

contract, grant, loan, or cooperative agreement.

(c) Lobbying and earmarks

No Federal student aid funding under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) [and 42 U.S.C. 2751 et seq.] may be used to hire a registered lobbyist or pay any person or entity for securing an earmark.

(d) Certification

Each institution of higher education or other postsecondary educational institution receiving Federal funding under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) [and 42 U.S.C. 2751 et seq.], as a condition for receiving such funding, shall annually certify to the Secretary of Education that the requirements of subsections (a) through (c) have been met.

(e) Actions to implement and enforce

The Secretary of Education shall take such actions as are necessary to ensure that the provisions of this section are implemented and enforced.

(Pub. L. 110-315, title I, §119, Aug. 14, 2008, 122 Stat. 3117.)

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsecs. (a), (c), and (d), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, which is classified generally to this chapter and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

CODIFICATION

Section was enacted as part of the Higher Education Opportunity Act, and not as part of the Higher Education Act of 1965 which comprises this chapter.

PRIOR PROVISIONS

A prior section 1012, Pub. L. 89-329, title I, §112, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1282, related to establishment of off-campus program grants, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1012, Pub. L. 89-329, title I, §112, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1377, provided for State allotments including percentage breakdown and cases of States not conducting comprehensive statewide planning, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1013, Pub. L. 89-329, title I, §113, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1284, related to adult and continuing education staff development, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1013, Pub. L. 89-329, title I, §113, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1378; amended Pub. L. 97-300, title I, §183, Oct. 13, 1982, 96 Stat. 1357; Pub. L. 98-524, §4(c)(1), Oct. 19, 1984, 98 Stat. 2488, related to comprehensive statewide planning with respect to education outreach programs, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1014, Pub. L. 89-329, title I, §114, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1285, related to administration of programs by Secretary, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1014, Pub. L. 89-329, title I, §114, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1379; amended Pub. L. 97-300, title I, §183, Oct. 13,

1982, 96 Stat. 1357; Pub. L. 98-524, §4(c)(2), Oct. 19, 1984, 98 Stat. 2488, related to information services, prior to the general amendment of this subchapter by Pub. L. 99-498.

PART C—COST OF HIGHER EDUCATION

§ 1015. Improvements in market information and public accountability in higher education

(a) Improved data collection

(1) Development of uniform methodology

The Secretary shall direct the Commissioner of Education Statistics to convene a series of forums to develop nationally consistent methodologies for reporting costs incurred by postsecondary institutions in providing postsecondary education.

(2) Redesign of data systems

On the basis of the methodologies developed pursuant to paragraph (1), the Secretary shall redesign relevant parts of the postsecondary education data systems to improve the usefulness and timeliness of the data collected by such systems.

(3) Information to institutions

The Commissioner of Education Statistics shall—

(A) develop a standard definition for the following data elements:

(i) tuition and fees for a full-time undergraduate student;

(ii) cost of attendance for a full-time undergraduate student, consistent with the provisions of section 1087(l) of this title;

(iii) average amount of financial assistance received by an undergraduate student who attends an institution of higher education, including—

(I) each type of assistance or benefit described in section 1078(a)(2)(C)(ii) of this title;

(II) fellowships; and

(III) institutional and other assistance; and

(iv) number of students receiving financial assistance described in each of subclauses (I), (II), and (III) of clause (iii);

(B) not later than 90 days after October 7, 1998, report the definitions to each institution of higher education and within a reasonable period of time thereafter inform the authorizing committees of those definitions; and

(C) collect information regarding the data elements described in subparagraph (A) with respect to at least all institutions of higher education participating in programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, beginning with the information from academic year 2000-2001 and annually thereafter.

(b) Data dissemination

The Secretary shall make available the data collected pursuant to subsection (a) of this section. Such data shall be available in a form that permits the review and comparison of the data submissions of individual institutions of higher education. Such data shall be presented in a

form that is easily understandable and allows parents and students to make informed decisions based on the costs for typical full-time undergraduate students.

(c) Study

(1) In general

The Commissioner of Education Statistics shall conduct a national study of expenditures at institutions of higher education. Such study shall include information with respect to—

- (A) the change in tuition and fees compared with the consumer price index and other appropriate measures of inflation;
- (B) faculty salaries and benefits;
- (C) administrative salaries, benefits and expenses;
- (D) academic support services;
- (E) research;
- (F) operations and maintenance; and
- (G) institutional expenditures for construction and technology and the potential cost of replacing instructional buildings and equipment.

(2) Evaluation

The study shall include an evaluation of—

- (A) changes over time in the expenditures identified in paragraph (1);
- (B) the relationship of the expenditures identified in paragraph (1) to college costs; and
- (C) the extent to which increases in institutional financial aid and tuition discounting practices affect tuition increases, including the demographics of students receiving such discounts, the extent to which financial aid is provided to students with limited need in order to attract a student to a particular institution, and the extent to which Federal financial aid, including loan aid, has been used to offset the costs of such practices.

(3) Final report

The Commissioner of Education Statistics shall submit a report regarding the findings of the study required by paragraph (1) to the appropriate committees of Congress not later than September 30, 2002.

(4) Higher education market basket

The Bureau of Labor Statistics, in consultation with the Commissioner of Education Statistics, shall develop a higher education market basket that identifies the items that comprise the costs of higher education. The Bureau of Labor Statistics shall provide a report on the market basket to the Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives not later than September 30, 2002.

(5) Fines

In addition to actions authorized in section 1094(c) of this title, the Secretary may impose a fine in an amount not to exceed \$25,000 on an institution of higher education for failing to provide the information described in paragraph (1) in a timely and accurate manner, or for failing to otherwise cooperate with the Na-

tional Center for Education Statistics regarding efforts to obtain data on the cost of higher education under this section and pursuant to the program participation agreement entered into under section 1094 of this title.

(d) Promotion of the Department of Education Federal student financial aid website

The Secretary shall display a link to the Federal student financial aid website of the Department in a prominent place on the homepage of the Department's website.

(e) Enhanced student financial aid information

(1) Implementation

The Secretary shall continue to improve the usefulness and accessibility of the information provided by the Department on college planning and student financial aid.

(2) Dissemination

The Secretary shall continue to make the availability of the information on the Federal student financial aid website of the Department widely known, through a major media campaign and other forms of communication.

(3) Coordination

As a part of the efforts required under this subsection, the Secretary shall create one website accessible from the Department's website that fulfills the requirements under subsections (b), (f), and (g).

(f) Improved availability and coordination of information concerning student financial aid programs for military members and veterans

(1) Coordination

The Secretary, in coordination with the Secretary of Defense and the Secretary of Veterans Affairs, shall create a searchable website that—

- (A) contains information, in simple and understandable terms, about all Federal and State student financial assistance, readmission requirements under section 1091c of this title, and other student services, for which members of the Armed Forces (including members of the National Guard and Reserves), veterans, and the dependents of such members or veterans may be eligible; and
- (B) is easily accessible through the website described in subsection (e)(3).

(2) Implementation

Not later than one year after August 14, 2008, the Secretary shall make publicly available the Armed Forces information website described in paragraph (1).

(3) Dissemination

The Secretary, in coordination with the Secretary of Defense and the Secretary of Veterans Affairs, shall make the availability of the Armed Forces information website described in paragraph (1) widely known to members of the Armed Forces (including members of the National Guard and Reserves), veterans, the dependents of such members or veterans, States, institutions of higher education, and the general public.

(4) Definition

In this subsection, the term "Federal and State student financial assistance" means any

grant, loan, work assistance, tuition assistance, scholarship, fellowship, or other form of financial aid for pursuing a postsecondary education that is—

(A) administered, sponsored, or supported by the Department of Education, the Department of Defense, the Department of Veterans Affairs, or a State; and

(B) available to members of the Armed Forces (including members of the National Guard and Reserves), veterans, or the dependents of such members or veterans.

(g) Promotion of availability of information concerning other student financial aid programs

(1) Definition

For purposes of this subsection, the term “nondepartmental student financial assistance program” means any grant, loan, scholarship, fellowship, or other form of financial aid for students pursuing a postsecondary education that is—

(A) distributed directly to the student or to the student’s account at an institution of higher education; and

(B) operated, sponsored, or supported by a Federal department or agency other than the Department of Education.

(2) Availability of other student financial aid information

The Secretary shall ensure that—

(A) not later than 90 days after the Secretary receives the information required under paragraph (3), the eligibility requirements, application procedures, financial terms and conditions, and other relevant information for each nondepartmental student financial assistance program are searchable and accessible through the Federal student financial aid website in a manner that is simple and understandable for students and the students’ families; and

(B) the website displaying the information described in subparagraph (A) includes a link to the National Database on Financial Assistance for the Study of Science, Technology, Engineering, and Mathematics pursuant to paragraph (4), and the information on military benefits under subsection (f), once such Database and information are available.

(3) Nondepartmental student financial assistance programs

The Secretary shall request all Federal departments and agencies to provide the information described in paragraph (2)(A), and each Federal department or agency shall—

(A) promptly respond to surveys or other requests from the Secretary for the information described in such paragraph; and

(B) identify for the Secretary any nondepartmental student financial assistance program operated, sponsored, or supported by such Federal department or agency.

(4) National STEM Database

(A) In general

The Secretary shall establish and maintain, on the website described in subsection (e)(3), a National Database on Financial As-

sistance for the Study of Science, Technology, Engineering, and Mathematics (in this paragraph referred to as the “STEM Database”). The STEM Database shall consist of information on scholarships, fellowships, and other programs of Federal, State, local, and, to the maximum extent practicable, private financial assistance available for the study of science, technology, engineering, or mathematics at the postsecondary and postbaccalaureate levels.

(B) Database contents

The information maintained on the STEM Database shall be displayed on the website in the following manner:

(i) Separate information

The STEM Database shall provide separate information for each of the fields of science, technology, engineering, and mathematics, and for postsecondary and postbaccalaureate programs of financial assistance.

(ii) Information on targeted assistance

The STEM Database shall provide specific information on any program of financial assistance that is targeted to individuals based on financial need, merit, or student characteristics.

(iii) Contact and website information

The STEM Database shall provide—

(I) standard contact information that an interested person may use to contact a sponsor of any program of financial assistance included in the STEM Database; and

(II) if such sponsor maintains a public website, a link to the website.

(iv) Search and match capabilities

The STEM Database shall—

(I) have a search capability that permits an individual to search for information on the basis of each category of the information provided through the STEM Database and on the basis of combinations of categories of the information provided, including—

(aa) whether the financial assistance is need- or merit-based; and

(bb) by relevant academic majors; and

(II) have a match capability that—

(aa) searches the STEM Database for all financial assistance opportunities for which an individual may be qualified to apply, based on the student characteristics provided by such individual; and

(bb) provides information to an individual for only those opportunities for which such individual is qualified, based on the student characteristics provided by such individual.

(v) Recommendation and disclaimer

The STEM Database shall provide, to the users of the STEM Database—

(I) a recommendation that students and families should carefully review all

of the application requirements prior to applying for any aid or program of student financial assistance; and

(II) a disclaimer that the non-Federal programs of student financial assistance presented in the STEM Database are not provided or endorsed by the Department or the Federal Government.

(C) Compilation of financial assistance information

In carrying out this paragraph, the Secretary shall—

(i) consult with public and private sources of scholarships, fellowships, and other programs of student financial assistance; and

(ii) make easily available a process for such entities to provide regular and updated information about the scholarships, fellowships, or other programs of student financial assistance.

(D) Contract authorized

In carrying out the requirements of this paragraph, the Secretary is authorized to enter into a contract with a private entity with demonstrated expertise in creating and maintaining databases such as the one required under this paragraph, under which contract the entity shall furnish, and regularly update, all of the information required to be maintained on the STEM Database.

(5) Dissemination of information

The Secretary shall take such actions, on an ongoing basis, as may be necessary to disseminate information under this subsection and to encourage the use of the information by interested parties, including sending notices to secondary schools and institutions of higher education.

(h) No user fees for Department financial aid websites

No fee shall be charged to any individual to access—

(1) a database or website of the Department that provides information about higher education programs or student financial assistance, including the College Navigator website (or successor website) and the websites and databases described in this section and section 1015a of this title; or

(2) information about higher education programs or student financial assistance available through a database or website of the Department.

(Pub. L. 89-329, title I, §131, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1602; amended Pub. L. 110-315, title I, §§103(b)(1), 110, Aug. 14, 2008, 122 Stat. 3088, 3094; Pub. L. 111-39, title I, §101(b)(3), July 1, 2009, 123 Stat. 1935.)

PRIOR PROVISIONS

A prior section 1015, Pub. L. 89-329, title I, §131, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 465, authorized grants to eligible partnerships for education telecommunications activities, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1015, Pub. L. 89-329, title I, §115, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100

Stat. 1285, authorized appropriations for former part A of this subchapter, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1015, Pub. L. 89-329, title I, §115, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1380, related to continuing education, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1015, Pub. L. 89-329, title I, §131, as added Pub. L. 94-482, title I, §101(g)(3), Oct. 12, 1976, 90 Stat. 2086, set out the Congressional findings with regard to the lifelong learning program, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 131 of Pub. L. 89-329, title I, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1286, related to National Advisory Council on Continuing Education and was classified to section 1017 of this title, prior to the general amendment of this subchapter by Pub. L. 102-325.

AMENDMENTS

2009—Subsec. (a)(3)(A)(iii)(I). Pub. L. 111-39 substituted “section 1078(a)(2)(C)(ii)” for “section 1078(a)(2)(C)(i)”.

2008—Subsec. (a)(3)(B). Pub. L. 110-315, §103(b)(1), substituted “authorizing committees” for “Committee on Labor and Human Resources of the Senate and the Committee on Education and the Workforce of the House of Representatives”.

Subsecs. (d), (e). Pub. L. 110-315, §110(a), added subsecs. (d) and (e) and struck out former subsec. (d), which required the Secretary to survey student aid recipients on a regular cycle, but not less than once every 3 years.

Subsecs. (f), (g). Pub. L. 110-315, §110(b), added subsecs. (f) and (g).

Subsec. (h). Pub. L. 110-315, §110(c), added subsec. (h).

CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

STUDENT-RELATED DEBT STUDY REQUIRED

Pub. L. 105-244, title VIII, §803, Oct. 7, 1998, 112 Stat. 1805, which required the Secretary of Education to conduct a study to analyze the distribution and increase in student-related debt, submit a report to congressional committees, and include certain information as part of the comparative information provided to families about the costs of higher education, was repealed by Pub. L. 110-315, title IX, §931(1), Aug. 14, 2008, 122 Stat. 3456.

§ 1015a. Transparency in college tuition for consumers

(a) Definitions

In this section:

(1) College Navigator website

The term “College Navigator website” means the College Navigator website operated by the Department and includes any successor website.

(2) Cost of attendance

The term “cost of attendance” means the average annual cost of tuition and fees, room and board, books, supplies, and transportation for an institution of higher education for a

first-time, full-time undergraduate student enrolled in the institution.

(3) Net price

The term “net price” means the average yearly price actually charged to first-time, full-time undergraduate students receiving student aid at an institution of higher education after deducting such aid, which shall be determined by calculating the difference between—

(A) the institution’s cost of attendance for the year for which the determination is made; and

(B) the quotient of—

(i) the total amount of need-based grant aid and merit-based grant aid, from Federal, State, and institutional sources, provided to such students enrolled in the institution for such year; and

(ii) the total number of such students receiving such need-based grant aid or merit-based grant aid for such year.

(4) Tuition and fees

The term “tuition and fees” means the average annual cost of tuition and fees for an institution of higher education for first-time, full-time undergraduate students enrolled in the institution.

(b) Calculations for public institutions

In making the calculations regarding cost of attendance, net price, and tuition and fees under this section with respect to a public institution of higher education, the Secretary shall calculate the cost of attendance, net price, and tuition and fees at such institution in the manner described in subsection (a), except that—

(1) the cost of attendance, net price, and tuition and fees shall be calculated for first-time, full-time undergraduate students enrolled in the institution who are residents of the State in which such institution is located; and

(2) in determining the net price, the average need-based grant aid and merit-based grant aid described in subsection (a)(3)(B) shall be calculated based on the average total amount of such aid received by first-time, full-time undergraduate students who are residents of the State in which such institution is located, divided by the total number of such resident students receiving such need-based grant aid or merit-based grant aid at such institution.

(c) College affordability and transparency lists

(1) Availability of lists

Beginning July 1, 2011, the Secretary shall make publicly available on the College Navigator website, in a manner that is sortable and searchable by State, the following:

(A) A list of the five percent of institutions in each category described in subsection (d) that have the highest tuition and fees for the most recent academic year for which data are available.

(B) A list of the five percent of institutions in each such category that have the highest net price for the most recent academic year for which data are available.

(C) A list of the five percent of institutions in each such category that have the largest

increase, expressed as a percentage change, in tuition and fees over the most recent three academic years for which data are available, using the first academic year of the three-year period as the base year to compute such percentage change.

(D) A list of the five percent of institutions in each such category that have the largest increase, expressed as a percentage change, in net price over the most recent three academic years for which data are available, using the first academic year of the three-year period as the base year to compute such percentage change.

(E) A list of the ten percent of institutions in each such category that have the lowest tuition and fees for the most recent academic year for which data are available.

(F) A list of the ten percent of institutions in each such category that have the lowest net price for the most recent academic year for which data are available.

(2) Annual updates

The Secretary shall annually update the lists described in paragraph (1) on the College Navigator website.

(d) Categories of institutions

The lists described in subsection (c)(1) shall be compiled according to the following categories of institutions that participate in programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42:

(1) Four-year public institutions of higher education.

(2) Four-year private, nonprofit institutions of higher education.

(3) Four-year private, for-profit institutions of higher education.

(4) Two-year public institutions of higher education.

(5) Two-year private, nonprofit institutions of higher education.

(6) Two-year private, for-profit institutions of higher education.

(7) Less than two-year public institutions of higher education.

(8) Less than two-year private, nonprofit institutions of higher education.

(9) Less than two-year private, for-profit institutions of higher education.

(e) Reports by institutions

(1) Report to Secretary

If an institution of higher education is included on a list described in subparagraph (C) or (D) of subsection (c)(1), the institution shall submit to the Secretary a report containing the following information:

(A) A description of the major areas in the institution’s budget with the greatest cost increases.

(B) An explanation of the cost increases described in subparagraph (A).

(C) A description of the steps the institution will take toward the goal of reducing costs in the areas described in subparagraph (A).

(D) In the case of an institution that is included on the same list under subparagraph (C) or (D) of subsection (c)(1) for two or more

consecutive years, a description of the progress made on the steps described in subparagraph (C) of this paragraph that were included in the institution's report for the previous year.

(E) If the determination of any cost increase described in subparagraph (A) is not within the exclusive control of the institution—

(i) an explanation of the extent to which the institution participates in determining such cost increase;

(ii) the identification of the agency or instrumentality of State government responsible for determining such cost increase; and

(iii) any other information the institution considers relevant to the report.

(2) Information to the public

The Secretary shall—

(A) issue an annual report that summarizes all of the reports by institutions required under paragraph (1) to the authorizing committees; and

(B) publish such report on the College Navigator website.

(f) Exemptions

(1) In general

An institution shall not be placed on a list described in subparagraph (C) or (D) of subsection (c)(1), and shall not be subject to the reporting required under subsection (e), if the dollar amount of the institution's increase in tuition and fees, or net price, as applicable, is less than \$600 for the three-year period described in such subparagraph.

(2) Update

Beginning in 2014, and every three years thereafter, the Secretary shall update the dollar amount described in paragraph (1) based on annual increases in inflation, using the Consumer Price Index for each of the three most recent preceding years.

(g) State higher education spending chart

The Secretary shall annually report on the College Navigator website, in charts for each State, comparisons of—

(1) the percentage change in spending by such State per full-time equivalent student at all public institutions of higher education in such State, for each of the five most recent preceding academic years;

(2) the percentage change in tuition and fees for such students for all public institutions of higher education in such State for each of the five most recent preceding academic years; and

(3) the percentage change in the total amount of need-based aid and merit-based aid provided by such State to full-time students enrolled in the public institutions of higher education in the State for each of the five most recent preceding academic years.

(h) Net price calculator

(1) Development of net price calculator

Not later than one year after August 14, 2008, the Secretary shall, in consultation with insti-

tutions of higher education and other appropriate experts, develop a net price calculator to help current and prospective students, families, and other consumers estimate the individual net price of an institution of higher education for a student. The calculator shall be developed in a manner that enables current and prospective students, families, and consumers to determine an estimate of a current or prospective student's individual net price at a particular institution.

(2) Calculation of individual net price

For purposes of this subsection, an individual net price of an institution of higher education shall be calculated in the same manner as the net price of such institution is calculated under subsection (a)(3), except that the cost of attendance and the amount of need-based and merit-based aid available shall be calculated for the individual student as much as practicable.

(3) Use of net price calculator by institutions

Not later than two years after the date on which the Secretary makes the calculator developed under paragraph (1) available to institutions of higher education, each institution of higher education that receives Federal funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 shall make publicly available on the institution's website a net price calculator to help current and prospective students, families, and other consumers estimate a student's individual net price at such institution of higher education. Such calculator may be a net price calculator developed—

(A) by the Department pursuant to paragraph (1); or

(B) by the institution of higher education, if the institution's calculator includes, at a minimum, the same data elements included in the calculator developed under paragraph (1).

(4) Disclaimer

Estimates of an individual net price determined using a net price calculator required under paragraph (3) shall be accompanied by a clear and conspicuous notice—

(A) stating that the estimate—

(i) does not represent a final determination, or actual award, of financial assistance;

(ii) shall not be binding on the Secretary, the institution of higher education, or the State; and

(iii) may change;

(B) stating that the student must complete the Free Application for Federal Student Aid described in section 1090 of this title in order to be eligible for, and receive, an actual financial aid award that includes Federal grant, loan, or work-study assistance under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42; and

(C) including a link to the website of the Department that allows students to access the Free Application for Federal Student Aid described in section 1090 of this title.

(i) Consumer information**(1) Availability of title IV institution information**

Not later than one year after August 14, 2008, the Secretary shall make publicly available on the College Navigator website, in simple and understandable terms, the following information about each institution of higher education that participates in programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, for the most recent academic year for which satisfactory data are available:

(A) A statement of the institution's mission.

(B) The total number of undergraduate students who applied to, were admitted by, and enrolled in the institution.

(C) For institutions that require SAT or ACT scores to be submitted, the reading, writing, mathematics, and combined scores on the SAT or ACT, as applicable, for the middle 50 percent range of the institution's freshman class.

(D) The number of first-time, full-time, and part-time students enrolled at the institution, at the undergraduate and (if applicable) graduate levels.

(E) The number of degree- or certificate-seeking undergraduate students enrolled at the institution who have transferred from another institution.

(F) The percentages of male and female undergraduate students enrolled at the institution.

(G) Of the first-time, full-time, degree- or certificate-seeking undergraduate students enrolled at the institution—

(i) the percentage of such students who are from the State in which the institution is located;

(ii) the percentage of such students who are from other States; and

(iii) the percentage of such students who are international students.

(H) The percentages of first-time, full-time, degree- or certificate-seeking students enrolled at the institution, disaggregated by race and ethnic background.

(I) The percentage of undergraduate students enrolled at the institution who are formally registered with the office of disability services of the institution (or the equivalent office) as students with disabilities, except that if such percentage is three percent or less, the institution shall report "three percent or less".

(J) The percentages of first-time, full-time, degree- or certificate-seeking undergraduate students enrolled at the institution who obtain a degree or certificate within—

(i) the normal time for completion of, or graduation from, the student's program;

(ii) 150 percent of the normal time for completion of, or graduation from, the student's program; and

(iii) 200 percent of the normal time for completion of, or graduation from, the student's program;

(K) The number of certificates, associate degrees, baccalaureate degrees, master's de-

grees, professional degrees, and doctoral degrees awarded by the institution.

(L) The undergraduate major areas of study at the institution with the highest number of degrees awarded.

(M) The student-faculty ratio, the number of full-time and part-time faculty, and the number of graduate assistants with primarily instructional responsibilities, at the institution.

(N)(i) The cost of attendance for first-time, full-time undergraduate students enrolled in the institution who live on campus;

(ii) the cost of attendance for first-time, full-time undergraduate students enrolled in the institution who live off campus; and

(iii) in the case of a public institution of higher education and notwithstanding subsection (b)(1), the costs described in clauses (i) and (ii), for—

(I) first-time, full-time students enrolled in the institution who are residents of the State in which the institution is located; and

(II) first-time, full-time students enrolled in the institution who are not residents of such State.

(O) The average annual grant amount (including Federal, State, and institutional aid) awarded to a first-time, full-time undergraduate student enrolled at the institution who receives financial aid.

(P) The average annual amount of Federal student loans provided through the institution to undergraduate students enrolled at the institution.

(Q) The total annual grant aid awarded to undergraduate students enrolled at the institution, from the Federal Government, a State, the institution, and other sources known by the institution.

(R) The percentage of first-time, full-time undergraduate students enrolled at the institution receiving Federal, State, and institutional grants, student loans, and any other type of student financial assistance known by the institution, provided publicly or through the institution, such as Federal work-study funds.

(S) The number of students enrolled at the institution receiving Federal Pell Grants.

(T) The institution's cohort default rate, as defined under section 1085(m) of this title.

(U) The information on campus safety required to be collected under section 1092(i) of this title.

(V) A link to the institution's website that provides, in an easily accessible manner, the following information:

(i) Student activities offered by the institution.

(ii) Services offered by the institution for individuals with disabilities.

(iii) Career and placement services offered by the institution to students during and after enrollment.

(iv) Policies of the institution related to transfer of credit from other institutions.

(W) A link to the appropriate section of the Bureau of Labor Statistics website that

provides information on regional data on starting salaries in all major occupations.

(X) Information required to be submitted under paragraph (4) and a link to the institution pricing summary page described in paragraph (5).

(Y) In the case of an institution that was required to submit a report under subsection (e)(1), a link to such report.

(Z) The availability of alternative tuition plans, which may include guaranteed tuition plans.

(2) Annual updates

The Secretary shall annually update the information described in paragraph (1) on the College Navigator website.

(3) Consultation

The Secretary shall regularly consult with current and prospective college students, family members of such students, institutions of higher education, and other experts to improve the usefulness and relevance of the College Navigator website, with respect to the presentation of the consumer information collected in paragraph (1).

(4) Data collection

The Commissioner for Education Statistics shall continue to update and improve the Integrated Postsecondary Education Data System (referred to in this section as “IPEDS”), including the reporting of information by institutions and the timeliness of the data collected.

(5) Institution pricing summary page

(A) Availability of list of participating institutions

The Secretary shall make publicly available on the College Navigator website in a sortable and searchable format a list of all institutions of higher education that participate in programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, which list shall, for each institution, include the following:

(i) The tuition and fees for each of the three most recent academic years for which data are available.

(ii) The net price for each of the three most recent available academic years for which data are available.

(iii)(I) During the period beginning July 1, 2010, and ending June 30, 2013, the net price for students receiving Federal student financial aid under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, disaggregated by the income categories described in paragraph (6), for the most recent academic year for which data are available.

(II) Beginning July 1, 2013, the net price for students receiving Federal student financial aid under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, disaggregated by the income categories described in paragraph (6), for each of the three most recent academic years for which data are available.

(iv) The average annual percentage change and average annual dollar change

in such institution’s tuition and fees for each of the three most recent academic years for which data are available.

(v) The average annual percentage change and average annual dollar change in such institution’s net price for each of the three most recent preceding academic years for which data are available.

(vi) A link to the webpage on the College Navigator website that provides the information described in paragraph (1) for the institution.

(B) Annual updates

The Secretary shall annually update the lists described in subparagraph (A) on the College Navigator website.

(6) Income categories

(A) In general

For purposes of reporting the information required under this subsection, the following income categories shall apply for students who receive Federal student financial aid under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42:

(i) \$0–30,000.

(ii) \$30,001–48,000.

(iii) \$48,001–75,000.

(iv) \$75,001–110,000.

(v) \$110,001 and more.

(B) Adjustment

The Secretary may adjust the income categories listed in subparagraph (A) using the Consumer Price Index if the Secretary determines such adjustment is necessary.

(j) Multi-year tuition calculator

(1) Development of multi-year tuition calculator

Not later than one year after August 14, 2008, the Secretary shall, in consultation with institutions of higher education, financial planners, and other appropriate experts, develop a multi-year tuition calculator to help current and prospective students, families of such students, and other consumers estimate the amount of tuition an individual may pay to attend an institution of higher education in future years.

(2) Calculation of multi-year tuition

The multi-year tuition calculator described in paragraph (1) shall—

(A) allow an individual to select an institution of higher education for which the calculation shall be made;

(B) calculate an estimate of tuition and fees for each year of the normal duration of the program of study at such institution by—

(i) using the tuition and fees for such institution, as reported under subsection (i)(5)(A)(i), for the most recent academic year for which such data are reported; and

(ii) determining an estimated annual percentage change for each year for which the calculation is made, based on the annual percentage change in such institution’s tuition and fees, as reported under subsection (i)(5)(A)(iv), for the most recent

three-year period for which such data are reported;

(C) calculate an estimate of the total amount of tuition and fees to complete a program of study at such institution, based on the normal duration of such program, using the estimate calculated under subparagraph (B) for each year of the program of study;

(D) provide the individual with the option to replace the estimated annual percentage change described in subparagraph (B)(ii) with an alternative annual percentage change specified by the individual, and calculate an estimate of tuition and fees for each year and an estimate of the total amount of tuition and fees using the alternative percentage change;

(E) in the case of an institution that offers a multi-year tuition guarantee program, allow the individual to have the estimates of tuition and fees described in subparagraphs (B) and (C) calculated based on the provisions of such guarantee program for the tuition and fees charged to a student, or cohort of students, enrolled for the duration of the program of study; and

(F) include any other features or information determined to be appropriate by the Secretary.

(3) Availability and comparison

The multi-year tuition calculator described in paragraph (1) shall be available on the College Navigator website and shall allow current and prospective students, families of such students, and consumers to compare information and estimates under this subsection for multiple institutions of higher education.

(4) Disclaimer

Each calculation of estimated tuition and fees made using the multi-year tuition calculator described in paragraph (1) shall be accompanied by a clear and conspicuous notice—

(A) stating that the calculation—

(i) is only an estimate and not a guarantee of the actual amount the student may be charged;

(ii) is not binding on the Secretary, the institution of higher education, or the State; and

(iii) may change, subject to the availability of financial assistance, State appropriations, and other factors;

(B) stating that the student must complete the Free Application for Federal Student Aid described in section 1090 of this title in order to be eligible for, and receive, an actual financial aid award that includes Federal grant, loan, or work-study assistance under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42; and

(C) including a link to the website of the Department that allows students to access the Free Application for Federal Student Aid described in section 1090 of this title.

(k) Student aid recipient survey

(1) Survey required

The Secretary, acting through the Commissioner for Education Statistics, shall conduct,

on a State-by-State basis, a survey of recipients of Federal student financial aid under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42—

(A) to identify the population of students receiving such Federal student financial aid;

(B) to describe the income distribution and other socioeconomic characteristics of recipients of such Federal student financial aid;

(C) to describe the combinations of aid from Federal, State, and private sources received by such recipients from all income categories;

(D) to describe the—

(i) debt burden of such loan recipients, and their capacity to repay their education debts; and

(ii) the impact of such debt burden on the recipients' course of study and post-graduation plans;

(E) to describe the impact of the cost of attendance of postsecondary education in the determination by students of what institution of higher education to attend; and

(F) to describe how the costs of textbooks and other instructional materials affect the costs of postsecondary education for students.

(2) Frequency

The survey shall be conducted on a regular cycle and not less often than once every four years.

(3) Survey design

The survey shall be representative of students from all types of institutions, including full-time and part-time students, undergraduate, graduate, and professional students, and current and former students.

(4) Dissemination

The Commissioner for Education Statistics shall disseminate to the public, in printed and electronic form, the information resulting from the survey.

(l) Regulations

The Secretary is authorized to issue such regulations as may be necessary to carry out this section.

(Pub. L. 89-329, title I, §132, as added Pub. L. 110-315, title I, §111, Aug. 14, 2008, 122 Stat. 3098.)

REFERENCES IN TEXT

Title IV, referred to in the heading of subsec. (i)(1), means title IV of the Higher Education Act of 1965, Pub. L. 89-329, which is classified generally to subchapter IV of this chapter and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of title IV to the Code, see Tables.

PRIOR PROVISIONS

A prior section 1015a, Pub. L. 89-329, title I, §132, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 465, related to grant applications, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1015a, Pub. L. 89-329, title I, §132, as added Pub. L. 94-482, title I, §101(g)(3), Oct. 12, 1976, 90 Stat. 2087, set out scope of lifelong learning pro-

gram, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1015b. Textbook information

(a) Purpose and intent

The purpose of this section is to ensure that students have access to affordable course materials by decreasing costs to students and enhancing transparency and disclosure with respect to the selection, purchase, sale, and use of course materials. It is the intent of this section to encourage all of the involved parties, including faculty, students, administrators, institutions of higher education, bookstores, distributors, and publishers, to work together to identify ways to decrease the cost of college textbooks and supplemental materials for students while supporting the academic freedom of faculty members to select high quality course materials for students.

(b) Definitions

In this section:

(1) Bundle

The term “bundle” means one or more college textbooks or other supplemental materials that may be packaged together to be sold as course materials for one price.

(2) College textbook

The term “college textbook” means a textbook or a set of textbooks, used for, or in conjunction with, a course in postsecondary education at an institution of higher education.

(3) Course schedule

The term “course schedule” means a listing of the courses or classes offered by an institution of higher education for an academic period, as defined by the institution.

(4) Custom textbook

The term “custom textbook”—

(A) means a college textbook that is compiled by a publisher at the direction of a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education; and

(B) may include, alone or in combination, items such as selections from original instructor materials, previously copyrighted publisher materials, copyrighted third-party works, and elements unique to a specific institution, such as commemorative editions.

(5) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1002 of this title.

(6) Integrated textbook

The term “integrated textbook” means a college textbook that is—

(A) combined with materials developed by a third party and that, by third-party contractual agreement, may not be offered by publishers separately from the college textbook with which the materials are combined; or

(B) combined with other materials that are so interrelated with the content of the college textbook that the separation of the

college textbook from the other materials would render the college textbook unusable for its intended purpose.

(7) Publisher

The term “publisher” means a publisher of college textbooks or supplemental materials involved in or affecting interstate commerce.

(8) Substantial content

The term “substantial content” means parts of a college textbook such as new chapters, new material covering additional eras of time, new themes, or new subject matter.

(9) Supplemental material

The term “supplemental material” means educational material developed to accompany a college textbook that—

(A) may include printed materials, computer disks, website access, and electronically distributed materials; and

(B) is not being used as a component of an integrated textbook.

(c) Publisher requirements

(1) College textbook pricing information

When a publisher provides a faculty member or other person or adopting entity in charge of selecting course materials at an institution of higher education receiving Federal financial assistance with information regarding a college textbook or supplemental material, the publisher shall include, with any such information and in writing (which may include electronic communications), the following:

(A) The price at which the publisher would make the college textbook or supplemental material available to the bookstore on the campus of, or otherwise associated with, such institution of higher education and, if available, the price at which the publisher makes the college textbook or supplemental material available to the public.

(B) The copyright dates of the three previous editions of such college textbook, if any.

(C) A description of the substantial content revisions made between the current edition of the college textbook or supplemental material and the previous edition, if any.

(D)(i) Whether the college textbook or supplemental material is available in any other format, including paperback and unbound; and

(ii) for each other format of the college textbook or supplemental material, the price at which the publisher would make the college textbook or supplemental material in the other format available to the bookstore on the campus of, or otherwise associated with, such institution of higher education and, if available, the price at which the publisher makes such other format of the college textbook or supplemental material available to the public.

(2) Unbundling of college textbooks from supplemental materials

A publisher that sells a college textbook and any supplemental material accompanying such college textbook as a single bundle shall

also make available the college textbook and each supplemental material as separate and unbundled items, each separately priced.

(3) Custom textbooks

To the maximum extent practicable, a publisher shall provide the information required under this subsection with respect to the development and provision of custom textbooks.

(d) Provision of ISBN college textbook information in course schedules

To the maximum extent practicable, each institution of higher education receiving Federal financial assistance shall—

(1) disclose, on the institution's Internet course schedule and in a manner of the institution's choosing, the International Standard Book Number and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution's course schedule used for preregistration and registration purposes, except that—

(A) if the International Standard Book Number is not available for such college textbook or supplemental material, then the institution shall include in the Internet course schedule the author, title, publisher, and copyright date for such college textbook or supplemental material; and

(B) if the institution determines that the disclosure of the information described in this subsection is not practicable for a college textbook or supplemental material, then the institution shall so indicate by placing the designation "To Be Determined" in lieu of the information required under this subsection; and

(2) if applicable, include on the institution's written course schedule a notice that textbook information is available on the institution's Internet course schedule, and the Internet address for such schedule.

(e) Availability of information for college bookstores

An institution of higher education receiving Federal financial assistance shall make available to a college bookstore that is operated by, or in a contractual relationship or otherwise affiliated with, the institution, as soon as is practicable upon the request of such college bookstore, the most accurate information available regarding—

(1) the institution's course schedule for the subsequent academic period; and

(2) for each course or class offered by the institution for the subsequent academic period—

(A) the information required by subsection (d)(1) for each college textbook or supplemental material required or recommended for such course or class;

(B) the number of students enrolled in such course or class; and

(C) the maximum student enrollment for such course or class.

(f) Additional information

An institution disclosing the information required by subsection (d)(1) is encouraged to disseminate to students information regarding—

(1) available institutional programs for renting textbooks or for purchasing used textbooks;

(2) available institutional guaranteed textbook buy-back programs;

(3) available institutional alternative content delivery programs; or

(4) other available institutional cost-saving strategies.

(g) GAO report

Not later than July 1, 2013, the Comptroller General of the United States shall report to the authorizing committees on the implementation of this section by institutions of higher education, college bookstores, and publishers. The report shall particularly examine—

(1) the availability of college textbook information on course schedules;

(2) the provision of pricing information to faculty of institutions of higher education by publishers;

(3) the use of bundled and unbundled material in the college textbook marketplace, including the adoption of unbundled materials by faculty and the use of integrated textbooks by publishers; and

(4) the implementation of this section by institutions of higher education, including the costs and benefits to such institutions and to students.

(h) Rule of construction

Nothing in this section shall be construed to supercede the institutional autonomy or academic freedom of instructors involved in the selection of college textbooks, supplemental materials, and other classroom materials.

(i) No regulatory authority

The Secretary shall not promulgate regulations with respect to this section.

(Pub. L. 89-329, title I, §133, as added Pub. L. 110-315, title I, §112(a), Aug. 14, 2008, 122 Stat. 3107.)

PRIOR PROVISIONS

A prior section 1015b, Pub. L. 89-329, title I, §133, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 466, related to activities for which grants could be used, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1015b, Pub. L. 89-329, title I, §133, as added Pub. L. 94-482, title I, §101(g)(3), Oct. 12, 1976, 90 Stat. 2087; amended Pub. L. 95-43, §1(a)(4), June 15, 1977, 91 Stat. 213, related to implementation of life-long learning program by Assistant Secretary, prior to the general amendment of this subchapter by Pub. L. 96-374.

EFFECTIVE DATE

Pub. L. 110-315, title I, §112(b), Aug. 14, 2008, 122 Stat. 3110, provided that: "The amendment made by subsection (a) [enacting this section] shall take effect on July 1, 2010."

ESTABLISHMENT OF PILOT PROGRAM FOR COURSE MATERIAL RENTAL

Pub. L. 110-315, title VIII, §803, Aug. 14, 2008, 122 Stat. 3449, provided that:

"(a) PILOT GRANT PROGRAM.—From the amounts appropriated pursuant to subsection (e), the Secretary of Education (referred to in this section as the 'Secretary') shall make grants on a competitive basis to

not more than ten institutions of higher education to support pilot programs that expand the services of bookstores to provide the option for students to rent course materials in order to achieve savings for students.

“(b) APPLICATION.—An institution of higher education that desires to obtain a grant under this section shall submit an application to the Secretary at such time, in such form, and containing or accompanied by such information, agreements, and assurances as the Secretary may reasonably require.

“(c) USE OF FUNDS.—The funds made available by a grant under this section may be used for—

“(1) purchase of course materials that the entity will make available by rent to students;

“(2) any equipment or software necessary for the conduct of a rental program;

“(3) hiring staff needed for the conduct of a rental program, with priority given to hiring enrolled undergraduate students; and

“(4) building or acquiring extra storage space dedicated to course materials for rent.

“(d) EVALUATION AND REPORT.—

“(1) EVALUATIONS BY RECIPIENTS.—After a period of time to be determined by the Secretary, each institution of higher education that receives a grant under this section shall submit a report to the Secretary on the effectiveness of their rental programs in reducing textbook costs for students.

“(2) REPORT TO CONGRESS.—Not later than September 30, 2010, the Secretary shall submit a report to Congress on the effectiveness of the textbook rental pilot programs under this section, and identify the best practices developed in such pilot programs. Such report shall contain an estimate by the Secretary of the savings achieved by students who participate in such pilot programs.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2009 and 2010.”

§ 1015c. Database of student information prohibited

(a) Prohibition

Except as described in subsection (b), nothing in this chapter and part C of subchapter I of chapter 34 of title 42 shall be construed to authorize the development, implementation, or maintenance of a Federal database of personally identifiable information on individuals receiving assistance under this chapter and part C of subchapter I of chapter 34 of title 42, attending institutions receiving assistance under this chapter and part C of subchapter I of chapter 34 of title 42, or otherwise involved in any studies or other collections of data under this chapter and part C of subchapter I of chapter 34 of title 42, including a student unit record system, an education bar code system, or any other system that tracks individual students over time.

(b) Exception

The provisions of subsection (a) shall not apply to a system (or a successor system) that—

(1) is necessary for the operation of programs authorized by subchapter II, IV, or VII or part C of subchapter I of chapter 34 of title 42; and

(2) was in use by the Secretary, directly or through a contractor, as of the day before August 14, 2008.

(c) State databases

Nothing in this chapter and part C of subchapter I of chapter 34 of title 42 shall prohibit

a State or a consortium of States from developing, implementing, or maintaining State-developed databases that track individuals over time, including student unit record systems that contain information related to enrollment, attendance, graduation and retention rates, student financial assistance, and graduate employment outcomes.

(Pub. L. 89-329, title I, §134, as added Pub. L. 110-315, title I, §113, Aug. 14, 2008, 122 Stat. 3110.)

PRIOR PROVISIONS

A prior section 1015c, Pub. L. 89-329, title I, §134, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 466, defined “public broadcasting entity” for purposes of former part C of this subchapter, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1015c, Pub. L. 89-329, title I, §134, as added Pub. L. 94-482, title I, §101(g)(3), Oct. 12, 1976, 90 Stat. 2089, related to annual reports by Assistant Secretary and content of these reports, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1015d. In-State tuition rates for members of the armed forces on active duty, spouses, and dependent children

(a) Requirement

In the case of a member of the armed forces who is on active duty for a period of more than 30 days and whose domicile or permanent duty station is in a State that receives assistance under this chapter and part C of subchapter I of chapter 34 of title 42, such State shall not charge such member (or the spouse or dependent child of such member) tuition for attendance at a public institution of higher education in the State at a rate that is greater than the rate charged for residents of the State.

(b) Continuation

If a member of the armed forces (or the spouse or dependent child of a member) pays tuition at a public institution of higher education in a State at a rate determined by subsection (a), the provisions of subsection (a) shall continue to apply to such member, spouse, or dependent while continuously enrolled at that institution, notwithstanding a subsequent change in the permanent duty station of the member to a location outside the State.

(c) Effective date

This section shall take effect at each public institution of higher education in a State that receives assistance under this chapter and part C of subchapter I of chapter 34 of title 42 for the first period of enrollment at such institution that begins after July 1, 2009.

(d) Definitions

In this section, the terms “armed forces” and “active duty for a period of more than 30 days” have the meanings given those terms in section 101 of title 10.

(Pub. L. 89-329, title I, §135, as added Pub. L. 110-315, title I, §114, Aug. 14, 2008, 122 Stat. 3111.)

PRIOR PROVISIONS

A prior section 1015d, Pub. L. 89-329, title I, §135, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106

Stat. 466, required grant recipients to submit reports, prior to the general amendment of this subchapter by Pub. L. 105-244.

§ 1015e. State higher education information system pilot program

(a) Purpose

It is the purpose of this section to carry out a pilot program to assist not more than five States to develop State-level postsecondary student data systems to—

(1) improve the capacity of States and institutions of higher education to generate more comprehensive and comparable data, in order to develop better-informed educational policy at the State level and to evaluate the effectiveness of institutional performance while protecting the confidentiality of students' personally identifiable information; and

(2) identify how to best minimize the data-reporting burden placed on institutions of higher education, particularly smaller institutions, and to maximize and improve the information institutions receive from the data systems, in order to assist institutions in improving educational practice and postsecondary outcomes.

(b) Definition of eligible entity

In this section, the term "eligible entity" means—

(1) a State higher education system; or

(2) a consortium of State higher education systems, or a consortium of individual institutions of higher education, that is broadly representative of institutions in different sectors and geographic locations.

(c) Competitive grants

(1) Grants authorized

The Secretary shall award grants, on a competitive basis, to not more than five eligible entities to enable the eligible entities to—

(A) design, test, and implement systems of postsecondary student data that provide the maximum benefits to States, institutions of higher education, and State policymakers; and

(B) examine the costs and burdens involved in implementing a State-level postsecondary student data system.

(2) Duration

A grant awarded under this section shall be for a period of not more than three years.

(d) Application requirements

An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including a description of—

(1) how the eligible entity will ensure that student privacy is protected and that individually identifiable information about students, the students' achievements, and the students' families remains confidential in accordance with section 1232g of this title (commonly known as the "Family Educational Rights and Privacy Act of 1974"); and

(2) how the activities funded by the grant will be supported after the three-year grant period.

(e) Use of funds

A grant awarded under this section shall be used to—

(1) design, develop, and implement the components of a comprehensive postsecondary student data system with the capacity to transmit student information within a State;

(2) improve the capacity of institutions of higher education to analyze and use student data;

(3) select and define common data elements, data quality, and other elements that will enable the data system to—

(A) serve the needs of institutions of higher education for institutional research and improvement;

(B) provide students and the students' families with useful information for decision-making about postsecondary education; and

(C) provide State policymakers with improved information to monitor and guide efforts to improve student outcomes and success in higher education;

(4) estimate costs and burdens at the institutional level for the reporting system for different types of institutions; and

(5) test the feasibility of protocols and standards for maintaining data privacy and data access.

(f) Evaluation; reports

Not later than six months after the end of the projects funded by grants awarded under this section, the Secretary shall—

(1) conduct a comprehensive evaluation of the pilot program authorized by this section; and

(2) report the Secretary's findings, as well as recommendations regarding the implementation of State-level postsecondary student data systems, to the authorizing committees.

(g) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title I, §136, as added Pub. L. 110-315, title I, §115, Aug. 14, 2008, 122 Stat. 3111; amended Pub. L. 111-39, title I, §101(b)(4), July 1, 2009, 123 Stat. 1935.)

AMENDMENTS

2009—Subsec. (d)(1). Pub. L. 111-39 substituted "(commonly known as the 'Family Educational Rights and Privacy Act of 1974')" for "(Family Educational Rights and Privacy Act of 1974)".

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1015f. State commitment to affordable college education

(a) Maintenance of effort required

A State shall provide—

(1) for public institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount

which is equal to or greater than the average amount provided for non-capital and non-direct research and development expenses or costs by such State to such institutions of higher education during the five most recent preceding academic years for which satisfactory data are available; and

(2) for private institutions of higher education in such State for any academic year beginning on or after July 1, 2008, an amount which is equal to or greater than the average amount provided for student financial aid for paying costs associated with postsecondary education by such State to such institutions during the five most recent preceding academic years for which satisfactory data are available.

(b) Adjustments for biennial appropriations

The Secretary shall take into consideration any adjustments to the calculations under subsection (a) that may be required to accurately reflect funding levels for postsecondary education in States with biennial appropriation cycles.

(c) Waiver

The Secretary shall waive the requirements of subsection (a), if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous and unforeseen¹ decline in the financial resources of a State or State educational agency, as appropriate.

(d) Violation of maintenance of effort

Notwithstanding any other provision of law, the Secretary shall withhold from any State that violates subsection (a) and does not receive a waiver pursuant to subsection (c) any amount that would otherwise be available to the State under section 1141 of this title until such State has made significant efforts to correct such violation.

(Pub. L. 89-329, title I, §137, as added Pub. L. 110-315, title I, §116, Aug. 14, 2008, 122 Stat. 3113.)

PRIOR PROVISIONS

A prior section 1016, Pub. L. 89-329, title I, §121, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1285, related to adult learning research, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1016, Pub. L. 89-329, title I, §116, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94 Stat. 1381, provided for Federal discretionary grants, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1016a, Pub. L. 89-329, title I, §122, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1286, limited funds authorized to be appropriated, prior to the general amendment of this subchapter by Pub. L. 102-325.

A prior section 1017, Pub. L. 89-329, title I, §131, as added Pub. L. 99-498, title I, §101, Oct. 17, 1986, 100 Stat. 1286; Pub. L. 102-54, §13(g)(1)(A), June 13, 1991, 105 Stat. 275, related to National Advisory Council on Continuing Education, prior to the general amendment of this subchapter by Pub. L. 102-325.

Another prior section 1017, Pub. L. 89-329, title I, §117, as added Pub. L. 96-374, title I, §101(a), Oct. 3, 1980, 94

Stat. 1382; amended Pub. L. 99-386, title I, §103(a), Aug. 22, 1986, 100 Stat. 821, related to establishment and administration of the National Advisory Council on Continuing Education, prior to the general amendment of this subchapter by Pub. L. 99-498.

PART D—ADMINISTRATIVE PROVISIONS FOR DELIVERY OF STUDENT FINANCIAL ASSISTANCE

§ 1018. Performance-Based Organization for delivery of Federal student financial assistance

(a) Establishment and purpose

(1) Establishment

There is established in the Department a Performance-Based Organization (hereafter referred to as the “PBO”) which shall be a discrete management unit responsible for managing the administrative and oversight functions supporting the programs authorized under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, as specified in subsection (b) of this section.

(2) Purposes

The purposes of the PBO are—

(A) to improve service to students and other participants in the student financial assistance programs authorized under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, including making those programs more understandable to students and their parents;

(B) to reduce the costs of administering those programs;

(C) to increase the accountability of the officials responsible for administering the operational aspects of these programs;

(D) to provide greater flexibility in the management and administration of the Federal student financial assistance programs;

(E) to integrate the information systems supporting the Federal student financial assistance programs;

(F) to implement an open, common, integrated system for the delivery of student financial assistance under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42; and

(G) to develop and maintain a student financial assistance system that contains complete, accurate, and timely data to ensure program integrity.

(b) General authority

(1) Authority of Secretary

Notwithstanding any other provision of this part, the Secretary shall maintain responsibility for the development and promulgation of policy and regulations relating to the programs of student financial assistance under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42. In the exercise of its functions, the PBO shall be subject to the direction of the Secretary. The Secretary shall—

(A) request the advice of, and work in cooperation with, the Chief Operating Officer in developing regulations, policies, administrative guidance, or procedures affecting the Federal student financial assistance programs authorized under subchapter IV of

¹ So in original. Probably should be “unforeseen”.