one Section.

The Senate recedes with an amendment to title the conference report the “Higher Education Opportunity Act.”

### ***Section 2. References.***

The Senate amendment and the House bill provide that references are to the Higher Education Act of 1965 (HEA) unless otherwise expressly provided.

The Conferees adopt the provision as proposed by both the Senate and the House.

### ***Section 3. General Effective Date.***

The Senate amendment and the House bill provide that the amendments in this Act are effective on the date of enactment, unless otherwise specified.

The Conferees adopt the provision as proposed by both the Senate and the House.

## **TITLE I – GENERAL PROVISIONS**

### ***Section 101. General Definition of Institution of Higher Education.***

The House bill amends the definition of an institution of higher education to explicitly include homeschooled students meeting the requirements of Section 484(d)(3).

The Senate amendment and the House bill modify the definition of an institution of higher education to include an additional type of educational degree. The Senate amendment and the House bill allow public or nonprofit private institutions of higher education to enroll students who are dually or concurrently enrolled in the institution and a secondary school as regular students.

The Senate recedes.

### ***Section 102. Definition of Institution of Higher Education for Purposes of Title IV Programs.***

The Senate amendment and the House bill retain the provision requiring proprietary institutions of higher education to receive at least ten percent of their revenues from non-Title IV sources. The requirement is moved from the section in Title I that defines institutions of higher education to the section in Title IV that contains program participation agreement requirements. The Senate amendment and the House bill allow proprietary institutions and postsecondary vocational institutions to admit students who are dually or concurrently enrolled in the institution and a secondary school as regular students.

The Conferees adopt the provisions as proposed by both the Senate and the House with an additional provision to allow for proprietary institutions to offer bachelor's degrees in liberal arts. In adding this provision, the Conferees do not intend to affect the eligibility of current programs or alter the method used by the Secretary in determining "recognized occupations" as required by 102(b)(1)(A)(i). The Conferees intend for the Secretary to continue to refer to the latest edition of the Dictionary of Occupational Titles published by the Department of Labor's Bureau of Labor Statistics in making this determination. Additionally, the Conferees understand that some programs offered by an institution may fit both the definitions in (A)(i) and (ii). The Conferees do not intend the terms "gainful employment in a recognized occupation" and "liberal arts" to be mutually exclusive.

The House bill adds nursing schools to the types of institutions of higher education located outside the United States that may be for-profit (proprietary) institutions of higher education and authorized to certify unsubsidized Stafford Loans and PLUS Loans to eligible students.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment clarifies that graduate medical schools located outside of the United States which, under current law, are eligible to participate in Title IV, Part B loan programs because they have a clinical training program that was approved by a state as of January 1, 1992, must have continuously operated a state approved clinical training program in not less than one state that has approved the program.

The House bill clarifies that graduate medical schools located outside of the United States which, under current law, are eligible to participate in Title IV, Part B because they have a clinical training program that was approved by a state as of January 1, 1992, must continue to operate a state approved clinical training program in not less than one state that has approved the program.

The Senate recesses.

The House bill adds a specific set of criteria that nursing schools located outside of the United States are required to meet in order to qualify to certify unsubsidized Stafford Loans and PLUS Loans for their students. Such nursing schools must have agreements with hospitals or nursing schools located in the United States that include provisions for students to complete their clinical training at those hospitals or schools. They must also agree to reimburse the Secretary for the costs of any loan defaults to the extent that the institution's cohort default rate exceeds five percent.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to specify that to be eligible, nursing schools located outside of the United States must have agreements with hospitals or accredited schools of nursing located in the United States that require the nursing students to complete training and receive a degree from the partner accredited institution of higher education and to permit the eligible nursing schools to certify subsidized Stafford loans in addition to unsubsidized Stafford and PLUS loans. Also, such international nursing schools must agree to reimburse the Secretary for the cost of any loan defaults for students included in the school's cohort default rate the previous year. In addition, at least seventy-five percent of the students or graduates from such nursing schools must receive a passing score on the National Council Licensure Exam for Registered Nurses in the year prior to the year the school is eligible to certify Part B loans.

The House bill adds a third set of criteria that graduate medical schools located outside of the United States can meet in order to be eligible to offer unsubsidized Stafford Loans and PLUS Loans to their students. The House bill permits such eligibility for graduate medical schools outside the United States that have a clinical training program that was approved by the U.S. state prior to January 1, 2008, and agree to reimburse the Secretary for the costs of any loan defaults included in the institution's cohort default rate during the previous fiscal year.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the advisory panel of medical experts to submit a report to the Secretary and the authorizing committees within one year after date of enactment of this Act that will provide recommendations for alternate eligibility criteria for participation in the loan programs by foreign medical schools that do not meet the current statutory criteria. 180 days after the submission of the report, the Secretary may issue proposed regulations that would establish alternate criteria for the eligibility of graduate medical schools located outside of the United States. The Secretary may issue final regulations no earlier than one year after the issuance of the proposed regulations.

The Senate amendment increases the pass rate percentage required for foreign medical schools to be eligible to certify student loan eligibility from sixty percent to seventy-five percent effective July 1, 2010.

The House bill contains no similar provision.

The House recedes.

### ***Section 103. Additional Definitions.***

The Senate amendment and the House bill include a definition of "authorizing committees."

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill contain definitions of "critical foreign language" that reference an August 2, 1985 Federal Register notice. The House definition includes "Except as

otherwise provided” at the beginning of the definition. The House bill authorizes the Secretary of Education to update the list of critical languages.

The Senate recesses.

The House bill adds a definition for a “high-need school.”

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to move the definition to Title II and modify the definition.

The House bill includes a definition for “universal design.”

The Senate amendment contains no similar definition.

The Senate recesses with an amendment adopting the definition of the term as found in Section 3 of the Assistive Technology Act of 1998.

The House bill includes a definition for “universal design for learning.”

The Senate amendment contains no similar definition.

The Senate recesses with an amendment to define “universal design for learning” as follows: a scientifically valid framework for guiding educational practice that provides flexibility in the ways information is presented, in the ways students respond or demonstrate knowledge and skills, and in the ways students are engaged; and, reduces barriers in instruction, provides appropriate accommodations, supports, and challenges, and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient.

#### ***Section 104. Protection of Student Speech and Association Rights.***

The Senate amendment expands on the current sense of Congress on the protection of student speech and association rights in several ways, including by specifying that the diversity of institutions of higher education and educational missions is a strength of higher education in the United States; institutions of higher education have different missions and should design their academic programs in accordance with their educational goals; colleges should facilitate the free and open exchange of ideas; students should not be intimidated, harassed, discouraged from speaking out, or discriminated against; and students should be treated equally and fairly. The Senate amendment modifies current law to require that any sanctions on students be imposed “objectively and fairly.”

The House bill contains no similar provisions.

The House recesses.

#### ***Section 105. Treatment of Territories and Territorial Student Assistance.***

The House bill changes the Title of Section 113. The House bill deletes Subsection (b), which expired September 30, 2004. That provision addressed the eligibility of institutions of higher education in the Freely Associated States for TRIO programs.

The Senate amendment contains no similar provisions.

The Senate recesses.

***Section 106. National Advisory Committee on Institutional Quality and Integrity.***

The Senate amendment replaces the existing National Advisory Committee on Institutional Quality and Integrity (NACIQI) and establishes a new Committee with a new name—the Accreditation and Institutional Quality and Integrity Committee. The Senate amendment provides that the Committee is established “to assess the process of accreditation and the institutional eligibility and certification” of institutions of higher education.

The House bill contains the same provision except it does not rename the Committee.

The Senate recesses.

The Senate amendment specifies that NACIQI will have fifteen Committee members with five members appointed by the Secretary, five members appointed by the Speaker of the House (based on recommendations from the Majority and Minority leaders in the House), and five members appointed by the President pro tempore of the Senate (based on recommendations from the Majority and Minority Leaders in the Senate).

The House bill specifies that the NACIQI will have eighteen members with six members appointed by the Secretary, six members appointed by the Speaker of the House (three members based on recommendations from the House Majority Leader and three members based on recommendations from the House Minority Leader) and six members appointed by the President pro tempore of the Senate (three members based on recommendations from the Majority Leader in the Senate and three members based on recommendations from the Minority Leader in the Senate).

The Senate recesses.

The Senate amendment and the House bill establish qualifications for NACIQI members.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill establish six year terms and a process for filling vacancies for NACIQI members. The Senate amendment and the House bill require vacancies to be filled in the same manner as the original appointment and not later than ninety days after the vacancy occurs. If the vacancy occurs in a position to be filled by the Secretary, the Secretary must post a notice in the Federal Register not later than thirty days after the vacancy.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment creates initial terms for members, staggering the expiration of the terms of appointment. Members appointed by the Secretary will serve two-year terms.

The House bill creates initial terms for members, staggering the expiration of the terms of appointment. Members appointed by the Secretary will serve three year terms.

The Senate recesses.

The Senate amendment and the House bill establish the process for selecting a chairperson. The Senate amendment and the House bill retain all of the current functions of NACIQI, except for developing standards and criteria for specific categories of institutions of higher education for which no accrediting agency exists.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill adds the requirement that the NACIQI take into consideration complaints, and the resolution of such complaints by the Accreditation Ombudsman, when advising the Secretary about accrediting agencies of associations.

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment and the House bill retain the requirement that the NACIQI meet at least twice a year and that the Secretary publish the date of each meeting in the Federal Register. The Chairperson is required to establish the agenda, which must include an opportunity for public comment, and provide it to NACIQI members upon notification of the meeting. The Senate amendment and the House bill drop the requirement that the meeting date and agenda be approved by the Secretary.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment requires that the Secretary's designee be invited to all meetings. The designee may facilitate the flow of information between the NACIQI and the Secretary, but has no authority over the agenda.

The House bill contains no similar provision.

The House recesses with an amendment to strike the language clarifying that the designee may facilitate the flow of information between NACIQI and the Secretary, but has no authority over the agenda.

The Conferees recognize that the Federal Advisory Committee Act requires that the Secretary appoint a designated federal official to be present at meetings of NACIQI.

The Senate amendment and the House bill require the provisions of the Federal Advisory Committee Act, except Section 14, apply to the NACIQI. Section 14 addresses the termination, renewal, and continuation of federal advisory Committees.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill prohibits the NACIQI from basing a recommendation for the denial of an application for recognition by an accrediting agency on any reason other than those included in Section 496.

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment and the House bill require the Secretary to publish a notice in the Federal Register that contains information about NACIQI members, and to solicit nominations for NACIQI positions to be filled by the Secretary. The Senate amendment and the House bill require the NACIQI to provide an annual report to the Secretary that includes a detailed summary of the activities of the NACIQI, general information about the meetings, a list of NACIQI members and their contact information, and a list of NACIQI functions. Both the Senate amendment and the House bill sunset the NACIQI on September 30, 2012.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to remove the contact information for NACIQI members from the information to be provided in the annual report and to change the termination date of NACIQI to September 30, 2014.

The Senate amendment terminates the current NACIQI thirty days after enactment.

The House bill contains no similar provision.

The House recesses with an amendment to end the terms of current NACIQI members on the date of enactment of this Act.

The House bill establishes the new committee on January 1, 2009.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 107. Drug and Alcohol Abuse Prevention.***

The Senate amendment and the House bill require an institution of higher education, in its biennial review, to determine the number of drug and alcohol-related incidents and fatalities that have occurred on the institution's property or as part of the institution's activities and that are reported to that institution of higher education.

The Senate and the House recess with an amendment to replace "incidents" with "violations," amend the language to require that violations be reported to "campus officials" (as opposed to institutions), and replace "property" with "campus."

By requiring institutions to report drug and alcohol-related violations and fatalities, the Conferees intend to ensure that the information reported by institutions of higher education cover incidents that are located on the campus of the institution of higher education (as that term is defined by the Clery Act) and that are reported to officials at the institution of higher education. Officials shall include campus security and school administrators, and may include other employees at the institution of higher education if they are required to report or enforce institutional policies.

The House bill extends the authorization of appropriations for such sums as necessary for the Alcohol and Drug Abuse prevention grants to fiscal year 2009 and the five succeeding fiscal years.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill eliminates the National Recognition Awards.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 108. Prior Rights and Obligations.***

The Senate amendment changes the authorization period to fiscal year 2008 and each succeeding fiscal year. The House bill changes the authorization period to fiscal year 2009 and each succeeding fiscal year.

The Senate recesses.

***Section 109. Diploma Mills.***

The House bill included, in title VIII, provisions that defined diploma mills, required the Secretary to create a database of accrediting agencies and associations, eligible institutions, and credible foreign-degree granting institutions, required the Secretary of Education to develop a diploma mill task force and required the task force to submit a report to Congress on a plan to prevent diploma mills from being created.

The Senate amendment had no such provisions.

The Senate recesses with an amendment to move the definition of a diploma mill to Title I, require the Secretary to maintain information and resources on the Department's website to assist students and families in understanding what a diploma mill is and how to avoid a diploma mill and strike the other provisions.

***Section 110. Improved Information Concerning the Federal Student Financial Aid Website.***

The Senate amendment and the House bill require the Secretary to ensure that the homepage of the U.S. Department of Education's website includes a link to student financial aid information. The



House bill further specifies that the link is to the federal student financial aid website at the Department of Education.

The Senate recesses.

The House bill authorizes the Secretary to use administrative funds for operations and expenses to promote the availability of the federal student financial aid website.

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment requires the Secretary no later than 180 days after the date of enactment of this Act to contract with an independent organization with expertise in the development of consumer-friendly websites to develop improvements to the usefulness and accessibility of information provided by the Department of Education on college financial planning and student financial aid on its website.

The House bill contains no similar provision.

The Senate recesses.

The Senate amendment requires the Secretary, not later than one year after the date of enactment of the Act, to implement the improvements to the college financial planning and student financial aid website developed by the contractor. The Senate amendment requires the Secretary to publicize the availability of information on the college financial planning and student financial aid website.

The House bill contains no similar provisions.

The House recesses with an amendment to remove the deadline and the references to the outside contractor, to specify that the Secretary shall continue to improve the usefulness and accessibility of information provided by the Department and to require that the access to additional sources of information be coordinated through the Department's database.

The House bill requires the Secretary to publish information on the federal student financial aid website about student financial assistance available from other federal departments and agencies. The House bill requires each federal department and agency to respond promptly to requests from the Secretary for information about student financial aid programs available through the department or agency. The House bill defines "non-departmental student financial assistance program."

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to require the Secretary to request information from other departments and agencies and to make such information easily accessible and searchable through the federal student financial aid website and to include links or other appropriate access to a national database on student financial assistance for the study of science, technology, engineering and math, and to information about all federal and state student financial assistance available to eligible members and veterans of the Armed Forces and their families. To identify the information useful

for military members and veterans, the Secretary is required to coordinate with the Secretary of Defense and the Secretary of Veterans Affairs.

The House bill establishes “maintenance of effort” (MOE) requirements that, after July 1, 2008, states must meet to receive funding under the House-proposed “Grants for Access and Persistence” (GAP) program, which replaces the existing Special Leveraging Educational Assistance Partnership program. If a state does not meet the MOE requirements, the Secretary shall withhold funds that would be available to the state for the GAP program until the state has made significant efforts to meet those requirements. The House bill requires the Secretary to conduct a study of cost containment methods used by institutions of higher education, to disseminate information from the study, to publicly recognize institutions of higher education doing an effective job of cost containment, and to work with institutions of higher education to implement cost containment methods.

The Senate amendment contains no similar provisions.

The House recesses.

### ***Section 111. Transparency in College Tuition for Consumers.***

The Senate amendment and the House bill set forth how “net price” is to be calculated under the transparency in college tuition section. The Senate definition focuses on tuition and fees “paid by” a full-time undergraduate student, while the House definition focuses on tuition and fees “actually charged” to a full-time undergraduate student.

The Senate and the House recede with an amendment to define “net price” as the average yearly price actually charged to a full-time, first-time undergraduate student receiving student aid, calculated by subtracting average grant aid from federal, state and institutional sources from the cost of attendance and to add a definition of cost of attendance for this section that means the average annual cost of tuition and fees, room and board, books and supplies, and transportation for first time, full-time degree or certificate seeking undergraduate students enrolled at an institution, as such data are currently reported by institutions to the Secretary and made available on the College Navigator website.

The Conferees recognize that a number of colleges and universities offer programs that reduce or eliminate student debt or otherwise significantly reduce the cost of college for students and that such programs shall be considered grant aid from institutional sources for the purposes of calculating net price under this Section. The Conferees also recognize that some public two-year institutions calculate tuition and fees for residents of the community college district using an in-district tuition and fee schedule. The Conferees intend for in-district tuition and fee rates to be used in calculating the net price, tuition and fees and cost of attendance for those community colleges in the same manner as in-state tuition and fees and in-state students are used in calculating the net price, tuition and fees and cost of attendance for four-year public institutions.

The Senate amendment and the House bill require the development of education price indices that reflect the annual change in tuition and fees for undergraduate students by institutional category and for all institutions of higher education overall.

The Senate and the House recede.

The Senate amendment and the House bill require the Secretary to report annually information on institutional tuition and fees. The House bill specifically requires that this information be made available on the College Navigator website.

The Senate recesses.

The Senate amendment requires the Secretary to develop and make publicly available a national list and a list for each state, referred to as “Higher Education Price Increase Watch Lists.” The lists rank each institution of higher education that has an increase in tuition and fees in excess of the percentage increase in its applicable higher education price index based on the change in the tuition and fees over the preceding two years. The House bill requires the Secretary to publish three annual lists to be created at the national level by institutional category: the five percent of institutions of higher education with the highest tuition and fees; the five percent of institutions of higher education with the lowest tuition and fees; and the five percent of institutions of higher education with the highest percentage increase in tuition and fees over the most recent three-year period.

The Senate and the House recede with an amendment to require the Secretary to publish six lists, by institutional category: the five percent of institutions of higher education that have the highest tuition and fees for the most recent year; the five percent of institutions of higher education that have the highest net price for the most recent year; the five percent of institutions of higher education that have the largest percentage increase in tuition and fees over the most recent three years; the five percent of institutions of higher education that have the largest percentage increase in net price over the most recent three years; the ten percent of institutions of higher education that have the lowest tuition and fees for the most recent year; and the ten percent of institutions of higher education that have the lowest net price for the most recent year.

The Conferees recognize that many institutions of higher education have developed innovative tuition practices to restrain costs and increase the predictability of college expenses for students and parents. The Conferees commend the use of these innovative approaches, including the use of guaranteed tuition plans, and do not intend to subject institutions that use them to a reporting standard that portrays the cost of attendance in an inaccurate or misleading way. Therefore, in calculating the affordability and transparency lists in subsections (b)(3) and (b)(4) of Section 132, the Conferees direct the Secretary to develop a method for accurately representing the percentage change in tuition and fees and net price for students at institutions offering guaranteed tuition plans. However, the Conferees do not intend to otherwise change the applicability of these subsections to such institutions, or exempt such institutions from the requirements of subsection (d), where applicable.

For reporting purposes, the Senate amendment requires reporting by nine institutional categories. The House bill requires use of the nine institutional categories in the Senate amendment and an additional category that includes institutions of higher education overall.

The House recesses.

The House bill requires any institution of higher education that is in the five percent of institutions of higher education by sector, based on the percentage increase in tuition and fees over a three year

period, to provide the Secretary with a description of the factors contributing to the increase in tuition and fees. These institutions of higher education are also required to establish a quality efficiency task force to review their operations, analyze their operating costs in comparison with costs at other institutions of higher education in the same category, identify and evaluate areas for cost reduction, develop annual benchmarks for costs reduction in the identified areas, and submit a report to the Secretary. If an institution of higher education fails to meet the benchmarks, it must also provide the Secretary a detailed explanation for why the benchmarks were not met. The House bill requires the Secretary to compile the information submitted by institutions of higher education, submit an annual report to the authorizing Committees, and publish the annual report on the College Navigator website.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to require institutions of higher education that appear on either or both lists of institutions of higher education with the greatest percentage increases in net price or in tuition and fees to submit to the Secretary a description of the major areas in the institution's budget with the greatest cost increases, an explanation of cost increases, and a description of the steps the institution of higher education will take to reduce costs in those major areas. If the cost increases were not in the exclusive control of the institution of higher education, the institution must include a description of the other entities that participate in the determination. Institutions of higher education that are required to submit such report and that appear on the same list for two consecutive years are required to submit a follow-up report describing the progress on the steps identified in the report submitted in the previous year.

The House bill exempts from the cost increase list and the reporting requirements those institutions of higher education whose tuition and fees are in the lowest quartile for institutions of higher education in their sector, and institutions of higher education whose total dollar increase in tuition and fees was less than \$500 over the three year period.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to provide one exemption for institutions of higher education whose total dollar increase in tuition and fees or in net price was less than \$600 over the three year period and, beginning in 2014 and every three years thereafter, to increase such dollar amount based on increases in the consumer price index.

The Senate amendment and the House bill require the Secretary to report annually on state higher education appropriations. The House bill specifically requires the Secretary to publish this information on the College Navigator website. The Senate amendment requires the Secretary to report on the percentage change in the state appropriations per enrolled student in a public institution of higher education compared with the percentage change in tuition and fees for each public institution of higher education for each of the previous five years, and the total amount of grant aid provided by the state to students attending an institution of higher education in the state. The House bill requires a similar comparison but bases it on full-time equivalent (FTE) students.

The Senate and the House recede with an amendment to base the five year percentage change in state spending and in tuition and fees on FTE students at public institutions of higher education in the state and to require one comparison chart for all public institutions of higher education in the

state, rather than for each school separately. The Secretary is also required to report the percentage change in need-based and merit-based aid provided by each state to full-time students.

The Senate amendment and the House bill require the Secretary, in consultation with institutions of higher education, to develop a net price calculator. The Senate amendment permits institutions of higher education to use a net price calculator developed by the Secretary or to develop their own. The House bill requires institutions of higher education to use the single net price calculator developed by the Secretary. Both the Senate and the House require institutions of higher education to adopt and use a net price calculator not later than three years after the date of enactment of the Act.

The House recedes with an amendment to permit institutions of higher education to use their own calculator as long as it includes at least the same data elements as the one developed by the Secretary. A net price estimate must be accompanied by a disclaimer explaining that such estimate does not represent a final determination or actual award of financial assistance; shall not be binding on the Secretary, the institution of higher education, or the state; and that the estimate may change. Students must complete the Free Application for Federal Student Aid (FAFSA) in order to be eligible for, and receive, an actual financial aid award, which may include Federal grants, loans, or work-study assistance under Title IV.

The Senate amendment and the House bill include new requirements related to data collected from institutions of higher education. The Senate amendment requires the Secretary to develop a model document, known as the University and College Accountability Network (U-CAN), that institutions of higher education can use voluntarily to report basic information about the institution of higher education that would then be posted on the appropriate Department of Education website. The House bill would require the Secretary to post the data elements on the College Navigator website.

The Senate recedes.

The data elements required to be reported by institutions of higher education in the Senate amendment and the House bill are similar. The House bill requires institutions to report information on: the number of undergraduate students who have registered with the relevant institutional office as students with disabilities; graduation rates by income category; the number of full-time, part-time, and adjunct faculty, and the number of graduate teaching and research assistants with instructional responsibilities; average annual grant data by income category; and the institution's cohort default rate.

The Senate recedes with an amendment to require institutions of higher education to report: the percentage of undergraduate students who have formally registered as students with disabilities, unless the percentage is below three percent, in which case the institution may report "three percent or less"; percentage of first-time, full-time students who receive degrees or certificates within the normal time for completion, and within 150 percent and 200 percent of the normal time; the number of full-time and part-time faculty and graduate teaching assistants with primarily instructional responsibilities; the average annual grant amount for a first-time, full-time undergraduate student who receives financial aid and is enrolled at the institution of higher education; and the institution's cohort default rate. The Secretary is required to provide, on each institution's College Navigator webpage, a link to the appropriate section of the Bureau of Labor Statistics website that provides regional data on starting salaries in all major occupations.

The Senate amendment requires data to be published for the preceding five academic years, while the House bill requires data to be published for the preceding three academic years. The Senate amendment requires net price data for one year, while the House bill requires data for the three preceding academic years.

The Senate recesses.

The Senate amendment requires the Secretary to consult with current and prospective college students and their families and institutions of higher education in making improvements to the College Navigator website.

The House bill contains no similar provision.

The House recesses.

The Senate amendment includes an authorization of appropriations for carrying out this subsection.

The House bill contains no similar provision.

The Senate recesses.

The Conferees encourage the Secretary to continue to improve the College Navigator to maximize its usefulness for searching through data in a manner that is beneficial to the public. The Conferees also recognize that the Secretary currently collects information for the College Navigator for institutions of higher education that do not participate in Title IV programs and encourage the Secretary to continue to collect information from such institutions that choose to provide it.

The House bill requires the Secretary to include a higher education pricing summary page on the College Navigator website that can be sorted and searched by users and contains various data elements related to price.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to include the net price on the summary page for the three most recent available academic years and, beginning July 1, 2010, the average net price by income category for students receiving federal student financial aid.

The Conferees note that the Secretary currently collects information on instructional spending and the Conferees do not intend to limit the Secretary in publishing this information on the pricing summary page.

The House bill establishes income categories for reporting purposes and requires the Secretary to update the income categories annually based on inflation. The House bill includes an exemption from reporting institutional aid data by income category at institutions of higher education where income data is not collected from recipients of institutional aid.

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to change the income categories to: \$0-30,000; \$30,001-48,000; \$48,001-75,000; \$75,001-110,000; and \$110,001 and up, and to require reporting only for students receiving federal student financial aid under Title IV.

The House bill includes a provision in title IV that would require all institutions that receive title IV aid to provide every incoming student with a multi-year tuition schedule or a single-year tuition schedule with non-binding estimates of tuition levels, after financial aid is awarded, for the following several years. The Secretary has the authority to waive this requirement if the institution can demonstrate that it has suffered economic distress, dramatic reduction of state or federal aid or other circumstances that the Secretary would deem valid.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to move the multi-year tuition concept to Title I and to require the Secretary to develop a multi-year tuition calculator to provide estimates of annual tuition and fees and the total amount of tuition prospective students may pay for the duration of their program of study, based on the average annual percentage change in the institution's tuition and fees for the three most recent academic years. The calculator shall be developed in such a manner to allow for the comparison of estimates across multiple institutions of higher education. Such calculation must include a separate disclaimer that the calculation is an estimate only and shall not be binding on the Secretary of Education, the institution of higher education, or the state and may change due to state appropriations or other factors and that the student must complete the FAFSA in order to be eligible for aid. In the case of an institution that offers a multi-year tuition guarantee program, the calculator must allow a prospective student to enter estimates of tuition and fees based on the provisions of the guarantee program.

The House bill requires a survey of student aid recipients to be conducted at least once every four years. The House bill also requires the survey to be conducted on a state-by-state basis. The House bill expands on the current goals of the survey by requiring the survey to: consider the impact of education loan debt on students' career choices; describe the role of the price of postsecondary education in students' decisions about which institution of higher education to attend; and describe how the cost of textbooks and other instructional materials affect the cost of postsecondary education for students. The House bill retains current law with respect to the survey design, except that it clarifies that the survey *shall* (rather than "should") be designed and administered in consultation with Congress and the postsecondary education community. The House bill requires the survey results to be made available in printed and electronic form.

The Senate amendment contains no similar provisions.

The Senate recesses.

The House bill authorizes the Secretary to issue regulations to carry out the provisions in this Section.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill presents six findings related to higher education and the availability of consumer information about institutions of higher education. The House bill includes a sense of Congress stating that institutions of higher education should participate in efforts to provide concise and accessible online information to prospective students and their families.

The Senate amendment contains no similar provisions.

The House recesses.

### ***Section 112. Textbook Information***

The House bill includes provisions that provide more information on the cost of textbooks designed to ensure that students have better and timelier access to course materials.

The House bill requires publishers to provide faculty members with price information, copyright dates of all previous editions in the preceding ten years, substantial content revisions made between the current and previous editions, and to disclose whether the textbook or supplemental materials are available in any other format.

The House bill requires publishers that sell a college textbook and supplemental material as a single product to offer the college textbook and each supplement as a separate item.

The House bill requires institutions of higher education to publish in course schedules for pre-registration and registration purposes, to the “maximum extent practicable,” the International Standard Book Number (ISBN) and the retail price of course materials.

The House bill requires an institution of higher education to provide upon request to any college bookstore its course schedule and materials required or recommended for each course.

The House bill provides that nothing about these programs supersedes an institution’s autonomy with respect to the selection of course materials.

The House bill’s textbook information program is effective as of July 1, 2008.

The Senate amendment contains no similar provisions.

The Senate recesses with amendments to the provisions to clarify the definitions of an integrated textbook and supplemental materials, and clarify that the provisions apply only to institutions receiving federal financial assistance. The amendments require a publisher to provide to faculty or others selecting textbooks, the wholesale price, and if available, the retail price at which books are made available to the public, respectively, and specify the copyright dates of the three previous editions need to be provided. The amendments also specify that an institution shall, to the maximum extent practicable, make the required textbook information, including ISBN information, available on its Internet course schedule in a manner of the institution’s choosing. Further, an institution shall publish a link to this information in its written course schedule. The amendments also encourage institutions to disseminate information to students about institutional programs that would help students save money on textbooks, such as rental programs or buy-back programs,



prohibit the Secretary of Education from promulgating regulations on the section, and require the Government Accountability Office to conduct a review of the implementation of these provisions.

The Conferees intend that the provisions in this section decrease the cost of textbooks for students in higher education by ensuring that faculty, students, and bookstores all have sufficient, relevant, and timely information to make informed purchasing decisions. The information provided as a result of these provisions should be provided in a consumer-friendly manner and should be easily accessible. The Conferees further recognize the shared goals of identifying ways to decrease the burden of textbook costs on students by all parties, and the innovation of institutions, publishers, and bookstores in working toward this goal.

The Conferees recognize the cost savings to students of used textbooks. Further the Conferees do not intend the definition of “integrated textbooks” to discourage faculty and students from using such textbooks in their courses. Textbooks without explicit third-party contract limitations should not be considered as integrated if an identical used textbook or used supplemental material is commonly available to a student, thus making the materials fully usable for its intended purpose and meeting the requirements of a course of instruction at an institution of higher education.

It is the intention of the Conferees that institutions of higher education that do not offer Internet course schedules are not required to create such schedules for the purposes of satisfying the requirements of this section; and that institutions may satisfy the requirements by providing a link to another appropriate website that satisfies the requirements of the paragraph, provided that such link is clearly and prominently located on the institution’s Internet course schedule.

Further, the Conferees recognize the changing use of technology in the textbook marketplace. The provisions require institutions, to the maximum extent practicable, to disclose the ISBN information for each required textbook. As ISBN information changes, or is replaced by another standard identification system, the Conferees urge institutions to provide students with the most up-to-date and accurate information.

The Conferees understand that while regulations are prohibited in the context of implementation, enforcement and oversight, the Secretary of Education may need to develop non-regulatory guidance. The Conferees recognize that the Secretary has a variety of means by which to publicize these provisions, including publication in government materials, and should provide for the broad dissemination of such information through communication with institutions of higher education and other relevant stakeholders.

### ***Section 113. Database of Student Information Prohibited.***

The Senate amendment and the House bill prohibit the development, implementation, or maintenance of a federal database of personally identifiable information.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment exempts from the prohibition systems needed for the operation of programs authorized by Titles II, IV, or VII.

The House bill exempts from the prohibition systems needed for the operation of programs authorized by Titles II, IV, or VII and any data required to be collected by the Secretary under this Act.

The House recesses.

The Senate amendment and the House bill provide that nothing in this Act prohibits a state or consortium of states from developing, implementing, or maintaining state developed databases to track students over time.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Conferees support the prohibition on the creation of a national database for the purpose of student tracking. This prohibition should not be construed to prohibit the Secretary from performing surveys that are necessary to monitor the operation of the student aid programs, in particular the National Postsecondary Student Aid Survey which is a valuable source of information on how students and families finance their postsecondary education.

***Section 114. In-State Tuition Rates for Armed Forces Members, Spouses, and Dependent Children.***

The House bill prohibits public institutions of higher education from charging the dependents of members of the Armed Forces on active duty for more than thirty days, whose domicile or permanent duty station is in the same state, more than in-state tuition rates. The House bill requires public institutions of higher education to allow members of the Armed Forces or their dependents who are receiving an in-state tuition rate to continue to pay that rate while continuously enrolled at the institution of higher education even if there is a subsequent change in the permanent duty station of the member to a location outside the state.

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to specify that the prohibitions apply to states that receive funds under the HEA and to strike the definition of state.

***Section 115. State Higher Education Information System Pilot Program.***

The Senate amendment and the House bill establish a State Higher Education Information System Pilot program to assist up to five states in developing state-level postsecondary data systems.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment authorizes such sums as may be necessary beginning in fiscal year 2008 and each of the five succeeding fiscal years.

The House bill authorizes such sums as may be necessary for fiscal year 2009 and each of the four succeeding fiscal years.

The House recesses with an amendment to replace fiscal year 2008 with fiscal year 2009.

***Section 116. State Commitment to Affordable College Education.***

The House amendment establishes “maintenance of effort” (MOE) requirements that, after July 1, 2008, states must meet to receive funding under the House-proposed “Grants for Access and Persistence” (GAP) program, which replaces the existing Special Leveraging Educational Assistance Partnership program. State funding provided for public institutions (for non-capital and non-research and development expenses or costs) must not be less than the average amount provided during the five most recent preceding academic years. States must also provide funding for student financial aid for students attending private institutions in the state in an amount not less than the average amount provided during the 5 most recent preceding academic years. If a state does not meet the MOE requirements, the Secretary shall withhold funds that would be available to the state for the GAP program until the state has made significant efforts to meet those requirements. States may receive a waiver of the requirements for exceptional or uncontrollable circumstances.

The Senate bill contains no similar provisions.

The Senate recedes with an amendment to require states to meet the MOE in order to receive an initial grant under the new College Access Challenge Grant program instead of the existing GAP program and to accommodate states with biennial appropriation cycles.

The Conferees understand states currently face increased deficits and challenging state budgets. It is not the intent of the conferees to compound state economic challenges, but rather to secure a strong federal-state partnership to increase access to higher education for middle- and low-income families. The conferees acknowledge that the Secretary has authority to provide a waiver for states meeting the threshold of “exceptional or uncontrollable circumstances” which include sudden and unforeseen declines in a state’s budget.

***Section 117. Performance-Based Organization for the Delivery of Federal Student Financial Assistance.***

The Senate amendment changes the description of the functions of the Performance-Based Organization (PBO) at the Department of Education from “operational” to “administrative and oversight.” The Senate amendment makes the PBO responsible for the administration of federal student financial assistance programs. The Senate amendment also directs the PBO to utilize procurement systems that streamline operations, improve internal controls, and enhance management.

The House bill contains no similar provisions.

The House recedes with an amendment to delete the requirement that the Chief Operating Officer of the PBO provide an annual briefing to the authorizing Committees on the steps the PBO has taken and is taking to ensure that lenders are providing the information required under Title IV; but instead, requires a representative of the Secretary to provide a briefing at any time upon request of the authorizing Committees on the steps the Department has taken to ensure the integrity of the student loan programs, including lender and guaranty agency compliance with the requirements of Title IV.

***Section 118. Procurement Flexibility.***

The Senate amendment amends Section 142 by modifying the Chief Operating Officer duties, including the fee for service arrangements, and replacing the term “sole source” with the term “single-source basis.”

The House bill contains no similar provision.

The House recesses.

***Section 119. Certification Regarding the Use of Certain Federal Funds.***

The Senate amendment specifies that federal funds received by an institution of higher education or other postsecondary educational institution may not be used to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in awarding a federal contract, making a federal grant or loan, entering into any federal cooperative agreement, or in extending, continuing, renewing, amending, or modifying any federal contract, grant, loan, or cooperative agreement. No federal student aid funding may be used to hire a lobbyist or to secure an earmark. Each institution of higher education or other postsecondary educational institution receiving federal funding must annually certify that these requirements have been met.

The House bill contains no such provision.

The House recesses with an amendment to clarify that the prohibition relates to funds received by an institution under the Higher Education Act.

The Conferees wish to clarify that this Section is not intended to prohibit an employee of an institution of higher education from receiving federal funds for participating in a peer review process for a Federal program.

***Section 120. Institution and Lender Reporting and Disclosure Requirements.***

Both the Senate amendment and the House bill add a new Part E to Title I, instituting lender and institutional requirements relating to education loans.

The Senate and House recess with amendments to Part E as follows:

**PART E – LENDER & INSTITUTION REQUIREMENTS RELATING TO EDUCATION LOANS**

***Section 151. Definitions***

The Senate amendment defines “cost of attendance” as it is defined under Title IV, Section 472.

The House bill defines “postsecondary educational expenses” as defined under Title IV, Section 472.

Both the Senate and the House recede.

The Senate amendment defines “covered institution” as any educational institution that offers a postsecondary educational degree, certificate, or program of study (including an institution defined in Section 102) and receives any federal funding or assistance. The definition includes any employee or agent of the institution of higher education, or an organization or entity affiliated with, or directly or indirectly controlled by the institution of higher education.

The House bill defines “covered institution” as any educational institution that offers a postsecondary educational degree, certificate, or program of study (including an institution defined in Section 102) and receives any federal funding or assistance. The definition includes any employee or authorized agent of the institution of higher education, including an alumni association, booster club, or other organization directly or indirectly authorized by the institution of higher education.

The Senate and the House recede with an amendment to define “covered institution” as any institution of higher education as such term is defined in Section 102, that receives any federal funding or assistance. Definitions of “agent” and “institution-affiliated organization” are also added. An “agent” means an officer or employee of a covered institution or an institution--affiliated organization. An “institution-affiliated organization” means any organization that is directly or indirectly related to a covered institution and is engaged in the practice of recommending, promoting, or endorsing education loans for students attending such covered institution or the families of such students, except that the term does not include any lender with respect to any education loans secured, made or extended by such lender.

The Senate amendment defines “educational loan” as any loan made, insured, or guaranteed under Title IV.

The House bill defines “educational loan” as including any loan made, insured, or guaranteed under Title IV; or any educational loan that is not made, insured, or guaranteed under Title IV, but that is issued by a lender expressly for postsecondary educational expenses to a student, or the parent of the student, regardless of whether the loan involves enrollment certification by the educational institution that the student attends..

The Senate recedes with an amendment to replace “educational loan” with “education loan” and to specify that loans made, insured, or guaranteed under Title IV refer to loans made under Parts B and D of Title IV.

The Senate amendment defines “educational loan arrangement” as an arrangement or an agreement between a lender (of loans made under Title IV, and as defined under Section 151(5)) and a covered institution, under which a lender provides or issues (Title IV) educational loans to students attending a covered institution, or their parents; and which is related to the covered institution recommending, promoting, endorsing, or using the (Title IV) educational loans of the lender, and which involves the lender paying a fee or providing other material benefit to the institution of higher education or groups of students attending the institution of higher education.

The House bill defines “preferred lender arrangement” as an arrangement or agreement between a lender and a covered institution, under which a lender provides or issues educational loans to students attending a covered institution, or their parents; and which is related to the covered

institution recommending, promoting, or endorsing, educational loan products of the lender; and which does not include arrangements with respect to the Direct Loan program loans, Perkins Loans, or Federal Family Education Loan (FFEL) parent PLUS Loans made in accordance with Section 499(b).

The Senate recedes with an amendment to change “parents” to “families” of students, strike the reference to Perkins Loans, and to include in the definition arrangements or agreements between a lender and an institution-affiliated organization.

The Senate amendment defines “lender” as a financial institution participating in the FFEL, and the Secretary for the Direct Loan program loans; and in each case, the term includes any individual, group, or entity acting on behalf of the lender with respect to a Title IV education loan.

The House bill defines “lender” as meaning a “creditor;” except that it does not include an issuer of credit secured by a dwelling or under an open end credit plan, and includes an agent of a lender.

Both the Senate and the House recede with an amendment to define the terms “eligible lender” and “lender.” The term “eligible lender” has the meaning given such term in section 435(d). The term “lender” means an eligible lender, in the case of a loan made, insured, or guaranteed under Part B of Title IV; the Secretary, in the case of any loan issued or provided to a student under Part D of Title IV; and, a private educational lender as defined in Section 140(a) of the Truth in Lending Act, in the case of a private education loan.

The Senate amendment defines “officer” as including a director or trustee of an institution of higher education.

The House bill defines “officer” as including a director or trustee of a covered institution if the individual is treated as an employee of the covered institution (see Section 151(1)).

The Senate recedes with an amendment to include in the definition of “officer” a director or trustee of an institution-affiliated organization if such individual is treated as an employee.

The House bill defines “private educational loan.”

The Senate amendment contains no similar provision.

The House recedes with an amendment to use the term “private education loan” in place of “private educational loan” and to refer to the definition used in Section 140(a) of the Truth in Lending Act.

### ***Section 152. Responsibilities of Covered Institutions, Institution-Affiliated Organizations and Lenders.***

The Senate amendment institutes requirements for lenders and institutions of higher education participating in “educational loan arrangements.” The Senate provision is applicable to arrangements between lenders of Title IV educational loans and covered institutions of higher education.

The House bill institutes requirements for lenders and institutions of higher education participating in “preferred lender arrangements.” The House provision is applicable to arrangements between lenders (i.e., creditors) and covered institutions of higher education. The House provision applies to lenders of loans made, insured, or guaranteed under Title IV, and private educational loans, except that it does not apply to arrangements with respect to Direct loans, Perkins Loans, or parent PLUS loans made in accordance with Section 499(b).

The Senate recedes with an amendment to make no reference to Perkins Loans.

The House amendment prohibits a covered institution that enters into a preferred lender arrangement regarding private educational loans from agreeing to allow the lender to use the institution’s name or likeness in the marketing of private educational loans to students attending the institution in any way that implies the institution’s endorsement of the private educational loans.

The Senate bill contains no similar provision.

The Senate recedes with an amendment to extend the prohibition to institution-affiliated organizations of covered institutions.

The Senate amendment requires a covered institution that enters into an educational lender arrangement to disclose the name of the lender in documentation related to the loan.

The House bill contains no similar provision.

The House recedes with an amendment to require covered institutions, and institution-affiliated organizations of such institutions, that enter into a preferred lender arrangement with a lender regarding private education loans to ensure that the name of the lender is displayed in all information and documentation related to the loan.

The House bill requires FFEL lenders that participate in one or more “preferred lender arrangements” to annually certify compliance with requirements of the Act and to report on and attest to such compliance in its annual compliance audit.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that provides: “If an audit is required pursuant to Section 428(b)(1)(U)(iii), the lender’s compliance with requirements of this section shall be reported on and attested to annually by the auditor of such the lender.”

The Senate amendment requires lenders participating in educational loan arrangements, prior to providing a Title IV education loan to a student, to disclose to the student certain information about the terms and conditions of such loans. These disclosures must include: interest rates of educational loans and sample educational loan costs, by type of loan. For each type of educational loan offered, the disclosure must include information on: types of repayment plans available; availability of and conditions for no-penalty, early repayment; capitalization of interest; terms and conditions of deferment and forbearance; all available repayment benefits and the percentage of all borrowers who qualify for such benefits; the percent of borrowers who received such benefits in the preceding

academic year; collection practices in cases of default; all fees, including late payment penalties, a borrower may be charged; and, such other information as the Secretary may require.

The House bill contains no similar provision.

The House recedes with an amendment to incorporate the disclosure requirements in the Senate amendment into the disclosures required under Subsections (a),(c) and (d) of Section 433. The revised disclosure requirements are applicable to loans made, insured or guaranteed under Parts B or D of Title IV, other than consolidation loans. Lenders of private education loans must comply with the disclosures required under Title X of this Act.

The Senate amendment requires lenders participating in education loan arrangements to annually report to the Secretary any reasonable expenses paid or given to an individual employed in the financial aid office of a covered institution, or who has responsibilities with respect to educational loans or other types of financial aid. The lenders must report the following: the amount of each specific instance of reimbursement; the name of each individual to whom a reimbursement was made; the date of the activity being reimbursed; and, a brief description of the activity being reimbursed. The Secretary shall annually compile such information into a report and transmit the report to the House Education and Labor Committee and the Senate Committee on Health, Education, Labor and Pensions.

The House bill contains no similar provision.

The House recedes with an amendment to require each FFEL lender, on an annual basis, to report to the Secretary any reasonable expenses paid or given under the exception clauses in 435(d)(5)(D), 487(e)(7) and 487(e)(3)(B) to any agent of a covered institution who is employed in the financial aid office of a covered institution, or who otherwise has responsibilities with respect to education loans or other financial aid activities of the institution of higher education, and any similar expenses paid or provided to any agent of an institution-affiliated organization of a covered institution who is involved in the practice of recommending, promoting, or endorsing education loans. The report shall include: the amount for each specific instance in which the lender provided such reimbursement; the name of the agent for whom expenses were paid or to whom the reimbursement was made; the dates of the activity for which the expenses were paid or the reimbursement was made; and, a brief description of the activity for which the expenses were paid of the reimbursement was made. The Secretary shall summarize the information contained in the lender reports and provide a report annually to the authorizing Committees.

The House bill requires the Secretary to display on the Department of Education website, and to provide to colleges and universities, specified information to be used for counseling and consumer information for prospective borrowers. The Secretary shall make such information widely known and shall promote its availability and use by prospective and current students and borrowers, and those entering repayment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify the types of information that must be reported and to change the placement of the provision.



***Section 153. Loan Information to be Disclosed and Model Disclosure Form for Covered Institutions, Institution-Affiliated Organizations, and Lenders Participating in Preferred Lender Arrangements.***

The Senate amendment and the House bill require the Secretary, not later than 180 days after enactment, to prepare a report on the adequacy of the information provided to students and their parents about education loans, after consulting with students, representatives of covered institutions of higher education (including financial aid administrators, registrars, and business officers), lenders, loan servicers, and guaranty agencies.

Both the Senate and the House recede with an amendment to strike the report requirement and instead to require the Secretary, not later than eighteen months after enactment, to coordinate with the Board of Governors of the Federal Reserve, and consult with students, their families, representatives of covered institutions (including financial aid administrators, admission officers, and business officers), representatives of institution-affiliated organizations, high school guidance counselors, lenders, loan servicers, and guaranty agencies, and to determine the minimum information that lenders, covered institutions, and institution-affiliated organizations participating in preferred lender arrangements must make available regarding education loans that are offered to students and their families. Both the Senate and House recede also with an amendment to change references from “parents” to “families” throughout the Section.

The Senate amendment and the House bill require the Secretary to develop a model format (Senate) or model disclosure form (House) to be used by lenders participating in “preferred lender arrangements” (House) or “educational loan arrangements” (Senate) for providing information to institutions of higher education and the Secretary, for each type of education loan provided by lenders to students attending a covered institution, and about why the covered institution believes the terms and conditions of each type of loan provided pursuant to the educational loan arrangement are beneficial to borrowers. The House bill requires the Secretary to prescribe this model format by regulation.

The Senate amendment requires the model format to provide certain information on the terms and conditions of loans, disaggregated by loan type, including interest rates and terms and conditions of loans for the forthcoming academic year; any benefits that are contingent on borrower repayment behavior; the average amount borrowed from the lender by students enrolled in the institution, by loan type, for the preceding academic year; the average interest rate on loans borrowed by such students for the preceding academic year; and the amount of interest that may be required to be paid according to a standard repayment period on the average amount borrowed from the lender by such students, on such type of loan, for the preceding academic year.

The House bill also requires the model disclosure form to provide information on the terms and conditions of loans, disaggregated by loan type, including the interest rate or range of rates, and whether rates are fixed or variable; the frequency and amount of interest rate adjustments; co-borrower requirements; any fees associated with the loan; available repayment terms; the opportunity for deferment or forbearance, including whether in-school deferment is available; any additional terms and conditions of the loan, including any benefits contingent on repayment behavior of the borrower; the annual percentage rate for such loans, determined in the manner required under Section 107 of the Truth in Lending Act (15 U.S.C. 1606); an example of the total cost of the educational loan over the life of the loan; consequences of default, including any

limitations on loan discharge in bankruptcy; contact information for the lender; and, philanthropic contributions by the lender to the covered institution. The House bill requires this information to be provided for opportunity pool loans and requires private lenders, as well as FFEL lenders, to use the model format. The House bill additionally requires the model format to be easy for students and parents to understand; to be easily usable by lenders, institution of higher education, guaranty agencies, and servicers; to provide relevant information on federal and private educational loans; to be based on the report's findings, and to be developed in consultation with specified entities.

Both the Senate and the House recede with an amendment to require the Secretary to consider the merits of requiring covered institutions and institution-affiliated organizations that have preferred lender arrangements to provide prospective borrowers and families the following information for each type of loan made, insured or guaranteed under Title IV: the interest rate and terms and conditions of the loan for the next award year, including loan forgiveness and deferment; information on any charges such as origination and federal default fees that are payable on the loans, and whether those charges will be paid by the lender or the borrower; the yearly and cumulative maximum amounts that may be borrowed; the average amount borrowed from the lender by undergraduate and graduate students who were enrolled and who graduated the preceding year; the amount the borrower may pay in interest, based on a standard repayment plan and the average amount borrowed by students who graduated from the institution of higher education the preceding year with subsidized and unsubsidized Stafford loans and PLUS loans; the consequences for the borrower of defaulting on a loan, including limitations on the discharge of an education loan in bankruptcy; the contact information for the lender; and other information suggested by those with whom the Secretary has consulted. In addition, the amendment requires the Secretary, in determining the minimum information that lenders, covered institutions, and institution-affiliated organizations participating in preferred lender arrangements shall make available regarding education loans that are offered to students and the families of students, to incorporate identical or similar disclosures developed by the Board of Governors of the Federal Reserve pursuant to Section 128(e)(1) of the Truth in Lending Act.

The House bill also requires the model format to provide, with respect to private educational loans recommended by the covered institution, the method of determining the interest rate of the loan; potential finance charges, late fees, penalties, and adjustments to the principal, based on defaults or late payments of the borrower; and, such other information as the Secretary may require.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill require the Secretary to submit the report and model format (Senate) or disclosure form (House) to the authorizing Committees and make the report and model format available to covered institutions of higher education, lenders, and the public. The Senate amendment and the House bill require the Secretary to encourage lenders that have educational loan (Senate) or preferred lender (House) arrangements with covered institutions of higher education, and covered institutions of higher education to use the model forms.

Both the Senate and the House recede with an amendment that the Secretary shall, after consulting with the public and in coordination with the Board of Governors of the Federal Reserve specify the information covered institutions and institution-affiliated organizations with preferred lender

arrangements must provide to prospective borrowers and the families of such borrowers regarding loans made, insured, or guaranteed under Title IV and require covered institutions and institution-affiliated organizations to provide such information on a model disclosure form developed by the Secretary or on a form developed by the institution of higher education. The Secretary shall update the model disclosure form periodically.

The Senate amendment and the House bill require lenders that participate in educational loan (Senate) or preferred lender (House) arrangements to report the information contained on the model disclosure form to the institutions of higher education even if they do not use the form. The House bill specifies that such information shall be reported to institutions of higher education by March 1 of each year.

The Senate recedes with an amendment to require lenders that participate in preferred lender arrangements to report information for Part B loans annually to a covered institution or an institution-affiliated organization and to the Secretary, by a date to be determined by the Secretary.

The House bill specifies that the development and prescription by regulation of the initial model disclosure form shall not be subject to the requirement that it be published in final form by November 1 prior to the start of the award year, nor shall it be subject to negotiated rulemaking. However, such requirements shall apply to the updating of the model disclosure form.

The Senate contains no similar provision.

The House recedes.

The Senate amendment and the House bill require covered institutions of higher education to submit an annual report to the Secretary that includes the information on the model form, a detailed explanation of why the institution of higher education believes the terms and conditions of each loan provided through an agreement are beneficial to the students attending the institution or to the students' parents. Institutions of higher education must make the report available to the public and provide it to students who are attending or who plan to attend the covered institution.

The House bill requires covered institutions of higher education, on their website and in publications, mailings, electronic messages or media describing financial aid opportunities to prospective or current students or their parents, to include the following: a statement indicating that students are not limited to or required to use the lenders recommended by the institution of higher education; that the institution of higher education is required to process the documents required to obtain a federal educational loan from any eligible lender the student selects. The website and other publications must also disclose, at a minimum, all of the information provided by the model disclosure form (or updated form) with respect to any lender of federal or private educational loans (including opportunity pools) recommended by the institution of higher education; the maximum amount of federal grant and loan aid available to students in an easy-to-understand format; and, the institution's cost of attendance.

Both the Senate and the House recede with an amendment to require covered institutions and institution-affiliated organizations to make the information that the Secretary requires for the model disclosure format and the information that a private educational lender provides to a covered institution and institution-affiliated organizations pursuant to Sections 128(e)(12) and 128(e)(1) of

the Truth in Lending Act, available in time for students and families to consider before selecting a lender or applying for an education loan. The Senate and House further require covered institutions and institution-affiliated organizations to prepare and submit to the Secretary an annual report, by a date to be determined by the Secretary, that includes for each lender that has a preferred lender arrangement with the covered institution and institution-affiliated organization the information the Secretary requires for the model disclosure form and the information private educational lenders participating in a preferred lender arrangements provide to covered institutions and institution-affiliated organizations, for each type of education loan provided pursuant to the preferred lender arrangement. The reports must also include an explanation of why the covered institution or institution-affiliated organization entered into a preferred lender arrangement, including why the terms, conditions, and provisions of each type of loan for students are beneficial for students or the families of students. The covered institution or institution-affiliated organizations shall ensure that the report is made available to the public and provided to students attending or planning to attend the covered institution. Each covered institution that has a preferred lender arrangement must disclose on its website, in addition to this information and the disclosures required under the program participation agreement, the maximum amount of federal financial assistance available to students and a statement that the institution of higher education is required to process the documents required to obtain a federal education loan from any eligible lender the student selects.

The House bill requires the Secretary, not later than one year after submitting the model disclosure form and report, to assess the adequacy of the model disclosure form and, after consultation with specified entities, prepare a list of improvements identified as beneficial to borrowers and to take such improvements into consideration in updating the model disclosure form.

The Senate amendment contains no similar provision.

The House recesses.

The House bill requires covered institutions of higher education that make information on private educational loans available to students or their parents to also make certain information about private loans and federal student aid under Title IV available. Covered institutions of higher education must inform students, or their parents, of their eligibility for federal student aid, including loans under Title IV; the terms and conditions of private educational loans that may be less favorable than the terms and conditions of Title IV student loans for which they are eligible; and must clearly distinguish between private educational loans and loans made, insured, or guaranteed under Title IV.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to change references to “student or parent” to “prospective borrower”; to clarify that the prospective borrower must be informed that the borrower may qualify for federal financial assistance through a Title IV program of this Act; and, to modify language to require covered institutions and institution-affiliated organizations to inform prospective borrowers that the terms or conditions of Title IV loans may be more favorable than the provisions of private loans. The other disclosure requirements in the House bill and the Senate amendment are moved to Sections 428(c), 433(a) and (b), and 485(b), (d), and (l) as amended by this Act.

***Section 154. Loan Information to be Disclosed and Model Disclosure Form for Institutions***

***Participating in the William D. Ford Federal Direct Loan Program.***

The Conferees establish a new Section that requires the Secretary to provide each institution of higher education participating in the William D. Ford Direct Loan program with a completed model disclosure form including the same information for Federal Direct Stafford loans, Federal Direct Unsubsidized Stafford loans and Federal Direct PLUS loans made to, or on behalf of, students attending the institution as is required on such forms for loans described in section 151(3)(A). The Conferees require institutions participating in the Direct Loan program to make the information the Secretary provides available to students attending or planning to attend the institution and their families.

**TITLE II – TEACHER QUALITY ENHANCEMENTS**

The Senate amendment and the House bill strike and replace Title II of the Higher Education Act.

The Senate and the House recede with amendments as follows.

***Section 201. Teacher Quality Enhancement.***

***Section 200. Definitions.***

The Senate amendment and the House bill adopt the current definition for “Arts and Sciences” and eliminate the current definition of “Poverty Line.” The Senate amendment and House bill add the same definitions of “Children from Low-Income Families,” “Core Academic Subjects,” “Early Childhood Educator,” “Educational Service Agency,” “Essential Components of Reading Instruction,” “Exemplary Teacher;” “High-Need Early Childhood Education Program,” “Highly Competent,” “Highly Qualified,” “Limited English Proficient,” “Professional Development,” and “Teaching Residency Program.”

The Conferees adopt that provisions as proposed by both the Senate and the House with an amendment to adopt the definition for “parent” as found in the Elementary Secondary Education Act (ESEA).

The Senate amendment and the House bill contain definitions for “Early Childhood Education Programs,” but the House bill definition of “Early Childhood Education Program” differs in two respects by specifying that Head Start programs include Migrant and Seasonal Head Start, as well as American Indian/Alaska Native Head Start programs, and by including prekindergarten programs authorized under Section 619 or Part C of the Individuals with Disabilities Education Act.

The Senate recedes with an amendment to add “or a program authorized under Section 619 of the Individuals with Disabilities Education Act” after “State prekindergarten program” in the definition of “Early Childhood Education Programs,” to clarify that a state licensed or regulated child care program does not include a school and an eligible state prekindergarten program is one that serves children from birth to age six.

The Senate amendment and the House bill contain definitions of “eligible partnerships.” The House bill definition includes alternative certification programs and teacher professional development programs within partner institutions of higher education.

The Senate recedes with an amendment to allow teacher professional development programs to be included in the partnership only if they are existing programs with proven outcomes within a four year institution of higher education that provides intensive and sustained collaboration between faculty and local educational agencies in order to meet the requirements of this Title.

The Senate amendment and the House bill amend the definition of a “High-Need Local Educational Agency” in the same manner and include references to rural locale codes. The Senate amendment lists specific rural locale codes and the House bill references rural locale codes currently being used by the Department of Education. The Senate amendment includes locale codes correspond to the designations of small town (6); rural, outside major statistical area (7); and rural, inside major statistical area (8). The House bill provides the labels for locale codes that correspond to the following numerical designations: rural, fringe (41); rural, distant (42); and rural, remote (43).

The House and Senate recede with an amendment to align the definition of local educational agencies with the definition in the Elementary and Secondary Education Act.

The Senate amendment and the House bill amend the definition of “High-Need School” in the same manner; except, the Senate amendment defines a rural school as one designated with a locale code of 6, 7, or 8. The House bill defines a rural school as one designated with a locale code of Rural: Fringe, Rural: Distant, or Rural: Remote.

The Senate and the House recede with an amendment to define a high-need school as one that is either in the highest quartile of low-income schools in a ranking of all schools served by a local educational agency, as determined by various poverty indicators, or, in the case of an elementary school, one that serves not less than sixty percent of students who are eligible for free or reduced price school lunch under the Richard B. Russell National School Lunch Act, and for all other schools, that serves not less than 45 percent of such students.

The Senate amendment and the House bill define “Induction Program” to include periodic, structured time for collaboration with other teachers, as well as time for information-sharing among teachers, principals, administrators, and participating faculty. However, the Senate amendment allows such collaboration to be with any other teachers in the same department or field, and the House bill specifies that such collaboration shall be with mentor teachers.

The House recedes with an amendment to include mentor teachers in addition to other teachers who shall be provided collaboration time and to include other appropriate instructional staff in information sharing time.

The Senate amendment and the House bill define an “Induction Program” as having a teacher preparation program that includes interdisciplinary collaboration. However, the House bill specifies that the collaboration occurs with those who prepare new teachers with respect to the learning process and the assessment of learning.

The Senate recedes.

The Senate amendment and the House bill define an “Induction Program” as having a teacher preparation program that provides assistance with the understanding of data, particularly student achievement data, and the applicability of that data in classroom instruction.

The Senate and the House recede with an amendment that the program shall provide assistance with “the applicability of such data in classroom instruction.”

The Senate amendment defines an “Induction Program” as having a regular evaluation of the new teacher.

The House bill specifies that the evaluation include formal observation and feedback, at least four times a year by multiple evaluators, including master teachers and the principal, who must use valid and reliable benchmarks of teaching skills and standards developed with input from teachers in the evaluation.

The Senate recedes with an amendment to indicate that the evaluation shall consist of “regular and structured observation and evaluation of the new teachers by multiple evaluators, using valid and reliable measures of teaching skills.”

The Conferees intend that measures of teaching skills employed during observation and evaluation of new teachers include the teaching skills described later in this Section. Using such a definition of skills in developing metrics for the observation and evaluation of new teachers will require prioritizing these teaching skills while developing a rubric or procedures for evaluation. The Conferees intend that such rubrics or procedures be developed through consultation and cooperation among teachers, mentors, principals and others involved in the process of observation and evaluation.

The House bill defines the term “Literacy Coach.”

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment and the House bill define a “Partner Institution” as an institution of higher education, which may include a two-year institution of higher education offering a dual program with a four-year institution of higher education that also meets additional criteria.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Conferees recognize the essential role that community colleges play in teacher preparation, providing the first two years of postsecondary education for many teacher candidates. The Conferees further recognize that two-year institutions of higher education, by definition, provide the initial portion of pre-baccalaureate teacher preparation that each candidate must complete at a four-year institution of higher education. Some two-year institutions of higher education, however, have begun to partner with four-year institutions of higher education and offer students a path to a baccalaureate degree and full state teacher certification. The Conferees intend that to be considered a “partner institution” and therefore, part of a partnership eligible to receive funds under this Title,

the two-year institution of higher education must partner with a four-year institution of higher education and work together to carry out the activities required under this Title. It is, therefore, essential that two- and four-year institutions of higher education cooperate to ensure that the initial years of pre-baccalaureate preparation offered at each two-year institution of higher education provide courses of study that are aligned with curriculum at the four-year institution of higher education in order to meet the state requirements for teacher certification. Cooperation between institutions of higher education should include a formal agreement to ensure that the institutions have developed an articulated transfer policy so that teacher candidates beginning at a two-year institution will be adequately supported during completion of their pre-baccalaureate preparation at the four-year institution of higher education.

The Senate amendment and the House bill further define a “Partner Institution” as one that includes a teacher preparation program that requires each student meet high academic standards and participate in intensive clinical experience. The House bill also requires each student to demonstrate such high academic standards.

The Senate recedes with an amendment to strike “and demonstrate” and insert after “high academic standards”, “, or demonstrate a record of success, as determined by the institution”.

The House bill defines a “Partner Institution” as including a teacher preparation program whose participants include current teachers who seek ongoing professional development and that requires the faculty of arts and sciences of the partner institution of higher education to lead collaborative seminars for the purpose of improving student learning and developing curriculum units.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment defines “Principles of Scientific Research.”

The House bill contains no similar provision.

The House recedes with an amendment to the definition that provides that the term includes, appropriate to the research being conducted, “strong claims of causal relationships, only with respect to research designs that eliminate plausible competing explanations for observed results, which may include random-assignment experiments.”

The Senate amendment and the House bill contain the same definition of “Scientifically Valid Research.”

The Senate and the House recede with an amendment to strike the word “accepted” with regard to principles of scientific research.

Both the Senate amendment and the House bill define “Teacher Mentoring.” However, the House bill defines the term to include programs that provide training in classroom management.

The Senate recedes with an amendment to include approaches that improve the school-wide climate for learning, such as positive behavioral interventions and supports.



The Senate amendment and the House bill further define “Teacher Mentoring” to include providing regular and ongoing opportunities for mentors and mentees to observe each other’s teaching methods.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill defines “Teacher Mentoring” to include paid release time for mentors.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that mentors are provided paid release time “as applicable.”

The Senate amendment and the House bill include similar definitions of “Teaching Skills.” However, the House bill defines the term to include skills that enable the teacher to effectively manage a classroom, including the ability to implement positive behavioral intervention support strategies.

The Senate recedes with an amendment to include in the definition skills that enable a teacher to effectively teach higher-order analytical, evaluation, problem-solving, and communication skills, and to clarify that skills include the ability to implement positive behavioral “interventions and support strategies.”

## ***Part A – TEACHER QUALITY PARTNERSHIP GRANTS***

### ***Section 201. Purposes.***

The Senate amendment and the House bill both modify Section 201(a)(3) of the HEA. The Senate amendment provides that a purpose of this Section is to hold institutions of higher education accountable for preparing highly qualified teachers.

The House bill specifies that teacher preparation programs be held accountable for preparing highly qualified teachers.

The Senate recedes with an amendment to clarify that the focus of the program be on prospective and new teachers.

### ***Section 202. Partnership Grants.***

The Senate amendment and the House bill retain the current standards for authorizing a Partnership Grant program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include different application requirements. The Senate amendment requires that applications describe the extent to which new teachers will be prepared to understand research and data and its applicability. The House bill requires that applications describe

how new teachers will be prepared to use research and data to improve instruction. The House bill requires that applications also provide a description of how partnerships will prepare teachers to teach students with disabilities and students with limited English proficiency.

The Senate recedes with an amendment to require that applications also provide a description of how partnerships will strengthen the content knowledge and teaching skills of elementary and secondary school teachers and train other classroom teachers to implement literacy programs that incorporate the essential components of reading instruction.

The Senate amendment requires partnerships to use funds for either a pre-baccalaureate preparation program, a teaching residency program, or both. The House bill adds a leadership development program, and requires that funds be used for at least two of the three types of programs.

The Senate recedes with an amendment to allow partnerships to use funds for a leadership development program only in addition to either a pre-baccalaureate preparation program or a teaching residency program or both.

The Senate amendment and the House bill describe a “Pre-Baccalaureate Preparation Program” and require teacher preparation reforms.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require certain reforms to be directed to specified types of current or prospective teachers. The House bill also includes additional provisions regarding “Advanced Placement and International Baccalaureate teachers.”

The Senate recedes.

The Senate amendment and the House bill require reforms that prepare teachers to understand, practice, research, and use technology and instructional techniques. The House bill adds “strategies, consistent with the principles of universal design for learning, and positive behavioral support strategies.”

The Senate recedes.

The Senate amendment and the House bill require reforms to promote strong teaching skills for early childhood educators including, as applicable, techniques for early childhood educators to improve children’s cognitive, social, emotional, and physical development. The House bill includes the ability to effectively teach higher-order analytical, evaluative, problem-solving, and communication skills.

The House recedes.

The Senate amendment and the House bill include a provision for required reforms.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs include general and special education teachers.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs effectively teach high-order analytical, evaluative, problem solving, and communications skills appropriate for the teacher's content or specialty area.

The Senate amendment contains no similar provision.

The House recesses.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs ensure that prospective teachers and early childhood educators can effectively participate in the individualized education program "process," as defined in Section 614(d)(1)(B) of the Individuals with Disabilities Education Act.

The Senate recesses with an amendment to clarify that reforms include implementing teacher preparation program curriculum changes to ensure teachers can effectively participate as a member of the individualized education program team.

The Senate amendment and the House bill contain provisions for developing and implementing induction programs and admissions goals. The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs ensure training of highly qualified teachers, which may include training in multiple subjects to teach multiple grade levels as may be needed for individuals preparing to teach in rural communities.

The Senate recesses with an amendment to include training for teachers who teach multiple subjects.

The Senate amendment and the House bill provide that support may include developing admissions goals and priorities. The House bill clarifies that these goals and priorities be "aligned" with the hiring objectives of the high-need local educational agency in the eligible partnership.

The Senate recesses.

The House bill requires that reforms implemented by Pre-Baccalaureate Preparation Programs implement program curriculum changes to prepare teachers to teach Advanced Placement or International Baccalaureate courses.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require reforms to include, as applicable, implementing program and curriculum changes to ensure that prospective teachers have the requisite content knowledge, preparation, and degree to successfully teach Advanced Placement and International Baccalaureate courses.

The Senate amendment and the House bill require that Pre-Baccalaureate Preparation Programs provide clinical experience and interaction.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill provides that clinical experience and interaction may include preparation for meeting the unique needs of teaching in rural communities.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that the training and experience provision shall apply to preparing teachers for both urban and rural communities.

The Senate amendment and the House bill require that clinical experience and interaction provide support and training for those individuals participating in an activity for prospective teachers described in this paragraph or paragraph (1). The House bill also applies this requirement to paragraph (3) and the Senate amendment applies the requirement to paragraph (2).

The Senate recesses with an amendment to add “new” teachers, in addition to prospective teachers, who shall participate in activities.

The Senate amendment and the House bill allow support for mentor stipends, which may include bonus or differential pay. The Senate amendment allows the stipend to include incentive, merit, or performance-based pay. The House bill allows the stipend to include incentive pay, based on teachers’ extra skills and responsibilities.

The House recesses with an amendment to allow funds to be used for mentor stipends, which may include bonus, differential, incentive, or performance-based pay, based on teachers’ extra skills and responsibilities.

The Senate amendment and the House bill require that Pre-Baccalaureate Preparation Programs provide induction programs for new teachers, and support and training for participants in early childhood education programs.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require that Pre-Baccalaureate Preparation Programs provide teacher recruitment. The House bill allows recruitment mechanisms to include alternative routes to State certification of teachers.

The Senate recesses.

The House bill places emphasis on recruiting teachers from underrepresented populations, rural communities, shortage areas, and mid-career professionals.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill requires the development and implementation of literacy training programs to train classroom teachers how to implement literacy programs.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require the literacy training to include training in reading instruction for elementary or secondary school teachers, who train or will train classroom teachers to implement literacy programs, or who tutor or will tutor students with intense individualized reading, writing, and subject matter instruction. The literacy training will also provide opportunities for teachers to plan and assess literacy instruction with faculty at institutions of higher education. Such planning time may include school leaders and other teachers.

The Senate amendment and the House bill define a “Teaching Residency Program.”

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires that partnerships modify staffing procedures to facilitate the placement of graduates of the teaching residency program in cohorts that facilitate professional collaboration.

The House bill requires that such placement be attempted where feasible.

The House recesses with an amendment to require that partnerships carry out a program “placing graduates” in cohorts that facilitate professional collaboration.

The Senate amendment and the House bill ensure that teaching residents who participated in the teaching residency program receive certain benefits.

The Senate and the House recess with a technical amendment.

The Senate amendment and the House bill describe a teaching residency program that requires the selection of mentor teachers based on an evaluation that includes observations of a number of domains of teaching. The House bill provides that the evaluations need not include an observation of all the domains.

The House recesses with an amendment that evaluation of teacher effectiveness shall be based on, “but not limited to,” observations of specified activities, with the reference to teaching domains stricken.

The Senate amendment and the House bill contain in their descriptions of effective teaching appropriate instruction that engages students with different learning styles. The House bill includes students with disabilities.

The House recesses.

The House bill states that the admission goals and priorities of a teaching residency program may include consideration of applicants who reflect the communities in which they will teach, as well as consideration of individuals from underrepresented populations in the teaching profession.

The Senate amendment contains no similar provision.

The Senate recesses with technical amendments.

The Senate amendment and the House bill provide criteria for the selection of individuals as teacher residents.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill provide for the award of stipends connected to a service requirement. The House bill limits the stipend or salary to one year, and requires teaching residency candidates to submit an application to obtain a stipend or salary.

The House recesses.

The Conferees expect and intend that individuals who agree to teach in a high-need school after completing a teaching residency program will be placed by the partnership into a teaching position that satisfies the needs of the local education agency. This placement should meet the subject areas or grade level priorities deemed most in need by the local agency and its partners, but with full recognition of the needs of the teaching residency program to implement practices consistent with ongoing induction and support of the new teacher. This recognition may require establishing a priority on placing graduates of the residency program together in cohorts that encourage the effective induction and subsequent retention of these new teachers.

The Senate amendment and the House bill require that a graduate of the residency program who receives a stipend agree to serve three or more years as a teacher in a high-need school served by a high-need local education agency in the partnership upon completion of the program. The Senate amendment specifies that applicants serve after completing a one-year teaching residency program.

The Senate recesses with an amendment to clarify that applicants agree to serve for three years after completing a one-year teaching residency program.

The House bill requires service in a field designated as high-need by the partnership.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that the applicant will teach in a subject or area that is designated as high-need by the partnership.

The House bill requires that each year or partial year of service in fulfillment of the service requirement be certified by the school's chief administrative officer.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that the service requirement be certified by the local educational agency's chief administrative officer.

The House bill requires that, upon beginning service repayment, a teacher must "be a highly qualified teacher, as defined in Section 9101 of the Elementary and Secondary Education Act of 1965."

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that an applicant must "meet the requirements to be a highly qualified teacher" at the time the applicant begins to fulfill the service agreement.

The Senate amendment provides that a stipend recipient who does not fulfill the service requirement repay the local education agency a pro rata portion of the stipend amount for the amount of teaching time that an individual does not complete.

The House bill provides that a recipient who does not fulfill the service requirement repay the partnership the amount of the stipend or salary with interest.

The Senate recedes with an amendment to clarify that the stipend or salary is described in (c)(i), and that the interest shall be at a rate specified by the partnership in the agreement.

The House bill provides terms under which the service agreement may be deferred.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that adds a provision that the terms and conditions specified by the partnership may include reasonable provisions for pro rata repayment of the stipend or salary described in (c)(i).

The House bill requires partnerships to use stipend repayment funds for activities that are consistent with the purposes of this Subsection.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment allows funds received by a partnership to be used for activities described in Subsections (d) and (e) to improve pre-baccalaureate teacher preparation and pre-service training through public television and digital educational content.

The House bill contains no similar provision.

The House recedes with an amendment to allow grant funds to be used to carry out required activities in partnership with public television or another entity that develops digital educational content.

The Senate amendment and the House bill require consultation, regular communication, and written consent between and among members of the partnership and permit the Secretary to approve changes with the written consent of all members of the eligible partnership. Both the Senate amendment and the House bill provide that nothing in this Section shall be construed to prohibit coordination among partnerships in other states or on a regional basis.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment requires that funds under this Section be used to supplement, not supplant, other federal, state, and local funds.

The House bill contains no similar provision.

The House recesses.

The House bill allows grant funds to be used for the development of a leadership program, which must include activities that prepare students for careers as superintendents, principals, or other school administrators, as well as activities that promote strong leadership skills among other mandatory activities.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to change all references to education or school administrators to “school leaders.” The requirement to promote strong leadership skills is expanded to include specific techniques and requirements.

### ***Section 203. Administrative Provisions.***

The Senate amendment and the House bill contain identical provisions regarding the duration, number of awards, and payments. The Senate amendment and the House bill charge the Secretary with submitting applications to a peer review panel.

Senate recesses with an amendment to strike the payment provision.

The Senate amendment and the House bill put priority on broad-based partnerships and equitable geographic distribution. The Senate amendment requires both, while the House bill requires either, and further requires that priority be given to partnerships with teacher preparation programs that have a rigorous selection process.

The Senate recesses with an amendment that gives the Secretary the authority to determine priority.

The Senate amendment and the House bill authorize the Secretary to select the grantees and to determine the amounts of the grants. The Senate amendment and the House bill require one-hundred percent matching funds from non-federal sources and authorize the Secretary to waive this requirement. The Senate amendment and the House bill limit expenditures on administrative activities to two percent of the grant amount.

The Conferees adopt the provisions as proposed by both the Senate and the House.



#### ***Section 204. Accountability and Evaluation.***

The Senate amendment and the House bill require partnerships to establish an evaluation plan that includes strong performance objectives and measures.

The Senate recedes with an amendment to insert “and measurable” after “strong”.

The House bill includes, among the performance objectives and measures, the number of teachers trained to integrate technology, including technology consistent with the principles of universal design for learning, into curricula and instruction.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment making technical changes to the House provision on the number of teachers required to integrate technology into curricula and instruction, and deleting the reference to “decision making” in this Section.

The Senate amendment and the House bill require partnerships to provide information about the activities funded under this part to educational personnel and leadership in surrounding schools and to institutions of higher education. Both give the Secretary authority to revoke a grant to partnerships not making progress on the purposes, goals, objectives, and measures of the grant by the end of the third year.

The House and Senate recede with an amendment to require the Secretary to cancel the grant if the grantee has not made substantial progress in meeting the goals and objectives of the grant after three years.

The Senate amendment and the House bill require the Secretary to evaluate activities funded under this Part, report findings to the authorizing committees, and to broadly disseminate information on successful and ineffective practices. The Senate amendment requires the Secretary to report the findings regarding the activities while the House bill requires the Secretary to report the findings regarding the evaluation of such activities.

The Senate recedes.

#### ***Section 205. Accountability for Programs That Prepare Teachers.***

The Senate amendment and the House bill require institutions of higher education receiving federal assistance under the Higher Education Act to report annually to the state and the general public a Report Card containing a variety of information on traditional teacher preparation programs and alternative routes to state certification. Both require the Report Card to contain pass rates and scaled scores for students who took teacher certification assessments and are enrolled in or completed a program. The Senate amendment and the House bill require that the Report Card contain for each of the assessments used by the state the percentage of students at each institution of higher education who have completed one-hundred percent of their non-clinical course work and passed the assessment; the percentage of all students at all institutions of higher education who have

passed their assessment; the percentage of students taking an assessment who enrolled in and completed a program; and the average scaled score for all students who took an assessment.

The Senate recedes with an amendment to add to the report card requirements a new subparagraph on goals and assurances requiring information on whether goals under Section 206 have been met, the activities the institution took to implement the goals, a description of the steps the institution is taking to improve its efforts to meet the goals, and a description of the activities the institution has implemented to meet the assurances required by Section 206.

The Senate amendment requires that the percentage of students taking an assessment that enrolled in and completed a program be made available widely and publicly by the state.

The House bill contains a similar provision but does not require the information be made publicly available.

The Senate recedes.

The Senate amendment and the House bill require that the Report Card contain the average scaled score, a comparison of the program's pass rates, and a comparison of the programs average scaled scores.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require that the Report Card contain program information. The House bill further requires information on the number of students in the program disaggregated by race, ethnicity, and gender.

The Senate recedes.

The Senate amendment and the House bill require that the Report Card contain a statement on approval or accreditation of teacher preparation programs. The Senate amendment and the House bill also require that the Report Card contain information on programs designated as low-performing.

The Conferees adopt the provision proposed by both the Senate and the House.

The Senate amendment and the House bill require that the Report Card contain information on the use of technology. The House bill further requires that the Report Card contain information on the training of general and special education teachers.

The Senate recedes with an amendment to include technology consistent with the principles of universal design for learning in the description required regarding the use of technology, and to eliminate "decision making" as an improvement sought by the use of technology.

The Senate amendment and the House bill require that partnerships report annually on the progress made toward meeting the purposes of this Part and the objectives in Section 204(a). The Senate amendment and the House bill authorize the Secretary to impose a fine of up to \$25,000.

The Senate and the House recede with an amendment to increase the fine amount to \$27,500.

The Senate amendment and the House bill require each state receiving federal assistance under the Higher Education Act to report annually to the Secretary a state Report Card containing a variety of information on traditional teacher preparation programs and alternative routes to state certification.

The Senate recedes with an amendment to require states to make the state Report Card mandated by this section widely available to the general public.

The Senate amendment and the House bill require that the state Report Card contain a description of the reliability and validity of the teacher certification and licensure assessments.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill contain similar provisions requiring that the state Report Card identify the standards and criteria that prospective teachers must meet to attain initial teacher certification.

The Senate recedes.

The Senate amendment and the House bill require that the state Report Card contain a description of how the assessments and requirements described in subparagraph (A) are aligned with the state's challenging academic content standards required under Section 1111(b)(1) of the Elementary and Secondary Education Act. The Senate amendment and the House bill also provide that the state Report Card contain for each of the assessments used by the state: the percentage of students at each institution of higher education who have completed one-hundred percent of their non-clinical course work and passed the assessment; the percentage of all students at all institutions of higher education who have passed their assessment; and the percentage of students taking an assessment who enrolled in and completed a program.

The Senate recedes with an amendment to include the average scaled scores of individuals participating in the program.

The Senate amendment requires that the percentage of students taking an assessment that enrolled in and completed a program be made available widely and publicly by the state.

The House bill contains a similar provision, except that it does not require such information to be made widely and publicly available.

The Senate recedes.

The Senate amendment and the House bill contain similar provisions requiring that the state Report Card include a description of alternative routes to certification, except that the Senate amendment refers to "State certification" and the House bill refers to "teacher certification."

The Senate recedes.

The Senate amendment and the House bill require that the state Report Card contain the criteria for admission into the program and the number of students in the program, disaggregated by race and gender. The House bill also requires disaggregation of program participants by ethnicity.

The Senate recesses.

The Senate amendment and the House bill contain similar provisions requiring the state Report Card to provide a description of the extent to which teacher preparation programs are helping to address shortages of highly qualified teachers.

The House recesses with a technical amendment to strike “helping to” and to change “address” to “addressing.”

The House bill requires that the state Report Card contain a description of the activities that prepare general and special education teachers to effectively teach students with disabilities.

The Senate amendment contains no similar provision.

The Senate recesses with a technical amendment to strike the phrase “A description of the activities that prepare general and special education teachers” and replace it with “The extent to which teacher education programs prepare teachers, including general and special education teachers.”

The Senate amendment and the House bill require that the state Report Card contain a description of the activities that prepare teachers to effectively integrate technology into curricula and instruction.

The Senate recesses with a technical amendment to move “effectively” from before “integrate technology” to after “integrate technology”, to insert “including technology consistent with the principals of universal design for learning” after “curricula and instruction” and to insert “and” after “, learning”, and to strike “and decision making”.

The House bill requires that the state Report Card contain a description of the activities that prepare general education and special education teachers to effectively teach students with limited English proficiency.

The Senate amendment contains no similar provision.

The Senate recesses with a technical amendment to insert “teachers, including” after “that prepare” and to insert a comma after “special education teachers.”

The Senate amendment and the House bill prohibit the Secretary from creating a national list or ranking of states, institutions of higher education, or schools.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill requires the Secretary to “prescribe regulations requiring practices and procedures to ensure the reliability, validity, integrity, and accuracy of the data submitted pursuant to this Section.”

The Senate amendment contains no similar provision.

The Senate recesses with a technical amendment to strike “requiring practices and procedures.”

The Senate amendment and the House bill require the Secretary to report to Congress on the quality of teacher preparation in the United States.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 206. Teacher Development.***

The Senate amendment and the House bill require that each institution of higher education that conducts a traditional teacher preparation program set annual quantifiable goals. The Senate amendment further establishes this requirement as a condition of receiving assistance under Title IV of the Higher Education Act.

The Senate recesses.

The Senate amendment and the House bill require that one quantifiable goal be to increase the number of prospective teachers trained in teacher shortage areas. The Senate amendment provides that shortage areas are designated by the Secretary, while the House bill provides that state educational agencies make that designation.

The Senate and the House recess with an amendment to allow shortage areas to be designated by either Secretary or the state educational agency.

The Senate amendment and the House bill require that one quantifiable goal be to more closely link the training provided by the institution of higher education with the needs of schools and the instructional decisions new teachers face in the classroom.

The Senate and the House recess with an amendment to make this requirement an assurance mandated by Subsection (b), and included as a new paragraph (2) to read as follows: “training provided to prospective teachers is closely linked with the needs of schools and the instructional decisions new teachers face in the classroom.”

The Senate amendment and the House bill require that each institution of higher education that conducts a traditional teacher preparation program provide certain assurances to the Secretary. The Senate amendment links this requirement to receipt of assistance under Title IV of the Higher Education Act.

The Senate recesses.

The Senate amendment and the House bill require that each institution of higher education that conducts a traditional teacher preparation program provide assurances to the Secretary that prospective teachers receive training on how to effectively teach in urban and rural schools. The House bill limits this requirement as applicable.

The Senate recesses.

The Senate amendment and the House bill require public reporting.

The Senate and the House recede with an amendment to strike the reporting requirement in this Subsection and add a new Subsection (c), captioned “Rule of Construction” that provides as follows: “Nothing in this Section shall be construed to require an institution of higher education to create a new teacher preparation area of concentration or degree program or adopt a specific curriculum in complying with this Section.”

### ***Section 207. State Functions.***

The Senate amendment and the House bill contain similar provisions requiring that states have in place a procedure to identify low-performing programs of teacher preparation and to provide those programs with technical assistance.

The Senate recedes with an amendment to modify Section (a) to begin “In order to receive funds under this Act, a State shall conduct an assessment to identify low-performing programs of teacher preparation and assist such programs through the provision of technical assistance.”

The House bill provides that levels of performance of teacher preparation programs shall be determined solely by the state and may include progress in increasing the percentage of highly qualified teachers, improving student achievement, and raising the standards for entry into the teaching profession.

The Senate amendment contains a similar provision.

The Senate recedes with an amendment to change “student achievement” to “student academic achievement” and to change “all students” to “elementary and secondary students.”

The Senate amendment and the House bill contain identical language on the termination of eligibility, negotiated rulemaking, and on the application of the requirements.

The Conferees adopt the provisions as proposed by both the Senate and the House.

### ***Section 208. General Provisions.***

The Senate amendment and the House bill require the Secretary to ensure the use of fair and equitable methods in reporting and that the reporting methods do not allow identification of individuals. The Senate amendment and the House bill also include a special rule for states that do not use content assessments as a means of ensuring that all teachers teaching in core academic subjects are highly qualified, as required under Section 1119 of the Elementary and Secondary Education Act. The Senate amendment and the House bill further require state educational agencies that receive Higher Education Act funds to provide to a teacher preparation program, upon the request of the program, any and all pertinent education-related information possessed or controlled by or accessible to the state agency that may enhance the effectiveness of the program.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 209. Authorization of Appropriations.***

The Senate amendment authorizes for Part A such sums as necessary for fiscal year 2008 and five succeeding fiscal years.

The House bill authorizes for Part A \$300,000,000 for fiscal year 2009 and such sums for two succeeding fiscal years.

The Senate recesses.

**PART B – ENHANCING TEACHER EDUCATION**

***Section 230. Authorizations of Appropriations.***

The House bill establishes an authorization level of such sums as necessary for Part B programs for fiscal year 2009 and each of the five succeeding years.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to authorize such sums for fiscal year 2009 and each of the five succeeding fiscal years.

**Subpart 1- Preparing Teachers for Digital Learners.**

The House bill replaces the existing Part B, Preparing Teachers to use Technology, and establishes a new Part B program, “Preparing Teachers for Digital Age Learners,” that would pay the federal share of the costs of projects to graduate teacher candidates who are prepared to use modern information, communication, and learning tools; to strengthen and develop partnerships among the stakeholders in teacher preparation; and to assess the effectiveness of departments, schools, and colleges of education.

The Senate amendment contains no similar provision.

The Senate recesses.

The Conference agreement contains language to ensure that funds under section 232 can be used to, “build the skills of teacher candidates to support technology-rich instruction, assessment and learning management in content areas, technology literacy, an understanding of the principles of universal design, and the development of other skills for entering the workplace.”

The Conferees intend the term “technology literacy” to include student knowledge and skills in using contemporary information, communication, and learning technologies in a manner necessary for successful employment, life-long learning and citizenship in the knowledge-based, digital, and global 21st century, which includes, at a minimum, the ability to use technology to: (1) Effectively communicate and collaborate with others in a safe and ethical manner; (2) Analyze and solve problems, including the application of the engineering design process; (3) Access, evaluate, manage, and create information and otherwise gain information literacy; and (4) Demonstrate creative thinking, construct knowledge, and develop innovative products and processes.

## **Subpart 2 – The Augustus F. Hawkins Centers of Excellence**

The House bill establishes a new program for the creation of Augustus F. Hawkins Centers of Excellence at Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs). The purposes of these Centers are to increase teacher recruitment at HBCUs and MSIs and to make institutional improvements to teacher preparation programs at such institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recesses.

## **Subpart 3 – Preparing General Education Teachers to More Effectively Educate Students with Disabilities**

The House bill establishes a new Teach to Reach program, a competitive grant program for eligible partnerships to improve the preparation of general education teacher candidates in order to more effectively teach students with disabilities.

The Senate amendment contains no similar provision.

The Senate recesses.

## **Subpart 4 – Adjunct Teacher Corps.**

The House bill establishes a new program called the Adjunct Teacher Corps, a competitive grant program for local education agencies or local education agency partnerships to help recruit and train math, science, and critical foreign language specialists to serve as adjunct content specialists in support of teachers. Grants last five years and must be matched one-hundred percent by non-federal sources.

The Senate amendment contains no similar provision

The Senate recesses.

## **Subpart 5 – Graduate Fellowship to Prepare Faculty in High Need Areas at Colleges of Education**

The House bill includes a provision under Title VII to establish a priority under the Graduate Assistance in Areas of National Need (GANN) program to fund eligible grantees aimed at educating individuals to become professors in the fields of special education, bilingual education and math and science education.

The Senate includes no similar provision.

The Senate recesses with an amendment to create a new program under Title II to establish graduate fellowships to prepare individuals to become university faculty who will prepare highly qualified



teachers in fields of special education, bilingual education and English as a second language, mathematics and science.

The Conferees recognize the critical shortage of faculty in teacher preparation programs in these areas. This program will ensure that teacher preparation programs have the capacity to prepare highly qualified teachers in these high need fields.

## **PART C – GENERAL PROVISIONS**

### ***Section 261. Limitations.***

The Senate amendment and the House bill include similar provisions that indicate that nothing in this Title (Senate) or Part (House) shall be construed to authorize federal control over private, religious, or home schools, however defined under state law. The Senate amendment also provides that nothing in this title shall be construed to authorize the Secretary to establish any national system of teacher certification or licensure.

The House recesses.

The Conferees intend that nothing in this section shall be constructed to limit individual states from collaborating with other states to update, revise, or create state systems of teacher certification or licensure, create similar or identical certification or licensure requirements, or establish certification or licensure reciprocity agreements.

The House bill provides that nothing in this Title shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies under federal, state, or local laws (including applicable regulations or court orders), or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers, including the right of the employees to engage in collective bargaining with their employers.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to align the language with a similar provision in the Elementary and Secondary Education Act.

## **TITLE III – INSTITUTIONAL AID**

### ***Section 301. Program Purpose.***

The Senate amendment and the House bill contain similar provisions regarding the expansion of authorized activities under Part A. The Senate amendment includes remedial education and English language instruction courses as part of any innovative, customized courses designed to help students with program completion.

The Senate recesses with an amendment to add remedial education and English language instruction as part of any innovative, customized courses designed to help students with program completion.

***Section 302. Definitions; Eligibility.***

The Senate amendment corrects a cross reference in the institutional eligibility definition by removing the reference to Subsection (c), which defines the term “endowment fund,” and instead referring to Subsection (d), which defines the term “enrollment of needy students.”

The House bill contains no similar provision.

The House recesses.

***Section 303. American Indian Tribally Controlled Colleges and Universities.***

The Senate amendment and the House bill redefine a Tribal College or University (TCU) as an institution that qualifies for funding under the Tribally Controlled College and University Assistance Act (TCCUAA) or the Navajo Community College Assistance Act of 1978 or, that is cited in Section 532 of the Equity in Educational Land-Grant Status Act (EELGSA). The Senate amendment and the House bill amend the list of authorized activities and programs of a TCU and authorize the acquisition of real property adjacent to a TCU campus.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill allows faculty exchanges and fellowships to assist faculty with attaining a degree in tribal governance or policy. The House bill also permits funds to be used to provide academic instruction in tribal governance or tribal public policy.

The Senate amendment contains no similar provisions.

The Senate recesses.

The Senate amendment allows funds to be used for education and counseling services to improve the financial and economic literacy of students or their families, and developing distance education technologies.

The House bill contains a similar provision with respect to distance education technologies.

The House recesses.

The Senate amendment and the House bill amend the application process. The Senate amendment specifies that the Secretary shall establish application requirements in a manner that simplifies and streamlines the process.

The House recesses with an amendment to clarify that the streamlined process requirement applies to grants under this Section.

The Senate amendment and the House bill establish a new allocation formula whereby the Secretary may reserve thirty percent of the appropriations for one-year construction, maintenance and renovation grants of not less than \$1,000,000. The House requires such reservation to begin with fiscal year 2009.

The House recesses.

The Senate amendment and the House bill provide that the Secretary shall give preference to institutions that have not received a prior award. The House bill specifies that such preference applies to institutions that have not received an award under this Section for a previous fiscal year.

The Senate recesses.

The Senate amendment and the House bill specify that of any remaining funds, sixty percent shall be allocated to eligible institutions based on Indian student count and forty percent equally distributed among eligible institutions. The minimum grant amount is \$500,000.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill specify that no TCU that is eligible for and receives funds under this Section shall concurrently receive funds under other provisions of this Part or Part B.

The Senate and the House recess with an amendment to clarify that a TCU receiving funds under this Part shall not concurrently receive funds under this Part, Part B, and Title V.

The Senate amendment and the House bill provide that the wait-out period (Section 313(d) of the Higher Education Act (HEA)) shall not apply to institutions that are eligible for funds under this Section.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 304. Alaska Native and Native Hawaiian-Serving Institutions.***

The Senate amendment expands the authorized activities to include education or counseling services designed to improve the financial and economic literacy of students or their parents.

The House bill contains no similar provision.

The House recesses with an amendment to strike “students’ parents” and insert “students’ families.”

***Section 305. Predominately Black Institutions.***

The Senate amendment defines “educational and general expenditures,” for purposes of this Section, as the term is defined in Section 312 of the Higher Education Act (HEA). Additionally, the Senate amendment specifies that the Secretary’s existing waiver authority described in Section 392(b) of the HEA is applicable under this program.

The House bill contains no similar provisions.

The House recesses.

The Senate amendment and House bill have similar provisions with respect to waiving the requirement that eligible institutions have low, per full-time equivalent undergraduate student expenditures relative to the average educational and general expenditure per full-time equivalent undergraduate students at institutions that offer similar instruction.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and House bill include similar definitions of “enrollment of needy students”. The Senate amendment counts students who attended a public or nonprofit secondary school in a district that was eligible for assistance under Part A of Title I in ESEA and where enrollment of students counted under Section 1113(a)(5) of ESEA exceeds thirty percent. The House bill includes students who attended a secondary school that was a high need school during any year of the student’s attendance.

The House recesses.

The Senate amendment specifies that the Secretary shall give priority to institutions with large numbers or percentages of students described in Subsections (b)(2)(A).

The House bill contains no similar provision.

The House recesses.

The House bill specifies that the Section 393 (Application Review Process) of the HEA does not apply to Predominantly Black Institution applicants.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill specifies that no Predominantly Black Institution (PBI), as defined under 318, that applies for and receives funding under this Section may receive assistance under Part B of this Title.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that a PBI receiving funds under this Part should not concurrently receive funds under other provision of this Part, Part B, and Title V.

The Senate amendment authorizes appropriations of such sums as may be necessary for fiscal year 2008 and each of the five succeeding fiscal years.

The House bill provides an authorization of appropriations in Title III of \$75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the four succeeding fiscal years.

The Senate and the House recess with an amendment to authorize \$75,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding years.

***Section 306. Native American-Serving, Nontribal Institutions.***

The Senate amendment and the House bill establish a new program for Native American-serving, nontribal institutions of higher education to improve and expand the institutions' capacity to serve Native Americans.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to clarify that grants shall be used by Native American-serving, nontribal institutions of higher education to serve Native Americans and low-income individuals.

The Senate amendment specifies a minimum grant amount of \$200,000 for grants under Title III.

The House bill contains no similar provision.

The House recedes with an amendment to clarify that the minimum grant provision applies only to this Section.

***Section 307. Assistance to Asian American and Native American Pacific Islander-Serving Institutions.***

The House bill establishes a new grant program for Asian American and Native American Pacific Islander-serving institutions. Grantees are authorized to use funds for activities similar to those authorized for other Title III grantees. The House bill specifies that the Secretary shall ensure equitable distribution of the grants among all eligible institutions of higher education and shall give priority to institutions of higher education that serve a significant percentage of Asian American or Native American Pacific Islander students.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to clarify that grants shall be used by Asian American and Native American Pacific Islander-serving institutions of higher education to serve Asian Americans, Native American Pacific Islanders and low-income individuals.

***Section 308. Part B Definitions.***

Both the Senate amendment and the House bill require the Secretary to consult with the Commissioner of the National Center for Education Statistics (NCES) regarding the professional and academic areas in which blacks are underrepresented.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 309. Grants to Institutions.***

The Senate amendment corrects a cross reference to the authorization of funds, by striking "360(a)(2)" and inserting "399(a)(2)."

The House bill contains no similar provision.

The House recesses.

The Senate amendment and the House bill expand the list of authorized activities to include funding for education or counseling services designed to improve financial and economic literacy of students or their parents. The House bill specifies that such information shall focus on student indebtedness and student assistance programs under Title IV. The House bill additionally authorizes the acquisition of real property in connection with the construction, renovation, or addition to or improvement of campus facilities.

The Senate recesses with an amendment to strike “parents” and insert “families.”

The House bill additionally authorizes technical assistance or services necessary for the implementation of activities described in the grant application. Not more than two percent of the grant amount may be used for this purpose.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike technical assistance.

***Section 310. Allotments.***

The House bill changes the minimum allotment.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 311. Professional or Graduate Institutions.***

The House bill specifies that any funds awarded for the five year grant period authorized under this Section and that are obligated during such five year period may be expended during the ten year period beginning on the first day of such five year period.

The Senate amendment contains no similar provision.

The Senate amendment and the House bill authorize the acquisition of real property in connection with the construction, renovation, addition to, or improvement of campus facilities. The House bill does not specify that such property be adjacent to the campus.

The House recesses.

The Senate amendment and the House bill authorize education or counseling services designed to improve the financial and economic literacy of students or their parents. The House bill requires that such information focus on student indebtedness and student assistance programs under Title IV.

The Senate recesses with an amendment to strike “parents” and insert “families.”

The Senate amendment authorizes tutoring and counseling services to improve academic success.

The House bill contains no similar provision.

The House recesses.

The Senate amendment includes additional requirements regarding the application.

The House bill contains no similar provision.

The House recesses.

The House bill authorizes funds to be used for technical assistance or services necessary for the implementation of the activities described in the grant application. Not more than two percent of the grant amount may be used for this purpose.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike technical assistance.

The Senate amendment and the House bill expand the list of eligible graduate and professional schools/programs under Part B of Section 326 of the HEA. The Senate amendment adds qualified graduate programs at Alabama State University, Coppin State University, Prairie View A&M University, Fayetteville State University, Delaware State University;; Langston University, West Virginia State University, Kentucky State University, and Grambling State University. The House bill adds Alabama State University; Bowie State University, Delaware State University; Langston University; Prairie View A&M University, and the University of the District of Columbia Law School.

The Senate recesses.

Under current law any funds in excess of \$28,600,000 are made available to institutions using a formula with various factors. The Senate amendment amends the allocation formula with respect to the number of students enrolled in the qualified graduate programs of the eligible institution or program, for which the institution or program received and allocated funding under this Section in the preceding year.

The House bill contains no similar provision.

The Senate amendment includes as an element of the formula developed by the Secretary the percentage of students at the institution who are Black American students and minority students receiving their first professional, master's, or doctoral degree from the institution of higher education or program in the academic year preceding the academic year for which the determination is made, represents of the total number of Black American students and minority students in the United States who receive their first professional, master's, or doctoral degree in the professions or disciplines related to the course of study at such institution or program, respectively, in the preceding academic year.

The House bill contains no similar provision.

The House recesses with an amendment to strike references to “Black American” and insert “African American.”

The House bill changes the funding reservation structure to reserve the first \$54,500,000 appropriated for the eighteen grantees listed prior to 2008, and reserves \$6,000,000 for the six institutions added by the House bill.

***Section 312. Unexpended Funds.***

The House bill provides that any funds paid to an institution of higher education that are not expended or used for the purposes for which the funds were paid during the five year period following the date of the initial grant award, may be carried over and expended during the succeeding five year period, if such funds were obligated for a purpose for which the funds were paid during the five year period following the date of the initial grant award.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 313. Endowment Challenge Grants.***

The House bill increases the maximum grant amount to \$1,000,000 and the minimum grant amount to \$100,000.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 314. Historically Black College and University Capital Financing.***

The House bill amends the definition of a “capital project” by clarifying that such project includes the construction or acquisition of a facility, equipment or fixture that is essential to maintaining the accreditation of the institution by an accrediting agency or association recognized by the Secretary.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike the reference to a “nationally recognized accrediting agency or association” in current law.

The House bill amends the definition of “designated bonding authority” to include “any private, for-profit corporation selected by the Secretary,” rather than “the private, for-profit corporation selected by the Secretary”, in order to allow multiple bonding authorities to operate concurrently.

The Senate amendment contains no similar provision.



The House recesses.

The House bill further amends the definition of “designated bonding authority” to clarify that bonds issued by such authority are for the purposes of financing capital projects.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill includes definitions of “eligible foundation” and “borrower.”

The Senate amendment contains no similar provision.

The House recesses.

The House bill reduces to one percent the current maximum of two percent of the proceeds from qualified bonds that the designated bonding authority may retain for issuing bonds.

The Senate amendment contains no similar provision.

The House recesses.

The House bill specifies that the designated bonding authority may not charge interest on loans in excess of one percent.

The Senate amendment contains no similar provision.

The House recesses.

The House bill specifies that, for loans closed before June 15, 2008, any remaining loan proceeds deposited in escrow that are made available to the Secretary to pay principal and interest on bonds in the event of delinquency in repayment shall be returned to the borrower within ninety days of the scheduled repayment of the loan.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to eliminate the restriction on the applicability of the provision to loans closed by a date certain, to provide that any remaining loan proceeds deposited in escrow shall be returned to the borrower within 120, rather than ninety days of the scheduled repayment of the loan, and to update a reference in current law with respect to the amount of loan proceeds that are deposited in escrow.

The House bill specifies that any loan collateralization shall not exceed one-hundred percent of the loan amount.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to allow loan collateralization to exceed one-hundred percent only if required by the Secretary.

The House bill specifies that, for loans closed after June 15, 2008, the designating bonding authority shall establish a reserve account into which shall be deposited an origination fee of one percent with respect to each loan. The account shall be available to the Secretary to pay principal and interest on bonds in the event of delinquency in loan repayment.

The Senate amendment contains no similar provision.

The House recedes.

The House bill provides for loan forbearance and deferment on terms agreed to in writing between the designated bonding authority and a borrower, subject to the approval of the Secretary in consultation with the Historically Black Colleges and Universities (HBCU) Capital Financing Advisory Board.

The Senate amendment contains no similar provision.

The House recedes.

With respect to the limitations on federal insurance for bonds issued by the designated bonding authority, the House bill increases the maximum amount of aggregate principal and accrued unpaid interest that may be outstanding at any time from \$375,000,000 to \$1,100,000,000 and, of this amount, allots \$733,333,333 for loans to private HBCU's and \$366,666,666 for loans to public HBCU's.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to increase the allotment for loans to public HBCU's to \$366,666,667.

The House bill directs the Secretary to specify up to three designated bonding authorities authorized under Part D and to provide for periodic review of designated bonding authority authorizations no less frequently than every three years.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to strike the requirement that the Secretary specify up to three designated bonding authorities, and insert a requirement that the Secretary ensure that the selection process for the designated bonding authority is conducted on a competitive basis and that the evaluation and selection process is transparent. The Secretary is directed to review the performance of the designated bonding authority after the third year of the insurance agreement and to implement a revised competitive selection process if determined necessary by the Secretary, in consultation with the HBCU Capital Financing Advisory Board.

The Senate amendment requires that not later than ninety days after the date of enactment of the [Short Title], the Secretary shall submit to the authorizing committees a report on the progress of

the Department of Education in implementing the recommendations made by the Government Accountability Office (GAO) in October 2006, for improving the HBCU Capital Financing Program.

The House bill contains no similar provision.

The House recedes with an amendment to provide the Secretary 120 days after the date of enactment of this Act to submit the report to the authorizing committees.

The Conferees recognize the prominent role that HBCU's have played in our Nation's history. The Conferees also appreciate that the HBCU Capital Financing Program has helped to strengthen HBCU's by providing access to low-cost financing to fund infrastructure improvements. The Conferees intend for the Secretary to implement improvements that will further enhance the program for HBCU's, including those identified by the GAO in its October 2006 report on the program. The Conferees also intend for the Secretary to continue the Department of Education's reported efforts to explore other options to improve the program. In particular, the Conferees intend for the Secretary to explore alternative methods of compensating the designated bonding authority that would reduce the cost of bond issuance incurred by participating HBCU's, while simultaneously ensuring that the compensation is sufficient to ensure interest on the part of companies to compete to become the program's designated bonding authority. Currently, HBCU's that participate in the program pay up to two percent of the proceeds of bonds issued to the designated bonding authority. The Conferees intend for the Secretary to consider, among other options, a fee structure that would charge up to two percent of the proceeds from bond issuance but not above a reasonable amount (to be determined after an assessment of the actual costs of bond issuance). To ensure continued improvements are made to the program and that it is meeting the needs of HBCU's, the Conferees intend to engage in robust oversight of the Department of Education's administration of the program.

The House bill increases from nine to eleven the number of members of the HBCU Capital Financing Advisory Board, increases from two to three the number of members required to be presidents of public HBCU's, and designates the President of the Thurgood Marshall Scholarship Fund as a member of the Advisory Board.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike "Scholarship" and insert "College" to correct the Title of the Thurgood Marshall College Fund.

### ***Section 315. Programs in STEM Fields.***

The House bill creates a new subpart 2, "Programs in STEM Fields", and a new YES Partnership Grant, that provides support to eligible partnerships for minority youth engagement in science, technology, engineering and mathematics, through outreach and experiential learning. The partnership must include at least one institution of higher education eligible for assistance under Title III or V, at least one high-need local education agency; and at least two community organizations. The House bill specifies a minimum grant amount of \$500,000.

The Senate amendment contains no similar provisions.

The Senate recesses.

The House bill amends Section 361(4) of the HEA, eligibility for grants, to clarify that public institutions of higher education may be included in the consortia. The House bill also includes research laboratories at the Department of Defense or the National Science Foundation as possible partners in the consortia.

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to clarify that institutions of higher education include both public and private institutions; to replace the research laboratories affiliated with National Science Foundation with laboratories affiliated with the National Institute of Health, and to expand eligibility to relevant divisions or offices of NASA the National Oceanic and Atmospheric Administration, the National Science Foundation, and the National Institute of Standards and Technology.

***Section 316. Investing in Historically Black Colleges and Universities and other Minority Serving Institutions.***

The House bill includes a provision to move Part J of Title IV of the College Cost Reduction and Access Act to Title III.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 317. Technical Assistance.***

The House bill authorizes the Secretary to provide technical assistance to eligible institutions to prepare them to qualify, apply for and maintain a grant under Title III.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 318. Waiver Authority.***

The House bill provides the Secretary with waiver authority for institutions that are located in an area affected by a Gulf Hurricane. Specifically the Secretary shall waive the following for each fiscal year 2009 through 2013: the data requirements for eligibility under Section 312 (b) of the HEA; the wait-out period for Part A grants; allotment requirements for Part B; and the use of the funding formula for the historically Black college and university graduate and professional institutions. The House bill makes available to each affected institution of higher education an amount that is not less than the amount made available to such institutions under this Title for fiscal year 2006.

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to provide for a ratable reduction in the event of reduced appropriations and to change the waiver extension to three mandatory years and two permissible years.

The House bill includes TCU's in the definition of an affected institution.

The Senate amendment contains no similar provision.

The House recesses.

The House bill includes in the definition of an affected institution Alaskan Native-serving and Native Hawaiian-serving institutions.

The Senate amendment contains no similar provision.

The House recesses.

The House bill defines "area affected by a Gulf hurricane disaster" and "Gulf hurricane disaster" as they are defined in Section 209 of the Higher Education Hurricane Relief Act of 2005.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 319. Authorization of Appropriations.***

The Senate amendment authorizes "such sums as may be necessary" for all Title III programs for fiscal year 2008 and each of the five succeeding years.

The House bill provides specific sums for fiscal year 2009 and such sums as may be necessary for each of the four succeeding years.

The Senate recesses with an amendment to authorize appropriations for fiscal year 2009 of: \$135,000,000 for Part A other than American Indian Tribally Controlled Colleges and Universities, \$75,000,000 for Predominantly Black Institutions, \$30,000,000 for American Indian Tribally Controlled Colleges and Universities, \$15,000,000 for Alaska Native and Native Hawaiian-Serving Institutions, \$30,000,000 for Assistance to Asian American and Native American Pacific Islander-Serving Institutions, \$25,000,000 for Native American-Serving, Nontribal Institutions, \$375,000,000 for Strengthening Historically Black Colleges and Universities, \$125,000,000 for Historically Black Graduate Institutions, \$10,000,000 for Endowment Challenge Grants for Institutions Eligible for Assistance Under Part A or Part B, \$185,000 for Historically Black College and University Capital Financing, such sums as necessary for Technical Assistance, \$12,000,000 for the Minority Science and Engineering Improvement Program, and such sums as may be necessary for YES Partnership Grants, and such sums as may be necessary for each of the five succeeding fiscal years for each program.

***Section 320. Technical Corrections.***

The Senate amendment and the House bill are identical with respect to the technical amendments.

The Conferees adopt the provisions as proposed by both the Senate and the House.

**TITLE IV – STUDENT ASSISTANCE**

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

***Section 401. Federal Pell Grants.***

The Senate amendment extends the program authority for Pell to 2013.

The House bill has no similar provision.

The Senate recesses.

The Senate amendment increases the authorized maximum Pell award is as follows: \$5,400 for academic year 2008-2009; \$5,700 for 2009-2010; \$6,000 for 2010-2011; and \$6,300 for 2011-2012. The House bill increases the authorized maximum Pell award to \$9,000 for each of the academic years.

The Senate and House recess with an amendment to increase the authorized maximum Pell award as follows: \$6,000 for the academic year 2009-2010; \$6,400 for 2010-2011; \$6,800 for 2011-2012; \$7,200 for 2012-2013; \$7,600 for 2013-2014 and \$8,000 for 2014-2015.

The Senate amendment changes the minimum Pell award to ten percent of the appropriated maximum Pell award.

The House contains no similar provision.

The House recesses.

The Senate amendment and the House bill authorize a year-round Pell grant. The Senate amendment provides up to two Pell grant awards in a single academic year for students who enroll at least half-time in a four-year or two-year program of instruction. The House bill is the same except that it allows a student enrolled in certificate program to be eligible for year-round Pell grants.

The House recesses with an amendment to specify that students enrolled in a certificate or diploma program at a two-year or four-year institution of higher education are also eligible to receive up to two Pell grants in one award year.

The Conferees recognize the importance of enabling students to accelerate the completion of their programs of study by enrolling in school year-round.

The House bill denies eligibility for a Pell Grant to individuals who are subject to an involuntary civil commitment for committing a forcible or non-forcible sexual offense.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill makes technical amendments to provisions pertaining to the disbursement of the mandatory Pell Grant funds, emphasizing that the mandatory Pell grant funds and the discretionary Pell grant funds may be disbursed in the same manner during the same timeframe. The House bill specifies that the mandatory funds shall remain available for two full fiscal years to be consistent with discretionary Pell Grant funds.

The Senate amendment contains no similar provisions.

The Senate recesses.

The Senate amendment and the House bill limit Pell Grant receipt to eighteen semesters or an equivalent determined by Secretary. The House bill also specifies that twenty-seven quarters is equivalent to this limit.

The House recesses.

The Senate amendment states that the eighteen-semester limit is determined without regard to attendance status (full-time or part-time) and includes time prior to the date of enactment. The House bill specifies that only the amount (or percent) of time that the student enrolls shall be counted against the time limit. The House bill also applies the limit only to students who receive their first Pell Grant after July 1, 2008.

The Senate recesses.

The House bill sets the expected family contribution (EFC) to \$0 for any Pell eligible student whose parent or guardian was a member of the Armed Forces and died in Iraq or Afghanistan after September 11, 2001. The student must also be eighteen years or less or enrolled part-time or full-time at an institution of higher education when the parent died.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to specify that to be eligible, a student must have been twenty-four years of age or less, or enrolled at least part-time at an institution of higher education, at the time of parent's death. The Secretary of Defense and the Secretary of Veterans Affairs shall provide the Secretary of Education with the information necessary to determine which students meet the requirement.

The Conferees intend for the Secretaries of Defense and Veterans Affairs to work with the Secretary of Education to design mechanisms by which potential beneficiaries of this provision may be made known to the Secretary of Education. The Conferees intend for the Secretaries of Defense and Veterans Affairs to notify individuals of the conditions under which they may be eligible for an

expected family contribution of zero, and provide direction for obtaining this benefit. The Conferees do not intend for this provision to require the addition of any new questions to the Free Application for Federal Student Aid.

***Section 402. Academic Competitiveness Grants.***

The Conferees agreed to adopt the following provisions in the Senate amendment and House bill, as indicated, but the provisions were struck from the conference agreement because they were enacted in the “Ensuring Continued Access to Student Loans Act of 2008” (PL 110-227).

The Senate amendment and the House bill remove the term “academic” from all references to year of study in the Academic Competitiveness (AC) and National Science and Mathematics Access to Retain Talent (SMART) grant program provisions. However, the House bill replaces “academic” with “award.”

The Senate recesses.

The Senate amendment and the House bill eliminate the requirement that eligible students must be full-time. Both the Senate amendment and the House bill extend AC and SMART grant eligibility to eligible non-citizens. The Senate amendment states that a student must be Pell-eligible and the House bill states that the student must be eligible for federal student aid.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill require that a student be enrolled at least half time to receive AC or SMART grants and that for students enrolled less-than-full time, the amount of the grant is reduced in the same manner as Pell Grants.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill eliminates the requirement that a rigorous program must be established by the State or local education agency and replaces it with courses that prepare students for college and work that are beyond the basic graduation requirements and that are recognized by the designated State official, or with respect to any private school or home school, the designated school official for such school, consistent with State law.

The Senate amendment has no similar provision.

The Senate recesses.

The House bill extends AC grant eligibility to students who were previously enrolled in a program of undergraduate education as a part of their secondary education.

The Senate amendment has no similar provision.

The Senate recesses.



The House bill extends eligibility to students enrolled in certificate programs. The Senate amendment specifies that the extension of eligibility is for a student's first year for students enrolled in certificate programs lasting at least one year, and for a second year in the case of students enrolled in certificate programs lasting at least two years.

The House recesses.

The Senate amendment and the House bill redefine which foreign language majors are eligible for SMART grants by removing the requirement that the foreign language must be approved by the Secretary and the Director of National Intelligence, and referencing the list of critical foreign languages published in the Federal Register on August 2, 1985. The Secretary may set priorities according to national security, economic competitiveness and educational needs.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill extend eligibility for SMART grants to students studying qualified subjects who are enrolled in institutions of higher education that do not permit declaration of a major. The Senate amendment also extends eligibility to students who are required as part of their degree program to undertake a rigorous course of study in mathematics, biology, chemistry and physics.

The House recesses with an amendment to require that students enrolled in institutions that do not allow for a declaration of a major, that such students must have a cumulative grade point average of at least 3.0, unless they are enrolled in a degree program that requires a rigorous course of study in mathematics, biology, chemistry, and physics, in which there is no specific grade point average.

The Senate amendment extends a fifth year of eligibility for SMART grants to students in programs that require five full years of course work.

The House bill has no similar provision.

The House recesses.

The House bill clarifies that the \$750 grant amount is for one academic year, during the student's first year of enrollment, that the \$1,300 grant amount is for one academic year, during the student's second year of enrollment, and that the \$4,000 grant amount is for one academic year, during each of the student's third and fourth years of enrollment.

Senate amendment has no similar provision.

The Senate recesses.

The Senate amendment specifies that the Secretary may not award a grant to any student for credit received prior to the enactment of HERA. The Senate amendment clarifies that the Secretary may not award more than one grant to a student for each year of study through the fifth year. The Senate amendment requires that institutions of higher education make payments for AC and SMART grants in the same manner as Pell. Senate amendment specifies that the funds shall remain available for a succeeding fiscal year.

The House bill has no similar provisions.

The House recesses.

In addition, Conferees agree to adopt the following changes to the “Ensuring Continued Access to Student Loans Act of 2008” (PL 100-227): to waive master calendar and negotiated rulemaking for the changes to the Academic Competitiveness and SMART grant program included in that statute; to make the changes to the program take effect starting on July, 1, 2009; to require the appropriate official, consistent with State law, to submit eligible rigorous curricula to the Secretary at such time as the Secretary may require; and to clarify that a rigorous curricula also includes one that is recognized as such by the Secretary in regulations promulgated to carry out this section, as such regulations were in effect on May 6, 2008.

***Section 403. Federal TRIO Programs.***

The Senate amendment and the House bill extend the duration of TRIO grants from four to five years, increase minimum grant amounts for each of the TRIO programs to \$200,000 except the evaluation grants which are raised to \$170,000, prioritize high quality service delivery, and prohibit the Secretary from providing assistance to fraudulent programs. The Senate amendment and the House bill clarify that the Secretary may award grants to different campuses of an institution. Both the Senate and the House make the same amendment concerning prior experience and data. The Senate amendment and the House bill make the same amendment concerning the objectives of Postbaccalaureate Achievement Program, and Educational Opportunity Centers. The Senate amendment and the House bill make conforming amendments to the subparagraph on the Secretary’s waiver authority and subsection (e) (Documentation of status as a low-income individual). The Senate amendment and the House bill change the definitions subsection and add new definitions for the terms “different campus” and “different population.” The Senate amendment and the House bill extend eligibility for the Postbaccalaureate Achievement program to Native Hawaiians and Pacific Islanders.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill clarifies that community-based organizations are eligible for the TRIO programs and removes a requirement in current law that secondary schools be eligible only in exceptional circumstances. The House bill extends the duration for certain grants in order to synchronize current award cycles and requires the Secretary to consider the number, percentages and needs of eligible participants in awarding grants.

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to specify that “organizations” includes community-based organizations, and to clarify that secondary schools are eligible grantees as appropriate to the purposes of each program.

The additional language clarifies that secondary schools can serve as eligible grantees for TRIO programs that take place in secondary schools (e.g., Upward Bound, Upward Bound Math Science, and Talent Search).

It is the understanding of the Conferees that, when assessing the level of need of an eligible entity for a grant or contract under this chapter, the Department of Education should consider the numbers, percentages, and needs of the eligible students rather than the characteristics of the entity both for pre-college and college-level programs. Focusing on the level of need of a school could unintentionally mask the level of need of students for such services. This provision clarifies that the application process should focus on the needs of the eligible students rather than solely on the characteristics of the institutions attended.

The House bill requires that all TRIO grantees identify services for foster care youth and to ensure such youth receive services. The House bill further clarifies that homeless youth are eligible to participate in programs under this chapter.

The Senate amendment makes the same amendments, but does so in each TRIO program.

The Senate recedes with an amendment to require grantees to identify and make services available for foster care and homeless youth, and to clarify that foster care youth are eligible to participate in programs under this chapter.

The Senate amendment and the House bill set specific requirements that outcome criteria must measure the quality and effectiveness of an entity's program. Both the Senate amendment and the House bill require the Secretary to compare the results with the target established in the application.

The Senate amendment requires the entity to compare the results with the target.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill amend the outcome criteria of Talent Search. The House bill also adds language on completing a rigorous secondary school program. The Senate amendment adds language on the postsecondary education completion of students in Talent Search.

The Senate and the House recede with an amendment to include both completion of a rigorous secondary school program and postsecondary education completion as outcome criteria for students in Talent Search.

It is the understanding of the Conferees that grantees under this subchapter receive a low dollar amount per student, which may make measuring postsecondary completion of their students difficult. The Department of Education, should work with grantees to design and implement outcome measures that will not result in reduction of services to current students.

The Senate amendment and the House bill make the same amendment concerning the outcome criteria of Upward Bound. The House bill also adds language on completing a rigorous secondary school program.

The Senate recedes with an amendment to include postsecondary education completion and to specify that students graduate from secondary school with a regular diploma in the standard number of years as outcome criteria for students in Upward Bound.

The Senate amendment and the House bill make the same amendment concerning the outcome criteria of Student Support Services.

The House recesses with an amendment to clarify the outcome criteria relating to the completion of degree programs.

The House bill adds a new appeals process in the event that the Secretary does not accept an application or does not fund an application.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to create an appeal process for TRIO program applicants, in cases where the applicant has evidence of a specific technical, administrative, or scoring error made by the Department, an agent of the Department, or a peer reviewer on an application, which includes review by a secondary review panel, to formally appeal their grant scores.

The need for such a process is evidenced by past errors including the miscalculation of prior experience points by the Department, applications lost or wrongly determined to be incomplete by the Department or its agent (such as Grants.gov), and misunderstandings by peer reviewers of the program purpose of a grant applicant and the population that that program serves. By including this language, Conferees intend to prevent future errors from wrongly denying programs funding and ensure that all TRIO applicants are subject to a fair and transparent application process.

The Senate amendment authorizes TRIO at such sums as necessary for fiscal year 2008 and the five succeeding fiscal years.

The House bill established the TRIO authorization level at \$950,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years.

The Senate recesses with an amendment to authorize \$900,000,000 for fiscal year 2009 and such sums as necessary for each of the five succeeding fiscal years.

The Senate amendment amends veterans eligibility for Upward Bound to include anyone who served on active duty more than 180 days after January 31, 1955; served on active duty after January 31, 1955 and was discharged because of a service connected disability; or was a member of the reserves and called to active duty for more than 180 days.

The House bill amends veterans eligibility for Upward Bound to include anyone who served on active duty more than 180 days; served on active duty and was discharged because of a service connected disability; was a member of the reserves and called to active duty for more than 180 days; or was a member of the reserves who served on active duty in support of a contingency operation on or after September 11, 2001.

The Senate recesses with an amendment to specify that a member of the reserves called to active duty for more than thirty days is eligible for Upward Bound.

The Senate amendment amends the authorizing language for the Talent Search program, by removing language on educational potential and ability to complete and adding language regarding

encouraging eligible youths and facilitating students' application for aid. The Senate amendment adds a new subsection to specify required and permissible services.

The House bill contains no similar provisions.

The House recedes with an amendment to move academic tutoring to a permissible service and to require connections to education or counseling services designed to improve financial literacy, instead of requiring the provision of those services.

The Senate amendment provides language authorizing Talent Search to give support to students who are limited English proficient, homeless, and who are in or aging out of foster care.

The House bill authorizes Talent Search to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recedes with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Conferees recognize that students who are limited English proficient, students from groups that are traditionally underrepresented in higher education, students with disabilities, homeless students, youth aging out of foster care, or other disconnected students, such as pregnant or parenting teens or youth who have been involved in the juvenile justice system, have additional challenges in accessing postsecondary educational opportunities and persisting until program completion. Therefore, the Conferees encourage TRIO grantees, as appropriate, to offer programs and activities that are specially designed to address the unique challenges these students face as they work to achieve a college degree.

Further, this provision seeks to increase the number of minority men in higher education as well as other populations who are unrepresented in higher education. The under representation of minority males, especially African American and Latino males, is a matter of public record that is reinforced by high drop-out rates in urban and rural school districts and by lower participation/enrollment rates of these groups in colleges and universities. By encouraging programs to recruit students from these underrepresented populations, this provision helps provide needed supports to these youth so that the higher education student body better reflects national demographics.

The Senate amendment replaces the current Upward Bound subsection (b) Permissible Services with a new subsection (b) Required Services that includes many of the current permissible services. The Senate amendment renames the current subsection (c) Required Services calling it (c) "Additional Required Services for Multiple-Year Grant Recipients." The Senate amendment creates a new subsection (d) Permissible Services that includes services permissible under current law and not listed in the new subsection (b) above.

The House bill amends Upward Bound permissible services to add veterans' mathematics and science preparation.

The House recesses with an amendment to add special services for veterans, including mathematics and science preparation.

The Senate amendment adds language authorizing Upward Bound to give support for students who are limited English proficient, homeless, and who are in (or are aging out of) foster care.

The House bill authorizes Upward Bound to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recesses with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment gives priority to projects that select not less than thirty percent of their participants from students who have a high risk of academic failure.

The House bill contains no similar provision.

The Senate recesses with an amendment to allow Upward Bound to select academically at-risk students from the population of students that are not both low-income and prospective first generation students.

The Senate amendment prohibits the Secretary from denying a student participation in a project because the student will enter the project after the ninth grade.

The House bill contains no similar provision.

The House recesses.

The Senate amendment amends the stipend provision to allow flexibility in defining the period for summer recess.

The House bill contains no similar provision.

The House recesses.

The House bill prohibit the Secretary from proceeding with the implementation or enforcement of the *Absolute Priority* published in the Federal Register on September 22, 2006 (71 Fed. Reg. 55447 et seq.).

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment provides a separate authorization of \$57,000,000 for certain Upward Bound projects for fiscal year 2007.

The House bill contains no similar provision.

The Senate recesses.

The Senate amendment adds the program authorization for Student Support Services to give support for students who are limited English proficient, homeless, and who are in (or are aging out of) foster care.

The House bill authorizes Student Support Services to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recesses with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment replaces the current subsection (b) Permissible Services with a new subsection (b) Required Services that includes many of the current permissible services. The Senate amendment creates a new subsection (c) Permissible Services that includes services permissible under current law and not listed in the new subsection (b) above. The Senate amendment also adds a new required service for Student Support Services programs to improve financial and economic literacy.

The House bill contains no similar provisions.

The House recesses with an amendment to clarify that academic tutoring may be provided directly or indirectly through services provided by the institutions.

The Senate amendment adds housing services for students who are (or were) homeless and students who are in (or are aging out of) foster care.

The House bill contains no similar provision.

The House recesses.

The Senate amendment designates certain services as required and others as permissible under the Postbaccalaureate Achievement program authority and adds financial literacy services as a permissible service.

The House bill contains no similar provision.

The House recesses.

The Senate amendment makes other conforming amendments to the Postbaccalaureate Achievement program.

The House bill contains no similar provision.

The House recesses.

The Senate amendment adds the program authorization for Educational Opportunity Centers to give support for students who are limited English proficient, homeless, and who are in (or are aging out of) foster care.

The House bill authorizes Educational Opportunity Centers to give support to students who are limited English proficient, groups or persons from disadvantaged backgrounds that have particular lower education access or outcomes, or disconnected students.

The House recesses with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment adds financial and economic literacy to the authorized activities for Educational Opportunity Centers.

The House bill contains no similar provision.

The House recesses.

The Senate amendment changes the current allowable service of personal counseling to “individualized personal, career, and academic counseling.”

The House bill contains no similar provision.

The House recesses.

The Senate amendment adds to Staff Development strategies for recruiting and serving students who are homeless and students who are in (or are aging out of) foster care.

The House bill amends “Staff Development” activities, adding strategies to reach limited English proficient students, those from “disadvantaged backgrounds that have particular lower educational access or outcomes, disconnected students, and students with disabilities.”

The House recesses with an amendment to add students from groups that are traditionally underrepresented in postsecondary education, students with disabilities, and other disconnected students.

The Senate amendment and the House bill require the same new report from the Secretary to the authorizing committees and include practices regarding evaluations and the dissemination of evaluation findings.

The Senate and House recess with an amendment to require the new report, as well as an evaluation of the Upward Bound program to be implemented by June 30, 2010.

The Conferees intend for the evaluation of the Upward Bound Program to produce reliable data on the extent to which the program is effective in accomplishing its core purpose of generating the



skills and motivation necessary for students succeed in postsecondary education. To that end, the evaluation should be thorough, well-designed, and, to the degree feasible, free of factors that could affect the reliability of the evaluation. As such, the Conferees expect that the evaluation will not include data from the cohort of students selected for Upward Bound while the absolute priority for the program published by the Department of Education in the Federal Register on September 22, 2006 was in effect. The Conferees also expect the evaluation to be designed, consistent with the other requirements regarding evaluations in section 402H, in a manner that controls for other variables that affect students' likelihood of successfully transitioning into postsecondary education, so that the specific impact of Upward Bound, as distinct from other factors, may be evaluated.

In addition, the evaluation should also include an assessment of whether students with specific characteristics are more successful in transitioning to postsecondary education as a result of Upward Bound. For example, consideration could be given to variables such as racial/ethnic group, parents' education level, and level of the students' educational expectation and whether they interact in a way to promote greater success in the program. Finally, the evaluation should build upon past research findings, such as research on programs with similar objectives as Upward Bound, to determine which programs have produced better results than others, and to identify the common program characteristics that are associated with successful transition to postsecondary education. The Conferees expect the authorizing committees to be able to use the results of the evaluation authorized in this section, as well as past research findings, to inform potential changes to Upward Bound in future reauthorizations.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill prohibit the Secretary from requiring a grantee to recruit students to serve as a control group for purposes of evaluating any program or project assisted under this chapter.

The Conferees agree to adopt the provision with technical changes.

The House bill requires the Secretary, when designing an evaluation, to consider the burden that may be placed upon participants and institutional review board.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to specify that the Secretary shall continue to consider whether an evaluation meets generally accepted standards of institutional review boards.

#### ***Section 404. Gaining Early Awareness and Readiness for Undergraduate Programs.***

The Senate amendment removes the requirement that eligible entities "provide or maintain a guarantee to eligible low-income students who obtain a secondary school diploma (or its recognized equivalent), of the financial assistance necessary to permit the students to attend an institution of higher education."

The House bill contains no similar provision.

The House recesses with an amendment to clarify that eligible entities shall provide support and maintain a commitment to assisting participants in obtaining a secondary school degree and succeeding in postsecondary education.

The House bill includes students with disabilities to the description of those to receive services.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill establishes the duration of grants to be seven years.

The Senate amendment allows funds from a previous grant to be carried over to the following year.

The Senate recesses with an amendment that provides for a grant period of six years or, in the case of an entity that plans to provide services to students through their first year of postsecondary education, for seven years.

The House bill updates the prior commitment provision in current law by giving priority to entities that have carried out successful programs prior to enactment of this Act. The House bill retains the requirement in current law that the Secretary will ensure that students served under the program will continue to receive assistance through completion of secondary school.

The Senate amendment contains no similar provisions.

The Senate recesses.

The Senate amendment amends the definition of a partnership by removing the reference to elementary and secondary schools and replacing it with one or more local educational agencies.

The House bill contains no similar provision.

The House recesses.

The Senate amendment amends the funding rules in current law to: remove references to continuation grants for the program which preceded GEAR UP; remove the requirement that thirty-three percent of funds go to the State grant program and thirty-three percent go to the Partnerships program; require the Secretary to consider the geographic and rural/urban distribution of grants; remove the requirement that twenty-five to fifty percent of grant funds be used for early intervention; and add a new supplement, not supplant provision.

The House bill contains no similar provisions.

The House recesses with an amendment to require the Secretary, in distributing grant funds, to make available no less than thirty-three percent of grant funds to States and no less than thirty-three percent of grant funds to partnerships and to distribute the remaining grant funds between states and partnerships. In awarding grants the Secretary shall take into consideration the number, quality,

and promise of the applications; and to the extent practicable, the geographic distribution of such awards; and the distribution of such awards between urban and rural applicants.

The Senate amendment changes "plans" to "applications" and removes the requirement that an application for a partnership grant "provide for the conduct of a scholarship component." The Senate amendment expands the contents of the application to include descriptions of how the entity will meet the requirements of program activities, define cohorts of students to be served, and coordinate with existing programs.

The House bill contains no similar provisions.

The House recesses.

In providing assurances that adequate administrative and support staff will be responsible for coordinating the activities of the GEAR UP grant, the Conferees acknowledge the importance of grantees identifying an individual whose primary responsibility is to serve as the coordinator for the GEAR UP grant as well as the other administrative and support staff who will be involved in carrying out the activities described in the grant application.

The House bill permits grantees to provide matching funds over the duration of the grant award period.

The Senate amendment has no similar provision.

The Senate recesses with an amendment to clarify that the grantee must make substantial progress towards meeting the match in each year of the grant award period.

The House bill authorizes grantees and applicants to request a reduction of the matching percentage requirement if they can demonstrate a change in circumstances.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to specify that an entity may request a reduced match at the time of application due to significant economic hardship and a grantee may request a reduced match if matching funding no longer is available and it has exhausted its reserves.

The House bill encourages eligible entities to provide student aid to participants by treating every non-federal dollar as two dollars for the purpose of satisfying the matching requirement.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to permit partnerships that provide scholarships to request a reduced match at the time of their application. Such application must include a description of how a reduced match will assist the entity to provide scholarships.

The Senate amendment and the House bill amend the matching requirement to include funds "obligated," instead of "paid," to students from State, local, institutional, or private funds as well as

"equipment and supplies, cash contributions from non-Federal sources, transportation expenses, in-kind or discounted program services, indirect costs, and facility usage."

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment amends the early intervention activities provided under current law to distinguish between Required Activities and Optional Activities. Both States and partnerships are required to provide financial aid information, encourage enrollment in rigorous coursework, and support activities designed to improve the number of participating students who complete secondary school, and enroll in a program of postsecondary education. State grantees are further required to provide scholarships. The Senate amendment requires both State and Partnership grantees to engage in at least one of several optional activities including mentorship, outreach, support services, curricular development, support for dual enrollment, and, in the case of a partnership, support for scholarships.

The House bill contains no similar provision.

The House recedes with an amendment to clarify that, as part of an entity's required activities, in order to receive a GEAR UP grant, the entity shall demonstrate to the Secretary that the entity will provide comprehensive mentoring, outreach and supportive services to participating students.

The House bill adds financial and economic literacy education to the list of permissible activities. The House bill adds special programs or tutoring in science, technology, engineering or mathematics to the list of permissible student support activities.

The Senate amendment contains no similar provisions.

The Senate recedes.

The Senate amendment and the House bill provide for optional activities including fostering parental involvement, disseminating information, and additional activities for States. The Senate amendment and the House bill allow grantees to continue to provide services to students through completion of secondary school and into the first year of college.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to change optional activities to permissible activities.

The Senate amendment and the House bill amend the current priority for services to students for entities that do not use a cohort approach. The Senate amendment and the House bill retain students eligible to be counted under Section 1124(c) of the Elementary and Secondary Education Act of 1965, and eligible for free or reduced price lunch under the Richard B. Russell National School Lunch Act. The Senate amendment adds to the list, students eligible under Part E, in addition to Part A of Title IV of the Social Security Act, and students eligible for assistance under subtitle B of Title VII of the McKinney-Vento Homeless Assistance Act. The House bill adds disconnected students, students in foster care, or homeless or unaccompanied youth as defined in Section 725 of the McKinney-Vento Homeless Assistance Act.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to delete the reference to free or reduced price lunch and to give priority to students who are otherwise considered disconnected students.

The Conferees recognize that students who are limited English proficient, students from groups that are traditionally underrepresented in higher education, students with disabilities, homeless students, youth aging out of foster care, or other disconnected students, such as pregnant or parenting teens or youth who have been involved in the juvenile justice system, have additional challenges to access postsecondary educational opportunities and to persist until program completion. Therefore, the Conferees encourage GEAR UP grantees, as appropriate, to offer programs and activities that are specially designed to address the unique challenges these students face as they work to achieve a college degree.

The House bill allows entities in partnerships to collaborate in providing matching resources and participate in other activities.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the application to include the sources of matching funds. In the event that the matching funds the entity described in its application are no longer available, the entity may engage other members of the partnership in a collaborative manner to provide matching resources.

The Senate amendment specifies additional optional activities for States.

The House bill contains no similar provision.

The House recedes with an amendment to change “optional activities” to “permissible activities” and to add providing administrative support to help build the capacity of partnerships to compete for and manage grants as a permissible activity for States.

The Senate amendment identifies providers who may deliver services under the State grant program.

The House bill contains no similar provision.

The House recedes.

The Senate amendment requires State grantees to reserve fifty to seventy-five percent of funds received for scholarships. The Senate amendment allows State grantees to use less than fifty percent for scholarships if other funds for scholarships can be demonstrated. The Senate amendment requires State grantees to notify students of their eligibility for scholarships.

The House bill contains no similar provisions.

The House recedes.

The Senate amendment requires State grantees to establish a scholarship trust fund containing amounts sufficient to cover the scholarship for each student in each cohort. The Senate amendment

requires that scholarships be available for students upon completion of secondary school and enrollment in college. The Senate amendment requires that unused funds be returned to a grantees' trust fund for redistribution to other eligible students; funds unused after redistribution must be returned to the Secretary.

The House bill contains no similar provisions.

The House recedes with an amendment to require States to hold in reserve an amount that is not less than the scholarship amount multiplied by the number of students estimated to be eligible for a scholarship upon enrollment in an institution of higher education.

The Senate amendment repeals the current provision for 21st Century Scholar Certificates.

The House bill maintains current law.

The Senate recedes with an amendment to have a partnership or State provide the certificates.

The Senate amendment amends the GEAR UP authorization to be for such sums as necessary for 2008 and for the five succeeding fiscal years.

The House bill authorizes GEAR UP for \$400,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years.

The Senate recedes with an amendment to authorize \$400,000,000 for fiscal year 2009 and such sums as necessary for each of the five succeeding fiscal years.

***Section 405. Academic Achievement Incentive Scholarships.***

The Senate amendment and the House bill repeal Academic Achievement Incentive Scholarships.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 406. Federal Supplemental Educational Opportunity Grants.***

The Senate amendment authorizes the appropriation of such sums as may be necessary for the FSEOG program at such sums as may be necessary for fiscal year 2008 and each of the five succeeding fiscal years (through fiscal year 2013).

The House bill authorizes the appropriation of \$875,000,000 for the FSEOG program for fiscal year 2009, and such sums as may be necessary for the four succeeding fiscal years (through fiscal year 2013).

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and the five succeeding fiscal years.

The Senate amendment and the House bill increase the allowance for books and supplies used in calculating each institution of higher education's average cost of attendance for purposes of

allocating funds to institutions of higher education according to “fair share” allocation procedures from \$450 to \$600.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment strikes the provision at section 413D(a)(4), authorizing the Secretary to allocate up to ten percent of the amount appropriated for programs authorized under Title IV, Part A (when the appropriation exceeds \$700,000,000), among institutions of higher education from which fifty percent or more Pell Grant recipients either graduate or transfer to four-year institutions of higher education. The Senate amendment makes a technical correction at section 413D(a)(1), pertaining to language for institutional base guarantee funding.

The House bill contains no similar provisions.

The Senate recesses.

#### ***Section 407. Leveraging Educational Assistance Partnership Program.***

The Senate amends the program authorization without specifying authorization levels, but with a trigger amount (\$30,000,000) over which Leveraging Educational Assistance Partnership (LEAP) funding would go to Grants for Access and Persistence (GAP) (formerly Special Leveraging Educational Assistance Partnership (SLEAP)).

The House retains an authorization level for the first year (\$200,000,000) and a trigger amount for GAP (\$30,000,000).

The Senate amendment authorizes the program for fiscal year 2008-2013; the House bill for fiscal year 2009-fiscal year 2013.

The Senate recesses with an amendment to authorize \$200,000,000 for fiscal year 2009 and such sums as necessary for five succeeding years, with a reservation that for any fiscal year for which the amount appropriated exceeds \$30,000,000, the excess amount shall be available to carry out Section 415E.

The Senate amendment and the House bill raise the maximum LEAP grant to \$12,500 from \$5,000. The Senate caps the amount at the cost of attendance.

The House recesses.

The Senate amendment removes the requirement that non-federal matching funds for LEAP grants and work-study come only from direct state appropriations.

The House bill contains no similar provision.

The Senate recesses with an amendment to clarify that state funds do not need to be provided by “a direct appropriation.”

The Senate amendment and the House bill add a requirement that states notify students that the grants are a part of LEAP and are funded by the federal government and the states. The Senate amendment allows other contributing partners to be listed in the notification as well.

The Senate recesses with an amendment to add the notification, where applicable, other contributing partners.

The Senate amendment and the House bill repeal the previous Special LEAP program and replace it with new **“Section 415E. Grants for Access and Persistence”** and set purposes for the program.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that community-based organizations can be partners in the program.

The Senate amendment and the House bill require States to apply for GAP funds in partnerships with institutions of higher education and other organizations and determine the federal share based upon the share of students the partner institutions of higher education enroll. The Senate amendment sets the federal share at fifty percent if partner institutions of higher education enroll less than half of FTEs in the state and the House sets it at fifty-seven percent.

The Senate amendment sets the federal share at fifty-seven percent and the House bill sets it at 66.66 percent if partner institutions of higher education enroll more than half of full-time equivalent students in the state.

The Senate recesses.

The Senate amendment and the House bill include similar provisions regarding the non-federal share, except that the Senate amendment refers to the “required share” whereas the House bill specifies the minimum share from non-federal sources.

The Senate recesses.

The Senate amendment and the House bill have similar provisions for the submission of an application; however, the Senate amendment includes language for a State that desires to receive an allotment under this section on behalf of the partnership.

The House recesses.

The Senate amendment and the House bill contain similar language regarding the content of the application. The Senate amendment also includes language to clarify that the funds are to supplement not supplant.

The Senate recesses with an amendment to include supplement not supplant language.

The Senate amendment and the House bill contain similar provisions regarding the description of the organizational structure that the State has in place, except that the Senate amendment would require the State to track participation of students who receive grants.



The House recesses with an amendment to clarify that states shall compile information on degree completion of students receiving grants under this program.

The House bill requires a description of the steps the State will take to ensure students who receive grants persist to degree completion.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill provides for assurances that the State has a method in place to identify eligible low-income students and that the State will provide notification to eligible low-income students, except that the House bill limits it to LEAP Grants funded by the Federal Government and the State.

The Senate recesses with an amendment to add in the notification “where applicable, other contributing partners.”

The Senate amendment and the House bill provide for partnerships between State agencies and institutions of higher education that require the partnership to consist of not less than one public and one private institution of higher education in the State, except that the Senate amendment includes an “if applicable” clause.

The House recesses.

The Senate amendment and the House bill include provisions regarding the roles of partners. The Senate requires the coordination of nonfederal share of funds.

The House contains no similar provision.

The House recesses.

The House bill specifies that institutional partners be degree-granting institutions of higher education as defined under Section 102.

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment and the House bill set grant amounts based on the number of students served by GAP partner institutions of higher education. The Senate amendment and the House bill set grant amounts at: not less than the average tuition and fees for students in states with smaller partnerships that are using funds to create a new grant program; up the average cost of attendance for students in states with smaller partnerships that have an existing grant program and are using these funds to expand such program; and, equal to the average cost of attendance for students in states with larger partnerships.

The Senate recesses with an amendment to specify whether a student is in a four-year or two-year institution when establishing a grant amount.

The Senate amendment and the House bill contain provisions regarding partnerships with institutions of higher education serving the majority of students in the state, except that the Senate amendment allows states to determine whether or not students in their State can use GAP grants to attend schools in that State that are not partners in the partnership.

The House recesses.

The Senate amendment and the House bill contain an early notification provision which require states to notify low-income students in grades seven through twelve of their potential eligibility for financial aid, except that the Senate amendment explicitly defines such low-income students as those eligible under the Richard B. Russell National School Lunch Act.

The Senate recesses with an amendment to delete the reference to free and reduced price lunch.

The Senate amendment and the House bill contain similar provisions regarding the required content of notice. The Senate amendment and the House bill contain provisions regarding disclaimer notices to students.

The House recesses with an amendment to include in the disclaimer that grants may be based on state spending for higher education rather than appropriations.

The Senate amendment and the House bill contain provisions regarding student eligibility. Students are eligible for grants if they meet not less than two of the following criteria, with priority given to students meeting all of the following criteria: have an expected family contribution equal to zero or a comparable alternative based upon the State's approved criteria, has qualified for a free or reduced price lunch, is eligible for the State's maximum undergraduate award, is participating in, or has participated in, a Federal, State, institutional, or community early information and intervention, mentoring, or outreach program, as recognized by the State agency administering activities under this section, and is receiving, or has received, an access and persistence grant under this section.

Both the Senate and the House recede with an amendment to strike the requirement that students must have had to qualify for a free or reduced price lunch.

The Senate amendment and the House bill contain a tentative grant award notification provision.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that awards are estimated rather than tentative.

The Senate amendment and the House bill specify that the State may set reasonable time limits for degree completion for the duration of the awards while the Senate amendment allows states to set the same limits for degree completion. The House bill specifies baccalaureate degree.

The House recesses.

The Senate amendment prohibits use of federal GAP funds for administrative costs. The House bill allows states to use up to 3.5 percent for administrative costs.

The Senate recesses with an amendment to allow two percent for administrative funds allowance.

The House bill adds GAP evaluation provisions to be carried out by the Advisory Committee on Student Financial Assistance.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 408. Special Programs for Students Whose Families are Engaged in Migrant and Seasonal Farmwork.***

The Senate amendment and the House bill change the criteria for recruitment under the High School Equivalency Program (HEP). The Senate amendment and the House bill specify that placement services designed to place students in postsecondary education may include preparation for college entrance examinations. The Senate amendment and the House bill authorize stipends to be provided to HEP participants with no requirements on the frequency of distribution. The Senate amendment and the House bill specify that other essential services may include transportation and child care.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill authorize the HEP to provide other activities to improve persistence and retention in higher education. The Senate amendment and the House bill modify the criteria for outreach and recruitment services under the College Assistance Migrant Program (CAMP) to include individuals whose immediate family has spent a minimum of seventy-five days during the past twenty-four months in migrant or seasonal farmwork. The Senate amendment and the House bill specify that supportive and instructional services provided under CAMP are intended to improve placement, persistence, and retention in postsecondary education. The Senate amendment and the House bill expand authorized services.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill expand the required follow-up services that grantees must provide to migrant students after they have completed their first year of college.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill change the minimum grant amount for each HEP and CAMP project from \$150,000 to \$180,000.

The Conferees agree to adopt the provision proposed by both the Senate and the House.

The Senate amendment and the House bill add a new subsection designating the reservation of funds. The House bill also includes the allocation of funds in this new subsection. The Senate

amendment and the House bill allow the Secretary to reserve not more than half of one percent of funds available for the HEP and CAMP programs for outreach activities, technical assistance, and professional development.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires that the Secretary make available at least forty-five percent of the remaining funds for HEP grants and at least forty-five percent of the remaining funds for CAMP grants. The House bill requires that any funds remaining after the aforementioned reservation and allocations must be used to make HEP or CAMP grants based on the number, quality, and promise of the applications. The House bill requires the Secretary to consider the need to provide an equitable geographic distribution of grants.

The Senate amendment contains no similar provisions.

The Senate recesses.

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 and each of the succeeding five years for HEP and CAMP.

The House bill specifically authorizes \$75,000,000 for HEP and CAMP for fiscal year 2009 and such sums as may be necessary for each of the succeeding four fiscal years.

The Senate recesses with an amendment to authorize \$75,000,000 for HEP and CAMP for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

#### ***Section 409. Robert C. Byrd Honors Scholarship Program.***

The Senate amendment reauthorizes the Robert C. Byrd Honors Scholarship Program for such sums as may be necessary for fiscal year 2008-fiscal year 2013. Eligibility for scholarships is extended to home school students.

The House bill authorizes appropriations for the Byrd Scholarships, Math and Science Incentive program, Foreign Language Partnerships, and Adjunct Teacher Corps together as part of an amended Subpart 6.

The House recesses with an amendment to add Adjunct Teacher Corps to Title II, Part C, incorporate the Foreign Language Partnerships into the Science and Technology Advanced Foreign Language Education Grant Program in Title VI, and to incorporate the Mathematics and Science Incentive program into the Math and Science Scholars program in Title VIII.

#### ***Section 410. Child Care Access Means Parents in School.***

The Senate amendment and the House bill increase grants under the Child Care Access program from \$10,000 to \$30,000. The Senate amendment allows for such an increase only if appropriations for the program equal or exceed \$20,000,000 for the fiscal year.

The House recesses.

The Senate amendment redefines low-income student for the purpose of determining program eligibility by aligning the Pell Grant qualification with award years as opposed to fiscal years (as in current law), expanding eligibility to graduate students, and expanding eligibility to individuals in the U.S. on a non-immigrant visa.

The House bill extends eligibility for students whose family income would qualify for a Pell grant.

The House recesses.

The House bill lowers the threshold for institutional eligibility by lowering the total amount of Pell Grants awarded at the institution of higher education to qualify, from \$350,000 to \$250,000.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to allow for such an increase only if appropriations for the program equal or exceed \$20,000,000 for the fiscal year.

The House bill requires the Secretary to publicize the availability of the program in the Federal Register, and in other publications, and directly to related organizations. The House bill changes the timing of reporting requirements to annual reporting instead of reporting every year and a half. The House bill modifies language tying continued funding of the four-year grant awards to annual reporting, replacing the current-law mid-cycle check before the third year.

The Senate amendment contains no similar provisions.

The Senate recesses.

The Senate amendment and the House bill authorize appropriations of such sums as may be necessary (instead of the current law fixed amount) – the Senate for fiscal year 2008-fiscal year 2013, the House for fiscal year 2009-fiscal year 2013.

The Senate recesses with an amendment to authorize such sums as may be necessary for fiscal year 2009 and the five succeeding fiscal years.

#### ***Section 411. Learning Anytime Anywhere Partnerships.***

The Senate amendment and the House bill repeal the Learning Anytime Anywhere Partnerships program.

The Conferees adopt the provision as proposed by both the Senate and the House.

#### ***Section 412. TEACH Grants.***

The House bill makes technical corrections to the TEACH Grants program, including: amending institutional financial eligibility requirement from “sound” to “responsible”, and clarifies that grants are per year, rather than academic year.

The Senate amendment contains no similar provisions.

The House recesses.

The House bill adds a stipulation that applications for grants include information about the service agreement and consequence for failure to meet the agreement.

The Senate amendment contains no similar provisions.

The Senate recesses.

The House bill clarifies that grant recipients in fields which are subsequently designated as no longer high-need may fulfill their service agreements in their original field; adding a requirement that the Secretary establish regulations allowing for waiver of the service requirement in extenuating circumstances; and adding a requirement that the Secretary undertake a program evaluation.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill requires the Secretary to evaluate the effectiveness of TEACH grants with respect to the schools and students served by recipients of the grants.

The Senate has no similar provision.

The Senate recesses with an amendment to change the provision to provide that the Secretary shall issue a report, within two years after the date of enactment, and every two years thereafter, that takes into consideration information related to: the number of TEACH grant recipients; the degrees obtained by such recipients; the location including the school, local educational agency, and State, where the recipients completed service; the duration of such service, and any other data necessary to conduct such report.

## **PART B – FEDERAL FAMILY EDUCATION LOAN PROGRAM**

### ***Section 421. Limitations on Amounts of Loans Covered by Federal Insurance.***

The House bill extends authorization of interest subsidies under Federally Insured Student Loan Program (FISL) by one fiscal year.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike “2013” and “2017” and insert “2014” and “2018,” respectively.

### ***Section 422. Federal Payments to Reduce Student Interest Costs.***

The House bill extends authorization of interest subsidies under Federal Family Education Loan Program (FFEL) by one fiscal year.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to exclude veteran's education benefits from being counted in determining eligibility for loans and to strike "2013" and "2017" and insert "2014" and "2018," respectively.

The Senate amendment expands the conditions by which lenders shall determine the eligibility of a borrower for an in-school deferment to include the lender's confirmation of the borrower's half-time enrollment status through use of National Student Loan Data System (NSLDS), if the confirmation is requested by the institution of higher education.

The House bill contains no similar provision.

The House recesses.

The Senate amendment, (as part of the requirements of insurance program agreements to qualify loans for interest subsidies), requires lenders to provide information to borrowers who receive deferments on unsubsidized Stafford Loans, at the time deferment is granted, that will enable the borrower to understand the impact that the capitalization of interest will have on the loan and on the total amount of interest to be paid during the life of the loan.

The House bill contains no similar provision.

The House recesses with an amendment to re-designate this provision that would have created a new paragraph (Z) to become a new subclause (iii) under 428(b)(Y).

The Senate amendment, adds the following requirements applicable to transferors and transferees of loans. In addition to existing requirements, transferors and transferees must notify borrowers of: the effective date of the transfer; the date the current servicer will stop accepting payments; and, the date at which the new servicer will begin accepting payments.

The House bill contains no similar provision.

The House recesses.

The Senate amendment expands restrictions on guaranty agencies with respect to inducements, payments, mailings, and advertising, and adds new provisions regarding the items guaranty agencies may not offer to an institution of higher education or its employees or to a lender or its employees.

The House bill contains no similar provision.

The House recesses with an amendment to include additional restrictions, but also to provide an exemption to permit guaranty agencies to perform services related to exit counseling at institutions.

The Senate amendment revises the contents of guaranty agreements with respect to the granting of forbearance by lenders.

The House bill contains no similar provision.

The House recesses.

The Conferees clarify that borrower interest rates in this Act are not intended to override Section 207 of the Servicemembers Civil Relief Act, which caps interest rates on all types of debt at six percent for active duty servicemembers. However, the Conferees do not intend for this provision to permit members of the Armed Forces to request a refund from their lender for time spent on active duty prior to the enactment of this Act. The Conferees also clarify that the applicable interest rate used when calculating special allowance on new loans disbursed after July 1, 2008 is the rate actually paid by the borrower, not the statutorily set interest rate.

***Section 423. Voluntary Flexible Agreements.***

The House bill requires the Secretary, in consultation with guaranty agencies participating in voluntary flexible agreements, to annually report to the authorizing committees on program outcomes that voluntary flexible agreements have had with respect to: program integrity, program and cost efficiencies, delinquency prevention, default version; consumer education programs, and the availability and delivery of student financial aid.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to include a comparison of guaranty agencies not operating under Voluntary Flexible Agreements.

***Section 424. Federal PLUS Loans.***

The House bill specifies that repayment of a PLUS Loan to a parent borrower commences not later than sixty days after disbursement and that repayment of a PLUS Loan to a graduate or professional student commences six months and one day after the borrower ceases to carry at least one-half of a full-time academic workload.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that a PLUS borrower may qualify for the special rule regarding extenuating circumstances recently established by the Ensuring Continued Access to Student Loans Act if a lender would not otherwise have found such borrower to have an adverse credit history consistent with the relevant regulations in effect the day before the enactment of such Act.

The amendment also changes that the grace period for PLUS loans established in the Ensuring Continued Access to Students Loans Act to a deferment. The Conferees also agree that a parent PLUS borrower who is a student shall be eligible for such deferment while such parent is in school.

***Section 425. Federal Consolidation Loans.***

The Senate amendment and the House bill add disclosure requirements with respect to including a Perkins Loan in a Consolidation Loan. The Senate amendment also requires lenders, upon



application for a consolidation loan, to provide borrowers with other related information on the possible impact of loan consolidation.

Both the Senate and the House recede with an amendment to require the lender to disclose the information required in both bills to prospective borrowers, in a clear and conspicuous manner, at the time it provides an application for a consolidation loan but to strike the requirement that the list of occupations be detailed.

The House bill extends authority for Consolidation Loans for one additional fiscal year.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike “2013” and insert “2014.”

#### ***Section 426. Default Reduction Program.***

The Senate amendment amends requirements with respect to rehabilitated defaulted loans. On the sale of a rehabilitated defaulted loan, the lender and guaranty agency, and any prior holder, shall request any consumer reporting agency to which the default of the loan has been reported, to remove the record of default from the borrower’s credit history. The Senate amendment limits the ability of a borrower to rehabilitating a defaulted loan to one time per loan.

The House bill contains no similar provisions.

The House recedes.

#### ***Section 427. Requirements for Disbursement of Student Loans.***

The House bill amends the special rule that allows for the single disbursement of a student loan at institutions of higher education with cohort default rates of ten percent or less for the three most recent fiscal years, by substituting fifteen percent for ten percent beginning October 1, 2011. The House bill expands the exemption for low cohort default rate institutions concerning early disbursement of student loans.

The Senate amendment contains no similar provision.

The Senate recedes.

#### ***Section 428. Unsubsidized Stafford Loan Limits.***

The Conferees clarify that students enrolled in coursework necessary for enrollment in a graduate or professional program, or students enrolled in a program that is necessary to attain a professional credential or certification to become a teacher, continue to be eligible for the loan limits for which they were eligible prior to the enactment of the Ensuring Continued Access to Student Loans Act and that undergraduate students pursuing coursework necessary for enrollment in an undergraduate degree or certificate program are eligible for the increased loan limit of \$6,000.

***Section 429. Loan Forgiveness for Teachers Employed by Educational Service Agencies.***

The Conferees clarify that teachers employed by an educational service agency are eligible for teacher loan forgiveness program in Section 428J of the Higher Education Act.

***Section 430. Loan Forgiveness for Service in Areas of National Need.***

The House bill establishes a new Loan Forgiveness for Service in Areas of National Need program under 428K. The House bill provides that a borrower employed full-time in any of the following specified occupations/ professions is treated as employed in an area of national need: early childhood educators; nurses; foreign language specialists; librarians; highly qualified teachers; child welfare workers; speech-language pathologists; audiologists; national service; school counselors; public sector employees; nutrition professionals; medical specialists; physical therapists; and superintendents, principals, and other (school) administrators.

The Senate amendment contains no similar provisions.

The Senate recedes with amendment to clarify the eligibility requirements for medical specialists and to add occupational therapists and dentists and to specify that borrowers may not receive loan forgiveness for the same service under both this provision and other loan forgiveness provisions in the Higher Education Act. The Conferees clarify that teachers and other employees of educational service agencies who are employed in areas of national need as defined by this section are eligible for loan forgiveness on the same terms as others so employed.

***Section 431. Loan Repayment for Civil Legal Assistance Attorneys.***

The Senate amendment and the House bill create a new section in 428L to establish a Loan Repayment for Civil Legal Assistance Attorneys program to encourage qualified individuals to enter and continue employment as civil legal assistance attorneys.

The Conferees adopt the provision as proposed by both the Senate and the House, with an amendment to exclude Parent PLUS Loans from eligibility for this program and to list all of the statutory sources of funding for protection and advocacy organizations with which an eligible borrower may be employed.

The Senate amendment authorizes the appropriation of \$10,000,000 for fiscal year 2008 and such sums as necessary for succeeding fiscal years.

The House bill authorizes the appropriation of \$10,000,000 for fiscal year 2009, and such sums as necessary for the four succeeding fiscal years.

The Senate recedes with an amendment to strike four and insert five.

***Section 432. Reports to Consumer Reporting Agencies and Institutions of Higher Education.***

The Senate amendment adds requirements regarding the reporting of information to consumer reporting agencies by requiring that information be provided to each of the consumer reporting agencies that compiles and maintains files on consumers on a nationwide basis. Two references to ‘credit bureaus’ are changed to ‘consumer reporting agencies.’

The House bill contains no similar provision.

The House recedes with an amendment to update all references from “credit bureaus” to “consumer reporting agencies” throughout Part B, and to require that a student loan be reported as an “education loan” instead of requiring that the “ type of loan made, insured or guaranteed under Title IV” be reported.

### ***Section 433. Legal Powers and Responsibilities.***

The House bill prohibits the Secretary from entering into any settlement of a claim under this Act that exceeds \$1,000,000, unless the Secretary has asked the Attorney General to review the settlement agreement and issue an opinion to the Secretary and the authorizing committees.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to prohibit the Secretary from entering into any settlement of a claim under this Act that exceeds \$1,000,000 unless the Secretary requests a review of such proposed settlement by the Attorney General and the Attorney General responds to such request, which may include, at the Attorney General’s discretion, a written opinion related to such proposed settlement.

The Senate amendment adds additional provisions applicable to the use of a master promissory for loans made under Part B and Part D.

The House bill contains no similar provision.

The House recedes.

### ***Section 434. Student Loan Information by Eligible Lenders.***

The Senate amendment adds a new subsection to specify that entities participating under Part B and that are subject to the terms of Title V-A of the Gramm-Leach-Bliley Act may only use and disclose personal information consistent with the provisions of Title V-A of the Gramm-Leach-Bliley Act.

The House bill contains no similar provision.

The Senate recedes.

The House bill adds a new paragraph regarding information on defaults. If requested by an institution of higher education or a third party servicer working on behalf of an institution of higher education to prevent defaults of borrowers from the institution of higher education, a lender, secondary market, holder, or guaranty agency shall provide free of charge and in a timely manner, information on such borrowers. Institutions of higher education and third party servicers are required to safeguard any information received for purposes of preventing defaults, as required under any applicable law, and at least to the same extent as required under Sections 501 and 505(b) of the Gramm-Leach-Bliley Act; Third party servicers that receive information on borrowers through default prevention activities are subject to limitations on the use, sale, and sharing of information; Requirements of entities to share information for purposes of default prevention shall be considered an applicable legal requirement for purposes of Section 502(e)(8) of the Gramm-Leach-Bliley Act; and subcontractors are subject to the same restrictions as applicable to third party servicers.

The Senate amendment contains no similar provisions.

The House recesses.

The Senate amendment adds a new subsection (g) to Section 433, “Student Loan Information by Eligible Lenders”, to require lenders, holders, and servicers of loans under Part B to provide the borrower with information on the loan benefit repayment options the lender, holder, or servicer offer, including information on reductions in interest rates: by repaying according to automatic debit; by completing a program of on-time repayment; and under any other interest rate reduction program. The information provided must include: any limitations on the options; explicit reasons a borrower may lose eligibility for such options; examples of the impact of such options on repayment time and the amount of repayment; and any borrower recertification requirements.

The House bill contains no similar provision.

The House recesses with amendment to include this information as a new paragraph (5) in Section 433 (b) of current law, “Required Disclosure Before Repayment.” The new paragraph requires lenders, at or prior to the start of repayment, to disclose to the borrower information on loan repayment benefits offered.

It is the conferees understanding that lenders and loan servicers send statements to borrowers today that are in various formats; some are organized by loan, some are by account, and some are by borrower. It is not the conferees intent to require loan servicers to change their organizational format in order to comply with the requirements of Section 433(e). These disclosures can be made by loan, by account, or by borrower.

### ***Section 435. Consumer Education Information.***

The Senate amendment and the House bill require guaranty agencies to work with institutions of higher education to develop and make available high-quality educational program and materials to provide training for students in budgeting and financial management, debt management, and financial literacy. The Senate amendment provides that these activities shall be considered default reduction activities. The House bill does not prohibit a lender or servicer from providing outreach or financial aid literacy.

The House recedes with amendments to include “students and families” and to add the House bill’s rule of construction.

***Section 436. Definition of Eligible Institution & Eligible Lender.***

The House bill amends the cohort default rate threshold at which an institution of higher education becomes ineligible to participate in Title IV programs. It increases the threshold from twenty-five percent to thirty percent in fiscal year 2012 and any succeeding fiscal year. The House bill applies the definition of mitigating circumstances to the entire subsection and establishes an appeals process for regulatory relief.

The Senate amendment contains no similar provisions.

The Senate recedes.

The House bill requires institutions of higher education whose cohort default rate is greater than or equal to the threshold percentage (twenty-five percent through fiscal year 2011; thirty percent thereafter) for any fiscal year to establish a default prevention task force to prepare a plan to reduce the institution of higher education’s cohort default rate. The House bill provides for institutions of higher education whose cohort default rate is greater than or equal to the threshold percentage in the second consecutive fiscal years have their default prevention task force review and revise their default reduction plan, and to submit the revised plan to the Secretary for review. Upon review, the Secretary may require amendments to the plan, with measure objectives, to promote student loan repayment.

The Senate amendment contains no similar provision.

The Senate recedes with amendments to include in the task force’s plan the steps to be taken to improve the institution of higher education’s cohort default rate and to specify actions the institution of higher education can take to improve repayment, including appropriate counseling regarding loan repayment options and striking references to the use of professional judgment by financial aid administrators.

Recognizing the serious consequences of student loan default for the borrowers, it is the Conferees’ intent that institutions that exceed the cohort default rate threshold develop a comprehensive strategy to prevent current and former students from defaulting on their federal student loans. The Conferees intend for institutions to establish a default prevention task force that would bring together experts who can address the key components of successful default prevention strategies. For example, default prevention task forces may include representatives from the admissions office, the student aid office, student affairs, and the career and academic advising office. Institutions should also include representatives of students and families on the default prevention task force. The Conferees encourage institutions to consult with experts in default prevention and financial literacy such as the state designated guaranty agency in developing their plans and to coordinate with the lenders and servicers on default prevention activities.

The House bill requires the Secretary to publish cohort default rates on the College Navigator web site.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill increases the cohort default rate participation rate index threshold from 3.75 percent to 6.25 percent beginning in fiscal year 2012.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill amends the definition of an “eligible lender” to include a National or State chartered bank that has as its primary consumer credit function, the making or holding of loans made to students under Part B provided such bank has assets of less than \$1,000,000,000.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to include credit unions in the definition.

The Senate amendment expands the list of activities that may result in the disqualification of a lender from participation in programs under Part B, to include: payments for referrals and for processing of finder fees, prizes, stock or other securities, travel, entertainment expenses, tuition repayment, the provision of information technology equipment at below-market value, additional financial aid funds.

The House bill contains no similar provisions.

The House recesses with an amendment to change “parents” to “family members” to strike “tuition repayment” and insert “tuition payment or reimbursement” and to provide an exemption to the general prohibition on a lender’s performing functions for institutions to permit lenders to perform services related to exit counseling at institutions.

The Senate amendment terminates authority for the school as lender program, effective June 30, 2012.

The House bill contains no similar provision.

The Senate recesses.

The Senate amendment establishes a compliance audit requirement for all institutions of higher education serving as an eligible lender, and all eligible lender trustees. The compliance audit shall determine whether the institution of higher education or lender is using all proceeds for need-based aid programs; is limiting administrative expenses; and is using its proceeds to supplement and not supplant non-Federal funds for need-based grant programs.

The House bill contains no similar provision.

The House recesses.

The House bill extends the period for which the cohort default rate is calculated by one additional fiscal year. The House bill requires the Secretary to calculate and publish at least once each fiscal year, a report showing cohort default rates and life of cohort default rates for categories of institutions of higher education. The House bill defines “life of cohort default rate.” The calculation of cohort default rates using a three-year cohort default rate period will begin with fiscal year 2008. Until three consecutive years of cohort default rates are calculated using the three-year default period, cohort default rates will continue to be calculated and penalties assessed using the two-year default period. Penalties under the three-year cohort default rate will not apply until data for the fiscal year 2010 cohort are available.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 437. Discharge and Cancellation Rights in Cases of Disability.***

The Senate amendment specifies that a federal student loan, including Perkins loan, will be discharged in the case of a student who dies or becomes permanently and totally disabled, such loans will also be discharged in the case of a student borrower who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, and has lasted or can be expected to last at least sixty months. The Senate amendment also specifies that Secretary may develop safeguards to prevent fraud and abuse in the discharge and cancellation of loans for death, disability, or inability to engage in substantial gainful activity due to a physical or mental impairment expected to result in death. The Senate amendments are effective July 1, 2008.

The House bill contains no similar provisions.

The House recesses.

The House bill specifies that borrowers who receive a permanent total disability rating from the Secretary of Veterans Affairs, and provide such documentation to the Secretary, shall be considered permanently and totally disabled for the discharge of federal student loans, and shall not be required to present additional documentation.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that a borrower must be determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected condition to be eligible for the discharge of federal student loans.

***Section 438. Conforming Amendments for Repeal of Section 439.***

The Conferees make necessary conforming amendments to accommodate for the repeal of section 439.

## **PART C – FEDERAL WORK-STUDY PROGRAMS**

### ***Section 441. Authorization of Appropriations.***

The Senate amendment authorizes the appropriation of such sums as may be necessary for the Federal work study program through fiscal year 2013.

The House bill authorizes the appropriation of \$1,500,000,000 for the Federal work study program for fiscal year 2009, and such sums as may be necessary for the four succeeding fiscal years (through fiscal year 2013).

The House recedes with an amendment to extend authorization through fiscal year 2014.

The House bill amends the definition of ‘community services’ to include responding to the needs of the community, which may include activities in preparation for and during emergencies and natural disasters.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to insert “emergency preparedness and response” into section 441(c)(1).

### ***Section 442. Allowance for Books and Supplies.***

The Senate amendment and the House bill increase the allowance for books and supplies used in calculating each institution of higher education’s average COA for purposes of allocating funds to institutions of higher education according to “fair share” allocation procedures from \$450 to \$600.

The Conferees adopt the provision as proposed by both the Senate and the House.

### ***Section 443. Grants for Federal Work-Study Programs.***

The Senate amendment strikes language in section 443(b)(2)(A) requiring institutions of higher education to use at least five percent of their Federal work study allocation for fiscal year 1999 to compensate students employed in community service. The Senate amendment expands the criteria upon which the Secretary may grant a waiver that institutions of higher education use at least seven percent of their Federal work study allocation for community service, to include that a waiver may be granted if the institution of higher education certifies that fifteen percent or more of its full-time students participate in specified community service or tutoring and literacy activities.

The House bill adds the requirement that institutions of higher education operate at least one civic education and participation project in meeting its requirement to use at least seven percent of their Federal work study allocation to compensate students employed in community service. The House bill defines ‘civic education and participation activities,’ and specifies priority for schools in the employment of students in certain types of projects, and specifies that the federal share of funds to compensate students may exceed seventy-five percent.



The Senate recedes with an amendment to strike “such as voting or running for elected office”, and to make civic education activities permissible.

The Conferees consider the community service aspect of the Federal Work-Study program extremely important, and is concerned by the fact that after years of growth, the program’s national average community service rate has declined for each of the last two years. The Conferees urge participating institutions to improve the availability and quality of Work-Study community service job information they provide to eligible students and to improve their outreach to local community service agencies. The Education Department and the Corporation for National and Community Service are directed to provide all necessary information and technical assistance to participating institutions in order to help them expand the use of Work-Study funds for community service and to strengthen the connection between Federal Work-Study jobs and the educational or career goals of participating students.

***Section 444. Flexible Use of Funds.***

The House bill adds provisions to the flexible use of funds under the Federal work study program to grant flexibility in the event of a major disaster.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that students who have been prevented from fulfilling their work study job due to a major disaster are able to receive wages for that position only until they are able to find another work study job or continue to fulfill the responsibilities of their past job, and for no longer than one academic year.

***Section 445. Job Location and Development Programs.***

The Senate amendment increases the amount of Federal work study funds institutions of higher education may use for job location and development programs from not more than ten percent or \$50,000 of their Federal work study allocations to not more than ten percent or \$75,000.

The House bill contains no similar provision.

The House recedes.

***Section 446. Additional Funds for Off-Campus Community Service.***

The House bill establishes a new Off-Campus Community Service Grant program under which the Secretary may award grants to institutions of higher education to recruit and compensate students for off-campus community service employment.

The Senate amendment contains no similar provision.

The Senate recedes with technical amendments.

***Section 447. Work Colleges.***

The Senate amendment and the House bill strike “work-learning” each place it appears in the Work Colleges program and replace it with “work-learning-service.” The Senate amendment and the House bill make similar changes to definitions for the Work Colleges program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment contains a provision providing support for existing and new model student volunteer community service projects.

The House bill contains no similar provision.

The Senate recesses.

The Senate amendment removes the separate authorization of appropriations specifically for the Work-Colleges program and provides for the use of funds appropriated.

The House bill authorizes the appropriation of funds for the Work Colleges program in the amount of such sums as may be necessary for fiscal year 2009 through fiscal year 2013.

The Senate recesses with an amendment to extend the authorization through fiscal year 2014.

**PART D – FEDERAL DIRECT STUDENT LOAN**

***Section 451. Terms and Conditions of Loans.***

The Conferees adopt a technical amendment to add the income-based repayment plan adopted by P.L. 110-84 to the list of repayment options available to borrowers in the Direct Loan program.

The House bill amends the definition of ‘public service job’ for the Loan Forgiveness for Public Service Employees provision under the Federal Direct Loan program to exclude time served as a Member of Congress from eligible government service. In addition, for purposes of this section the House bill defines public health to include nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics, and includes a clarification of early childhood education and full-time faculty member at a Tribal College or University.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill requires the Secretary to ensure that monthly statements on Federal Direct Loan program loans and other Department of Education publications do not contain more than four digits of any individual’s social security number.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill provides that interest shall not accrue on loans made under Part D that are disbursed on or after October 1, 2008, for borrowers serving on active duty or performing qualifying National Guard duty during a war or other military operation or national emergency, and for borrowers serving in an area of hostilities qualifying for special pay.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that individuals eligible for this benefit are “eligible military borrowers.”

The Senate amendment requires that institutions participating in the Direct Loan program provide disclosures about the loans to borrowers.

The House bill contains no similar provision.

The House recesses with an amendment to specify the disclosures in Section 433.

***Section 452. Funds for Administrative Expenses.***

The House bill extends authorization for Direct Loan program administrative expenses and for Federal Family Education Loan account maintenance fees through fiscal year 2013.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike “2013” and insert “2014.”

The House bill requires the Secretary to have a financial and compliance audit of all loans owned by the Department and made under the Federal Direct Loan program, as well as all contracts for Direct Loan program activities, conducted annually by an independent organization. The House bill requires the Secretary to release its budget justifications to the public upon providing them to Congress and to make quarterly reports publicly available containing the same level of detail as annual reports included in the budget justifications. The House bill includes additional reporting requirements under paragraph (2). The House bill requires the Secretary to have a financial and compliance audit of all guaranty agencies participating under Part B, conducted annually by a qualified independent organization. The results of both audits must be submitted to Congress and be made publicly available.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment requiring the GAO to study the respective costs of the Direct Loan and FFEL programs in title XI of this bill.

***Section 453. Guaranty Agency Responsibilities and Payments; Reports and Cost Estimates.***

The Conferees clarify that as of the date the Secretary purchase a loan pursuant to the authority given her in the Ensuring Continued Access to Student Loans Act, the guaranty agency that

previously insured such loan shall cease to have any rights or responsibilities with respect to such loan. The guaranty agency shall maintain a right to a payment they have earned for any activity carried out up to such date.

The Conferees require that the Secretary provide to Congress detailed implementation and budget and cost information on the student loan purchase program authorized under the Ensuring Continued Access to Student Loans Act. The budget and cost information is required to be reported separately for the loan purchase and participation interest purchase programs and reported in a manner that is comparable to that included in the President's budget request for Part B and Part D loans.

***Section 454. Loan Cancellation for Teachers.***

The Conferees clarify that teachers employed by an educational service agency are eligible for teacher loan forgiveness program in Section 460 of the Higher Education Act.

**PART E – FEDERAL PERKINS LOANS**

***Section 461. Extension of Authority/Program Authority.***

The Senate amendment authorizes the appropriation of such sums as may be necessary for federal capital contributions for the Federal Perkins Loan program at such sums as may be necessary for fiscal year 2008 through fiscal year 2012.

The House bill authorizes the appropriation of \$350,000,000 for the federal capital contributions for the Federal Perkins Loan program for fiscal year 2009, and such sums as may be necessary for the four succeeding fiscal years (through fiscal year 2013). The House bill extends the authorization of appropriations for federal capital contributions, in the amount of such sums as may be necessary for fiscal year 2014 through fiscal year 2019, to enable students receiving Perkins Loans for academic years ending prior to October 1, 2014, to continue or complete their courses of study.

The Senate recedes with an amendment to authorize appropriations of \$300,000,000 for fiscal year 2009 and for each of the five succeeding fiscal years and extends the authorization of appropriations for federal capital contributions, in the amount of such sums as may be necessary for fiscal year 2014 through fiscal year 2019, to enable students receiving Perkins Loans for academic years ending prior to October 1, 2014, to continue or complete their courses of study. .

***Section 462. Allowance for Books and Supplies.***

The Senate amendment and the House bill increase the allowance for books and supplies used in calculating each institution of higher education's average cost of attendance for purposes of allocating federal capital contributions to institutions of higher education according to "fair share" allocation procedures from \$450 to \$600.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 463. Agreements with Institutions.***

The House bill amends Federal Perkins Loan program agreements between the Secretary and institutions of higher education to provide that if an institution of higher education has not knowingly failed to maintain an acceptable collection record with respect to a defaulted Perkins Loan, the Secretary may allow the institution of higher education to refer the loan to the Secretary, without recompense, except that the amount collected shall be repaid to the referring institution of higher education within 180 days of collection and shall be treated as an additional federal capital contribution. The House bill adds language to limit the authority of the Secretary to require the mandatory assignment of Perkins Loans.

The Senate amendment contains no similar provisions.

The Senate recesses.

The Conferees note that the Secretary of Education lacks the authority under this section to require assignment of defaulted Perkins loans. Furthermore, it is the intent of the Conferees that any funds collected from defaulted Perkins loans, including loans that have been assigned to the Department of Education for additional collection activities, be returned to the institution's revolving fund and available for new loans to future students.

The Conferees intend to prohibit administrative measures that would weaken the program by reducing the Perkins Loan funds available to lend to students. For this reason, the Conferees agreed to provisions clarifying that the Secretary is only permitted to require the assignment of defaulted Perkins Loans to the Secretary when an institution of higher education has knowingly failed to maintain collection records. The fact that a loan has been in default for any period of time does not mean that the institution has failed to perform due diligence in its collection and is not grounds for the Secretary to require the assignment of the loan.

#### ***Section 464. Perkins Loan Terms and Conditions.***

The House bill increases annual Perkins Loan limits from \$4,000 to \$5,500 for undergraduate students; and from \$6,000 to \$8,000 for graduate and professional students. The House bill increases aggregate Perkins Loan limits from \$40,000 to \$60,000 for graduate and professional students; from \$20,000 to \$27,500 for undergraduate students who have completed two years of study; and from \$8,000 to \$11,000 for all other students.

The Senate amendment contains no similar provisions.

The Senate recesses.

The Conferees adopt a provision to make the death or disability discharge of Perkins loans consistent with how a loan is discharged in the loan programs in Parts B and D.

The Senate amendment and the House bill remove the requirement that borrowers of Perkins Loans request forbearance in writing and require that the terms of forbearance agreed to by the borrower and the lending institution of higher education must be documented and recorded in the borrower's file and amend a cross-reference regarding forbearance and the Armed Forces Student Loan Interest Payment Program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill reduces the number of on-time, consecutive, monthly payments required for rehabilitation of a Perkins Loan from twelve to nine.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 465. Cancellation for Public Service.***

The House bill revises the provision providing Perkins Loan cancellation for teachers to be for service “as a full-time teacher for service in a high-need school”.

The Senate amendment contains no similar provision.

The House recesses with an amendment to include a full-time teacher for service in an academic year in an educational service agency as defined in 9101 (17) of the Elementary and Secondary Education Act.

The Senate amendment and the House bill expand the existing Perkins Loan cancellations to include service “in a pre-kindergarten or child care program that is licensed or regulated by the State.”

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill adds Perkins Loan cancellation for service “as a full-time fire fighter for service to a local, State, or Federal fire department or fire district.”

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill add Perkins Loan cancellation for service “as a full-time faculty member at a Tribal College or University”, Perkins Loan cancellation for service as a librarian with a master’s degree in library science, and employed in a school served under Title I of the Elementary and Secondary Education Act, or in a public library serving Title I school, and Perkins Loan cancellation for service as a full-time speech language pathologist with a master’s degree, working exclusively with Title I schools.

The Conferees adopt the provisions as proposed by both the Senate and the House.

***Section 466. Sense of Congress Regarding Federal Perkins Loans.***

The House bill adds language stating the sense of the Congress regarding Perkins Loans.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to modify the sense of Congress.

## **PART F – NEED ANALYSIS**

### ***Section 471. Cost of Attendance.***

The Senate amendment and the House bill exclude the value of military housing or a military housing allowance received by a student or his/her parent, from consideration as untaxed income or benefits in the need analysis formula.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment has an effective date for the amendments of July 1, 2008. The House bill has an effective date for the amendments of July 1, 2009.

The Senate and the House recede with an amendment to make the effective date July 1, 2010.

### ***Section 472. Discretion to Make Adjustments***

The House bill provides for the discretion of the financial aid administrator to consider nursing home expenses in addition to other medical-related expenses in making an adjustment to a student's expected family contribution.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to add dependent care expenses to the list of circumstances in which a financial aid administrator may make adjustments and also clarifies that a student's dislocated worker status shall be considered, in addition to dependent students and parents dislocated worker status, as defined in the Workforce Investment Act. In addition, the discretion of financial aid administrators is expanded to enable them to offer unsubsidized Stafford loans to dependent students whose parents do not support them and refuse to complete a Free Application for Federal Student Aid (FAFSA).

### ***Section 473. Definitions.***

The House bill authorizes the Secretary to issue regulations that allow the use of the second preceding tax year information to carry out the simplification process.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to permit the Secretary to use data from the second preceding tax year to carry out the simplification of applications. Such simplification may include the sharing of data between the IRS and the Department of Education pursuant to the applicant's permission.

The House bill specifies that "total income" with respect to dislocated workers is equal to estimated untaxed income and benefits for the current tax year minus estimated excludable income for the current year.

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment and the House bill stipulate that students who live in military housing or receive a basic allowance for housing shall receive an allowance for board, but not for room, in determining the cost of attendance.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Conferees adopt technical changes to P.L. 110-84 to clarify when an orphan, individual in foster care or emancipated minor can be declared an independent student.

The House bill excludes any income earned from work under a cooperative education program at an institution of higher education.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill excludes the amount that the student's military pay was reduced by due to his/her contribution to the Montgomery GI bill (MGIB) education benefit when calculating the amount of "other financial assistance" the student has access to in his/her first year of using the MGIB education benefit.

The Senate amendment contains no similar provision.

Both the Senate and the House recede with an amendment to exclude veteran's education benefits from being counted as available financial assistance in determining eligibility for federal student financial aid.

The Senate amendment's effective date for this amendment is July 1, 2008. The House bill's effective date for this amendment is July 1, 2009.

The Senate recesses with an amendment to make this amendment effective on July 1, 2010.

## **PART G- GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE**

### ***Section 481. Definitions.***

The Senate amendment clarifies that the Secretary may reduce the number of weeks of instruction for programs that measure program length in credit hours or clock hours. The Secretary may not waive the requirement for institutions of higher education that solely measure student learning based on direct assessment.

The House bill contains no similar provision.

The House recesses.



The Conferees include a definition of an “educational service agency.”

***Section 482. Master Calendar.***

The House bill includes “notices pursuant to sections 478 and 483(a)(6)” in the March deadline and “final notices” pursuant to the same sections.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill require the Secretary, prior to the beginning of each award year, to provide institutions of higher education with a list of all reports and disclosures required under the Higher Education Act, including, the date each report or disclosure is due, required recipients of each report or disclosure, the required content of each report or disclosure, and references to statutory authority, applicable regulations.

The Conferees adopt the provisions as proposed by both the Senate and the House with an amendment to add an effective date of July 1, 2010.

***Section 483. Improvements to Paper and Electronic Forms and Processes.***

The Senate amendment includes provisions pertaining to common financial aid forms.

The House bill includes provisions pertaining to common financial aid forms that are primarily the same as the Senate amendment’s provisions, however, the House bill also specifies that: the application is for applying and reapplying to determine need, and the Secretary shall work to make the FAFSA consumer-friendly, and make the application available in formats that are accessible to individuals with disabilities.

The Senate recesses.

The Senate amendment and the House bill require the Secretary to maintain a paper version of the FAFSA. The Senate amendment requires the Secretary to encourage applicants to file the electronic version of the application.

The House recesses.

The Senate amendment and the House bill require the Secretary to develop an EZ FAFSA for individuals eligible for automatic-zero expected family contribution (auto-zero EFC). The House bill also includes individuals who are eligible for simplified needs test (SNT).

The Senate recesses with an amendment that the Secretary shall use the simplified paper application form after appropriate field testing.

The Senate amendment and the House bill require that the form contain only elements necessary to determine student eligibility for federal student aid if such applicant is eligible for auto-zero EFC. The House bill also extends this provision to applicants eligible for SNT.

The Senate recesses.

The Senate amendment and the House bill include a provision that requires the Secretary to include State data items necessary to award State financial assistance, unless that State does not permit use of the EZ FAFSA.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include a provision regarding free availability and processing of the EZ FAFSA. The House bill further states that the data collected from the EZ FAFSA shall be available to institutions of higher education, guaranty agencies and states.

The Senate recesses.

The Senate amendment states that the Secretary shall phase out printing the full paper FAFSA at such time as it is determined to not be cost effective. Additionally, the Secretary is required to maintain an easily accessible, downloadable paper version and provide a printed version of the full FAFSA upon request.

The House bill requires that an easily accessible version be made available, but specifies that it must be made available on the same website used to provide students with the electronic form.

The Senate and the House recess with an amendment to require the Secretary to maintain the FAFSA in a printable form and provide a printed copy of the full paper version of FAFSA upon request.

The House bill requires the Secretary to report annually to Congress the impact of the digital divide on students applying for Title IV aid. The Secretary's report must specifically address the impact on independent and dependent students as well as those students who are traditionally underrepresented.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require the Secretary to maintain the data and report the information periodically, rather than annually.

The Senate amendment and the House bill require the Secretary to produce and make available an electronic version of the FAFSA and to develop a simplified electronic application for auto-zero EFC eligible students. The House bill extends this eligibility to those eligible for simplified needs test.

The Senate recesses.

The Senate amendment requires that the Secretary use all available technology to ensure that students who complete the electronic version of the FAFSA answer only the minimum number of questions necessary.

The House bill contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill require that students who are both auto-zero EFC and SNT eligible be required to submit only the data necessary to determine their eligibility for auto-zero EFC and SNT. The Senate amendment and the House bill require the Secretary to include space on the electronic form for State data, except that a student shall be required to enter data only for his/her State.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include a provision regarding data availability. The House bill also requires that the data shall be made available to institutions of higher education, guaranty agencies and States.

The Senate recesses.

The Senate amendment and the House bill include a provision regarding privacy and data confidentiality.

The Senate recesses with an amendment to strike the reference to State aid awarded under the LEAP program.

The Senate amendment and the House bill contain similar provisions regarding the use of electronic signatures.

The Senate recesses with an amendment to add language that the Secretary may “continue to” permit an electronic form to be completed without a signature if a signature is subsequently submitted or if a Personal Identification Number (PIN) is used.

The Senate amendment permits the Secretary to assign PINs to applicants to allow applicants to sign the electronic version of the FAFSA. The House has the same provision, except that it specifies that the PIN can be used in lieu of a signature for forms required by the LEAP program.

The House recesses with an amendment clarifying that the Secretary “may continue to” assign PINs.

The Senate amendment and the House bill include similar provisions regarding PIN improvement, but the Senate amendment specifies that a real time data match must be implemented within 180 days following enactment.

The Senate recesses with an amendment to require the Secretary to “continue to work with” the Social Security Administration to minimize the time it takes for a student to obtain a PIN.

The House bill states that the Secretary shall work to reduce the number of data elements entered by all applicants by fifty percent. The House bill further specifies that the Secretary must submit a report on the reduction process to each of the authorizing committees two years after enactment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to: use the number of data elements on the FAFSA from the 2009-2010 academic year as the baseline to be reduced by fifty percent; insert language that the Secretary's efforts, in cooperation with representatives from other agencies and organizations, be consistent with other provisions in this section; strike the language exempting form development required under this Act from the reduction goal; and to include a date by which the report shall be submitted.

The Senate amendment specifies that the number of state items on the form shall not be less than the number of items in award year 2005-2006. The House bill specifies that the number of state items shall not be less than the number of items in award year 2008-2009.

The House recedes with an amendment to change the award year to 2008-2009.

The Senate amendment requires the Secretary to review the data annually to determine which items a State needs to award need-based aid and whether the State permits an applicant to file a simplified form.

The House bill requires the Secretary to conduct an annual review of the forms and non-financial data States require to award need-based aid.

The House recedes.

The House bill requires the Secretary to publish an annual notice in the Federal Register requiring States to inform the Secretary what State-specific data are required to deliver State need-based aid and if the State does not permit applicants to use a simplified form.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires States to notify the Secretary if the State permits applicants to file a form for the purposes of determining eligibility and of the State-specific nonfinancial data the State requires for delivery of need-based aid.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment requires that if a State does not permit applicants to use a simplified form the Secretary may decide not to include the State's questions on the FAFSA.

The House bill requires the States that do not permit applicants to use a simplified form due to State law or agency policy to notify the Secretary. The State must also include an estimate of the costs associated with the use a simplified form. The House bill requires that State applicants for LEAP notify the Secretary if the use of a simplified form is permitted.

The House recesses.

The Senate amendment and the House bill prohibit charges to students and parents for use of the form.

Both the Senate and the House recede with an amendment to specify that no data collected on a form for which a fee is charged shall be used to complete the form prescribed under this section, other than a Federal or State income tax form prepared by a paid income tax preparation service for the primary purpose of filing a Federal or State income tax return.

The Senate amendment restricts the use of the applicant's PIN by select entities.

The House bill contains no similar provision.

The House recesses.

The Senate amendment requires the Secretary to permit students to complete the FAFSA as early as practicable prior to January 1 of the student's planned year of enrollment.

The House bill states that students should be able to complete the FAFSA as early as practicable prior to October 15 in the year prior to the student's planned year of enrollment.

The House recesses.

The Senate amendment and the House bill state that the Secretary shall develop the means to provide students with an early estimate of their financial aid eligibility. The House bill further states that the Secretary must notify applicants that the EFC is subject to change.

The Senate recesses with an amendment to require the Secretary to consult with representatives of States, institutions of higher education and other individuals with experience in student financial aid processes in making updates to forms used to provide early estimates.

The Senate amendment provides that FAFSA data shall be provided to institutions of higher education, guaranty agencies and states without charge. The Senate amendment provides private organizations and consortia that develop software used by Title IV participating institutions of higher education the necessary specifications to produce and distribute software. The Senate amendment authorizes the Secretary to include space for parent's social security number and date of birth on the FAFSA.

The House bill contains no similar provisions.

The House recesses.

The Senate amendment requires the Secretary to test and implement a toll free telephone number for the FAFSA application system.

The House bill contains no similar provision.

The House recedes with an amendment to: strike the requirement that the Secretary test the system not later than two years after the date of enactment of this act; add in language that the Secretary shall “continue to implement” the toll-free telephone based system; and make the submission of applications over this system a separate activity by adding “and (b)” before it.

The Senate amendment authorizes applicants to use a preparer for consultative or preparer services. Any entity that provides any value-added service such as completion or submission of the FAFSA shall provide a clear and conspicuous notice that the FAFSA is free, can be completed without professional assistance, and provide a link to the Department of Education’s website. Also, the Senate amendment specifies that the provider cannot charge recipients who qualify for SNT or auto-zero EFC.

The House bill states that any entity that provides any value-added service such as completion or submission of the FAFSA shall provide notice that the FAFSA is free; can be completed without professional assistance; and provide a link to the Department of Education’s website.

The House recedes with the amendment that: states that the preparer’s identification information is required if a fee is charged for the services; the preparer providing services must clearly inform each individual that the forms are free and may be completed without professional assistance; modifies the language that the FAFSA and EZ FAFSA are free forms that may be completed via paper or electronically; strikes subpart (E) which refers to not charging any fee to any individual who meets specified requirements; and specifies that a preparer is subject to the same penalties as an applicant for purposely giving false or misleading information in the application.

The Senate amendment and the House bill include an early application and demonstration program to determine the benefits and costs of early notification. The House bill’s purpose is more detailed.

The Senate recedes with an amendment to title this provision “Early Application and Estimated Award Demonstration Program.”

The Senate amendment implements the early application demonstration program within two years of the enactment of this Act. The Senate amendment also states that for all of the dependent students who participate in the demonstration program, those who are also auto-zero EFC eligible shall be provided with an EFC and Pell Grant award amount for the first year.

The House bill contains a similar provision that provides an estimated EFC and aid award for all students.

The House recedes with amendments that: modify the requirement that the Secretary provide each student with “an estimated award”; and strike the requirement that the Secretary provide estimates to students who do not meet the requirements.

The Senate amendment and House bill include provisions identifying participants. The Senate amendment specifies that the secondary school must commit select resources and participate in an evaluation.

The House recedes.

The Senate amendment specifies that the application must contain certain assurances, such as the amount of state need-based aid available, a commitment to provide actual awards and estimates, and a plan to recruit institutions of higher education.

The House bill contains a comparable provision regarding the application process for the demonstration program, but does not include the Senate's specific assurances.

The House recedes with amendments to the application requirements: clarify that the information provided is an estimate rather than an award determination; all participating dependent students must receive estimated awards; State applications must include a plan to select institutions of higher education and postsecondary schools that to the extent possible serve different populations are of varying types "and sectors" (rather than "control").

The Senate amendment grants the Secretary the authority to waive requirements for an institution of higher education to participate in the demonstration program.

The House bill contains no similar provision.

The House recedes.

The Senate amendment requires the Secretary to conduct an evaluation of the demonstration program.

The House bill includes a similar, but less detailed provision.

The House recedes with an amendment to include a description of the extent to which estimated awards differ from actual awards made to students participating in the program.

The Senate amendment and the House bill have a provision requiring the Secretary to consult with the Advisory Committee on Student Financial Assistance in implementing the pilot program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires the Comptroller General and the Secretary, in consultation with a study group, to design and conduct a study to identify and evaluate the means of simplifying the process of applying for Federal student financial aid. The Secretary, with the Secretary of the Treasury, may use Internal Revenue Service data to pre-populate the FAFSA if such use would not negatively impact students, institutions, states or the federal government.

The House bill includes a provision that expresses the Sense of the Congress that the Department of Education and the Secretary of Treasury should work together to develop a process by which the Department of Education would be able to obtain student's financial information from the IRS, with the student's permission, to assist with completing the FAFSA.

The House recedes with an amendment that directs the Secretary to continue current FAFSA simplification efforts, in cooperation with the Internal Revenue Service, and to report on efforts to date. In addition, the Comptroller General is to convene a group to study additional simplification of the financial aid application process, using the current statutory requirements, and to identify

changes to the need analysis formula that will be necessary to reduce the amount of financial information students and families need to provide to receive a determination of an eligibility for student financial aid.

The Conferees intend that, in evaluating the impact of using income from the year that is two years prior to a student's enrollment on the ability of States and institutions to make financial aid awards and commitments, the Secretary should assess the overall application burden on students and families applying for all types of aid, and any additional costs to States and institutions. The Conferees recognize one of the advantages of the current FAFSA application and process is that it is used by many States and institutions to award State and institutional aid in addition to Federal aid. Students and families would not be well served if the application and award process for Federal student aid were simpler, but the application and award process for State and institutional aid became more cumbersome.

The Senate amendment and the House bill include similar provisions to require the Secretary to use the savings produced by not printing the full paper FAFSA to improve access to the electronic forms for low-income students.

The Senate recesses.

***Section 484. Model Institutions Financial Aid Offer Form.***

The House bill directs the Secretary to report on the adequacy of the financial aid offer forms provided by institutions of higher education to students and their families. The report should include a model financial aid offer form which includes: cost of attendance the amount of aid that does not have to repaid, and types and amounts of loans, for which the student is eligible.

The Senate amendment contains no similar provision.

The Senate recesses with amendments to: direct the Secretary to convene a group for the purpose of offering recommendations to improve financial aid offer forms; include additional individuals on the list of members of the group; and modify the contents of the form.

***Section 485. Student Eligibility.***

The House bill eliminates the exemption for students from the Republic of the Marshall Islands and the Federated States of Micronesia from providing their social security number when applying for federal student aid.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment allows institutions to determine that a student has the ability to benefit from postsecondary education if the student satisfactorily completes six credit hours or the equivalent coursework applicable toward a degree or certificate offered by the institution of higher education.

The House bill contains no similar provision.



The House recesses.

The House bill specifies that the provision of assistance to students from the Republic of Palau only applies for federal student aid under Title IV subpart 1 of Part A and would expire September 30, 2009.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill make several updates to change “telecommunications” to “distance education” to be consistent with the newly added definition of distance education; update the reference to postsecondary vocational institutions to reflect the reauthorization of the Perkins Career and Technical Education Act in 2006

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill allows a student who has lost student aid eligibility due to a drug conviction that complies with requirements established by the Secretary to regain eligibility for Title IV aid if the student successfully passes two unannounced drug tests conducted by a drug rehabilitation program.

The Senate amendment contains no similar provision.

The Senate recesses.

Currently, students lose their eligibility for federal student financial aid if they were convicted for the sale or possession of drugs while receiving such aid. This provision does not affect the eligibility of students who may have been arrested prior to the start of their first year of college, or who were arrested during any period where they were not receiving federal student aid. Current law provides mechanisms by which students may regain their eligibility for federal student financial aid.

The Conferees believe that the Department of Education and institutions of higher education should take steps to ensure that students understand the implications and provisions of section 484(r). As currently worded, the ‘drug penalty’ question on the FAFSA may serve as a barrier to completing the form, as students may not understand the scope of the prohibition. Data from the Department of Education show that in the 2007-2008 award year, at least 15,700 students initially filled the form out in such a way that they would have been ineligible for financial aid for at least part of the academic year. Upon further review and revision of these applications, approximately 5,400 students were deemed ineligible for aid—thirty-four percent of those originally deemed ineligible for aid.

The Conferees believe that the Department of Education should immediately re-word the question on the FAFSA form in order to more accurately reflect the provision.

Furthermore, the Conferees encourage the Department of Education to take steps to ensure the integrity and privacy of the drug tests used by students to regain eligibility. Such drug testing should utilize only highly-reliable methods conducted by qualified drug rehabilitation programs.

The Senate amendment permits students with intellectual disabilities to receive Pell grants, FSEOG, and Federal Work Study under certain circumstances.

The House bill includes similar provisions.

The Senate recedes with an amendment to limit the waivers the Secretary can provide to implement this section.

The Conferees intend to provide eligibility to students with intellectual disabilities attending any inclusive comprehensive transition and postsecondary program for students with intellectual disabilities as defined by this Act, including but not limited to students attending programs participating in grants authorized under subpart 2 of Title VII of this Act, provided that such students meet the eligibility criteria described in this section.

The House bill requires the Secretary, in consultation with the Central Processing System, to analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike “in consultation with the Central Processing System.”

The Conferees expect the Secretary to work with the Central Processing System in developing the report or access to federal student aid for certain populations as required in this section. The Conferees understand that, as Congress continues to examine the issue of drug-related student eligibility, it is critical to have full information about the impact of the provision. The Conferees intend that the information collected, analyzed, and made available to the public under this section will provide an understanding of the demographic background of the students excluded from federal aid by the drug prohibition, the nature of the offenses underlying the exclusion, and other characteristics of such students that may better inform the work of Congress as it continues to examine the issue of drug-related student eligibility.

#### ***Section 486. Statute of Limitations and State Court Judgments.***

The Senate amendment and the House bill specify that for the Perkins Loan program, institutions shall not be subject to a defense raised by a borrower on the basis of a claim of infancy under state law.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment provides that obligations to repay loans and grant overpayments, costs and other charges on defaulted loans, and state court judgments shall not apply in the case of deceased student or a deceased student’s estate. Neither a deceased student’s estate nor the estate of a deceased student’s family shall be required to repay any Title IV financial assistance, nor interest, collection costs, or other charges.

The House bill contains no similar provision.

The House recesses.

***Section 487. Readmission Requirements for Service Members.***

The House bill requires any institution of higher education that requires a student, who is a member of the Armed Forces or a member of the Armed Forces in retired status, whose attendance is interrupted by a call or order to active duty to subsequently reapply for readmission at the time of the conclusion of active duty to justify this requirement in writing to the Secretary.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to establish a standard process for students who are required to leave an institution because they have been called to active duty to re-enroll at the institution in the same academic standing the student had before leaving the institution. Such process is modeled after the process established for servicemembers to return to employment after serving on active duty in the Uniformed Services Employment and Reemployment Rights Act.

***Section 488. Institutional and Financial Assistance Information for Students.***

The Senate amendment requires each institution of higher education to make available to current and prospective students information about its plans for improving the academic program of the institution of higher education.

The House bill contains no similar provision.

The House recesses with an amendment to make a technical change.

The Senate amendment alters the requirement that institutions make available to current and prospective students the terms and conditions under which students receive Federal Family Education Loan and Direct Loan to also include Perkins Loans.

The House bill contains no similar provision.

The House recesses.

The Senate amendment and the House bill require institutions to make available to current and prospective students the institution of higher education's policies and sanctions related to copyright infringement, including a description of actions taken by the institution of higher education to detect and prevent the unauthorized distribution of copyrighted materials on the institution of higher education's technology system.

Both the Senate and the House recess with an amendment to replace language in (iv) with language requiring institutions to make available the development of plans to detect and prevent unauthorized distribution of copyrighted material on the institution of higher education's information technology system which shall, to the extent practicable, include offering alternatives to illegal-downloading or

peer-to-peer distribution of intellectual property, as determined by the institution of higher education in consultation with the Chief Technology Officer or other designated officer of the institution.

The Conferees have combined elements from both bills to require institutions to advise students about this issue and to certify that all institutions have plans to combat and reduce illegal peer to peer file sharing.

Experience shows that a technology-based deterrent can be an effective element of an overall solution to combat copyright infringement, when used in combination with other internal and external solutions to educate users and enforce institutional policies.

Effective technology-based deterrents are currently available to institutions of higher education through a number of vendors. These approaches may provide an institution with the ability to choose which one best meets its needs, depending on that institution's own unique characteristics, such as cost and scale. These include bandwidth shaping, traffic monitoring to identify the largest bandwidth users, a vigorous program of accepting and responding to Digital Millennium Copyright Act (DMCA) notices, and a variety of commercial products designed to reduce or block illegal file sharing.

Rapid advances in information technology mean that new products and techniques are continually emerging. Technologies that are promising today may be obsolete a year from now and new products that are not even on the drawing board may, at some point in the not too distant future, prove highly effective. The Conferees intend that this Section be interpreted to be technology neutral and not imply that any particular technology measures are favored or required for inclusion in an institution's plans. The Conferees intend for each institution to retain the authority to determine what its particular plans for compliance with this Section will be, including those that prohibit content monitoring. The Conferees recognize that there is a broad range of possibilities that exist for institutions to consider in developing plans for purposes of complying with this Section.

Numerous institutions are utilizing various technology based deterrent in their efforts to combat copyright infringement on their campuses. According to a report of the Joint Committee of the Higher Education and Entertainment Communities, many institutions of higher education have taken significant steps to deal with the problem. Indiana University, for example, hosts an extensive "Are you legal?" educational campaign for students on the issues, and enforces campus policies on proper use of the network. It acts on DCMA notices by disconnecting students from the network and requires tutorials and quizzes to restore service. Second offenders are blocked immediately and are sent to the Student Ethics Committee for disciplinary action.

Audible Magic's CopySense Network Appliance provides comprehensive control over Peer-to-Peer (P2P) usage on a university's network. The CopySense Appliance identifies and blocks illegal sharing of copyrighted files while allowing other legitimate P2P uses to continue. It filters copyrighted P2P content by sensing an electronic fingerprint unique to the content itself, which is very similar to the way virus filters operate.

Red Lambda's "Integrity" is a network security solution dedicated to the management of file-sharing activities via protocols like P2P, IM, IRC, and FTP. This technology is able to detect all P2P, OS

file-sharing, FTP, IM, proxy use, Skype and application tunneling over HTTP, HTTPS, DNS and ICMP protocols.

The University of Maryland, College Park, severely restricts bandwidth for residential networks and block certain protocols. It designed “Project Nethics” to promote the responsible use of information technology through user education and policy enforcement. A third violation can result in eviction from the university housing system. Montgomery College in Maryland enforces an Acceptable Use Policy on its wired and wireless networks.

Additional existing technological approaches can deter illegal file sharing by automatically processing notices sent by scanning vendors then taking actions such as messaging the user via browser redirection, applying the appropriate sanction and automatically re-enable browsing after a timeout or reconnect fee is paid. Other institutions use technology to appropriately manage their campus networks by limiting and/or shaping bandwidth, such as Packeteer’s packet shaping technology.

The Senate amendment requires institutions to make available to current and prospective student’s information on student body, diversity, the placement in employment and types of employment obtained by graduates, the institutions report on fire safety, and the retention rate of certificate or degree-seeking, full-time undergraduate students.

The House bill contains no similar provision.

The House recesses.

The House bill requires institutions to make available to current and prospective students their policies regarding meningococcal vaccinations.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that institutions shall disclose policies on all vaccinations, not only meningococcal vaccinations. The Conferees note that institutions of higher education should have a policy on vaccinations of students. Of particular concern are the recent outbreaks of meningitis on college campuses. The Center for Disease Control’s Advisory Committee on Immunization Practices has reported that college freshmen, especially those who live in dormitories, are at a modestly increased risk for meningococcal disease compared with other persons of the same age. There are nearly 3,000 cases of meningococcal disease every year in the U.S. According to the Centers for Disease Control and Prevention between ten and twelve percent of the cases are fatal (about 300 to 360). Among those who survive meningococcal disease, approximately twenty percent suffer long-term consequences, such as brain damage, kidney disease, hearing loss or limb amputations.

The Senate amendment and the House bill allow an institution of higher education to adjust the calculation of completion and graduation rates for certain students. Under the Senate amendment and the House bill, if the number of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal government represent more twenty percent or more of certificate- or degree-seeking, full-time undergraduate students, the institution of higher education may exclude the time such students were not enrolled from the calculation.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires institutions to disaggregate data on completion and graduation rates based on student gender, race/ethnicity, and receipt of a Pell Grant, receipt of specific federal loans but not a Pell Grant, and non-receipt of a Pell Grant or specific federal loans. The Senate amendment does not require the disclosure of data if reporting would not yield statistically reliable information or would reveal personally identifiable information.

The House bill contains no similar provision.

The House recesses.

The Conferees believe that the disaggregation of completion and graduation rates of students attending institutions of higher education, as specified under section 485 (a)(7), will yield important information regarding the degree to which different types of students are completing postsecondary education programs. The Conferees acknowledge that two-year degree-granting institutions of higher education face unique considerations in reporting such data, because these institutions often enroll students for purposes beyond certificate and degree programs. Two-year institutions should not be exempt from reporting completion and graduation rates. However, the Conferees believe it is appropriate for the Secretary to assist these institutions in reporting such data accurately and, if necessary, to develop supplemental measures of success that take into consideration the multiple missions and the varied needs and goals of the individuals who attend two-year institutions and the communities such institutions serve. The group required to be convened under section 485(a)(7)(B) is meant to achieve that goal.

The Senate amendment requires institutions of higher education to offer specific disclosures during a required exit counseling session to borrowers of loans made, insured, or guaranteed under Parts B, D, or E but excludes PLUS Loans and Consolidation Loans.

The House bill contains no similar provisions

The House recesses with an amendment to reorder the provisions in the section to reduce redundancy, clarify that information on repayment plans shall include the average anticipated monthly repayments under each plan, specify that a general description of loan forgiveness provisions be included, along with a copy of information provided by the Department and add that borrowers must be informed of the consequences of default on loans including adverse credit reports, federal offset, and litigation.

The Senate amendment requires institutions to provide borrowers with a clear and conspicuous notice describing the general effects of using a consolidation loan to discharge a borrower's student loans. The House bill contains no similar provision.

The House recesses.

The Senate amendment amends a requirement for the Secretary to compile and disseminate information on State and other prepaid tuition and savings programs to require the Secretary to also

compile and disseminate information on State grant assistance programs. The Senate amendment also requires the Secretary to disseminate such information through means including the Internet.

The House bill contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill add new provisions related to the calculation of completion and graduation rates of student athletes. Under the Senate amendment and the House bill, if students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal government represent more than twenty percent or more of certificate- or degree-seeking, full-time undergraduate students, the institution of higher education may exclude the time such students were not enrolled from the calculation.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill exclude foreign institutions from having to disclose their campus security policies and campus crime statistics.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill amends the Clery Act to require greater coordination between campus security and local law enforcement.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify the requirement for greater transparency in the relationship between campus security personnel and State and local law enforcement agencies, including whether institutions have agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses.

It is the intent of the Conferees that the amendments made to this section will help protect students and personnel on campuses.

The House bill adds four crimes to the list of crimes an institutions must report as “hate crimes” in cases where the victim is intentionally selected because of their actual or perceived race, gender, religion, sexual orientation, ethnicity or disability.

The Senate amendment contains no similar provision.

The Senate recesses.

The Conferees believe that this change will facilitate uniformity in campus crime reporting to both the Department of Education and the FBI's Uniform Crime Reporting (UCR) Program, the voluntary national crime data collection program based on the submissions of more than 17,000 city, county, state, tribal, and federal law enforcement agencies. Each of the offense types required under this section is already an integral part of the FBI UCR crime data reporting program.

To increase awareness of hate crimes on college campuses, the 1998 amendments to the Higher Education Act required all colleges and universities to collect and report hate crime statistics to the Office of Postsecondary Education (OPE) of the Department of Education. The Department of Education utilized the definition of hate crime developed by the FBI, but the criminal offenses required to be reported did not match the existing FBI crime categories. The current HEA crime category omissions have resulted in critical gaps in OPE data, as well as discrepancies and substantial inconsistencies between FBI and OPE hate crime statistics. The Conferees intend for this provision to provide parents and students a more accurate sense of campus safety by making the crime categories required to be reported to the Department of Education parallel those collected by the FBI's UCR Program and published in its annual publications.

The Senate amendment and the House bill require institutions to make available to current and prospective students a statement of current campus policies regarding immediate emergency response and evacuation procedures to notify the campus community of a significant emergency or dangerous situation that poses a threat to students or staff.

The Conferees adopt the provision as proposed by both the Senate and the House.

Both the Senate amendment and House bill change current disclosure requirements for campus safety policies and procedures. The Senate amendment and House bill have similar requirements for institutions notifying the campus community in the event of a significant emergency.

The Conferees adopt the provisions as modified, with an amendment to require institutions to publish their procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation, unless issuing such notification would compromise efforts to contain the emergency. The amendment also provides that notifications should be made for emergencies on campus as defined by the Clery Act.

The Conferees intend that each institution's statement of emergency policy should clearly articulate a method to promptly determine whether incidents pose an immediate threat to the health or safety of students or staff. This policy statement should include a method, or methods, to initiate dissemination of the required emergency notifications immediately and without any delay following a professional determination by law enforcement or other authorities that an emergency exists. The Conferees believe it is important that the Department be informed by past demonstrated ability of institutions to take immediate action in the face of campus emergencies in developing any regulations related to this provision. Recent examples include:

Florida Atlantic University on April 30, 2008 - A shooting incident was reported at 1:16 AM, 26 minutes later alerts were sent out to the campus community, sirens, public address systems and Reverse 911 systems were activated. A follow-up e-mail was sent to the campus community at 2 AM.

Ferrum College (VA) on February 26, 2008 - A sighting of a man with a gun was reported at 7:29 AM, 11 minutes later sirens were activated, and by 7:54 a text alert went out to the campus community with additional details concerning the emergency.

Northern Illinois University on February 14, 2008 - A multiple shooting incident was reported at 3 PM, and 20 minutes later an alert was posted to the institution's web site.



Because of the importance of informing students and staff of immediate threats to their safety, notification should only be withheld if it is in the professional determination of law enforcement that issuing the notice would put the community at greater risk, and in such a case notice should be withheld for as short a period as possible.

The Conferees recognize that emergencies are volatile, fast-moving and unpredictable events that can encompass a range of natural and man-made situations, from campus fires to the presence of shooting suspects on campus. As such, the Conferees intend that institutions may rely upon the initial known facts of a situation in crafting and disseminating notifications that are timely, accurate and useful to appropriate segments of the campus community. The Conferees also do not intend to hold institutions responsible for the failure of local law enforcement or other emergency response personnel to provide them with information, or other circumstances beyond their control that may delay the delivery of emergency notifications.

The Conferees intend that institutions should publicize to all students and staff their emergency response and evacuation procedures, both in their annual security report and separately at least once each calendar year as a part of the required test of such procedures. When an emergency happens time is of the essence so it is critical that students and staff know where to turn for information and what to expect.

The Senate amendment and the House bill require the Secretary to report annually to authorizing committees regarding institutions' compliance with this subsection and on the Secretary's monitoring of this compliance. The Senate amendment and the House bill permit the Secretary to seek guidance from the Attorney General regarding the development and dissemination of information to institutions about best practices related to campus crime and safety.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill prohibits an institution of higher education or its employees, offices, or agents from intimidating, threatening, coercing, or otherwise discriminating against an individual for the purpose of interfering with the implementation of this subsection, or any rights or privileges accorded under the is subsection, or because the individual has participated in an investigation, proceeding, or hearing.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include a rule of construction indicating that nothing in this subsection shall be construed to permit a participating institution or their agent to retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual with respect to the implementation of any provision of this subsection.

The Senate amendment and the House bill require each institution of higher education participating in Title IV to publicly disclose its current transfer of credit policies, which must include the disclosure of any criteria used by the institution of higher education to evaluate the transfer of credit earned at another institution of higher education and a list of the institutions with which the institution of higher education has established an articulation agreement.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill specifically state that nothing in this subsection authorizes the Secretary or the Accreditation and Institutional Quality and Integrity Advisory Committee (Senate amendment) or NACIQI (House bill) to require particular policies, procedures, or practices by institutions with respect to transfer of credit. The Senate amendment and the House bill specifically state that nothing in this section authorizes an officer or employee of the U.S. Department of Education (ED) to exercise any direction, supervision, or control over the curriculum, instruction, administration, or personnel at any institution of higher education or over any accrediting agency, limits the application of the General Education Provisions Act, or creates a legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit.

The Senate recesses.

The Senate amendment and the House bill require institutions to report and make public an annual fire safety report.

The House recesses with an amendment to require the Secretary to make policies public, including the installation of fire detection and prevention technologies in student housing, dormitories, and other buildings.

The House bill prohibits an institution of higher education or its employees, officers, or agents from intimidating, threatening, coercing, or otherwise discriminating against an individual for the purpose of interfering with the implementation of this subsection, or any rights or privileges accorded under the is subsection, or because the individual has participated in an investigation, proceeding, or hearing.

The Senate amendment contains no similar provision.

The House recesses.

The House bill requires institutions of higher education to implement procedures for managing reports of missing persons.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to specify that institutions of higher education must establish a policy for students who reside in on-campus housing that includes a notification to the student that the institution of higher education is required to notify a parent or guardian twenty-four hours after the time that the student is deemed to be missing in accordance with official notification procedures established by the institution of higher education.

The House bill requires institutions of higher education to provide each student, upon enrollment, with a “separate, clear, and conspicuous written notice” that provides information on the penalties associated with drug-related offenses.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill requires institutions of higher education to provide each student, within two weeks of being notified by the Secretary that the student has been convicted of a drug-related offense that resulted in the loss of eligibility for Title IV aid, with a “separate, clear, and conspicuous written notice” that notifies the student of the loss of Title IV eligibility and discusses ways to regain Title IV eligibility.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require each student who has lost eligibility for any grant, loan, or work-study assistance under this Title as a result of the penalties under 484(r)(1) to be provided such notification by the institution in a reasonable and timely manner.

The Senate amendment adds a new subsection (b) to Section 485 specifying requirements for institutions of higher education to provide entrance counseling prior to disbursement for first-time borrowers loans made, guaranteed, or insured under Part B or Part D. Entrance counseling must meet specified disclosure requirements.

The House bill contains similar provisions on entrance counseling in Title I.

Both the Senate and the House recede with an amendment to merge the entrance counseling provisions from both bills to require institutions of higher education, at or prior to the time of a disbursement to a first-time borrower to provide comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan. Such information shall be provided in simple and understandable terms and may be provided: during an entrance counseling session conducted in person; on a separate written form provided to the borrower that the borrower signs and returns to the institution of higher education; or, online, with the borrower acknowledging receipt of the information. Institutions of higher education are encouraged to carry out the entrance counseling through interactive programs that test the borrower’s understanding of the terms and conditions of their loans.

***Section 489. National Student Loan Data System.***

The Senate amendment makes technical amendment and requires the Secretary to take actions to maintain the system. The Senate amendment also requires the Secretary to prepare and submit a report to the appropriate committees of Congress, not later than September 30<sup>th</sup> of each fiscal year, describing certain specified aspects of NSLDS; requires the Secretary to conduct a study regarding the available mechanisms for providing students and parents the ability to opt in or opt out of allowing eligible lenders to access their records in NSLDS; and the appropriate protocols for limiting access to NSLDS, based on the risk assessment required under subchapter III of Chapter 35 of Title 44, U.S.C.; and requires the Secretary to submit the report to the appropriate Congressional committees no later than three years after enactment.

The House bill contains no similar provision.

The House recesses.

The Conferees intend that NSLDS data may be released to outside contractors and analysts if all individuals identifiers are excluded from the data and the outside analyst or contractor is certified according to data confidentiality standards and procedures used by the National Center for Education Statistics.

***Section 490. Early Awareness of Financial Aid Eligibility***

The Senate amendment requires the Secretary to implement, in cooperation with other relevant entities a comprehensive system of early financial aid information in order to provide students and families with early information about financial aid and early estimates of such students' eligibility for financial aid from multiple sources.

The House bill contains no similar provision.

The House recedes with an amendment to strike the provision that required the Secretary to provide early estimates of financial aid awards.

***Section 491. Distance Education Demonstration Programs.***

The Senate amendment and the House bill make a conforming amendment to the existing Distance Education Demonstration Program, to replace Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives with authorizing committees.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that the reports shall be provided by the Secretary on an annual basis.

***Section 492. Articulation Agreements***

The House bill requires the Secretary to work with States to develop more comprehensive articulation agreements and requires the Secretary to conduct a study.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the study to Title XI.

***Section 493. Program Participation Agreements.***

The Senate amendment and the House bill move the 90/10 rule from an institutional eligibility requirement for proprietary institutions of higher education to a Program Participation Agreement (PPA) requirement for proprietary institutions. Under both the Senate amendment and the House bill, a proprietary institution must have not less than 10 percent of its revenue from sources other than Title IV funds.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment adds to the PPA a requirement that institutions of higher education develop a “code of conduct”

The House requires institutions of higher education participating in Title IV or whose students get a private education loan to develop a “code of conduct” in accordance with new requirements in Title I.

The Senate recesses.

The House bill requires that officers, employees, and agents of institutions of higher education that have responsibilities with respect to education loans obtain annual training on the code of conduct.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment that removes the training requirement, but requires that officers, employees, and agents with responsibilities with respect to education loans be informed annually of the provisions of the code of conduct.

The House bill requires an institution of higher education to, upon request, disclose to the alleged victim of any violent crime or nonforcible sex offense the final results of any institutional disciplinary proceeding conducted against a student who is the alleged perpetrator of such crime or offense. The House bill also requires that this information be provided to the alleged victim’s next of kin, if the alleged victim is deceased.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require disclosure upon written request and that the disclosure be made available to the next of kin only if the victim dies as a result of the crime or offense.

Both the Senate amendment and the House bill amend section 487(a) by adding a new paragraph which specifies requirements applicable to institutions of higher education that maintain a preferred lender list for loans. The Senate amendment provision applies to preferred lender lists for loans under Part B; while the House bill provision applies to preferred lender lists under Part B, and also for private educational loans if recommended by the institution of higher education.

The Senate recesses.

The House bill requires that upon the request of a private educational lender, acting in connection with an application initiated by a consumer for a private educational loan, an institution of higher education shall certify: that the student is enrolled or is scheduled to enroll at the institution; the student's cost of attendance; and the difference between the cost of attendance of the institution and the student's estimated financial assistance received under this title and other assistance known to the institution. The House bill requires the institution of higher education to disclose the student’s ability to select a private educational lender of the borrower's choice and inform students of the impact of a proposed private educational loan on the students' potential eligibility for other financial assistance, including Federal financial assistance under this title.

The Senate amendment has no similar provision.

The Senate recesses with an amendment to require the institution to provide an applicant for a private educational loan with the form required under Section Truth in Lending Act and the information required to complete the form.

The Senate amendment permits the Secretary to modify regulations regarding financial and compliance audits of institutions of higher education located outside of the United States. The House bill contains a similar provision that allows the Secretary to waive these requirements for foreign institutions of higher education whose students received less than \$500,000 in loans under Title IV during the award year proceeding the audit period. This provision appears at a later point in this document.

The Senate recesses.

The Senate amendment specifies what funds proprietary institutions of higher education may count toward their ten percent of non-Title IV revenue. The House bill specifies what proprietary institutions may count as revenue.

The Senate recesses.

The Senate amendment requires proprietary institutions of higher education to demonstrate that institutional revenue includes funds from non-title IV sources. The House bill includes as revenue from tuition and fees, only those tuition, fees and other institutional charges for students enrolled in programs eligible of assistance under Title IV.

The Senate recesses with an amendment that specifies that funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under title IV, may be counted as institutional revenue, provided that the program is both approved or licensed by the appropriate State agency and is accredited by an accrediting agency recognized by the Secretary or provides an industry-recognized credential or certification,

The Senate amendment specifies certain institutional aid provided to a student as institutional revenue under certain conditions. In the case of loans made by an institution to a student, the amount of loan repayments received by the institution during the fiscal year for which compliance with the 90/10 rule is determined is deemed to be institutional revenue.

The House bill also specifies certain institutional aid provided to students as institutional revenue. For each of an institution's fiscal years 2009 through 2012, the principal amount of loans made by an institution to a student, based on the expected interest earned less the estimated amount to account for future defaults and loan forgiveness, accounted for on an accrual basis, in accordance with Generally Accepted Accounting Principles and related standards and guidance, and that meet other specified conditions, are deemed to be institutional revenue. For an institution's fiscal year 2013 and each of an institution's subsequent fiscal years, only the amount of repayments on loans made by an institution to students received during the fiscal year for which compliance with the 90/10 rule is determined is deemed to be institutional revenue.

The Senate recesses with an amendment that for loans made by an institution, for loans disbursed to

students between July 1, 2008 and July 1, 2012, the net present value of loans made by the institution, accounted for on an accrual basis and, estimated in accordance with Generally Accepted Accounting Principles and related standards and guidance, and that meet other specified conditions, are deemed institutional revenue.

The Conferees intend that for the fiscal years 2009 through 2012 when the net present value of institutional loans can be calculated as institutional revenue that institutions will only count as institutional revenue the net present value of the loan in the fiscal year the loan is actually made.

In the case of scholarships provided by the institution, the Senate amendment specifies as institutional revenue scholarship funds that are in the form of monetary aid based upon the academic achievements or financial need of students; disbursed from an established restricted account; and funded by outside sources or income earned on such funds. In addition, the Senate amendment specifies that tuition discounts based upon the academic achievement or financial need of students are considered institutional revenue.

In the case of scholarships provided by the institution, the House bill specifies as institutional revenue scholarship funds that are in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students; disbursed from an established restricted account; and funded by outside sources or income earned on such funds are considered institutional revenues.

The Senate recesses.

In determining compliance with the 90/10 rule the House bill requires that an institution presume that any title IV program funds disbursed or delivered to or on behalf of a student is used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by grant funds provided by non-Federal public agencies or private sources independent of the institution;) funds provided under a contractual arrangement with Federal, State, or local government agencies for the purpose of providing job training to low-income individuals who are in need of that training; or funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986, provided that the institution can reasonably demonstrate such funds were used to pay the student's tuition, fees, or other institutional charges.

The Senate amendment contains no similar provision. The Senate recesses with an amendment to provide an additional exception to the presumption for scholarships provided by the institution in the form of monetary aid or tuition discounts and that meet other specified conditions and remove the condition that institutions must demonstrate that funds from savings plans that qualify for special tax treatment were used to pay a student's tuition, fees, or other institutional charges. Additionally, the Conferees clarify that, for loans received by students between July 1, 2008 and July 1, 2011, the amount of loan funds for 428H or Federal Direct Unsubsidized Stafford Loans that exceed that loan limits that were in effect prior to May 7, 2008 shall be counted as revenue received by the institution.

The House bill specifies that certain revenues are to be excluded by an institution in determining

compliance with the 90/10 rule. Revenues to be excluded are the amount of funds received by an institution under the Federal Work-Study program, unless the institution uses those funds to pay a student's institutional charges; the amount of funds received by an institution under the Leveraging Education Assistance Partnership program; the amount of institutional funds used by an institution to match title IV program funds; the amount of title IV program funds that must be refunded or returned; and the amount charged by an institution for books, supplies, and equipment unless the institution includes that amount as tuition, fees, or other institutional charges.

The Senate amendment contains no similar provision.

The Senate recesses.

Under both the Senate and the House bills, a proprietary institution that fails to comply with the 90/10 rule for two consecutive years becomes ineligible to participate in Title IV programs. Under the Senate amendment, an institution remains ineligible until it demonstrates to the satisfaction of the Secretary that it is in compliance with the 90/10 rule. Under the House bill, an institution is required to demonstrate compliance with all eligibility requirements for at least three fiscal years following the fiscal year in which the institution became ineligible before the institution can regain eligibility to participate in Title IV programs.

The House and Senate recede with an amendment to modify the sanction such that an institution may be placed on provisional certification and may become ineligible to participate in Title IV programs for a minimum of two institutional fiscal years after the institutional fiscal year the institution failed to comply with the 90/10 rule for two consecutive fiscal years. To regain eligibility to participate in Title IV programs, the institution must demonstrate compliance with all eligibility requirements for at least two institutional fiscal years after the institutional fiscal year in which the institution failed to comply with the 90/10 rule.

The House bill requires the Secretary to submit an annual report to the authorizing committees that contains the result of the calculation of the percentage of revenue derived from Title IV sources of funds for each proprietary institution.

The Senate recesses with an amendment to have the Secretary submit such report no later than July 1, 2009 and on July 1 of each subsequent year, a report to the authorizing committees.

The House bill and the Senate amendment require codes of conduct to include prohibitions on revenue-sharing arrangements. The House bill's prohibition of revenue-sharing arrangements encompasses both Federal and private education loans. The Senate amendment's prohibition of revenue-sharing arrangements applies only to Federal student loans.

The House recesses.

The House bill and the Senate amendment require codes of conduct to include prohibitions on officers, employees or agents of institutions of higher education, and under certain conditions, by the families of officers, employees or agents of institutions of higher education, soliciting or accepting gifts from lenders, guarantors, and servicers of education loans. The House bill includes several exceptions in the definition of gift.



The Senate amendment includes no similar exceptions to the definition of gift as included in the House bill.

The Senate recedes with an amendment to clarify that philanthropic contributions that are not made for any advantage with respect to education loans are not consider gifts for purposes of the section.

The House bill and the Senate amendment require codes of conduct to include prohibitions on contracting arrangements between an officer or employee of the institution and a lender of an affiliate of a lender. The House bill includes exceptions, in certain limited circumstances, to allow institution officers, employees and agents to serve on the boards of directors of lenders, guarantors, and servicers of education loans. Similarly, the House bill includes exceptions that allow, under certain conditions, officers, employees and agents of a lender, guarantor, and servicer of education loans to serve as a trustee of an institution.

The Senate amendment includes no similar exceptions to the prohibition.

The Senate recedes with a modification to the exception with respect to officers, employees and agents of a lender, guarantor, and servicer of education loans and an amendment to clarify that the prohibition applies to consulting arrangements or the provision of other services with respect to educational loans.

The Senate amendment contains provision on institutional interaction with borrowers.

The House bill contains no similar provision.

The House recedes.

The Senate amendment contains a provision on institutional interaction with borrowers.

The House bill contains no similar provision.

The House recedes.

The Conferees recognize that some institutions list specific lenders in financial aid award offer letters to students. For example, in many states, public institutions of higher education will inform students in financial aid offer letters that they are eligible for a loan offered through their state-based student loan agency, and the amount of such loan. The code of conduct provision prohibiting the assignment of loans to a specific lender, through packaging or other means, is not intended to apply to this case, because a financial aid award letter is an offer of aid, and a student may select the named lender, or another lender, at the student's discretion. Other practices, such as the distribution of loan promissory notes to students containing a specific lender's name, are prohibited by this provision.

The House bill prohibits an institution of higher education from requesting or accepting any offer of funds for private educational loans in exchange for the institution of higher education providing the lender with a specified number of loans or loan volume, or a preferred lender arrangement for Title IV loans.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike language in order to clarify that the definition of an opportunity pool loan does not include any private loan that is guaranteed by a covered institution of higher education (i.e., a recourse loan).

The Conferees intend that an institution may request and accept an offer of recourse loans but only if such request and acceptance is not conditioned on the institution providing a lender with a specified number of loans or loan volume, or a preferred lender arrangement for Title IV loans.

The House bill contains a provision which bans covered institutions of higher education from receiving staffing assistance with financial aid.

The Senate amendment contains no similar provision.

The Senate recesses.

The House recesses with an amendment to permit lenders to provide staffing services on a short-term, nonrecurring basis to assist institutions with financial aid-related functions during emergency situations.

The House bill includes a ban on employees of a financial aid office or those with educational loan responsibilities from participating on advisory councils of lenders or affiliates of lenders.

The Senate amendment prohibits any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender or group of lenders from receiving anything of value from the lender or group of lenders, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission or group.

The House recesses.

The Senate amendment requires institutions to designate an individual responsible for fulfillment of code of conduct requirements and to make the code of conduct widely available.

The House bill contains no similar provision.

The Senate recesses.

The Senate amendment requires the Secretary to require an institution of higher education to develop a teach-out plan for submission to its accrediting agency if the Secretary initiates a limitation, suspension, or termination of the institution of higher education in any program under Title IV or initiates an emergency action against the institution.

The Senate amendment defines “teach-out plan.”

The House bill contains no similar provisions.

The House recesses.

The House bill requires an Inspector General investigation in the case of any reported violation of the gift ban provision and an annual report to the authorizing committees identifying all substantiated violations of the gift ban.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike the language requiring the Inspector General to investigate any reported violation.

The Senate amendment and the House bill include similar provisions to allow institutions of higher education to comply with voter registration requirements by transmitting voter registration information electronically to students, provided that the electronic message only include voter registration information; however, the Senate amendment applies only to proprietary institutions.

The Senate recesses.

The Senate amendment and the House bill require institutions of higher education that have preferred lender lists to clearly and fully disclose on such lists why the institution has included each lender on its list, especially with respect to terms and conditions favorable to the borrower and to make clear that the students attending the institution of higher education (or the parents of such students) do not have to borrow from a lender on the preferred lender list.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The House bill requires that an institution of higher education with a preferred lender list provide no less than the information required to be disclosed in the model disclosure form required under Section 153.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill require that an institution of higher education with a preferred lender list for Federal Family Education Loans ensure, through the list of lender affiliates provided by the Secretary, that there are at least three lenders that are not affiliates of each other on the list.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires that if an institution of higher education recommends private loans, there are at least two lenders of private educational loans that are not affiliates of each other included on the list.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill ensure that lenders are placed on the preferred lender list on the basis of the benefits provided to borrowers including highly competitive interest rates, high-quality customer service or additional benefits beyond the standard terms and conditions of such loans; however, the House bill also requires information on criteria for selecting lenders, and information on private loans.

Both the Senate and the House recede with an amendment to require that institutions of higher education prominently disclose the method and criteria used by the institution of higher education in selecting lenders with which to enter into preferred lender arrangements to ensure that the lenders are selected on the basis of the best interest of the borrowers.

The House bill contains a provision which requires lenders to exercise a duty of care and loyalty in compiling the preferred lender list without prejudice and for the sole benefit of borrowers; and comply with other requirements as prescribed by the Secretary in regulation.

The Senate amendment contains no similar provisions.

The Senate recesses.

The House bill specifies that a lender shall not deny or impede a borrower's choice of lender or delay certification for borrowers who choose a lender not on the list. There is similar language in the Senate code of conduct.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill define/use 'affiliate' and 'control' in a similar manner. The House bill defines 'preferred lender arrangement', and defines 'educational loan' to exclude the Pilot Program for parent PLUS Loans, Federal Direct Loan program loans, and Perkins Loans.

The Conferees adopt the provisions as proposed by both the Senate and the House.

The Senate amendment and the House bill require the Secretary to maintain and update a list of lender affiliates of all eligible lenders and to provide such lists to eligible institutions of higher education. The Senate amendment requires consultation by the Secretary with the Director of the Federal Deposit Insurance Corporation.

The Senate recesses with an amendment that the Secretary shall update such lists on a regular basis. An institution of higher education shall be deemed to be in compliance with this subsection if the institution of higher education uses the most recent list published by the Secretary and in effect at the time the preferred lender list is created or updated.

The Senate amendment provides that if an institution of higher education has willfully contravened its attestation of compliance with the code of conduct, the Secretary may limit, suspend, or terminate the institution of higher education's eligibility for the Title IV loan programs.

The House bill contains no similar provision.

The Senate recesses.

The House bill requires institutions of higher education to establish a policy on the disposal or disposition of all technology assets which may contain personal and sensitive student data. The House bill defines “technology assets.”

The Senate amendment contains no similar provisions.

The House recesses.

The House bill requires the Secretary to issue regulations to provide for the review of an institution of higher education’s compliance with provisions governing the enrollment of students who are not high school graduates if it is determined through required financial and compliance audits that more than five percent of the institution of higher education’s students were accepted for enrollment and qualified for Title IV aid based on ability to benefit from postsecondary education provisions.

The Senate amendment contains no similar provision.

The House recesses.

***Section 494. Regulatory Relief and Improvement.***

The Senate amendment and the House bill address the continuation of experimental sites; however, the Senate amendment authorizes the Secretary to continue any experimental sites in existence on the date of enactment of this Act and requires the Secretary to discontinue any sites approved by that date that are inconsistent with this section by June 30, 2008. The House bill requires the Secretary to continue the participation of any experimental sites in existence on July 1, 2007, unless the Secretary determines that the site has not been successful in carrying out the purposes of this section. In this case, the site must be discontinued by June 30, 2009.

The Senate recesses.

***Section 494A. Transfer of Allotments.***

The Senate amendment amends existing transfer of allotment provisions for the campus-based programs to permit institutions of higher education to also transfer up to twenty-five percent of their FSEOG allotment to the Federal Work Study program.

The House bill amends existing transfer of allotment provisions for the campus-based programs to permit institutions of higher education to also transfer up to twenty-five percent of their Federal Work Study allotment to federal capital contributions for the Federal Perkins Loan program.

The Conferees adopt the provisions as proposed by both the Senate and the House.

***Section 494B. Purpose of Administrative Payments.***

The Senate amendment makes a wording change to language describing the specified purpose of administrative payments for the Pell Grant program, the campus-based programs, and the immigration status verification system.

The House bill contains no similar provision.

The House recesses.

***Section 494C. Advisory Committee on Student Financial Assistance.***

The Senate amendment and the House bill expand the purpose of the Advisory Committee on Student Financial Assistance (ACSFA) to include providing knowledge and understanding of early intervention programs and making recommendations that will result in early awareness for low and moderate-income students of their eligibility for assistance.

The Senate amendment clarifies that the appointment of members shall be effective upon confirmation by the Senate and publication of such appointment in the Congressional Record.

The House bill contains no similar provision.

The House and Senate recede with an amendment to specify that four members shall be appointed by the President pro tempore of the Senate, four members shall be appointed by the speaker of the House of Representatives, and three members shall be appointed by the Secretary. The appointments of members appointed by the Senate or the House shall be effective upon publication of the appointment in the Congressional Record and not confirmation by the Senate.

The House bill would end ACSFA after 2011.

The Senate amendment has no similar provision.

The House recesses.

The Senate amendment requires the ACSFA to conduct a study of innovative pathways to baccalaureate degree attainment, such as dual enrollment, Pell program changes, and compressed or modular scheduling, among other things.

The House has no similar provision.

The House recesses.

***Section 494D. Regional Meetings and Negotiated Rule-Making***

The Senate amendment adds state student grant agencies to the list of examples of groups involved in Title IV student financial assistance programs.

The House bill contains no similar provision.

The House recesses.

The House bill requires that participants in the negotiated rulemaking process be selected by the Secretary from individuals who are nominated by groups identified to provide the Secretary with advice and recommendations on the development of proposed regulations, and that these individuals must have recognized legitimacy as designated representatives of major stakeholders, sectors, and constituencies in the higher education community.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require that the Secretary select individuals with demonstrated expertise or experience in the relevant subjects under negotiation and to remove the existing qualifier that the Secretary select certain types of individuals “to the extent possible.”

***Section 494E. Year 2000 and Requirements at the Department.***

The Senate amendment repeals Year 2000 requirements for the Department of Education.

The House bill contains no similar provision.

The House recesses.

***Section 494F. Technical Amendment of Income-Based Re-Payments***

The House bill makes a technical amendment to the eligibility criteria for borrowers to select the income-based repayment plan.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that a borrower may elect to participate in the income-based repayment plan if their loan had been in default in the past but was subsequently rehabilitated.

**PART H – PROGRAM INTEGRITY**

***Section 495. Recognition of Accrediting Agency or Association.***

The Senate amendment and the House bill requires accrediting agencies to apply an enforce standards that respect the stated mission of the institution of higher education, including religious missions.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require an accrediting agency that has or seeks to include the evaluation of distance education programs within its scope of recognition to demonstrate to the Secretary that its standards effectively address the quality of distance education in the same areas in which it is required to evaluate classroom-based programs. The Senate amendment and House bill

state that associations aren't required to have separate standards for accrediting distance education programs.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill does not require an accrediting agency to obtain the approval of the Secretary to expand its scope of accreditation to include distance education, provided that the accrediting agency notifies the Secretary in writing about the change.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require a review at the next NACIQI meeting of any agency or association that expands its scope to include the evaluation of institutions or programs offering courses through distance education if an institution accredited by the agency or association experiences a growth in the enrollment increases by fifty percent or more within the institution's fiscal year.

The Senate amendment and the House bill require accrediting agencies to require that institutions of higher education offering distance education programs have a process by which the institution of higher education establishes that a student registered for a distance education course is the same student that participates in, completes, and receives credit for the course.

The Conferees adopt the provision as proposed by both the Senate and the House. The Conferees expect institutions that offer distance education to have security mechanisms in place, such as identification numbers or other pass code information required to be used each time the student participates in class time or coursework on-line. As new identification technologies are developed and become more sophisticated, less expensive and more mainstream, the Conferees anticipate that accrediting agencies or associations and institutions will consider their use in the future. The Conferees do not intend that institutions use or rely on any technology that interferes with the privacy of the student and expect that students' privacy will be protected with whichever method the institutions choose to utilize.

The Senate amendment modifies the requirement that accrediting agencies assess an institution of higher education's success with respect to student achievement in relation to the institution of higher education's mission, including, as appropriate, consideration of state licensing examinations, and job placement rates to specify that consideration of student achievement in relation to the institution of higher education's mission may include different standards for different institutions of higher education or programs as established by the institution of higher education.

The House bill includes the same provision but lists course completion rates as one item that should be considered.

The Senate recesses.

The Senate amendment and the House bill expand existing due process requirements, including: specification of clear and consistent standards; an opportunity for a written response; an opportunity to appeal any adverse action; the right to representation by counsel; and submission to the Secretary



a summary of actions that includes the award of accreditation or reaccreditation of an institution of higher education and several adverse actions.

Conferees adopt the provisions as amended, and clarify that the due process provisions allow the institution of higher education to put forward new evidence as long as it relates to a financial matter.

The Senate amendment and the House bill requires an accrediting agency, as part of its accreditation or reaccreditation reviews, to confirm that the institution of higher education has publicly disclosed its transfer of credit policies and that the policies specifically state the criteria used by the institution of higher education regarding the transfer of credit from another institution of higher education.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill requires an accrediting agency to review and consider an institution of higher education's response to any review or determination and to include in any determination a written statement addressing the institution of higher education's response and the basis for such determination, as well as the institution of higher education's response.

The Senate amendment contains no similar provisions.

The House recesses.

The House bill prohibits an accrediting agency from making a determination or taking an adverse action based on an unpublished or undocumented policy, practice, or precedent.

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment requires on-site evaluations by the accrediting agency for accreditation or reaccreditation to include a review of the federally required information the institution of higher education or program provides to current and prospective students.

The House bill contains no similar provisions.

The Senate recesses.

The Senate amendment and the House bill require the agency or association to make public decisions of accrediting agencies or associations. The Senate amendment requires placement on probation to be made public.

The House recesses.

The Senate amendment and the House bill require accrediting agencies to monitor the growth of programs at institutions of higher education that are experiencing significant enrollment growth and also require an institution of higher education to submit a teach-out plan for approval by the accrediting agency if specific events occur, such as the accrediting agency withdraws accreditation or the institution of higher education notifies the accrediting agency that it will be closing.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill specifically prohibit the Secretary from establishing any criteria that “specifies, defines, or prescribes” standards that accrediting agencies must use to assess any institution of higher education’s success with respect to student achievement.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill prohibit the Secretary from issuing regulations related to the standards used by accrediting agencies to evaluate the institution of higher education with respect to the institution of higher education’s success with respect to student achievement, curricula, faculty, and so forth.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill establishes a rule of construction that states that none of the requirements that are established related to an accrediting agency’s required review of an institution of higher education’s success with respect to student achievement, curricula, faculty, and so forth shall restrict an accrediting agency’s authority to set, with the involvement of its members, and to apply accreditation standards to institutions of higher education or programs that request review by the agency. In addition, the aforementioned requirements do not restrict the authority of an institution of higher education to develop and use institutional standards to show success with respect to student achievement, and these standards must be considered as part of any accreditation review.

The Senate amendment contains no similar provision.

The Senate recesses.

#### ***Section 496. Eligibility and Certification Procedures***

The Senate amendment allows a location of a closed institution of higher education to be used as an additional location of an institution of higher education for the purposes of a teach-out, if the teach-out has been approved by the institution of higher education’s accrediting agency. The Senate amendment permits an institution of higher education that conducts a teach-out by establishing an additional location at a closed institution of higher education to establish a permanent location at the closed institution of higher education.

The House bill contains no similar provisions.

The House recesses.

#### ***Section 497. Program Review and Data.***

The Senate amendment requires the Secretary to provide an institution of higher education being reviewed with an adequate opportunity to review and response to any program review report and relevant materials before any final program review report is issued. The House bill requires the

Secretary to provide an institution with adequate opportunity to review any program review report or audit finding before any final program review or audit determination is reached.

The House recesses.

The House bill also specifies that an institution of higher education can have access to documentation related to the program review report or audit findings, such as work papers and notes.

The Senate amendment contains no similar provisions.

The House recesses.

The Senate amendment and the House bill require Secretary to take into consideration the response from the institution of higher in any final program review report or audit determination and include certain elements.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill require that the confidentiality of any program review report be maintained until the aforementioned steps are taken and a final program review determination is issued. The Senate amendment excludes from the confidentiality requirement the disclosures to inform the state or accrediting agency when the Secretary takes action against an institution of higher education. The Senate amendment requires the Secretary to promptly disclose all program review reports to the institution of higher education under review.

The House recesses.

### ***Section 498. Review of Regulations.***

The Conferees adopt an amendment to end the requirement that the Secretary review and report on regulations for small institutions.

## **PART I – COMPETITIVE LOAN AUCTION PILOT PROGRAM**

### ***Section 499. Competitive Loan Auction Pilot Program Evaluation.***

The Senate amendment requires to Comptroller General to evaluate the Competitive Loan Auction Pilot Program. The House bill requires the Secretaries of Education and the Treasury, in consultation with OMB, CBO, and the Comptroller General to evaluate the Competitive Loan Auction Pilot Program.

The Senate recesses.

The House bill additionally requires the Comptroller General to study the feasibility of using other market mechanisms to operate the loan programs under Part B and the feasibility of a specific alternative market-based mechanism.

The Senate amendment contains no similar provision.

The House recedes with an amendment to require the Secretary to include in the report any recommendations based on the findings of the evaluation for improving the operation and administration of other loan programs under Part B.

The Conferees clarify that Guaranty Agencies may serve the same function for lenders making PLUS loans as a result of winning the auctions they do for lenders in accordance with Part B, except that loans are insured at ninety-nine percent.

## **TITLE V – DEVELOPING INSTITUTIONS**

### ***Section 501. Authorized Activities.***

The Senate amendment adds remedial education and English language instruction, articulation agreements and enhancing distance learning academic instruction capabilities as authorized activities.

The House bill has no similar provisions.

The House recedes.

The Senate amendment and the House bill provide for education or information designed to improve the financial and economic literacy of students or their parents. The Senate amendment includes counseling services. The House bill includes the provision of information with regard to student indebtedness.

The Senate recedes with an amendment to allow counseling services to be provided as a part of efforts to improve the financial and economic literacy of students or their families.

### ***Section 502. Postbaccalaureate Opportunities for Hispanic Americans.***

The Senate amendment and the House bill create a new program for promoting postbaccalaureate opportunities through programs at Hispanic-serving institutions of higher education.

The Conferees adopt the provision.

### ***Section 503. Applications.***

The Senate amendment re-designates the sections as needed due to the addition of the section on postbaccalaureate programs at Hispanic-serving institutions of higher education.

The House bill contains no similar provision.

The House recedes.

The Conferees recognize that despite significant growth in the number of Hispanics pursuing graduate study, in 2005 Hispanics made up only six percent of the total number of graduate students nationwide. Given these low rates of graduate degree attainment, the Conferees recognize that Hispanics are under-represented in all fields of graduate study. In addition to increasing the number of Hispanics earning graduate degrees, the Conferees encourage institutions of higher education receiving grants under this Part to expand opportunities for graduate study in fields where Hispanics are most under-represented.

***Section 504. Cooperative Arrangements.***

The Senate amendment and the House bill contain similar provisions regarding cooperative arrangements.

The Conferees adopt the provisions as proposed by both the Senate and the House.

***Section 505. Authorization of Appropriations.***

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 and five succeeding fiscal years for both Part A and Part B.

The House bill authorizes \$175,000,000 for Part A for fiscal year 2009 and four succeeding fiscal years. The House bill authorizes \$125,000,000 for Part B for the same period.

The Senate recedes with an amendment to authorize \$175,000,000 for Part A and \$100,000,000 for Part B for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

The House bill establishes a new minimum grant of \$200,000.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike the \$200,000 minimum and require that grants be of sufficient size and scope to significantly contribute to the educational program of the eligible institution.

The Conferees intend that in awarding grants under this Title such grants shall be of sufficient size and scope to achieve the purposes of expanding the educational opportunities for and improving the educational attainment of Hispanic Americans and to expand and enhance academic offerings, program quality, and institutional stability at Hispanic-serving institutions of higher education.

***PART B – PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS***

***Section 511. Purposes.***

The House bill includes a section designating the purposes of the new program for promoting postbaccalaureate opportunities at Hispanic-serving institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 512. Program Authority and Eligibility.***

The Senate amendment and the House bill contain similar provisions regarding program authority and eligibility. The House bill provides that the Secretary shall award competitive grants to Hispanic-serving institutions of higher education determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

The House recesses.

***Section 513. Authorized Activities.***

The Senate amendment and the House bill contain similar activities for postbaccalaureate Hispanic-serving Institution of higher education.

The Senate recesses.

***Section 514. Application and Duration.***

The Senate amendment and the House bill contain similar provisions regarding application and duration requirements.

The House recesses.

**TITLE VI – INTERNATIONAL EDUCATION PROGRAMS**

***Section 601. Findings; Purposes; Consultation; Survey.***

The Senate amendment renames Section 601 of the HEA, adding the words “Consultation” and “Survey” to the heading.

The House bill contains no similar provision.

The House recesses.

The Senate amendment and the House bill delete the term “post-Cold War” from the findings.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill include linkages with overseas institutions of higher education as an additional purpose of this section. The House bill also includes linkages to organizations that contribute to the educational programs assisted under this Part.

The House recesses.

The House bill includes international business and trade competitiveness as an additional purpose of this section.

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment adds a new subsection that requires the Secretary to consult with officials from a wide range of federal agencies when determining the national need for foreign languages, and to take the recommendations into account when soliciting applications.

The House bill contains no similar provision.

The House recesses with an amendment to strike the requirement that federal “agencies shall provide information to the Secretary regarding how the agencies utilize expertise and resources provided by grantees under this Title,” and to permit, rather than require, the Secretary to take the recommendations into account when soliciting applications.

The Senate amendment adds a new subsection that requires the Secretary to develop and administer a survey to get information on postgraduation placement.

The House bill contains no similar provision.

The House recesses with an amendment to ensure that the survey is conducted once every two years and is administered to students who have “completed” rather than “participated in” a program supported under this Title.

***Section 602. Graduate and Undergraduate Language and Area Centers and Programs.***

The Senate amendment and the House bill add support for instructors of the less commonly taught languages to the list of authorized activities for the National Language and Area Centers.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill authorizes projects that support students’ understanding of science and technology in coordination with foreign language proficiency.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to authorize “projects that support students in the science, technology, engineering, and math fields to achieve foreign language proficiency.”

The House bill includes partnerships with “colleges of education and teacher professional development” as an additional purpose for Outreach Grants.

The Senate amendment contains no similar provision.

The House recesses.

The House bill includes partnerships with federal and state governmental entities as an additional purpose for Outreach Grants.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill modifies the purposes for Summer Institutes, by striking “foreign area” and inserting “area studies” in its place, and striking “of linkage and outreach.”

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment and the House bill include partnerships or linkages with local educational agencies as an additional purpose for Outreach Grants. The Senate amendment includes “State educational agencies” and the House bill includes private and public elementary and secondary schools. The House bill adds dissemination of materials as an additional purpose for Outreach Grants.

The House recesses.

The Senate amendment includes “scholarship programs for students in related areas” as part of the purpose of linkage and outreach to federal and state governmental entities.

The House bill contains no similar provision.

The House recesses.

The House bill adds “Undergraduate” to the name of the Graduate Fellowships program. The Senate amendment strikes “Graduate” from the name.

The House recesses.

The Senate amendment and the House bill have similar provisions that make eligible undergraduates engaged in “intermediate or advanced study of a less commonly taught language” and continue eligibility for graduate students engaged in pre-dissertation study, dissertation research, and dissertation writing.

The House recesses.

The Senate amendment amends the subsection on “Allowances” to add undergraduate expenses for educational programs in the United States and abroad.

The House bill contains no similar provision.

The House recesses.



The Senate amendment includes additional application requirements for all Graduate and Undergraduate Language and Area Centers and Programs.

The House bill contains no similar provision.

The House recesses with an amendment to strike the requirement that “[e]ach application shall also describe how the applicant will address disputes regarding whether activities funded under the application reflect diverse perspectives and a wide range of views.”

### ***Section 603. Language Resource Centers.***

The House bill amends section 603(c) of the HEA to require that grants under this section also “reflect the purposes of this Part”.

The Senate amendment contains no similar provision.

The Senate recesses.

### ***Section 604. Undergraduate International Studies and Foreign Language Programs.***

The House bill replaces all occurrences of the term “combinations” in section 604(a)(1) of the HEA with “consortia.”

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill renames, as an authorized use of funds under section 604(a)(2) of the HEA, “teacher training” as “teacher professional development.”

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to retain “teacher training” as an authorized use of funds, insert “pre-service” before “teacher training”, and “in-service” before “teacher professional development.”

Both the Senate amendment and the House bill restrict grantees from using any more than ten percent of the grant for this purpose.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill authorizes funds to be used for partnerships with “local educational agencies and public and private elementary and secondary education schools.” Under current law funds may be used for partnership with “elementary and secondary education institutions.”

The Senate amendment contains no similar provision.

The House recesses.

The House bill authorizes the Secretary to waive the non-federal matching requirement for any eligible institution that demonstrates need for a waiver or reduction.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill requires that grants allowed under subsection (a)(6) “reflect the purposes of this Part.”

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment amends the application requirements to include details on how scholarship information will be provided to students, how the funded activities reflect diverse perspectives and a range of views, and how the applicant will address disputes and encourage service.

The House bill contains no similar provision.

The House recesses with an amendment to strike the requirement that an applicant describe how it will address disputes.

The House bill requires the Secretary to establish requirements for program evaluations and requires grant recipients to submit annual reports that evaluate the progress and performance of students participating in programs assisted under subsection (a).

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment raises the current ten percent limitation to twenty percent and limits the use of funds for section 604(a)(2)(I) to not more than ten percent of a grant. The House bill repeals the current provision restricting the Secretary from using no more than ten percent of the funds appropriated for Title VI-A to award grants under Section 604.

The House recesses.

***Section 605. Research; Studies.***

The Senate amendment amends the provision regarding the study of the international education programs to authorize research or studies that may include an “evaluation of the extent to which

programs assisted under this title reflect diverse perspectives and a wide range of views and generate debate on world regions and international affairs.”

The House bill contains no similar provision.

The House recedes with an amendment adding at the end of the provision “as described in the grantee’s application.”

The Senate amendment and the House bill amend the provision to authorize research or studies that may include “the systematic collection, analysis, and dissemination of data.”

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment amends the provision to authorize research or studies that may include “support for programs or activities to make data collected, analyzed, or disseminated under this section publicly available and easy to understand.”

The House bill contains no similar provision.

The House recedes.

***Section 606. Technological Innovation and Cooperation for Foreign Information Access.***

The House bill authorizes the Secretary to provide technological innovation grants to “partnerships” between “institutions or libraries and nonprofit educational organizations including museums.”

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike “including museums”.

The Senate amendment and the House bill authorize grants using “electronic technologies to collect, organize, preserve, and widely disseminate” specified information “from foreign sources.”

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment authorizes the Secretary to provide grants for partnerships with not-for-profit educational organizations.

The House bill contains no similar provision.

The House recedes with an amendment to replace “not-for-profit” with “nonprofit”.

The Senate amendment and the House bill amend the list of authorized activities to include acquiring foreign information resources.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill amend the list of authorized activities to include establishing linkages between grantees and libraries, museums, organizations, or institutions of higher education located overseas.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment and the House bill amend the list of authorized activities to include other activities consistent with the purposes of this section.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment adds “library” as an entity that may submit an application.

The House bill contains no similar provision.

The House recesses.

The House bill authorizes the Secretary to waive or reduce the non-federal matching requirement.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this title.

***Section 607. Selection of Certain Grant Recipients.***

The Senate amendment clarifies the current provision on the Secretary’s authority to award competitive grants under Section 602 of the HEA.

The House bill contains no similar provision.

The House recesses.

The Senate amendment amends the selection criteria by requiring the Secretary to consider an applicant’s efforts to place and record of placing students into service in areas of national need.

The House bill contains no similar provision.

The House recesses.

The House bill amends the selection criteria by requiring the Secretary to consider the extent to which applicants “address national needs, generate and disseminate information, and foster debate on international issues.”

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to insert an “and” after “address national needs”, and replace “, and foster debate on international issues” with “to the public”.

The House bill requires that grants under Section 602 reflect the purposes of this Part.

The Senate amendment contains no similar provision.

The House recedes.

***Section 608. American Overseas Research Centers.***

The Senate amendment adds an application requirement for grants to American overseas research centers.

The House bill contains no similar provision.

The House recedes.

***Section 609. Authorization of Appropriations for International and Foreign Language Studies.***

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 and for the five succeeding fiscal years.

The House bill authorizes appropriations of \$80,000,000 for fiscal year 2009 and such sums as may be necessary for the four succeeding fiscal years.

The House recedes with an amendment to authorize such sums as may be necessary for 2009 and each of the five succeeding fiscal years.

***Section 610. Conforming Amendments.***

The House bill replaces all occurrences of the term “combinations” in sections 603(a), 604(a)(5), and 612 of the HEA with “consortia.”

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill replaces all occurrences of the term “combination” in Section 612 of the HEA with “consortium”.

The Senate amendment contains no similar provision.

The Senate recedes.

***Section 611. Business and International Education Programs.***

The House bill adds “manufacturing software systems, technology management” to the authorizing language for Centers for International Business Education under Section 612 of the HEA.

The Senate amendment contains no similar provision.

The House recesses.

The House bill includes Historically Black Colleges and Universities (HBCUs) and Hispanic-Serving Institutions (HSIs) of higher education as eligible recipients of grants to conduct permissible outreach activities.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill adds programs and activities “encouraging the advancement and understanding of cultural, technological management, and manufacturing software systems” to the list of permissible outreach activities.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike all that follows after “understanding of” in the House bill and replace with “technology-related disciplines.”

The House bill authorizes the Secretary to waive or reduce the non-federal matching requirement.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this title.

The Senate amendment amends Section 612(f)(3) of the HEA to authorize the Secretary to require applicants to make “diverse perspectives” available to students.

The House bill contains no similar provision.

The House recesses.

The Senate amendment amends the application requirements in Section 613 of the HEA for education and training programs to require applicants to assure that “the activities funded by the grant will reflect diverse perspectives and a wide range of views on world regions and international affairs.”

The House bill contains no similar provision.

The House recesses.

The House bill authorizes the Secretary to waive or reduce the non-federal matching requirement.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this title.

The Senate amendment authorizes the Centers for International Business and the Educational and Training Programs at such sums as necessary for fiscal year 2008 and the five succeeding fiscal years.

The House bill authorizes the Centers for International Business at \$11,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years. The House bill authorizes the Educational and Training Programs at \$7,000,000 for fiscal year 2009 and such sums as necessary for the four succeeding fiscal years.

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and each of the succeeding five years.

***Section 612. Minority Foreign Service Professional Development Program.***

The House bill renames the program established by Section 621 of the HEA, the “Program for Foreign Service Professionals.”

The Senate amendment contains no similar provision.

The House recedes.

The House bill modifies the provision on the establishment of the Institute for International Public Policy by requiring the Institute to increase the participation of “underrepresented populations in the international service”, including “the international commercial service”.

The Senate amendment contains no similar language.

The Senate recedes with an amendment to strike “the international commercial service.”

The House bill expands eligibility under Section 621 of the HEA to include Tribally Controlled Colleges or Universities, Alaska Native, Native Hawaiian, and Hispanic-serving institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to include programs eligible for assistance under Part A and B of Title III or Title V.

The Senate amendment amends the application requirements under Section 621 to require applicants to describe how their activities “will reflect diverse perspectives and a wide range of views on world regions and international affairs, where applicable.”

The House bill contains no similar provision.

The House recesses with an amendment to add “and generate debate” after “range of views”

The Senate amendment authorizes the Secretary to waive or reduce the non-federal matching requirement.

The House bill contains no similar provision.

The Senate recesses with an amendment to establish a special rule under a new Section 623 of the HEA granting the Secretary the authority to waive or reduce all of the non-federal matching requirements under this Title.

### ***Section 613. Institutional Development.***

The Senate amendment expands the list of programs eligible institutions will be enabled to strengthen under the Section 622 of the HEA, including “international business, and foreign language study programs”.

The House bill contains no similar provision.

The House recesses.

The Senate amendment and the House bill contain similar provisions that include “collaboration” among institutions of higher education to the institutional development goals under Subsection (a).

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment deletes definitions for “historically Black college or university” and “Tribally Controlled College or University” in Section 622(c) of the HEA.

The House bill contains no similar provision.

The House recesses with an amendment to relocate these definitions in Section 631 of the HEA.

### ***Section 614. Study Abroad Program.***

The Senate amendment deletes references to definitions for “historically Black college or university” and “tribally controlled Indian community colleges” in Section 623 of the HEA.

The House bill contains no similar provision.

The House recesses with an amendment to relocate these definitions in Section 631 of the HEA.

The House bill adds “Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions” to the program authorizing language under Section 623 of the HEA.



The Senate amendment contains no similar provision.

The Senate recedes with an amendment to replace “tribally controlled Indian community colleges” with “tribally controlled colleges or universities”.

***Section 615. Advanced Degree in International Relations.***

The Senate amendment and the House bill contain similar provisions to replace “master’s” with “advanced” degree in the program heading and in the second sentence of the program authorization of Section 624 of the HEA.

The Conferees adopt the provision as proposed by both the Senate and the House with technical revisions.

The Senate amendment amends the first sentence of the program authorizing provision by inserting “, and in exceptional circumstances, a doctoral degree,” after “master’s degree”. The House bill amends the first sentence by replacing “a master’s degree” with “an advanced degree” and including the additional subjects of “international affairs, international economics, or other academic areas related to the Institute fellow’s career objectives.”

The Senate recedes.

***Section 616. Internships.***

The Senate amendment deletes references to definitions for “historically Black college or university” and “tribally controlled Indian community colleges” in Section 625 of the HEA.

The House bill contains no similar provision.

The House recedes with an amendment to relocate these definitions in Section 631 of the HEA.

The Senate amendment replaces internships with the “United States Information Agency” with “the Department of State.”

The House bill contains no similar provision.

The House recedes.

The House bill adds “Alaska Native-serving, Native Hawaiian-serving, and Hispanic-serving institutions” to the program authority.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill deletes the provision requiring that the Interagency Committee on Minority Careers in International Affairs assist in the internship program.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment deletes the position of Associate Director for Education and Cultural Affairs of the United State Information Agency.

The House bill contains no similar provision.

The House recesses.

The House bill names the students participating in internships authorized under Section 625 of the HEA as Ralph J. Bunche Fellows.

The Senate amendment contains no similar provision.

The House recesses.

***Section 617. Financial Assistance.***

The Senate amendment authorizes financial assistance under Part C of this Title for summer stipends and Ralph Bunche Scholarships.

The House bill contains no similar provision.

The House recesses.

***Section 618. Report.***

The Senate amendment and the House bill change the annual report on Part C to a biennial report.

The Senate and the House recede with an amendment to replace “biennially” with “once every two years.”

***Section 619. Gifts and Donations.***

The Senate amendment amends the provision on gifts and donations under Part C to conform to its redesignation as Section 628.

The House bill contains no similar provision.

The House recesses.

***Section 620. Authorization of Appropriations for the Institute for International Public Policy.***

The Senate amendment authorizes such sums as may be necessary to carry out Part C of this Title for fiscal year 2008 and the five succeeding fiscal years.

The House bill authorizes \$10,000,000 to carry out Part C of this Title for fiscal year 2009 and such sums as may be necessary for the four succeeding fiscal years.

The House recedes with an amendment to authorize such sums as may be necessary for 2009 and the five succeeding fiscal years.

***Section 621. Definitions.***

The Senate amendment deletes the current definition of “critical languages” and re-designates the current definitions under Section 631 of the HEA.

The House bill contains no similar provision.

The House recedes.

The Senate amendment amends “comprehensive language and area center” to be “comprehensive foreign language and area or international studies center.” The Senate amendment adds a definition for “historically Black college and university.” The Senate amendment adds a definition for “tribally controlled college or university.” The Senate amendment amends “undergraduate language and area center” to be “undergraduate foreign language and area or international studies center.”

The House bill contains no similar provisions.

The House recedes.

***Section 622. New Provisions.***

The Senate amendment authorizes the Secretary to assess grantees’ compliance with the conditions and terms of Title VI, and includes a rule of construction that provides that this Title shall not be construed to authorize the Secretary to control an institution of higher education’s instructional program for the purposes of Title VI.

The House bill contains no similar provision.

The House recedes with an amendment to strike reference to the role of complaints in renewing grants under this Section.

The Senate amendment and the House bill add a new Section 633 that authorizes the Secretary to use no more than one percent of the funds appropriated for Title VI to conduct specified activities relating to the programs authorized under this Title.

The Conferees adopt the provision as proposed by both the Senate and the House.

The Senate amendment requires that the Secretary provide to the authorizing committees a biennial report that identifies areas of national need in foreign language, area, and international studies and a plan to address those needs.

The House bill contains no similar provision.

The House recedes with an amendment to replace “biennially” with “once every two years.”

The House bill includes a provision regarding student safety policies while studying abroad.

The Senate amendment contains no similar provision.

The House recedes.

***Section 637. Science and Technology Advanced Foreign Language Education Grant Program.***

The House bill adds a new program to support the development of innovative programs for teaching foreign languages and to emphasize attaining an understanding of science and technological developments in non-English speaking countries.

The Senate amendment contains no similar provision.

The House bill authorizes such sums as may be necessary for fiscal year 2009 and each of the four succeeding fiscal years.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that authorizes such sums as may be necessary for fiscal year 2009 and for each of the five succeeding fiscal years.

***Section 638. Reporting by Institutions.***

The House bill adds a new reporting requirement for Title VI-funded centers or programs at an institution of higher education that receive funds valued at more than \$1,000,000 from a “foreign government or private sector corporation, foundation, or any other entity or individual (excluding domestic government entities) during any fiscal year.” Such institutions of higher education must report, as part of the Integrated Postsecondary Education Data System (IPEDS) data collection, the names and addresses of such contributors and the amount given.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike “\$1,000,000” and replace with “\$250,000”, to delete the data collection requirement as part of the IPEDS and to require that information required under this section be publicly available. The conferees intend for the Department of Education to ensure the integrity of the reporting requirements under this Title and Section 117. In particular the conferees are concerned that donations are reported and categorized correctly. It is the intent of Congress that the Department of Education guidance prohibit avoidance of the disclosure of

foreign gifts through the utilization of domestic conduits or through the reimbursement of domestic entity contributions.

The House bill requires the Secretary to establish a foreign language marketing campaign.

The Senate amendment contains no similar provision.

The House recesses.

## **TITLE VII – GRADUATE & POSTSECONDARY IMPROVEMENT PROGRAMS**

### ***Section 701. Purpose.***

The Senate amendment adds specific language areas to further define “areas of national need” under the purpose of Title VII.

The House bill contains no similar provision.

The House recesses with an amendment to include technology in the list of critical security needs.

### ***Section 702. Jacob K. Javits Fellowship Program.***

The House bill gives institutions of higher education additional discretion to allow for Javits Fellows to interrupt their study due to exceptional circumstances for up to one year (or longer if called to active military service), without payment of the fellowship stipend.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment amends this section to require the Secretary to appoint a board consisting of nine individuals.

The House bill contains no similar provision.

The House recesses.

The Senate amendment adds to the qualifications of members of the Jacob K. Javits Fellows Program Fellowship Board (hereinafter referred to as “the board”) based on geographic distribution of members, institutional affiliation, and representation from minority institutions of higher education, as defined in Section 365.

The House bill includes similar provisions, and specifies that at least one member of the board must represent an institution of higher education eligible for grants under Titles III or V.

The House recedes with an amendment to clarify that board representatives from minority institutions of higher education be from institutions of higher education eligible for grants under Titles III or V.

The House bill specifies that the stipend amount is to be set at the comparable level on February 1 of the academic year of the recipient's first award. This provision applies to awards for academic year 2009-2010 and later. The House bill redefines the institutional allowance paid to institutions of higher education by replacing a reference to a previous version of the Higher Education Act. The House bill also clarifies that the Consumer Price Index used for calculating inflationary increases is to be the All Urban Consumers index.

The Senate amendment has no similar provisions.

The Senate recedes with an amendment to strike "All Urban Consumers" and strike "on February 1<sup>st</sup> of such academic research year."

The House bill specifies that a Masters of Fine Arts degree is to be considered a terminal degree for the purpose of establishing eligibility for a Javits Fellowship.

The Senate amendment contains no similar provision.

The House recedes.

The Senate amendment extends the Javits program authorization from fiscal year 2008 – fiscal year 2013. The Senate amendment amends the authorization level by removing any specified level.

The House bill extends the Javits program authorization from fiscal year 2009 – fiscal year 2013. The House bill retains a specified level (\$30,000,000) for the first year of authorization (fiscal year 2009).

The Senate recedes with an amendment to extend the authorization through fiscal year 2014.

### ***Section 703. Graduate Assistance in Areas of National Need.***

The Senate amendment and the House bill redefine "areas of national need" for the purpose of identifying eligible grantees for GAANN.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill adds a priority for specified purposes to support programs preparing professors to become faculty of teacher education programs in specified fields (math, science, special education, and limited English proficiency). The House bill requires grant applications from teacher education programs to include plans for collaboration with other academic programs.

The Senate amendment contains no similar provision.

The House recesses.

The Conferees recognize the Graduate Assistance in Areas of National Need (GAANN) program has been amended to include a subsection which directs the Secretary to consider an “assessment of the current and future professional workforce needs of the United States” when selecting GAANN designated fields. In 2007, the U.S. Bureau of Labor Statistics projected that more than one million new and replacement nurses will be needed by 2016. A significant contributing factor to the nursing shortage is the need for nurse faculty. According to the American Association of Colleges of Nursing, the national nurse faculty vacancy rate in baccalaureate and graduate schools of nursing is 8.8%. Given the revisions to this program and the national shortage of nurses and nurse educators, we respectfully request that the Secretary continue to select nursing as a discipline covered under the GAANN program.

The Senate amendment and the House bill clarify that the stipend levels for the GAANN program are equal to the National Science Foundation Graduate Research Fellowship Program.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill further specifies the stipend amount is to be set at the comparable level on February 1 “of such academic year.”

The Senate amendment contains no similar provision.

The House recesses.

The Senate amendment specifies that this provision applies to awards for 2008-2009 and later. The House bill specifies that this provision applies to awards for 2009-2010 and later.

The Senate recesses.

The Senate amendment updates the years from which institutional payments are based beginning in 2007-2008.

The House bill updates the years from which institutional payments are based beginning in 2008-2009, and ties the payments to the All Urban Consumers Price Index.

The Senate recesses with an amendment to strike the reference to the All Urban Consumers Price Index.

The Senate amendment amends the authorization level by removing any specified level for the first year of authorization (fiscal year 2008).

The House bill retains a specified level (\$35,000,000) for the first year of authorization (fiscal year 2009).

The Senate recesses with an amendment to extend the authorization through fiscal year 2014.

The House bill makes technical amendments to Section 714(c) to correct incorrect references to other provisions.

The Senate amendment contains no similar provision.

The Senate recesses.

The House bill adds language to clarify that master's degree programs are included in academic programs eligible for GAANN.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to include doctoral degrees in definition of eligible programs in addition to master's degrees.

The House bill adds language to specify that a GAANN fellowship recipient must pursue the highest possible degree in their field that is offered by the institution of higher education.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 704. Thurgood Marshall Legal Educational Opportunity Program.***

The Senate amendment and the House bill make similar changes to the Thurgood Marshall Legal Educational Opportunity program, expanding eligibility for services to students seeking "admission to law practice." In so doing, the Senate amendment refers to "secondary school students" while the House bill refers to "middle and high school students"

The House recesses. The Conferees intend that "secondary school" encompass both middle schools and high schools.

The Senate amendment expands the description of a grant activity to include preparing students for successful completion of a baccalaureate program for study at accredited law schools.

The House bill includes similar changes.

The House recesses.

The Senate amendment expands the description of a grant activity to include pre-college and summer academic programs.

The House bill contains no similar provision.

The House recesses.

The Senate amendment expands eligibility for subgrants to bar associations.



The House bill contains no similar provision.

The House recesses.

The Senate amendment amends stipend authorization language to include Thurgood Marshall program associates. Stipend recipients must maintain satisfactory progress towards the Juris Doctor or Bachelor of Laws degree, as determined by the respective institution. The Senate amendment exempts graduates in bar preparation courses from meeting this requirement.

The House bill contains no similar provision.

The House recesses.

The Senate amendment removes an explicit appropriation level authorization and authorizes the program for fiscal year 2008 – fiscal year 2013.

The House bill retains the authorization level of \$5,000,000 per year and authorizes the program for fiscal year 2009 – fiscal year 2013.

The Senate recesses with an amendment to extend the authorization through fiscal year 2014.

The House bill repeals an expired continuation provision.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 705. Sense of Congress.***

The Senate amendment and the House bill establish a new program to award competitive grants to institutions for fellowships to minorities and women seeking doctoral degrees with the intent of entering the professoriate under Title VIII.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to add a Sense of the Congress regarding the importance of inter-institutional cooperation in addressing the under-representation of women and minorities in the higher education professoriate.

***Section 706. Masters Degrees Programs at Historically Black Colleges and Universities and Other Minority Serving Institutions.***

The House bill establishes a new program to provide competitive grants to qualifying master's degree programs at a specified list of Historically Black Colleges and University and Minority Serving Institutions to provide fellowships to students in specified STEM and health fields.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to create a program for Historically Black Colleges and Universities under section 723, a program for Predominantly Black Institutions under section 724, and to authorize appropriations for both programs under section 725 and to allow grantees to expand the uses of funds.

The Conferees acknowledge that this new authorization dramatically expands the focus on graduate education at the Historically Black Colleges and Universities (HBCUs) by expanding the number of institutional participants in the Title III, B, Section 326 Historically Black Graduate Institution program, and by creating two new masters degree programs in Title VII that serve the Black student community. The Conferees believe that this expansion is warranted in light of the need to dramatically increase the number of minorities, especially African Americans, earning degrees in the physical and natural sciences, computer science, information technology, engineering, mathematics, nursing and allied health, as well as in medicine, veterinary medicine, dentistry, pharmacy, and law. Currently, Title III, B provides grants for undergraduate programs at HBCUs and doctoral and first professional degree programs at HBCUs. Conferees acknowledge that there has been confusion in recent years regarding the Section 326 program and wish to make clear that the focus and intent of the section 326 program is to support doctoral and first professional degree programs at eligible HBCUs.

Recognizing the importance of increasing the number of African Americans holding masters degrees, with this reauthorization, Conferees are creating two masters degree program to further advance educational opportunities for African Americans. Moreover, the Conferees are committed to increasing funds for the existing Strengthening Historically Black College and University (Section 323) program in order to assure that a strong “pipeline” of qualified baccalaureate degree holders is available to compete for acceptance into HBCU graduate and professional schools, as well as other graduate and professional schools throughout the United States. This should begin by assuring that the infusion of \$85 million in additional funds provided to HBCUs through the College Cost and Reduction Act is retained and used to supplement, and not supplant the \$238.1 million in discretionary Title III, B funds.

Conferees recognize the vital role HBCUs play to our nation’s system of higher education. Following passage of the Civil Rights Act of 1964, Congress in 1965 created distinct federal support for HBCUs which, in the face of legally sanctioned discrimination, had worked to raise the educational outcomes of African Americans. Although HBCUs represent just three percent of all colleges and universities in the nation, HBCUs account for 21.6% of all baccalaureate degrees awarded to Black Americans, 11.4% of all masters degrees, and 10.8% of all doctoral degrees. Additionally, HBCUs year in and year out dominate the top 10 lists of colleges and universities in the awarding of baccalaureate and graduate degrees awarded to Black Americans in the sciences and engineering.

Conferees also recognize significant role that Predominantly Black Institutions (PBIs) have in providing postsecondary education. These institutions are ineligible for funding under Title III, B because they do not meet the definition of an HBCU which Congress established when HBCUs were first recognized by Congress in 1965. Nevertheless, Conferees recognize that PBIs represent an important cadre of four-year and two-year institutions that serve as the access point for a growing number of urban and rural Black students whose family and financial situations limit their ability to gain access to college in many states. Many of these students come from low-income families and are also “first generation” college students, whose educational preparation for college and family

finances to pay for college present special challenges to educational success. PBIs are meeting vital higher education needs for traditionally underrepresented students, a disproportionate number of whom are African American. The masters program for PBIs aims to serve the needs of a growing number of students seeking to expand their educational opportunities. This program will work hand in hand with the undergraduate PBI program and serve as a pipeline for underrepresented and underserved populations to go on to and pursue a master's degree.

Conferees recognize that both HBCUs and PBIs contribute to the development of Black masters professionals. Conferees respect the historical and distinct differences between these types of institutions; at the same time, Conferees recognize that both serve similar communities.

For this reason, Conferees intend that future appropriations authorized under section 725 for each program represent the proportionate number of eligible institutions in sections 723 and 724 relative to the total number of institutions in subpart 4 and in accordance with the minimum grant provisions (sections 723 (a) and 724 (a)), funding rule provisions (sections 723(f) and 724(f)), and hold harmless provisions (sections 723(g) and 724(g)) in each program. This will ensure equitable levels of funding for each program and will encourage stakeholders to work together to secure resources. An institution shall not receive more than one grant under section 723 or 724 for the same fiscal year. Grants may periodically be renewed for a period of time to be determined by the Secretary.

***Section 707. Fund for the Improvement of Postsecondary Education.***

The House bill amends the FIPSE authority by placing an emphasis on providing opportunities for non-traditional student populations and emphasizing joint efforts that provide “for academic credit.”

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to encourage improved opportunities for all students, including non-traditional students and add to the purpose to create programs involving paths to career and professional training, including efforts that provide academic credit for programs and combinations of academic and experiential learning.

The Senate amendment and the House bill amend the stated grant purposes pertaining to supporting technology of communications, including delivery of distance education, but the Senate explicitly includes “health professions serving medically underserved populations.”

The House recedes.

The House bill amends the FIPSE authority by changing “institutions” to “postsecondary institutions.”

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment adds to the FIPSE authority to include remedial postsecondary English language instruction. The House bill adds to the authority to support and assist partnerships between institutions of higher education and secondary schools that have not less than ten percent of the schools' enrollment assessed as late-entering limited English proficient students.

The Senate and the House recede with an amendment to adopt both new additions with an amendment to strike the ten percent requirement and replace that criterion with "secondary schools that have a significant population identified as late-entering limited English proficient."

The Senate amendment and the House bill amend the FIPSE authority by adding the development of institutional consortia to design and offer curricular programs that focus on poverty and human capabilities, which includes a service-learning component.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill amends FIPSE authority by adding the following programs: assessment of teacher education programs; reduction of illegal downloading of copyrighted content; promoting fire safety in student housing; assessing the feasibility of an inter-institutional monitoring organization on gender and racial equality in campus faculty administration; demonstration projects for homeless and former foster students to provide housing during academic breaks; and promoting diversity in the entertainment industry.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to strike the assessment of teacher education programs, illegal downloading, fire safety in student housing, and an inter-institutional monitoring organization on gender and racial equality.

The Senate amendment and the House bill establish a Center for Best Practices to Support Single Parent Students.

The Conferees adopt the provision as proposed by both the Senate and the House.

The House bill amends FIPSE to require that funds made available under FIPSE are not to be given to students who are not citizens, permanent residents, a citizen of one of the Freely Associated States, or is otherwise in the United States not temporarily to seek citizenship or residency, or to institutions of higher education not meeting certain energy efficiency standards for new construction.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to: create a priority under FIPSE for institutions of higher education that meet certain energy efficiency standards for new construction; and clarify that only funds made available under FIPSE for the purpose of providing direct financial assistance to an individual student are to be limited to eligible citizens, in order to align student eligibility for grants under the FIPSE program with Title IV eligibility.

The Conferees do not intend to limit funds that are made available under FIPSE for programs that are provided to citizens and non-citizen students together, such as an institution wide program or, to exclude non-citizens from such program.

The Senate amendment and the House bill add a new scholarship program under FIPSE for dependent children and spouses of post-9/11 veterans killed or disabled in duty and current active duty military personnel. The Senate amendment describes spousal eligibility; caps scholarships at \$5,000; and accounts for cost of attendance – disallowing the scholarship and other non-loan based aid to exceed cost of attendance. The House bill describes spousal eligibility in a substantively similar way to the Senate and caps scholarships at \$5,000. The Senate amendment and the House bill include a provision that nonprofit organizations receiving a contract under this subsection may not use more than one percent of funds for administrative costs.

The Senate recedes with an amendment to ensure the grant does not exceed the cost of attendance.

The House bill substitutes references to the Director of FIPSE with references to the Secretary, and eliminates requirements to establish FIPSE grant and contracting procedures.

The Senate amendment contains no similar provision.

The Senate recedes.

The Senate amendment amends the areas for national need for which grants for special FIPSE projects may be awarded to include instructional improvement and assessment and specifies model programs to include model core curricula.

The House bill amends the areas for national need for which grants for special FIPSE projects may be awarded to include courses in American and world history and other core subjects, and support centers for quality and safety in preparing medical and nursing students.

The House recedes with an amendment to include support for centers for medical quality.

The Senate amendment removes any specific authorization level for FIPSE and extends authorization for fiscal year 2008 – fiscal year 2013.

The House bill raises authorization for the fiscal year 2009 to \$40,000,000 and such sums as may be necessary for fiscal year 2009 – fiscal year 2013.

The Senate recedes with an amendment to extend the authorization through fiscal year 2014.

### ***Section 708. Repeal of the Urban Community Service Program.***

The Senate amendment repeals the Urban Community Service Program.

The House bill repeals the Urban Community Service Program and replaces it with an “Urban-Serving Research Universities” program to expand research and other urban-service initiatives in partnerships with other public non-profit organizations. The program is authorized for \$50,000,000 per year for fiscal year 2009 – fiscal year 2013.

The House recesses.

***Section 709. Programs to Provide Students with Disabilities with a Quality Higher Education.***

Both the Senate amendment and the House bill amend Part D of Title VII.

The Conferees adopt the provisions with the following amendments.

The Senate amendment and House bill make similar changes to the program supporting postsecondary faculty in educating students with disabilities in Part D of Title VII, and establish a new comprehensive transition program for students with intellectual disabilities, as well as a coordinating center for technical assistance, evaluation, and development of accreditation standards to support such transition programs.

The Senate amendment also amends the program supporting postsecondary faculty in educating students with disabilities to create “disability career pathways” to encourage students with disabilities and nondisabled students to enter disability-related fields.

The House bill contains no similar provision.

The House bill also establishes an Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities, and a National Technical Assistance Center to provide information and technical assistance for students with disabilities to improve the postsecondary recruitment, retention, and completion rates of such students.

The Senate amendment contains no similar provisions.

The House and Senate recede with an amendment to adopt various changes to the program supporting postsecondary faculty in educating students with disabilities, place the program in a new Subpart 1 of Part D, and establish new subparts 2, 3, and 4 in Part D, as follows:

***Subpart 1 – Demonstration Projects to Support Postsecondary Faculty, Staff and Administrators in Educating Students with Disabilities***

The Conferees amend the authorized activities of the program to include teaching methods and strategies consistent with the principles of universal design for learning, and specify that such methods and strategies should provide postsecondary faculty, and staff and administrators with the skills and supports necessary to meet the academic and programmatic needs of students with disabilities. The Conferees also add options to the list of authorized activities, including effective transition practices for students with disabilities, accessible distance learning strategies, “disability career pathways,” and curriculum development that makes postsecondary education more accessible to students with disabilities.

The Conferees amend the application requirements to include a description of the extent to which the applicant will work to replicate best practices in serving students with disabilities.

The Conferees require the Secretary to prepare and disseminate reports, reviewing both prior and new demonstration projects authorized under this subpart and providing recommendations on how effective projects can be replicated.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart.

### ***Subpart 2 – Transition Programs for Students with Intellectual Disabilities Into Higher Education***

The Conferees establish a new subpart 2 of Part D to support model demonstration programs that promote the successful transition of students with intellectual disabilities into higher education. Comprehensive transition and postsecondary programs for students with intellectual disabilities are defined as degree, certificate, or non-degree programs that are offered by an institution of higher education, designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education, include an advising and curriculum structure, and require students with intellectual disabilities to participate on not less than a half-time basis in coursework and other activities with nondisabled students. The Conferees intend to encourage such programs to integrate students with intellectual disabilities into inclusive activities, coursework and campus settings with nondisabled postsecondary students, and that such programs include measurable outcomes, such as attainment of a degree or certificate.

A student with an intellectual disability is defined as a student with mental retardation or a cognitive impairment characterized by significant limitations in intellectual and cognitive functioning and adaptive behavior, and who is currently, or was formerly, eligible for a free, appropriate public education under the Individuals with Disabilities Education Act (IDEA). The Conferees recognize that some students with disabilities who are eligible for a free and appropriate public education may not enroll in public schools, nor choose to receive special education services under the Individuals with Disabilities Education Act. The Conferees intend to include such students in the definition of students with intellectual disabilities under this Act, if such students can otherwise demonstrate they meet the eligibility criteria.

The Conferees authorize the Secretary to competitively award grants to institutions of higher education, or consortia of such institutions, to create or expand the model demonstration programs, and specify that the program shall be administered by the office at the Department of Education that administers other postsecondary programs. Grants are authorized to be awarded for a period of five years. The Conferees direct the Secretary, in awarding such grants, to provide for an equitable geographic distribution of grants, provide grants to institutions or consortia that are located in areas that are underserved by such programs and to give preference to institutions or consortia that agree to form partnerships with other relevant agencies that serve students with intellectual disabilities, integrate students with intellectual disabilities into institutionally owned or operated housing offered to students without disabilities, or involve students attending the institution who are studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.

The Conferees authorize various uses of funds for institutions or consortia receiving grants under this subpart, including the provision of individual supports and services for the academic and social inclusion of students with disabilities in academic courses, extracurricular activities, and other aspects of the institution's postsecondary program; a focus on academic enrichment, socialization, independent living skills, and integrated work experiences and career skills; integration of person-centered planning for the participating students; participation of the institution or consortium in the coordinating center established in subpart 4; partnerships with one or more local educational agencies to support students with intellectual disabilities who are still eligible for education and related services under IDEA to participate in the model programs; and the creation and offer of a meaningful credential for students with intellectual disabilities upon completion of the model program. The Conferees also require an institution or consortium receiving a grant under this subpart to provide matching funds of not less than twenty-five percent of the cost of the model program supported under the grant, which may be provided in cash or in kind.

The Conferees require the Secretary to prepare and disseminate a report, within five years of the date of the first grant awarded under this subpart, which reviews the programs supported under this subpart and provides recommendations on how model programs can be replicated. The Conferees include a rule of construction to specify that nothing in the subpart shall be construed to reduce or expand the obligation of a State or local educational agency to provide a free, appropriate public education under IDEA, or eligibility requirements under any Federal, State, or local disability law.

The Conferees recognize that under the Individuals with Disabilities Education Act, nothing prohibits the use of Part B funds to support students with disabilities in transition programs at institutions of higher education, if the Individualized Education Program Team determines that such a program is the appropriate placement for the student.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart, and include a reservation of funds for the coordinating center authorized in subpart 4.

### ***Subpart 3 – Commission on Accessible Materials; Programs to Support Improved Access to Materials***

The Conferees establish a new subpart 3 of Part D that creates an Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities, and model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities. The term 'student with a print disability' is defined as a student with a disability who experiences barriers to accessing instructional materials in nonspecialized formats, including students eligible under 17 U.S.C. 121(d)(2). The Conferees acknowledge that students with a range of impairments, including but not limited to visual impairments, physical limitations, dyslexia, and intellectual disabilities, may meet this definition. Among other activities, the Conferees intend that the Commission will analyze the different definitions of eligible students in applicable Federal law and make recommendations as to the scope of the definition of student with a print disability.

The Conferees direct the Secretary to appoint nineteen members to the Commission from various categories, including representatives from the Department, the Library of Congress, associations



representing individuals with disabilities, associations representing publishers, institutions of higher education with experience in teaching or supporting students with print disabilities, producers of accessible materials, and individuals with print disabilities, including postsecondary students. The Commission is directed to meet for the first time no later than ninety days after the establishment of the Commission.

The Conferees direct the Commission to conduct a comprehensive study to assess the barriers that affect, and the technical solutions that can improve, the timely delivery and quality of accessible instructional materials for students with print disabilities, as well as the effective use of such materials by postsecondary faculty and staff. The Commission is directed to make recommendations related to a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a timeframe comparable to the availability of standard instructional materials for postsecondary students without disabilities.

The Commission is also directed to develop recommendations to inform Federal regulations and legislation and support the model demonstration programs to improve access to postsecondary instructional materials for students with print disabilities authorized in the subpart. Such recommendations are to identify best practices related to systems for collecting, maintaining, processing, and disseminating materials in specialized formats; improve the effective use of such materials by faculty and staff while complying with applicable copyright law; and analyze and consider modifications to the terms 'instructional materials,' 'authorized entities,' and 'eligible students' in applicable Federal law for the purpose of improving services to students with disabilities. The Conferees recognize the importance of accessible instructional materials for all students with disabilities, while also recognizing the importance of maintaining appropriate copyright protections, and the opportunity to market universally-designed materials that meet the needs of all students, for publishers of instructional materials.

In conducting its study and developing its recommendations, the Conferees intend for the Commission to identify, and draw upon the expertise of, national non-profit organizations and other entities with extensive experience providing accessible instructional materials to postsecondary students with print disabilities. Such organizations and entities should have proven track records in conducting research into the creation of file standards for accessible instructional materials, implementing models for the provision of accessible instructional materials for postsecondary students with print disabilities, and collaborating with publishers and other stakeholders in these efforts. The Conferees note that the following organizations and entities have done useful work in these areas: the Recording for the Blind & Dyslexic Technology Advisory Committee, Benetech Bookshare, the Critical Issues Task Force of the Association of American Publishers Higher Education Division, the Center for Applied Special Technology, the Association of Higher Education and Disabilities E-Text Solutions Working Group, the Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group, and the Advisory Council and the Technical Assistance and Development Centers of the National Instructional Materials Access Center. The Conferees recommend that the Commission consider the work of these groups in its efforts, and identify other entities with technical expertise in the Commission's areas of study, including entities that may have used federal dollars to identify solutions.

In developing these recommendations, the Commission is directed to consider how students with print disabilities may obtain materials in accessible formats in a timeframe, comparable to the availability of materials to students without disabilities; and to the maximum extent practicable, at comparable costs; the feasibility of establishing standardized electronic file formats for accessible materials; the feasibility of establishing a national clearinghouse, repository, or file-sharing network for such materials; the feasibility of market-based solutions involving collaborations among publishers and institutions of higher education to increase the availability of accessible materials; solutions utilizing universal design; and solutions for low-incidence, high-cost requests for materials in specialized formats. The Conferees direct the Commission to submit a report detailing its findings and recommendations to the Secretary and the authorizing committees not later than one year after the Commission's first meeting.

With respect to the model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities, the Conferees authorize the Secretary to award grants or contracts, on a competitive basis, to not less than one partnership consisting of an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, and a public or private entity with demonstrated expertise in developing accessible instructional materials, and the technical development expertise necessary for the efficient dissemination of such materials. The partnership may include representatives of the publishing industry.

The Conferees direct partnerships receiving grants or contracts under this subpart to conduct a variety of required activities, including the development and implementation of processes to identify and verify eligibility of postsecondary students with print disabilities; procedures to facilitate methods to request such materials; procedures to coordinate among institutions of higher education, publishers, and entities that produce materials in specialized formats; systems to deliver specialized materials in a timely fashion, and to reduce duplicative conversions of such materials; procedures to protect against copyright infringement with respect to materials in specialized formats; and outreach and awareness activities for postsecondary students, faculty and staff regarding the acquisition and dissemination of materials in specialized formats and materials utilizing universal design.

The Conferees direct the Secretary, in awarding such grants or contracts, to give preference to partnerships that support a unified search for accessible instructional materials across multiple databases or market-based approaches to make accessible instructional materials available to eligible students at prices comparable to the prices of standard instructional materials.

The Conferees direct the Secretary to submit a report to the authorizing committees, not later than three years after the date of the first contract or grant awarded under this subpart, which details the grants and contracts supported under this subpart, as well as the number of students with print disabilities served by such grants or contracts. The Conferees authorize the Secretary to expand the model programs supported under this subpart on the basis of this report and other related reports.

The Conferees include a rule of construction to specify that nothing in the subpart shall be construed to limit or preempt a State law regarding the production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart, and include a reservation of funds for the Advisory Commission authorized in the subpart.

#### ***Subpart 4 – National Technical Assistance Center; Coordinating Center***

The Conferees establish a new subpart 4 of Part D that creates a National Center for Information and Technical Support for Postsecondary Students with Disabilities to provide information on best and promising practices to students with disabilities, the families of such students, and entities awarded grants, contracts, or cooperative agreements under subparts 1, 2, and 3 of Part D to improve the postsecondary recruitment, transition, retention, and completion rates of students with disabilities. Subpart 4 also authorizes a coordinating center to support inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities, including those authorized under subpart 2.

The Conferees establish and support a National Center for Information and Technical Support for Postsecondary Students with Disabilities. The Conferees specify that an institution or higher education or nonprofit organization, with demonstrated expertise in supporting students with disabilities in higher education, technical knowledge related to the dissemination of information in accessible formats, and working with diverse types of institutions of higher education, or partnership of two or more such institutions or organizations, may qualify as the eligible entity authorized to operate the National Center. The Conferees specify that the National Center shall provide information and technical assistance to students with disabilities and the families of such students, to support students across the broad spectrum of disabilities, including information to assist students with disabilities in planning for postsecondary education while they are in secondary school; information to improve the participation of students with disabilities in early outreach programs supported under Title IV; information on research-based supports available in postsecondary settings; information on student mentoring and networking opportunities; and effective recruitment and transition practices for students with disabilities at institutions of higher education.

The Conferees further specify that the National Center shall provide information and technical assistance to postsecondary faculty, staff, and administrators to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of students with disabilities in higher education settings. These activities may include collection and dissemination of best practices and materials for accommodating and supporting students with disabilities; the development of training modules for higher education faculty for such purpose; and development of technology-based tutorials. The Conferees authorize the National Center to build, maintain, and update a database of disability support information related to postsecondary education that shall be made available to the public through a website built to high technical standards of accessibility.

The Conferees direct the National Center to prepare periodic reports to the Secretary and the authorizing committees analyzing the condition of postsecondary success for students with disabilities, including a review of the programs authorized under Part D; annual enrollment and graduation rates of students with disabilities at institutions of higher education; recommendations for effective supports and services for students with disabilities in higher education; recommendations on reducing barriers to full participation of such students in higher education; and a description of successful strategies in improving the success of such students in postsecondary

education. The first of such reports shall be submitted not later than three years after the establishment of the Center, and every two years thereafter.

The Conferees specify that in hiring employees of the National Center, the center shall consider prospective employees' experience in providing training and technical assistance to practitioners.

The Conferees establish a Coordinating Center for Model Programs for Students with Intellectual Disabilities, which will serve as a coordinating center for technical assistance, evaluation, and recommendations related to the development of standards for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities. The Conferees recognize that there may currently exist inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities as defined by this Act, and intend the Coordinating Center to work with such programs as well as those participating in grants authorized under subpart 2. The Conferees specify that an entity or partnership of entities with demonstrated expertise in the fields of higher education, the education of students with intellectual disabilities, the development of comprehensive transition and postsecondary programs for students with intellectual disabilities, and evaluation and technical assistance may qualify as the eligible entity to operate the coordinating center. The Conferees authorize the Secretary to enter into an agreement with an eligible entity to operate the coordinating center for a period of five years.

The Conferees direct that the coordinating center shall serve as the technical assistance entity for all comprehensive transition and postsecondary programs for students with intellectual disabilities, and that the center shall provide technical assistance regarding the development, evaluation, and improvement of such programs; develop an evaluation protocol for such programs; and assist recipients of grants under subpart 2 of Part D in providing a meaningful credential to students with intellectual disabilities who complete such programs. The Conferees also direct the coordinating center to develop recommendations on various components of the programs supported under subpart 2, analyze potential funding streams for such programs, develop model memoranda of agreement among institutions of higher education, States, and local educational agencies with respect to such programs; develop mechanisms for the regular communication, outreach and dissemination of information about such programs among relevant groups; and convene a workgroup to develop model criteria, standards, and components of such programs that are appropriate for the development of accreditation standards for these programs.

The Conferees direct the coordinating center to prepare a report to the Secretary, the authorizing committees, and the National Advisory Committee on Institutional Quality and Integrity, no later than five years after the date of establishment of the coordinating center, on the recommendations of the workgroup charged with developing model criteria and standards appropriate for the development of accreditation standards for comprehensive transition and postsecondary programs for students with intellectual disabilities.

The Conferees authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years to carry out the purposes of this subpart.

#### ***Section 710. Subgrants to Nonprofit Organizations.***

The House bill clarifies that guaranty agencies are eligible for subgrants under the College Access Challenge Grant Program created by CCRAA.

The Senate amendment contains no similar provision.

The Senate recesses.

## **TITLE VIII – ADDITIONAL PROGRAMS**

### ***Section 801. Additional Programs***

The Senate amendment and the House bill create a new Title VIII to add new programs to the Act.

The Senate and House recede with amendments to Title VIII as follows.

### ***Section 801. Project GRAD.***

The Senate amendment and the House bill authorize a new program to provide funding through a grant for a non-profit organization called Project GRAD USA to support integrated secondary-postsecondary graduation reform efforts. The Senate amendment establishes the program as a subsection of FIPSE. The House bill establishes the program under Title VIII.

The Senate recesses on placement and with an amendment to strike the term disadvantaged students and replace with low-income students, to reduce the administrative funding from eight percent to five percent, and to include additional outcome criteria for determining the funding level for grantees. The House and Senate recede to require the Secretary enter into a contract, rather than a grant, with Project Grad

### ***Section 802. Mathematics and Science Scholars Program.***

The Senate amendment establishes a new competitive grant program that authorizes the Secretary to award competitive grants to states. States would award \$1,000 scholarships to first and second year undergraduate students who complete a rigorous high school program in math and science. States must match fifty percent of federal funds and may set priorities (e.g., underrepresented groups) for the scholarships. The Senate amendment authorizes appropriations of such sums as may be necessary fiscal year 2008 through fiscal year 2009.

The House bill contains no similar provision.

The House recesses with an amendment to increase the scholarship award from \$1,000 to \$5,000, to limit eligibility to first year undergraduate students, and to incorporate provisions from the Math and Science incentives program from Title IV of the House bill.

The Conferees intend that States awarding scholarships from the Mathematics and Science Scholars Program should take into account the regional and geographic needs of the State in determining which eligible students receive the scholarships.

### ***Section 803. Business Workforce Partnerships for Job Skill Training in High-Growth Occupations or Industries.***

The Senate amendment authorizes the Secretary to award competitive grants to partnerships between institutions of higher education and local workforce investment boards for development of job training programs in high-growth industries. Grants would fund training for “non-traditional” students meeting specified criteria. The Senate amendment authorizes appropriations of such sums as may be necessary for fiscal year 2008 through fiscal year 2009.

The House bill includes a related Business Workforce Partnership grant program that authorizes the Secretary to award competitive grants to institutions of higher education in partnership with businesses, local workforce investment boards, and labor organizations to develop pathways from education and training to high-demand occupations.

The Senate and the House recede with an amendment to merge the two programs and authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

It is the intent of the Conferees that the Workforce Partnerships for Job Skill Training in High-Growth Occupations or Industries created in this bill are awarded as part of a competitive grants process. The Conferees further intend that the Secretary shall consult with experts in the workforce and occupational education and training fields during all parts of the grants process, including the reviewing of applications, awarding grants, and evaluating the success of grantees.

Finally, the Conferees intend for the Secretary to encourage grant recipients pursuing partnerships for the purposes outlined in subsection (e)(1) or (e)(2) to where possible design course offerings and programs that offer credit towards a degree or certificate.

#### ***Section 804. Capacity for Nursing Students or Faculty.***

The Senate amendment and the House bill establish a new program that authorizes the Secretary to award competitive grants to nursing programs to expand faculty and facilities.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment authorizes grants beginning in academic year 2006-2007. The House bill authorizes grants beginning in academic year 2008-2009.

The Senate recedes.

The Senate amendment authorizes funding indefinitely. The House bill does not provide a separate authorization of appropriations for this section.

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

The House bill establishes a Nurse Faculty Pilot Project which authorizes the Secretary to award competitive grants to fund scholarships and release time for nurses studying for advanced degrees with the intention of becoming faculty.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify that grants awarded under this section may be used to support partnerships with hospitals or health facilities to improve alignment between nursing education and healthcare delivery methods, fund release time for qualified nurses enrolled in the graduate nursing program and to provide scholarships to qualified nurses in pursuit of an advanced degree with the goal of becoming faculty members in an accredited nursing program.

The conferees recognize that Part D, Section 804, Capacity for Nursing Students and Faculty, combines two distinct programs included in the House bill; a capitation grant program and a nurse faculty pilot project. In considering the designation of the awards and distribution of excess funds, the committee urges the Secretary to ensure an adequate number of awards and funding is provided for the nurse faculty pilot project described in (c)(2)(B). Additionally, the Secretary shall determine the duration in which the nurse faculty pilot project grants are awarded; such time period should not exceed five years but should not be less than three years. After the expiration of the pilot program, the project's success will be evaluated.

#### ***Section 805. American History for Freedom.***

The Senate amendment establishes a new program that authorizes the Secretary to award competitive grants to institutions of higher education to establish or strengthen programs that promote “(1) traditional American history; (2) the history and nature of, and threats to, free institutions; or (3) the history and achievements of Western Civilization.” The Senate amendment authorizes appropriations for fiscal year 2008 through fiscal year 2013.

The House bill contains no similar provision.

The House recedes with an amendment to authorize such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

#### ***Section 806. Teach for America.***

The Senate amendment and the House bill authorize the Secretary to award a grant to Teach For America, Inc. to implement and expand its program of recruiting, selecting, training, and supporting new teachers; and to study the program's effectiveness.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment uses the term achievement gains, while the House bill uses the term student learning gains.

The House recedes with an amendment to use the term student achievement gains.

The House bill requires those participating in the peer review process required by the Senate amendment and House bill to meet specific qualifications.

The Senate recesses.

The Senate amendment authorizes appropriations of such sums as may be necessary for fiscal year 2008 through fiscal year 2013.

The House bill authorizes \$20,000,000.

The Senate recesses.

The Senate amendment limits the Teach For America organization from using federal funds for more than twenty-five percent of its administrative costs.

The House bill contains no similar provision.

The House recesses.

***Section 807. The Patsy T. Mink Fellowship Program.***

The Senate amendment and the House bill establish a new program to award competitive grants to institutions of higher education for fellowships to minorities and women seeking doctoral degrees with the intent of entering the professoriate.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to clarify that the fellowship awards should be given to individuals from groups who are underrepresented in doctoral degree programs, including minorities and women.

The Senate amendment requires that at least thirty percent of funds would be reserved for institutions of higher education eligible for a grant under Titles III or V.

The House bill requires that at least fifty percent of funds would be reserved for institutions of higher education eligible for a grant under Titles III or V.

The House recesses.

The Senate amendment and the House bill establish similar eligibility requirements for students to receive Mink fellowships from grantee institutions of higher education. The Senate amendment requires intent to pursue a career in instruction at certain delineated institutions of higher education; the House bill simply refers to those institutions of higher education eligible to participate in Title IV programs.

The House recesses.

The Senate amendment and the House bill requires each grantee to award a minimum of fifteen fellowships with the grant funds.



The Conferees agree to this provision with an amendment to reduce the minimum number of awards to ten and clarify that the Secretary can use unused appropriated funds to make a grant award to a grantee that would result in less than ten fellowships being awarded.

The Conferees intend that the Patsy Mink Fellowship Program grants will support a minimum of ten fellowships per grant. The goal of this minimum number of fellowships is to enable cohorts of underrepresented individuals to move through graduate education together and increase the likelihood that individuals will complete their education and enter the professoriate. The Conferees recognize that appropriated funds may not always be adequate to ensure that each grant could support this minimum number. In such situations, the Conferees intend that the Secretary award the maximum number of grants that would support the minimum fellowship requirement but would have the flexibility to award a single grant using remaining funds which would not be required to meet the minimum fellowship requirement. The Secretary may not award multiple grants, in any single grant cycle, that do not meet the minimum fellowship requirement.

The Senate amendment includes provisions prohibiting any requirement for preferential treatment in hiring for Mink fellows.

The House bill contains no similar provision.

The House recesses.

#### ***Section 808. Improving College Enrollment by Secondary Schools.***

The Senate amendment and the House bill establish a new program in which the Secretary must contract with a non-profit organization to conduct a needs assessment and provide comprehensive services to urban school districts and rural states in order to improve college-going rates of participating schools.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendment.

The Senate amendment directs the Secretary to contract with one non-profit organization to carry out the program.

The House bill requires the Secretary to award a grant to a nonprofit organization to carry out the program.

The Senate recesses.

#### ***Section 811-818. Early Childhood Education Professional Development and Career Task Force.***

The Senate amendment and the House bill include a program for early childhood development professional development.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment and the House bill include a definition of an “early childhood education program.” The House bill’s definition includes a program authorized under Section 619 or Part C of IDEA.

The Senate recesses.

The Senate amendment provides for a five year grant award period. The House bill provides for a three year grant award period.

The House recesses.

The Senate amendment and the House bill require the development of a State Task Force. The House bill specifies that a representative from the state educational agency and the State Head Start collaboration director participate in the State Task Force. The House bill includes language stating that nothing precludes the State from designating a pre-existing entity to serve as the State Task Force required under this program. The Senate amendment requires a state representative serve on the Task Force, but does not require that person to be from the state educational agency.

The Senate recesses.

The Senate amendment and the House bill include similar provisions for “State Taskforce Activities”, except, the House bill specifies that the survey, administered by the Task Force, should collect information disaggregated by specialized knowledge in the education of children with limited English proficiency, in addition to the areas included in the Senate amendment.

The Senate recesses with an amendment to also require the collection of information regarding children with disabilities.

The Senate amendment and the House bill require the State Task Force to develop a plan for a comprehensive professional development and career system for individuals working in early childhood education programs and specify what must be included in the plan.

The Conferees adopt this provision with an amendment to clarify that the plans may, rather than shall, include certain contents.

***Section 819. Improving Science, Technology, Engineering and Mathematics Education with a Focus on Alaska Native and Native Hawaiian Students.***

The Senate amendment and the House bill authorize the Secretary to award competitive grants to partnerships to develop or expand STEM programs and academic support services and internships for STEM students, with a focus on Alaska Native and Native Hawaiian students.

The Conferees adopt the provisions as proposed by both the Senate and the House with the following amendment.

The Senate amendment includes a definition of institution of higher education.

The House bill contains no similar provision.

The House recesses.

The Senate amendment includes authorizing language for such sums as necessary to carry out this Part for fiscal year 2008 and five succeeding years.

The House bill contains no similar provision.

The House recesses with amendment to strike 2008 and replace with 2009.

***Section 820. Pilot Programs to Increase College Persistence and Success.***

The Senate amendment authorizes the Secretary to award competitive grants to institutions of higher education for scholarships (\$2,000 per year for two years) and counseling services for low-income students with dependents. Scholarship funds are paid upon completion of specified academic milestones. The program is to be evaluated with a random assignment study design. The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 through fiscal year 2013.

The House bill contains the Student Success Grants, which authorizes the Secretary to award competitive grants to eligible institutions of higher education to help low-income students persist and complete postsecondary education and training programs through coaching programs. In addition to supportive services, institutions of higher education would provide grants to eligible students for \$1,500 per student, per year, for five years, with a twenty-five percent non-federal matching requirement.

The Senate and the House recess with an amendment to merge the two programs.

***Section 821. Student Safety and Campus Emergency Management.***

The Senate amendment and the House bill create a new student safety and campus emergency grant program.

The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The House bill adds one additional authorized activity that allows funds to be used for the acquisition and installation of access control, video surveillance, intrusion detection, and perimeter security technologies.

The Senate recesses.

The Conferees intend that the authorized emergency communications systems to include multiple technologies, including those currently provided over personal computers, personal digital assistants, message boards, and speaker-sirens, such as mass notification systems using “intelligible voice” messaging. The Conferees are aware that the Department of Defense and other entities use three forms of mass notifications systems for interior and exterior emergency communications. These

combinations of technologies are important for emergency communications to reassure that there are multiple paths for message delivery. This will allow for messages with intelligible voice messaging over remote speaker-sirens and personal computing devices to notify personnel inside and outside in large open areas with real-time information in an endangered areas prior, during, and after the emergency.

***Section 822. Model Emergency Response Policies, Procedures, and Practices.***

The Senate amendment provides joint authority to the Secretary, Attorney General, and Secretary of Homeland Security to provide technical assistance to institutions of higher education on model emergency response issues and to disseminate relevant information.

The House bill requires the Secretary of Education, in consultation with the Attorney General and Secretary of Homeland Security, to provide these technical assistance and dissemination services.

The Senate recesses with an amendment to clarify that the Secretary shall continue the efforts that are already underway in working with the Attorney General and Secretary of Homeland Security.

***Section 823. Preparation for Future Disasters Plan by the Secretary.***

The House bill requires the Secretary to develop and maintain a disaster relief plan that addresses the needs of institutions of higher education in the event of a natural or man-made disaster that is declared a major disaster or emergency by the President. The House bill requires the Secretary to submit the disaster plan and any revisions to the plan to the authorizing Committees.

The Senate amendment contains no such provision.

The Senate recesses with an amendment to ensure that the Secretary works in coordination with the Secretary of Homeland Security and other appropriate agencies and to strike the requirement that the Secretary submit the plans to the authorizing Committees.

The Conferees remain interested in the progress made by the Secretary of Education, along with other agencies, in developing plans to ensure that the federal government is ready to assist institutions of higher education, their employees and their students in the event of another natural or man-made disaster. The Conferees would appreciate a briefing on the plans as they are developed.

***Section 824. Education Disaster and Emergency Relief Loan Program.***

The House bill establishes a new education disaster and emergency relief loan program for institutions of higher education for direct or indirect losses incurred as a result of a federally declared major disaster or emergency.

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to limit the uses of funds.

The Conferees remain interested in the progress made by the Secretary of Education, along with other agencies, in developing plans to ensure that the federal government is ready to assist institutions of higher education, their employees and their students in the event of another natural or man-made disaster. The Conferees intend for Congress, upon its request, to be kept apprised of such plans as they are developed.

The Conferees note the devastating effect that hurricanes Katrina and Rita had on the universities and colleges located in the Gulf region, displacing 83,821 students and resulting in the closure, for the first time, of eleven colleges and universities in New Orleans for a full semester and ten more in Louisiana, Mississippi, Texas, and Florida for an extended period of time. The conferees are concerned that nearly three years after Katrina and Rita these colleges and universities are still struggling to recover. In particular, colleges and universities are suffering with student enrollments, faculty hiring and retention, as well as recovering financially overall from the damages to the schools. In terms of faculty and staff, it is important to note that salaries and benefits are paid during a disaster even as enrollments drop. The latest statistics reveal the challenges faced by these institutions:

Enrollment:

Pre-hurricanes: More than 70,000 students

Spring 2008: Less than 50,000

Faculty:

Pre-hurricanes: Nearly 11,000

Spring 2008: Approximately 8,000

Damages & Recovery

Damages (Revenue Losses, Physical Damages): Approximately \$1.254 billion

Recovery (Insurance & FEMA): Approximately \$400 million

In developing the disaster loan program, the conferees intend for the Secretary to consider, as appropriate, the development of applicable rates of interest, credit reviews, escrow accounts, and provision that loans shall be fairly allocated among as many eligible institutions as possible, consistent with making loans of amounts that will allow for needed construction, replacement, renovation and operations resulting from a major disaster or emergency.

***Section 825-826. Guidance on Mental Health Disclosures for Student Safety.***

The House bill requires the Secretary, not later than ninety days after the enactment of this Act, to provide guidance to clarify the role of institutions of higher education with respect to the disclosure of education records in situations where a student poses a significant risk of harm to himself/herself or others. This guidance must also state that institutions of higher education acting in “good faith” with respect to the disclosure of education records in accordance with the requirements of this Act and Family Educational Rights and Privacy Act of 1974 shall not be liable for that disclosure.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike ninety and replace with 180.

***Section 830. Incentives and Rewards for Low Tuition.***

The House bill authorizes the Secretary to award grants for low tuition to institutions of higher education for academic year 2008-2009 and any succeeding academic year whose percentage increase in annual net tuition is equal to or less than the percentage change in the relevant Postsecondary Education Price Index (PEPI) for such academic year. The Secretary may also award grants to public institutions of higher education that have a net tuition that is in the lowest quartile of comparable institutions of higher education or have a tuition increase of less than \$500 for a full-time undergraduate student.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 831-833. Cooperative Education***

The House bill awards grants to institutions of higher education or combinations of institutions of higher education to encourage them to develop and make available work experiences for their students to prepare them for future careers and enable students to support themselves financially while in school.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 834-835. Demonstration and Innovation Projects; Training and Resource Centers; and Research.***

The House bill authorizes the Secretary to make grants or enter into contracts for demonstration programs, training and resource centers, and research related to cooperative education.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 841. College Partnership Grants Authorized.***

The House bill establishes a grant program for eligible partnerships of institutions of higher education to support the development and implementation of articulation agreements. An eligible partnership must include at least two institutions of higher education or a system of institutions of higher education.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to strike the requirement that the Secretary prescribe regulations for the implementation of this program.

***Section 842. Grants to Create Bridges from Jobs to Careers.***

The House bill establishes a new program that authorizes the Secretary to award competitive grants to institutions of higher education to create workforce bridge programs from developmental coursework to occupational certificate programs. Grants offer a priority for institutions of higher education with more than half of students enrolling in developmental coursework.

The Senate amendment contains no similar provisions.

The Senate recedes with an amendment to strike part of the evaluation.

The Conferees encourage the Secretary, in carrying out the evaluation of the impact of the programs funded under this program, to work with private foundations, and other providers of funds, to allow for the use of a random assignment evaluation in at least one of the demonstration sites.

***Section 861-870. Rural Development Grants for Rural Colleges and Universities.***

The House bill authorizes the Secretary to award competitive grants to rural institutions of higher education in partnership with rural local education agencies, rural educational service agencies, regional employers, or non-profit organizations in order to support the following: increasing college enrollment rates among graduates of rural high schools and nontraditional students at rural institutions of higher education; related economic development activities; and increasing student participation in academic programs leading to careers of a high-need in rural areas. Grants are between \$200,000 and \$500,000 per year for three years.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment.

The Conferees intend that the term 'rural-serving institution' encompasses an institution of higher education, including its regional and satellite campuses, that primarily serves a rural area. Further, a 'regional employer' includes an employer located in the rural area, regardless of the location of the employer's headquarters.

***Section 871. Campus-Based Digital Theft Prevention.***

The House bill authorized the Secretary to award grants to institutions of higher education to develop or improve programs that are designed to reduce illegal downloading on campus.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the program from Title IV to Title VIII.

***Section 872. Program to Promote Training and Job Placement of Realtime Writers.***

The House bill authorizes the Secretary of Commerce to award competitive grants to institutions of higher education for training and placing students in realtime writing jobs. Grants may not exceed \$1,500,000 over two years. Scholarship amounts for training are to be determined according to Title IV Part F need analysis.

The Senate amendment contains no similar provision.

The Senate recedes with amendments to clarify what constitutes an eligible entity, to increase the duration of the grant from two years to five years, to clarify when the Secretary can waive the employment requirement for individuals who receive fellowships under this program, and to clarify the evaluation required under the program.

***Section 873. Model Programs for Centers of Excellence for Veteran Student Success.***

The House bill authorizes the Secretary to award competitive grants to encourage model programs to support veteran student success in postsecondary education.

The Senate amendment contains no similar provision.

The Senate recedes.

***Section 881. University Sustainability Programs***

The House bill authorizes the Secretary to award competitive grants to institutions of higher education and partnerships to design and implement sustainability practices. The House bill requires the Secretary to convene a summit on sustainability in higher education not later than September 30, 2008.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to modify the uses of funds in the grant program and to move the Sustainability Summit to Title XI and strike 2008 and replace with 2010 for the date by which the Secretary must convene the Summit.

***Section 891. Modeling and Simulation Programs.***

The House bill authorizes the Secretary to award competitive grants to institutions of higher education to create and enhance modeling and simulation programs. Grants have twenty-five percent by non-federal source matching requirement. The House bill requires the Secretary to establish a task force to raise awareness of and define the study of modeling and simulation.

The Senate amendment contains no similar provision.

The Senate recedes.

***Section 892. Path to Success.***



The House bill authorizes the Secretary to award competitive grants to community colleges in partnership with juvenile justice systems to provide education and related services to eligible youth in areas with gang activity.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to modify the uses of funds.

***Section 893. School of Veterinary Medicine Competitive Grant Program.***

The Senate amendment authorizes the Secretary of Health and Human Services to award competitive grants to veterinary schools or residency programs for veterinarians to increase the number of veterinarians in the workforce.

The House bill contains no similar provision.

The House recesses.

***Section 894. Early Federal Pell Grant Commitment Demonstration Program.***

The Senate amendment authorizes the Secretary to establish an early federal Pell Commitment Demonstration Program and award grants to four state educational agencies to pay the administrative expenses for program participation. The program would provide 8th grade students who are eligible for free or reduced price lunch with a commitment to receive a Pell Grant during their first year of undergraduate study, provided the student applies for federal financial aid during the student's senior year of high school. Each state would identify two cohorts of 8th grade students to participate in the demonstration program. The two cohorts of students, which shall consist of (1) one cohort of 8th grade students who begin the participation in academic year 2008–2009; and (2) one cohort of 8th grade students who begin the participation in academic year 2009–2010. Each cohort of students shall consist of not more than 10,000 8th grade students who qualify for a free or reduced price meal.

The House bill contains no similar provision.

The House recesses with an amendment to clarify who can participate in the program.

***Section 895. Henry Kuualoha Guigni Kupuna Memorial Archives.***

The Senate amendment authorizes the Secretary to award a grant to the University of Hawaii Academy for Creative Media for the establishment, maintenance, and periodic modernization of the memorial archives.

The House bill contains no similar provision.

The House recesses.

***Section 802. National Center for Research in Advanced Information and Digital Technologies.***

The House bill includes language to authorize the establishment of a nonprofit corporation, National Center for Learning Science and Technology (referred to in this Act as the “Center”). The Center shall have a trust fund that is established within the Treasury. Trust funds shall be used to support research that is in the public interest but that is unlikely to be undertaken entirely with private funds for activities such as precompetitive and applied research development and demonstrations, and assessments of prototypes of innovative digital learning and information technologies as well as the components and tools needed to create them. A board of directors of the Center shall be established to oversee the administration of the Center. The initial Board shall consist of nine members to be appointed by the Secretary from a list of recommendations received from the House of Representatives and the Senate.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify the purpose to “support a comprehensive research and development program to harness the increasing capacity of advanced information and digital technologies to improve all levels of learning and education, formal and informal, to provide Americans the knowledge and skills needed to compete in the global economy.”

The National Center for Research in Advanced Information and Digital Technologies is established as a nonprofit corporation to support a comprehensive research and development program to harness the increasing capacity of advanced information and digital technologies to improve all levels of learning and education, formal and informal, to provide Americans the knowledge and skills needed to compete in the global economy. The Center will carry this out through awarding grants funded by a combination of federal and private funds. Grants can be made to colleges and universities, museums, libraries, nonprofit organizations, public institutions with or without for-profit partners, for-profit organizations, and consortia of any such entities, including public broadcasting entities. It is the intention of the Conferees that in order to avoid duplication of efforts the Center coordinates its efforts with current activities of the Department of Education, the Department of Defense, the National Science Foundation, and other federal agencies. It is also the Conferees intention that the results of the work of the Center be available in the public domain, except in rare circumstances which shall require a unanimous vote of the board and a public report of the exception.

### ***Section 803. Establishment of Pilot Program for Course Material Rental***

The House bill authorizes the Secretary to make grants to no more than ten institutions of higher education to develop pilot programs that would allow students to rent textbooks.

The Senate amendment contains no similar provision.

The Senate recedes.

## **TITLE IX – AMENDMENTS TO OTHER LAWS**

### **PART A – EDUCATION OF THE DEAF ACT OF 1986**

#### ***Section 901. Laurent Clerc National Deaf Education Center.***

The Senate amendment and the House bill authorize the Laurent Clerc Center. The House bill clarifies that the results required to be reported under the Senate amendment and the House bill shall only be reported if they yield statistically meaningful information that is not personally identifiable.

The Senate recesses.

***Section 902. Agreement with Gallaudet University.***

The Senate amendment and the House bill are identical with respect to these provisions.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 903. Agreement for the National Technical Institute for the Deaf.***

The Senate amendment amends this section by specifying that the institution of higher education operating the National Technical Institution for the Deaf shall be the Rochester Institute of Technology in Rochester, New York.

The House bill contains no similar provision.

The Senate recesses with an amendment to strike the language that specifies if either Rochester Institute of Technology or the Secretary terminate the agreement, the Secretary shall consider proposals from other institutions of higher education.

The Senate amendment and the House bill update the title of the Senate Health, Education, Labor and Pensions Committee, and modify the references to the Davis-Bacon Act.

The Conferees adopt the provisions as proposed by both the Senate and the House.

***Section 904. Cultural Experiences Grants.***

The Senate amendment establishes the cultural experiences grant program.

The House bill contains no similar provision.

The House recesses.

***Section 905. Audit.***

The Senate amendment and the House bill make the same technical amendments to the audit section by inserting the appropriate section and subsection numbers and updating the appropriate Senate and House Committee names.

The Conferees adopt the provisions as proposed by both the Senate and the House.

***Section 906. Reports.***

The Senate amendment and the House bill make similar technical amendments to the reports section including updating the appropriate Senate Committee name, striking the word “preparatory”, amending language regarding the graduation or completion date, and adding a reference to National Technical Institute for the Deaf programs and activities.

The Senate recesses.

***Section 907. Monitoring, Evaluation, and Reporting.***

The Senate amendment and the House bill amend the annual report to Congress to be an annual transmission from the Secretary and update the fiscal years to 2008 through 2013.

The House bill strikes the word “preparatory.”

The Senate recesses with an amendment to update the fiscal years to 2009 through 2014.

***Section 908. Liaison for Educational Programs.***

The Senate amendment and the House bill amend the required timeline in the Education of the Deaf Act of 1986 by striking “not later than thirty days after the enactment of this Act.”

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 909. Federal Endowment Programs for Gallaudet University and the National Technical Institute for the Deaf.***

The Senate amendment and the House bill update the fiscal years to 2008 through 2013.

The Conferees adopt the provision as proposed by both the Senate and the House with an amendment to update the fiscal years to 2009 through 2014.

***Section 910. Oversight and Effect of Agreements.***

The Senate amendment and the House bill update the appropriate Senate and House Committee names.

The Conferees adopt the provision as proposed by both the Senate and the House.

***Section 911. International Students.***

The Senate amendment and the House bill have similar provisions with respect to international students participating in distance learning. The House bill clarifies that students who are not enrolled in a degree program at the University or the NTID shall not be counted as international students for the purposes of the cap on international students.

The Senate recesses.

The House bill clarifies that tuition surcharges should remain consistent for international students from developing countries despite changes to the developing country status of the home country of such students during their enrollment period.

The Senate amendment contains no similar provision.

The Senate recesses.

The Senate amendment defines “developing country” as a country with a per-capita income of not more than \$4,825 measured in 1999 U.S. dollars.

The House bill defines “developing country” as a country with a per-capita income of not more than \$5,345 measured in 2005 U.S. dollars.

The Senate recesses.

### ***Section 912. Research Priorities.***

The Senate amendment and the House bill update the appropriate Senate and House Committee names.

The Conferees adopt the provision as proposed by both the Senate and the House.

### ***Section 913. National Study on the Education of the Deaf.***

The House bill requires a national study of the education of the deaf.

The Senate amendment contains no similar provision.

The Senate recesses.

### ***Section 914. Authorization of Appropriations.***

The Senate amendment and the House bill update the fiscal years to 2008 through 2013.

The Senate and the House recess with an amendment to update the fiscal years to 2009 through 2014.

## **PART B – UNITED STATES INSTITUTE OF PEACE ACT**

### ***Section 921. United States Institute of Peace Act.***

The Senate amendment amends various provisions of the U.S. Institute of Peace Act.

The House bill contains no similar provisions.

The House recesses with an amendment to provide that the amendments to this section shall take effect as if they were enacted on June 1, 2007.

## **PART C – THE HIGHER EDUCATION AMENDMENTS OF 1998; THE HIGHER EDUCATION AMENDMENTS OF 1992.**

### ***Section 931. Repeals.***

The Senate repeals provisions of the Higher Education Amendments of 1998, including Part A – Study of Market Mechanisms in the Federal Student Loan programs; Study of the Feasibility of Alternative Financial Instruments for Determining Lender Yields; Student Related Debt Study; Study of Transfer of Credits; Study of Opportunities for Participation in Athletics Programs; and the Study of the Effectiveness of Cohort Default Rates for Institutions of Higher Education with few Student Loan Borrowers; Section 861 – Education Welfare Study; Part C – Community scholarship mobilization; Part F – Improving United States understanding of science, engineering, and technology in East Asia; and Part J – Web-based education commission of the Higher Education Amendments of 1998; and Section 863 – Sense of Congress Regarding Good Character.

The House bill repeals provisions of Part A of the Higher Education Amendments of 1998, including Section 801 – Study of Market Mechanisms in the Federal Student Loan programs; Section 802 – Study of the Feasibility of Alternative Financial Instruments for Determining Lender Yields; Part C – Community scholarship mobilization; Part F – Improving United States understanding of science, engineering, and technology in East Asia; and Part J – Web-based education commission of the Higher Education Amendments of 1998; and Section 803 – Student Related Debt Study.

The House recesses.

### ***Section 932. Grants to States for Workplace and Community Transition Training for Incarcerated Individuals.***

The Senate amendment and the House bill reauthorize grants to states for workforce and community transition training for incarcerated individuals. The Conferees adopt the provision as proposed by both the Senate and the House with the following amendments.

The Senate amendment and the House bill have different titles for the program.

The Senate recesses.

The Senate amendment defines “youth offender” as a male or female offender under the age of thirty-five, who is incarcerated in a State prison.

The House bill defines “incarcerated individual” as a male or female offender who is incarcerated in a State prison.

The Senate recesses with an amendment to define “incarcerated individual” as a male or female offender under the age of thirty-five, who is incarcerated in a State prison.

The Senate amendment directs the Secretary to establish programs designed to assist and encourage youth offenders to acquire functional literacy, live and job skills. The Senate amendment includes as authorized activities: the pursuit of a postsecondary education certificate or an associate or

bachelor's degree while in prison; and employment counseling and other related services that may end not later than one year after release.

The House bill directs the Secretary to establish programs to assist and encourage incarcerated individuals to acquire educational and job skills. The House bill includes as authorized activities: coursework to prepare students to take college level courses; the pursuit of a postsecondary education certificate or an associate or bachelor's degree while in prison; and employment counseling and other related services that may end not later than one year after release.

The Senate and the House recede with an amendment to direct the Secretary to establish programs to assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills. Authorized activities include: coursework to prepare students to pursue a postsecondary education certificate or an associate or bachelor's degree while in prison; pursuit of a postsecondary education certificate or an associate or bachelor's degree while in prison; and employment counseling and other related services that may end not later than two years after release.

The Senate amendment requires that an eligible State correctional education agency shall include in its application a list of the accredited institutions that will provide the postsecondary educational services.

The House bill requires that an eligible State correctional education agency shall include in its application a list of the accredited institutions with campuses established outside the prison facility that will provide the postsecondary educational services.

The House recesses.

The Senate amendment and the House bill require an eligible State correctional education agency to include in its application a description of how the proposed program will be integrated with existing State correctional education programs and vocational training.

The Conferees adopt the provision with an amendment to change the reference to "vocational" to "career and technical".

The Senate amendment and the House bill require a State correctional education agency receiving a grant under this to submit an annual report to the Secretary.

The House bill requires this report includes a description of how the funds provided are being allocated among postsecondary preparatory education, postsecondary academic, and vocational education programs.

The Senate and House recede with an amendment to change the reference to "vocational" to "career and technical" and to include in the report a description of the service delivery methods being used for each course offering.

The Senate amendment includes a section on student eligibility that defines "eligible youth offender" as an individual who is eligible to be released from State prison within five years; who is thirty-five

years of age or younger; and has not been convicted of murder, a crime against a minor, or a sexually violent crime.

The House bill includes no similar provision.

The House recedes with an amendment to clarify that an eligible incarcerated individual is an individual who is eligible for release with seven years; is thirty-five years of age or younger; and has not been convicted of murder, a crime against a minor, or a sexually violent crime.

Both the Senate amendment and the House bill include similar “Length of Participation” sections.

The House recedes with an amendment to clarify that grantees may provide educational and related services to participating individuals for not more than seven years, up to two years of which may be devoted to study in a graduate education degree program or to coursework to prepare such individuals to take college level courses.

The Senate amendment allocates funds to States based on the total number of eligible students.

The House bill allocates funds to States based on the total number of incarcerated individuals in the State in relation to the total number of incarcerated individuals in all States.

The House recedes.

The Senate amendment authorizes such sums as may be necessary for fiscal year 2008 through fiscal year 2013.

The House bill does the same except for fiscal year 2009 and the four succeeding fiscal years.

The House recedes with an amendment to strike fiscal year 2008 through fiscal year 2013 and replace with fiscal year 2009 through fiscal year 2014.

Conferees recognize the value and contribution of the Grants to States for Workforce and Community Transition Training for Incarcerated Individuals. The conferees intend for the Secretary to implement improvements that would provide greater flexibility to State correctional education agencies to identify and serve individual inmates who are best able to benefit from postsecondary education, including expanding the eligibility criteria for participation to include individuals who are age thirty-five or younger and who are eligible for release within seven years. Conferees also intend for the Secretary to expand and strengthen State plan and reporting requirements related to performance monitoring and measuring outcomes, guiding States to develop and implement performance monitoring and evaluation plans that reflect results-based program management. Conferees understand that these provisions are to support the longitudinal study of post secondary correctional education in Section 1112, "Study of Correctional Postsecondary Education."

***Section 933. Underground Railroad Educational and Cultural Program.***

The Senate amendment provides such sums as necessary for fiscal year 2008 through fiscal year 2013.



The House bill provides \$3,000,000 for fiscal year 2009 and each of the four succeeding fiscal years.

The House and Senate recede with an amendment to clarify that funds under the Underground Railroad Educational and Cultural Program may be used to support activities that include the lessons to be drawn from the history of the Underground Railroad; allow activities authorized under the program to be made available to elementary and secondary schools, institutions of higher education, and the general public; and amend the matching funds provision under the program to require grantees to implement a public-private partnership under the program that provides matching funds from non-Federal sources in an amount equal to or greater than four times the amount awarded to the grantee.

***Section 934. Olympic Scholarships Under the Higher Education Amendments of 1992.***

The Senate amendment authorizes from fiscal year 2008 through fiscal year 2013.

The House bill authorizes for fiscal year 2009 through fiscal year 2013.

The House recedes with an amendment to strike fiscal year 2008 through fiscal year 2013 and replace with fiscal year 2009 through fiscal year 2014.

***Section 935. Establishment of a Deputy Assistant Secretary for International and Foreign Language Education.***

The House bill creates a new Assistant Secretary for International and Foreign Language Education. The new Assistant Secretary would have responsibility for encouraging and promoting the study of cultures of other countries at all levels of education; carrying out the administration of all Department programs on international and foreign language education and research; and coordinating the Department's international and foreign language education programs with other departments and agencies.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to establish a Deputy Assistant Secretary position under the Office of Postsecondary Education in the United States Department of Education.

The Conferees note that the National Academy of Sciences has recommended that the Department of Education should consolidate the administration of its international education and foreign language programs under an executive level position reporting to the Secretary who will provide more strategic direction and coordination with other federal agencies and the nation's education community, with respect to international education and foreign language programs. While this Act does not create an Assistant Secretary and Office for International and Foreign Language Instruction, nothing in this Act limits the ability of a future Secretary of Education to establish one. The appointed Deputy Assistant Secretary required by this Act should be an individual with extensive background and experience in international and foreign language education, and shall have authority to administer and coordinate the Department's international and foreign language education programs with other departments and agencies.

## **Subpart 1 – Tribal Colleges and Universities**

### ***Section 941. Reauthorization of the Tribally Controlled College or University Assistance Act of 1978.***

The Senate amendment and the House bill contain similar provisions to reauthorize the Tribally Controlled College or University Assistance Act of 1978.

The Conferees adopt the provision as proposed by both the Senate and the House.

## **Subpart 2 – Navajo Higher Education**

### ***Section 945. Short Title.***

The Senate amendment contains a provision to cite this subpart as the “Navajo Nation Higher Education Act of 2006.”

The House bill contains no similar provision.

The House recedes with an amendment to change the date in the Title from “2006” to “2008.”

### ***Section 946. Reauthorization of the Navajo Community College Act.***

The Senate amendment and the House bill contain similar provisions to reauthorize the Navajo Community College Act.

The Conferees adopt the provisions as proposed by both the Senate and the House.

## ***PART E - OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968***

### ***Section 951. Short Title.***

The Senate provides that this Part may be cited as the “John R. Justice Prosecutors and Defenders Incentive Act of 2007.”

The House bill contains no similar provision.

The House recedes with an amendment to strike 2007 and insert 2008.

### ***Section 952. Loan Repayment for Prosecutors and Defenders.***

The Senate amendment amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a Loan Repayment for Prosecutors and Public Defenders program, under which the Attorney General may assume the obligation to repay up to \$10,000 of federal student loans per year, with a maximum of \$60,000, owed by full-time state and local prosecutors and public defenders who agree to a service agreement of at least three years.

The House bill defines “prosecutor” and “public defender” and gives priority to borrowers who have the least ability to repay.

Both the Senate and the House recede with amendments to modify the definitions of “prosecutor” and “public defender” by changing references to a local agency or local level to be a unit of local government, exclude Parent PLUS Loans from eligibility for this program, require an Inspector General report not later than three years after the date of enactment, and include the priority contained in the House bill.

The Senate amendment authorizes the appropriation of \$25,000,000 for fiscal year 2008, and such sums as may be necessary for each succeeding fiscal year.

The House bill authorizes the appropriation of \$25,000,000 for fiscal year 2008, and each fiscal year through fiscal year 2013.

The House recedes with an amendment striking fiscal year 2008 and replacing with fiscal year 2009 and authorizing as may be necessary for the five succeeding fiscal years.

## ***PART F – INSTITUTIONAL LOAN REPAYMENT ASSISTANCE PROGRAM***

### ***Section 961. Institutional Loan Forgiveness Programs.***

The House bill specifies that notwithstanding any other provision of law a public or private institution of higher education may provide financial assistance to current and former students who are officers or employees of a branch or independent agency of the U.S. government or of the District of Columbia, for the purpose of repaying a student loan or providing forbearance, provided that such assistance is provided in accordance with a published written policy of the institution of higher education pertaining to the provision of such assistance for current and former students who perform public service.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to change the title of the section to “Institutional Loan Repayment Assistance Programs” and to clarify that a published policy regarding the loan forgiveness must have been in place at the time the beneficiary of such assistance was enrolled in the institution of higher education that provides the subsequent loan forgiveness. The Conferees are concerned that the high cost of college and corresponding increasing debt students are taking on to pay for postsecondary education is making it increasingly difficult for many graduates to enter public service. The Conferees commend institutions of higher education that have chosen to use their own resources to address this challenge by developing loan repayment assistance programs to encourage their students and graduates to enter public service jobs. The Conferees are aware of recent concern on the part of some universities that these programs may run afoul of federal law, and would like to ensure that universities that offer such loan repayment or assistance programs, implemented in accordance with the statutory language, and their students and graduates that receive assistance

through such programs, do not face liability for such actions under 18 U.S.C. 209 or any other provision of federal law, regulation or practice, including “gift bans” that apply to federal government employees.

***PART G – MINORITY SERVING INSTITUTIONS DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM***

***Section 971. Minority Serving Institution Digital and Wireless Technology Opportunity Program.***

The Senate amendment and the House bill authorizes a competitive grant program, with a matching requirement, to Minority Serving Institutions to strengthen their ability to provide capacity for instruction in digital and wireless technologies and to increase the national investment in telecommunications and technology infrastructure at Minority Serving Institutions. The Senate amendment administers the program through the Department of Education and the House bill administers the program through the Department of Commerce.

The Senate recesses with an amendment to authorize such sums as may be necessary for the program.

***Section 972. Authorization of Appropriations.***

The Senate amendment and the House bill authorize such sums as many be necessary to carry out the Minority Serving Institutions Digital and Wireless Technology Opportunity Program. The Senate amendment authorizes appropriations to the Secretary of Education to administer the program and the House bill provides appropriations to the Secretary of Commerce to administer the program.

The Senate recesses.

**TITLE X – PRIVATE STUDENT LOAN IMPROVEMENT**

***Section 1001. Short Title.***

The House bill includes a Title X, referred to as the “Private Student Loan Transparency and Improvement Act of 2008.”

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 1002. Regulations.***

The House bill requires the Board of Governors of the Federal Reserve System (hereinafter referred to as the Board) to issue final regulations to implement these amendments to the Truth in Lending Act (TILA) no later than 180 days after the date of enactment.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to change the time by which the Board is required to issue regulations from 180 days to 365 days, and for those regulations to be effective six months from issuance.

***Section 1003. Effective Dates.***

The House bill establishes an effective date for Title X of 180 days after regulations are issued by the Secretary of the Treasury in final form.

The Senate amendment includes no similar provision.

The Senate recedes with an amendment to change the effective date of the provisions of the Title to be the date of enactment of the Act, except for paragraphs 1, 2, 3, 5, and 6 of Section 128(e) and Section 140(c) of the TILA, as added by this Title, for which the effective date is the earlier of the date on which regulations are issued or eighteen months after the date of enactment of this Act.

**SUBTITLE A – PREVENTING UNFAIR AND DECEPTIVE PRIVATE EDUCATIONAL LENDING PRACTICES AND ELIMINATING CONFLICTS OF INTEREST**

***Section 1011. Amendment to the Truth in Lending Act.***

The House bill amends TILA by adding a new Section 140 to Chapter 2 that defines “Board,” “covered educational institution,” “Federal banking agencies,” “institution of higher education,” “postsecondary educational expenses,” “private educational lender,” and “private education loan.”

The Senate amendment includes no similar provision.

The Senate recedes with amendments to: substitute the definition “private educational lender;” modify the definition of “private education loan;” include definitions for “preferred lender arrangement,” “gift,” and “revenue sharing;” and strike the definitions of “Board” and “Federal banking agencies.”

The House bill includes prohibitions on gift giving, revenue sharing arrangements, co-branding, participation on advisory councils, and prepayment fees and penalties for covered institutions of higher education and private educational lenders.

The Senate amendment includes no similar provision.

The Senate recedes with an amendment that substitutes the provision that prohibits a covered educational institution financial aid official from participating on a private educational lender’s advisory council with a provision that prohibits certain employees of a covered educational institution from receiving anything of value for service on an advisory board, commission, or group

established by a private educational lender, with the exception of reimbursements of reasonable expenses incurred by an employee of such an institution. The Senate amendment also amends the Higher Education Act of 1965 to require institutions of higher education to annually report to the Secretary of Education any reasonable expenses paid or provided by a private educational lender to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution, for service on a private educational lender's advisory board, commission, or group. The amendment also requires the Secretary of Education to summarize the information received from institutions of higher education and annually report the information to the authorizing committees.

With respect to this section's prohibition on co-branding, the Conferees understand that some credit unions share the names of the institutions of higher education whose communities they serve. Nothing in this Section is intended to prohibit a credit union whose name includes the name of a covered educational institution from using its own name in marketing its private education loans.

The Conferees intend that a lender may demonstrate it is not implying endorsement by the covered educational institution of its private education loans by providing a clear prominent and conspicuous disclaimer that the use of the name, emblem, mascot, or logo of a covered educational institution, or other words, pictures, or symbols readily identified with a covered educational institution, in no way implies endorsement by the covered educational institution of the lender's private education loans and that the lender is not affiliated with the covered educational institution.

The Conferees intend that nothing in this section shall prohibit states or institutions of higher education from using State seals, with appropriate authorization, in the marketing of state education loan products.

### ***Section 1012. Civil Liability.***

The House bill amends TILA to permit borrowers of private education loans to bring an action concerning a violation of specified provisions in any United States District Court, or in any other court of competent jurisdiction, within one year following the date on which the first payment of principal is due on the loan, and provides for the award of certain specified damages with respect to a violation of a borrower's right of rescission.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to provide for the award of damages with respect to violations of certain specified disclosures and terms required by Section 128 of TILA, as amended by this Act. The Senate amendment also provides that a private educational lender has no civil liability with respect to section 128(e)(3) of TILA, which requires lenders to obtain a prospective borrower's self-certification of information.

### ***Section 1013. Clerical Amendment.***

The TILA table of sections is amended.

The Senate amendment includes no similar provision.

## **SUBTITLE B – IMPROVED DISCLOSURES FOR PRIVATE EDUCATION LOANS.**

### ***Section 1021. Private Education Loan Disclosures and Limitations.***

The House bill amends TILA by adding a new subsection (e) to Section 128 that requires certain consumer disclosures at application and solicitation, approval, and consummation of private education loans.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to clarify and modify the required disclosures and provide additional disclosures, subject to regulation by the Board.

The House bill requires private educational lenders to obtain a written acknowledgment from a consumer that the consumer has read and understood the disclosures.

The Senate amendment contains no similar provision.

The House recedes.

The House bill requires a private educational lender, prior to issuing any funds to a borrower, to obtain from an institution of higher education, such institution of higher education's certification of the enrollment status of the borrower, the borrower's cost of attendance, and the difference between the borrower's cost of attendance and the borrower's estimated financial assistance received under Title IV of the Higher Education Act and other assistance known to the institution of higher education.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to replace the requirement that a lender obtain an institution of higher education's certification of information with a requirement that a lender obtain from a prospective borrower such borrower's self-certification of information before a private education loan may be consummated. The amendment also amends the Higher Education Act of 1965 to require the Secretary of Education, in consultation with the Board, to develop a borrower self-certification form for the purpose of satisfying the requirement that lenders obtain prospective borrowers' self-certification of information prior to the consummation of a private education loan. In addition, the amendment includes a rule of construction to clarify that a private educational lender need not perform any additional duty beyond collecting a prospective borrower's completed and signed self-certification form, and a rule of construction to clarify that the amendment does not create a private right of action against an institution of higher education with respect to the self-certification form developed by the Secretary.

The House bill includes requirements for formatting of new disclosures required by subsection (e) of TILA, as amended by this Act.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that provides for a model form, to be developed by the Board, based on consumer testing and in consultation with the Secretary of Education, that may be used by private educational lenders for the provision of required disclosures, and a requirement that lenders that have preferred lender arrangements with a covered educational institution must annually provide to such institutions the information the Board determines to include in the model form for each type of education loan the lenders plan to offer to students attending the covered educational institution, or to the families of such students. The Board is directed to, where possible, prevent duplicative disclosure requirements. Private educational lenders that have preferred lender arrangements with covered institutions are required to provide to the covered educational institutions such information as may be required by the Board as a part of the model form developed under this section.

The House bill provides a borrower of a private education loan up to thirty calendar days to accept the terms of the loan, during which time the rates and terms of the loan may not be changed by the private educational lender, with certain exceptions.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill provides a borrower of a private education loan the right to cancel a loan without penalty at anytime within three business days of the date the loan is consummated. Disbursement within the three business day cancelation window is prohibited.

The Senate amendment contains no similar provision.

The Senate recedes.

The House bill requires a private educational lender, on or before the date on which a private educational lender issues any funds with respect to a private education loan, to notify the relevant institution of higher education of the amount of the loan and the student on whose behalf the loan is made.

The Senate amendment contains no similar provision.

The House recedes.

### **Section 1022. Application of Truth in Lending Act to All Private Education Loans.**

The House bill extends the provisions of TILA to all private education loans, regardless of the amount of such loans.

The Senate amendment contains no similar provision.

The Senate recedes.

### **SUBTITLE C – COLLEGE AFFORDABILITY.**



***Section 1031. Community Reinvestment Act Credit for Low-Cost Loans.***

The House bill amends the Community Reinvestment Act to require the appropriate Federal financial supervisory agency to consider as a factor in assessing the financial institution's record of meeting the credit needs of its entire community (including low-and moderate-income neighborhoods, consistent with the safe and sound operation of such institution), low-cost education loans provided by the financial institution to low-income borrowers.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require each Federal financial supervisory agency to issue final rules to implement the amendment no later than one year after the date of enactment of the Act.

**SUBTITLE D – FINANCIAL LITERACY; STUDIES AND REPORTS.**

***Section 1041. Definitions.***

The House bill defines covered educational institution, private educational lender, private education loan, historically Black colleges and universities, and land-grant colleges and universities for purposes of this subtitle.

The Senate amendment contains no similar provisions.

The Senate recesses.

***Section 1042. Coordinated Education Efforts***

The House bill requires the Secretary of the Treasury, in coordination with the Secretary of Education, the Secretary of Agriculture, and appropriate member agencies of the Financial Literacy and Education Commission, to undertake efforts to enhance financial literacy among students at institutions of higher education. Not later than two years after the date of enactment, the Financial Literacy and Education Commission is required to submit a report to Congress on the state of financial literacy among students at institutions of higher education. The House bill also requires GAO to study and report to Congress on the inclusion of non-individual factors (e.g., institution of higher education cohort default rates, accreditation, and graduation rates) in the underwriting criteria used to determine the pricing of private education loans.

The Senate amendment contains no similar provisions.

The Senate recesses with amendments to: define “covered educational institution,” “historically Black colleges and universities” and “land-grant colleges and universities;” expand the scope of the

financial literacy efforts to capture both students and their families; clarify that the Secretary of the Treasury shall provide, upon request, testimony before the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Financial Services on the report required under this section; clarify that GAO shall submit its final report on non-individual factors to the Senate Committee on Banking, Housing, and Urban Affairs, the Senate Committee on Health, Education, Labor and Pensions, the House Committee on Financial Services, and the House Committee on Education and Labor; and move the GAO report to Title XI of this Act.

## **TITLE XI – STUDIES AND REPORTS**

### ***Section 1101. Study on Foreign Graduate Medical Schools.***

The Senate amendment requires the Government Accountability Office (“GAO”) to complete a study that shall examine American students receiving Federal financial aid to attend graduate medical schools located outside of the United States and submit a report with the conclusions of the study to Congress.

The House bill contains no such provisions.

The House recesses.

### ***Section 1102. Employment of Postsecondary Education Graduates.***

The Senate amendment requires the GAO to conduct a study of the information states currently have on employment of students who have completed postsecondary education programs and the feasibility of collecting this type of information, the evaluation systems used by other industries to identify successful programs, the best means of collecting this information, and the best means of displaying employment information.

The House bill contains no such provision.

The House recesses.

### ***Section 1103. Study on IPEDS.***

The Senate amendment requires the GAO to conduct a study on the time and cost burdens to institutions of higher education associated with responding to Integrated Postsecondary Education Data System (“IPEDS”).

The House bill contains no similar provision.

The House recesses with an amendment to require the GAO to report on the feasibility of collecting additional data from institutions of higher education for use in IPEDS, including information on the percentage of enrolled undergraduate students who graduate within two years (in the case of two-year institutions of higher education), and four, five and six years (in the case of two- and four-year institutions of higher education), by race and ethnic background and by income categories.

The House bill requires the Commissioner of Education Statistics to redesign IPEDS as needed to collect the additional data required in this subsection and to continue to improve the usefulness and timeliness of IPEDS.

The Senate amendment contains no similar provision.

The House recesses.

***Section 1104. Report and Study on Articulation Agreements.***

The House bill requires the Secretary to conduct a study of articulation agreements at state-based college and university systems and at other institutions of higher education.

The Senate amendment contains no similar provisions.

The Senate recesses.

***Section 1105. Report on Proprietary Institutions of Higher Education.***

The Senate and the House agree to require the GAO to conduct an analysis of proprietary institutions of higher education subject to the 90/10 rule

***Section 1106. Analysis of Federal Regulations on Institutions of Higher Education.***

The House bill requires the Secretary to enter into an agreement with the National Research Council of the National Academies to conduct a study to ascertain the amount and scope of all Federal regulations and reporting requirements with which institutions of higher education must comply.

The Senate amendment contains no similar provisions.

The Senate recesses.

***Section 1107. Independent Evaluation of Distance Education Programs.***

The House bill authorizes the Secretary to enter into an agreement with the National Academy of Sciences to conduct an independent evaluation of the quality of distance education programs.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify specific areas of study and push out the deadlines for the interim and final reports.

***Section 1108. Review of Costs and Benefits of Environmental, Health and Safety Standards.***

The House bill authorizes the Secretary to enter into an agreement with the National Research Council of the National Academy of Sciences to conduct a national study to determine the costs and viability of developing and implementing standards in environmental, health and safety areas.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 1109. Study of Minority Male Academic Achievement.***

The House bill authorizes the Secretary to conduct a national study of underrepresented minority males, particularly African American and Hispanic American males, completing high school, and entering and graduating from colleges and universities. The study shall focus on high school completion and preparation for college, success on the SAT and ACT, and minority male access to college, including the financing of college, and college persistence and graduation. A report shall be presented to the Authorizing Committees no later than four years following enactment.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to include other racial and ethnic groups in the study.

***Section 1110. Study on Bias in Standardized Testing.***

The House bill requires the GAO to conduct a study to identify the presence of race, ethnicity, and gender biases in standardized tests. An interim report shall be presented to the Authorizing Committees no later than one year following enactment.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to carry out the study through the Board on Testing and Assessment.

The Conferees intend that the study be consistent with protocols utilized by the National Academy of Sciences, which includes provisions for public access for data collected and used to conduct the study.

***Section 1111. Endowment Report.***

The House bill requires the Secretary to conduct a study on the amount, uses and public purposes of endowments at institutions of higher education. A report shall be presented to the Authorizing Committees no later than one year following enactment.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to have the GAO conduct the study and provide additional detail on areas to be studied.

***Section 1112. Study on Correctional Postsecondary Education.***

The House bill requires the Secretary to conduct a longitudinal study to assess the effects of correctional postsecondary education that uses empirical assessment methods, measures a range of outcomes, and examines different delivery systems of postsecondary education.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to require the Secretary of Education to consult with the Secretary of Labor and the Attorney General in carrying out the study.

The Conferees recognize that prison populations in the United States continue to swell, placing financial burdens on operating jurisdictions and representing lost human potential among the citizenry. Given that recidivism of released offenders is a key factor in prison population growth, the Conferees intend for the Secretary to consult with the Secretary of Labor and the Attorney General to determine the benefit of postsecondary education during the period of correctional confinement as a means to reduce post release offending. Further, the Secretary is charged with identifying and studying potential ways to deliver postsecondary education within correctional environments.

***Section 1113. Study of Aid to Less-Than-Half-Time Students.***

The House bill requires the Secretary to conduct a study on expanding eligibility for Title IV aid to less-than-half-time students.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 1114. Study on Regional Sensitivity in the Needs Analysis Formula.***

The House bill requires the GAO to review the methodology that is used to determine the expected family contribution under the needs analysis formula found in Part F of Title IV.

The Senate amendment contains no similar provision.

The Senate recesses.

***Section 1115. Study of the Impact of Student Loan Debt on Public Service.***

The House bill requires the Secretary in consultation with the Office of Management and Budget, an organization with expertise in the field of public service, and other interested parties, to conduct a study of how student loan debt levels impact the decisions of graduates of postsecondary and graduate education programs to enter into public service careers.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to clarify that items that the study should cover.

***Section 1116. Study on Teaching Students with Reading Disabilities.***

The amendment requires the Secretary of Education to enter into an agreement with the National Academy of Sciences to study the quality of teacher education programs with respect to meeting the needs of students with reading and language processing disabilities.

The Senate amendment contains no similar provision.

The Senate recesses with an amendment to focus the scope of the study and have the study be conducted by the Center for Education at the National Academy of Sciences. The study will examine the degree to which schools of education prepare their teachers to effectively address the five essential components of reading instruction. The study will also examine quality of the teacher preparation reading programs to determine the extent to which these programs incorporate early intervention strategies that target the prevention of reading failure before it occurs. The Conferees believe that teacher preparation programs should be aligned with current research and based on the essential components of reading instruction. These programs should ensure that our Nation's future teachers are adequately prepared to address the diverse learning needs of students with reading and language processing disabilities, including dyslexia. The Conferees are concerned that pre-service teachers do not receive adequate training in the fundamentals of reading instruction during their teacher preparation program, and thus are not prepared to effectively meet the diverse needs of the students that they teach.

***Section 1117. Report on Income-Contingent Repayment Through the Income Tax Withholding System.***

The House bill includes a sense of the Congress that the Secretaries of Education and the Treasury will work together to develop a process by which borrowers can convert their student loans to income contingent loans where they will make payments on their student loans using income tax withholding. The House bill requires the Secretaries of Education and the Treasury to report to the Authorizing Committees within one year after the date of enactment with information on progress in developing such a system for borrowers to convert their loans to income-contingent loans that they will repay through income tax withholding.

The Senate amendment contains no similar provisions.

The Senate recesses with an amendment to strike the sense of the Congress and refine the scope of the report.

***Section 1118. Developing Additional Measures of Degree Completion.***

The Senate amendment requires institutions to disaggregate data on completion and graduation rates based on student gender, race/ethnicity, and receipt of a Pell Grant and federal loans under Title IV.

The House bill contains no similar provision.

The House recesses with an amendment to require the Secretary, in coordination with the

Commissioner of Education Statistics, representatives of institutions, and other stakeholders to make recommendations on alternative ways to report such graduation rate information.

***Section 1119. Study on the Financial and Compliance Audits of the Federal Student Loan Program.***

The House bill required the Secretary to conduct an audit of the Direct Loan Program and guaranty agencies in the Federal Family Loan Program.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to require the GAO to conduct a study on the audits being done of the student loan programs and the ability of the audits to determine whether the programs are operating in the best interests of students and taxpayers.

***Section 1120. Summit on Sustainability.***

The House bill requires the Secretary to convene a summit on sustainability in higher education no later than September 30, 2008.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to strike 2008 and replace with 2010 for the date by which the Secretary must convene the Summit.

***Section 1121: Nursing School Capacity***

The House bill requires the Secretary to enter into an agreement with the Institute of Medicine of the National Academy of Sciences to conduct a study on the capacity of nursing schools to admit and train a sufficient number of registered nurses to meet health care needs in the United States.

The Senate amendment contains no similar provision.

The Senate recedes.

***Section 1122. Study and Report on Non-Individual Information.***

The House bill requires the GAO to study and report to Congress on the inclusion of non-individual factors (e.g., institution of higher education cohort default rates, accreditation, and graduation rates) in the underwriting criteria used to determine the pricing of private education loans. No later than one year after the date of enactment, the GAO shall submit a report on the results of the study to Congress.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment to move the provision to Title XI and require the GAO to report to the Senate Committees on Banking, Housing and Urban Affairs and Health, Education, Labor and Pensions,

***Section 1123. Feasibility Study for Student Loan Clearinghouse.***

The House bill requires the Secretary of Education to conduct a study on the feasibility of developing a National Electronic Student Loan Marketplace to provide a registry of real-time information on Federal student loans and private educational loans, and other purposes.

The Senate amendment authorizes the Secretary of Education to establish one or more clearinghouses of information on Federal student loans and private educational loans, for use by prospective borrowers or any person desiring information regarding available interest rates and other terms from lenders.

The Senate recedes with an amendment to require the Comptroller General to conduct a study on the feasibility of developing a national student loan clearinghouse on the website of the Department of Education to provide a registry of real-time information on Federal student loans and private educational loans, and further modifies the purposes of the study.

***Section 1124. Study on Department of Education Oversight of Incentive Compensation Ban***

The Conferees require the GAO to conduct a study of efforts made by the Department of Education to enforce the existing program participation agreement requirement that prohibits institutions from offering incentives for enrollment.

***Section 1125. Definition of Authorizing Committees.***

Authorizing Committees are defined for purposes of this Title.