

114TH CONGRESS
1ST SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. BURR (for himself, Mr. GRASSLEY, Mr. ISAKSON, Mr. TILLIS, Mr. COTTON, Mr. HATCH, Mr. ALEXANDER, Mr. ROBERTS, Mrs. FISCHER, Mr. FLAKE, Mr. SCOTT, Mr. CASSIDY, Mr. PORTMAN, Mr. CORNYN, Mr. RUBIO, Mr. ENZI, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on

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”.

1 **SEC. 2. REGULATORY RELIEF.**

2 (a) REGULATIONS REPEALED.—

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5 tions) are repealed and shall have no legal effect:

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

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

15 (ii) the negotiated rulemaking com-
16 mittee established after the notice of inten-
17 tion to establish such committee published
18 in the Federal Register on November 20,
19 2013 (78 Fed. Reg. 69612 et seq).

20 (B) DEFINITION OF CREDIT HOUR.—The
21 definition of the term “credit hour” in section
22 600.2 of title 34, Code of Federal Regulations,
23 as added by the final regulations published by
24 the Department of Education in the Federal
25 Register on October 29, 2010 (75 Fed. Reg.
26 66946), and clauses (i)(A), (ii), and (iii) of sub-

1 section (k)(2) of section 668.8 of such title, as
2 amended by such final regulations (75 Fed.
3 Reg. 66949 et seq.).

4 (C) GAINFUL EMPLOYMENT.—Sections
5 600.10(c), 600.20(d), 668.6, and 668.7, of title
6 34, Code of Federal Regulations as added or
7 amended by the final regulations published by
8 the Department of Education in the Federal
9 Register on October 31, 2014 (79 Fed. Reg.
10 64889 et seq.).

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12 regulations repealed by paragraph (1) amended reg-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16 and revived as if the regulations repealed by para-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

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

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

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

1 enactment of this Act for any purpose under
2 the Higher Education Act of 1965 (20 U.S.C.
3 1001 et seq.) with respect to—

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

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

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

11 (B) PERIOD OF PROHIBITION.—The period
12 during which the Secretary is prohibited from
13 promulgating or enforcing a regulation de-
14 scribed in subparagraph (A) shall be the period
15 beginning on the date of enactment of this Act
16 and ending on the date of enactment of a law
17 that extends by not less than 2 fiscal years the
18 authorization or duration of 1 or more pro-
19 grams under the Higher Education Act of 1965
20 (20 U.S.C. 1001 et seq.).

21 (2) CREDIT HOUR.—The Secretary of Edu-
22 cation shall not, on or after the date of enactment
23 of this Act, promulgate or enforce any regulation or
24 rule with respect to the definition of the term “cred-

1 it hour” for any purpose under the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1001 et seq.).

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

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

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

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

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

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

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