

Public Law 109–81  
109th Congress

An Act

Sept. 30, 2005  
[H.R. 3784]

To temporarily extend the programs under the Higher Education Act of 1965,  
and for other purposes.

Higher Education  
Extension Act of  
2005.  
20 USC 1001  
note.

*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 “Higher Education Extension  
Act of 2005”.

20 USC 1001  
note.

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

(a) **EXTENSION OF DURATION.**—The authorization of appropri-  
ations for, and the duration of, each program authorized under  
the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) shall  
be extended through December 31, 2005.

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

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

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

(c) **EXTENSION AT CURRENT LEVELS.**—The amount authorized  
to be appropriated for a program described in subsection (a) during  
the period of extension under this section shall be the amount  
authorized to be appropriated for such program for fiscal year  
2004, or the amount appropriated for such program for such fiscal  
year, whichever is greater. Except as provided in any amendment  
to the Higher Education Act of 1965 enacted during fiscal year  
2005 or 2006, the amount of any payment required or authorized  
under subsection (b) in or for the period of the extension under  
this section shall be determined in the same manner as the amount  
of the corresponding payment required or authorized in or for  
fiscal year 2004.

(d) **ADVISORY COMMITTEES AND OTHER ENTITIES CONTINUED.**—  
Any advisory committee, interagency organization, or other entity

that was, during fiscal year 2004, authorized or required to perform any function under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), or in relation to programs under that Act, shall continue to exist and is authorized or required, respectively, to perform such function for the period of the extension under this section.

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

(f) **EXCEPTION.**—The programs described in subsection (a) for which the authorization of appropriations, or the duration of which, is extended by this section include provisions applicable to institutions in, and students in or from, the Freely Associated States, except that those provisions shall be applicable with respect to institutions in, and students in or from, the Federated States of Micronesia and the Republic of the Marshall Islands only to the extent specified in Public Law 108–188.

Approved September 30, 2005.

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**LEGISLATIVE HISTORY—H.R. 3784:**

CONGRESSIONAL RECORD, Vol. 151 (2005):

Sept. 20, considered and passed House.

Sept. 26, considered and passed Senate.