

In the House of Representatives, U. S.,

May 13, 1997.

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 914) entitled “An Act to make certain technical corrections in the Higher Education Act of 1965 relating to graduation data disclosures”, with the following

AMENDMENTS:

Insert before section 1 the following:

1 ***TITLE I—TECHNICAL***
2 ***AMENDMENTS***

Redesignate sections 1 through 5 as sections 101 through 105, and at the end of the bill add the following:

3 ***SEC. 106. PAYMENTS RELATING TO FEDERAL PROPERTY.***

4 *Section 8002(i) of the Elementary and Secondary*
5 *Education Act of 1965 (20 U.S.C. 7702(i)) is amended to*
6 *read as follows:*

7 “(i) *PRIORITY PAYMENTS.—*

8 “(1) *IN GENERAL.—Notwithstanding subsection*
9 *(b)(1)(B), and for any fiscal year beginning with fis-*
10 *cal year 1997 for which the amount appropriated to*

1 *carry out this section exceeds the amount so appro-*
2 *priated for fiscal year 1996—*

3 “(A) *the Secretary shall first use the excess*
4 *amount (not to exceed the amount equal to the*
5 *difference of (i) the amount appropriated to*
6 *carry out this section for fiscal year 1997, and*
7 *(ii) the amount appropriated to carry out this*
8 *section for fiscal year 1996) to increase the pay-*
9 *ment that would otherwise be made under this*
10 *section to not more than 50 percent of the maxi-*
11 *imum amount determined under subsection (b)*
12 *for any local educational agency described in*
13 *paragraph (2); and*

14 “(B) *the Secretary shall use the remainder*
15 *of the excess amount to increase the payments to*
16 *each eligible local educational agency under this*
17 *section.*

18 “(2) *LOCAL EDUCATIONAL AGENCY DE-*
19 *SCRIBED.—A local educational agency described in*
20 *this paragraph is a local educational agency that—*

21 “(A) *received a payment under this section*
22 *for fiscal year 1996;*

23 “(B) *serves a school district that contains*
24 *all or a portion of a United States military*
25 *academy;*

1 “(C) serves a school district in which the
2 local tax assessor has certified that at least 60
3 percent of the real property is federally owned;
4 and

5 “(D) demonstrates to the satisfaction of the
6 Secretary that such agency’s per-pupil revenue
7 derived from local sources for current expendi-
8 tures is not less than that revenue for the preced-
9 ing fiscal year.”.

10 **TITLE II—COST OF HIGHER**
11 **EDUCATION REVIEW**

12 **SEC. 201. SHORT TITLE; FINDINGS.**

13 (a) *SHORT TITLE.*—This Act may be cited as the “Cost
14 of Higher Education Review Act of 1997”.

15 (b) *FINDINGS.*—The Congress finds the following:

16 (1) According to a report issued by the General
17 Accounting Office, tuition at 4-year public colleges
18 and universities increased 234 percent from school
19 year 1980–1981 through school year 1994–1995, while
20 median household income rose 82 percent and the cost
21 of consumer goods as measured by the Consumer
22 Price Index rose 74 percent over the same time pe-
23 riod.

1 (2) *A 1995 survey of college freshmen found that*
2 *concern about college affordability was the highest it*
3 *has been in the last 30 years.*

4 (3) *Paying for a college education now ranks as*
5 *one of the most costly investments for American fami-*
6 *lies.*

7 **SEC. 202. ESTABLISHMENT OF NATIONAL COMMISSION ON**
8 **THE COST OF HIGHER EDUCATION.**

9 *There is established a Commission to be known as the*
10 *“National Commission on the Cost of Higher Education”*
11 *(hereafter in this Act referred to as the “Commission”).*

12 **SEC. 203. MEMBERSHIP OF COMMISSION.**

13 (a) *APPOINTMENT.*—*The Commission shall be com-*
14 *posed of 7 members as follows:*

15 (1) *Two individuals shall be appointed by the*
16 *Speaker of the House.*

17 (2) *One individual shall be appointed by the Mi-*
18 *nority Leader of the House.*

19 (3) *Two individuals shall be appointed by the*
20 *Majority Leader of the Senate.*

21 (4) *One individual shall be appointed by the Mi-*
22 *nority Leader of the Senate.*

23 (5) *One individual shall be appointed by the*
24 *Secretary of Education.*

1 (b) *ADDITIONAL QUALIFICATIONS.*—Each of the indi-
2 viduals appointed under subsection (a) shall be an individ-
3 ual with expertise and experience in higher education fi-
4 nance (including the financing of State institutions of high-
5 er education), Federal financial aid programs, education
6 economics research, public or private higher education ad-
7 ministration, or business executives who have managed suc-
8 cessful cost reduction programs.

9 (c) *CHAIRPERSON AND VICE CHAIRPERSON.*—The
10 members of the Commission shall elect a Chairperson and
11 a Vice Chairperson. In the absence of the Chairperson, the
12 Vice Chairperson will assume the duties of the Chairperson.

13 (d) *QUORUM.*—A majority of the members of the Com-
14 mission shall constitute a quorum for the transaction of
15 business.

16 (e) *APPOINTMENTS.*—All appointments under sub-
17 section (a) shall be made within 30 days after the date of
18 enactment of this Act. In the event that an officer author-
19 ized to make an appointment under subsection (a) has not
20 made such appointment within such 30 days, the appoint-
21 ment may be made for such officer as follows:

22 (1) *The Chairman of the Committee on Edu-*
23 *cation and the Workforce may act under such sub-*
24 *section for the Speaker of the House of Representa-*
25 *tives.*

1 (2) *The Ranking Minority Member of the Com-*
2 *mittee on Education and the Workforce may act*
3 *under such subsection for the Minority Leader of the*
4 *House of Representatives.*

5 (3) *The Chairman of the Committee on Labor*
6 *and Human Resources may act under such subsection*
7 *for the Majority Leader of the Senate.*

8 (4) *The Ranking Minority Member of the Com-*
9 *mittee on Labor and Human Resources may act*
10 *under such subsection for the Minority Leader of the*
11 *Senate.*

12 (f) *VOTING.—Each member of the Commission shall be*
13 *entitled to one vote, which shall be equal to the vote of every*
14 *other member of the Commission.*

15 (g) *VACANCIES.—Any vacancy on the Commission*
16 *shall not affect its powers, but shall be filled in the manner*
17 *in which the original appointment was made.*

18 (h) *PROHIBITION OF ADDITIONAL PAY.—Members of*
19 *the Commission shall receive no additional pay, allowances,*
20 *or benefits by reason of their service on the Commission.*
21 *Members appointed from among private citizens of the*
22 *United States may be allowed travel expenses, including per*
23 *diem, in lieu of subsistence, as authorized by law for per-*
24 *sons serving intermittently in the government service to the*
25 *extent funds are available for such expenses.*

1 (i) *INITIAL MEETING.*—*The initial meeting of the*
2 *Commission shall occur within 40 days after the date of*
3 *enactment of this Act.*

4 **SEC. 204. FUNCTIONS OF COMMISSION.**

5 (a) *SPECIFIC FINDINGS AND RECOMMENDATIONS.*—
6 *The Commission shall study and make findings and specific*
7 *recommendations regarding the following:*

8 (1) *The increase in tuition compared with other*
9 *commodities and services.*

10 (2) *Innovative methods of reducing or stabilizing*
11 *tuition.*

12 (3) *Trends in college and university administra-*
13 *tive costs, including administrative staffing, ratio of*
14 *administrative staff to instructors, ratio of adminis-*
15 *trative staff to students, remuneration of administra-*
16 *tive staff, and remuneration of college and university*
17 *presidents or chancellors.*

18 (4) *Trends in (A) faculty workload and remu-*
19 *neration (including the use of adjunct faculty), (B)*
20 *faculty-to-student ratios, (C) number of hours spent*
21 *in the classroom by faculty, and (D) tenure practices,*
22 *and the impact of such trends on tuition.*

23 (5) *Trends in (A) the construction and renova-*
24 *tion of academic and other collegiate facilities, and*
25 *(B) the modernization of facilities to access and uti-*

1 *lize new technologies, and the impact of such trends*
2 *on tuition.*

3 *(6) The extent to which increases in institutional*
4 *financial aid and tuition discounting have affected*
5 *tuition increases, including the demographics of stu-*
6 *dents receiving such aid, the extent to which such aid*
7 *is provided to students with limited need in order to*
8 *attract such students to particular institutions or*
9 *major fields of study, and the extent to which Federal*
10 *financial aid, including loan aid, has been used to*
11 *offset such increases.*

12 *(7) The extent to which Federal, State, and local*
13 *laws, regulations, or other mandates contribute to in-*
14 *creasing tuition, and recommendations on reducing*
15 *those mandates.*

16 *(8) The establishment of a mechanism for a more*
17 *timely and widespread distribution of data on tuition*
18 *trends and other costs of operating colleges and uni-*
19 *versities.*

20 *(9) The extent to which student financial aid*
21 *programs have contributed to changes in tuition.*

22 *(10) Trends in State fiscal policies that have af-*
23 *ected college costs.*

1 (11) *The adequacy of existing Federal and State*
2 *financial aid programs in meeting the costs of attend-*
3 *ing colleges and universities.*

4 (12) *Other related topics determined to be appro-*
5 *priate by the Commission.*

6 (b) *FINAL REPORT.*—

7 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
8 *Commission shall submit to the President and to the*
9 *Congress, not later than 120 days after the date of the*
10 *first meeting of the Commission, a report which shall*
11 *contain a detailed statement of the findings and con-*
12 *clusions of the Commission, including the Commis-*
13 *sion's recommendations for administrative and legis-*
14 *lative action that the Commission considers advisable.*

15 (2) *MAJORITY VOTE REQUIRED FOR REC-*
16 *COMMENDATIONS.*—*Any recommendation described in*
17 *paragraph (1) shall be made by the Commission to*
18 *the President and to the Congress only if such rec-*
19 *ommendation is adopted by a majority vote of the*
20 *members of the Commission who are present and vot-*
21 *ing.*

22 (3) *EVALUATION OF DIFFERENT CIR-*
23 *CUMSTANCES.*—*In making any findings under sub-*
24 *section (a) of this section, the Commission shall take*
25 *into account differences between public and private*

1 *colleges and universities, the length of the academic*
2 *program, the size of the institution's student popu-*
3 *lation, and the availability of the institution's re-*
4 *sources, including the size of the institution's endow-*
5 *ment.*

6 **SEC. 205. POWERS OF COMMISSION.**

7 (a) *HEARINGS.*—*The Commission may, for the pur-*
8 *pose of carrying out this Act, hold such hearings and sit*
9 *and act at such times and places, as the Commission may*
10 *find advisable.*

11 (b) *RULES AND REGULATIONS.*—*The Commission may*
12 *adopt such rules and regulations as may be necessary to*
13 *establish the Commission's procedures and to govern the*
14 *manner of the Commission's operations, organization, and*
15 *personnel.*

16 (c) *ASSISTANCE FROM FEDERAL AGENCIES.*—

17 (1) *INFORMATION.*—*The Commission may re-*
18 *quest from the head of any Federal agency or instru-*
19 *mentality such information as the Commission may*
20 *require for the purpose of this Act. Each such agency*
21 *or instrumentality shall, to the extent permitted by*
22 *law and subject to the exceptions set forth in section*
23 *552 of title 5, United States Code (commonly referred*
24 *to as the Freedom of Information Act), furnish such*

1 *information to the Commission, upon request made*
2 *by the Chairperson of the Commission.*

3 (2) *FACILITIES AND SERVICES, PERSONNEL DE-*
4 *TAIL AUTHORIZED.*—*Upon request of the Chairperson*
5 *of the Commission, the head of any Federal agency or*
6 *instrumentality shall, to the extent possible and sub-*
7 *ject to the discretion of such head—*

8 (A) *make any of the facilities and services*
9 *of such agency or instrumentality available to*
10 *the Commission; and*

11 (B) *detail any of the personnel of such*
12 *agency or instrumentality to the Commission, on*
13 *a nonreimbursable basis, to assist the Commis-*
14 *sion in carrying out the Commission's duties*
15 *under this Act.*

16 (d) *MAILS.*—*The Commission may use the United*
17 *States mails in the same manner and under the same condi-*
18 *tions as other Federal agencies.*

19 (e) *CONTRACTING.*—*The Commission, to such extent*
20 *and in such amounts as are provided in appropriation*
21 *Acts, may enter into contracts with State agencies, private*
22 *firms, institutions, and individuals for the purpose of con-*
23 *ducting research or surveys necessary to enable the Commis-*
24 *sion to discharge the Commission's duties under this Act.*

1 (f) *STAFF.*—Subject to such rules and regulations as
2 may be adopted by the Commission, and to such extent and
3 in such amounts as are provided in appropriation Acts,
4 the Chairperson of the Commission shall have the power to
5 appoint, terminate, and fix the compensation (without re-
6 gard to the provisions of title 5, United States Code, govern-
7 ing appointments in the competitive service, and without
8 regard to the provisions of chapter 51 and subchapter III
9 of chapter 53 of such title, or of any other provision, or
10 of any other provision of law, relating to the number, classi-
11 fication, and General Schedule rates) of an Executive Direc-
12 tor, and of such additional staff as the Chairperson deems
13 advisable to assist the Commission, at rates not to exceed
14 a rate equal to the maximum rate for level IV of the Execu-
15 tive Schedule under section 5332 of such title.

16 **SEC. 206. EXPENSES OF COMMISSION.**

17 There are authorized to be appropriated to pay any
18 expenses of the Commission such sums as may be necessary
19 not to exceed \$650,000. Any sums appropriated for such
20 purposes are authorized to remain available until expended,
21 or until one year after the termination of the Commission
22 pursuant to section 207, whichever occurs first.

23 **SEC. 207. TERMINATION OF COMMISSION.**

24 The Commission shall cease to exist on the date that
25 is 60 days after the date on which the Commission is re-

- 1 *quired to submit its final report in accordance with section*
- 2 *204(b).*

Attest:

Clerk.

105TH CONGRESS
1ST SESSION

H.R. 914

AMENDMENTS

TO

SENATE AMENDMENT