

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2117) TO PROHIBIT
THE DEPARTMENT OF EDUCATION FROM OVERREACHING INTO ACADEMIC
AFFAIRS AND PROGRAM ELIGIBILITY UNDER TITLE IV OF THE
HIGHER EDUCATION ACT OF 1965

FEBRUARY 27, 2012.—Referred to the House Calendar and ordered to be printed

Ms. FOXX, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 563]

The Committee on Rules, having had under consideration House Resolution 563, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2117, the Protecting Academic Freedom in Higher Education Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2117, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute to H.R. 2117, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 195

Motion by Mr. Hastings of Florida to report an open rule. Defeated: 2–7.

Majority members	Vote	Minority members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay		
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Grijalva, Raúl (AZ): Would retain the requirement that states have a process to hear and take appropriate action on student complaints regarding institutions as part of the state authorization. (10 minutes)

2. Foxx (NC): Would repeal a section of the credit hour regulation impacting clock hour programs. (10 minutes)

3. Polis (CO): Would link state authorization regulations to student outcomes. (10 minutes)

4. Bishop, Tim (NY): Would strike the prohibition on the Secretary of Education from ever promulgating or enforcing any regulation or rule defining the term “credit hour.” (10 minutes)

5. Polis (CO): Would require the Secretary to present a plan to prevent waste, fraud and abuse to ensure effective use of taxpayer dollars. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In subparagraph (A) of section 2(a)(1) of the bill as reported—

- (1) strike “Sections 600.4(a)(3), 600.5(a)(4), 600.6(a)(3),” and insert “Except as provided in paragraph (3), section”; and
- (2) strike “, and 668.43(b)”.

At the end of subsection (a) of section 2 of the bill as reported, add the following:

(3) PRESERVATION OF STUDENT PROTECTION PROCESS.—The repeal of section 600.9 of title 34, Code of Federal Regulations, in paragraph (1)(A) shall not apply with respect to the following provisions of such section:

(A) The first sentence of paragraph (a)(1) through the term “State laws”.

(B) Paragraph (a)(2).

(C) Paragraph (b).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 13, strike “subsection (k)(2)(ii)” and insert “clauses (i)(A), (ii), and (iii) of subsection (k)(2)”.

Page 5, line 24, insert “of Education” after “Secretary”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subsection (a) of section 2, add the following:

(3) STATE AUTHORIZATION REGULATIONS FOR CERTAIN INSTITUTIONS.—

(A) REGULATIONS REQUIRED.—Notwithstanding section 482(c) or section 492 of the Higher Education Act of 1965 or the repeals under paragraph (1)(A) of this section, not later than 6 months after the date of enactment of this Act, the Secretary of Education shall issue regulations that apply the regulations repealed under paragraph (1)(A) to any institution of higher education that has—

(i) a graduation rate that is below the national average for its sector, as defined in the common education data developed by the National Center for Education Statistics;

(ii) a cohort default rate that is higher than the national average for its sector; or

(iii) a completion rate that is below the national average for its sector, as determined pursuant to section 668.8 of title 34, Code of Federal Regulations.

(B) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, nothing in subparagraph (A) shall be construed as limiting or otherwise affecting the applicability of section 101(a)(2) of the Higher Education Act of 1965.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike subsection (b) of section 2 of the bill.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

SEC. 3. EFFECTIVE AND EFFICIENT USE OF TAXPAYER DOLLARS AND PROTECTION FROM POTENTIAL WASTE, FRAUD, AND ABUSE.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Education shall provide a proposal to Congress on how the Secretary will, through the authority of the Secretary to promulgate regulations related to institutional eligibility for participation under title IV of the Higher Education Act of 1965, prevent waste, fraud, and abuse of Federal financial aid dollars by institutions of higher education under such Act to ensure the effective and efficient use of taxpayer dollars.