



Legislative Bulletin.....March 29, 2006

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

H.R. 609, the College Access and Opportunity Act of 2005 (sponsored by Rep. Boehner, OH), is scheduled to be considered on the House floor on Wednesday, March 29th, subject to a second, structured rule (H.Res. 741). Below are the summaries of the 15 amendments made in order under the rule. Amendments are debatable for 10 minutes, unless otherwise noted. Reportedly, there will be a second rule to provide for further consideration tomorrow, which will make in order additional amendments. Note: summaries are based on RSC staff's review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released yesterday.

1. McKeon (R-CA) Manager's Amendment. Makes a number of changes, which are technical in nature. Amends all reauthorizations in the bill to begin in FY07 (underlying bill includes authorizations beginning in FY06), and keeps the “and for five successive years” language, which means the programs are reauthorized through FY2012, not FY2011, as provided for in the underlying bill. H.R. 609 was originally written in 2005, and reauthorized programs beginning in FY06. However, FY06 funding has already been appropriated, and Congress is currently working on the FY07 budget.

Additional policy changes in the Manager's Amendment by Title:

Title I

- The underlying bill 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. This amendment lowers this number to the top 10% (down from 25%).

Title III

- The underlying bill 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. This amendment would increase the minimum grant to \$500,000 (up from \$400,000).
- 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: Langston University, West Virginia State University, and Fayetteville State University. The underlying bill adds the following universities to the list of eligible entities: Alabama State University, Prairie View A &M, Coppin State University, and Delaware State University.

- Amends a provision in the new, \$3.7 billion Academic Competitiveness grant program, which was slipped into by the Deficit Reduction Act of 2005, by the Senate, to ensure that the states and local educational agencies, not the Secretary of Education, are responsible for control over secondary school curriculum for purposes of eligibility under the new Academic Competitiveness grants program

Title IV

- Directs the GAO to study the current campus-based aid formula through which TRIO funds are distributed. Modifies the TRIO accountability requirements relating to expected program outcomes.
- The underlying bill permits states to apply to become an accrediting agency. This amendment clarifies that any state approved as an accrediting agency cannot require any IHE to obtain accreditation through that state agency.
- Requires FFEL lenders to provide free of charge, and in a timely fashion, any student loan information maintained by that entity that is requested by an IHE or any their party servicers (as defined in current law) working on behalf of that institutions to prevent student loan defaults, and directs the third party servicers to only use the information in a manner directly related to the default prevention work.

Title VII

- Adds to the Fund for Improvement of Postsecondary Education, the following use of funds:
 - “**supporting efforts to establish pilot programs and initiatives** to help college campuses to reduce illegal downloading of copyrighted content, in order to improve the security and integrity of campus computer networks and save bandwidth costs” (emphasis added).

Title IX

- The underlying bill repeals a study in current law on female participation in intercollegiate athletics. This amendment strikes the repeal, leaving the study in current statue.
- Adds a new section at the end of the bill, which directs the Secretary to enter into an agreement with the National Academy of Sciences to conduct a scientifically correct and statistically valid evaluation of the quality of distance education programs, as compared to campus-based education programs, at IHEs.
- Adds a new section at the end of the bill, which directs the GAO to study formulas under which the following programs distribute funds: the Federal Supplemental Educational Opportunities Grant program, the Federal Work-Study program, and the Federal Perkins Loan program.

2. Blumenauer (D-OR)/Wu (D-OR)/Ehlers (R-MI). Directs the Secretary of Education to convene a summit of higher education experts (representatives of Federal Agencies, businesses and industry leaders) to focus on encouraging IHEs to establish administrative and educational sustainability programs, share innovative ideas, and explore funding opportunities and partnerships.

3. Burton (R-IN). Adds a new section to the bill, which would require colleges and universities -- only if receiving funds under Title VI, International Education Programs -- as part of the Integrated Postsecondary Education Data System (a publicly available and searchable database), to disclose cash or property gifts and contributions from certain entities. Requires the Secretary to submit an annual report to various congressional committees, summarizing the information colleges provided under this reporting requirement. According to the sponsor, this amendment is necessary in light of significant foreign contributions to U.S. universities for the establishment of Middle East Centers.

4. Boustany (R-LA)/Andrews (D-NJ). Requires the GAO to conduct a study to evaluate and determine reasons for the decline in the number of medical school graduates entering residency programs lasting more than five years.

5. Boustany (R-LA)/Andrews D-(NJ). The underlying 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. This amendment adds to the list of eligible individuals, medical specialists with a residency program of more than five years and in medical specialties that have shortages.

6. Castle (R-DE)/Osborne (R-NE)/Ford (D-TN)/Regula (R-OH)/Van Hollen (D-MD). Authorizes \$12 million for FY07, and such sums as necessary through FY12, for the Secretary to award a **new grant** to a “highly-selective national teacher corps” to recruit, select, train and support a national corps of outstanding recent college graduates of all academic majors who commit to teach in low-income communities. According to the sponsor’s office, “an example of a national teacher corps eligible for this funding is Teach For America.”

7. Cuellar (D-TX). Requires the Secretary to commission a nonpartisan, comprehensive study on the degree to which the student aid application process under Title IV, complies with the requirements of the Paperwork Reduction Act of 1995.

8. Cuellar (D-TX). The underlying bill 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.” This amendment adds students in “a certification program” to the students eligible to receive this grant, which currently would be awarded to those enrolled full-time as a first-year student in an undergraduate program. An example of a certification program might include a medical technician certification program.

9. Fossella (R-NY). Adds the following **new program** to the current list of authorized uses for grants received under the Fund for the Improvement of Postsecondary Education:

- “support increased fire safety in students housing:
 - By establishing a demonstration incentive program for qualified student housing in institutions of higher education;

- By making grants for the purpose of installing fire alarm detection, prevention, and protection technologies in student housing, dormitories, and other buildings
- By requiring, as a condition of these grants:
 - That the technologies be installed professionally to technical standards of the National Fire Protection Association; and
 - That the recipient is to provide non-federal matching funds equal to the amount of the grant.”

10. Hart (R-PA). Adds the following to the current list of authorized uses for grants received under the Fund for the Improvement of Postsecondary Education: “establishing and operating pregnant and parenting student services offices that:

- will serve students who are pregnant or parenting, prospective parenting students who are anticipating a birth or adoption, and students who are placing or have placed a child for adoption; and
- will help students with locating and utilizing child care, family housing, flexible academic scheduling such as telecommuting programs, parenting classes and programs, and post-partum counseling and support groups.”

11. Musgrave (R-CO). Prohibits managing agents (the grant recipients) under the Byrd Math and Science Honors Scholarship program from “developing criteria that discriminates against a student based on the type of program in which the student completed his or her secondary education.” According to the sponsor’s office, this amendment is intended to include all home school children as eligible applicants for the Robert C. Byrd Honors Scholarship Program.

12. Porter (R-NV). The underlying 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. This amendment adds to the list of qualified individuals, those employed full-time by a qualified public service employer (as defined by this amendment).

13. Sessions (R-TX). Allows students with “intellectual disabilities” (mental retardation) access to Federal work-study funds for enrollment in comprehensive post-secondary education programs that improve students’ academic and personal skills, independence, and employability. According to the sponsor’s office, “federal work-study funds to these students would be dispersed from current work-study resources and implemented at the discretion of higher education institutions.”

14. Wilson (R-NM). The underlying bill allows for funds from the Byrd Program to be used for Mathematics and Science Education Coordinating Council Grants, which 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. This amendment provides authority for Mathematics and Science Education Coordinating Councils to support regional workshops designed to permit educators, administrators responsible for professional development and curriculum development, and faculty of teacher preparation programs to share successful

research based strategies for improving student achievement in mathematics and science instruction in elementary and secondary schools.

15. McMorris(R-WA)/Holt(D-NJ)/Dreier(R-CA). Debatable for 20 minutes. The underlying bill reauthorizes 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). The amendment has two provisions, the first of which adds the following to the list of authorized uses for funds received under this program: “implementing strategies to increase the number of teachers qualified to teach advanced placement and pre-advanced placement courses in math, science, and critical foreign languages, and other strategies to increase the availability of those courses, particularly for low-income students.”

Under the authorization and funding for the Byrd Math and Science Honors Scholarship Program, the second provision in the amendment establishes a **new grant program** by authorizing the Secretary to award grants to eligible entities “to recruit and place well-qualified individuals to serve as adjunct teachers in secondary school math, science and critical foreign language courses.” Entities receiving this funding would be required to match 100% of the grant with non-federal funds. While the Committee contends this is not a new program, because it has no separate funding stream, but instead is authorized as a “use of funds” under the Byrd Program, the amendment specifically provides the Secretary of Education with the authority to create and provide a new type of grant for a purpose not found in current law.