

### AMERICAN POLITICS IS BECOMING MORE CORRUPT BY THE DOLLAR

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, it's been more than 2 years since the Supreme Court rendered its Citizens United decision, and American politics is becoming more corrupt by the dollar.

Election season is flooded with special-interest money, confirming the deep skepticism of an American public that is estranged from and fed up with its government. In the past 2 years alone, super PACs have raised approximately \$181 million, an increase of more than 1,200 percent, in outside spending during a Presidential election.

Our system allows for corporations and extremely wealthy individuals to influence elections without any accountability, and this must change. That's why I'm a cosponsor and strong supporter of the DISCLOSE 2012 Act, which would shine a light on the secret money in political campaigns.

The DISCLOSE 2012 Act requires public reporting by super PACs, corporations, unions, and outside groups within 24 hours of making a campaign expenditure. It forces leaders of other corporations and other outside groups to stand by their campaign ads by appearing in them and stating that they approve this message.

Madam Speaker, I urge Republican leadership to bring the DISCLOSE 2012 Act up for a vote. Until we get Big Money out of politics, we will never be able to responsibly address the major issues facing American families.

□ 1220

### EPIDEMIC OF HUNGER

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Madam Speaker, today I rise to address the epidemic of hunger in this Nation. Nearly 49 million people in the United States suffer from hunger. That is one in six in the U.S. population, including more than one in five children.

Feeding America recently reported that 46 percent of households served by its agencies must choose between paying for utilities or heating fuel and paying for food. Thirty-nine percent of households said they must choose between paying their mortgage or rent and paying for food.

Hunger is real in this country. We know that, yet some still demonize SNAP and other feeding programs. Preventing hunger is a moral imperative that should be shared by people in every party, every demographic, and every religion.

I encourage my colleagues to visit a local food bank in their district, or take the SNAP Challenge. Find out what it is like to live for just 1 day or

1 week as someone who struggles with hunger.

### INVESTING IN ELECTRIC VEHICLES

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, Californians drive a lot, so when gas prices jump, we feel it first and the most. Back home, gas has jumped 26 cents in the last week and 57 cents since this time last year. We are paying on the average \$4.30 a gallon.

Our constituents need our help. They also understand the definition of insanity is doing the same thing over and over and expecting a different result.

I happen to drive a Nissan Leaf, an all-electric vehicle, which will be built right here in America in Tennessee in the near future. This gives me the benefit of driving past gas stations, but I don't have to fill up my tank to be shocked by the prices at the pump. And if given the opportunity, I think most Americans would jump at the chance to join me in driving right past those high gas prices and stop sending hundreds of billions of dollars to the Middle East.

"Drill, baby, drill" won't lower gas prices today or tomorrow, but it will feed our addiction to dirty fossil fuels which are quickly running out. Let's work together to invest in infrastructure for electric vehicles to make them more affordable and convenient. We will create jobs, take hold of the economy of the future, and end our dependence on oil.

### JOBS AND THE ECONOMY

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, with the unemployment rate now at 8.3 percent, we continue to see positive signs that the U.S. economy is on the road to recovery. Now more than ever it is absolutely imperative that we continue to make critical investments in infrastructure, advanced manufacturing, and high-tech research and development. By doing so, we will address our crumbling roads and bridges, create jobs, and provide future generations with the robust economic foundation on which to build a stronger America.

The President's budget has reflected the desire to make these important investments in our economy, and I urge my colleagues to also recognize the decisions we make today will have unavoidable consequences tomorrow.

While our economy is recovering, it is still fragile. Now is not the time to be making arbitrary cuts to key components of our economy. We all bear the burden of such cuts, and we are all ultimately responsible for the country's well-being.

### GET OUR NATION BACK TO WORK

(Ms. CLARKE of New York asked and was given permission to address the House for 1 minute.)

Ms. CLARKE of New York. Madam Speaker, the American people's patience is wearing thin. A majority of the American people believe that jobs should be the number one priority of the 112th Congress. However, over a year has passed since the Republican majority took control of the people's House, and we have still not passed a single significant jobs bill.

To avoid any confusion, let's discuss what a jobs bill is not. A jobs bill is not a tax cut for the multimillionaires and billionaires. A jobs bill is not protecting subsidies for corporations that ship jobs overseas. And a jobs bill is not, Madam Speaker, dismissing out of hand the President's plan for reviving American manufacturing and creating a stronger and a more skilled workforce.

As our economy continues to recover from the recent economic downturn, it is past time for the Republican majority to work with the President and get our Nation back to work.

### PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT

Ms. FOXX. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 563 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 563

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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

in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 563 provides for a structured rule providing for consideration of H.R. 2117, which repeals the Department of Education's State authorization regulation and the Federal definition of a credit hour.

I think most people on both sides of the aisle would agree that our higher education system is the envy of the world. The bill we will consider today, H.R. 2117, the Protecting Academic Freedom in Higher Education Act, passed the House Education and Workforce Committee with bipartisan support on June 15, 2011, and I'm very, very proud of that.

□ 1230

A lot of Americans believe Members of Congress can't work together, but H.R. 2117 shows the opposite. I appreciate the opportunity to work with my colleagues across the aisle to pass this legislation and hope we can find more ways to work together.

In 2010, the Department of Education issued a series of regulations purportedly aimed at improving the integrity of Federal student aid programs. Included in these regulations was a new "State authorization" rule that imposes a one-size-fits-all Federal mandate on institutions of higher education and infringes on the rights of States to regulate their higher education systems. Institutions are already required to be authorized by the State in which they're located. However, the Federal Department of Education was not satisfied leaving these decisions solely to States and added several Federal criteria to existing State authorization processes which

would unnecessarily complicate the process for institutions and further burden already strapped State governments by increasing their workload.

In addition, it is unclear whether the regulation would require online education programs to be authorized in every State in which they have students. One online university reports the State authorization regulations could cost the institution \$700,000 initially, plus an additional \$400,000 annually. H.R. 2117 also repeals the Federal definition of a credit hour. This definition has historically been the jurisdiction of accrediting agencies and institutions. And again, the process has worked very well. There have been no complaints about it.

Last year, Excelsior College president John Ebersole testified in front of the Subcommittee on Higher Education and Workforce Training about this regulation, stating it inserts the Department of Education into academic judgments that should be made at the institution level and could destroy accelerated learning programs that allow students to complete their education more quickly.

These regulations will restrict innovation, limit flexibility, and pave the way for additional Federal overreach into higher education.

Madam Speaker, with that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I want to thank the gentlewoman from North Carolina, my good friend, Dr. Foxx, for yielding me the customary 30 minutes.

I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Madam Speaker, here we go again. Another day in the House of Representatives and another day without a jobs bill. It's almost March, and my Republican colleagues who control this House still have not put a meaningful jobs bill on the floor. In fact, their best chance of passing a jobs bill could have been the highway reauthorization bill, but they screwed that up so badly that they had to yank it off the floor before an embarrassing bipartisan defeat.

So what are we doing today? Well, Madam Speaker, today, we're considering a bill targeting Department of Education regulations defining credit hours and setting minimum requirements that all higher education institutions must meet to be considered authorized by a State. We're targeting Department of Education regulations. We're not considering a jobs bill. There's no new, bipartisan highway bill. There's no bill that helps put cops, firefighters, and librarians back to work. And there's no new bill that helps train workers for the future.

The economy may be inching along, recovering slowly, but it still needs some help. We need a real, comprehensive jobs package. Instead, we just get

a bill to dismantle a few regulations with no attempt to make our education system better. This is no way to run the House of Representatives.

Let's look at where we've been. They started off the new Congress with their health care repeal and replace, but we're still waiting on the replace part. To be clear, Republicans voted to take away health protections for seniors, they voted to take away health care protections for young people under 26, and they voted to take away health care protections for those with pre-existing conditions, but they haven't proposed anything to replace those important provisions.

Since then, the Republican leadership has played legislative Russian roulette with our economy by holding the debt limit discussions hostage, by holding up the payroll tax cut and unemployment insurance extensions multiple times, and, most recently, by proposing the most partisan highway reauthorization bill I think in the history of this Congress.

On top of that, the Republican leadership has wasted our time by debating resolutions to defund National Public Radio and Planned Parenthood. We have debated resolutions making it easier for unsafe people to carry concealed weapons across State lines. We've spent a good period of time on this House floor debating a bill to reaffirm our national motto. And soon we'll probably vote on a bill to restrict contraception, another attack on women's health by this Republican-controlled House.

Madam Speaker, there are more important things we should be doing, and, yes, education should be something we debate. I'm all for bills improving our education system. In fact, I'd welcome the opportunity to act in a bipartisan way to improve our school systems across the board. What we should be talking about today is college affordability. What we should be talking about today are ways to ensure that every single American student has access to a quality education. And despite what Republican Senator Rick Santorum might think, it's not snobby to try to make sure our students have access to the best education possible.

What we should be considering on the floor of the House today is legislation to extend the tax deduction for tuition and fees that families across this country rely on to help bear the incredible burden of rising tuition costs. This deduction, Madam Speaker, of up to \$4,000 expired at the end of last year, and congressional action is required to extend this tax benefit past the 2011 tax year. But that is not what we are considering today on the House floor.

We should also be considering legislation to prevent the looming increase in subsidized Stafford student loan rates—from 3.4 percent to 6.8 percent—that will occur if Congress does not act before July 1, 2012. These need-based loans are critical for students who might otherwise be unable to attend

college, and we should act now on legislation to stop the doubling of their interest rates. But, Madam Speaker, that is not what we are doing today.

Republican Governors, including the head of the Republican Governors Association, Virginia Governor Bob McDonnell, overwhelmingly support President Obama's college education agenda. But in the House of Representatives, all we see is an effort to attack and dismantle the President's initiatives and no attempt to actually make college more accessible and more affordable.

Madam Speaker, this is just another squandered opportunity by this Republican Congress. I can't say I'm surprised, but I am disappointed. It is time for us to work in a bipartisan way to focus on how to get this economy moving again and to focus on jobs. And when we focus on education, let's focus on issues that will make a real difference in the lives of our young people.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I know my colleague is a very hardworking Member of Congress, and I know that he pays close attention to what's going on in the Congress. I'm sure he simply forgot the fact that we have passed over 30 bills in the House and sent them to the Senate, and the Senate has not acted on them. These 30 bills—we've actually passed hundreds of bills—but those 30 bills, in particular, were focused on creating jobs. Now, my colleague seems to have forgotten that. He seems also to have forgotten the fact that the Senate is controlled by his colleagues in the Democratic Party, and that's where the problem is with jobs bills.

Also, most of those 30 bills that we've passed, or a great number of them, had energy components, Madam Speaker, which would help bring down the cost of gasoline, which would help improve our energy resources in this country. So we get a twofor for most of those bills. However, again, those bills are languishing in the Senate.

We have focused on creating jobs in the House, and one of the ways that we could truly create jobs is to reduce our deficit and reduce our debt. Republicans have been very much focused on that here in the House of Representatives, and in most cases, again, we get bipartisan support for those efforts.

□ 1240

In fact, the 30 jobs bills that have passed the House have had bipartisan support. So there are ways for us to work together.

I think the focus of my colleague is to increase spending, increase Federal Government involvement; and we know that that goes against the grain. We know from history that that does not improve the economy, does not create jobs.

We have an underemployment rate of over 15 percent, created beginning with the Democrats' takeover of the Con-

gress in January of 2007, going through their 4 years. Then it really skyrocketed when President Obama was elected and was there for 2 years with a Democrat-controlled Congress.

So I'd just like to remind my colleague that he goes back a little ways in history in talking about things that we have done here, but he fails to mention some of the effects of what he and his colleagues had.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would point out to my friend from North Carolina that the problem with the transportation bill, which had the potential to create millions of jobs in this country, was not the United States Senate. The problem with the transportation bill was the extreme right here in the House of Representatives that insisted that their leadership bring to the floor one of the most partisan, one of the most awful transportation bills we have ever, ever seen.

The sad thing is that transportation bills used to be bipartisan. In fact, they've always been bipartisan, where Democrats and Republicans would come together. This bill was so partisan that even a number of Republicans couldn't support it. So they yanked it from the House floor because they were fearful of an embarrassing defeat.

A good, robust surface transportation bill is a good jobs bill. We need to invest in our infrastructure in this country. We need to invest in our roads and our bridges and in mass transit. The transportation bill that the Republicans brought to the floor gutted mass transit, just gutted it. So that's not a problem with the United States Senate; it's a problem with the leadership here in the House of Representatives.

My colleague talks about jobs. The President of the United States came to this Chamber and addressed the Nation on the need to create more jobs, on the need to help create a climate where more private sector jobs could happen. He submitted to us a plan. We cannot even get an up-or-down vote on the President's jobs plan. We can't even get a vote on it.

So when my friends talk about jobs, you know, we have this opportunity to at least vote on a jobs bill. If you don't want to vote for jobs, that's one thing; but at least give us the opportunity to vote up or down on it.

Just one other thing about the deficit and the debt. I don't know of a single economist who would disagree with the statement that this debt crisis that we're currently in began with the passage of the Bush tax cuts, which were not paid for. Then the prescription drug bill—that was a lot more expensive than my Republican colleagues advertised—wasn't paid for. Add on to that two wars, Afghanistan and Iraq, not paid for. The last time this country

didn't pay for a war was when we borrowed money from the French to fight the British. I mean, we're going to war and asking the brave young men and women who serve in our military to put their lives on the line, and we're not even willing to pay for it. So that's how we got in this mess.

Add to that the greed on Wall Street which brought this economy to a halt, and here we are trying to struggle to get our economy back on its feet. But I'm going to tell you that we're not going to get this economy back on its feet unless we invest in the American people, unless we invest in education, unless we invest in our infrastructure, unless we invest in medical research, unless we invest in the innovation economy so that we can compete in the global economy in the years to come.

So I don't want to hear any lectures about deficits and debt. It is not even credible for my friends on the other side to point the finger on that, given the fact that when Bill Clinton left office we had record surpluses. We know how we started in this decline, and now we need to figure out a way to dig ourselves out.

So, again, I wish we were debating a transportation bill on the floor of the House today. I wish we were debating a bill to be able to address the fact that interest rates on student loans are going to increase unless we do something. We ought to make education more affordable for people. No one in this country who wants a college education ought not to get one because they can't afford it.

Those are the things we should be talking about here today. Instead, they pulled the transportation bill and we're doing this today. And we'll be out of here on Thursday before noon, I'm told. The American people want us to work on their behalf.

I regret the fact that this bill, however well-intentioned, to me is not the legislation we should be debating right now. This is not the urgent need. We ought to be talking about jobs; and my friends on the other side of the aisle, when it comes to jobs, have an absolutely lousy record.

I reserve the balance of my time. Ms. FOXX. Madam Speaker, there's so much to refute and so little time.

I would like to point out to my colleague that he mentions the Bush tax cuts. He conveniently forgets to mention that they actually should be called the Obama-Pelosi tax cuts because those tax cuts were extended in 2010 when President Obama was President and NANCY PELOSI was Speaker of this House. So they should no longer be called the Bush tax cuts. They should rightfully be called the Obama-Pelosi tax cuts because even those two people understood that we should not raise taxes in the middle of a horrible recession—brought on, I might say, by our colleagues across the aisle.

I'd also like to point out to my colleague from Massachusetts that—let's assume that those tax increases were

allowed to go into effect. We would still have a \$400 billion deficit in this country. We know that if we took away every penny of wealth that those millionaires and billionaires—that they so desperately want to tax, if we took away every penny of their wealth—not just increased their taxes, but took all their wealth away from them, it would amount to a little over \$1 trillion. And then it wouldn't be available. There would be no tax increases available on those people in the future, and we still wouldn't have solved our problem.

Now, our colleagues across the aisle want to make it worse by continuing to spend money. I know my colleague is not on the Education Committee, and maybe he isn't aware of the fact that the Department of Education has the third largest share of our discretionary spending of all the Departments in the Federal Government. Only the Departments of Defense and Health and Human Services have larger budgets than the Department of Education, but it's still not enough money. And what have we got to show for all of that money? Test scores, absolutely flat; no improvement since 1965 for over \$2 trillion spent on education. Madam Speaker, I'm sorry, again, I can't allow my colleague to rewrite history in his own terms.

I'd also like to point out that when President Obama had both the House and the Senate in his control—60 votes in the Senate and 255 votes here—did he propose a jobs bill? No. He waited until he had been in office 3 years before he proposed a jobs bill.

My colleagues across the aisle were in charge of this body and the Senate for 4 years. Did they reauthorize the transportation bill? Did they reauthorize ESEA? No.

□ 1250

So I am sorry—I believe in that old saying, People who live in glass houses should not throw stones.

With that, I reserve the balance of my time, and I would advise my colleague from Massachusetts that I have no further speakers, and I am prepared to close.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Let me respond, Madam Speaker, by reminding my colleagues that when President Obama became President of the United States, he inherited the worst economy since the Great Depression. My colleagues don't like to hear that, but that's just the facts.

This has been a very difficult time not only for the U.S. economy but for the global economy. The President has been trying with little or no help from this House to get this economy back on the right track. The good news is that in spite of all the obstructionism here in the House of Representatives by my Republican colleagues, the economy is slowly but surely getting better little by little.

We could help that if we actually talked about jobs and actually voted

on bills that were about investing in people and creating jobs, putting people back to work. We could accelerate this recovery, but the obstructionism continues. I should point out, Madam Speaker, that those of us on the Democratic side have nothing against rich people, millionaires or billionaires. It's fabulous that in this country people can accrue enormous wealth. Where we have problems is when Warren Buffett's secretary pays a higher tax rate than Warren Buffett. There's something fundamentally wrong with our tax system that puts all the burden on middle class families and basically provides a whole bunch of loopholes so that a lot of the wealthiest people and a lot of the wealthiest corporations in this country can escape paying taxes.

I think what people want is fairness. It's not about soaking the rich; it's about fairness. I'm going to tell you this tax system that we have right now isn't fair to middle class families at all. I would also say to my colleague, we talk about our deficits and we talk about our debt—don't exclude these wars that we're fighting. We borrow \$10 billion a month for Afghanistan alone. We borrow; we don't ask anyone to pay for it. It goes on our credit card. How is that being responsible? How is that doing the right thing? I want these wars ended. I think the war in Iraq was a mistake, and I want us to get out of Afghanistan as soon as humanly possible. But whether you're for or against these wars, you ought to pay for them. If you don't, it goes onto our credit card. We pay \$10 billion a month for Afghanistan alone.

Madam Speaker, I would also just say that one of the ways to get out of this deficit and out of this debt we have right now is to grow the economy, to put people back to work. The more people working, they pay taxes, and we can put it toward lowering our debt. What I fear and what has bothered me about my colleagues on the other side of the aisle is they have used the deficit as an excuse to go after programs like Medicare and Social Security and Medicaid, programs that provide a circle of protection for people in our country, our senior citizens who are the most vulnerable. Rather than going down that way, and rather than debating the bill that we're debating today, I wish we were debating the President's jobs bill. I wish we were debating something that we could send over to the Senate that would help put people back to work, that would help this economy grow faster. That's not what we're doing. We're doing the same old same old, which is not much of anything. This is a place, unfortunately, where trivial issues get debated passionately and important ones not at all.

With that, I yield back the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I have to point out again to my colleague that the Democrats took control of the House of Representatives

and also the Senate in January of 2007. When they did, the unemployment rate in this country was 4.5 percent. We were projected at that time to have a surplus in our budget of about \$450 billion. In just 2 short years, the unemployment rate skyrocketed and the deficit skyrocketed. The Democrats were in control of Congress when the President took office. That's why he inherited a rotten economy. He didn't inherit a rotten economy from President Bush. He inherited a rotten economy from his own party, and he's frankly done nothing to make it any better.

I would also like to point out to my colleague across the aisle that the stimulus that he voted for, which the President promised would do so much for the economy, was \$1 trillion, which is 9 years' worth of spending on national defense for the war in Iraq given his figures alone.

Madam Speaker, the American people have heard a lot recently about exploding college costs, the burden of student debt. President Obama highlighted these issues in his State of the Union address. Therefore, it is ironic that the Department of Education, which reports to him, is increasing the cost of higher education with unnecessary rules and regulations.

At the Subcommittee on Higher Education's hearing on college costs in November, we heard many suggestions on how colleges and universities could cut costs. We heard from colleges who have cut their operating budgets, offered expedited degree programs, and encouraged dual enrollment for high school students.

Students and families are struggling to make ends meet, and higher education institutions must find ways to cut costs. Imposing onerous rules and regulations at the Federal level is a disincentive to the schools to do that. It's also a major disincentive to one of the major innovations in education: distance learning. As I mentioned earlier, these unnecessary Federal regulations mean increased regulatory burdens for institutions, and in turn, greater compliance costs trickle down to increase expenses for students and their families.

The Federal Government's involvement in elementary and secondary education illustrates what happens when Washington gets too big. The most recent reauthorization of ESEA, the No Child Left Behind Act, is a perfect example of good intentions at the Federal level adrift in a feckless sea of red tape and overregulation. This law is a classic example of Federal top-down attempts to improve education in America's schools. It's a noble goal, but it has completely failed.

If we can agree on anything, it is that our children should be well educated and prepared for a life of productive citizenship. However, the Federal Government's ability to accomplish this is in serious doubt. As history has shown time and again, Federal meddling has resulted in a one-size-fits-all

approach that neglects local concerns and produces a grotesque layer of wasteful bureaucracy. Right now my colleagues in the House Education and the Workforce Committee are working on the reauthorization of No Child Left Behind. While my colleagues across the aisle won't support all of our revisions, we did find consensus on charter school legislation last year. H.R. 2218 received bipartisan support in committee and passed the House by a bipartisan vote of 365–54 in September.

Although we may not always agree, I hope we can continue to find ways to work with our colleagues across the aisle to improve education in this country. Thomas Jefferson once said:

Were we directed from Washington when to sow and when to reap, we should soon want bread.

Madam Speaker, I urge my colleagues to vote for the rule and the underlying bill, which would repeal a small part of the burdensome and unnecessary Federal regulations that we're struggling with and take one step toward reducing Federal intrusion in higher education.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 171, not voting 18, as follows:

[Roll No. 74]

YEAS—244

Adams	Cassidy	Gerlach
Aderholt	Chabot	Gibbs
Alexander	Chaffetz	Gibson
Amash	Coble	Gingrey (GA)
Amodi	Coffman (CO)	Gohmert
Austria	Cole	Goodlatte
Bachmann	Conaway	Gosar
Bachus	Cravaack	Godwy
Barletta	Crawford	Granger
Bartlett	Crenshaw	Graves (GA)
Barton (TX)	Culberson	Graves (MO)
Bass (NH)	Davis (KY)	Griffin (AR)
Benishkek	Denham	Griffith (VA)
Berg	Dent	Grimm
Biggart	DesJarlais	Guinta
Bilbray	Diaz-Balart	Guthrie
Bilirakis	Dold	Hall
Bishop (NY)	Donnelly (IN)	Hanna
Bishop (UT)	Dreier	Harper
Black	Duffy	Harris
Blackburn	Duncan (SC)	Hartzler
Bonner	Duncan (TN)	Hastings (WA)
Bono Mack	Ellmers	Hayworth
Boustany	Emerson	Heck
Brady (TX)	Farenthold	Heensarling
Brooks	Fincher	Hерger
Broun (GA)	Fitzpatrick	Herrera Beutler
Buchanan	Flake	Holt
Buchson	Fleischmann	Huelskamp
Buerkle	Fleming	Huizenga (MI)
Burgess	Flores	Hultgren
Burton (IN)	Forbes	Hunter
Calvert	Fortenberry	Hurt
Camp	Foxo	Issa
Campbell	Franks (AZ)	Jenkins
Canseco	Frelinghuysen	Johnson (IL)
Cantor	Gallegly	Johnson (OH)
Capito	Gardner	Johnson, Sam
Carter	Garrett	Jones

Jordan	Neugebauer	Schock	Van Hollen	Wasserman	Welch
Kelly	Noem	Schweikert	Velázquez	Schultz	Wilson (FL)
King (IA)	Nugent	Scott (SC)	Visclosky	Waters	Woolsey
King (NY)	Nunes	Scott, Austin	Walz (MN)	Watt	Yarmuth
Kingston	Nunnelee	Sensenbrenner			
Kinzinger (IL)	Olson	Sessions			
Kissell	Palazzo	Shimkus	Akin	NOT VOTING—18	
Kline	Paul	Shuler	Cardoza	Lankford	Payne
Labrador	Paulsen	Shuster	Lee (CA)	Lee (CA)	Perlmutter
Lamborn	Pearce	Simpson	Carnahan	Lungren, Daniel	Rangel
Lance	Pence	Smith (NE)	Clay	E.	Rooney
Latham	Petri	Smith (NJ)	Cleaver	Lynch	Waxman
LaTourrette	Pitts	Smith (TX)	Jackson (IL)	McMorris	Young (AK)
Latta	Platts	Southerland	Landry	Rodgers	
Lewis (CA)	Poe (TX)	Stearns			
LoBiondo	Pompeo	Stivers			
Long	Posey	Stutzman			
Lucas	Price (GA)	Sullivan			
Luetkemeyer	Quayle	Terry			
Lummis	Reed	Thompson (PA)			
Mack	Rehberg	Thornberry			
Manzullo	Reichert	Tiberi			
Marchant	Renacci	Tipton			
Marino	Ribble	Turner (NY)			
Matheson	Rigell	Turner (OH)			
McCarthy (CA)	Rivera	Upton			
McCaul	Roby	Walberg			
McClintock	Roe (TN)	Walden			
McCotter	Rogers (AL)	Walsh (IL)			
McHenry	Rogers (KY)	Webster			
McIntyre	Rogers (MI)	West			
McKeon	Rohrabacher	Westmoreland			
McKinley	Rokita	Whitfield			
Meehan	Ros-Lehtinen	Wilson (SC)			
Mica	Roskam	Wittman			
Michaud	Ross (AR)	Wolf			
Miller (FL)	Ross (FL)	Womack			
Miller (MI)	Royce	Woodall			
Miller, Gary	Runyan	Yoder			
Mulvaney	Ryan (WI)	Young (FL)			
Murphy (CT)	Scalise	Young (IN)			
Murphy (PA)	Schilling				
Myrick	Schmidt				

NAYS—171

Ackerman	Eshoo	Meeks
Altmire	Farr	Miller (NC)
Andrews	Fattah	Miller, George
Baca	Filner	Moore
Baldwin	Frank (MA)	Moran
Barrow	Fudge	Nadler
Bass (CA)	Garamendi	Napolitano
Becerra	Gonzalez	Neal
Berkley	Green, Al	Olver
Berman	Green, Gene	Owens
Bishop (GA)	Grijalva	Pallone
Blumenauer	Gutierrez	Pascrell
Bonamici	Hahn	Pastor (AZ)
Boren	Hanabusa	Pelosi
Boswell	Hastings (FL)	Peters
Brady (PA)	Heinrich	Peterson
Braley (IA)	Higgins	Pingree (ME)
Brown (FL)	Himes	Polis
Butterfield	Hinchey	Price (NC)
Capps	Hinojosa	Quigley
Capuano	Hirono	Rahall
Carney	Hochul	Reyes
Carson (IN)	Holden	Richardson
Castor (FL)	Honda	Richmond
Chandler	Hoyer	Rothman (NJ)
Chu	Inslee	Roybal-Allard
Ciilline	Israel	Ruppersberger
Clarke (MI)	Jackson Lee	Rush
Clarke (NY)	(TX)	Ryan (OH)
Clyburn	Johnson (GA)	Sánchez, Linda
Cohen	Johnson, E. B.	T.
Connolly (VA)	Kaptur	Sanchez, Loretta
Conyers	Keating	Sarbanes
Cooper	Kildee	Schakowsky
Costa	Kind	Schiff
Costello	Kucinich	Schrader
Courtney	Langevin	Schwartz
Critz	Larsen (WA)	Scott (VA)
Crowley	Larson (CT)	Scott, David
Cuellar	Levin	Serrano
Cummings	Lewis (GA)	Sewell
Davis (CA)	Lipinski	Sherman
Davis (IL)	Loeb sack	Sires
DeFazio	Lofgren, Zoe	Slaughter
DeGette	Lowe	Smith (WA)
DeLauro	Lujan	Speier
Deutch	Maloney	Stark
Dicks	Markey	Sutton
Dingell	Matsui	Thompson (CA)
Doggett	McCarthy (NY)	Thompson (MS)
Doyle	McCollum	Tierney
Edwards	McDermott	Tonko
Ellison	McGovern	Towns
Engel	McNerney	Tsongas

NOT VOTING—18

Akin	Lankford	Payne
Cardoza	Lee (CA)	Perlmutter
Carnahan	Lungren, Daniel	Rangel
Clay	E.	Rooney
Cleaver	Lynch	Waxman
Jackson (IL)	McMorris	Young (AK)
Landry	Rodgers	

□ 1326

Mr. CAPUANO changed his vote from “yea” to “nay.”

Mr. BISHOP of New York changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 74, I was delayed and unable to vote. Had I been present I would have voted “yea.”

Mr. ROONEY. Mr. Speaker, on rollcall No. 74 I was unavoidably detained. Had I been present, I would have voted “yea.”

GENERAL LEAVE

Ms. FOXX. 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. 2117.

The SPEAKER pro tempore (Mr. NUGENT). Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 563 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2117.

□ 1325

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 consideration of the bill (H.R. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from North Carolina (Ms. FOXX) and the gentleman from California (Mr. GEORGE MILLER) each will control 30 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. Madam Chair, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. KLINE), chairman of the House Education & the Workforce Committee.

Mr. KLINE. I thank the gentlelady, Ms. FOXX, for yielding.

Madam Chair, I rise in support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

The legislation before us today is driven by a simple goal: to ensure Washington isn't adding to the burden of rising college costs by imposing burdensome regulations.

Last year, tuition and fees at public 4-year colleges and universities increased over 8 percent. The average 4-year public college student now graduates with roughly \$22,000 in debt.

Helping more students realize the dream of an affordable higher education is a shared goal. However, solving a problem like rising college costs starts with recognizing that, as is so often the case, Washington is part of the problem.

Each year, the average higher education institution spends a significant amount of time and money complying with Federal regulations and reporting requirements, costs that can trickle down to students' tuitions and fees.

H.R. 2117 will eliminate two unnecessarily burdensome regulations advanced by the Department of Education in late 2010. The credit-hour and State authorization regulations were part of a so-called "program integrity" package that significantly increased Federal intrusion in academic affairs.

□ 1330

The credit-hour regulation attempts to measure student learning at the Federal level, and restricts colleges from offering outside coursework and creative learning opportunities that could help students save money and graduate early.

The State authorization regulation is even more troubling as it will lead to thousands of dollars in additional costs for colleges and universities across the Nation. In my home State of Minnesota, schools must spend between \$2,000 and \$3,500 per program, depending on the level of degree offered, to comply with this extreme regulation.

In order to best prepare today's students to join tomorrow's workforce, we must not overwhelm schools with poorly conceived regulations that lead to wasted time and money. H.R. 2117 will repeal two particularly problematic regulations, protecting academic institutions and prospective students from significant financial and bureaucratic burdens.

Madam Chair, I urge my colleagues to support the Protecting Academic Freedom in Higher Education Act.

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

Madam Chair and Members of the House, we are now considering legislation that would significantly compromise the Department of Education's ability to oversee and safeguard our Federal investment in higher education and safeguard and protect the taxpayers who are paying for that investment in higher education.

This legislation couldn't be more ill-timed. In this tough budget environment, we should be concerned with how the Federal Government spends the limited resources we dedicate to Fed-

eral student aid. During the 2009-2010 school year, students relied on nearly \$200 billion in Federal student aid to prepare for jobs for today and jobs for tomorrow. That's the money that they borrowed, and that's the money that was given to them in grants. If that money is not spent in a responsible way, and if it's not protected, it goes down the drain. It's lost forever, and the students are left with the debt.

Two years ago, the Department of Education's inspector general exposed a loophole that allowed a higher education institution to award more credits to get more student financial aid than was appropriate. They were charging for nine units a day that they said was graduate work. It turned out when the accreditors went through and looked at it, they deemed it was really the equivalent of 3 hours of credit work, and the level of work was at the undergraduate level. But they were able to charge the students, students had to borrow money, and at the end of the day they ended up with units that were worth nothing. Students attending this institution, many of whom were relying on Federal aid programs, were paying double the price because the school inflated the number of credits charged.

In response to the inspector general's findings and recommendations, the Department of Education promulgated rules defining a credit hour and providing other protections for students, including ensuring students have access to a complaint process if there's fraud involved. What the Department of Education did was necessary and narrowly targeted to address a very costly problem.

However, the bill before us today seeks to prevent the Department from protecting taxpayers and students. It would blow open the loophole that the inspector general concluded led to the inappropriate Federal spending. In other words, Mr. Chairman, the bill before us today explicitly increases the risk of fraud, waste, and abuse in our Federal student aid programs.

At a time when the higher education market is in so much flux, with new kinds of programs popping up around the country and online, this is the wrong time to open this loophole against the taxpayers' best interest.

The Department of Education should have tools to ensure that students who are eligible to receive Federal student aid are receiving it, and that the institutions that serve these students are upholding the integrity of the programs. This seems like a simple proposition: making sure taxpayers and students aren't getting ripped off.

This legislation eliminates those important consumer protections, and it does so under the banner of academic freedom. But the Department's protections do not interfere with academic freedom. Colleges and universities will continue to be free under the Department's rule to set whatever higher standards they see fit for their stu-

dents as long as the accreditors agree. In this economy, millions of students rely on Federal student aid programs to make the college dream a reality. This is exactly why the Department of Education has moved to ensure greater accountability and taxpayer protection. And it's exactly why the legislation is misguided.

Now more than ever, we need accountability in higher education that works in the best interests of students who use Federal aid programs.

In the last Congress, Democrats worked to make sure that our student aid programs worked in the best interest of students, families, and taxpayers. We also worked hard to make higher education more accessible for families for whom degrees may have been out of reach.

One way we helped to make higher education more accessible and affordable and financially manageable for students and families was to lower the interest rates on loans. Specifically, we lowered the interest rate on need-based student loans to 3.4 percent, almost cutting the cost to those borrowers in half. The interest rate reduction is scheduled to end this summer. It will bounce back to where it was before the Democrats acted to reduce it. For the sake of our students, low rates should be extended. If Congress fails to act, interest rates on need-based student loans for more than 7 million students will double this July. This increase will cost an average borrower almost \$2,800 in additional interest payments.

At a time when our economy is on fragile footing, we shouldn't be building more hurdles for young people to get the education and the skills they need to succeed. When interest rates are at historic lows, we should not be asking students to pay more on their student loan debt just because Congress failed to act.

Earlier this month, Mr. HINOJOSA and I asked the committee's majority to take immediate action on this important issue. The President has called for action as well. But just like with other economic issues that are vitally important to the American people, those requests have been met with silence.

So today, instead of saving students from interest rate hikes, we are here debating a bill that will take away the tools the Department of Education needs to oversee and protect our investment in higher education, to protect those students who are borrowing money to go to college.

I urge my colleagues to vote against this legislation. I urge the majority to take up a bill to make sure that interest rates don't double come July.

I reserve the balance of my time.  
Ms. FOXX. Madam Chair, I yield 3 minutes to the distinguished gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Madam Chair, I rise today in support of the Protecting Academic Freedom in Higher Education Act, H.R. 2117. This bipartisan legislation will prevent the Department of Education from defining a

college credit hour, something that is best left to our institutions of higher learning and their accrediting agencies. It will also block a cumbersome new rule that will require States to use Federally set, one-size-fits-all criteria to regulate higher education. If these two rules were allowed to go into effect, it would create tremendous new burdens and additional cost for students.

The exploding cost of higher education is already putting the opportunity of a college education and diploma out of reach for too many Americans. Last year, tuition and fees at public, 4-year schools increased by 8.3 percent. More regulations will lead to more administrative staff, and ultimately larger tuition bills. And I might add, the fact that one institution or several institutions break the law—we have laws against robbing banks, and people do that. There are unscrupulous people out there. But this is putting a burdensome regulation on the folks that are following the rules.

The average debt of a college graduate today is approximately \$22,000. When I went to medical school, I started in 1967 and graduated in 3 years in 1970. My father was a factory worker. I was able to work in medical school and graduate with no debt from college and medical school. That's unheard of today. Today, students are so far in debt that they'll spend much of their working life paying off these exorbitant loans that they have.

There is much that we can do to improve access to higher education and lower costs. Issuing new regulations, however, takes us in the opposite direction. I've taken hundreds of hours of college credit, and not one of them has been approved by the Federal Government, and yet I am a board certified physician. I think this goes way too far. Again, I urge my colleagues to support this legislation.

Mr. GEORGE MILLER of California. Madam Chair, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the senior Democrat on the Higher Education Subcommittee.

Mr. HINOJOSA. Madam Chair, I rise today to express my opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act, misguided legislation that repeals efforts to protect students' and taxpayers' investment in higher education.

Every year, the Federal Government spends billions of dollars on student financial aid, and we must account for these Federal investments. As ranking member of the Subcommittee on Higher Education and Workforce Training, I am deeply concerned that H.R. 2117 would undermine the Secretary of Education's ability to oversee and safeguard our Federal investment in higher ed.

In my view, strong regulations strengthen the accountability and review of institutions of higher education that participate in Federal student aid programs, and help to maintain program integrity.

In a globally competitive world, our students deserve to get what they pay for—high quality educational programs that prepare them for the demands of the 21st century workforce—and nothing less.

□ 1340

H.R. 2117 repeals the U.S. Department of Education's credit-hour regulation, which sets a minimum standard for the work needed to equal a credit hour for the purposes of the Federal Student Aid program. To avoid having institutions overstate credit hours or inflate the Federal student aid paid for students attending those programs, we must have consistent measures for credit hours. The credit-hour definition provided by the Department is consistent with standard industry practice and provides needed flexibility for innovative programs.

H.R. 2117 also repeals the requirement that higher education institutions be legally authorized in the States they operate in and that they have a process in place for handling student complaints when an institution fails to live up to its promises. Repealing this regulation is clearly unacceptable. Students need to be protected from unscrupulous actors.

Most importantly, I am very disappointed that we are not using our time today to focus on making college more affordable. We must ensure that interest rates for need-based undergraduate student loans do not double from 3.4 percent to 6.8 percent in July of this year. If Congress fails to act, more than 7 million students will face approximately \$2,800 in higher loan repayment costs. Now, more than ever, American students need Congress' help to afford the cost of a college education.

In closing, I urge my colleagues to vote against H.R. 2117 because Congress and the Department of Education must provide strong oversight for Federal student aid dollars and do everything possible to put students and taxpayers first and protect them from the risk of fraud, waste, and abuse in our Federal student aid programs.

Ms. FOXX. Madam Chairman, I'd like to yield 2 minutes to the distinguished gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank my friend, Ms. FOXX, for yielding to me on this important issue.

Madam Chairman, I rise today to voice my strong support for this important legislation, H.R. 2117. Recently, bureaucrats at the Department of Education promulgated a rule which would require institutions that offer distance education programs to meet State requirements in every State in which they have a distance education student. This legislation that we have here would repeal that rule, a rule that negatively affects hundreds of colleges and thousands of students around this country.

Specifically, in my district, I'm very proud that I have Central Texas Col-

lege. Central Texas College may be the largest community college in the United States, possibly the world; and it consistently has students of 75,000-plus every year. They provide both on-campus and distance education for thousands of American warfighters, soldiers, sailors, airmen, and marines around the world. These folks who are in any place you could imagine are taking courses from Central Texas College, and they would be specifically impacted if the rule the bureaucrats have put upon us is not repealed. This is very important to the future of the educated warfighters.

Under this rule, only colleges that maintain significant resource reserves would be able to comply with these State authorization requirements.

Just let me point out that Central Texas College is a small public school doing great work for educating our soldiers around the world. We shouldn't let the bureaucrats in Washington take away the opportunity for an education for thousands of soldiers and other students that rely on distance education. This little school that sits on the edge of Fort Hood in Killeen, Texas, is educating soldiers around the world on shipboard and in military posts, and we need to make sure that this H.R. 2117 is passed to protect their education.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding.

First, let me say I agree with my friend from California that the highest priority in higher education ought to be avoiding that doubling of student loan rates this summer. We should get to work on that.

Second, I rise in support of this bill, and let me tell you why. There is no question that avoiding fraudulent or wrongful credit hours is something we need to do. If someone pays for a credit hour, it ought to really be worth what they're paying for. And certainly, if the Federal taxpayers are paying for this through a Pell Grant or a student loan, it certainly ought to be worth what we're paying for.

The question is, Who is best positioned to make that determination? For years in American higher education, we've had a system where a combination of institutions, their regional accrediting bodies—which are peer accreditors—and to some extent State governments have decided the answer to that question. Without question, there have been some abuses. Without question, there have been some wrong answers. I don't think that those abuses or wrong answers justify adding another layer of decision-making to the system, which would be the Department of Education.

I certainly do think it is worth the attention of the committee, the Congress, and the administration to think

about ways to root out the bad practices that we have seen; but I think yet another level of rulemaking is the wrong way to go.

The other objection that I would make to the rule is that I think that we've fallen into a pattern here, particularly in higher education, where too few decisions are being made in a statutory way by this body and too many decisions are being made by the Department of Education through the regulatory process. As a result of these objections, a broad coalition of educators across the country is in support of this bill, and I am pleased to join that coalition and urge a "yes" vote on the bill here today.

Ms. FOXX. Madam Chairman, I would like to thank Mr. ANDREWS for his pointing out that this is a very bipartisan bill, supported by a coalition of many groups.

I now would like to yield 2 minutes to my distinguished colleague from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. Madam Chairman, I rise today in strong support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act. This important legislation aims to repeal two of the Department of Education's packages of regulations that will hinder colleges and universities from making decisions that best serve their students.

These Federal regulations handed down from the Department of Education are not only proving to be costly, but they're intruding into areas best handled by academic institutions individually and also States.

Today, I urge my colleagues to join me in support of H.R. 2117 to repeal two regulations specifically that affect State authorization of academic institutions and the definition of credit hours. These provisions allow the Federal Government to reach further into the educational authority of the States. The State authorization provision requires institutions offering distance-education programs to meet requirements in every State in which they have a distance-education student. This regulation threatens programs like those offered by Penn State's World Campus and limits access to quality education.

Many programs have already started to identify States where they will no longer be able to offer distance education. The credit-hour provision establishes a Federal definition of a credit hour, hindering institutions of higher education from making innovative and sensible core academic decisions related to their curriculum and imposing a one-size-fits-all approach.

While I was home in Bucks County last week, Madam Chairman, I had the opportunity to meet with the president of a local college. He was worried specifically about the impact these burdensome regulations would have on his students; and more than 60 higher-education associations and accrediting organizations have joined him in express-

ing their support for the repeal of these costly regulations.

Over the course of the last decade, we've seen the cost of higher education skyrocket, with the rise in tuitions and fees at public 4-year colleges and universities outpacing inflation by 5 percent. The rising cost of higher education will not be solved through more Federal mandates and programs. We must return flexibility to academic institutions and prevent Federal overreach into higher education by passing this bill.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chair, I thank my friend from California. And here I join the New Jersey Presidents Council, which represents all the institutions of higher education in New Jersey, in support of this legislation, as well as the Association of Independent Colleges and Universities in New Jersey who support this bill, as well as the American Council on Education, which represents 1,600 college presidents around the country in support of this bill.

□ 1350

Clearly, there have been abuses in some businesses and some institutions and those abuses have to be addressed, but this legislation I think makes sure that we go about it in the right way.

I'd like to quote from one of my constituents, President Shirley Tilghman of Princeton University. She writes:

Unlike many nations elsewhere in the world, the United States has nurtured a vibrant and vigorous respect for academic freedom. Under such a system, American higher education has flourished.

She goes on:

But if recent trends continue, in which the staff at accrediting agencies seek to substitute their own judgments about what mission an institution should pursue and about how the institutions can best achieve that mission and measure success, we risk damaging the country's leading institutions.

In other words, the Department's rules strike at the heart of our excellent higher education. But whether these rules are in effect or not doesn't matter if students can't afford to go to college.

My amendment to this legislation to require Pell Grants be maintained at at least the current level of \$5,500 was not made in order. Now, in New Jersey, 213,000 students use Pell Grants to make college affordable.

There's bipartisan agreement on Ms. FOXX's bill, but unfortunately this is a partisan matter.

The CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman an additional 30 seconds.

Mr. HOLT. The Republicans in the House have three times approved a budget that would slash the maximum Pell Grant award to \$3,040, the lowest since 1998. Slashing Pell Grants would put college out of reach for thousands of students.

I call on the Republicans, because this is a partisan matter, to protect Pell Grants and not roll them back to their 1998 levels in their budget this year.

Ms. FOXX. Madam Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 2117. Today's debate on the Protecting Academic Freedom in Higher Education Act affords us a valuable opportunity to discuss challenges facing our higher education system.

I think that we all agree that we have a higher education system that's the envy of the world, and we all want to see it continue to enjoy the recognition that it enjoys now. But this also provides us an opportunity to show bipartisan support for the issue before us.

I want to thank my colleagues on both sides of the aisle for understanding the danger to the higher education community that the regulations are presenting to us and that they will stall the efforts in our country to make higher education more accessible and more affordable to everyone in the country.

There's no denying the cost of college is skyrocketing. Last year, tuition and fees at public 4-year colleges and universities increased 8.3 percent, even as inflation rose only by approximately 3 percent.

In recent months, students and families have urged Congress to take action on the issue of rising college costs. The administration has proposed several programs and initiatives that they claim will reduce student loan debt and rein in tuition. However, these initiatives only further entrench the Federal Government in the affairs of States and institutions. Rather than getting the Federal Government more involved in higher education, we can start by working together to remove harmful regulations that pile unnecessary financial burdens on colleges and universities.

The legislation before us today will eliminate two onerous regulations advanced by the Department of Education in October of 2010. The credit-hour and State authorization regulations will restrict innovation, limit flexibility, and pave the way for additional Federal overreach into higher education.

The State authorization regulation sets Federal requirements States must follow to grant colleges and universities permission to operate within the State, infringing on a State's ability to regulate in the way it chooses. For institutions that offer distance learning courses, this could mean meeting authorization requirements and paying authorization fees in all 50 States.

One online university reports the State authorization regulation could cost the institution \$700,000 initially, plus an additional \$400,000 required annually. Faced with this astronomical sum, the university could be forced to pass these costs along to students in

the form of higher tuition or new fees, or discontinue academic programs in some States. Either way, students will be the victims of this harmful regulation.

Higher education officials are also crying foul over a regulation that establishes a Federal definition of a credit hour. Last spring, Excelsior College President John Ebersole testified to the Subcommittee on Higher Education and Workforce Training about this regulation, stating it inserts the Department of Education into academic judgments that should be made at the institution level and could destroy accelerated learning programs that allow students to complete their education more quickly. As a result, students will have fewer opportunities to graduate early with a smaller loan burden, and schools will have less incentive to offer creative courses that promote learning outside the classroom.

I urge my colleagues on both sides of the aisle to continue to support this positive legislation, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank Mr. MILLER for yielding.

I rise in opposition to this legislation, and I'm going to focus my remarks on the credit-hour piece of the legislation.

The Department of Education has established a minimum standard for the credit hour. This is being derided as taking away institutional flexibility. It's being described as a Federal overreach. It's being described as onerous. It's being described as dangerous.

Let's read the regulation. The regulation says that a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is—here's the part I want us to pay attention to—an institutionally established equivalency that reasonably approximates not less than 1 hour of classroom instruction for 15 weeks per credit hour.

An institutionally established equivalency; that places the responsibility for determining what a credit hour is where it belongs—with the faculty and with the accreditor of that particular institution, so long as it complies with a minimum Federal baseline or minimum Federal standard.

Now, with respect to overreach, with respect to how dangerous this is, with respect to how onerous this is, let's be clear: this very definition of a credit hour has been the law in the State of New York since 1976. We have some pretty good institutions in New York that have managed to survive even in the face of this so-called "onerous" regulation. Columbia University is one of the best universities in the world; so, also, is NYU; so, also, is Fordham; so, also, is Syracuse. This has been the law.

I administered a school in the State of New York. Our cost of compliance for complying with the credit-hour regulation was exactly zero, and we were able to create all kinds of innovative programs—a semester at sea, cooperative education, internships, truncated courses that met in accelerated time formats for 4 and 5 weeks—all because we established an institutional equivalency that was agreed to by our faculty and agreed to by our accreditors. That's all this regulation does.

So for us to describe it as if it's going to end higher education as we know it and it's going to stifle innovation and be onerous to students and add to the length of time for their degree program simply is not true. We have a 35-year experience in New York that says that this regulation works just fine.

Lastly, let me say we define an academic year as consisting of 24 to 36 credit hours. That's what the Federal Government says. We say that you need to take at least 6 credit hours in order to be minimally eligible for financial aid, and yet we don't define the credit hour. So we base a great many of our judgments on what a credit hour is, yet we don't define it.

Let's vote against this piece of legislation.

□ 1400

Ms. FOXX. Madam Chairman, I would just like to point out very briefly to my colleague, Mr. BISHOP, that institutions have always had the authority to do institutionally approved equivalency. It isn't something that we needed the Federal Government to give us. As a former assistant dean, I did that all the time, approved institutional equivalence to courses. We have always had that approval. We didn't need the Federal Government to write it into rules and regulations.

Madam Chairman, I now yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the gentleman from North Carolina for yielding me the time, and not just for the time but for her continued leadership on the floor of this House and in the Halls of Congress. It is steady, it is dignified, it is common sense, and it is certainly a great reflection of the people she represents.

I rise this afternoon to give my strong support to this measure.

During this time of economic uncertainty and high unemployment, it is more important than ever to make sure the Federal Government does not stand in the way of Americans who wish to continue their education and gain the skills necessary for a more prosperous future. It's pretty simple. I believe a strong higher education system is critical to preparing American graduates for an increasingly competitive workforce.

In Indiana, my students are not just competing with other students in Fort Wayne and Evansville. They are competing with students from places all

over the world whose names we can barely pronounce. That requires a different strategy. However, the regulatory initiatives put forth by the Department of Education will only add strain and undue burden on our colleges and universities.

One of these regulations pertains to the authorization that a college or university must obtain from a State when operating within that State. For institutions providing online education programs, which is becoming the new norm, this regulation could require them to obtain authorization in every State where enrolled students reside in order to participate in the Federal student aid programs. This regulation will only serve to negatively impact States and institutions of higher education across the country and inject the Federal Government once again into an issue that is best left to the States and the postsecondary institutions themselves.

I heard from many outstanding institutions in Indiana on this regulatory change. They are facing hundreds and potentially thousands of additional administrative hours just because they offer online programming. That is not fair. That is not American. Not only that, but if this rule goes into effect, they will likely deny entrance to students in States where they are not approved and deny financial aid to any current students living in those States, as well.

For all these reasons, I urge my colleagues to adopt this measure.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Chair, we've just spent the last few hours in an Education and Workforce Committee markup debating the disastrous Republican rewrite of the Elementary and Secondary Education Act. Not content to undermine K-12 education, the majority adjourned the markup so they could come down here and inflict damage on higher education, as well.

Through the repeal of two important Department of Education regulations, H.R. 2117 undercuts college students' ability to be assured a quality education for their investment. Congresswoman Foxx's bill repeals two Department of Education regulations intended to protect consumers, students, taxpayers, and the money that we invest in higher education because it doesn't hold the spending accountable to ensure that there's real progress for the dollars that we invest.

This bill doesn't do anything to solve the problem of how to make college more affordable for more people. Why are we doing this? Why aren't we addressing the absolutely looming student loan interest rate hike that will drastically increase the cost of college? If Congress doesn't act by July, more than 7 million students will face an increase of approximately \$2,800 in higher costs.

At a time when a sluggish economy is making it hard for young people to

find work, why aren't we standing here talking about cutting the barriers to higher education? Why aren't we opening a pathway to the American Dream? Why are we restricting access to a college education? Why aren't we working for these kids instead of against them? I don't understand this. We should be working together to increase accountability. We should be protecting taxpayer investments. We should be opening the door to higher education. Instead we're debating this wasteful partisan piece of legislation.

I urge all Members to vote "no."

Ms. FOXX. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. I thank the chairwoman for her hard work on this bill.

A year ago I spoke on the House floor urging this committee to introduce legislation repealing the program integrity regulations. Today I speak in support of H.R. 2117, which repeals two of these regulations.

While we must ensure that our small number of schools who have acted in bad faith are dealt with accordingly, the credit-hour and State licensing regulations are an overreaction with vast unintended consequences. First, these regulations will significantly alter the Federal role in the accrediting and licensing of institutions of higher education. Second, they will also drastically limit student access to educational programs and negatively impact all schools.

Let me give you an example of a school located in the Midwest in my district—Ohio Christian University—as an example of a school that will be adversely affected by these regulations. OCU is located in Pickaway County, which is a typical county in southeastern Ohio and mirrors that of many across the Midwest. It is struggling with this difficult economy. It has lost over 2,500 jobs, and only 11 percent of the residents in this county have a bachelor's degree.

In contrast, Ohio Christian University has created 150 jobs in just 5 years while graduating thousands of students since its founding in 1948. In addition to offering traditional undergraduate degrees, OCU offers an online degree program. Currently, more than 1,000 students from over 15 States are enrolled in that program. Because of the high costs and administrative burdens required to get licensing in every State where an online student resides, OCU will be forced to un-enroll at least half of its online students and lay off a large number of staff. Further, as part of the adult degree program, OCU offers a limited number of credit hours for prior learning and work experiences. This program allows nontraditional students the ability to return to school and earn their degree. To comply with the credit-hour regulation, the university will be forced to eliminate that program, which would be a significant disincentive for older students. The regulation will also nega-

tively impact traditional students by setting a strict definition of credit hour, and this will eliminate the school's ability to credit innovative courses which provide students with the cutting-edge skills and knowledge required for future employees.

Today I urge my colleagues to protect our schools, States, and students from these burdensome, overreaching regulations by supporting H.R. 2117.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. MILLER.

I rise in opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

This legislation would remove critical safeguards ensuring that American taxpayer dollars are used responsibly in our higher education system. For example, unregulated for-profit colleges are targeting our veterans, targeting low-income students, and targeting minorities. These institutions receive a high percentage of their revenue from Federal student loan dollars, yet they're failing to properly educate their students. As a result, the students who need the most support are failing to get it. They are more likely to drop out, graduate without a degree and without the proper training they need to obtain gainful employment. And in turn, they're unable to pay back their student loan debt. H.R. 2117 would let the for-profit colleges off the hook.

We must start focusing our efforts on making college more affordable for all students. We must stop the interest rates from doubling on student loans and provide for innovative ways to help students pay back their loans rather than condemning them to early lives of debt.

□ 1410

We need to increase the maximum Pell Grant and broaden the eligibility for them. We need to invest in programs at community colleges that train students to enter into our workforce. We need to refocus our attention on assisting young Americans to obtain the education they need and deserve instead of repealing regulations that protect our investment in their future.

I urge my colleagues to join me in opposing this bill.

Ms. FOXX. Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise in opposition to this legislation which will enable even more fraud and abuse in the for-profit college industry.

Right now, many for-profit colleges are engaged in the same sorts of predatory lending schemes that we saw in the housing market. According to Holly Petraeus at the Consumer Financial Protection Bureau, recruiters from

for-profit colleges have been signing up marines with serious brain injuries, marines who cannot even remember what they signed up for, in order to inflate their profits.

According to a 2009 Pew study, even though only 1 in 14 students, or 7 percent, attend these proprietary schools, they make up nearly half, 44 percent, of the default rate on student loans.

So, if anything, we need more comprehensive oversight over for-profit colleges. Instead, this bill repeals regulations that are already on the books and makes it easier for the institutions to commit fraud at the expense of students and taxpayers.

What the bill does is it overturns regulations for awarding the Federal student aid that are aimed at ensuring accountability and reducing fraud. It removes the ability of the Secretary of Education to define a credit hour without providing an alternative. It removes the Federal Government's ability to protect students from being overcharged and ultimately overcome by costly student loans. By getting rid of the State authorization requirement, it opens the door to billions of taxpayer dollars going to institutions that are openly flouting the law. It's about manipulating credit hours in order to receive more Federal aid.

Instead of deregulating for-profit colleges, we should be working to ensure that these institutions are fulfilling their obligations to their students. We should work to fix the real problems that students face right now: growing student debt and the upcoming interest rate increase on student loans. This bill will only cause more fraud and abuse in a sector that is already rife with it, and I urge my colleagues to oppose it.

Ms. FOXX. Madam Chairman, I would like to point out that this bill, again, has bipartisan support.

We have a letter from the National Governors Association, which talks about the need to strengthen higher education, not give more Federal control; and a letter from the American Council on Education, signed by Molly Corbett Broad and 98 institutions from across the country, mostly public and private institutions.

This is not a for-profit or a public issue. This is all institutions of higher education who are concerned with this issue.

NATIONAL  
GOVERNORS ASSOCIATION,  
Washington, DC, July 1, 2011.

Hon. HARRY REID,  
Majority Leader, U.S. Senate,  
Washington, DC.

Hon. JOHN BOEHNER,  
Speaker of the House, House of Representatives,  
Washington, DC.

Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate,  
Washington, DC.

Hon. NANCY PELOSI,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR MAJORITY LEADER REID, SENATOR MCCONNELL, SPEAKER BOEHNER, AND REPRESENTATIVE PELOSI: On behalf of the nation's governors, we write in support of H.R.

2117, the "Protecting Academic Freedom in Higher Education Act." In June, the U.S. House Education and the Workforce Committee passed H.R. 2117 on a bipartisan basis. We urge Senate and House leadership to take action to approve this important legislation to preserve the autonomy and strength of America's higher education system.

H.R. 2117 would repeal two federal regulations issued by the U.S. Department of Education that are highly problematic for states, institutions of higher education, and our students. Specifically, the bill would repeal the new federal definition of a credit hour and a new requirement that erects federal hurdles for states to authorize higher education programs. Additionally, the bill prohibits future action by the U.S. Department of Education to promulgate new federal mandates, rules, or regulations with respect to a federal definition of a credit hour.

Perhaps at no other time in history has the quality of our higher education system been so vital to students and our national economic interests. At the same time, across the country, governors are pursuing innovative higher education reforms to expand opportunities for students, create and retain jobs, enhance state competitiveness, and expand economic development. The new federal regulations could have a chilling effect on innovation and productivity in higher education.

Governors urge your support of H.R. 2117. We look forward to working with you to continually strengthen our nation's higher education system.

Sincerely,

GOVERNOR JEREMIAH W.  
(JAY) NIXON,  
*Chair, Education,  
Early Childhood and  
Workforce Committee.*

GOVERNOR ROBERT F.  
MCDONNELL,  
*Vice Chair, Education,  
Earl Childhood and  
Workforce Committee.*

AMERICAN COUNCIL ON EDUCATION,  
*Washington, DC, February 27, 2012.*

DEAR REPRESENTATIVE: On behalf of the higher education associations and accrediting organizations listed below, I urge you to vote for H.R. 2117, which would repeal two highly problematic and prescriptive regulations initiated by the Department of Education (ED).

The credit hour definition and state authorization regulations took effect on July 1, 2011. They are the product of a larger attempt by ED to curb abuse and bring greater integrity to the federal student aid programs. These efforts are laudable, and many portions of the regulatory package ED produced will be effective in achieving their intended goals. However, given the almost total lack of evidence of a problem in the context of credit hour or state authorization, these two portions of the package miss their mark. We see no justification for two regulations that so fundamentally alter the relationships among the federal government, states, accreditors and institutions. We believe the outcome of this unprecedented regulatory overreach will be inappropriate federal interference in campus-based decisions in which the faculty play a central role. The end result will be a curtailment of student access to high-quality education opportunities.

A federal credit hour definition opens the door to federal interference in the core academic decisions surrounding curriculum, which is the exact type of interference expressly prohibited in the act that created

ED. It sets in motion the basis for perpetual regulatory intervention in multiple institutional and accreditation decisions associated with the credit hour. Moreover, the federal definition at issue poses serious challenges for institutions as they review tens of thousands of courses in an effort to ensure consistency with it. Accreditors face similar burdens as they attempt to develop or revise their own policies and practices to review institutions' credit policies for consistency with the definition. Finally, the definition places accreditors in the untenable position of being required to put aside the academic judgments of the traditional peer review process and instead substitute the federal government's judgment about a critical component of the academic enterprise.

The state authorization regulation intrudes upon prerogatives properly reserved to the states, potentially upsetting recognition and complaint resolution procedures that have functioned effectively for decades. It has also generated enormous confusion in the distance education arena and has created a market for definitive legal compilations of the extensive number of statutory requirements within each of the states with which institutions must comply. Having no way to accurately predict or control student mobility, most institutions will need to pursue authorization in all 50 states even before knowing from which states their students may ultimately enroll. State policies vary widely. They can be complex, are often ambiguous and may be accompanied by fees that may be cost-prohibitive for many public and non-profit institutions. At the end of the day, the most pernicious consequence of the state authorization regulation might be that institutions that have been exploring the expansion of their online courses in order to lower the costs of tuition will not find it economically feasible to continue down this path.

It is important to note that neither of these regulations was developed in response to underlying legislation indicating a desire by Congress to regulate colleges and universities in these areas. To the contrary, as we have noted, the credit hour definition conflicts with ED's enabling legislation which prohibits interference in core academic matters.

We believe these regulations are misguided and will have far-reaching negative consequences for higher education. We strongly support H.R. 2117, and we ask you to vote in favor of its adoption.

Sincerely,

MOLLY CORBETT BROAD,  
*President.*

On behalf of:

#### HIGHER EDUCATION ASSOCIATIONS

ACPA-College Student Educators International; American Association of Colleges for Teacher Education; American Association of Colleges of Nursing; American Association of Colleges of Osteopathic Medicine; American Association of Community Colleges; American Council on Education; American Dental Education Association; American Indian Higher Education Consortium; American Psychological Association; Appalachian College Association.

Association of American Medical Colleges; Association of American Universities; Association of Benedictine Colleges and Universities; Association of Catholic Colleges and Universities; Association of Chiropractic Colleges; Association of Community College Trustees; Association of Governing Boards of Universities and Colleges; Association of Independent Colleges and Universities in New Jersey; Association of Independent Colleges and Universities of Ohio; Association of Independent Colleges of Art & Design.

Association of Independent Kentucky Colleges and Universities; Association of Jesuit

Colleges and Universities; Association of Presbyterian Colleges and Universities; Commission on Independent Colleges and Universities in New York; Conference for Mercy Higher Education; Council for Christian Colleges & Universities; Council for Higher Education Accreditation; Council for Opportunity in Education; Council of Graduate Schools; Council of Independent Colleges.

EDUCAUSE; Federation of Independent Illinois Colleges & Universities; Georgia Independent College Association; Hispanic Association of Colleges and Universities; Independent Colleges and Universities of Texas; Independent Colleges of Washington; Independent Colleges of Indiana; Kansas Independent College Association; Louisiana Association of Independent Colleges and Universities; NASPA-Student Affairs Administrators in Higher Education.

National Association of College and University Business Officers; National Association of Independent Colleges and Universities; National Association of Student Financial Aid Administrators; New American Colleges and Universities; South Carolina Independent Colleges and Universities; Tennessee Independent Colleges and Universities Association; University Professional & Continuing Education Association; Wisconsin Association of Independent Colleges and Universities; Women's College Coalition; Work Colleges Consortium.

#### REGIONAL ACCREDITATION ORGANIZATIONS

Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges; Commission on Institutions of Higher Education, New England Association of Schools and Colleges; Middle States Commission on Higher Education; Northwest Commission on Colleges and Universities; Southern Association of Colleges and Schools Commission on Colleges; The Higher Learning Commission of the North Central Association of Colleges and Schools.

#### OTHER ACCREDITATION ORGANIZATIONS

ABET; Accreditation Council for Pharmacy Education; Accreditation Review Commission on Education for the Physician Assistant; Accrediting Commission of Career Schools and Colleges; Accrediting Council for Independent Colleges and Schools; Accrediting Council on Education in Journalism and Mass Communications; American Board for Accreditation in Psychoanalysis, Inc.; American Board of Funeral Services Education; American Dental Association Commission on Dental Accreditation; American Occupational Therapy Association—Accreditation Council for Occupational Therapy Education.

American Speech-Language-Hearing Association; Association for Biblical Higher Education; Commission on Accreditation; Association of Advanced Rabbinical and Talmudic Schools; Association of Specialized and Professional Accreditors; Commission on Accreditation for Marriage and Family Therapy Education; Commission on Accreditation in Physical Therapy Education/American Physical Therapy Association; Commission on Accreditation of Allied Health Education Programs; Commission on Accreditation of Healthcare Management Education; Commission on Accrediting of the Association of Theological Schools; Commission on Collegiate Nursing Education.

Council for Accreditation of Counseling and Related Educational Programs; Council of Arts Accrediting Associations, including: National Association of Schools of Art and Design; National Association of Schools of Dance; National Association of Schools of Music; National Association of Schools of

Theatre; Council on Academic Accreditation in Audiology and Speech-Language Pathology; Council on Accreditation of Nurse Anesthesia Educational Programs; Council on Chiropractic Education; Council on Education for Public Health.

Council on Naturopathic Medical Education; Council on Podiatric Medical Education; Council on Rehabilitation Education; Council on Social Work Education; Distance Education and Training Council; Joint Review Committee on Education in Radiologic Technology; Joint Review Committee on Educational Programs in Nuclear Medicine Technology; National Accrediting Agency for Clinical Laboratory Sciences; National League for Nursing Accrediting Commission; Teacher Education Accreditation Council; Transnational Association of Christian Colleges and Schools.

With that, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chair, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Madam Chairman, I rise today in opposition to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

This legislation will simply wipe out all of the credit-hour and State authorization program integrity rules. These rules are so important and crucial because this is what prevents the widespread rip-off, fraud, and abuse in this industry.

H.R. 2117 would repeal the Department of Education's State authorization regulation, which gives States the ability to enforce their right to require that all colleges operating within their jurisdictions be authorized to do so. Without this State authorization rule, States have no way of knowing which colleges operate within their State unless they operate on physical campuses.

The State authorization rule simply requires that, as a condition for a receipt of Federal aid, colleges verify that they have authorization from the States in which they operate and are in adherence to their State education laws.

This legislation also aims to overturn the rule creating a sweeping Federal definition of credit hour. Currently, there is no common understanding of what colleges mean when they use the word "credit."

The most egregious result of this provision's repeal is the abuses of for-profit colleges, like the American Intercontinental University, who has been charged with inflating their credit hours to a point when they offered nine college credits for courses that were only 5 weeks long.

The Federal definition of a credit hour is imperative to directly address colleges that have been inflating their credits to acquire more Federal student financial aid dollars.

This rule will also help mitigate the widespread problems students face in transferring credits from one institution to another by articulating a more precise measure of educational concept attainment represented by credits a student earned.

The Acting CHAIR (Mrs. EMERSON). The time of the gentlewoman has expired.

Mr. GEORGE MILLER of California. I yield the gentlewoman an additional 30 seconds.

Ms. WATERS. This program's integrity rules have been put in place to ensure that all students receive a fair shake in their quest to obtain a higher education. Instead of working against the Department of Education and Secretary Duncan, policymakers should be working with them to implement these rules in a sensible way, not trying to repeal them altogether.

Ladies and gentlemen, what is happening with private postsecondary schools is the next biggest scandal. You think the subprime meltdown was big, when American taxpayers find out how much of their tax dollars are being ripped off by these private postsecondary schools who have a Joe Blow school for computer learning with no computers, teachers who are not accredited, credit hours that are distorted, and students who don't get trained, don't get education, can't transfer anything, and end up with a lot of debt, I ask you to please reject this legislation.

I have the greatest respect for the legislator who's introduced this, but this is wrong. This is a rip-off, and we should be against it.

Ms. FOXX. Madam Chairman, I appreciate the comment of my colleague from California, and I continue to reserve the balance of my time.

Mr. GEORGE MILLER of California. We have no further speakers, Madam Chair, and I yield myself such time as I may consume.

Madam Chairman, I would just conclude that I think, when you consider the \$200 billion that the taxpayers of this country provide through the Federal Government student aid programs to the institutions of higher education all across the country, all of different dynamics, that before we throw out what modest accounting system we have for trying to make sure that we buy value for each and every student who spends their money, the money that they borrow, the money that their parents borrow to try to provide them the educational opportunities so that they can participate in the greater American opportunity all across this country, we ought not to be throwing this system out.

As Mr. BISHOP pointed out, this is a minimum requirement. It's a requirement that many people will recognize. When you sign up for a three-unit course, very often you find you spend 3 hours a week in that class. If you sign up for a five-unit course, you're spending more time.

The question really becomes—now as we see a lot of different institutions mixing into this space and receiving and living off almost 85 to 90 percent of their revenues that come from the Federal taxpayers—do these courses really have value? Are they giving the stu-

dent the value for which they're signing up?

The record is replete that in many instances that's not the case, that in many instances the students have been defrauded. In many instances, it was represented that this was all transferable to the State colleges and to the university systems when, in fact, it turned out not to be true.

I think that we ought to make sure that we don't throw out that current accounting system to make sure that taxpayers and students are getting value for the money that they spend and the money that they work hard to pay back at a time when we have nothing to take its place.

The idea now that in the future you need no accreditation in a State to start up an institution and then you have access to all of the revenues you can grab from the Federal Government makes no sense to me at all. We ought to have accountability in this system, and that accountability runs to the students and it runs to the taxpayers in this country. I would hope that we would reject this legislation.

I yield back the balance of my time.

□ 1420

The Acting CHAIR. The gentlewoman from North Carolina has 12 minutes remaining.

Ms. FOXX. Madam Chairman, I yield myself the remainder of my time.

No one in this body believes more in accountability than I do. However, increasing Federal control over our lives and over institutions of higher education is not the way to go. As Jefferson said—and I paraphrase—if we allow Washington to tell us when to sow and when to reap, we should soon want bread.

In order to make postsecondary education more affordable and accessible for students, we need to encourage innovation on our college campuses and allow institution leaders to develop and implement their own solutions to drive down the costs for students. However, this cannot happen if the Federal Government continues to attempt to micromanage our higher-education system by imposing more regulations.

The Protecting Academic Freedom in Higher Education Act repeals two onerous regulations that give the Federal Government unnecessary control over the academic affairs of colleges and universities. H.R. 2117 will ensure institutions can continue to develop innovative programs and course options to meet students' needs. We have letters of support from colleges, higher-education associations, and the National Governors Association on this legislation.

When the Education and the Workforce Committee held a markup of H.R. 2117 last summer, I was also pleased to have the support of many of my colleagues on the other side of the aisle. I hope we can continue to work together by approving this legislation to help students and colleges. I strongly urge

my colleagues to support the Protecting Academic Freedom in Higher Education Act.

I yield back the balance of my time.

Mr. HERGER. Madam Chair, the federal government's overreach into education is doing more harm than good for our schools and universities. The bill before us today, the Protecting Academic Freedom in Higher Education Act, would repeal some of the more heavy-handed regulations created by the Department of Education. I am concerned that states becoming actively involved in the accreditation process could adversely affect private universities in Northern California and throughout the U.S. by adding another layer of costly mandates and bureaucratic interference. I also do not believe the federal government should micromanage universities through actions such as defining the credit hour, which interferes with the academic authority of university leaders. I strongly support this legislation ending both of those harmful and unnecessary rules, and I hope the Senate will join us in eliminating these excessive regulations.

Mr. McKEON. Madam Chair, I rise in strong support of H.R. 2117, the Protecting Academic Freedom in Higher Education Act. I want to first thank the gentlelady from North Carolina for sponsoring this important piece of legislation and Chairman KLINE for giving H.R. 2117 the attention it deserves.

In October of 2010, the Department of Education introduced a regulatory package that aimed to improve the integrity of student financial aid programs, such as Pell Grants and federal student loans. However, the outcome was an introduction of two new burdensome rules, the credit hour and state authorization regulations. Two more prime examples of the current Administration's overreaching regulatory agenda. I have deep concerns about the impact these regulations will have on college affordability.

Under the new credit hour regulation, federal student aid would be awarded to students based on the number of credits they take each term with the federal government defining a credit hour. This would discredit and negatively impact the traditional role of colleges and universities. Not only would this undermine colleges and universities but it would also overrule a state's determination of whether an educational program is a credit hour. In turn, this could lead to students receiving less federal aid or taking a slower path to graduation which results in fewer choices for students looking for postsecondary options to further their education. Overall students should be measured by how much they learn in the classroom instead of how much time they spend in the classroom.

The State Authorization regulation would impose a one-size fits all approach to America's higher education community and weaken what is currently a strong and diverse community of institutions, each with their own unique missions. This new management style would result in unnecessary and excessive costs not only on states and universities but as well as the students. Furthermore, it would give states unprecedented authority over private and religious institutions.

H.R. 2117 puts the right foot forward by repealing these burdensome regulations and instead focuses on the student and fosters an environment that enables them to learn and grow in a cost-effective manner. This legisla-

tion not only protects the student but also the academic institutions enabling them to focus on the individual by helping them excel in the academic community rather than having to worry about big government and its regulations.

Mr. VAN HOLLEN. Madam Chair, I rise to oppose H.R. 2117, which would repeal important consumer and taxpayer protections without providing an alternate solution to safeguard students.

Under the Higher Education Act, the federal government, states, and accrediting agencies share responsibility to ensure that students receive a high quality education. As the federal government invests billions in federal student assistance, this "triad" must also work together to protect taxpayers from fraud and abuse. The Department of Education issued regulations intended to clarify the state's responsibility to authorize institutions and ensure that they have a system in place to address student complaints.

The regulations also create a uniform definition of a credit hour, which is used on the federal level to allocate student aid dollars. The Department's Inspector General has advised that the failure to define the credit hour has hampered the Department's ability to address waste and fraud in the student aid program.

Finally, the regulations clarify existing requirements that institutions offering distance learning programs be authorized according to the laws of every state in which they operate. I appreciate the concerns of many schools that authorizing in multiple states could be costly and duplicative. For this reason, I strongly support efforts on the State level to establish reciprocity agreements to ease this burden while still ensuring that students receive a quality education.

However, in repealing the regulations entirely, this bill ignores the advice of the Inspector General and leaves billions of dollars of student aid vulnerable to waste, fraud, and abuse. It also eliminates basic consumer protections for students.

We have a responsibility to ensure that students receive a high quality education and taxpayer dollars are spent wisely. By repealing the Department's efforts but offering no alternate plan, this bill abdicates that responsibility. I urge my colleagues to vote against it.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2117

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Protecting Academic Freedom in Higher Education Act".*

**SEC. 2. REPEAL OF REGULATIONS RELATING TO STATE AUTHORIZATION AND DEFINING CREDIT HOUR.**

(a) REGULATIONS REPEALED.—  
(1) REPEAL.—*The following regulations (including any supplement or revision to such regulations) are repealed and shall have no legal effect:*

(A) STATE AUTHORIZATION.—*Sections 600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, and 668.43(b) of title 34, Code of Federal Regulations (relating to State authorization), as added or amended by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66832 et seq.).*

(B) DEFINITION OF CREDIT HOUR.—*The definition of the term "credit hour" in section 600.2 of title 34, Code of Federal Regulations, as added by the final regulations published by the Department of Education in the Federal Register on October 29, 2010 (75 Fed. Reg. 66946), and subsection (k)(2)(ii) of section 668.8 of such title, as amended by such final regulations (75 Fed. Reg. 66949 et seq.).*

(2) EFFECT OF REPEAL.—*To the extent that regulations repealed by paragraph (1) amended regulations that were in effect on June 30, 2011, the provisions of the regulations that were in effect on June 30, 2011, and were so amended are restored and revived as if the regulations repealed by paragraph (1) had not taken effect.*

(b) REGULATIONS DEFINING CREDIT HOUR PROHIBITED.—*The Secretary shall not promulgate or enforce any regulation or rule that defines the term "credit hour" for any purpose under the Higher Education Act of 1965 on or after the date of enactment of this section.*

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 112-404. Each such 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 MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-404.

Mr. GRIJALVA. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

(1) strike "Sections 600.4(a)(3), 600.5(a)(4), 600.6(a)(3)," and insert "Except as provided in paragraph (3), section"; and

(2) strike ", and 668.43(b)".

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

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

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

(B) Paragraph (a)(2).

(C) Paragraph (b).

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. The bill we are debating today, H.R. 2117, eliminates the entire State authorization rule, including the establishment of a process for States to review and appropriately act

on student complaints concerning an institution. This amendment would make sure that those student-complaint provisions are retained.

Up until now in many States, a student who discovered that the program she is enrolled in is not providing the preparation she paid for or is not preparing her in the way that they suggested or has treated her unfairly would have little recourse in the way of complaint. Not all States have a complaint process in place, but these recently implemented rules established a State-based process for students to lodge a complaint.

This provision is a good idea. This process will help to shine light on programs and will give students and families an opportunity for recourse when they feel they have been misled or mistreated by an institution or a program. The vast majority of institutions work in a student's best interest and will seek to guide students and address concerns when they arise. This amendment ensures that students have a place to air their concerns when that is not the case.

I think we should maintain the student-protecting provision in the regulations by removing the provision that eliminates it in this bill. My amendment protects students and taxpayers by ensuring that each State has a process in place to receive and review student complaints and by promoting good practices and addressing abuses.

Last Congress, we worked hard to protect consumers from bad practices at credit card companies and banks. We should do the same for students. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Ms. FOXX. Madam Chairman, I rise in opposition.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Under the Higher Education Act, accrediting agencies are already required to have a system for individuals to give complaints about a college or a university. Under current practice, many States have well-established complaint processes that are serving students.

I am also concerned about the burden this regulation will place on States. While the economic situation in our country has shown modest improvements recently, States are struggling with huge budgetary challenges. They have limited staff and may not be able to handle new and unnecessary changes required under this proposal.

During a time when States, institutions, parents, and students are worried about ways to increase college affordability, I think it would be better for States to put their limited resources towards helping colleges and universities keep their tuitions down rather than adding another layer of State bureaucracy.

For these reasons and others, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. GRIJALVA. Madam Chair, I yield such time as he may consume to the ranking member of the Education and the Workforce Committee, the gentleman from California (Mr. MILLER).

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

Just quickly, you can't have it both ways. You can't say, well, a lot of States are already doing this, but now we don't want to add a burden. This simply says the State has to have a process. If the State has a process, it's over, it's done. So why would we take away that voice in those States that don't have a process?

Let's make sure that students have a place to go. As we know, many of these financial scandals have been brought to us by students because they can't get redress anywhere else. I urge an "aye" vote on this amendment.

Ms. FOXX. I continue to reserve the balance of my time.

Mr. GRIJALVA. In closing, the underlying legislation, H.R. 2117, stacks the deck against due process and the ability for families and students to seek redress when institutions or programs deny them or mistreat them regarding the services that they've purchased and the education that they're seeking.

By reinserting that provision, we allow families and students to have redress, to have due process and to have a fair and balanced look at complaints they might have. It is simple, it is direct, and it merits remaining in the legislation.

With that, I yield back the balance of my time.

Ms. FOXX. Madam Chairman, I will say once again that I believe this is unnecessary, and I urge my colleagues to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

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

Mr. GRIJALVA. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-404.

Ms. FOXX. Madam Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Page 5, line 24, insert "of Education" after "Secretary".

The Acting CHAIR. Pursuant to House Resolution 563, the gentlewoman

from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

Ms. FOXX. I rise in support of my amendment to H.R. 2117, the Protecting Academic Freedom in Higher Education Act.

In the months since the Education and the Workforce Committee approved H.R. 2117, States and institutions have expressed concerns about interpretations of the clock-hour provisions in the credit-hour regulation. The regulation would prevent some programs from converting to a credit-hour program even though the conversion is permitted under State law. This change could alter the manner in which colleges and universities disburse Federal student aid, and it could harm students' abilities to progress sufficiently in their coursework.

My amendment would prevent the Federal Government from reinterpreting a State's laws or regulations to require credit-hour programs to convert back to clock-hour programs. The State should be the final judge of its own laws and regulations. This is a necessary step to correct the Department of Education's interpretation of a clock-hour program, and it will reaffirm our intent that the discretion for determining clock-hour programs should remain with States' accrediting agencies and institutions.

Madam Chairman, the amendment improves the underlying legislation and ensures colleges and students are protected from the harmful Federal intrusion into academic affairs. I urge my colleagues to lend their support, and I reserve the balance of my time.

□ 1430

Mr. GEORGE MILLER of California. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. I thank the Chair.

This amendment is absolutely consistent with this legislation. What it does is just simply make it easier for any institution to maximize the amount of Federal aid they get.

Under this amendment, they would be able to choose whether or not they want to be a clock-hour or a credit-hour institution, and that would depend really on how they could game the reimbursement that's available to them again without checking whether or not this provision allows for the student to receive value for that money which they borrow to pay for their education. I oppose this amendment.

I yield back the balance of my time.

Ms. FOXX. I yield back the balance of my time, urging my colleagues to support the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from North Carolina (Ms. FOXX).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-404.

For what purpose does the gentleman from Colorado rise?

Mr. POLIS. Thank you.

I have an amendment at the desk. This will be amendment No. 5.

The Acting CHAIR. It is now in order to consider amendment No. 3. Does the gentleman wish to offer it?

Mr. POLIS. I have an amendment at the desk. The amendment is numbered No. 3.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

(3) STATE AUTHORIZATION REGULATIONS FOR CERTAIN INSTITUTIONS.—

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

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

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

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

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

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, Congress should be the taxpayers' advocate to root out waste, fraud, and abuse wherever it occurs; and this is particularly true when it comes to student financial aid.

Both of my amendments pertain to this category of making sure we have the right structure in place to in one case incentivize and in another case have a strategy to combat waste, fraud, and abuse. Every dollar we lose to fraud and waste is a dollar that's not invested in our young people, a dollar of deficit spending, of government spending that is not producing the desired outcome of education or youth preparation of our workforce for jobs in the 21st century and improving our economic strength.

If we are eliminating some of the basic protections that are categorically applied under the bill, it's very important that we require institutions that are failing students to prove their value. And if schools have a chron-

ically low graduation rate, a low completion rate or a high loan default rate they, in fact, should be required to be recognized by the State in which they are operating as a backstop against fraud, waste, and abuse to ensure that the students' complaints and questions are at least heard by their own State if they believe that they have been treated unfairly or unjustly by a college or university.

That's what my amendment would do. It would provide an incentive for colleges and universities to produce better outcome for students.

In both of my remarks, I am going to be talking a little bit about Carnegie units and how we determine time. Frankly, this bill is a very limited piece. What we need to do more broadly when we reauthorize the Higher Education Act is really look at outcome-based measurements for learning in higher education.

I think the Secretary, with his rules regarding gainful employment, provided some useful indicators around outcome-based measurements. There are many others that we should look at. That part of what we need to accomplish is freeing good-performing institutions up from the input restraints, the input barriers.

If they can effectively teach something that normally takes 2 hours in 5 minutes, that institution should be rewarded for that and encouraged to do that.

What a great way to invest our taxpayer money in some innovative institution of higher education that has figured out how to get 2 hours of legacy Carnegie credit into 5 minutes of rapid instruction. What a wonderful accomplishment, and I am hopeful that that and more can be accomplished.

My amendment would provide an incentive for colleges and universities to produce better outcomes. Where they are not performing, they would be subject to their State. Where they are performing, they would have the additional flexibility under this act, and I think that that's something we should encourage in higher education.

I reserve the balance of my time.  
Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Thank you, Madam Chairman.

This amendment is simply unnecessary, and I oppose it. Since the day the President took office, members of his administration have been issuing one heavy-handed regulation after another, primarily in the name of program integrity. However, the regulations simply bring increased Federal intrusion into all aspects of our lives and do not provide the kind of accountability that we need to have throughout our Federal Government. Therefore, I oppose the amendment.

I reserve the balance of my time.  
Mr. POLIS. Madam Chairman, in what other government program would

we somehow say it's all right to keep fuddling taxpayer money without accountability. Specifically, my amendment would retain State authorization requirements for institutions that have below-average graduation rates, below-average annual completion rates and above-average loan-default rates, free up the good-performing institutions to experiment and not holding them accountable to the Carnegie units that continue to reach out and prevent innovation in the education sector.

I believe the regulations are reasonable and a relatively low burden on colleges. I think by providing this incentive we could make sure that universities and institutions of higher education that are good custodians of our public dollars are freed up to engage in the kind of innovation that can produce a 21st-century workforce and drive education innovation into the new century. Those that continue that have below-average graduation rates, completion rates, and high default rates will make sure that there is a recourse, a recourse with their States, for those institutions.

I strongly urge a "yes" vote on this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chairman, again, I want to state my opposition to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

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

The Acting CHAIR. For what purpose does the gentleman from Colorado seek recognition?

Mr. POLIS. I have an amendment at the desk, amendment No. 5.

The Acting CHAIR. Does the gentleman request a recorded vote on amendment No. 3?

Mr. POLIS. No.

The Acting CHAIR. The amendment is not agreed to.

AMENDMENT NO. 4 OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-404.

Mr. POLIS. I have an amendment at the desk. It's amendment No. 5.

The Acting CHAIR. Is the gentleman attempting to offer amendment No. 4, which is the next amendment in order?

For what purpose does the gentleman from New York rise?

Mr. BISHOP of New York. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Madam Chair, this amendment simply strips the language from the underlying bill that permanently constrains the Secretary from promulgating a regulation or a rule that defines a credit hour, permanently constrains the Secretary from promulgating a regulation or a rule.

And I would suggest that this would represent very, very poor public policy. We provide over \$200 billion in Federal student aid, either in the form of grants or in the form of guarantees; and the basis, at least in part, on which we provide that is students' adherence to the minimum number of credit hours that they must take and institutions' adherence to that which they define as a credit hour.

□ 1440

We have no idea what's going to happen 10 years from now, 15 years from now, 20 years from now with respect to whether institutions will be in compliance. We have no idea whether or not shortcuts will be taken. We have no idea with the ongoing proliferation of online instruction and other nontraditional means of instruction whether or not we will be dealing with a higher education universe that is maintaining the appropriate quality controls and maintaining the appropriate protections against the kind of abuse that would ensue if students are able to take courses where the credit hour is not as demanding as reasonable people would suggest it would be, where the semester might be shorter as a result of lack of adherence to what a reasonable definition of a credit hour is. To put the Secretary of Education in a position where he or she would be unable to act in that circumstance is simply unwise, and to impose on the Congress the responsibility to fix a situation that could be much more easily fixed by regulatory or administrative action is also unwise.

So this is very straightforward. It is very simple. I would urge my colleagues to support this amendment, and I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chair, the creation of a Federal definition of credit hour is a prime example of Federal overreach into an area that should be left to colleges and universities. This has worked from the beginning of our country. Our accrediting bodies, our colleges and universities, have done their jobs. There have been no complaints about this. There was one minor episode that occurred, one isolated event, and it was addressed through the accrediting body. This is a typical example of the overreach of this administration, and particularly the Department of Education.

If a need arose in the future to create a Federal definition or put some additional parameters around this section of the law, then it should be done through the legislative process where the implications of such a definition can be thoroughly examined.

Madam Chair, the Founders were very, very wise when they created the Constitution. They delineated exactly what the Federal Government should and should not be doing. The word "education" is no place in the Constitution, but article I, section 1 does talk about the House of Representatives and the Congress. That's where the Founders wanted the power to lie, where the authority is to lie. We are accountable to the people whom we represent. We are the people's House. We should not be abrogating our responsibility to unelected bureaucrats. I'm almost embarrassed that any Member would want to do that. We need this responsibility. We have the time to take care of it if there is such a need.

With that, I reserve the balance of my time.

Mr. BISHOP of New York. I would simply point out that my friend from North Carolina continues to use words like "intrusion" and "overreach"; and yet a few moments ago, in response to comments I had made during general debate, she said that as an academic dean, the gentlelady was able to exercise discretion and define a credit hour and define a course and define a semester. There is absolutely nothing in the regulation that the Department of Education has promulgated that would prevent the gentlelady or someone in her position from continuing to exercise that discretion because in the regulation it says that institutionally determined equivalents are perfectly permissible and perfectly acceptable. So the discretion that the gentlelady quite correctly utilized while she was a dean remains in the toolbox of every college administrator in this country.

And so I would urge defeat of the underlying bill, I would urge passage of this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chair, the gentleman is correct; deans and assistant deans and others at colleges and universities have that authority right now. They've had it since the beginning of the creation of institutions of higher education, and we don't need the Federal Government meddling in places it has no business meddling.

I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

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

Mr. BISHOP of New York. Madam Chair, I demand a recorded vote.

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

the gentleman from New York will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-404.

Mr. POLIS. Madam Chair, I have amendment No. 5 at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

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

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

The Acting CHAIR. Pursuant to House Resolution 563, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Madam Chair, I think that the gentlelady from North Carolina has put together a good bill. It has some good parts and some bad parts. I am very hopeful that she will accept this amendment.

I believe that the intent of the bill, specifically around making sure that we don't have an overarching implementation of Carnegie units—and again, where does this stem from? It stems from a U.S. Department of Education Office of Inspector General report that found that there is not an established definition of credit hour or minimum requirement. The Secretary, working within those constraints, tried to provide a definition. I don't think that is a productive road to go down, so I strongly support the general thrust of this bill.

But where we need to move is toward outcome-based measurements. We have this same discussion in K-12 education as well. And the conclusion that I've come to, and I've come to the same conclusion in higher education, is we need to free institutions up with regard to the inputs to promote innovation and make sure that we hold institutions accountable for the outputs where taxpayer money is at stake.

One component of the bill that I hope the gentlelady from North Carolina can work with me on in accepting this amendment, and I think it is a very pragmatic amendment that would improve the bill, since we are removing many of the specifics that currently combat waste, fraud, and abuse—and I don't think we want to combat waste, fraud, and abuse by applying an overly rigid hour-is-an-hour standard with no

wriggle room because what we care about is whether kids are learning, not whether they spend 5 minutes or 2 hours doing it. I've talked to folks who use apprenticeships, who use online education, and we should hold them accountable for results where there is taxpayer money at hand, but at the same time we want to make sure that there's a backstop for what I think folks on both side agree exist, which is waste, fraud, and abuse in the system. What my amendment would do is replace the specifics of these regulations with a directive to the Department of Education to come up with an alternative plan that protects taxpayer dollars and students' rights.

This would make sure that we can deal with many of the issues raised by the inspector general, not by providing an overly arching and rigid definition of time that's a necessary part of education but, rather, by requesting and requiring that the Secretary come up with ideas that are consistent with the future of education towards combating waste, fraud, and abuse.

I reserve the balance of my time.

Ms. FOXX. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Madam Chair, I appreciate the very positive comments that my colleague from Colorado has made about the underlying bill. I hope very much that he will support it. I appreciate, actually, serving with him on the Rules Committee and the often commonsense approaches that he brings to legislation that we're reviewing. However, I have to say reluctantly that I am opposing his amendment.

I don't think, again, that we need to ask the Department of Education to present more plans or more rules and regulations. It is certainly doing a lot to present rules and regulations that are totally unnecessary.

Next year we will have the reauthorization of the higher education bill. As I think most people know, the Speaker has asked all the committees, all the subcommittees to exercise their oversight responsibilities, and we are certainly doing that and will continue to do that. Therefore, I think that the gentleman from Colorado's amendment is unnecessary, and I oppose it.

I reserve the balance of my time.

□ 1450

Mr. POLIS. Madam Chair, I think that, again, my amendment would provide sufficient flexibility to accommodate alternative higher-education settings. The reason we're talking about rules and preventing fraud, waste, and abuse is not somehow the government is going someplace that's unwarranted; but these are Federal student loans, these are Federal programs we're talking about. We do not want taxpayers to be ripped off, and we do not want students to be ripped off. I believe that directing the Secretary to come up with

an alternative plan to the one we're stripping out would go a long way toward accomplishing that.

And I agree with the gentlewoman from North Carolina. Fundamentally, many of these issues need to be discussed during the reauthorization of the Higher Education Act; and I hope that she will join me at that point, yes, on freeing up the inputs-based measurements, but equally, if not more important, making sure we hold the recipients of taxpayer-funded programs accountable for the outcomes.

And there is no perfect outcome-based measurement—we know this from K-12 education as well—but even a mediocre one is better than none. And I think it will fall upon this Congress to do that. I think that this bill facilitates that discussion; but should it become law, I would certainly hope that my colleagues on both sides of the aisle can join me in supporting this commonsense directive to ensure that waste, fraud, and abuse do not enter the system along with freeing up innovation and thoughtful new ways to educate kids.

I urge my colleagues to join me on voting "yes" on this amendment, and I yield back the balance of my time.

Ms. FOXX. Madam Chairman, again, I appreciate the sentiments of my colleague from Colorado; but I would say to him that there is absolutely nothing to prevent the Secretary of Education from coming to the Education and Workforce Committee and presenting his ideas on where there is waste, fraud, and abuse. We would be more than happy to do that. Most of what we hear from the administration is spend, spend, spend, not how can we save money, but spend, spend, spend.

All of us want to make sure that every dime of taxpayers' money is well spent, and I can assure you that members of my committee want to see that the money is well spent, and we'll be working on that issue as we have been working on it, as will all the Republican majorities in the House do that.

Madam Chairman, I yield back the balance of my time and urge my colleagues to vote "no" on the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

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

Ms. FOXX. Madam Chairman, I demand a recorded vote.

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

Ms. FOXX. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. FOXX) having assumed the chair, Mrs. EMERSON, Acting Chair of the Committee of the Whole House on the state

of the Union, reported that that Committee, having had under consideration the bill (H.R. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, had come to no resolution thereon.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 53 minutes p.m.), the House stood in recess.

□ 1515

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BENISHEK) at 3 o'clock and 15 minutes p.m.

#### PROTECTING ACADEMIC FREEDOM IN HIGHER EDUCATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 563 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. 2117.

□ 1516

#### 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. 2117) to prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 5 printed in House Report 112-404 by the gentleman from Colorado (Mr. POLIS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-404 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GRIJALVA of Arizona.

Amendment No. 4 by Mr. BISHOP of New York.

Amendment No. 5 by Mr. POLIS of Colorado.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

#### AMENDMENT NO. 1 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.