

Union Calendar No. 116

112TH CONGRESS
1ST SESSION

H. R. 2117

[Report No. 112-177]

To prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2011

Ms. FOXX (for herself and Mr. KLINE) introduced the following bill; which was referred to the Committee on Education and the Workforce

JULY 22, 2011

Additional sponsors: Mr. HERGER, Mr. McKEON, Mr. ROE of Tennessee, Mr. CARTER, Mr. GOWDY, Mr. ROKITA, Mr. AUSTRIA, Mr. PLATTS, Mrs. BIGGERT, Mr. LAMBORN, Mr. PAUL, Mr. DESJARLAIS, Mr. ROSS of Florida, Mr. HANNA, Mr. THOMPSON of Pennsylvania, Mr. WEST, Mr. BARLETTA, Mrs. ROBY, Mrs. ELLMERS, Mr. WALBERG, Mr. PETRI, Mr. MARCHANT, Mr. COBLE, Mr. SCHOCK, Mr. BURGESS, Mr. BONNER, Mr. OLSON, Mr. MICA, Mr. GERLACH, Mr. COFFMAN of Colorado, Mr. WHITFIELD, Mr. ANDREWS, Mr. BRADY of Texas, Mr. GUTHRIE, Mrs. MYRICK, Mr. THORNBERRY, Mr. SMITH of New Jersey, Mr. SHUSTER, Mr. SMITH of Nebraska, Mr. CONAWAY, Ms. GRANGER, Mr. CHAFFETZ, Mr. HULTGREN, Mr. GUINTA, Mr. REED, Mr. FORBES, Mrs. BLACKBURN, Mr. BENISHEK, Mr. COHEN, Mr. BURTON of Indiana, Mr. LUETKEMEYER, Mr. MARINO, Mr. DUNCAN of South Carolina, Mr. STIVERS, Mr. NEUGEBAUER, Mrs. EMERSON, Ms. JENKINS, Mr. SESSIONS, Mr. FLEISCHMANN, Mr. GARDNER, Mr. GRAVES of Missouri, Mr. BACHUS, Mr. ROGERS of Alabama, Mr. SMITH of Texas, Mr. ROSKAM, Mr. McCAUL, Mr. BROOKS, and Mr. KISSELL

JULY 22, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To prohibit the Department of Education from overreaching into academic affairs and program eligibility under title IV of the Higher Education Act of 1965.

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. REPEAL OF REGULATIONS RELATING TO**
 4 **STATE AUTHORIZATION AND DEFINING**
 5 **CREDIT HOUR.**

6 ~~(a) REGULATIONS REPEALED.—~~

7 ~~(1) REPEAL.—~~The following regulations (in-
 8 cluding any supplement or revision to such regula-
 9 tions) are repealed and shall have no legal effect:

10 ~~(A) STATE AUTHORIZATION.—~~Sections
 11 ~~600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9,~~
 12 ~~and 668.43(b) of title 34, Code of Federal Reg-~~
 13 ~~ulations (relating to State authorization), as~~
 14 ~~added or amended by the final regulations pub-~~
 15 ~~lished by the Department of Education in the~~
 16 ~~Federal Register on October 29, 2010 (75 Fed.~~
 17 ~~Reg. 66832 et seq.).~~

18 ~~(B) DEFINITION OF CREDIT HOUR.—~~The
 19 ~~definition of the term “credit hour” in section~~
 20 ~~600.2 of title 34, Code of Federal Regulations,~~
 21 ~~as added by the final regulations published by~~
 22 ~~the Department of Education in the Federal~~
 23 ~~Register on October 29, 2010 (75 Fed. Reg.~~
 24 ~~66946), and subsection (k)(2)(ii) of section~~

1 668.8 of such title, as amended by such final
2 regulations (75 Fed. Reg. 66949 et seq.).

3 ~~(2) EFFECT OF REPEAL.—~~To the extent that
4 regulations repealed by paragraph (1) amended reg-
5 ulations that were in effect on June 30, 2011, the
6 provisions of the regulations that were in effect on
7 June 30, 2011, and were so amended are restored
8 and revived as if the regulations repealed by para-
9 graph (1) had not taken effect.

10 ~~(b) REGULATIONS DEFINING CREDIT HOUR PROHIB-~~
11 ~~ITED.—~~The Secretary shall not promulgate or enforce any
12 regulation or rule that defines the term “credit hour” for
13 any purpose under the Higher Education Act of 1965 on
14 or after the date of enactment of this section.

15 **SECTION 1. SHORT TITLE.**

16 *This Act may be cited as the “Protecting Academic*
17 *Freedom in Higher Education Act”.*

18 **SEC. 2. REPEAL OF REGULATIONS RELATING TO STATE AU-**

19 **THORIZATION AND DEFINING CREDIT HOUR.**

20 ~~(a) REGULATIONS REPEALED.—~~

21 ~~(1) REPEAL.—~~*The following regulations (includ-*
22 *ing any supplement or revision to such regulations)*
23 *are repealed and shall have no legal effect:*

24 ~~(A) STATE AUTHORIZATION.—~~*Sections*
25 ~~600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9, and~~

1 668.43(b) of title 34, Code of Federal Regulations
2 (relating to State authorization), as added or
3 amended by the final regulations published by
4 the Department of Education in the Federal
5 Register on October 29, 2010 (75 Fed. Reg.
6 66832 *et seq.*).

7 (B) DEFINITION OF CREDIT HOUR.—The
8 definition of the term “credit hour” in section
9 600.2 of title 34, Code of Federal Regulations, as
10 added by the final regulations published by the
11 Department of Education in the Federal Register
12 on October 29, 2010 (75 Fed. Reg. 66946), and
13 subsection (k)(2)(ii) of section 668.8 of such title,
14 as amended by such final regulations (75 Fed.
15 Reg. 66949 *et seq.*).

16 (2) EFFECT OF REPEAL.—To the extent that reg-
17 ulations repealed by paragraph (1) amended regula-
18 tions that were in effect on June 30, 2011, the provi-
19 sions of the regulations that were in effect on June 30,
20 2011, and were so amended are restored and revived
21 as if the regulations repealed by paragraph (1) had
22 not taken effect.

23 (b) REGULATIONS DEFINING CREDIT HOUR PROHIB-
24 ITED.—The Secretary shall not promulgate or enforce any
25 regulation or rule that defines the term “credit hour” for

- 1 *any purpose under the Higher Education Act of 1965 on*
- 2 *or after the date of enactment of this section.*

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