Berry	Hinojosa	Pascrell
Bishop (GA)	Holden	Pastor
Bishop (NY)	Holt	Payne
Blumenauer	Honda	Pelosi
Boren	Hooley	Peterson (MN)
Boswell	Hoyer	Platts
Boucher	Inslee	Pomeroy
Boyd	Israel	Price (NC)
Brady (PA)	Jackson (IL)	Rahall
Brown (OH)	Jefferson	Reyes
Brown, Corrine	Johnson, E. B.	Ross
Butterfield	Kanjorski	Rothman
Capps	Kaptur	Rush
Capuano	Kennedy (RI)	Ryan (OH)
Cardin	Kildee	Sabo
Carnahan	Kilpatrick (MI)	Salazar
Carson	Kind	Sánchez, Linda T.
Case	Kucinich	Sanchez, Loretta
Chandler	Langevin	Sanders
Cleaver	Lantos	Schakowsky
Clyburn	Larsen (WA)	Schiff
Conyers	Larson (CT)	Schwartz (PA)
Cooper	Leach	Scott (GA)
Costa	Lee	Scott (VA)
Costello	Levin	Serrano
Cramer	Lewis (GA)	Shays
Crowley	Lipinski	Sherman
Cuellar	Lofgren, Zoe	Skelton
Cummings	Lowey	Slaughter
Davis (AL)	Lynch	Smith (WA)
Davis (CA)	Maloney	Snyder
Davis (IL)	Markey	Solis
Davis (TN)	Marshall	Souder
DeFazio	Matheson	Spratt
DeGette	Matsui	Stark
Delahunt	McCarthy	Strickland
DeLauro	McCollum (MN)	Stupak
Dicks	McDermott	Tanner
Dingell	McGovern	Tauscher
Doggett	McIntyre	Taylor (MS)
Edwards	McKinney	Thompson (CA)
Emanuel	McNulty	Thompson (MS)
Engel	Meehan	Tierney
Eshoo	Meek (FL)	Towns
Etheridge	Melancon	Udall (CO)
Farr	Michaud	Udall (NM)
Fattah	Millender-McDonald	Van Hollen
Filner	Miller (NC)	Velázquez
Ford	Miller, George	Visclosky
Frank (MA)	Moore (KS)	Wasserman Schultz
Gerlach	Moore (WI)	Waters
Gonzalez	Moran (VA)	Watt
Gordon	Murtha	Waxman
Green (WI)	Nadler	Weiner
Green, Al	Napolitano	Wexler
Grijalva	Neal (MA)	Woolsey
Gutierrez	Oberstar	Wu
Harman	Olver	Wynn
Hastings (FL)	Ortiz	
Herseth	Owens	
Higgins	Pallone	
Hinchey		

ANSWERED ''PRESENT''—7

Doyle	Jones (OH)	Roybal-Allard
Green, Gene	Mollohan	
Jones (NC)	Paul	

NOT VOTING—16

Brady (TX)	Issa	Oxley
Cardoza	Jackson-Lee (TX)	Rangel
Clay	Meeks (NY)	Ruppersberger
Davis (FL)	Miller (FL)	Sweeney
Evans	Obey	Watson
Gilchrest		

□ 1208

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SOUDER. Mr. Speaker, earlier today, I mistakenly cast my vote against tabling the privileged motion offered by Minority Leader NANCY PELOSI. In fact, I intended to vote in favor of tabling the motion and would like my intentions to be reflected in the RECORD.

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 609.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

COLLEGE ACCESS AND OPPORTUNITY ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 742 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 609.

□ 1209

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 609) to amend and extend the Higher Education Act of 1965, with Mr. CHOCOLA (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 29, 2006, amendment No. 3 printed in House Report 109–399 by the gentleman from Indiana (Mr. BURTON) had been disposed of and proceedings pursuant to House Resolution 741 had been completed.

Pursuant to House Resolution 742, no further general debate shall be in order.

Pursuant to House Resolution 742, no further amendment is in order except those printed in House Report 109–401. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the 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.

AMENDMENT NO. 1 OFFERED BY MRS. BIGGERT

Mrs. BIGGERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–401 offered by Mrs. BIGGERT:

Page 230, after line 10, insert the following new subsection:

(d) HOMELESS YOUTH.—Section 480(d) is further amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph:

''(6) has been verified as both a homeless child or youth and an unaccompanied youth, as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a), during the school year in which the application for financial assistance is submitted, by—

''(A) a local educational agency liaison for homeless children and youths, as designated under section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11432(g)(1)(J)(ii));

''(B) a director of a homeless shelter, transitional shelter, or independent living program; or

''(C) a financial aid administrator;''.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentlewoman from Illinois (Mrs. BIGGERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I rise to introduce an amendment that would make the dream of a college education more accessible to youth who are homeless and on their own.

While many young people experience homelessness as part of a family, so many youth in homeless situations are on their own. These children are unaccompanied for reasons that are extremely diverse and usually heartbreaking. In many cases they have run away to escape physical or sexual abuse. Others have been abandoned by their parents.

Due to their severe poverty, these homeless students are extremely unlikely to be able to access post-secondary education without Federal student aid. But in order to determine student eligibility for aid, the FAFSA requires them to provide financial information and a signature from their parent or guardian.

While these requirements are logical for most applicants, they create insurmountable barriers for unaccompanied homeless youth. So the very children who are most in need of financial assistance are the least likely to receive it.

My amendment removes these barriers by allowing unaccompanied homeless youth to be considered independent students. To ensure that there is no fraud or abuse, the living situation of the student must be verified by one of the following individuals: a McKinney-Vento Act school district liaison, a shelter director, or a financial aid administrator.

This independent student status will ensure that unaccompanied homeless youth are not required to provide their parental income information and parental signature, information they simply do not have and cannot get. The amendment thus opens the doors of higher education to some of our Nation's most vulnerable youth.

I should add, Mr. Chairman, that this amendment was scored by the CBO as having no budgetary impact.

Mr. MCKEON. Mr. Chairman, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from California.

Mr. MCKEON. Mr. Chairman, I want to thank the gentlewoman, a good member of her committee, for her work. I think this makes the bill better, and I hope all of our Members can support this amendment.

Mrs. BIGGERT. Mr. Chairman, I reserve the balance of my time.

Mr. KILDEE. Mr. Chairman, I claim the time in opposition, but I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield to the gentleman from California.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

I, too, want to thank the gentlewoman for offering this amendment, and I would ask everybody to support it. I thank her for all the work she does on behalf of homeless youth. We appreciate it, and I am sure they do too.

Mr. KILDEE. Mr. Chairman, this amendment is certainly thoughtful, realistic and sensitive, and I urge everyone to support it.

Mr. Chairman, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I yield myself such time as I may consume. Thank you all. I would like to thank in particular Chairman MCKEON and the ranking member, Mr. MILLER of California, for their support for homeless education. Whether we are talking about the No Child Left Behind Act or this legislation today, the Education and Workforce Committee members and staff have worked in a bipartisan way to address problems related to the education of homeless children, and I believe that we have made significant progress.

Mr. Chairman, I urge support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois (Mrs. BIGGERT).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

Mr. GOHMERT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–401 offered by Mr. GOHMERT:

Page 31, beginning on line 20, strike subsection (f) and insert the following:

(f) OUTCOMES AND ACTIONS.—

(1) RESPONSE FROM INSTITUTION.—Effective on June 30, 2010, an institution that has a college affordability index that exceeds 2.0 for any 3-year interval ending on or after that date shall provide a report to the Secretary, in such a form, at such time, and containing such information as the Secretary may require. Such report shall include—

(A) a description of the factors contributing to the increase in the institution's costs and in the tuition and fees charged to students; and

(B) if determinations of tuition and fee increases are not within the exclusive control of the institution, a description of the agency or instrumentality of State government or other entity that participates in such determinations and the authority exercised by such agency, instrumentality, or entity.

(2) QUALITY-EFFICIENCY TASK FORCES.—

(A) REQUIRED.—Each institution subject to paragraph (1) that has a college affordability index that is in the highest 5 percent of such indexes of all institutions subject to paragraph (1) shall establish a quality-efficiency task force to review the operations of such institution.

(B) MEMBERSHIP.—Such task force shall include administrators and business and civic leaders and may include faculty, students, trustees, parents of students, and alumni of such institution.

(C) FUNCTIONS.—Such task force shall analyze institutional operating costs in comparison with such costs at other institutions within the class of institutions. Such analysis should identify areas where, in comparison with other institutions in such class, the institution operates more expensively to produce a similar result. Any identified areas should then be targeted for in-depth analysis for cost reduction opportunities.

(D) REPORT.—The results of the analysis by a quality-efficiency task force under this paragraph shall be included in the report to the Secretary under paragraph (1).

(3) CONSEQUENCES FOR 2-YEAR CONTINUATION OF FAILURE.—If the Secretary determines that the institution has failed to reduce the college affordability index below 2.0 for such 2 academic years, the Secretary shall place the institution on an affordability alert status and shall make the information regarding the institution's failure available in accordance with subsection (d).

(4) INFORMATION TO STATE AGENCIES.—Any institution that reports under paragraph (1)(A) that an agency or instrumentality of State government or other entity participates in the determinations of tuition and fee increases shall, prior to submitting any information to the Secretary under this subsection, submit such information to, and request the comments and input of, such agency, instrumentality, or entity. With respect to any such institution, the Secretary shall provide a copy of any communication by the Secretary with that institution to such agency, instrumentality, or entity.

(5) EXEMPTIONS.—

(A) RELATIVE PRICE EXEMPTION.—The Secretary shall, for any 3-year interval for which college affordability indexes are computed under paragraph (1), determine and publish the dollar amount that, for each class of institution described in paragraph (6) represents the maximum tuition and fees charged for a full-time undergraduate student in the least costly quartile of institutions within each such class during the last year of such 3-year interval. An institution that has a college affordability index computed under paragraph (1) that exceeds 2.0 for any such 3-year interval, but that, on average during such 3-year interval, charges less than such maximum tuition and fees shall not be subject to the actions required by paragraph (3), unless such institution, for a subsequent 3-year interval, charges more than such maximum tuition and fees.

(B) DOLLAR INCREASE EXEMPTION.—An institution that has a college affordability index computed under paragraph (1) that exceeds 2.0 for any 3-year interval, but that exceeds such 2.0 by a dollar amount that is less than $500, shall not be subject to the actions required by paragraph (3), unless such institution has a college affordability index for a subsequent 3-year interval that exceeds 2.0 by more than such dollar amount.

(6) CLASSES OF INSTITUTIONS.—For purposes of this subsection, the classes of institutions shall be those sectors used by the Integrated Postsecondary Education Data System, based on whether the institution is public, nonprofit private, or for-profit private, and whether the institution has a 4-year, 2-year, or less than 2-year program of instruction.

(7) DATA REJECTION.—Nothing in this subsection shall be construed as allowing the Secretary to reject the data submitted by an individual institution of higher education.

Page 37, after line 2, insert the following new subsection (and redesignate the succeeding subsections accordingly):

''(g) INFORMATION TO THE PUBLIC.—Upon receipt of an institution's report required under subsection (f), the Secretary shall make the information in the report available to the public in accordance with subsection (d) on the COOL website under subsection (b).

Page 262, beginning on line 19, strike paragraph (1) and redesignate the succeeding paragraphs accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

□ 1215

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

This amendment seeks to cut down on Federal meddling with our colleges and universities. As Republicans, we have made a promise to the American people that we stand for less government, not more. Our preeminent system of higher education is the last thing that needs extensive Federal oversight. We have seen what happened to K–12 as the Federal Government started meddling too much 30 years ago in it, and we are only now starting to recover from Federal meddling 30 years ago.

I do support the overall bill, and I would like to thank Chairman MCKEON for working with me on the amendment. He and his staff have been wonderful to work with, and I thank them for being so gracious.

But this amendment would strike certain reporting requirements for colleges and universities within section 131(f). Cutting down on some red tape will allow these schools to focus on educating their students first.

This amendment also strikes section 495(a)(1) that would allow States to apply to the Secretary of Education to become recognized accreditors. It just looked like that created more Federal bureaucracy, more State bureaucracy, and we have the best university system in the world. It is too expensive. It has gotten expensive so fast, and with two kids in college, I certainly am very sensitive to that.

So I applaud the chairman's efforts in his bill to assist in bringing those down, but I have concerns about some of these other provisions.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT), my friend.

Mr. DENT. Mr. Chairman, I, too, applaud Representative GOHMERT for this amendment. This amendment does recognize that the American system of higher education is truly the envy of

the world, and just as importantly, it recognizes the role our independent colleges and universities play in that overall system.

Specifically, this amendment addresses the primary concerns of so many of the private and independent colleges about what they have seen as a genuine threat to their independence and their ability to fulfill their diverse missions.

I, like many others in this chamber, have spoken with a number of the presidents in my district and understand how deeply they feel about undertaking their responsibilities to their students without excessive and inappropriate Federal or State interference.

And for this reason, I offer my support for the Gohmert amendment which removes Federal intervention mechanisms while pushing schools to voluntarily rein in costs, and that is all included in this legislation. It also further eliminates the authority for States to become accreditors.

The other good thing about this amendment is disclosures are still in the bill, but the price controls essentially are out.

In terms of States as accreditors, the concern would be that any State higher education bureaucracy that wants to control the State's private and independent colleges can simply require State accreditation, giving the State control over its curriculum and mission. Although the intent of the provision is to offer more options to the institutions, the opposite may well occur. There is no way to anticipate all the ways in which a State might seek to control private institutions using its accreditation powers as leverage.

For all those reasons, I strongly support Mr. GOHMERT's amendment and thank Chairman MCKEON for his willingness to work with us on this matter.

Mr. GOHMERT. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Pennsylvania for those kind comments. At this time, I would like to thank the chairman for reaching out to me, and I also want to thank all of the institutions of higher learning in the districts. We have heard from so many of them. They have been so helpful, and I just appreciate that that is what makes for better government.

I do applaud the chairman's efforts to stem the tide of vast increases over the last 30 years in the cost of education, and this amendment and the provisions that it deals with, I think it does create a bill that will be a significant help to America in higher education.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MCKEON) my chairman.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding, and I want to thank Mr. GOHMERT from Texas for the great work that he has done on improving this bill.

It is very important that this amendment passes and Mr. SOUDER's amendment later today. I have a letter here from NAICU, the National Association of Independent Colleges and Universities, who have been vigorously opposing the bill, and because of your amendment and Mr. SOUDER's amendment, they have written us today that they are withdrawing their opposition to the bill on the House floor and I appreciate that, and I appreciate all the work that Mr. GOHMERT has done on this bill.

Mr. KILDEE. Mr. Chairman, I would like to claim the time in opposition, although I do not oppose it.

The Acting CHAIRMAN (Mr. CHOCOLA). Without objection, the gentleman is recognized.

There was no objection.

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to thank the gentleman from Texas for offering this amendment. It is a step in the right direction on some of the provisions that I expressed concern over yesterday, and I have no objection to its adoption, urge its adoption.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GOHMERT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GOHMERT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–401 offered by Mr. KENNEDY of Rhode Island:

Page 189, line 13, redesignate subparagraph (I) as subparagraph (J), and before such subparagraph insert the following new subparagraph:

''(I) CHILD OR ADOLESCENT MENTAL HEALTH PROFESSIONALS.—An individual who is employed as child or adolescent mental health professional and is currently providing a majority of their clinical services to children or adolescents.

Page 194, after line 14, insert the following new paragraphs:

''(8) CHILD OR ADOLESCENT MENTAL HEALTH PROFESSIONAL.—The term 'child or adolescent mental health professional' means an individual who is employed as a psychiatrist, psychologist, school psychologist, psychiatric nurse, social worker, school social worker, marriage and family therapist, school counselor, or professional counselor and holds an advanced degree in one of the above areas with specialized training in child or adolescent mental health.

''(9) SPECIALIZED TRAINING IN CHILD OR ADOLESCENT MENTAL HEALTH.—The term 'specialized training in child or adolescent mental health' means training that

''(A) is part of or occurs after completion of an accredited graduate program in the United States for training mental health service professionals;

''(B) consists of at least 500 hours of training or clinical experience in treating children or adolescents; and

''(C) is comprehensive, coordinated, developmentally appropriate, and of high quality to address the unique ethnic and cultural diversity of the United States population.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Rhode Island (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield 5 minutes to myself.

Mr. Chairman, Marley Prunty-Lara is here today in the gallery. She is an articulate young woman living with bipolar disorder, and she is a suicide attempt survivor.

She is in town because she was here to testify yesterday about her struggle with bipolar disorder, being forced to drop out of school and ultimately attempting to take her own life.

Marley's family attempted to find a psychiatrist in South Dakota to treat her, but they were told that they would have to wait over 4 months to get an initial appointment. Because her mother's insurance would not cover residential treatment and they were so desperate to find care, they took out a second mortgage on their house, and they drove over 350 miles to another State to get Marley the life-saving care that she needed.

Mr. Chairman, Marley's story is all too common. There are just not enough trained professionals to treat the mental health needs of our children. Surgeon General Carmona has said so. The President's New Freedom Commission has said so.

For the past three Congresses, my good friend from Florida Ms. ROS-LEHTINEN and I have introduced legislation aimed at alleviating the shortage of child and adolescent mental health providers in this country.

While this amendment does not cover everything included in the previous three bills, it is a start.

Within the College Access and Opportunity Act of 2005, there is a section that provides student loan forgiveness for service in areas of national need. Mr. Speaker, this is an area of national need.

For many families in this Nation, as Marley can readily attest, there is no higher need than the need for urgent mental health care for our children.

Our amendment would simply add child and adolescent mental health professionals to the list of high need professionals eligible for loan forgiveness.

Millions of American families need hope. Millions of them need help. The number of suicides are twice the rate of homicides in this country; 36,000 people

take their lives every year successfully. Every day in this country, 1,385 people attempt suicide. It is the third leading cause of death for young people.

Mr. Speaker, this is a problem that needs addressing, and we need the number of providers out there to make sure it gets the attention it deserves.

This year alone, 1,400 college students will successfully take their lives. Mr. Speaker, we need to make sure that we have adequate personnel to make sure that the services are delivered, and the services will never be delivered unless there are enough people to deliver them.

That is why this legislation is in order. That is why I would ask my colleagues to support it, and I thank you for the time in consideration of this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for offering this amendment. He and Ms. ROS-LEHTINEN address some very, very important problems of making sure we have adequate providers within the community for people with mental illness, and I would hope that everybody would support this amendment.

Mr. KENNEDY of Rhode Island. Reclaiming my time, I would just like to point out to the gentleman from California, there may be questions, what is this going to cost? The question is, what is it going to cost us not to do this?

Let me give you some statistics. Two-thirds of those in juvenile detention facilities are being held there simply because they cannot get a mental health appointment because there is no one to provide an assessment of them, two-thirds. Any of my colleagues that are interested, I encourage them to go out to Oak Hill here in the District of Columbia and see for yourself 11- and 12-year-olds behind bars because their parents cannot handle their mental illness. They have no other choice but to call the police and get their children held in detention because there is nothing else for them to do.

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman would further yield, they could go to their own districts. This is common across the country. Young people are being held in locked detention because of the simple fact that we cannot get a diagnosis. We cannot put together a treatment plan because they are on a waiting list for the services. They do not get services. In many cases, those services have been ordered, but they do not get them. They get a waiting list, and you are right, then we pay this exorbitant cost to keep them in there, but more importantly, denying them the treatment that they need.

So, increasing the number of providers so that we can address these concerns and these problems that young people have is just absolutely important.

The idea of making these providers eligible for loan forgiveness is a service to our community, and I am sure that the House will support this amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentleman, and I thank Marley for her courage and her witness here today.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair would remind Members that it is not in order to refer to the presence of persons in the gallery.

Who seeks time in opposition?

Mr. MCKEON. Mr. Chairman, I will claim the time in opposition; although I do not intend to oppose the bill.

I want to thank the gentleman from Rhode Island and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their efforts on this amendment, and again, I think it strengthens the bill, and I thank them for this and encourage support of the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I demand a recorded vote to demonstrate this House's support for mental health services in this country.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–401 offered by Mr. KING of Iowa:

At the end of part B of title IX of the Amendment add the following new section:

SEC. ____. RACIAL AND ETHNIC PREFERENCES.

(a) FINDINGS.—The Congress finds the following:

(1) Title VI of the Civil Rights Act of 1964 forbids discrimination on the basis of race, color, or national origin by Federally-funded institutions, which includes nearly all colleges and universities.

(2) The United States Supreme Court has recently set out limitations on such considerations of race, color, and national origin.

(3) In order to ensure that these limitations are followed, schools must make public their use of race, color, and national origin, for admissions decisions so that Federal and State enforcement agencies and interested persons can monitor the schools.

(4) Citizens and taxpayers have a right to know whether Federally-funded institutions of higher education are treating student applications differently depending on the student's race, color, or national origin, and, if so, the way in which these factors are weighted and the consequences to students and prospective students of these decisions.

(b) REPORTS ON ADMISSIONS PROCESS REQUIRED.—

(1) REPORT REQUIRED.—Every academic year, each institution of higher education that receives funds from the Federal Government shall provide to the Office for Civil Rights of the Department of Education a report regarding its students admissions process, and the report shall be made publicly available.

(2) DISCLOSURE OF CONSIDERATION OF RACE, COLOR, OR NATIONAL ORIGIN.—

(A) DISCLOSURE.—The report required by this section shall begin with a statement of whether race, color, or national origin is given any weight in the student admissions process.

(B) DEPARTMENTAL DISCLOSURES.—If different departments within the institution have separate admission processes and any of those departments give any weight to race, color, and national origin, then the report shall provide the information required by subparagraph (A) of this paragraph and paragraph (3) for each department separately.

(3) ADDITIONAL DISCLOSURES.—If the disclosure required by paragraph (2) states that race, color, or national origin is given weight in the student admission process, then the report under this section shall also provide the following information:

(A) The racial, color, and national origin groups for which membership is considered a plus factor or a minus factor and, in addition, how membership in a group is determined for individual students.

(B) A description of how group membership is considered, including the weight given to such consideration and whether targets, goals, or quotas are used.

(C) A statement of why group membership is given weight, including the determination of the desired level claimed and, with respect to the diversity rationale, its relationship to the particular institution's educational mission.

(D) A description of the consideration that has been given to racially neutral alternatives as a means for achieving the same goals for which group membership is considered.

(E) A description of how frequently the need to give weight to group membership is reassessed and how that reassessment is conducted.

(F) A statement of the factors other than race, color, or national origin that are collected in the admissions process. Where those factors include grades or class rank in high school, scores on standardized tests (including the ACT and SAT), legacy status, sex, State residency, economic status, or other quantifiable criteria, then all raw admissions data for applicants regarding these factors, along with each individual applicant's race, color, and national origin and the admissions decision made by the school regarding that applicant, shall accompany the report in computer-readable form, with the name of the individual student redacted but with appropriate links, so that it is possible for the Office for Civil Rights or other interested persons to determine through statistical analysis the weight being given to race, color, and national origin, relative to other factors.

(G) An analysis, and also the underlying data needed to perform an analysis, of whether there is a correlation—

(i) between membership in a group favored on account of race, color, or national origin and the likelihood of enrollment in a remediation program, relative to membership in other groups;

(ii) between such membership and graduation rates, relative to membership in other groups; and

(iii) between such membership and the likelihood of defaulting on education loans, relative to membership in other groups.

(4) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow or permit preference or discrimination on the basis of race, color, or national origin.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Iowa (Mr. KING) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

While the Supreme Court has ruled that using racial and ethnic preferences in higher education admission policies are sometimes permissible under present law, it has also established limits for such policies. For example, Court decisions have asserted that admissions policies using racial preferences must be narrowly tailored to further a compelling interest and that these policies cannot involve the use of quotas.

The Court's also ruled that schools using racial preferences in admissions must consider race neutral alternatives and to limit it in time, for example, Justice O'Connor's remarks to revisit the decision in Michigan cases in perhaps 25 years.

My amendment would require all institutions of higher education who receive Federal funding to fully disclose details regarding their admissions policies. This information would be reported annually to the Department of Education's Office of Civil Rights.

It has several reasons why we should pass this amendment, Mr. Chairman, and the first one is to ensure lawful admission policies are complied with by our institutes of higher learning who are receiving the Federal funds and that there are informed choices out there for the students as they apply to the various students, and as there are students who are beneficiaries of affirmative action programs, they need to have some sense of the performance expectations of those who have gone before them and benefited from affirmative action programs.

So what my amendment does is requires each institute of higher learning who uses Federal funds to report their policy. If they do not use preferences, they simply write a letter that says we do not use preferences. If they do use preferences, then they need to list a number of things, such as, are the preferences weighted? Did they use target goals or quotas? What was the purpose of their policies? And could they evaluate a racially neutral policy effectiveness as to opposed to one that is not racially neutral, a list of factors other than race, color or national origin that they might use such as test scores, sex, legacy status, residency, et cetera, Mr. Chairman?

□ 1230

And, in conclusion, an analysis of their respective progress of appointments under these programs?

So this gets the information back to Congress so we can better evaluate, and it also helps the institutions of higher learning comply with the Supreme Court decision. So I urge support for this.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman and Members of the House, I oppose this amendment and I hope most of the Members of the House will also oppose this amendment. The issues that are called into question in this amendment, the use of, the gentleman said preferences, but of any data, any factors in deciding the makeup of a university student body has already been decided by the Supreme Court.

The fact of the matter is that quotas are unlawful, but universities have a right to a diverse student population, and they are allowed to use a diverse range of factors in compiling that university. I believe that the King amendment goes beyond that decision, and the amendment also does not provide for the protection of student privacy. In fact, it does just the opposite of that.

The fact of the matter is this information is already available to those parties who are interested. They can get it through the Freedom of Information Act or the universities, obviously. At least in our State, they are continuously discussing operating and changing and reviewing their admissions policy because they are in constant determination of trying to provide diverse opportunities to a diverse population of qualified students.

I would hope that we would reject this amendment. It is interesting that we just had an amendment we adopted to reduce paperwork, and now we are going to put on a whole new set of requirements of annual reports and different kinds of data and how it has to be collected and weighed and all the rest of it, with no showing that it has been improperly done or anything wrong has happened. We are just going to load down the universities.

Mr. MCKEON has an effort where he is trying to reduce the cost of higher education by making sure universities are not engaged in those practices that are not necessary and that drive up the cost. And this comes along, outside of the Supreme Court decisions, outside the current practices of universities and suggests that somehow they should just continue to develop this information with no showing or grievance.

If a person has a grievance or showing, or people are interested from an academic point of view, from a social policy point of view, or from any point of view, the fact of the matter is that the information is currently available. I would hope that we would reject this amendment when it comes to a vote in the House.

Mr. Chairman, I yield to Mr. KILDEE.

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I really think this would lead to a violation of privacy and have a chilling effect upon that which the Supreme Court has permitted in the case against Bollinger from the University of Michigan where I attended.

It was a very narrow decision of the Supreme Court. I and my two sons attended the University of Michigan; and we, as members of the majority, benefited from a very sensitive, sensitivity to minorities. We benefited from that because we had a larger universe in which to study. So we gained from the fact that we were broadened out by the fact that there was a certain sensitivity towards minorities, very narrowly construed now by the Supreme Court.

So I think it is a win-win situation. We should leave it alone. The Supreme Court has made its decision. It is very clear that colleges are following this, and I think to have all this reporting serves no useful purpose and would also, I think, lead to a violation of privacy and would, because of the reporting, even have a chilling effect upon the use of this.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN (Mr. CHOCOLA). The gentleman has 2½ minutes remaining.

Mr. KING of Iowa. Thank you, Mr. Chairman.

It seems to be the core of the rebuttal argument we heard here is that this is a violation of student privacy and that we would be somehow looking into records that are confidential. I would direct the gentlemen who made those statements to page 4 of my amendment, lines 18 and 19, where it says with the name of the individual student redacted but with appropriate links so it is possible for the Office of Civil Rights to determine the overall statistical data, but not have any individual student data. It is specifically redacted in my bill.

I think it is appropriate and necessary for this Congress to review where our money is being spent and to see what kind of results we are getting from all of our institutions, and also to ensure that they are complying with the Supreme Court decision.

I have laid this out as three points that are important: lawful, conforming with the Supreme Court decisions that are on the two Michigan cases; and informed choices for students so that they can evaluate when they go to an institution.

This information is not available, Mr. Chairman. I don't know how any student would ever have access. And looking at how difficult it was to get some empirical data just out of Michigan on the way to the Supreme Court,

there is no way a high school junior or senior could ever have enough access to make an informed decision without these kinds of reports.

Then, of course, if a student is going to be the beneficiary of an affirmative action program, wouldn't they want to know what kind of results there were for those who have gone before them? Do they have a prospect of graduating? Do they have a prospect of a job afterwards? What is the future for them, or should they maybe take a path that is not quite so difficult? All of this is reasonable and it is logical.

And the paperwork, if a university is not using an affirmative action preference program, they simply send a letter that says we don't do that. But if they do use the information, if they do use it as criteria for admissions, then they simply file a report. Any institution should know this information as a matter of their professionalism. Sharing it with Congress is not a burden.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I would just say it is an interesting academic study, and I am sure some of the information would be of interest to people, but why don't you just have the Department of Education periodically sort of select some universities and test it, rather than putting the burden on every university, whether large or small, rich or poor, private or public that has to submit this information on an annual basis where in fact there may not have been any complaints or there is support for that policy, if it has been publicly reviewed or however they handle it.

The suggestion here that every university would have to go through this process is just kind of a mindless Federal Government approach to imposing these burdens on people without consideration of the cost, the need, the results, or any of the rest of it. I thought we were getting away from that policy. Talk about one-size-fits-all; here is one-size-fits-all. And when they say, well, we don't do that, who is going to check that that is really true? Yet you start this whole process.

And I would say, by the way, that the names aren't redacted. The Social Security numbers are not redacted.

Mr. KING of Iowa. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN. The gentleman has 30 seconds remaining.

Mr. KING of Iowa. Thank you, Mr. Chairman.

I would point out, again, this information is information that any institution of higher learning should be interested in compiling to determine the effectiveness of their policy. We help them along with this process and ask to share in that process with them.

Additionally, Justice O'Connor's decision said perhaps we should revisit this in 25 years. If we can compile this data for 25 years, perhaps the Supreme Court can make an informed decision on affirmative action preference admission programs within our institutions of higher learning, and I urge support for my amendment.

Mr. SCOTT of Virginia. Mr. Chairman, the Supreme Court has repeatedly recognized that the primary academic freedom enjoyed by a university is the freedom to choose whom to admit. Most recently, this principle was reaffirmed in the 2003 decisions in Grutter v. Bollinger and Gratz v. Bollinger. The Supreme Court has also recognized that, in exercising this academic freedom, universities may constitutionally consider race and ethnicity, among other factors, to promote the educational benefits of a diverse student body. At the same time, universities must regularly review their admissions policies to ensure that they consider individual admissions factors only as needed to promote their institutional mission.

The King amendment tramples academic freedom and chills universities' willingness to consider diversity factors even in the narrowly tailored manner that the Supreme Court has upheld. It creates a burdensome reporting requirement that acts as a disincentive for universities to exercise their academic freedom as permitted by the Court. Furthermore, over reliance on admissions criteria such as standardized tests, which have been found to be culturally biased, may also get caught up in the King amendment.

The King amendment also jeopardizes the privacy and confidentiality of individual student applicants. Educational institutions are prohibited by law from disclosing personally identifiable information from students' education records without consent. In fact, even release of information for educational research purposes is permitted only if the information is released in such a way that student identities are not traceable, The King amendment would, in contradiction of this law, require release of raw admissions data for applicants in a manner that would not ensure applicant confidentiality.

The King amendment incorrectly assumes that there is a weight given to each admissions factor by universities. However, as the Supreme Court explained in Gratz and Grutter, admissions factors must be considered in an individualized holistic manner and therefore weight will necessarily vary from one application to the next.

Finally, the King amendment is opposed by the National Association for College Admission Counseling, the American Federation of Teachers, the National Education Association and the American Council on Education.

Mr. Chairman, Congress should not trample on the rights of universities to exercise academic freedom. Nor should we pass an amendment that would violate student privacy rights. I urge my colleagues to oppose this amendment.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment proposed by Mr. KING of Iowa. In my state of Michigan, we are currently fighting a deceptive ballot initiative that would undermine the progress which has been made to attain educational equality. Like that ballot measure, I believe that the King amendment is yet another deceptive attack on affirmative action.

While the amendment looks like a mere reporting requirement, its true purpose is to chill the willingness of universities to consider diversity factors—including not only race and ethnicity, but also gender—even in the narrowly tailored manner that was upheld by the Supreme Court in the University of Michigan cases.

In Gratz and Grutter, the Court explicitly found that universities may constitutionally consider race and ethnicity, among other factors, to promote the educational benefits of a diverse student body. However, even with this ruling by the Court, the chilling factor on legally permissible policies and programs is very real. This month, the New York Times reported that hundreds of universities had modified or given up programs created to promote educational opportunity for minorities in the face of pressure from Washington and further litigation. As one Dean commented in the story, the question was how far these programs could be stretched by these pressures before gains were put at risk.

The chilling effect on university policy is made even worse by the fact that the amendment completely misapprehends the role that diversity factors play in the admission process. The proposed amendment would require universities annually to report the weight given to each factor—including race, ethnicity, national origin, gender, grades, high school class rank, standardized test scores, and so forth—considered in the admissions process.

As the Supreme Court explained in Grutter and Gratz, however, admissions factor must be considered in an individualized, holistic manner and the weight given to each factor will necessarily vary across applications. Consequently, a factor that was important (or even perhaps decisive) with respect to one application may have little weight with respect to another application.

As a result, it is impossible for a university to state definitively and universally the weight given to race or to any particular admissions factor. In fact, to do so would violate the Court's rulings, which expressly require flexibility in any governmental consideration of race or ethnicity.

Moreover, the proposed amendment contemplates only quantifiable admissions factors, and neglects the role of essays, personal statements, counsel recommendations, and other qualitative factors in the admissions process.

When amendments like this come forward, I believe that we should reflect on the path to equality. It was only 40 years ago that the Federal Government had to send troops into Little Rock to permit African-American children to attend Central High School. The Supreme Court took this into account in reaching its Grutter and Gratz conclusions and made its rulings. It's now time for Washington to step back and let our universities focus on education, instead of litigation and regulation.

I urge a strong ''no'' vote.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. LARSEN OF WASHINGTON

Mr. LARSEN of Washington. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–401 offered by Mr. LARSEN of Washington:

At the end of section 601 add the following new subsection:

(k) SENSE OF THE CONGRESS.—It is the sense of the Congress that due to the diplomatic, economic, and military importance of China and the Middle East, international exchange and foreign language education programs under the Higher Education Act of 1965 should focus on the learning of Chinese and Arabic language and culture.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Washington (Mr. LARSEN), as the designee of the gentleman from Illinois (Mr. KIRK), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. LARSEN of Washington. Mr. Chairman, I yield myself such time as I may consume, and I rise today to offer the Kirk-Larsen amendment to articulate our Nation's need to promote Chinese and Arabic cultural exchange and language education. I want to thank my fellow co-chair of the U.S.-China Working Group, Mr. KIRK of Illinois, on his work in drafting this important amendment.

Today's global landscape is increasingly interconnected. China and the Middle East play critical roles towards international peace and security. Our ability to effectively engage China and the Arab world rests on shared economic and political interests and mutual understanding.

From 1998 to 2002, foreign language enrollment in United States colleges and universities increased by 20 percent for Chinese and 92.3 percent for Arabic. By comparison, the learning of more traditional languages, such as French and German, grew by under 3 percent.

Our schools and universities are already leading the movement towards Chinese and Arabic language. Congress must build on this infrastructure and support the education of future diplomats, business professionals, and teachers who are proficient in Arabic and Chinese. We must answer the call for an increased American competitiveness and national security, and in today's world we cannot answer that call just in English.

So I urge my colleagues to vote ''yes'' on this amendment, which is merely a sense of Congress amendment to promote language education in Arabic and Chinese.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does anyone seek time in opposition?

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, but I don't plan to oppose the amendment. I just want to thank the gentleman from Washington and Mr. KIRK from Illinois for their work on this project.

I had the opportunity to lead a congressional delegation to China last year, and I think it is very important that we stress the importance of learning other languages so that we can communicate and do a better job of competing around the world, and so I encourage support of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LARSEN of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Chairman, I thank my partner, co-chair of the U.S.-China Working Group, on this amendment.

I had the honor of serving on the Paul Simon Exchange Commission for the United States to look at his vision of having a million Americans study abroad. That is a very important goal, very worthwhile because of America's position in the world.

But, quite frankly, I think there are two language groups vital to the future security, to the economy, and to the diplomacy of the United States, and that is Arabic and Chinese. This amendment highlights that priority for the United States, for our future.

Obviously, we know with the global war on terror the importance of the command of the Arabic language. But we also see China rising and projected by the IMF on 19th Street here in Washington, D.C. to be the second largest economy on Earth. And it makes sense for the United States to place its highest diplomatic priority on relations with the number two economy of the 21st century, which is China.

Currently, we have reports that there are over 200 million people in China who are or have studied English, but in the United States the total number of Americans who are studying or have studied Chinese number just 28,000. We need to redress that balance to make sure that we have a full engagement with China, with her rising economy, with her very important diplomacy with regard to North Korea, Iran, et cetera, and obviously with military developments there.

So I thank the chairman for his support, and I commend my co-chair of the U.S.-China Working Group, because I think in the necessary funding of exchanges we should place a priority on these two language groups.

Mr. LARSEN of Washington. Mr. Chairman, I also want to thank the chairman and the ranking member of the committee for their help and support on this.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. LARSEN).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–401 offered by Mr. SOUDER:

Page 267, beginning on line 14, strike paragraph (8) and insert the following:

''(8) confirms as a part of its review for accreditation or reaccreditation that the institution has transfer policies that are publicly disclosed and specifically state whether the institution denies a transfer of credit based solely on the accreditation of the institution at which the credit was earned;

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

□ 1245

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Today I am offering an amendment with the gentleman from New York (Mr. BISHOP) that will ensure students have greater access to information about a university's transfer-of-credit policies without placing new burdensome mandates on the institutions themselves.

I would like to thank the chairman of the Education and Workforce Committee, Chairman MCKEON, for working with me and Mr. BISHOP over the last day on a compromise that I believe accomplishes our shared goal of greater transparency with regard to an institution's transfer of credit policies. If a student plans on transferring from a community college to a 4-year institution or from a proprietary school to a community college, they should know before they apply which of their credits will transfer.

The Souder-Bishop amendment will strengthen language in the underlying bill to ensure that all institutions of higher education publicly disclosed whether or not they deny credits based on the accreditation of the institution where the credits were earned.

We do not mandate the kind of policy a school must have; we just require greater transparency.

On principle, I believe it is not the role of the Federal Government to dictate what kind of transfer or credit policy an institution must have. In the interest of academic integrity, every college and university should be able to ensure that every graduate receiving a diploma from their institution has completed all of the required courses for a particular program at the level of rigor expected by that university.

If a university decides that the best way it can ensure an appropriate level of academic rigor is to only accept credits from certain kinds of institutions, it should be that school's prerogative to do so. The alternative for many schools would be costly and

time-intensive, requiring admissions counselors and professors to evaluate each of a transfer student's credits based on the quality of the sending institution, its professors, curricula, textbooks, materials, et cetera.

I want to make it clear that this amendment is meant in no way to diminish the value of any particular kind of institution. All institutions have their appropriate place in the higher education community. I am supportive of all types of institutions and want to encourage their growth because it will mean more individuals will be empowered to be productive workers in our growing economy. They are a critical part of my district in particular because of its manufacturing, engineering and business background, and without the proprietary schools and community college specialized courses, we could not function. But it is my hope that as an alternative to Federal mandates, more colleges and universities will work out voluntary articulation agreements between schools to ensure a more seamless transition between institutions.

This can be done quite effectively within a State or region where institutions can come together to agree upon which credits from one school are the equivalent of courses at another school.

In my own home district in Northeast Indiana, Indiana University, Purdue University Fort Wayne (IPFW) and Ivy Tech Community College have worked out an agreement for students to be able to transfer credits from a specified list of over 150 courses. Several years ago, this was not possible. Now it is, and many more institutions in Indiana are following suit. I hope this kind of voluntary agreement multiply across the country.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I rise in strong support of the Souder-Bishop amendment. This bipartisan amendment is the culmination of several months of debate and compromise among Members on both sides of the aisle, the Education and the Workforce Committee, and the college community.

I want to thank Mr. SOUDER for offering this important amendment with me, and I would also like to thank Chairman MCKEON for his work on this issue.

Our amendment would simply require that, as part of its review for accreditation, colleges must publicly disclose their transfer of credit policies and specifically state whether the institution denies transfer of credit based solely on the accreditation of the sending institution. This language is, in our view, much improved from the original form and intent, and I proudly support it.

The original language in H.R. 609 included a provision that would have imposed a new transfer of credit mandate on colleges that would have created costly new bureaucratic headaches for students and institutions. In our view, we should not be dictating how colleges evaluate the coursework of transferring students as the earlier language would have required. Transfer credit decisions are academic decisions, not administrative decisions, and in principle, Congress should not be interfering in the academic decisions made on college campuses. Colleges and universities are fully capable of developing and implementing fair and appropriate transfer-of-credit policies on their own; and most important, it is in the best interest of students to have these judgments made by those most qualified to make them, and that would be the faculty and staff of the institution they attend.

The amendment we are offering today strikes the correct balance between academic autonomy and transparency for students. I urge all of my colleagues to vote for the Souder-Bishop amendment.

Mr. SOUDER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I rise in support of the Souder-Bishop amendment, and I want to associate myself with their comments just made.

This amendment by Mr. SOUDER would revise the transfer-of-credit provisions in this bill. The transfer-of-credit provisions in this bill have been made less onerous since the reauthorization bill was first introduced. The Federal Government as a matter of policy should not be involved in decisions about the awarding of credit which is an institution's essential product.

The Souder-Bishop amendment really takes an important step towards alleviating these concerns, relying instead on additional disclosures to help students better understand an institution's transfer policies.

Once again, I strongly support this amendment and urge its adoption.

Mr. MCKEON. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment. In fact, the amendment is critical to final passage of the bill.

I want to thank Mr. SOUDER and Mr. BISHOP, both good members of the committee, for their efforts in working together to strengthen the bill through this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CHOCOLA). The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 7 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the Nature of a Substitute No. 7 printed in House Report 109–401 offered by Mr. GEORGE MILLER of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reverse the Raid on Student Aid Act of 2006''.

SEC. 2. REFERENCES; EFFECTIVE DATE.

(a) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(b) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of enactment of this Act.

SEC. 3. CENTERS OF EXCELLENCE.

Title II (20 U.S.C. 1021 et seq.) is amended by adding at the end the following:

''PART C—CENTERS OF EXCELLENCE

''SEC. 231. PURPOSES; DEFINITIONS.

''(a) PURPOSES.—The purposes of this part are—

''(1) to help recruit and prepare teachers, including minority teachers, to meet the national demand for a highly qualified teacher in every classroom; and

''(2) to increase opportunities for Americans of all educational, ethnic, class, and geographic backgrounds to become highly qualified teachers.

''(b) DEFINITIONS.—As used in this part:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution of higher education that has a teacher preparation program that meets the requirements of section 203(b)(2) and that is—

''(i) a part B institution (as defined in section 322);

''(ii) a Hispanic-serving institution (as defined in section 502);

''(iii) a Tribal College or University (as defined in section 316);

''(iv) an Alaska Native-serving institution (as defined in section 317(b)); or

''(v) a Native Hawaiian-serving institution (as defined in section 317(b));

''(B) a consortium of institutions described in subparagraph (A); or

''(C) an institution described in subparagraph (A), or a consortium described in subparagraph (B), in partnership with any other institution of higher education, but only if the center of excellence established under section 232 is located at an institution described in subparagraph (A).

''(2) HIGHLY QUALIFIED.—The term 'highly qualified' when used with respect to an individual means that the individual is highly qualified as determined under section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) or section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

''(3) SCIENTIFICALLY BASED READING RESEARCH.—The term 'scientifically based reading research' has the meaning given such term in section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368).

''(4) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research' has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

''SEC. 232. CENTERS OF EXCELLENCE.

''(a) PROGRAM AUTHORIZED.—From the amounts appropriated to carry out this part, the Secretary is authorized to award competitive grants to eligible institutions to establish centers of excellence.

''(b) USE OF FUNDS.—Grants provided by the Secretary under this part shall be used to ensure that current and future teachers are highly qualified, by carrying out one or more of the following activities:

''(1) Implementing reforms within teacher preparation programs to ensure that such programs are preparing teachers who are highly qualified, are able to understand scientifically based research, and are able to use advanced technology effectively in the classroom, including use for instructional techniques to improve student academic achievement, by—

''(A) retraining faculty; and

''(B) designing (or redesigning) teacher preparation programs that—

''(i) prepare teachers to close student achievement gaps, are based on rigorous academic content, scientifically based research (including scientifically based reading research), and challenging State student academic content standards; and

''(ii) promote strong teaching skills.

''(2) Providing sustained and high-quality preservice clinical experience, including the mentoring of prospective teachers by exemplary teachers, substantially increasing interaction between faculty at institutions of higher education and new and experienced teachers, principals, and other administrators at elementary schools or secondary schools, and providing support, including preparation time, for such interaction.

''(3) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, including minority teachers and principals, including programs that provide—

''(A) teacher or principal mentoring from exemplary teachers or principals; or

''(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively.

''(4) Awarding scholarships based on financial need to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program.

''(5) Disseminating information on effective practices for teacher preparation and successful teacher certification and licensure assessment preparation strategies.

''(6) Activities authorized under sections 202, 203, and 204.

''(c) APPLICATION.—Any eligible institution desiring a grant under this section shall submit an application to the Secretary at such a time, in such a manner, and accompanied by such information the Secretary may require.

''(d) MINIMUM GRANT AMOUNT.—The minimum amount of each grant under this part shall be $500,000.

''(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—An eligible institution that receives a grant under this part may not use more than 2 percent of the grant funds for purposes of administering the grant.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out this part.

''SEC. 233. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $10,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 4. TITLE III GRANTS FOR AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES.

(a) ELIGIBLE INSTITUTIONS.—Subsection (b) of section 316 (20 U.S.C. 1059c(b)) is amended to read as follows:

''(b) DEFINITIONS.—

''(1) ELIGIBLE INSTITUTIONS.—For purposes of this section, Tribal Colleges and Universities are the following:

''(A) any of the following institutions that qualify for funding under the Tribally Controlled College or University Assistance Act of 1978 or is listed in Equity in Educational Land Grant Status Act of 1994 (7 U.S.C. 301 note): Bay Mills Community College; Blackfeet Community College; Cankdeska Cikana Community College; Chief Dull Knife College; College of Menominee Nation; Crownpoint Institute of Technology; Diné College; D–Q University; Fond du Lac Tribal and Community College; Fort Belknap College; Fort Berthold Community College; Fort Peck Community College; Haskell Indian Nations University; Institute of American Indian and Alaska Native Culture and Arts Development; Lac Courte Oreilles Ojibwa Community College; Leech Lake Tribal College; Little Big Horn College; Little Priest Tribal College; Nebraska Indian Community College; Northwest Indian College; Oglala Lakota College; Saginaw Chippewa Tribal College; Salish Kootenai College; Si Tanka University—Eagle Butte Campus; Sinte Gleska University; Sisseton Wahpeton Community College; Sitting Bull College; Southwestern Indian Polytechnic Institute; Stone Child College; Tohono O'Odham Community College; Turtle Mountain Community College; United Tribes Technical College; and White Earth Tribal and Community College; and

''(B) any other institution that meets the definition of tribally controlled college or university in section 2 of the Tribally Controlled College or University Assistance Act of 1978, and meets all other requirements of this section.

''(2) INDIAN.—The term 'Indian' has the meaning given the term in section 2 of the Tribally Controlled College or University Assistance Act of 1978.''.

(b) DISTANCE LEARNING.—Subsection (c)(2) of such section is amended—

(1) by amending subparagraph (B) to read as follows:

''(B) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;'';

(2) in subparagraph (C), by inserting before the semicolon at the end the following: '', or advanced degrees in tribal governance or tribal public policy'';

(3) in subparagraph (D), by inserting before the semicolon at the end the following: '', in tribal governance, or tribal public policy'';

(4) by striking ''and'' at the end of subparagraph (K);

(5) by redesignating subparagraph (L) as subparagraph (M); and

(6) by inserting after subparagraph (K) the following new subparagraph:

''(L) developing or improving facilities for Internet use or other distance learning academic instruction capabilities; and''.

(c) APPLICATION AND ALLOTMENT.—Subsection (d) of such section is amended to read as follows:

''(d) APPLICATION AND ALLOTMENT.—

''(1) INSTITUTIONAL ELIGIBILITY.—To be eligible to receive assistance under this section, a Tribal College or University shall be an eligible institution under section 312(b).

''(2) APPLICATION.—Any Tribal College or University desiring to receive assistance under this section shall submit an application to the Secretary at such time, and in such manner, as the Secretary may reasonably require.

''(3) MINIMUM GRANT.—The amount allotted to each institution under this section shall not be less than $500,000.

''(4) SPECIAL RULES.—

''(A) CONCURRENT FUNDING.—For the purposes of this part, no Tribal College or University that is eligible for and receives funds under this section shall concurrently receive funds under other provisions of this part or part B.

''(B) EXEMPTION.—Section 313(d) shall not apply to institutions that are eligible to receive funds under this section.''.

(d) CONSTRUCTION GRANTS.—After subsection (d) of section 316 (20 U.S.C. 1059c(d)), as amended by subsection (c) of this section, add the following new subsections:

''(e) CONSTRUCTION GRANTS.—

''(1) IN GENERAL.—Of the amount appropriated to carry out this section for any fiscal year, the Secretary may reserve 30 percent of such amount for the purpose of awarding 1-year grants of not less than $1,000,000 to address construction, maintenance, and renovation needs at eligible institutions.

''(2) PREFERENCE.—In providing grants under paragraph (1), the Secretary shall give preference to eligible institutions that have not yet received an award under this section.

''(f) ALLOTMENT OF REMAINING FUNDS.—The Secretary shall distribute any funds appropriated to carry out this section for any fiscal year that remain available after the Secretary has awarded grants under subsection (e), to each eligible institution as follows:

''(1) 60 percent of the remaining appropriated funds shall be distributed among the eligible Tribal Colleges and Universities on a pro rata basis, based on the respective Indian student counts (as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)) of the Tribal Colleges and Universities; and

''(2) the remaining 40 percent shall be distributed in equal shares to the eligible Tribal Colleges and Universities. ''.

SEC. 5. PREDOMINANTLY BLACK INSTITUTIONS.

(a) PREDOMINANTLY BLACK INSTITUTIONS.—Part A of title III is amended by inserting after section 317 (20 U.S.C. 1059d) the following new section:

''SEC. 318. PREDOMINANTLY BLACK INSTITUTIONS.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—The Congress finds that—

''(A) although Black Americans have made significant progress in closing the 'gap' between black and white enrollment in higher education—

''(i) Black Americans continue to trail whites in the percentage of the college-age cohort who enroll and graduate from college;

''(ii) the college participation rate of whites was 46 percent from 2000–2002, while that for blacks was only 39 percent; and

''(iii) the gap between white and black baccalaureate degree attainment rates also remains high, continuing to exceed 10 percent;

''(B) a growing number of Black American students are participating in higher education and are enrolled at a growing number of urban and rural Predominantly Black Institutions that have included in their mission the provision of academic training and education for both traditional and non-traditional minority students;

''(C) the overwhelming majority of students attending Predominantly Black Institutions come from low- and middle-income families and qualify for participation in the Federal student assistance programs or other need-based Federal programs; and recent data from the National Postsecondary Student Aid Study indicate that 47 percent of Pell grant recipients were black compared to only 21 percent of whites;

''(D) many of these students are also 'first generation' college students who lack the appropriate academic preparation for success

in college and whose parents lack the ordinary knowledge and information regarding financing a college education;

''(E) there is a particular national need to aid institutions of higher education that have become Predominantly Black Institutions by virtue of the fact that they have expanded opportunities for Black American and other minority students;

''(F) Predominantly Black Institutions fulfill a unique mission and represent a vital component of the American higher education landscape, far beyond that which was initially envisioned;

''(G) Predominantly Black Institutions serve the cultural and social advancement of low-income, Black American and other minority students and are a significant access point for these students to higher education and the opportunities offered by American society;

''(H) the concentration of these students in a limited number of two-year and four-year Predominantly Black Institutions and their desire to secure a degree to prepare them for a successful career places special burdens on those institutions who attract, retain, and graduate these students; and

''(I) financial assistance to establish or strengthen the physical plants, financial management, academic resources, and endowments of the Predominantly Black Institutions are appropriate methods to enhance these institutions and facilitate a decrease in reliance on governmental financial support and to encourage reliance on endowments and private sources.

''(2) PURPOSE.—It is the purpose of this section to assist Predominantly Black Institutions in expanding educational opportunity through a program of Federal assistance.

''(b) DEFINITIONS.—For purposes of this section:

''(1) PREDOMINANTLY BLACK INSTITUTION.—The term 'Predominantly Black Institution' means an institution of higher education—

''(A) that is an eligible institution (as defined in paragraph (5)(A) of this subsection) with a minimum of 1,000 undergraduate students;

''(B) at which at least 50 percent of the undergraduate students enrolled at the institution are low-income individuals or first-generation college students (as that term is defined in section 402A(g)); and

''(C) at which at least 50 percent of the undergraduate students are enrolled in an educational program leading to a bachelor's or associate's degree that the institution is licensed to award by the State in which it is located.

''(2) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' has the meaning given such term in section 402A(g).

''(3) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term 'means-tested Federal benefit program' means a program of the Federal Government, other than a program under title IV, in which eligibility for the programs' benefits, or the amount of such benefits, or both, are determined on the basis of income or resources of the individual or family seeking the benefit.

''(4) STATE.—The term 'State' means each of the 50 States and the District of Columbia.

''(5) OTHER DEFINITIONS.—For purposes of this section, the terms defined by section 312 have the meanings provided by that section, except as follows:

''(A) ELIGIBLE INSTITUTION.—

''(i) The term 'eligible institution' means an institution of higher education that—

''(I) has an enrollment of needy undergraduate students as required and defined by subparagraph (B);

''(II) except as provided in section 392(b), the average educational and general expenditure of which are low, per full-time equivalent undergraduate student in comparison with the average educational and general expenditure per full-time equivalent undergraduate student of institutions that offer similar instruction;

''(III) has an enrollment of undergraduate students that is at least 40 percent Black American students;

''(IV) is legally authorized to provide, and provides within the State, an educational program for which the institution awards a bachelors degree, or in the case of a junior or community college, an associate's degree; and

''(V) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, or is, according to such an agency or association, making reasonable progress toward accreditation.

''(ii) For purposes of the determination of whether an institution is an eligible institution under this subparagraph, the factor described under clause (i)(I) shall be given twice the weight of the factor described under clause (i)(III).

''(B) ENROLLMENT OF NEEDY STUDENTS.—The term 'enrollment of needy students' means the enrollment at an eligible institution with respect to which at least 50 percent of the undergraduate students enrolled in an academic program leading to a degree—

''(i) in the second fiscal year preceding the fiscal year for which the determination is made, were Pell Grant recipients in such year;

''(ii) come from families that receive benefits under a means-tested Federal benefits program (as defined in subsection (b)(3));

''(iii) attended a public or nonprofit private secondary school which is in the school district of a local educational agency which was eligible for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965 in any year during which the student attended that secondary school, and which for the purpose of this paragraph and for that year was determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school; or

''(iv) are 'first-generation college students' as that term is defined in section 402A(g), and a majority of such first-generation college students are low-income individuals.

''(c) AUTHORIZED ACTIVITIES.—

''(1) TYPES OF ACTIVITIES AUTHORIZED.—Grants awarded pursuant to subsection (d) shall be used by Predominantly Black Institutions—

''(A) to assist the institution to plan, develop, undertake, and implement programs to enhance the institution's capacity to serve more low- and middle-income Black American students;

''(B) to expand higher education opportunities for title IV eligible students by encouraging college preparation and student persistence in secondary and postsecondary education; and

''(C) to strengthen the institution's financial ability to serve the academic needs of the students described in subparagraphs (A) and (B).

''(2) AUTHORIZED ACTIVITIES.—Grants made to an institution under subsection (d) shall be used for one or more of the following activities:

''(A) The activities described in section 311(a)(1) through (11).

''(B) Academic instruction in disciplines in which Black Americans are underrepresented.

''(C) Establishing or enhancing a program of teacher education designed to qualify students to teach in a public elementary or secondary school in the State that shall include, as part of such program, preparation for teacher certification.

''(D) Establishing community outreach programs which will encourage elementary and secondary students to develop the academic skills and the interest to pursue postsecondary education.

''(E) Other activities proposed in the application submitted pursuant to subsection (e) that—

''(i) contribute to carrying out the purposes of this section; and

''(ii) are approved by the Secretary as part of the review and acceptance of such application.

''(3) ENDOWMENT FUND.—

''(A) IN GENERAL.—A Predominantly Black Institution may use not more than 20 percent of the grant funds provided under this section to establish or increase an endowment fund at the institution.

''(B) MATCHING REQUIREMENT.—In order to be eligible to use grant funds in accordance with subparagraph (A), the Predominantly Black Institution shall provide matching funds from non-Federal sources, in an amount equal to or greater than the Federal funds used in accordance with subparagraph (A), for the establishment or increase of the endowment fund.

''(C) COMPARABILITY.—The provisions of part C regarding the establishment or increase of an endowment fund, that the Secretary determines are not inconsistent with this subsection, shall apply to funds used under subparagraph (A).

''(4) LIMITATION.—Not more than 50 percent of the allotment of any Predominantly Black Institution may be available for the purpose of constructing or maintaining a classroom, library, laboratory, or other instructional facility.

''(d) ALLOTMENTS TO PREDOMINANTLY BLACK INSTITUTIONS.—

''(1) ALLOTMENT: PELL GRANT BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution a sum which bears the same ratio to one-half that amount as the number of Pell Grant recipients in attendance at such institution at the end of the academic year preceding the beginning of that fiscal year bears to the total number of Pell Grant recipients at all institutions eligible under this section.

''(2) ALLOTMENT: GRADUATES BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution a sum which bears the same ratio to one-fourth that amount as the number of graduates for such school year at such institution bears to the total number of graduates for such school year at all intuitions eligible under this section.

''(3) ALLOTMENT: GRADUATES SEEKING A HIGHER DEGREE BASIS.—From the amounts appropriated to carry out this section for any fiscal year, the Secretary shall allot to each Predominantly Black Institution a sum which bears the same ratio to one-fourth of that amount as the percentage of graduates per institution who are admitted to and in attendance at, within 2 years of graduation with an associates degree or a baccalaureate degree, either a baccalaureate degree-granting institution or a graduate or professional school in a degree program in disciplines in which Black American students are underrepresented, bears to the percentage of such

graduates per institution for all eligible institutions.

''(4) MINIMUM ALLOTMENT.—(A) Notwithstanding paragraphs (1), (2), and (3), the amount allotted to each Predominantly Black Institution under this section shall not be less than $250,000.

''(B) If the amount appropriated pursuant to section 399 for any fiscal year is not sufficient to pay the minimum allotment, the amount of such minimum allotment shall be ratably reduced. If additional sums become available for such fiscal year, such reduced allocation shall be increased on the same basis as it was reduced until the amount allotted equals the minimum allotment required by subparagraph (A).

''(5) REALLOTMENT.—The amount of a Predominantly Black Institution's allotment under paragraph (1), (2), (3), or (4) for any fiscal year, which the Secretary determines will not be required for such institution for the period such allotment is available, shall be available for reallotment to other Predominantly Black Institutions in proportion to the original allotment to such other institutions under this section for such fiscal year. The Secretary shall reallot such amounts from time to time, on such date and during such period as the Secretary deems appropriate.

''(e) APPLICATIONS.—No Predominantly Black Institution shall be entitled to its allotment of Federal funds for any grant under subsection (d) for any period unless the institution submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

''(f) APPLICATION REVIEW PROCESS.—Section 393 shall not apply to applications under this section.

''(g) PROHIBITION.—No Predominantly Black Institution that applies for and receives a grant under this section may apply for or receive funds under any other program under this part or part B of this title.

''(h) DURATION AND CARRYOVER.—Any funds paid to a Predominantly Black Institution under this section and not expended or used for the purposes for which the funds were paid within 10 years following the date of the grant awarded to such institution under this section shall be repaid to the Treasury of the United States.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 399(a)(1) (20 U.S.C. 1068h(a)(1)) is amended by adding at the end the following new subparagraph:

''(D) There are authorized to be appropriated to carry out section 318, $25,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 6. GRANTS TO PART B INSTITUTIONS.

(a) USE OF FUNDS.—

(1) FACILITIES AND EQUIPMENT.—

(A) UNDERGRADUATE INSTITUTIONS.—Paragraph (2) of section 323(a) (20 U.S.C. 1062(a)) is amended to read as follows:

''(2) Construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities.''.

(B) GRADUATE AND PROFESSIONAL SCHOOLS.—Paragraph (2) of section 326(c) is amended to read as follows:

''(2) construction, maintenance, renovation, and improvement in classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services, and the acquisition of real property adjacent to the campus of the institution on which to construct such facilities;''.

(2) OUTREACH AND COLLABORATION.—Paragraph (11) of section 323(a) is amended to read as follows:

''(11) Establishing community outreach programs and collaborative partnerships between part B institutions and local elementary or secondary schools. Such partnerships may include mentoring, tutoring, or other instructional opportunities that will boost student academic achievement and assist elementary and secondary school students in developing the academic skills and the interest to pursue postsecondary education.''.

(b) TECHNICAL ASSISTANCE.—Section 323 (20 U.S.C. 1062) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

''(c) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—An institution may not use more than 2 percent of the grant funds provided under this part to secure technical assistance services.

''(2) TECHNICAL ASSISTANCE SERVICES.—Technical assistance services may include assistance with enrollment management, financial management, and strategic planning.

''(3) REPORT.—The institution shall report to the Secretary on an annual basis, in such form as the Secretary requires, on the use of funds under this subsection.''.

(c) DISTANCE LEARNING.—Section 323(a)(2) (20 U.S.C. 1062(a)(2)) (as amended by subsection (a)(1)(A)) is further amended by inserting ''development or improvement of facilities for Internet use or other distance learning academic instruction capabilities and'' after ''including''.

(d) MINIMUM GRANTS.—Section 324(d)(1) (20 U.S.C. 1063(d)(1)) is amended by inserting before the period at the end the following: '', except that, if the amount appropriated to carry out this part for any fiscal year exceeds the amount required to provide to each institution an amount equal to the total amount received by such institution under subsections (a), (b), and (c) for the preceding fiscal year, then the amount of such excess appropriation shall first be applied to increase the minimum allotment under this subsection to $750,000''.

(e) ELIGIBLE GRADUATE OR PROFESSIONAL SCHOOLS.—

(1) GENERAL AUTHORITY.—Section 326(a)(1) (20 U.S.C. 1063b(a)(1)) is amended—

(A) by inserting ''(A)'' after ''subsection (e) that'';

(B) by inserting before the period at the end the following: '', (B) is accredited by a nationally recognized accrediting agency or association determined by the Secretary to be a reliable authority as to the quality of training offered, and (C) according to such an agency or association, is in good standing''.

(2) ELIGIBLE INSTITUTIONS.—Section 326(e)(1) (20 U.S.C. 1063b(e)(1)) is amended—

(A) by striking ''and'' at the end of subparagraph (Q);

(B) by striking the period at the end of subparagraph (R) and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(S) Alabama State University qualified graduate program;

''(T) Prairie View A & M University qualified graduate program;

''(U) Coppin State University qualified graduate program; and

''(V) Delaware State University qualified graduate program.''.

(3) CONFORMING AMENDMENT.—Section 326(e)(3) (20 U.S.C. 1063b(e)(3)) is amended—

(A) by striking ''1998'' and inserting ''2005''; and

(B) by striking ''(Q) and (R)'' and inserting ''(S), (T), (U), and (V)''.

(f) PROFESSIONAL OR GRADUATE INSTITUTIONS.—Section 326(f) (20 U.S.C. 1063b(f)) is amended—

(1) in paragraph (1)—

(A) by striking ''$26,600,000'' and inserting ''$54,500,000''; and

(B) by striking ''(P)'' and inserting ''(R)'';

(2) in paragraph (2)—

(A) by striking ''$26,600,000, but not in excess of $28,600,000'' and inserting ''$54,500,000, but not in excess of $58,500,000''; and

(B) by striking ''subparagraphs (Q) and (R)'' and inserting ''subparagraphs (S), (T), (U), and (V)''; and

(3) in paragraph (3)—

(A) by striking ''$28,600,000'' and inserting ''$58,500,000''; and

(B) by striking ''(R)'' and inserting ''(V)''.

(g) HOLD HARMLESS.—Section 326(g) (20 U.S.C. 1063b(g)) is amended by striking ''1998'' each place it appears and inserting ''2005''.

SEC. 7. PELL GRANTS.

(a) TUITION SENSITIVITY.—Section 401(b) is further amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

(b) MULTIPLE GRANTS.—Paragraph (5) of section 401(b) (as redesignated by subsection (a)(2)) is amended to read as follows:

''(5) YEAR-ROUND PELL GRANTS.—

''(A) IN GENERAL.—The Secretary shall, for students enrolled full time in a baccalaureate or associate's degree program of study at an eligible institution, award such students two Pell grants during a single award year to permit such students to accelerate progress toward their degree objectives by enrolling in academic programs for 12 months rather than 9 months.

''(B) LIMITATION.—The Secretary shall limit the awarding of additional Pell grants under this paragraph in a single award year to students attending—

''(i) baccalaureate degree granting institutions that have a graduation rate as reported by the Integrated Postsecondary Education Data System for the 4 preceding academic years of at least 30 percent; or

''(ii) two-year institutions that have a graduation rate as reported by the Integrated Postsecondary Education Data Systems, in at least one of the last 3 years for which data is available, that is above the average for the applicable year for the institution's type and control.

''(C) EVALUATION.—The Secretary shall conduct an evaluation of the program under this paragraph and submit to the Congress an evaluation report no later than October 1, 2011.

''(D) REGULATIONS REQUIRED.—The Secretary shall promulgate regulations implementing this paragraph.''.

SEC. 8. INTEREST RATE REDUCTIONS.

(a) FFEL INTEREST RATES.—Section 427A(*l*)(1) of the Higher Education Act of 1965 (20 U.S.C. 1077a(*l*)(1)) is amended—

(1) by striking ''6.8 percent'' and inserting ''3.4 percent''; and

(2) by inserting before the period at the end the following: '', except that for any loan made pursuant to section 428H for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan''.

(b) DIRECT LOANS.—Section 455(b)(7)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)(A)) is amended—

(1) by striking ''and Federal Direct Unsubsidized Stafford Loans'';

(2) by striking ''6.8 percent'' and inserting ''3.4 percent''; and

(3) by inserting before the period at the end the following: '', and for any Federal Direct Unsubsidized Loan made for which the first disbursement is made on or after July 1, 2006, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan''.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective for loans made on or after July 1, 2006 and before July 1, 2007.

SEC. 9. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

Section 428K (20 U.S.C. 1078–11) is amended to read as follows:

''SEC. 428K. LOAN FORGIVENESS FOR SERVICE IN AREAS OF NATIONAL NEED.

''(a) PURPOSES.—The purposes of this section are—

''(1) to encourage highly trained individuals to enter and continue in service in areas of national need; and

''(2) to reduce the burden of student debt for Americans who dedicate their careers to service in areas of national need.

''(b) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—The Secretary is authorized to carry out a program of assuming the obligation to repay, pursuant to paragraphs (2) of subsection (c) and subsection (d), a qualified loan amount for a loan made, insured, or guaranteed under this part or part D (other than loans made under section 428B and 428C and comparable loans made under part D), for any new borrower after the date of enactment of the Reverse the Raid on Student Aid Act of 2006, who—

''(A) has been employed full-time for at least 5 consecutive complete school, academic, or calendar years, as appropriate, in an area of national need described in subsection (c); and

''(B) is not in default on a loan for which the borrower seeks forgiveness.

''(2) AWARD BASIS.—Loan repayment under this section shall be on a first-come, first-served basis pursuant to the designation under subsection (c) and subject to the availability of appropriations.

''(3) REGULATIONS.—The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this section.

''(c) AREAS OF NATIONAL NEED.—

''(1) STATUTORY CATEGORIES.—For purposes of this section, an individual shall be treated as employed in an area of national need if the individual is employed full time and is any of the following:

''(A) EARLY CHILDHOOD EDUCATORS.—An individual who is employed as an early childhood educator in an eligible preschool program or child care facility in a low-income community, and who is involved directly in the care, development and education of infants, toddlers, or young children through age five.

''(B) NURSES.—An individual who is employed—

''(i) as a nurse in a clinical setting; or

''(ii) as a member of the nursing faculty at an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(C) FOREIGN LANGUAGE SPECIALISTS.—An individual who has obtained a baccalaureate degree in a critical foreign language and is employed—

''(i) in an elementary or secondary school as a teacher of a critical foreign language; or

''(ii) in an agency of the United States Government in a position that regularly requires the use of such critical foreign language.

''(D) LIBRARIANS.—An individual who is employed full-time as a libarian in—

''(i) a public library that serves a geographic area within which the public schools have a combined average of 30 percent or more of their total student enrollments composed of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965; or

''(ii) an elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 30 percent of the total enrollment of that school.

''(E) HIGHLY QUALIFIED TEACHERS: BILINGUAL EDUCATION AND LOW-INCOME COMMUNITIES.—An individual who—

''(i) is highly qualified as such term is defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

''(ii)(I) is employed as a full-time teacher of bilingual education; or

''(II) is employed as a teacher for service in a public or nonprofit private elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title I of the Elementary and Secondary Education Act of 1965, and which for the purpose of this paragraph and for that year has been determined by the Secretary (pursuant to regulations and after consultation with the State educational agency of the State in which the school is located) to be a school in which the enrollment of children counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 exceeds 40 percent of the total enrollment of that school.

''(F) FIRST RESPONDERS IN LOW-INCOME COMMUNITIES.—An individual who—

''(i) is employed as a firefighter, police officer, or emergency medical technician; and

''(ii) serves as such in a low-income community.

''(G) CHILD WELFARE WORKERS.—An individual who—

''(i) has obtained a degree in social work or a related field with a focus on serving children and families; and

''(ii) is employed in public or private child welfare services.

''(H) SPEECH-LANGUAGE PATHOLOGISTS.—An individual who is a speech-language pathologist, who is employed in an eligible preschool program or an elementary or secondary school, and who has, at a minimum, a graduate degree in speech-language pathology, or communication sciences and disorders.

''(I) ADDITIONAL AREAS OF NATIONAL NEED.—An individual who is employed in an area designated by the Secretary under paragraph (2) and has completed a baccalaureate or advanced degree related to such area.

''(2) DESIGNATION OF AREAS OF NATIONAL NEED.—After consultation with appropriate Federal, State, and community-based agencies and organizations, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into account the extent to which—

''(A) the national interest in the area is compelling;

''(B) the area suffers from a critical lack of qualified personnel; and

''(C) other Federal programs support the area concerned.

''(d) QUALIFIED LOAN AMOUNT.—The Secretary shall repay not more than $5,000 in the aggregate of the loan obligation on a loan made under section 428 or 428H that is outstanding after the completion of the fifth consecutive school, academic, or calendar year, as appropriate, described in subsection (b)(1).

''(e) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under section 428 or 428H.

''(f) INELIGIBILITY OF NATIONAL SERVICE AWARD RECIPIENTS.—No student borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.).

''(g) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may receive a reduction of loan obligations under both this section and section 428J or 460.

''(h) DEFINITIONS.—In this section

''(1) CHILD CARE FACILITY.—The term 'child care facility' means a facility, including a home, that—

''(A) provides for the education and care of children from birth through age 5; and

''(B) meets any applicable State or local government licensing, certification, approval, or registration requirements.

''(2) CRITICAL FOREIGN LANGUAGE.—The term 'critical foreign language' includes the languages of Arabic, Korean, Japanese, Chinese, Pashto, Persian-Farsi, Serbian-Croatian, Russian, Portuguese, and any other language identified by the Secretary of Education, in consultation with the Defense Language Institute, the Foreign Service Institute, and the National Security Education Program, as a critical foreign language need.

''(3) EARLY CHILDHOOD EDUCATOR.—The term 'early childhood educator' means an early childhood educator employed in an eligible preschool program who has completed a baccalaureate or advanced degree in early childhood development, early childhood education, or in a field related to early childhood education.

''(4) ELIGIBLE PRESCHOOL PROGRAM.—The term 'eligible preschool program' means a program that provides for the care, development, and education of infants, toddlers, or young children through age 5, meets any applicable State or local government licensing, certification, approval, and registration requirements, and is operated by—

''(A) a public or private school that may be supported, sponsored, supervised, or administered by a local educational agency;

''(B) a Head Start agency serving as a grantee designated under the Head Start Act (42 U.S.C. 9831 et seq.);

''(C) a nonprofit or community based organization; or

''(D) a child care program, including a home.

''(5) LOW-INCOME COMMUNITY.—In this subsection, the term 'low-income community' means a community in which 70 percent of households earn less than 85 percent of the State median household income.

''(6) NURSE.—The term 'nurse' means a nurse who meets all of the following:

''(A) The nurse graduated from—

''(i) an accredited school of nursing (as those terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296));

''(ii) a nursing center; or

''(iii) an academic health center that provides nurse training.

''(B) The nurse holds a valid and unrestricted license to practice nursing in the State in which the nurse practices in a clinical setting.

''(C) The nurse holds one or more of the following:

''(i) A graduate degree in nursing, or an equivalent degree.

''(ii) A nursing degree from a collegiate school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iii) A nursing degree from an associate degree school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(iv) A nursing degree from a diploma school of nursing (as defined in section 801 of the Public Health Service Act (42 U.S.C. 296)).

''(7) SPEECH-LANGUAGE PATHOLOGIST.—The term 'speech-language pathologist' means a speech-language pathologist who meets all of the following:

''(A) the speech-language pathologist has received, at a minimum, a graduate degree in speech-language pathology or communication sciences and disorders from an institution of higher education accredited by an agency or association recognized by the Secretary pursuant to section 496(a) of this Act; and

''(B) the speech-language pathologist meets or exceeds the qualifications as defined in section 1861(ll) of the Social Security Act (42 U.S.C. 1395x).

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 10. ADDITIONAL CONSOLIDATION LOAN CHANGES.

(a) ADDITIONAL AMENDMENTS.—Section 428C(b)(1) (20 U.S.C. 1078–3(b)(1)) is amended—

(1) by striking everything after ''under this section'' the first place it appears in subparagraph (A);

(2) by striking ''(i) which'' and all that follows through ''and (ii)'' in subparagraph (C);

(3) by striking ''and'' at the end of subparagraph (E);

(4) by redesignating subparagraph (F) as subparagraph (G); and

(5) by inserting after subparagraph (E) the following new subparagraph:

''(F) that the lender of the consolidation loan shall, upon application for such loan, provide the borrower with a clear and conspicuous notice of at least the following information:

''(i) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

''(ii) the effects of consolidation on a borrower's underlying loan benefits, including loan forgiveness, cancellation, deferment, and reduced interest rates on those underlying loans;

''(iii) the ability of the borrower to prepay the loan, pay on a shorter schedule, and to change repayment plans;

''(iv) that borrower benefit programs may vary among different loan holders, and a description of how the borrower benefits may vary among different loan holders;

''(v) the tax benefits for which borrowers may be eligible;

''(vi) the consequences of default; and

''(vii) that by making the application the applicant is not obligated to agree to take the consolidation loan; and''.

(b) EFFECTIVE DATE FOR SINGLE HOLDER AMENDMENT.—The amendment made by subsection (a)(1) shall apply with respect to any loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078–3) for which the application is received by an eligible lender on or after July 1, 2006.

SEC. 11. SIGNIFICANTLY SIMPLIFYING THE STUDENT AID APPLICATION PROCESS.

(a) IMPROVEMENTS TO PAPER AND ELECTRONIC FORMS.—

(1) COMMON FINANCIAL AID FORM DEVELOPMENT AND PROCESSING.—Section 483(a) (20 U.S.C. 1090(a)) is amended—

(A) by striking paragraphs (1), (2), and (5);

(B) by redesignating paragraphs (3), (4), (6), and (7), as paragraphs (9), (10), (11), and (12), respectively;

(C) by inserting before paragraph (9), as redesignated by subparagraph (B), the following:

''(1) IN GENERAL.—The Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance under parts A through E (other than subpart 4 of part A). These forms shall be made available to applicants in both paper and electronic formats and shall be referred to as the 'Free Application for Federal Student Aid' or the 'FAFSA'.

''(2) EARLY ESTIMATES.—

''(A) IN GENERAL.—The Secretary shall permit applicants to complete such forms as described in this subsection in the 4 years prior to enrollment in order to obtain a non-binding estimate of the family contribution, as defined in section 473. The estimate shall clearly and conspicuously indicate that it is only an estimate of family contribution, and may not reflect the actual family contribution of the applicant that shall be used to determine the grant, loan, or work assistance that the applicant may receive under this title when enrolled in a program of postsecondary education. Such applicants shall be permitted to update information submitted on forms described in this subsection using the process required under paragraph (5)(A).

''(B) EVALUATION.—Two years after the early estimates are implemented under this paragraph and from data gathered from the early estimates, the Secretary shall evaluate the differences between initial, non-binding early estimates and the final financial aid award made available under this title.

''(C) REPORT.—The Secretary shall provide a report to the authorizing committees on the results of the evaluation.

''(3) PAPER FORMAT.—

''(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in paper format to meet the requirements of paragraph (1). The Secretary shall develop a common paper form for applicants who do not meet the requirements of subparagraph (B).

''(B) EZ FAFSA.—

''(i) IN GENERAL.—The Secretary shall develop and use a simplified paper application form, to be known as the 'EZ FAFSA', to be used for applicants meeting the requirements of section 479(c).

''(ii) REDUCED DATA REQUIREMENTS.—The form under this subparagraph shall permit an applicant to submit, for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under section 479(c).

''(iii) STATE DATA.—The Secretary shall include on the form under this subparagraph such data items as may be necessary to award State financial assistance, as provided under paragraph (6), except that the Secretary shall not include a State's data if that State does not permit its applicants for State assistance to use the form under this subparagraph.

''(iv) FREE AVAILABILITY AND PROCESSING.—The provisions of paragraph (7) shall apply to the form under this subparagraph, and the data collected by means of the form under this subparagraph shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

''(v) TESTING.—The Secretary shall conduct appropriate field testing on the form under this subparagraph.

''(C) PROMOTING THE USE OF ELECTRONIC FAFSA.—

''(i) IN GENERAL.—The Secretary shall make an effort to encourage applicants to utilize the electronic forms described in paragraph (4).

''(ii) MAINTENANCE OF THE FAFSA IN A PRINTABLE ELECTRONIC FILE.—The Secretary shall maintain a version of the paper forms described in subparagraphs (A) and (B) in a printable electronic file that is easily portable. The printable electronic file will be made easily accessible and downloadable to students on the same website used to provide students with the electronic application forms described in paragraph (4) of this subsection. The Secretary shall enable students to submit a form created under this subparagraph that is downloaded and printed from an electronic file format in order to meet the filing requirements of this section and in order to receive aid from programs under this title.

''(iii) REPORTING REQUIREMENT.—The Secretary shall report annually to Congress on the impact of the digital divide on students completing applications for title IV aid described under this paragraph and paragraph (4). The Secretary will also report on the steps taken to eliminate the digital divide and phase out the paper form described in subparagraph (A) of this paragraph. The Secretary's report will specifically address the impact of the digital divide on the following student populations: dependent students, independent students without dependents, and independent students with dependents other than a spouse.

''(4) ELECTRONIC FORMAT.—

''(A) IN GENERAL.—The Secretary shall produce, distribute, and process common forms in electronic format to meet the requirements of paragraph (1). The Secretary shall develop common electronic forms for applicants who do not meet the requirements of subparagraph (C) of this paragraph.

''(B) STATE DATA.—The Secretary shall include on the common electronic forms space for information that needs to be submitted from the applicant to be eligible for State financial assistance, as provided under paragraph (6), except the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

''(C) SIMPLIFIED APPLICATIONS: FAFSA ON THE WEB.—

''(i) IN GENERAL.—The Secretary shall develop and use a simplified electronic application form to be used by applicants meeting the requirements under subsection (c) of section 479 and an additional, separate simplified electronic application form to be used by applicants meeting the requirements under subsection (b) of section 479.

''(ii) REDUCED DATA REQUIREMENTS.—The simplified electronic application forms shall permit an applicant to submit for financial assistance purposes, only the data elements required to make a determination of whether the applicant meets the requirements under subsection (b) or (c) of section 479.

''(iii) STATE DATA.—The Secretary shall include on the simplified electronic application forms such data items as may be necessary to award state financial assistance, as provided under paragraph (6), except that the Secretary shall not require applicants to complete data required by any State other than the applicant's State of residence.

''(iv) AVAILABILITY AND PROCESSING.—The data collected by means of the simplified

electronic application forms shall be available to institutions of higher education, guaranty agencies, and States in accordance with paragraph (9).

''(v) TESTING.—The Secretary shall conduct appropriate field testing on the forms developed under this subparagraph.

''(D) USE OF FORMS.—Nothing in this subsection shall be construed to prohibit the use of the forms developed by the Secretary pursuant to this paragraph by an eligible institution, eligible lender, guaranty agency, State grant agency, private computer software provider, a consortium thereof, or such other entities as the Secretary may designate.

''(E) PRIVACY.—The Secretary shall ensure that data collection under this paragraph complies with section 552a of title 5, United States Code, and that any entity using the electronic version of the forms developed by the Secretary pursuant to this paragraph shall maintain reasonable and appropriate administrative, technical, and physical safeguards to ensure the integrity and confidentiality of the information, and to protect against security threats, or unauthorized uses or disclosures of the information provided on the electronic version of the forms. Data collected by such electronic version of the forms shall be used only for the application, award, and administration of aid awarded under this title, State aid, or aid awarded by eligible institutions or such entities as the Secretary may designate. No data collected by such electronic version of the forms shall be used for making final aid awards under this title until such data have been processed by the Secretary or a contractor or designee of the Secretary, except as may be permitted under this title.

''(F) SIGNATURE.—Notwithstanding any other provision of this Act, the Secretary may permit an electronic form under this paragraph to be submitted without a signature, if a signature is subsequently submitted by the applicant.

''(5) STREAMLINING.—

''(A) STREAMLINED REAPPLICATION PROCESS.—

''(i) IN GENERAL.—The Secretary shall develop streamlined reapplication forms and processes, including both paper and electronic reapplication processes, consistent with the requirements of this subsection, for an applicant who applies for financial assistance under this title—

''(I) in the academic year succeeding the year in which such applicant first applied for financial assistance under this title; or

''(II) in any succeeding academic years.

''(ii) MECHANISMS FOR REAPPLICATION.—The Secretary shall develop appropriate mechanisms to support reapplication.

''(iii) IDENTIFICATION OF UPDATED DATA.—The Secretary shall determine, in cooperation with States, institutions of higher education, agencies, and organizations involved in student financial assistance, the data elements that can be updated from the previous academic year's application.

''(iv) REDUCED DATA AUTHORIZED.—Nothing in this title shall be construed as limiting the authority of the Secretary to reduce the number of data elements required of reapplicants.

''(v) ZERO FAMILY CONTRIBUTION.—Applicants determined to have a zero family contribution pursuant to section 479(c) shall not be required to provide any financial data in a reapplication form, except that which is necessary to determine eligibility under such section.

''(B) REDUCTION OF DATA ELEMENTS.—

''(i) REDUCTION ENCOURAGED.—Of the number of data elements on the FAFSA on the date of enactment of the Reverse the Raid on Student Aid Act of 2006 (including questions on the FAFSA for the purposes described in paragraph (6)), the Secretary, in cooperation with representatives of agencies and organizations involved in student financial assistance, shall continue to reduce the number of such data elements following the date of enactment. Reductions of data elements under paragraph (3)(B), (4)(C), or (5)(A)(iv) shall not be counted towards the reduction referred to in this paragraph unless those data elements are reduced for all applicants.

''(ii) REPORT.—The Secretary shall annually report to the House of Representatives and the Senate on the progress made of reducing data elements.

''(6) STATE REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall include on the forms developed under this subsection, such State-specific data items as the Secretary determines are necessary to meet State requirements for State need-based financial aid under section 415C, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. Such items shall be selected in consultation with State agencies in order to assist in the awarding of State financial assistance in accordance with the terms of this subsection, except as provided in paragraphs (3)(B)(iii) and (4)(C)(iii) of this subsection. The number of such data items shall not be less than the number included on the form on October 7, 1998, unless a State notifies the Secretary that the State no longer requires those data items for the distribution of State need-based financial aid.

''(B) ANNUAL REVIEW.—The Secretary shall conduct an annual review process to determine which forms and data items the States require to award State need-based financial aid and other application requirements that the States may impose.

''(C) STATE USE OF SIMPLIFIED FORMS.—The Secretary shall encourage States to take such steps as necessary to encourage the use of simplified application forms, including those described in paragraphs (3)(B) and (4)(C), to meet the requirements under subsection (b) or (c) of section 479.

''(D) FEDERAL REGISTER NOTICE.—The Secretary shall publish on an annual basis a notice in the Federal Register requiring State agencies to inform the Secretary—

''(i) if the State agency is unable to permit applicants to utilize the simplified application forms described in paragraphs (3)(B) and (4)(C); and

''(ii) of the State-specific data that the State agency requires for delivery of State need-based financial aid.

''(E) STATE NOTIFICATION TO THE SECRETARY.—

''(i) IN GENERAL.—Each State agency shall notify the Secretary—

''(I) whether the State permits an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid; and

''(II) the State-specific data that the State agency requires for delivery of State need-based financial aid.

''(ii) ACCEPTANCE OF FORMS.—In the event that a State does not permit an applicant to file a form described in paragraph (3)(B) or paragraph (4)(C) of this subsection for purposes of determining eligibility for State need-based financial aid—

''(I) the State shall notify the Secretary if the State is not permitted to do so because of either State law or because of agency policy; and

''(II) the notification under subclause (I) shall include an estimate of the program cost to permit applicants to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection.

''(iii) LACK OF NOTIFICATION BY THE STATE.—If a State does not notify the Secretary pursuant to clause (i), the Secretary shall—

''(I) permit residents of that State to complete simplified application forms under paragraphs (3)(B) and paragraph (4)(C) of this subsection; and

''(II) not require any resident of that State to complete any data previously required by that State under this section.

''(7) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—

''(A) FEES PROHIBITED.—The FAFSA, in whatever form (including the EZ–FAFSA, paper, electronic, simplified, or reapplication), shall be produced, distributed, and processed by the Secretary and no parent or student shall be charged a fee for the collection, processing, or delivery of financial aid through the use of the FAFSA. The need and eligibility of a student for financial assistance under parts A through E of this title (other than under subpart 4 of part A) may only be determined by using the FAFSA developed by the Secretary pursuant to this subsection. No student may receive assistance under parts A through E of this title (other than under subpart 4 of part A), except by use of the FAFSA developed by the Secretary pursuant to this subsection. No data collected on a form for which a fee is charged shall be used to complete the FAFSA.

''(B) NOTICE.—Any entity that provides to students or parents, or charges students or parents for, any value-added services with respect to or in connection with the FAFSA, such as completion of the FAFSA, submission of the FAFSA, or tracking of the FAFSA for a student, shall provide to students and parents clear and conspicuous notice that—

''(i) the FAFSA is a free Federal student aid application;

''(ii) the FAFSA can be completed without professional assistance; and

''(iii) includes the current Internet address for the FAFSA on the Department's web site.

''(8) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a form created under this subsection in order to meet the filing requirements of this section and in order to receive aid from programs under this title and shall initiate the processing of applications under this subsection as early as practicable prior to January 1 of the student's planned year of enrollment.''.

(2) MASTER CALENDAR.—Section 482(a)(1)(B) (20 U.S.C. 1089) is amended to read as follows:

''(B) by March 1: proposed modifications, updates, and notices pursuant to sections 478, 479(c)(2)(C), and 483(a)(6) published in the Federal Register;''.

(b) INCREASING ACCESS TO TECHNOLOGY.—Section 483 (20 U.S.C. 1090) is further amended by adding at the end the following:

''(f) ADDRESSING THE DIGITAL DIVIDE.—The Secretary shall utilize savings accrued by moving more applicants to the electronic forms described in subsection (a)(4) to improve access to the electronic forms described in subsection (a)(4) for applicants meeting the requirements of section 479(c).''.

(c) EXPANDING THE DEFINITION OF AN INDEPENDENT STUDENT.—Section 480(d) (20 U.S.C.1087vv(d)) is amended by striking paragraph (2) and inserting the following:

''(2) is an orphan, in foster care, or a ward of the court, or was in foster care or a ward of the court until the individual reached the age of 18;''.

SEC. 12. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

Section 479A(a) (20 U.S.C. 1087tt(a)) is amended—

(1) by striking ''(a) IN GENERAL.—'' and inserting the following:

''(a) AUTHORITY TO MAKE ADJUSTMENTS.—

''(1) ADJUSTMENTS FOR SPECIAL CIRCUMSTANCES.—'';

(2) by inserting before ''Special circumstances may'' the following:

''(2) SPECIAL CIRCUMSTANCES DEFINED.—'';

(3) by inserting ''a student's status as a ward of the court at any time prior to attaining 18 years of age, a student's status as an individual who was adopted at or after age 13, a student's status as a homeless or unaccompanied youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act),'' after ''487,'';

(4) by inserting before ''Adequate documentation'' the following:

''(3) DOCUMENTATION AND USE OF SUPPLEMENTARY INFORMATION.—''; and

(5) by inserting before ''No student'' the following:

''(4) FEES FOR SUPPLEMENTARY INFORMATION PROHIBITED.—''.

SEC. 13. POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS.

(a) ESTABLISHMENT OF PROGRAM.—Title V is amended—

(1) by redesignating part B as part C;

(2) by redesignating sections 511 through 518 as sections 521 through 528, respectively; and

(3) by inserting after section 505 (20 U.S.C. 1101d) the following new part:

''PART B—PROMOTING POSTBACCALAUREATE OPPORTUNITIES FOR HISPANIC AMERICANS

''SEC. 511. PURPOSES.

''The purposes of this part are—

''(1) to expand postbaccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and

''(2) to expand the postbaccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.

''SEC. 512. PROGRAM AUTHORITY AND ELIGIBILITY.

''(a) PROGRAM AUTHORIZED.—Subject to the availability of funds appropriated to carry out this part, the Secretary shall award competitive grants to Hispanic-serving institutions determined by the Secretary to be making substantive contributions to graduate educational opportunities for Hispanic students.

''(b) ELIGIBILITY.—For the purposes of this part, an 'eligible institution' means an institution of higher education that—

''(1) is an eligible institution under section 502(a)(2); and

''(2) offers a postbaccalaureate certificate or degree granting program.

''SEC. 513. AUTHORIZED ACTIVITIES.

''Grants awarded under this part shall be used for one or more of the following activities:

''(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

''(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

''(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials.

''(4) Support for needy postbaccalaureate students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in postbaccalaureate certificate and degree granting programs.

''(5) Support of faculty exchanges, faculty development, faculty research, curriculum development, and academic instruction.

''(6) Creating or improving facilities for Internet or other distance learning academic instruction capabilities, including purchase or rental of telecommunications technology equipment or services.

''(7) Collaboration with other institutions of higher education to expand postbaccalaureate certificate and degree offerings.

''(8) Other activities proposed in the application submitted pursuant to section 514 that—

''(A) contribute to carrying out the purposes of this part; and

''(B) are approved by the Secretary as part of the review and acceptance of such application.

''SEC. 514. APPLICATION AND DURATION.

''(a) APPLICATION.—Any eligible institution may apply for a grant under this part by submitting an application to the Secretary at such time and in such manner as determined by the Secretary. Such application shall demonstrate how the grant funds will be used to improve postbaccalaureate education opportunities in programs and professions in which Hispanic Americans are underrepresented.

''(b) DURATION.—Grants under this part shall be awarded for a period not to exceed 5 years.

''(c) LIMITATION.—The Secretary shall not award more than one grant under this part in any fiscal year to any Hispanic-serving institution.''.

(b) COOPERATIVE ARRANGEMENTS.—Section 524(a) (as redesignated by subsection (a)(2)) (20 U.S.C. 1103c(a)) is amended by inserting ''and section 513'' after ''section 503''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 528 (as redesignated by subsection (a)(2) of this section) (20 U.S.C. 1103g) is amended to read as follows:

''(a) AUTHORIZATIONS.—

''(1) PART A.—There are authorized to be appropriated to carry out part A and part C of this title $96,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(2) PART B.—There are authorized to be appropriated to carry out part B of this title $59,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

SEC. 14. CANCELLATION OF STUDENT LOAN INDEBTEDNESS FOR SURVIVORS OF VICTIMS OF THE SEPTEMBER 11, 2001, ATTACKS.

(a) DEFINITIONS.—For purposes of this section:

(1) ELIGIBLE PUBLIC SERVANT.—The term ''eligible public sesrvant'' means an individual who, as determined in accordance with regulations of the Secretary—

(A) served as a police officer, firefighter, other safety or rescue personnel, or as a member of the Armed Forces; and

(B) died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

(2) ELIGIBLE VICTIM.—The term ''eligible victim'' means an individual who, as determined in accordance with regulations of the Secretary, died (or dies) or became (or becomes) permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001.

(3) ELIGIBLE PARENT.—The term ''eligible parent'' means the parent of an eligible victim if—

(A) the parent owes a Federal student loan that is a consolidation loan that was used to repay a PLUS loan incurred on behalf of such eligible victim; or

(B) the parent owes a Federal student loan that is a PLUS loan incurred on behalf of an eligible victim.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(5) FEDERAL STUDENT LOAN.—The term ''Federal student loan'' means any loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965.

(b) RELIEF FROM INDEBTEDNESS.—

(1) IN GENERAL.—The Secretary shall provide for the discharge or cancellation of—

(A) the Federal student loan indebtedness of the spouse of an eligible public servant, as determined in accordance with regulations of the Secretary, including any consolidation loan that was used jointly by the eligible public servant and his or her spouse to repay the Federal student loans of the spouse and the eligible public servant;

(B) the portion incurred on behalf of the eligible victim (other than an eligible public servant), of a Federal student loan that is a consolidation loan that was used jointly by the eligible victim and his or her spouse, as determined in accordance with regulations of the Secretary, to repay the Federal student loans of the eligible victim and his or her spouse;

(C) the portion of the consolidation loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim; and

(D) the PLUS loan indebtedness of an eligible parent that was incurred on behalf of an eligible victim.

(2) METHOD OF DISCHARGE OR CANCELLATION.—A loan required to be discharged or canceled under paragraph (1) shall be discharged or canceled by the method used under section 437(a), 455(a)(1), or 464(c)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1087(a), 1087e(a)(1), 1087dd(c)(1)(F)), whichever is applicable to such loan.

(c) FACILITATION OF CLAIMS.—The Secretary shall—

(1) establish procedures for the filing of applications for discharge or cancellation under this section by regulations that shall be prescribed and published within 90 days after the date of enactment of this Act and without regard to the requirements of section 553 of title 5, United States Code; and

(2) take such actions as may be necessary to publicize the availability of discharge or cancellation of Federal student loan indebtedness under this section.

(d) AVAILABILITY OF FUNDS FOR PAYMENTS.—Funds available for the purposes of making payments to lenders in accordance with section 437(a) for the discharge of indebtedness of deceased or disabled individuals shall be available for making payments under section 437(a) to lenders of loans as required by this section.

(e) APPLICABLE TO OUTSTANDING DEBT.—The provisions of this section shall be applied to discharge or cancel only Federal student loans (including consolidation loans) on which amounts were owed on September 11, 2001. Nothing in this section shall be construed to authorize any refunding of any repayment of a loan.

SEC. 15. GENERAL EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF DURATION.—Except as otherwise provided in this Act, 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 July 1, 2012.

(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.—Unless the amount authorized to be appropriated for a program described in subsection (a) is otherwise amended by another section of this Act, the amount authorized to be appropriated for such a program 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 or 2006, the amount of any payment required or authorized under subsection (b) in or for the period of the extension under this section 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 for the period of the extension under this section.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 5 minutes.

The Democratic substitute has been made in order to address some critical shortcomings in the underlying bill. My cosponsors, Mr. KILDEE, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, and Mr. GRIJALVA, join me in offering this substitute.

First and foremost, this substitute will make a downpayment on the first year's effort to reduce college costs to those students most in need by cutting the interest rate, the new fixed rate interest rate, in half from 6.8 percent to 3.4 percent in July of this year. This will be the first effort to reverse the most egregious action that this Republican-led Congress did to America's families and to the students and children who are trying to pursue a college education when they took $12.5 billion out of the student aid accounts, took it and whisked it away to tax cuts for the oil companies, tax cuts for the wealthiest people in this country, and raised the cost of education to America's families and students at a time when the cost of education is outstripping the ability of those families to pay for it.

This amendment would also establish a new predominantly black-serving institutions programs to boost college participation rates for low-income black students, including students in rural areas who attend 2-year colleges. It creates a new graduate Hispanic-serving institution program and significantly simplifies the student aid application process by creating a simplified and short application, repeals the anti-consumer single lender rule so that borrowers can choose with which lender they want to consolidate their loans, and does a number of other things in the underlying bill.

But the critical point here is to reverse the rate on student aid, to reverse the largest cuts in the history of the program. Why do we say that is necessary? Because here is the situation. This is the trend line on the percentage of the college education that a maximum Pell Grant will cover. In 2000, it was about 41 percent. Now what we see is it is drifting down to 30 percent, and it is headed down to 27 percent because of that.

In this legislation, the Republicans will tell you that they have authorized an additional $200 on the Pell Grant. That will barely have any effect on this graph. But more importantly, last night, their Budget Committee did not report out a budget that has that money in it. So it is interesting rhetoric, but it does not have any money for these same low-income students that are losing their ability to cover the cost of an education.

It used to be, this year and last year, if this student worked full time during the summer, if this student worked part time during school, they could cover this gap. That is no longer true. This year, they are not going to be able to cover it with the jobs that most students have during the school year, and that gap is getting worse and it is widening.

That is why it is essential that we vote for the substitute amendment to make a downpayment on reversing the new costs that are imposed on these families and these students who are struggling to purchase an education. That raid on student aid last year was the most expensive raid to families in the history of this program.

They can talk all they want about the additional money going to Pell Grant, it is an entitlement program, but the fact of the matter is the money that students are getting is covering a lower percentage of the cost that they encounter when they go to school.

This is a fundamental determination. Pick your side, folks. You can be on the side of tax cuts for the oil companies, or you can decide you are going to help families and students that are struggling to get what is now absolutely essential to their future participation in America's economy.

As we saw from 1995 to 2000, the questions employers were asking was not your race, not your ethnicity, not your religion, they wanted to know if you had the skills and talents to do the job. Most often today, those skills and that talent requires a higher education. A college education is going to have to become as common as a high school education.

But if families can cannot meet this gap, if they cannot provide that money, if the government will not help, you are talking about millions of students who are not going to be able to participate. That is not good for those students, it is not good for those families, it is not good for the economy, and it is not good for America.

This is a chance to reverse that action. This is a chance to make a downpayment on reducing the cost, increasing the affordability. All of the studies tell us that the increasing costs are outrunning the ability of families and students to pay for that education.

Mr. Chairman, I reserve the balance of my time.

Mr. MCKEON. Mr. Chairman, I yield myself such time as I may consume.

This is an interesting debate we have had to this point. This is a bill we have been working on now for 3 years. Up until 2 days ago, it was totally a bipartisan effort. As you can see in their substitute, they include many of the things that we have in the underlying bill. We have a basic difference of opinion that the gentleman has pointed out.

I look at it a little differently than he does. I feel it is not totally the Federal Government's responsibility to provide for all of higher education. When I introduced a bill a few years ago to try to keep the cost of higher education down, because it has been going up for the last 20 years at four times the ability of people to pay, I said it is important that the Federal Government, the State government, the schools, the lending institutions, the parents, the students all come together to solve this problem, and I still feel that way. I feel it is important for all of us to come together to solve this problem, not simply the Federal Government to pick up whatever the difference is. As schools continue to increase their fees and tuition, the Federal Government should not have the responsibility of picking up all of the difference.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the chairman of the Subcommittee on Higher Education to let him further go into some of the differences and some of the things that we have done in the past and some of the things that we do in the underlying bill for the importance of higher education for our students of this country.

Mr. KELLER. Mr. Chairman, I believe the American people are entitled to some straight talk when it comes to higher education funding. This bill

strengthens Pell Grants. It expands Perkins student loans and increases access to college for millions of students.

Now Mr. MILLER has a substitute that he would like us to vote for, but it has three critical flaws. The first flaw is the name itself, ''Reverse the Raid on Student Aid.'' Don't believe the hype. Not one student in America will receive less financial aid under our bill. Not one.

The heart of our bill is Pell Grants, the heart of all financial aid on the Federal level.

Now let's look at the history of Pell Grant funding over the 20 years, and see if Republicans are in fact making, quote, ''a raid on student aid.'' The yellow here shows the time period of 10 years when Democrats were in control of Congress, and the red shows when Republicans were in control of Congress. You see a dramatic increase in the maximum Pell Grant award. Does this look like a raid on student aid to you? You have got to be kidding me.

In fact, what is really instructive is, if you look at the last 3 years when the Democrats were in control, they had a Democrat House and a Democrat President, Bill Clinton, and they actually cut Pell Grant funding 3 years in a row. It went from $2,400 down to $2,300.

The second critical flaw with the Miller substitute is this amendment does not retain the $6,000 maximum Pell Grant award that our legislation has. In fact, they stay with the same old $5,800 maximum award. So this substitute legislation, Reverse the Raid on Student Aid, provides less for Pell Grants.

□ 1300

Instead of $6,000, $5,800—how could that possibly be that we have a Democrat substitute that actually calls for less awards of Pell Grants? Well, don't call it a comeback. We have been here for years. It happened before. Their last 3 years in power cut Pell Grants. Here we have another attempt to do the same thing.

It has a third flaw. It says that we are going to have a 3.4 percent interest rate for 1 year that is going to cost $2.7 billion, but it has no offsets whatsoever. How do they pay for it? They don't tell us. Well, if it is just a gimmick to have a lower rate without any way to pay for it, why make it 3.4 percent? Why not 2 percent? Why not 1 percent? Why not interest-free loans? It is crazy. The truth of the matter is in 2002 Republicans and Democrats and student groups all got together and decided in a bipartisan manner what would be a fair fixed interest rate. They decided on 6.8 percent. They voted in favor of this in 2002, the Democrats who offer this motion. In fact, in December of this last year when we supposedly cut all this money, it was going to be the interest rates were going to remain at 6.8 percent. That is the existing law. And, in fact, in July they would go to 6.8 percent. How much is the interest rate in our bill? 6.8 percent. No increase whatsoever. And so now they are opposing something that they all thought was a good idea.

So, Mr. Chairman, I would argue that we have a pretty darn good bill that we can be proud of, a bill that increases Pell Grants, a bill that expands Perkins loans, a bill that is going to make it possible for young people all across America to go to college. I urge my colleagues to vote ''no'' on the Miller substitute and vote ''yes'' on the underlying bill.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, as I said yesterday, I would like to be down here on the floor to say that H.R. 609 is a genuine bipartisan reauthorization of the Higher Education Act. That is really not the case. Two months after the $12 billion heist on student aid, we are considering another bill that is a missed opportunity. I am proud to join Ranking Member MILLER, along with Representatives BOBBY SCOTT, DANNY DAVIS, and RAUL GRIJALVA in offering a higher education bill that is in touch with the needs of everyday Americans.

Instead of missing another opportunity to expand college access, this substitute seizes this opportunity to make college more affordable by slashing interest rates in half for the next year. This is a down payment on reversing the raid on student aid. Additionally, it will expand college participation rates for minority students by establishing a graduate Hispanic-serving institution program and a predominantly black institution program and by providing additional assistance for tribal colleges.

Instead of supporting the Missed College Opportunity Act, I ask my colleagues to seize this opportunity to act in the interest of students and families. America's students and families deserve better. Vote ''no'' on H.R. 609. Vote ''yes'' on the Democratic substitute.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, let me, first of all, thank the gentleman from California for yielding.

You know, I have listened to this debate for the last several days, and even several weeks. And how you can take $12 billion out of the pot and then tell us that you are going to expand and increase student aid, I just can't reconcile that. I just don't know how to reconcile that kind of language.

But I do stand in strong support of the Miller-Kildee-Scott-Davis-Grijalva substitute because it cuts interest rates in half for the borrowers, for the students, those who need the money the most. It would make college affordable for large numbers of individuals who otherwise will never see the light of day. But it also would establish programs for individuals who are missing out already.

There is nothing more important than the opportunity to achieve some form of higher education, and, Mr. Chairman, I just had hoped that I was going to be able to vote for a bill that expanded opportunities. Unfortunately, this bill will not expand opportunities. Therefore, I will have to vote against it and urge that we vote in favor of the Miller substitute.

Mr. MCKEON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), a member of the committee.

Mr. SOUDER. Mr. Chairman, there are a couple of interesting things about this substitute. One is that, as we just heard from Subcommittee Chairman KELLER, it is apparently a guideline of the House that when the Democrats do cuts, and they are real cuts in education, it is not a cut. But when the Republicans actually increase, it is somehow a cut. And apparently the reason is because they are pro-education and we are anti-education. So if we increase the money, it is still a cut. But if when they were in power they cut the money, it is not a cut. And it becomes very confusing to the American people because they thought the way you measure a cut is if the spending goes down like it did under Democrat control. And they thought the way you measure an increase is when the spending goes up, not just based on a claim that you are more pro-education or anti-education.

Another interesting thing here is that when the Republicans float out things for 1 year, as 1-year proposals, we hear it is a gimmick, it is a gimmick, they are merely trying to posture for the election. But when the Democrats roll out a 1-year rollback, apparently that is not posturing for an election. That is real serious policy trying to benefit the students of America because there is a terrible raid on the student loan system. But a 1-year moratorium from the other side couldn't possibly be a gimmick because Democrats don't do gimmicks. Only Republicans do gimmicks. Democrats don't do cuts in education because only Republicans do cuts in education.

Now, fundamentally, we have had a lot of misinformation and struggling about this student loan question. At least we aren't hearing about the failed policies of direct lending. We are now arguing how you do this in the domestic market because, in fact, the private sector market showed you could more efficiently do student loans and you could manage student loans better and have fewer bad debts and get the rates down for students. And that is why we are not arguing direct lending today; we are arguing, in fact, a process of what happened in the budgetary accounting of when we went to a fixed rate versus a variable rate. In fact, the rate for student loans is higher right now than it is in the bill, 6.8. But because of the variable rate that was left

in the previous bill, it was scored differently.

Now, in fact, the government has to pick up the difference. If the rate goes higher, we fix the students at 6.8. Now, if there is a criticism to be made of the Republicans, it is that the alleged savings may not be real if the interest rates go up. But there is no cut to student loans to students. It is cheaper for students, and we have guaranteed now a fixed rate so they don't have this bubble that hits. And just because there is a lot of confusion, because of the accounting of how you do student lending doesn't mean that you can come to the House floor and demagogue like we have cut student loans, that we have taken the money out.

Furthermore, there is no offset to this. To the degree that we are going to give them a 1-year gimmick loan, how are we going to pay for it?

My friend and colleague who I have known for many years and I know he is very passionately in favor of education, the only thing he mentioned as an offset are tax cuts for the rich, which apparently we have different definitions of rich, but apparently this means, as we have battled on this House floor, increasing the taxes again on families who have the child credit, because that is what we are trying to extend and which is being blocked. And you can't give a 1-year bonus to a family by subsidizing at the Federal level the student loan and then take it back by taking away their child credit. What does that do? That is more than the loan. And it is not 1 year; it is for multiple years.

Furthermore, they favor taking away the dividend and capital gains credits. Well, how do people get jobs? So if you don't grow jobs in Indiana and the rest of the country and then you say good luck getting a student loan, to work where? If we don't keep the economy growing, if we tax the economy to fund a temporary 1-year gimmick in the student loan and kill the economy, why do we need to go to college?

Now, we all know that, as Mr. MILLER said, everybody is going to need a college degree if you are going to compete in the world economy; and a graduate degree is going to be like the old days of the college degree. And we have to tackle this spending question. Every time we reduce student loans, tuition goes up. And quite frankly, in Indiana and elsewhere, we have increased money dramatically in Washington. Where are the States?

Individuals have a responsibility too. It isn't just the Federal Government that has to meet this challenge in funding it; but the States need to, endowments need to, and the private sector needs to. We have a share of that. We are guaranteeing most of these loans. We have increased the Pell Grants. We have increased the pool. We have made a stable interest rate now. We have lowered the cost of education and increased the Federal funding. And I urge a strong ''no'' to this Democrat substitute amendment.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA), a member of the committee.

Mr. GRIJALVA. Mr. Chairman, I rise today in support of the Democratic substitute. I was proud to put my name on that substitute because I believe that it does more for students than the underlying bill in front of us today, and because, quite frankly, I want our children and our grandchildren to be able to afford to go to college.

H.R. 609, coupled with the $12 billion Congress cut from student aid and the President's zero funding of key student loan programs, is setting us back, not forward. I remember when the Federal Government actually helped students go to college, when a Pell Grant covered almost all of tuition expenses in a public university. Today, a maximum Pell Grant barely covers a third.

I oppose 609 because it includes many provisions that hurt students in the long run and omits many others that would have helped them.

If the Rules Committee would have allowed the amendment to prevent the Department of Education from carrying out the $664 million recall of the Federal Perkins loan fund, a recall mandated by the President's 2007 budget, that is potentially 463,000 lower-class and middle-class students and their families who will lose out on a key part of financial aid. We did nothing about that.

Another example is the single definition of an institution of higher learning I think poses a dangerous threat. It opens the door to potential future abuse of Federal aid by for-profit institutions. We should be protecting our students from fraud, not welcoming it through the door.

H.R. 609 falls short again on funding Pell Grants. A $200 increase through the year 2013 barely covers the real costs, and the President has frozen the maximum grant at 4,050 for 4 consecutive years.

I think the substitute does provide for the real value of Federal aid in helping students realize their dream and helping their families realize the dreams of their kids going to college.

But I think what the substitute says, above all, is that we can and we must do better. In December, the House Republicans voted to cut $12 billion from the Federal student aid program. Democrats came out in force and not one of us voted in favor of that bill. I ask my colleagues to join me again in opposing H.R. 609 because it is not enough, and support the Democratic alternative and then vote ''no'' on the final passage of the Missed College Opportunity Act.

Mr. MCKEON. Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, and Members of the committee, we have come to the end of this debate, and we must address a fundamental distinction between these bills.

□ 1315

One of these bills recognizes the affordability gap, if you will, between the cost of a college education and the struggles of American families and students to purchase that education. I appreciate all the discussion by the previous speakers as to how they have authorized an increase in the cap and they have done all this. The fact of the matter is, there is no money for that authorization. The President promised that he was going to raise it to $5,100, no money has been forthcoming. In fact, if you look over the last 5 years, there is $16 billion in additional spending for education that is over and above what the Republicans have reported out of the appropriations cycle over those last 5 years. So this promise of additional money some time in the future if you vote for this authorization is brought to you by the very same people who, over the last 5 years, have been cutting education over and over and over. And that is why you see this gap, this gap between the cost of an education and the ability of a family to pay for it and what a full-time Pell grant means to these students, that we are down now to about 30 percent of the real cost of that education.

What does that mean? That means that these students are struggling and in many instances fully qualified students are not able to take advantage of going to college. That is just unacceptable in this country.

They said that they did not do more of this because they did not think it was totally the responsibility of the Federal Government to pay for an education. Well, let me explain to them, students are deeper in debt. Families are deeper in debt. They are borrowing more money than ever. You have raised the limits on how much they can borrow because they have to borrow. More students are working more hours to try to make up for the money that they cannot borrow, the money that they do not get in grants. And what we are suggesting is for the students and the families in the most need, in the most need, that we roll back the increased cost that you are going to saddle them with in July and go to a 3.4 percent interest rate rather than a 6.8 percent interest rate.

There is no way to suggest that somehow this would make it totally the responsibility of the Federal Government. That is laughable around every kitchen table in America. As families are sitting down with their young people and trying to put their aid packages together, the loans, the grants, the borrowing, the family contribution, the work of their students, to see whether or not they can acquire a 2-year or 4-year education, they would laugh in your face if you said, well, this is all the responsibility of the Federal Government. No. The Federal Government made a decision after World War II that we thought that people should not be turned away from college because they cannot afford it.

And that is the people that we are trying to help, and that is the people, those most in need, that we are trying to help with this substitute, with Mr. GRIJALVA, Mr. SCOTT, Mr. DAVIS, Mr. KILDEE, and myself, because those are the people who tragically and unfortunately and unnecessarily are making a decision.

The other charge was that the only thing I could suggest where you could pay for this was tax cuts to the wealthy. I will give you another one. How about the tax cuts to the oil companies that you did in the energy bill? Maybe you can take those oil companies that have world record-breaking profits and maybe you could ask them to give back some of the tax cuts you gave to them last month or the month before and use that to help pay for the education of those families and children most in need.

So this legislation just shows two real differences between the parties: The party that continues to cut education almost $16 billion more than what Congress finally reported out because the Democrats took them dragging and screaming, and the party that is going to decide that we are going to help these families. And we are either going to roll back that raid on student aid with this down payment or you are going to neglect the needs of these families and students. And I hope that people will vote for the substitute and against the bill.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this has been an interesting debate. I hope those who have followed it have followed it closely. I think if you have listened to most of what the other side has talked about, they are complaining about what we did a couple of months ago in the Deficit Reduction Act to try to bring some controls to the budget. There have not been many challenges to the bill, and you can see the substitute that they are putting in now, most of what they have in the substitute we have in our bill.

The new graduate Hispanic-serving institutions program, very important. Year-round Pell Grants. These are things we have in the bill.

As you can see this chart shows how public 4-year institutions' and private 4-year institutions' costs, tuition and fees, have been going up in the last 10 years. If we carried it back further, you can see it is even worse. For over 20 years, the cost of college university higher education has gone up at four times people's ability to pay. We are very concerned about that. That is why it is important that we do the things that we are doing in this bill to bring more affordability, more accessibility, more accountability to higher education.

In the bill, we strengthen Pell Grants. We provide students and parents with more information, and we shine a spotlight on excessive tuition rates. And we enhance American competitiveness. All very important things that we are dealing with at the current time.

One of the other things they have in their substitute is they lower student loan interest rates. Now, interest rates are really an interesting thing. I remember back about 30 years ago when Mr. Carter was President, interest rates got up to 19, 20, 21 percent, and that just seemed to be the norm. It looked like it was going to go on forever. When we passed the reauthorization of the Higher Education Act in 1998, we lowered interest rates, and we have been living with lower interest rates for students even though their loans have gone up from $8,000 average to $18,000 average. They are still paying about the same amount of interest in repayment. That was due to the work that Mr. KILDEE, myself and the Congress did in 1998. That was a good thing for students. Now they are talking about how bad the interest rate of 6.8 percent is. The Fed increased the interest rate this last week. Interest rates are going up. Who knows what they are going to be like in the future?

Let me read what Mr. MILLER said when we worked together in 2002 to set the interest rate: ''Over the last several months, PIRG has worked closely with other student advocates and the lending community to develop a compromise that will deliver low-cost loans to student borrowers and maintain the stability of the guaranteed student loan program. We're confident that S. 1762 does this, and we applaud the passage of the provision.''

What that did was set interest rates at 6.8 percent.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. That was a 6.8 cap with a variable rate underneath.

Mr. MCKEON. You were not alone, Mr. MILLER. The Student Association said: ''The advocates say they arrived at the proposed 6.8 percent by determining the average rate that borrowers would pay over the next 10 years, as projected by the Congressional Budget Office, if the formula change were to take effect. 'Financially we believe that this would be a very good deal for students,' said Corye Barbour, legislative director for the United States Student Association. 'We also think this would add much needed simplicity to the student loan program,''' 6.8 percent, what this law that we are asking you to support puts into effect.

We really need to come together, the Federal Government, State government, schools, lenders, parents, students, to solve this problem. The bill that we have before us today, H.R. 609, goes a long way to making that happen. I encourage my colleagues to vote against the substitute; vote for the underlying bill.

Mr. SCOTT of Virginia. Mr. Chairman, yesterday the Republican leadership brought their higher education bill to the floor. Their claim was that it would strengthen and improve the nation's higher education system by expanding college access for low- and middle-income students. But in reality it fails to provide urgently needed assistance for millions of low- and middle-class families that are trying to figure out how to pay for their children to go to college.

This past December House Republicans voted to cut the student loan programs by $12 billion and these cuts included many significant changes to the Higher Education Act, none of which expand access to college or make college more affordable for students and their families. The bill put forward by the majority does nothing to make up for these draconian cuts.

Today Mr. Chairman, we offer our substitute in an attempt to make students whole again. Our substitute offers real financial assistance to needy families. It cuts interest rates in half for borrowers in most need by lowering the cost of college by $2.4 billion for students and their families. It lowers the cost of student loan interest rates for middle and low-income families. Specifically, we offer a 3.4 percent fixed interest rate to students who take out subsidized loans between July 1, 2006 and June 30, 2007.

Our Substitute also helps boost college participation rates for minority students. It establishes a graduate Hispanic Serving Institution program. It establishes a Predominantly Black Institution program that would boost college opportunities for low-income and first-generation Black college students. Our substitute also increases the tribal college minimum grant and stabilizes tribal college construction by ensuring that funds for used for construction under HEA are guaranteed.

Mr. Chairman, the cost of tuition should not stand between a qualified student and a college education. Congress should not miss an opportunity to help American families pay for college. Our bill offers families a real solution to the problem of rising tuition costs. We make good on our promise to put a college education within the reach of American students and families. I urge my colleagues to support this substitute.

Mr. CUMMINGS. Mr. Chairman, I rise today to oppose the College Access and Opportunity Act of 2005, H.R. 609, and in support of the Democratic Substitute.

Helping millions of Americans reach the fullness of their potential is the 40 year legacy of the Higher Education Act that we are called to honor in the reauthorization bill before us today. Unfortunately, H.R. 609 falls short of fully embracing this legacy, for it fails to ensure that those who wish to better themselves through a postsecondary education are able to realize that goal unrestrained by the shackles of financial disadvantage.

Make no mistake, in today's global economy characterized by competition and transformation, a postsecondary education has never been so vital to so many. The Bureau of Labor Statistics recognized this when it concluded that a postsecondary education will be necessary for 42 percent of the jobs created in this decade.

The U.S. Census Bureau acknowledged this fact when it reported that those with a bachelor's degree earn on average $1 million more over their lifetime than those with only a high school diploma. The fruits of a postsecondary

education also frequently include improved access to high-quality healthcare, housing, childcare, and a host of other social benefits that typify the fulfillment of the American dream.

With limited Federal resources, dramatic tuition increases, and our nation's continuing shift to a knowledge-based economy, the need to ensure that the programs authorized under the Higher Education Act are effective and efficient has never been greater.

Unfortunately, the bill before us would be more aptly named the ''Missed College Opportunities Bill.'' To begin, H.R. 609 represents a wasted opportunity to deal with the $12 billion that was eviscerated in student aid programs under the recently passed reconciliation bill.

At a time when we should be using the reauthorization of the HEA to right the wrongs of reconciliation by redirecting those funds to expand and strengthen grants and low-interest loans, H.R. 609 simply does too little, too well.

More specifically, I am deeply troubled that H.R. 609 does not include a mandatory increase in the Pell Grant, the cornerstone program of federal financial aid.

The maximum Pell Grant award for the last three years has been frozen at $4,050 and its purchasing power has withered away to cover just 30 percent of the average cost of attendance at a four-year public college.

Yet H.R. 609 authorizes only a paltry increase of $200 in the Pell Grant. Moreover, the bill does not comprehensively lessen the college loan burden at a time when the average college graduate now owes $17,500.

The bill also continues to encourage the waste of billions of tax payer funds by not encouraging the utilization of the Direct Loan program, which a large body of evidence has shown to be the more cost effective Federal loan program.

Surprisingly, just months after the President acknowledged in his State of the Union address that we need to expand our commitment in the fields of math, science, and engineering to maintain our economic preeminence, H.R. 609 fails to address this National crisis in any comprehensive manner.

The Democratic Substitute would correct these inadequacies, cutting in half interest rates on loans for low- and middle-income students most in need of help—from 6.8 percent to 3.4 percent—starting in July 2006. The Substitute also establishes a Predominantly Black Institution program; a graduate Hispanic Serving Institution program; and, provides additional assistance for tribal colleges.

On balance, there are some features in the base bill that I support. I am encouraged by: (1) the inclusion of Coppin State University as a qualified graduate program, in my district; (2) the authorization of year-round Pell Grants; (3) the creation of new loan forgiveness provisions in areas of national need; and (4) the change in the needs analysis that permits early estimates to help students and families anticipate financial aid eligibility. But these changes are not enough to overcome the bill's shortcomings.

Mr. Chairman, the measure of our commitment to postsecondary education is found not in the quality of our towering words, but by the quality of our actions that help needy students and families afford a first-rate higher education that is relevant in the 21th Century.

By providing students in our Nation with such an education, we help save our children from the clutches of poverty, crime, drugs, and hopelessness, and we help safeguard our Nation's prosperity for generations yet unborn.

If the Democratic substitute to H.R. 609 is not adopted, I encourage my colleagues to vote against H.R. 609 on final passage.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in support of the Democratic alternative to H.R. 609, the College Access and Opportunity Act that would help more students and families pay for higher education.

With millions of American families struggling to pay for college, it is critical that Congress act to make college more affordable. Unfortunately, H.R. 609 does little to increase the access and affordability of higher education and actually cuts $8.7 billion from student aid programs. This bill would, among other things, freeze the authorized level of maximum Pell Grant scholarships $200 above the current level through 2013. With the cost of tuition rising more than 6 percent every year, a flatlined $200 increase provides no relief for the 37,500 students in my home state of Connecticut that receive Pell Grants.

According to the College Board, the typical student who borrows to finance a bachelor's degree at a public college or university graduates with $15,500 of debt and at private nonprofit institutions graduates with $19,400 debt. To assist students and families struggling with this debt, Congress passed legislation in 2002 that lowered the interest rate cap on student loans to 6.8 percent starting in July of 2006. However, the bill on the floor today would raise the interest rate cap to 8.25 percent. As a result, the typical student borrower, with $17,500 in debt, would be forced to pay as much as $2,600 more in interest on those loans.

In contrast, the Democratic alternative would cut interest rates in half for students with subsidized loans—from 6.8 percent to 3.4 percent—which means $2.5 billion in interest rate relief for middle and low income families. The Democratic substitute would also create a pilot program for year round Pell Grants, simplify the student loan application process, and provide loan forgiveness for nurses, highly-qualified teachers in bi-lingual and low-income communities, librarians, first responders and other public servants.

As a nation, we must invest in higher education if we are going to boost America's economic competitiveness and continued prosperity. Hardworking families and students deserve better. I urge my colleagues to join me in rejecting the underlying bill and supporting the Democratic alternative that would truly make college more accessible and affordable to more Americans.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. CHOCOLA). The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. MCKEON

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109–401.

Mr. MCKEON. Mr. Chairman, I have a pro forma amendment made in order under the rule.

The Acting CHAIRMAN. Pursuant to House Resolution 742, the gentleman from California (Mr. MCKEON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCKEON. Mr. Chairman, I yield myself 1½ minutes.

I yield to the gentlewoman from Ohio.

Ms. PRYCE of Ohio. Mr. Chairman, I rise for the purpose of a colloquy with the chairman.

Mr. Chairman, I want to compliment you on the great job you have done with this bill and let you know how heartily I support it.

There is a national program that you are aware of, Project GRAD, which has proven highly effective in increasing the number of low-income students who graduate from high school and enroll in college by reaching out to students beginning in kindergarten and staying with them through college. Project GRAD has four sites in my home State and several theater schools.

Mr. Chairman, is it the intention of the committee that this bill will allow funding for this type of program?

Mr. MCKEON. Yes. H.R. 609 incorporates a new use of funds under the Fund for the Improvement of Postsecondary Education for integrated education reform services in order to improve college access and opportunity. Under this allowable use, Project GRAD will be able to compete for Federal funding.

I recently had the opportunity, at your urging, to visit a Project GRAD program in my home State of California, and they are doing a wonderful job and generating very impressive results. I am grateful to you and Mr. TIBERI and Mrs. MCCARTHY for your diligent efforts in this.

Ms. PRYCE of Ohio. I thank the chairman so very much for his willingness to include this language in the bill and for his efforts to support this valuable program.

I would like now to yield to the gentlewoman from New York, who has been a tireless advocate for Project GRAD and a leader on this issue.

Mrs. MCCARTHY. I thank my colleague for yielding.

I too would like to thank the chairman for his comments and support. We are fortunate to have a Project GRAD program in my district on Long Island. It is making a critical difference in the lives of many of the students. I appreciate all the help. I hope we can eventually get funding for these programs.

Ms. PRYCE of Ohio. I thank the gentlewoman for her comments, and I also would like to acknowledge the hard

work of Congressman TIBERI on this issue as well and thank him for his efforts and, once again, thank the chairman.

Mr. MCKEON. Mr. Chairman, I yield myself 2 minutes, and I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, I too want to congratulate you for the hard work that you have put into this legislation and thank you for that.

I know that you agree that peer to peer piracy is a serious challenge on college and university campuses. This activity is not only theft but also exposes college and university information technology infrastructures to security risks from spyware. There is bipartisan agreement that these institutions should have effective policies and punishments in place to deter this illegal activity, and I am asking if you would commit to working with me to combat peer to peer piracy on college and university campuses.

Mr. MCKEON. I certainly understand and share the gentleman's belief that illegal downloading of copyrighted material on college campuses is a serious matter. I strongly believe that policymakers, institutions of higher education, and those in the recording and motion picture industries have to make a renewed commitment to address the important issue of piracy on college campuses. You have my commitment to work with you on this issue.

I now yield to the gentleman from California for his comments.

Mr. BERMAN. I thank the chairman for yielding. I congratulate him on his new position.

The gentleman from Virginia, the gentleman from Maryland, the gentlewoman from California, myself, and a number of other Members of the House are driven by our concerns related to the lack of information available from the university community about their antipiracy efforts. A Judiciary subcommittee, chaired by Mr. SMITH of Texas, has issued a request to the Government Accountability Office to gather data on whether schools have adopted strong acceptable use policies, enforcement mechanisms, in addition to whether they are taking action on DMCA notices, and monitoring local agency networks where much of this piracy is taking place. This information is important so that the extent of the problem can be assessed.

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Mr. MCKEON. Mr. Chairman, I thank the gentleman for his work on this issue. I am aware that there has been resistance to efforts to gather this information. I hope it is clear to the university community that Congress will continue to monitor such efforts.

I now yield to the gentlewoman from California (Mrs. BONO).

Mrs. BONO. I thank the chairman for your willingness to address the issue, and I also want to congratulate you.

The Acting CHAIRMAN (Mr. CHOCOLA). The gentleman's time has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, do I have 5 minutes?

The Acting CHAIRMAN. The gentleman from California has 5 minutes.

Mr. GEORGE MILLER of California. I would be happy to yield 2 minutes to the chairman for the purpose of these colloquies.

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding, and I yield to the gentlewoman from California.

Mrs. BONO. What perfect timing, Mr. Chairman. I can thank you again and congratulate you again on your position and also thank the ranking member for his generosity.

I want to join my colleagues to remind everybody that in college, plagiarism can be an expellable offense. Colleges play a key role in teaching us that stealing someone else's work by plagiarism is just not acceptable.

Just imagine the positive contributions colleges and universities could lend our economy and way of life if they took the lead in teaching students the value of intellectual property.

Therefore, Mr. Chairman, I hope that you will work with me and my colleagues to create such a new environment, including possibly holding a hearing before the House Education and the Workforce Committee. I look forward to doing so with you and with your leadership.

I yield to you for your comments.

Mr. MCKEON. Mr. Chairman, I thank the gentlewoman for her leadership on this issue and share her concerns. We will work on that.

Mr. Chairman, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the distinguished chairman. The gentlewoman from California and I have cochaired a caucus on copyrights. We have worked very closely with Mr. GOODLATTE, and my good friend, Mr. BERMAN.

I do want to acknowledge that the education community and the entertainment community have been working cooperatively, Mr. Chairman, for more than 2 years to develop ways to reduce illegal file sharing and develop legal alternatives.

Some universities are true leaders, in fact, in combating piracy on campus. But we have no data, Mr. Chairman, that ensures that all institutions are aggressive in their efforts to educate students on piracy and in deterring this activity. I thank the gentleman for agreeing to work with us on this critically important issue, and I yield back to the gentleman from California.

Mr. MCKEON. Mr. Chairman, I thank the gentleman from Maryland for his work on this issue. As this bill moves through the process, I will work with the gentlewoman, with my good friend from the State of California (Mr. BERMAN), my good friend from Virginia (Mr. GOODLATTE), my friend from Maryland (Mr. HOYER); you can see this is a coast-to-coast issue; and others to ensure that we have additional compliance from the higher education community on the illegal downloading of copyrighted material, including working on report language during the conference committee to ensure that colleges and universities take seriously their obligation to aggressively tackle this problem.

Schools should have policies in place accompanied by strong punishments to notify students that unauthorized downloading and sharing is illegal. I thank the gentleman for his strong leadership on this issue and for bringing attention to this issue.

Mr. Chairman, I reserve the balance of my time.

How much time do I have remaining, Mr. Chairman?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. MCKEON. And the gentleman from California has?

The Acting CHAIRMAN. The gentleman from California (Mr. MILLER) has 3 minutes remaining.

Mr. MCKEON. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for entering into these colloquies, especially the colloquy on the question of intellectual properties and the protection of intellectual properties.

Mr. Chairman and Members of the House, I would simply say that I think with the substitute that we will be voting on here in a few minutes and the other votes, and finally the vote on final passage, that we will have a clear choice in this House.

I would hope that Members of the House would join a very broad array of education organizations across the country, from the American Federation of State and Municipal Employees, to the American Federation of Teachers, the American Medical Students Association, the Council of Christian Colleges and Universities, Lutheran Educational Conference, Minnesota's Private Colleges, the National Association of College Admission Counselors, the National Association of Independent Colleges and Universities, the National Education Association, the Service Employees Union, State Public Interest Research Group, St. Mary's College in California, my father's alma mater, as a matter of fact, the United States Students Association, the University of Michigan Women's College Coalition, to vote ''no'' on this legislation, and joining the organizations like NAICU that say that they will not support this legislation, but like myself and others, they want to continue to work with the chairman as this legislation moves forward into a conference committee, hopefully soon with the Senate.

But I think the correct vote here at this time for America's families who are struggling to pay for the cost of college, for the students who are struggling to pay for the cost of college, and for the contribution that these students, should they successfully complete their college education, the contribution that they will make to our

society and to our economy, it is most important that we take this step provided in the substitute to make a down payment on reversing that raid on student aid and making a down payment on the future of these students, their families, our communities and this country.

There is no other way to do it, because with the current aid that we are providing, and the increases in the costs that will come on line on July 1, because of the actions this Congress took just a couple of months ago, I know they want to divorce these two bills, but they are both parts of the Higher Education Act in this Congress.

Because of the actions they took, these families, unless you vote for the substitute, they will be saddled with higher interest costs. Those families are being put on notice now as they are seeking out the loans necessary to pay for that education.

Mr. Chairman, I think we should send them some good news as they gather around that kitchen table to try to determine whether or not they will be able to take the opportunity available to them in this country for a college education, an opportunity that should never, ever be foreclosed, simply because somebody cannot afford to take advantage of it.

Mr. Chairman, I urge my colleagues to vote yes on the substitute, and to vote no on the bill on final passage, and as I say, to join a very wide array of educational organizations, private, public, small, large, all across this country that have very serious problems with this legislation. Let's not turn it into the missed opportunity that we believe it is.

Mr. MCKEON. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, we have had a good debate. I want my colleagues to understand we urge a ''no'' vote on the substitute. We urge an ''aye'' vote on final passage.

Before I conclude I would like to thank all who helped to make this bill possible. I do want to thank Ranking Member MILLER, Ranking Member KILDEE, Subcommittee Chairman KELLER and all of those who have worked on this bill.

I want to thank Ellen Bammon for the good work she did, and the members of the staff on the other side of the aisle. I want to thank Amy Raaf on our committee, who has been working night and day to get us to this point.

I want to thank Krisann Pearce, who will be departing from the committee, who has done yeoman's work. I mentioned yesterday Sally Lovejoy, who has been with the committee for 25 years, who is leaving.

I want to thank Heath Weems from my personal staff; Bob Cochran, my chief of staff, who have all done great work on this.

I want to thank Kathleen Smith and Alison Griffin, who have been working on this project for years and have since left the committee.

Mr. HIGGINS. Mr. Chairman, I rise in opposition to H.R. 609, the Higher Education Reauthorization Bill. Today the House of Representatives wasted an opportunity to help millions of American students achieve a higher education and a more secure future. Just 2 months after Republicans cut student aid by $12 billion in the budget reconciliation bill to, the largest cut in history, they are again making higher education less affordable by placing the burden of financing tax cuts for the wealthy on the backs of students and their families.

It is ironic that this bill is entitled the College Access and Opportunity Act, because in reality it restricts access and denies opportunity. This bill breaks a promise to lower interest rates to 6.8 percent for student borrowers. The bill could reduce the number of doctors by making it overly cost prohibitive for students to study medicine by further restricting their ability to consolidate debt or to receive a lower rate. Additionally, the bill freezes the maximum Pell grant award and the Federal Work Study Program for the next 6 years; so much for access and opportunity.

I voted against H.R. 609 because there is a better option—the Democratic substitute. The substitute would have re-directed Federal dollars recently cut from student aid to low interest loans or grants to help students. But that better option was voted down by the Republican majority. The substitute would have cut interest rates for students with subsidized loans in half, providing $2.5 billion in interest relief for America's middle and low income families. The substitute would also have established a new Black Serving Institution Program and a new graduate Hispanic Serving Institution Program to boost college participation rates of low-income, black, and Hispanic students and to encourage minority students on campus. Sadly, Republicans rejected the amendment.

Congress has a responsibility to help hard-working young men and women realize their potential through educational opportunities so that they can achieve the American dream. At a time when college costs are rising faster than inflation, we should not be restricting student financial aid, we should be encouraging young men and women to continue their education, so that they can compete in the 21st century global marketplace.

I am saddened that this Congress passed up the opportunity to create real access and real opportunity for the men and women of my district in western New York, but I want them to know that I will keep fighting on their behalf.

Ms. LEE. Mr. Chairman, I rise today in opposition to H.R. 609.

I ask you, when will the raid on student aid stop?

H.R. 609 continues to deepen the wound already inflicted by the Republican tax reconciliation bill that cut $12 billion in student loans, an continues the damage in President's proposed budget.

Mr. Chairman, today's students are taking out more loans, working longer hours, and graduating with record amounts of debt, yet this bill does nothing to increase the Pell grant.

The goal should be to make college affordable and accessible for all. Yet again, with this bill the Republican leadership's rhetoric is out of step with its actions. Attempts to make this misguided bill better have been stifled.

Mr. Chairman, for example, I offered an amendment with the purpose of helping those who help our students.

Unfortunately, my amendment hasn't been made in order.

My amendment would include those who work as school counselors, school social workers, and school psychologists in the student loan forgiveness program.

Currently, the U.S. national average student-to-counselor ratio is 488: 1. In contrast, the maximum recommended student-to-counselor ratio is 250: 1. Sadly, some schools don't even have one full-time counselor.

Mr. Chairman, my home State of California ranks last in student-to-counselor ratios, at the astounding rate of 945 students for every 1 counselor.

School counselors provide valuable skills and coping strategies for dealing with issues as diverse as home issues, career counseling, college placement and academic issues, conflict resolution, and drug and alcohol issues.

Congress intended loan forgiveness to encourage education professionals to serve in needy areas of the country.

Counselors do a great deal to help improve students' readiness to learn, their quality of life at school, and their consequent educational achievement.

Mr. Chairman, let's make sure we are making our future the priority, and stop this ongoing raid on student aid.

Ms. KILPATRICK of Michigan. Mr. Chairman, the Republican higher education bill, the College Access and Opportunity Act, H.R. 609, represents a missed opportunity to make college more affordable, boost America's economic competitiveness, and invest in America's future.

At its core, the Higher Education Act, HEA, historically has sought to improve access to a college education for our Nation's most needy students. The current reauthorization bill does little to fulfill this premise and has the potential to greatly detract from that important goal. The goal of Congress and this bill should be to expand higher education opportunities, not restrict them.

Despite Republican leadership's claims, H.R. 609, the ''Missed College Opportunities Act,'' does little to help the students it claims to help. Just a month after cutting student aid by $12 billion, Republicans continue to be out of touch with the needs of American students and families.

H.R. 609 fails to provide a real increase in student aid.

H.R. 609 fails to lower college loan interest rates.

H.R. 609 freezes the authorized level of the maximum Pell Grant scholarship—at just $200 above current levels—through 2013 and it does not include any mandatory increase in Pell.

The Democratic substitute, which was not adopted, would have cut interest rates in half for the borrowers, from a fixed rate of 6.8 percent to a low fixed rate of 3.4 percent. As a result the costs of college would be lowered by $2.4 billion for low- and middle-income students.

In addition to making college more affordable, the Democratic legislation would have boosted college opportunities for minority students by:

Establishing a new Predominantly Black Serving Institutions program to increase college participation rates of low-income black students;

Creating a new Graduate Hispanic Serving Institutions program; and

Creating a pilot program for year round Pell grants.

Traditionally, higher education legislation has enjoyed widespread bipartisan participation and support but today I will vote against this higher education bill. American students and families are struggling to pay for college. Congress should pass legislation to control tuition costs and increase student aid and not miss this opportunity to help American families.

I strongly support the Democratic substitute. I will vote against the underlying bill, H.R. 609, because it does not make college more affordable for American students and families.

Mr. HOLT. Mr. Chairman, America's economic prosperity, security, and health are more dependent than ever on students' access to higher education opportunities. Unfortunately, the rising importance of college for individuals and our society has corresponded with skyrocketing tuition costs, causing students to take on massive amounts of loan debt—$17,000 on average; to work long hours that interfere with academic success; or to forgo college altogether.

H.R. 609 contains some positive provisions. I am pleased that the bill includes year round Pell grants for all colleges, including community colleges at least on a provisional basis. I am pleased that the bill includes up to $5,000 of student loan forgiveness if you are an elementary or secondary school teacher of a critical foreign language or a government employee who a critical foreign languages. The bill also authorizes Mathematics and Science Honors Scholarships to students pursuing a baccalaureate, masters, or doctoral degree, or a combination thereof, in physical, life, or computer sciences, mathematics, and engineering. The bill also creates Mathematics and Science Education Coordinating Councils, composed of education, business, and community leaders, which will implement State-based reform agendas that improve mathematics and science education; and support services that lead to better teacher recruitment and training, increased student academic achievement, and reduced need for remediation at all levels.

Unfortunately, H.R. 609 comes on the heels of the budget reconciliation bill, which cut $12.76 billion in Federal student financial aid by increasing interest rates, charging students more fees on their loans, and reducing subsidies to lenders. This was the largest cut in the history of Federal student financial assistance. The result will be nearly $8 billion in new charges that will raise the cost of college loans for millions of American students and families who borrow to pay for college. For the typical student borrower, already saddled with $17,000 in debt, these new fees and higher interest charges could cost up to $5,800. New Jersey students and families were hit hard—over 125,000 college students in New Jersey will be affected. H.R. 609 fails to reverse this raid on student aid.

Congress' recent policies with regard to student aid have abrogated the responsibility that the Federal Government accepted with the Higher Education Act. Supporting students and families who take out college loans is an investment in the American economy and our society at large. Congress should lower interest rates and provide additional benefits for student borrowers to encourage responsible repayment and support this educational borrowing. Instead, H.R. 609 fails to make loans more affordable. Rather than increasing opportunity, H.R. 609 freezes the authorized level of the maximum Pell grant scholarship—at just $200 above current levels—through 2013 well below the historic value of Pell grants.

H.R. 609 should be doing more to provide access to college. Pell grants should be doubled, not frozen at a level that will mean a reduction in value over time. Perkins loans should be increased, and work study should be increased. As currently written, H.R. 609 will not help us maintain our competitive edge in the global community.

Together we can do better.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I rise today in opposition of the single holder rule, and in support of Americans pursuing secondary education.

As the law currently stands, student loan borrowers attempting to refinance and consolidate their loans face unfair restrictions from the so-called ''single holder rule.'' This rule limits the search of these students to their current lender for a Consolidation Loan, if the current lender is the holder of all of the Federal Family Education Loans (FFEL) they wish to consolidate.

Mr. Chairman, with tuition prices on the rise, it should be the role of the Federal Government to help those Americans pursuing higher education, not impede them. Competition amongst the lender industry for these Consolidation loans would help lower interest rates for these loans, lowering the cost of secondary education for countless Americans. At a time when the dream of higher education has become farther out of reach for many families, it would be irresponsible for this Congress to stand in the way of the elimination of these restrictive provisions.

Furthermore, we have learned a great deal in recent months of increased competition from overseas in the areas of math and science. In order for our Nation to remain a leader in innovation, and maintain our status in the international economy, we must make educating the next generation of Americans a priority. The single holder rule serves only as a barrier to this critical education.

I do not stand alone in my support of the elimination of the single holder rule. Rather, I am lending my voice to a bipartisan chorus. The Conference Report on the 2003 Omnibus Appropriations Act urged the authorizing committees to repeal the single holder rule to ''ensure borrowers have the best options available to them in order to manage their student loan obligations.''

Mr. Chairman, I am pleased to see that both the House and Senate versions of the reauthorization of the Higher Education Act to pass out of conference would finally repeal the single holder rule. This rule does nothing more than pander to the student loan industry special interests at the expense of America's students. While I will not be lending my support to H.R. 609 today for other reasons, I applaud the efforts of both Republicans and Democrats to eliminate this harmful rule.

Mr. LEVIN. Mr. Chairman, we stand here today with a historic opportunity to improve higher education in this country. The average tuition and fees for four-year public colleges have risen over 40 percent since 2001. The average student now leaves school with $17,500 in debt. Above anything else, it is absolutely essentially that any legislation reauthorizing the Higher Education Act help make a college education more affordable, so that we can expand this great opportunity to more young people across the country. I know this issue is immensely important to many of my constituents in Michigan.

Unfortunately, the misnamed ''College Access and Opportunity Act of 2005'' does absolutely nothing to reduce the costs of a college education. When Pell Grants were first enacted to help low-income families, it covered 72 percent of the average cost of a four-year public college, today it pays for only 30 percent. This bill would increase the maximum amount a Pell Grant could cover by a pathetic $200 while the President's proposed budget continues to flat fund this vital program.

It is now just two months after this Republican Congress voted to cut Federal student aid by $12 billion—the largest cut in the history of the program. Most of the cuts in mandatory spending in that bill were generated by cutting back on excessive lender fees on student loans. Yet instead of investing this additional revenue into scholarships and reductions in student loan fees, Republicans chose to put this money towards tax cuts for the super wealthy.

At a time when we are faced with fierce global competition from countries like India and China, it is absolutely essential that we invest in higher education. Last year China graduated more English-speaking engineers than we graduated here the United States. I wonder how it is that the majority would have us believe that an investment in tax cuts for the very rich would help us to remain an economic superpower.

A report by Michigan's Lt. Governor John Cherry's Commission on Higher Education and Economic Growth spelled out how Michigan's economic future is directly linked to our ability to accelerate the completion of degrees of higher education. Two-thirds of the jobs created in the next decade will require post-secondary education and training. I wonder how it is that the majority believes that cutting student loans will make it easier for the thousands affected by the manufacturing jobs crisis in Michigan.

Republicans here in Congress would have us believe that $12 billion in cuts to the student loan program and reauthorizing the Higher Education Act are unrelated. I say they couldn't be more out of touch.

Democrats have offered an alternative. This substitute would begin to reverse the damaging cuts made to student aid by cutting interest rates on loans for low and middle income students in half starting in July of 2006. This would lower the cost of college by $2.4 billion for students and their families. This measure is a down payment on the future of our Nation's students who are, after all, the key to the success of our Nation in the days that come. I will vote against this harmful legislation today, and in favor of the Democratic substitute.

Mr. STARK. Mr. Chairman, I rise in opposition to the so-called College Access and Opportunity Act of 2005 (H.R. 609). This Republican bill represents a significant missed opportunity to rollback the raid on student aid and make higher education more affordable and accessible for America's students.

When it comes to helping families pay for college, Republicans never miss an opportunity to miss an opportunity. But when their campaign contributors say jump, Republicans always ask how high.

In December, The Chronicle of Higher Education reported that while Chairman of the House Education and Workforce Committee, Representative BOEHNER assured nervous private lenders—who in 2003–2004 contributed more than $250,000 to his campaign—that they would gain rather than lose under the Deficit Reduction Act. ''Relax. Stay calm,'' BOEHNER told the Consumer Bankers Association. ''At the end of the day, I believe you'll be at least satisfied, or even perhaps happy. Know that I have all of you in my two trusted hands.''

Instead of reducing lender subsidies as was originally proposed, Congressional Republicans subsequently raised interest rates on parent borrowers and required student borrowers to continue paying excessive, above-market interest rates. In total, Republicans cut $12 billion from student loan programs—the largest cut in our nation's history.

Today, Representative BOEHNER is back to his old tricks, protecting the bottom lines of private lenders rather than the pocketbooks of hard-working students. H.R. 609 does nothing to restore the much-needed student loan subsidies cut under the Deficit Reduction Act. Rather, this legislation keeps student loan interest rates for low- and middle-income Americans at an unnecessarily high 6.8 percent, guaranteeing private lenders a profit and students mountains of debt after graduation.

Further, H.R. 609 continues to underfund the Pell Grant program, even as the program's purchasing power declines on annual basis. The bill freezes through 2013 the authorized maximum for a Pell Grant scholarship—at just $200 above current levels. Even as the cost of education rises, the purchasing power of Pell Grant loans declines.

It is past time that we had a higher education bill that makes college more affordable, boosts America's economic competitiveness, and invests in America's continued prosperity. This legislation does none of the above. I urge my colleagues to join me in voting against H.R. 609 so we can bring forth a bill that actually does what's needed for higher education.

Mr. BLUMENAUER. Mr. Chairman, at a time when the global economy demands a highly trained, educated workforce, Congress is making it more difficult for our students to succeed. The Higher Education Reauthorization Act represents a missed opportunity at a critical time for improving education.

All across America, communities are struggling to deal with education funding for preschools through high schools. Many of these communities are recovering from difficult economic times and have financially stressed the local education systems. Many states have responded to budget crunches by reducing their support for postsecondary education at a time when we need to be desperately training students for their own as well as the country's future. It is expected by 2020, the U.S. will experience a shortage of up to 12 million college-educated workers. We are providing less support as a percentage of overall educational costs than ever before.

In part, it is because of a tragic decision of the Republican majority to sacrifice education for $70 billion in tax benefits for America's wealthiest individuals. This has made the funding problem even worse than it needs to be. There are opportunities to simplify financial aide forms, to increase access to higher education and to improve higher education, but instead that focus is lost. Had a truly bipartisan approach been taken by Congress a much better bill would have been possible.

Tuition and fees have already climbed by 46 percent at four-year public colleges since 2001, nearly six times faster than Pell Grant Scholarships. Students are taking on record high loan debt and working longer hours in order to attend college. There are over 90,000 Oregonians borrowing money to attend college. While costs are going up and burdens on families are greater, there is less federal support.

Many of the higher education professionals that I have worked with suggests they would rather have another extension of the current law than this reauthorization, quite an indictment and a signal of what we should be doing. I am hopeful that as this bill works its way through the legislative process that logic and the needs of students, families and our society for a well educated citizenry will prevail. Although, I am pleased the bill includes the bipartisan Blumenauer-Ehlers-Wu amendment to convene a summit of higher education experts working in the area of sustainable operations and programs, we can make this bill better and until that happens I cannot support it.

Mr. DINGELL. Mr. Chairman, I rise today to voice my opposition to legislation on the floor, H.R. 609, the College Access and Opportunity Act of 2005. Many of my colleagues have renamed this bill ''the Missed College Opportunities Act'' for good reason.

Two months ago my colleagues on the other side of the aisle voted for a budget reconciliation bill that slashed funding for student aid programs by $12.7 billion—the single largest cut to the Federal student aid program in its 40-year history. This ''raid on student aid'' could not have come at a worse time for American families, as the cost of a college education today continues to rise while more and more working families fall into poverty. At a time when our government should be increasing access to higher education, this bill is taking away this opportunity for many young students.

The ultimate goal behind the Higher Education Act has always been to improve access to college education for those in greatest need. Today's students are increasingly taking on higher loan debts, working longer hours or, in some cases, forgoing college altogether. Increasing access to higher education is critical to the development of a highly skilled workforce, which will ensure that America remains competitive in the global marketplace. Today's economy demands that workers are better educated and this bill does little to make college more affordable. As it is now, the average student owes $17,500 when he or she graduates.

Not only is this legislation troublesome for our students, it is also troublesome for our colleges and universities. The bill in its current form includes provisions that undermine the autonomy of colleges and universities by creating intrusive new reporting requirements. In particular H.R. 609 imposes price controls on colleges through the new ''College Affordability Index'' which would compare tuition increases to the Consumer Price Index without taking into consideration what individual institutions have done to offset tuition increases. Cost increases can be attributed to a combination of different factors, all of which vary between different institutions, making the College Affordability Index a poor measure of the affordability of an individual college or university.

Furthermore, a proposed amendment to this legislation would create an unnecessary burden on our universities' admission policies by requiring institutions that receive any Federal funding, including grants and scholarships, to submit to the Department of Education an annual report stating whether race, color, or national origin is considered in the student admissions process.

This amendment is unnecessary and redundant because universities already publicly disclose their admission policies, as required by the Supreme Court in Grutter v. Bollinger and Gratz v. Bollinger. The amendment will only burden university staff members with unnecessary and extensive paperwork. Additionally, the amendment jeopardizes individual applicants' privacy and confidentiality in violation of the Family Educational Rights and Privacy Act, FERPA, which generally prohibits educational institutions from disclosing personally identifiable information from students' education records without consent.

The proposed amendment, by contrast, would require universities to submit to the U.S. Department of Education's Office for Civil Rights, OCR—and from OCR to the public—''all raw admissions data for applicants'' on each quantifiable factor considered in admissions except for the name of the applicant. Publication of raw data in this form—without any corresponding safeguards on use of the raw data—will almost certainly permit OCR and others to ascertain the identities of individual applicants. In so doing, it will be possible to determine individual applicants' test scores, high school grades, and so forth—all in violation of FERPA.

Mr. Chairman, I strongly agree that more should be done so that all deserving students have the opportunity to receive a higher education, which is why I support the Miller-Kildee-Scott-Davis-Grijalva alternative. The Democratic alternative would cut interest rates in half for the borrowers in most need—lowering the cost of college by $2.4 billion for students and their families. It would also create a pilot program for year round Pell grants to allow students to accelerate their degree. We must never let a student's economic situation hinder his or her ability to obtain access to a college or postgraduate degree.

Mr. Chairman, I ask that my colleagues join me in reversing the Republican raid on student aid by opposing H.R. 609 and supporting the Democratic alternative.

Mr. PAUL. Mr. Chairman, anyone in need of proof that Federal control follows Federal funding need only examine H.R. 609, the College Access and Opportunity Act. H.R. 609 imposes several new mandates on colleges, and extends numerous mandates imposed on that previous Congress imposed on colleges. H.R. 609 proves the prophetic soundness of people who warned that Federal higher education programs would lead to Federal control of higher education.

Opponents of increasing Federal control over higher education should be especially concerned about H.R. 609's ''Academic Bill of

Rights.'' This provision takes a step toward complete Federal control of college curriculum, grading, and teaching practices. While this provision is worded as a ''sense of Congress,'' the clear intent of the ''bill of rights'' is to intimidate college administrators into ensuring professors' lectures and lesson plans meet with Federal approval.

The Academic Bill of Rights is a response to concerns that federally funded institutions of higher learning are refusing to allow students to express, or even be exposed to, points of view that differ from those held by their professors. Ironically, the proliferation of ''political correctness'' on college campuses is largely a direct result of increased government funding of colleges and universities. Federal funding has isolated institutions of higher education from market discipline, thus freeing professors to promulgate their ''politically correct'' views regardless of whether this type of instruction benefits their students—who are, after all, the professors' customers. Now, in a perfect illustration of how politicians use the problems created by previous interventions in the market as a justification for further interventions, Congress proposes to use the problem of ''political correctness'' to justify more Federal control over college classrooms.

Instead of fostering open dialog and wide-ranging intellectual inquiry, the main effect of the Academic Bill of Rights will be to further stifle debate about controversial topics. This is because many administrators will order their professors not to discuss contentious and divisive subjects in order to avoid a possible confrontation with the Federal Government. Those who doubt this should remember that many TV and radio stations minimized political programming in the 60s and 70s in order to avoid running afoul of the Federal ''fairness doctrine.''

I am convinced that some promoters of the Academic Bill of Rights would be unhappy if, instead of fostering greater debate, this bill silences discussion of certain topics. Scan the websites of some of the organizations promoting the Academic Bill of Rights and you will also find calls for silencing critics of the Iraq war and other aspects of American foreign policy.

Mr. Chairman, H.R. 609 expands Federal control over higher education; in particular through an Academic Bill of Rights which could further stifle debate and inquiry on America's college campuses. Therefore, I urge my colleagues to reject this bill.

Mr. ETHERIDGE. Mr. Chairman, I rise in reluctant opposition to H.R. 609, the Republican higher education bill.

I am reluctant to oppose H.R. 609 because it contains my amendment to add Fayetteville State University, in my congressional district, to the list of eligible schools under title III B for Historically Black Graduate Institutions. Fayetteville State University holds the distinction of being one the Nation's most racially diverse educational institutions. Receiving funding under title III would enable the university both to enhance its existing graduate programs and to develop additional graduate programs in disciplines in which African-Americans are underrepresented in the Nation.

I am grateful to the committee chairman for adding the Etheridge amendment to H.R. 609 to include this outstanding institution of higher learning among its expanded lists of participants in title III B to enhance its historic mission of expanding opportunity in America. Unfortunately, the underlying bill is fundamentally flawed. H.R. 609 represents a major missed opportunity to make college more affordable and accessible, to boost America's economic competitiveness, and to invest in America's continued prosperity. Just 2 months after Republicans in Congress voted to raid $12 billion from Federal student aid, this bill does very little to help American students and families to pay for college.

H.R. 609 fails to reverse the Republican raid on student aid. H.R. 609 fails to make college loans more affordable. H.R. 609 freezes the authorized level of the maximum Pell grant scholarship through 2013 and it does not contain any mandatory increase in Pell. I support the Miller substitute to H.R. 609 that would cut interest rates for borrowers in most need and lower the cost of college by $2.4 billion for students and their families. In addition to making college more affordable, the Miller substitute would boost college participation for minority students by establishing a predominantly black institution program and establishing a graduate Hispanic serving institution program.

I hope as this legislation moves forward, the shortcomings can be corrected, and I can support the conference report on this important bill.

Mr. PRICE of North Carolina. Mr. Chairman, as we consider H.R. 609, the College Access and Opportunity Act, I want to highlight the teacher recruitment and retention provisions that have been included in this legislation.

In order to keep pace with anticipated teacher retirements and the growing student population, local school districts will need to hire an estimated 2.5 million teachers over the next 10 years. And not just any warm body will do. Under the No Child Left Behind Act, every teacher must be ''highly-qualified'' by the current 2005–2006 school year, a goal I suspect has not yet been achieved. In order to meet these challenges, we must embark on an unprecedented teacher recruitment and retention effort.

Fortunately, we already have evidence of what works. In 1986, the North Carolina General Assembly established the Teaching Fellows program, which currently produces 500 highly qualified and enthusiastic new teachers each year. I believe it offers a model for national emulation, and that is why I reintroduced the Teaching Fellows Act as H.R. 1801 early in the current Congress.

In the 108th Congress, I was pleased that the bipartisan committee leadership worked with me and former Congressman Cass Ballenger to enhance the teacher recruitment provisions of the Ready to Teach Act in accordance with the Teaching Fellows Act—H.R. 1805, 108th Congress. Much as we envisioned in the Teaching Fellows Act, the Ready to Teach Act would authorize State scholarship programs to attract the best students to the teaching profession, and provide support and mentoring programs that will help teachers make a long-term commitment to the field.

Those provisions have again been included in the comprehensive higher education legislation we are considering today. I want to commend Representatives MCKEON and KILDEE and other committee members for their willingness to work with me on this particularly important component of the bill.

With provisions added from the Teaching Fellows Act, H.R. 609 would establish scholarships for those coming out of high school or in their sophomore year of college, when students would perhaps be better prepared to make a mature choice about committing to a teaching career.

In addition, through partnerships with community colleges, H.R. 609 would offer fellowships to students, particularly those being trained as teaching assistants, to go on and obtain a bachelor's degree and full teaching certification. Students attending community colleges are often deeply rooted in their local communities, including rural and inner-city areas where the need for well qualified teachers is the greatest. So identifying and training a cadre of ''homegrown'' teachers is a promising strategy for meeting our most pressing teacher recruitment challenges.

These programs do not merely throw money at individual students but seek, through rich extracurricular programs, to promote esprit de corps and collaborative learning, to strengthen professional identity, and to provide a support system as students first enter the classroom as teachers. Students would participate in various community and school-based internships and experiences that go well beyond normal teacher preparation. These enrichment programs could feature a variety of components ranging from school system orientations and educational seminars to Outward Bound programs and international travel.

In exchange, scholarship recipients would be required to teach in a public school for a minimum of 1 year plus a period of time equivalent to the length of their scholarship. The idea of reciprocal obligation and community service are essential to the success of these programs.

Although I am pleased with these teacher recruitment and retention components of the bill, H.R. 609 is, in my view, lacking in serious ways. First, it seeks to make college affordable by squeezing colleges and universities. The bill's College Affordability Index would insert the Federal Government into the decision processes of institutions of higher education regarding tuition-setting, essentially establishing price controls. Secondly, it seeks to make college accessible by squeezing students and families. The bill would provide a very modest increase of $200 in the maximum Pell grant through 2013.

I am also concerned about the bill's provision to create a Title VI International Higher Education Advisory Board that would have an inappropriate and unnecessary role in curriculum decisions at colleges and universities.

We desperately need to enact a long-term reauthorization of higher education programs, and I hope we can make improvements to this bill in conference and achieve that goal prior to adjournment. I look forward to working with Members from both sides of the aisle to encourage our best and brightest students to enter and remain in the field of teaching.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today because I believe my Republican colleagues are sending a mixed message by offering this legislation.

This bill increases the authorization for the maximum Pell grant to $6,000, reauthorizes funding for Hispanic-serving institutions and historically Black colleges and universities.

From the looks of this authorization bill, you would think the majority leadership in this Congress cared about getting low- and middle-income students through college.

However, this authorization bill does not fund these programs. Just 2 months ago, my colleagues on the other side of the aisle voted to cut student aid by $12 billion by passing the budget reconciliation bill.

I don't understand why my Republican colleagues care more about giving tax breaks to the wealthy than helping low- and middle-income families send their children to college.

The budget reconciliation bill raised interest rates on parent student loans, raised loan consolidation fees, and required that student and parent borrowers pay a 1 percent insurance fee on college loans.

We need to do something to help people get through college, not charge them a 1 percent insurance fee and make their education even more expensive than it is now.

Since 2001, college tuition in this country has increased 40 percent. Students are graduating with over $17,000 of debt. And what has Congress done?

We've consistently flat-funded Pell and raised the maximum Pell award by small amounts that don't keep up with rising tuition rates, including this increase.

When Pell first started, it covered over 70 percent of the average cost of a 4-year education. Now, it pays for 30 percent of the cost of a college education.

While I appreciate the effort of the bill sponsors to increase the Pell maximum grant, it is still not enough to truly help low-income families send their children to college.

I hope in the future appropriators will enable us to show a true commitment to higher education by bringing us an appropriations bill that reflects the priorities outlined in H.R. 609.

Working families need more than the numbers offered in this bill, they need to see real dollars put into these programs.

My Republican colleagues have not adequately funded the very programs they are on the floor supporting today.

I hope that in the future, we fund the programs that are so important to us today.

Mr. MCKEON. Mr. Chairman, I yield back the balance of my time.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of Rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. GOHMERT of Texas.

Amendment No. 3 by Mr. KENNEDY of Rhode Island.

Amendment No. 4 by Mr. KING of Iowa.

Amendment No. 7 by Mr. GEORGE MILLER of California.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. GOHMERT

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GOHMERT) on which further proceedings were postponed and on which the ''ayes'' prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 2, not voting 12, as follows:

[Roll No. 77]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—2

Edwards
Musgrave

NOT VOTING—12

Beauprez
Clay
Davis (FL)
Evans
Franks (AZ)
Gilchrest
Issa
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

□ 1402

Messrs. JACKSON of Illinois, DELAY, MANZULLO, MARCHANT, DAVIS of Illinois, CHANDLER and ANDREWS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EDWARDS. Mr. Chairman, on rollcall vote No. 77, I unintentionally voted ''no''. I would like the RECORD to show that it was my intention to vote ''aye'' on rollcall No. 77.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF RHODE ISLAND

The Acting CHAIRMAN (Mr. BASS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 380, noes 38, not voting 14, as follows:

[Roll No. 78]

AYES—380

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—38

Akin
Bishop (UT)
Brady (TX)
Campbell (CA)
Cannon
Carter
Culberson
DeLay
Doolittle
Duncan
Ehlers
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Hefley
Hensarling
Hostettler
Hunter
Johnson, Sam
King (IA)
Kingston
Manzullo
McCrery
McHenry
Miller (MI)
Neugebauer
Pence
Petri
Pitts
Putnam
Radanovich
Rohrabacher
Royce
Shadegg
Souder
Stearns
Wamp

NOT VOTING—14

Brown-Waite, Ginny
Cantor
Clay
Conyers
Davis (FL)
Evans
Gilchrest
Issa
Istook
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

□ 1410

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 337, not voting 12, as follows:

[Roll No. 79]

AYES—83

Aderholt
Bachus
Barrett (SC)
Bartlett (MD)
Blackburn
Boehner
Bonner
Bono
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Conaway
Crenshaw
Cubin
Culberson
Deal (GA)
DeLay
Doolittle
Dreier
Duncan
Feeney
Foxx
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Goode
Graves
Gutknecht
Hall
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hostettler
Istook
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kingston
Kline
Knollenberg
Lungren, Daniel E.
Mack
McHenry
McMorris
Miller, Gary
Musgrave
Myrick
Neugebauer
Norwood
Otter
Pearce
Pence
Petri
Pitts
Poe
Putnam
Radanovich
Rohrabacher
Royce
Ryun (KS)
Sensenbrenner
Sessions
Shuster
Souder
Stearns
Sullivan
Tancredo
Tiahrt
Weldon (FL)
Wicker
Young (AK)

NOES—337

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Bonilla
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gonzalez
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Manzullo
Marchant
Markey

Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—12

Clay
Davis (FL)
Evans
Gilchrest
Gohmert
Issa
Jackson-Lee (TX)
Johnson (CT)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

□ 1419

Mr. MORAN of Kansas and Mr. INGLIS of South Carolina changed their vote from ''aye'' to ''no.''

Mr. RADANOVICH and Mr. NEUGEBAUER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 79 I was inadvertently detained. Had I been present, I would have voted "no."

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 7 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIRMAN (Mr. BASS). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. GEORGE MILLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 200, noes 220, not voting 12, as follows:

[Roll No. 80]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Millender-McDonald
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Clay
Cole (OK)
Davis (CA)
Davis (FL)
Evans
Gilchrest
Issa
Jackson-Lee (TX)
Meeks (NY)
Miller (FL)
Ruppersberger
Watson

□ 1427

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. DAVIS of California. Mr. Chairman, on rollcall No. 80, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. MILLENDER-MCDONALD. Mr. Speaker, on rollcall 80, my intent was to vote ''yes'' on this, as opposed to ''nay'' on it.

The Acting CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOOZMAN) having assumed the chair, Mr. BASS, Acting Chairman of the Committee of the Whole House on the