



WASHINGTON PARTNERS LLC

Make Your Voice Matter.

MARKUP SUMMARY
Higher Education Act

HOUSE EDUCATION AND THE WORKFORCE COMMITTEE MARKUP OF THE PROSPER ACT

Prepared by:

Della Cronin (dcronin@wpllc.net)

Ellen Fern (efern@wpllc.net)

Russell Armstrong (rarmstrong@wpllc.net)

December 12 and 13, 2017

BACKGROUND

For years, the Congress has been poised to act on reauthorizing the Higher Education Act (HEA) “soon.” It was last reauthorized in 2008, with the passage of the Higher Education Opportunity Act, which was a budget reconciliation package that also included most of what has become to be known as Obamacare. The statute’s revision is overdue. On December 1, 2017, House Education and the Workforce Republicans, led by Chairwoman Virginia Foxx (R-NC) unveiled the first comprehensive reauthorization proposal in the process. The **PROSPER Act** (HR 4508) is a partisan proposal that embraces many Republican principles. It largely streamlines and simplifies federal higher education programs, and reinforces the assertion that not all students are best served by the pursuit of a four-year degree by proposing a significant new investment in apprenticeships. The bill also is a reaction to what Republicans view as aggressive regulation of higher education programs and institutions and clearly takes aim at some Obama-era regulatory proposals. The bill’s authors have outlined its four goals:

- 1) promote innovation, access and completion;
- 2) simplify and improve student aid;
- 3) empower students and families to make informed decisions; and
- 4) ensure strong accountability and a limited federal role.

Democrats are frustrated by the proposal, saying there was no attempt to work with them on its development and the time between introduction and markup was too short, in their opinion. In the days leading up to the markup, Republicans released a **revised version** of the legislation and were expecting about 60 amendments to be prepared for debate at the Committee markup. After 14 hours of on and off debate, HR 4508 passed the House Education and the Workforce Committee by a vote of 23-17 just after midnight on December 13th.

www.wpllc.net

1101 Vermont Avenue, NW | Suite 400 | Washington, DC 20005-3521
202.289.3900 | 202.371.0197 (fax)

MEMBERS PRESENT

Chairwoman Virginia Foxx (R-NC) and Ranking Member Bobby Scott (D-VA); Representatives Joe Wilson (R-SC), Duncan Hunter (R-CA), David Roe (R-TN), GT Thompson (R-PA), Tim Walberg (R-MI), Brett Guthrie (R-KY), Todd Rokita (R-IN), Lou Barletta (R-PA), Luke Messer (R-IN), Bradley Byrne (R-AL), David Brat (R-VA), Glenn Grothman (R-WI), Elise Stefanik (R-NY), Rick Allen (R-GA), Jason Lewis (R-MN), Francis Rooney (R-FL), Paul Mitchell (R-MI), Tom Garrett (R-VA), Lloyd Smucker (R-PA), Drew Ferguson (R-GA), Ron Estes (R-KS), Karen Handel (R-GA), Susan Davis (D-CA), Raul Grijalva (D-AZ), Joe Courtney (D-CT), Marcia Fudge (D-OH), Jared Polis (D-CO), Gregorio Kilili Camacho Sablan (D-NMI), Frederica Wilson (D-FL), Suzanne Bonamici (D-OR), Mark Takano (D-CA), Alma Adams (D-NC), Mark DeSaulnier (D-CA), Donald Norcross (D-NJ), Lisa Blunt Rochester (D-DE), Raja Krishnamoorthi (D-IL), Carol Shea-Porter (D-NH) and Adriano Espaillat (D-NY).

OPENING STATEMENT & DISCUSSION

Chairwoman Foxx offered a relatively short opening statement, noting, “We have a lot of work ahead of us today.” She went on to say that updating the higher education statute is long overdue. A revised law should reflect the changing academic pursuits of 21st Century students and the needs of the workforce. She said, “Today, there are six million unfilled jobs in this country. Those jobs are unfilled because many employers have found that applicants lack the needed skills for those jobs.” She lamented the more than one trillion dollars in student debt that exists today, noting the multiple loan and grant programs and their repayment and other benefits are too complicated. Saying that the PROSPER Act “promotes innovation, access, and completion,” she went on to say, “No bill is perfect when it begins its course through the legislative process, and we can all agree that no bill is perfect when it reaches the end of the legislative process. But we are here today because we cannot allow the status quo to continue. High school students, stay-at-home moms, single parents working multiple jobs to make ends meet, older Americans who still have so much to offer—these are just a few examples of those looking to postsecondary options to help them live a successful life.”

Ranking Member Scott opened his statement noting his frustration with the process around the development of the bill and the expedited timeline. Further, he suggested that *The Wall Street Journal* had access to the details of the bill before Democratic Members did, noting that he and his colleagues learned of provisions first from that publication. He further took aim at the bill’s proposals, suggesting that the plan would favor predatory for-profit institutions of higher education. He characterized the bill as part of the Republicans’ “war on students”, noting that tax legislation and other plans have consistently made higher education more expensive while making it more difficult for students and families to finance it. He criticized the bill’s inadequate support for minority-serving institutions and its elimination of supports for teachers. After a lengthy statement reinforcing his frustrations and Democrats’ criticisms of the bill, he reiterated that his side of the aisle was opposed the bill and requested that the markup be adjourned to accommodate a collaborative and deliberative process. A voice vote rejected his request. (It became clear just after this voice vote, that Ranking Member Scott’s staff

wanted him to request a recorded vote on this motion, but the moment for that had passed, despite Representative Bonamici's attempt to force the issue soon thereafter.)

Representative Guthrie, who chairs the Subcommittee on Higher Education and Workforce Training, offered a short statement that recounted the number of hearings the Committee has hosted in recent years on the *Higher Education Act*, in a planned retort of the Democrats' objection to the process. **Representative Davis**, who is Ranking Member on the same Subcommittee, followed and echoed Ranking Member Scott's criticisms, saying that she and her Republican colleagues all want good outcomes for students, but that those aspirations require a better process. **Representative Wilson** then delivered a statement supportive of the bill's provisions that simplify student aid programs and streamline and improve accreditation, among other proposals. **Representative Courtney** took aim at the bill, outlining the historical significance of the law, in particular the plan to eliminate loan forgiveness for teachers. He said 193 organizations have stepped forward to say, "don't do this." **Representative Roe** delivered remarks on the importance of supporting free speech, praising the bill's provisions that would support a "free and open exchange of ideas" on campuses and its inclusion of his ideas around institutional Information Technology systems. **Representative Bonamici** then delivered a statement that echoed Ranking Member Scott's comments, taking issue with the bill's emphasis on closing the skills gap at the expense of support for the critical thinking skills and important knowledge higher education provides. **Representative Lewis** spoke in support of the bill, in particular its inclusion of his *College Completion and Success Act*. **Representative Takano** suggested renaming the bill the "Prosperity for Corporate CEOs and Wall Street Investors Act" due to its proposals to gut prohibitions on for-profit institutions. **Representative Walberg** spoke in favor of the bill as well. **Representative Polis** noted his history of working in a bipartisan way on higher education and other policy and lamented the partisan nature of this process, coupled with the "horrific tax bill." **Representative Shea Porter** noted that previous HEA reauthorizations were bipartisan and even produced bills that were passed out of the Committee unanimously. She asserted that this bill and the process are "an insult to the American people." **Representative Stefanik** spoke in support of the bill, saying that in this bill "Pell students win" and praising the increased investment in Federal Work Study. **Representative Sablan** criticized the bill's elimination of TEACH grants and the elimination of all grant programs other than the Pell Grant program. He also urged a pause in the process, noting that if the bill passes the House as is, he has no recourse to address the provisions that adversely affect his constituents, as he doesn't have a Senate counterpart looking out for their interests. **Representative Blunt Rochester** noted that as a former Secretary of Labor in Delaware, she is aware of the importance of this bill and its programs, but she is disappointed by the process and the possibility to affect the bill's content, given her experience, saying she'd like to see "the train" slowed down "so that everyone can get on."

MEMBER AMENDMENTS

The markup began at 10:00 am. At 11:18 am the first amendment was offered. What follows is a summary of amendments offered and voted upon.

Representative Davis offered an amendment that addressed the Pell Grant program; to increase the number of students eligible and the maximum award amount, along the lines of her *Pell Grant Preservation and Expansion Act*. She asserted that it addresses the languishing purchasing power of the Pell Grant by increasing the award amount by \$500 and expand eligibility to those adversely affected by predatory institutions, those who have been convicted of drug offenses, those who take longer than currently allowed to complete a course of study and others. **Representative Foxx** opposed the amendment, saying it does not encourage on-time completion by Pell grant students, nor respect the fiscal realities of the federal budget. After comments from other Members, the amendment failed via a voice vote. A recorded vote was requested; recorded votes were postponed. **The amendment failed by a vote of 17-22.**

After the first amendment, Chairwoman Foxx suggested that her colleagues who were being critical of the rushed process might not remember some other bills that had been rushed through the markup process over the years. She listed a number of bills that over the last ten years were subject to similar timelines when Democrats were in charge. She encouraged her colleagues to remain focused on the bill and not the process going forward.

Representative Estes offered an amendment that furthers the bill's goals to make the Federal Work Study more work centered and would allow students participating in the program access to apprenticeships within working companies and allow them to partner with industry to create apprenticeship opportunities. **Representative Norcross** noted his support for apprenticeships, but said that they need to be "registered" programs with some oversight and regulation. Other members voiced opposition and support, with **Chairwoman Foxx** saying she supported the change. A recorded vote was requested after a voice vote suggested its approval. **The amendment passed by a vote of 22-17.**

Representative Grijalva offered the DREAM Act as an amendment. It would include the full bipartisan DREAM Act, which would remedy the immigration status of the so-called "Dreamers". Anticipating a point of order, he argued that the issue at hand "falls squarely" under the jurisdiction of the Education and the Workforce Committee. His amendment was ruled out of order; Representative Grijalva appealed the ruling and requested a recorded vote. Representative Guthrie moved to table the appeal. **The tabling of the point of order stood based on a vote of 20 yeas and 13 nays.**

At 12:10, Chairwoman Foxx noted that there were 60 amendments pending and that the Committee had completed three. Representative Scott responded by saying it is the Committee's responsibility to "do right" by the country's students.

Representative Thompson offered an amendment that would require schools to post their rules regarding hazing on college campuses. **Representative Fudge** noted that she had introduced much stronger, bipartisan legislation on this issue and said the Thompson proposal would do "nothing" to protect students, invoking the name of the Piazzas and other families that have experienced horrifying hazing experiences. She urged a no vote on the "nothing piece of legislation." Chairwoman Foxx urged a yes vote on the

amendment. A recorded vote was requested and delayed. **The amendment was adopted on a vote of 22 yeas and 17 nays.**

Representative Espallat offered an amendment that would open eligibility to federal student aid programs for DACA recipients. Representative Davis noted that the inaction of Congress on taking care of DACA students is a “broken promise” and urged support of Dreamers and the amendment. There were multiple comments from Democrats lamenting the tenuous status of DACA recipients and asserting the Congress’ obligation to be “fair, compassionate and strong” in treating these students. Chairwoman Foxx noted her opposition since the change would make people in the United States illegally eligible for federal student aid, saying, “We don’t do that.” Noting that there is no “credible proposal to round [these students up] and send them back to countries they don’t know,” Ranking Member Scott said that it would be best to allow them to gain skills that could help them fill the six million open jobs that Chairwoman Foxx repeatedly references. **Representative Norcross** noted that his daughter-in-law, who serves in the US military, is among those denied access to federal student aid programs and urged approval of the change. After the voice vote that rejected the amendment, Representative Espallat requested a recorded vote. **The amendment failed by a vote of 17 yeas to 23 nays.**

Representative Garrett offered an amendment that would be a sense of Congress on safe spaces (and safe space zones) for free speech. Mr. Polis requested a number of changes to Mr. Garrett’s amendment; he agreed to work on those requests. **Representative Garrett** offered his amendment again later after working on compromise language. Garrett and Polis agreed on including language that mirrors nondiscrimination language found in Title VII, Section 703 in the Civil Rights Act of 1964, rather than refer to gender-based identity and sexual orientation. **The amendment passed by voice vote.**

Representative Blunt Rochester offered an amendment cosponsored by Representative Sablan to further simplify the FAFSA process to ensure increased completion by and maximum benefit to low-income students and families (the language is based on the *Simple FAFSA Act*). Proponents of the amendment stated it would further support struggling families access to higher education and would allow Pell grant recipients to file the FAFSA form just one time. **Chairwoman Foxx opposed** the amendment because “it increases the cost and integrity of the federal student aid programs.” **A recorded vote was requested. Her amendment failed by a vote of 17 yeas to 22 nays.**

Representative Garrett offered his Complaint on Speech Policies amendment to require institutions of higher education to publicly disclose their free policies regarding free speech. He noted this would create an impetus for institutions to be clear on its policies as well as recourse for students related to speech. **Ranking Member Scott** opposed the amendment as “it’s a solution in search of a program.” College campuses and universities are robust places for ideas and debate, and the Garrett amendment would create and increase paperwork for institutions. **Chairwoman Foxx strongly supported the amendment** and stated that she would “find it surprising” if members of the Committee

voted against the First Amendment. **A recorded vote was requested. Garrett's amendment passed by a vote of 22 yeas to 17 nays.**

Representative Courtney offered an amendment to allow students to refinance student loans to make it easier for student repayment (based on the Bank on Students Emergency Loan Refinancing Act). The amendment would not discharge the debt. **Ranking Member Scott** said that estimated 25 million borrowers could benefit if this amendment was passed. **Chairwoman Foxx opposed** the amendment as it adds too much cost to the bill. **A recorded vote was requested. The amendment failed by a vote of 18 yeas to 21 nays.**

Representative Allen offered an amendment to clarify that nothing shall prevent institutions of higher education from providing additional financial aid counseling to recipients of aid under Title IV. **Ranking Member Scott** supported the amendment. **The amendment passed by voice vote.**

Representative Wilson offered an amendment to restore support for teachers and leaders in the PROSPER Act by restoring Title II teacher preparation programs eliminated in the PROSPER Act (Teacher Quality Partnership grants as well as TEACH grants). Democratic members argued that high-quality teacher and leader preparation programs are critical to help fill our nation's educator pipeline and support well-trained and professional educators to educate all students. **Chairwoman Foxx opposed** the amendment because many of the Title II programs have never been funded. She also stated that the programs do not "help us achieve the goals of the underlying bill." **A recorded vote was requested. The amendment failed by a vote of 17 yeas to 22 nays.**

Representative Fudge offered and withdrew an amendment on hazing, based on the *Report and Educate About Campus Hazing (REACH)* Act, a bipartisan hazing bill that requires all incidents be reported under the Clery Act.

Representative Smucker introduced an amendment to identify and share best practices on successful opioid college recovery programs. Ms. Shea-Porter offered a similar amendment. **The amendment passed by a voice vote.**

Representative Shea Porter proposed an amendment also related to prevention programs for opioid addiction on college campuses. **Ms. Shea Porter's amendment passed by voice vote.**

Representative Ferguson offered an amendment that would require the Secretary of Education to disseminate and report on college financial literacy best practices and programs annually. **The amendment passed by voice vote.**

Representative Takano offered an amendment that would re-instate the 90/10 rule (which is eliminated by provisions of the PROSPER Act), eliminate incentive payments for school recruiters, and re-establish distinctions between proprietary and non-profit

institutions. A recorded vote was requested. **The amendment failed by a vote of 17 yeas to 23 nays.**

Representative Grothman introduced an amendment regarding competency based education (CBE), citing the University of Wisconsin flex program as a model. It changes the definition of competency, clarifies restricting on using student aid for prior learning, allows for unequal disbursements of aid based on academic progress, and streamlines the accreditation review of CBE programs. Representative Scott rose in opposition due to an unclear definition of competency based education or acceptable ways to hold CBE programs accountable. Recorded vote was requested. **The amendment was adopted by a vote of 22 yeas to 17 nays.**

Representative Courtney introduced an amendment to restore the Public Service Loan Forgiveness program moving forward. (The bill eliminates it for new program entrants.) Mr. Thompson rose in support of the amendment. Mr. Guthrie opposed. Recorded vote was requested. **The amendment failed by a vote of 19 yeas to 20 nays.**

Representative Grothman introduced an amendment that would require financial aid administrators to annually affirm to the Secretary of Education they provided counseling to student recipients. A recorded vote was requested. **The amendment passed by a vote of 19 yeas to 18 nays. Mr. Mitchell and Mr. Ferguson crossed party lines to vote against the amendment. Two members were absent for the vote.**

Representative Bonamaci offered an amendment cosponsored by Representatives Takano and Wilson to strike the ONE Loan program and reinstate several Federal student loan programs eliminated in the PROSPER Act to make it easier for students to get loans and pay them back. This amendment was hotly debated and included Representative Roe suggesting that students “move to Tennessee, where community college is free,” and Representative Takano trying to illustrate his opposing view by talking about the challenges of buying a carafe of coffee from Dunkin Donuts for all Committee members (Representative Roe for one did not understand the analogy). In addition, Representative Garrett shared a screen shot from his cell phone of a call from Navient about his own student loan debt that he received during the markup. He went on to passionately opine that government programs do not always help people but rather we need to empower people to help themselves and not rely on government assistance. **Recorded vote was requested. Ms. Bonamaci’s amendment failed by a vote of 16 yeas to 22 nays.**

Representative Estes offered an amendment to add a required disclosure to students using the early estimator tool to inform them about the difference between a loan and a grant. **Ranking Member Scott** supported amendment stating that the more information available to students available to students before they go into debt, the better. **The amendment passed by voice vote.**

Representative Polis offered an amendment to improve postsecondary data quality by striking the federal ban on the student unit record data. Polis stated this would reduce red

tape and reporting burdens and is supported by members on both sides of the aisle in order to increase transparency. Polis stated this amendment would increase choice and allow the competitive market place to work more effectively. **Chairwoman Foxx** strongly opposed the amendment as “it sacrifices the privacy of the millions of students enrolled in higher education but do not receive federal financial student aid.” **Recorded vote was requested. Mr. Polis’ amendment failed by a vote of 17 yeas to 20 nays.**

Representative Blunt Rochester offered an amendment cosponsored by Representative Sablan to further simplify the FAFSA process to ensure increased completion by and maximum benefit to low-income students and families (the language is based on the *Simple FAFSA Act*). Proponents of the amendment stated it would further support struggling families access to higher education and would allow Pell grant recipients to file the FAFSA form just one time. **Chairwoman Foxx opposed** the amendment because “it increases the cost and integrity of the federal student aid programs.” **A recorded vote was requested. Ms. Blunt Rochester’s amendment failed by a vote of 17 yeas to 22 nays.**

Representative Garrett offered his Complaint on Speech Policies amendment to require institutions of higher education to publicly disclose their free speech policies. He noted this would create an impetus for institutions to be clear as well as recourse for students. **Ranking Member Scott** opposed the amendment as “it’s a solution in search of a problem.” College campuses and universities are robust places for ideas and debate, and the Garrett amendment would create and increase paperwork for institutions. **Chairwoman Foxx strongly supported the amendment** and stated that she would “find it surprising” if members of the Committee voted against the First Amendment. **A recorded vote was requested. Mr. Garrett’s amendment passed by a vote of 22 yeas to 17 nays.**

Representative Courtney offered an amendment to allow students to refinance student loans to make it easier for student repayment (based on the *Bank on Students Emergency Loan Refinancing Act*). The amendment would not discharge the debt. **Ranking Member Scott** said that an estimated 25 million borrowers could benefit if this amendment was passed. **Chairwoman Foxx opposed** the amendment based on its cost. **A recorded vote was requested. Mr. Courtney’s amendment failed by a vote of 18 yeas to 21 nays. Mr. Grothman crossed party lines to vote aye.**

Representative Allen offered an amendment to clarify that nothing shall prevent institutions of higher education from providing additional financial aid counseling to recipients of aid under Title IV. **Ranking Member Scott** supported the amendment. **The amendment passed by voice vote.**

Representative Frederica Wilson offered an amendment to restore support for teachers and leaders in the PROSPER Act by restoring Title II teacher preparation programs eliminated in the PROSPER Act (Teacher Quality Partnership grants as well as TEACH grants). Democratic members argued that high-quality teacher and leader preparation

programs are critical to fill the nation’s educator pipeline and support well-trained and professional educators to educate all students. **Chairwoman Foxx opposed** the amendment because many of the Title II programs have never been funded. She also stated that the programs do not “help us achieve the goals of the underlying bill.” **A recorded vote was requested. Representative Wilson’s amendment failed by a vote of 17 yeas to 22 nays.**

Representative Rokita offered and withdrew an amendment to allow borrowers to consolidate their federal loan into private sector loans while still allowing borrows to maintain many of the benefits associated with the loan such as income-driven repayment, deferment, and forgiveness.

Representative Sablan offered an amendment that would authorize grants to provide tuition assistance for students from the Northern Mariana Islands and American Samoa to pursue four year degrees in institutions in other states, similar to the DC tuition assistance program that exists. The new grants would only be available to students who had already completed two year degrees in one of the territories, where there are no four-year institutions. **Chairwoman Foxx** opposed the amendment because it creates a new program. The amendment failed on a voice vote. A recorded vote was requested and delayed. **The amendment failed by a vote of 19 yeas to 20 nays. Mr. Hunter and Mr. Roe crossed party lines to vote aye.**

Representative Rokita offered an amendment that would direct the Secretary of Education to identify the number of Department of Education full-time employees who worked on any programs that were eliminated or consolidated under the bill and then reduce the number of Department employees by that number. Representative Scott opposed the change, saying it would tie the hands of the Department in making staffing decisions based on “arbitrary math.” Chairwoman Foxx said the amendment would strengthen the bill and supported the goal to reduce “bureaucracy size and influence.” The amendment was approved by voice vote; Representative Scott asked for a recorded vote, which was postponed. **Mr. Rokita’s amendment passed by a vote of 22 yeas to 17 nays.**

Representative Bonamici offered an amendment that would restore the PROSPER Act’s proposed elimination of the Federal Supplemental Educational Opportunity Grant, the federal Perkins Loan Program and make other “improvements” to the Federal Work Study program. Saying that one-third of Federal Perkins Loan Program borrowers come from households with incomes of less than \$30,000, Representative Bonamici expressed dismay that the underlying bill rejected bipartisan efforts to retain the Perkins program. Representative DeSaulnier spoke in favor of the campus-based programs, including the Perkins program, noting that there has been widespread bipartisan support for retention of the program in the House and Senate. Other Democrats echoed this support; Representative Adams noted the importance of these programs on the campuses of HBCUs and other minority-serving institutions. Ranking Member Scott supports the proposal. Chairwoman Foxx opposed the change, we she said preserves “the failing status

quo” of the federal student aid system. The amendment failed via a voice vote. A recorded vote was requested and postponed. **Ms. Bonamici’s amendment failed by a vote of 17 yeas to 22 nays.**

Representative Thompson offered an amendment that would strike the bill’s proposal to repeal the United States Institute of Peace and reauthorize the program. **The amendment was passed by voice vote despite Chairwoman Foxx’s opposition.**

The Committee broke to accommodate floor votes at this point. They reconvened and took some recorded votes, then proceeded to offer and debate additional amendments.

Representative Adams offered an amendment focused on strengthening and supporting Minority Serving Institutions (MSIs) which included the reauthorization of mandatory appropriations (Title III) not included in the PROSPER Act. In addition, the amendment authorized a new MSI Innovation Fund and repealed the 25% graduation/transfer rate requirement for certain MSI grant funds. Representative Adams made the point that even though History Black Colleges and Universities (HBCUs) and Tribal Colleges and Universities (TCUs) are exempt from the 25% graduation/transfer requirement in the PROSPER Act, the bill eliminates many other financial assistance programs and other critical supports that help all students who attend MSIs. Representative Takano spoke at length about the needs of Asian American and Native American Pacific Islander-Serving Institutions (AANAPISI) as well. Representative Rooney strongly opposed the amendment. **Representative Adams’ amendment failed by a vote of 17 yeas to 22 nays.**

Ranking Member Scott offered an amendment based on the Obama administration’s College Promise initiative that proposed the payment of 2 years of tuition at community college and supplement tuition at minority serving institutions. Representatives Davis and Bonamici spoke in support of his amendment after Subcommittee Chair Guthrie rose in opposition. **This amendment failed by a party line vote done en bloc.**

Subcommittee Ranking Member Davis offered an amendment to instill more quality protections in the PROSPER Act’s new Title II apprenticeship “earn and learn” programs. Her amendment clarified the definition and qualifications of programs to ensure alignment to WIOA and Department of Labor standards. Representative Norcross supported the amendment while Chairwoman Foxx spoke in opposition. **This amendment failed by a vote 17 yeas to 23 nays.**

Representative Grothman offered an amendment to strike the Pell Grant bonus authority included in the PROSPER Act. During this debate, Representative Grothman distributed and discussed two other amendments, **which he offered and withdrew.** The first amendment would have changed the definition of full-time students from one with a 12 credit schedule to 14 credits. The second would have reduced the lifetime limit on Pell eligibility to 10 semesters. **The Pell Grant bonus authority amendment failed by voice vote and failed by recorded deadlock vote of 20 yeas to 20 nays.**

Representative Norcross offered an amendment to establish a community college completion program, which Chairwoman Foxx opposed. While she supports community colleges, she does not believe we need another “billion dollar” program. **This amendment failed by a party line vote done en bloc.**

Representative Grothman offered another amendment requiring the Secretary of Education to conduct an annual report to determine if the Pell Grant bonus authority is yielding the perceived program benefits. Mr. Scott agreed with the idea of doing a study. **The Committee approved the amendment by voice vote.**

Representative Espaillat offered an amendment on dual enrollment, which encompasses the *Jumpstart on College Act*, to increase the percentage of low income students who complete on-time. Mr. Takano spoke in support. Chairwoman Foxx opposed the amendment on the grounds of it being a new program and said that, in her opinion, there is already support for low income students and students attending minority serving institutions in the PROSPER Act. **This amendment failed by party line vote done en bloc.**

Representative Norcross offered an amendment to improve the effectiveness of remedial education. Mr. Takano spoke in support of Mr. Norcross’ amendment that would identify best practices to reduce the number of students who need remedial education. Chairwoman Foxx opposed the amendment on the grounds that the problem is not the responsibility of the federal government but the local K-12 system and colleges that admit unprepared students. **This amendment failed on a party line vote en bloc.**

Representative DeSaulnier offered an amendment to improve access to higher education for students with disabilities. The amendment would provide grants to train faculty and administrators on how to provide proper accommodations for students with disabilities. Ms. Bonamici, Ms. Adams and Ms. Blunt Rochester spoke in support of the amendment. Chairwoman Foxx opposed the amendment on the grounds that it would be an additional and unnecessary mandate on institutions. **Mr. DeSaulnier’s amendment failed by a vote of 17 yeas to 23 nays.**

Representative Norcross offered an amendment to increase the authorization level for the program that supports campus child care for students. Mr. Espaillat spoke in support of Mr. Norcross’ amendment. Ms. Foxx opposed again because she believes the PROSPER Act already makes good changes to the structure of the CCAMPIS (Child Care Access Means Parents in School) program. **Mr. Norcross’ amendment failed by a vote of 17 yeas to 23 nays.**

Representative Grothman offered and withdrew an amendment to fine institutions based on default rates.

Ranking Member Scott offered an amendment to strike provisions in the PROSPER Act that would provide certain exemptions from federal civil rights requirements required to receive title IV aid for institutions with religious missions. Mr. Scott noted that there are

over 900 institutions with religious missions that abide by current requirements. Mr. Walberg opposed Mr. Scott's amendment and spoke to the right of an institution to uphold its values and accept grants and loans. Chairwoman Foxx joined Mr. Walberg in opposition. **Mr. Scott's amendment failed on a party line vote of 17 yeas to 23 nays.**

Subcommittee Ranking Member Davis offered an amendment to strike language that she believes would counter the Clery Act, which requires schools to collect and report on instances of sexual assault. The PROSPER Act allows schools to delay investigation and reporting if law enforcement is also investigating. It also allows for variation in how schools determine evidentiary standards for sexual assault. Ms. Bonamici and Mr. Takano spoke in support of the amendment. After extensive discussion between Representatives Foxx and Davis about the intent and language of the bill and its impact on the Clery Act, **the two agreed to look at the language in both the bill and the amendment more closely as the bill moves to the floor. However, in its current form the amendment failed by voice vote and by a recorded vote of 17 yeas to 23 nays.**

Representative Davis followed up with an amendment to strike certain language in Title VI that eliminates programs focused on international education and foreign language instruction. Representative Foxx opposed on the grounds that the PROSPER Act repeals programs that have not received funding since FY 2011 or are duplicative. **This amendment failed by a vote of 18 yeas to 22 nays.**

Representative Hunter offered an amendment to ensure the Department of Homeland Security (DHS) has access to institutions of higher education for recruitment purposes. Institutions that deny access to DHS would not be able to participate in federal student aid programs. The amendment is a watered down version of a bill Mr. Hunter worked on with Mr. Rokita. Ms. Davis asked if there were any institutions that actually denied DHS access to do recruitment, particularly in California; Mr. Hunter offered no evidence at the time. **The amendment passed by voice vote.**

Representative Frederica Wilson offered a sense of the Congress amendment related to racism on college campuses. More specifically, it would request the Department of Education to consider ways to combat hostility towards persons of color on college campuses. Representative Wilson cited several examples of such hostility that have occurred in the past year. Representative Adams spoke in support of Ms. Wilson's amendment. Chairwoman Foxx considered the amendment well-intentioned but still opposed on the grounds that it goes too far and puts First Amendment rights into question. **This amendment failed by a vote of 17 yeas to 23 nays.**

Representative Hunter offered and withdrew an amendment called "know before you go," which would allow prospective college students to compare programs utilizing currently unavailable data through "multi-party computation" that encrypts data available across multiple federal agencies to ensure privacy.

Representative Krishnamoorthi offered an amendment to strengthen state and local foster and homeless youth programs that help enroll students into postsecondary

opportunities. It is based on a bill sponsored by himself and Representative Danny Davis. Mr. Mitchell agreed with the intent but disagreed with language in the bill that implies that a college education is the only pathway for these students. He agreed to work with Mr. Krishnamoorthi on language as the bill moves to the floor. Chairwoman Foxx also opposed the amendment. **This amendment failed by a vote of 17 yeas to 23 nays.**

Representative Messer offered an amendment on student loan disclosure forms based on a Brookings study that said many students did not know their loans did not come from the federal government. His amendment would change the language of the student loan disclosure form to emphasize certain key terms and require students to sign the form every time they take out a new loan. Mr. Scott agreed with the intent but felt that this amendment was developed without the input of student interest groups or the Consumer Financial Protection Bureau. **This amendment was approved by voice vote.**

Representative Krishnamoorthi offered an amendment that returns to the requirement in current law that institutions of higher education make good faith efforts to distribute voter registration information and removes a current exemption from this requirement that exists for six states. **This amendment failed by a vote of 17 yeas to 23 nays.**

Representative Messer offered an amendment based on the expected findings of a Government and Accountability Office report that is evaluating procedures the Department of Education used in administering the income based repayment program. Based on anticipated negative outcomes of the report, assuming misinformation in IBR reporting, this amendment would study the transfer of student loan programs to the Treasury Department. **The committee approved the amendment by voice vote.**

Representative Bonamici offered an amendment prohibiting implementation of certain aspects of the PROSPER Act, such as the elimination of the 90/10 rule, unless the Office of the Inspector General finds that it would not negatively impact veterans. **This amendment failed on party line vote of 17 yeas to 23 nays.**

Representative Messer offered an amendment detailing reporting procedures that the Secretary of Education will take to process Borrower Defense to Repayment applications and the method used to calculate any type of relief to borrowers who submit an application. **The committee approved Mr. Messer's amendment by voice vote.**

Representative Grijalva offered an amendment to stop garnishments of social security benefits moving forward if a debt (delinquency or otherwise) claim is made in regard to non-payment of a federal student loan. **Mr. Grijalva did not withdraw the amendment but Chairwoman Foxx ruled that the amendment was not germane.**

Representative Grijalva offered an amendment to title VIII that would authorize grants not to exceed \$500,000 for centers for students who are veterans. Subcommittee Chairman Guthrie rose in opposition to Mr. Grijalva's amendment. **Mr. Grijalva's amendment failed by a vote of 17 yeas to 23 nays.**

Representative Bonamici offered an amendment prohibiting certain provisions of the law from going into effect until the Government Accountability Office certifies that student aid would not be decreased under the PROSPER Act. Ranking Member Scott supported her amendment. **The amendment failed by voice vote.** Ms. Bonamici offered two more similar amendments. The first would prohibit certain provisions from going into effect until the GAO determined military recruitment would not be impacted. The second would prohibit would certain provisions from going into effect until GAO certified that they would not increase student loan debt. Subcommittee Chairman Guthrie opposed both amendments. **Ms. Bonamici's amendments failed by a party line vote of 17 yeas to 23 nays.**

Representative Polis offered an amendment to ensure Congress has data on the effectiveness and best practices necessary to expand quality competency-based education. Subcommittee Chairman Guthrie opposed this amendment. **Mr. Polis' amendment failed by voice vote.**

Representative Polis offered a string of amendments. First, he offered an amendment to authorize grants to support dual enrollment. Next, he offered an amendment to authorize grants to support the expansion of open textbooks. Finally, he offered an amendment regarding a Sense of the Congress that online educational material should not be blocked or otherwise censored by internet providers as it may be under new rules being considered and voted upon for net neutrality. Subcommittee Chairman Guthrie opposed these amendments. **Mr. Polis amendments failed by a vote of 17 yeas to 23 nays.**

Representative Polis offered an amendment regarding tuition for Native Americans. Mr. Hunter crossed party lines to offer his support for the amendment. **It failed by a vote of 18 yeas to 22 nays.**

CONCLUSION

Just after midnight, the PROSPER Act was reported favorably via a party line vote of 23 yeas to 17 nays. Few amendments of substance were adopted. After the vote, Dr. Foxx said she would like to see the full House vote on the bill next year. Senator Alexander has stated previously that the Senate HELP Committee will make reauthorization of the Higher Education Act a top priority early in 2018.

Next week, the Committee will return to K-12 education and host Secretary of Education Betsy DeVos for an oversight hearing related to implementation of the *Every Student Succeeds Act*. For more information on the bill, including a press release, fact sheet, Committee-prepared summary, bill text and more, visit [here](#).