

114TH CONGRESS  
1ST SESSION

# H. R. 970

To prohibit the Secretary of Education from engaging in regulatory overreach with regard to institutional eligibility under title IV of the Higher Education Act of 1965, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2015

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

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## A BILL

To prohibit the Secretary of Education from engaging in regulatory overreach with regard to institutional eligibility under title IV of the Higher Education Act of 1965, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Supporting Academic  
5       Freedom through Regulatory Relief Act”.

6       **SEC. 2. REGULATORY RELIEF.**

7       (a) REGULATIONS REPEALED.—

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3           tions) are repealed and shall have no legal effect:

4           (A) STATE AUTHORIZATION.—Sections  
5           600.4(a)(3), 600.5(a)(4), 600.6(a)(3), 600.9,  
6           and 668.43(b) of title 34, Code of Federal Reg-  
7           ulations (relating to State authorization), as  
8           added or amended by—

9           (i) the final regulations published by  
10           the Department of Education in the Fed-  
11           eral Register on October 29, 2010 (75  
12           Fed. Reg. 66832 et seq.); or

13           (ii) the negotiated rulemaking com-  
14           mittee established after the notice of inten-  
15           tion to establish such committee published  
16           in the Federal Register on November 20,  
17           2013 (78 Fed. Reg. 69612 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 clauses (i)(A), (ii), and (iii) of sub-  
25           section (k)(2) of section 668.8 of such title, as

1 amended by such final regulations (75 Fed.  
2 Reg. 66949 et seq.).

3 (C) GAINFUL EMPLOYMENT.—Sections  
4 600.10(c), 600.20(d), 668.6, and 668.7, of title  
5 34, Code of Federal Regulations as added or  
6 amended by the final regulations published by  
7 the Department of Education in the Federal  
8 Register on October 31, 2014 (79 Fed. Reg.  
9 64889 et seq.).

10 (2) EFFECT OF REPEAL.—To the extent that  
11 regulations repealed by paragraph (1) amended reg-  
12 ulations that were in effect on June 30, 2011, the  
13 provisions of the regulations that were in effect on  
14 June 30, 2011, and were so amended are restored  
15 and revived as if the regulations repealed by para-  
16 graph (1) had not taken effect.

17 (b) CERTAIN REGULATIONS AND OTHER ACTIONS  
18 PROHIBITED.—

19 (1) STATE AUTHORIZATION, GAINFUL EMPLOY-  
20 MENT, AND TEACHER PREPARATION.—

21 (A) IN GENERAL.—The Secretary of Edu-  
22 cation shall not, during the period described in  
23 subparagraph (B), promulgate or enforce any  
24 regulation or rule not in effect on the date of  
25 enactment of this Act for any purpose under

1 the Higher Education Act of 1965 (20 U.S.C.  
2 1001 et seq.) with respect to—

3 (i) the State authorization for institu-  
4 tions of higher education to operate within  
5 a State;

6 (ii) the definition or application of the  
7 term “gainful employment”; or

8 (iii) a teacher preparation program  
9 accountability system.

10 (B) PERIOD OF PROHIBITION.—The period  
11 during which the Secretary is prohibited from  
12 promulgating or enforcing a regulation de-  
13 scribed in subparagraph (A) shall be the period  
14 beginning on the date of enactment of this Act  
15 and ending on the date of enactment of a law  
16 that extends by not less than 2 fiscal years the  
17 authorization or duration of one or more pro-  
18 grams under the Higher Education Act of 1965  
19 (20 U.S.C. 1001 et seq.).

20 (2) CREDIT HOUR.—The Secretary of Edu-  
21 cation shall not, on or after the date of enactment  
22 of this Act, promulgate or enforce any regulation or  
23 rule with respect to the definition of the term “cred-  
24 it hour” for any purpose under the Higher Edu-  
25 cation Act of 1965 (20 U.S.C. 1001 et seq.).

1           (3) POSTSECONDARY INSTITUTION RATINGS  
2           SYSTEM.—The Secretary of Education shall not  
3           carry out, develop, refine, promulgate, publish, im-  
4           plement, administer, or enforce a postsecondary in-  
5           stitution ratings system or any other performance  
6           system to rate institutions of higher education (as  
7           defined in section 102 of the Higher Education Act  
8           of 1965 (20 U.S.C. 1002)).

9   **SEC. 3. THIRD-PARTY SERVICE PROVIDERS.**

10          Section 487(a)(20) of the Higher Education Act of  
11   1965 (20 U.S.C. 1094(a)(20)) is amended by adding at  
12   the end the following: “Notwithstanding the preceding  
13   sentence, an institution described in section 101 may pro-  
14   vide payment, based on the amount of tuition generated  
15   by the institution from student enrollment, to a third-  
16   party entity that provides a set of services to the institu-  
17   tion that includes student recruitment services, regardless  
18   of whether the third-party entity is affiliated with an insti-  
19   tution that provides educational services other than the  
20   institution providing such payment, if—

21                   “(A) the third-party entity is not affiliated  
22                   with the institution providing such payment;

23                   “(B) the third-party entity does not make  
24                   compensation payments to its employees that  
25                   are prohibited under this paragraph;

1           “(C) the set of services provided to the in-  
2           stitution by the third-party entity include serv-  
3           ices in addition to student recruitment services,  
4           and the institution does not pay the third-party  
5           entity solely or separately for student recruit-  
6           ment services provided by the third-party enti-  
7           ty; and

8           “(D) any student recruitment information  
9           available to the third-party entity, including  
10          personally identifiable information, will not be  
11          used by, shared with, or sold to any other per-  
12          son or entity, including any institution that is  
13          affiliated with the third-party entity.”.

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