

REVISED

RW #45

**AMENDMENT TO H.R. 3221, AS REPORTED
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA**

Page 11, after line 21, insert the following new subsection (and redesignate the succeeding subsection accordingly):

1 (b) MULTIPLE PELL GRANT AWARDS.—Section
2 401(b)(5) (20 U.S.C. 1070a(b)(5)) is amended—

3 (1) in subparagraph (A)—

4 (A) by inserting “who is making satisfac-
5 tory academic progress according to the institu-
6 tion’s standards” after “award a student”; and

7 (B) by striking “to permit such student to
8 accelerate the student’s progress toward a de-
9 gree or certificate” and inserting “to permit
10 such student to accelerate the student’s gradua-
11 tion date, whether making full- or part-time
12 progress toward a degree or certificate,”; and

13 (2) by adding at the end the following new sub-
14 paragraph:

15 “(C) A student may not receive a combination
16 of first and second scheduled award funds under this
17 paragraph that exceeds the amount the student

1 would otherwise be eligible to receive for the pay-
2 ment period.”.

Page 11, line 22, redesignate subsection (b) as sub-
section (c).

Page 13, line 10, redesignate subsection (c) as sub-
section (d).

Page 13, line 11, strike “(a) and (b)” and insert
“(a) and (c)”.

Page 12, line 17, strike “483(e)(3)(ii)” and insert
“483(e)(3)(A)(ii)”.

Page 15, line 8, strike the quotation marks and the
second period.

Page 15, after line 8, insert the following:

3 “(3) EXPIRATION OF AUTHORITY.—The author-
4 ity to award grants under this part shall expire at
5 the end of fiscal year 2014.”.

Page 19, line 6, strike “two-year and four-year” and
insert “public two-year and public four-year”.

Page 19, line 10, insert “in consultation with faculty
from participating institutions” after “institutions”.

Page 21, line 4, strike “policies” and insert “prac-
tices”.

Page 21, lines 7 through 9, strike “for all categories” and all that follows through “in the State”.

Page 21, line 13, insert “and” after the semicolon.

Page 21, beginning on line 14, strike clause (iv).

Page 21, line 20, strike “(v)” and insert “(iv)”.

Page 23, beginning on line 5, strike paragraph (3) and insert the following:

1 “(3) SUBGRANTS TO NONPROFIT ORGANIZA-
2 TIONS.—

3 “(A) IN GENERAL.—A State receiving a
4 payment under this section may elect to make
5 a subgrant to one or more nonprofit organiza-
6 tions in the State, or a partnership of such or-
7 ganizations, to carry out activities and services
8 described in subsection (d)(1), if the nonprofit
9 organization or partnership—

10 “(i) was in existence on the day before
11 the date of the enactment of the Student
12 Aid and Fiscal Responsibility Act of 2009;
13 and

14 “(ii) as of such day, was participating
15 in activities and services related to pro-
16 moting persistence in, and completion of,
17 postsecondary education, such as the ac-

1 activities and services described in subsection
2 (d)(1).

3 “(B) NONPROFIT ORGANIZATIONS.—For
4 the purposes of this section, nonprofit organiza-
5 tions in a State include—

6 “(i) agencies with agreements with
7 the Secretary under subsections (b) and (c)
8 of section 428 on the date of the enact-
9 ment of the Student Aid and Fiscal Re-
10 sponsibility Act of 2009;

11 “(ii) nonprofit subsidiaries of agencies
12 described in clause (i), if such subsidiaries
13 were established, pursuant to the law of
14 such State, on or before January 1, 1998;
15 and

16 “(iii) eligible not-for-profit servicers,
17 as defined in section 456(d), with an
18 agreement with the Secretary under sub-
19 section (a)(3) of section 456, except that
20 such a servicer shall only be eligible for a
21 subgrant from the State for which the
22 servicer is receiving an allocation under
23 such agreement.

Page 24, after line 9, insert the following:

1. “(C) A nonprofit subsidiary of agencies de-
- 2 scribed in subparagraph (B), if such subsidiary
- 3 was established, pursuant to the law of such
- 4 State, on or before January 1, 1998.

Page 25, line 3, strike “and”.

Page 25, after line 5, insert the following:

- 5 “(vi) assisting institutions of higher
- 6 education institute programs of persistence
- 7 focused on students at risk of not com-
- 8 pleting; and

Page 25, line 5, before the semicolon insert “, in accordance with such section”.

Page 27, beginning on line 1, strike “, at the appropriate stage of development of the partnership”.

Page 27, line 8, strike “central labor coalitions” and insert “trade unions or consortia of trade unions”.

Page 28, beginning on line 17, strike paragraph (3) and insert the following:

- 9 “(3) nonprofit organizations with demonstrated
- 10 experience in the support, improvement, or operation
- 11 of programs to increase postsecondary completion,
- 12 including—

1 “(A) agencies with agreements with the
2 Secretary under subsections (b) and (c) of sec-
3 tion 428 on the date of the enactment of the
4 Student Aid and Fiscal Responsibility Act of
5 2009;

6 “(B) nonprofit subsidiaries of agencies de-
7 scribed in subparagraph (A), if such subsidi-
8 aries were established, pursuant to State law,
9 on or before January 1, 1998; and

10 “(C) eligible not-for-profit servicers, as de-
11 fined in section 456(d), with an agreement with
12 the Secretary under subsection (a)(3) of section
13 456, except that such a servicer shall only be el-
14 igible for a subgrant from the State for which
15 the servicer is receiving an allocation under
16 such agreement;

Page 33, beginning on line 14, strike section 785
and insert the following:

17 **“SEC. 785. PARTICIPATION OF PRIVATE, NONPROFIT INSTI-**
18 **TUTIONS OF HIGHER EDUCATION.**

19 “(a) VOLUNTARY PARTICIPATION.—A private, non-
20 profit institution of higher education may voluntarily elect
21 to participate in a State’s efforts under this part to in-
22 crease postsecondary enrollment, persistence, and comple-
23 tion. A State—

1 “(1) shall not require any private, nonprofit in-
2 stitution to participate in such efforts; and

3 “(2) may require such an institution that volun-
4 tarily elects to participate in such efforts to provide
5 appropriate information to allow the State to assess
6 the institution’s progress towards the goals described
7 in subclauses (I) and (II) of section 782(c)(2)(A)(i).

8 “(b) RULE OF CONSTRUCTION.—Nothing in this
9 part, including voluntary participation described in sub-
10 section (a), shall be construed to—

11 “(1) authorize the Secretary, a State, or an of-
12 ficer or employee of the Department or of a State
13 to exercise any direction, supervision, or control
14 other than that is currently granted over a private,
15 nonprofit institution of higher education, including
16 control over curriculum, program of instruction, ad-
17 ministration, governance, personnel, articulation, the
18 awarding of credit, graduation or degree require-
19 ments, or admissions;

20 “(2) authorize the Secretary, a State, or an of-
21 ficer or employee of the Department or of a State
22 to require a private, nonprofit institution of higher
23 education to participate in a longitudinal data sys-
24 tem; or

1 “(3) limit the application of the General Edu-
2 cation Provisions Act.

3 “(c) ENFORCEMENT.—If any State fails or refuses
4 to comply with any provision of this section, the State
5 shall no longer be eligible for assistance under this part.”.

Page 36, line 21, strike “2019.” and insert “2019.
The authority to award grants under this section shall
expire at the end of fiscal year 2019.”.

Page 38, line 4, insert a period after “318(e)”.

Page 38, line 25, insert a period after “such sec-
tion”.

Page 39, line 8, after the period insert “The author-
ity to award grants under part N of title VIII of such
Act shall expire at the end of fiscal year 2010.”.

Page 40, beginning on line 13, strike “awarded to
the student under” and insert “first disbursed to the stu-
dent before July 1, 2010, under”.

Page 41, line 3, strike “awarded” and insert “dis-
bursed”.

Page 41, strike lines 4 through 9 and insert “stu-
dent under part D (including a Federal Direct PLUS
loan disbursed to a parent on behalf of the student), or
first disbursed to the student under part E before July

1, 2010, for such payment period or period of enrollment; minus”.

Page 43, line 16, strike “when such student returns from such service” and insert “upon termination of the deployment of such student for such service”.

Page 43, beginning on line 17, amend section 106 to read as follows:

1 **SEC. 106. VETERANS RESOURCE OFFICER GRANTS.**

2 Section 873 (20 U.S.C. 1161t) is amended—

3 (1) by amending the header to read as follows:

4 **“MODEL PROGRAMS FOR CENTERS OF EXCEL-**
5 **LENCE FOR VETERAN STUDENT SUCCESS; VET-**
6 **ERANS RESOURCE OFFICERS”;**

7 (2) in subsection (a), by inserting “, or the hir-
8 ing of Veterans Resource Officers,” after “model
9 programs”;

10 (3) by amending subsection (b) to read as fol-
11 lows:

12 **“(b) GRANT AUTHORIZED.—**

13 **“(1) IN GENERAL.—**Subject to the availability
14 of appropriations under subsection (f), the Secretary
15 shall award grants to institutions of higher edu-
16 cation to—

1 “(A) develop model programs to support
2 veteran student success in postsecondary edu-
3 cation; or

4 “(B) hire a Veterans Resource Officer to
5 increase the college completion rates for veteran
6 students enrolled at such institutions of higher
7 education.

8 “(2) GRANT PERIOD.—A grant awarded under
9 this section shall be awarded for a period of 3
10 years.”; and

11 (4) in subsection (c)—

12 (A) in paragraph (1)—

13 (i) by amending the header to read as
14 follows: “MODEL PROGRAM REQUIRED AC-
15 TIVITIES”; and

16 (ii) in the matter preceding subpara-
17 graph (A), by striking “under this section”
18 and inserting “for the purpose described in
19 subsection (b)(1)(A)”;

20 (B) by redesignating paragraph (2) as
21 paragraph (3); and

22 (C) by inserting after paragraph (1) the
23 following:

24 “(2) VETERANS RESOURCE OFFICER REQUIRED
25 ACTIVITIES.—An institution of higher education re-

1 ceiving a grant for the purpose described in sub-
2 section (b)(1)(B) shall use such grant to hire a Vet-
3 erans Resource Officer whose duties shall include—

4 “(A) serving as a liaison between—

5 “(i) veteran students;

6 “(ii) the faculty and staff of the insti-
7 tution; and

8 “(iii) local facilities of the Department
9 of Veterans Affairs;

10 “(B) organizing and advising veteran stu-
11 dent organizations and hosting veterans-ori-
12 ented group functions on campus;

13 “(C) distributing news and information to
14 all veteran students, including through main-
15 taining newsletters and listserves; and

16 “(D) assisting in the training of Depart-
17 ment of Veterans Affairs certifying officials,
18 when applicable.”.

Page 47, after line 6, insert the following new sec-
tions:

19 **SEC. 107. OFFICER DANIEL FAULKNER CHILDREN OF FALL-**
20 **EN HEROES SCHOLARSHIP.**

21 (a) **SHORT TITLE.**—This section may be cited as the
22 “Officer Daniel Faulkner Children of Fallen Heroes
23 Scholarship Act of 2009”.

1 (b) CALCULATION OF ELIGIBILITY.—Section 473(b)
2 (20 U.S.C. 1087mm(b)(2)) is amended—

3 (1) in paragraph (2)—

4 (A) in the matter preceding subparagraph
5 (A), by inserting “(in the case of a student who
6 meets the requirement of subparagraph (B)(i)),
7 or academic year 2010–2011 (in the case of a
8 student who meets the requirement of subpara-
9 graph (B)(ii)),” after “academic year 2009–
10 2010”; and

11 (B) by amending subparagraph (B) to read
12 as follows:

13 “(B) whose parent or guardian was—

14 “(i) a member of the Armed Forces of
15 the United States and died as a result of
16 performing military service in Iraq or Af-
17 ghanistan after September 11, 2001; or

18 “(ii) was actively serving as a public
19 safety officer and died in the line of duty
20 while performing as a public safety officer;
21 and”;

22 (2) in paragraph (3)—

23 (A) by striking “Notwithstanding” and in-
24 serting the following:

25 “(A) ARMED FORCES.—Notwithstanding”;

1 (B) by striking “paragraph (2)” and in-
2 sserting “subparagraphs (A), (B)(i), and (C) of
3 paragraph (2)”; and

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

5 “(B) PUBLIC SAFETY OFFICERS.—Not-
6 withstanding any other provision of law, unless
7 the Secretary establishes an alternate method
8 to adjust the expected family contribution, a fi-
9 nancial aid administrator shall adjust the ex-
10 pected family contribution in accordance with
11 this subsection for each student who meets the
12 requirements of subparagraphs (A), (B)(ii), and
13 (C) of paragraph (2).”; and

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

15 “(4) TREATMENT OF PELL AMOUNT.—Notwith-
16 standing section 1212 of the Omnibus Crime Control
17 and Safe Streets Act of 1968, in the case of a stu-
18 dent who receives an increased Federal Pell Grant
19 amount under this section, the total amount of such
20 Federal Pell Grant, including the increase under
21 subparagraph (A), shall not be considered in calcu-
22 lating that student’s educational assistance benefits
23 under the Public Safety Officer’s Benefits program.

24 “(5) DEFINITIONS.—For purposes of this sub-
25 section—

1 “(A) the term ‘public safety officer’ means
2 an individual serving a public agency in an offi-
3 cial capacity, with or without compensation, as
4 a law enforcement officer, as a firefighter, or as
5 a member of a rescue squad or ambulance crew;

6 “(B) the term ‘law enforcement officer’
7 means an individual who—

8 “(i) is authorized by law to engage in
9 or supervise the prevention, detection, in-
10 vestigation, or prosecution of, or the incar-
11 ceration of any person for, any violation of
12 law; and

13 “(ii) has statutory powers of arrest or
14 apprehension;

15 “(C) the term ‘firefighter’ means an indi-
16 vidual who is trained in the suppression of fire
17 or hazardous-materials response and has the
18 legal authority to engage in these duties;

19 “(D) the term ‘member of a rescue squad
20 or ambulance crew’ means an individual who is
21 an officially recognized or designated public em-
22 ployee member of a rescue squad or ambulance
23 crew; and

24 “(E) the term ‘public agency’ means the
25 United States, any State of the United States,

1 the District of Columbia, the Commonwealth of
2 Puerto Rico, the Virgin Islands of the United
3 States, Guam, American Samoa, the Trust Ter-
4 ritory of the Pacific Islands, the Commonwealth
5 of the Northern Mariana Islands, any territory
6 or possession of the United States, or any unit
7 of local government, department, agency, or in-
8 strumentality of any of the foregoing, and the
9 Amtrak Police and Federal Reserve Police de-
10 partments.”.

11 **SEC. 108. TEACHER EXCELLENCE.**

12 (a) ESTABLISHMENT.—The Secretary of Education
13 may make grants to local educational agencies for the pur-
14 pose of improving teacher excellence in public elementary
15 and secondary schools.

16 (b) USE OF FUNDS.—Grants under this section shall
17 be used for the establishment, expansion, or improvement
18 of—

19 (1) professional development activities that are
20 aligned to the curriculum and student academic
21 needs;

22 (2) mentoring and induction programs for new
23 teachers and principals; or

1 (3) career ladders that allow teachers to take
2 on new professional roles, such as career teachers,
3 mentor teachers, and master teachers.

4 (c) APPLICATION.—A local educational agency desir-
5 ing a grant under this section shall submit to the Sec-
6 retary of Education an application at such time, in such
7 manner, and accompanied by such information as the Sec-
8 retary may reasonably require.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this section
11 such sums as may be necessary for fiscal year 2010 and
12 each of the 5 succeeding fiscal years.

Page 48, lines 1 and 2, strike “Grant, a Federal Di-
rect Stafford Loan, or work assistance under” and insert
“Grant or a Federal Direct Stafford Loan under”.

Page 50, line 20, insert a period after “section
480)”.

Page 57, line 2, insert “the” after “enactment of”.

Page 59, line 16, through page 60, line 3, strike
paragraph (1) and insert the following:

13 (1) in subsection (a)(4)(A), by inserting “, and
14 first disbursed before July 1, 2010” after “under
15 this part”;

Page 62, line 7, strike the comma after “2010”.

Page 62, line 3, strike the comma after “428C”.

Page 65, line 7, strike “; and” and insert “; or”.

Page 65, line 15, after “loan” insert “(or, if the holder acts as eligible lender trustee for the beneficial owner of the loan, the beneficial owner of the loan),”.

Page 65, line 23, through page 66, line 13, strike subclause (III) and insert the following:

1 “(III) TERMS OF WAIVER.—
2 “(aa) IN GENERAL.—A
3 waiver pursuant to subclause
4 (II)(bb) shall be in a form (print-
5 ed or electronic) prescribed by
6 the Secretary, and shall be appli-
7 cable to—
8 “(AA) all loans de-
9 scribed in such subclause
10 that the lender holds solely
11 in its own right under any
12 lender identification number
13 associated with the holder
14 (pursuant to section 487B);
15 “(BB) all loans de-
16 scribed in such subclause for

1 which the beneficial owner
2 has the authority to make
3 an election of a waiver under
4 such subclause, regardless of
5 the lender identification
6 number associated with the
7 loan or the lender that holds
8 the loan as eligible lender
9 trustee on behalf of such
10 beneficial owner; and

11 “(CC) all future cal-
12 culations of the special al-
13 lowance on loans that, on
14 the date of such waiver, are
15 loans described in subitem
16 (AA) or (BB), or that, after
17 such date, become loans de-
18 scribed in subitem (AA) or
19 (BB).

20 “(bb) EXCEPTIONS.—Any
21 waiver pursuant to subclause
22 (II)(bb) that is elected for loans
23 described in subitem (AA) or
24 (BB) of item (aa) shall not apply
25 to any loan described in such

1 subitem for which the lender or
2 beneficial owner of the loan dem-
3 onstrates to the satisfaction of
4 the Secretary that—

5 “(AA) in accordance
6 with an agreement entered
7 into before the date of en-
8 actment of the Student Aid
9 and Fiscal Responsibility
10 Act of 2009 by which such
11 lender or owner is governed
12 and that applies to such
13 loans, such lender or owner
14 is not legally permitted to
15 make an election of such
16 waiver with respect to such
17 loans without the approval
18 of one or more third parties
19 with an interest in the loans,
20 and that the lender or owner
21 followed all available options
22 under such agreement to ob-
23 tain such approval, and was
24 unable to do so; or

1 “(BB) such lender or
2 beneficial owner presented
3 the proposal of electing such
4 a waiver applicable to such
5 loans associated with an ob-
6 ligation rated by a nationally
7 recognized statistical rating
8 organization (as defined in
9 section 3(a)(62) of the Secu-
10 rities Exchange Act of
11 1934), and such rating orga-
12 nization provided a written
13 opinion that the agency
14 would downgrade the rating
15 applicable to such obligation
16 if the lender or owner elect-
17 ed such a waiver.”.

Page 66, line 18, after “any loan” insert “in which the Secretary has purchased a participation interest and”.

Page 66, beginning on line 21, strike “and that is held” and all that follows through “the Secretary” on line 23.

Page 69, beginning on line 15, strike paragraph (2) and insert the following:

1 (2) EFFECTIVE DATE.—The amendments made
2 by subparagraph (C) of paragraph (1) shall be effective
3 as if enacted as part of section 102(a)(1) of the
4 Higher Education Opportunity Act, in accordance
5 with section 102(e) of such Act, as amended by section
6 101(a)(2) of Public Law 111–39.

Page 71, line 24, insert “located in the United States” before “at which”.

Page 72, line 7, insert “(employed in the United States)” after “employees”.

Page 72, line 20, after “2009,” insert “nonprofit subsidiaries of such an agency,”.

Page 72, line 21, after “agencies” insert “, subsidiaries,”.

Page 72, line 24, after “agencies” insert “, subsidiaries,”.

Page 73, line 5, strike “State agencies, and” and insert “agencies, subsidiaries, and”.

Page 73, line 9, strike “State agencies and” and insert “such agencies, subsidiaries, and”.

Page 73, line 10, strike “such”.

Page 74, line 1, strike “one or more” and insert “at least one”.

Page 74, strike “may take” on line 12 through “the servicer.” on line 13, and insert “shall set such rate so that (i) the rate is commercially reasonable in relation to the volume of loans being serviced by the eligible not-for-profit servicers, and (ii) in the Secretary’s judgment, the eligible not-for-profit servicers can reasonably provide any additional services, such as default aversion or outreach, provided for in the contracts awarded under this paragraph.”.

Page 74, beginning on line 22, strike “on an annual basis” and insert “each year”.

Page 75, line 13, strike “on an annual basis” and insert “each year”.

Page 76, beginning on line 9, strike subparagraph (C) and insert the following:

- 1 “(C) LOAN SERVICING RETENTION.—
- 2 “(i) IN GENERAL.—In addition to any
- 3 new loans allocated to a servicers under
- 4 subparagraph (B)(ii), an eligible not-for-
- 5 profit servicer shall retain the servicing of

1 loans allocated to such servicer in previous
2 years, except as provided in clause (ii), or
3 as otherwise provided for in accordance
4 with the terms of a contract under this
5 paragraph.

6 “(ii) TRANSFERS FOR MULTIPLE
7 LOANS.—Notwithstanding clause (i) and
8 the allocations required by subparagraph
9 (B), the Secretary may transfer loans
10 among servicers who are awarded contracts
11 to service loans pursuant to this section to
12 ensure that the loans of any single bor-
13 rower remain with a single servicer.

Page 76, line 17, strike “3 years” and insert “5 years”.

Page 77, beginning on line 14, strike “, including due diligence activities required pursuant to regulations”.

Page 77, beginning on line 16, strike paragraph (2) and insert the following:

14 “(2) ELIGIBLE NOT-FOR-PROFIT SERVICER.—
15 “(A) IN GENERAL.—The term ‘eligible not-
16 for-profit servicer’ means an entity—
17 “(i) that is not owned or controlled in
18 whole or in part by—

1 “(I) a for profit entity; or

2 “(II) a nonprofit entity having its
3 principal place of business in another
4 State; and

5 “(ii) that—

6 “(I) as of July 1, 2009—

7 “(aa) meets the definition of
8 an eligible not-for-profit holder
9 under section 435(p), except that
10 such term does not include eligi-
11 ble lenders described in para-
12 graph (1)(D) of such section; and

13 “(bb) was performing, or
14 had entered into a contract with
15 a third party servicer (as such
16 term is defined in section 481(c))
17 who was performing, student
18 loan servicing functions for loans
19 made under part B of this title;

20 “(II) notwithstanding subclause
21 (I), as of July 1, 2009—

22 “(aa) is the sole beneficial
23 owner of a loan for which the
24 special allowance rate is cal-
25 culated under section

1 438(b)(2)(I)(vi)(II) because the
2 loan is held by an eligible lender
3 trustee that is an eligible not-for-
4 profit holder as defined under
5 section 435(p)(1)(D); and

6 “(bb) was performing, or
7 had entered into a contract with
8 a third party servicer (as such
9 term is defined in section 481(e))
10 who was performing, student
11 loan servicing functions for loans
12 made under part B of this title;
13 or

14 “(III) is an affiliated entity of an
15 eligible not-for-profit servicer de-
16 scribed in subclause (I) or (II) that—

17 “(aa) directly employs, or
18 will directly employ (on or before
19 the date the entity begins serv-
20 icing loans under a contract
21 awarded by the Secretary pursu-
22 ant to subsection (a)(3)(A)), the
23 majority of individuals who per-
24 form borrower-specific student
25 loan servicing functions; and

1 “(bb) as of July 1, 2009,
2 was performing, or had entered
3 into a contract with a third party
4 servicer (as such term is defined
5 in section 481(c)) who was per-
6 forming, student loan servicing
7 functions for loans made under
8 part B of this title.

9 “(B) AFFILIATED ENTITY.—For the pur-
10 poses of subparagraph (A), the term ‘affiliated
11 entity’—

12 “(i) means an entity contracted to
13 perform services for an eligible not-for-
14 profit servicer that—

15 “(I) is a nonprofit entity or is
16 wholly owned by a nonprofit entity;
17 and

18 “(II) is not owned or controlled,
19 in whole or in part, by—

20 “(aa) a for-profit entity; or

21 “(bb) an entity having its
22 principal place of business in an-
23 other State; and

24 “(ii) may include an affiliated entity
25 that is established by an eligible not-for-

1 profit servicer after the date of enactment
2 of the Student Aid and Fiscal Responsi-
3 bility Act of 2009, if such affiliated entity
4 is otherwise described in subparagraph
5 (A)(ii)(III) and clause (i) of this subpara-
6 graph.

Page 80, after line 22, insert the following new section:

7 **SEC. 216. TECHNICAL ASSISTANCE TO INSTITUTIONS OF**
8 **HIGHER EDUCATION.**

9 Section 458(a) (20 U.S.C. 1087h(a)) is amended—

10 (1) by redesignating paragraph (5) as para-
11 graph (6); and

12 (2) by inserting after paragraph (4) the fol-
13 lowing new paragraph:

14 “(5) **TECHNICAL ASSISTANCE TO INSTITUTIONS**
15 **OF HIGHER EDUCATION.—**

16 “(A) **PROVISION OF ASSISTANCE.—**The
17 Secretary shall provide institutions of higher
18 education participating, or seeking to partici-
19 pate, in the loan programs under this part with
20 technical assistance in establishing and admin-
21 istering such programs, including assistance for
22 an institution of higher education during such
23 institution’s transition into such programs.

1 Such assistance may include technical support,
2 training for personnel, customized assistance to
3 individual institutions of higher education, de-
4 velopment of informational materials, and other
5 services the Secretary determines to be appro-
6 priate.

7 “(B) FUNDS.—There are—

8 “(i) authorized to be appropriated,
9 and there are appropriated, to carry out
10 this paragraph (in addition to any other
11 amounts appropriated to carry out this
12 subparagraph and out of any money in the
13 Treasury not otherwise appropriated),
14 \$50,000,000 for fiscal year 2010; and

15 “(ii) authorized to be appropriated
16 such sums as may be necessary to carry
17 out this paragraph for fiscal years 2011
18 through 2014.”

Page 84, line 8, insert “(except as provided in para-
graphs (3) and (4))” after “as follows”.

Page 85, after line 12, insert the following new
paragraphs:

19 “(3) REQUIRED MINIMUM AMOUNT.—Notwith-
20 standing paragraph (1), in no case shall the sum of

1 a participating institution's allocation of loan au-
2 thority computed under subsections (c), (d), and (e)
3 be less than the average of the institution's total
4 principal amount of loans made under this part for
5 each of the academic years 2003–2004 through
6 2007–2008.

7 “(4) ADDITIONAL ADJUSTMENTS.—If the Sec-
8 retary determines that the sum of a participating in-
9 stitution's allocation of loan authority under sub-
10 sections (c), (d), and (e) is below the minimum
11 amount required under paragraph (3), the Secretary
12 shall—

13 “(A) for each institution for which the
14 minimum amount under paragraph (3) is not
15 satisfied, increase the amount of such sum to
16 the amount of the required minimum under
17 such paragraph; and

18 “(B) ratably reduce the amount of the sum
19 of such loan authority of all participating insti-
20 tutions not described in subparagraph (A).

Page 87, beginning on line 20, strike paragraph (3).

Page 88, beginning on line 1, strike paragraph (4).

Page 96, line 14, insert “in” after “specified”.

Page 97, line 8, strike “(a)”.

Page 105, line 2, strike the period after the second semicolon and insert “and”.

Page 105, strike lines 3 through 20, and insert the following:

1 (3) in paragraph (2), by adding at the end the
2 following new subparagraph:
3 “(C) EXCEPTION.—Notwithstanding sub-
4 paragraphs (A) and (B), an institution that
5 fails to meet the requirements of subsection
6 (a)(24) for two consecutive institutional fiscal
7 years, and the second such institutional fiscal
8 year ends after July 1, 2008, and before July
9 1, 2011, shall not be determined ineligible in
10 accordance with subparagraph (A) unless the
11 institution fails to meet the requirements of
12 subsection (a)(24) for a third consecutive insti-
13 tutional fiscal year.”.

Page 111, line 22, insert “, including life-cycle cost effectiveness,” before “and waste”.

Page 117, beginning on line 7 strike “including, where applicable, early learning facilities, based” and insert “(including early learning facilities, as appropriate), based”.

Page 122, line 11, insert “(including early learning facilities, as appropriate)” after “facilities”.

Page 131, after line 7, insert the following:

1 (d) TERMINATION.—The authority to establish and
2 maintain the Advisory Council under this section shall ex-
3 pire at the close of September 30, 2011.

Page 132, after line 6, insert the following:

4 (d) SUNSET.—The authority to award grants under
5 this subtitle shall expire at the end of fiscal year 2011.

Page 138, after line 8, insert the following:

6 “(K) Expansion or building of computer
7 lab facilities, including facilities used to provide
8 information technology training to students and
9 members of the public.”.

Page 138, line 9, redesignate subparagraph (K) as subparagraph (L).

Page 138, line 12, redesignate subparagraph (L) as subparagraph (M).

Page 141, line 1, strike “(f)” and insert “(e)”.

Page 141, line 16, strike “(g)” and insert “(f)”.

Page 141, line 21, strike “(h)” and insert “(g)”.

Page 143, line 10, strike "(i)" and insert "(h)".

Page 143, strike line 15, and insert the following:
"year 2010, which shall remain available until expended.
The authority to award grants under this section shall
expire at the end of fiscal year 2010."

Page 144, line 7, strike ", and improve" and insert
"and".

Page 146, line 8, after "children" insert ", including
programs receiving funds under section 611(h)(4) and
643(b) of the Individuals with Disabilities Education Act
(20 U.S.C. 1411(h)(4); 1443(b))".

Page 146, beginning on line 23, strike "determined
by the Secretary to qualify for receipt of" and insert
"with an approved application for".

Page 148, line 10, after the semicolon, insert "and".

Page 148, strike lines 11 through 14.

Page 148, line 15, strike "(3)" and insert "(2)".

Page 151, line 18, strike "and" at the end.

Page 151, line 22, strike the period at the end and
insert "; and".

Page 151, after line 22, insert the following:

1 (E) committing State resources for sup-
2 porting early learning programs and services.

Page 154, line 24, strike “, as appropriate,”.

Page 154, line 25, after “standards” insert “, as ap-
propriate,”.

Page 156, line 3, after “including” insert “the”.

Page 156, line 6, strike “providers” and insert
“early learning programs”.

Page 157, line 22, before “program” insert “early
learning”.

Page 158, line 1, before “disability,” insert “dental,
developmental delay and”.

Page 161, after line 20, insert the following:

3 (14) A description of how the State will imple-
4 ment a process for improving the quality of early
5 learning services to better meet the needs of children
6 who have experienced abuse or neglect, been exposed
7 to violence, toxic stress, parental substance abuse,
8 mental illness, or homelessness, or have had early
9 behavioral and peer relationship problems, including
10 addressing appropriate professional development,
11 programmatic practices, classroom environment, and

1 outreach and support to meet the needs of such chil-
2 dren.

Page 161, line 21, redesignate paragraph (14) as paragraph (15).

Page 165, line 5, insert "early learning" before "program".

Page 165, line 13, before "disability," insert "den- tal, developmental delay and".

Page 167, line 5, strike "services," and insert "serv- ices (or, if the State can demonstrate that it is already meeting the needs of such children in such manner, the State may apply to expand access for disadvantaged chil- dren in such manner and the State's application may not be adversely treated due to such request),".

Page 168, line 16, strike "to" and insert "that".

Page 168, line 18, strike "allow a State to become eligible and competitive" and insert "improve a State's competitiveness".

Page 171, line 24, strike "could include deter- mining" and insert "may include".

Page 172, line 1, after "(i)" insert "examining".

Page 172, line 4, after "(ii)" insert "examining".

Page 172, line 6, after “(iii)” insert “examining”.

Page 172, line 9, after “(iv)” insert “examining”.

Page 172, line 12, after “(v)” insert “examining”.

Page 172, line 14, strike “and” at the end.

Page 172, line 15, after “(vi)” insert “examining”.

Page 172, after line 20, insert the following:

1 (vii) Supporting the development of
2 valid and reliable assessments of young
3 children and program quality, including in
4 domains including language, literacy,
5 mathematics, science, social and emotional
6 development, and approaches to learning,
7 with particular attention to development of
8 assessments of domains for which there
9 are few appropriate assessments, that
10 are—

11 (I) developmentally, linguistically,
12 and culturally appropriate for the
13 population served, including children
14 with disabilities and children with lim-
15 ited English proficiency;

16 (II) consistent with relevant, na-
17 tionally recognized professional and

1 technical standards related to the as-
2 sessment of young children;
3 (III) consistent with the guide-
4 lines on assessment for improved
5 practice and for accountability in the
6 National Research Council Committee
7 on Developmental Outcomes and As-
8 sessments for Young Children; and

Beginning on page 172, strike line 23 through page
173, line 6, and insert the following:

9 (4) Not later than 18 months after the date of
10 the enactment of this Act, conducting a review of
11 the statewide strategic reports developed by the
12 State Advisory Councils on Early Care and Edu-
13 cation (established pursuant to section
14 642B(b)(1)(A) of the Head Start Act (42 U.S.C.
15 9837b(b)(1)(A))) and other relevant information (in-
16 cluding information reported by States under section
17 406(b)(9)) to evaluate barriers to increasing access
18 to high-quality early learning programs for low-in-
19 come children, reporting on the findings of such re-
20 view, and disseminating relevant findings and best
21 practices.

Page 174, line 12, before “progress” insert “State’s”.

Page 174, line 24, strike “providers” and insert “early learning programs”.

Page 175, line 1, strike “providers” and insert “early learning programs”.

Page 175, line 7, strike “proficient” and insert “proficiency”.

Page 175, line 10, after “providers” insert “and early learning programs”.

Page 175, line 18, strike “appropriate”.

Page 177, line 19, after “2017.” insert “The authority to award grants under this title shall expire at the end of fiscal year 2017.”.

Page 178, line 4, after “2019.” insert “The authority to award grants under this title shall expire at the end of fiscal year 2019.”.

Page 179, strike line 7, and insert “In this title:”.

Page 179, line 20, insert “that has at least one articulation agreement with a 4-year institution of higher education” after “district”.

Page 179, line 22, insert “that has at least one articulation agreement with an institution of higher education” after “school”.

Page 180, after line 6, insert the following:

1 (D) a Tribal College or University;

Page 180, line 7, strike “(D)” and insert “(E)”.

Page 180, lines 9 and 10, strike “or (C)” and insert “(C), or (D)”.

Page 180, line 11, strike “(E)” and insert “(F)”.

Page 180, beginning on line 15, strike clause (ii) and insert the following:

2 (ii) has established and implemented a
3 comprehensive articulation agreement be-
4 tween or among public institutions of high-
5 er education in the State that includes out-
6 lining the acceptability of community col-
7 lege courses in transfer for credit at public
8 4-year institutions in the State; and

Page 180, line 20, strike “or (D); or” and insert “(D), or (E);”.

Page 180, line 21, strike “(F)” and insert “(G)”

Page 180, line 22, strike “(E).” and insert “(F);
or”.

Page 180, after line 22, insert the following:

1 (H) at the discretion of the Secretary, a
2 private, not-for-profit, 2-year institution of
3 higher education in Puerto Rico, the District of
4 Columbia, Guam, the United States Virgin Is-
5 lands, American Samoa, the Commonwealth of
6 the Northern Mariana Islands, the Republic of
7 the Marshall Islands, the Federated States of
8 Micronesia, or the Republic of Palau.

Page 182, after line 6, insert the following:

9 (12) TRIBAL COLLEGE OR UNIVERSITY.—The
10 term “Tribal College or University” has the meaning
11 given such term in section 316 of the Higher Edu-
12 cation Act of 1965 (20 U.S.C. 1059c).

Page 182, beginning on line 7, strike subsection (b).

Page 183, line 8, strike “(D)” and insert “(E)”.

Page 184, line 9, after “same” insert “specific”.

Page 184, line 10, after “Federal” insert “grant”.

Page 185, line 20, strike “or”.

Page 185, line 24, strike the period and insert “; or”.

Page 185, after line 24, insert the following:

1 (3) are focused on serving low-income, non-
2 traditional students (as defined in section 803(j) of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1161c(j))), who do not have a bachelor’s degree.

Page 187, after line 6, insert the following:

5 (4) EXCEPTION.—This subsection shall not
6 apply to Tribal Colleges and Universities.

Page 188, line 19, strike “and” after the semicolon.

Page 188, line 22, strike the period and insert “; and”.

Page 188, after line 22, insert the following:

7 (10) how the eligible entity will incorporate and
8 support faculty and staff of the institution in meet-
9 ing the goals of such programs, services, and poli-
10 cies.

Page 189, line 6, strike “(D)” and insert “(E)”.

Page 190, line 3, strike “and”.

Page 190, line 6, strike the period and insert “; and”.

Page 190, after line 6, insert the following:

- 1 (D) library services, including information
- 2 literacy activities, to—
- 3 (i) help increase postsecondary degree,
- 4 certificate, and industry-recognized creden-
- 5 tial completion rates, particularly with re-
- 6 spect to groups underrepresented in higher
- 7 education; and
- 8 (ii) assist individuals with obtaining
- 9 and retaining employment.

Page 190, line 11, insert “, information literacy,” after “skills”.

Page 191, line 5, strike “(D)” and insert “(E)”.

Page 191, line 13, strike “(D)” and insert “(E)”.

Page 191, beginning on line 17, strike “Improving the timeliness of the process for creating” and insert “Creating, in a timely and efficient manner,”.

Page 191, line 20, strike “(D)” and insert “(E)”.

Page 192, after line 2, insert the following:

1 “(8) Providing information technology training
2 for students and members of the public seeking to
3 improve their computer literacy and information
4 technology skills through public accessibility to—

5 “(A) community college computer labs; and

6 “(B) information technology training pro-
7 vided on weeknights and weekends by an em-
8 ployee of a community college who is capable of
9 basic computer instruction.”.

Page 192, lines 6 and 7, strike “applicable)” and in-
sert “applicable to the institution’s use of funds provided
under this section)”.

Page 196, line 5, strike “subsection (e)” and insert
“subsection (f)”.

Page 196, beginning on line 25, strike “subsection
(g)” and insert “subsection (h)”.

Page 197, after line 3, insert the following:

10 (d) PRIORITY.—In awarding grants under this sec-
11 tion, the Secretary shall give priority to applications fo-
12 cused on serving low-income, nontraditional students (as
13 defined in section 803(j) of the Higher Education Act of
14 1965 (20 U.S.C. 1161c(j))), who do not have a bachelor’s
15 degree.

Page 197, line 4, redesignate subsection (d) as subsection (e).

Page 197, line 9, strike “subsection (f)” and insert “subsection (g)”.

Page 197, line 14, strike “subsection (f)” and insert “subsection (g)”.

Page 198, line 7, redesignate subsection (e) as subsection (f).

Page 198, line 13, strike “subsection (f)” and insert “subsection (g)”.

Page 198, line 23, strike “subsection (g)” and insert “subsection (h)”.

Page 199, line 20, redesignate subsection (f) as subsection (g).

Page 200, line 4, redesignate subsection (g) as subsection (h).

Page 200, line 8, strike “section 503(f)(1)” and insert “section 503(g)(1)”.

Page 200, line 13, redesignate subsection (h) as subsection (i).

Page 200, line 22, strike “subsection (g)” and insert “subsection (h)”.

Page 201, line 6, redesignate subsection (i) as subsection (k).

Page 201, line 15, strike “will” and insert “should”.

Page 201, line 18, strike “will” and insert “should”.

Page 202, beginning on line 2, strike “training, high school courses, and postsecondary education courses” and insert “courses, including instructional materials, for training and postsecondary education readiness and success”.

Page 203, line 9, insert “faculty,” after “students,”.

Page 209, after line 2, insert the following:

1 (d) EVALUATION.—From the amounts appropriated
2 to carry out this section, the Secretary shall, not later
3 than 30 days after the date of the enactment of this Act,
4 allocate not less than \$1,000,000 for the contract with,
5 and report by, the National Research Council required
6 under section 1107(c)(2) of the Higher Education Oppor-
7 tunity Act (Public Law 110–315).

8 (e) MODEL TO DETERMINE CREDIT TRANSFER-
9 ABILITY.—From the amounts appropriated to carry out
10 this section, the Secretary may develop a model, which
11 leverages existing technologies if appropriate, of a service
12 that enables students to determine the transferability of

- 1 credits between institutions of higher education voluntarily
- 2 participating in such service.

Page 209, line 3, redesignate subsection (d) as subsection (f).

Conform the Table of Contents accordingly.

