§ 1001

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SUBCHAPTER I—GENERAL PROVISIONS

Editorial Notes

CODIFICATION


PART A—DEFINITIONS

§ 1001. General definition of institution of higher education

(a) Institution of higher education

For purposes of this chapter, other than subchapter IV, the term “institution of higher education” means an educational institution in any State that—

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 1091(d) of this title;

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which the institution awards a bachelor’s degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is ac-
ceptible for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the preaccreditaiton standards of such an agency or association within a reasonable time.

(b) Additional institutions included

For purposes of this chapter, other than subchapter IV, the term “institution of higher education” also includes—

(1) any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a); and

(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(B) who will be dually or concurrently enrolled in the institution and a secondary program.

(c) List of accrediting agencies

For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to part H of subchapter IV, to be reliable authority as to the quality of the education or training offered.


Editorial Notes

Prior Provisions

Provisions similar to this section were contained in section 1141(a) of this title prior to repeal by Pub. L. 105–244.


Amendments


2008—Subsec. (a)(1). Pub. L. 110–315, §101(a)(1)(A), inserted “...or persons who meet the requirements of section 1091(d)(3) of this title” before semicolon at end. Subsec. (a)(3). Pub. L. 112–315, §101(a)(1)(B), inserted “...or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary” before semi-colon at end.

Subsec. (b)(2). Pub. L. 110–315, §101(a)(2), added par. (2) and struck out former par. (2) which read as follows: “a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.”

Statutory Notes and Related Subsidiaries

Effective Date of 2020 Amendment

Pub. L. 116–260, div. FF, title VII, §701(b), Dec. 27, 2019, 134 Stat. 3137, as amended by Pub. L. 117–103, div. R, §102(a), Mar. 15, 2022, 136 Stat. 819, provided that: “Except as otherwise expressly provided, this Act (probably means “this title”, see Tables for classification), and the amendments made by this title to the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), shall take effect on July 1, 2024, and shall apply with respect to award year 2024–2025 and each subsequent award year, as determined under the Higher Education Act of 1965. The Secretary of Education shall have the authority to take such steps as are necessary before July 1, 2024, to provide for the orderly implementation on such date of the amendments to the Higher Education Act of 1965 made by this Act.”

Effective Date of 2011 Amendment

Pub. L. 112–74, div. F, title III, §309(g), Dec. 23, 2011, 125 Stat. 1105, provided that: “The amendments made by subsections (a), (b), and (c) [amending this section and sections 1070a, 1087e, and 1091 of this title, and enacting provisions set out as a note under section 1091 of this title] shall take effect on July 1, 2012.”

Effective Date of 2009 Amendment


Effective Date of 2008 Amendment

Pub. L. 110–315, §3, Aug. 14, 2008, 122 Stat. 3083, provided that: “Except as otherwise provided in this Act [see Tables for classification] or the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act [Aug. 14, 2008].”
of principal or interest on any loan made, insured, or
of instruction beginning on or after January 1, 1981, to
any loan to cover the cost of instruction for any period
1078(b)(1)(E) of this title] shall apply with respect to
415(b) [amending sections 1077(a)(2)(B) and
1087, 1082, 1085, 1087–1, and 1087–2 of this title]
shall be effective October 1, 1980.''

Amendments note below].''

The amendment made by section 701 of this Act
shall take effect, except that the amendments made by this Act shall take effect
on or after October 1, 1980.''

The amendment made by section 405 to subpart
4 of part A of title IV of the Act [amending subpart 4
of part A of subchapter IV of this chapter generally]
shall take effect October 1, 1981.

(4) The amendments made by part B of title IV of this Act [enacting sections 1092a, 1092b, and 1097 of this title and enacting provisions set out as notes under section 1097 of this title] may be cited as the ‘‘Stop Student Debt Relief Scams Act of 2019’’.

The amendment made by section 116–136, div. A, title III, §3501, Mar. 27, 2020, 134 Stat. 395, provided that: ‘‘This subtitle [subtitle B (§§3501–3519) of title III of div. A of Pub. L. 116–136, amending section 6103 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under this section and section 7601 of this title, section 6103 of Title 26, section 3163 of Title 29, Labor, and section 12501 of Title 42, The Public Health and Welfare) may be cited as the ‘‘COVID–19 Pandemic Education Relief Act of 2020’’.’’

The amendment made by section 116–91, §1, Dec. 19, 2019, 133 Stat. 1189, provided that: ‘‘This Act (enacting section 1098h of this title, amending sections 1067a, 1070a, 1085, 1091, and 1098e of this title and section 6103 of Title 26, Internal Revenue Code, and enacting provisions set out as notes under section 6103 of Title 26) may be cited as the ‘‘Fostering Undergraduate Talent by Unlocking Resources for Education Act’’ or the ‘‘FUTURE Act’’.’’

The amendment made by section 114–105, §1, Mar. 18, 2015, 129 Stat. 2219, provided that: ‘‘This Act (amending sections 1067aa, 1067cc–1, and 1087ff of this title and enacting provisions set out as notes under sections 1067aa and 1226a of this title) may be cited as the ‘‘Federal Perkins Loan Program Extension Act of 2015’’.’’
SHORT TITLE OF 2013 AMENDMENT
Pub. L. 113–28, § 1, Aug. 9, 2013, 127 Stat. 506, provided that: "This Act [amending section 1087e of this title and enacting provisions set out as a note under section 1067e of this title] may be cited as the 'Bi partisan Student Loan Certainty Act of 2013'."

SHORT TITLE OF 2010 AMENDMENT

SHORT TITLE OF 2009 AMENDMENTS
Pub. L. 110–238, title X, § 1001(a), Apr. 1, 2009, 123 Stat. 1194, provided that: "This Act [amending provisions set out as notes under section 1078 of this title and enacting provisions set out as notes under section 1078–10 of this title] may be cited as the 'Higher Education Reconciliation Act of 2009'."

SHORT TITLE OF 2009 AMENDMENT
Pub. L. 110–109, § 1, Dec. 30, 2006, 119 Stat. 2844, provided that: "This Act [amending section 1087–1 of this title, enacting provisions set out as a note under section 1087–1 of this title, and amending provisions set out as notes under this section and section 1078–10 of this title] may be cited as the 'Second Higher Education Extension Act of 2009'."

SHORT TITLE OF 2008 AMENDMENTS
Pub. L. 110–84, § 1, Aug. 7, 2007, 121 Stat. 987, provided that: "This Act [amending section 1091b of this title] may be cited as the 'Student Grant and Disaster Relief Act'."

SHORT TITLE OF 2008 AMENDMENT

SHORT TITLE OF 2007 AMENDMENT

SHORT TITLE OF 2007 AMENDMENTS
Pub. L. 110–109, § 1, Dec. 30, 2006, 119 Stat. 2844, provided that: "This Act [amending section 1087–1 of this title, enacting provisions set out as a note under section 1087–1 of this title, and amending provisions set out as notes under this section and section 1078–10 of this title] may be cited as the 'Second Higher Education Extension Act of 2009'."

SHORT TITLE OF 2008 AMENDMENTS
Pub. L. 110–109, § 1, Dec. 30, 2006, 119 Stat. 2844, provided that: "This Act [amending section 1087–1 of this title, enacting provisions set out as a note under section 1087–1 of this title, and amending provisions set out as notes under this section and section 1078–10 of this title] may be cited as the 'Second Higher Education Extension Act of 2009'."

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SHORT TITLE OF 2007 AMENDMENT

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Pub. L. 110–91, § 1, Dec. 30, 2006, 119 Stat. 2844, provided that: "This Act [amending section 1087–1 of this title, enacting provisions set out as a note under section 1087–1 of this title, and amending provisions set out as notes under this section and section 1078–10 of this title] may be cited as the 'Second Higher Education Extension Act of 2009'."

SHORT TITLE OF 2008 AMENDMENT
Pub. L. 110–109, § 1, Dec. 30, 2006, 119 Stat. 2844, provided that: "This Act [amending section 1087–1 of this title, enacting provisions set out as a note under section 1087–1 of this title, and amending provisions set out as notes under this section and section 1078–10 of this title] may be cited as the 'Second Higher Education Extension Act of 2009'."

SHORT TITLE OF 2007 AMENDMENT
section 301 of Title 7 may be cited as the 'Education Amendments of 1976'.
For short title of section 1092(c) of this title as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, see section 1092(c)(18) of this title.

EMERGENCY FINANCIAL AID GRANTS


“(a) IN GENERAL.—In the case of a student receiving a qualified emergency financial aid grant—

"(1) such grant shall not be included in the gross income of such individual for purposes of the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.], and

"(2) such grant shall not be treated as described in subparagraph (A), (B), or (C) of section 25A(g)(2) of such Code [26 U.S.C. 25A(g)(2)].

“(b) DEFINITIONS.—For purposes of this subsection, the term ‘qualified emergency financial aid grant’ means—

"(1) any emergency financial aid grant awarded by an institution of higher education under section 3504 of the CARES Act [section 3504 of Pub. L. 116–116, set out below],

"(2) any emergency financial aid grant from an institution of higher education made with funds made available under section 18004 of the CARES Act [Pub. L. 116–116, 20 U.S.C. 3401 note], and

"(3) any other emergency financial aid grant made to a student from a Federal agency, a State, an Indian tribe, an institution of higher education, or a scholarship-granting organization (including a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304 [sic]) for the purpose of providing financial relief to students enrolled at institutions of higher education in response to a qualifying emergency (as defined in section 3502(a)(4) of the CARES Act [section 3502(a)(4) of Pub. L. 116–116, set out below]),

“(c) LIMITATION.—This section shall not apply to that portion of any amount received which represents payment for teaching, research, or other services required as a condition for receiving the qualified emergency financial aid grant.

“(d) EFFECTIVE DATE.—This section shall apply to qualified emergency financial aid grants made after March 26, 2020.

GUIDANCE TO STATES


“SEC. 3502. DEFINITIONS.

“(a) DEFINITIONS.—In this title [title III of Pub. A of Pub. L. 116–116, see Short Title of 2020 Amendment note set out above]:

“(1) coronavirus.—The term ‘coronavirus’ means each of the following:

“(A) SARS-CoV-2; 42 U.S.C. 701(b) (as defined in section 3501–3519 of this title).

“(B) title III of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94; 133 Stat. 2586) [see Tables for classification];

“(C) title III of division B of the Department of Defense and Labor, Health and Human Services, and Education Appropriations Act, 2019 and Continuing Appropriations Act, 2019 (Public Law 115–245; 132 Stat. 3097) [see Tables for classification]; or

“(D) title III of division H of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 41) [see Tables for classification].

“(c) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, out of any amounts in the Treasury not otherwise appropriated, such sums as may be necessary to carry out subsection (a).

“(d) EFFECTIVE DATE.—Notwithstanding section 701(b) [set out as a note above], this section shall take effect on the date of enactment of this Act [Dec. 27, 2020].

COVID-19 PANDEMIC EDUCATION RELIEF


“SEC. 3503. CAMPUS-BASED AID WAIVERS.

“(a) DEFINITIONS.—In this section [title III of Pub. A of Pub. L. 116–116, see Short Title of 2020 Amendment note set out above]:

“(1) CORONAVIRUS.—The term ‘coronavirus’ has the meaning given the term in section 506 of the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123 (134 Stat. 156)).

“(2) FOREIGN INSTITUTION.—The term ‘foreign institution’ means an institution of higher education located outside the United States that is described in paragraphs (1)(C) and (2) of section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning of the term under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(d) QUALIFYING EMERGENCY.—The term ‘qualifying emergency’ means—

“(A) a public health emergency related to the coronavirus declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 237d);

“(B) an event related to the coronavirus for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191); or

“(C) a national emergency related to the coronavirus declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.) [50 U.S.C. 1621].

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“SEC. 3503. CAMPUS-BASED AID WAIVERS.

“(a) WAIVER OF NON-FEDERAL SHARE REQUIREMENT.—Notwithstanding sections 413(c)(2) and 443(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070–b(a)(2) and 1070–5(b)(5)), with respect to funds made available for award years 2019–2020 and 2020–2021, the Secretary shall waive the requirement that a participating institution...
of higher education provide a non-Federal share to match Federal funds provided to the institution for the programs authorized pursuant to subpart 3 of part A and part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq. and 1097–51 et seq.) for all awards made under such programs during such award years, except nothing in this subsection shall affect the non-Federal share requirement under section 443(c)(3) that applies to private for-profit organizations.

(b) AUTHORITY TO REALLOCATE.—Notwithstanding section 453D, 442, and 488 of the Higher Education Act of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during a period of a qualifying emergency, an institution may transfer up to 100 percent of the institution’s unexpended allotment under section 413D of such Act to the institution’s allotment under section 413D of such Act, but may not transfer any funds from the institution’s unexpended allotment under section 413D of such Act to the institution’s allotment under section 442 of such Act.

SEC. 3504. USE OF SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS FOR EMERGENCY AID.

(a) IN GENERAL.—Notwithstanding section 437B of the Higher Education Act of 1965 (20 U.S.C. 1087k–1), an institution of higher education may reserve any amount of an institution’s allocation under subpart 3 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070b et seq.) for a fiscal year to award, in such fiscal year, emergency financial aid grants to assist undergraduate or graduate students for unexpected expenses and to meet financial need as a result of a qualifying emergency.

(b) DETERMINATIONS.—In determining eligibility for and awarding emergency financial aid grants under this section, an institution of higher education may—

(1) waive the amount of need calculation under section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087k);

(2) allow for a student affected by a qualifying emergency to receive funds in an amount that is not more than the maximum Federal Pell Grant for the applicable award year; and

(3) utilize a contract with a scholarship-granting organization designated for the sole purpose of accepting applications from or disbursing funds to students enrolled in the institution of higher education, if such scholarship-granting organization disburses the full allocated amount provided to the institution of higher education to the recipients.

(c) SPECIAL RULE.—Any emergency financial aid grants to students under this section shall not be treated as other financial assistance for the purposes of section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087k).

SEC. 3505. FEDERAL WORK-STUDY DURING A QUALIFYING EMERGENCY.

(a) IN GENERAL.—In the event of a qualifying emergency, an institution of higher education participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) may make payments under such part to affected work-study students, for the period of time (not to exceed one academic year) in which affected students were unable to fulfill the students’ work-study obligation for all or part of such academic year due to such qualifying emergency, as follows:

(1) Payments may be made under such part to affected work-study students in an amount equal to or less than the amount of wages such students would have been paid under such part had the students been able to complete the work obligation necessary to receive work study funds, as a one time grant or as multiple payments.

(2) Payments shall not be made to any student who was not eligible for work study or was not completing the work obligation necessary to receive work study funds under such part prior to the occurrence of the qualifying emergency.

(3) Any payments made to affected work-study students under this subsection shall meet the matching requirements of section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–58), unless such matching requirements are waived by the Secretary. In this section, the term ‘affected work-study student’ means a student enrolled at an eligible institution participating in the program under part C of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087–51 et seq.) who—

(1) received a work-study award under section 443 of the Higher Education Act of 1965 (20 U.S.C. 1087–53) for the academic year during which a qualifying emergency occurred;

(2) earned Federal work-study wages from such eligible institution for such academic year; and

(3) was prevented from fulfilling the student’s work-study obligation for all or part of such academic year due to such qualifying emergency.

SEC. 3506. ADJUSTMENT OF SUBSIDIZED LOAN USAGE LIMITS.

Notwithstanding section 455(q)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Secretary shall exclude from a student’s period of enrollment for purposes of loans made under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1078a et seq.) any semester (or the equivalent) that the student does not complete due to a qualifying emergency, if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

SEC. 3507. EXCLUSION FROM FEDERAL PELL GRANT DURATION LIMIT.

The Secretary shall exclude from a student’s Federal Pell Grant duration limit under section 401(c)(5) of the Higher Education Act of 1965 (20 U.S.C. 1070c(5)) any semester (or the equivalent) that the student does not complete due to a qualifying emergency if the Secretary is able to administer such policy in a manner that limits complexity and the burden on the student.

SEC. 3508. INSTITUTIONAL REFUNDS AND FEDERAL STUDENT LOAN FLEXIBILITY.

(a) INSTITUTIONAL WAIVERS.—

(1) IN GENERAL.—The Secretary shall waive the institutional requirement under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) with respect to the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act [20 U.S.C. 1087–51 et seq.]) to be returned under such section if a recipient of assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1087 et seq.) withdraws from the institution of higher education during the payment period or period of enrollment as a result of a qualifying emergency.

(2) WAIVERS.—The Secretary shall require each institution using a waiver relating to the withdrawal of recipients under this subsection to report the number of such recipients, the amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) associated with each such recipient, and the total amount of grant or loan assistance (other than assistance received under part C of title IV of such Act) for which each institution has not returned assistance under title IV to the Secretary.

(b) STUDENT WAIVERS.—The Secretary shall waive the amounts that students are required to return under section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b) with respect to Federal Pell Grants or other grant assistance if the withdrawals on which the returns are based, are withdrawals by students who withdrew from the institution of higher education as a result of a qualifying emergency.

(c) CANCELLING LOAN OBLIGATION.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall cancel the borrower’s obligation to repay the entire portion of a loan made under part D of title IV of such Act (20 U.S.C. 1087a et seq.) associated with a payment period for a recipient of such loan who withdraws from the in-
stition of higher education during the payment pe-
period as a result of a qualifying emergency.

(d) APPROVED LEAVE OF ABSENCE.—Notwithstanding
any other provision of the Higher Education Act of 1965
(20 U.S.C. 1001 et seq.), for purposes of receiving assist-
ance under title IV of the Higher Education Act of 1965
(20 U.S.C. 1070 et seq.), an institution of higher edu-
cation may, as a result of a qualifying emergency, pro-
vide a student with an approved leave of absence that
does not require the student to return at the same
point in the academic program that the student began
the leave of absence if the student returns within the
same semester (or the equivalent).

(4) REPORT FROM THE SECRETARY.—Not later than
180 days after the date of enactment of this Act, and
every 180 days thereafter until all covered periods for
foreign institutions that entered into written ar-
rangements under paragraph (1) have ended, the Sec-
retary shall submit to the authorizing committees
(defined in section 103 of the Higher Education Act
of 1965 (20 U.S.C. 1003)) a report that identifies, for
each such foreign institution—

(A) the name of the foreign institution;

(B) the name of the institution of higher edu-
cation located in the United States that has en-
tered into a written arrangement with such foreign
institution; and

(C) information regarding the nature of such
written arrangement, including which coursework
or program requirements are accomplished at each
respective institution.

(e) DEFINITION OF COVERED PERIOD.—

(1) IN GENERAL.—In this section, the term ‘covered
period’, when used with respect to a foreign institu-
tion of higher education, means the period—

(A) beginning on the first day of—

(i) a qualifying emergency; or

(ii) a public health emergency, major disaster
or emergency, or national emergency declared by
the applicable government authorities in the
country in which the foreign institution is loc-
ed; and

(B) ending on the later of—

(i) subject to paragraph (2), the last day of the
payment period, for purposes of title IV of the
Higher Education Act of 1965 (20 U.S.C. 1070 et seq.),
following the end of any qualifying emergency,
any qualifying emergency, or any disaster or emergency
described in subparagraph (A)(ii) applicable to the
foreign institution; or


(2) SPECIAL RULE FOR CERTAIN PAYMENT PERIODS.—
For purposes of paragraph (1)(B)(i), if the following
payment period for an award year ends before June 30
of such award year, the covered period shall be
extended until June 30 of such award year.

SEC. 3512. HBCU CAPITAL FINANCING.

(a) DEFEASANCE PERIOD.—

(1) IN GENERAL.—Notwithstanding any provision of
title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or any regulation promulgated under
such title, the Secretary may grant a defeasement, for
the duration of a qualifying emergency, to an institu-
tion that has received a loan under part D of title III
of such Act (20 U.S.C. 1087a et seq.) for the
purpose of allowing a student of the foreign institu-
tion who is a borrower of a loan made under such part
to take courses from the institution of higher edu-
cation located in the United States.

(2) FORM OF ARRANGEMENTS.—

(A) PUBLIC OR OTHER NONPROFIT INSTITUTIONS.—A foreign
institution that is a public or other non-
profit institution may enter into a written arrange-
ment under paragraph (1) only with an institution
of higher education described in section 101 of such

(B) OTHER INSTITUTIONS.—A foreign
institution that is a graduate medical school, nursing school,
or a veterinary school and that is not a public or
other nonprofit institution may enter into a writ-
ten arrangement under paragraph (1) with an insti-
tution of higher education described in section 101
or section 102 of such Act (20 U.S.C. 1001 and 1002).

(3) REPORT ON USE.—An institution of higher edu-
cation that uses the authority described in paragraph
(2) shall report such use to the Secretary—

(A) for the 2019–2020 award year, not later than
June 30, 2020; and

(B) for an award year subsequent to the 2019–2020
award year, not later than 10 days after such use.

(4) ENSURE FOR AWARD YEARS FOLLOWING 2019–2020.

(5) EFFECTIVE DATE.—This section shall take effect on
June 30, 2020; and

(6) AUTHORIZATION.—This section shall be income with
the enactment of this Act.
the institution shall be required to repay the Secretary for the payments of principal and interest made by the Secretary during the deferment, on a schedule that begins upon repayment to the lender in full on the loan agreement, except in no case shall repayment be required to begin before the date that is 1 full fiscal year after the date that is the end of the qualifying emergency.

(‘b) Termination Date.—

(‘1) in General.—The authority provided under this section to grant a loan deferment under subsection (a) shall terminate on the date on which the qualifying emergency is no longer in effect.

(‘2) Duration.—Any provision of a loan agreement or insurance agreement modified by the authority under this section shall remain so modified for the duration of the period covered by the loan agreement or insurance agreement.

(‘c) Report.—Not later than 180 days after the date of enactment of this Act [Mar. 27, 2020], and every 180 days thereafter during the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution that received assistance under this section.

(‘d) Funding.—There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, $62,000,000 to carry out this section.

‘sec. 3513. temporary relief for federal student loan borrowers.

(‘a) in General.—The Secretary shall suspend all payments due for loans made under part D and part B (or held by the Department of Education) of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) through September 30, 2020.

(‘b) No accrual of interest.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), interest shall not accrue on a loan described under subsection (a) for which payment was suspended for the period of the suspension.

(‘c) Consideration of payments.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall deem each month for which a loan payment was suspended under this section as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program authorized under part D or B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.; 1071 et seq.) for which the borrower would have otherwise qualified.

(‘d) Reporting to consumer reporting agencies.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall ensure that, for the purpose of reporting information about the loan to a consumer reporting agency, any payment that has been suspended is treated as if it were a regularly scheduled payment made by a borrower.

(‘e) Suspending involuntary collection.—During the period in which the Secretary suspends payments on a loan under subsection (a), the Secretary shall suspend all involuntary collection related to the loan, including—

(‘1) a wage garnishment authorized under section 488A of the Higher Education Act of 1965 (20 U.S.C. 1086a) or section 3729D of title 31, United States Code; (‘2) a reduction of tax refund by amount of debt authorized under section 3729A of title 31, United States Code, or section 6402(d) of the Internal Revenue Code of 1986; (‘3) a reduction of any other Federal benefit payment by administrative offset authorized under section 3716 of title 31, United States Code (including a benefit payment due to an individual under the Social Security Act [42 U.S.C. 901 et seq.]; or any other provision described in subsection (e)(3)(A)(i) of such section); and

(‘4) any other involuntary collection activity by the Secretary.

‘(f) Waivers.—In carrying out this section, the Secretary may waive the provisions of—

(‘1) subchapter I of chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’); (‘2) the master calendar requirements under section 802 of the Higher Education Act of 1965 (20 U.S.C. 1089); (‘3) negotiated rulemaking under section 92 of the Higher Education Act of 1965 (20 U.S.C. 1098a); and (‘4) the requirement to publish the notices related to the system of records of the agency before implementation required under paragraphs (4) and (11) of section 3552(e) of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), except that the notices shall be published not later than 180 days after the date of enactment of this Act [Mar. 27, 2020].

‘(g) Notice to Borrowers and Transition Period.—To inform borrowers of the actions taken in accordance with this section and ensure an effective transition, the Secretary shall—

(‘1) not later than 15 days after the date of enactment of this Act, notify borrowers—

(‘a) of the actions taken in accordance with subsections (a) and (b) for whom payments have been suspended and interest waived;

(‘b) of the actions taken in accordance with subsection (e) for whom collections have been suspended;

(‘c) of the option to continue making payments toward principal; and

(‘D) that the program under this section is a temporary program.

(‘2) beginning on August 1, 2020, carry out a program to provide not less than 6 notices by postal mail, telephone, or electronic communication to borrowers indicating—

(‘A) when the borrower’s normal payment obligations will resume; and

(‘B) that the borrower has the option to enroll in income-driven repayment, including a brief description of such options.

‘sec. 3517. waiver authority and reporting requirement for institutional aid.

‘(a) Waiver Authority.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1081 et seq.), unless enacted with specific reference to this section, for any institution of higher education that was receiving assistance under title III, title V, or subpart 4 of part A of title VII of such Act (20 U.S.C. 1101 et seq.; 1136a et seq.), at the time of a qualifying emergency, the Secretary may, for the period beginning on the first day of the qualifying emergency and ending on September 30 of the fiscal year following the end of the qualifying emergency—

(‘1) waive—

(‘A) the eligibility data requirements set forth in section 391(d) and 521(e) of the Higher Education Act of 1965 (20 U.S.C. 1088(d); 1109(e));

(‘B) the wait-out period set forth in section 313(d) of the Higher Education Act of 1965 (20 U.S.C. 1059(d));

(‘C) the allotment requirements under paragraphs (2) and (3) of subsection (b) of section 313(d) of the Higher Education Act of 1965 (20 U.S.C. 1059(e)); and

(‘D) the allotment requirements under sections (b), (c), and (g) of section 324 of the Higher Education Act of 1965 (20 U.S.C. 1083), the reference to ‘the academic year preceding the beginning of that fiscal year’ under such section 313(e)(1); and

(‘E) subparagraphs (A), (C), (D), and (E) of section 326(f)(3) of the Higher Education Act of 1965 (20
the qualifying emergency, the Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003)) a report that identifies each institution of higher education or other grant recipient that received a modification under this section.

"SEC. 3519. SERVICE OBLIGATIONS FOR TEACHERS.

"(a) Teach Grants.—Notwithstanding any provision of subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.), the Secretary—

(1) may modify the categories of extenuating circumstances under which a recipient of a grant under subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.) who is unable to fulfill all or part of the recipient's service obligation may be excused from fulfilling that portion of the service obligation;

(2) shall consider teaching service that, as a result of a qualifying emergency, is part-time or temporarily interrupted, to be full-time service and to fulfill the service obligations under section 420N of such Act; and

(3) shall extend the service obligation window (as described in section 420N(b)(1) of such Act) for a period of not more than 3 years, in addition to any extensions provided in accordance with subpart 9 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070g et seq.), in the case of a grant recipient whose service obligation window begins during, or includes—

(A) the qualifying emergency period; or

(B) a period of recession or economic downturn related to the qualifying emergency period, as determined by the Secretary in consultation with the Secretary of Labor.

(b) Teacher Loan Forgiveness.—Notwithstanding section 465 of the Higher Education Act of 1965 (20 U.S.C. 1078–10; 1087), the Secretary shall waive the requirements under such sections that years of teaching service shall be consecutive if—

(1) the teaching service of a borrower is temporarily interrupted due to a qualifying emergency; and

(2) after the temporary interruption due to a qualifying emergency, the borrower resumes teaching service and completes a total of 5 years of qualifying teaching service under such sections, including qualifying teaching service performed before, during, and after such qualifying emergency.

"(c) Federal Perkins Loans.—Notwithstanding section 465 of the Higher Education Act of 1965 (20 U.S.C. 1078–10; 1087), the Secretary shall waive the requirements of such section in regard to full-time service and shall consider an incomplete year of service of a borrower as fulfilling the requirement for a complete year of service under such section, if the service was interrupted due to a qualifying emergency.

higher education extension


"section 1. short title.

"this act may be cited as the 'higher education extension act of 2005'.

"section 2. extension of programs.

"(a) extension of duration.—the authorization of appropriations for, and the duration of, each program authorized under the higher education act of 1965 (20 u.s.c. 1001 et seq.) shall be extended through august 15, 2008.

"(b) performance of required and authorized functions.—if the secretary of education, a state, an institution of higher education, a guaranty agency, a lender, or another person or entity—

"(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the higher education act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section, or

"(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the higher education act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section,

"(c) extension at current levels.—the amount authorized to be appropriated for a program described in subsection (a) during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. except as provided in any amendment to the higher education act of 1965 enacted during fiscal years 2005 or 2006, the amount of any payment required or authorized under subsection (b) in or for the period of the extension under this section shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

"(d) advisory committees and other entities continued.—any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the higher education act of 1965 (20 u.s.c. 1001 et seq.), or in relation to programs under that act, shall continue to exist and is authorized or required, respectively, to perform such function for the period of the extension under this section.

"(e) additional extension not permitted.—section 422 of the general education provisions act (20 u.s.c. 1226a) shall not apply to further extend the authorization of appropriations for any program described in subsection (a) on the basis of the extension of such program under this section.

"(f) exception.—the programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the freely associated states, except that provisions shall be applicable with respect to institutions in, and students in or from, the federated states of micronesia and the republic of the marshall islands only to the extent specified in public law 108–188 (48 u.s.c. 1221 et seq.)."

[pub. l. 110–300, §1(c), july 31, 2008, 122 stat. 2998, provided that: "the amendment made by subsection (a) (amending pub. l. 109–81, set out above) shall take effect as if enacted on july 31, 2008.

"[pub. l. 110–239, §1(c), may 31, 2008, 122 stat. 877, provided that: "the amendment made by subsection (a) (amending pub. l. 109–81, set out above) shall take effect as if enacted on april 30, 2008.

["[pub. l. 110–300, §1(b), july 31, 2008, 122 stat. 2998, provided that: "nothing in this section [enacting provisions set out above and amending pub. l. 109–81, set out above] shall take effect as if enacted on april 30, 2008.

["[pub. l. 110–256, §1(b), june 30, 2008, 122 stat. 2425, provided that: "nothing in this section [amending pub. l. 109–81, set out above], or in the higher education extension act of 2005 (pub. l. 109–81, set out above) as amended by this act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the higher education reconciliation act of 2005 (public law 109–171) [see short title of 2006 amendment note above], or by the ensuring continued access to student loans act of 2008 (public law 110–227) [see 'short title of 2008 amendment note above']) to the provisions of the higher education act of 1965 (20 u.s.c. 1001 et seq.) and the taxpayer-teacher protection act of 2004 [see short title of 2004 amendment note above]."

["[pub. l. 110–238, §1(b), may 30, 2008, 122 stat. 1558, provided that: "nothing in this section [amending pub. l. 109–81, set out above], or in the higher education extension act of 2005 (pub. l. 109–81, set out above) as amended by this act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the higher education reconciliation act of 2005 (public law 109–171) [see short title of 2006 amendment note above], or by the ensuring continued access to student loans act of 2008 (public law 110–227) [see short title of 2008 amendment note above]) to the provisions of the higher education act of 1965 (20 u.s.c. 1001 et seq.) and the taxpayer-teacher protection act of 2004 [see short title of 2004 amendment note above]."]

["[pub. l. 110–210, §1(b), may 13, 2008, 122 stat. 877, provided that: "nothing in this section [enacting provisions set out above and amending pub. l. 109–81, set out above], or in the higher education extension act of 2005 (pub. l. 109–81, set out above] as amended by this act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the higher education reconciliation act of 2005 (public law 109–171) [see short title of 2006 amendment note above], or by the college cost reduction and access act (public law 110–84) [see 'short title of 2007 amendment note above'], or by the ensuring continued access to student loans act of 2008 (public law 110–227) [see short title of 2008 amendment note above]) to the provisions of the higher education act of 1965 (20 u.s.c. 1001 et seq.) and the taxpayer-teacher protection act of 2004 [see short title of 2004 amendment note above]."]

["[pub. l. 110–198, §3, mar. 24, 2008, 122 stat. 656, provided that: "nothing in this act [see short title of 2008


STUDY OF OPPORTUNITIES FOR PARTICIPATION IN ATHLETICS PROGRAMS


SYLISTIC CONSISTENCY


TERMS DEFINED FOR PURPOSES OF TITLES XIII, XIV, AND XV OF PUB. L. 102–255

Pub. L. 102–255, §1(c), July 23, 1992, 106 Stat. 448, as amended by Pub. L. 105–244, title I, §102(a)(8)(A), Oct. 7, 1998, 112 Stat. 1618, provided that: “Unless otherwise provided therein, terms used in titles XIII, XIV, and XV [enacting sections 1145h and 4426 of this title, sections 3901 to 3711 of Title 25, Indians, and sections 2401 to 2405 of Title 29, Labor, amending sections 1221e–1, 1232g, 3412, 4121, 4114, 4141, 4147, 4148, 4221, 4223, 4224, 4225, 4231, 4561, and 5411 of this title, section 5315 of Title 5, Government Organization and Employees, sections 4694 and 4699 of Title 22, Foreign Relations and Intercourse, former section 640–1 and sections 1810, 1836, and 1852 of Title 25, and sections 296g–8 and 12576 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under sections 1070, 1070a–11, 1070a–21, 1071, 1080, 1088, 1101, 1132a, 1134, 1221–1, 1221e, 1225e, 1232g, and 1235b of this title, amending provisions set out as a note under section 1091a of this title, and repealing provisions set out as a note under section 362 of Title 11, Bankruptcy] shall have the same meaning given to such terms in section 101 of the Higher Education Act of 1965 [this section].”

GENERAL PROVISIONS OF 1972 AMENDMENT

Pub. L. 92–318, § 2, June 23, 1972, 86 Stat. 236, provided that:

“(a) As used in this Act [See short Title of 1972 Amendment note above]—

(1) the term ‘Secretary’ means the Secretary of Health, Education, and Welfare [now Secretary of Education]; and

(2) the term ‘Commissioner’ means the Commissioner of Education [now Secretary of Education], unless the context requires another meaning."

“(b) Unless otherwise specified, the redesignation of a section, subsection, or other designation by any amendment in this Act shall include the redesignation of any references to such section, subsection, or other designation in any Act or regulation, however styled.

“(c)(1) Unless otherwise specified, each provision of this Act and each amendment made by this Act shall be effective as if enacted after June 30, 1965, and with respect to appropriations for the fiscal year ending June 30, 1973, and succeeding fiscal years.
“(2) Unless otherwise specified, in any case where an amendment made by this Act is to become effective after a date set herein, it shall be effective with the beginning of the day which immediately follows the date after which such amendment is effective.

“(3) In any case where the effective date for an amendment made by this Act is expressly stated to be effective after June 30, 1971, such amendment shall be deemed to have been enacted on July 1, 1971.”

RULEMAKING REQUIREMENTS; PUBLICATION IN FEDERAL REGISTER

PRESIDENTIAL RECOMMENDATIONS BY DECEMBER 31, 1969, WITH RESPECT TO POST-SECONDARY EDUCATION FOR ALL
Pub. L. 90–575, title V, §508, Oct. 16, 1968, 82 Stat. 1063, authorized the President, on or before Dec. 31, 1969, to submit to the Congress proposals relative to the feasibility of making available a post-secondary education to all young Americans who qualify and seek it.

Executive Documents
EX. ORD. NO. 13864, IMPROVING FREE INQUIRY, TRANSPARENCY, AND ACCOUNTABILITY AT COLLEGES AND UNIVERSITIES
Ex. Ord. No. 13864, Mar. 21, 2019, 84 F.R. 11401, provided:
By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. The purpose of this order is to enhance the quality of postsecondary education by making it more affordable, more transparent, and more accountable. Institutions of higher education (institutions) should be accountable both for student outcomes and for student life on campus.

In particular, my Administration seeks to promote free and open debate on college and university campuses. Free inquiry is an essential feature of our Nation's democracy, and it promotes learning, scientific discovery, and economic prosperity. We must encourage institutions to appropriately account for this bedrock principle in their administration of student life and to avoid creating environments that stifle competing perspectives, thereby potentially impeding beneficial research and undermining learning.

The financial burden of higher education on students and their families is also a national problem that needs immediate attention. Over the past 30 years, college tuition and fees have grown at more than twice the rate of the Consumer Price Index. Rising student loan debt, coupled with low repayment rates, threatens the financial health of both individuals and families as well as of Federal student loan programs. In addition, too many programs of study fail to prepare students for success in today's job market.

The Federal Government can take meaningful steps to address these problems. Selecting an institution and course of study are important decisions for prospective students and significantly affect long-term earnings. Institutions should be transparent about the average earnings and loan repayment rates of former students who received Federal student aid. Additionally, the Federal Government should make this information readily accessible to the public and to prospective students and their families, in particular.

This order will promote greater access to critical information regarding the prices and outcomes of post-secondary education, thereby furthering the goals of the National Council for the American Worker established by Executive Order 13445 of July 19, 2008 (establishing the President's National Council for the American Worker) [former 29 U.S.C. 3101 note]. Increased information disclosure will help ensure that individuals make educational choices suited to their needs, interests, and circumstances. Access to this information will also increase institutional engagement, and diverse debate, including through compliance with the First Amendment for public institutions and compliance with stated institutional policies regarding freedom of speech for private institutions;

(b) help students (including workers seeking additional training) and their families understand, through better data and career counseling, that not all institutions, degrees, or fields of study provide similar returns on their investment, and consider that their educational decisions should account for the opportunity cost of enrolling in a program;

(c) align the incentives of institutions with those of students and taxpayers to ensure that institutions share the financial risk associated with Federal student loan programs;

(d) help borrowers avoid defaulting on their Federal student loans by educating them about risks, repayment obligations, and repayment options; and

(e) supplement efforts by States and institutions by disseminating information to assist students in completing their degrees faster and at lower cost.

SIC. 3. Improving Free Inquiry on Campus. (a) To advance the policy described in subsection 2(a) of this order, the heads of covered agencies shall, in coordination with the Director of the Office of Management and Budget, take appropriate steps, in a manner consistent with applicable law, including the First Amendment, to ensure institutions that receive Federal research or education grants promote free inquiry, including through compliance with all applicable Federal laws, regulations, and policies.

(b) “Covered agencies” for purposes of this section are the Departments of Defense, the Interior, Agriculture, Commerce, Energy, Transportation, Education; the Environmental Protection Agency; the National Science Foundation; and the National Aeronautics and Space Administration.

(c) “Federal research or education grants” for purposes of this section include all funding provided by a covered agency directly to an institution but do not include funding associated with Federal student aid programs that cover tuition, fees, or stipends.

SIC. 4. Improving Transparency and Accountability on Campus. (a) To advance the policy described in subsection 2(b)–(e) of this order, the Secretary of Education (Secretary) shall, to the extent consistent with applicable law:

(i) make available, by January 1, 2020, through the Office of Federal Student Aid, a secure and confidential website and mobile application that informs Federal student loan borrowers of how much they owe, how much their monthly payment will be when they enter repayment, available repayment options, how long each repayment option will take, and how to enroll in the repayment option that best serves their needs;

(ii) expand and update annually the College Scorecard, or any successor, with the following program-level data for each certificate, degree, graduate, and professional program, for former students who received Federal student aid:

(A) estimated median earnings;

(B) median Stafford loan debt;

(C) median Graduate PLUS loan debt (if applicable);

(D) median Parent PLUS loan debt; and

(E) student loan default rate and repayment rate; and

(iii) expand and update annually the College Scorecard, or any successor, with the following institution-
§ 1002. Definition of institution of higher education for purposes of student assistance programs

(a) Definition of institution of higher education for purposes of student assistance programs

(1) Inclusion of additional institutions

Subject to paragraphs (2) through (4) of this subsection, the term “institution of higher education” for purposes of subchapter IV includes, in addition to the institutions covered by the definition in section 1001 of this title—

(A) a proprietary institution of higher education (as defined in subsection (b) of this section);

(B) a postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) only for the purposes of part D of subchapter IV, an institution outside the United States that is comparable to an institution of higher education as defined in section 1001 of this title and that has been approved by the Secretary for the purpose of part D of subchapter IV, consistent with the requirements of section 1087(b)(4) of this title.

(2) Institutions outside the United States

(A) In general

For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 1001 of this title (except that a graduate medical school, nursing school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001(a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made under part D of subchapter IV unless—

(i) except as provided in subparagraph (B)(iii)(IV), in the case of a graduate medical school located outside the United States

(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 1091(a)(5) of this title in the year preceding the year for which a student is seeking a loan under part D of subchapter IV; and

(bb) at least 75 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part D of subchapter IV; or

(II) the institution—

(aa) has or had a clinical training program that was approved by a State as of January 1, 1992; and

(bb) continues to operate a clinical training program in at least one State that is approved by that State;

(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 1001(a)(4) of this title, the institution’s stu-