
PROVIDING 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

February 27, 2012.—Referred to the House Calendar and ordered to be
printed.

MS. FOXX, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res.]

The Committee on Rules, having had under consideration House
Resolution____, by a nonrecord vote, report the same to the House with the
recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2117, the
Protecting Academic Freedom in Higher Education Act, under a structured
rule. The resolution provides one hour of general debate equally divided and
controlled by the chair and ranking minority member of the Committee on
Education and the Workforce. The resolution waives all points of order
against consideration of the bill. The resolution provides that the
amendment in the nature of a substitute recommended by the Committee on
Education and the Workforce now printed in the bill shall be considered as
original text for the purpose of amendment and shall be considered as read.
The resolution waives all points of order against the committee amendment
in the nature of a substitute. The resolution makes in order only those
amendments printed in this report. Each such amendment may be offered
only in the order printed in this report, may be offered only by a Member
designated in this report, shall be considered as read, shall be debatable for
the time specified in this 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. The resolution waives all points of order against

the amendments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2117, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute to H.R. 2117, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 195

Motion by Mr. Hastings of Florida to report an open rule. Defeated: 2-7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Nay	Ms. Slaughter.....	Yea
Mr. Bishop of Utah.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Grijalva, Raul (AZ): Would retain the requirement that states have a process to hear and take appropriate action on student complaints regarding institutions as part of the state authorization. (10 minutes)
2. Foxx (NC): Would repeal a section of the credit hour regulation impacting clock hour programs. (10 minutes)
3. Polis (CO): Would link state authorization regulations to student outcomes. (10 minutes)
4. Bishop, Tim (NY): Would strike the prohibition on the Secretary of Education from ever promulgating or enforcing any regulation or rule defining the term "credit hour." (10 minutes)
5. Polis (CO): Would require the Secretary to present a plan to prevent waste, fraud and abuse to ensure effective use of taxpayer dollars. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRIJALVA OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 2117, AS REPORTED
OFFERED BY MR. GRIJALVA OF ARIZONA**

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:

- 1 (3) PRESERVATION OF STUDENT PROTECTION
- 2 PROCESS.—The repeal of section 600.9 of title 34,
- 3 Code of Federal Regulations, in paragraph (1)(A)
- 4 shall not apply with respect to the following provi-
- 5 sions of such section:
- 6 (A) The first sentence of paragraph (a)(1)
- 7 through the term “State laws”.
- 8 (B) Paragraph (a)(2).
- 9 (C) Paragraph (b).



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOXX OF NORTH CAROLINA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 2117, AS REPORTED
OFFERED BY MS. FOXX OF NORTH CAROLINA**

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”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS
OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 2117, AS REPORTED
OFFERED BY MR. POLIS OF COLORADO**

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

1 (3) STATE AUTHORIZATION REGULATIONS FOR
2 CERTAIN INSTITUTIONS.—

3 (A) REGULATIONS REQUIRED.—Notwith-
4 standing section 482(c) or section 492 of the
5 Higher Education Act of 1965 or the repeals
6 under paragraph (1)(A) of this section, not
7 later than 6 months after the date of enactment
8 of this Act, the Secretary of Education shall
9 issue regulations that apply the regulations re-
10 pealed under paragraph (1)(A) to any institu-
11 tion of higher education that has—

12 (i) a graduation rate that is below the
13 national average for its sector, as defined
14 in the common education data developed
15 by the National Center for Education Sta-
16 tistics;

17 (ii) a cohort default rate that is high-
18 er than the national average for its sector;

19 or

1 (iii) a completion rate that is below
2 the national average for its sector, as de-
3 termined pursuant to section 668.8 of title
4 34, Code of Federal Regulations.

5 (B) RULE OF CONSTRUCTION.—Notwith-
6 standing any other provision of law, nothing in
7 subparagraph (A) shall be construed as limiting
8 or otherwise affecting the applicability of sec-
9 tion 101(a)(2) of the Higher Education Act of
10 1965.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 2117, AS REPORTED
OFFERED BY MR. BISHOP OF NEW YORK**

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



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**POLIS AMENDMENT
7 REVISED**

**AMENDMENT TO H.R. 2117, AS REPORTED
OFFERED BY MR. POLIS OF COLORADO**

At the end of the bill, add the following:

1 **SEC. 3. EFFECTIVE AND EFFICIENT USE OF TAXPAYER DOL-**
2 **LARS AND PROTECTION FROM POTENTIAL**
3 **WASTE, FRAUD, AND ABUSE.**

4 Not later than 60 days after the date of the enact-
5 ment of this Act, the Secretary of Education shall provide
6 a proposal to Congress on how the Secretary will, through
7 the authority of the Secretary to promulgate regulations
8 related to institutional eligibility for participation under
9 title IV of the Higher Education Act of 1965, prevent
10 waste, fraud, and abuse of Federal financial aid dollars
11 by institutions of higher education under such Act to en-
12 sure the effective and efficient use of taxpayer dollars.



House Calendar No. _____

112TH CONGRESS
2^D SESSION

H. RES. _____

Report No. 112-_____

Providing 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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2012

Ms. FOXX, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Providing 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.

1 *Resolved*, That at any time after the adoption of this
2 resolution the Speaker may, pursuant to clause 2(b) of
3 rule XVIII, declare the House resolved into the Committee
4 of the Whole House on the state of the Union for consider-
5 ation of the bill (H.R. 2117) to prohibit the Department
6 of Education from overreaching into academic affairs and

1 program eligibility under title IV of the Higher Education
2 Act of 1965. The first reading of the bill shall be dispensed
3 with. All points of order against consideration of the bill
4 are waived. General debate shall be confined to the bill
5 and shall not exceed one hour equally divided and con-
6 trolled by the chair and ranking minority member of the
7 Committee on Education and the Workforce. After general
8 debate the bill shall be considered for amendment under
9 the five-minute rule. It shall be in order to consider as
10 an original bill for the purpose of amendment under the
11 five-minute rule the amendment in the nature of a sub-
12 stitute recommended by the Committee on Education and
13 the Workforce now printed in the bill. The committee
14 amendment in the nature of a substitute shall be consid-
15 ered as read. All points of order against the committee
16 amendment in the nature of a substitute are waived. No
17 amendment to the committee amendment in the nature
18 of a substitute shall be in order except those printed in
19 the report of the Committee on Rules accompanying this
20 resolution. Each such amendment may be offered only in
21 the order printed in the report, may be offered only by
22 a Member designated in the report, shall be considered
23 as read, shall be debatable for the time specified in the
24 report equally divided and controlled by the proponent and
25 an opponent, shall not be subject to amendment, and shall

1 not be subject to a demand for division of the question
2 in the House or in the Committee of the Whole. All points
3 of order against such amendments are waived. At the con-
4 clusion of consideration of the bill for amendment the
5 Committee shall rise and report the bill to the House with
6 such amendments as may have been adopted. Any Member
7 may demand a separate vote in the House on any amend-
8 ment adopted in the Committee of the Whole to the bill
9 or to the committee amendment in the nature of a sub-
10 stitute. The previous question shall be considered as or-
11 dered on the bill and amendments thereto to final passage
12 without intervening motion except one motion to recommit
13 with or without instructions.