

113TH CONGRESS
1ST SESSION

H. R. 3412

To establish the Higher Education Regulatory Reform Task Force, to expand the experimental sites initiative under the Higher Education Act of 1965 to reduce college costs for students, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Mr. GOWDY (for himself and Mr. WELCH) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Higher Education Regulatory Reform Task Force, to expand the experimental sites initiative under the Higher Education Act of 1965 to reduce college costs for students, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Flexibility to Innovate
5 for College Affordability Act”.

1 **SEC. 2. HIGHER EDUCATION REGULATORY REFORM TASK**
2 **FORCE.**

3 (a) TASK FORCE ESTABLISHED.—Not later than 2
4 months after the date of enactment of this Act, the Sec-
5 retary of Education shall establish the Higher Education
6 Regulatory Reform Task Force.

7 (b) MEMBERSHIP.—The Higher Education Regu-
8 latory Reform Task Force shall include—

9 (1) the Secretary of Education or the Sec-
10 retary's designee;

11 (2) the head of each other Federal agency (or
12 such head's designee) that the Secretary of Edu-
13 cation determines to be relevant to the activities of
14 the Higher Education Regulatory Reform Task
15 Force;

16 (3) a representative of the Advisory Committee
17 on Student Financial Assistance established under
18 section 491 of the Higher Education Act of 1965
19 (20 U.S.C. 1098);

20 (4) representatives from the higher education
21 community, including—

22 (A) institutions of higher education, with
23 equal representation of public and private non-
24 profit institutions, and two-year and four-year
25 institutions, and with not less than 25 percent

1 of such representative institutions carrying out
2 distance education programs; and

3 (B) nonprofit organizations representing
4 institutions of higher education; and

5 (5) any other entity or individual the Secretary
6 of Education determines appropriate.

7 (c) ACTIVITIES.—

8 (1) REPORT REQUIRED.—Not later than 6
9 months after the date of enactment of this Act, the
10 Secretary of Education shall submit to Congress and
11 make available on a publicly available website a re-
12 port (in this Act referred to as the “Higher Edu-
13 cation Regulatory Reform Report”) prepared by the
14 Higher Education Regulatory Reform Task Force on
15 Federal regulatory requirements for institutions of
16 higher education. In prioritizing the review and con-
17 sideration of such regulatory requirements for the
18 purposes of the Higher Education Regulatory Re-
19 form Report, the Higher Education Regulatory Re-
20 form Task Force shall give highest priority to regu-
21 lations that are in effect at the time of such review
22 and consideration and related to—

23 (A) State authorization of distance edu-
24 cation;

1 (B) the Integrated Postsecondary Edu-
2 cation Data System (IPEDS);

3 (C) the Office of Management and Budg-
4 et's A-21 Circular;

5 (D) reporting under the Jeanne Clery Dis-
6 closure of Campus Security Policy and Campus
7 Crime Statistics Act;

8 (E) calculation of default rates under sec-
9 tion 435(a) of the Higher Education Act of
10 1965;

11 (F) gainful employment;

12 (G) revenue requirements for institutions
13 of higher education under section 487(a)(24)
14 and (d) of the Higher Education Act of 1965;
15 and

16 (H) the Single Audit Act of 1984 and the
17 Office of Management and Budget's A-133 Cir-
18 cular.

19 (2) CONTENTS OF REPORT.—The Higher Edu-
20 cation Regulatory Reform Report shall contain the
21 following with respect to regulatory requirements for
22 institutions of higher education:

23 (A) A list of rules that are determined to
24 be outmoded, duplicative, ineffective, or exces-
25 sively burdensome.

1 (B) For each rule listed in accordance with
2 subparagraph (A) and that is in effect at the
3 time of the review under subparagraph (A), an
4 analysis of whether the costs outweigh the bene-
5 fits for such rule.

6 (C) Recommendations to consolidate, mod-
7 ify, simplify, or repeal such rules to make such
8 rules more effective or less burdensome.

9 (D) A description of the justification for
10 and impact of the recommendations described
11 in subparagraph (C), as appropriate and avail-
12 able, including supporting data for such jus-
13 tifications and the financial impact of such rec-
14 ommendations on institutions of higher edu-
15 cation of varying sizes and types.

16 (E) Recommendations on the establish-
17 ment of a permanent entity to review new regu-
18 latory requirements affecting institutions of
19 higher education.

20 (3) NOTICE AND COMMENT.—At least 30 days
21 before submission of the Higher Education Regu-
22 latory Reform Report required under paragraph (1),
23 the Secretary of Education shall publish the report
24 in the Federal Register for public notice and com-
25 ment. The Higher Education Regulatory Reform

1 Task Force may modify the report in response to
2 any comments received before submission of the re-
3 port to Congress.

4 (d) DEFINITION OF INSTITUTION OF HIGHER EDU-
5 CATION.—For the purposes of this section, the term “in-
6 stitution of higher education” has the meaning given such
7 term in section 102 of the Higher Education Act of 1965
8 (20 U.S.C. 1002), except that such term does not include
9 institutions described in subsection (a)(1)(C) of such sec-
10 tion 102.

11 **SEC. 3. EXPEDITED CONSIDERATION BY CONGRESS.**

12 (a) PRESENTATION OF HIGHER EDUCATION REGU-
13 LATORY REFORM REPORT TO CONGRESS AND EXPEDITED
14 CONSIDERATION.—

15 (1) IN GENERAL.—The President shall propose,
16 at the time and in the manner provided in para-
17 graph (2), the carrying out of all or part of the rec-
18 ommendations contained in the Higher Education
19 Regulatory Reform Report prepared by the Higher
20 Education Regulatory Reform Task Force in accord-
21 ance with section 2.

22 (2) TRANSMITTAL OF SPECIAL MESSAGE.—Not
23 later than 120 days after the submission of the
24 Higher Education Regulatory Reform Report to
25 Congress under section 2(c), the President shall

1 transmit to Congress a special message to carry out
2 all or part of the recommendations contained in such
3 Report. The President shall include with that special
4 message a bill that would carry out the rec-
5 ommendations. The President may not transmit
6 more than one such special message each year.

7 (3) EXPEDITED CONSIDERATION OF PRESI-
8 DENT'S HIGHER EDUCATION REGULATORY REFORM
9 BILL.—

10 (A) HIGHER EDUCATION REGULATORY RE-
11 FORM BILL.—Within 14 days after the Presi-
12 dent submits to Congress a bill under para-
13 graph (2), the majority leader of the House of
14 Representatives and the majority leader of the
15 Senate shall each introduce such bill, by re-
16 quest.

17 (B) CONSIDERATION IN THE HOUSE OF
18 REPRESENTATIVES.—

19 (i) REFERRAL AND REPORTING.—Any
20 committee of the House of Representatives
21 to which such bill is referred shall report
22 it to the House without amendment not
23 later than the 14th legislative day after the
24 date of its introduction. If a committee
25 fails to report the bill within that period or

1 the House has adopted a concurrent reso-
2 lution providing for adjournment sine die
3 at the end of a Congress, such committee
4 shall be automatically discharged from fur-
5 ther consideration of the bill and it shall be
6 placed on the appropriate calendar.

7 (ii) PROCEEDING TO CONSIDER-
8 ATION.—Not later than 21 legislative days
9 after such bill is reported or a committee
10 has been discharged from further consider-
11 ation thereof, it shall be in order to move
12 to proceed to consider such bill in the
13 House. Such a motion shall be highly privi-
14 leged and not debatable, and shall be in
15 order only at a time designated by the
16 Speaker in the legislative schedule within
17 two legislative days after the day on which
18 the proponent announces an intention to
19 the House to offer the motion provided
20 that such notice may not be given until
21 such bill is reported or a committee has
22 been discharged from further consideration
23 thereof. Such a motion shall not be in
24 order after the House has disposed of a
25 motion to proceed with respect to that spe-

1 cial message. The previous question shall
2 be considered as ordered on the motion to
3 its adoption without intervening motion. A
4 motion to reconsider the vote by which the
5 motion is disposed of shall not be in order.

6 (iii) CONSIDERATION.—If the motion
7 to proceed is agreed to, the House shall
8 immediately proceed to consider such bill
9 in the House without intervening motion.
10 Such bill shall be considered as read. All
11 points of order against the bill and against
12 its consideration are waived. The previous
13 question shall be considered as ordered on
14 the bill to its passage without intervening
15 motion except 4 hours of debate equally di-
16 vided and controlled by the proponent and
17 an opponent and one motion to limit de-
18 bate on the bill. A motion to reconsider the
19 vote on passage of the bill shall not be in
20 order.

21 (C) CONSIDERATION IN THE SENATE.—

22 (i) COMMITTEE ACTION.—The appro-
23 priate committee of the Senate shall report
24 without amendment the bill referred to in
25 subparagraph (A) not later than the sev-

1 enth session day after introduction. If a
2 committee fails to report the bill within
3 that period or the Senate has adopted a
4 concurrent resolution providing for ad-
5 journment sine die at the end of a Con-
6 gress, the Committee shall be automati-
7 cally discharged from further consideration
8 of the bill and it shall be placed on the ap-
9 propriate calendar.

10 (ii) MOTION TO PROCEED.—Not later
11 than 3 session days after the bill is re-
12 ported in the Senate or the committee has
13 been discharged thereof, it shall be in
14 order for any Senator to move to proceed
15 to consider the bill in the Senate. The mo-
16 tion shall be decided without debate and
17 the motion to reconsider shall be deemed
18 to have been laid on the table. Such a mo-
19 tion shall not be in order after the Senate
20 has disposed of a prior motion to proceed
21 with respect to the draft bill.

22 (iii) CONSIDERATION.—If a motion to
23 proceed to the consideration of the draft
24 bill is agreed to, the Senate shall imme-
25 diately proceed to consideration of the

1 draft bill without intervening motion,
2 order, or other business, and the draft bill
3 shall remain the unfinished business of the
4 Senate until disposed of. Consideration on
5 the bill in the Senate under this sub-
6 section, and all debatable motions and ap-
7 peals in connection therewith, shall not ex-
8 ceed 10 hours equally divided in the usual
9 form. All points of order against the draft
10 bill or its consideration are waived. Consid-
11 eration in the Senate on any debatable mo-
12 tion or appeal in connection with the draft
13 bill shall be limited to not more than 10
14 hours. A motion to postpone, or a motion
15 to proceed to the consideration of other
16 business, or a motion to recommit the
17 draft bill is not in order. A motion to re-
18 consider the vote by which the draft bill is
19 agreed to or disagreed to is not in order.

20 (D) AMENDMENTS PROHIBITED.—No
21 amendment to, or motion to strike a provision
22 from, the draft bill considered under this sec-
23 tion shall be in order in either the House of
24 Representatives or the Senate.

1 (E) COORDINATION WITH ACTION BY
2 OTHER HOUSE.—If, before passing the bill, one
3 House receives from the other a bill—

4 (i) the bill of the other House shall
5 not be referred to a committee; and

6 (ii) the procedure in the receiving
7 House shall be the same as if no bill had
8 been received from the other House until
9 the vote on passage, when the bill received
10 from the other House shall supplant the
11 bill of the receiving House.

12 (F) LIMITATION.—This paragraph shall
13 apply only to the bill referred to in subpara-
14 graph (A), introduced pursuant to such sub-
15 paragraph.

16 (b) DEFINITION.—For purposes of this section, con-
17 tinuity of a session of either House of Congress shall be
18 considered as broken only by an adjournment of that
19 House sine die, and the days on which that House is not
20 in session because of an adjournment of more than 3 days
21 to a date certain shall be excluded in the computation of
22 any period.

23 **SEC. 4. EXPANDING THE EXPERIMENTAL SITES INITIATIVE.**

24 Section 487A(b)(3) of the Higher Education Act of
25 1965 (20 U.S.C. 1094a(b)(3)) is amended—

1 (1) in subparagraph (B)—

2 (A) by inserting “(other than for purposes
3 of an experiment described in subparagraph
4 (C))” after “award amounts”; and

5 (B) by inserting “, such as an experiment
6 described in subparagraph (D)” after “results
7 of the experiment”; and

8 (2) by adding at the end the following new sub-
9 paragraphs:

10 “(C) WAIVERS OF GRANT AND LOAN MAX-
11 IMUM AWARD AMOUNTS.—The Secretary is au-
12 thorized to waive any requirements in this title
13 or regulations prescribed under this title relat-
14 ing to grant and loan maximum award amounts
15 (or any other requirements or regulations that
16 may bias the results of the experiment de-
17 scribed in this subparagraph) for any institu-
18 tion participating as an experimental site under
19 subparagraph (A) to carry out an experiment
20 to, with respect to each student whose workload
21 exceeds the minimum workload that the institu-
22 tion considers a full-time academic workload for
23 the program of study that the student is pur-
24 suing, increase the maximum Federal Pell
25 Grant and loan award amounts for the student

1 in proportion to the amount that the student's
2 workload exceeds such minimum full-time aca-
3 demic workload, so long as the institution dem-
4 onstrates to the Secretary that the experiment
5 described in this subparagraph will assist in de-
6 creasing the total the cost of attendance (de-
7 fined in section 472) for the student.

8 “(D) WAIVERS FOR COMPETENCY-BASED
9 LEARNING.—The Secretary is authorized to
10 waive any requirements in this title or any reg-
11 ulations prescribed under this title (including
12 any accreditation requirements or any other re-
13 quirements or regulations that may bias the re-
14 sults of the experiment described in this sub-
15 paragraph) for any institution participating as
16 an experimental site under subparagraph (A) to
17 carry out an experiment to provide Federal
18 grant and loan awards to—

19 “(i) students enrolled in remedial
20 courses or competency-based learning pro-
21 grams, which are not accredited, but are
22 approved by the institution and provide
23 competencies for success in certain pro-
24 grams of study at the institution;

1 “(ii) students (or potential students)
2 to pay for the test fees of tests, based on
3 the results of which the institution may
4 award the students academic credit for
5 prior learning; or

6 “(iii) secondary school students en-
7 rolled in courses at the institution,
8 so long as the institution demonstrates to the
9 Secretary that the experiment described in this
10 subparagraph will assist in decreasing the total
11 the cost of attendance (defined in section 472)
12 for such students.”.

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