

Public Law 108–366  
108th Congress

An Act

To temporarily extend the programs under the Higher Education Act of 1965.

Oct. 25, 2004

[H.R. 5185]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Higher Education  
Extension Act of  
2004.  
20 USC 1001  
note.

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Higher Education Extension Act of 2004”.

**SEC. 2. EXTENSION OF PROGRAMS.**

(a) **EXTENSION OF DURATION TO INCLUDE FISCAL YEAR 2005.**—The authorization of appropriations for, and the duration of, each program authorized under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall be extended through fiscal year 2005.

Appropriations  
authorization.

(b) **PERFORMANCE OF REQUIRED AND AUTHORIZED FUNCTIONS.**—If the Secretary of Education, a State, an institution of higher education, a guaranty agency, a lender, or another person or entity—

(1) is required, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments shall be required to be carried out, made, or continued during the period of the extension under this section; or

(2) is permitted or authorized, in or for fiscal year 2004, to carry out certain acts or make certain determinations or payments under a program under the Higher Education Act of 1965, such acts, determinations, or payments are permitted or authorized to be carried out, made, or continued during the period of the extension under this section.

(c) **EXTENSION AT CURRENT LEVELS.**—The amount authorized to be appropriated for a program described in subsection (a) during the period of extension under this section shall be the amount authorized to be appropriated for such program for fiscal year 2004, or the amount appropriated for such program for such fiscal year, whichever is greater. Except as provided in any amendment to the Higher Education Act of 1965 enacted during fiscal year 2005, the amount of any payment required or authorized under subsection (b) in or for fiscal year 2005 shall be determined in the same manner as the amount of the corresponding payment required or authorized in or for fiscal year 2004.

(d) **ADVISORY COMMITTEES AND OTHER ENTITIES CONTINUED.**—Any advisory committee, interagency organization, or other entity that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C.

1001 et seq.), or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function during fiscal year 2005.

(e) **ADDITIONAL EXTENSION NOT PERMITTED.**—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to further extend the authorization of appropriations for any program described in subsection (a) on the basis of the extension of such program under this section.

Applicability.

(f) **EXCEPTION.**—The programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the Freely Associated States, except that those provisions shall be applicable with respect to institutions in, and students in or from, the Federated States of Micronesia and the Republic of the Marshall Islands only to the extent specified in Public Law 188.

Approved October 25, 2004.

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**LEGISLATIVE HISTORY—H.R. 5185:**

CONGRESSIONAL RECORD, Vol. 150 (2004):

Oct. 6, considered and passed House.

Oct. 9, considered and passed Senate.

