

## **H.R. 609, College Access and Opportunity Act, Passed By House Committee**

The following is a summary of the three-day full House Education and Workforce Committee Markup. If you have any further questions, please contact Andrew Stringer at [astringer@wpllc.net](mailto:astringer@wpllc.net) or Della Cronin at [dcronin@wpllc.net](mailto:dcronin@wpllc.net).

*July 20, 2005*

### **House Education and the Workforce Committee Mark Up of H.R. 609 – Day 1**

---

The House Education and the Workforce Committee met on Wednesday, July 20<sup>th</sup>, to begin marking up HR 609, “the College Access and Opportunity Act.” This legislation would reauthorize the Higher Education Act.

The markup began with comments from Committee Chairman John Boehner (R-OH). He thanked his colleagues on the other side of the aisle, including Ranking Member George Miller (D-CA), and Representative Dale Kildee (D-MI), who serves as Ranking Member of the Subcommittee on 21<sup>st</sup> Century Competitiveness, for their work on the legislation. He also thanked Committee staff for their hard work in bringing this legislation to this point in the process. According to Chairman Boehner, this bill would:

- Strengthen Pell Grants, student aid, student access, and minority serving institutions;
- Reduce loan costs, fees, and red tape for students and graduates;
- Remove barriers for non-traditional students; and
- Empower consumers through “sunshine” and transparency in college costs and accreditation.

Boehner also referenced provisions of the bill that would “eliminate excess subsidies” paid to lenders in the federal student loan program and “equalize” the two student loan programs, preserving the competition between the FFEL and Direct Loan programs that, according to the Chairman, has served schools and students well.

Miller also made opening remarks. He noted that he would not support the bill in its current state and hoped that the Chairman would consider the legislation “a work in progress.” Miller was particularly disturbed by the provisions of the bill that would cut federal aid programs and use those savings to reduce the federal deficit. He asserted, strongly, that those savings should instead be invested in schools and students through the programs in the Higher Education Act.

Boehner offered his new version of HR 609, which included the amendments approved in subcommittee the week before. The following offers a rough summary of each of the amendments, based on remarks made by Members during the markup. Full details of the amendments and their provisions should be available in the near future.

**Amendment Sponsor:** Boehner (R-OH)

**Amendment:** Chairman Boehner offered an amendment in the nature of a substitute. The amendment is basically a new version of the bill that includes changes made in the Subcommittee markup last week, including increased accountability in teacher training programs, allowing veterans to participate in the TRIO programs, deferment of interest on student loans for active duty military personnel, and additional changes.

**Status:** *accepted as the new bill for purposes of amendment.*

---

## **Title I**

**Amendment Sponsor:** Castle (R-DE)

**Amendment:** Representative Michael Castle (R-DE) offered an amendment that would retain the single definition of an institution of higher education provisions in the bill, but would preclude for-profit institutions from competing for other federal funds that fall under the jurisdictions of other Congressional committees. This amendment was offered during Subcommittee markup, but failed. Chairman Boehner spoke on the amendment, saying that while he opposed it in Subcommittee, his opposition was waning in strength.

**Status:** Agreed to by voice vote.

**Amendment Sponsor:** Grijalva (D-AZ)

**Amendment:** Representative Raul Grijalva (D-AZ) offered an amendment that would retain the separate definitions of institutions of higher education. This amendment, co-sponsored by Representative Betty McCollum (D-MN), would delay access to federal funds other than those under HEA until GAO examines the impact of the consolidated definition of institutions of higher education. This is similar to the adopted Castle amendment, but also requires a study. After some discussion around the merits of the study, Chairman Boehner agreed to request the study, but objected to using the study as a stipulation for any provision of law.

**Status:** The amendment was withdrawn.

**Amendment Sponsor:** McCarthy (D-NY)

**Amendment:** Representative Carolyn McCarthy (D-NY) offered an amendment that would require more detailed disclosure of graduation and completion rates. The amendment aims to provide parents and students information useful in choosing schools. It also aims to allow community colleges the ability to provide more information relative to completions rates, since current rate calculations can be misleading.

**Status:** Accepted without objection.

**Amendment Sponsor:** Tierney (D-MA)

**Amendment:** Representative John Tierney (D-MA) offered an amendment to strike Section 103 of the bill. That section is titled “Student speech and association rights” and attempts to protect students from having professor opinions or beliefs, or their own personal beliefs or expressions affect their academic pursuits. Tierney asserted that this provision springs from the convictions of conservative David Horowitz and his work at the Center for the Study of Popular Culture. He also suggested the section could impose a “McCarthyism” on campuses. There was a great deal of discussion on this provision and amendment from both Democrats and Republicans. There was some offer of compromise on the amendment from Chairman Boehner. Representative

Tierney said he would be happy to consider the compromise, but made no promise that he would not offer his amendment again later.

**Status:** Temporarily withdrawn.

**Amendment Sponsor:** Platts (R-PA)

**Amendment:** Representative Todd Platts (R-PA) offered an amendment on college costs that would create a more formal structure for the report colleges and universities are required to submit when they violate the school pricing rate provisions in the bill. It would require schools to coordinate with business and civic leaders, and provide documentation of causes and potential solutions. During his remarks, he thanked Subcommittee on 21<sup>st</sup> Century Competitiveness Chairman Buck McKeon (R-CA) for his work in this area. Representative McKeon talked about his work, and suggested that Representative Platts' amendment might be burdensome for colleges and voiced opposition to the proposal.

**Status:** Temporarily withdrawn for future consideration or to be offered on the floor.

**Amendment Sponsor:** McCarthy (D-MA)

**Amendment:** Representative McCarthy offered an amendment related to the indexing of college costs by the Department of Education. The amendment adds actual tuition data – percentage increase and dollar amount increase to the cost index. The reason was that listing only percentages is deceptive since a 10% increase in a small tuition is not a large increase whereas a 5% increase of a large tuition is a substantial increase.

**Status:** Agreed to without objection

---

## **Title II**

**Amendment Sponsor:** Scott (D-VA)

**Amendment:** Representative Bobby Scott (D-VA) offered an amendment related to Teachers Centers of Excellence. It would expand eligibility of the Centers to minority-serving institutions (HBCUs, HSIs, Tribal schools and others) and increase the authorization levels of the program (from \$10 million to \$50 million) to accommodate the expanded eligibility.

**Status:** The amendment was defeated by voice vote.

**Amendment Sponsor:** Miller (D-CA)

**Amendment:** Representative Miller (D-CA) offered an amendment that addresses teacher quality. It was originally introduced in June as stand-alone legislation—HR 2835, The Teacher Excellence for All Children Act of 2005. The TEACH Act revises and establishes programs relating to recruitment, preparation, distribution, and retention of public elementary and secondary school teachers and principals. The proposal includes financial incentives for teachers to teach in high-need areas, merit pay, induction proposals and changes to alternative certification programs. Chairman Boehner spoke against the measure, suggesting that it was expansive and perhaps intrusive. He conceded that there are some positive provisions, and offered to work with Representative Miller on including some pieces of the broad proposal.

**Status:** The amendment was defeated by voice vote, although a roll call vote was requested. The amendment ultimately failed by a party line vote of 20-26.

---

## **Title III**

**Amendment Sponsor:** Owens (D-NY)

**Amendment:** Representative Owens offered an amendment that would strengthen the Historically Black College and University system, which has lost membership in recent years. The amendment would redistribute Title III funds to serve more students, according to its sponsor, who also argued that the measure would help predominantly black schools, which are “unofficial HBCUs”. Representative Scott voiced opposition to measure, arguing that it should not be in Title III(b) of the HEA due to legal and constitutional issues.

**Status:** A roll call vote on this amendment was requested. The measure failed by a vote of 16-31.

**Amendment Sponsor:** Owens (D-NY)

**Amendment:** Representative Owens offered an amendment that would strike provisions in Title III that would provide minimum grants for Historically Black Colleges and Universities. He argued that the current provisions benefit a “handful” of colleges and that others are losing out and are unable to help the important populations they serve.

**Status:** The amendment was defeated by voice vote, although a roll call vote was requested. The measure failed by a vote of 9-28, with one “present” vote.

**Amendment Sponsor:** Grijalva (D-AZ)

**Amendment:** Representative Grijalva offered an amendment that would establish a program to significantly increase the number of Latino students earning advanced degrees. There was bipartisan support of this proposal, dubbed the “HSI graduate program,” which has long been championed by Representative Ruben Hinojosa (D-TX), who was absent due to the impending landing of a hurricane in his district.

**Status:** The amendment passed on voice vote, although a roll call vote was requested. The measure was adopted by a vote of 46-2.

---

## ***Title VI***

**Amendment Sponsor:** Kind (D-WI)

**Amendment:** Representative Kind offered an amendment that would encourage students to pursue graduate degrees in foreign languages. It would amend the FLAS program to establish undergraduate scholarships to students studying “high priority” languages. Representative Kind spoke of the national security and the importance of increased study in particular foreign languages in the post-9/11 era. Chairman Boehner spoke against this provision, saying that there are funds in Title VI for this purpose already, and that other monies address this issue in other pieces of legislation. Representative Kind voiced his intention to withdraw this amendment, but said that colleagues in the Senate are interested in this proposal and hoped that the Chairman would “keep an open mind.”

**Status:** Amendment was withdrawn.

**Amendment Sponsor:** Holt (D-NJ)

**Amendment:** Representative Holt offered an amendment that would provide grants to institutions of higher education to encourage students to develop foreign language proficiency in concert with emerging technology study. Representative Holt argued that the US needs people who are fluent in both high priority foreign languages and emerging technologies to do the important work currently being done in the Middle East. Chairman Boehner opposed the establishment of a new program.

**Status:** The amendment failed on voice vote, although a roll call vote was requested. The amendment was defeated by a vote of 22-26. Representatives Ehlers and Price crossed party lines to vote for the amendment. Representative Owens crossed lines as well and voted against the measure.

**Amendment Sponsor:** Norwood (R-GA)

**Amendment:** Representative Charles Norwood offered an amendment that says no funds authorized under this Act should be used to conduct “Anti-American” activities as determined by the advisory board established under Sec 633 of the Higher Education Act. This related to international study programs. Representative Norwood argued that students on campuses in the US are sometimes discouraged from serving in the military or working for the federal government, among other activities. This amendment triggered references to the House Un-American Activities Committee of the McCarthy era, as well as concerns about the intent and definitions included in the amendment.

**Status:** The amendment failed on voice vote, although a roll call vote was requested. Ultimately, the vote was 10-37, with one “present” vote.

---

## **Title VII**

**Amendment Sponsor:** Ryan (D-OH)

**Amendment:** Representative Tim Ryan offered an amendment that would establish a textbook rental demonstration program. Representative Ryan argued that college textbooks constitute significant hidden college costs. Further, the textbook industry is not subject to free market economics, since professors select texts and students are required to buy products without regard to price. Textbook rental programs have shown meaningful savings. Ryan’s amendment would establish a \$50 million demonstration program under which colleges could start rental programs that would meet the needs of their students. Schools need help with the initial capital but will ultimately break even or make a small profit, according to the proposal’s sponsor. Chairman Boehner spoke against the proposal, asserting that the federal government has no appropriate role in this matter.

**Status:** The amendment failed on voice vote, although a roll call vote was requested. The amendment failed by a vote of 21-27.

**Amendment Sponsor:** Woolsey (D-CA)

**Amendment:** Representative Lynn Woolsey offered an amendment to establish the Patsy Mink Fellowship program. This program would posthumously honor a former Member who was a longtime member of the Education and Workforce Committee, and aims to increase the number of women and minorities pursuing advanced degrees in priority fields of study, including science, engineering and math fields. Chairman Boehner argued that while he has great

admiration for Mrs. Mink, more women and minorities are making progress in this arena and that a new federal program will not affect that forward motion.

**Status:** The amendment failed on voice vote, although a roll call vote was requested. The amendment failed by a vote of 22-26.

**Amendment Sponsor:** Wu (D-OR)

**Amendment:** Representative David Wu offered an amendment that would address a situation facing nontraditional students who may be enrolled in more than one institution as they pursue a postsecondary degree. This amendment would amend the special projects grant program in Title VII to allow schools to establish comprehensive agreements that would allow students to simplify their admissions and aid paperwork. Chairman Boehner spoke in favor of the bill.

**Status:** The amendment was agreed to without objection.

**Amendment Sponsor:** Wu (D-OR)

**Amendment:** The amendment, co-sponsored by Representatives Grijalva and Vernon Ehlers (R-MI) addresses sustainability of technology and systems on campuses. This addresses environmentally friendly efforts for campuses to be self-sustaining. The amendment would create a discretionary program to establish at least 25 University Sustainability Centers nationwide.

**Status:** The amendment failed by a voice vote, although a roll call vote was requested. The amendment failed by a vote of 22-26.

---

## ***Title VIII***

**Amendment Sponsor:** Bishop (D-NY)

**Amendment:** Representative Tim Bishop offered an amendment that would reinstate the federal role in supporting cooperative education. It would reestablish what was Title VIII of the Act. Cooperative education allows students to work while pursuing postsecondary study. It provides invaluable real world experience, allows students to earn real salaries while in school, and increases graduation rates among participants. This amendment would help leverage funds to pay salaries for participating students.

**Status:** The amendment failed by a voice vote, although a roll call vote was requested. The amendment failed by a vote of 21-26.

---

## **Title IX**

**Amendment Sponsor:** Woolsey (D-CA)

**Amendment:** Representative Woolsey offered an amendment that would alter Title IX and, according to its sponsor, rescind a detrimental provision that was adopted as a clarification. Currently, if a school ascertains interest among its female student body via email, it has satisfied Title IX requirements. There was some discussion of this amendment, and Representative Osbourne, the former football coach at the University of Nebraska, who argues that Title IX provisions adversely affect some male athletes and athletic programs.

**House Education and the Workforce Committee Mark Up of H.R. 609**

---

The House Education and the Workforce Committee met on July 21<sup>st</sup> to continue marking up HR 609, “The College Access and Opportunity Act.” This legislation would reauthorize the Higher Education Act. On July 20<sup>th</sup>, the Committee considered amendments outside of Title IV. Thursday’s deliberations addressed Title IV and lasted into the evening.

Committee Chairman John Boehner (R-OH) commenced the markup just before 10:00 am, and moved immediately to amendments. The Committee recessed at 5:00 pm after a full day of debating and voting on amendments, due to votes expected on the House floor. Chairman Boehner said he would reconvene the Committee at 6:00 pm to “plow through” remaining amendments and would roll votes on those amendments to 9:30 am Friday morning.

The following offers a rough summary of each of the offered amendments through 5:00 pm, based on remarks made by Members during the markup. Full details of the amendments and their provisions should be available in the near future.

---

## **Title IV**

**Amendment Sponsor:** Tiberi (R-OH)

**Amendment:** Representative Patrick Tiberi offered an amendment expanding language governing the Fund for the Improvement of Postsecondary Education (FIPSE) that would allow programs that focus on increasing college graduation rates, remediation and early college high schools to compete for FIPSE funds.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Price (R-GA)

**Amendment:** Representative Tom Price offered an amendment that would require a study to examine the costs of pursuing medical degrees. He asserts that the costs of medical school might be becoming prohibitive and discouraging the best and brightest from pursuing medical study. Given the growing and projected need for health care professionals, it is important that medical schools are accommodating those needs. Several members spoke in favor of this proposal.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Davis (D-IL)

**Amendment:** Representative Danny Davis offered an amendment that would instruct the Secretary of Education to study the number of underrepresented minority males in colleges and universities and certain professions. This speaks to the challenges facing young African American men who are not making it to college, difficulties facing Latino populations, and other barriers for minorities. The study would not only examine the issues, but also offer solutions to the problems.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Miller (D-CA)

**Amendment:** Representative Miller offered an amendment that would make a number of changes in Title IV, and, according to him, would “rightfully” take the savings generated by cuts to various student aid programs and give them back to students and families. During his remarks, he referenced the budget reconciliation instruction given to the House Education and Workforce Committee and lamented the requirement that the Committee find over \$12 billion in savings to fund what he calls an “irresponsible” federal budget. He suggested these funds would be better left in higher education programs instead of paying down the federal deficit, adding that his amendment represents a philosophical difference between Republicans and Democrats. The Miller amendment eliminates “excessive and wasteful subsidies” being paid to student lenders, including the elimination of the 9.5% loans. Further, instead of the savings being “shipped off” to the Budget Committee, according to Representative Miller, the amendment would “recycle these monies to make sure that they go to the benefit of the students.” The amendment would also “restore the purchasing power” of the Pell Grant by increasing the maximum award, give students the choice between a fixed or variable interest rate on consolidation loans, and impose a cap of 6.8% on student loans to “keep that promise” made to student loan borrowers in 2002. This amendment was co-sponsored by Representatives Dale Kildee (D-MI), Ron Kind (D-WI), Chris Van Hollen (D-MD), and John Barrow (D-GA) and was referred to as the “Democrat substitute” during debate of the proposal.

Chairman Boehner spoke against this amendment, asserting that responsible federal budgeting is of great importance to students, families and taxpayers, and that this legislation lives up to his responsibilities as an elected official. He noted that the federal student loan program is a “very large and important program that provides access for low and moderate income students.” He pointed out that there are \$350 billion outstanding in student loans helping students, and this will grow to \$500 billion in two years. The bill he supports increases access to postsecondary education by increasing loan limits and making other changes that, contrary to Representative Miller’s contentions, “don’t increase costs for students” but decrease them. Further, he argued that the 6.8% cap in the amendment would put taxpayers at significant risk.

A number of members spoke for and against this amendment, although along predictable party lines. The rhetoric was particularly partisan, with several members referencing irresponsible tax cuts that left this Committee with an enormous savings instruction, and other members arguing that HR 609 helps students and allows the Committee to honor their responsibility to federal taxpayers. (Representative Thelma Drake (R-VA) spoke against the amendment, but specifically mentioned, favorably, what she called a “Sallie Mae program” that showed students and parents the opportunities college offer.)

**Status:** The Chair jokingly ruled that the amendment passed by voice vote, since many Republican members were not in the room; he then requested a roll call vote to take place later in the day. Ultimately, the amendment was defeated by a vote of 17-26. This vote was along party lines, other than Representative Rob Andrews (D-NJ), who voted against the measure

**Amendment Sponsor:** Petri (R-WI)

**Amendment:** Representative Tom Petri's amendment, which is supported by Chairman Boehner, gives consolidation loan borrowers the option to consolidate their loans at a market-based variable interest rate or a fixed rate. Each rate would be capped at 8.25%. The new fixed-rate option would be equivalent to the 91-day Treasury Bill, plus 3.3%. The variable rate would be equivalent to the 91-day Treasury bill plus 2.3%. The fixed-rate option also includes a one-time fixed rate "offset fee" of 0.5%. This fee is not mandatory, causing many to surmise that competition amongst originators will reduce this fee. According to a Committee press release on this agreement, "Together, these choices will mean greater flexibility for borrowers and greater stability for federal resources so Congress can continue to expand benefits and increase college access for students."

**Status:** This amendment was agreed to by voice vote. A roll call vote was requested, and the amendment passed by a party-line vote of 26-20.

**Second-Degree Amendment Sponsor:** Miller (D-CA)

**Second-Degree Amendment:** Representative Miller's amendment would alter the fixed-rate option in Representative Petri's measure and provide borrowers the option of a fixed rate equivalent to the 91-day Treasury Bill, plus 2.8% versus plus 3.3%, and there would be no offset fee charged to the student. Chairman Boehner spoke against this change, noting that the consolidation loan program is offered to graduates, not students, and that taxpayers are being put at great risk by even offering any fixed-rate option. He suggested that the financial health of this program is crucial; that the spread between the fixed and variable options must be real, and that the proposal offered by Representative Petri includes the absolute minimum spread that can support a healthy program. Further, the 0.5% fee covers some taxpayer risk as well. Chairman Boehner referenced past reauthorizations, noting that lenders have repeatedly been "nicked" in terms of profits, and said that there must be a certain return for lenders if they are expected to continue to participate in this important program.

Representative Miller argued that the change in interest rate would help students and families and meet the reconciliation instruction required of the Committee. He noted that his amendment would still save \$11.15 billion, versus the \$11.5 billion saved by the Chairman's package. When presented with the argument that lenders might leave the program, he said that if lenders they do, direct lending can and will fill the void, resulting in even more federal savings. (He referenced an amendment to be offered later on direct lending, presumably the STAR Act.)

**Status:** The amendment failed by voice vote, although a roll call vote was requested. This amendment was ultimately defeated by a vote of 20-26, along party lines.

**Amendment Sponsor:** Petri (R-WI)

**Amendment:** Representative Petri offered an amendment based on proposals included in the President's FY 2006 budget. It would increase risk-sharing for lenders and guarantors. The amendment includes a two percent increase in lender risk sharing – lender insurance would be reduced from 98% to 96%. Guarantor reinsurance risk sharing would increase from 5% to 7% – reinsurance would be reduced from 95% to 93%. Representative Mark Souder (R-IN) spoke against this measure, expressing concern that guarantors will not be able to maintain their reserve

funds if it were implemented. There was also some discussion about the value of having the private sector participate in the federal student loan program, with Representative Souder suggesting that further “squeezing” of the private sector would put the program at risk, and noted that going to direct lending is bad policy. Chairman Boehner said that he and Representative Petri came to agreement on this proposal, and while he has concerns relative to the health of the program, this is the best possible proposal that strikes a balance between a solid program and yielding required savings.

**Status:** This amendment was agreed to by voice vote.

**Second-Degree Amendment Sponsor:** Miller (D-CA)

**Second-Degree Amendment:** Representative Miller offered an amendment that would increase risk sharing even further than Representative Petri’s proposal. It would reduce lender insurance from 98% to 95% and reduce retention rates for guarantors to 16%. Representative Souder made remarks similar to those he offered on the Petri amendment here, asserting that this proposal would be the demise of the private sector loan program.

**Status:** The measure failed by voice vote, although a roll call vote was requested. The proposal was defeated by a party-line vote of 20-26.

**Amendment Sponsor:** Petri (R-WI)

**Amendment:** Representative Petri offered an amendment that was essentially the Student Aid Reward Act (or the STAR Act). The STAR Act amends the Higher Education Act to direct the Secretary of Education to carry out a Student Aid Reward (SAR) Program of payments to institutions of higher education to encourage them to participate in the student loan program under Title IV that is most cost-effective for taxpayers, and would give the institutions at least 50 percent of the resulting savings to the Federal Government. The bill requires schools receiving payments of these savings to: (1) provide student loans under that most cost-effective program for five years after the payment date; and (2) use payment funds, where appropriate, to supplement Pell Grants. The bill also allows such funds to be used also to award need-based grants to lower and middle-income graduate students. Essentially, the bill would reward schools for participating in the direct loan program, since the Congressional Budget Office’s scoring practices show that program to be cheaper than the FFEL Program. There was a partisan debate of this proposal.

**Status:** The amendment failed by voice vote, although a roll call vote was requested. The amendment failed by a vote of 20-26. Representative Petri was the sole Republican voting for the measure. Representative Andrews was the sole Democrat voting against the proposal.

**Amendment Sponsor:** Petri (R-WI)

**Amendment:** Representative Petri offered an amendment that would implement one of the President’s budget proposals. It would decrease retention rates on collections for guaranty agencies from 24% to 16%. Chairman Boehner spoke against the amendment because it would be more expensive for taxpayers if guarantors were unable to undertake their responsibilities as a result of insufficient resources to support their efforts, in particular rehabilitation and default prevention.

**Status:** The amendment failed by voice vote, although a roll call vote was requested. The amendment failed by a vote of 21-25. Representative Petri was the sole Republican voting for the measure.

**Amendment Sponsor:** Kildee (D-MI)

**Amendment:** Representative Kildee offered an amendment affecting the school-as-lender program. Representative Kildee referred to a conflict of interest assertion made about this program—schools are both making loans and setting tuition rates. The amendment addresses issues raised by GAO in a report and strengthens oversight provisions of the program. It requires a compliance audit from schools in the program, as well as other oversight activities. The amendment was co-sponsored by Representative Van Hollen.

**Status:** The amendment was agreed to without objection.

**Amendment Sponsor:** Boustany (R-LA)

**Amendment:** Representative Boustany offered an amendment addressing the high indebtedness levels of medical students. The amendment would extend the deferment period for five years on loans for these students. Representative Boustany noted that this amendment would cost \$200 million, and withdrew it.

**Status:** The amendment was withdrawn.

**Amendment Sponsor:** Van Hollen (D-MD)

**Amendment:** Representative Van Hollen offered an amendment that would strike a provision in HR 609 that “would put a tax on students” in order to meet reconciliation instructions. Under current law, guaranty agencies can add a 1% fee to the cost of loans. HR 609 *requires* that they do so. This amendment would not require guarantors to charge this fee.

**Status:** The amendment was defeated by a voice vote, although a roll call vote was requested. The amendment failed by a party-line vote of 20-26.

**Amendment Sponsor:** Davis (D-CA)

**Amendment:** Representative Davis offered an amendment related to HEA benefits for veterans. Veterans are concerned that their salaries are being used unfairly to determine their eligibility for federal aid programs when they leave school to serve in international conflicts and then return to school.

**Status:** The amendment was withdrawn.

**Amendment Sponsor:** Davis (D-CA)

**Amendment:** Representative Davis offered an amendment that would strike provisions in the bill that would increase the origination fee charged in the Direct Loan program to be equitable to that charged in the FFEL Program (from 1.5% to 3%). Representative Davis argued this provision would cost thousands of dollars for thousands of students in her district, and across the country. Representative McKeon noted that despite efforts to level the playing field between direct and FFEL programs over many years, there is still no such equality. This provision of HR 609 would instill increased comparability.

**Status:** The amendment was defeated by voice vote, although a roll call vote was requested. The amendment was defeated by a vote of 21-25. Representative Petri was the sole Republican voting for the measure.

**Amendment Sponsor:** Wu (D-OR)

**Amendment:** Representative Wu offered “The Student Loan Fairness Amendment” that would permit reconsolidation and impose a variable interest rate on consolidation loans with a cap of 6.8%. Representative Wu supports provisions in the bill that eliminate the “single holder rule,” but supports the ability of borrowers to refinance their consolidation loans at any time, which this amendment would allow.

**Status:** The amendment failed by voice vote, although a roll call vote was requested. The amendment was defeated by a vote of 17-28.

**Amendment Sponsor:** Grijalva (D-AZ)

**Amendment:** Representative Grijalva offered two amendments that were cosponsored by Representative Betty McCollum (D-MN). These amendments would extend loan forgiveness to librarians and first responders. While there was some discussion about the number of groups being offered loan forgiveness to encourage recruitment, Chairman Boehner spoke in favor of the proposal.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Musgrave (R-CO)

**Amendment:** Representative Musgrave offered an amendment that would extend considerations afforded family farm assets to small businesses in certain calculations used when applying for federal financial aid. The amendment would exclude small business assets from expected family contribution (EFC) calculations. Representative Kildee asserted this provision would create a new “loophole” in federal student aid programs.

**Status:** A roll call vote was requested. This measure passed by a vote of 28-18. Representative Kind was the sole Democrat voting for the measure.

**Amendment Sponsor:** Holt (D-NJ)

**Amendment:** This amendment, offered by Representatives Holt and Bishop (D-NY) would pay rebates to students who experienced reductions in their Pell Grants due to the changes in tax tables and would reverse the changes recently implemented by the Department of Education.

**Status:** A roll call vote was requested. The amendment was defeated by a vote of 20-26.

**Amendment Sponsor:** Osbourne (R-NE)

**Amendment:** Representative Tom Osbourne offered an amendment that would allow schools to award Pell Grants year-round, versus only in the fall and spring semesters. The amendment would help nontraditional students and those students attending schools that offer courses on schedules other than the traditional two-semester calendar. The amendment was co-sponsored by Representative Rush Holt (D-NJ).

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Davis (D-IL)

**Amendment:** Representative Davis offered an amendment, cosponsored by Representative Rob Andrews (D-NJ) that would allow individuals convicted of crimes to receive federal aid to pursue postsecondary study. Representative Davis referenced a July 20<sup>th</sup> New York Times editorial that was critical of a provision of current law that prohibits those convicted of drug offenses from receiving federal student assistance. He argued that education would help convicted criminals to be productive individuals once they are released from their prison terms.

**Status:** *During debate of this measure, the Committee recessed around 5:00 pm due to votes on the floor. Chairman Boehner intends to reconvene at 6:00 pm and “plow through” any remaining amendments. The roll call votes on those amendments will be taken at 9:30 am on Friday, July 22.*

### **HR 609 Full Committee Mark Up Part 3**

---

A little after 6 pm on Thursday, July 21 the House Education and the Workforce Committee reconvened to debate the following amendments to HR 609, “The College Access and Opportunity Act.” This legislation would reauthorize the Higher Education Act of 1965. The amendments debated Thursday evening would, for the most part, affect only Title IV of the Higher Education Act. This session continued well past midnight. All roll call votes were postponed until 9:30 am on Friday, July 22.

The Committee reconvened at 9:30 am Friday and went through the requested roll call votes. Ultimately, HR 609 was approved by the Committee and reported to the House of Representatives for floor consideration. The final vote on the measure was a party-line vote of 27-20, with one “present” vote from Representative Major Owens (D-NY).

While the markup was generally congenial, the final votes bared some partisan tensions. In concluding the markup, a visibly emotional Chairman John Boehner (R-OH) thanked staff, Members and others who worked to get this important legislation through the markup process.

The following is a summary of amendments offered during the evening of July 21<sup>st</sup>. The descriptions of the amendments are based on the comments made during the markup. Full details of these proposals should be available shortly.

**Amendment Sponsor:** Davis (D-IL)

**Amendment:** Representative Davis offered an amendment, cosponsored by Representative Rob Andrews (D-NJ), which would allow individuals convicted of crimes to receive federal aid to pursue postsecondary study. He argued that education would help convicted criminals to be productive individuals once they are released. During debate, Representative Buck McKeon (R-CA) “reluctantly” opposed the amendment, suggesting that high school education is a greater priority in prisons than college.

**Status:** This amendment failed by a vote of 12-32.

**Amendment Sponsor:** Boustany (R-LA)

**Amendment:** Representative Charles Boustany offered an amendment that addresses the issue of older youth that reside in foster care facilities and are adopted later in life. When adopted, they lose their status as “independents” for purposes of financial aid. This creates a situation where it is in a student’s best interest to not be adopted in order to qualify for increased aid. This amendment would allow these individuals to apply for financial aid as “independents.”

**Status:** The disposition of this amendment is unclear.

**Amendment Sponsor:** Tierney (D-MA)

**Amendment:** Representative Tierney offered an amendment that would strip “State Scholars” language on the basis that it introduces merit into the Pell Grant Program.

**Status:** This amendment failed on by a party-line vote of 18-27.

**Amendment Sponsor:** Musgrave (R-CO)

**Amendment:** Representative Marilyn Musgrave offered an amendment that would prevent state aid that goes to students via “stipends” instead of scholarships from counting against a student’s eligibility for federal financial aid.

**Status:** This amendment was agreed to by voice vote.

**Amendment Sponsor:** Grijalva (D-AZ)

**Amendment:** Representative Raul Grijalva offered this amendment of behalf of Representative Bobby Scott (D-VA). The proposal would define “hate crime” in the Higher Education Act as it is defined by the FBI. According to Representative Grijalva, this measure would produce more accurate statistics. Representative Buck McKeon (R-CA) opposed the measure because, he asserts, the FBI reporting system is voluntary and making it mandatory imposes significant new reporting requirements on schools.

**Status:** Representative Scott requested that he might work with Committee leadership to address this issue.

**Amendment Sponsor:** Foxx (R-NC)

**Amendment:** Representative Virginia Foxx offered an amendment that would direct the Secretary of Education to collect data on the TRIO programs to adequately prove their results to the Office of Management and Budget (OMB). Representative Rob Andrews (D-NJ) voiced opposition to the amendment because he asserts it would allow the Secretary to choose how the program would be evaluated, and perhaps set the programs up to fail.

**Status:** This amendment was agreed to by a party line vote of 27-19.

**Amendment Sponsor:** McCarthy (D-NY)

**Amendment:** Representative Carolyn McCarthy offered an amendment cosponsored by Representative Patrick Tiberi (R-OH) supportive of a program called Project GRAD. She withdrew the proposal, based on the understanding that there would be report language accompanying HR 609 that would support Project GRAD. Project GRAD works with students in underperforming schools, to help them graduate and subsequently help them during postsecondary study. The program effectively leverages private funds and works with the school districts to improve all aspects of education.

**Status:** The amendment was withdrawn with the understanding that report language would address this issue.

**Amendment Sponsor:** Castle (R-DE)

**Amendment:** Representative Mike Castle offered an amendment regarding the 90/10 rule that would enforce the provision via an institution's program participation agreement. This amendment was similar to his amendment agreed to during Subcommittee consideration of HR 609. This version adds some technical and regulatory clarifications.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Tierney (D-MA)

**Amendment:** Representative Tierney offered an amendment that would insert a "hold harmless" clause in the campus-based program allocation formula. During debate, Representative Tierney asserted this provision would help all students. Representative McKeon opposed the proposal, and believes the formula should benefit all equally, not certain schools.

**Status:** This amendment failed by a vote of 24-24.

**Amendment Sponsor:** Platts (R-PA)

**Amendment:** The amendment clarifies a previous amendment offered by Representative Todd Platts. Under the measure, schools that rapidly increase tuition, well beyond twice the rate of inflation, would be required to add an analysis of the increases to their already required reporting, as well as possible solutions to reduce the rates of increase. Administrators and representatives from the public sector would help draft the analysis/suggestions. The amendment does not require that schools draft a new report.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Tierney (D-MA)

**Amendment:** Representative John Tierney offered a series of amendments en bloc related to college costs. The proposal would use the higher education index for purposes of comparison because it is "more accurate" than other indices. The amendment would also require the Department of Education to disseminate best practices for keeping costs down and would award "bonus" Pell grants to students at schools that keep costs down.

**Status:** The amendment failed by a vote of 19-27.

**Amendment Sponsor:** Ehlers (R-MI)

**Amendment:** This amendment addresses accreditation of distance learning campuses. Debate focused on whether or not this proposal would make the accreditation process more burdensome and whether or not it would have negative consequences on a single entity. Representative Ehlers insisted this was not his intent. Congressman McKeon expressed sympathy for the intent but concern that it might have unintended consequences for armed services accreditors.

**Status:** The amendment was withdrawn with a commitment to seek accommodation.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that, under campus-based program allocations, would "hold harmless" institutions where at least 75% of the student population either receives a Pell Grant or has income limited to no more than 150% of the

poverty index in the computation of aid eligibility. He referred to this as a perfecting amendment regarding the elimination of the campus-based hold-harmless provision already in HR 609, in that it would exempt those institutions that serve predominantly low-income students. Andrews acknowledged that if the Tierney amendment regarding allocations under the campus-based programs was adopted, this proposal would be moot. With that understanding, a voice vote was requested.

**Status:** The amendment was defeated by voice vote, although a roll call vote was requested if the Tierney amendment failed. This amendment was defeated by a vote of 20-27.

**Amendment Sponsor:** Holt (D-NJ) and Kind (D-WI)

**Amendment:** Representatives Rush Holt and Ron Kind offered an amendment to Title IV that would authorize a new scholarship program for undergraduate and graduate students pursuing degrees in the science, technology, engineering and mathematics (STEM) fields and who achieve at least a 3.25 grade point average. Recipients of these scholarships (\$4,000 annually) would commit to working in STEM fields after completion of studies for 5 years or would repay their scholarship assistance. Though Representative Holt is aware that Congressman McKeon will be offering an amendment to modify the Byrd Scholarship program for STEM purposes later in the debate, this amendment is offered because it would not be limited to 1,000 recipients each year, but rather to any student qualified and willing to make the commitment and would offer new scholarship assistance.

**Status:** The amendment was withdrawn.

**Amendment Sponsor:** Ehlers (R-MI)

**Amendment:** Representative Ehlers offered an amendment that would commission a study by the National Academy of Sciences to determine the effect of the elimination of the 50 percent rule. Until the study is completed, the 50 percent rule would remain intact, except for a pilot program where it would be dropped. Opposition was centered on the fact that adequate checks and balances exist and that the Committee should not take action that would limit the growth of distance education programs.

**Status:** This amendment was defeated by a vote of 21-27.

**Amendment Sponsor:** Davis (D-IL)

**Amendment:** Current law reads that anyone convicted of a drug offense is ineligible for a financial aid according to the offense. Representative Danny Davis's amendment would allow judges to decide the financial aid status of an individual, based on the offense. Representative McKeon opposed the change on the grounds that HR 609 addressed this issue adequately, limiting penalties to convictions while students are in school.

**Status:** This amendment was defeated by a vote of 18-25.

**Amendment Sponsor:** McKeon (R-CA)

**Amendment:** Representative McKeon offered an amendment with three parts. The amendment would rewrite the Byrd Scholarship Program to award 1,000 scholarships to top students to study math and science education. The scholarships provide essentially free tuition through graduate school. Part 2 of the proposal allocates funds for P-16 councils that coordinate K-12, higher education, business and teacher credentialing organizations to improve STEM education. Part 3

provides up to \$5,000 in loan forgiveness on the interest for all students who agree to teach or work in the STEM fields upon graduation.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Holt (D-NJ)

**Amendment:** Representative Holt offered an amendment that would expand and “improve upon” campus child care programs. Representative McKeon objected to the amendment, based on his opposition to any new programs or increases in program authorizations.

**Status:** This amendment failed by a vote of 21-27.

**Amendment Sponsor:** McKeon (R-CA)

**Amendment:** Representative McKeon offered an amendment that would implement a number of recommendations from the Advisory Committee on Student Financial Assistance, including the creation of a new “EZ” FAFSA

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Tierney (D-MA)

**Amendment:** Representative Tierney offered an amendment that would strike section 103 of the bill—the “academic bill of rights.” This section has been debated a number of times during the markup. Representative Tierney asserts Section 103 does not address a clearly defined problem or issue and is unnecessary.

**Status:** This amendment failed by a vote of 21-27.

**Amendment Sponsor:** Bishop (D-NY)

**Amendment:** Representative Tim Bishop offered an amendment that would strike language in the bill that would prevent schools from denying transfer credits based solely on the sending institution’s accrediting agency.

**Status:** This amendment failed by a vote of 22-26.

**Amendment Sponsor:** Van Hollen (D-MD)

**Amendment:** Representative Van Hollen offered an amendment that was immediately agreed to without a description of or debate on the proposal.

**Status:** This amendment was agreed to by voice vote.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Rob Andrews offered a set of three en bloc amendments that would expand student loan deferment eligibility for dental and medical students to accommodate their residencies and provide loan forgiveness for lawyers who choose to become public defenders. Representative McKeon voiced opposition to the package, based on his stand against new programs.

**Status:** This amendment was defeated by a vote of 19-28.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would expand eligibility for work-study aid for students receiving high amounts of institutional aid. He argued that in certain circumstances, their institutional aid disqualifies them from work-study programs.

Representative McKeon asserted that a work-study formula already exists and does not need to be changed.

**Status:** This amendment was defeated by voice vote.

**Amendment Sponsor:** McKeon (R-CA)

**Amendment:** Representative McKeon offered an amendment that would require accrediting agencies to take into consideration certain state issues during their school reviews.

**Status:** This amendment was agreed to by voice vote

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would establish procedures for emergency notification of parents or guardians in the case of a student's disappearance. Students would have the option of establishing whom to contact in the event of an emergency. Representative McKeon asserted the amendment would create a burdensome reporting and paperwork requirement.

**Status:** The amendment was defeated by a vote of 21-27.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would require all institutions of higher education to require that students receive a meningitis inoculation before enrollment. Schools would be able to either provide the shot or notice that the shot is required.

Representative McKeon objected to the measure, noting that inoculation cost \$80 can cause an unnecessary financial burden on students and/or schools.

**Status:** The amendment was defeated by a vote of 21-27.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would require schools to properly dispose of computers in order to sufficiently destroy student personal data.

Representative McKeon objected to the measure, suggesting that complete information destruction is difficult to do and to regulate.

**Status:** The amendment was defeated by a vote of 22-26.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would require schools to have comprehensive campus fire safety polices, prevention and reaction plans.

**Status:** The amendment was agreed to by a vote of 35-13.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would clarify which students at "clock hour schools" receive refunds and under what circumstances refunds are issued.

**Status:** The amendment was agreed to by voice vote.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would establish a Sense of the Congress supportive of establishing an American University in Jordan. Representative McKeon

voiced concerns over jurisdiction issues and vowed to attempt to pass it under suspension on the floor.

**Status:** The amendment was withdrawn.

**Amendment Sponsor:** Bishop (D-NY)

**Amendment:** Representative Bishop offered an amendment that would create a grant program for institutions to conduct pre-competitive technology transfer programs. The programs would aid laboratories in translating breakthroughs into technology that could be licensed, with revenue returning back to the school. While Representative McKeon was supportive of the intent of the proposal, he objected to the measure since it creates a new program.

**Status:** The amendment was not agreed to, but garnered a vote of 24-24.

**Amendment Sponsor:** Wu (D-OR)

**Amendment:** Representative David Wu offered an amendment that was simply described as the “Textbook issue.”

**Status:** This amendment was agreed to by voice vote.

**Amendment Sponsor:** Wu (D-OR)

**Amendment:** Representative Wu offered an amendment that would create a new commission to examine the pricing of textbooks, what might be done to bring these costs down, and what other nations are doing about textbooks. Representative McKeon promised to work with Representative Wu on this issue outside of HEA reauthorization.

**Status:** The amendment was withdrawn

**Amendment Sponsor:** Kind (D-WI)

**Amendment:** Representative Ron Kind offered an amendment that would require the Department of Education to study the higher education needs of older adults attending college, particularly as they relate to distance education.

**Status:** This amendment was agreed to by voice vote.

**Amendment Sponsor:** Kind (D-WI)

**Amendment:** Representative Kind offered an amendment dubbed “The Innovation and Creativity Act.” The proposal provides support for STEM internships, textbooks, facilities and activities to increase the participation of underrepresented groups. Opposition was voiced, as the measure creates a new program.

**Status:** The amendment was defeated by voice vote.

**Amendment Sponsor:** Kind (D-WI)

**Amendment:** The amendment extends the protections of Section 103—the “Academic Bill of Rights”—to faculty, teaching assistants and related personnel.

**Status:** While Representative Kind requested a roll call vote on this proposal, he withdrew that request during Friday morning’s session. The amendment was not agreed to.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered an amendment that would allow students to secure a waiver exempting them from submitting financial information for uncooperative parents

during the financial aid application process. This waiver would apply to applications for unsubsidized student loans only. Representative McKeon asserted that financial aid officers already have this authority, but promised to include clarifying report language in the Committee's report on HR 609.

**Status:** The amendment was withdrawn.

**Amendment Sponsor:** Andrews (D-NJ)

**Amendment:** Representative Andrews offered and withdrew an amendment related to consolidation loans. There was no discussion of the amendment, but Representative Andrews did submit a complete statement for the record.

**Status:** The amendment was withdrawn.