

108TH CONGRESS
1ST SESSION

S. 901

To make technical amendments to the Higher Education Act of 1965, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2003

Mr. GREGG (for himself, Mr. ENZI, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To make technical amendments to the Higher Education
Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Higher Education Technical Amendments Act of 2003”.

6 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.
Sec. 2. Reference; effective date; implementation.

TITLE I—TECHNICAL AMENDMENTS

Sec. 101. Technical amendments.
Sec. 102. Clerical amendments.
Sec. 103. Amendments to the Higher Education Amendments of 1998.
Sec. 104. Study of teacher preparation.

TITLE II—OPPORTUNITIES FOR HIGHER EDUCATION VIA
TELECOMMUNICATIONS

Sec. 201. Exception to 50 percent correspondence course limitations.

Sec. 202. Evaluation and report.

1 **SEC. 2. REFERENCE; EFFECTIVE DATE; IMPLEMENTATION.**

2 (a) REFERENCE.—Except as otherwise expressly pro-
3 vided in this Act, whenever in this Act an amendment or
4 repeal is expressed in terms of an amendment to, or repeal
5 of, a section or other provision, the reference shall be con-
6 sidered to be made to a section or other provision of the
7 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

8 (b) EFFECTIVE DATE.—Except as otherwise provided
9 in this Act, the amendments made by this Act shall take
10 effect on the date of enactment of this Act.

11 (c) IMPLEMENTATION.—Sections 482(e) and 492 of
12 the Higher Education Act of 1965 (20 U.S.C. 1089(e),
13 1098a) shall not apply to the regulations implementing the
14 amendments made by this Act.

15 **TITLE I—TECHNICAL**
16 **AMENDMENTS**

17 **SEC. 101. TECHNICAL AMENDMENTS.**

18 (a) AMENDMENTS TO TITLE I.—

19 (1) Section 101(a)(1) (20 U.S.C. 1001(a)(1)) is
20 amended by inserting before the semicolon at the
21 end the following: “, or students who meet the re-
22 quirements of section 484(d)(3)”.

1 (2)(A) Section 102(a)(2)(A) (20 U.S.C.
2 1002(a)(2)(A)) is amended to read as follows:

3 “(A) IN GENERAL.—For the purpose of
4 qualifying as an institution under paragraph
5 (1)(C), the Secretary shall establish criteria by
6 regulation for the approval of institutions out-
7 side the United States and for the determina-
8 tion that such institutions are comparable to an
9 institution of higher education as defined in
10 section 101 (except that a graduate medical
11 school, or a veterinary school, located outside
12 the United States shall not be required to meet
13 the requirements of section 101(a)(4)). Such
14 criteria shall include a requirement that a stu-
15 dent attending such school outside the United
16 States is ineligible for loans made, insured, or
17 guaranteed under part B of title IV unless—

18 “(i) in the case of a graduate medical
19 school located outside the United States—

20 “(I)(aa) at least 60 percent of
21 those enrolled in, and at least 60 per-
22 cent of the graduates of, the graduate
23 medical school outside the United
24 States were not persons described in
25 section 484(a)(5) in the year pre-

1 ceding the year for which a student is
2 seeking a loan under part B of title
3 IV; and

4 “(bb) at least 60 percent of the
5 individuals who were students or
6 graduates of the graduate medical
7 school outside the United States or
8 Canada (both nationals of the United
9 States and others) taking the exami-
10 nations administered by the Edu-
11 cational Commission for Foreign Med-
12 ical Graduates received a passing
13 score in the year preceding the year
14 for which a student is seeking a loan
15 under part B of title IV; or

16 “(II) the institution has a clinical
17 training program that was approved
18 by a State as of January 1, 1992; or

19 “(ii) in the case of a veterinary school
20 located outside the United States that does
21 not meet the requirements of section
22 101(a)(4), the institution’s students com-
23 plete their clinical training at an approved
24 veterinary school located in the United
25 States.”.

1 (B) The amendment made by subparagraph (A)
2 shall be effective as if enacted on October 7, 1998.

3 (3) Section 102(a)(3)(A) (20 U.S.C.
4 1002(a)(3)(A)) is amended by striking “section
5 521(4)(C) of the Carl D. Perkins Vocational and
6 Applied Technology Education Act” and inserting
7 “section 3(3)(C) of the Carl D. Perkins Vocational
8 and Technical Education Act of 1998”.

9 (4) Paragraph (7) of section 103 (20 U.S.C.
10 1003) is amended to read as follows:

11 “(7) NEW BORROWER.—The term ‘new bor-
12 rower’ when used with respect to any date for any
13 loan under any provision of—

14 “(A) part B or part D of title IV means
15 an individual who on that date has no out-
16 standing balance of principal or interest owing
17 on any loan made, insured, or guaranteed under
18 either such part; and

19 “(B) part E of title IV means an indi-
20 vidual who on that date has no outstanding bal-
21 ance of principal or interest owing on any loan
22 made under such part.”.

23 (5) Section 131 (20 U.S.C. 1015) is amended—

24 (A) in subsection (a)(3)(A)(iii)—

1 (i) by striking “an undergraduate”
2 and inserting “a full-time undergraduate”;
3 and

4 (ii) in subclause (I), by striking “sec-
5 tion 428(a)(2)(C)(i)” and inserting “sec-
6 tion 428(a)(2)(C)(ii)”;

7 (B) in subsection (b), by striking “the
8 costs for typical” and inserting “the prices for,
9 and financial aid provided to, typical”;

10 (C) in subsection (c)(2)(B), by striking
11 “costs” and inserting “prices”; and

12 (D) in subsection (d)(1), by striking “3
13 years” and inserting “4 years”.

14 (6) Section 141 (20 U.S.C. 1018) is amended—

15 (A) in subsection (a)(2)(B)—

16 (i) by inserting “unit” after “to re-
17 duce the”; and

18 (ii) by inserting “and, to the extent
19 practicable, the total costs of administering
20 those programs” after “those programs”;

21 (B) in subsection (c)—

22 (i) in paragraph (1)(A), by striking
23 “Each year” and inserting “Each fiscal
24 year”;

1 (ii) in paragraph (1)(B), by inserting
2 “secondary markets, guaranty agencies,”
3 after “lenders,”; and

4 (iii) in paragraph (2)(B), by striking
5 “Chief Financial Officer Act of 1990 and”
6 and inserting “Chief Financial Officers Act
7 of 1990,” and by inserting before the pe-
8 riod at the end the following: “, and other
9 relevant statutes”;

10 (C) in subsection (f)(3)(A), by striking
11 “paragraph (1)(A)” and inserting “paragraph
12 (1)”;

13 (D) in subsection (g)(3), by adding at the
14 end the following new sentence: “The names
15 and compensation for those individuals shall be
16 included in the annual report under subsection
17 (e)(2).”.

18 (b) AMENDMENTS TO TITLE II.—Section 207(f)(2)
19 (20 U.S.C. 1027(f)(2)) is amended by inserting “, includ-
20 ing by electronic means,” after “sent”.

21 (c) AMENDMENTS TO TITLE III.—

22 (1) Section 316(b)(3) (20 U.S.C. 1059c(b)(3))
23 is amended by striking “give” and inserting “given”.

1 (2) Section 326(e)(1) (20 U.S.C. 1063b(e)(1))
2 is amended, in the matter preceding subparagraph
3 (A), by inserting a colon after “the following”.

4 (3) Section 342(5)(C) (20 U.S.C. 1066a(5)(C))
5 is amended—

6 (A) by inserting a comma after “equip-
7 ment” the first place it appears; and

8 (B) by striking “technology,,” and insert-
9 ing “technology,”.

10 (4) Section 343(e) (20 U.S.C. 1066b(e)) is
11 amended by inserting after the subsection designa-
12 tion the following: “SALE OF QUALIFIED
13 BONDS.—”.

14 (5) Section 351(a) (20 U.S.C. 1067a(a)) is
15 amended by striking “of 1979”.

16 (6) Section 1024 (20 U.S.C. 1135b–3), as
17 transferred by section 301(a)(5) of the Higher Edu-
18 cation Amendments of 1998 (Public Law 105–244;
19 112 Stat. 1636), is repealed.

20 (d) AMENDMENTS TO PART A OF TITLE IV.—

21 (1) Section 402A (20 U.S.C. 1070a–11) is
22 amended—

23 (A) in subsection (e)—

24 (i) in paragraph (1), by striking
25 “(g)(2)” and inserting “(g)(4)”; and

1 (ii) in paragraph (2), by striking
2 “(g)(2)” and inserting “(g)(4)”; and
3 (B) in subsection (g)—

4 (i) by redesignating paragraphs (1)
5 through (4) as paragraphs (3) through (6),
6 respectively; and

7 (ii) by inserting before paragraph (3),
8 as redesignated, the following:

9 “(1) DIFFERENT CAMPUS.—The term ‘different
10 campus’ means an institutional site that—

11 “(A) is geographically apart from the main
12 campus of the institution;

13 “(B) is permanent in nature; and

14 “(C) offers courses in educational pro-
15 grams leading to a degree, certificate, or other
16 recognized educational credential.

17 “(2) DIFFERENT POPULATION.—The term ‘dif-
18 ferent population’ means a group of individuals, with
19 respect to whom an entity seeks to serve through an
20 application for funding under this chapter, that is—

21 “(A) separate and distinct from any other
22 population that the entity seeks to serve
23 through an application for funding under this
24 chapter; or

1 “(B) while sharing some of the same char-
2 acteristics as another population that the entity
3 seeks to serve through an application for fund-
4 ing under this chapter, has distinct needs for
5 specialized services.”.

6 (2)(A) Section 404A(b) (20 U.S.C. 1070a-
7 21(b)) is amended by adding at the end thereof the
8 following new paragraph:

9 “(3) DURATION.—An award made by the Sec-
10 retary under this chapter to an eligible entity de-
11 scribed in paragraph (1) or (2) of subsection (c)
12 shall be for the period of 6 years.”.

13 (B) The amendment made by subparagraph (A)
14 shall apply to awards made either before or after the
15 date of enactment of this Act.

16 (3) Section 407E (20 U.S.C. 1070a-35) is re-
17 designated as section 406E.

18 (4) Section 419C(b)(1) (20 U.S.C. 1070d-
19 33(b)(1)) is amended by inserting “and” after the
20 semicolon at the end thereof.

21 (5) Section 419D(d) (20 U.S.C. 1070d-34(d))
22 is amended by striking “Public Law 95-1134” and
23 inserting “Public Law 95-134”.

24 (e) AMENDMENTS TO PART B OF TITLE IV.—

1 (1) Section 428(a)(2)(A) (20 U.S.C.
2 1078(a)(2)(A)) is amended—

3 (A) by striking “and” at the end of sub-
4 clause (II) of clause (i); and

5 (B) by moving the margin of clause (iii)
6 two ems to the left.

7 (2) Section 428(b)(1)(G) (20 U.S.C.
8 1078(b)(1)(G)) is amended by inserting before the
9 semicolon at the end the following: “and 100 percent
10 of the unpaid principal amount of exempt claims as
11 defined in subsection (c)(1)(G)”.

12 (3) Section 428(c) (20 U.S.C. 1078(c)) is
13 amended—

14 (A) in paragraph (1)—

15 (i) by redesignating subparagraph (G)
16 as subparagraph (H), and moving such
17 subparagraph 2 em spaces to the left; and

18 (ii) by inserting after subparagraph
19 (F) the following new subparagraph:

20 “(G)(i) Notwithstanding any other provisions of
21 this section, in the case of exempt claims, the Sec-
22 retary shall apply the provisions of—

23 “(I) the fourth sentence of subparagraph
24 (A) by substituting ‘100 percent’ for ‘95 per-
25 cent’;

1 “(II) subparagraph (B)(i) by substituting
2 ‘100 percent’ for ‘85 percent’; and

3 “(III) subparagraph (B)(ii) by substituting
4 ‘100 percent’ for ‘75 percent’.

5 “(ii) For purposes of clause (i) of this subpara-
6 graph, the term ‘exempt claims’ means claims with
7 respect to loans for which it is determined that the
8 borrower (or the student on whose behalf a parent
9 has borrowed), without the lender’s or the institu-
10 tion’s knowledge at the time the loan was made, pro-
11 vided false or erroneous information or took actions
12 that caused the borrower or the student to be ineli-
13 gible for all or a portion of the loan or for interest
14 benefits thereon.”;

15 (B) in paragraph (3)(A)(i), by striking “in
16 writing”; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(10) DOCUMENTATION OF FORBEARANCE
20 AGREEMENTS.—For the purposes of paragraph (3),
21 the terms of forbearance agreed to by the parties
22 shall be documented by confirming the agreement of
23 the borrower by notice to the borrower from the
24 lender, and by recording the terms in the borrower’s
25 file.”.

1 (4) Section 428C(a)(3)(B) (20 U.S.C. 1078–
2 3(a)(3)(B)) is amended by adding at the end the fol-
3 lowing new clause:

4 “(ii) Loans made under this section shall, to
5 the extent used to discharge loans made under this
6 title, be counted against the applicable limitations on
7 aggregate indebtedness contained in sections
8 425(a)(2), 428(b)(1)(B), 428H(d), 455, and
9 464(a)(2)(B).”.

10 (5) Section 428H(e) (20 U.S.C. 1078–8(e)) is
11 amended—

12 (A) by striking paragraph (6); and

13 (B) by redesignating paragraph (7) as
14 paragraph (6).

15 (6) Section 428I(g) (20 U.S.C. 1078–9(g)) is
16 amended by striking “Code,” and inserting “Code”.

17 (7) Section 432(m)(1)(B) (20 U.S.C.
18 1082(m)(1)(B)) is amended—

19 (A) in clause (i), by inserting “and” after
20 the semicolon at the end; and

21 (B) in clause (ii), by striking “; and” and
22 inserting a period.

23 (8) Section 439(d) (20 U.S.C. 1087–2(d)) is
24 amended—

25 (A) by striking paragraph (3); and

1 (B) by redesignating paragraphs (4) and
2 (5) as paragraphs (3) and (4), respectively.

3 (f) AMENDMENT TO PART D OF TITLE IV.—Section
4 457(a)(1) (20 U.S.C. 1087g(a)(1)) is amended by striking
5 “431” and inserting “437”.

6 (g) AMENDMENTS TO PART E OF TITLE IV.—

7 (1) Section 462(g)(1)(E)(i)(I) (20 U.S.C.
8 1087bb(g)(1)(E)(i)(I)) is amended by inserting
9 “monthly” after “consecutive”.

10 (2) Section 464(c)(1)(D) (20 U.S.C.
11 1087dd(c)(1)(D)) is amended by redesignating sub-
12 clauses (I) and (II) as clauses (i) and (ii), respec-
13 tively.

14 (3) Section 464(h)(1)(A) is amended—

15 (A) by inserting “, if practicable (as deter-
16 mined in accordance with regulations of the
17 Secretary),” after “the loan shall”; and

18 (B) by inserting “, if such loan is consid-
19 ered rehabilitated,” after “the Secretary)
20 shall”.

21 (4) Section 465(a)(2) (20 U.S.C. 1087ee(a)(2))
22 is amended—

23 (A) in subparagraph (A), by striking “sec-
24 tion 111(c)” and inserting “section
25 1113(a)(5)”; and

1 (B) in subparagraph (C), by striking
2 “With Disabilities” and inserting “with Disabil-
3 ities”.

4 (5) Section 467(b) (20 U.S.C. 1087gg(b)) is
5 amended by striking “(5)(A), (5)(B)(i), or (6)” and
6 inserting “(4)(A), (4)(B), or (5)”.

7 (6) Section 469(c) (20 U.S.C. 1087ii(c)) is
8 amended—

9 (A) by striking “sections 602(a)(1) and
10 672(1)” and inserting “sections 602(3) and
11 632(5)”;

12 (B) by striking “qualified professional pro-
13 vider of early intervention services” and insert-
14 ing “early intervention services”; and

15 (C) by striking “section 672(2)” and in-
16 serting “section 632(4)”.

17 (h) AMENDMENTS TO PART F OF TITLE IV.—

18 (1) Section 478(h) (20 U.S.C. 1087rr(h)) is
19 amended—

20 (A) by striking “476(b)(4)(B),”; and

21 (B) by striking “meals away from home,
22 apparel and upkeep, transportation, and house-
23 keeping services” and inserting “food away
24 from home, apparel, transportation, and house-
25 hold furnishings and operations”.

1 (2) Section 479A(a) (20 U.S.C. 1087tt(a)) is
2 amended—

3 (A) by striking “(a) IN GENERAL.—” and
4 inserting the following:

5 “(a) AUTHORITY TO MAKE ADJUSTMENTS.—

6 “(1) ADJUSTMENTS FOR SPECIAL CIR-
7 CUMSTANCES.—”;

8 (B) by inserting before “Special cir-
9 cumstances may” the following:

10 “(2) SPECIAL CIRCUMSTANCES DEFINED.—”;

11 (C) by inserting “a student’s status as a
12 ward of the court at any time prior to attaining
13 18 years of age,” after “487,”.

14 (D) by inserting before “Adequate docu-
15 mentation” the following:

16 “(3) DOCUMENTATION AND USE OF SUPPLE-
17 MENTARY INFORMATION.—”; and

18 (E) by inserting before “No student” the
19 following:

20 “(4) FEES FOR SUPPLEMENTARY INFORMATION
21 PROHIBITED.—”.

22 (i) AMENDMENTS TO PARTS G AND H OF TITLE
23 IV.—

24 (1) Section 483(d) (20 U.S.C. 1090(d)) is
25 amended by striking “that is authorized under sec-

1 tion 685(d)(2)(C)” and inserting “, or another ap-
2 propriate provider of technical assistance and infor-
3 mation on postsecondary educational services, that is
4 supported under section 685”.

5 (2) Section 484 (20 U.S.C. 1091) is amended—

6 (A) in subsection (a)(4), by striking “cer-
7 tification,,” and inserting “certification,”;

8 (B) in subsection (b)(2)—

9 (i) in the matter preceding subpara-
10 graph (A), by striking “section 428A” and
11 inserting “section 428H”;

12 (ii) in subparagraph (A), by inserting
13 “and” after the semicolon at the end
14 thereof;

15 (iii) in subparagraph (B), by striking
16 “; and” and inserting a period; and

17 (iv) by striking subparagraph (C); and

18 (C) in subsection (l)(1)(B)(i), by striking
19 “section 521(4)(C) of the Carl D. Perkins Vo-
20 cational and Applied Technology Education
21 Act” and inserting “section 3(3)(C) of the Carl
22 D. Perkins Vocational and Technical Education
23 Act of 1998”.

1 (3)(A) Section 484(r)(1) (20 U.S.C.
2 1091(r)(1)) is amended by striking everything pre-
3 ceding the table and inserting the following:

4 “(1) IN GENERAL.—A student who is convicted
5 of any offense under any Federal or State law in-
6 volving the possession or sale of a controlled sub-
7 stance for conduct that occurred during a period of
8 enrollment for which the student was receiving any
9 grant, loan, or work assistance under this title shall
10 not be eligible to receive such grant, loan, or work
11 assistance from the date of that conviction for the
12 period of time specified in the following table:”.

13 (B) The amendment made by subparagraph (A)
14 shall be effective on July 1, 2003.

15 (4)(A) Section 484B (20 U.S.C. 1091b) is
16 amended—

17 (i) in subsection (a)(1), by inserting “sub-
18 part 4 of part A or” after “received under”;

19 (ii) in subsection (a)(3)(B)(ii), by inserting
20 “(as determined in accordance with subsection
21 (d))” after “student has completed”;

22 (iii) in subsection (b)(2), by amending sub-
23 paragraph (C) to read as follows:

24 “(C) GRANT OVERPAYMENT REQUIRE-
25 MENTS.—

1 “(i) IN GENERAL.—Notwithstanding
2 subparagraphs (A) and (B), a student
3 shall only be required to return grant as-
4 sistance in the amount (if any) by which—

5 “(I) the amount to be returned
6 by the student (as determined under
7 subparagraphs (A) and (B)), exceeds

8 “(II) 50 percent of the total
9 grant assistance received by the stu-
10 dent under this title for the payment
11 period or period of enrollment.

12 “(ii) MINIMUM.—A student shall not
13 be required to return amounts of \$50 or
14 less.”; and

15 (iv) in subsection (d), by striking
16 “(a)(3)(B)(i)” and inserting “(a)(3)(B)”.

17 (B) The amendments made by subparagraph
18 (A) shall be effective for academic years beginning
19 on or after July 1, 2003, except that, in the case of
20 an institution of higher education that chooses to
21 implement such amendments prior to that date, such
22 amendments shall be effective on the date of such
23 institution’s implementation.

24 (5) Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is
25 amended—

1 (A) in the second sentence, by striking
2 “mailings, and” and inserting “mailings, or”;

3 (B) by striking “and” at the end of sub-
4 paragraph (N);

5 (C) by striking the period at the end of
6 subparagraph (O) and inserting “; and”; and

7 (D) by adding at the end the following new
8 subparagraph:

9 “(P) the penalties contained in subsection
10 484(r) regarding suspension of eligibility for
11 drug related offenses.”.

12 (6) Section 485B(a) (20 U.S.C. 1092b(a)) is
13 amended—

14 (A) by redesignating paragraphs (6)
15 through (10) as paragraphs (7) through (11),
16 respectively;

17 (B) by redesignating the paragraph (5) (as
18 added by section 2008 of Public Law 101–239)
19 as paragraph (6); and

20 (C) in paragraph (5) (as added by section
21 204(3) of the National Community Service Act
22 of 1990 (Public Law 101–610))—

23 (i) by striking “(22 U.S.C. 2501 et
24 seq.),” and inserting “(22 U.S.C. 2501 et
25 seq.),”; and

1 (ii) by striking the period at the end
2 thereof and inserting a semicolon.

3 (7) Section 487(a) (20 U.S.C. 1094(a)) is
4 amended—

5 (A) in paragraph (22), by striking “refund
6 policy” and inserting “policy on the return of
7 title IV funds”; and

8 (B) in paragraph (23)—

9 (i) by moving subparagraph (C) two
10 em spaces to the left; and

11 (ii) by adding after such subpara-
12 graph the following new subparagraph:

13 “(D) An institution shall be considered in com-
14 pliance with the requirements of subparagraph (A)
15 for any student to whom the institution electroni-
16 cally transmits a message containing a voter reg-
17 istration form acceptable for use in the State in
18 which the institution is located, or an Internet ad-
19 dress where such a form can be downloaded, pro-
20 vided such information is in an electronic message
21 devoted to voter registration.”.

22 (8) Section 491(c) (20 U.S.C. 1098(c)) is
23 amended by adding at the end the following new
24 paragraph:

1 “(3) The appointment of members under subpara-
2 graphs (A) and (B) of paragraph (1) shall be effective
3 upon publication of the appointment in the Congressional
4 Record.”.

5 (9) Section 493A (20 U.S.C. 1098c) is re-
6 pealed.

7 (10) Section 498 (20 U.S.C. 1099c) is amend-
8 ed—

9 (A) in subsection (c)(2), by striking “for
10 profit,” and inserting “for-profit,”;

11 (B) in subsection (d)(1)(B), by inserting
12 “and” after the semicolon at the end thereof.

13 (j) AMENDMENTS TO TITLE V.—Section 504(a) (20
14 U.S.C. 1101c(a)) is amended—

15 (1) by striking the following:

16 “(a) AWARD PERIOD.—

17 “(1) IN GENERAL.—The Secretary”

18 and inserting the following:

19 “(a) AWARD PERIOD.—The Secretary”; and

20 (2) by striking paragraph (2).

21 (k) AMENDMENTS TO TITLE VII.—

22 (1) Section 714(c) (20 U.S.C. 1135c(c)) is
23 amended—

24 (A) by striking “section 716(a)” and in-
25 serting “section 715(a)”; and

1 (B) by striking “section 714(b)(2)” and in-
2 serting “section 713(b)(2)”.

3 (2) Section 721(c) (20 U.S.C. 1136(c)) is
4 amended—

5 (A) by striking “and” at the end of para-
6 graph (4);

7 (B) by striking the period at the end of
8 paragraph (5) and inserting a semicolon; and

9 (C) by adding at the end the following new
10 paragraphs:

11 “(6) to assist such students with the develop-
12 ment of analytical skills and study methods to en-
13 hance their success in entry into and completion of
14 law school; and

15 “(7) to award Thurgood Marshall Fellowships
16 to eligible law school students—

17 “(A) who participated in summer institutes
18 authorized by subsection (d) and who are en-
19 rolled in an accredited law school; or

20 “(B) who are eligible law school students
21 who have successfully completed a comparable
22 summer institute program certified by the
23 Council on Legal Educational Opportunity.”.

24 (I) AMENDMENT TO HIGHER EDUCATION AMEND-
25 MENTS OF 1998.—Section 422(d) of the Higher Edu-

1 cation Amendments of 1998 (Public Law 105–244; 112
 2 Stat. 1696) is amended by striking “, and ending on Sep-
 3 tember 30, 2002”.

4 **SEC. 102. CLERICAL AMENDMENTS.**

5 (a) DEFINITION.—Section 103 (20 U.S.C. 1003) is
 6 amended—

7 (1) by redesignating paragraphs (1) through
 8 (16) as paragraphs (2) through (17), respectively;
 9 and

10 (2) by inserting before paragraph (2) (as so re-
 11 designated) the following new paragraph:

12 “(1) AUTHORIZING COMMITTEES.—The term
 13 ‘authorizing committees’ means the Committee on
 14 Health, Education, Labor, and Pensions of the Sen-
 15 ate and the Committee on Education and the Work-
 16 force of the House of Representatives.”.

17 (b) COMMITTEES.—

18 (1) The following provisions are each amended
 19 by striking “Committee on Labor and Human Re-
 20 sources of the Senate and the Committee on Edu-
 21 cation and the Workforce of the House of Rep-
 22 resentatives” and inserting “authorizing commit-
 23 tees”:

24 (A) Section 131(a)(3)(B) (20 U.S.C.
 25 1015(a)(3)(B)).

1 (B) Section 131(c)(4) (20 U.S.C.
2 1015(c)(4)).

3 (C) Section 206(d) (20 U.S.C. 1026(d)).

4 (D) Section 207(c)(1) (20 U.S.C.
5 1027(c)(1)).

6 (E) Section 428(g) (20 U.S.C. 1078(g)).

7 (F) Section 428A(a)(4) (20 U.S.C. 1078–
8 1(a)(4)).

9 (G) Section 428A(c)(2) (20 U.S.C. 1078–
10 1(c)(2)).

11 (H) Section 428A(c)(3) (20 U.S.C. 1078–
12 1(c)(3)).

13 (I) Section 428A(c)(5) (20 U.S.C. 1078–
14 1(c)(5)).

15 (J) Section 455(b)(8)(B) (20 U.S.C.
16 1087e(b)(8)(B)).

17 (K) Section 483(e) (20 U.S.C. 1090(c)).

18 (L) Section 486(e) (20 U.S.C. 1093(e)).

19 (M) Section 486(f)(3)(A) (20 U.S.C.
20 1093(f)(3)(A)).

21 (N) Section 486(f)(3)(B) (20 U.S.C.
22 1093(f)(3)(B)).

23 (O) Section 487A(a)(5) (20 U.S.C.
24 1094a(a)(5)).

1 (P) Section 487A(b)(2) (20 U.S.C.
2 1094a(b)(2)).

3 (Q) Section 487A(b)(3)(B) (20 U.S.C.
4 1094a(b)(3)(B)).

5 (R) Section 498B(d)(1) (20 U.S.C. 1099c-
6 2(d)(1)).

7 (S) Section 498B(d)(2) (20 U.S.C. 1099c-
8 2(d)(2)).

9 (2) The following provisions are each amended
10 by striking “Committee on Education and the Work-
11 force of the House of Representatives and the Com-
12 mittee on Labor and Human Resources of the Sen-
13 ate” and inserting “authorizing committees”.

14 (A) Section 141(d)(4)(B) (20 U.S.C.
15 1018(d)(4)(B)).

16 (B) Section 428(n)(4) (20 U.S.C.
17 1078(n)(4)).

18 (C) The last sentence of section 432(n) (20
19 U.S.C. 1082(n)).

20 (D) Section 485(f)(5)(A) (20 U.S.C.
21 1092(f)(5)(A)).

22 (E) Section 485(g)(4)(B) (20 U.S.C.
23 1092(g)(4)(B)).

24 (3) Section 206(a) (20 U.S.C. 1026(a)) is
25 amended by striking “, the Committee on Labor and

1 Human Resources of the Senate, and the Committee
2 on Education and the Workforce of the House of
3 Representatives” and inserting “and the authorizing
4 committees”.

5 (4) Section 401(f)(3) (20 U.S.C. 1070a(f)(3))
6 is amended by striking “Committee on Appropria-
7 tions and the Committee on Labor and Human Re-
8 sources of the Senate and the Committee on Appro-
9 priations and the Committee on Education and the
10 Workforce of the House of Representatives” and in-
11 sserting “Committees on Appropriations of the Sen-
12 ate and House of Representatives and the author-
13 izing committees”.

14 (5) Section 428(c)(9)(K) (20 U.S.C.
15 1078(c)(9)(K)) is amended by striking “House Com-
16 mittee on Education and the Workforce and the
17 Senate Committee on Labor and Human Resources”
18 and inserting “authorizing committees”.

19 (6) Section 428I(h) (20 U.S.C. 1078–9(h)) is
20 amended by striking “Chairman of the Senate Labor
21 and Human Resources Committee and the House
22 Committee on Education and Labor” and inserting
23 “chairpersons of the authorizing committees”.

24 (7) Section 432(f)(1)(C) (20 U.S.C.
25 1082(f)(1)(C)) is amended by striking “Committee

1 on Education and the Workforce of the House of
2 Representatives or the Committee on Labor and
3 Human Resources of the Senate” and inserting “ei-
4 ther of the authorizing committees”.

5 (8) Section 439(d)(1)(E)(iii) (20 U.S.C. 1087–
6 2(d)(1)(E)(iii)) is amended by striking “Chairman
7 and the Ranking Member on the Committee on
8 Labor and Human Resources of the Senate and the
9 Chairman and the Ranking Member of the Com-
10 mittee on Education and Labor of the House of
11 Representatives” and inserting “chairpersons and
12 ranking minority members of the authorizing com-
13 mittees”.

14 (9) Paragraphs (3) and (8)(C) of section 439(r)
15 (20 U.S.C. 1087–2(r)) are each amended by striking
16 “Chairman and ranking minority member of the
17 Committee on Labor and Human Resources of the
18 Senate, the Chairman and ranking minority member
19 of the Committee on Education and Labor of the
20 House of Representatives,” and inserting “chair-
21 persons and ranking minority members of the au-
22 thorizing committees”.

23 (10) Paragraphs (5)(B) and (10) of section
24 439(r) (20 U.S.C. 1087–2(r)) are each amended by
25 striking “Chairman and ranking minority member of

1 the Senate Committee on Labor and Human Re-
2 sources and to the Chairman and ranking minority
3 member of the House Committee on Education and
4 Labor” and inserting “chairpersons and ranking mi-
5 nority members of the authorizing committees”.

6 (11) Section 439(r)(6)(B) (20 U.S.C. 1087-
7 2(r)(6)(B)) is amended by striking “Chairman and
8 ranking minority member of the Committee on
9 Labor and Human Resources of the Senate and to
10 the Chairman and ranking minority member of the
11 Committee on Education and Labor of the House
12 of Representatives” and inserting “chairpersons and
13 ranking minority members of the authorizing com-
14 mittees”.

15 (12) Section 439(s)(2)(A) (20 U.S.C. 1087-
16 2(s)(2)(A)) is amended by striking “Chairman and
17 Ranking Member of the Committee on Labor and
18 Human Resources of the Senate and the Chairman
19 and Ranking Member of the Committee on Eco-
20 nomic and Educational Opportunities of the House
21 of Representatives” and inserting “chairpersons and
22 ranking minority members of the authorizing com-
23 mittees”.

24 (13) Section 439(s)(2)(B) (20 U.S.C. 1087-
25 2(s)(2)(B)) is amended by striking “Chairman and

1 Ranking Minority Member of the Committee on
2 Labor and Human Resources of the Senate and
3 Chairman and Ranking Minority Member of the
4 Committee on Economic and Educational Opportu-
5 nities of the House of Representatives” and insert-
6 ing “chairpersons and ranking minority members of
7 the authorizing committees”.

8 (14) Section 482(d) (20 U.S.C. 1089(d)) is
9 amended by striking “Committee on Labor and
10 Human Resources of the Senate and the Committee
11 on Education and Labor of the House of Represent-
12 atives” and inserting “authorizing committees”.

13 (c) ADDITIONAL CLERICAL AMENDMENTS.—

14 (1) Clauses (i) and (ii) of section 425(a)(2)(A)
15 (20 U.S.C. 1075(a)(2)(A)) are each amended by
16 striking “428A or 428B” and inserting “428B or
17 428H”.

18 (2) Section 428(a)(2)(E) (20 U.S.C.
19 1078(a)(2)(E)) is amended by striking “428A or”.

20 (3) Clauses (i) and (ii) of section 428(b)(1)(B)
21 (20 U.S.C. 1078(b)(1)(B)) are each amended by
22 striking “428A or 428B” and inserting “428B or
23 428H”.

24 (4) Section 428(b)(1)(Q) (20 U.S.C.
25 1078(b)(1)(Q)) is amended by striking “sections

1 428A and 428B” and inserting “section 428B or
2 428H”.

3 (5) Section 428(b)(7)(C) (20 U.S.C.
4 1078(b)(7)(C)) is amended by striking “428A,
5 428B,” and inserting “428B”.

6 (6) Section 428G(c)(2) (20 U.S.C. 1078–
7 7(c)(2)) is amended by striking “428A” and insert-
8 ing “428H”.

9 (7) The heading for section 433(e) (20 U.S.C.
10 1083(e)) is amended by striking “SLS LOANS AND”.

11 (8) Section 433(e) (20 U.S.C. 1083(e)) is
12 amended by striking “428A, 428B,” and inserting
13 “428B”.

14 (9) Section 435(a)(3) (20 U.S.C. 1085(a)(3)) is
15 amended—

16 (A) by inserting “or” at the end of sub-
17 paragraph (A);

18 (B) by striking subparagraph (B); and

19 (C) by redesignating subparagraph (C) as
20 subparagraph (B).

21 (10) Section 435(d)(1)(G) (20 U.S.C.
22 1085(d)(1)(G)) is amended by striking “428A(d),
23 428B(d), 428C,” and inserting “428B(d), 428C,
24 428H,”.

1 (11) Section 435(m) (20 U.S.C. 1085(m)) is
2 amended—

3 (A) in paragraph (1)(A), by striking “,
4 428A,”; and

5 (B) in paragraph (2)(D), by striking
6 “428A” each place it appears and inserting
7 “428H”.

8 (12) Section 438(c)(6) (20 U.S.C. 1087–
9 1(c)(6)) is amended—

10 (A) in the paragraph heading, by striking
11 “SLS AND”; and

12 (B) by striking “428A or”.

13 (13) Section 438(c)(7) (20 U.S.C. 1087–
14 1(c)(7)) is amended by striking “428A or”.

15 (14) Nothing in the amendments made by this
16 subsection shall be construed to alter the terms, con-
17 ditions, and benefits applicable to Federal supple-
18 mental loans for students (“SLS loans”) under sec-
19 tion 428A as in effect prior to July 1, 1994 (20
20 U.S.C. 1078–1).

21 **SEC. 103. AMENDMENTS TO THE HIGHER EDUCATION**

22 **AMENDMENTS OF 1998.**

23 (a) TECHNICAL AMENDMENTS.—

24 (1) Section 801(d) of the Higher Education
25 Amendments of 1998 (20 U.S.C. 1018 note) is

1 amended by striking “Committee on Education and
2 the Workforce of the House of Representatives, the
3 Committee on Labor and Human Resources of the
4 Senate,” and inserting “authorizing committees”.

5 (2) Section 802(b) of the Higher Education
6 Amendments of 1998 is amended by striking “Com-
7 mittee on Education and the Workforce of the
8 House of Representatives and the Committee on
9 Labor and Human Resources of the Senate” and in-
10 sserting “authorizing committees”.

11 (3) The following provisions of the Higher Edu-
12 cation Amendments of 1998 are each amended by
13 striking “Committee on Labor and Human Re-
14 sources of the Senate and the Committee on Edu-
15 cation and the Workforce of the House of Rep-
16 resentatives” and inserting “authorizing commit-
17 tees”:

18 (A) Section 803(b) (20 U.S.C. 1015 note).

19 (B) Section 805(b) (20 U.S.C. 1001 note).

20 (C) Section 806(c).

21 (4) Section 804(b) of the Higher Education
22 Amendments of 1998 (20 U.S.C. 1099b note) is
23 amended by striking “Chairman and Ranking Mi-
24 nority Member of the Committee on Education and
25 the Workforce of the House of Representatives and

1 the Committee on Labor and Human Resources of
 2 the Senate” and inserting “chairpersons and rank-
 3 ing minority members of the authorizing commit-
 4 tees”.

5 (5) Section 861(b) of the Higher Education
 6 Amendments of 1998 is amended by striking “Com-
 7 mittees on Ways and Means and on Education and
 8 the Workforce of the House of Representatives and
 9 the Committees on Finance and on Labor and
 10 Human Resources of the Senate” and inserting
 11 “Committee on Ways and Means of the House of
 12 Representatives, the Committee on Finance of the
 13 Senate, and the authorizing committees”.

14 (b) CONFORMING AMENDMENT.—Part K of title VIII
 15 of the Higher Education Amendments of 1998 is amended
 16 by adding at the end the following new section:

17 **“SEC. 865. DEFINITION OF AUTHORIZING COMMITTEES.**

18 “In this title, the term ‘authorizing committees’
 19 means the Committee on Health, Education, Labor, and
 20 Pensions of the Senate and the Committee on Education
 21 and the Workforce of the House of Representatives.”.

22 **SEC. 104. STUDY OF TEACHER PREPARATION.**

23 Not later than 6 months after the date of enactment
 24 of this Act, the Comptroller General shall conduct a study
 25 of and submit to Congress a report on—

1 (1) which States and which institutions of high-
2 er education require passage on State teacher licen-
3 sure exams in order for candidates to be admitted
4 to a teacher preparation program or to declare an
5 education major;

6 (2) which States and which institutions of high-
7 er education award diplomas, degrees, or other cer-
8 tificates to students in any subject area, but subse-
9 quently only consider them to have successfully com-
10 pleted a teacher preparation or other education pro-
11 gram if they pass one or more State licensure
12 exams;

13 (3) which States and which institutions of high-
14 er education award diplomas, degrees, or other cer-
15 tificates to students in education or teaching, but
16 subsequently only consider them to have successfully
17 completed a teacher preparation or education pro-
18 gram if they pass one or more State licensure
19 exams;

20 (4) the extent to which States and institutions
21 of higher education, through means other than the
22 practices described in paragraph (1), (2), or (3), are,
23 for the purposes of section 207(f)(1)(A) of the High-
24 er Education Act of 1965 (20 U.S.C.
25 1027(f)(1)(A)), treating as completing their teacher

1 preparation programs only those students who pass
2 State teacher licensure or certification assessments;

3 (5) the extent to which the practices described
4 in paragraphs (1) through (4) may mislead or in-
5 completely inform students and policymakers con-
6 cerning the quality of such teacher preparation pro-
7 grams; and

8 (6) what assistance, if any, the States or insti-
9 tutions described in paragraphs (1) through (4) give
10 to enrolled students and graduates who take but do
11 not pass one or more teacher licensure exams.

12 **TITLE II—OPPORTUNITIES FOR**
13 **HIGHER EDUCATION VIA**
14 **TELECOMMUNICATIONS**

15 **SEC. 201. EXCEPTION TO 50 PERCENT CORRESPONDENCE**
16 **COURSE LIMITATIONS.**

17 (a) DEFINITION OF INSTITUTION OF HIGHER EDU-
18 CATION FOR TITLE IV PURPOSES.—Section 102(a) (20
19 U.S.C. 1002(a)) is amended by adding at the end the fol-
20 lowing new paragraph:

21 “(7) EXCEPTION TO LIMITATION BASED ON
22 COURSE OF STUDY.—

23 “(A) EXCEPTION.—Courses offered via
24 telecommunications (as defined in section
25 484(l)(4)) shall not be considered to be cor-

1 response courses for purposes of subpara-
2 graph (A) or (B) of paragraph (3) for any insti-
3 tution that—

4 “(i) is participating in either or both
5 of the loan programs under part B or D of
6 title IV on the date of enactment of the
7 Higher Education Technical Amendments
8 Act of 2003;

9 “(ii) has an average cohort default
10 rate (as determined under section 435(m)),
11 for the 3 most recent fiscal years for which
12 data are available, that is less than 10 per-
13 cent; and

14 “(iii)(I) has notified the Secretary, in
15 a form and manner prescribed by the Sec-
16 retary (including such information as the
17 Secretary may require to meet the require-
18 ments of subclause (II)), of the election by
19 such institution to qualify as an institution
20 of higher education by means of the provi-
21 sions of this paragraph; and

22 “(II) the Secretary has not, within 90
23 days after such notice, and the receipt of
24 any information required under subclause
25 (I), notified the institution that the elec-

1 tion by such institution would pose a sig-
 2 nificant risk to Federal funds and the in-
 3 tegrity of programs under title IV.

4 “(B) LOSS OF ELIGIBILITY FOR COHORT
 5 DEFAULT RATE.—If an institution qualifies for
 6 the exception provided by subparagraph (A),
 7 but has a cohort default rate for a subsequent
 8 fiscal year that causes its 3-year average cohort
 9 default rate to equal or exceed 10 percent, then
 10 such institution shall cease to be qualified for
 11 such exception at the end of the award year in
 12 which that subsequent cohort default rate was
 13 released.”.

14 (b) DEFINITION OF ELIGIBLE STUDENT.—Section
 15 484(l)(1) (20 U.S.C. 1091(l)(1)) is amended by adding
 16 at the end the following new subparagraph:

17 “(C) EXCEPTION TO 50 PERCENT LIMITA-
 18 TION.—

19 “(i) EXCEPTION.—Notwithstanding
 20 the 50 percent limitation in subparagraph
 21 (A), a student enrolled in a course of in-
 22 struction described in such subparagraph
 23 shall not be considered to be enrolled in
 24 correspondence courses if the student is
 25 enrolled in an institution that—

1 “(I) is participating in either or
2 both of the loan programs under part
3 B or D of title IV on the date of en-
4 actment of the Higher Education
5 Technical Amendments Act of 2003;

6 “(II) has an average cohort de-
7 fault rate (as determined under sec-
8 tion 435(m)), for the 3 most recent
9 fiscal years for which data are avail-
10 able, that is less than 10 percent; and

11 “(III)(aa) has notified the Sec-
12 retary, in a form and manner pre-
13 scribed by the Secretary (including
14 such information as the Secretary
15 may require to meet the requirements
16 of item (bb)), of the election by such
17 institution to qualify its students as
18 eligible students by means of the pro-
19 visions of this subparagraph; and

20 “(bb) the Secretary has not,
21 within 90 days after such notice, and
22 the receipt of any information re-
23 quired under item (aa), notified the
24 institution that the election by such
25 institution would pose a significant

1 risk to Federal funds and the integ-
2 rity of programs under title IV.

3 “(ii) LOSS OF ELIGIBILITY FOR CO-
4 HORT DEFAULT RATE.—If an institution
5 qualifies for the exception provided by
6 clause (i), but has a cohort default rate for
7 a subsequent fiscal year that causes its 3-
8 year average cohort default rate to equal
9 or exceed 10 percent, then such institution
10 shall cease to be qualified for such excep-
11 tion at the end of the award year in which
12 that subsequent cohort default rate was re-
13 leased.”.

14 **SEC. 202. EVALUATION AND REPORT.**

15 (a) INFORMATION FROM INSTITUTIONS.—

16 (1) INSTITUTIONS COVERED BY REQUIRE-
17 MENT.—The requirements of paragraph (2) apply to
18 any institution of higher education that has notified
19 the Secretary of Education of an election to qualify
20 for the exception to limitation based on course of
21 study in section 102(a)(7) of the Higher Education
22 Act of 1965 (20 U.S.C. 1002(a)(7)) or the exception
23 to the 50 percent limitation in section 484(l)(1)(C)
24 of such Act (20 U.S.C. 1091(l)(1)(C)).

1 (2) REQUIREMENTS.—Any institution of higher
2 education to which this paragraph applies shall com-
3 ply, on a timely basis, with the Secretary of Edu-
4 cation’s reasonable requests for information on
5 changes in—

6 (A) the amount or method of instruction
7 offered;

8 (B) the types of programs or courses of-
9 fered;

10 (C) enrollment by type of program or
11 course;

12 (D) the amount and types of grant, loan,
13 or work assistance provided under title IV of
14 the Higher Education Act of 1965 that is re-
15 ceived by students enrolled in programs con-
16 ducted in nontraditional formats; and

17 (E) outcomes for students enrolled in such
18 courses or programs.

19 (b) REPORT BY SECRETARY REQUIRED.—The Sec-
20 retary of Education shall conduct by grant or contract a
21 study of, and by March 31, 2005, submit to the Congress,
22 a report on—

23 (1) the effect that the amendments made by
24 section 201 of this Act have had on—

1 (A) the ability of institutions of higher
2 education to provide distance learning opportu-
3 nities to students; and

4 (B) program integrity;

5 (2) with respect to distance education or cor-
6 respondence education courses at institutions of
7 higher education to which the information require-
8 ments of subsection (a)(2) apply, changes from year-
9 to-year in—

10 (A) the amount or method of instruction
11 offered and the types of programs or courses of-
12 fered;

13 (B) the number and type of students en-
14 rolled in distance education or correspondence
15 education courses;

16 (C) the amount of student aid provided to
17 such students, in total and as a percentage of
18 the institution's revenue; and

19 (D) outcomes for students enrolled in dis-
20 tance education or correspondence education
21 courses, including graduation rates, job place-
22 ment rates, and loan delinquencies and defaults;
23 and

24 (3) any further improvements that should be
25 made to the provisions amended by section 201 of

1 this Act (and related provisions), in order to accom-
2 modate nontraditional educational opportunities in
3 the Federal student assistance programs while en-
4 suring the integrity of those programs.

○