



Legislative Bulletin..... March 29, 2006

Contents:

H.R. 609 — College Access and Opportunity Act of 2005 (Higher Education Reauthorization)

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: six

Total Cost of Discretionary Authorizations: \$4.8 billion in FY06, and such sums as necessary for FY07-FY11

Effect on Revenue: unknown at time of publication

Total Change in Mandatory Spending: unknown at time of publication

Total New State & Local Government Mandates: unknown at time of publication

Total New Private Sector Mandates: unknown at time of publication

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 609 — College Access and Opportunity Act of 2005 (Higher Education Reauthorization) — *as amended* (Boehner, R-OH)

Order of Business: The bill, as amended, is scheduled for consideration on Wednesday, March 29th, reportedly under a structured rule. Reportedly there will be a manager's amendment, the text of which is not currently available.

Note: H.R. 609, as reported out of the Education and Workforce Committee, included mandatory provisions relating to federal student loans. These provisions were included as part of the Deficit Reduction Act, and are no longer included in H.R. 609. The House Rules Committee website has the amended text of H.R. 609. To view this text, please visit:

http://www.rules.house.gov/109_2nd/text/amnd_sub_hr609/1092nd_amnd_sub_hr609.pdf.

Summary by Title: H.R. 609 reauthorizes and amends the 1965 Higher Education Act (last reauthorized in 1998), which provides funding and education programs for institutes of higher education (IHE) and higher education students. The legislation outlines funding authorizations and allocations, incorporates strengthened accountability procedures for many higher education programs, repeals eight programs, and creates six new programs.

H.R. 609 repeals the following programs:

- Academic Achievement Grants
- Learning Anytime Anywhere Partnerships
- Incarcerated Youth Program
- Community Scholarship Mobilization Program
- Science, Engineering & Tech in East Asia Program
- Web Based Education Commission
- Urban Community Service Program
- Secretarial Default Management Program

Title I: General Provisions

- Amends the definition of “institution of higher education” (IHE) to include all IHEs for purposes of eligibility for Higher Education Act (HEA) programs. For-profit institutions would continue to be ineligible for Title III (institutional aid) and Title V (developing institutions) programs. This definition provides continued Title IV eligibility for HEAs with dual enrollment for secondary education students or admit home-schooled students.
- Provides that foreign institutions are to be considered an IHE if that institution is comparable to an IHE as defined by this Act, is legally authorized by the education ministry (or comparable agency) of the country in which the school is located, and has been approved by the Secretary of Education. In addition, the bill directs the Secretary to establish criteria (by regulation) for determining comparability and approving an institution. The bill outlines that an institution is not to be approved as an IHE if it is a for-profit institution, except that for-profit graduate medical schools and veterinary schools located outside the U.S. may be considered an IHE if the student attending is ineligible for federal financial assistance unless the institution meets certain stipulations defined in the bill.
- Directs the Secretary to publish qualifying criteria and continues a current advisory panel of medical experts, which is to evaluate the standards of accreditation applied to applicant foreign medical schools and determine the comparability of those standards to standards for accreditation applied to U.S. medical schools.
- Amends the definition of a “new borrower” when used with respect to any date for any loan under the Federal Family Education Loan Program (FFEL) and the Federal Direct Loan Program (FDLP) to be “an individual who on that date has no outstanding balance of principal or interest owing on any loan made, insured, or guaranteed” under these two programs. Also amends the definition of a “new borrower” when used with respect to any date for any loan under the Federal Perkins Loan program to be “an individual who on that date has no outstanding balance of principal or interest owing on any loan” under the Perkins Loan program.
- Adds to the current sense of Congress regarding the rights of students to free speech and association, the following additional sense of Congress:

- “the diversity of institutions and educational missions is one of the key strengths of American higher education;
 - “individual colleges and universities have different missions and each institution should design its academic program in accordance with its educational goals;
 - “within the context of its institutional mission, a college should promote intellectual pluralism and facilitate the free and open exchange of ideas;
 - **“students should not be intimidated, harassed, discouraged from speaking out, discriminated against, or subject to official sanction because of their personal political, ideological, or religious beliefs; and**
 - “students should be treated equally and fairly, including evaluation and grading, without regard to or consideration of their personal political views or ideological beliefs” (emphasis added).
- Authorizes until September 30, 2012, the National Advisory Committee on Institutional Quality and Integrity, which expired on September 30, 2004. The Committee provides recommendations to the Secretary of Education regarding the accreditation process for IHEs.
 - Reauthorizes Alcohol and Drug Abuse Prevention Grants at \$5 million (current level) for FY06 and the five succeeding fiscal years.
 - Prohibits funds made available by the Higher Education Act (HEA) from being used for publicity or propaganda purposes not authorized by the Congress before the date of enactment of this bill, or being used unless authorized by law on the date of enactment, to produce any prepackaged news story intended for broadcast or distribution unless the story includes a clear a notification contained within the text or audio of the story stating that the prepackaged news story was prepared or funded by the Department of Education.
 - Directs the Secretary to redesign the College Opportunity On-Line (COOL) website, ensuring that the site includes clear, uniform, comparable, and searchable information determined to be relevant (such as cost of colleges, etc) to prospective students, enrolled students, and families. Under current law, the Department of Education is already collecting this information, however the purpose of this provision is to update the COOL website in order to more effectively provide the information to students.
 - Directs the Secretary to publish, for each academic year, the following information, among other information:
 - the tuition, fees, and room and board charges for a first-time, full-time undergraduate student;
 - the average amount of financial assistance received by a first-time full-time undergraduate student, including federal grants and loan;
 - the number of first-time, full-time students receiving financial assistance
 - the average net price for first-time, full-time students receiving federal, state, or institutional grant or loan assistance;
 - the institutional instructional expenditure per full-time equivalent student;
 - student enrollment information, including information on the number and percentage of full-time and part-time students, the number and percentage of resident and non-resident students, faculty/student ratios, etc.; and

- faculty information, including the total number of faculty and the percentage of faculty who are full-time employees of the institution and the percentage who are part-time.

The bill also directs the Secretary to work with public and private entities to promote among middle and high school students and their families, this publication and the information contained in it. The Secretary is directed to calculate a college affordability index for each IHE that submits data to the Department, and the index is to be made available online. In addition, any IHE with an affordability index of two times the rate of inflation over a three year period, would be required to report to the Secretary an explanation of the factors contributing to the increase in the institution's cost, a management plan stating what steps the IHE will take to reduce costs, and a description of any local, state, or federal regulations which the IHE believes has contributed to its increased cost.

- Directs all IHEs with a college affordability index in the top 25% of all indexes, to establish a "quality-efficiency task force" to review the operations of the institution and to report their findings to the Secretary.
- Directs the Government Accountability Office (GAO) to conduct a study of the policies and procedures implemented by institutions in increasing the affordability of postsecondary education.
- Directs the Secretary to conduct a survey of student aid recipients on a regular rotation and on a state-by-state basis, but not less than once every four years, to among other things, identify the population of students receiving federal student aid, to describe the income distribution and other socioeconomic characteristics of these students, to describe the debt burden of education loan recipients and their capacity to repay their education debts, and the impact of the debt burden on their career choices. The bill authorizes the Secretary to "issue such regulations as may be necessary" to carry out this survey.
- Explicitly states that "nothing in this Act shall be construed to authorize the design, development, creation, implementation, or maintenance of a nationwide database of personally identifiable information on individuals receiving assistance, attending institutions receiving assistance, or otherwise involved in any studies or other collections of data under this Act, **including a student unit record system, an education bar code system, or any other system that tracks individual students over time**" (emphasis added). In short, this provision prohibits a student unit record system of any nature, except for the purposes of loan obligation enforcement activities.

Title II: Teacher Preparation

- Defines "high-need local educational agencies" as a local educational agency:
 - where at least 10,000 of the children served (or 25%) are from families with incomes below the poverty line;
 - that is among those in the state serving the highest number or percentage of children below the poverty line; and
 - for which there is a high percentage of teachers not teaching in the academic subjects or grade levels in which they were trained.
- Reauthorizes at current authorization levels (\$300 million in FY06 and such sums as necessary for the five succeeding fiscal years) the Teacher Quality Enhancement Grants for States and Partnerships, which awards competitive grants to states meeting specified qualifications and eligible partnerships, for the purpose of reforming teacher preparation requirements, coordinating

with state teacher preparation programs, and ensuring that current and future teachers are highly qualified (as defined in current law). Specifically, 45% of authorized funds (\$135 million) is authorized for the state grants and 45% (\$135 million) is authorized for partnership grants. Adds public and private education organizations to the list of eligible partnerships, which currently includes a partner institution, a school of arts and sciences, and a high-need local educational agency, all as defined in current law.

H.R. 609 revises the current purposes for this teacher preparation grant program, adding that it is designed to prepare and retain highly qualified teachers and to recruit minorities to the teaching profession. The legislation outlines numerous activities associated with teacher training and requires states and partnerships receiving a grant to carry out one or more of the listed activities. Some of these activities include:

- ensuring that all teacher preparation programs train teachers to be “able to understand scientifically based research and its applicability, and are able to use advanced technology effectively in the classroom;”
- reforming the certification requirements to ensure that “teachers have the subject matter knowledge and teachings skills in the academic subjects that the teachers teach that are necessary to help students meet challenging state student academic achievement standards;” and
- developing or assisting local education agencies in developing “merit-based performance systems that reward teachers who increase student academic achievement;”

In addition, the partnership grant includes activities such as creating opportunities for clinical experience, leadership training, and providing training in how to teach and address the needs of students with different learning styles, particularly those with disabilities, limited English skills, and gifted and talented students. H.R. 609 requires states receiving this grant funding to develop and utilize a system to evaluate annually the effectiveness of teacher preparation programs and professional development activities within that state, and to submit to the Secretary a report detail the state’s gains in certain areas, such as teacher and student performance. In addition, states are required to match, from non-federal sources, 50% of the amount of the grant, and at least 50% of the funds made available to an eligible partnership are to be used directly to benefit the high-need local education agency included in the partnership. Any partnership receiving this grant, is required to match, from non-federal sources, 25% of the grant in the first year, 35% in the second year, and 50% for each succeeding year of the grant. Eligible partnerships must also submit to the Secretary a report detailing the program’s effectiveness in meeting its outlined goals.

- Teacher Recruitment Grants are also authorized at 10% of authorized funding level (\$30 million) under the Teacher Quality Enhancement Grants for States and Partnerships, for the Secretary to award grants to eligible states or partnerships, as defined for the previous grants, for the purpose of awarding scholarships to first or second year undergraduate students to pay the costs of tuition, room and board, and other expenses of completing a teacher preparation program. Scholarships may also be awarded to individuals to assist with completion of a postsecondary education program, to assist an individual to transition from a career outside of the field of education into a teaching career, for “follow up services” provided to former scholarship recipients during the recipient’s first three years of teaching, or to development effective mechanisms to ensure that high-need local educational agencies and schools are able to recruit highly qualified teachers. In addition, funds may be used to recruit individuals to switch to teaching from technology industries, the fields of science, mathematics, and engineering, and to coordinate with inner-city and rural secondary schools to encourage students to pursue teaching as a career. **H.R. 609 also revises the**

current program by requiring the Secretary to give priority to eligible applicants who provide an assurance that they will recruit a high percentage of minority students to become highly qualified teachers.

- Requires any state receiving funds under HEA to annually provide the Secretary with a state report card on the quality of teacher preparation. The bill outlines specifically what information the report card is to include. The Secretary is required to publish and provide this information to Congress.
- Requires each IHE that conducts a teacher preparation program and receiving funds under HEA to report annually to the state and the general public, an institution report card, detailing certain information specifically listed in this bill, such as state certification assessments. In situations where there are no state certification or licensure assessments, the Secretary is directed to collect data comparable to that which is required of other states. The bill clarifies the following in regards to the federal government’s role in this provision:

“Nothing in this part shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to prohibit private, religious, or home schools from participation in programs or services under this part. ...Nothing in this part shall be construed to encourage or require any change in a State’s treatment of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. Nothing in this part shall be construed to permit, allow, encourage, or authorize the Secretary to establish or support any national system of teacher certification.”
- Adds nonprofit telecommunications entities to the current list of entities (such as IHEs, foundations, museums, etc.) eligible to receive a grant under a current grant program, which provides grants to entities for programs that train prospective teachers in how to utilize advanced technology in the classroom. Current authorization for this program provides for such sums as necessary for 2003 and 2003. This provision would extend authorization at such sums as necessary, through 2011.
- Authorizes \$10 million for FY06 (and such sums as necessary for five succeeding fiscal years) for a **new program**, which is designed to “recruit and prepare teachers, including minority teachers” and to “increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.” Through this program, the Secretary would make grants (\$500,000 minimum) available to the following types of institutions, for the purpose of establishing Centers of Excellence:
 - historically black colleges and universities,
 - Hispanic-serving institutions,
 - Tribal colleges or universities,
 - Alaska Native-serving institutions, and
 - **Native Hawaiian-serving institutions.**

The Centers of Excellence would be designed to prepare potential teachers at these specific universities by carrying out one of several activities listed in the bill, such as “to prepare teachers to

close student achievement gaps,” to provide high-quality clinical experience, and to award scholarships based on financial need to assist students in completing teacher training.

Some conservatives may be concerned that this **new, \$10 million program**, which is designed specifically to assist certain institutions based on the population they serve, is duplicative of current federal programs that provide grants to IHEs (including those targeted by this new program) for teacher preparation and training grants. In addition, the program specifies Native Hawaiians serving institutions are also eligible for these grants. Numerous provisions throughout this bill specifically add Native Hawaiian-serving institutions as eligible for certain benefits, reduced grant matching requirements, and increased funding. Native Hawaiians are a racial group, not a tribe, and dispensing benefits to them would likely be subject to strict scrutiny in federal courts.

- Authorizes \$100 million (President’s FY07 Request: \$99 million), for a **new program**, the Teacher Incentive Fund, which would be designed to assist states, local educational agencies, and non-profit or for-profit organizations “to develop and implement innovative compensation systems to provide financial rewards for teachers and principals who raise student academic achievement and close the achievement gap.” The grants, which are awarded to recipients for up to five years, are to be used to develop a comprehensive performance-based compensation system for teachers and principals. The bill outlines that a comprehensive performance-based compensation system would differentiate levels of compensation primarily on the basis on increases in student academic achievement and also on the basis of high-quality teachers’ and principals’ employment and success in hard-to-staff schools or high-need subject areas. The bill also directs the Secretary to conduct an independent evaluation of the program and authorizes for that purpose, use of up to on percent of the funds appropriated for the program, or \$1 million, whichever is less for any fiscal year.

Title III: Institutional Aid

- Reauthorizes HEA Title III programs, which consists of federal assistance to IHEs. Specifically, the bill reauthorizes Title III at the following amounts for *FY06*, and such sums as necessary through FY11:
 - Part A (Institutional Support): \$135 million (current level)
 - Sec. 1059c (Indian Tribal Colleges and Universities): \$23.8 million (up from \$10 million)
 - Sec. 1059d (Alaska Native-serving institutions and **Native Hawaiian-serving institutions**): \$11.9 million (up from \$5 million)
 - Part B (Historically Black Colleges and Universities): \$241 million (up from \$135 million)
 - Sec. 1063b (HBCU professional or graduate institutions): \$59 million (up from \$35 million)
 - Part C (Endowment Challenge Grants): \$14 million (current level)
 - Part D (HBCU Capital Financing): \$212,000 (up from \$110,000)
- Significantly amends the current competitive grant program for American Indian tribally controlled colleges and universities, by eliminating the competitive process and implementing a formula-based process in which each eligible institution would receive an amount (minimum grant would be \$400,000) based upon a ratio compared to the number of Pell Grant recipients at that institution in relation to the number of all Pell Grant recipients at all eligible institutions. In addition the

Secretary is directed to allot grants based upon a ratio of the number of degrees or certificates awarded by each institution compared to the number awarded at all eligible institutions. H.R. 609 adds to the current list of authorized activities under the use of these grants acquiring property adjacent to the campus on which to construct institutions and assisting the faculty in attaining advanced degrees in tribal governance or in the development of tribal public policy.

- Amends the current requirements for grants awarded to Alaska Native and **Native Hawaiian-serving institutions**, by allowing funds to be used to construct buildings, to acquire property and to assist the faculty in attaining advanced degrees in tribal governance or in the development of tribal public policy. The bill also allows these institutions to use up to 20% of the grant funds to “establish or increase an endowment fund at the institution.” The institution would be required to match each federal dollar spent on the endowment fund, with non-federal funds.
- Increases to \$750,000, the minimum grant amount (currently \$500,000) awarded to historically black colleges and universities, if the amount appropriated for these grants in any fiscal year, exceeds the amount required to provide each institution an amount equal to the total amount received under the other allotted funds, which are awarded on a formula basis.
- Adds to the list of current independent professional or graduate institutions and programs eligible for grants given to institutions that the Secretary has determined are “making a substantial contribution to the legal, medical, dental, veterinary, or other graduate education opportunities in mathematics, engineering, or the physical or natural sciences for Black Americans,” the following institutions: Alabama State University, Prairie View A & M, Coppin State University, and Delaware State University. The bill also increases authorized funding levels for these programs to total of \$171.5 million (up from \$83.8 million). These funds are divided among the listed universities at certain amounts set in law for different universities.
- Adds “education or counseling services designed to improve the financial literacy and economic literacy of students, and as appropriate, their parents,” to the authorized use of funds for several Title III (institutional assistance) programs.
- Requires all HEAs eligible for funds under Title III, to offer at least a two-year program that is acceptable for full credit toward a bachelor’s degree.

Title IV: Student Assistance

- Reauthorizes the Pell Grant program through 2012, and increases the maximum Pell Grant award to \$6,000 (up from \$5,800), for academic years 2006-07 through 2012-13. Currently the appropriated maximum Pell Grant is \$4,050, and individuals may receive up to two Pell Grants during a single award year, if the student is enrolled full-time and completes course work toward completion of a degree that exceeds the requirements for a full academic year (typically 12 credit hours per semester is considered fulltime). H.R. 609 provides that full-time students that are in school year-round (12 months, not nine), would be eligible to receive two Pell Grants during one award year. In addition, currently, there is no limit to the number of semesters in which an individual may receive Pell Grants. This bill limits Pell Grant recipients to 18 semesters (nine years) in which they may receive Pell Grant funds. The bill also prohibits Pell Grants from being awarded to individuals subject to a mandated civil commitment upon completion of time in jail for a sexual offense.

- Creates a **new program**, the Pell Grants Plus achievement grants (authorized under the Pell Grant funding), which awards \$1,000 grants to individuals who qualify for Pell Grants, are enrolled full time as a first-year undergraduate student, and successfully completed a “rigorous high school program of study established by a state or local educational agency in consultation with a state coalition assisted by the Center for State Scholars.” The amount of this grant, combined with federal Pell Grant assistance, can not exceed the student’s cost of attendance. As with the Pell Grant program, students receiving Pell Grants Plus assistance must maintain a 3.0 GPA and be a full-time student in order to retain the assistance for academic years after their first year in college.
- Reauthorizes at \$836.5 million for FY06 (up from \$700 million), and such sums as necessary through FY11, the TRIO programs (Upward Bound, Talent Search, among others), which provide grants to colleges and universities to assist students with “disadvantaged backgrounds” during their higher education experience. The bill extends the grant award period to five years (up from four), and allows IHEs with more than one campus to apply for separate grants to “serve different populations” on different campuses. H.R. 609 increases the minimum grant award to \$200,000 (up from graduated minimums ranging from \$170,000 to \$190,000), except for Staff Development Activities grants, which are capped at \$170,000. In addition, the bill directs the Secretary to reserve 10% of the available funds for funding applications from “novice applicants,” and adds “education or counseling services designed to improve the financial literacy and economic literacy of students, and as appropriate, their parents,” to the authorized use of funds for all TRIO programs.
- Directs the Secretary to establish expected program outcomes and procedures for measuring the effectiveness of the TRIO programs. The Secretary is directed to consider the effectiveness of each program when determining TRIO grant award recipients.
- Reauthorizes at \$306.5 million for FY06 (up from \$200 million), and such sums as necessary through FY11, the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) program, which the President’s FY07 Budget terminates.
- Reauthorizes at \$779 million for FY06 (up from \$675 million), and such sums as necessary through FY11, the Federal Supplemental Educational Opportunities Grants.
- Reauthorizes at \$105 million for FY06 (current level), and such sums as necessary through FY11, the Leveraging Educational Assistance Partnerships (LEAP) program. Adds to the authorized uses of funding, outreach and recruitment activities to spouses of migrant or seasonal farm workers. The President has called for the termination of this program on the grounds that it has accomplished its objective of stimulating all states to establish need-based postsecondary student grants.
- Reauthorizes at \$24 million for FY06 (up from \$15 million), and such sums as necessary through FY11, the High School Equivalency program, and reauthorizes at \$16 million (up from \$5 million), and such sums as necessary through FY11, the College Assistance Migrant Program.
- Reauthorizes at \$41 million for FY06 (down from \$45 million), and such sums as necessary through FY11, the Robert C. Byrd Honors Scholarship Program, which under current law awards scholarships “to individuals who have demonstrated outstanding academic achievement and who show promise of continued academic achievement.” However, this reauthorization completely revises the program and renames it the Robert C. Byrd Mathematics and Science Honors

Scholarship Program. The new purpose of the program is to “award scholarships to students who are enrolled in studies leading to undergraduate and advanced degrees in physical, life, or computer sciences, mathematics, and engineering. Through the program, grants would be awarded to “managing institutions” (such as a private, non-profit organization or an IHE), which would be responsible for developing the criteria upon which scholarships would be based, establishing a Mathematics and Science Honors Scholarship Fund (which would disclose federal and non-federal deposits), and soliciting applicants for scholarships, among other duties. The bill provides that no federal funds are to be used to provide more than 50% of the cost of any scholarship to an eligible student, and student recipients of these scholarships are to commit to complete five consecutive years of service in a position related to sciences, mathematics, or engineering.

From the funds authorized for the Byrd Scholarship program noted above, the Secretary is also authorized to **create a new program and a new grant**. The Mathematics and Science Incentive Program would assume the obligation to pay the interest on a loan made, insured, or guaranteed by the Federal Family Education Loan Program (FFEL) or the Federal Direct Loan Program (FDLP). The Mathematics and Science Education Coordinating Council Grants would provide grants of not more than \$5 million to eligible states to establish a mathematics and science education coordinating council and to implement state-based reform agendas that support the continuing improvement of math and science education and teacher training.

- Reauthorizes at \$45 million for FY06 (current level), and such sums as necessary through FY11, the Child Care Access Means Parents in School program.
- Eliminates the “single holder” rule under FFEL, which currently requires individuals to consolidate loans held by a single lender, with that lender, in order to qualify for a FFEL consolidation loan.
- The bill would extend current loan forgiveness provisions under FFEL, which presently are applied to early childhood educators, also to nurses, foreign language specialists, librarians, teachers of bilingual educators, first responders in low-income communities, child welfare workers, speech-language pathologists and other professionals, who have been employed full-time for at least five consecutive years, in an area of national need, as defined by this Act. The bill increases the loan forgiveness award to \$5,000 (currently repays a 20% -30% of total loan held by the individual).
- Revises and reauthorizes at \$1 billion (current level) for FY06, and such sums as necessary through FY11, the Work-Study program.
- Reauthorizes at \$250 million (current level) for FY06, and such sums as necessary through FY11, the Federal Perkins Loan Program and increases loan limits by the following amounts:
 - \$5,500 (up from \$4,000) per year for undergraduate students who have not graduated;
 - \$8,000 (up from \$6,000) per year for graduate students;
 - \$60,000 (up from \$40,000) aggregate limit for undergraduate students;
 - \$27,500 (up from \$20,000) aggregate limit undergraduate students who have completed two years towards a degree, but have not received the degree; and
 - \$11,000 (up from \$8,000) for any other student.

The reauthorization also lowers to nine (down from 12), the number of on-time, consecutive payments necessary in order for a defaulted loan to be considered rehabilitated.

- Directs the Secretary to develop and use a simplified application form for federal aid, to be called the EZ FAFSA, which will be a shorter and simpler version of the original FAFSA, and will also

be available online for easy access and submission for certain students. The bill directs the Secretary to “utilize savings accrued by moving more applicants to the electronic forms...to improve access to the electronic forms.”

- Directs the Secretary to make special efforts to notify students and their parents who qualify for a free lunch under the Richard B. Russell National School Lunch Act or the Food Stamps program.
- Directs any IHE receiving Title IV (student aid programs) HEA funding, to annually prepare, publish, and distribute to all current students and employees, an annual fire safety report.
- Eliminates the 50% limit currently placed upon distance education, which requires universities to offer no more than 50% of their classes as telecommunications courses or allow not more than 50% of their students to participate in these courses.
- Authorizes a **new demonstration program** designed to allow up to 100 universities flexibility in delivering higher education programs in order to try new methods of lowering student cost, without being subject to many of the regulations typically associated with receiving federal funding. The bill provides that this program would be sunset on October 1, 2011.
- Extends the 90/10 rule, which currently applies only to for-profit IHEs, to public and nonprofit IHEs. The 90/10 rule was put in place by the 1998 HEA reauthorization, and requires for-profit HEAs to obtain at least 10% of their revenue from non-Title IV funds in order to participate in Title IV programs.
- Title IV of the Higher Education Act (HEA; P.L. 89-329, as amended by [P.L. 105-244](#)) authorizes programs that provide federal student financial aid to support student attendance at institutions of higher education (IHEs) meeting Title IV eligibility requirements. To participate in these programs, proprietary (for-profit) institutions must meet requirements included in Section 102 of the HEA, including requirements that proprietary institutions have been in existence for at least two years and derive at least 10% of school revenue from non-Title IV funds.
- Amends current requirements for accrediting agencies and associations, and permits states to apply to become an accrediting agency.
- Directs the Secretary to commission a nonpartisan, comprehensive study on the prevention of fraud and abuse in Title IV financial aid programs, and report the study to the Secretary.

Title V: Developing Institutions

- Amends current HEA provisions relating to assistance for Hispanic-serving institutions (HSI), including requiring that at least 25% of an HSI’s enrollment of undergraduate, full-time students be Hispanic and that these institutions offer at least a two-year program eligible for full credit toward an undergraduate bachelor’s degree.
- Authorizes \$59 million for a **new grant program**, which provides grants on a competitive basis to HSIs offering graduate certificates or degrees.

- Reauthorizes at \$96 million for FY06 (up from \$62.5 million), and such sums as necessary through FY11, the programs for HSIs offering undergraduate degrees and HSI junior and community colleges.

Title VI: Title VI Amendments

- Reauthorizes at \$80 million for FY06 (current level) and such sums as necessary through FY11, the International Education Programs under Title VI of HEA. The bill makes some changes to these programs including additional authorized activities and added requirements for institutes that qualify for assistance under this Title. This provision also authorizes the Secretary to waive or reduce the required matching share for certain recipients, including HBCUs and American Indian, Alaska Native, and **Native Hawaiian-serving institutions**.
- Reauthorizes at \$11 million for FY06 (current level), and such sums as necessary through FY11, the Centers for International Business Education program, and reauthorizes at \$7 million for FY06 (current level), and such sums as necessary through FY11, Education and Training programs under this title.
- Reauthorizes at \$10 million for FY06 (current level), and such sums as necessary through FY11, the Institute for International Public Policy. Currently the Institute operates a program “to increase numbers of African Americans and other underrepresented minorities in the international service, including private international voluntary organizations and the foreign service of the United States.” This reauthorization would change this program, directing the Institute “to conduct a program to enhance the international competitiveness of the United States by increasing the participation of underrepresented populations in the international service, including private international voluntary organizations and the foreign service of the United States.” The bill adds to the list of institutions eligible (currently HBCUs and other IHEs serving “underrepresented populations) for this assistance and for many specific programs, Tribally Controlled Colleges and Universities, Alaska Native or **Native Hawaiian-serving institutions**, and HSIs.
- Establishes in the Department of Education, an independent International Higher Education Advisory Board, which would advise, counsel and make recommendations to the Congress and the Secretary on matters relating to education in the international arena. The Board is sunset on September 30, 2012.
- Provides that IHEs receiving Title VI grants are to assure that “**recruiters of the United States Government and agencies thereof are given the same access to students** as is provided generally to other institutions of higher education and prospective employers of those students for the purpose of recruiting for graduate opportunities or prospective employment; and no undue restrictions are placed upon students that seek employment with the United States Government or any agency thereof” (emphasis added).

Title VII: Title VII Amendments

- Reauthorizes at \$30 million for FY06 (current level), and such sums as necessary through FY11, the Javits fellowship program, and reauthorizes at \$5 million (current level) for FY06 (current level), and such sums as necessary through FY11, the Thurgood Marshal legal educational opportunity program.

- Reauthorizes at \$35 million for FY06 (current level), and such sums as necessary through FY11, the Graduate Assistance in Areas of Need program, and directs the Secretary to give preference to IHEs that train teachers of secondary math and science, special education, and limited English proficient individuals.
- Reauthorizes at \$40 million for FY06 (up from \$30 million), and such sums as necessary through FY11, the Fund for the Improvement of Postsecondary Education.
- Reauthorizes at \$10 million for FY06 (current level), and such sums as necessary through FY11, the Demonstration Projects to Ensure Students with Disabilities Receive a Quality Education.

Title VIII: Clerical Amendments

- Makes numerous clerical amendments to the Higher Education Act of 1965.

Title IX: Amendments to Other Education Laws

- Amends the Education of the Deaf Act (EDA) of 1986, providing that the Laurent Clerc National Deaf Education Center, located in Washington, D.C., be the location of Gallaudet University's EDA elementary and secondary program. The bill names the Rochester Institute of Technology, located in Rochester, NY, as the institute through which the Department of Education operates and maintains the National Technical Institute for the Deaf (NTID).
- Reauthorizes the following programs at such sums as necessary (current level), through FY11: Monitoring and Evaluation Activities, Federal Endowment Programs for Gallaudet and NTID, and EDA.
- Directs the Secretary to cancel federal student loan debts, under certain circumstances, **of spouses or parents of individuals who died or was permanently disabled from the terrorist attacks of September 11, 2001**. Specifically, the Secretary is directed to cancel the entire student loan debt of the spouse of such an individual who was a public servant; and the portion of student loans incurred by a spouse or parent on behalf of any other such individual who was a victim.
- Reauthorizes at \$10 million for FY06 (current level), and such sums as necessary through FY11, the Violence Against Women on Campuses program, and reauthorizes at \$3 million for FY06 (current level), and such sums as necessary through FY11, the Underground Railroad educational and cultural program.
- Reauthorizes the Tribally Controlled College or University Assistance Act of 1978, for FY06 at the following levels, and such sums as necessary through FY11:
 - Title I: \$53.2 million (current level)
 - Title III: \$10 million (current level)
 - Title IV: \$2 million (current level)

The bill also requires entities receiving funding under the Tribally Controlled College or University Assistance Act, to be accredited by a nationally recognized accrediting agency.

- Reauthorizes at \$2 million for FY06 (current level), and such sums as necessary through FY11, the Navajo Community College Act.

- Reauthorizes at \$5 million for FY06 (current level), and such sums as necessary through FY11, the B.J. Stupak Olympic Scholarships program, which provides scholarships to Olympic athletes attending college. Not only did the program receive a 2006 OMB PART rating of “results not demonstrated,” but the program is duplicative of all other federal education assistance programs. Like other students, athletes may apply for federal grants, loan assistance and the federal work-study program. Also, Olympic athletes often receive corporate sponsorships that could help them pay their education. This program was terminated in the President’s FY07 Budget.
- Directs the Secretary to provide for a national association or organization to study the best practices of states in assessing undergraduate postsecondary student learning, particularly relating to public accountability systems, in consultation with a new national advisory committee and certain congressional committees.
- Directs the Secretary to commission a national study on the “decreasing numbers of underrepresented minority males, particular African American males, entering and graduating from colleges and universities” and make recommendations to Congress on new approaches to increase minority male graduation rates.
- Directs the Secretary to conduct a study to evaluate the higher education-related indebtedness of medical school graduates in the U.S. at the time of graduation.
- Directs the Secretary to conduct a study of the developing trends in older adult learners attending college and how institutions of higher education are addressing the needs of this population in terms of outreach, accessibility, financing and student support services.

Lists a number of findings regarding the rising costs of higher education and the rising cost of college textbooks, and resolves that it is sense of the Committee on Education and the Workforce of the House of Representatives that in order to make a higher education more accessible for all students, the following should occur to make college textbooks more affordable for students:

- “the Congress encourages textbook publishers to provide students with the option of buying materials such as textbooks, CD-ROMs, access to websites, and workbooks, ‘a la carte’ or ‘unbundled;”
- “textbook publishers should work with faculty to understand the cost to students of purchasing the recommended textbooks;
- “college bookstores should work with faculty to review timelines and processes for ordering and stocking selected textbooks, and disclose textbook costs to faculty and students; and
- “colleges and universities should be encouraged to implement numerous options to address textbook affordability.”

Committee Action: H.R. 609 was introduced on February 8, 2005, and referred to the Committee on Education and the Workforce, which considered it, held a mark up, and reported it as amended, to the House by a vote of 27-20, on September 22, 2005.

Cost to Taxpayers: According to the Committee, H.R. 609 authorizes \$4.8 billion in FY06 and such sums as necessary for FY07-FY11. A CBO cost estimate was not available as of time of publication.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill reauthorizes the Higher Education Act of 1965, and creates six new programs.

Constitutional Authority: The Education and the Workforce Committee, in House Report 109-231, cites Article I, Section 8, Clause 1 (general welfare). House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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