

AMENDMENT TO _____
OFFERED BY MR. TIERNEY _____

After section 115 of the proposed conference agreement, insert the following new section (and redesignate the succeeding sections accordingly):

1 **SEC. 116. STATE COMMITMENT TO AFFORDABLE COLLEGE**
2 **EDUCATION.**

3 (a) STATE COMMITMENT TO AFFORDABLE COLLEGE
4 EDUCATION.—Part C of title I (20 U.S.C. 1015) is fur-
5 ther amended by adding after section 136 (as added by
6 section 115 of this Act) the following new section:

7 **“SEC. 137. STATE COMMITMENT TO AFFORDABLE COLLEGE**
8 **EDUCATION.**

9 “(a) MAINTENANCE OF EFFORT REQUIRED.—A
10 State shall provide—

11 “(1) for public institutions of higher education
12 in such State for any academic year beginning on or
13 after July 1, 2008, an amount which is equal to or
14 greater than the average amount provided for non-
15 capital and non-direct research and development ex-
16 penses or costs by such State to such institutions of
17 higher education during the 5 most recent preceding

1 shall withhold from any State that violates subsection (a)
2 and does not receive a waiver pursuant to subsection (c)
3 any amount that would otherwise be available to the State
4 under section 781 until such State has made significant
5 efforts to correct such violation.”.

6 (b) CONFORMING AMENDMENTS.—Section 771 (20
7 U.S.C. 1141) is amended—

8 (1) in subsection (a), by striking the second
9 sentence and inserting the following: “In addition to
10 the amount authorized and appropriated under the
11 preceding sentence, there are authorized to be ap-
12 propriated to carry out this section such sums as
13 may be necessary for fiscal year 2009 and each of
14 the five succeeding fiscal years.”; and

15 (3) in subsection (b)(1), by inserting “, subject
16 to the availability of appropriations,” after “the Sec-
17 retary shall”.

