

§ 1011c. National Advisory Committee on Institutional Quality and Integrity

(a) Establishment

There is established in the Department a National Advisory Committee on Institutional Quality and Integrity (in this section referred to as the “Committee”) to assess the process of accreditation and the institutional eligibility and certification of institutions of higher education (as defined in section 1002 of this title) under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.

(b) Membership

(1) In general

The Committee shall have 18 members, of which—

(A) six members shall be appointed by the Secretary;

(B) six members shall be appointed by the Speaker of the House of Representatives, three of whom shall be appointed on the recommendation of the majority leader of the House of Representatives, and three of whom shall be appointed on the recommendation of the minority leader of the House of Representatives; and

(C) six members shall be appointed by the President pro tempore of the Senate, three of whom shall be appointed on the recommendation of the majority leader of the Senate, and three of whom shall be appointed on the recommendation of the minority leader of the Senate.

(2) Qualifications

Individuals shall be appointed as members of the Committee—

(A) on the basis of the individuals’ experience, integrity, impartiality, and good judgment;

(B) from among individuals who are representatives of, or knowledgeable concerning, education and training beyond secondary education, representing all sectors and types of institutions of higher education (as defined in section 1002 of this title); and

(C) on the basis of the individuals’ technical qualifications, professional standing, and demonstrated knowledge in the fields of accreditation and administration in higher education.

(3) Terms of members

Except as provided in paragraph (5), the term of office of each member of the Committee shall be for six years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of such term.

(4) Vacancy

A vacancy on the Committee shall be filled in the same manner as the original appointment was made not later than 90 days after the vacancy occurs. If a vacancy occurs in a position to be filled by the Secretary, the Secretary shall publish a Federal Register notice soliciting nominations for the position not later than 30 days after being notified of the vacancy.

(5) Initial terms

The terms of office for the initial members of the Committee shall be—

(A) three years for members appointed under paragraph (1)(A);

(B) four years for members appointed under paragraph (1)(B); and

(C) six years for members appointed under paragraph (1)(C).

(6) Chairperson

The members of the Committee shall select a chairperson from among the members.

(c) Functions

The Committee shall—

(1) advise the Secretary with respect to establishment and enforcement of the standards of accrediting agencies or associations under subpart 2 of part G of subchapter IV of this chapter;

(2) advise the Secretary with respect to the recognition of a specific accrediting agency or association;

(3) advise the Secretary with respect to the preparation and publication of the list of nationally recognized accrediting agencies and associations;

(4) advise the Secretary with respect to the eligibility and certification process for institutions of higher education under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, together with recommendations for improvements in such process;

(5) advise the Secretary with respect to the relationship between—

(A) accreditation of institutions of higher education and the certification and eligibility of such institutions; and

(B) State licensing responsibilities with respect to such institutions; and

(6) carry out such other advisory functions relating to accreditation and institutional eligibility as the Secretary may prescribe by regulation.

(d) Meeting procedures

(1) Schedule

(A) Biannual meetings

The Committee shall meet not less often than twice each year, at the call of the Chairperson.

(B) Publication of date

The Committee shall submit the date and location of each meeting in advance to the Secretary, and the Secretary shall publish such information in the Federal Register not later than 30 days before the meeting.

(2) Agenda

(A) Establishment

The agenda for a meeting of the Committee shall be established by the Chairperson and shall be submitted to the members of the Committee upon notification of the meeting.

(B) Opportunity for public comment

The agenda shall include, at a minimum, opportunity for public comment during the Committee’s deliberations.

(3) Secretary's designee

The Secretary shall designate an employee of the Department to serve as the Secretary's designee to the Committee, and the Chairperson shall invite the Secretary's designee to attend all meetings of the Committee.

(4) Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee, except that section 14 of such Act shall not apply.

(e) Report and notice**(1) Notice**

The Secretary shall annually publish in the Federal Register—

(A) a list containing, for each member of the Committee—

- (i) the member's name;
- (ii) the date of the expiration of the member's term of office; and
- (iii) the name of the individual described in subsection (b)(1) who appointed the member; and

(B) a solicitation of nominations for each expiring term of office on the Committee of a member appointed by the Secretary.

(2) Report

Not later than the last day of each fiscal year, the Committee shall make available an annual report to the Secretary, the authorizing committees, and the public. The annual report shall contain—

(A) a detailed summary of the agenda and activities of, and the findings and recommendations made by, the Committee during the fiscal year preceding the fiscal year in which the report is made;

(B) a list of the date and location of each meeting during the fiscal year preceding the fiscal year in which the report is made;

(C) a list of the members of the Committee; and

(D) a list of the functions of the Committee, including any additional functions established by the Secretary through regulation.

(f) Termination

The Committee shall terminate on September 30, 2014.

(Pub. L. 89-329, title I, §114, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1592; amended Pub. L. 110-315, title I, §106(a), Aug. 14, 2008, 122 Stat. 3090.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d)(4), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1145 of this title prior to repeal by Pub. L. 105-244.

A prior section 1011c, Pub. L. 89-329, title I, §124, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 463, related to local applications for grants, prior to the general amendment of this subchapter by Pub. L. 105-244.

AMENDMENTS

2008—Pub. L. 110-315 amended section generally, revising provisions relating to the National Advisory Committee on Institutional Quality and Integrity and extending its termination date from Sept. 30, 2004, to September 30, 2014.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, title I, §106(c), Aug. 14, 2008, 122 Stat. 3093, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on January 1, 2009."

TRANSITION

Pub. L. 110-315, title I, §106(b), Aug. 14, 2008, 122 Stat. 3093, provided that: "Notwithstanding section 114 of the Higher Education Act of 1965 (20 U.S.C. 1011c) (as in effect before, during, and after the date of enactment of this Act [Aug. 14, 2008])—

"(1) the term of each member appointed to the National Advisory Committee on Institutional Quality and Integrity before the date of enactment of this Act shall expire on the date of enactment of this Act;

"(2) no new members shall be appointed to the National Advisory Committee on Institutional Quality and Integrity during the period beginning on the date of enactment of this Act and ending on January 31, 2009; and

"(3) no meeting of the National Advisory Committee on Institutional Quality and Integrity shall be convened during such period."

§ 1011d. Student representation

The Secretary shall, in appointing individuals to any commission, committee, board, panel, or other body in connection with the administration of this chapter and part C of subchapter I of chapter 34 of title 42, include individuals who are, at the time of appointment, attending an institution of higher education.

(Pub. L. 89-329, title I, §115, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1593.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1145b of this title prior to repeal by Pub. L. 105-244.

A prior section 1011d, Pub. L. 89-329, title I, §125, as added Pub. L. 102-325, title I, §101, July 23, 1992, 106 Stat. 463, related to articulation agreements, prior to the general amendment of this subchapter by Pub. L. 105-244.

§ 1011e. Financial responsibility of foreign students

Nothing in this chapter and part C of subchapter I of chapter 34 of title 42 or any other Federal law shall be construed to prohibit any institution of higher education from requiring a student who is a foreign national (and not admitted to permanent residence in the United States) to guarantee the future payment of tuition and fees to such institution by—

(1) making advance payment of such tuition and fees;

(2) making deposits in an escrow account administered by such institution for such payments; or

(3) obtaining a bond or other insurance that such payments will be made.

(Pub. L. 89-329, title I, §116, as added Pub. L. 105-244, title I, §101(a), Oct. 7, 1998, 112 Stat. 1593.)