

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE  
OFFERED BY MR. Keller**

In section 4601(a)(2), strike “and” at the end.

In section 4601(a)(3), strike the period at the end and insert “; and”.

At the end of section 4601(a), add the following:

- 1           (4) by adding at the end the following:
- 2           “(5)(A) If an eligible institution enters into a
- 3           written arrangement with an institution or organiza-
- 4           tion that is not an eligible institution under which
- 5           such ineligible institution or organization provides
- 6           the educational program (in whole or in part) of stu-
- 7           dents enrolled in the eligible institution, the edu-
- 8           cational program provided by such ineligible institu-
- 9           tion shall be considered to be an eligible program
- 10          if—
- 11                           “(i) the ineligible institution or orga-
- 12                           nization has not—
- 13                           “(I) had its eligibility to partici-
- 14                           pate in the programs under this title
- 15                           terminated by the Secretary;

1           “(II) voluntarily withdrawn from  
2 participation in the programs under  
3 this title under a proceeding initiated  
4 by the Secretary, accrediting agency  
5 or association, guarantor, or the li-  
6 censing agency for the State in which  
7 the institution is located, including a  
8 termination, show-cause, or suspen-  
9 sion;

10           “(III) had its certification under  
11 subpart 3 of part H to participate in  
12 the programs under this title revoked  
13 by the Secretary;

14           “(IV) had its application for re-  
15 certification under subpart 3 of part  
16 H to participate in the programs  
17 under this title denied by the Sec-  
18 retary; or

19           “(V) had its application for cer-  
20 tification under subpart 3 of part H  
21 to participate in the programs under  
22 this title denied by the Secretary;

23           “(ii) the educational program offered  
24 by the institution that grants the degree or

1 certificate otherwise satisfies the require-  
2 ments of paragraph (1); and

3 “(iii)(I) the ineligible institution or or-  
4 ganization provides 25 percent or less of  
5 the educational program; or

6 “(II)(aa) the ineligible institution  
7 or organization provides more than 25  
8 percent of the educational program;  
9 and

10 “(bb) the eligible institu-  
11 tion’s accrediting agency or asso-  
12 ciation has determined that the  
13 eligible institution’s arrangement  
14 meets the agency’s standards for  
15 the contracting out of edu-  
16 cational services in accordance  
17 with section 496(c)(5)(B)(iv).

18 “(B) For purposes of subparagraph (A),  
19 the term ‘eligible institution’ means an institu-  
20 tion described in section 487(a).”.

