

106TH CONGRESS
2D SESSION

H. R. 4504

To make technical amendments to the Higher Education Act of 1965.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2000

Mr. McKEON (for himself, Mr. GOODLING, Mr. CLAY, and Mr. MARTINEZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To make technical amendments to the Higher Education Act of 1965.

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; REFERENCE; EFFECTIVE DATE.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Higher Education Technical Amendments of 2000”.

6 (b) **REFERENCE.**—Except as otherwise expressly pro-
7 vided in this Act, whenever in this Act an amendment or
8 repeal is expressed in terms of an amendment to, or repeal
9 of, a section or other provision, the reference shall be con-

1 sidered to be made to a section or other provision of the
2 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

3 (c) EFFECTIVE DATE.—Except as otherwise provided
4 in this Act, the amendments made by this Act shall take
5 effect as if enacted as part of the Higher Education
6 Amendments of 1998 (Public Law 105–244).

7 **SEC. 2. TECHNICAL AMENDMENTS.**

8 (a) AMENDMENTS TO TITLE I.—

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

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

15 “(2) INSTITUTIONS OUTSIDE THE UNITED
16 STATES.—

17 “(A) IN GENERAL.—For the purpose of
18 qualifying as an institution under paragraph
19 (1)(C), the Secretary shall establish criteria by
20 regulation for the approval of institutions out-
21 side the United States and for the determina-
22 tion that such institutions are comparable to an
23 institution of higher education as defined in
24 section 101 (except that a graduate medical
25 school, or a veterinary school, located outside

1 the United States shall not be required to meet
2 the requirements of section 101(a)(4). Such
3 criteria shall include a requirement that a stu-
4 dent attending such school outside the United
5 States is ineligible for loans made, insured, or
6 guaranteed under part B unless—

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

9 “(I)(aa) at least 60 percent of
10 those enrolled in, and at least 60 per-
11 cent of the graduates of, the graduate
12 medical school outside the United
13 States were not persons described in
14 section 484(a)(5) in the year pre-
15 ceding the year for which a student is
16 seeking a loan under part B of title
17 IV; and

18 “(bb) at least 60 percent of the
19 individuals who were students or
20 graduates of the graduate medical
21 school outside the United States (both
22 nationals of the United States and
23 others) taking the examinations ad-
24 ministered by the Educational Com-
25 mission for Foreign Medical Grad-

1 uates received a passing score in the
2 year preceding the year for which a
3 student is seeking a loan under part
4 B of title IV; or

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

8 “(ii) in the case of a veterinary school
9 located outside the United States that does
10 not meet the requirements of section
11 101(a)(4)—

12 “(I) the institution was certified
13 by the Secretary as eligible to partici-
14 pate in the loan program under part
15 B of title IV before October 1, 1999;
16 and

17 “(II) the institution’s students
18 complete their clinical training at an
19 approved veterinary school located in
20 the United States.”.

21 (3) Section 102(a)(3)(A) (20 U.S.C.
22 1002(a)(3)(A)) is amended by striking “section
23 521(4)(C) of the Carl Perkins Vocational and Ap-
24 plied Technology Education Act” and inserting “sec-

1 tion 3(3)(C) of the Carl D. Perkins Vocational and
2 Technical Education Act of 1998”.

3 (4) Section 103(7) (20 U.S.C. 1003(7)) is
4 amended to read as follows:

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

8 “(A) part B or part D of title IV means
9 an individual who on that date has no out-
10 standing balance of principal or interest owing
11 on any loan made, insured, or guaranteed under
12 either such part; and

13 “(B) part E of title IV means an indi-
14 vidual who on that date has no outstanding bal-
15 ance of principal or interest owing on any loan
16 made under that part.”.

17 (5) Section 131(a)(3)(A)(iii) (20 U.S.C.
18 1015(a)(3)(A)(iii)) is amended—

19 (A) by striking “an undergraduate” and
20 inserting “a full-time undergraduate”; and

21 (B) in subclause (I), by striking “section
22 428(a)(2)(C)(i)” and inserting “section
23 428(a)(2)(C)(ii)”.

1 (6) Section 131(b) is amended by striking “the
2 costs for typical” and inserting “the prices for, and
3 financial aid provided to, typical”.

4 (7) Section 131(c)(2)(B) is amended by striking
5 “costs” and inserting “prices”.

6 (8) Section 131(d)(1) is amended by striking
7 “3 years” and inserting “4 years”.

8 (9) Section 141 (20 U.S.C. 1018) is amended—

9 (A) in subsection (a)(2)(B), by inserting
10 “total and unit” after “to reduce the”;

11 (B) in subsection (c)—

12 (i) in paragraph (1)(A), by striking
13 “Each year” and inserting “Each fiscal
14 year”;

15 (ii) in paragraph (1)(B), by inserting
16 “guaranty agencies,” after “lenders,”; and

17 (iii) in paragraph (2)—

18 (I) in subparagraph (A), by strik-
19 ing “expenditures” and inserting “ad-
20 ministrative expenditures for the most
21 recent fiscal year”; and

22 (II) in subparagraph (B), by
23 striking “1990 and” and inserting
24 “1990,” and by inserting before the

1 period at the end the following: “, and
2 other relevant legislation;

3 (C) in subsection (f)(3)(A), by striking
4 “paragraph (1)(A)” and inserting “paragraph
5 (1)”; and

6 (D) in subsection (g)(3), by adding at the
7 end the following new sentence: “The names
8 and compensation for those individuals shall be
9 included in the annual report under subsection
10 (c)(2).”.

11 (b) AMENDMENTS TO TITLE III.—

12 (1)(A) Sections 316(d)(2) and 317(d)(2) of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1059c(d)(2), 1059d(d)(2)) are each amended by in-
15 serting after the first sentence the following: “The
16 Secretary shall, to the extent possible, prescribe a
17 simplified and streamlined format for such applica-
18 tions that takes into account the limited number of
19 institutions that are eligible for assistance under this
20 section.”.

21 (B) Section 316(d) of such Act is further
22 amended by striking paragraph (3) and inserting the
23 following:

24 “(3) SPECIAL RULES.—

1 “(A) ELIGIBILITY.—No Tribal College or
2 University that receives funds under this sec-
3 tion shall concurrently receive funds under
4 other provisions of this part or part B.

5 “(B) EXEMPTION.—Section 313(d) shall
6 not apply to institutions that are eligible to re-
7 ceive funds under this section.

8 “(C) DISTRIBUTION.—In awarding grants
9 under this section, the Secretary shall, to the
10 extent possible and consistent with the competi-
11 tive process under which such grants are
12 awarded, ensure maximum and equitable dis-
13 tribution among all eligible institutions.”.

14 (C) Section 317 of such Act is further amended
15 by striking subsection (e) and by inserting at the
16 end of subsection (d) the following new paragraph:

17 “(3) SPECIAL RULES.—

18 “(A) ELIGIBILITY.—No Alaskan Native-
19 serving institution or Native Hawaiian-serving
20 institution that receives funds under this sec-
21 tion shall concurrently receive funds under
22 other provisions of this part or part B.

23 “(B) EXEMPTION.—Section 313(d) shall
24 not apply to institutions that are eligible to re-
25 ceive funds under this section.

1 “(C) DISTRIBUTION.—In awarding grants
2 under this section, the Secretary shall, to the
3 extent possible and consistent with the competi-
4 tive process under which such grants are
5 awarded, ensure maximum and equitable dis-
6 tribution among all eligible institutions.”.

7 (D) The amendments made by this paragraph
8 shall be effective on the date of enactment of this
9 Act.

10 (2) Subsection (g) of section 324 (20 U.S.C.
11 1063(g)) is amended to read as follows:

12 “(g) SPECIAL RULE FOR CERTAIN DISTRICT OF CO-
13 LUMBIA ELIGIBLE INSTITUTIONS.—

14 “(1) HOWARD UNIVERSITY.—In any fiscal year
15 that the Secretary determines that Howard Univer-
16 sity will receive an allotment under subsections (b)
17 and (c) which is not in excess of amounts received
18 by Howard University under the Act of March 2,
19 1867 (14 Stat. 438; 20 U.S.C. 123), relating to the
20 annual appropriations for Howard University, then
21 Howard University shall be ineligible to receive an
22 allotment under this section.

23 “(2) UNIVERSITY OF THE DISTRICT OF COLUM-
24 BIA.—In any fiscal year, the University of the Dis-
25 trict of Columbia may receive financial assistance

1 under this part, or under section 4(c) of the District
2 of Columbia College Access Act of 1999 (P.L. 106–
3 98), but not under both this part and such section.”.

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

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

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

11 (B) by striking “technology,,” and insert-
12 ing “technology,”.

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

17 (6) Section 1024 (20 U.S.C. 1135b–3), as
18 transferred by section 301(a)(5) of the Higher Edu-
19 cation Amendments of 1998 (Public Law 105–244;
20 112 Stat. 636), is repealed.

21 (c) AMENDMENTS TO PART A OF TITLE IV.—

22 (1) Section 402D (20 U.S.C. 1070a–14) is
23 amended—

24 (A) by redesignating subsection (c) as sub-
25 section (d); and

1 (B) by inserting after subsection (b) the
2 following new subsection:

3 “(c) SPECIAL RULE.—

4 “(1) USE FOR STUDENT AID.—A recipient of a
5 grant that undertakes any of the permissible services
6 identified in subsection (b) may, in addition, use
7 such funds to provide grant aid to students if the re-
8 cipient demonstrates in its application, to the satis-
9 faction of the Secretary, that the size of the grants
10 it will provide to students is appropriate and likely
11 to have a significant impact on retention at that in-
12 stitution. A recipient of a grant shall make awards
13 under this paragraph after consultation with the ap-
14 propriate financial aid personnel at the institution.

15 “(2) ELIGIBLE STUDENTS.—For purposes of
16 receiving grant aid under this subsection, eligible
17 students must be current participants in the student
18 support services program offered by the institution
19 and be—

20 “(A) students who are in their first 2 years
21 of postsecondary education and who are receiv-
22 ing Federal Pell Grants under subpart 1; or

23 “(B) students who have completed their
24 first 2 years of postsecondary education and
25 who are receiving Federal Pell Grants under

1 subpart 1 if the institution demonstrates to the
2 satisfaction of the Secretary that—

3 “(i) these students are at high risk of
4 dropping out; and

5 “(ii) it will first meet the needs of all
6 its eligible first- and second-year students
7 for services under this paragraph.

8 “(3) DETERMINATION OF NEED.—A grant pro-
9 vided to a student under paragraph (1) shall not be
10 considered in determining that student’s need for
11 grant or work assistance under this title, except that
12 in no case shall the total amount of student financial
13 assistance awarded to a student under this title ex-
14 ceed that student’s cost of attendance, as defined in
15 section 472.

16 “(4) MATCHING REQUIRED.—A recipient of a
17 grant who uses such funds for the purpose described
18 in paragraph (1) shall match the funds used for
19 such purpose, in cash, from non-Federal funds, in
20 an amount that is not less than 33 percent of the
21 total amount of funds used for that purpose. This
22 paragraph shall not apply to any grant recipient
23 that is an institution of higher education eligible to
24 receive funds under part A or B of title III or title
25 V.

1 “(5) RESERVATION.—For any fiscal year after
2 the date of enactment of the Higher Education
3 Technical Amendments of 2000, the Secretary may
4 reserve not more than 20 percent of the funds avail-
5 able under this section for grant aid in accordance
6 with this subsection.”.

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

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

14 (B) The amendment made by subparagraph (A)
15 shall be effective for awards made for fiscal year
16 2000, except that the Secretary shall permit recipi-
17 ents of 5-year grants made for fiscal year 1999 to
18 amend their applications to include a 6-year project
19 period.

20 (3) Section 419C(b)(1) (20 U.S.C. 1070d–
21 33(b)(1)) is amended by inserting “and” after the
22 semicolon at the end thereof.

23 (4) Section 419D(d) (20 U.S.C. 1070d–34(d))
24 is amended by striking “Public Law 95–1134” and
25 inserting “section 501 of Public Law 95–134”.

1 (d) AMENDMENTS TO PART B OF TITLE IV.—

2 (1) Section 425(a)(1)(A)(i)(II) (20 U.S.C.
3 1075(a)(1)(A)(i)(II)) is amended to read as follows:

4 “(II) if such student is enrolled in a
5 program of undergraduate education that
6 is less than 1 academic year, the maximum
7 annual loan amount that such student may
8 receive may not exceed the lesser of—

9 “(aa) the amount that bears the
10 same ratio to the amount specified in
11 subclause (I) as the length of such
12 program measured in semester, tri-
13 mester, quarter, or clock hours bears
14 to 1 academic year; or

15 “(bb) the amount that bears the
16 same ratio to the amount specified in
17 subclause (I) as the length of such
18 program measured in weeks of in-
19 struction bears to 1 academic year;”.

20 (2) Section 428(a)(2)(A) (20 U.S.C.
21 1078(a)(2)(A)(i)) is amended—

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

24 (B) by moving the margin of clause (iii)
25 two ems to the left.

1 (3) Section 428(b)(1) is amended—

2 (A) in subparagraph (A)(i), by striking
3 subclause (II) and inserting the following:

4 “(II) if such student is enrolled
5 in a program of undergraduate edu-
6 cation that is less than 1 academic
7 year, the maximum annual loan
8 amount that such student may receive
9 may not exceed the lesser of—

10 “(aa) the amount that bears
11 the same ratio to the amount
12 specified in subclause (I) as the
13 length of such program measured
14 in semester, trimester, quarter,
15 or clock hours bears to 1 aca-
16 demic year; or

17 “(bb) the amount that bears
18 the same ratio to the amount
19 specified in subclause (I) as the
20 length of such program measured
21 in weeks of instruction bears to 1
22 academic year;”;

23 (B) in subparagraph (M)(i)(I), by inserting
24 “or maintain full-time enrollment” after “under
25 this title”; and

1 (C) in subparagraph (Y)(i), by striking
2 “subparagraph (M)(i)” and inserting “subpara-
3 graph (M)(i)(I)”.

4 (4) Section 428(c)(3)(B) (20 U.S.C.
5 1078(c)(3)(B)) is amended by inserting before the
6 semicolon at the end the following: “and recorded in
7 the borrower’s file, except that such regulations shall
8 not require such agreements to be in writing”.

9 (5) Section 428C(a)(3)(B) (20 U.S.C. 1078–
10 3(a)(3)(B)) is amended by adding at the end the fol-
11 lowing new clause:

12 “(ii) Loans made under this section shall, to the ex-
13 tent used to discharge loans made under this title, be
14 counted against the applicable limitations on aggregate in-
15 debtedness contained in section 425(a)(2), 428(b)(1)(B),
16 428H(d), 455, and 464(a)(2)(B).”.

17 (6) Section 428H(d)(2)(A)(ii) (20 U.S.C.
18 1078–8(d)(2)(A)(ii)) is amended to read as follows:

19 “(ii) if such student is enrolled in a
20 program of undergraduate education that
21 is less than 1 academic year, the maximum
22 annual loan amount that such student may
23 receive may not exceed the lesser of—

24 “(I) the amount that bears the
25 same ratio to the amount specified in

1 clause (i) as the length of such pro-
2 gram measured in semester, trimester,
3 quarter, or clock hours bears to 1 aca-
4 demic year; or

5 “(II) the amount that bears the
6 same ratio to the amount specified in
7 subclause (I) as the length of such
8 program measured in weeks of in-
9 struction bears to 1 academic year;”.

10 (7) Section 428H(e) is amended—

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

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

14 (8) Section 432(m)(1) (20 U.S.C. 1082(m)(1))
15 is amended—

16 (A) in subparagraph (B)—

17 (i) in clause (i), by inserting “and”
18 after the semicolon at the end; and

19 (ii) in clause (ii), by striking “; and”
20 and inserting a period;

21 (B) by striking clause (iv) of subparagraph
22 (D); and

23 (C) by adding at the end the following new
24 subparagraph:

1 “(E) PERFECTION OF SECURITY INTER-
2 ESTS IN STUDENT LOANS.—

3 “(i) IN GENERAL.—Notwithstanding
4 the provisions of any State law to the con-
5 trary, including the Uniform Commercial
6 Code as in effect in any State, a security
7 interest in loans made under this part, on
8 behalf of any eligible lender (as defined in
9 section 435(d)) shall attach, be perfected,
10 and be assigned priority in the manner
11 provided by the applicable State’s law for
12 perfection of security interests in accounts,
13 as such law may be amended from time to
14 time (including applicable transition provi-
15 sions). If any such State’s law provides for
16 a statutory lien to be created in such
17 loans, such statutory lien may be created
18 by the entity or entities governed by such
19 State law in accordance with the applicable
20 statutory provisions that created such a
21 statutory lien.

22 “(ii) COLLATERAL DESCRIPTION.—In
23 addition to any other method for describ-
24 ing collateral in a legally sufficient manner
25 permitted under the laws of the State, the

1 description of collateral in any financing
2 statement filed pursuant to this section
3 shall be deemed legally sufficient if it lists
4 such loans, or refers to records (identifying
5 such loans) retained by the secured party
6 or any designee of the secured party iden-
7 tified in such financing statement, includ-
8 ing the debtor or any loan servicer.

9 “(iii) SALES.—Notwithstanding the
10 foregoing and any provisions of any State
11 law to the contrary, other than any such
12 State’s law providing for creation of a stat-
13 utory lien, an outright sale of loans made
14 under this part shall be effective and per-
15 fected automatically upon attachment as
16 defined in the Uniform Commercial Code
17 of such State.”.

18 (9) Section 435(a)(5) (20 U.S.C. 1085(a)(5)) is
19 amended—

20 (A) in subparagraph (A)(i), by striking
21 “July 1, 2002,” and inserting “July 1, 2004,”;
22 and

23 (B) in subparagraph (B), by striking
24 “1999, 2000, and 2001” and inserting “1999
25 through 2003”.

1 (10) Subparagraphs (A) and (F) of section
2 438(b)(2) (20 U.S.C. 1087–1(b)(2)) are each
3 amended by striking the last sentence.

4 (11) Section 439(d) (20 U.S.C. 1087–2(d)) is
5 amended by striking paragraph (3).

6 (e) AMENDMENTS TO PART C OF TITLE IV.—Section
7 443(b)(2)(B) (42 U.S.C. 2753(b)(2)(B)) is amended by
8 inserting “(including a reasonable amount of time spent
9 in travel or training directly related to such community
10 service)” after “community service”.

11 (f) AMENDMENT TO PART D OF TITLE IV.—Para-
12 graph (6) of section 455(b) (20 U.S.C. 1087e(b)), as re-
13 designated by section 8301(c)(1) of the Transportation
14 Equity for the 21st Century Act (112 Stat. 498) is reded-
15 ignated as paragraph (8), and is moved to follow para-
16 graph (7) as added by 452(b) of the Higher Education
17 Amendments of 1998 (112 Stat. 1716).

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

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

22 (2) Section 464(c)(1)(D) (20 U.S.C.
23 1087dd(c)(1)(D)) is amended by redesignating sub-
24 clauses (I) and (II) as clauses (i) and (ii), respec-
25 tively.

1 (3) Section 464(c)(2)(A)(iv) is amended by in-
2 serting before the semicolon at the end the following:
3 “, except that interest shall continue to accrue on
4 such loans and such interest shall be eligible for can-
5 cellation under section 465”.

6 (4) Section 464(h) is amended—

7 (A) in paragraph (1)(A)—

8 (i) by inserting “, and the loan default
9 has not been reduced to a judgment
10 against the borrower,” after “defaulted on
11 the loan”; and

12 (ii) by inserting after “held by the
13 Secretary,” the following: “or if the bor-
14 rower of a loan under this part who has
15 defaulted on the loan elects to make a sin-
16 gle payment equal to the full amount of
17 principal and interest and collection costs
18 owed on the loan,”; and

19 (B) by adding at the end the following new
20 paragraph:

21 “(3) SPECIAL RULE.—At the discretion of the
22 institution or the Secretary, for the purpose of re-
23 ceiving the benefits of this subsection, a loan that is
24 in default and reduced to judgment may be consid-
25 ered rehabilitated if—

1 “(A) the borrower makes 12 on-time, con-
2 secutive, monthly payments of amounts owed on
3 the loan, as determined by the institution, or by
4 the Secretary in the case of a loan held by the
5 Secretary; or

6 “(B) the borrower makes a single payment
7 equal to the full amount of principal and inter-
8 est and collection costs owed on the loan.”.

9 (5)(A) Section 465(a)(2) (20 U.S.C.
10 1087ee(a)(2)) is amended—

11 (i) in subparagraph (A), by striking “sec-
12 tion 111(c)” and inserting “section 1124(c)”;

13 (ii) in subparagraph (C), by striking “With
14 Disabilities” and inserting “with Disabilities”;
15 and

16 (iii) in subparagraph (F), by inserting be-
17 fore the semicolon at the end the following: “,
18 other than prosecutors or public defenders”.

19 (B) The amendment made by subparagraph
20 (A)(iii) shall not apply to any borrower who, prior
21 to the date of enactment of this Act, was receiving
22 cancellation of indebtedness under section
23 465(a)(2)(F) of the Higher Education Act of 1965.

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

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

6 (A) by striking “sections 602(a)(1) and
7 672(1)” and inserting “sections 602(3) and
8 632(5)”;

9 (B) by striking “qualified professional pro-
10 vider of early intervention services” and insert-
11 ing “early intervention services”; and

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

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

15 (1) Section 471 (20 U.S.C. 1087kk) is amended
16 by striking “subparts 1 or 2” and inserting “subpart
17 1, 2, or 4”.

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

20 (A) in subsection (b)(1)—

21 (i) by striking “academic year 1993–
22 1994” and inserting “academic year 2000–
23 2001”; and

24 (ii) by striking “December 1992” and
25 inserting “December 1999”; and

1 (B) in subsection (h)—

2 (i) by striking “476(b)(4)(B),”; and

3 (ii) by striking “meals away from
4 home, apparel and upkeep, transportation,
5 and housekeeping services” and inserting
6 “food away from home, apparel, transpor-
7 tation, and household furnishings and op-
8 erations”.

9 (3) Section 479A (20 U.S.C. 1087tt) is amend-
10 ed by adding at the end the following new sub-
11 section:

12 “(d) SPECIAL RULE.—For awards made prior to
13 January 1, 2000, an eligible institution shall be deemed
14 to be in compliance with the requirements of this section
15 with respect to the exercise of professional judgment if the
16 eligible institution has based the exercise of such judgment
17 on verifiable information provided by or on behalf of each
18 student for whom such action is taken.”.

19 (i) AMENDMENTS TO PARTS G AND H OF TITLE
20 IV.—

21 (1) Section 482(a) (20 U.S.C. 1089(a)) is
22 amended by adding at the end the following new
23 paragraph:

24 “(5) The Secretary shall provide a period for
25 public comment of not less than 45 days after publi-

1 cation of any notice of proposed rulemaking pub-
2 lished after the date of the enactment of the Higher
3 Education Technical Amendments of 2000 affecting
4 programs under this title.”.

5 (2) Section 483(d) (20 U.S.C. 1090(d)) is
6 amended by striking “that is authorized under sec-
7 tion 685(d)(2)(C)” in the second sentence and in-
8 serting “, or other appropriate provider of technical
9 assistance and information on postsecondary edu-
10 cational services, that is supported under section
11 685”.

12 (3) Section 484 (20 U.S.C. 1091) is amended—

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

15 (B) in subsection (b)(2)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “section 428A” and
18 inserting “section 428H”;

19 (ii) in subparagraph (A), by inserting
20 “and” after the semicolon at the end
21 thereof;

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

24 (iv) by striking subparagraph (C);

1 (C) in subsection (d)(3), by inserting “cer-
2 tifies that he or she” after “The student”; and

3 (D) in subsection (l)(1)(B)(i), by striking
4 “section 521(4)(C) of the Carl D. Perkins Vo-
5 cational and Applied Technology Education
6 Act” and inserting “section 3(3)(C) of the Carl
7 D. Perkins Vocational and Technical Education
8 Act of 1988”.

9 (4)(A) Section 484(r)(1) is amended by insert-
10 ing after “controlled substance” the following: “dur-
11 ing any period of enrollment for which the student
12 was receiving assistance under this title”.

13 (B) Section 484(r) is further amended—

14 (i) by redesignating paragraph (3) as para-
15 graph (4); and

16 (ii) by inserting after paragraph (2) the
17 following new paragraph:

18 “(3) CONSEQUENCES OF FAILURE TO AN-
19 SWER.—Any student who fails to answer a question
20 of the common financial aid form developed under
21 section 483 that relates to eligibility or ineligibility
22 under this subsection shall be treated as ineligible
23 until such question is answered.”.

1 (C) The amendments made by this paragraph
2 shall be effective on the date of enactment of this
3 Act.

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

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

8 (ii) in subsection (a)(3)(B)(ii) by inserting
9 “(as determined in accordance with subsection
10 (d))” after “student has completed”; and

11 (iii) in subsection (b)(2)—

12 (I) in subparagraph (B)(ii), by strik-
13 ing “subject to—” through to the end of
14 such subparagraph and inserting “subject
15 to the procedures described in subpara-
16 graph (C)(ii).”; and

17 (II) by amending subparagraph (C) to
18 read as follows:

19 “(C) GRANT OVERPAYMENT REQUIRE-
20 MENTS.—(i) Notwithstanding subparagraphs
21 (A) and (B), and subject to clause (ii), a stu-
22 dent shall not be required to return 50 percent
23 of the total grant assistance received by a stu-
24 dent under this title for a payment period or

1 period of enrollment. A student shall not be re-
2 quired to return amounts of less than \$50.

3 “(ii) Subject to clause (iii), a student shall
4 be permitted to repay any grant overpayment
5 determined under this section under terms that
6 permit the student to maintain his or her eligi-
7 bility for further assistance under this title, in-
8 cluding a period during which no payment is
9 due from the student—

10 “(I) for 6 months, beginning on the
11 day the student withdrew; and

12 “(II) while the student is pursuing at
13 least a half-time course of study, as deter-
14 mined by the institution.

15 “(iii) Clause (ii) shall not apply to a stu-
16 dent who is in default on any repayment obliga-
17 tions under this title, or who has not made sat-
18 isfactory repayment arrangements with respect
19 to such obligations.”.

20 (B) The amendments made by subparagraph
21 (A) shall be effective for the academic year begin-
22 ning July 1, 2001.

23 (6) Section 485(a)(1) (20 U.S.C. 1092(a)(1)) is
24 amended by striking “mailings, and” and inserting
25 “mailings, or”.

1 (7)(A) Section 485(f)(1) (20 U.S.C. 1092(f)(1))
2 is amended by adding at the end the following new
3 subparagraph:

4 “(I) A statement of policy concerning the han-
5 dling of reports on missing students, including—

6 “(i) the policy with respect to notification
7 of parents, guardians, and local police agencies
8 and timing of such notification; and

9 “(ii) the institution’s policy for inves-
10 tigating reports on missing students and for co-
11 operating with local police agencies in the inves-
12 tigation of a report of a missing student.”.

13 (B) The amendment made by this paragraph
14 shall be effective for academic years beginning on or
15 after July 1, 2001.

16 (8) Section 485 is further amended by adding
17 at the end the following new subsection:

18 “(h) NEW OR REVISED REQUIREMENTS.—For any
19 new requirement for institutional disclosure or reporting
20 under this Act enacted after April 1, 2000, the period for
21 which data must be collected shall begin no sooner than
22 180 days after the publication of final regulations or guid-
23 ance. The final regulations or guidance shall include any
24 required data elements or method of collection (or both).
25 The Secretary shall take reasonable and appropriate steps

1 to ensure that institutions have adequate time to collect
2 and prepare the required data before public disclosure or
3 submission to the Secretary.”.

4 (9) Section 485B(a) (20 U.S.C. 1092b(a)) is
5 amended—

6 (A) by redesignating the paragraphs fol-
7 lowing paragraph (5) (as added by section 2008
8 of Public Law 101–239) as paragraphs (6)
9 through (11), respectively; and

10 (B) in such paragraph (5)—

11 (i) by striking “(22 U.S.C. 2501 et
12 seq.),” and inserting “(22 U.S.C. 2501 et
13 seq.),”; and

14 (ii) by striking the period at the end
15 thereof and inserting a semicolon.

16 (10) Section 487(a)(22) (20 U.S.C.
17 1094(a)(22)) is amended by striking “refund policy”
18 and inserting “refund of title IV funds policy”.

19 (11) Section 491(c) (20 U.S.C. 1098(c)) is
20 amended by adding at the end the following new
21 paragraph:

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

1 (12) Section 498 (20 U.S.C. 1099e) is
2 amended—

3 (A) in subsection (b)(5), by striking “insti-
4 tution,” and inserting “institution (but subject
5 to the requirements of section 484(b)),”;

6 (B) in subsection (c)(2), by striking “for
7 profit,” and inserting “for-profit,”; and

8 (C) in subsection (d)(1)(B), by inserting
9 “and” at the end thereof.

10 (j) AMENDMENTS TO TITLE V.—

11 (1) Section 504(a) (20 U.S.C. 1101c(a)) is
12 amended—

13 (A) by striking “(1) IN GENERAL.—”; and

14 (B) by striking paragraph (2).

15 (2) The amendments made by this subsection
16 shall be effective on the date of enactment of this
17 Act.

18 (k) AMENDMENT TO TITLE VI.—Section 604(c) (20
19 U.S.C. 1124(c)) is amended by striking “this part” and
20 inserting “this title”.

21 (l) AMENDMENTS TO TITLE VII.—

22 (1) Section 701(a) (20 U.S.C. 1134(a)) is
23 amended by striking the third sentence and inserting
24 the following: “Funds appropriated for a fiscal year
25 shall be obligated and expended for fellowships

1 under this subpart for use in the academic year be-
2 ginning after July 1 of such fiscal year.”.

3 (2) Section 714(c) (20 U.S.C. 1135c(c)) is
4 amended—

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

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

9 (m) AMENDMENT TO TITLE VIII.—Section 857(a) of
10 the Higher Education Amendments of 1998 (112 Stat.
11 1824) is amended by striking “1999” and inserting
12 “2001”.

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