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(Original Signature of Member)

112TH CONGRESS
2D SESSION

H. R. _____

To establish the Higher Education Regulatory Reform Task Force, to establish procedures for the presentation and expedited consideration by Congress of the recommendations of the Higher Education Regulatory Reform Task Force, to establish requirements for college cost reduction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WELCH introduced the following bill; which was referred to the Committee on _____

A BILL

To establish the Higher Education Regulatory Reform Task Force, to establish procedures for the presentation and expedited consideration by Congress of the recommendations of the Higher Education Regulatory Reform Task Force, to establish requirements for college cost reduction, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “College Cost Reduction
3 Act of 2012”.

4 **SEC. 2. HIGHER EDUCATION REGULATORY REFORM TASK**
5 **FORCE.**

6 (a) **TASK FORCE ESTABLISHED.**—Not later than 6
7 months after the date of enactment of this Act, the Sec-
8 retary of Education shall establish the Higher Education
9 Regulatory Reform Task Force.

10 (b) **MEMBERSHIP.**—The Higher Education Regu-
11 latory Reform Task Force shall include—

12 (1) the Secretary of Education or the Sec-
13 retary’s designee;

14 (2) the head of each other Federal agency (or
15 such head’s designee) that the Secretary of Edu-
16 cation determines to be relevant to the activities of
17 the Higher Education Regulatory Reform Task
18 Force;

19 (3) a representative of the Advisory Committee
20 on Student Financial Assistance established under
21 section 491 of the Higher Education Act of 1965
22 (20 U.S.C. 1098);

23 (4) representatives from the higher education
24 community, including—

25 (A) institutions of higher education, with
26 equal representation of public and private non-

1 profit institutions, and two-year and four-year
2 institutions, and with not less than 25 percent
3 of such representative institutions carrying out
4 distance education programs; and

5 (B) nonprofit organizations representing
6 institutions of higher education; and

7 (5) any other entity or individual the Secretary
8 of Education determines appropriate.

9 (c) ACTIVITIES.—

10 (1) REPORT REQUIRED.—Not later than one
11 year after the date of enactment of this Act, the
12 Secretary of Education shall submit to Congress and
13 make available on a publicly available website a re-
14 port (in this Act referred to as the “Higher Edu-
15 cation Regulatory Reform Report”) prepared by the
16 Higher Education Regulatory Reform Task Force on
17 Federal regulatory requirements for institutions of
18 higher education. In prioritizing the review and con-
19 sideration of such regulatory requirements for the
20 purposes of the Higher Education Regulatory Re-
21 form Report, the Higher Education Regulatory Re-
22 form Task Force shall give highest priority to regu-
23 lations related to—

24 (A) State authorization of distance edu-
25 cation;

1 (B) the Integrated Postsecondary Edu-
2 cation Data System (IPEDS);

3 (C) the Office of Management and Budg-
4 et's A-21 Circular;

5 (D) reporting under the Jeanne Clery Dis-
6 closure of Campus Security Policy and Campus
7 Crime Statistics Act;

8 (E) calculation of default rates under sec-
9 tion 435(a) of the Higher Education Act of
10 1965;

11 (F) gainful employment;

12 (G) revenue requirements for institutions
13 of higher education under section 487(a)(24)
14 and (d) of the Higher Education Act of 1965;
15 and

16 (H) the Single Audit Act of 1984 and the
17 Office of Management and Budget's A-133 Cir-
18 cular.

19 (2) CONTENTS OF REPORT.—The Higher Edu-
20 cation Regulatory Reform Report shall contain the
21 following with respect to regulatory requirements for
22 institutions of higher education:

23 (A) A list of rules that are determined to
24 be outmoded, duplicative, ineffective, or exces-
25 sively burdensome.

1 (B) For each rule listed in accordance with
2 subparagraph (A), an analysis of how the costs
3 outweigh the benefits for such rule.

4 (C) Recommendations to consolidate, mod-
5 ify, simplify, or repeal such rules to make such
6 rules more effective or less burdensome.

7 (D) A description of the justification for
8 and impact of the recommendations described
9 in subparagraph (C), as appropriate and avail-
10 able, including supporting data for such jus-
11 tifications and the financial impact of such rec-
12 ommendations on institutions of higher edu-
13 cation of varying sizes and types.

14 (E) Recommendations on the establish-
15 ment of a permanent entity to review new regu-
16 latory requirements affecting institutions of
17 higher education.

18 (3) NOTICE AND COMMENT.—At least 60 days
19 before submission of the Higher Education Regu-
20 latory Reform Report required under paragraph (1),
21 the Secretary of Education shall publish the report
22 in the Federal Register for public notice and com-
23 ment. The Higher Education Regulatory Reform
24 Task Force may modify the report in response to

1 any comments received before submission of the re-
2 port to Congress.

3 (d) DEFINITION OF INSTITUTION OF HIGHER EDU-
4 CATION.—For the purposes of this section, the term “in-
5 stitution of higher education” has the meaning given such
6 term in section 101(a) of the Higher Education Act of
7 1965 (20 U.S.C. 1001(a)).

8 **SEC. 3. EXPEDITED CONSIDERATION BY CONGRESS.**

9 (a) PRESENTATION OF HIGHER EDUCATION REGU-
10 LATORY REFORM REPORT TO CONGRESS AND EXPEDITED
11 CONSIDERATION.—

12 (1) IN GENERAL.—The President shall propose,
13 at the time and in the manner provided in para-
14 graph (2), the carrying out of all or part of the rec-
15 ommendations contained in the Higher Education
16 Regulatory Reform Report prepared by the Higher
17 Education Regulatory Reform Task Force in accord-
18 ance with section 2.

19 (2) TRANSMITTAL OF SPECIAL MESSAGE.—

20 (A) MESSAGE REQUIREMENTS.—Not later
21 than 120 days after the submission of the
22 Higher Education Regulatory Reform Report to
23 Congress under section 2(c), the President shall
24 transmit to Congress a special message to carry
25 out all or part of the recommendations con-

1 tained in such Report. The President shall in-
2 clude with that special message a bill that
3 would carry out the recommendations. The
4 President may not transmit more than one such
5 special message each year.

6 (B) BILL TEXT.—The President shall in-
7 clude in the bill required under subparagraph
8 (A), without amendment, the following text:

9 **“SEC. 2. CONTROLLING RISING COLLEGE COSTS.**

10 “(a) CONTROLLING RISING COLLEGE COSTS.— Not
11 later than 180 days after the date of enactment of this
12 Act, the Secretary shall promulgate regulations that—

13 “(1) require institutions of higher education to
14 control annual tuition increases; and

15 “(2) establish penalties for institutions of high-
16 er education that do not comply with the regulations
17 promulgated under paragraph (1), taking into ac-
18 count the affects of such penalties on various types
19 of institutions and the specific circumstances of in-
20 stitutions that may result in such noncompliance, in-
21 cluding failure of States to adhere to maintenance of
22 effort requirements under section 137 of the Higher
23 Education Act of 1965 (20 U.S.C. 1015f).

24 “(b) INAPPLICABILITY OF RULEMAKING REQUIRE-
25 MENTS.—Section 482(c) and section 492 of the Higher

1 Education Act of 1965 (20 U.S.C. 1089(c); 1098a) shall
2 not apply to the regulations required by this section.

3 “(c) DEFINITIONS.—For purposes of this section:

4 “(1) INSTITUTION OF HIGHER EDUCATION.—

5 The term ‘institution of higher education’ has the
6 meaning given the term in section 102 of the Higher
7 Education Act of 1965 (20 U.S.C. 1002).

8 “(2) ANNUAL TUITION.—The term ‘tuition’
9 means the average annual cost of tuition and fees
10 for an institution of higher education for first-time,
11 full-time undergraduate students enrolled in the in-
12 stitution.”.

13 (3) EXPEDITED CONSIDERATION OF PRESI-
14 DENT’S HIGHER EDUCATION REGULATORY REFORM
15 BILL.—

16 (A) HIGHER EDUCATION REGULATORY RE-
17 FORM BILL.—Within 14 days after the Presi-
18 dent submits to Congress a bill under para-
19 graph (2), the majority leader of the House of
20 Representatives and the majority leader of the
21 Senate shall each introduce such bill, by re-
22 quest.

23 (B) CONSIDERATION IN THE HOUSE OF
24 REPRESENTATIVES.—

1 (i) REFERRAL AND REPORTING.—Any
2 committee of the House of Representatives
3 to which such bill is referred shall report
4 it to the House without amendment not
5 later than the 14th legislative day after the
6 date of its introduction. If a committee
7 fails to report the bill within that period or
8 the House has adopted a concurrent reso-
9 lution providing for adjournment sine die
10 at the end of a Congress, such committee
11 shall be automatically discharged from fur-
12 ther consideration of the bill and it shall be
13 placed on the appropriate calendar.

14 (ii) PROCEEDING TO CONSIDER-
15 ATION.—Not later than 21 legislative days
16 after such bill is reported or a committee
17 has been discharged from further consider-
18 ation thereof, it shall be in order to move
19 to proceed to consider such bill in the
20 House. Such a motion shall be highly privi-
21 leged and not debatable, and shall be in
22 order only at a time designated by the
23 Speaker in the legislative schedule within
24 two legislative days after the day on which
25 the proponent announces an intention to

1 the House to offer the motion provided
2 that such notice may not be given until
3 such bill is reported or a committee has
4 been discharged from further consideration
5 thereof. Such a motion shall not be in
6 order after the House has disposed of a
7 motion to proceed with respect to that spe-
8 cial message. The previous question shall
9 be considered as ordered on the motion to
10 its adoption without intervening motion. A
11 motion to reconsider the vote by which the
12 motion is disposed of shall not be in order.

13 (iii) CONSIDERATION.—If the motion
14 to proceed is agreed to, the House shall
15 immediately proceed to consider such bill
16 in the House without intervening motion.
17 Such bill shall be considered as read. All
18 points of order against the bill and against
19 its consideration are waived. The previous
20 question shall be considered as ordered on
21 the bill to its passage without intervening
22 motion except 4 hours of debate equally di-
23 vided and controlled by the proponent and
24 an opponent and one motion to limit de-
25 bate on the bill. A motion to reconsider the

1 vote on passage of the bill shall not be in
2 order.

3 (C) CONSIDERATION IN THE SENATE.—

4 (i) COMMITTEE ACTION.—The appro-
5 priate committee of the Senate shall report
6 without amendment the bill referred to in
7 subparagraph (A) not later than the sev-
8 enth session day after introduction. If a
9 committee fails to report the bill within
10 that period or the Senate has adopted a
11 concurrent resolution providing for ad-
12 journment sine die at the end of a Con-
13 gress, the Committee shall be automati-
14 cally discharged from further consideration
15 of the bill and it shall be placed on the ap-
16 propriate calendar.

17 (ii) MOTION TO PROCEED.—Not later
18 than 3 session days after the bill is re-
19 ported in the Senate or the committee has
20 been discharged thereof, it shall be in
21 order for any Senator to move to proceed
22 to consider the bill in the Senate. The mo-
23 tion shall be decided without debate and
24 the motion to reconsider shall be deemed
25 to have been laid on the table. Such a mo-

1 tion shall not be in order after the Senate
2 has disposed of a prior motion to proceed
3 with respect to the draft bill.

4 (iii) CONSIDERATION.—If a motion to
5 proceed to the consideration of the draft
6 bill is agreed to, the Senate shall imme-
7 diately proceed to consideration of the
8 draft bill without intervening motion,
9 order, or other business, and the draft bill
10 shall remain the unfinished business of the
11 Senate until disposed of. Consideration on
12 the bill in the Senate under this sub-
13 section, and all debatable motions and ap-
14 peals in connection therewith, shall not ex-
15 ceed 10 hours equally divided in the usual
16 form. All points of order against the draft
17 bill or its consideration are waived. Consid-
18 eration in the Senate on any debatable mo-
19 tion or appeal in connection with the draft
20 bill shall be limited to not more than 10
21 hours. A motion to postpone, or a motion
22 to proceed to the consideration of other
23 business, or a motion to recommit the
24 draft bill is not in order. A motion to re-

1 consider the vote by which the draft bill is
2 agreed to or disagreed to is not in order.

3 (D) AMENDMENTS PROHIBITED.—No
4 amendment to, or motion to strike a provision
5 from, the draft bill considered under this sec-
6 tion shall be in order in either the House of
7 Representatives or the Senate.

8 (E) COORDINATION WITH ACTION BY
9 OTHER HOUSE.—If, before passing the bill, one
10 House receives from the other a bill—

11 (i) the bill of the other House shall
12 not be referred to a committee; and

13 (ii) the procedure in the receiving
14 House shall be the same as if no bill had
15 been received from the other House until
16 the vote on passage, when the bill received
17 from the other House shall supplant the
18 bill of the receiving House.

19 (F) LIMITATION.—This paragraph shall
20 apply only to the bill referred to in subpara-
21 graph (A), introduced pursuant to such sub-
22 paragraph.

23 (b) DEFINITION.—For purposes of this section, con-
24 tinuity of a session of either House of Congress shall be
25 considered as broken only by an adjournment of that

1 House sine die, and the days on which that House is not
2 in session because of an adjournment of more than 3 days
3 to a date certain shall be excluded in the computation of
4 any period.