

105TH CONGRESS
1ST SESSION

H. RES. 145

Providing for the concurrence of the House with the amendment of the Senate to H.R. 914, with amendments.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 1997

Mr. McKEON submitted the following resolution; which was considered and agreed to

RESOLUTION

Providing for the concurrence of the House with the amendment of the Senate to H.R. 914, with amendments.

1 *Resolved*, That upon the adoption of this resolution
2 the bill (H.R. 914), to make certain technical corrections
3 in the Higher Education Act of 1965 relating to gradua-
4 tion data disclosures, shall be considered to have been
5 taken from the Speaker's table to the end that the Senate
6 amendments thereto be, and the same are hereby, agreed
7 to with amendments as follows:

8 Insert before section 1 the following:

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

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

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

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

9 “(i) PRIORITY PAYMENTS.—

10 “(1) IN GENERAL.—Notwithstanding subsection
11 (b)(1)(B), and for any fiscal year beginning with fis-
12 cal year 1997 for which the amount appropriated to
13 carry out this section exceeds the amount so appro-
14 priated for fiscal year 1996—

15 “(A) the Secretary shall first use the ex-
16 cess amount (not to exceed the amount equal to
17 the difference of (i) the amount appropriated to
18 carry out this section for fiscal year 1997, and
19 (ii) the amount appropriated to carry out this
20 section for fiscal year 1996) to increase the
21 payment that would otherwise be made under
22 this section to not more than 50 percent of the
23 maximum amount determined under subsection
24 (b) for any local educational agency described
25 in paragraph (2); and

1 “(B) the Secretary shall use the remainder
2 of the excess amount to increase the payments
3 to each eligible local educational agency under
4 this section.

5 “(2) LOCAL EDUCATIONAL AGENCY DE-
6 SCRIBED.—A local educational agency described in
7 this paragraph is a local educational agency that—

8 “(A) received a payment under this section
9 for fiscal year 1996;

10 “(B) serves a school district that contains
11 all or a portion of a United States military
12 academy;

13 “(C) serves a school district in which the
14 local tax assessor has certified that at least 60
15 percent of the real property is federally owned;
16 and

17 “(D) demonstrates to the satisfaction of
18 the Secretary that such agency’s per-pupil reve-
19 nue derived from local sources for current ex-
20 penditures is not less than that revenue for the
21 preceding fiscal year.”.

1 **TITLE II—COST OF HIGHER**
2 **EDUCATION REVIEW**

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

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

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

7 (1) According to a report issued by the General
8 Accounting Office, tuition at 4-year public colleges
9 and universities increased 234 percent from school
10 year 1980–1981 through school year 1994–1995,
11 while median household income rose 82 percent and
12 the cost of consumer goods as measured by the
13 Consumer Price Index rose 74 percent over the same
14 time period.

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

18 (3) Paying for a college education now ranks as
19 one of the most costly investments for American
20 families.

21 **SEC. 202. ESTABLISHMENT OF NATIONAL COMMISSION ON**
22 **THE COST OF HIGHER EDUCATION.**

23 There is established a Commission to be known as
24 the “National Commission on the Cost of Higher Edu-

1 cation” (hereafter in this Act referred to as the “Commis-
2 sion”).

3 **SEC. 203. MEMBERSHIP OF COMMISSION.**

4 (a) APPOINTMENT.—The Commission shall be com-
5 posed of 7 members as follows:

6 (1) Two individuals shall be appointed by the
7 Speaker of the House.

8 (2) One individual shall be appointed by the Mi-
9 nority Leader of the House.

10 (3) Two individuals shall be appointed by the
11 Majority Leader of the Senate.

12 (4) One individual shall be appointed by the Mi-
13 nority Leader of the Senate.

14 (5) One individual shall be appointed by the
15 Secretary of Education.

16 (b) ADDITIONAL QUALIFICATIONS.—Each of the in-
17 dividuals appointed under subsection (a) shall be an indi-
18 vidual with expertise and experience in higher education
19 finance (including the financing of State institutions of
20 higher education), Federal financial aid programs, edu-
21 cation economics research, public or private higher edu-
22 cation administration, or business executives who have
23 managed successful cost reduction programs.

24 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The
25 members of the Commission shall elect a Chairperson and

1 a Vice Chairperson. In the absence of the Chairperson,
2 the Vice Chairperson will assume the duties of the Chair-
3 person.

4 (d) QUORUM.—A majority of the members of the
5 Commission shall constitute a quorum for the transaction
6 of business.

7 (e) APPOINTMENTS.—All appointments under sub-
8 section (a) shall be made within 30 days after the date
9 of enactment of this Act. In the event that an officer au-
10 thorized to make an appointment under subsection (a) has
11 not made such appointment within such 30 days, the ap-
12 pointment may be made for such officer as follows:

13 (1) The Chairman of the Committee on Edu-
14 cation and the Workforce may act under such sub-
15 section for the Speaker of the House of Representa-
16 tives.

17 (2) The Ranking Minority Member of the Com-
18 mittee on Education and the Workforce may act
19 under such subsection for the Minority Leader of
20 the House of Representatives.

21 (3) The Chairman of the Committee on Labor
22 and Human Resources may act under such sub-
23 section for the Majority Leader of the Senate.

24 (4) The Ranking Minority Member of the Com-
25 mittee on Labor and Human Resources may act

1 under such subsection for the Minority Leader of
2 the Senate.

3 (f) VOTING.—Each member of the Commission shall
4 be entitled to one vote, which shall be equal to the vote
5 of every other member of the Commission.

6 (g) VACANCIES.—Any vacancy on the Commission
7 shall not affect its powers, but shall be filled in the manner
8 in which the original appointment was made.

9 (h) PROHIBITION OF ADDITIONAL PAY.—Members of
10 the Commission shall receive no additional pay, allow-
11 ances, or benefits by reason of their service on the Com-
12 mission. Members appointed from among private citizens
13 of the United States may be allowed travel expenses, in-
14 cluding per diem, in lieu of subsistence, as authorized by
15 law for persons serving intermittently in the government
16 service to the extent funds are available for such expenses.

17 (i) INITIAL MEETING.—The initial meeting of the
18 Commission shall occur within 40 days after the date of
19 enactment of this Act.

20 **SEC. 204. FUNCTIONS OF COMMISSION.**

21 (a) SPECIFIC FINDINGS AND RECOMMENDATIONS.—
22 The Commission shall study and make findings and spe-
23 cific recommendations regarding the following:

24 (1) The increase in tuition compared with other
25 commodities and services.

1 (2) Innovative methods of reducing or stabiliz-
2 ing tuition.

3 (3) Trends in college and university administra-
4 tive costs, including administrative staffing, ratio of
5 administrative staff to instructors, ratio of adminis-
6 trative staff to students, remuneration of adminis-
7 trative staff, and remuneration of college and univer-
8 sity presidents or chancellors.

9 (4) Trends in (A) faculty workload and remu-
10 neration (including the use of adjunct faculty), (B)
11 faculty-to-student ratios, (C) number of hours spent
12 in the classroom by faculty, and (D) tenure prac-
13 tices, and the impact of such trends on tuition.

14 (5) Trends in (A) the construction and renova-
15 tion of academic and other collegiate facilities, and
16 (B) the modernization of facilities to access and uti-
17 lize new technologies, and the impact of such trends
18 on tuition.

19 (6) The extent to which increases in institu-
20 tional financial aid and tuition discounting have af-
21 fected tuition increases, including the demographics
22 of students receiving such aid, the extent to which
23 such aid is provided to students with limited need in
24 order to attract such students to particular institu-
25 tions or major fields of study, and the extent to

1 which Federal financial aid, including loan aid, has
2 been used to offset such increases.

3 (7) The extent to which Federal, State, and
4 local laws, regulations, or other mandates contribute
5 to increasing tuition, and recommendations on re-
6 ducing those mandates.

7 (8) The establishment of a mechanism for a
8 more timely and widespread distribution of data on
9 tuition trends and other costs of operating colleges
10 and universities.

11 (9) The extent to which student financial aid
12 programs have contributed to changes in tuition.

13 (10) Trends in State fiscal policies that have af-
14 fected college costs.

15 (11) The adequacy of existing Federal and
16 State financial aid programs in meeting the costs of
17 attending colleges and universities.

18 (12) Other related topics determined to be ap-
19 propriate by the Commission.

20 (b) FINAL REPORT.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 the Commission shall submit to the President and to
23 the Congress, not later than 120 days after the date
24 of the first meeting of the Commission, a report
25 which shall contain a detailed statement of the find-

1 ings and conclusions of the Commission, including
2 the Commission's recommendations for administra-
3 tive and legislative action that the Commission con-
4 siders advisable.

5 (2) MAJORITY VOTE REQUIRED FOR REC-
6 OMMENDATIONS.—Any recommendation described in
7 paragraph (1) shall be made by the Commission to
8 the President and to the Congress only if such rec-
9 ommendation is adopted by a majority vote of the
10 members of the Commission who are present and
11 voting.

12 (3) EVALUATION OF DIFFERENT CIR-
13 CUMSTANCES.—In making any findings under sub-
14 section (a) of this section, the Commission shall take
15 into account differences between public and private
16 colleges and universities, the length of the academic
17 program, the size of the institution's student popu-
18 lation, and the availability of the institution's re-
19 sources, including the size of the institution's endow-
20 ment.

21 **SEC. 205. POWERS OF COMMISSION.**

22 (a) HEARINGS.—The Commission may, for the pur-
23 pose of carrying out this Act, hold such hearings and sit
24 and act at such times and places, as the Commission may
25 find advisable.

1 (b) RULES AND REGULATIONS.—The Commission
2 may adopt such rules and regulations as may be necessary
3 to establish the Commission’s procedures and to govern
4 the manner of the Commission’s operations, organization,
5 and personnel.

6 (c) ASSISTANCE FROM FEDERAL AGENCIES.—

7 (1) INFORMATION.—The Commission may re-
8 quest from the head of any Federal agency or in-
9 strumentality such information as the Commission
10 may require for the purpose of this Act. Each such
11 agency or instrumentality shall, to the extent per-
12 mitted by law and subject to the exceptions set forth
13 in section 552 of title 5, United States Code (com-
14 monly referred to as the Freedom of Information
15 Act), furnish such information to the Commission,
16 upon request made by the Chairperson of the Com-
17 mission.

18 (2) FACILITIES AND SERVICES, PERSONNEL DE-
19 TAIL AUTHORIZED.—Upon request of the Chair-
20 person of the Commission, the head of any Federal
21 agency or instrumentality shall, to the extent pos-
22 sible and subject to the discretion of such head—

23 (A) make any of the facilities and services
24 of such agency or instrumentality available to
25 the Commission; and

1 (B) detail any of the personnel of such
2 agency or instrumentality to the Commission,
3 on a nonreimbursable basis, to assist the Com-
4 mission in carrying out the Commission's duties
5 under this Act.

6 (d) **MAILS.**—The Commission may use the United
7 States mails in the same manner and under the same con-
8 ditions as other Federal agencies.

9 (e) **CONTRACTING.**—The Commission, to such extent
10 and in such amounts as are provided in appropriation
11 Acts, may enter into contracts with State agencies, private
12 firms, institutions, and individuals for the purpose of con-
13 ducting research or surveys necessary to enable the Com-
14 mission to discharge the Commission's duties under this
15 Act.

16 (f) **STAFF.**—Subject to such rules and regulations as
17 may be adopted by the Commission, and to such extent
18 and in such amounts as are provided in appropriation
19 Acts, the Chairperson of the Commission shall have the
20 power to appoint, terminate, and fix the compensation
21 (without regard to the provisions of title 5, United States
22 Code, governing appointments in the competitive service,
23 and without regard to the provisions of chapter 51 and
24 subchapter III of chapter 53 of such title, or of any other
25 provision, or of any other provision of law, relating to the

1 number, classification, and General Schedule rates) of an
2 Executive Director, and of such additional staff as the
3 Chairperson deems advisable to assist the Commission, at
4 rates not to exceed a rate equal to the maximum rate for
5 level IV of the Executive Schedule under section 5332 of
6 such title.

7 **SEC. 206. EXPENSES OF COMMISSION.**

8 There are authorized to be appropriated to pay any
9 expenses of the Commission such sums as may be nec-
10 essary not to exceed \$650,000. Any sums appropriated for
11 such purposes are authorized to remain available until ex-
12 pended, or until one year after the termination of the
13 Commission pursuant to section 207, whichever occurs
14 first.

15 **SEC. 207. TERMINATION OF COMMISSION.**

16 The Commission shall cease to exist on the date that
17 is 60 days after the date on which the Commission is re-
18 quired to submit its final report in accordance with section
19 204(b).

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