

July 31, 2008

Mr. SCOTT of Virginia: Mr. Speaker, I would like to thank and commend Chairman *Miller*, Ranking Member *McKeon*, Chairman *Hinojosa*, and Ranking Member *Keller* for their hard work on this bill.

This bill contains many important provisions that will make college more affordable for our students, particularly the Pell Grant and loan forgiveness provisions.

It also has many provisions helpful to institutions of higher learning, especially Historically Black Colleges and Universities which have been funded for new master's programs at Historically Black Colleges and Universities and Predominantly Black Institutions.

It also, as the Chairman has indicated, has a new program to help the rapidly growing field of modeling and simulation.

Mr. Speaker, there is new language in the bill dealing with the accreditation of colleges, and it is important to explicitly note that this new language does not adversely affect or change anti-discrimination provisions.

The bill also contains a direction to the Department of Education to reword the financial aid application to make it clear that students can get financial aid, even if they have a drug offense.

We have worked long and hard on this bill, and for the foregoing reasons, Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, it has been ten years since the Higher Education Act has been reauthorized and I am pleased that we will now make manyneeded updates to this law. I would like to commend Chairman **MILLER**, Ranking Member **MCKEON**, Chairman **HINOJOSA**, and Ranking Member **KELLER**

for their work on this bill. I would also like to thank the Chairman and Ranking Member of the Senate's Health, Education, Labor & Pensions committee, Senators

KENNEDY

and

ENZI

. Additionally, I would like to express my gratitude to Senator

MIKULSKI

for all her efforts in Senator

KENNEDY

's absence. I would also like to thank the House and Senate Committees' staff; we could not have reached this point without your hard work and dedication.

This bill contains many important provisions that will help make a college education more affordable for student and their families. I am particularly pleased with the increase in the authorization of the Pell grant and the loan forgiveness provision that will aid students who give back to their community if they enter a profession in an area of national need, including mental health professionals and child welfare workers.

The legislation also specifically assists minority students in several ways. For example, it contains a provision to promote cultural diversity in the entertainment media industry. It will also require that a study be conducted on whether race, ethnicity, or gender biases exist in the design of standardized admission tests used by higher education institutions. The information collected for the study is intended to be made available to the public--except in cases where the entity providing the information shows good cause or in the case where the information is proprietary--so that if such biases are found we can work to correct them.

The bill requires the Department of Education to conform hate crime reporting requirements to FBI guidelines to more accurately report incidents of hate crimes on our campuses. This will result in consistent and accurate reporting of crimes against persons and crimes against property. In addition, improved data will give parents and students a more accurate sense of campus safety and education institutions a better picture of their campus climate.

The legislation also contains many provisions helpful to institutions of higher education. The Secretary will now be required to develop and maintain a plan to help schools cope with natural and man-made disasters. The bill also creates an Education Disaster and Emergency Relief Loan Program to provide emergency loan funds to schools after a federal declared major disaster or emergency, including those schools affected by the 2005 Gulf Hurricanes. Additionally, the bill includes a provision which significantly helps schools affected by Hurricanes Katrina and Rita by holding them harmless for purposes of Title III funding.

This bill also does a great deal to help the Historically Black Colleges and Universities. The authorization levels for HBCUs have been increased to \$375 million dollars, which is almost three times the amount that is in the current Higher Education Act. The amount for the Historically Black Graduate Institutions program has significantly increased as well. The bill also provides funding for Masters programs at Historically Black Colleges and Universities and Predominantly Black Institutions that focus on science, technology, engineering, mathematics, health and other fields in which Blacks are underrepresented.

The legislation strengthens and develops college-level programs in the rapidly growing field of Modeling and Simulation. This is a field of study that refers to replicating a system on a smaller scale or on a computer for extensive examination. There is not a single field of study or profession that cannot benefit from this type of analysis including urban planning, medicine and national security.

This legislation includes several positive changes to the TRIO programs, which provide assistance to low-income and first generation college-going students. The bill eliminates the Absolute Priority conditions imposed on Upward Bound programs by the Department of Education without requiring a recompetition. In addition, the bill creates an appeals process for TRIO programs to ensure that the grantmaking process is as fair and transparent as possible.

Mr. Speaker, there is a clarification that I feel must be made with regard to new language added to an existing accreditation provision. Current law requires that accrediting agencies or associations apply and enforce their standards in a manner that respects the missions of institutions of higher education. This bill states that respecting missions of institutions of higher education includes religious missions. It is important to explicitly note what is and is not intended by the new language. Pursuant to the House Report filed by the House Committee on Education and Labor on December 19, 2007 (H. Rept. 110-500, Part I), it is important to make clear that this new language does not affect or change nondiscrimination provisions. The House Report states in relevant part:

“The new language requiring accrediting agencies or associations to apply and enforce their standards in a manner that respects the missions of institutions of higher education, including religious missions, reflects Congress' belief that accredited institutions should be allowed to choose their own missions rather than having them imposed or regulated by accrediting bodies. In response to concerns raised by Representatives **ROBERT C. SCOTT** (D-VA) and **RUBEN HINOJOSA**

(D-TX) about whether the amendment would harm the ability of accreditors to enforce nondiscrimination provisions, the author of the amendment, Representative

TIMOTHY WALBERG

(R-MI), explained that the provision would not affect nondiscrimination provisions and instead would require accreditors to respect the missions of schools, including when the missions are religious.

“It is the intent of the Committee that this amendment does not change or alter current accreditation requirements, and the exemptions included in those requirements (such as those allowed by the American Bar Association and the American Psychological Association), for the enforcement of nondiscrimination provisions. The Committee also notes that this provision does not alter title VII of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972 or other federal antidiscrimination statutes, which remain applicable to institutions of higher education to the same extent as before. The Department of Education shall not promulgate any regulations that provide any new exceptions to current nondiscrimination provisions.

“It is also the intent of the Committee that this amendment does not change or alter current accreditation requirements, and the exemptions included in those requirements, for training professionals in the practice of medicine and other health care professions.”

Similarly, the Senate report that accompanies S. 1642 (the companion bill to H.R. 4137) filed by the Senate Committee on Health, Education, Labor, and Pensions on November 15, 2007 (Report No. 110-231) confirms this position. The Senate report states in relevant part:

“Accrediting agencies or associations recognized by the Department of Education are invested with a public trust and perform an important public function. Congress expects that those receiving Department recognition will perform those functions with the same diligence and competence as would be provided by any public body and that their procedures will be conducted with the same level of transparency, due process, and accountability that would apply to the Department if it performed this function itself.

“The new language requiring accrediting agencies or associations to apply and enforce their standards in a manner that respects the missions of institutions of higher education, including religious missions, reflects these goals. It is not intended to allow an institution to deny a person participation in, the benefits of, or to subject a person to discrimination under any program or activity receiving Federal financial assistance under existing laws, including those with respect to race, color, religion, sex, national origin, age, or disability; or because the person has not complied with a standard of the institution that requires the person to discriminate on the basis of race, color, religion, sex, national origin, age, or disability.”

Mr. Speaker, I would also like to highlight a provision included in the Statement of Managers to the Conference which I feel is extremely important. Currently, the Free Application for Federal Student Aid (FAFSA) is written in a way that misleads many students to believe that if they have been convicted of a drug offense, they do not qualify for financial aid. In the Statement of Managers, Conferees encourage the Department to reword the FAFSA to more accurately reflect the ways in which students who have been convicted of drug offenses can obtain financial aid.

Mr. Speaker, we have worked long and hard for a comprehensive, bipartisan bill. While not perfect, I believe this bill goes a long way towards making college more affordable for students and their families and towards helping our institutions and higher education provide a quality education to our nation's youth. For the foregoing reasons, I support the bill and urge my colleagues to support it.