



**Legislative Bulletin.....February 7,
2008**

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H.R. 4137--College Opportunity and Affordability Act of 2007

**H.R. 4137—College Opportunity and Affordability Act of 2007
(Miller, D-CA)**

Please note the Conservative Concerns on page 13, and those highlighted throughout the bulletin.

Order of Business: On February 7, 2008, the House will consider H.R. 4137, the College Opportunity and Affordability Act of 2007. Though no rule has been announced, it is expected that H.R. 4137 will be considered under a structured rule, making numerous amendments in order.

Background: H.R. 4137 is the second of the two major higher education bills acted on by this Congress. The College Cost Reduction and Access Act of 2007 ([H.R. 2669](#)) was passed by the House on July 11, 2007 and signed into law on September 2007. H.R. 4137 serves to reauthorize the Higher Education Act for five years (through FY 2014).

The Higher Education Act of 1965 (HEA) authorizes the federal government's major federal student aid programs (Title IV), as well as other programs which provide institutional aid and support (Titles II, III, and V). HEA also authorizes services and support to disadvantaged students (programs within Title IV), and to students pursuing international education and certain graduate and professional degrees (Titles VI and VII).

According to CRS, the 108th and 109th Congresses each considered but did not complete the HEA reauthorization process. In the 110th Congress, the Higher Education Amendments of 2007 ([S. 1642](#)) was introduced by Senator Kennedy on June 18, 2007, approved by the Senate Health, Education, Labor, and Pensions (HELP) Committee on July 10th, and passed by the full Senate on July 24, 2007. H.R. 4137 was introduced in the House Committee on Education and Labor on November 9, 2007, and was approved by the Committee on November 15, 2007.

To see the RSC Legislative Bulletin on H.R. 2669 from the 110th Congress, visit this webpage: http://www.house.gov/hensarling/rsc/doc/lb_090707_educationreconciliationconfprt.doc.

Cost: CBO estimates that enacting H.R. 4137 would increase direct spending by \$75 million in

2008 and decrease it by \$27 million over the FY 2008-2017 period. Most of those effects stem from changes affecting eligibility for federal student loan programs and the Academic Competitiveness and SMART Grant programs. According to CBO, “the bill would reauthorize and amend many of the discretionary programs previously authorized by the Higher Education Act of 1965 and would authorize a number of new discretionary programs. In total, CBO estimates that implementing this legislation would increase discretionary outlays by **\$97.4** billion over the 2008-2012 period, assuming the appropriation of the necessary amounts.”

Key Provisions: Due to the fact that H.R. 4137 is a very detailed and comprehensive bill, the RSC staff has devoted this section to highlighting the most essential provisions of the bill. This summary of key provisions **does not** include new programs authorized in H.R. 4137, for which there is a separate section devoted in this document.

Title I

- **Federal Student Aid (FAFSA) Web Improvement:** This provision would require the Department of Education to display a link to the federal student aid website on their website. In addition, this provision requires that the Department also display other federal assistance opportunities for students.
- **Provisions to Address College Costs:** Some of the provisions in this section are supported by Republican members of the Committee, while other provisions included are not supported by the Republican Committee members.
 1. **State Maintenance of Effort**—This provision would require that states maintain a level of funding for higher education equal to the average of the five preceding years. The Secretary may waive this provision due to “uncontrollable circumstances, such as a natural disaster or the precipitous decline in the financial resources of a state”. In addition, if a state does not meet the requirements of the “maintenance of effort” provision, the Secretary will be able to withhold Access and Persistence Grant funds (a formula grant program designed to entice states to partnerships with institutions and other outside entities in order to increase the access of low-income students). **The National Governors Association weighed in on this provision, stating: “The nation’s governors, state legislators, and higher education officials oppose the proposed ‘Maintenance of Effort’ (MOE) mandate ... and urge Congress to remove the provision from the bill ... state budgeting decisions should be made by state officials. The decision to fund a new building or campus, expand student aid, help low-income families to access health care, or improve high schools, must remain with the officials closest to the needs of their specific communities.” Rep. Bishop (R-UT) will be offering an amendment which would remove the maintenance of effort language, ensuring that states retain full authority over state expenditures in higher education. See the forthcoming RSC amendments document for more information.**
 2. **Higher Education Price Index:** This provision requires the Commission for Education Statistics, along with the Bureau of Labor Statistics, to create a “Higher Education Price Index,” which will be designed to reflect the average annual change in tuition and fees for numerous categories of institutions (four year public, four year private, two year public, etc.).
 3. **Higher Education Watch List:** This provision would require the Secretary to compile a list of institutions which increase tuition and fees beyond the higher education price index. Institutions that are on the “watch list” will have to report the average price of room and

board and create a “Quality Efficiency Task Force” to examine their expenditures, and must develop methods to decrease costs. All of the information gathered by this Watch List will be reported publicly on the Department’s College Navigator website.

- Textbooks: H.R. 4137 would require that college textbook publishers offer the same price to faculty as to bookstores. In addition, this provision sets a new mandate for publishers, requiring that they sell textbooks and other materials in an unbundled format.
- Lender and Institution Requirements: H.R. 4137 requires several disclosures from lenders and institutions. It would require the lender to provide the information on the model form (a format developed by the Secretary) to institutions and to the Department. H.R. 4137 would also require that institutions provide the information contained in the model form to the Secretary for each lender on their preferred lender list. Furthermore, these provisions require that the institutions inform students that they are not limited to use the lenders on the preferred list and disclose to students the maximum amount of federal grant and loan aid available. H.R. 4137 sets the penalty for not following these “sunshine provisions” at no more than \$25,000, and grants the Secretary the ability to terminate the participation of any lender who does not follow the provisions.
- Integrity and Code of Conduct Provisions: This provision would require that institutions who either participate in Title IV or have students who take out private loans to develop a code of conduct.

Title II

- Authorizes Teacher Quality Partnership Grants: This grant program consolidates existing state grants, partnership grants, and teacher recruitment grants into one grant program designed to fund partnerships to improve teacher training and professional development. Note: This provision includes a rule of construction protecting this provision from being construed as affecting collective bargaining agreements. H.R. 4137 also requires that partnerships that receive grants under this program establish performance measures to ensure effectiveness and requires any institution that receives federal aid under the HEA—and institutes a teacher preparation program—must publish a report on the quality of the program. Continues prohibitions on a national teacher certification program (protecting private and home schools).
- Preparing Teachers for Digital Age Learners: H.R. 4137 rewrites the existing program, and authorizes the Secretary to award grants to institutions of higher education who partner with another entity with expertise in technology for the goals of improving teacher preparation.

Title III

See “New Programs Authorized” below

Title IV

- Federal Pell Grants: H.R. 4137 increases the maximum authorization to \$9,000 in the 2009-2010 academic year (through 2013-2014), allows students to receive Pell grants year round, and prohibits sex offenders who are residing in an “involuntary civil commitment program” from receiving Pell grants while in the facility. H.R. 4137 also limits the maximum amount of semesters a student can receive Pell grants to 18 semesters. **Some conservatives may be concerned that this provision would expand federal Pell grants amounts. CBO estimates that these changes would increase authorized funding levels for Pell grants by \$67.7 billion over the FY 2009-2012 period.**

- Academic Competitiveness Grants (ACG): H.R. 4137 makes several technical and other corrections to the ACG/SMART grant program. The bill also ensures that students who participate in dual enrollment programs, or are eligible for Pell grants, are eligible for ACG grants. Allows students who are studying a “critical foreign language”, or are part-time students, to obtain SMART grants.
- Changes to the TRIO program: The provision expands the TRIO program by adding new target populations for the use of TRIO funds. In addition, the bill permits reservists who served on active duty for less than 180 days to be eligible to participate in the Upward Bound program. The bill also requires the Secretary to establish “outcome criteria” for determining the effectiveness and quality of TRIO programs and prohibits the Secretary from implementing the “absolute priority” for Upward Bound. According to the Republican Committee staff, “Based on analysis that students are more likely to succeed if they receive Upward Bound services for a longer period of time, the Department issued a priority for applications that demonstrated that they were admitting students into the program no later than 9th and 10th grade, one-third of which need to be at high risk of academic failure. The Department also required applicants to agree to participate in an evaluation whereby students who receive services would be compared to students who did not receive services.” **Some conservatives may be concerned that this provision seeks to expand the TRIO program, instead of cutting it back and ensuring that it remains a competitive grant program. The Administration states in their Statement of Administration Policy, “The Administration also strongly opposes provisions in H.R. 4137 that would prohibit the Department of Education from ever rigorously evaluating the effectiveness of the Upward Bound or TRIO programs. In addition, the Administration strongly opposes provisions that would nullify Upward Bound’s FY 2007 grant competition requirement that grantees target their activities to the neediest students and give rejected TRIO applicants special appeal rights not available in other grant programs.”**
- Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) grants: H.R. 4137 amends GEAR UP grants to set the minimum scholarship amount GEAR UP grantees are required to award to eligible students to the minimum federal Pell grant rather than the maximum federal Pell grant.
- Federal Supplemental Educational Opportunity Grants: H.R. 4137 increases authorization of appropriations from \$675 million to \$875 million for FY 2009.
- Grants for Access and Persistence: These formula grants to states are designed to expand college access and increase college “persistence” through “coordination and cohesion among federal, State, and local governmental and private efforts that provide financial assistance to help low income students attend college.” H.R. 4137 requires that the federal share for such grants not exceed 67%.
- Special Programs for Students Whose Families are Engaged in Migrant and Seasonal Farmwork: The bill defines ‘families’ as ‘immediate families,’ as opposed to ‘parents’ in current law. In addition, it sets a goal for these programs to encourage students who are attending two-year institutions to transfer to four-year institutions.
- Math and Science Honors Scholarship Funds: H.R. 4137 provides federal funds to non-profit organizations to develop scholarship funds to provide grants to students who commit to completing five consecutive years of service in a math or science field after graduation, and sets the federal share of any grant at 50%.
- Math and Science Incentive Program: The bill provides federal funds for interest forgiveness (up to \$5,000) for any student who agrees to work for five consecutive years in a math or science field.

- Foreign Language Partnerships: This program is designed to encourage institutions and local educational entities to develop programs to recruit teachers who are skilled in “critical languages” in order to provide opportunities to students interested in learning “critical languages.” The bill provides funds for such an exploratory program.
- Child Care: The bill replaces the authorization amount for the Child Care Access Means Parents In Schools program with “such sums.”
- Federal Family Education Loan (FFEL) Program: H.R. 4137 amends a loan forgiveness program by adding the following occupations to the list of “national need” occupations: early childhood educators; nurses; foreign language specialists; librarians; highly qualified teachers serving students who are limited English proficient, low income, or underrepresented; child welfare workers; speech language pathologists; school counselors; public sector employees; nutrition professionals; mental health professionals; and medical specialists. **Some conservatives may be concerned that this expansion of “national need” occupations is too broad. In addition, CBO estimates that this provision would increase discretionary costs by \$7.8 billion over the FY 2008-2012 period.**
- Cohort Default Rate—Cohort default rates are the percentage of a school’s borrowers who enter repayment on certain Federal Family Education Loan (FFEL) Program or Federal Direct Loan Program loans during a particular federal fiscal year, and default or meet other specified conditions prior to the end of the next fiscal year. H.R. 4137 expands the time during which institutions are held accountable for the default rates of their graduates from two years to three years. **Some organizations, such as technical colleges and proprietary schools, are concerned that more schools would be penalized under this provision, as a three year time period would catch more students who have defaulted on their loans. The argument made by many school groups is that this provision disproportionately hurts technical schools since they tend to have poorer students, and that it unfairly punishes schools for the mistakes of the borrowers.**
- 90/10 Rule—This provision would require proprietary schools to receive 10% of their revenues from non-Title IV sources. Under current law, any school which violates the 90/10 rule loses their student aid. H.R. 4137 codifies the rule and defines what revenues may be counted toward the 10% of non-federal share (i.e. tuition, activities conducted by the institution, etc). In addition, the bill also specifies that an institution can be in violation of the rule for two consecutive years before losing all student aid.
- Perkins Loan Program: The bill increases the loan limits for Perkins loans from \$4,000 to \$5,500 and from \$6,000 to \$8,000. H.R. 4137 also alters the newly published regulations that relate to the collections of defaulted Perkins loans to require that any amount collected by the Secretary for defaulted loans be returned to the institution within 180 days. H.R. 4137 also adds the following four new categories of loan forgiveness: full-time fire fighter, full time faculty member at a Tribal College or University, librarian, and full-time speech pathologist. **Some conservatives may be concerned that this provision expands the Perkins Loan program, and unnecessarily expands the categories of loan forgiveness. CBO estimates that this provision would increase discretionary costs by \$735 million over the FY 2009-2012 period.**
- FAFSA Improvements: H.R. 4137 requires the development of EZ-FAFSA, a more accessible and user-friendly application for federal student aid. Outlines methods to be used in order to achieve a more “streamlined” system.
- Drug Provision: This provision permits students who, as a result of a conviction for a drug offense lost their federal student aid eligibility, to regain such eligibility after passing two random drug tests.
- Military Students: The bill requires a policy justification from an institution that imposes a reapplication for admission on a military student who is deployed during school.

- Piracy Issues: H.R. 4137 includes several provisions designed to combat illegal downloading on college campuses. **See new programs section**
- Campus/Fire Safety: Provisions in H.R. 4137 require that institutions develop immediate emergency response and evacuation procedures. The bill requires that institutions publish a fire safety report providing campus statistics. H.R. 4137 also requires that institutions do more to combat missing persons, and that institutions provide the results of any on-campus disciplinary action taken against an alleged perpetrator of a crime.
- Accreditation: H.R. 4137 includes numerous provisions to ensure that accreditation is more transparent, by creating an accreditation Ombudsman to resolve problems between accreditation agencies, institutions, and the Department.

Title V

See “New Programs Authorized” below

Title VI

- International and Foreign Language Studies: The provision makes changes to certain programs that are designed to promote partnerships with institutions in other countries. The changes are also meant to encourage student achievement in foreign language at earlier ages.
- Institute for International Public Policy: According to the Republican Committee staff, “This program is designed to provide federal funds to an institution to develop an Institute for International Public Policy, which would conduct a program to increase the number of African-Americans and other underrepresented minorities in international service through the development of programs leading to masters degrees in the field, internships, study abroad programs. Refocuses and renames the Minority Foreign Service Professional Development Program to the Program for Foreign Service Professionals in order to have the Institute focus more broadly on ensuring that underrepresented populations participate in international service, including private international voluntary organizations.”

Title VII

- Graduate Assistance in Areas of National Need: The bill prioritizes grant assistance to individuals who will become college professors and “train highly qualified elementary and secondary mathematics and science teachers, special education teachers, and teachers who provide instruction for limited English proficient individuals.”
- Fund for the Improvement of Postsecondary Education (FIPSE): According to the Republican Committee staff, the bill “adds several uses of funds in this program to encourage institutions to develop innovative methods for promoting educational opportunity for all students, including nontraditional students, and to develop programs based on distance education. The bill would also:
 1. Encourage the assessment of teacher preparation programs in a State;
 2. Support efforts to establish pilot programs to combat illegal downloading;
 3. Establish a demonstration program for student housing to prevent fires through the installation of fire prevention technology;
 4. Support partnerships between institutions and elementary and secondary schools with at least ten percent of its enrollment assessed as limited English proficient students;
 5. Encourage the advancement and understanding of cultural, social, and technological issues between IHEs in the US and around the world;

6. Encourage demonstration projects to provide comprehensive student services to homeless and foster youth;
7. Support the creation of consortia that design and offer curricular interdisciplinary programs that focus on poverty and human capital;
8. Support a nonprofit organization that works to provide scholarships to members of the military and their families;
9. Support best practices to support single parent students;
10. Support the establishment of programs that teach traditional American history.”

Some conservatives may be concerned that many reform advocates argue that FIPSE tends to predominantly fund higher education earmarks, and that this provision expands the uses of the Fund. According to the [Heritage Foundation](#), “In the FY 2002 appropriations act, FIPSE bore 272 earmarks worth \$149.7 million, or 83 percent of its \$180.9 million appropriations.”

- Urban Serving Research Institutions: H.R. 4137 changes the goals of this program to focus on urban research institutions that are developing programs at elementary and secondary schools that improve teacher quality. The bill authorizes \$50 million in FY 2009 for this program.

Title VIII

See “New Programs Authorized” below

Title IX

- Education for the Deaf Act: The bill recognizes the Rochester Institute of Technology as the institution responsible for operating the National Technical Institute for the Deaf. The bill also reauthorizes a study on the education of the deaf, and requires the Secretary to establish a Commission to conduct such a study.
- Indian Education: H.R. 4137 increases the grant amount from \$6,000 to \$8,000 and reauthorizes the Navajo Community College Act.
- Grants for Training for Incarcerated Individuals: The bill authorizes such sums for the funding of grants to develop a program for youth offenders (serving individuals up to age 35).
- Underground Railroad: This provision reauthorizes the Underground Railroad program.

Title X

- Preventing Unfair and Deceptive Private Educational Lending Practices and Eliminating Conflicts of Interest: H.R. 4137 institutes a ban on gifts from private lenders to institutions and their employees. H.R. 4137 also adds more disclosure requirements for private educational loans, including that a lender obtain a written certification that the borrower received the disclosures. In addition, H.R. 4137 applies the Truth in Lending Act (15 U.S.C. 1603(3)) to such activities.

New Programs Authorized: The following are new programs authorized in H.R. 4137 (accounting for approximately \$700 million in new spending, not including “such sums” authorizations):

Title II

Recruiting Teachers with Math, Science, or Language Majors—This program authorizes the Secretary to award grants to institutions of higher education to recruit and retain teacher candidates among math, science, foreign language, special education, or English language instruction majors.

Community Colleges as Partners in Teacher Education Grants—The bill makes grants to be used to establish or improve teacher training programs at community colleges aligned with four-year university programs, establish post-baccalaureate certification programs, and develop on-going professional development opportunities.

Centers of Excellence—H.R. 4137 authorizes the Secretary to award grants to minority serving institutions with teacher preparation programs to reform and expand those programs.

Teach for America—The bill authorizes Teach for America as a separate program. Currently, Teach for America receives federal assistance through the AmeriCorps program.

Early Childhood Education Professional Development and Career Task Force—H.R. 4137 authorizes the Secretary to award grants to States to establish a State Task Force to coordinate improved training and professional development for early childhood educators.

Title III

Predominantly Black Institutions—H.R. 4137 provides formula grants to assist Predominantly Black Institutions in expanding educational opportunity to assist in the institution's capacity to serve more low- and middle-income Black American students. A Predominantly Black Institution is defined in H.R. 4137 as an institution with a minimum of 1,000 undergraduate students, at least 50 percent of whom are low income individuals or first generation college students enrolled in an educational program leading to a bachelor's or associate's degree.

Asian-American and Native American Pacific Islander-serving Institutions—The bill creates a program for institutions that serve a student population composed of at least 10% Asian American and native American Pacific Islander students. In addition, such students must be low-income. According to H.R. 4137, an example of "authorized activities" under this program would be "academic instruction in disciplines in which Asian Americans and Native American Pacific Islanders are under-represented."

Asian American Pacific Islander-serving Institutions—Provides formula grants to Asian American and Pacific Islander serving institutions for increasing their capacity to serve Asian American and Pacific Islander students. Eligible institutions have an undergraduate enrollment that is at least 10% Asian American and Pacific Islander students.

Native American-serving, Non-tribal Institutions—The bill provides formula grants to Native American serving and Non-tribal institutions for increasing their capacity to serve Native Americans. Eligible institutions must not be a Tribal College or University, and must have an undergraduate enrollment that is at least 10% Native American.

Partnerships for Youth Engagement in STEM Fields—The bill provides five year grants of no less than \$500,000 for partnerships supporting "underrepresented youth" and their studies in science, technology, engineering, and mathematics (STEM fields) through outreach and hands on, experiential based learning projects. The bill also sets a federal match of 50% for such programs.

Title IV

Loan Forgiveness for Civil Legal Assistance Attorneys—H.R. 4137 creates a new discretionary program to provide \$5,000 of loan forgiveness to civil legal assistance attorneys who agree to work for a non-profit that provides civil legal assistance to low-income individuals for three years.

Off-Campus Community Service in the Federal Work Study Program—The bill authorizes the Secretary to award work study grants to institutions in order to supplement off campus community service employment.

Campus-Based Digital Theft Prevention—The bill authorizes the Secretary to provide grants to institutions to “develop, implement, operate, improve, and disseminate programs of prevention, education, and cost-effective technological solutions to reduce and eliminate the illegal downloading and distribution of intellectual property.”

Title V

Promoting Post-baccalaureate Opportunities for Hispanic Americans—The bill authorizes the Secretary to make five year competitive grants to Hispanic-serving institutions in order to “expand post-baccalaureate educational opportunities for, and improve the academic attainment of, Hispanic students; and to expand the post-baccalaureate academic offerings and enhance the program quality in the institutions that are educating the majority of Hispanic college students and helping large numbers of Hispanic and low-income students complete postsecondary degrees.”

Title VI

Preparing for Early Foreign Language Instruction—H.R. 4137 encourages States, institutions, elementary schools, and secondary schools to form partnerships focusing on professional development for teachers and to ensure that teachers have the necessary skills to encourage students to pursue foreign languages throughout their education.

Science and Technology Advanced Foreign Language Education Grant Program—The bill creates a grant program encouraging institutions to develop innovative programs for teaching foreign languages and to develop “an understanding of science and technology in coordination with foreign language proficiency.” The bill also creates a program to encourage students to develop proficiency in science, technology, and foreign language. The bill awards grants to institutions for the development of innovative programs to teach foreign language and study science and technology developments in other (non-English speaking) countries.

Title VII

Patsy T. Mink Fellowship Program—The bill creates a fellowship program for minorities and women to receive a terminal degree in academic areas underrepresented by minorities and women.

National Center for Information and Technical Support for Post-Secondary Students with Disabilities—H.R. 4137 requires the Secretary to establish a national information and technical assistance center for postsecondary students with disabilities.

Advisory Commission on Accessible Instructional Materials—The bill authorizes the Commission to conduct a study of ways to improve the delivery of high-quality accessible instructional materials for postsecondary students with print disabilities.

Model Demonstration Programs for Accessible Instructional Materials—The bill authorizes the Secretary to make grants to institutions of higher education, in partnership with a private entity with expertise in creating accessible instructional materials, to develop processes to facilitate the “timely delivery of instructional materials in accessible formats to postsecondary students with print disabilities.”

Transition Programs for Students with Intellectual Disabilities—The bill authorizes the Secretary to award grants to institutions of higher education to develop comprehensive education programs for students with cognitive disabilities.

Coordinating Center—H.R. 4137 authorizes the Secretary to establish a technical assistance center to assist institutions of higher education in developing and implementing comprehensive education programs for students with cognitive disabilities.

Nursing Education—H.R. 4137 creates a program to award grants to institutions that offer nursing programs.

Title VIII

Low Tuition—The bill provides a competitive grant to institutions who keep their net tuition changes below the percentage change in the Higher Education Price Index for that year. Institutions that meet this requirement will be provided bonus funds that must be given to Pell eligible students.

Cooperative Education—H.R. 4137 authorizes the Secretary to award grants to institutions that “restrain tuition increases” and that develop work experiences for their students.

College Partnership Grants—The bill provides grants to develop and implement articulation agreements.

Student Success Grants—H.R. 4137 provides for a competitive grant program to help low-income students to persist in and complete postsecondary institutions and training programs.

Jobs to Careers—H.R. 4137 provides competitive grants to institutions where no less than 50% of the institution’s first year students are enrolled in developmental courses to bring reading, writing, or mathematics skills to college level.

Project GRAD—The bill authorizes a program to improve high school graduation rates and college attendance and completion rates for disadvantaged individuals.

Improving College Enrollment by Secondary Schools—H.R. 4137 requires the Secretary to contract with a nonprofit organization to make information available on college enrollment trends.

Diploma Mill Prevention—The bill requires the Secretary to promote accredited institutions online and establish a task force to address the issue of diploma mills.

Student Safety and Campus Emergency Management—The bill provides two year competitive grants to enable IHEs or consortia to pay 50 percent of the cost of carrying out safety initiatives.

Best Practices—H.R. 4137 requires the Secretary of Education to disseminate best practices for campus safety.

Preparation for Future Disasters Plan by Secretary—The bill requires the Secretary to develop a disaster relief plan.

Education Disaster and Emergency Relief Loan Program—H.R. 4137 authorizes the Secretary to establish an Education Disaster and Emergency Relief Loan Program.

Guidance on Mental Health Disclosures for Student Safety—The bill requires the Secretary to provide guidance on what information institutions can reveal to a parent or guardian if a student demonstrates that the student poses a significant risk of harm.

Rural Development Grants for Rural Universities—H.R. 4137 permits the Secretary to make grants to rural institutions to increase enrollment and graduate rates from rural institutions, to improve high school graduate rates in rural areas, and to provide career training.

Improving Science, Technology, Engineering, and Mathematics Education with a Focus on Alaska-Native and Native-Hawaiian Students—The bill provides five year grants to eligible partnerships to develop or expand programs for the development of professionals in STEM fields for Alaska Native and Native Hawaiian students.

National Database on Financial Assistance for Study of STEM—H.R. 4137 requires the Secretary to develop a website that includes information on scholarships, fellowships, and other forms of financial assistance for the study of STEM subjects.

Training for Realtime Writers—The bill provides competitive grants of up to \$1,500,000 to promote the training and placement of individuals as realtime writers in order to meet the requirements for closed captioning of video programming.

Centers of Excellence in Veteran Student Success—The bill provides grants to institutions designed to support veteran student success in college.

University Sustainability Programs—H.R. 4137 provides grants to establish environmental sustainability programs and to implement sustainability practices on campus.

Modeling and Simulation Programs—The bill requires the Secretary to establish a task force to study modeling and simulation and to support the development of the model and simulation field.

Business Workforce Partnerships—H.R. 4137 authorizes the Secretary to provide grants to institutions to strengthen ties between a college's programs and business/industry workforce needs.

National Undergraduate Fellows Program—The bill creates a new program to improve postsecondary education completion rates for underrepresented students through mentoring, leadership institutes, and internships.

National Center for Learning Science and Technology Trust Fund—H.R. 4137 establishes an independent nonprofit corporation to support innovative learning and assessment systems in this field of science and technology.

Title IX

Tribally Controlled Postsecondary Career and Technical Institution Program—The bill permits two tribally controlled postsecondary career and technical institutions to receive assistance to help cover the costs of educating Indian students at tribally controlled career and technical institutions.

Loan Repayment for Prosecutors and Public Defenders—H.R. 4137 authorizes the Attorney General to provide loan forgiveness for direct loans of up to \$10,000 a year (for a total of \$60,000) for borrowers employed as a prosecutor or public defender. In addition, the bill requires that the borrower must not be in default of the loan.

National Center for Campus Public Safety—The bill authorizes the Attorney General to make grants through the Office of Community Oriented Policing Services to establish and operate a National Center for Campus Public Safety.

Stevenson-Wylder Technology Innovation Act of 1980—The bill requires the Secretary to develop a Minority Serving Institution Digital and Wireless Technology Opportunity Program to help institutions acquire and further develop their digital and wireless networking technologies.

New Studies Authorized:

Title I

Sec. 112. Feasibility Study for National Electronic Student Loan Market Place

Title II

Sec. 202. National Academy of Sciences Study of Best Practices in Teacher Preparation

Title IV

Sec. 499. Competitive Loan Auction Pilot Program Evaluation

Title VII

Sec. 710. National Study on Higher Education Access and Success for Students with Disabilities

Title VIII

Sec. 803. Independent Evaluation of Distance Education Programs

Sec. 805. Study of Costs of Environmental, Health, and Safety Standards

Sec. 806. Study of Minority Male Academic Achievement

Sec. 807. Study on Bias in Standardized Tests

Sec. 808. Feasibility Study on Student Loans

Sec. 809. Endowment Report

Sec. 810. Study of Correctional Postsecondary Education

Sec. 813. Study of Education Related Indebtedness of Medical School Graduates

Title IX

Sec. 912. National Study on the Education of the Deaf

Title X

Section 1041. Study and Report on Nonindividual Information

Committee Action: H.R. 4137 was introduced on November 9, 2007 and referred to the House Committee on Education and Labor. On November 15, 2007, the Committee held a mark-up on H.R. 4137 and reported the bill, as amended, by a vote of 45-0.

Conservative Concerns: **H.R. 4137 authorizes dozens of new programs and dramatically expands the size and scope of the federal government. In addition, there are numerous new programs created to address cultural and race based groups, which many conservatives may feel raise constitutional concerns.**

Administration Position: According to the President's [Statement of Administration Policy](#), "the Administration strongly opposes House passage of H.R. 4137 ... because it would restrict the Department of Education's authority to regulate on accreditation; create nearly four dozen new, costly, and duplicative Federal programs; condition receipt of Federal grant funding on tuition price; and restrict the Department's ability to evaluate and effectively manage Upward Bound and other TRIO programs."

Furthermore, "the Administration strongly opposes provisions that prohibit the Department of Education from promulgating regulations affecting postsecondary accreditation. The ability to regulate in this area is a necessary check on an otherwise self-regulating system to maintain transparency, rigorous oversight, and accountability for the investment of Federal tax dollars. H.R. 4137's prohibition would hamper the Department's ability to protect the integrity of the large Federal investment in postsecondary education and to help students and parents make informed decisions about college.

"The Administration also strongly opposes the bill's creation of many new Federal programs, many of which are narrow in purpose, duplicative, burdensome, and poorly targeted. For example, H.R. 4137 would create a new research organization that would likely duplicate the work of other Federal entities, such as the Institute of Education Sciences, without being subject to the same high standards for scientifically based research.

"In addition, the Administration is concerned that many of the bill's new Federal programs would prioritize or restrict eligibility to institutions or groups defined by racial or ethnic criteria, including express racial enrollment quotas. These provisions raise significant constitutional concerns under the equal protection component of the Due Process Clause.

"However, the Administration strongly opposes the 'Incentives and Rewards for Low Tuition' program that would condition receipt of Federal grant funds on tuition price. While college affordability is a worthy goal, the Administration opposes tuition price controls or any attempt to require the justification of pricing to the U.S. Government instead of to consumers who are best able to decide such issues, especially when armed with adequate information. Pricing of services like higher education is complicated, and government regulation of pricing comes with unintended consequences such as penalizing institutions for making investments in quality improvements."

Cost to Taxpayers: CBO estimates that H.R. 4137 would increase direct spending by \$75 million in 2008, and decrease direct spending by \$27 million over the 2008-2017 period. For discretionary programs, CBO estimates that implementing H.R. 4137 would cost \$97.4 billion over the 2008-2012 period, assuming appropriation of the necessary amounts.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill authorizes dozens on new programs and expands the Department of Education immeasurably.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes. CBO confirms that the bill contains several intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that the aggregate costs to state, local, and tribal governments and private entities to comply with those mandates would not exceed the thresholds established in UMRA (\$66 million in 2007 and \$131 million in 2007, respectively, adjusted annually for inflation).

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: According to [House Committee Report 110-500](#), “H.R. 4137 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of rule XXI of the House of Representatives.”

Constitutional Authority: According to [House Committee Report 110-500](#), “The Committee believes that the amendments made by this bill are within Congress’ authority under Article I, section 8, clause 18 of the U.S. Constitution.”

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