

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6557

To establish the Higher Education Regulatory Reform Task Force, to establish procedures for the presentation and expedited consideration by Congress of the recommendations of the Higher Education Regulatory Reform Task Force, to establish requirements for college cost reduction, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

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

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## A BILL

To establish the Higher Education Regulatory Reform Task Force, to establish procedures for the presentation and expedited consideration by Congress of the recommendations of the Higher Education Regulatory Reform Task Force, to establish requirements for college cost reduction, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “College Cost Reduction  
3 Act of 2012”.

4 **SEC. 2. HIGHER EDUCATION REGULATORY REFORM TASK**  
5 **FORCE.**

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

10 (b) **MEMBERSHIP.**—The Higher Education Regu-  
11 latory Reform Task Force shall include—

12 (1) the Secretary of Education or the Sec-  
13 retary’s designee;

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

19 (3) a representative of the Advisory Committee  
20 on Student Financial Assistance established under  
21 section 491 of the Higher Education Act of 1965  
22 (20 U.S.C. 1098);

23 (4) representatives from the higher education  
24 community, including—

25 (A) institutions of higher education, with  
26 equal representation of public and private non-

1 profit institutions, and two-year and four-year  
2 institutions, and with not less than 25 percent  
3 of such representative institutions carrying out  
4 distance education programs; and

5 (B) nonprofit organizations representing  
6 institutions of higher education; and

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

9 (c) ACTIVITIES.—

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

24 (A) State authorization of distance edu-  
25 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), an analysis of how the costs  
3           outweigh the benefits for such rule.

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

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

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

18          (3) NOTICE AND COMMENT.—At least 60 days  
19          before submission of the Higher Education Regu-  
20          latory Reform Report required under paragraph (1),  
21          the Secretary of Education shall publish the report  
22          in the Federal Register for public notice and com-  
23          ment. The Higher Education Regulatory Reform  
24          Task Force may modify the report in response to

1 any comments received before submission of the re-  
2 port to Congress.

3 (d) DEFINITION OF INSTITUTION OF HIGHER EDU-  
4 CATION.—For the purposes of this section, the term “in-  
5 stitution of higher education” has the meaning given such  
6 term in section 101(a) of the Higher Education Act of  
7 1965 (20 U.S.C. 1001(a)).

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

9 (a) PRESENTATION OF HIGHER EDUCATION REGU-  
10 LATORY REFORM REPORT TO CONGRESS AND EXPEDITED  
11 CONSIDERATION.—

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

19 (2) TRANSMITTAL OF SPECIAL MESSAGE.—

20 (A) MESSAGE REQUIREMENTS.—Not later  
21 than 120 days after the submission of the  
22 Higher Education Regulatory Reform Report to  
23 Congress under section 2(c), the President shall  
24 transmit to Congress a special message to carry  
25 out all or part of the recommendations con-

1           tained in such Report. The President shall in-  
2           clude with that special message a bill that  
3           would carry out the recommendations. The  
4           President may not transmit more than one such  
5           special message each year.

6                   (B) BILL TEXT.—The President shall in-  
7           clude in the bill required under subparagraph  
8           (A), without amendment, the following text:

9   **“SEC. 2. CONTROLLING RISING COLLEGE COSTS.**

10           “(a) CONTROLLING RISING COLLEGE COSTS.—Not  
11 later than 180 days after the date of enactment of this  
12 Act, the Secretary shall promulgate regulations that—

13                   “(1) require institutions of higher education to  
14 control annual tuition increases; and

15                   “(2) establish penalties for institutions of high-  
16 er education that do not comply with the regulations  
17 promulgated under paragraph (1), taking into ac-  
18 count the affects of such penalties on various types  
19 of institutions and the specific circumstances of in-  
20 stitutions that may result in such noncompliance, in-  
21 cluding failure of States to adhere to maintenance of  
22 effort requirements under section 137 of the Higher  
23 Education Act of 1965 (20 U.S.C. 1015f).

24                   “(b) INAPPLICABILITY OF RULEMAKING REQUIRE-  
25 MENTS.—Section 482(c) and section 492 of the Higher

1 Education Act of 1965 (20 U.S.C. 1089(c); 1098a) shall  
2 not apply to the regulations required by this section.

3 “(c) DEFINITIONS.—For purposes of this section:

4 “(1) INSTITUTION OF HIGHER EDUCATION.—

5 The term ‘institution of higher education’ has the  
6 meaning given the term in section 102 of the Higher  
7 Education Act of 1965 (20 U.S.C. 1002).

8 “(2) ANNUAL TUITION.—The term ‘tuition’

9 means the average annual cost of tuition and fees  
10 for an institution of higher education for first-time,  
11 full-time undergraduate students enrolled in the in-  
12 stitution.”.

13 (3) EXPEDITED CONSIDERATION OF PRESI-  
14 DENT’S HIGHER EDUCATION REGULATORY REFORM  
15 BILL.—

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

23 (B) CONSIDERATION IN THE HOUSE OF  
24 REPRESENTATIVES.—



1 (i) REFERRAL AND REPORTING.—Any  
2 committee of the House of Representatives  
3 to which such bill is referred shall report  
4 it to the House without amendment not  
5 later than the 14th legislative day after the  
6 date of its introduction. If a committee  
7 fails to report the bill within that period or  
8 the House has adopted a concurrent reso-  
9 lution providing for adjournment sine die  
10 at the end of a Congress, such committee  
11 shall be automatically discharged from fur-  
12 ther consideration of the bill and it shall be  
13 placed on the appropriate calendar.

14 (ii) PROCEEDING TO CONSIDER-  
15 ATION.—Not later than 21 legislative days  
16 after such bill is reported or a committee  
17 has been discharged from further consider-  
18 ation thereof, it shall be in order to move  
19 to proceed to consider such bill in the  
20 House. Such a motion shall be highly privi-  
21 leged and not debatable, and shall be in  
22 order only at a time designated by the  
23 Speaker in the legislative schedule within  
24 two legislative days after the day on which  
25 the proponent announces an intention to

1 the House to offer the motion provided  
2 that such notice may not be given until  
3 such bill is reported or a committee has  
4 been discharged from further consideration  
5 thereof. Such a motion shall not be in  
6 order after the House has disposed of a  
7 motion to proceed with respect to that spe-  
8 cial message. The previous question shall  
9 be considered as ordered on the motion to  
10 its adoption without intervening motion. A  
11 motion to reconsider the vote by which the  
12 motion is disposed of shall not be in order.

13 (iii) CONSIDERATION.—If the motion  
14 to proceed is agreed to, the House shall  
15 immediately proceed to consider such bill  
16 in the House without intervening motion.  
17 Such bill shall be considered as read. All  
18 points of order against the bill and against  
19 its consideration are waived. The previous  
20 question shall be considered as ordered on  
21 the bill to its passage without intervening  
22 motion except 4 hours of debate equally di-  
23 vided and controlled by the proponent and  
24 an opponent and one motion to limit de-  
25 bate on the bill. A motion to reconsider the

1 vote on passage of the bill shall not be in  
2 order.

3 (C) CONSIDERATION IN THE SENATE.—

4 (i) COMMITTEE ACTION.—The appro-  
5 priate committee of the Senate shall report  
6 without amendment the bill referred to in  
7 subparagraph (A) not later than the sev-  
8 enth session day after introduction. If a  
9 committee fails to report the bill within  
10 that period or the Senate has adopted a  
11 concurrent resolution providing for ad-  
12 journment sine die at the end of a Con-  
13 gress, the Committee shall be automati-  
14 cally discharged from further consideration  
15 of the bill and it shall be placed on the ap-  
16 propriate calendar.

17 (ii) MOTION TO PROCEED.—Not later  
18 than 3 session days after the bill is re-  
19 ported in the Senate or the committee has  
20 been discharged thereof, it shall be in  
21 order for any Senator to move to proceed  
22 to consider the bill in the Senate. The mo-  
23 tion shall be decided without debate and  
24 the motion to reconsider shall be deemed  
25 to have been laid on the table. Such a mo-

1           tion shall not be in order after the Senate  
2           has disposed of a prior motion to proceed  
3           with respect to the draft bill.

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

1           consider the vote by which the draft bill is  
2           agreed to or disagreed to is not in order.

3           (D) AMENDMENTS PROHIBITED.—No  
4           amendment to, or motion to strike a provision  
5           from, the draft bill considered under this sec-  
6           tion shall be in order in either the House of  
7           Representatives or the Senate.

8           (E) COORDINATION WITH ACTION BY  
9           OTHER HOUSE.—If, before passing the bill, one  
10          House receives from the other a bill—

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

13                 (ii) the procedure in the receiving  
14                 House shall be the same as if no bill had  
15                 been received from the other House until  
16                 the vote on passage, when the bill received  
17                 from the other House shall supplant the  
18                 bill of the receiving House.

19           (F) LIMITATION.—This paragraph shall  
20           apply only to the bill referred to in subpara-  
21           graph (A), introduced pursuant to such sub-  
22           paragraph.

23          (b) DEFINITION.—For purposes of this section, con-  
24          tinuity of a session of either House of Congress shall be  
25          considered as broken only by an adjournment of that

1 House sine die, and the days on which that House is not  
2 in session because of an adjournment of more than 3 days  
3 to a date certain shall be excluded in the computation of  
4 any period.

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