Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 11 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Courtney/ COURTNEY_AMD_14

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 12 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Mannion/ MANNION_AMD_21

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 13 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Mannion/ MANNION_AMDCH_001

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 14 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Takano/ TAKANO_AMD_01

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 15 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. McBath/ MCBATH_016

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 16 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Scott/ SCOTT_AMD_05

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 17 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Omar/ OMARMN_015

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 18 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Omar/ OMARMN_016

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 19 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Omar/ OMAR_AMD_30

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 20 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Omar/ OMAR_AMDCH_002

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 21 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. DeSaulnier/ DESAULNIER_AMD_16

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 22 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Scott/ SCOTT_AMD_20

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 23 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Takano/ TAKANO_AMD_03

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 24 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Takano/ TAKANO_AMD_10

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 25 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Lee/ LEE_AMDDF_001

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 26 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Lee/ LEE_AMDDF_002

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 27 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Lee/ LEE_AMD_04

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 28 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Lee/ LEEPA_027

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 29 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Lee/ LEEPA_028

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 30 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Lee/ LEEPA_026

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35/ Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 31 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Casar/ CASAR_AMD_09

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 32 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Casar/ CASAR_AMDDS_001

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 33 Bill: Committee Print Amendment Number: N/A

Disposition: Failed by a Full Committee Roll Call Vote (14y-21n)

Sponsor/Amendment: Rep. Scott/ SCOTT_AMDCH_03

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)		X		Mr. SCOTT (VA) (Ranking)	X		
Mr. WILSON (SC)		X		Mr. COURTNEY (CT))	X		
Mrs. FOXX (NC)		X		Ms. WILSON (FL)	X		
Mr. THOMPSON (PA)		X		Ms. BONAMICI (OR)	X		
Mr. GROTHMAN (WI)		X		Mr. TAKANO (CA))	X		
Ms. STEFANIK (NY)		X		Ms. ADAMS (NC)	X		
Mr. ALLEN (GA)		X		Mr. DESAULNIER (CA)	X		
Mr. COMER (KY)		X		Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)		X		Ms. MCBATH (GA)	X		
Ms. MCCLAIN (MI)		X		Ms. HAYES (CT)	X		
Mrs. MILLER (IL)		X		Ms. OMAR (MN)	X		
Ms. LETLOW (LA)		X		Ms. STEVENS (MI)	X		
Mr. KILEY (CA)		X		Mr. CASAR (TX)	X		
Mr. RULLI (OH)		X		Ms. LEE (PA)	X		
Mr. MOYLAN (GU)		X		Mr. MANNION (NY)	X		
Mr. ONDER (MO)		X					
Mr. MACKENZIE (PA)		X					
Mr. BAUMGARTNER (WA)		X					
Mr. HARRIS (NC)		X					
Mr. MESSMER (IN)		X					
Mr. FINE (FL)		X					

TOTALS: Ayes: 14 Nos: 21 Not Voting: 1

Total: 36 / Quorum: 35 Report: 14y-21n

(21 R - 16 D)

Date: 4/29/25

COMMITTEE ON EDUCATION AND WORKFORCE RECORD OF COMMITTEE VOTE

Roll Call: 34 Bill: Committee Print Amendment Number: N/A

Disposition: Adopted by a Full Committee Roll Call Vote (21y-14n)

Sponsor/Amendment: Chairman Walberg

Name & State	Aye	No	Not Voting	Name & State	Aye	No	Not Voting
Mr. WALBERG (MI) (Chairman)	X			Mr. SCOTT (VA) (Ranking)		X	
Mr. WILSON (SC)	X			Mr. COURTNEY (CT))		X	
Mrs. FOXX (NC)	X			Ms. WILSON (FL)		X	
Mr. THOMPSON (PA)	X			Ms. BONAMICI (OR)		X	
Mr. GROTHMAN (WI)	X			Mr. TAKANO (CA))		X	
Ms. STEFANIK (NY)	X			Ms. ADAMS (NC)		X	
Mr. ALLEN (GA)	X			Mr. DESAULNIER (CA)		X	
Mr. COMER (KY)	X			Mr. NORCROSS (NJ)			X
Mr. OWENS (UT)	X			Ms. MCBATH (GA)		X	
Ms. MCCLAIN (MI)	X			Ms. HAYES (CT)		X	
Mrs. MILLER (IL)	X			Ms. OMAR (MN)		X	
Ms. LETLOW (LA)	X			Ms. STEVENS (MI)		X	
Mr. KILEY (CA)	X			Mr. CASAR (TX)		X	
Mr. RULLI (OH)	X			Ms. LEE (PA)		X	
Mr. MOYLAN (GU)	X			Mr. MANNION (NY)		X	
Mr. ONDER (MO)	X						
Mr. MACKENZIE (PA)	X						
Mr. BAUMGARTNER (WA)	X						
Mr. HARRIS (NC)	X						
Mr. MESSMER (IN)	X						
Mr. FINE (FL)	X						

TOTALS: Ayes: 21 Nos: 14 Not Voting: 1

Total: 36 / Quorum: 35 Report: 21y-14n

(21 R - 16 D)

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House Rule XIII, the goal of the Committee Print is to provide for reconciliation pursuant to H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025.

DUPLICATION OF FEDERAL PROGRAMS

No provision of this Committee Print establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111 -139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

The Committee has not received a cost estimate for the Committee Print from the Director of the Congressional Budget Office.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

HIGHER EDUCATION ACT OF 1965

* * * * * * *

TITLE I—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 101. GENERAL DEFINITION OF INSTITUTION OF HIGHER EDUCATION.

(a) INSTITUTION OF HIGHER EDUCATION.—For purposes of this Act, other than title IV, the term "institution of higher education" means an educational institution in any State that—

(1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, or persons who meet the requirements of section 484(d);

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree, or awards a degree that is acceptable for admission to a graduate or professional degree program, subject to review and approval by the Secretary;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) ADDITIONAL INSTITUTIONS INCLUDED.—For purposes of this Act, other than title IV, the term "institution of higher education" also includes—

(1) any school that provides not less than a 1-year program of training to prepare students for [gainful employment in] a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a); and

(2) a public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1), admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(B) who will be dually or concurrently enrolled in the institution and a secondary school.

(c) LIST OF ACCREDITING AGENCIES.—For purposes of this section and section 102, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part H of title IV, to be reliable authority as to the quality of the education or training offered.

SEC. 102. DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.

(a) DEFINITION OF INSTITUTION OF HIGHER EDUCATION FOR PURPOSES OF TITLE IV PROGRAMS.—

(1) INCLUSION OF ADDITIONAL INSTITUTIONS.—Subject to paragraphs (2) through (4) of this subsection, the term "institution of higher education" for purposes of title IV includes, in addition to the institutions covered by the definition in section 101—

(A) a proprietary institution of higher education (as defined in subsection (b) of this section);

(B) a postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) only for the purposes of part D of title IV, an institution outside the United States that is comparable to an institution of higher education as defined in section 101 and that has been approved by the Secretary for the purpose of part D of title IV, consistent with the requirements of section 452(d).

(2) INSTITUTIONS OUTSIDE THE UNITED STATES.—

(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, nursing school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made under part D of title IV unless—

(i) except as provided in subparagraph (B)(iii)(IV), in the case of a graduate medical school located outside the United States—

(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in

the year preceding the year for which a student is seeking a loan under part D of title IV; and

(bb) at least 75 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part D of title IV; or

(II) the institution—

(aa) has or had a clinical training program that was approved by a State as of January 1, 1992; and

(bb) continues to operate a clinical training program in at least one State that is approved by that State;

(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States; or

(iii) in the case of a nursing school located outside of the United States—

(I) the nursing school has an agreement with a hospital, or accredited school of nursing (as such terms are defined in section 801 of the Public Health Service Act (42 U.S.C. 296)), located in the United States that requires the students of the nursing school to complete the students' clinical training at such hospital or accredited school of nursing;

(II) the nursing school has an agreement with an accredited school of nursing located in the United States providing that the students graduating from the nursing school located outside of the United States also receive a degree from the accredited school of nursing located in the United States;

(III) the nursing school certifies only Federal Direct Stafford Loans under section 455(a)(2)(A), Federal Direct Unsubsidized Stafford Loans under section 455(a)(2)(D), or Federal Direct PLUS Loans under section 455(a)(2)(B) for students attending the institution;

(IV) the nursing school reimburses the Secretary for the cost of any loan defaults for current and former students included in the calculation of the institution's cohort default rate during the previous fiscal year; and

(V) not less than 75 percent of the individuals who were students or graduates of the nursing

school, and who took the National Council Licensure Examination for Registered Nurses in the year preceding the year for which the institution is certifying a Federal Direct Stafford Loan under section 455(a)(2)(A), a Federal Direct Unsubsidized Stafford Loan under section 455(a)(2)(D), or a Federal Direct PLUS Loan under section 455(a)(2)(B), received a passing score on such examination.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall—

(I) evaluate the standards of accreditation applied to applicant foreign medical schools; and

(II) determine the comparability of those standards to standards for accreditation applied to United States medical schools.

(ii) SPECIAL RULE.—If the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 101.

(iii) REPORT.—

(I) IN GENERAL.—Not later than 1 year after the date of enactment of the Higher Education Opportunity Act, the advisory panel described in clause (i) shall submit a report to the Secretary and to the authorizing committees recommending eligibility criteria for participation in the loan programs under part D of title IV for graduate medical schools that—

(aa) are located outside of the United States;

(bb) do not meet the requirements of subparagraph (A)(i); and

(cc) have a clinical training program approved by a State prior to January 1, 2008.

(II) RECOMMENDATIONS.—In the report described in subclause (I), the advisory panel's eligibility criteria shall include recommendations regarding the appropriate levels of performance for graduate medical schools described in such subclause in the following areas:

(aa) Entrance requirements.

(bb) Retention and graduation rates.

(cc) Successful placement of students in United States medical residency programs.

(dd) Passage rate of students on the United States Medical Licensing Examination.

(ee) The extent to which State medical boards have assessed the quality of such

school's program of instruction, including through on-site reviews.

(ff) The extent to which graduates of such schools would be unable to practice medicine in 1 or more States, based on the judgment of a State medical board.

(gg) Any areas recommended by the Comptroller General of the United States under section 1101 of the Higher Education Opportunity Act.

(hh) Any additional areas the Secretary may require.

(III) MINIMUM ELIGIBILITY REQUIREMENT.—In the recommendations described in subclause (II), the criteria described in subparagraph (A)(i)(I)(bb), as amended by section 102(b) of the Higher Education Opportunity Act, shall be a minimum eligibility requirement for a graduate medical school described in subclause (I) to participate in the loan programs under part D of title IV.

(IV) AUTHORITY.—The Secretary may—

(aa) not earlier than 180 days after the submission of the report described in subclause (I), issue proposed regulations establishing criteria for the eligibility of graduate medical schools described in such subclause to participate in the loan programs under part D of title IV based on the recommendations of such report; and

(bb) not earlier than one year after the issuance of proposed regulations under item (aa), issue final regulations establishing such criteria for eligibility.

(C) FAILURE TO RELEASE INFORMATION.—The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part D of title IV.

(D) SPECIAL RULE.—If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under title IV, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part D of title IV while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.

(3) LIMITATIONS BASED ON COURSE OF STUDY OR ENROLLMENT.—An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—

(A) offers more than 50 percent of such institution's courses by correspondence (excluding courses offered by telecommunications as defined in section 484(l)(4)), unless the institution is an institution that meets the definition in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006;

(B) enrolls 50 percent or more of the institution's students in correspondence courses (excluding courses offered by telecommunications as defined in section 484(l)(4)), unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2- or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;

(C) has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2- or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or

(D) has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2- or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.

(4) LIMITATIONS BASED ON MANAGEMENT.—An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if—

(A) the institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except that this paragraph shall not apply to a nonprofit institution, the primary function of which is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under chapter 11 of title 11, United States Code, between July 1, 1998, and December 1, 1998; or

(B) the institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under title IV, or has been judicially determined to have committed fraud involving funds under title IV.

(5) CERTIFICATION.—The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part H of title IV.

(6) LOSS OF ELIGIBILITY.—An institution of higher education shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution is removed from eligibility for funds under title IV as a result of an action pursuant to part H of title IV.

(b) PROPRIETARY INSTITUTION OF HIGHER EDUCATION.—

(1) PRINCIPAL CRITERIA.—For the purpose of this section, the term "proprietary institution of higher education" means a school that—

(A)(i) provides an eligible program of training to prepare students for [gainful employment in] a recognized occupation; or

(ii)(I) provides a program leading to a baccalaureate degree in liberal arts, and has provided such a program since January 1, 2009; and

(II) is accredited by a recognized regional accrediting agency or association, and has continuously held such accreditation since October 1, 2007, or earlier;

(B) meets the requirements of paragraphs (1) and (2) of section 101(a);

(C) does not meet the requirement of paragraph (4) of section 101(a);

(D) is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part H of title IV; and

(E) has been in existence for at least 2 years.

(2) ADDITIONAL INSTITUTIONS.—The term "proprietary institution of higher education" also includes a proprietary educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or

(B) who will be dually or concurrently enrolled in the institution and a secondary school.

(c) POSTSECONDARY VOCATIONAL INSTITUTION.—

(1) PRINCIPAL CRITERIA.—For the purpose of this section, the term "postsecondary vocational institution" means a school that—

(A) provides an eligible program of training to prepare students for [gainful employment in] a recognized occupation;

(B) meets the requirements of paragraphs (1), (2), (4), and (5) of section 101(a); and

(C) has been in existence for at least 2 years.

(2) ADDITIONAL INSTITUTIONS.—The term "postsecondary vocational institution" also includes an educational institution in any State that, in lieu of the requirement in section 101(a)(1), admits as regular students individuals—

(A) who are beyond the age of compulsory school attendance in the State in which the institution is located; or (B) who will be dually or concurrently enrolled in the institution and a secondary school.

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TITLE IV—STUDENT ASSISTANCE

PART A—GRANTS TO STUDENTS IN ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION

* * * * * * *

Subpart 1—Federal Pell Grants

SEC. 401. FEDERAL PELL GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS.

(a) PURPOSE; DEFINITIONS.—

(1) PURPOSE.—The purpose of this subpart is to provide a Federal Pell Grant to low-income students.

(2) DEFINITIONS.—In this section—

[(A) the term "adjusted gross income" means—

[(i) in the case of a dependent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student's parents in the second tax year preceding the academic year; and

[(ii) in the case of an independent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student (and the student's spouse, if applicable) in the second tax year preceding the academic year;**]**

(A) the term "adjusted gross income" means—

(i) in the case of a dependent student, for the second tax year preceding the academic year—

(I) the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student's parents; plus

(II) the foreign income (as described in section 480(b)(5)) of the student's parents; and

(ii) in the case of an independent student, for the second tax year preceding the academic year—

(I) the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student (and the student's spouse, if applicable); plus

(II) the foreign income (as described in section 480(b)(5)) of the student (and the student's spouse, if applicable);

(B) the term "family size" has the meaning given the term in section 480(k);

(C) the term "poverty line" means the poverty line (as determined under the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to the student's family size and applicable to the second tax year preceding the academic year;

(D) the term "single parent" means—

(i) a parent of a dependent student who was a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year; or

(ii) an independent student who is a parent and was a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year;

(E) the term "total maximum Federal Pell Grant" means the total maximum Federal Pell Grant award per student for any academic year described under subsection (b)(5); **[**and**]**

(F) the term "minimum Federal Pell Grant" means the minimum amount of a Federal Pell Grant that shall be awarded to a student for any academic year in which that student is attending full time, which shall be equal to 10 percent of the total maximum Federal Pell Grant for such academic year**[**.**]***; and*

(G) notwithstanding section 481(a)(2)(A)(iii), the terms "full time" and "full-time" (except with respect to subsection (d)(4) when used as part of the term "normal full-time workload") mean, with respect to a student enrolled in an undergraduate course of study, the student is expected to complete at least 30 semester or trimester hours or 45 quarter credit hours (or the clock hour equivalent) in each academic year a student is enrolled in the course of study.

(b) AMOUNT AND DISTRIBUTION OF GRANTS.—

(1) DETERMINATION OF AMOUNT OF A FEDERAL PELL GRANT.—Subject to paragraphs (2) and (3), the amount of a Federal Pell Grant for a student shall be determined in accordance with the following:

(A) A student shall be eligible for a total maximum Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time—

(i) if the student (and the student's spouse, if applicable), or, in the case of a dependent student, the dependent student's parents (or single parent), is not required to file a Federal income tax return in the second year preceding the academic year;

(ii) if the student or, in the case of a dependent student, the dependent student's parent, is a single parent, and the adjusted gross income is greater than zero and equal to or less than 225 percent of the poverty line; or

(iii) if the student or, in the case of a dependent student, the dependent student's parent, is not a single parent, and the adjusted gross income is greater than zero and equal to or less than 175 percent of the poverty line.

(B) A student who is not eligible for a total maximum Federal Pell Grant under subparagraph (A) for an academic year, shall be eligible for a Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time if such student's student aid index in such award year is less than the total maximum Federal Pell Grant for that award year. The amount of the Federal Pell Grant for a student eligible under this subparagraph shall be—

(i) the total maximum Federal Pell Grant as calculated under paragraph (5)(A) for that year, less

(ii) an amount equal to the amount determined to be the student aid index with respect to that student for that year, except that a student aid index of less than zero shall be considered to be zero for the purposes of this clause,

rounded to the nearest $5, except that a student eligible for less than the minimum Federal Pell Grant as defined in section (a)(2)(F) shall not be eligible for an award.

(C) A student who is not eligible for a Federal Pell Grant under subparagraph (A) or (B) shall be eligible for the minimum Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time—

(i) in the case of a dependent student—

(I) if the student's parent is a single parent, and the adjusted gross income is equal to or less than 325 percent of the poverty line; or

(II) if the student's parent is not a single parent, and the adjusted gross income is equal to or less than 275 percent of the poverty line; or

(ii) in the case of an independent student—

(I) if the student is a single parent, and the adjusted gross income is equal to or less than 400 percent of the poverty line;

(II) if the student is a parent and is not a single parent, and the adjusted gross income is equal to or less than 350 percent of the poverty line; or

(III) if the student is not a parent, and the adjusted gross income is equal to or less than 275 percent of the poverty line.

(D) ⟦A student⟧ *For each academic year beginning before July 1, 2025, a student* eligible for the total maximum Federal Pell Grant under subparagraph (A) who has (or whose spouse or parent, as applicable based on whose information is used under such subparagraph, has) foreign income that would, if added to adjusted gross income, result in the student no longer being eligible for such total maximum Federal Pell Grant, shall not be provided a Federal Pell Grant until the student aid administrator evaluates the student's FAFSA and makes a determination regarding whether it is appropriate to make an adjustment under section 479A(b)(1)(B)(v) to account for such foreign income when determining the student's eligibility for such total maximum Federal Pell Grant.

(E) With respect to a student who is not eligible for the total maximum Federal Pell Grant under subparagraph (A) or a minimum Federal Pell Grant under subparagraph (C), the Secretary shall subtract from the student or parents' adjusted gross income, as applicable based on whose income is used for the Federal Pell Grant calculation, the sum of the following for the individual whose income is so used, and consider such difference the adjusted gross income for purposes of determining the student's eligibility for such Federal Pell Grant award under such subparagraph:

(i) If the applicant, or, if applicable, the parents or spouse of the applicant, elects to report receiving college grant and scholarship aid included in gross income on a Federal tax return described in section 480(e)(2), the amount of such aid.

(ii) Income earned from work under part C of this title.

(F) INELIGIBILITY OF STUDENTS WITH A HIGH STUDENT AID INDEX.—Notwithstanding subparagraphs (A) through (E), a student shall not be eligible for a Federal Pell Grant under this subsection for an academic year in which the student has a student aid index that equals or exceeds twice the amount of the total maximum Federal Pell Grant for such academic year.

⟦(2)⟧ *(2)(A)* LESS THAN FULL-TIME ENROLLMENT.—In any case where a student is enrolled in an eligible program of an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the Federal Pell Grant to which that student is entitled shall be reduced in direct proportion to the degree to which that student is not so enrolled on a full-time basis, rounded to the nearest whole percentage point, as provided in a schedule of reductions published by the Secretary computed in accordance with this subpart. Such schedule of re-

ductions shall be published in the Federal Register in accordance with section 482. Such reduced Federal Pell Grant for a student enrolled on a less than full-time basis shall also apply proportionally to students who are otherwise eligible to receive the minimum Federal Pell Grant, if enrolled full-time.

(B) LESS THAN HALF-TIME ENROLLMENT.—Notwithstanding subparagraph (A), a student who first receives a Federal Pell Grant on or after July 1, 2025, shall not be eligible for an award under this subsection for any academic year beginning after such date in which the student is enrolled in an eligible program of an institution of higher education on less than a half-time basis. The Secretary shall update the schedule of reductions described in subparagraph (A) in accordance with this subparagraph, including for students receiving the minimum Federal Pell Grant.

(3) AWARD MAY NOT EXCEED COST OF ATTENDANCE.—No Federal Pell Grant under this subpart shall exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a Federal Pell Grant for that student exceeds the cost of attendance for that year, the amount of the Federal Pell Grant shall be reduced until the Federal Pell Grant does not exceed the cost of attendance at such institution.

(4) STUDY ABROAD.—Notwithstanding any other provision of this subpart, the Secretary shall allow the amount of the Federal Pell Grant to be exceeded for students participating in a program of study abroad approved for credit by the institution at which the student is enrolled when the reasonable costs of such program are greater than the cost of attendance at the student's home institution, except that the amount of such Federal Pell Grant in any fiscal year shall not exceed the maximum amount of a Federal Pell Grant for which a student is eligible under paragraph (1) or (2) during such award year. If the preceding sentence applies, the financial aid administrator at the home institution may use the cost of the study abroad program, rather than the home institution's cost, to determine the cost of attendance of the student.

(5) TOTAL MAXIMUM FEDERAL PELL GRANT.—

(A) IN GENERAL.—For award year 2024–2025, and each subsequent award year, the total maximum Federal Pell Grant award per student shall be equal to the sum of—

(i) $1,060; and

(ii) the amount specified as the maximum Federal Pell Grant in the last enacted appropriation Act applicable to that award year.

(B) ROUNDING.—The total maximum Federal Pell Grant for any award year shall be rounded to the nearest $5.

(6) FUNDS BY FISCAL YEAR.—

(A) IN GENERAL.—To carry out this section—

(i) there are authorized to be appropriated and are appropriated (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) such sums as are necessary to carry out paragraph (5)(A)(i) for fiscal year 2024 and each subsequent fiscal year; and

(ii) such sums as may be necessary are authorized to be appropriated to carry out paragraph (5)(A)(ii) for each of the fiscal years 2024 through 2034.

(B) AVAILABILITY OF FUNDS.—The amounts made available by subparagraph (A) for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.

(7) APPROPRIATION.—

(A) IN GENERAL.—In addition to any funds appropriated under paragraph (6) and any funds made available for this section under any appropriations Act, there are authorized to be appropriated, and there are appropriated (out of any money in the Treasury not otherwise appropriated) to carry out this section—

(i) $1,170,000,000 for fiscal year 2024;

(ii) $3,170,000,000 for fiscal year 2025;

(iii) ⟦$2,170,000,000⟧ *$5,351,000,000* for fiscal year 2026; ⟦and⟧

(iv) ⟦$1,236,000,000⟧ *$6,058,000,000* for fiscal year 2027 ⟦and each succeeding fiscal year.⟧*;*

(v) $3,743,000,000 for fiscal year 2028; and

(vi) $1,236,000,000 for each succeeding fiscal year.

(B) NO EFFECT ON PREVIOUS APPROPRIATIONS.—The amendments made to this section by the FAFSA Simplification Act shall not—

(i) increase or decrease the amounts that have been appropriated or are available to carry out this section for fiscal year 2017, 2018, 2019, 2020, 2021, 2022, 2023, or 2024 as of the day before the effective date of such Act; or

(ii) extend the period of availability for obligation that applied to any such amount, as of the day before such effective date.

(C) AVAILABILITY OF FUNDS.—The amounts made available by this paragraph for any fiscal year shall be available beginning on October 1 of that fiscal year, and shall remain available through September 30 of the succeeding fiscal year.

(8) METHOD OF DISTRIBUTION.—

(A) IN GENERAL.—For each fiscal year through fiscal year 2034, the Secretary shall pay to each eligible institution such sums as may be necessary to pay each eligible student for each academic year during which that student is in attendance at an institution of higher education as an

undergraduate, a Federal Pell Grant in the amount for which that student is eligible.

(B) ALTERNATIVE DISBURSEMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in the cases where an eligible institution does not participate in the disbursement system under subparagraph (A).

(9) ADDITIONAL PAYMENT PERIODS IN SAME AWARD YEAR.—

(A) Effective in the 2017–2018 award year and thereafter, the Secretary shall award an eligible student not more than one and one-half Federal Pell Grants during a single award year to permit such student to work toward completion of an eligible program if, during that single award year, the student has received a Federal Pell Grant for an award year and is enrolled in an eligible program for one or more additional payment periods during the same award year that are not otherwise fully covered by the student's Federal Pell Grant.

(B) In the case of a student receiving more than one Federal Pell Grant in a single award year under subparagraph (A), the total amount of Federal Pell Grants awarded to such student for the award year may exceed the total maximum Federal Pell Grant available for an award year.

(C) Any period of study covered by a Federal Pell Grant awarded under subparagraph (A) shall be included in determining a student's duration limit under subsection (d)(5).

(D) In any case where an eligible student is receiving a Federal Pell Grant for a payment period that spans 2 award years, the Secretary shall allow the eligible institution in which the student is enrolled to determine the award year to which the additional period shall be assigned, as it determines is most beneficial to students.

(c) SPECIAL RULE.—

(1) IN GENERAL.—A student described in paragraph (2) shall be eligible for the total maximum Federal Pell Grant.

(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student—

(A) whose parent or guardian was—

(i) an individual who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces; or

(ii) actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and

(B) who is less than 33 years of age.

(3) INFORMATION.—Notwithstanding any other provision of law—

(A) the Secretary shall establish the necessary data-sharing agreements with the Secretary of Veterans Affairs and the Secretary of Defense, as applicable, to provide the

information necessary to determine which students meet the requirements of paragraph (2)(A)(i); and

(B) the financial aid administrator shall verify with the student that the student is eligible for the adjustment and notify the Secretary of the adjustment of the student's eligibility.

(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10302), in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officers' Benefits program under subpart 2 of part L of title I of such Act.

(5) PREVENTION OF DOUBLE BENEFITS.—No eligible student described in paragraph (2) may concurrently receive a grant under both this subsection and subsection (b).

(6) TERMS AND CONDITIONS.—The Secretary shall award grants under this subsection in the same manner and with the same terms and conditions, including the length of the period of eligibility, as the Secretary awards Federal Pell Grants under subsection (b), except that—

(A) the award rules and determination of need applicable to the calculation of Federal Pell Grants under subsection (b)(1)*, and the eligibility requirement of enrollment on at least a half-time basis under subsection (b)(2),* shall not apply to grants made under this subsection; and

(B) the maximum period determined under subsection (d)(5) shall be determined by including all grants made under this section received by the eligible student and all grants so received under subpart 10 before the effective date of this subsection.

(7) DEFINITION OF PUBLIC SAFETY OFFICER.—For purposes of this subsection, the term "public safety officer" means—

(A) a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); or

(B) a fire police officer, defined as an individual who—

(i) is serving in accordance with State or local law as an officially recognized or designated member of a legally organized public safety agency;

(ii) is not a law enforcement officer, a firefighter, a chaplain, or a member of a rescue squad or ambulance crew; and

(iii) provides scene security or directs traffic—

(I) in response to any fire drill, fire call, or other fire, rescue, or police emergency; or

(II) at a planned special event.

(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

(1) IN GENERAL.—The period during which a student may receive Federal Pell Grants shall be the period required for the completion of the first undergraduate baccalaureate course of

study being pursued by that student at the institution at which the student is in attendance, except that any period during which the student is enrolled in a noncredit or remedial course of study, as described in paragraph (2), shall not be counted for the purpose of this paragraph.

(2) NONCREDIT OR REMEDIAL COURSES; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language instruction) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to use already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

(3) NO CONCURRENT PAYMENTS.—No student is entitled to receive Pell Grant payments concurrently from more than one institution or from both the Secretary and an institution.

(4) POSTBACCALAUREATE PROGRAM.—Notwithstanding paragraph (1), the Secretary may allow, on a case-by-case basis, a student to receive a Federal Pell Grant if the student—

(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education; and

(B) is enrolled or accepted for enrollment in a postbaccalaureate program that does not lead to a graduate degree, and in courses required by a State in order for the student to receive a professional certification or licensing credential that is required for employment as a teacher in an elementary school or secondary school in that State,

except that this paragraph shall not apply to a student who is enrolled in an institution of higher education that offers a baccalaureate degree in education.

(5) MAXIMUM PERIOD.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the period during which a student may receive Federal Pell Grants shall not exceed 12 semesters, or the equivalent of 12 semesters, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a term but was enrolled at a fraction of full time *(and at least half time, in the case of a student who first receives a Federal Pell Grant under subsection (b) on or after July 1, 2025)*, that only that same fraction of such semester or equivalent shall count towards such duration limits.

(B) EXCEPTION.—

(i) IN GENERAL.—Any Federal Pell Grant that a student received during a period described in sub-

clause (I) or (II) of clause (ii) shall not count towards the student's duration limits under this paragraph.

(ii) APPLICABLE PERIODS.—Clause (i) shall apply with respect to any Federal Pell Grant awarded to a student to enroll in an eligible program at an institution—

(I) during a period of a student's attendance at an institution—

(aa) at which the student was unable to complete a course of study due to the closing of the institution; or

(bb) for which the student was falsely certified as eligible for Federal aid under this title; or

(II) during a period—

(aa) for which the student received a loan under this title; and

(bb) for which the loan described in item (aa) is discharged under—

(AA) section 437(c)(1) or section 464(g)(1);

(BB) section 432(a)(6); or

(CC) section 455(h) due to the student's successful assertion of a defense to repayment of the loan, including defenses provided to any applicable groups of students.

(e) APPLICATIONS FOR GRANTS.—

(1) DEADLINES.—The Secretary shall from time to time set dates by which students shall file the Free Application for Federal Student Aid under section 483.

(2) APPLICATION.—Each student desiring a Federal Pell Grant for any year shall file the Free Application for Federal Student Aid containing the information necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

(f) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purpose of this section. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees, and food and housing if that food and housing is institutionally owned or operated. The student may elect to have the institution provide other such goods and services by crediting the student's account.

(g) INSUFFICIENT APPROPRIATIONS.—If, for any fiscal year, the funds appropriated for payments under this subpart are insufficient to satisfy fully all entitlements, as calculated under subsections (b) and (c) (but at the maximum grant level specified in such appropriation), the Secretary shall promptly transmit a notice of such insufficiency to each House of the Congress, and identify in such notice the additional amount that would be required to be

appropriated to satisfy fully all entitlements (as so calculated at such maximum grant level).

(h) USE OF EXCESS FUNDS.—

(1) 15 PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by 15 percent or less, then all of the excess funds shall remain available for making payments under this subpart during the next succeeding fiscal year.

(2) MORE THAN 15 PERCENT.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by more than 15 percent, then all of such funds shall remain available for making such payments but payments may be made under this paragraph only with respect to entitlements for that fiscal year.

(i) TREATMENT OF INSTITUTIONS AND STUDENTS UNDER OTHER LAWS.—Any institution of higher education which enters into an agreement with the Secretary to disburse to students attending that institution the amounts those students are eligible to receive under this subpart shall not be deemed, by virtue of such agreement, a contractor maintaining a system of records to accomplish a function of the Secretary. Recipients of Pell Grants shall not be considered to be individual grantees for purposes of chapter 81 of title 41, United States Code.

(j) INSTITUTIONAL INELIGIBILITY BASED ON DEFAULT RATES.—

(1) IN GENERAL.—No institution of higher education shall be an eligible institution for purposes of this subpart if such institution of higher education is ineligible to participate in a loan program under part B or D as a result of a final default rate determination made by the Secretary under part B or D after the final publication of cohort default rates for fiscal year 1996 or a succeeding fiscal year.

(2) SANCTIONS SUBJECT TO APPEAL OPPORTUNITY.—No institution may be subject to the terms of this subsection unless the institution has had the opportunity to appeal the institution's default rate determination under regulations issued by the Secretary for the loan program authorized under part B or D, as applicable. This subsection shall not apply to an institution that was not participating in the loan program authorized under part B or D on October 7, 1998, unless the institution subsequently participates in the loan programs.

(k) WORKFORCE PELL GRANT PROGRAM.—

(1) IN GENERAL.—For the award year beginning on July 1, 2026, and each subsequent award year, the Secretary shall award grants (to be known as "Workforce Pell Grants") to eligible students under paragraph (2) in accordance with this subsection.

(2) ELIGIBLE STUDENTS.—To be eligible to receive a Workforce Pell Grant under this subsection for any period of enrollment, a student shall meet the eligibility requirements for a Federal Pell Grant under this section, except that the student—

(A) shall be enrolled, or accepted for enrollment, in an eligible program under section 481(b)(3) (hereinafter referred to as an "eligible workforce program"); and

(B) may not—

(i) be enrolled, or accepted for enrollment, in a program of study that leads to a graduate credential; or

(ii) have attained such a credential.

(3) TERMS AND CONDITIONS OF AWARDS.—The Secretary shall award Workforce Pell Grants under this subsection in the same manner and with the same terms and conditions as the Secretary awards Federal Pell Grants under this section, except that—

(A) each use of the term "eligible program" (except in subsections (b)(9)(A) and (d)(2)) shall be substituted by "eligible workforce program under section 481(b)(3)"; and

(B) a student who is eligible for a grant equal to less than the amount of the minimum Federal Pell Grant because the eligible workforce program in which the student is enrolled or accepted for enrollment is less than an academic year (in hours of instruction or weeks of duration) may still be eligible for a Workforce Pell Grant in an amount that is prorated based on the length of the program.

(4) PREVENTION OF DOUBLE BENEFITS.—No eligible student described in paragraph (2) may concurrently receive a grant under both this subsection and—

(A) subsection (b); or

(B) subsection (c).

(5) DURATION LIMIT.—Any period of study covered by a Workforce Pell Grant awarded under this subsection shall be included in determining a student's duration limit under subsection (d)(5).

* * * * * * *

Subpart 11—Promoting Real Opportunities to Maximize Investments and Savings in Education

SEC. 420S. PROMISE GRANTS.

For award year 2028–2029 and each succeeding award year, from reserved funds remitted to the Secretary in accordance with section 454(d) and additional funds made available under section 420V, as necessary, the Secretary shall award PROMISE grants to eligible institutions to carry out the activities described in section 420U(c). PROMISE grants awarded under this subpart shall be awarded on a noncompetitive basis to each eligible institution that submits a satisfactory application under section 420T for a 6-year period in an amount that is determined in accordance with section 420U.

SEC. 420T. ELIGIBLE INSTITUTIONS; APPLICATION.

(a) ELIGIBLE INSTITUTION.—To be eligible for a PROMISE grant under this subpart, an institution shall—

(1) be an institution of higher education under section 102, except that an institution described in section 102(a)(1)(C) shall not be an eligible institution under this subpart; and

(2) meet the maximum total price guarantee requirements under subsection (c).

(b) APPLICATION.—An eligible institution seeking a PROMISE grant under this subpart (including a renewal of such a grant) shall submit to the Secretary an application, at such time as the Secretary may require, containing the information required under this subsection. Such application shall—

(1) demonstrate that the institution—

(A) meets the maximum total price guarantee requirements under subsection (c); and

(B) will continue to meet the maximum total price guarantee requirements for each award year during the grant period with respect to students first enrolling at the institution for each such award year;

(2) describe how grant funds awarded under this subpart will be used by the institution to carry out activities related to—

(A) increasing postsecondary affordability, including—

(i) the expansion and continuation of the maximum total price guarantee requirements under subsection (c); and

(ii) any other activities to be carried out by the institution to increase postsecondary affordability and minimize the maximum total price for completion paid by students receiving need-based student aid;

(B) increasing postsecondary access, which may include—

(i) the activities described in section 485E of this Act; and

(ii) any other activities to be carried out by the institution to increase postsecondary access and expand opportunities for low- and middle-income students; and

(C) increasing postsecondary student success, which may include—

(i) activities to improve completion rates and reduce time to credential;

(ii) activities to align programs of study with the needs of employers, including with respect to in-demand industry sectors or occupations (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)); and

(iii) any other activities to be carried out by the institution to increase value-added earnings and postsecondary student success;

(3) describe—

(A) how the institution will evaluate the effectiveness of the institution's use of grant funds awarded under this subpart; and

(B) how the institution will collect and disseminate information on promising practices developed with the use of such grant funds; and

(4) in the case of an institution that has previously received a grant under this subpart, contain the evaluation required under paragraph (3) for each previous grant.

(c) MAXIMUM TOTAL PRICE GUARANTEE REQUIREMENTS.—As a condition of eligibility for a PROMISE grant under this subpart, an institution shall—

(1) for each award year beginning after the date of enactment of this subpart, not later than 1 year before the start of each such award year (except that, for the first award year beginning after such date of enactment, the institution shall meet these requirements as soon as practicable after such date of enactment), determine the maximum total price for completion, in accordance with subsection (e), for each program of study at the institution applicable to students in each income category and student aid index category (as determined by the Secretary) and publish such information on the institution's website and in the institution's catalog, marketing materials, or other official publications;

(2) for the award year for which the institution is applying for a PROMISE grant, and at least 1 award year preceding such award year, provide to each student who first enrolls, or plans to enroll, in the institution during the award year and who receives Federal financial aid under this title a maximum total price guarantee, in accordance with this section, for the minimum guarantee period applicable to the student; and

(3) provide to the Secretary an assurance that the institution will continue to meet each of the maximum total price guarantee requirements under this subsection for students who first enroll, or plan to enroll, in the institution during each award year included in the grant period.

(d) DURATION OF MINIMUM GUARANTEE PERIOD.—

(1) IN GENERAL.—The minimum period during which a student shall be provided a guarantee under subsection (c) with respect to the maximum total price for completion of a program of study at an institution shall be the average, for the 3 most recent award years for which data are available, of the median time to credential of students who completed any undergraduate program of study at the institution during each such award year, except that such minimum guarantee period shall not be less than the program length of the program of study in which the student is enrolled.

(2) LIMITATION.—An institution shall not be required to provide a maximum total price guarantee under subsection (c) to a student after the conclusion of the 6-year period beginning on the first day on which the student enrolled at such institution.

(e) DETERMINATION OF MAXIMUM TOTAL PRICE FOR COMPLETION.—

(1) IN GENERAL.—For the purposes of subsection (c), an institution shall determine, prior to the first award year in which a student enrolls at the institution, the maximum total price that may be charged to the student for completion of a program of study at the institution for the minimum guarantee period

applicable to a student, before application of any Federal Pell Grants or other Federal financial aid under this title. Such a maximum total price for completion shall be determined for students in each income category and student aid index category (as determined by the Secretary). In determining the maximum total price for completion to be charged to each such category of students, the institution may consider the ability of a category of students to pay tuition and fees, but may not include in such consideration any Federal Pell Grants or other Federal financial aid awards that may be available to such category of students under this title.

(2) MULTIPLE MAXIMUM TOTAL PRICE GUARANTEES.—In the event that a student receives more than 1 maximum total price guarantee because the student is included in more than 1 category of students for which the institution determines a maximum total price guarantee amount for the purposes of subsection (c), the maximum total price guarantee applicable to such student for the purposes of this section shall be equal to the lowest such guarantee amount.

SEC. 420U. GRANT AMOUNTS; FLEXIBLE USE OF FUNDS.

(a) GRANT AMOUNT FORMULA.—

(1) FORMULA.—Subject to subsection (b) and section 420V(b), the amount of a PROMISE grant for an eligible institution for each year of the grant period shall be calculated by the Secretary annually and shall be equal to the amount determined by multiplying—

(A) the lesser of—

(i) the difference determined by subtracting one from the quotient of—

(I) the average, for the 3 most recent award years for which data are available, of the median value-added earnings for each such award year of students who completed any program of study of the institution; divided by

(II) the average, for the 3 most recent award years for which data are available, of the maximum total price for completion determined under section 420T(e) applicable for each such award year to students enrolled in the institution in any program of study who received financial aid under this title; or

(ii) the number two;

(B) the average, for the 3 most recent award years for which data are available, of the total dollar amount of Federal Pell Grants awarded to students enrolled in the institution in each such award year; and

(C) the average, for the 3 most recent award years for which data are available, of the percentage of low-income students who received Federal financial assistance under this title who were enrolled in the institution in each such award year who—

(i) completed a program of study at the institution within 100 percent of the program length of such program; or

(ii) only in the case of a two-year institution or a less than two-year institution—

(I) transfer to a four-year institution; and

(II) within 4 years after first enrolling at the two-year or less than two-year institution, complete a program of study at the four-year institution for which a bachelor's degree (or substantially similar credential) is awarded.

(2) DEFINITION OF LOW-INCOME.—In this section, the term "low-income", when used with respect to a student, means that the student's family income does not exceed the maximum income in the lowest income category (as determined by the Secretary).

(b) MAXIMUM GRANT AMOUNT.—Notwithstanding subsection (a), the maximum amount an eligible institution may receive annually for a grant under this subpart shall be the amount equal to—

(1) the average, for the 3 most recent award years, of the number of students enrolled in the institution in an award year who receive Federal financial aid under this title; multiplied by

(2) $5,000.

(c) FLEXIBLE USE OF FUNDS.—A PROMISE grant awarded under this subpart shall be used by an eligible institution to—

(1) carry out activities included in the institution's application for such grant related to postsecondary affordability, access, and student success;

(2) evaluate the effectiveness of the activities carried out with such grant in accordance with section 420T(b)(3)(A); and

(3) collect and disseminate promising practices related to the activities carried out with such grant, in accordance with section 420T(b)(3)(B).

SEC. 420V. AVAILABILITY OF FUNDS.

(a) USED OF RESERVED FUNDS.—

(1) PRIMARY FUNDS.—To carry out this subpart, there shall be available to the Secretary any funds remitted to the Secretary as reimbursements in accordance with section 454(d) for any award year.

(2) SECONDARY FUNDS.—Beginning award year 2028–2029, if the amounts made available to the Secretary under paragraph (1) to carry out this subpart in any award year are insufficient to fully fund the PROMISE grants awarded under this subpart in such award year, there shall be available to the Secretary, in addition to such amounts, any funds returned to the Secretary under section 484B in the previous award year.

(b) REDUCTION OF GRANT AMOUNT IN CASE OF INSUFFICIENT FUNDS.—

(1) IN GENERAL.—If the amounts made available to the Secretary under subsection (a) to carry out this subpart for an award year are not sufficient to provide grants to each eligible institution in the amount determined under section 420U for

such award year, the Secretary shall reduce each such grant amount by the applicable percentage described in paragraph (2).

(2) APPLICABLE PERCENTAGE.—The applicable percentage described in this paragraph is the percentage determined by dividing—

(A) the amounts made available under subsection (a) for the award year described in paragraph (1); by

(B) the total amount that would be necessary to provide grants to all eligible institutions in the amounts determined under section 420U for such award year.

SEC. 420W. DEFINITIONS.

In this title:

(1) VALUE-ADDED EARNINGS.—

(A) IN GENERAL.—With respect to a student who received Federal financial aid under this title and who completed a program of study offered by an institution of higher education, the term "value-added earnings" means—

(i) the annual earnings of such student measured during the applicable earnings measurement period for such program (as determined under subparagraph (C)); minus

(ii) in the case of a student who completed a program of study that awards—

(I) an undergraduate credential, 150 percent of the poverty line applicable to a single individual as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) for such year; or

(II) a graduate credential, 300 percent of the poverty line applicable to a single individual as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) for such year.

(B) GEOGRAPHIC ADJUSTMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall use the geographic location of the institution at which a student completed a program of study to adjust the value-added earnings of the student calculated under subparagraph (A) by dividing—

(I) the difference between clauses (i) and (ii) of such subparagraph; by

(II) the most recent regional price parity index of the Bureau of Economics Analysis for the State or, as applicable, metropolitan area in which such institution is located.

(ii) EXCEPTION.—The value-added earnings of a student calculated under subparagraph (A) shall not be adjusted based on geographic location in accordance with clause (i) if such student attended principally through distance education.

(C) EARNINGS MEASUREMENT PERIOD.—

(i) IN GENERAL.—For the purpose of calculating the value-added earnings of a student, except as provided in clause (ii), the annual earnings of a student shall be measured—

(I) in the case of a program of study that awards an undergraduate certificate, post baccalaureate certificate, or graduate certificate, 1 year after the student completes such program;

(II) in the case of a program of study that awards an associate's degree or master's degree, 2 years after the student completes such program; and

(III) in the case of a program of study that awards a bachelor's degree, doctoral degree, or professional degree, 4 years after the student completes such program.

(ii) EXCEPTION.—The Secretary may, as the Secretary determines appropriate based on the characteristics of a program of study, extend an earnings measurement period described in clause (i) for a program of study that—

(I) requires completion of an additional educational program after completion of the program of study in order to obtain a licensure associated with the credential awarded for such program of study; and

(II) when combined with the program length of such additional educational program for licensure, has a total program length that exceeds the relevant earnings measurement period prescribed for such program of study under clause (i),

except that in no case shall the annual earnings of a student be measured more than 1 year after the student completes such additional educational program.

(2) PROGRAM LENGTH.—The term "program length" means the minimum amount of time in weeks, months, or years that is specified in the catalog, marketing materials, or other official publications of an institution of higher education for a full-time student to complete the requirements for a specific program of study.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

* * * * * * *

SEC. 428. FEDERAL PAYMENTS TO REDUCE STUDENT INTEREST COSTS.

(a) FEDERAL INTEREST SUBSIDIES.—

(1) TYPES OF LOANS THAT QUALIFY.—Each student who has received a loan for study at an eligible institution for which the first disbursement is made before July 1, 2010, and—

(A) which is insured by the Secretary under this part; or

(B) which is insured under a program of a State or of a nonprofit private institution or organization which was contracted for, and paid to the student, within the period specified in paragraph (5), and which—

(i) in the case of a loan insured prior to July 1, 1967, was made by an eligible lender and is insured under a program which meets the requirements of subparagraph (E) of subsection (b)(1) and provides that repayment of such loan shall be in installments beginning not earlier than 60 days after the student ceases to pursue a course of study (as described in subparagraph (D) of subsection (b)(1)) at an eligible institution, or

(ii) in the case of a loan insured after June 30, 1967, was made by an eligible lender and is insured under a program covered by an agreement made pursuant to subsection (b),

shall be entitled to have paid on his or her behalf and for his or her account to the holder of the loan a portion of the interest on such loan under circumstances described in paragraph (2).

(2) ADDITIONAL REQUIREMENTS TO RECEIVE SUBSIDY.—(A) Each student qualifying for a portion of an interest payment under paragraph (1) shall—

(i) have provided to the lender a statement from the eligible institution, at which the student has been accepted for enrollment, or at which the student is in attendance, which—

(I) sets forth the loan amount for which the student shows financial need; and

(II) sets forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G;

(ii) meet the requirements of subparagraph (B); and

(iii) have provided to the lender at the time of application for a loan made, insured, or guaranteed under this part, the student's driver's number, if any.

(B) For the purpose of clause (ii) of subparagraph (A), a student shall qualify for a portion of an interest payment under paragraph (1) if the eligible institution has determined and documented the student's amount of need for a loan based on the student's estimated cost of attendance, estimated financial assistance, and, for the purpose of an interest payment pursuant to this section, student aid index(as determined under part F), subject to the provisions of subparagraph (D).

(C) For the purpose of this paragraph—

(i) a student's cost of attendance shall be determined under section 472;

(ii) a student's estimated financial assistance means, for the period for which the loan is sought—

(I) the amount of assistance such student will receive under subpart 1 of part A (as determined in ac-

cordance with section 484(b)), subpart 3 of part A, and parts C and E; plus

(II) other scholarship, grant, or loan assistance, but excluding—

(aa) any national service education award or post-service benefit under title I of the National and Community Service Act of 1990; and

(bb) any veterans' education benefits as defined in section 480(c); and

(iii) the determination of need and of the amount of a loan by an eligible institution under subparagraph (B) with respect to a student shall be calculated in accordance with part F.

(D) An eligible institution may not, in carrying out the provisions of subparagraphs (A) and (B) of this paragraph, provide a statement which certifies the eligibility of any student to receive any loan under this part in excess of the maximum amount applicable to such loan.

(E) For the purpose of subparagraphs (B) and (C) of this paragraph, any loan obtained by a student under section 428A or 428H or a parent under section 428B of this Act or under any State-sponsored or private loan program for an academic year for which the determination is made may be used to offset the student aid index of the student for that year.

(3) AMOUNT OF INTEREST SUBSIDY.—(A)(i) Subject to section 438(c), the portion of the interest on a loan which a student is entitled to have paid, on behalf of and for the account of the student, to the holder of the loan pursuant to paragraph (1) of this subsection shall be equal to the total amount of the interest on the unpaid principal amount of the loan—

(I) which accrues prior to the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution), or

(II) which accrues during a period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in subsection (b)(1)(M) of this section or in section 427(a)(2)(C).

(ii) Such portion of the interest on a loan shall not exceed, for any period, the amount of the interest on that loan which is payable by the student after taking into consideration the amount of any interest on that loan which the student is entitled to have paid on his or her behalf for that period under any State or private loan insurance program.

(iii) The holder of a loan with respect to which payments are required to be made under this section shall be deemed to have a contractual right, as against the United States, to receive from the Secretary the portion of interest which has been so determined without administrative delay after the receipt by the Secretary of an accurate and complete request for payment pursuant to paragraph (4).

(iv) The Secretary shall pay this portion of the interest to the holder of the loan on behalf of and for the account of the

borrower at such times as may be specified in regulations in force when the applicable agreement entered into pursuant to subsection (b) was made, or, if the loan was made by a State or is insured under a program which is not covered by such an agreement, at such times as may be specified in regulations in force at the time the loan was paid to the student.

(v) A lender may not receive interest on a loan for any period that precedes the date that is—

(I) in the case of a loan disbursed by check, 10 days before the first disbursement of the loan;

(II) in the case of a loan disbursed by electronic funds transfer, 3 days before the first disbursement of the loan; or

(III) in the case of a loan disbursed through an escrow agent, 3 days before the first disbursement of the loan.

(B) If—

(i) a State student loan insurance program is covered by an agreement under subsection (b),

(ii) a statute of such State limits the interest rate on loans insured by such program to a rate which is less than the applicable interest rate under this part, and

(iii) the Secretary determines that subsection (d) does not make such statutory limitation inapplicable and that such statutory limitation threatens to impede the carrying out of the purpose of this part,

then the Secretary may pay an administrative cost allowance to the holder of each loan which is insured under such program and which is made during the period beginning on the 60th day after the date of enactment of the Higher Education Amendments of 1968 and ending 120 days after the adjournment of such State's first regular legislative session which adjourns after January 1, 1969. Such administrative cost allowance shall be paid over the term of the loan in an amount per year (determined by the Secretary) which shall not exceed 1 percent of the unpaid principal balance of the loan.

(4) SUBMISSION OF STATEMENTS BY HOLDERS ON AMOUNT OF PAYMENT.—Each holder of a loan with respect to which payments of interest are required to be made by the Secretary shall submit to the Secretary, at such time or times and in such manner as the Secretary may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Secretary to determine the amount of the payment which he must make with respect to that loan.

(5) DURATION OF AUTHORITY TO MAKE INTEREST SUBSIDIZED LOANS.—The period referred to in subparagraph (B) of paragraph (1) of this subsection shall begin on the date of enactment of this Act and end at the close of June 30, 2010.

(6) ASSESSMENT OF BORROWER'S FINANCIAL CONDITION NOT PROHIBITED OR REQUIRED.—Nothing in this or any other Act shall be construed to prohibit or require, unless otherwise specifically provided by law, a lender to evaluate the total financial situation of a student making application for a loan under

this part, or to counsel a student with respect to any such loan, or to make a decision based on such evaluation and counseling with respect to the dollar amount of any such loan.

(7) LOANS THAT HAVE NOT BEEN CONSUMMATED.—Lenders may not charge interest or receive interest subsidies or special allowance payments for loans for which the disbursement checks have not been cashed or for which electronic funds transfers have not been completed.

(b) INSURANCE PROGRAM AGREEMENTS TO QUALIFY LOANS FOR INTEREST SUBSIDIES.—

(1) REQUIREMENTS OF INSURANCE PROGRAM.—Any State or any nonprofit private institution or organization may enter into an agreement with the Secretary for the purpose of entitling students who receive loans which are insured under a student loan insurance program of that State, institution, or organization to have made on their behalf the payments provided for in subsection (a) if the Secretary determines that the student loan insurance program—

(A) authorizes the insurance in any academic year, as defined in section 481(a)(2), or its equivalent (as determined under regulations of the Secretary) for any student who is carrying at an eligible institution or in a program of study abroad approved for credit by the eligible home institution at which such student is enrolled at least one-half the normal full-time academic workload (as determined by the institution) in any amount up to a maximum of—

(i) in the case of a student at an eligible institution who has not successfully completed the first year of a program of undergraduate education—

(I) $3,500, if such student is enrolled in a program whose length is at least one academic year in length; and

(II) if such student is enrolled in a program of undergraduate education which is less than 1 academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as the length of such program measured in semester, trimester, quarter, or clock hours bears to 1 academic year;

(ii) in the case of a student at an eligible institution who has successfully completed such first year but has not successfully completed the remainder of a program of undergraduate education—

(I) $4,500; or

(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester,

quarter, or clock hours bears to one academic year;

(iii) in the case of a student at an eligible institution who has successfully completed the first and second years of a program of undergraduate education but has not successfully completed the remainder of such program—

(I) $5,500; or

(II) if such student is enrolled in a program of undergraduate education, the remainder of which is less than one academic year, the maximum annual loan amount that such student may receive may not exceed the amount that bears the same ratio to the amount specified in subclause (I) as such remainder measured in semester, trimester, quarter, or clock hours bears to one academic year;

(iv) in the case of a student who has received an associate or baccalaureate degree and is enrolled in an eligible program for which the institution requires such degree for admission, the number of years that a student has completed in a program of undergraduate education shall, for the purposes of clauses (ii) and (iii), include any prior enrollment in the eligible program of undergraduate education for which the student was awarded such degree;

(v) in the case of a graduate or professional student (as defined in regulations of the Secretary) at an eligible institution, $8,500; and

(vi) in the case of a student enrolled in coursework specified in sections 484(b)(3)(B) and 484(b)(4)(B)—

(I) $2,625 for coursework necessary for enrollment in an undergraduate degree or certificate program, and, in the case of a student who has obtained a baccalaureate degree, $5,500 for coursework necessary for enrollment in a graduate or professional degree or certification program; and

(II) in the case of a student who has obtained a baccalaureate degree, $5,500 for coursework necessary for a professional credential or certification from a State required for employment as a teacher in an elementary school or secondary school;

except in cases where the Secretary determines, pursuant to regulations, that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit;

(B) provides that the aggregate insured unpaid principal amount for all such insured loans made to any student shall be any amount up to a maximum of—

(i) $23,000, in the case of any student who has not successfully completed a program of undergraduate education, excluding loans made under section 428A or 428B; and

(ii) $65,500, in the case of any graduate or professional student (as defined by regulations of the Secretary), and (I) including any loans which are insured by the Secretary under this section, or by a guaranty agency, made to such student before the student became a graduate or professional student, but (II) excluding loans made under section 428A or 428B,

except that the Secretary may increase the limit applicable to students who are pursuing programs which the Secretary determines are exceptionally expensive;

(C) authorizes the insurance of loans to any individual student for at least 6 academic years of study or their equivalent (as determined under regulations of the Secretary);

(D) provides that (i) the student borrower shall be entitled to accelerate without penalty the whole or any part of an insured loan, (ii) the student borrower may annually change the selection of a repayment plan under this part, and (iii) the note, or other written evidence of any loan, may contain such reasonable provisions relating to repayment in the event of default by the borrower as may be authorized by regulations of the Secretary in effect at the time such note or written evidence was executed, and shall contain a notice that repayment may, following a default by the borrower, ⟦be subject to income contingent repayment in accordance with subsection (m)⟧ *be subject to income-based repayment in accordance with subsection (m)*;

(E) subject to subparagraphs (D) and (L), and except as provided by subparagraph (M), provides that—

(i) not more than 6 months prior to the date on which the borrower's first payment is due, the lender shall offer the borrower of a loan made, insured, or guaranteed under this section or section 428H, the option of repaying the loan in accordance with a standard, graduated, income-sensitive, or extended repayment schedule (as described in paragraph (9)) established by the lender in accordance with regulations of the Secretary; and

(ii) repayment of loans shall be in installments in accordance with the repayment plan selected under paragraph (9) and commencing at the beginning of the repayment period determined under paragraph (7);

(F) authorizes interest on the unpaid balance of the loan at a yearly rate not in excess (exclusive of any premium for insurance which may be passed on to the borrower) of the rate required by section 427A;

(G) insures 98 percent of the unpaid principal of loans insured under the program, except that—

(i) such program shall insure 100 percent of the unpaid principal of loans made with funds advanced pursuant to section 428(j);

(ii) for any loan for which the first disbursement of principal is made on or after July 1, 2006, and before July 1, 2010, the preceding provisions of this subparagraph shall be applied by substituting "97 percent" for "98 percent"; and

(iii) notwithstanding the preceding provisions of this subparagraph, such program shall insure 100 percent of the unpaid principal amount of exempt claims as defined in subsection (c)(1)(G);

(H) provides—

(i) for loans for which the date of guarantee of principal is before July 1, 2006, for the collection of a single insurance premium equal to not more than 1.0 percent of the principal amount of the loan, by deduction proportionately from each installment payment of the proceeds of the loan to the borrower, and ensures that the proceeds of the premium will not be used for incentive payments to lenders; or

(ii) for loans for which the date of guarantee of principal is on or after July 1, 2006, and that are first disbursed before July 1, 2010, for the collection, and the deposit into the Federal Student Loan Reserve Fund under section 422A of a Federal default fee of an amount equal to 1.0 percent of the principal amount of the loan, which fee shall be collected either by deduction from the proceeds of the loan or by payment from other non-Federal sources, and ensures that the proceeds of the Federal default fee will not be used for incentive payments to lenders;

(I) provides that the benefits of the loan insurance program will not be denied any student who is eligible for interest benefits under subsection (a) (1) and (2);

(J) provides that a student may obtain insurance under the program for a loan for any year of study at an eligible institution;

(K) in the case of a State program, provides that such State program is administered by a single State agency, or by one or more nonprofit private institutions or organizations under supervision of a single State agency;

(L) provides that the total of the payments by a borrower—

(i) except as otherwise provided by a repayment plan selected by the borrower under clause (ii), (iii), or (v) of paragraph (9)(A), during any year of any repayment period with respect to the aggregate amount of all loans to that borrower which are insured under this part shall not, unless the borrower and the lender otherwise agree, be less than $600 or the balance of all

such loans (together with interest thereon), whichever amount is less (but in no instance less than the amount of interest due and payable, notwithstanding any payment plan under paragraph (9)(A)); and

(ii) for a monthly or other similar payment period with respect to the aggregate of all loans held by the lender may, when the amount of a monthly or other similar payment is not a multiple of $5, be rounded to the next highest whole dollar amount that is a multiple of $5;

(M) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid by the Secretary, during any period—

(i) during which the borrower—

(I) is pursuing at least a half-time course of study as determined by an eligible institution, except that no borrower, notwithstanding the provisions of the promissory note, shall be required to borrow an additional loan under this title in order to be eligible to receive a deferment under this clause; or

(II) is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for disabled individuals approved by the Secretary,

except that no borrower shall be eligible for a deferment under this clause, or loan made under this part (other than a loan made under section 428B or 428C), while serving in a medical internship or residency program;

(ii) not in excess of 3 years during which the borrower is seeking and unable to find full-time employment, except that no borrower who provides evidence of eligibility for unemployment benefits shall be required to provide additional paperwork for a deferment under this clause;

(iii) during which the borrower—

(I) is serving on active duty during a war or other military operation or national emergency; or

(II) is performing qualifying National Guard duty during a war or other military operation or national emergency,

and for the 180-day period following the demobilization date for the service described in subclause (I) or (II);

(iv) not in excess of 3 years for any reason which the lender determines, in accordance with regulations prescribed by the Secretary under section 435(o), has caused or will cause the borrower to have an economic hardship; or

(v) during which the borrower is receiving treatment for cancer and the 6 months after such period;

(N) provides that funds borrowed by a student—

(i) are disbursed to the institution by check or other means that is payable to, and requires the endorsement or other certification by, such student;

(ii) in the case of a student who is studying outside the United States in a program of study abroad that is approved for credit by the home institution at which such student is enrolled, and only after verification of the student's enrollment by the lender or guaranty agency, are, at the request of the student, disbursed directly to the student by the means described in clause (i), unless such student requests that the check be endorsed, or the funds transfer be authorized, pursuant to an authorized power-of-attorney; or

(iii) in the case of a student who is studying outside the United States in a program of study at an eligible foreign institution, are, at the request of the foreign institution, disbursed directly to the student, only after verification of the student's enrollment by the lender or guaranty agency by the means described in clause (i).

(O) provides that the proceeds of the loans will be disbursed in accordance with the requirements of section 428G;

(P) requires the borrower to notify the institution concerning any change in local address during enrollment and requires the borrower and the institution at which the borrower is in attendance promptly to notify the holder of the loan, directly or through the guaranty agency, concerning (i) any change of permanent address, (ii) when the student ceases to be enrolled on at least a half-time basis, and (iii) any other change in status, when such change in status affects the student's eligibility for the loan;

(Q) provides for the guarantee of loans made to students and parents under sections 428A and 428B;

(R) with respect to lenders which are eligible institutions, provides for the insurance of loans by only such institutions as are located within the geographic area served by such guaranty agency;

(S) provides no restrictions with respect to the insurance of loans for students who are otherwise eligible for loans under such program if such a student is accepted for enrollment in or is attending an eligible institution within the State, or if such a student is a legal resident of the State and is accepted for enrollment in or is attending an eligible institution outside that State;

(T) authorizes (i) the limitation of the total number of loans or volume of loans, made under this part to students attending a particular eligible institution during any academic year; and (ii) the emergency action, limitation, suspension, or termination of the eligibility of an eligible institution if—

(I) such institution is ineligible for the emergency action, limitation, suspension, or termination of eligible institutions under regulations issued by the Secretary or is ineligible pursuant to criteria, rules, or regulations issued under the student loan insurance program which are substantially the same as regulations with respect to emergency action, limitation, suspension, or termination of such eligibility issued by the Secretary;

(II) there is a State constitutional prohibition affecting the eligibility of such an institution;

(III) such institution fails to make timely refunds to students as required by regulations issued by the Secretary or has not satisfied within 30 days of issuance a final judgment obtained by a student seeking such a refund;

(IV) such institution or an owner, director, or officer of such institution is found guilty in any criminal, civil, or administrative proceeding, or such institution or an owner, director, or officer of such institution is found liable in any civil or administrative proceeding, regarding the obtaining, maintenance, or disbursement of State or Federal grant, loan, or work assistance funds; or

(V) such institution or an owner, director, or officer of such institution has unpaid financial liabilities involving the improper acquisition, expenditure, or refund of State or Federal financial assistance funds;

except that, if a guaranty agency limits, suspends, or terminates the participation of an eligible institution, the Secretary shall apply that limitation, suspension, or termination to all locations of such institution, unless the Secretary finds, within 30 days of notification of the action by the guaranty agency, that the guaranty agency's action did not comply with the requirements of this section;

(U) provides (i) for the eligibility of all lenders described in section 435(d)(1) under reasonable criteria, unless (I) that lender is eliminated as a lender under regulations for the emergency action, limitation, suspension, or termination of a lender under the Federal student loan insurance program or is eliminated as a lender pursuant to criteria issued under the student loan insurance program which are substantially the same as regulations with respect to such eligibility as a lender issued under the Federal student loan insurance program, or (II) there is a State constitutional prohibition affecting the eligibility of a lender, (ii) assurances that the guaranty agency will report to the Secretary concerning changes in such criteria, including any procedures in effect under such program to take emergency action, limit, suspend, or terminate lenders, and (iii) for (I) a compliance audit of each lender that originates or holds more than $5,000,000 in loans made

under this title for any lender fiscal year (except that each lender described in section 435(d)(1)(A)(ii)(III) shall annually submit the results of an audit required by this clause), at least once a year and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary, or (II) with regard to a lender that is audited under chapter 75 of title 31, United States Code, such audit shall be deemed to satisfy the requirements of subclause (I) for the period covered by such audit, except that the Secretary may waive the requirements of this clause (iii) if the lender submits to the Secretary the results of an audit conducted for other purposes that the Secretary determines provides the same information as the audits required by this clause;

(V) provides authority for the guaranty agency to require a participation agreement between the guaranty agency and each eligible institution within the State in which it is designated, as a condition for guaranteeing loans made on behalf of students attending the institution;

(W) provides assurances that the agency will implement all requirements of the Secretary for uniform claims and procedures pursuant to section 432(l);

(X) provides information to the Secretary in accordance with section 428(c)(9) and maintains reserve funds determined by the Secretary to be sufficient in relation to such agency's guarantee obligations; and

(Y) provides that—

(i) the lender shall determine the eligibility of a borrower for a deferment described in subparagraph (M)(i) based on—

(I) receipt of a request for deferment from the borrower and documentation of the borrower's eligibility for the deferment;

(II) receipt of a newly completed loan application that documents the borrower's eligibility for a deferment;

(III) receipt of student status information documenting that the borrower is enrolled on at least a half-time basis; or

(IV) the lender's confirmation of the borrower's half-time enrollment status through use of the National Student Loan Data System, if the confirmation is requested by the institution of higher education;

(ii) the lender will notify the borrower of the granting of any deferment under clause (i)(II) or (III) of this subparagraph and of the option to continue paying on the loan; and

(iii) the lender shall, at the time the lender grants a deferment to a borrower who received a loan under section 428H and is eligible for a deferment under subparagraph (M) of this paragraph, provide information to the borrower to assist the borrower in understanding the impact of the capitalization of interest on the borrower's loan principal and on the total amount of interest to be paid during the life of the loan.

(2) CONTENTS OF INSURANCE PROGRAM AGREEMENT.—Such an agreement shall—

(A) provide that the holder of any such loan will be required to submit to the Secretary, at such time or times and in such manner as the Secretary may prescribe, statements containing such information as may be required by or pursuant to regulation for the purpose of enabling the Secretary to determine the amount of the payment which must be made with respect to that loan;

(B) include such other provisions as may be necessary to protect the United States from the risk of unreasonable loss and promote the purpose of this part, including such provisions as may be necessary for the purpose of section 437, and as are agreed to by the Secretary and the guaranty agency, as the case may be;

(C) provide for making such reports, in such form and containing such information, including financial information, as the Secretary may reasonably require to carry out the Secretary's functions under this part and protect the financial interest of the United States, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(D) provide for—

(i) conducting, except as provided in clause (ii), financial and compliance audits of the guaranty agency on at least an annual basis and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(ii) with regard to a guaranty program of a State which is audited under chapter 75 of title 31, United States Code, deeming such audit to satisfy the requirements of clause (i) for the period of time covered by such audit;

(E)(i) provide that any guaranty agency may transfer loans which are insured under this part to any other guaranty agency with the approval of the holder of the loan and such other guaranty agency; and

(ii) provide that the lender (or the holder of the loan) shall, not later than 120 days after the borrower has left

the eligible institution, notify the borrower of the date on which the repayment period begins; and

(F) provide that, if the sale, other transfer, or assignment of a loan made under this part to another holder will result in a change in the identity of the party to whom the borrower must send subsequent payments or direct any communications concerning the loans, then—

(i) the transferor and the transferee will be required, not later than 45 days from the date the transferee acquires a legally enforceable right to receive payment from the borrower on such loan, either jointly or separately to provide a notice to the borrower of—

(I) the sale or other transfer;

(II) the identity of the transferee;

(III) the name and address of the party to whom subsequent payments or communications must be sent;

(IV) the telephone numbers of both the transferor and the transferee;

(V) the effective date of the transfer;

(VI) the date on which the current servicer (as of the date of the notice) will stop accepting payments; and

(VII) the date on which the new servicer will begin accepting payments; and

(ii) the transferee will be required to notify the guaranty agency, and, upon the request of an institution of higher education, the guaranty agency shall notify the last such institution the student attended prior to the beginning of the repayment period of any loan made under this part, of—

(I) any sale or other transfer of the loan; and

(II) the address and telephone number by which contact may be made with the new holder concerning repayment of the loan,

except that this subparagraph (F) shall only apply if the borrower is in the grace period described in section 427(a)(2)(B) or 428(b)(7) or is in repayment status.

(3) RESTRICTIONS ON INDUCEMENTS, PAYMENTS, MAILINGS, AND ADVERTISING.—A guaranty agency shall not—

(A) offer, directly or indirectly, premiums, payments, stock or other securities, prizes, travel, entertainment expenses, tuition payment or reimbursement, or other inducements to—

(i) any institution of higher education, any employee of an institution of higher education, or any individual or entity in order to secure applicants for loans made under this part; or

(ii) any lender, or any agent, employee, or independent contractor of any lender or guaranty agency, in order to administer or market loans made under this part (other than a loan made as part of the guaranty agency's lender-of-last-resort program pursuant

to section 428(j)), for the purpose of securing the designation of the guaranty agency as the insurer of such loans;

(B) conduct unsolicited mailings, by postal or electronic means, of student loan application forms to students enrolled in secondary schools or postsecondary educational institutions, or to the families of such students, except that applications may be mailed, by postal or electronic means, to students or borrowers who have previously received loans guaranteed under this part by the guaranty agency;

(C) perform, for an institution of higher education participating in a program under this title, any function that such institution is required to perform under this title, except that the guaranty agency may perform functions on behalf of such institution in accordance with section 485(b) or 485(l);

(D) pay, on behalf of an institution of higher education, another person to perform any function that such institution is required to perform under this title, except that the guaranty agency may perform functions on behalf of such institution in accordance with section 485(b) or 485(l); or

(E) conduct fraudulent or misleading advertising concerning loan availability, terms, or conditions.

It shall not be a violation of this paragraph for a guaranty agency to provide technical assistance to institutions of higher education comparable to the technical assistance provided to institutions of higher education by the Department.

(4) SPECIAL RULE.—With respect to the graduate fellowship program referred to in paragraph (1)(M)(i)(II), the Secretary shall approve any course of study at a foreign university that is accepted for the completion of a recognized international fellowship program by the administrator of such a program. Requests for deferment of repayment of loans under this part by students engaged in graduate or postgraduate fellowship-supported study (such as pursuant to a Fulbright grant) outside the United States shall be approved until completion of the period of the fellowship.

(5) GUARANTY AGENCY INFORMATION TRANSFERS.—(A) Until such time as the Secretary has implemented section 485B and is able to provide to guaranty agencies the information required by such section, any guaranty agency may request information regarding loans made after January 1, 1987, to students who are residents of the State for which the agency is the designated guarantor, from any other guaranty agency insuring loans to such students.

(B) Upon a request pursuant to subparagraph (A), a guaranty agency shall provide—

(i) the name and the social security number of the borrower; and

(ii) the amount borrowed and the cumulative amount borrowed.

(C) Any costs associated with fulfilling the request of a guaranty agency for information on students shall be paid by the guaranty agency requesting the information.

(6) STATE GUARANTY AGENCY INFORMATION REQUEST OF STATE LICENSING BOARDS.—Each guaranty agency is authorized to enter into agreements with each appropriate State licensing board under which the State licensing board, upon request, will furnish the guaranty agency with the address of a student borrower in any case in which the location of the student borrower is unknown or unavailable to the guaranty agency.

(7) REPAYMENT PERIOD.—(A) In the case of a loan made under section 427 or 428, the repayment period shall exclude any period of authorized deferment or forbearance and shall begin the day after 6 months after the date the student ceases to carry at least one-half the normal full-time academic workload (as determined by the institution).

(B) In the case of a loan made under section 428H, the repayment period shall exclude any period of authorized deferment or forbearance, and shall begin as described in subparagraph (A), but interest shall begin to accrue or be paid by the borrower on the day the loan is disbursed.

(C) In the case of a loan made under section 428B or 428C, the repayment period shall begin on the day the loan is disbursed, or, if the loan is disbursed in multiple installments, on the day of the last such disbursement, and shall exclude any period of authorized deferment or forbearance.

(D) There shall be excluded from the 6-month period that begins on the date on which a student ceases to carry at least one-half the normal full-time academic workload as described in subparagraph (A) any period not to exceed 3 years during which a borrower who is a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code, is called or ordered to active duty for a period of more than 30 days (as defined in section 101(d)(2) of such title). Such period of exclusion shall include the period necessary to resume enrollment at the borrower's next available regular enrollment period.

(8) MEANS OF DISBURSEMENT OF LOAN PROCEEDS.—Nothing in this title shall be interpreted to prohibit the disbursement of loan proceeds by means other than by check or to allow the Secretary to require checks to be made co-payable to the institution and the borrower.

(9) REPAYMENT PLANS.—

(A) DESIGN AND SELECTION.—In accordance with regulations promulgated by the Secretary, the lender shall offer a borrower of a loan made under this part the plans described in this subparagraph for repayment of such loan, including principal and interest thereon. No plan may require a borrower to repay a loan in less than 5 years unless the borrower, during the 6 months immediately preceding the start of the repayment period, specifically requests that repayment be made over of a shorter period. The borrower may choose from—

(i) a standard repayment plan, with a fixed annual repayment amount paid over a fixed period of time, not to exceed 10 years;

(ii) a graduated repayment plan paid over a fixed period of time, not to exceed 10 years;

(iii) an income-sensitive repayment plan, with income-sensitive repayment amounts paid over a fixed period of time, not to exceed 10 years, except that the borrower's scheduled payments shall not be less than the amount of interest due;

(iv) for new borrowers on or after the date of enactment of the Higher Education Amendments of 1998 who accumulate (after such date) outstanding loans under this part totaling more than $30,000, an extended repayment plan, with a fixed annual or graduated repayment amount paid over an extended period of time, not to exceed 25 years, except that the borrower shall repay annually a minimum amount determined in accordance with paragraph (1)(L)(i); and

(v) beginning July 1, 2009, an income-based repayment plan that enables a borrower who has a partial financial hardship to make a lower monthly payment in accordance with section 493C, except that the plan described in this clause shall not be available to a borrower for a loan under section 428B made on behalf of a dependent student or for a consolidation loan under section 428C, if the proceeds of such loan were used to discharge the liability of a loan under section 428B made on behalf of a dependent student.

(B) LENDER SELECTION OF OPTION IF BORROWER DOES NOT SELECT.—If a borrower of a loan made under this part does not select a repayment plan described in subparagraph (A), the lender shall provide the borrower with a repayment plan described in subparagraph (A)(i).

(c) GUARANTY AGREEMENTS FOR REIMBURSING LOSSES.—

(1) AUTHORITY TO ENTER INTO AGREEMENTS.—(A) The Secretary may enter into a guaranty agreement with any guaranty agency, whereby the Secretary shall undertake to reimburse it, under such terms and conditions as the Secretary may establish, with respect to losses (resulting from the default of the student borrower) on the unpaid balance of the principal and accrued interest of any insured loan. The guaranty agency shall, be deemed to have a contractual right against the United States, during the life of such loan, to receive reimbursement according to the provisions of this subsection. Upon receipt of an accurate and complete request by a guaranty agency for reimbursement with respect to such losses, the Secretary shall pay promptly and without administrative delay. Except as provided in subparagraph (B) of this paragraph and in paragraph (7), the amount to be paid a guaranty agency as reimbursement under this subsection shall be equal to 100 percent of the amount expended by it in discharge of its insurance obligation incurred under its loan insurance

program. A guaranty agency shall file a claim for reimbursement with respect to losses under this subsection within 30 days after the guaranty agency discharges its insurance obligation on the loan.

(B) Notwithstanding subparagraph (A)—

(i) if, for any fiscal year, the amount of such reimbursement payments by the Secretary under this subsection exceeds 5 percent of the loans which are insured by such guaranty agency under such program and which were in repayment at the end of the preceding fiscal year, the amount to be paid as reimbursement under this subsection for such excess shall be equal to 85 percent of the amount of such excess; and

(ii) if, for any fiscal year, the amount of such reimbursement payments exceeds 9 percent of such loans, the amount to be paid as reimbursement under this subsection for such excess shall be equal to 75 percent of the amount of such excess.

(C) For the purpose of this subsection, the amount of loans of a guaranty agency which are in repayment shall be the original principal amount of loans made by a lender which are insured by such a guaranty agency reduced by—

(i) the amount the insurer has been required to pay to discharge its insurance obligations under this part;

(ii) the original principal amount of loans insured by it which have been fully repaid; and

(iii) the original principal amount insured on those loans for which payment of the first installment of principal has not become due pursuant to subsection (b)(1)(E) of this section or such first installment need not be paid pursuant to subsection (b)(1)(M) of this section.

(D) Notwithstanding any other provisions of this section, in the case of a loan made pursuant to a lender-of-last-resort program, the Secretary shall apply the provisions of—

(i) the fourth sentence of subparagraph (A) by substituting "100 percent" for "95 percent";

(ii) subparagraph (B)(i) by substituting "100 percent" for "85 percent"; and

(iii) subparagraph (B)(ii) by substituting "100 percent" for "75 percent".

(E) Notwithstanding any other provisions of this section, in the case of an outstanding loan transferred to a guaranty agency from another guaranty agency pursuant to a plan approved by the Secretary in response to the insolvency of the latter such guarantee agency, the Secretary shall apply the provision of—

(i) the fourth sentence of subparagraph (A) by substituting "100 percent" for "95 percent";

(ii) subparagraph (B)(i) by substituting "90 percent" for "85 percent"; and

(iii) subparagraph (B)(ii) by substituting "80 percent" for "75 percent".

(F)(i) Notwithstanding any other provisions of this section, in the case of exempt claims, the Secretary shall apply the provisions of—

(I) the fourth sentence of subparagraph (A) by substituting "100 percent" for "95 percent";

(II) subparagraph (B)(i) by substituting "100 percent" for "85 percent"; and

(III) subparagraph (B)(ii) by substituting "100 percent" for "75 percent".

(ii) For purposes of clause (i) of this subparagraph, the term "exempt claims" means claims with respect to loans for which it is determined that the borrower (or the student on whose behalf a parent has borrowed), without the lender's or the institution's knowledge at the time the loan was made, provided false or erroneous information or took actions that caused the borrower or the student to be ineligible for all or a portion of the loan or for interest benefits thereon.

(G) Notwithstanding any other provision of this section, the Secretary shall exclude a loan made pursuant to a lender-of-last-resort program when making reimbursement payment calculations under subparagraphs (B) and (C).

(2) CONTENTS OF GUARANTY AGREEMENTS.—The guaranty agreement—

(A) shall set forth such administrative and fiscal procedures as may be necessary to protect the United States from the risk of unreasonable loss thereunder, to ensure proper and efficient administration of the loan insurance program, and to assure that due diligence will be exercised in the collection of loans insured under the program, including (i) a requirement that each beneficiary of insurance on the loan submit proof that the institution was contacted and other reasonable attempts were made to locate the borrower (when the location of the borrower is unknown) and proof that contact was made with the borrower (when the location is known) and (ii) requirements establishing procedures to preclude consolidation lending from being an excessive proportion of guaranty agency recoveries on defaulted loans under this part;

(B) shall provide for making such reports, in such form and containing such information, as the Secretary may reasonably require to carry out the Secretary's functions under this subsection, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(C) shall set forth adequate assurances that, with respect to so much of any loan insured under the loan insurance program as may be guaranteed by the Secretary pursuant to this subsection, the undertaking of the Secretary under the guaranty agreement is acceptable in full satisfaction of State law or regulation requiring the maintenance of a reserve;

(D) shall provide that if, after the Secretary has made payment under the guaranty agreement pursuant to paragraph (1) of this subsection with respect to any loan, any payments are made in discharge of the obligation incurred by the borrower with respect to such loan (including any payments of interest accruing on such loan after such payment by the Secretary), there shall be paid over to the Secretary (for deposit in the fund established by section 431) such proportion of the amounts of such payments as is determined (in accordance with paragraph (6)(A)) to represent his equitable share thereof, but (i) shall provide for subrogation of the United States to the rights of any insurance beneficiary only to the extent required for the purpose of paragraph (8); and (ii) except as the Secretary may otherwise by or pursuant to regulation provide, amounts so paid by a borrower on such a loan shall be first applied in reduction of principal owing on such loan;

(E) shall set forth adequate assurance that an amount equal to each payment made under paragraph (1) will be promptly deposited in or credited to the accounts maintained for the purpose of section 422(c);

(F) set forth adequate assurances that the guaranty agency will not engage in any pattern or practice which results in a denial of a borrower's access to loans under this part because of the borrower's race, sex, color, religion, national origin, age, handicapped status, income, attendance at a particular eligible institution within the area served by the guaranty agency, length of the borrower's educational program, or the borrower's academic year in school;

(G) shall prohibit the Secretary from making any reimbursement under this subsection to a guaranty agency when a default claim is based on an inability to locate the borrower, unless the guaranty agency, at the time of filing for reimbursement, certifies to the Secretary that diligent attempts, including contact with the institution, have been made to locate the borrower through the use of reasonable skip-tracing techniques in accordance with regulations prescribed by the Secretary; and

(H) set forth assurances that—

(i) upon the request of an eligible institution, the guaranty agency shall, subject to clauses (ii) and (iii), furnish to the institution information with respect to students (including the names and addresses of such students) who received loans made, insured, or guaranteed under this part for attendance at the eligible institution and for whom default aversion assistance activities have been requested under subsection (l);

(ii) the guaranty agency shall not require the payment from the institution of any fee for such information; and

(iii) the guaranty agency will require the institution to use such information only to assist the institu-

tion in reminding students of their obligation to repay student loans and shall prohibit the institution from disseminating the information for any other purpose.

(I) may include such other provisions as may be necessary to promote the purpose of this part.

(3) FORBEARANCE.—A guaranty agreement under this subsection—

(A) shall contain provisions providing that—

(i) upon request, a lender shall grant a borrower forbearance, renewable at 12-month intervals, on terms agreed to by the parties to the loan with the approval of the insurer and documented in accordance with paragraph (10), and otherwise consistent with the regulations of the Secretary, if the borrower—

(I) is serving in a medical or dental internship or residency program, the successful completion of which is required to begin professional practice or service, or is serving in a medical or dental internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers postgraduate training, provided that if the borrower qualifies for a deferment under section 427(a)(2)(C)(vii) or subsection (b)(1)(M)(vii) of this section as in effect prior to the enactment of the Higher Education Amendments of 1992, or section 427(a)(2)(C) or subsection (b)(1)(M) of this section as amended by such amendments, the borrower has exhausted his or her eligibility for such deferment;

(II) has a debt burden under this title that equals or exceeds 20 percent of income;

(III) is serving in a national service position for which the borrower receives a national service educational award under the National and Community Service Trust Act of 1993; or

(IV) is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest is being paid on such loan under subsection (o);

(ii) the length of the forbearance granted by the lender—

(I) under clause (i)(I) shall equal the length of time remaining in the borrower's medical or dental internship or residency program, if the borrower is not eligible to receive a deferment described in such clause, or such length of time remaining in the program after the borrower has exhausted the borrower's eligibility for such deferment;

(II) under clause (i)(II) or (IV) shall not exceed 3 years; or

(III) under clause (i)(III) shall not exceed the period for which the borrower is serving in a position described in such clause; and

(iii) no administrative or other fee may be charged in connection with the granting of a forbearance under clause (i), and no adverse information regarding a borrower may be reported to a consumer reporting agency solely because of the granting of such forbearance;

(B) may, to the extent provided in regulations of the Secretary, contain provisions that permit such forbearance for the benefit of the student borrower as may be agreed upon by the parties to an insured loan and approved by the insurer;

(C) shall contain provisions that specify that—

(i) the form of forbearance granted by the lender pursuant to this paragraph, other than subparagraph (A)(i)(IV), shall be temporary cessation of payments, unless the borrower selects forbearance in the form of an extension of time for making payments, or smaller payments than were previously scheduled;

(ii) the form of forbearance granted by the lender pursuant to subparagraph (A)(i)(IV) shall be the temporary cessation of all payments on the loan other than payments of interest on the loan that are made under subsection (o);

(iii) the lender shall, at the time of granting a borrower forbearance, provide information to the borrower to assist the borrower in understanding the impact of capitalization of interest on the borrower's loan principal and total amount of interest to be paid during the life of the loan; and

(iv) the lender shall contact the borrower not less often than once every 180 days during the period of forbearance to inform the borrower of—

(I) the amount of unpaid principal and the amount of interest that has accrued since the last statement of such amounts provided to the borrower by the lender;

(II) the fact that interest will accrue on the loan for the period of forbearance;

(III) the amount of interest that will be capitalized, and the date on which capitalization will occur;

(IV) the option of the borrower to pay the interest that has accrued before the interest is capitalized; and

(V) the borrower's option to discontinue the forbearance at any time; and

(D) shall contain provisions that specify that—

(i) forbearance for a period not to exceed 60 days may be granted if the lender reasonably determines that such a suspension of collection activity is warranted following a borrower's request for deferment,

forbearance, a change in repayment plan, or a request to consolidate loans, in order to collect or process appropriate supporting documentation related to the request, and

(ii) during such period interest shall accrue but not be capitalized.

Guaranty agencies shall not be precluded from permitting the parties to such a loan from entering into a forbearance agreement solely because the loan is in default. The Secretary shall permit lenders to exercise administrative forbearances that do not require the agreement of the borrower, under conditions authorized by the Secretary. Such forbearances shall include (i) forbearances for borrowers who are delinquent at the time of the granting of an authorized period of deferment under section 428(b)(1)(M) or 427(a)(2)(C), and (ii) if the borrower is less than 60 days delinquent on such loans at the time of sale or transfer, forbearances for borrowers on loans which are sold or transferred.

(4) DEFINITIONS.—For the purpose of this subsection, the terms "insurance beneficiary" and "default" have the meanings assigned to them by section 435.

(5) APPLICABILITY TO EXISTING LOANS.—In the case of any guaranty agreement with a guaranty agency, the Secretary may, in accordance with the terms of this subsection, undertake to guarantee loans described in paragraph (1) which are insured by such guaranty agency and are outstanding on the date of execution of the guaranty agreement, but only with respect to defaults occurring after the execution of such guaranty agreement or, if later, after its effective date.

(6) SECRETARY'S EQUITABLE SHARE.—(A) For the purpose of paragraph (2)(D), the Secretary's equitable share of payments made by the borrower shall be that portion of the payments remaining after the guaranty agency with which the Secretary has an agreement under this subsection has deducted from such payments—

(i) a percentage amount equal to the complement of the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

(ii) an amount equal to 24 percent of such payments for use in accordance with section 422B, except that—

(I) beginning October 1, 2003 and ending September 30, 2007, this clause shall be applied by substituting "23 percent" for "24 percent"; and

(II) beginning October 1, 2007, this clause shall be applied by substituting "16 percent" for "24 percent".

(B) A guaranty agency shall—

(i) on or after October 1, 2006—

(I) not charge the borrower collection costs in an amount in excess of 18.5 percent of the outstanding principal and interest of a defaulted loan that is paid

off through consolidation by the borrower under this title; and

(II) remit to the Secretary a portion of the collection charge under subclause (I) equal to 8.5 percent of the outstanding principal and interest of such defaulted loan; and

(ii) on and after October 1, 2009, remit to the Secretary the entire amount charged under clause (i)(I) with respect to each defaulted loan that is paid off with excess consolidation proceeds.

(C) For purposes of subparagraph (B), the term "excess consolidation proceeds" means, with respect to any guaranty agency for any Federal fiscal year beginning on or after October 1, 2009, the proceeds of consolidation of defaulted loans under this title that exceed 45 percent of the agency's total collections on defaulted loans in such Federal fiscal year.

(7) NEW PROGRAMS ELIGIBLE FOR 100 PERCENT REINSURANCE.—(A) Notwithstanding paragraph (1)(C), the amount to be paid a guaranty agency for any fiscal year—

(i) which begins on or after October 1, 1977 and ends before October 1, 1991; and

(ii) which is either the fiscal year in which such guaranty agency begins to actively carry on a student loan insurance program which is subject to a guaranty agreement under subsection (b) of this section, or is one of the 4 succeeding fiscal years,

shall be 100 percent of the amount expended by such guaranty agency in discharge of its insurance obligation insured under such program.

(B) Notwithstanding the provisions of paragraph (1)(C), the Secretary may pay a guaranty agency 100 percent of the amount expended by such agency in discharge of such agency's insurance obligation for any fiscal year which—

(i) begins on or after October 1, 1991; and

(ii) is the fiscal year in which such guaranty agency begins to actively carry on a student loan insurance program which is subject to a guaranty agreement under subsection (b) or is one of the 4 succeeding fiscal years.

(C) The Secretary shall continuously monitor the operations of those guaranty agencies to which the provisions of subparagraph (A) or (B) are applicable and revoke the application of such subparagraph to any such guaranty agency which the Secretary determines has not exercised reasonable prudence in the administration of such program.

(8) ASSIGNMENT TO PROTECT FEDERAL FISCAL INTEREST.—If the Secretary determines that the protection of the Federal fiscal interest so requires, a guaranty agency shall assign to the Secretary any loan of which it is the holder and for which the Secretary has made a payment pursuant to paragraph (1) of this subsection.

(9) GUARANTY AGENCY RESERVE LEVEL.—(A) Each guaranty agency which has entered into an agreement with the Secretary pursuant to this subsection shall maintain in the agen-

cy's Federal Student Loan Reserve Fund established under section 422A a current minimum reserve level of at least 0.25 percent of the total attributable amount of all outstanding loans guaranteed by such agency. For purposes of this paragraph, such total attributable amount does not include amounts of outstanding loans transferred to the guaranty agency from another guaranty agency pursuant to a plan of the Secretary in response to the insolvency of the latter such guaranty agency.

(B) The Secretary shall collect, on an annual basis, information from each guaranty agency having an agreement under this subsection to enable the Secretary to evaluate the financial solvency of each such agency. The information collected shall include the level of such agency's current reserves, cash disbursements and accounts receivable.

(C) If (i) any guaranty agency falls below the required minimum reserve level in any 2 consecutive years, (ii) any guaranty agency's Federal reimbursement payments are reduced to 85 percent pursuant to paragraph (1)(B)(i), or (iii) the Secretary determines that the administrative or financial condition of a guaranty agency jeopardizes such agency's continued ability to perform its responsibilities under its guaranty agreement, then the Secretary shall require the guaranty agency to submit and implement a management plan acceptable to the Secretary within 45 working days of any such event.

(D)(i) If the Secretary is not seeking to terminate the guaranty agency's agreement under subparagraph (E), or assuming the guaranty agency's functions under subparagraph (F), a management plan described in subparagraph (C) shall include the means by which the guaranty agency will improve its financial and administrative condition to the required level within 18 months.

(ii) If the Secretary is seeking to terminate the guaranty agency's agreement under subparagraph (E), or assuming the guaranty agency's functions under subparagraph (F), a management plan described in subparagraph (C) shall include the means by which the Secretary and the guaranty agency shall work together to ensure the orderly termination of the operations, and liquidation of the assets, of the guaranty agency.

(E) The Secretary may terminate a guaranty agency's agreement in accordance with subparagraph (F) if—

(i) a guaranty agency required to submit a management plan under this paragraph fails to submit a plan that is acceptable to the Secretary;

(ii) the Secretary determines that a guaranty agency has failed to improve substantially its administrative and financial condition;

(iii) the Secretary determines that the guaranty agency is in danger of financial collapse;

(iv) the Secretary determines that such action is necessary to protect the Federal fiscal interest; or

(v) the Secretary determines that such action is necessary to ensure the continued availability of loans to student or parent borrowers.

(F) If a guaranty agency's agreement under this subsection is terminated pursuant to subparagraph (E), then the Secretary shall assume responsibility for all functions of the guaranty agency under the loan insurance program of such agency. In performing such functions the Secretary is authorized to—

(i) permit the transfer of guarantees to another guaranty agency;

(ii) revoke the reinsurance agreement of the guaranty agency at a specified date, so as to require the merger, consolidation, or termination of the guaranty agency;

(iii) transfer guarantees to the Department of Education for the purpose of payment of such claims and process such claims using the claims standards of the guaranty agency, if such standards are determined by the Secretary to be in compliance with this Act;

(iv) design and implement a plan to restore the guaranty agency's viability;

(v) provide the guaranty agency with additional advance funds in accordance with section 422(c)(7), with such restrictions on the use of such funds as is determined appropriate by the Secretary, in order to—

(I) meet the immediate cash needs of the guaranty agency;

(II) ensure the uninterrupted payment of claims; or

(III) ensure that the guaranty agency will make loans as the lender-of-last-resort, in accordance with subsection (j);

(vi) use all funds and assets of the guaranty agency to assist in the activities undertaken in accordance with this subparagraph and take appropriate action to require the return, to the guaranty agency or the Secretary, of any funds or assets provided by the guaranty agency, under contract or otherwise, to any person or organization; or

(vii) take any other action the Secretary determines necessary to ensure the continued availability of loans made under this part to residents of the State or States in which the guaranty agency did business, the full honoring of all guarantees issued by the guaranty agency prior to the Secretary's assumption of the functions of such agency, and the proper servicing of loans guaranteed by the guaranty agency prior to the Secretary's assumption of the functions of such agency, and to avoid disruption of the student loan program.

(G) Notwithstanding any other provision of Federal or State law, if the Secretary has terminated or is seeking to terminate a guaranty agency's agreement under subparagraph (E), or has assumed a guaranty agency's functions under subparagraph (F)—

(i) no State court may issue any order affecting the Secretary's actions with respect to such guaranty agency;

(ii) any contract with respect to the administration of a guaranty agency's reserve funds, or the administration of

any assets purchased or acquired with the reserve funds of the guaranty agency, that is entered into or extended by the guaranty agency, or any other party on behalf of or with the concurrence of the guaranty agency, after the date of enactment of this subparagraph shall provide that the contract is terminable by the Secretary upon 30 days notice to the contracting parties if the Secretary determines that such contract includes an impermissible transfer of the reserve funds or assets, or is otherwise inconsistent with the terms or purposes of this section; and

(iii) no provision of State law shall apply to the actions of the Secretary in terminating the operations of a guaranty agency.

(H) Notwithstanding any other provision of law, the Secretary's liability for any outstanding liabilities of a guaranty agency (other than outstanding student loan guarantees under this part), the functions of which the Secretary has assumed, shall not exceed the fair market value of the reserves of the guaranty agency, minus any necessary liquidation or other administrative costs.

(I) The Secretary shall not take any action under subparagraph (E) or (F) without giving the guaranty agency notice and the opportunity for a hearing that, if commenced after September 24, 1998, shall be on the record.

(J) Notwithstanding any other provision of law, the information transmitted to the Secretary pursuant to this paragraph shall be confidential and exempt from disclosure under section 552 of title 5, United States Code, relating to freedom of information, or any other Federal law.

(K) The Secretary, within 6 months after the end of each fiscal year, shall submit to the authorizing committees a report specifying the Secretary's assessment of the fiscal soundness of the guaranty agency system.

(10) DOCUMENTATION OF FORBEARANCE AGREEMENTS.—For the purposes of paragraph (3), the terms of forbearance agreed to by the parties shall be documented by confirming the agreement of the borrower by notice to the borrower from the lender, and by recording the terms in the borrower's file.

(d) USURY LAWS INAPPLICABLE.—No provision of any law of the United States (other than this Act and section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527)) or of any State (other than a statute applicable principally to such State's student loan insurance program) which limits the rate or amount of interest payable on loans shall apply to a loan—

(1) which bears interest (exclusive of any premium for insurance) on the unpaid principal balance at a rate not in excess of the rate specified in this part; and

(2) which is insured (i) by the United States under this part, or (ii) by a guaranty agency under a program covered by an agreement made pursuant to subsection (b) of this section.

(f) PAYMENTS OF CERTAIN COSTS.—

(1) PAYMENT FOR CERTAIN ACTIVITIES.—

(A) IN GENERAL.—The Secretary—

(i) for loans originated during fiscal years beginning on or after October 1, 1998, and before October 1, 2003, and in accordance with the provisions of this paragraph, shall, except as provided in subparagraph (C), pay to each guaranty agency, a loan processing and issuance fee equal to 0.65 percent of the total principal amount of the loans on which insurance was issued under this part during such fiscal year by such agency; and

(ii) for loans originated on or after October 1, 2003, and first disbursed before July 1, 2010, and in accordance with the provisions of this paragraph, shall, except as provided in subparagraph (C), pay to each guaranty agency, a loan processing and issuance fee equal to 0.40 percent of the total principal amount of the loans on which insurance was issued under this part during such fiscal year by such agency.

(B) PAYMENT.—The payment required by subparagraph (A) shall be paid on a quarterly basis. The guaranty agency shall be deemed to have a contractual right against the United States to receive payments according to the provisions of this paragraph. Payments shall be made promptly and without administrative delay to any guaranty agency submitting an accurate and complete application under this subparagraph.

(C) REQUIREMENT FOR PAYMENT.—No payment may be made under this paragraph for loans for which the disbursement checks have not been cashed or for which electronic funds transfers have not been completed.

(g) ACTION ON INSURANCE PROGRAM AND GUARANTY AGREEMENTS.—If a nonprofit private institution or organization—

(1) applies to enter into an agreement with the Secretary under subsections (b) and (c) with respect to a student loan insurance program to be carried on in a State with which the Secretary does not have an agreement under subsection (b), and

(2) as provided in the application, undertakes to meet the requirements of section 422(c)(6)(B) (i), (ii), and (iii),

the Secretary shall consider and act upon such application within 180 days, and shall forthwith notify the authorizing committees of his actions.

(i) MULTIPLE DISBURSEMENT OF LOANS.—

(1) ESCROW ACCOUNTS ADMINISTERED BY ESCROW AGENT.—Any guaranty agency or eligible lender (hereafter in this subsection referred to as the "escrow agent") may enter into an agreement with any other eligible lender that is not an eligible institution or an agency or instrumentality of the State (hereafter in this subsection referred to as the "lender") for the purpose of authorizing disbursements of the proceeds of a loan to a student. Such agreement shall provide that the lender will pay the proceeds of such loans into an escrow account to be administered by the escrow agent in accordance with the provisions of paragraph (2) of this subsection. Such agreement may

allow the lender to make payments into the escrow account in amounts that do not exceed the sum of the amounts required for disbursement of initial or subsequent installments to borrowers and to make such payments not more than 10 days prior to the date of the disbursement of such installment to such borrowers. Such agreement shall require the lender to notify promptly the eligible institution when funds are escrowed under this subsection for a student at such institution.

(2) AUTHORITY OF ESCROW AGENT.—Each escrow agent entering into an agreement under paragraph (1) of this subsection is authorized to—

(A) make the disbursements in accordance with the note evidencing the loan;

(B) commingle the proceeds of all loans paid to the escrow agent pursuant to the escrow agreement entered into under such paragraph (1);

(C) invest the proceeds of such loans in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

(D) retain interest or other earnings on such investment; and

(E) return to the lender undisbursed funds when the student ceases to carry at an eligible institution at least one-half of the normal full-time academic workload as determined by the institution.

(j) LENDERS-OF-LAST-RESORT.—

(1) GENERAL REQUIREMENT.—In each State, the guaranty agency or an eligible lender in the State described in section 435(d)(1)(D) of this Act shall, before July 1, 2010, make loans directly, or through an agreement with an eligible lender or lenders, to eligible students and parents who are otherwise unable to obtain loans under this part (except for consolidation loans under section 428C) or who attend an institution of higher education in the State that is designated under paragraph (4). Loans made under this subsection shall not exceed the amount of the need of the borrower, as determined under subsection (a)(2)(B), nor be less than $200. No loan under section 428, 428B, or 428H that is made pursuant to this subsection shall be made with interest rates, origination or default fees, or other terms and conditions that are more favorable to the borrower than the maximum interest rates, origination or default fees, or other terms and conditions applicable to that type of loan under this part. The guaranty agency shall consider the request of any eligible lender, as defined under section 435(d)(1)(A) of this Act, to serve as the lender-of-last-resort pursuant to this subsection.

(2) RULES AND OPERATING PROCEDURES.—The guaranty agency shall develop rules and operating procedures for the lender-of-last-resort program designed to ensure that—

(A) the program establishes operating hours and methods of application designed to facilitate application by students and ensure a response within 60 days after the stu-

dent's original complete application is filed under this subsection;

(B) consistent with standards established by the Secretary, students applying for loans under this subsection shall not be subject to additional eligibility requirements or requests for additional information beyond what is required under this title in order to receive a loan under this part from an eligible lender, nor, in the case of students and parents applying for loans under this subsection because of an inability to otherwise obtain loans under this part (except for consolidation loans under section 428C), be required to receive more than two rejections from eligible lenders in order to obtain a loan under this subsection;

(C) information about the availability of loans under the program is made available to institutions of higher education in the State; and

(D) appropriate steps are taken to ensure that borrowers receiving loans under the program are appropriately counseled on their loan obligation.

(3) ADVANCES TO GUARANTY AGENCIES FOR LENDER-OF-LAST-RESORT SERVICES.—(A) In order to ensure the availability of loan capital, the Secretary is authorized to provide a guaranty agency designated for a State with additional advance funds in accordance with subparagraph (C) and section 422(c)(7), with such restrictions on the use of such funds as are determined appropriate by the Secretary, in order to ensure that the guaranty agency will make loans as the lender-of-last-resort. Such agency shall make such loans in accordance with this subsection and the requirements of the Secretary.

(B) Notwithstanding any other provision in this part, a guaranty agency serving as a lender-of-last-resort under this paragraph shall be paid a fee, established by the Secretary, for making such loans in lieu of interest and special allowance subsidies, and shall be required to assign such loans to the Secretary on demand. Upon such assignment, the portion of the advance represented by the loans assigned shall be considered repaid by such guaranty agency.

(C) The Secretary shall exercise the authority described in subparagraph (A) only if the Secretary determines that eligible borrowers are seeking and are unable to obtain loans under this part or designates an institution of higher education for participation in the program under this subsection under paragraph (4), and that the guaranty agency designated for that State has the capability to provide lender-of-last-resort loans in a timely manner, in accordance with the guaranty agency's obligations under paragraph (1), but cannot do so without advances provided by the Secretary under this paragraph. If the Secretary makes the determinations described in the preceding sentence and determines that it would be cost-effective to do so, the Secretary may provide advances under this paragraph to such guaranty agency. If the Secretary determines that such guaranty agency does not have such capability, or will not provide such loans in a timely fashion, the Secretary may provide

such advances to enable another guaranty agency, that the Secretary determines to have such capability, to make lender-of-last-resort loans to eligible borrowers in that State who are experiencing loan access problems or to eligible borrowers who attend an institution in the State that is designated under paragraph (4).

(4) INSTITUTION-WIDE STUDENT QUALIFICATION.—Upon the request of an institution of higher education and pursuant to standards developed by the Secretary, the Secretary shall designate such institution for participation in the lender-of-last-resort program under this paragraph. If the Secretary designates an institution under this paragraph, the guaranty agency designated for the State in which the institution is located shall make loans, in the same manner as such loans are made under paragraph (1), to students and parent borrowers of the designated institution, regardless of whether the students or parent borrowers are otherwise unable to obtain loans under this part (other than a consolidation loan under section 428C).

(5) STANDARDS DEVELOPED BY THE SECRETARY.—In developing standards with respect to paragraph (4), the Secretary may require—

(A) an institution of higher education to demonstrate that, despite due diligence on the part of the institution, the institution has been unable to secure the commitment of eligible lenders willing to make loans under this part to a significant number of students attending the institution;

(B) that, prior to making a request under such paragraph for designation for participation in the lender-of-last-resort program, an institution of higher education shall demonstrate that the institution has met a minimum threshold, as determined by the Secretary, for the number or percentage of students at such institution who have received rejections from eligible lenders for loans under this part; and

(C) any other standards and guidelines the Secretary determines to be appropriate.

(6) EXPIRATION OF AUTHORITY.—The Secretary's authority under paragraph (4) to designate institutions of higher education for participation in the program under this subsection shall expire on June 30, 2010.

(7) EXPIRATION OF DESIGNATION.—The eligibility of an institution of higher education, or borrowers from such institution, to participate in the program under this subsection pursuant to a designation of the institution by the Secretary under paragraph (4) shall expire on June 30, 2010. After such date, borrowers from an institution designated under paragraph (4) shall be eligible to participate in the program under this subsection as such program existed on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008.

(8) PROHIBITION ON INDUCEMENTS AND MARKETING.—Each guaranty agency or eligible lender that serves as a lender-of-last-resort under this subsection—

(A) shall be subject to the prohibitions on inducements contained in subsection (b)(3) and the requirements of section 435(d)(5); and

(B) shall not advertise, market, or otherwise promote loans under this subsection, except that nothing in this paragraph shall prohibit a guaranty agency from fulfilling its responsibilities under paragraph (2)(C).

(9) DISSEMINATION AND REPORTING.—

(A) IN GENERAL.—The Secretary shall—

(i) broadly disseminate information regarding the availability of loans made under this subsection;

(ii) during the period beginning July 1, 2008 and ending June 30, 2011, provide to the authorizing committees and make available to the public—

(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection;

(II) quarterly reports on—

(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

(bb) any related payments by the Department, a guaranty agency, or an eligible lender; and

(III) a budget estimate of the costs to the Federal Government (including subsidy and administrative costs) for each 100 dollars loaned, of loans made pursuant to this subsection between the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008 and June 30, 2010, disaggregated by type of loan, compared to such costs to the Federal Government during such time period of comparable loans under this part and part D, disaggregated by part and by type of loan; and

(iii) beginning July 1, 2011, provide to the authorizing committees and make available to the public—

(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection; and

(II) annual reports on—

(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

(bb) any related payments by the Department, a guaranty agency, or an eligible lender.

(B) SEPARATE REPORTING.—The information required to be reported under subparagraph (A)(ii)(II) shall be re-

ported separately for loans originated or approved pursuant to paragraph (4), or payments related to such loans, for the time period in which the Secretary is authorized to make designations under paragraph (4).

(k) INFORMATION ON DEFAULTS.—

(1) PROVISION OF INFORMATION TO ELIGIBLE INSTITUTIONS.—Notwithstanding any other provision of law, in order to notify eligible institutions of former students who are in default of their continuing obligation to repay student loans, each guaranty agency shall, upon the request of an eligible institution, furnish information with respect to students who were enrolled at the eligible institution and who are in default on the repayment of any loan made, insured, or guaranteed under this part. The information authorized to be furnished under this subsection shall include the names and addresses of such students.

(2) PUBLIC DISSEMINATION NOT AUTHORIZED.—Nothing in paragraph (1) of this subsection shall be construed to authorize public dissemination of the information described in paragraph (1).

(3) BORROWER LOCATION INFORMATION.—Any information provided by the institution relating to borrower location shall be used by the guaranty agency in conducting required skip-tracing activities.

(4) PROVISION OF INFORMATION TO BORROWERS IN DEFAULT.—Each guaranty agency that has received a default claim from a lender regarding a borrower, shall provide the borrower in default, on not less than two separate occasions, with a notice, in simple and understandable terms, of not less than the following information:

(A) The options available to the borrower to remove the borrower's loan from default.

(B) The relevant fees and conditions associated with each option.

(l) DEFAULT AVERSION ASSISTANCE.—

(1) ASSISTANCE REQUIRED.—Upon receipt of a complete request from a lender received not earlier than the 60th day of delinquency, a guaranty agency having an agreement with the Secretary under subsection (c) shall engage in default aversion activities designed to prevent the default by a borrower on a loan covered by such agreement.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—A guaranty agency, in accordance with the provisions of this paragraph, may transfer from the Federal Student Loan Reserve Fund under section 422A to the Agency Operating Fund under section 422B a default aversion fee. Such fee shall be paid for any loan on which a claim for default has not been paid as a result of the loan being brought into current repayment status by the guaranty agency on or before the 300th day after the loan becomes 60 days delinquent.

(B) AMOUNT.—The default aversion fee shall be equal to 1 percent of the total unpaid principal and accrued in-

terest on the loan at the time the request is submitted by the lender. A guaranty agency may transfer such fees earned under this subsection not more frequently than monthly. Such a fee shall not be paid more than once on any loan for which the guaranty agency averts the default unless—

(i) at least 18 months has elapsed between the date the borrower entered current repayment status and the date the lender filed a subsequent default aversion assistance request; and

(ii) during the period between such dates, the borrower was not more than 30 days past due on any payment of principal and interest on the loan.

(C) DEFINITION.—For the purpose of earning the default aversion fee, the term "current repayment status" means that the borrower is not delinquent in the payment of any principal or interest on the loan.

(m) [INCOME CONTINGENT AND] INCOME-BASED REPAYMENT.—[(1) AUTHORITY OF SECRETARY TO REQUIRE.—The Secretary may require borrowers who have defaulted on loans made under this part that are assigned to the Secretary under subsection (c)(8) to repay those loans under an income contingent repayment plan or income-based repayment plan, the terms and conditions of which shall be established by the Secretary and the same as, or similar to, an income contingent repayment plan established for purposes of part D of this title or an income-based repayment plan under section 493C, as the case may be.]

(1) AUTHORITY OF SECRETARY TO REQUIRE.—The Secretary may require borrowers who have defaulted on loans made under this part that are assigned to the Secretary under subsection (c)(8) to repay those loans pursuant to an income-based repayment plan under section 455(q) or section 493C, as applicable.

(2) LOANS FOR WHICH [INCOME CONTINGENT OR] INCOME-BASED REPAYMENT MAY BE REQUIRED.—A loan made under this part may be required to be repaid under this subsection if the note or other evidence of the loan has been assigned to the Secretary pursuant to subsection (c)(8).

(n) BLANKET CERTIFICATE OF LOAN GUARANTY.—

(1) IN GENERAL.—Subject to paragraph (3), any guaranty agency that has entered into or enters into any insurance program agreement with the Secretary under this part may—

(A) offer eligible lenders participating in the agency's guaranty program a blanket certificate of loan guaranty that permits the lender to make loans without receiving prior approval from the guaranty agency of individual loans for eligible borrowers enrolled in eligible programs at eligible institutions; and

(B) provide eligible lenders with the ability to transmit electronically data to the agency concerning loans the lender has elected to make under the agency's insurance pro-

gram via standard reporting formats, with such reporting to occur at reasonable and standard intervals.

(2) LIMITATIONS ON BLANKET CERTIFICATE OF GUARANTY.—(A) An eligible lender may not make a loan to a borrower under this section after such lender receives a notification from the guaranty agency that the borrower is not an eligible borrower.

(B) A guaranty agency may establish limitations or restrictions on the number or volume of loans issued by a lender under the blanket certificate of guaranty.

(3) PARTICIPATION LEVEL.—During fiscal years 1999 and 2000, the Secretary may permit, on a pilot basis, a limited number of guaranty agencies to offer blanket certificates of guaranty under this subsection. Beginning in fiscal year 2001, any guaranty agency that has an insurance program agreement with the Secretary may offer blanket certificates of guaranty under this subsection.

(4) REPORT REQUIRED.—The Secretary shall, at the conclusion of the pilot program under paragraph (3), provide a report to the authorizing committees on the impact of the blanket certificates of guaranty on program efficiency and integrity.

(o) ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS.—

(1) AUTHORITY.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 for the payment of interest and any special allowance on a loan to a member of the Armed Forces or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively, that is made, insured, or guaranteed under this part, the Secretary shall pay the interest and special allowance on such loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest or any special allowance on such a loan out of any funds other than funds that have been so transferred.

(2) FORBEARANCE.—During the period in which the Secretary is making payments on a loan under paragraph (1), the lender shall grant the borrower forbearance in accordance with the guaranty agreement under subsection (c)(3)(A)(i)(IV).

(3) SPECIAL ALLOWANCE DEFINED.—For the purposes of this subsection, the term "special allowance", means a special allowance that is payable with respect to a loan under section 438.

* * * * * * *

SEC. 428C. FEDERAL CONSOLIDATION LOANS.

(a) AGREEMENTS WITH ELIGIBLE LENDERS.—

(1) AGREEMENT REQUIRED FOR INSURANCE COVERAGE.—For the purpose of providing loans to eligible borrowers for consolidation of their obligations with respect to eligible student loans, the Secretary or a guaranty agency shall enter into

agreements in accordance with subsection (b) with the following eligible lenders:

(A) the Student Loan Marketing Association or the Holding Company of the Student Loan Marketing Association, including any subsidiary of the Holding Company, created pursuant to section 440;

(B) State agencies described in subparagraphs (D) and (F) of section 435(d)(1); and

(C) other eligible lenders described in subparagraphs (A), (B), (C), (E), and (J) of such section.

(2) INSURANCE COVERAGE OF CONSOLIDATION LOANS.—Except as provided in section 429(e), no contract of insurance under this part shall apply to a consolidation loan unless such loan is made under an agreement pursuant to this section and is covered by a certificate issued in accordance with subsection (b)(2). Loans covered by such a certificate that is issued by a guaranty agency shall be considered to be insured loans for the purposes of reimbursements under section 428(c), but no payment shall be made with respect to such loans under section 428(f) to any such agency.

(3) DEFINITION OF ELIGIBLE BORROWER.—(A) For the purpose of this section, the term "eligible borrower" means a borrower who—

(i) is not subject to a judgment secured through litigation with respect to a loan under this title or to an order for wage garnishment under section 488A; and

(ii) at the time of application for a consolidation loan—

(I) is in repayment status as determined under section 428(b)(7)(A);

(II) is in a grace period preceding repayment; or

(III) is a defaulted borrower who has made arrangements to repay the obligation on the defaulted loans satisfactory to the holders of the defaulted loans.

(B)(i) An individual's status as an eligible borrower under this section or under section 455(g) terminates under both sections upon receipt of a consolidation loan under this section or under section 455(g), except that—

(I) an individual who receives eligible student loans after the date of receipt of the consolidation loan may receive a subsequent consolidation loan;

(II) loans received prior to the date of the consolidation loan may be added during the 180-day period following the making of the consolidation loan;

(III) loans received following the making of the consolidation loan may be added during the 180-day period following the making of the consolidation loan;

(IV) loans received prior to the date of the first consolidation loan may be added to a subsequent consolidation loan; and

(V) an individual may obtain a subsequent consolidation loan under section 455(g) only—

(aa) [for the purposes of obtaining income contingent repayment or income-based repayment] *for the purposes of qualifying for an income-based repayment plan under section 455(q) or section 493C, as applicable*, and only if the loan has been submitted to the guaranty agency for default aversion or if the loan is already in default;

(bb) for the purposes of using the public service loan forgiveness program under section 455(m);

(cc) for the purpose of using the no accrual of interest for active duty service members benefit offered under section 455(o).

(dd) for the purpose of separating a joint consolidation loan into 2 separate Federal Direct Consolidation Loans under section 455(g)(2).

(4) DEFINITION OF ELIGIBLE STUDENT LOANS.—For the purpose of paragraph (1), the term "eligible student loans" means loans—

(A) made, insured, or guaranteed under this part, and first disbursed before July 1, 2010, including loans on which the borrower has defaulted (but has made arrangements to repay the obligation on the defaulted loans satisfactory to the Secretary or guaranty agency, whichever insured the loans);

(B) made under part E of this title;

(C) made under part D of this title;

(D) made under subpart II of part A of title VII of the Public Health Service Act; or

(E) made under part E of title VIII of the Public Health Service Act.

(b) CONTENTS OF AGREEMENTS, CERTIFICATES OF INSURANCE, AND LOAN NOTES.—

(1) AGREEMENTS WITH LENDERS.—Any lender described in subparagraph (A), (B), or (C) of subsection (a)(1) who wishes to make consolidation loans under this section shall enter into an agreement with the Secretary or a guaranty agency which provides—

(A) that, in the case of all lenders described in subsection (a)(1), the lender will make a consolidation loan to an eligible borrower (on request of that borrower) only if the borrower certifies that the borrower has no other application pending for a loan under this section;

(B) that each consolidation loan made by the lender will bear interest, and be subject to repayment, in accordance with subsection (c);

(C) that each consolidation loan will be made, notwithstanding any other provision of this part limiting the annual or aggregate principal amount for all insured loans made to a borrower, in an amount (i) which is not less than the minimum amount required for eligibility of the borrower under subsection (a)(3), and (ii) which is equal to the sum of the unpaid principal and accrued unpaid inter-

est and late charges of all eligible student loans received by the eligible borrower which are selected by the borrower for consolidation;

(D) that the proceeds of each consolidation loan will be paid by the lender to the holder or holders of the loans so selected to discharge the liability on such loans;

(E) that the lender shall offer an income-sensitive repayment schedule, established by the lender in accordance with the regulations promulgated by the Secretary, to the borrower of any consolidation loan made by the lender on or after July 1, 1994, and before July 1, 2010;

(F) that the lender shall disclose to a prospective borrower, in simple and understandable terms, at the time the lender provides an application for a consolidation loan—

(i) whether consolidation would result in a loss of loan benefits under this part or part D, including loan forgiveness, cancellation, and deferment;

(ii) with respect to Federal Perkins Loans under part E—

(I) that if a borrower includes a Federal Perkins Loan under part E in the consolidation loan, the borrower will lose all interest-free periods that would have been available for the Federal Perkins Loan, such as—

(aa) the periods during which no interest accrues on such loan while the borrower is enrolled in school at least half-time;

(bb) the grace period under section 464(c)(1)(A); and

(cc) the periods during which the borrower's student loan repayments are deferred under section 464(c)(2);

(II) that if a borrower includes a Federal Perkins Loan in the consolidation loan, the borrower will no longer be eligible for cancellation of part or all of the Federal Perkins Loan under section 465(a); and

(III) the occupations listed in section 465 that qualify for Federal Perkins Loan cancellation under section 465(a);

(iii) the repayment plans that are available to the borrower;

(iv) the options of the borrower to prepay the consolidation loan, to pay such loan on a shorter schedule, and to change repayment plans;

(v) that borrower benefit programs for a consolidation loan may vary among different lenders;

(vi) the consequences of default on the consolidation loan; and

(vii) that by applying for a consolidation loan, the borrower is not obligated to agree to take the consolidation loan; and

(G) such other terms and conditions as the Secretary or the guaranty agency may specifically require of the lender to carry out this section.

(2) ISSUANCE OF CERTIFICATE OF COMPREHENSIVE INSURANCE COVERAGE.—The Secretary shall issue a certificate of comprehensive insurance coverage under section 429(b) to a lender which has entered into an agreement with the Secretary under paragraph (1) of this subsection. The guaranty agency may issue a certificate of comprehensive insurance coverage to a lender with which it has an agreement under such paragraph. The Secretary shall not issue a certificate to a lender described in subparagraph (B) or (C) of subsection (a)(1) unless the Secretary determines that such lender has first applied to, and has been denied a certificate of insurance by, the guaranty agency which insures the preponderance of its loans (by value).

(3) CONTENTS OF CERTIFICATE.—A certificate issued under paragraph (2) shall, at a minimum, provide—

(A) that all consolidation loans made by such lender in conformity with the requirements of this section will be insured by the Secretary or the guaranty agency (whichever is applicable) against loss of principal and interest;

(B) that a consolidation loan will not be insured unless the lender has determined to its satisfaction, in accordance with reasonable and prudent business practices, for each loan being consolidated—

(i) that the loan is a legal, valid, and binding obligation of the borrower;

(ii) that each such loan was made and serviced in compliance with applicable laws and regulations; and

(iii) in the case of loans under this part, that the insurance on such loan is in full force and effect;

(C) the effective date and expiration date of the certificate;

(D) the aggregate amount to which the certificate applies;

(E) the reporting requirements of the Secretary on the lender and an identification of the office of the Department of Education or of the guaranty agency which will process claims and perform other related administrative functions;

(F) the alternative repayment terms which will be offered to borrowers by the lender;

(G) that, if the lender prior to the expiration of the certificate no longer proposes to make consolidation loans, the lender will so notify the issuer of the certificate in order that the certificate may be terminated (without affecting the insurance on any consolidation loan made prior to such termination); and

(H) the terms upon which the issuer of the certificate may limit, suspend, or terminate the lender's authority to make consolidation loans under the certificate (without affecting the insurance on any consolidation loan made prior to such limitation, suspension, or termination).

(4) TERMS AND CONDITIONS OF LOANS.—A consolidation loan made pursuant to this section shall be insurable by the Secretary or a guaranty agency pursuant to paragraph (2) only if the loan is made to an eligible borrower who has agreed to notify the holder of the loan promptly concerning any change of address and the loan is evidenced by a note or other written agreement which—

(A) is made without security and without endorsement, except that if the borrower is a minor and such note or other written agreement executed by him or her would not, under applicable law, create a binding obligation, endorsement may be required;

(B) provides for the payment of interest and the repayment of principal in accordance with subsection (c) of this section;

(C)(i) provides that periodic installments of principal need not be paid, but interest shall accrue and be paid in accordance with clause (ii), during any period for which the borrower would be eligible for a deferral under section 428(b)(1)(M), and that any such period shall not be included in determining the repayment schedule pursuant to subsection (c)(2) of this section; and

(ii) provides that interest shall accrue and be paid during any such period—

(I) by the Secretary, in the case of a consolidation loan for which the application is received by an eligible lender before the date of enactment of the Emergency Student Loan Consolidation Act of 1997 that consolidated only Federal Stafford Loans for which the student borrower received an interest subsidy under section 428;

(II) by the Secretary, in the case of a consolidation loan for which the application is received by an eligible lender on or after the date of enactment of the Emergency Student Loan Consolidation Act of 1997 except that the Secretary shall pay such interest only on that portion of the loan that repays Federal Stafford Loans for which the student borrower received an interest subsidy under section 428 or Federal Direct Stafford Loans for which the borrower received an interest subsidy under section 455; or

(III) by the borrower, or capitalized, in the case of a consolidation loan other than a loan described in subclause (I) or (II);

(D) entitles the borrower to accelerate without penalty repayment of the whole or any part of the loan; and

(E)(i) contains a notice of the system of disclosure concerning such loan to consumer reporting agencies under section 430A, and (ii) provides that the lender on request of the borrower will provide information on the repayment status of the note to such consumer reporting agencies.

(5) DIRECT LOANS.—If, before July 1, 2010, a borrower is unable to obtain a consolidation loan from a lender with an

agreement under subsection (a)(1), or is unable to obtain a consolidation loan with income-sensitive repayment terms or income-based repayment terms acceptable to the borrower from such a lender, or chooses to obtain a consolidation loan for the purposes of using the public service loan forgiveness program offered under section 455(m), the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan. In addition, in the event that a borrower chooses to obtain a consolidation loan for the purposes of using the no accrual of interest for active duty service members program offered under section 455(o), the Secretary shall offer a Federal Direct Consolidation loan to any such borrower who applies for participation in such program. A direct consolidation loan offered under this paragraph shall, as requested by the borrower, [be repaid either pursuant to income contingent repayment under part D of this title, pursuant to income-based repayment under section 493C, or pursuant to any other repayment provision under this section] *be repaid pursuant to an income-based repayment plan under section 493C or any other repayment provision under this section*, except that if a borrower intends to be eligible to use the public service loan forgiveness program under section 455(m), such loan shall be repaid using one of the repayment options described in section 455(m)(1)(A). The Secretary shall not offer such loans if, in the Secretary's judgment, the Department of Education does not have the necessary origination and servicing arrangements in place for such loans.

(6) NONDISCRIMINATION IN LOAN CONSOLIDATION.—An eligible lender that makes consolidation loans under this section shall not discriminate against any borrower seeking such a loan—

(A) based on the number or type of eligible student loans the borrower seeks to consolidate, except that a lender is not required to consolidate loans described in subparagraph (D) or (E) of subsection (a)(4) or subsection (d)(1)(C)(ii);

(B) based on the type or category of institution of higher education that the borrower attended;

(C) based on the interest rate to be charged to the borrower with respect to the consolidation loan; or

(D) with respect to the types of repayment schedules offered to such borrower.

(c) PAYMENT OF PRINCIPAL AND INTEREST.—

(1) INTEREST RATE.—(A) Notwithstanding subparagraphs (B) and (C), with respect to any loan made under this section for which the application is received by an eligible lender—

(i) on or after October 1, 1998, and before July 1, 2006, the applicable interest rate shall be determined under section 427A(k)(4); or

(ii) on or after July 1, 2006, and that is disbursed before July 1, 2010, the applicable interest rate shall be determined under section 427A(l)(3).

(B) A consolidation loan made before July 1, 1994, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the greater of—

(i) the weighted average of the interest rates on the loans consolidated, rounded to the nearest whole percent; or

(ii) 9 percent.

(C) A consolidation loan made on or after July 1, 1994, and disbursed before July 1, 2010, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the weighted average of the interest rates on the loans consolidated, rounded upward to the nearest whole percent.

(D) A consolidation loan for which the application is received by an eligible lender on or after the date of enactment of the Emergency Student Loan Consolidation Act of 1997 and before October 1, 1998, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the rate specified in section 427A(f), except that the eligible lender may continue to calculate interest on such a loan at the rate previously in effect and defer, until not later than April 1, 1998, the recalculation of the interest on such a loan at the rate required by this subparagraph if the recalculation is applied retroactively to the date on which the loan is made.

(2) REPAYMENT SCHEDULES.—(A) Notwithstanding any other provision of this part, to the extent authorized by its certificate of insurance under subsection (b)(2) and approved by the issuer of such certificate, the lender of a consolidation loan shall establish repayment terms as will promote the objectives of this section, which shall include the establishment of graduated, income-sensitive, or income-based repayment schedules, established by the lender in accordance with the regulations of the Secretary. Except as required by such income-sensitive or income-based repayment schedules, [or by the terms of repayment pursuant to income contingent repayment offered by the Secretary under subsection (b)(5)] *or by the terms of repayment pursuant to an income-based repayment plan under section 493C*, such repayment terms shall require that if the sum of the consolidation loan and the amount outstanding on other student loans to the individual—

(i) is less than $7,500, then such consolidation loan shall be repaid in not more than 10 years;

(ii) is equal to or greater than $7,500 but less than $10,000, then such consolidation loan shall be repaid in not more than 12 years;

(iii) is equal to or greater than $10,000 but less than $20,000, then such consolidation loan shall be repaid in not more than 15 years;

(iv) is equal to or greater than $20,000 but less than $40,000, then such consolidation loan shall be repaid in not more than 20 years;

(v) is equal to or greater than $40,000 but less than $60,000, then such consolidation loan shall be repaid in not more than 25 years; or

(vi) is equal to or greater than $60,000, then such consolidation loan shall be repaid in not more than 30 years.

(B) The amount outstanding on other student loans which may be counted for the purpose of subparagraph (A) may not exceed the amount of the consolidation loan.

(3) ADDITIONAL REPAYMENT REQUIREMENTS.—Notwithstanding paragraph (2)—

(A) except in the case of an income-based repayment schedule under section 493C, a repayment schedule established with respect to a consolidation loan shall require that the minimum installment payment be an amount equal to not less than the accrued unpaid interest;

(B) ⟦except as required by the terms of repayment pursuant to income contingent repayment offered by the Secretary under subsection (b)(5)⟧ *except as required by the terms of repayment pursuant to an income-based repayment plan under section 493C*, the lender of a consolidation loan may, with respect to repayment on the loan, when the amount of a monthly or other similar payment on the loan is not a multiple of $5, round the payment to the next highest whole dollar amount that is a multiple of $5; and

(C) an income-based repayment schedule under section 493C shall not be available to a consolidation loan borrower who used the proceeds of the loan to discharge the liability on a loan under section 428B, or a Federal Direct PLUS loan, made on behalf of a dependent student.

(4) COMMENCEMENT OF REPAYMENT.—Repayment of a consolidation loan shall commence within 60 days after all holders have, pursuant to subsection (b)(1)(D), discharged the liability of the borrower on the loans selected for consolidation.

(5) INSURANCE PREMIUMS PROHIBITED.—No insurance premium shall be charged to the borrower on any consolidation loan, and no insurance premium shall be payable by the lender to the Secretary with respect to any such loan, but a fee may be payable by the lender to the guaranty agency to cover the costs of increased or extended liability with respect to such loan.

(d) SPECIAL PROGRAM AUTHORIZED.—

(1) GENERAL RULE AND DEFINITION OF ELIGIBLE STUDENT LOAN.—

(A) IN GENERAL.—Subject to the provisions of this subsection, the Secretary or a guaranty agency shall enter into agreements with eligible lenders described in subparagraphs (A), (B), and (C) of subsection (a)(1) for the consolidation of eligible student loans.

(B) APPLICABILITY RULE.—Unless otherwise provided in this subsection, the agreements entered into under subparagraph (A) and the loans made under such agreements for the consolidation of eligible student loans under this subsection shall have the same terms, conditions, and benefits as all other agreements and loans made under this section.

(C) DEFINITION.—For the purpose of this subsection, the term "eligible student loans" means loans—

(i) of the type described in subparagraphs (A), (B), and (C) of subsection (a)(4); and

(ii) made under subpart I of part A of title VII of the Public Health Service Act.

(2) INTEREST RATE RULE.—

(A) IN GENERAL.—The portion of each consolidated loan that is attributable to an eligible student loan described in paragraph (1)(C)(ii) shall bear interest at a rate not to exceed the rate determined under subparagraph (B).

(B) DETERMINATION OF THE MAXIMUM INTEREST RATE.—For the 12-month period beginning after July 1, 1992, and for each 12-month period thereafter, beginning on July 1 and ending on June 30, the interest rate applicable under subparagraph (A) shall be equal to the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the quarter prior to July 1, for each 12-month period for which the determination is made, plus 3 percent.

(C) PUBLICATION OF MAXIMUM INTEREST RATE.—The Secretary shall determine the applicable rate of interest under subparagraph (B) after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of such determination.

(3) SPECIAL RULES.—

(A) NO SPECIAL ALLOWANCE RULE.—No special allowance under section 438 shall be paid with respect to the portion of any consolidated loan under this subsection that is attributable to any loan described in paragraph (1)(C)(ii).

(B) NO INTEREST SUBSIDY RULE.—No interest subsidy under section 428(a) shall be paid on behalf of any eligible borrower for any portion of a consolidated loan under this subsection that is attributable to any loan described in paragraph (1)(C)(ii).

(C) ADDITIONAL RESERVE RULE.—Notwithstanding any other provision of this Act, additional reserves shall not be required for any guaranty agency with respect to a loan made under this subsection.

(D) INSURANCE RULE.—Any insurance premium paid by the borrower under subpart I of part A of title VII of the Public Health Service Act with respect to a loan made under that subpart and consolidated under this subsection shall be retained by the student loan insurance account established under section 710 of the Public Health Service Act.

(4) REGULATIONS.—The Secretary is authorized to promulgate such regulations as may be necessary to facilitate carrying out the provisions of this subsection.

(e) TERMINATION OF AUTHORITY.—The authority to make loans under this section expires at the close of June 30, 2010. No loan

may be made under this section for which the disbursement is on or after July 1, 2010. Nothing in this section shall be construed to authorize the Secretary to promulgate rules or regulations governing the terms or conditions of the agreements and certificates under subsection (b). Loans made under this section which are insured by the Secretary shall be considered to be new loans made to students for the purpose of section 424(a).

(f) INTEREST PAYMENT REBATE FEE.—

(1) IN GENERAL.—For any month beginning on or after October 1, 1993, each holder of a consolidation loan under this section for which the first disbursement was made on or after October 1, 1993, shall pay to the Secretary, on a monthly basis and in such manner as the Secretary shall prescribe, a rebate fee calculated on an annual basis equal to 1.05 percent of the principal plus accrued unpaid interest on such loan.

(2) SPECIAL RULE.—For consolidation loans based on applications received during the period from October 1, 1998 through January 31, 1999, inclusive, the rebate described in paragraph (1) shall be equal to 0.62 percent of the principal plus accrued unpaid interest on such loan.

(3) DEPOSIT.—The Secretary shall deposit all fees collected pursuant to this subsection into the insurance fund established in section 431.

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SEC. 428F. DEFAULT REDUCTION PROGRAM.

(a) OTHER REPAYMENT INCENTIVES.—

(1) SALE OR ASSIGNMENT OF LOAN.—

(A) IN GENERAL.—Each guaranty agency, upon securing 9 payments made within 20 days of the due date during 10 consecutive months of amounts owed on a loan for which the Secretary has made a payment under paragraph (1) of section 428(c), shall—

(i) if practicable, sell the loan to an eligible lender; or

(ii) beginning July 1, 2014, assign the loan to the Secretary if the guaranty agency has been unable to sell the loan under clause (i).

(B) MONTHLY PAYMENTS.—Neither the guaranty agency nor the Secretary shall demand from a borrower as monthly payment amounts described in subparagraph (A) more than is reasonable and affordable based on the borrower's total financial circumstances. *With respect a loan made under part D on or after July 1, 2025, a monthly payment amount described in subparagraph (A) may not be less than $10.*

(C) CONSUMER REPORTING AGENCIES.—Upon the sale or assignment of the loan, the Secretary, guaranty agency or other holder of the loan shall request any consumer reporting agency to which the Secretary, guaranty agency or holder, as applicable, reported the default of the loan, to remove the record of the default from the borrower's credit history.

(D) DUTIES UPON SALE.—With respect to a loan sold under subparagraph (A)(i)—

(i) the guaranty agency—

(I) shall, in the case of a sale made on or after July 1, 2014, repay the Secretary 100 percent of the amount of the principal balance outstanding at the time of such sale, multiplied by the reinsurance percentage in effect when payment under the guaranty agreement was made with respect to the loan; and

(II) may, in the case of a sale made on or after July 1, 2014, in order to defray collection costs—

(aa) charge to the borrower an amount not to exceed 16 percent of the outstanding principal and interest at the time of the loan sale; and

(bb) retain such amount from the proceeds of the loan sale; and

(ii) the Secretary shall reinstate the Secretary's obligation to—

(I) reimburse the guaranty agency for the amount that the agency may, in the future, expend to discharge the guaranty agency's insurance obligation; and

(II) pay to the holder of such loan a special allowance pursuant to section 438.

(E) DUTIES UPON ASSIGNMENT.—With respect to a loan assigned under subparagraph (A)(ii)—

(i) the guaranty agency shall add to the principal and interest outstanding at the time of the assignment of such loan an amount equal to the amount described in subparagraph (D)(i)(II)(aa); and

(ii) the Secretary shall pay the guaranty agency, for deposit in the agency's Operating Fund established pursuant to section 422B, an amount equal to the amount added to the principal and interest outstanding at the time of the assignment in accordance with clause (i).

(F) ELIGIBLE LENDER LIMITATION.—A loan shall not be sold to an eligible lender under subparagraph (A)(i) if such lender has been found by the guaranty agency or the Secretary to have substantially failed to exercise the due diligence required of lenders under this part.

(G) DEFAULT DUE TO ERROR.—A loan that does not meet the requirements of subparagraph (A) may also be eligible for sale or assignment under this paragraph upon a determination that the loan was in default due to clerical or data processing error and would not, in the absence of such error, be in a delinquent status.

(2) USE OF PROCEEDS OF SALES.—Amounts received by the Secretary pursuant to the sale of such loans by a guaranty agency under paragraph (1)(A)(i) shall be deducted from the calculations of the amount of reimbursement for which the

agency is eligible under paragraph (1)(D)(ii)(I) for the fiscal year in which the amount was received, notwithstanding the fact that the default occurred in a prior fiscal year.

(3) BORROWER ELIGIBILITY.—Any borrower whose loan is sold or assigned under paragraph (1)(A) shall not be precluded by section 484 from receiving additional loans or grants under this title (for which he or she is otherwise eligible) on the basis of defaulting on the loan prior to such loan sale or assignment.

(4) APPLICABILITY OF GENERAL LOAN CONDITIONS.—A loan that is sold or assigned under paragraph (1) shall, so long as the borrower continues to make scheduled repayments thereon, be subject to the same terms and conditions and qualify for the same benefits and privileges as other loans made under this part.

(5) LIMITATION.—A borrower may obtain the benefits available under this subsection with respect to rehabilitating a loan (whether by loan sale or assignment) only [one time] *two times* per loan.

(b) SATISFACTORY REPAYMENT ARRANGEMENTS TO RENEW ELIGIBILITY.—Each guaranty agency shall establish a program which allows a borrower with a defaulted loan or loans to renew eligibility for all title IV student financial assistance (regardless of whether the defaulted loan has been sold to an eligible lender or assigned to the Secretary) upon the borrower's payment of 6 consecutive monthly payments. The guaranty agency shall not demand from a borrower as a monthly payment amount under this subsection more than is reasonable and affordable based upon the borrower's total financial circumstances. A borrower may only obtain the benefit of this subsection with respect to renewed eligibility once.

(c) FINANCIAL AND ECONOMIC LITERACY.—Each program described in subsection (b) shall include making available financial and economic education materials for a borrower who has rehabilitated a loan.

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PART D—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

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SEC. 454. AGREEMENTS WITH INSTITUTIONS.

(a) PARTICIPATION AGREEMENTS.—An agreement with any institution of higher education for participation in the direct student loan program under this part shall—

(1) provide for the establishment and maintenance of a direct student loan program at the institution under which the institution will—

(A) identify eligible students who seek student financial assistance at such institution in accordance with section 484;

(B) estimate the need of each such student as required by part F of this title for an academic year, except that,

any loan obtained by a student under this part with the same terms as loans made under section 428H (except as otherwise provided in this part), or a loan obtained by a parent under this part with the same terms as loans made under section 428B (except as otherwise provided in this part), or obtained under any State-sponsored or private loan program, may be used to offset the student aid index of the student for that year;

(C) provide a statement that certifies the eligibility of any student to receive a loan under this part that is not in excess of the annual or aggregate limit applicable to such loan, except that the institution may, in exceptional circumstances identified by the Secretary, refuse to certify a statement that permits a student to receive a loan under this part, or certify a loan amount that is less than the student's determination of need (as determined under part F of this title), if the reason for such action is documented and provided in written form to such student;

(D) set forth a schedule for disbursement of the proceeds of the loan in installments, consistent with the requirements of section 428G; and

(E) provide timely and accurate information—

(i) concerning the status of student borrowers (and students on whose behalf parents borrow under this part) while such students are in attendance at the institution and concerning any new information of which the institution becomes aware for such students (or their parents) after such borrowers leave the institution, to the Secretary for the servicing and collecting of loans made under this part; and

(ii) if the institution does not have an agreement with the Secretary under subsection (b), concerning student eligibility and need, as determined under subparagraphs (A) and (B), to the Secretary as needed for the alternative origination of loans to eligible students and parents in accordance with this part;

(2) provide assurances that the institution will comply with requirements established by the Secretary relating to student loan information with respect to loans made under this part;

(3) provide that the institution accepts responsibility and financial liability stemming from its failure to perform its functions pursuant to the agreement;

(4) provide for the implementation of a quality assurance system, as established by the Secretary and developed in consultation with institutions of higher education, to ensure that the institution is complying with program requirements and meeting program objectives;

(5) provide that the institution will not charge any fees of any kind, however described, to student or parent borrowers for origination activities or the provision of any information necessary for a student or parent to receive a loan under this part, or any benefits associated with such loan; **[**and**]**

(6) provide annual reimbursements to the Secretary in accordance with the requirements under subsection (d); and

[(6)**]** *(7)* include such other provisions as the Secretary determines are necessary to protect the interests of the United States and to promote the purposes of this part.

(b) ORIGINATION.—An agreement with any institution of higher education, or consortia thereof, for the origination of loans under this part shall—

(1) supplement the agreement entered into in accordance with subsection (a);

(2) include provisions established by the Secretary that are similar to the participation agreement provisions described in paragraphs (1)(E)(ii), (2), (3), (4), (5), and (6) of subsection (a), as modified to relate to the origination of loans by the institution or consortium;

(3) provide that the institution or consortium will originate loans to eligible students and parents in accordance with this part; and

(4) provide that the note or evidence of obligation on the loan shall be the property of the Secretary.

(c) WITHDRAWAL AND TERMINATION PROCEDURES.—The Secretary shall establish procedures by which institutions or consortia may withdraw or be terminated from the program under this part.

(d) REIMBURSEMENT REQUIREMENTS.—

(1) ANNUAL REIMBURSEMENTS REQUIRED.—Beginning in award year 2028–2029, each institution of higher education participating in the direct student loan program under this part shall, for qualifying student loans, remit to the Secretary, at such time as the Secretary may specify, an annual reimbursement for each student cohort of the institution, based on the non-repayment balance of such cohort and calculated in accordance with paragraph (3).

(2) STUDENT COHORTS.—

(A) COHORTS ESTABLISHED.—For each institution of higher education participating in the direct student loan program under this part, the Secretary shall establish student cohorts, beginning with award year 2027–2028, as follows:

(i) COMPLETING STUDENT COHORT.—For each program of study at such institution, a student cohort comprised of all students who received Federal financial assistance under this title and who completed such program during such award year.

(ii) UNDERGRADUATE NON-COMPLETING STUDENT COHORT.—For such institution, a student cohort comprised of all students who received Federal financial assistance under this title, who were enrolled in the institution during the previous award year in a program of study leading to an undergraduate credential, and who at the time the cohort is established—

(I) have not completed such program of study; and

(II) are not enrolled at the institution in any program of study leading to an undergraduate credential.

(iii) GRADUATE NON-COMPLETING STUDENT COHORT.—For each program of study leading to a graduate credential at such institution, a student cohort comprised of all students who received Federal financial assistance under this title, who were enrolled in such program during the previous award year, and who at the time the cohort is established—

(I) have not completed such program of study; and

(II) are not enrolled in such program.

(B) QUALIFYING STUDENT LOAN.—For the purposes of this subsection, the term "qualifying student loan" means a loan made under this part on or after July 1, 2027, that—

(i) was made to a student included in a student cohort of an institution or to a parent on behalf of such a student;

(ii) except in the case of a loan described in clause (i) or (ii) of subparagraph (C), is not included in any other student cohort of any institution of higher education;

(iii) is not in—

(I) a medical or dental internship or residency forbearance described in section 428(c)(3)(A)(i)(I), section 428B(a)(2), section 428H(a), or section 685.205(a)(3) of title 34, Code of Federal Regulations;

(II) a graduate fellowship deferment described in section 455(f)(2)(A)(ii);

(III) rehabilitation training program deferment described under section 455(f)(2)(A)(ii);

(IV) an in-school deferment described under section 455(f)(2)(A)(i);

(V) a cancer deferment described under section 455(f)(3);

(VI) a military service deferment described under section 455(f)(2)(C); or

(VII) a post-active duty student deferment described under section 493D; and

(iv) is not in default.

(C) SPECIAL CIRCUMSTANCES.—

(i) MULTIPLE CREDENTIALS.—In the case of a student who completes two or more programs of study during the same award year, each qualifying student loan of the student shall be included in the student cohort for each of such program of study for such award year.

(ii) TREATMENT OF CERTAIN CONSOLIDATION LOANS.—A Federal Direct Consolidation loan made under this title shall not be considered a qualifying student loan for a student cohort for an award year if

all of the loans included in such consolidation loan are attributable to another student cohort.

(iii) CONSOLIDATION AFTER INCLUSION IN A STUDENT COHORT.—If a qualifying student loan is consolidated into a consolidation loan under this title after such qualifying student loan has been included in a student cohort, the percentage of the consolidation loan that was attributable to such student cohort at the time of consolidation shall remain attributable to the student cohort for the life of the consolidation loan.

(3) CALCULATION OF REIMBURSEMENT.—

(A) REIMBURSEMENT PAYMENT FORMULA.—For each student cohort of an institution of higher education established under this subsection, the annual reimbursement for such cohort shall be equal to—

(i) the reimbursement percentage for the cohort, determined in accordance with subparagraph (B); multiplied by

(ii) the non-repayment balance for the cohort for the award year, determined in accordance with subparagraph (C).

(B) REIMBURSEMENT PERCENTAGE.—The reimbursement percentage of a student cohort of an institution shall be determined by the Secretary when the cohort is established, shall remain constant for the life of the student cohort, and shall be determined as follows:

(i) COMPLETING STUDENT COHORTS.—The reimbursement percentage of a completing student cohort shall be equal to the percentage determined by—

(I) subtracting from one the quotient of—

(aa) the median value-added earnings of students who completed such program of study in the most recent award year for which such earnings data is available; divided by

(bb) the median total price charged to students included in such cohort; and

(II) multiplying the difference determined under subclause (I) by 100.

(ii) SPECIAL CIRCUMSTANCES FOR COMPLETING STUDENT COHORTS.—

(I) HIGH-RISK COHORTS.—Notwithstanding clause (i), if the median value-added earnings of a completing student cohort under clause (i)(I)(aa) is negative, the reimbursement percentage of the student cohort shall be 100 percent.

(II) LOW-RISK COHORTS.—Notwithstanding clause (i), if the median value-added earnings of a completing student cohort under clause (i)(I)(aa) exceeds the median total price of such cohort under clause (i)(I)(bb), the reimbursement percentage of the student cohort shall be 0 percent.

(iii) NON-COMPLETING STUDENT COHORTS.—The reimbursement percentage of a non-completing student

cohort shall be determined based on the most recent data available in the award year in which the cohort is established, and—

(I) for an undergraduate non-completing student cohort, shall be equal to the percentage of undergraduate students who received Federal financial assistance under this title at such institution who—

(aa) did not complete an undergraduate program of study at the institution within 150 percent of the program length of such program; or

(bb) only in the case of a two-year institution, did not, within 6 years after first enrolling at the two-year institution, complete a program of study at a four-year institution for which a bachelor's degree (or substantially similar credential) is awarded; and

(II) for a graduate non-completing student cohort, shall be equal to the percentage of students who received Federal financial assistance under this title at the institution for the applicable graduate program of study and who did not complete such program of study within 150 percent of the program length.

(C) NON-REPAYMENT LOAN BALANCE.—

(i) IN GENERAL.—For each award year, the Secretary shall determine the non-repayment loan balance for such award year for each student cohort of an institution of higher education by calculating the sum of—

(I) for loans in such cohort, the difference between the total amount of payments due from all borrowers on such loans during such year and the total amount of payments made by all such borrowers on such loans during such year; plus

(II) the total amount of interest waived, paid, or otherwise not charged by the Secretary during such year under the income-based repayment plan described in section 455(q); plus

(III) the total amount of principal and interest forgiven, cancelled, waived, discharged, repaid, or otherwise reduced by the Secretary under any act during such year that is not included in subclause (II) and was not discharged or forgiven under section 437(a), 428J, or section 455(m).

(ii) SPECIAL CIRCUMSTANCES.—For the purpose of calculating the non-repayment loan balance of student cohorts under this paragraph, the Secretary shall—

(I) for each qualifying student loan in a student cohort that is included in another student cohort because the student who borrowed such loan completed two or more programs of study during the same award year, the sum of the amounts de-

scribed in subclauses (I) through (III) of clause (i) for such qualifying student loan shall be divided equally among each of the student cohorts in which such loan is included; and

(II) for each consolidation loan in a student cohort—

(aa) determine the percentage of the outstanding principal balance of the consolidation loan attributable to such student cohort—

(AA) at the time of that loan was included in such cohort, in the case of a loan consolidated before inclusion in such cohort; or

(BB) at the time of consolidation, in the case of a loan consolidated after inclusion in such cohort; and

(bb) include in the calculations under clause (i) for such student cohort only the percentage of the sum of the amounts described in subclauses (I) through (III) of clause (i) for the consolidation loan for such year that is equal to the percentage of the consolidation loan determined under item (aa).

(D) TOTAL PRICE.—With respect to a student who received Federal financial assistance under this title and who completes a program of study, the term "total price" means the total amount, before Federal financial assistance under this title was applied, a student was required to pay to complete the program of study. A student's total price shall be calculated by the Secretary as the difference between—

(i) the total amount of tuition and fees that were charged to such student before the application of any Federal financial assistance provided under this title; minus

(ii) the total amount of grants and scholarships described in section 480(i) awarded to such student from non-Federal sources for such program of study.

(4) NOTIFICATION AND REMITTANCE.—Beginning with the first award year for which reimbursements are required under this subsection, and for each succeeding award year, the Secretary shall—

(A) notify each institution of higher education of the amounts and due dates of each annual reimbursement calculated under paragraph (3) for each student cohort of the institution within 30 days of calculating such amounts; and

(B) require the institution to remit such payments within 90 days of such notification.

(5) PENALTY FOR LATE PAYMENTS.—

(A) THREE-MONTH DELINQUENCY.—If an institution fails to remit to the Secretary a reimbursement for a student cohort as required under this subsection within 90 days of receiving notification from the Secretary in accord-

ance with paragraph (4), the institution shall pay to the Secretary, in addition to such reimbursement, interest on such reimbursement payment, at a rate that is the average rate applicable to the loans in such student cohort.

(B) TWELVE-MONTH DELINQUENCY.—If an institution fails to remit to the Secretary a reimbursement for a student cohort as required under this subsection, plus interest owed in under subparagraph (A), within 12 months of receiving notification from the Secretary in accordance with paragraph (4), the institution shall be ineligible to make direct loans to any student enrolled in the program of study for which the institution has failed to make the reimbursement payments until such payment is made.

(C) EIGHTEEN-MONTH DELINQUENCY.—If an institution fails to remit to the Secretary a reimbursement for a student cohort as required under this subsection, plus interest owed under subparagraph (A), within 18 months of receiving notification from the Secretary in accordance with paragraph (4), the institution shall be ineligible to make direct loans or award Federal Pell Grants under section 401 to any student enrolled in the institution until such payment is made.

(D) TWO-YEAR DELINQUENCY.—If an institution fails to remit to the Secretary a reimbursement for a student cohort as required under this subsection, plus interest owed under subparagraph (A), within 2 years of receiving notification from the Secretary in accordance with paragraph (4), the institution shall be ineligible to participate in any program under this title for a period of not less than 10 years.

(6) RELIEF FOR VOLUNTARY CESSATION OF FEDERAL DIRECT LOANS FOR A PROGRAM OF STUDY.—The Secretary shall, upon the request of an institution that voluntarily ceases to make Federal Direct loans to students enrolled in a specific program of study, reduce the amount of the annual reimbursement owed by the institution for each student cohort associated with such program by 50 percent if the institution assures the Secretary that the institution will not make Federal Direct loans to any student enrolled in such program of study (or any substantially similar program of study, as determined by the Secretary) for a period of not less than 10 award years, beginning with the first award year that begins after the date on which the Secretary reduces such reimbursement.

(7) RESERVATION OF FUNDS FOR PROMISE GRANTS.—Notwithstanding any other provision of law, the Secretary shall reserve the funds remitted to the Secretary as reimbursements in accordance with this subsection, and such funds shall be made available to the Secretary only for the purpose of awarding PROMISE grants in accordance with subpart 11 of part A of this title.

* * * * * * *

SEC. 455. TERMS AND CONDITIONS OF LOANS.

(a) IN GENERAL.—

(1) PARALLEL TERMS, CONDITIONS, BENEFITS, AND AMOUNTS.—Unless otherwise specified in this part, loans made to borrowers under this part shall have the same terms, conditions, and benefits, and be available in the same amounts, as loans made to borrowers, and first disbursed on June 30, 2010, under sections 428, 428B, 428C, and 428H of this title.

(2) DESIGNATION OF LOANS.—Loans made to borrowers under this part that, except as otherwise specified in this part, have the same terms, conditions, and benefits as loans made to borrowers under—

(A) section 428 shall be known as "Federal Direct Stafford Loans";

(B) section 428B shall be known as "Federal Direct PLUS Loans";

(C) section 428C shall be known as "Federal Direct Consolidation Loans"; and

(D) section 428H shall be known as "Federal Direct Unsubsidized Stafford Loans".

(3) [TERMINATION OF AUTHORITY TO MAKE INTEREST SUBSIDIZED LOANS TO GRADUATE AND PROFESSIONAL STUDENTS] *TERMINATIONS OF AND RESTRICTIONS ON LOAN AUTHORITY.*—

(A) [IN GENERAL] *TERMINATION OF AUTHORITY TO MAKE SUBSIDIZED LOANS TO GRADUATE AND PROFESSIONAL STUDENTS.*—Subject to subparagraph (B) and notwithstanding any provision of this part or part B, for any period of instruction [beginning on or after July 1, 2012]—

(i) [a graduate] *beginning on or after July 1, 2012, a graduate* or professional student shall not be eligible to receive a Federal Direct Stafford loan under this part; and

(ii) [the maximum annual amount of Federal] *beginning on or after July 1, 2012, and ending June 30, 2026, the maximum annual amount of Federal* Direct Unsubsidized Stafford loans such a student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the maximum annual amount for such student determined under section 428H, plus an amount equal to the amount of Federal Direct Stafford loans the student would have received in the absence of this subparagraph.

(B) [EXCEPTION] *EXCEPTION FOR SUBSIDIZED LOANS TO INDIVIDUALS ENROLLED IN CERTAIN COURSE WORK.*—[Subparagraph (A)] *For any period of instruction beginning on or after July 1, 2012, and ending June 30, 2026, subparagraph (A)* shall not apply to an individual enrolled in course work specified in paragraph (3)(B) or (4)(B) of section 484(b).

(C) TERMINATION OF AUTHORITY TO MAKE SUBSIDIZED LOANS TO UNDERGRADUATE STUDENTS.—Notwithstanding any provision of this part or part B, except as provided in paragraph (4), for any period of instruction beginning on or after July 1, 2026—

(i) an undergraduate student shall not be eligible to receive a Federal Direct Stafford loan under this part; and

(ii) the maximum annual amount of Federal Direct Unsubsidized Stafford loans such a student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the maximum annual amount for such student determined under paragraph (5)).

(D) TERMINATION OF AUTHORITY TO MAKE FEDERAL DIRECT PLUS LOANS TO ANY STUDENT BORROWER.—Notwithstanding any provision of this part or part B, except as provided in paragraph (4), for any period of instruction beginning on or after July 1, 2026, a graduate student or professional student shall not be eligible to receive a Federal Direct PLUS Loan under this part.

(E) RESTRICTION ON AUTHORITY TO MAKE FEDERAL DIRECT PLUS LOANS TO ANY PARENT BORROWER.—

(i) IN GENERAL.—Notwithstanding any provision of this part or part B, except as provided in clause (ii) and paragraph (4), for any period of instruction beginning on or after July 1, 2026, a parent, on behalf of a dependent student, shall not be eligible to receive a Federal Direct PLUS Loan under this part.

(ii) EXCEPTION.—A parent may receive a Federal Direct PLUS Loan under this part, on behalf of a dependent student, in any academic year (as defined in section 481(a)(2)) or its equivalent if—

(I) such student borrows the maximum annual amount of Federal Direct Unsubsidized Stafford loans such student may borrow in such academic year; and

(II) such maximum annual amount is less than the cost of attendance of the program of study of such student.

(4) INTERIM EXCEPTION FOR CERTAIN STUDENTS.—

(A) APPLICATION OF PRIOR LIMITS.—Subparagraphs (C), (D), and (E) of paragraph (3), and paragraphs (5) and (6), shall not apply, during the expected time to credential described in subparagraph (B), with respect to an individual who, as of June 30, 2026—

(i) is enrolled in a program of study at an institution of higher education; and

(ii) has received a loan (or on whose behalf a loan was made) under this part for such program of study.

(B) EXPECTED TIME TO CREDENTIAL.—For purposes of this paragraph, the expected time to credential of an individual shall be equal to the lesser of—

(i) three academic years; or

(ii) the period determined by calculating the difference between—

(I) the program length (as defined in section 420W) for the program of study in which the individual is enrolled; and

(II) the period of such program of study that such individual has completed as of the date of the determination under this subparagraph.

(5) ANNUAL AND AGGREGATE UNSUBSIDIZED LOAN LIMITS.—

(A) UNDERGRADUATE STUDENTS.—

(i) ANNUAL LOAN LIMITS.—Notwithstanding any provision of this part or part B, subject to subparagraph (C) and except as provided in paragraph (4), beginning on July 1, 2026, the maximum annual amount of Federal Direct Unsubsidized Stafford loans that an undergraduate student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the difference between—

(I) the amount of the median cost of college of the program of study in which the student is enrolled; and

(II) the amount of the Federal Pell Grant under section 401 awarded to the student for such academic year.

(ii) AGGREGATE LIMITS.—Notwithstanding any provision of this part or part B, except as provided in paragraph (4), beginning on July 1, 2026, the maximum aggregate amount of Federal Direct Unsubsidized Stafford loans that a student may borrow for programs of study that award an undergraduate credential upon completion of such a program shall be $50,000.

(B) GRADUATE AND PROFESSIONAL STUDENTS.—

(i) ANNUAL LIMITS.—Notwithstanding any provision of this part or part B, subject to subparagraph (C) and except as provided in paragraph (4), beginning on July 1, 2026, the maximum annual amount of Federal Direct Unsubsidized Stafford loans that a graduate student or professional student may borrow in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the amount of the median cost of college of the program of study in which the student is enrolled.

(ii) AGGREGATE LIMITS.—Notwithstanding any provision of this part or part B, except as provided in paragraph (4), beginning on July 1, 2026, the maximum aggregate amount of Federal Direct Unsubsidized Stafford loans that, in addition to the maximum aggregate amount described in subparagraph (A)(ii)—

(I) a graduate student—

(aa) who is not (and has not been) a professional student, may borrow for programs of study described in subparagraph (D)(i) shall be $100,000; or

(bb) who is (or has been) a professional student, may borrow for programs of study described in subparagraph (D)(i) shall be an amount equal to—

(AA) $150,000, minus

(BB) the amount such student borrowed for programs of study described in subclauses (I) and (II) of subparagraph (D)(ii); and

(II) a professional student—

(aa) who is not (and has not been) a graduate student, may borrow for programs of study described in subclauses (I) and (II) of subparagraph (D)(ii) shall be $150,000; or

(bb) who is (or has been) a graduate student, may borrow for programs of study described in subclauses (I) and (II) of subparagraph (D)(ii) shall be an amount equal to—

(AA) $150,000, minus

(BB) the amount such student borrowed for programs of study described in subparagraph (D)(i).

(C) LESS THAN FULL-TIME ENROLLMENT.—In any case where a student is enrolled in an program of study of an institution of higher education on less than a full-time basis during any academic year, the amount of a loan that student may borrow for an academic year (as defined in section 481(a)(2)) or its equivalent shall be reduced in direct proportion to the degree to which that student is not so enrolled on a full-time basis, rounded to the nearest whole percentage point, as provided in a schedule of reductions published by the Secretary computed for purposes of this paragraph.

(D) DEFINITION.—For purposes of this subsection:

(i) GRADUATE STUDENT.—The term "graduate student" means a student enrolled in a program of study that awards a graduate credential (other than a professional degree) upon completion of the program.

(ii) PROFESSIONAL STUDENT.—The term "professional student" means a student enrolled in a program of study that—

(I) awards a professional degree upon completion of the program; or

(II) provides the training described in part 141 of title 14, Code of Federal Regulations (or any successor regulations).

(iii) UNDERGRADUATE STUDENT.—The term "undergraduate student" means a student enrolled in a program of study that awards an undergraduate credential upon completion of the program.

(6) ANNUAL AND AGGREGATE FEDERAL DIRECT PLUS LOANS LIMITS FOR PARENT BORROWERS.—

(A) ANNUAL LIMITS.—Notwithstanding any provision of this part or part B, subject to paragraph (3)(E) and except as provided in paragraph (4), beginning on July 1, 2026, the maximum annual amount of Federal Direct PLUS loans that a parent may borrow, on behalf of a dependent student, in any academic year (as defined in section 481(a)(2)) or its equivalent shall be the amount equal to—

(i) the cost of attendance of the program of study of such student; minus

(ii) the maximum annual amount of Federal Direct Unsubsidized Stafford loans such student may borrow in such academic year.

(B) AGGREGATE LIMITS.—Notwithstanding any provision of this part or part B, subject to paragraph (3)(E) and except as provided in paragraph (4), beginning on July 1, 2026, the maximum aggregate amount of Federal Direct PLUS loans that a parent may borrow shall be $50,000, without regard to the number of dependent students on behalf of whom such parent borrows such a loan.

(7) LIFETIME MAXIMUM AGGREGATE AMOUNT FOR ALL STUDENTS.—Notwithstanding any provision of this part or part B, except as provided in paragraph (4), beginning on July 1, 2026, the maximum aggregate amount of loans made, insured, or guaranteed under this title that a student may borrow, and that a parent may borrow on behalf of such student, shall be $200,000, without regard to any amounts repaid, forgiven, canceled, or otherwise discharged on any such loan.

(8) INSTITUTIONALLY DETERMINED LIMITS.—Notwithstanding the annual loan limits described in subparagraphs (A)(i) and (B)(i) of paragraph (5) and subparagraph (A) of paragraph (6), beginning on July 1, 2026, an institution of higher education (at the discretion of a financial aid administrator at the institution) may limit the total amount of loans made under this part for a program of study for an academic year (as defined in section 481(a)(2)) that a student may borrow, and that a parent may borrow on behalf of such student, as long as any such limit is applied consistently to all students enrolled in such program of study.

(b) INTEREST RATE.—

(1) RATES FOR FDSL AND FDUSL.—For Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

(A) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

(B) 3.1 percent,

except that such rate shall not exceed 8.25 percent.

(2) IN SCHOOL AND GRACE PERIOD RULES.—(A) Notwithstanding the provisions of paragraph (1), but subject to paragraph (3), with respect to any Federal Direct Stafford Loan or

Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after July 1, 1995, the applicable rate of interest for interest which accrues—

(i) prior to the beginning of the repayment period of the loan; or

(ii) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall not exceed the rate determined under subparagraph (B).

(B) For the purpose of subparagraph (A), the rate determined under this subparagraph shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction prior to such June 1; plus

(ii) 2.5 percent,

except that such rate shall not exceed 8.25 percent.

(3) OUT-YEAR RULE.—Notwithstanding paragraphs (1) and (2), for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans made on or after July 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

(A) the bond equivalent rate of the security with a comparable maturity as established by the Secretary; plus

(B) 1.0 percent,

except that such rate shall not exceed 8.25 percent.

(4) RATES FOR FDPLUS.—

(A)(i) For Federal Direct PLUS Loans for which the first disbursement is made on or after July 1, 1994, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on or before June 30, 2001, be determined on the preceding June 1 and be equal to—

(I) the bond equivalent rate of 52-week Treasury bills auctioned at final auction held prior to such June 1; plus

(II) 3.1 percent,

except that such rate shall not exceed 9 percent.

(ii) For any 12-month period beginning on July 1 of 2001 or any succeeding year, the applicable rate of interest determined under this subparagraph shall be determined on the preceding June 26 and be equal to—

(I) the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the last calendar week ending on or before such June 26; plus

(II) 3.1 percent,

except that such rate shall not exceed 9 percent.

(B) For Federal Direct PLUS loans made on or after July 1, 1998, the applicable rate of interest shall, during any 12-

month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

(i) the bond equivalent rate of the security with a comparable maturity as established by the Secretary; plus

(ii) 2.1 percent,

except that such rate shall not exceed 9 percent.

(5) TEMPORARY INTEREST RATE PROVISION.—

(A) RATES FOR FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall, during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

(B) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct Stafford Loan or Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest for interest which accrues—

(i) prior to the beginning of the repayment period of the loan; or

(ii) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under subparagraph (A) by substituting "1.7 percent" for "2.3 percent".

(C) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, with respect to Federal Direct PLUS Loan for which the first disbursement is made on or after July 1, 1998, and before October 1, 1998, the applicable rate of interest shall be determined under subparagraph (A)—

(i) by substituting "3.1 percent" for "2.3 percent"; and

(ii) by substituting "9.0 percent" for "8.25 percent".

(6) INTEREST RATE PROVISION FOR NEW LOANS ON OR AFTER OCTOBER 1, 1998, AND BEFORE JULY 1, 2006.—

(A) RATES FOR FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after October 1, 1998, and before July 1, 2006, the applicable rate of interest shall, during any 12-month period begin-

ning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to—

(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

(B) IN SCHOOL AND GRACE PERIOD RULES.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct Stafford Loan or Federal Direct Unsubsidized Stafford Loan for which the first disbursement is made on or after October 1, 1998, and before July 1, 2006, the applicable rate of interest for interest which accrues—

(i) prior to the beginning of the repayment period of the loan; or

(ii) during the period in which principal need not be paid (whether or not such principal is in fact paid) by reason of a provision described in section 428(b)(1)(M) or 427(a)(2)(C),

shall be determined under subparagraph (A) by substituting "1.7 percent" for "2.3 percent".

(C) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, with respect to Federal Direct PLUS Loan for which the first disbursement is made on or after October 1, 1998, and before July 1, 2006, the applicable rate of interest shall be determined under subparagraph (A)—

(i) by substituting "3.1 percent" for "2.3 percent"; and

(ii) by substituting "9.0 percent" for "8.25 percent".

(D) CONSOLIDATION LOANS.—Notwithstanding the preceding paragraphs of this subsection, any Federal Direct Consolidation loan for which the application is received on or after February 1, 1999, and before July 1, 2006, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the lesser of—

(i) the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent; or

(ii) 8.25 percent.

(E) TEMPORARY RULES FOR CONSOLIDATION LOANS.—Notwithstanding the preceding paragraphs of this subsection, any Federal Direct Consolidation loan for which the application is received on or after October 1, 1998, and before February 1, 1999, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to—

(i) the bond equivalent rate of 91-day Treasury bills auctioned at the final auction held prior to such June 1; plus

(ii) 2.3 percent,

except that such rate shall not exceed 8.25 percent.

(7) INTEREST RATE PROVISION FOR NEW LOANS ON OR AFTER JULY 1, 2006 AND BEFORE JULY 1, 2013.—

(A) RATES FOR FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be 6.8 percent on the unpaid principal balance of the loan.

(B) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, with respect to any Federal Direct PLUS loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be 7.9 percent on the unpaid principal balance of the loan.

(C) CONSOLIDATION LOANS.—Notwithstanding the preceding paragraphs of this subsection, any Federal Direct Consolidation loan for which the application is received on or after July 1, 2006, and before July 1, 2013, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the lesser of—

(i) the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent; or

(ii) 8.25 percent.

(D) REDUCED RATES FOR UNDERGRADUATE FDSL.—Notwithstanding the preceding paragraphs of this subsection and subparagraph (A) of this paragraph, for Federal Direct Stafford Loans made to undergraduate students for which the first disbursement is made on or after July 1, 2006, and before July 1, 2013, the applicable rate of interest shall be as follows:

(i) For a loan for which the first disbursement is made on or after July 1, 2006, and before July 1, 2008, 6.8 percent on the unpaid principal balance of the loan.

(ii) For a loan for which the first disbursement is made on or after July 1, 2008, and before July 1, 2009, 6.0 percent on the unpaid principal balance of the loan.

(iii) For a loan for which the first disbursement is made on or after July 1, 2009, and before July 1, 2010, 5.6 percent on the unpaid principal balance of the loan.

(iv) For a loan for which the first disbursement is made on or after July 1, 2010, and before July 1, 2011, 4.5 percent on the unpaid principal balance of the loan.

(v) For a loan for which the first disbursement is made on or after July 1, 2011, and before July 1, 2013, 3.4 percent on the unpaid principal balance of the loan.

(8) INTEREST RATE PROVISIONS FOR NEW LOANS ON OR AFTER JULY 1, 2013.—

(A) RATES FOR UNDERGRADUATE FDSL AND FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Stafford Loans and Federal Direct Unsubsidized Stafford Loans issued to undergraduate students, for which the first disbursement is made on or after July 1, 2013, the applicable rate of interest shall, for loans disbursed during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to the lesser of—

(i) a rate equal to the high yield of the 10-year Treasury note auctioned at the final auction held prior to such June 1 plus 2.05 percent; or

(ii) 8.25 percent.

(B) RATES FOR GRADUATE AND PROFESSIONAL FDUSL.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct Unsubsidized Stafford Loans issued to graduate or professional students, for which the first disbursement is made on or after July 1, 2013, the applicable rate of interest shall, for loans disbursed during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to the lesser of—

(i) a rate equal to the high yield of the 10-year Treasury note auctioned at the final auction held prior to such June 1 plus 3.6 percent; or

(ii) 9.5 percent.

(C) PLUS LOANS.—Notwithstanding the preceding paragraphs of this subsection, for Federal Direct PLUS Loans, for which the first disbursement is made on or after July 1, 2013, the applicable rate of interest shall, for loans disbursed during any 12-month period beginning on July 1 and ending on June 30, be determined on the preceding June 1 and be equal to the lesser of—

(i) a rate equal to the high yield of the 10-year Treasury note auctioned at the final auction held prior to such June 1 plus 4.6 percent; or

(ii) 10.5 percent.

(D) CONSOLIDATION LOANS.—Notwithstanding the preceding paragraphs of this subsection, any Federal Direct Consolidation Loan for which the application is received on or after July 1, 2013, shall bear interest at an annual rate on the unpaid principal balance of the loan that is equal to the weighted average of the interest rates on the loans consolidated, rounded to the nearest higher one-eighth of one percent.

(E) CONSULTATION.—The Secretary shall determine the applicable rate of interest under this paragraph after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.

(F) RATE.—The applicable rate of interest determined under this paragraph for a Federal Direct Stafford Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct PLUS Loan shall be fixed for the period of the loan.

(9) REPAYMENT INCENTIVES.—

(A)(A) INCENTIVES FOR LOANS DISBURSED BEFORE JULY 1, 2012.—Notwithstanding any other provision of this part with respect to loans for which the first disbursement of principal is made before July 1, 2012,, the Secretary is authorized to prescribe by regulation such reductions in the interest or origination fee rate paid by a borrower of a loan made under this part as the Secretary determines appropriate to encourage on-time repayment of the loan. Such reductions may be offered only if the Secretary determines the reductions are cost neutral and in the best financial interest of the Federal Government. Any increase in subsidy costs resulting from such reductions shall be completely offset by corresponding savings in funds available for the William D. Ford Federal Direct Loan Program in that fiscal year from section 458 and other administrative accounts.

(B) ACCOUNTABILITY.—Prior to publishing regulations proposing repayment incentives with respect to loans for which the first disbursement of principal is made before July 1, 2012, the Secretary shall ensure the cost neutrality of such reductions. The Secretary shall not prescribe such regulations in final form unless an official report from the Director of the Office of Management and Budget to the Secretary and a comparable report from the Director of the Congressional Budget Office to the Congress each certify that any such reductions will be completely cost neutral. Such reports shall be transmitted to the authorizing committees not less than 60 days prior to the publication of regulations proposing such reductions.

(C) NO REPAYMENT INCENTIVES FOR NEW LOANS DISBURSED ON OR AFTER JULY 1, 2012.—Notwithstanding any other provision of this part, the Secretary is prohibited from authorizing or providing any repayment incentive not otherwise authorized under this part to encourage on-time repayment of a loan under this part for which the first disbursement of principal is made on or after July 1, 2012, including any reduction in the interest or origination fee rate paid by a borrower of such a loan, except that the Secretary may provide for an interest rate reduction for a borrower who agrees to have payments on such a loan automatically electronically debited from a bank account.

(10) PUBLICATION.—The Secretary shall determine the applicable rates of interest under this subsection after consultation with the Secretary of the Treasury and shall publish such rate in the Federal Register as soon as practicable after the date of determination.

(c) LOAN FEE.—

(1) IN GENERAL.—The Secretary shall charge the borrower of a loan made under this part an origination fee of 4.0 percent of the principal amount of loan.

(2) SUBSEQUENT REDUCTION.—Paragraph (1) shall be applied to loans made under this part, other than Federal Direct Consolidation loans and Federal Direct PLUS loans—

(A) by substituting "3.0 percent" for "4.0 percent" with respect to loans for which the first disbursement of principal is made on or after the date of enactment of the Higher Education Reconciliation Act of 2005, and before July 1, 2007;

(B) by substituting "2.5 percent" for "4.0 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2007, and before July 1, 2008;

(C) by substituting "2.0 percent" for "4.0 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2008, and before July 1, 2009;

(D) by substituting "1.5 percent" for "4.0 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2009, and before July 1, 2010; and

(E) by substituting "1.0 percent" for "4.0 percent" with respect to loans for which the first disbursement of principal is made on or after July 1, 2010.

(d) REPAYMENT PLANS.—

(1) DESIGN AND SELECTION.—Consistent with criteria established by the Secretary, the Secretary shall offer a borrower of a loan made under this part *before July 1, 2026, who has not received a loan made under this part on or after July 1, 2026,* a variety of plans for repayment of such loan, including principal and interest on the loan. The borrower shall be entitled to accelerate, without penalty, repayment on the borrower's loans under this part. The borrower may choose—

(A) a standard repayment plan, consistent with subsection (a)(1) of this section and with section 428(b)(9)(A)(i);

(B) a graduated repayment plan, consistent with section 428(b)(9)(A)(ii);

(C) an extended repayment plan, consistent with section 428(b)(9)(A)(iv), except that the borrower shall annually repay a minimum amount determined by the Secretary in accordance with section 428(b)(1)(L);

[(D) an income contingent repayment plan, with varying annual repayment amounts based on the income of the borrower, paid over an extended period of time prescribed by the Secretary, not to exceed 25 years, except that the plan described in this subparagraph shall not be available to the borrower of a Federal Direct PLUS loan made on behalf of a dependent student; and**]**

(D) beginning on July 1, 2026, the income-based Repayment Assistance Plan under subsection (q), provided that—

(i) the borrower is required to pay each outstanding loan of the borrower made under this part under such Repayment Assistance Plan;

(ii) such Plan shall not be available to borrowers with an excepted loan (as defined in paragraph (7)); and

(iii) the borrower may not change the borrower's selection of the Repayment Assistance Plan except in accordance with paragraph (7)(C).

(E) beginning on July 1, 2009, an income-based repayment plan ⟦that enables borrowers who have a partial financial hardship to make a lower monthly payment⟧ in accordance with section 493C, except that the plan described in this subparagraph shall not be available to the borrower of a Federal Direct PLUS Loan made on behalf of a dependent student or ⟦a Federal Direct Consolidation Loan, if the proceeds of such loan were used to discharge the liability on such Federal Direct PLUS Loan or a loan under section 428B made on behalf of a dependent student⟧ *an excepted Consolidation Loan (as defined in section 493C(a)(2))*.

(2) SELECTION BY SECRETARY.—If a borrower of a loan made under this part does not select a repayment plan described in paragraph (1), the Secretary may provide the borrower with a repayment plan described in subparagraph (A), (B), or (C) of paragraph (1).

(3) CHANGES IN SELECTIONS.—The borrower of a loan made under this part may change the borrower's selection of a repayment plan under paragraph (1), or the Secretary's selection of a plan for the borrower under paragraph (2), as the case may be, under such terms and conditions as may be established by the Secretary.

(4) ALTERNATIVE REPAYMENT PLANS.—The Secretary may provide, on a case by case basis, an alternative repayment plan to a borrower of a loan made under this part who demonstrates to the satisfaction of the Secretary that the terms and conditions of the repayment plans available under paragraph (1) are not adequate to accommodate the borrower's exceptional circumstances. In designing such alternative repayment plans, the Secretary shall ensure that such plans do not exceed the cost to the Federal Government, as determined on the basis of the present value of future payments by such borrowers, of loans made using the plans available under paragraph (1).

(5) REPAYMENT AFTER DEFAULT.—The Secretary may require any borrower who has defaulted on a loan made under this part to—

(A) pay all reasonable collection costs associated with such loan; and

⟦(B) repay the loan pursuant to an income contingent repayment plan.⟧

(B) repay the loan pursuant to an income-based repayment plan under subsection (q) or section 493C, as applicable.

(6) TERMINATION AND LIMITATION OF REPAYMENT AUTHORITY.—

(A) SUNSET OF REPAYMENT PLANS AVAILABLE BEFORE JULY 1, 2026.—Paragraphs (1) through (4) of this subsection shall only apply to loans made under this part before July 1, 2026.

(B) PROHIBITIONS.—The Secretary may not, for any loan made under this part on or after July 1, 2026—

(i) authorize a borrower of such a loan to repay such loan pursuant to a repayment plan that is not described in paragraph (7)(A); or

(ii) carry out or modify a repayment plan that is not described in such paragraphs.

(7) REPAYMENT PLANS FOR LOANS MADE ON OR AFTER JULY 1, 2026.—

(A) DESIGN AND SELECTION.—Beginning on July 1, 2026, the Secretary shall offer a borrower of a loan made under this part on or after such date (including such a borrower who also has a loan made under this part before such date) two plans for repayment of the borrower's loans under this part, including principal and interest on such loans. The borrower shall be entitled to accelerate, without penalty, repayment on such loans. The borrower may choose—

(i) a standard repayment plan—

(I) with a fixed monthly repayment amount paid over a fixed period of time equal to the applicable period determined under subclause (II); and

(II) with the applicable period of time for repayment determined based on the total outstanding principal of all loans of the borrower made under this part before, on, or after July 1, 2026, at the time the borrower is entering repayment under such plan, as follows—

(aa) for a borrower with total outstanding principal of less than $25,000, a period of 10 years;

(bb) for a borrower with total outstanding principal of not less than $25,000 and less than $50,000, a period of 15 years;

(cc) for a borrower with total outstanding principal of not less than $50,000 and less than $100,000, a period of 20 years; and

(dd) for a borrower with total outstanding principal of $100,000 or more, a period of 25 years; or

(ii) the income-based Repayment Assistance Plan under subsection (q).

(B) SELECTION BY SECRETARY.—If a borrower of a loan made under this part on or after July 1, 2026, does not se-

lect a repayment plan described in subparagraph (A), the Secretary shall provide the borrower with the standard repayment plan described in subparagraph (A)(i).

(C) SELECTION AVAILABLE FOR EACH NEW LOAN; SELECTION APPLIES TO ALL OUTSTANDING LOANS.—Each time a borrower receives a loan made under this part on or after July 1, 2026, the borrower may select either the standard repayment plan under subparagraph (A)(i) or the Repayment Assistance Plan under subparagraph (A)(ii), provided that the borrower is required to pay each outstanding loan of the borrower made under this part under such selected repayment plan.

(D) PERMISSIBLE CHANGES OF REPAYMENT PLAN.—

(i) CHANGING FROM STANDARD REPAYMENT PLAN.—A borrower may change the borrower's selection of the standard repayment plan under subparagraph (A)(i), or the Secretary's selection of such plan for the borrower under subparagraph (C), as the case may be, to the Repayment Assistance Plan under subparagraph (A)(ii) at any time.

(ii) LIMITED CHANGE FROM REPAYMENT ASSISTANCE PLAN.—A borrower may not change the borrower's selection of the Repayment Assistance Plan under subparagraph (A)(ii), except in accordance with subparagraph (C).

(E) SPECIAL RULE FOR EXCEPTED LOAN BORROWERS WITH LOANS MADE ON OR AFTER JULY 1, 2026.—

(i) STANDARD REPAYMENT PLAN REQUIRED.—Notwithstanding subparagraphs (A) through (D), beginning on July 1, 2026, the Secretary shall require a borrower who has an excepted loan and who has received a loan made under this part on or after such date to repay each outstanding loan of the borrower made under this part, including principal and interest on such loans, under the standard repayment plan under subparagraph (A)(i). The borrower shall be entitled to accelerate, without penalty, repayment on such loans.

(ii) EXCEPTED LOAN DEFINED.—For the purposes of this paragraph, the term "excepted loan" means a loan with an outstanding balance that is—

(I) a Federal Direct PLUS Loan that is made on behalf of a dependent student; or

(II) a Federal Direct Consolidation Loan, if the proceeds of such loan were used to the discharge the liability on—

(aa) an excepted PLUS loan, as defined in section 493C(a)(1); or

(bb) an excepted consolidation loan (as such term is defined in section 493C(a)(2)(A), notwithstanding subparagraph (B) of such section).

(F) TREATMENT OF BORROWERS WITHOUT LOANS MADE ON OR AFTER JULY 1, 2026.—A borrower who has an out-

standing loan (including an excepted loan) made under this part before July 1, 2026, and who has not received a loan made under this part on or after July 1, 2026, shall not be eligible to change the borrower's selection of a repayment plan to the standard repayment plan under subparagraph (A)(i).

[(e) INCOME CONTINGENT REPAYMENT.—

[(1) INFORMATION AND PROCEDURES.—The Secretary may obtain such information as is reasonably necessary regarding the income of a borrower (and the borrower's spouse, if applicable) of a loan made under this part that is, or may be, repaid pursuant to income contingent repayment, for the purpose of determining the annual repayment obligation of the borrower. Returns and return information (as defined in section 6103 of the Internal Revenue Code of 1986) may be obtained under the preceding sentence only to the extent authorized by section 6103(l)(13) of such Code. The Secretary shall establish procedures for determining the borrower's repayment obligation on that loan for such year, and such other procedures as are necessary to implement effectively income contingent repayment.

[(2) REPAYMENT BASED ON ADJUSTED GROSS INCOME.—A repayment schedule for a loan made under this part and repaid pursuant to income contingent repayment shall be based on the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the borrower or, if the borrower is married and files a Federal income tax return jointly with the borrower's spouse, on the adjusted gross income of the borrower and the borrower's spouse.

[(3) ADDITIONAL DOCUMENTS.—A borrower who chooses, or is required, to repay a loan made under this part pursuant to income contingent repayment, and for whom adjusted gross income is unavailable or does not reasonably reflect the borrower's current income, shall provide to the Secretary other documentation of income satisfactory to the Secretary, which documentation the Secretary may use to determine an appropriate repayment schedule.

[(4) REPAYMENT SCHEDULES.—Income contingent repayment schedules shall be established by regulations promulgated by the Secretary and shall require payments that vary in relation to the appropriate portion of the annual income of the borrower (and the borrower's spouse, if applicable) as determined by the Secretary.

[(5) CALCULATION OF BALANCE DUE.—The balance due on a loan made under this part that is repaid pursuant to income contingent repayment shall equal the unpaid principal amount of the loan, any accrued interest, and any fees, such as late charges, assessed on such loan. The Secretary may promulgate regulations limiting the amount of interest that may be capitalized on such loan, and the timing of any such capitalization.

[(6) NOTIFICATION TO BORROWERS.—The Secretary shall establish procedures under which a borrower of a loan made under this part who chooses or is required to repay such loan pursuant to income contingent repayment is notified of the

terms and conditions of such plan, considers that special circumstances, such as a loss of employment by the borrower or the borrower's spouse, warrant an adjustment in the borrower's loan repayment, the borrower may contact the Secretary, who shall determine whether such adjustment is appropriate, in accordance with criteria established by the Secretary.

[(7) MAXIMUM REPAYMENT PERIOD.—In calculating the extended period of time for which an income contingent repayment plan under this subsection may be in effect for a borrower, the Secretary shall include all time periods during which a borrower of loans under part B, part D, or part E—

[(A) is not in default on any loan that is included in the income contingent repayment plan; and

[(B)(i) is in deferment due to an economic hardship described in section 435(o);

[(ii) makes monthly payments under paragraph (1) or (6) of section 493C(b);

[(iii) makes monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or subsection (d)(1)(A), based on a 10-year repayment period, when the borrower first made the election described in section 493C(b)(1);

[(iv) makes payments of not less than the payments required under a standard repayment plan under section 428(b)(9)(A)(i) or subsection (d)(1)(A) with a repayment period of 10 years; or

[(v) makes payments under an income contingent repayment plan under subsection (d)(1)(D).

[(8) AUTOMATIC RECERTIFICATION.—

[(A) IN GENERAL.—The Secretary shall establish and implement, with respect to any borrower described in subparagraph (B), procedures to—

[(i) use return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986, pursuant to approval provided under section 494, to determine the repayment obligation of the borrower without further action by the borrower;

[(ii) allow the borrower (or the spouse of the borrower), at any time, to opt out of disclosure under such section 6103(l)(13) and instead provide such information as the Secretary may require to determine the repayment obligation of the borrower (or withdraw from the repayment plan under this subsection); and

[(iii) provide the borrower with an opportunity to update the return information so disclosed before the determination of the repayment obligation of the borrower.

[(B) APPLICABILITY.—Subparagraph (A) shall apply to each borrower of a loan made under this part who, on or after the date on which the Secretary establishes procedures under such subparagraph—

[(i) selects, or is required to repay such loan pursuant to, an income-contingent repayment plan; or

[(ii) recertifies income or family size under such plan.]

(f) [DEFERMENT.—] *DEFERMENT; FORBEARANCE.*—

(1) EFFECT ON PRINCIPAL AND INTEREST.—A borrower of a loan made under this part who meets the requirements described in paragraph (2) shall be eligible for a deferment, during which periodic installments of principal need not be paid, and interest—

(A) shall not accrue, in the case of a—

(i) Federal Direct Stafford Loan; or

(ii) a Federal Direct Consolidation Loan that consolidated only Federal Direct Stafford Loans, or a combination of such loans and Federal Stafford Loans for which the student borrower received an interest subsidy under section 428; or

(B) shall accrue and be capitalized or paid by the borrower, in the case of a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan not described in subparagraph (A)(ii).

(2) ELIGIBILITY.—A borrower of a loan made under this part shall be eligible for a deferment during any period—

(A) during which the borrower—

(i) is carrying at least one-half the normal full-time work load for the course of study that the borrower is pursuing, as determined by the eligible institution (as such term is defined in section 435(a)) the borrower is attending; or

(ii) is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for individuals with disabilities approved by the Secretary,

except that no borrower shall be eligible for a deferment under this subparagraph, or a loan made under this part (other than a Federal Direct PLUS Loan or a Federal Direct Consolidation Loan), while serving in a medical internship or residency program;

(B) [not in] *subject to paragraph (7), not in* excess of 3 years during which the borrower is seeking and unable to find full-time employment;

(C) during which the borrower—

(i) is serving on active duty during a war or other military operation or national emergency; or

(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency,

and for the 180-day period following the demobilization date for the service described in clause (i) or (ii); or

(D) [not in] *subject to paragraph (7), not in* excess of 3 years during which the Secretary determines, in accordance with regulations prescribed under section 435(o), that

the borrower has experienced or will experience an economic hardship.

(3) DEFERMENT FOR BORROWERS RECEIVING CANCER TREATMENT.—

(A) EFFECT ON PRINCIPAL AND INTEREST.—A borrower of a loan made under this part who meets the requirements of subparagraph (B) shall be eligible for a deferment, during which periodic installments of principal need not be paid, and interest shall not accrue.

(B) ELIGIBILITY.—A borrower of a loan made under this part shall be eligible for a deferment during—

(i) any period in which such borrower is receiving treatment for cancer; and

(ii) the 6 months after such period.

(C) APPLICABILITY.—This paragraph shall apply with respect to loans—

(i) made on or after the date of the enactment of this paragraph; or

(ii) in repayment on the date of the enactment of this paragraph.

(4) DEFERMENT FOR DISLOCATED MILITARY SPOUSES.—

(A) DURATION AND EFFECT ON PRINCIPAL AND INTEREST.—A borrower of a loan made under this part who meets the requirements of subparagraph (B) shall be eligible for a deferment for an aggregate period of 180 days, during which periodic installments of principal need not be paid, and interest—

(i) shall not accrue, in the case of a—

(I) Federal Direct Stafford Loan; or

(II) a Federal Direct Consolidation Loan that consolidated only Federal Direct Stafford Loans, or a combination of such loans and Federal Stafford Loans for which the student borrower received an interest subsidy under section 428; or

(ii) shall accrue and be capitalized or paid by the borrower, in the case of a Federal Direct PLUS Loan, a Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan not described in clause (i)(II).

(B) ELIGIBILITY.—A borrower of a loan made under this part shall be eligible for a deferment under subparagraph (A) if the borrower—

(i) is the spouse of a member of the Armed Forces serving on active duty; and

(ii) has experienced a loss of employment as a result of relocation to accommodate a permanent change in duty station of such member.

(C) DOCUMENTATION AND APPROVAL.—

(i) IN GENERAL.—A borrower may establish eligibility for a deferment under subparagraph (A) by providing to the Secretary—

(I) the documentation described in clause (ii); or

(II) such other documentation as the Secretary determines appropriate.

(ii) DOCUMENTATION.—The documentation described in this clause is—

(I) evidence that the borrower is the spouse of a member of the Armed Forces serving on active duty;

(II) evidence that a military permanent change of station order was issued to such member; and

(III)(aa) evidence that the borrower is eligible for unemployment benefits due to a loss of employment resulting from relocation to accommodate such permanent change in duty station; or

(bb) a written certification, or an equivalent as approved by the Secretary, that the borrower is registered with a public or private employment agency due to a loss of employment resulting from relocation to accommodate such permanent change in duty station.

(5) DEFINITION OF BORROWER.—For the purpose of this subsection, the term "borrower" means an individual who is a new borrower on the date such individual applies for a loan under this part for which the first disbursement is made on or after July 1, 1993.

(6) DEFERMENTS FOR PREVIOUS PART B LOAN BORROWERS.—A borrower of a loan made under this part, who at the time such individual applies for such loan, has an outstanding balance of principal or interest owing on any loan made, insured, or guaranteed under part B of title IV prior to July 1, 1993, shall be eligible for a deferment under section 427(a)(2)(C) or section 428(b)(1)(M) as such sections were in effect on July 22, 1992.

(7) SUNSET OF UNEMPLOYMENT AND ECONOMIC HARDSHIP DEFERMENTS.—A borrower who receives a loan made under this part on or after July 1, 2025, shall not be eligible to defer such loan under subparagraph (B) or (D) of paragraph (2).

(8) FORBEARANCE ON LOANS MADE UNDER THIS PART ON OR AFTER JULY 1, 2025.—A borrower who receives a loan made under this part on or after July 1, 2025—

(A) may only be eligible for a forbearance on such loan pursuant to section 428(c)(3)(B) that does not exceed 9 months during any 24-month period; and

(B) in the case of a borrower who is serving in a medical or dental internship or residency program (as such program is described in section 428(c)(3)(A)(i)(I)), may be eligible for a forbearance on such loan pursuant to 428(c)(3)(A)(i)(I), during which—

(i) for the first 4 12-month intervals, interest shall not accrue; and

(ii) for any subsequent 12-month interval, interest shall accrue.

(g) FEDERAL DIRECT CONSOLIDATION LOANS.—

(1) IN GENERAL.—A borrower of a loan made under this part may consolidate such loan with the loans described in section 428C(a)(4), including any loan made under part B and first disbursed before July 1, 2010. To be eligible for a consolidation loan under this part, a borrower shall meet the eligibility criteria set forth in section 428C(a)(3).

(2) SEPARATING JOINT CONSOLIDATION LOANS.—

(A) IN GENERAL.—

(i) AUTHORIZATION.—A married couple, or 2 individuals who were previously a married couple, and who received a joint consolidation loan as such married couple under subparagraph (C) of section 428C(a)(3) (as such subparagraph was in effect on June 30, 2006), may apply to the Secretary, in accordance with subparagraph (C) of this paragraph, for each individual borrower in the married couple (or previously married couple) to receive a separate Federal Direct Consolidation Loan under this part.

(ii) ELIGIBILITY FOR BORROWERS IN DEFAULT.—Notwithstanding any other provision of this Act, a married couple, or 2 individuals who were previously a married couple, who are in default on a joint consolidation loan may be eligible to receive a separate Federal Direct Consolidation Loan under this part in accordance with this paragraph.

(B) SECRETARIAL REQUIREMENTS.—Notwithstanding section 428C(a)(3)(A) or any other provision of law, for each individual borrower who applies under subparagraph (A), the Secretary shall—

(i) make a separate Federal Direct Consolidation Loan under this part that—

(I) shall be for an amount equal to the product of—

(aa) the unpaid principal and accrued unpaid interest of the joint consolidation loan (as of the date that is the day before such separate consolidation loan is made) and any outstanding charges and fees with respect to such loan; and

(bb) the percentage of the joint consolidation loan attributable to the loans of the individual borrower for whom such separate consolidation loan is being made, as determined—

(AA) on the basis of the loan obligations of such borrower with respect to such joint consolidation loan (as of the date such joint consolidation loan was made); or

(BB) in the case in which both borrowers request, on the basis of proportions outlined in a divorce decree, court order, or settlement agreement; and

(II) has the same rate of interest as the joint consolidation loan (as of the date that is the day before such separate consolidation loan is made); and

(ii) in a timely manner, notify each individual borrower that the joint consolidation loan had been repaid and of the terms and conditions of their new loans.

(C) APPLICATION FOR SEPARATE DIRECT CONSOLIDATION LOAN.—

(i) JOINT APPLICATION.—Except as provided in clause (ii), to receive separate consolidation loans under this part, both individual borrowers in a married couple (or previously married couple) shall jointly apply under subparagraph (A).

(ii) SEPARATE APPLICATION.—An individual borrower in a married couple (or previously married couple) may apply for a separate consolidation loan under subparagraph (A) separately and without regard to whether or when the other individual borrower in the married couple (or previously married couple) applies under subparagraph (A), in a case in which—

(I) the individual borrower certifies to the Secretary that such borrower—

(aa) has experienced an act of domestic violence (as defined in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291) from the other individual borrower;

(bb) has experienced economic abuse (as defined in section 40002 of the Violence Against Women Act of 1994 (34 U.S.C. 12291) from the other individual borrower; or

(cc) is unable to reasonably reach or access the loan information of the other individual borrower; or

(II) the Secretary determines that authorizing each individual borrower to apply separately under subparagraph (A) would be in the best fiscal interests of the Federal Government.

(iii) REMAINING OBLIGATION FROM SEPARATE APPLICATION.—In the case of an individual borrower who receives a separate consolidation loan due to the circumstances described in clause (ii), the other non-applying individual borrower shall become solely liable for the remaining balance of the joint consolidation loan.

(3) CONSOLIDATION LOANS MADE ON OR AFTER JULY 1, 2026.—Notwithstanding subsections (b)(5), (c)(2), and (c)(3)(A) and (B) of section 428C, a Federal Direct Consolidation Loan offered to a borrower under this part on or after July 1, 2026, may only be repaid pursuant to a repayment plan described in subsection (d)(7)(A)(i) or (ii) of this section, as applicable, and

the repayment schedule of such a Consolidation Loan shall be determined in accordance with such repayment plan.

(h) BORROWER DEFENSES.—Notwithstanding any other provision of State or Federal law, the Secretary shall specify in regulations which acts or omissions of an institution of higher education a borrower may assert as a defense to repayment of a loan made under this part, except that in no event may a borrower recover from the Secretary, in any action arising from or relating to a loan made under this part, an amount in excess of the amount such borrower has repaid on such loan.

(i) LOAN APPLICATION AND PROMISSORY NOTE.—The common financial reporting form required in section 483(a)(1) shall constitute the application for loans made under this part (other than a Federal Direct PLUS loan). The Secretary shall develop, print, and distribute to participating institutions a standard promissory note and loan disclosure form.

(j) LOAN DISBURSEMENT.—

(1) IN GENERAL.—Proceeds of loans to students under this part shall be applied to the student's account for tuition and fees, and, in the case of institutionally owned housing, to room and board. Loan proceeds that remain after the application of the previous sentence shall be delivered to the borrower by check or other means that is payable to and requires the endorsement or other certification by such borrower.

(2) PAYMENT PERIODS.—The Secretary shall establish periods for the payments described in paragraph (1) in a manner consistent with payment of Federal Pell Grants under subpart 1 of part A of this title.

(k) FISCAL CONTROL AND FUND ACCOUNTABILITY.—

(1) IN GENERAL.—(A) An institution shall maintain financial records in a manner consistent with records maintained for other programs under this title.

(B) Except as otherwise required by regulations of the Secretary an institution may maintain loan funds under this part in the same account as other Federal student financial assistance.

(2) PAYMENTS AND REFUNDS.—Payments and refunds shall be reconciled in a manner consistent with the manner set forth for the submission of a payment summary report required of institutions participating in the program under subpart 1 of part A, except that nothing in this paragraph shall prevent such reconciliations on a monthly basis.

(3) TRANSACTION HISTORIES.—All transaction histories under this part shall be maintained using the same system designated by the Secretary for the provision of Federal Pell Grants under subpart 1 of part A of this title.

(l) ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS.—

(1) AUTHORITY.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 for the payment of interest on a loan made under this part to a mem-

ber of the Armed Forces or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively, the Secretary shall pay the interest on the loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest on such a loan out of any funds other than funds that have been so transferred.

(2) FORBEARANCE.—During the period in which the Secretary is making payments on a loan under paragraph (1), the Secretary shall grant the borrower forbearance, in the form of a temporary cessation of all payments on the loan other than the payments of interest on the loan that are made under that paragraph.

(m) REPAYMENT PLAN FOR PUBLIC SERVICE EMPLOYEES.—

(1) IN GENERAL.—The Secretary shall cancel the balance of interest and principal due, in accordance with paragraph (2), on any eligible Federal Direct Loan not in default for a borrower who—

(A) has made 120 monthly payments on the eligible Federal Direct Loan after October 1, 2007, pursuant to any one or a combination of the following—

(i) payments under an income-based repayment plan under section 493C;

(ii) payments under a standard repayment plan under subsection (d)(1)(A), based on a 10-year repayment period;

(iii) monthly payments under a repayment plan under subsection (d)(1) or (g) of not less than the monthly amount calculated under subsection (d)(1)(A), based on a 10-year repayment period**[**; or**]***;*

(iv) payments under an income contingent repayment plan under subsection (d)(1)(D)**[**; and**]** *(as in effect on the day before the date of the repeal of subsection (e) of this section); or*

(v) on-time payments under the Repayment Assistance Plan under section 455(q); and

(B)(i) is employed in a public service job at the time of such forgiveness; and

(ii) has been employed in a public service job during the period in which the borrower makes each of the 120 payments described in subparagraph (A).

(2) LOAN CANCELLATION AMOUNT.—After the conclusion of the employment period described in paragraph (1), the Secretary shall cancel the obligation to repay the balance of principal and interest due as of the time of such cancellation, on the eligible Federal Direct Loans made to the borrower under this part.

(3) DEFINITIONS.—In this subsection:

(A) ELIGIBLE FEDERAL DIRECT LOAN.—The term "eligible Federal Direct Loan" means a Federal Direct Stafford Loan, Federal Direct PLUS Loan, or Federal Direct Unsubsidized Stafford Loan, or a Federal Direct Consolidation Loan.

(B) PUBLIC SERVICE JOB.—**[**The term**]**

(i) IN GENERAL.—The term "public service job" means—

[(i)**]** *(I)* a full-time job in emergency management, government (excluding time served as a member of Congress), military service, public safety, law enforcement, public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are defined by the Bureau of Labor Statistics), public education, social work in a public child or family service agency, public interest law services (including prosecution or public defense or legal advocacy on behalf of low-income communities at a nonprofit organization), early childhood education (including licensed or regulated childcare, Head Start, and State funded prekindergarten), public service for individuals with disabilities, public service for the elderly, public library sciences, school-based library sciences and other school-based services, or at an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

[(ii)**]** *(II)* teaching as a full-time faculty member at a Tribal College or University as defined in section 316(b) and other faculty teaching in high-needs subject areas or areas of shortage (including nurse faculty, foreign language faculty, and part-time faculty at community colleges), as determined by the Secretary.

(ii) EXCLUSION.—The term "public service job" does not include time served in a medical or dental internship or residency program (as such program is described in section 428(c)(3)(A)(i)(I)) by an individual who, as of June 30, 2025, has not borrowed a Federal Direct PLUS Loan or a Federal Direct Unsubsidized Stafford Loan for a program of study that awards a graduate credential upon completion of such program.

(4) INELIGIBILITY FOR DOUBLE BENEFITS.—No borrower may, for the same service, receive a reduction of loan obligations under both this subsection and section 428J, 428K, 428L, or 460.

(n) IDENTITY FRAUD PROTECTION.—The Secretary shall take such steps as may be necessary to ensure that monthly Federal Direct Loan statements and other publications of the Department do not contain more than four digits of the Social Security number of any individual.

(o) NO ACCRUAL OF INTEREST FOR ACTIVE DUTY SERVICE MEMBERS.—

(1) IN GENERAL.—Notwithstanding any other provision of this part and in accordance with paragraphs (2) and (4), inter-

est shall not accrue for an eligible military borrower on a loan made under this part for which the first disbursement is made on or after October 1, 2008.

(2) CONSOLIDATION LOANS.—In the case of any consolidation loan made under this part that is disbursed on or after October 1, 2008, interest shall not accrue pursuant to this subsection only on such portion of such loan as was used to repay a loan made under this part for which the first disbursement is made on or after October 1, 2008.

(3) ELIGIBLE MILITARY BORROWER.—In this subsection, the term "eligible military borrower" means an individual who—

(A)(i) is serving on active duty during a war or other military operation or national emergency; or

(ii) is performing qualifying National Guard duty during a war or other military operation or national emergency; and

(B) is serving in an area of hostilities in which service qualifies for special pay under section 310, or paragraph (1) or (3) of section 351(a), of title 37, United States Code.

(4) LIMITATION.—An individual who qualifies as an eligible military borrower under this subsection may receive the benefit of this subsection for not more than 60 months.

(p) DISCLOSURES.—Each institution of higher education with which the Secretary has an agreement under section 453, and each contractor with which the Secretary has a contract under section 456, shall, with respect to loans under this part and in accordance with such regulations as the Secretary shall prescribe, comply with each of the requirements under section 433 that apply to a lender with respect to a loan under part B.

(q) REPAYMENT ASSISTANCE PLAN.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, beginning on July 1, 2026, the Secretary shall carry out an income-based repayment plan (to be known as the "Repayment Assistance Plan"), that shall have the following terms and conditions:

(A) The total monthly repayment amount owed by a borrower for all of the loans of the borrower that are repaid pursuant to the Repayment Assistance Plan shall be equal to the applicable monthly payment of a borrower calculated under paragraph (3)(B), except that the borrower may not be precluded from repaying an amount that exceeds such amount for any month.

(B) The Secretary shall apply the borrower's applicable monthly payment under this paragraph first toward interest due on each such loan, next toward any fees due on each loan, and then toward the principal of each loan.

(C) Any principal due and not paid under subparagraph (B) or paragraph (2)(B) shall be deferred.

(D) A borrower who is not in a period of deferment or forbearance shall make an applicable monthly payment for each month until the earlier of—

(i) the date on which the outstanding balance of principal and interest due on all of the loans of the

borrower that are repaid pursuant to the Repayment Assistance Plan is $0; or

(ii) the date on which the borrower has made 360 qualifying monthly payments.

(E) The Secretary shall repay or cancel any outstanding balance of principal and interest due on a loan made under this part to a borrower—

(i) who, for any period of time, participated in the Repayment Assistance Plan under this subsection;

(ii) whose most recent payment for such loan prior to the loan cancellation under this subparagraph was made under such Repayment Assistance Plan; and

(iii) who has made 360 qualifying monthly payments on such loan.

(F) For the purposes of this subsection, the term "qualifying monthly payment" means any of the following:

(i) An on-time applicable monthly payment under this subsection.

(ii) An on-time monthly payment under the standard repayment plan under subsection (d)(7)(A)(i) of not less than the monthly payment required under such plan.

(iii) A monthly payment under any repayment plan of not less than the monthly payment that would be required under a standard repayment plan under section 455(d)(1)(A) with a repayment period of 10 years.

(iv) A monthly payment under section 493C of not less than the monthly payment required under such section, including a monthly payment equal to the minimum payment amount permitted under such section.

(v) A monthly payment made before the date of enactment of this subsection under an income-contingent repayment plan carried out under section 455(d)(1)(D) (or under an alternative repayment plan in lieu of repayment under such an income-contingent repayment plan, if placed in such an alternative repayment plan by the Secretary) of not less than the monthly payment required under such a plan, including a monthly payment equal to the minimum payment amount permitted under such a plan.

(vi) A month when the borrower did not make a payment because the borrower was in deferment due to an economic hardship described in section 435(o).

(vii) A month that ended before the date of enactment of this subsection when the borrower did not make a payment because the borrower was in a period deferment or forbearance described in section 685.209(k)(4)(iv) of title 34, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

(G) With respect to carrying out section 494(a)(2) for the Repayment Assistance Plan, an individual may elect to opt out of the disclosures required under section

494(a)(2)(A)(ii) in accordance with the procedures established under section 493C(c)(2)(B).

(2) BALANCE ASSISTANCE FOR DISTRESSED BORROWERS.—

(A) INTEREST SUBSIDY.—With respect to a borrower of a loan made under this part, for each month for which such a borrower makes an on-time applicable monthly payment required under paragraph (1)(A) and such monthly payment is insufficient to pay the total amount of interest that accrues for the month on all loans of the borrower repaid pursuant to the Repayment Assistance Plan under this subsection, the amount of interest accrued and not paid for the month shall not be charged to the borrower.

(B) MATCHING PRINCIPAL PAYMENT.—With respect to a borrower of a loan made under this part and not in a period of deferment or forbearance, for each month for which a borrower makes an on-time applicable monthly payment required under paragraph (1)(A) and such monthly payment reduces the total outstanding principal balance of all loans of the borrower repaid pursuant to the Repayment Assistance Plan under this subsection by less than $50, the Secretary shall reduce such total outstanding principal balance of the borrower by an amount that is equal to—

(i) the amount that is the lesser of—

(I) $50; or

(II) the total amount paid by the borrower for such month pursuant to paragraph (1)(A), minus

(ii) the total amount paid by the borrower for such month pursuant to paragraph (1)(A) that is applied to such total outstanding principal balance.

(3) DEFINITIONS.—In this paragraph:

(A) ADJUSTED GROSS INCOME.—The term "adjusted gross income", when used with respect to a borrower, means the adjusted gross income (as such term is defined in section 62 of the Internal Revenue Code of 1986) of the borrower (and the borrower's spouse, as applicable) for the most recent taxable year, except that, in the case of a married borrower who files a separate Federal income tax return, the term does not include the adjusted gross income of the borrower's spouse.

(B) APPLICABLE MONTHLY PAYMENT.—

(i) IN GENERAL.—Except as provided in clause (ii) or (iii), the term "applicable monthly payment" means, when used with respect to a borrower, the amount equal to—

(I) the applicable base payment of the borrower, divided by 12; minus

(II) $50 for each dependent child of the borrower.

(ii) MINIMUM AMOUNT.—In the case of a borrower with an applicable monthly payment amount calculated under clause (i) that is less than $10, the applicable monthly payment of the borrower shall be $10.

(iii) FINAL PAYMENT.—In the case of a borrower whose total outstanding balance of principal and interest on all of the loans of the borrower that are repaid pursuant to the Repayment Assistance Plan is less than the applicable monthly payment calculated pursuant to clause (i) or (ii), as applicable, then the applicable monthly payment of the borrower shall be the total outstanding balance of principal and interest on all such loans.

(iv) BASE PAYMENT.—The amount of the applicable base payment for a borrower with an adjusted gross income of—

(I) not more than $10,000, is $120;

(II) more than $10,000 and not more than $20,000, is 1 percent of such adjusted gross income;

(III) more than $20,000 and not more than $30,000, is 2 percent of such adjusted gross income;

(IV) more than $30,000 and not more than $40,000, is 3 percent of such adjusted gross income;

(V) more than $40,000 and not more than $50,000, is 4 percent of such adjusted gross income;

(VI) more than $50,000 and not more than $60,000, is 5 percent of such adjusted gross income;

(VII) more than $60,000 and not more than $70,000, is 6 percent of such adjusted gross income;

(VIII) more than $70,000 and not more than $80,000, is 7 percent of such adjusted gross income;

(IX) more than $80,000 and not more than $90,000, is 8 percent of such adjusted gross income;

(X) more than $90,000 and not more than $100,000, is 9 percent of such adjusted gross income; and

(XI) more than $100,000, is 10 percent of such adjusted gross income.

(v) DEPENDENT CHILD OF THE BORROWER.—For the purposes of this paragraph, the term "dependent child of the borrower" means an individual who—

(I) is under 17 years of age; and

(II) is the borrower's dependent child or another person who lives with and receives more than one-half of their support from the borrower.

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SEC. 458. FUNDS FOR ADMINISTRATIVE EXPENSES.

(a) ADMINISTRATIVE EXPENSES.—

[(1) MANDATORY FUNDS FOR FISCAL YEAR 2006.—For fiscal year 2006, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for—

[(A) administrative costs under this part and part B, including the costs of the direct student loan programs under this part; and

[(B) account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsections (b) and (c),

not to exceed (from such funds not otherwise appropriated) $820,000,000 in fiscal year 2006.]

(1) ADDITIONAL MANDATORY FUNDS FOR FISCAL YEARS 2025 AND 2026.—For each of the fiscal years 2025 and 2026 there shall be available to the Secretary (in addition to any other amounts appropriated under any appropriations Act for administrative costs under this part and part B and out of any money in the Treasury not otherwise appropriated) funds to be obligated for administrative costs under this part and part B, including the costs of the direct student loan programs under this part, not to exceed $500,000,000 in each such fiscal year.

(3) AUTHORIZATION FOR ADMINISTRATIVE COSTS BEGINNING IN FISCAL YEARS 2007 THROUGH 2014.—For each of the fiscal years 2007 through 2014, there are authorized to be appropriated such sums as may be necessary for administrative costs under this part and part B, including the costs of the direct student loan programs under this part.

(4) CONTINUING MANDATORY FUNDS FOR ACCOUNT MAINTENANCE FEES.—For each of the fiscal years 2007 through 2021, there shall be available to the Secretary, from funds not otherwise appropriated, funds to be obligated for account maintenance fees payable to guaranty agencies under part B and calculated in accordance with subsection (b).

(5) ACCOUNT MAINTENANCE FEES.—Account maintenance fees under paragraph (3) shall be paid quarterly and deposited in the Agency Operating Fund established under section 422B.

(6) TECHNICAL ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION.—

(A) PROVISION OF ASSISTANCE.—The Secretary shall provide institutions of higher education participating, or seeking to participate, in the loan programs under this part with technical assistance in establishing and administering such programs.

(B) FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this paragraph and out of any money in the Treasury not otherwise appropriated), $50,000,000 for fiscal year 2010.

(C) DEFINITION.—In this paragraph, the term "assistance" means the provision of technical support, training, materials, technical assistance, and financial assistance.

(7) ADDITIONAL PAYMENTS.—

(A) PROVISION OF ASSISTANCE.—The Secretary shall provide payments to loan servicers for retaining jobs at lo-

cations in the United States where such servicers were operating under part B on January 1, 2010.

(B) FUNDS.—There are authorized to be appropriated, and there are appropriated, to carry out this paragraph (in addition to any other amounts appropriated to carry out this paragraph and out of any money in the Treasury not otherwise appropriated), $25,000,000 for each of the fiscal years 2010 and 2011.

(8) CARRYOVER.—The Secretary may carry over funds made available under this section to a subsequent fiscal year.

(b) CALCULATION BASIS.—Account maintenance fees payable to guaranty agencies under subsection (a)(4) shall be calculated on the basis of 0.06 percent of the original principal amount of outstanding loans on which insurance was issued under part B.

(c) BUDGET JUSTIFICATION.—No funds may be expended under this section unless the Secretary includes in the Department of Education's annual budget justification to Congress a detailed description of the specific activities for which the funds made available by this section have been used in the prior and current years (if applicable), the activities and costs planned for the budget year, and the projection of activities and costs for each remaining year for which administrative expenses under this section are made available.

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PART E—FEDERAL PERKINS LOANS

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SEC. 464. TERMS OF LOANS.

(a) TERMS AND CONDITIONS.—(1) Loans from any student loan fund established pursuant to an agreement under section 463 to any student by any institution shall, subject to such conditions, limitations, and requirements as the Secretary shall prescribe by regulation, be made on such terms and conditions as the institution may determine.

(2)(A) Except as provided in paragraph (4), the total of loans made to a student in any academic year or its equivalent by an institution of higher education from a loan fund established pursuant to an agreement under this part shall not exceed—

(i) $5,500, in the case of a student who has not successfully completed a program of undergraduate education; or

(ii) $8,000, in the case of a graduate or professional student (as defined in regulations issued by the Secretary).

(B) Except as provided in paragraph (4), the aggregate unpaid principal amount for all loans made to a student by institutions of higher education from loan funds established pursuant to agreements under this part may not exceed—

(i) $60,000, in the case of any graduate or professional student (as defined by regulations issued by the Secretary, and including any loans from such funds made to such person before such person became a graduate or professional student);

(ii) $27,500, in the case of a student who has successfully completed 2 years of a program of education leading to a bachelor's degree but who has not completed the work necessary for such a degree (determined under regulations issued by the Secretary), and including any loans from such funds made to such person before such person became such a student; and

(iii) $11,000, in the case of any other student.

(3) Regulations of the Secretary under paragraph (1) shall be designed to prevent the impairment of the capital student loan funds to the maximum extent practicable and with a view toward the objective of enabling the student to complete his course of study.

(4) In the case of a program of study abroad that is approved for credit by the home institution at which a student is enrolled and that has reasonable costs in excess of the home institution's budget, the annual and aggregate loan limits for the student may exceed the amounts described in paragraphs (2)(A) and (2)(B) by 20 percent.

(b) DEMONSTRATION OF NEED AND ELIGIBILITY REQUIRED.—(1) A loan from a student loan fund assisted under this part may be made only to a student who demonstrates financial need in accordance with part F of this title, who meets the requirements of section 484, and who provides the institution with the student's drivers license number, if any, at the time of application for the loan. A student who is in default on a loan under this part shall not be eligible for an additional loan under this part unless such loan meets one of the conditions for exclusion under section 462(g)(1)(E).

(2) If the institution's capital contribution under section 462 is directly or indirectly based in part on the financial need demonstrated by students who are (A) attending the institution less than full time, or (B) independent students, then a reasonable portion of the loans made from the institution's student loan fund containing the contribution shall be made available to such students.

(c) CONTENTS OF LOAN AGREEMENT.—(1) Any agreement between an institution and a student for a loan from a student loan fund assisted under this part—

(A) shall be evidenced by note or other written instrument which, except as provided in paragraph (2), provides for repayment of the principal amount of the loan, together with interest thereon, in equal installments (or, if the borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Secretary) payable quarterly, bimonthly, or monthly, at the option of the institution, over a period beginning nine months after the date on which the student ceases to carry, at an institution of higher education or a comparable institution outside the United States approved for this purpose by the Secretary, at least one-half the normal full-time academic workload, and ending 10 years and 9 months after such date except that such period may begin earlier than 9 months after such date upon the request of the borrower;

(B) shall include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the borrower;

(C)(i) may provide, at the option of the institution, in accordance with regulations of the Secretary, that during the repayment period of the loan, payments of principal and interest by the borrower with respect to all outstanding loans made to the student from a student loan fund assisted under this part shall be at a rate equal to not less than $40 per month, except that the institution may, subject to such regulations, permit a borrower to pay less than $40 per month for a period of not more than one year where necessary to avoid hardship to the borrower, but without extending the 10-year maximum repayment period provided for in subparagraph (A) of this paragraph; and

(ii) may provide that the total payments by a borrower for a monthly or similar payment period with respect to the aggregate of all loans held by the institution may, when the amount of a monthly or other similar payment is not a multiple of $5, be rounded to the next highest whole dollar amount that is a multiple of $5;

(D) shall provide that the loan shall bear interest, on the unpaid balance of the loan, at the rate of 5 percent per year in the case of any loan made on or after October 1, 1981, except that no interest shall accrue (i) prior to the beginning date of repayment determined under paragraph (2)(A)(i), or (ii) during any period in which repayment is suspended by reason of paragraph (2);

(E) shall provide that the loan shall be made without security and without endorsement;

(F) shall provide that the liability to repay the loan shall be cancelled—

(i) upon the death of the borrower;

(ii) if the borrower becomes permanently and totally disabled as determined in accordance with regulations of the Secretary;

(iii) if the borrower is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death, has lasted for a continuous period of not less than 60 months, or can be expected to last for a continuous period of not less than 60 months; or

(iv) if the borrower is determined by the Secretary of Veterans Affairs to be unemployable due to a service-connected disability;

(G) shall provide that no note or evidence of obligation may be assigned by the lender, except upon the transfer of the borrower to another institution participating under this part (or, if not so participating, is eligible to do so and is approved by the Secretary for such purpose), to such institution, and except as necessary to carry out section 463(a)(6);

(H) pursuant to regulations of the Secretary, shall provide for an assessment of a charge with respect to the loan for fail-

ure of the borrower to pay all or part of an installment when due, which shall include the expenses reasonably incurred in attempting collection of the loan, to the extent permitted by the Secretary, except that no charge imposed under this subparagraph shall exceed 20 percent of the amount of the monthly payment of the borrower; and

(I) shall contain a notice of the system of disclosure of information concerning default on such loan to consumer reporting agencies under section 463(c).

(2)(A) No repayment of principal of, or interest on, any loan from a student loan fund assisted under this part shall be required during any period—

(i) during which the borrower—

(I) is pursuing at least a half-time course of study as determined by an eligible institution; or

(II) is pursuing a course of study pursuant to a graduate fellowship program approved by the Secretary, or pursuant to a rehabilitation training program for disabled individuals approved by the Secretary,

except that no borrower shall be eligible for a deferment under this clause, or loan made under this part while serving in a medical internship or residency program;

(ii) not in excess of 3 years during which the borrower is seeking and unable to find full-time employment;

(iii) during which the borrower—

(I) is serving on active duty during a war or other military operation or national emergency; or

(II) is performing qualifying National Guard duty during a war or other military operation or national emergency,

and for the 180-day period following the demobilization date for the service described in subclause (I) or (II);

(iv) not in excess of 3 years for any reason which the lender determines, in accordance with regulations prescribed by the Secretary under section 435(o), has caused or will cause the borrower to have an economic hardship;

(v) during which the borrower is engaged in service described in section 465(a)(2); or

(vi) during which the borrower is receiving treatment for cancer and the 6 months after such period;

and provides that any such period shall not be included in determining the 10-year period described in subparagraph (A) of paragraph (1).

(B) No repayment of principal of, or interest on, any loan for any period described in subparagraph (A) shall begin until 6 months after the completion of such period.

(C) An individual with an outstanding loan balance who meets the eligibility criteria for a deferment described in subparagraph (A) as in effect on the date of enactment of this subparagraph shall be eligible for deferment under this paragraph notwithstanding any contrary provision of the promissory note under which the loan or loans were made, and notwithstanding any amendment (or effec-

tive date provision relating to any amendment) to this section made prior to the date of such deferment.

(3)(A) The Secretary is authorized, when good cause is shown, to extend, in accordance with regulations, the 10-year maximum repayment period provided for in subparagraph (A) of paragraph (1) with respect to individual loans.

(B) Pursuant to uniform criteria established by the Secretary, the repayment period for any student borrower who during the repayment period is a low-income individual may be extended for a period not to exceed 10 years and the repayment schedule may be adjusted to reflect the income of that individual.

(4) The repayment period for a loan made under this part shall begin on the day immediately following the expiration of the period, specified in paragraph (1)(A), after the student ceases to carry the required academic workload, unless the borrower requests and is granted a repayment schedule that provides for repayment to commence at an earlier point in time, and shall exclude any period of authorized deferment, forbearance, or cancellation.

(5) The institution may elect—

(A) to add the amount of any charge imposed under paragraph (1)(H) to the principal amount of the loan as of the first day after the day on which the installment was due and to notify the borrower of the assessment of the charge; or

(B) to make the amount of the charge payable to the institution not later than the due date of the next installment.

(6) Requests for deferment of repayment of loans under this part by students engaged in graduate or post-graduate fellowship-supported study (such as pursuant to a Fulbright grant) outside the United States shall be approved until completion of the period of the fellowship.

(7) There shall be excluded from the 9-month period that begins on the date on which a student ceases to carry at least one-half the normal full-time academic workload (as described in paragraph (1)(A)) any period not to exceed 3 years during which a borrower who is a member of a reserve component of the Armed Forces named in section 10101 of title 10, United States Code, is called or ordered to active duty for a period of more than 30 days (as defined in section 101(d)(2) of such title). Such period of exclusion shall include the period necessary to resume enrollment at the borrower's next available regular enrollment period.

(d) AVAILABILITY OF LOAN FUND TO ALL ELIGIBLE STUDENTS.—An agreement under this part for payment of Federal capital contributions shall include provisions designed to make loans from the student loan fund established pursuant to such agreement reasonably available (to the extent of the available funds in such fund) to all eligible students in such institutions in need thereof.

(e) FORBEARANCE.—(1) The Secretary shall ensure that, as documented in accordance with paragraph (2), an institution of higher education shall grant a borrower forbearance of principal and interest or principal only, renewable at 12-month intervals for a period not to exceed 3 years, on such terms as are otherwise consistent with the regulations issued by the Secretary and agreed upon in writing by the parties to the loan, if—

(A) the borrower's debt burden equals or exceeds 20 percent of such borrower's gross income;

(B) the institution determines that the borrower should qualify for forbearance for other reasons; or

(C) the borrower is eligible for interest payments to be made on such loan for service in the Armed Forces under section 2174 of title 10, United States Code, and, pursuant to that eligibility, the interest on such loan is being paid under subsection (j), except that the form of a forbearance under this paragraph shall be a temporary cessation of all payments on the loan other than payments of interest on the loan that are made under subsection (j).

(2) For the purpose of paragraph (1), the terms of forbearance agreed to by the parties shall be documented by—

(A) confirming the agreement of the borrower by notice to the borrower from the institution of higher education; and

(B) recording the terms in the borrower's file.

(f) SPECIAL REPAYMENT RULE AUTHORITY.—(1) Subject to such restrictions as the Secretary may prescribe to protect the interest of the United States, in order to encourage repayment of loans made under this part which are in default, the Secretary may, in the agreement entered into under this part, authorize an institution of higher education to compromise on the repayment of such defaulted loans in accordance with paragraph (2). The Federal share of the compromise repayment shall bear the same relation to the institution's share of such compromise repayment as the Federal capital contribution to the institution's loan fund under this part bears to the institution's capital contribution to such fund.

(2) No compromise repayment of a defaulted loan as authorized by paragraph (1) may be made unless the student borrower pays—

(A) 90 percent of the loan under this part;

(B) the interest due on such loan; and

(C) any collection fees due on such loan;

in a lump sum payment.

(g) DISCHARGE.—

(1) IN GENERAL.—If a student borrower who received a loan made under this part on or after January 1, 1986, is unable to complete the program in which such student is enrolled due to the closure of the institution, then the Secretary shall discharge the borrower's liability on the loan (including the interest and collection fees) and shall subsequently pursue any claim available to such borrower against the institution and the institution's affiliates and principals, or settle the loan obligation pursuant to the financial responsibility standards described in section 498(c).

(2) ASSIGNMENT.—A borrower whose loan has been discharged pursuant to this subsection shall be deemed to have assigned to the United States the right to a loan refund in an amount that does not exceed the amount discharged against the institution and the institution's affiliates and principals.

(3) ELIGIBILITY FOR ADDITIONAL ASSISTANCE.—The period during which a student was unable to complete a course of study due to the closing of the institution shall not be consid-

ered for purposes of calculating the student's period of eligibility for additional assistance under this title.

(4) SPECIAL RULE.—A borrower whose loan has been discharged pursuant to this subsection shall not be precluded, because of that discharge, from receiving additional grant, loan, or work assistance under this title for which the borrower would be otherwise eligible (but for the default on the discharged loan). The amount discharged under this subsection shall be treated as an amount canceled under section 465(a).

(5) REPORTING.—The Secretary or institution, as the case may be, shall report to consumer reporting agencies with respect to loans that have been discharged pursuant to this subsection.

(h) REHABILITATION OF LOANS.—

(1) REHABILITATION.—

(A) IN GENERAL.—If the borrower of a loan made under this part who has defaulted on the loan makes 9 ontime, consecutive, monthly payments of amounts owed on the loan, as determined by the institution, or by the Secretary in the case of a loan held by the Secretary, the loan shall be considered rehabilitated, and the institution that made that loan (or the Secretary, in the case of a loan held by the Secretary) shall request that any consumer reporting agency to which the default was reported remove the default from the borrower's credit history.

(B) COMPARABLE CONDITIONS.—As long as the borrower continues to make scheduled repayments on a loan rehabilitated under this paragraph, the rehabilitated loan shall be subject to the same terms and conditions, and qualify for the same benefits and privileges, as other loans made under this part.

(C) ADDITIONAL ASSISTANCE.—The borrower of a rehabilitated loan shall not be precluded by section 484 from receiving additional grant, loan, or work assistance under this title (for which the borrower is otherwise eligible) on the basis of defaulting on the loan prior to such rehabilitation.

(D) LIMITATIONS.—A borrower only [once] *twice* may obtain the benefit of this paragraph with respect to rehabilitating a loan under this part.

(2) RESTORATION OF ELIGIBILITY.—If the borrower of a loan made under this part who has defaulted on that loan makes 6 ontime, consecutive, monthly payments of amounts owed on such loan, the borrower's eligibility for grant, loan, or work assistance under this title shall be restored to the extent that the borrower is otherwise eligible. A borrower only once may obtain the benefit of this paragraph with respect to restored eligibility.

(i) INCENTIVE REPAYMENT PROGRAM.—

(1) IN GENERAL.—Each institution of higher education may establish, with the approval of the Secretary, an incentive repayment program designed to reduce default and to replenish

student loan funds established under this part. Each such incentive repayment program may—

(A) offer a reduction of the interest rate on a loan on which the borrower has made 48 consecutive, monthly repayments, but in no event may the rate be reduced by more than 1 percent;

(B) provide for a discount on the balance owed on a loan on which the borrower pays the principal and interest in full prior to the end of the applicable repayment period, but in no event may the discount exceed 5 percent of the unpaid principal balance due on the loan at the time the early repayment is made; and

(C) include such other incentive repayment options as the institution determines will carry out the objectives of this subsection.

(2) LIMITATION.—No incentive repayment option under an incentive repayment program authorized by this subsection may be paid for with Federal funds, including any Federal funds from the student loan fund, or with institutional funds from the student loan fund.

(j) ARMED FORCES AND NOAA COMMISSIONED OFFICER CORPS STUDENT LOAN INTEREST PAYMENT PROGRAMS.—

(1) AUTHORITY.—Using funds received by transfer to the Secretary under section 2174 of title 10, United States Code, or section 268 of the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002 for the payment of interest on a loan made under this part to a member of the Armed Forces or an officer in the commissioned officer corps of the National Oceanic and Atmospheric Administration, respectively, the Secretary shall pay the interest on the loan as due for a period not in excess of 36 consecutive months. The Secretary may not pay interest on such a loan out of any funds other than funds that have been so transferred.

(2) FORBEARANCE.—During the period in which the Secretary is making payments on a loan under paragraph (1), the institution of higher education shall grant the borrower forbearance in accordance with subsection (e)(1)(C).

(k) The Secretary may develop such additional safeguards as the Secretary determines necessary to prevent fraud and abuse in the cancellation of liability under subsection (c)(1)(F). Notwithstanding subsection (c)(1)(F), the Secretary may promulgate regulations to resume collection on loans cancelled under subsection (c)(1)(F) in any case in which—

(1) a borrower received a cancellation of liability under subsection (c)(1)(F) and after the cancellation the borrower—

(A) receives a loan made, insured, or guaranteed under this title; or

(B) has earned income in excess of the poverty line; or

(2) the Secretary determines necessary.

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PART F—NEED ANALYSIS

SEC. 471. AMOUNT OF NEED.

Except as otherwise provided therein, for award year 2024–2025 and each subsequent award year, the amount of need of any student for financial assistance under this title (except subpart 1 or 2 of part A) is equal to—

[(1) the cost of attendance of such student, minus]

(1)(A) for award year 2025–2026, the cost of attendance of such student; or

(B) for award year 2026–2027, and each subsequent award year, the median cost of college of the program of study of such student, minus

(2) the student aid index (as defined in section 473) for such student, minus

(3) other financial assistance not received under this title (as defined in section 480(i)).

SEC. 472. COST OF ATTENDANCE.

(a) IN GENERAL.—For the purpose of this title, the term "cost of attendance" means—

(1) tuition and fees normally assessed a student [carrying the same academic workload] *enrolled in the same program of study* as determined by the institution;

(2) an allowance for books, course materials, supplies, and equipment, which shall include all such costs required of all such students in the [same course of study] *same program of study*, including a reasonable allowance for the documented rental or upfront purchase of a personal computer, as determined by the institution;

(3) an allowance for transportation, which may include transportation between campus, residences, and place of work, as determined by the institution;

(4) an allowance for miscellaneous personal expenses, for a student attending the institution on at least a half-time basis, as determined by the institution;

(5) an allowance for living expenses, including food and housing costs, to be incurred by the student attending the institution on at least a half-time basis, as determined by the institution, which shall include—

(A) for a student electing institutionally owned or operated food services, such as board or meal plans, a standard allowance for such services that provides the equivalent of three meals each day;

(B) for a student not electing institutionally owned or operated food services, such as board or meal plans, a standard allowance for purchasing food off campus that provides the equivalent of three meals each day;

(C) for a student without dependents residing in institutionally owned or operated housing, a standard allowance determined by the institution based on the average or median amount assessed to such residents for housing charges, whichever is greater;

(D) for a student with dependents residing in institutionally owned or operated housing, a standard allowance determined by the institution based on the average or median amount assessed to such residents for housing charges, whichever is greater;

(E) for a student living off campus, and not in institutionally owned or operated housing, a standard allowance for rent or other housing costs;

(F) for a dependent student residing at home with parents, a standard allowance that shall not be zero determined by the institution;

(G) for a student living in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, a standard allowance for food based upon such student's choice of purchasing food on-campus or off-campus (determined respectively in accordance with subparagraph (A) or (B)), but not for housing costs; and

(H) for all other students, an allowance based on the expenses reasonably incurred by such students for housing and food;

(6) for a student engaged in a program of study by correspondence, only tuition and fees and, if required, books and supplies, travel, and housing and food costs incurred specifically in fulfilling a required period of residential training;

(7) for a confined or incarcerated student, only tuition, fees, books, course materials, supplies, equipment, and the cost of obtaining a license, certification, or a first professional credential in accordance with paragraph (14);

(8) for a student enrolled in an academic program in a program of study abroad approved for credit by the student's home institution, reasonable costs associated with such study (as determined by the institution at which such student is enrolled);

(9) for a student with one or more dependents, an allowance based on the estimated actual expenses incurred for such dependent care, based on the number and age of such dependents, except that—

(A) such allowance shall not exceed the reasonable cost in the community in which such student resides for the kind of care provided; and

(B) the period for which dependent care is required includes, but is not limited to, class-time, study-time, field work, internships, and commuting time;

(10) for a student with a disability, an allowance (as determined by the institution) for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies;

(11) for a student receiving all or part of the student's instruction by means of telecommunications technology, no distinction shall be made with respect to the mode of instruction in determining costs;

(12) for a student engaged in a work experience under a cooperative education program, an allowance for reasonable costs associated with such employment (as determined by the institution);

(13) for a student who receives a Federal student loan made under this title or any other Federal law, to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, origination fee, or insurance premium charged to such student or the parent of such student on such loan, or the average cost of any such fee or premium, as applicable; and

(14) for a student in a [program] *program of study* requiring professional licensure, certification, or a first professional credential, the cost of obtaining the license, certification, or a first professional credential.

(b) SPECIAL RULE FOR LIVING EXPENSES FOR LESS-THAN-HALF-TIME STUDENTS.—For students attending an institution of higher education less than half-time, an institution of higher education may include an allowance for living expenses, including food and housing costs in accordance with subsection (a)(4) for up to three semesters, or the equivalent, with no more than two semesters being consecutive.

(c) DISCLOSURE OF COST OF ATTENDANCE ELEMENTS.—Each institution shall make publicly available on the institution's website a list of all the elements of cost of attendance *of each program of study at the institution* described in paragraphs (1) through (14) of subsection (a), and shall disclose such elements on any portion of the website describing tuition and fees [of the institution] *of such programs of study at the institution*.

SEC. 472A. DETERMINATION OF MEDIAN COST OF COLLEGE.

(a) IN GENERAL.—For the purpose of this title, the term "median cost of college", when used with respect to a program of study, offered by one or more institutions of higher education for an award year, means the median of the cost of attendance of the program of study (as determined under section 472) across all institutions of higher education offering such a program of study for the preceding award year.

(b) PROGRAM OF STUDY DEFINED.—In this section and section 472, and part D:

(1) IN GENERAL.—The term "program of study"—

(A) means an eligible program at an institution of higher education that is classified by a combination of—

(i) one or more CIP codes; and

(ii) one credential level, determined by the credential awarded upon completion of the program; and

(B) does not include a program of study abroad.

(2) CIP CODE.—The term "CIP code" means the six-digit taxonomic identification code assigned by an institution of higher education to a specific program of study at the institution, determined by the institution of higher education in accordance with the Classification of Instructional Programs published by the National Center for Education Statistics.

(3) CREDENTIAL LEVEL.—

(A) IN GENERAL.—The term 'credential level' means the level of the degree or other credential awarded by an institution of higher education to students who complete a program of study of the institution. Each degree or other credential awarded by an institution shall be categorized by the institution as either undergraduate credential level or graduate credential level.

(B) UNDERGRADUATE CREDENTIAL.—When used with respect to a credential or credential level, the term 'undergraduate credential' includes credentials such as an undergraduate certificate, an associate degree, a bachelor's degree, and a post-baccalaureate certificate (including the coursework specified in paragraphs (3)(B) and (4)(B) of section 484(b)).

(C) GRADUATE CREDENTIAL.—When used with respect to a credential or credential level, the term 'graduate credential' includes credentials such as a master's degree, a doctoral degree, a professional degree, and a postgraduate certificate.

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SEC. 479A. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

(a) IN GENERAL.—

(1) AUTHORITY OF FINANCIAL AID ADMINISTRATORS.—A financial aid administrator shall have the authority to, on the basis of adequate documentation, make adjustments to any or all of the following on a case-by-case basis:

(A) For an applicant with special circumstances under subsection (b) to—

(i) the cost of attendance;

(ii) the values of the data used to calculate the student aid index; or

(iii) the values of the data used to calculate the Federal Pell Grant award.

(B) For an applicant with unusual circumstances under subsection (c), to the dependency status of such applicant.

(2) LIMITATIONS ON AUTHORITY.—

(A) USE OF AUTHORITY.—No institution of higher education or financial aid administrator shall maintain a policy of denying all requests for adjustments under this section.

(B) NO ADDITIONAL FEE.—No student or parent shall be charged a fee for a documented interview of the student by the financial aid administrator or for the review of a student or parent's request for adjustments under this section including the review of any supplementary information or documentation of a student or parent's special circumstances or a student's unusual circumstances.

(C) RULE OF CONSTRUCTION.—The authority to make adjustments under paragraph (1)(A) shall not be construed

to permit financial aid administrators to deviate from the cost of attendance, the values of data used to calculate the student aid index or the values of data used to calculate the Federal Pell Grant award (or both) for awarding aid under this title in the absence of special circumstances.

(3) ADEQUATE DOCUMENTATION.—Adequate documentation for adjustments under this section must substantiate the special circumstances or unusual circumstances of an individual student, and may include, to the extent relevant and appropriate—

(A) a documented interview between the student and the financial aid administrator;

(B) for the purposes of determining that a student qualifies for an adjustment under paragraph (1)(B)—

(i) submission of a court order or official Federal or State documentation that the student or the student's parents or legal guardians are incarcerated in any Federal or State penal institution;

(ii) a documented phone call or a written statement, which confirms the specific unusual circumstances with—

(I) a child welfare agency authorized by a State or county;

(II) a Tribal welfare authority or agency;

(III) an independent living case worker, such as a case worker who supports current and former foster youth with the transition to adulthood; or

(IV) a public or private agency, facility, or program servicing the victims of abuse, neglect, assault, or violence, which may include domestic violence;

(iii) a documented phone call or a written statement from an attorney, a guardian ad litem, or a court-appointed special advocate, or a person serving in a similar capacity which confirms the specific unusual circumstances and documents the person's relationship to the student;

(iv) a documented phone call or written statement from a representative under chapter 1 or 2 of subpart 2 of part A, which confirms the specific unusual circumstances and documents the representative's relationship to the student;

(v) documents, such as utility bills or health insurance documentation, that demonstrate a separation from parents or legal guardians; and

(vi) in the absence of documentation described in this subparagraph, other documentation the financial aid administrator determines is adequate to confirm the unusual circumstances, pursuant to section 480(d)(9); and

(C) supplementary information, as necessary, about the financial status or personal circumstances of eligible applicants as it relates to the special circumstances or un-

usual circumstances based on which the applicant is requesting an adjustment.

(4) SPECIAL RULE.—In making adjustments under paragraph (1), a financial aid administrator may offer a dependent student financial assistance under a Federal Direct Unsubsidized Stafford Loan without requiring the parents of such student to provide their parent information on the Free Application for Federal Student Aid if the student does not qualify for, or does not choose to use, the unusual circumstance option described in section 480(d)(9), and the financial aid administrator determines that the parents of such student ended financial support of such student or refuse to file such form.

(5) PUBLIC DISCLOSURE.—Each institution of higher education shall make publicly available information that students applying for aid under this title have the opportunity to pursue adjustments under this section.

(b) ADJUSTMENTS FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.—

(1) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO PELL GRANTS.—Special circumstances for adjustments to calculate a Federal Pell Grant award—

(A) shall be conditions that differentiate an individual student from a group of students rather than conditions that exist across a group of students; and

(B) may include—

(i) recent unemployment of a family member or student;

(ii) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

(iii) a change in housing status that results in an individual being a homeless youth;

(iv) an unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses;

[(v) receipt of foreign income of permanent residents or United States citizens exempt from Federal taxation, or the foreign income for which a permanent resident or citizen received a foreign tax credit;**]**

[(vi)**]** *(v)* in the case of an applicant who does not qualify for the exemption from asset reporting under section 479, assets as defined in section 480(f); or

[(vii)**]** *(vi)* other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

(2) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO COST OF ATTENDANCE AND STUDENT AID INDEX.—Special circumstances for adjustments to the cost of attendance or the values of the data used to calculate the student aid index—

(A) shall be conditions that differentiate an individual student from a group of students rather than conditions

that exist across a group of students, except as provided in sections 479B and 479C; and

(B) may include—

(i) tuition expenses at an elementary school or secondary school;

(ii) medical, dental, or nursing home expenses not covered by insurance;

(iii) child care or dependent care costs not covered by the dependent care cost allowance calculated in accordance with section 472;

(iv) recent unemployment of a family member or student;

(v) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

(vi) the existence of additional family members enrolled in a degree, certificate, or other program leading to a recognized educational credential at an institution with a program participation agreement under section 487;

(vii) a change in housing status that results in an individual being a homeless youth;

(viii) a condition of severe disability of the student, or in the case of a dependent student, the dependent student's parent or guardian, or in the case of an independent student, the independent student's dependent or spouse;

(ix) unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses; or

(x) other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

(c) UNUSUAL CIRCUMSTANCES ADJUSTMENTS.—

(1) IN GENERAL.—Unusual circumstances for adjustments to the dependency status of an applicant shall be—

(A) conditions that differentiate an individual student from a group of students; and

(B) based on unusual circumstances, pursuant to section 480(d)(9).

(2) PROVISIONAL INDEPENDENT STUDENTS.—

(A) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

(i) enable each student who, based on an unusual circumstance described in section 480(d)(9), may qualify for an adjustment under subsection (a)(1)(B) that will result in a determination of independence under this section or section 479D to complete the Free Application for Federal Student Aid as an independent student for the purpose of a provisional determination of the student's Federal financial aid award, with the

final determination of the award subject to the documentation requirements of subsection (a)(3);

(ii) upon completion of the Free Application for Federal Student Aid provide an estimate of the student's Federal Pell Grant award, and other information as specified in section 483(a)(3)(A), based on the assumption that the student is determined to be an independent student; and

(iii) specify, on the Free Application for Federal Student Aid, the consequences under section 490(a) of knowingly and willfully completing the Free Application for Federal Student Aid as an independent student under clause (i) without meeting the unusual circumstances to qualify for such a determination.

(B) REQUIREMENTS FOR FINANCIAL AID ADMINISTRATORS.—With respect to a student accepted for admission who completes the Free Application for Federal Student Aid as an independent student under subparagraph (A), a financial aid administrator shall—

(i) notify the student of the institutional process, requirements, and timeline for an adjustment under this section and section 480(d)(9) that will result in a review of the student's request for an adjustment and a determination of the student's dependency status under such sections within a reasonable time after the student completes the Free Application for Federal Student Aid;

(ii) provide the student a final determination of the student's dependency status and Federal financial aid award as soon as practicable after all requested documentation is provided;

(iii) retain all documents related to the adjustment under this section and section 480(d)(9), including documented interviews, for at least the duration of the student's enrollment, and shall abide by all other record keeping requirements of this Act; and

(iv) presume that any student who has obtained an adjustment under this section and section 480(d)(9) and a final determination of independence for any preceding award year at an institution of higher education to be independent for each subsequent award year at the same institution unless—

(I) the student informs the institution that circumstances have changed; or

(II) the institution has specific conflicting information about the student's independence.

(C) ELIGIBILITY.—If a student pursues provisional independent student status and is not determined to be an independent student by a financial aid administrator, such student shall only be eligible for a Federal Direct Unsubsidized Stafford Loan for that award year unless such student subsequently completes the Free Application for Federal Student Aid as a dependent student.

(d) ADJUSTMENTS TO ASSETS OR INCOME TAKEN INTO ACCOUNT.—A financial aid administrator shall be considered to be making a necessary adjustment in accordance with this section if—

(1) the administrator makes adjustments excluding from family income or assets any proceeds or losses from a sale of farm or business assets of a family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or a voluntary or involuntary liquidation; or

(2) the administrator makes adjustments for a condition of disability of a student, or in the case of a dependent student, the dependent student's parent or guardian, or in the case of an independent student, the independent student's dependent or spouse, so as to take into consideration the additional costs incurred as a result of such disability.

(e) REFUSAL OR ADJUSTMENT OF LOAN CERTIFICATIONS.—On a case-by-case basis, an eligible institution may refuse to use the authority provided under this section, certify a statement that permits a student to receive a loan under part D, certify a loan amount, or make a loan that is less than the student's determination of need (as determined under this part), if the reason for the action is documented and provided in writing to the student. No eligible institution shall discriminate against any borrower or applicant in obtaining a loan on the basis of race, ethnicity, national origin, religion, sex, marital status, age, or disability status.

(f) SPECIAL RULE REGARDING PROFESSIONAL JUDGMENT DURING A DISASTER, EMERGENCY, OR ECONOMIC DOWNTURN.—

(1) IN GENERAL.—For the purposes of making a professional judgment under this section, financial aid administrators may, during a qualifying emergency—

(A) determine that the income earned from work for an applicant is zero, if the applicant can provide paper or electronic documentation of receipt of unemployment benefits or confirmation that an application for unemployment benefits was submitted; and

(B) make additional appropriate adjustments to the income earned from work for a student, parent, or spouse, as applicable, based on the totality of the family's situation, including consideration of unemployment benefits.

(2) DOCUMENTATION.—For the purposes of documenting unemployment under paragraph (1), documentation shall be accepted if such documentation is submitted not more than 90 days from the date on which such documentation was issued, except if a financial aid administrator knows that the student, parent, or spouse, as applicable, has already obtained other employment.

(3) PROGRAM REVIEWS.—The Secretary shall make adjustments to the model used to select institutions of higher education participating under this title for program reviews in order to account for any rise in the use of professional judgment under this section during the award years applicable to the qualifying emergency, as determined by the Secretary.

(4) QUALIFYING EMERGENCY.—In this subsection, the term "qualifying emergency" means—

(A) an event for which the President declared a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191);

(B) a national emergency related to the coronavirus declared by the President under section 201 of the National Emergencies Act (50 U.S.C. 1601 et seq.); or

(C) a period of recession or economic downturn as determined by the Secretary, in consultation with the Secretary of Labor.

* * * * * * *

SEC. 480. DEFINITIONS.

In this part:

(a) TOTAL INCOME.—The term "total income" means the amount equal to adjusted gross income for the second preceding tax year plus untaxed income and benefits for the second preceding tax year minus excludable income for the second preceding tax year. The factors used to determine total income shall be derived from the Federal income tax return, if available, except for the applicant's ability to indicate a qualified rollover in the second preceding tax year as outlined in section 483 or foreign income described in subsection (b)(5).

(b) UNTAXED INCOME AND BENEFITS.—The term "untaxed income and benefits" means—

(1) deductions and payments to self-employed SEP, SIMPLE, Keogh, and other qualified individual retirement accounts excluded from income for Federal tax purposes, except such term shall not include payments made to tax-deferred pension and retirement plans, paid directly or withheld from earnings, that are not delineated on the Federal tax return;

(2) tax-exempt interest income;

(3) untaxed portion of individual retirement account distributions;

(4) untaxed portion of pensions; and

(5) foreign income of permanent residents of the United States or United States citizens exempt from Federal taxation, or the foreign income for which such a permanent resident or citizen receives a foreign tax credit.

(c) VETERANS AND VETERANS' EDUCATION BENEFITS.—(1) The term "veteran" has the meaning given the term in section 101(2) of title 38, United States Code, and includes individuals who served in the United States Armed Forces as described in sections 101(21), 101(22), and 101(23) of title 38, United States Code.

(2) The term "veterans" education benefits' means veterans' benefits under the following provisions of law:

(A) Chapter 103 of title 10, United States Code (Senior Reserve Officers' Training Corps).

(B) Chapter 106A of title 10, United States Code (Educational Assistance for Persons Enlisting for Active Duty).

(C) Chapter 1606 of title 10, United States Code (Selected Reserve Educational Assistance Program).

(D) Chapter 1607 of title 10, United States Code (Educational Assistance Program for Reserve Component Members Supporting Contingency Operations and Certain Other Operations).

(E) Chapter 30 of title 38, United States Code (All-Volunteer Force Educational Assistance Program, also known as the "Montgomery GI Bill—active duty").

(F) Chapter 31 of title 38, United States Code (Training and Rehabilitation for Veterans with Service-Connected Disabilities).

(G) Chapter 32 of title 38, United States Code (Post-Vietnam Era Veterans' Educational Assistance Program).

(H) Chapter 33 of title 38, United States Code (Post-9/11 Educational Assistance).

(I) Chapter 35 of title 38, United States Code (Survivors' and Dependents' Educational Assistance Program).

(J) Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note) (Educational Assistance Pilot Program).

(K) Section 156(b) of the "Joint Resolution making further continuing appropriations and providing for productive employment for the fiscal year 1983, and for other purposes" (42 U.S.C. 402 note) (Restored Entitlement Program for Survivors, also known as "Quayle benefits").

(L) The provisions of chapter 3 of title 37, United States Code, related to subsistence allowances for members of the Reserve Officers Training Corps.

(d) INDEPENDENT STUDENTS AND DETERMINATIONS.—The term "independent", when used with respect to a student, means any individual who—

(1) is 24 years of age or older by December 31 of the award year;

(2) is, or was at any time when the individual was 13 years of age or older—

(A) an orphan;

(B) a ward of the court; or

(C) in foster care;

(3) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;

(4) is a veteran of the Armed Forces of the United States (as defined in subsection (c)) or is currently serving on active duty in the Armed Forces for other than training purposes;

(5) is a graduate or professional student;

(6) is married and not separated;

(7) has legal dependents other than a spouse;

(8) is an unaccompanied homeless youth or is unaccompanied, at risk of homelessness, and self-supporting, without regard to such individual's age; and

(9) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances pursuant to section 479A(c) in

which the student is unable to contact a parent or where contact with parents poses a risk to such student, which includes circumstances of—

(A) human trafficking, as described in the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(B) legally granted refugee or asylum status;

(C) parental abandonment or estrangement; or

(D) student or parental incarceration.

(e) EXCLUDABLE INCOME.—The term "excludable income" means—

(1) an amount equal to the education credits described in paragraphs (1) and (2) of section 25A(a) of the Internal Revenue Code of 1986;

(2) if an applicant elects to report it, college grant and scholarship aid included in gross income on a Federal tax return, including amounts attributable to grant and scholarship portions of fellowships and assistantships and any national service educational award or post-service benefit received by an individual under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), including awards, living allowances, and interest accrual payments; and

(3) income earned from work under part C of this title.

(f) ASSETS.—

(1) IN GENERAL.—The term "assets" means the amount in checking and savings accounts, time deposits, money market funds, investments, trusts, stocks, bonds, derivatives, securities, mutual funds, tax shelters, qualified education benefits (except as provided in paragraph (3)), the annual amount of child support received and the net value of real estate, vacation homes, income producing property, and business and farm assets, determined in accordance with section 478(c).

(2) EXCLUSIONS.—With respect to determinations of need under this title, the term "assets" shall not include the [net value of the] *net value of—*

(A) the family's principal place of residence[.]*;*

(B) a family farm on which the family resides; or

(C) a small business with not more than 100 full-time or full-time equivalent employees (or any part of such a small business) that is owned and controlled by the family.

(3) CONSIDERATION OF QUALIFIED EDUCATION BENEFIT.—A qualified education benefit shall be considered an asset of—

(A) the student if the student is an independent student; or

(B) the parent if the student is a dependent student and the account is designated for the student, regardless of whether the owner of the account is the student or the parent.

(4) DEFINITION OF QUALIFIED EDUCATION BENEFIT.—In this subsection, the term "qualified education benefit" means—

(A) a qualified tuition program (as defined in section 529(b)(1)(A) of the Internal Revenue Code of 1986) or other prepaid tuition plan offered by a State; and

(B) a Coverdell education savings account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986).

(g) NET VALUE.—The term "net value" means the market value at the time of application of the assets (as defined in subsection (f)), minus the outstanding liabilities or indebtedness against the assets.

(h) TREATMENT OF INCOME TAXES PAID TO OTHER JURISDICTIONS.—

(1) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

(2) References in this part to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may provide by regulation.

(i) OTHER FINANCIAL ASSISTANCE.—

(1) For purposes of determining a student's eligibility for funds under this title, other financial assistance not received under this title shall include all scholarships, grants, loans, or other assistance known to the institution at the time the determination of the student's need is made, including national service educational awards or post-service benefits under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.), but excluding veterans' education benefits.

(2) Notwithstanding paragraph (1), a tax credit taken under section 25A of the Internal Revenue Code of 1986, or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code, shall not be treated as other financial assistance for purposes of section 471(a)(3).

(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both other financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either other financial assistance or cost of attendance, it shall be excluded from both.

(4) Notwithstanding paragraph (1), payments made and services provided under part E of title IV of the Social Security Act to or on behalf of any child or youth over whom the State agency has responsibility for placement, care, or supervision, including the value of vouchers for education and training and amounts expended for room and board for youth who are not

in foster care but are receiving services under section 477 of such Act, shall not be treated as other financial assistance for purposes of section 471(a)(3).

(5) Notwithstanding paragraph (1), emergency financial assistance provided to the student for unexpected expenses that are a component of the student's cost of attendance, and not otherwise considered when the determination of the student's need is made, shall not be treated as other financial assistance for purposes of section 471(a)(3).

(j) DEPENDENTS.—

(1) Except as otherwise provided, the term "dependent of the parent" means the student who is deemed to be a dependent student when applying for aid under this title, and any other person who lives with and receives more than one-half of their support from the parent (or parents) and will continue to receive more than half of their support from the parent (or parents) during the award year.

(2) Except as otherwise provided, the term "dependent of the student" means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

(k) FAMILY SIZE.—

(1) DEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of a dependent student—

(A) if the parents are not divorced or separated, family members include the student's parents, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of the student's parents for the taxable year used in determining the amount of need of the student for financial assistance under this title;

(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of that parent for the taxable year used in determining the amount of need of the student for financial assistance under this title;

(C) if the parents are divorced and the parents whose income is so included are remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in subparagraph (B), the new spouse and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of the new spouse for the taxable year used in deter-

mining the amount of need of the student for financial assistance under this title, if that spouse's income is included in determining the parent's adjusted available income; and

(D) if the student is not considered as a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of any parent, the parents' family size shall include the student and the family members applicable to the parents' situation under subparagraph (A), (B), or (C).

(2) INDEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of an independent student—

(A) family members include the student, the student's spouse, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this title; and

(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 24 of the Internal Revenue Code of 1986) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this title.

(3) PROCEDURES AND MODIFICATION.—The Secretary shall provide procedures for determining family size in cases in which information for the taxable year used in determining the amount of need of the student for financial assistance under this title has changed or does not accurately reflect the applicant's current household size, including when a divorce settlement only allows a parent to file for the Earned Income Tax Credit available under section 32 of the Internal Revenue Code of 1986.

(l) BUSINESS ASSETS.—The term "business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.

(m) HOMELESS YOUTH.—The term "homeless youth" has the meaning given the term "homeless children and youths" in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(n) UNACCOMPANIED.—The terms "unaccompanied", "unaccompanied youth", or "unaccompanied homeless youth" have the meaning given the term "unaccompanied youth" in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

PART G—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS

SEC. 481. DEFINITIONS.

(a) ACADEMIC AND AWARD YEAR.—(1) For the purpose of any program under this title, the term "award year" shall be defined as the period beginning July 1 and ending June 30 of the following year.

(2)(A) For the purpose of any program under this title, the term "academic year" shall—

(i) require a minimum of 30 weeks of instructional time for a course of study that measures its program length in credit hours; or

(ii) require a minimum of 26 weeks of instructional time for a course of study that measures its program length in clock hours; and

(iii) require an undergraduate course of study to contain an amount of instructional time whereby a full-time student is expected to complete at least—

(I) 24 semester or trimester hours or 36 quarter credit hours in a course of study that measures its program length in credit hours; or

(II) 900 clock hours in a course of study that measures its program length in clock hours.

(B) The Secretary may reduce such minimum of 30 weeks to not less than 26 weeks for good cause, as determined by the Secretary on a case-by-case basis, in the case of an institution of higher education that provides a 2-year or 4-year program of instruction for which the institution awards an associate or baccalaureate degree and that measures program length in credit hours or clock hours.

(b) ELIGIBLE PROGRAM.—(1) For purposes of this title, the term "eligible program" means a program of at least—

(A) 600 clock hours of instruction, 16 semester hours, or 24 quarter hours, offered during a minimum of 15 weeks, in the case of a program that—

(i) provides a program of training to prepare students for [gainful employment in] a recognized profession; and

(ii) admits students who have not completed the equivalent of an associate degree; or

(B) 300 clock hours of instruction, 8 semester hours, or 12 hours, offered during a minimum of 10 weeks, in the case of—

(i) an undergraduate program that requires the equivalent of an associate degree for admissions; or

(ii) a graduate or professional program.

(2)(A) A program is an eligible program for purposes of part B of this title if it is a program of at least 300 clock hours of instruction, but less than 600 clock hours of instruction, offered during a minimum of 10 weeks, that—

(i) has a verified completion rate of at least 70 percent, as determined in accordance with the regulations of the Secretary;

(ii) has a verified placement rate of at least 70 percent, as determined in accordance with the regulations of the Secretary; and

(iii) satisfies such further criteria as the Secretary may prescribe by regulation.

(B) In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to have satisfied the requirements of this paragraph.

(3)(A) A program is an eligible program for purposes of the Workforce Pell Grant program under section 401(k) only if—

(i) it is a program of at least 150 clock hours of instruction, but less than 600 clock hours of instruction, or an equivalent number of credit hours, offered by an eligible institution during a minimum of 8 weeks, but less than 15 weeks;

(ii) it is not offered as a correspondence course, as defined in 600.2 of title 34, Code of Federal Regulations (as in effect on September 20, 2020);

(iii) the Governor of a State, after consultation with the State board, makes a determination that the program—

(I) provides an education aligned with the requirements of high-skill, high-wage (as identified by the State pursuant to section 122 of the Carl D. Perkins Career and Technical Education Act (20 U.S.C. 2342)), or in-demand industry sectors or occupations;

(II) meets the hiring requirements of potential employers in the sectors or occupations described in subclause (I);

(III) either—

(aa) leads to a recognized postsecondary credential that is stackable and portable across more than one employer; or

(bb) with respect to students enrolled in the program—

(AA) prepares such students for employment in an occupation for which there is only one recognized postsecondary credential; and

(BB) provides such students with such a credential upon completion of such program; and

(IV) prepares students to pursue 1 or more certificate or degree programs at 1 or more institutions of higher education (which may include the eligible institution providing the program), including by ensuring—

(aa) that a student, upon completion of the program and enrollment in such a related certificate or degree program, will receive academic credit for the program that will be accepted toward meeting such certificate or degree program requirements; and

(bb) the acceptability of such credit toward meeting such certificate or degree program requirements; and

(iv) after the Governor of such State makes the determination that the program meets the requirements under clause (iii), the Secretary determines that—

(I) the program has been offered by the eligible institution for not less than 1 year prior to the date on which the Secretary makes a determination under this clause;

(II) for each award year, the program has a verified completion rate of at least 70 percent, within 150 percent of the normal time for completion;

(III) for each award year, the program has a verified job placement rate of at least 70 percent, measured 180 days after completion; and

(IV) for each award year, the median value-added earnings (as defined in section 420W) of students who completed such program for the most recent year for which data is available exceeds the median total price (as defined in section 454(d)(3)(D)) charged to students in such award year.

(B) In this paragraph:

(i) The term "eligible institution" means an institution of higher education (as defined in section 102), or any other entity that has entered into a program participation agreement with the Secretary under section 487(a) (without regard to whether that entity is accredited by a national recognized accrediting agency or association), which has not been subject, during any of the preceding 3 years, to—

(I) any suspension, emergency action, or termination under this title;

(II) in the case of an institution of higher education, any adverse action by the institution's accrediting agency or association that revokes or denies accreditation for the institution of higher education; or

(III) any final action by the State in which the institution or other entity holds its legal domicile, authorization, or accreditation that revokes the institution's or entity's license or other authority to operate in such State.

(ii) The term "Governor" means the chief executive of a State.

(iii) The terms "industry or sector partnership", "in-demand industry sector or occupation", "recognized postsecondary credential", and "State board" have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act.

[(3)**]** *(4)* An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for the purposes of this title if the program is offered by an institution, other than a foreign institution, that has been evaluated and determined (before or after the date of enactment of the Higher Education Reconciliation Act of 2005) to have the capability to effectively deliver distance education programs by an accrediting agency or association that—

(A) is recognized by the Secretary under subpart 2 of part H; and

(B) has evaluation of distance education programs within the scope of its recognition, as described in section 496(n)(3).

[(4)**]** *(5)* For purposes of this title, the term "eligible program" includes an instructional program that, in lieu of credit hours or

clock hours as the measure of student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, if such assessment is consistent with the accreditation of the institution or program utilizing the results of the assessment. In the case of a program being determined eligible for the first time under this paragraph, such determination shall be made by the Secretary before such program is considered to be an eligible program.

(c) THIRD PARTY SERVICER.—For purposes of this title, the term "third party servicer" means any individual, any State, or any private, for-profit or nonprofit organization, which enters into a contract with—

(1) any eligible institution of higher education to administer, through either manual or automated processing, any aspect of such institution's student assistance programs under this title; or

(2) any guaranty agency, or any eligible lender, to administer, through either manual or automated processing, any aspect of such guaranty agency's or lender's student loan programs under part B of this title, including originating, guaranteeing, monitoring, processing, servicing, or collecting loans.

(d) DEFINITIONS FOR MILITARY DEFERMENTS.—For purposes of parts B, D, and E of this title:

(1) ACTIVE DUTY.—The term "active duty" has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) MILITARY OPERATION.—The term "military operation" means a contingency operation as such term is defined in section 101(a)(13) of title 10, United States Code.

(3) NATIONAL EMERGENCY.—The term "national emergency" means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

(4) SERVING ON ACTIVE DUTY.—The term "serving on active duty during a war or other military operation or national emergency" means service by an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with a war or other military operation or national emergency, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

(5) QUALIFYING NATIONAL GUARD DUTY.—The term "qualifying National Guard duty during a war or other military oper-

ation or national emergency" means service as a member of the National Guard on full-time National Guard duty (as defined in section 101(d)(5) of title 10, United States Code) under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, in connection with a war, other military operation, or a national emergency declared by the President and supported by Federal funds.

(e) CONSUMER REPORTING AGENCY.—For purposes of this title, the term "consumer reporting agency" has the meaning given the term "consumer reporting agency that compiles and maintains files on consumers on a nationwide basis" in Section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(f) DEFINITION OF EDUCATIONAL SERVICE AGENCY.—For purposes of parts B, D, and E, the term "educational service agency" has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

* * * * * * *

SEC. 484. STUDENT ELIGIBILITY.

(a) IN GENERAL.—In order to receive any grant, loan, or work assistance under this title, a student must—

(1) be enrolled or accepted for enrollment in a degree, certificate, or other program (including a program of study abroad approved for credit by the eligible institution at which such student is enrolled) leading to a recognized educational credential at an institution of higher education that is an eligible institution in accordance with the provisions of section 487 *or, for purposes of section 401(k), at an entity (other than an institution of higher education) that meets the requirements of section 481(b)(3)(B)(i)*, except as provided in subsections (b)(3) and (b)(4), and not be enrolled in an elementary or secondary school;

(2) if the student is presently enrolled at an institution, be maintaining satisfactory progress in the course of study the student is pursuing in accordance with the provisions of subsection (c);

(3) not owe a refund on grants previously received at any institution under this title, or be in default on any loan from a student loan fund at any institution provided for in part E, or a loan made, insured, or guaranteed by the Secretary under this title for attendance at any institution;

(4) file with the Secretary, as part of the original financial aid application process, a certification, which need not be notarized, but which shall include—

(A) a statement of educational purpose stating that the money attributable to such grant, loan, or loan guarantee will be used solely for expenses related to attendance or continued attendance at such institution; and

(B) such student's social security number;

[(5) be a citizen or national of the United States, a permanent resident of the United States, or able to provide evidence from the Immigration and Naturalization Service that he or

she is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; and]

(5) be—

(A) a citizen or national of the United States;

(B) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(C) an alien who—

(i) is a citizen or national of the Republic of Cuba;

(ii) is the beneficiary of an approved petition under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a));

(iii) meets all eligibility requirements for an immigrant visa but for whom such a visa is not immediately available;

(iv) is not otherwise inadmissible under section 212(a) of such Act (8 U.S.C. 8 U.S.C. 1182(a)); and

(v) is physically present in the United States pursuant to a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995;

(D) an alien described in section 401(a) of the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117-128; 8 U.S.C. 1101 note);

(E) an alien described in section 2502(a) of the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117-43; 8 U.S.C. 1101 note); or

(F) an individual who lawfully resides in the United States in accordance with a Compact of Free Association referred to in section 402(b)(2)(G) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(b)(2)(G)); and

(6) if the student has been convicted of, or has pled nolo contendere or guilty to, a crime involving fraud in obtaining funds under this title, have completed the repayment of such funds to the Secretary, or to the holder in the case of a loan under this title obtained by fraud.

(b) ELIGIBILITY FOR STUDENT LOANS.—(1) In order to be eligible to receive any loan under this title (other than a loan under section 428B or 428C, or under section 428H pursuant to an exercise of discretion under section 479A) for any period of enrollment, a student who is not a graduate or professional student (as defined in regulations of the Secretary), and who is enrolled in a program at an institution which has a participation agreement with the Secretary to make awards under subpart 1 of part A of this title, shall—

(A)(i) have received a determination of eligibility or ineligibility for a Pell Grant under such subpart 1 for such period of enrollment; and (ii) if determined to be eligible, have filed an application for a Pell Grant for such enrollment period; or

(B) have (A) filed an application with the Pell Grant processor for such institution for such enrollment period, and (B) received from the financial aid administrator of the institution a preliminary determination of the student's eligibility or ineligibility for a grant under such subpart 1.

(2) In order to be eligible to receive any loan under section 428A for any period of enrollment, a student shall—

(A) have received a determination of need for a loan under section 428(a)(2)(B) of this title;

(B) if determined to have need for a loan under section 428, have applied for such a loan; and

(C) has applied for a loan under section 428H, if such student is eligible to apply for such a loan.

(3) A student who—

(A) is carrying at least one-half the normal full-time work load for the course of study that the student is pursuing, as determined by an eligible institution, and

(B) is enrolled in a course of study necessary for enrollment in a program leading to a degree or certificate,

shall be, notwithstanding paragraph (1) of subsection (a), eligible to apply for loans under part B or D of this title. The eligibility described in this paragraph shall be restricted to one 12-month period.

(4) A student who—

(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution, and

(B) is enrolled or accepted for enrollment in a program at an eligible institution necessary for a professional credential or certification from a State that is required for employment as a teacher in an elementary or secondary school in that State,

shall be, notwithstanding paragraph (1) of subsection (a), eligible to apply for loans under part B, D, or E or work-study assistance under part C of this title.

(5) Notwithstanding any other provision of this subsection, no incarcerated student is eligible to receive a loan under this title.

(c) SATISFACTORY PROGRESS.—(1) For the purpose of subsection (a)(2), a student is maintaining satisfactory progress if—

(A) the institution at which the student is in attendance, reviews the progress of the student at the end of each academic year, or its equivalent, as determined by the institution, and

(B) the student has a cumulative C average, or its equivalent or academic standing consistent with the requirements for graduation, as determined by the institution, at the end of the second such academic year.

(2) Whenever a student fails to meet the eligibility requirements of subsection (a)(2) as a result of the application of this subsection and subsequent to that failure the student has academic

standing consistent with the requirements for graduation, as determined by the institution, for any grading period, the student may, subject to this subsection, again be eligible under subsection (a)(2) for a grant, loan, or work assistance under this title.

(3) Any institution of higher education at which the student is in attendance may waive the provisions of paragraph (1) or paragraph (2) of this subsection for undue hardship based on—

(A) the death of a relative of the student,

(B) the personal injury or illness of the student, or

(C) special circumstances as determined by the institution.

(d) STUDENTS WHO ARE NOT HIGH SCHOOL GRADUATES.—

(1) STUDENT ELIGIBILITY.—In order for a student who does not have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, to be eligible for any assistance under subparts 1, 3, and 4 of part A and parts B, C, D, and E of this title, the student shall meet the requirements of one of the following subparagraphs:

(A) The student is enrolled in an eligible career pathway program and meets one of the following standards:

(i) The student shall take an independently administered examination and shall achieve a score, specified by the Secretary, demonstrating that such student can benefit from the education or training being offered. Such examination shall be approved by the Secretary on the basis of compliance with such standards for development, administration, and scoring as the Secretary may prescribe in regulations.

(ii) The student shall be determined as having the ability to benefit from the education or training in accordance with such process as the State shall prescribe. Any such process described or approved by a State for the purposes of this section shall be effective 6 months after the date of submission to the Secretary unless the Secretary disapproves such process. In determining whether to approve or disapprove such process, the Secretary shall take into account the effectiveness of such process in enabling students without secondary school diplomas or the equivalent thereof to benefit from the instruction offered by institutions utilizing such process, and shall also take into account the cultural diversity, economic circumstances, and educational preparation of the populations served by the institutions.

(iii) The student shall be determined by the institution of higher education as having the ability to benefit from the education or training offered by the institution of higher education upon satisfactory completion of 6 credit hours or the equivalent coursework that are applicable toward a degree or certificate offered by the institution of higher education.

(B) The student has completed a secondary school education in a home school setting that is treated as a home school or private school under State law.

(2) ELIGIBLE CAREER PATHWAY PROGRAM.—In this subsection, the term "eligible career pathway program" means a program that combines rigorous and high-quality education, training, and other services that—

(A) aligns with the skill needs of industries in the economy of the State or regional economy involved;

(B) prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an "apprenticeship", except in section 171);

(C) includes counseling to support an individual in achieving the individual's education and career goals;

(D) includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(E) organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(F) enables an individual to attain a secondary school diploma or its recognized equivalent, and at least 1 recognized postsecondary credential; and

(G) helps an individual enter or advance within a specific occupation or occupational cluster.

(e) CERTIFICATION FOR GSL ELIGIBILITY.—Each eligible institution may certify student eligibility for a loan by an eligible lender under part B of this title prior to completing the review for accuracy of the information submitted by the applicant required by regulations issued under this title, if—

(1) checks for the loans are mailed to the eligible institution prior to disbursements;

(2) the disbursement is not made until the review is complete; and

(3) the eligible institution has no evidence or documentation on which the institution may base a determination that the information submitted by the applicant is incorrect.

(f) LOSS OF ELIGIBILITY FOR VIOLATION OF LOAN LIMITS.—(1) No student shall be eligible to receive any grant, loan, or work assistance under this title if the eligible institution determines that the student fraudulently borrowed in violation of the annual loan limits under part B, part D, or part E of this title in the same academic year, or if the student fraudulently borrowed in excess of the aggregate maximum loan limits under such part B, part D, or part E.

(2) If the institution determines that the student inadvertently borrowed amounts in excess of such annual or aggregate maximum

loan limits, such institution shall allow the student to repay any amount borrowed in excess of such limits prior to certifying the student's eligibility for further assistance under this title.

(g) VERIFICATION OF IMMIGRATION STATUS.—

(1) IN GENERAL.—The Secretary shall implement a system under which the statements and supporting documentation, if required, of an individual declaring that such individual is in compliance with the requirements of subsection (a)(5) shall be verified prior to the individual's receipt of a grant, loan, or work assistance under this title.

(2) SPECIAL RULE.—The documents collected and maintained by an eligible institution in the admission of a student to the institution may be used by the student in lieu of the documents used to establish both employment authorization and identity under section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a) to verify eligibility to participate in work-study programs under part C of this title.

(3) VERIFICATION MECHANISMS.—The Secretary is authorized to verify such statements and supporting documentation through a data match, using an automated or other system, with other Federal agencies that may be in possession of information relevant to such statements and supporting documentation.

(4) REVIEW.—In the case of such an individual who is not a citizen or national of the United States, if the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

(A) the institution—

(i) shall provide a reasonable opportunity to submit to the institution evidence indicating a satisfactory immigration status, and

(ii) may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

(B) if there are submitted documents which the institution determines constitute reasonable evidence indicating such status—

(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,

(ii) pending such verification, the institution may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status, and

(iii) the institution shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

(h) LIMITATIONS OF ENFORCEMENT ACTIONS AGAINST INSTITUTIONS.—The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an institution of higher education with respect to any error in the institution's determination to make a student eligible for a grant, loan, or work assistance based on citizenship or immigration status—

(1) if the institution has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

(2) because the institution, under subsection (g)(4)(A)(i), was required to provide a reasonable opportunity to submit documentation, or

(3) because the institution, under subsection (g)(4)(B)(i), was required to wait for the response of the Immigration and Naturalization Service to the institution's request for official verification of the immigration status of the student.

(i) VALIDITY OF LOAN GUARANTEES FOR LOAN PAYMENTS MADE BEFORE IMMIGRATION STATUS VERIFICATION COMPLETED.—Notwithstanding subsection (h), if—

(1) a guaranty is made under this title for a loan made with respect to an individual,

(2) at the time the guaranty is entered into, the provisions of subsection (h) had been complied with,

(3) amounts are paid under the loan subject to such guaranty, and

(4) there is a subsequent determination that, because of an unsatisfactory immigration status, the individual is not eligible for the loan,

the official of the institution making the determination shall notify and instruct the entity making the loan to cease further payments under the loan, but such guaranty shall not be voided or otherwise nullified with respect to such payments made before the date the entity receives the notice.

(k) SPECIAL RULE FOR CORRESPONDENCE COURSES.—A student shall not be eligible to receive grant, loan, or work assistance under this title for a correspondence course unless such course is part of a program leading to an associate, bachelor or graduate degree.

(l) COURSES OFFERED THROUGH DISTANCE EDUCATION.—

(1) RELATION TO CORRESPONDENCE COURSES.—

(A) IN GENERAL.—A student enrolled in a course of instruction at an institution of higher education that is offered principally through distance education and leads to a recognized certificate, or recognized associate, recognized baccalaureate, or recognized graduate degree, conferred by such institution, shall not be considered to be enrolled in correspondence courses.

(B) EXCEPTION.—An institution of higher education referred to in subparagraph (A) shall not include an institution or school described in section 3(3)(C) of the Carl D. Perkins Career and Technical Education Act of 2006.

(2) REDUCTIONS OF FINANCIAL AID.—A student's eligibility to receive grants, loans, or work assistance under this title shall be reduced if a financial aid officer determines under the

discretionary authority provided in section 479A that distance education results in a substantially reduced cost of attendance to such student.

(3) SPECIAL RULE.—For award years beginning prior to July 1, 2008, the Secretary shall not take any compliance, disallowance, penalty, or other action based on a violation of this subsection against a student or an eligible institution when such action arises out of such institution's prior award of student assistance under this title if the institution demonstrates to the satisfaction of the Secretary that its course of instruction would have been in conformance with the requirements of this subsection.

(m) STUDENTS WITH A FIRST BACCALAUREATE OR PROFESSIONAL DEGREE.—A student shall not be ineligible for assistance under parts B, C, D, and E of this title because such student has previously received a baccalaureate or professional degree.

(n) STUDY ABROAD.—Nothing in this Act shall be construed to limit or otherwise prohibit access to study abroad programs approved by the home institution at which a student is enrolled. An otherwise eligible student who is engaged in a program of study abroad approved for academic credit by the home institution at which the student is enrolled shall be eligible to receive grant, loan, or work assistance under this title, without regard to whether such study abroad program is required as part of the student's degree program.

(o) VERIFICATION OF SOCIAL SECURITY NUMBER.—The Secretary of Education, in cooperation with the Commissioner of the Social Security Administration, shall verify any social security number provided by a student to an eligible institution under subsection (a)(4) and shall enforce the following conditions:

(1) Except as provided in paragraphs (2) and (3), an institution shall not deny, reduce, delay, or terminate a student's eligibility for assistance under this part because social security number verification is pending.

(2) If there is a determination by the Secretary that the social security number provided to an eligible institution by a student is incorrect, the institution shall deny or terminate the student's eligibility for any grant, loan, or work assistance under this title until such time as the student provides documented evidence of a social security number that is determined by the institution to be correct.

(3) If there is a determination by the Secretary that the social security number provided to an eligible institution by a student is incorrect, and a correct social security number cannot be provided by such student, and a loan has been guaranteed for such student under part B of this title, the institution shall notify and instruct the lender and guaranty agency making and guaranteeing the loan, respectively, to cease further disbursements of the loan, but such guaranty shall not be voided or otherwise nullified with respect to such disbursements made before the date that the lender and the guaranty agency receives such notice.

(4) Nothing in this subsection shall permit the Secretary to take any compliance, disallowance, penalty, or other regulatory action against—

(A) any institution of higher education with respect to any error in a social security number, unless such error was a result of fraud on the part of the institution; or

(B) any student with respect to any error in a social security number, unless such error was a result of fraud on the part of the student.

(p) USE OF INCOME DATA WITH IRS.—The Secretary, in cooperation with the Secretary of the Treasury, shall fulfill the data transfer requirements under section 6103(l)(13) of the Internal Revenue Code of 1986 and the procedure and requirements outlined in section 494.

(q) STUDENTS WITH INTELLECTUAL DISABILITIES.—

(1) DEFINITIONS.—In this subsection the terms "comprehensive transition and postsecondary program for students with intellectual disabilities" and "student with an intellectual disability" have the meanings given the terms in section 760.

(2) REQUIREMENTS.—Notwithstanding subsections (a), (c), and (d), in order to receive any grant or work assistance under section 401, subpart 3 of part A, or part C, a student with an intellectual disability shall—

(A) be enrolled or accepted for enrollment in a comprehensive transition and postsecondary program for students with intellectual disabilities at an institution of higher education;

(B) be maintaining satisfactory progress in the program as determined by the institution, in accordance with standards established by the institution; and

(C) meet the requirements of paragraphs (3), (4), (5), and (6) of subsection (a).

(3) AUTHORITY.—Notwithstanding any other provision of law unless such provision is enacted with specific reference to this section, the Secretary is authorized to waive any statutory provision applicable to the student financial assistance programs under section 401, subpart 3 of part A, or part C (other than a provision of part F related to such a program), or any institutional eligibility provisions of this title, as the Secretary determines necessary to ensure that programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection may receive such financial assistance.

(4) REGULATIONS.—Notwithstanding regulations applicable to grant or work assistance awards made under section 401, subpart 3 of part A, and part C (other than a regulation under part F related to such an award), including with respect to eligible programs, instructional time, credit status, and enrollment status as described in section 481, the Secretary shall promulgate regulations allowing programs enrolling students with intellectual disabilities otherwise determined to be eligible under this subsection to receive such awards.

(r) DATA ANALYSIS ON ACCESS TO FEDERAL STUDENT AID FOR CERTAIN POPULATIONS.—

(1) DEVELOPMENT OF THE SYSTEM.—Within one year of enactment of the Higher Education Opportunity Act, the Secretary shall analyze data from the FAFSA containing information regarding the number, characteristics, and circumstances of students denied Federal student aid based on a drug conviction while receiving Federal aid.

(2) RESULTS FROM ANALYSIS.—The results from the analysis of such information shall be made available on a continuous basis via the Department website and the Digest of Education Statistics.

(3) DATA UPDATING.—The data analyzed under this subsection shall be updated at the beginning of each award year and at least one additional time during such award year.

(4) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the authorizing committees, in each fiscal year, a report describing the results obtained by the establishment and operation of the data system authorized by this subsection.

(s) EXCEPTION TO REQUIRED REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM.—Notwithstanding section 12(f) of the Military Selective Service Act (50 U.S.C. 3811(f)), an individual shall not be ineligible for assistance or a benefit provided under this title if the individual is required under section 3 of such Act (50 U.S.C. 3802) to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section.

(t) CONFINED OR INCARCERATED INDIVIDUALS.—

(1) DEFINITIONS.—In this subsection:

(A) CONFINED OR INCARCERATED INDIVIDUAL.—The term "confined or incarcerated individual"—

(i) means an individual who is serving a criminal sentence in a Federal, State, or local penal institution, prison, jail, reformatory, work farm, or other similar correctional institution; and

(ii) does not include an individual who is in a halfway house or home detention or is sentenced to serve only weekends.

(B) PRISON EDUCATION PROGRAM.—The term "prison education program" means an education or training program that—

(i) is an eligible program under this title offered by an institution of higher education (as defined in section 101 or 102(a)(1)(B));

(ii) is offered by an institution that has been approved to operate in a correctional facility by the appropriate State department of corrections or other entity that is responsible for overseeing correctional facilities, or by the Bureau of Prisons;

(iii) has been determined by the appropriate State department of corrections or other entity that is responsible for overseeing correctional facilities, or by

the Bureau of Prisons, to be operating in the best interest of students, the determination of which shall be made by the State department of corrections or other entity or by the Bureau of Prisons, respectively, and may be based on—

(I) rates of confined or incarcerated individuals continuing their education post-release;

(II) job placement rates for such individuals;

(III) earnings for such individuals;

(IV) rates of recidivism for such individuals;

(V) the experience, credentials, and rates of turnover or departure of instructors;

(VI) the transferability of credits for courses available to confined or incarcerated individuals and the applicability of such credits toward related degree or certificate programs; or

(VII) offering relevant academic and career advising services to participating confined or incarcerated individuals while they are confined or incarcerated, in advance of reentry, and upon release;

(iv) offers transferability of credits to at least 1 institution of higher education (as defined in section 101 or 102(a)(1)(B)) in the State in which the correctional facility is located, or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release;

(v) is offered by an institution that has not been subject, during the 5 years preceding the date of the determination, to—

(I) any suspension, emergency action, or termination of programs under this title;

(II) any adverse action by the institution's accrediting agency or association; or

(III) any action by the State to revoke a license or other authority to operate;

(vi) satisfies any applicable educational requirements for professional licensure or certification, including licensure or certification examinations needed to practice or find employment in the sectors or occupations for which the program prepares the individual, in the State in which the correctional facility is located or, in the case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release; and

(vii) does not offer education that is designed to lead to licensure or employment for a specific job or occupation in the State if such job or occupation typically involves prohibitions on the licensure or employment of formerly incarcerated individuals in the State in which the correctional facility is located, or, in the

case of a Federal correctional facility, in the State in which most of the individuals confined or incarcerated in such facility will reside upon release.

(2) TECHNICAL ASSISTANCE.—The Secretary, in collaboration with the Attorney General, shall provide technical assistance and guidance to the Bureau of Prisons, State departments of corrections, and other entities that are responsible for overseeing correctional facilities in making determinations under paragraph (1)(B)(iii).

(3) FEDERAL PELL GRANT ELIGIBILITY.—Notwithstanding subsection (a), in order for a confined or incarcerated individual who otherwise meets the eligibility requirements of this title to be eligible to receive a Federal Pell Grant under section 401, the individual shall be enrolled or accepted for enrollment in a prison education program.

(4) EVALUATION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of the FAFSA Simplification Act, in order to evaluate and improve the impact of activities supported under this subsection, the Secretary, in partnership with the Director of the Institute of Education Sciences, shall award 1 or more grants or contracts to, or enter into cooperative agreements with, experienced public and private institutions and organizations to enable the institutions and organizations to conduct an external evaluation that shall—

(i) assess the ability of confined or incarcerated individuals to access and complete the Free Application for Federal Student Aid;

(ii) examine in-custody outcomes and post-release outcomes related to providing Federal Pell Grants to confined or incarcerated individuals, including—

(I) attainment of a postsecondary degree or credential;

(II) safety in penal institutions with prison education programs;

(III) the size of waiting lists for prison education programs;

(IV) the extent to which such individuals continue their education post-release;

(V) employment and earnings outcomes for such individuals; and

(VI) rates of recidivism for such individuals;

(iii) track individuals who received Federal Pell Grants under subpart 1 of part A at 1, 3, and 5 years after the individuals' release from confinement or incarceration; and

(iv) examine the extent to which institutions provide re-entry or relevant career services to participating confined or incarcerated individuals as part of the prison education program and the efficacy of such services, if offered.

(B) REPORT.—Beginning not later than 1 year after the Secretary awards the grant, contract, or cooperative agreement described in subparagraph (A) and annually thereafter, each institution of higher education operating a prison education program under this subsection shall submit a report to the Secretary on activities assisted and students served under this subsection, which shall include the information, as applicable, contained in clauses (i) through (iv) of subparagraph (A).

(5) REPORT.—Not later than 1 year after the date of enactment of the FAFSA Simplification Act and on at least an annual basis thereafter, the Secretary shall submit to the authorizing committees, and make publicly available on the website of the Department, a report on the—

(A) impact of this subsection which shall include, at a minimum—

(i) the names and types of institutions of higher education offering prison education programs at which confined or incarcerated individuals are enrolled and receiving Federal Pell Grants;

(ii) the number of confined or incarcerated individuals receiving Federal Pell Grants through each prison education program;

(iii) the amount of Federal Pell Grant expenditures for each prison education program;

(iv) the average amount of Federal Pell Grant expenditures per full-time equivalent students in a prison education program compared to the average amount of Federal Pell Grant expenditures per full-time equivalent students not in prison education programs;

(v) the demographics of confined or incarcerated individuals receiving Federal Pell Grants;

(vi) the cost of attendance for such individuals;

(vii) the mode of instruction (such as distance education, in-person instruction, or a combination of such modes) for each prison education program;

(viii) information on the academic outcomes of such individuals (such as credits attempted and earned, and credential and degree completion) and any information available from student satisfaction surveys conducted by the applicable institution or correctional facility;

(ix) information on post-release outcomes of such individuals, including, to the extent practicable, continued postsecondary enrollment, earnings, credit transfer, and job placement;

(x) rates of recidivism for confined or incarcerated individuals receiving Federal Pell Grants;

(xi) information on transfers of confined or incarcerated individuals between prison education programs;

(xii) the most common programs and courses offered in prison education programs; and

(xiii) rates of instructor turnover or departure for courses offered in prison education programs;

(B) results of each prison education program at each institution of higher education, including the information described in clauses (ii) through (xiii) of subparagraph (A); and

(C) findings regarding best practices with respect to prison education programs.

* * * * * * *

SEC. 484B. INSTITUTIONAL REFUNDS.

(a) RETURN OF TITLE IV FUNDS.—

(1) IN GENERAL.—If a recipient of assistance under this title withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, the amount of grant or loan assistance (other than assistance received under part C) to be returned to the title IV programs is calculated according to paragraph (3) and returned in accordance with subsection (b).

(2) LEAVE OF ABSENCE.—

(A) LEAVE NOT TREATED AS WITHDRAWAL.—In the case of a student who takes 1 or more leaves of absence from an institution for not more than a total of 180 days in any 12-month period, the institution may consider the student as not having withdrawn from the institution during the leave of absence, and not calculate the amount of grant and loan assistance provided under this title that is to be returned in accordance with this section if—

(i) the institution has a formal policy regarding leaves of absence;

(ii) the student followed the institution's policy in requesting a leave of absence; and

(iii) the institution approved the student's request in accordance with the institution's policy.

(B) CONSEQUENCES OF FAILURE TO RETURN.—If a student does not return to the institution at the expiration of an approved leave of absence that meets the requirements of subparagraph (A), the institution shall calculate the amount of grant and loan assistance provided under this title that is to be returned in accordance with this section based on the day the student withdrew (as determined under subsection (c)).

(3) CALCULATION OF AMOUNT OF TITLE IV ASSISTANCE EARNED.—

(A) IN GENERAL.—The amount of grant or loan assistance under this title that is earned by the recipient for purposes of this section is calculated by—

(i) determining the percentage of grant and loan assistance under this title that has been earned by the student, as described in subparagraph (B); and

(ii) applying such percentage to the total amount of such grant and loan assistance that was disbursed (and that could have been disbursed) to the student, or on the student's behalf, for the payment period or period of enrollment for which the assistance was awarded, as of the day the student withdrew.

(B) PERCENTAGE EARNED.—For purposes of subparagraph (A)(i), the percentage of grant or loan assistance under this title that has been earned by the student is—

(i) equal to the percentage of the payment period or period of enrollment for which assistance was awarded that was completed (as determined in accordance with subsection (d)) as of the day the student withdrew, provided that such date occurs on or before the completion of 60 percent of the payment period or period of enrollment; or

(ii) 100 percent, if the day the student withdrew occurs after the student has completed (as determined in accordance with subsection (d)) 60 percent of the payment period or period of enrollment.

(C) PERCENTAGE AND AMOUNT NOT EARNED.—For purposes of subsection (b), the amount of grant and loan assistance awarded under this title that has not been earned by the student shall be calculated by—

(i) determining the complement of the percentage of grant assistance under subparts 1 and 3 of part A, or loan assistance under parts B, D, and E, that has been earned by the student described in subparagraph (B); and

(ii) applying the percentage determined under clause (i) to the total amount of such grant and loan assistance that was disbursed (and that could have been disbursed) to the student, or on the student's behalf, for the payment period or period of enrollment, as of the day the student withdrew.

(4) DIFFERENCES BETWEEN AMOUNTS EARNED AND AMOUNTS RECEIVED.—

(A) IN GENERAL.—After determining the eligibility of the student for a late disbursement or post-withdrawal disbursement (as required in regulations prescribed by the Secretary), the institution of higher education shall contact the borrower and obtain confirmation that the loan funds are still required by the borrower. In making such contact, the institution shall explain to the borrower the borrower's obligation to repay the funds following any such disbursement. The institution shall document in the borrower's file the result of such contact and the final determination made concerning such disbursement.

(B) RETURN.—If the student has received more grant or loan assistance than the amount earned as calculated under paragraph (3)(A), the unearned funds shall be returned by the institution or the student, or both, as may be required under paragraphs (1) and (2) of subsection (b),

to the programs under this title in the order specified in subsection (b)(3).

(b) RETURN OF TITLE IV PROGRAM FUNDS.—

(1) RESPONSIBILITY OF THE INSTITUTION.—The institution shall return not later than 45 days from the determination of withdrawal, in the order specified in paragraph (3), the lesser of—

(A) the amount of grant and loan assistance awarded under this title that has not been earned by the student, as calculated under subsection (a)(3)(C); or

(B) an amount equal to—

(i) the total institutional charges incurred by the student for the payment period or period of enrollment for which such assistance was awarded; multiplied by

(ii) the percentage of grant and loan assistance awarded under this title that has not been earned by the student, as described in subsection (a)(3)(C)(i).

(2) RESPONSIBILITY OF THE STUDENT.—

(A) IN GENERAL.—The student shall return assistance that has not been earned by the student as described in subsection (a)(3)(C)(ii) in the order specified in paragraph (3) minus the amount the institution is required to return under paragraph (1).

(B) SPECIAL RULE.—The student (or parent in the case of funds due to a loan borrowed by a parent under part B or D) shall return or repay, as appropriate, the amount determined under subparagraph (A) to—

(i) a loan program under this title in accordance with the terms of the loan; and

(ii) a grant program under this title, as an overpayment of such grant and shall be subject to—

(I) repayment arrangements satisfactory to the institution; or

(II) overpayment collection procedures prescribed by the Secretary.

(C) GRANT OVERPAYMENT REQUIREMENTS.—

(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), a student shall only be required to return grant assistance in the amount (if any) by which—

(I) the amount to be returned by the student (as determined under subparagraphs (A) and (B)), exceeds

(II) 50 percent of the total grant assistance received by the student under this title for the payment period or period of enrollment.

(ii) MINIMUM.—A student shall not be required to return amounts of $50 or less.

(D) WAIVERS OF FEDERAL PELL GRANT REPAYMENT BY STUDENTS AFFECTED BY DISASTERS.—The Secretary may waive the amounts that students are required to return under this section with respect to Federal Pell Grants if the withdrawals on which the returns are based are withdrawals by students—

(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which the President has declared that a major disaster exists, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(ii) whose attendance was interrupted because of the impact of the disaster on the student or the institution; and

(iii) whose withdrawal ended within the academic year during which the designation occurred or during the next succeeding academic year.

(E) WAIVERS OF GRANT ASSISTANCE REPAYMENT BY STUDENTS AFFECTED BY DISASTERS.—In addition to the waivers authorized by subparagraph (D), the Secretary may waive the amounts that students are required to return under this section with respect to any other grant assistance under this title if the withdrawals on which the returns are based are withdrawals by students—

(i) who were residing in, employed in, or attending an institution of higher education that is located in an area in which the President has declared that a major disaster exists, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(ii) whose attendance was interrupted because of the impact of the disaster on the student or the institution; and

(iii) whose withdrawal ended within the academic year during which the designation occurred or during the next succeeding academic year.

(3) ORDER OF RETURN OF TITLE IV FUNDS.—

(A) IN GENERAL.—Excess funds returned by the institution or the student, as appropriate, in accordance with paragraph (1) or (2), respectively, shall be credited to outstanding balances on loans made under this title to the student or on behalf of the student for the payment period or period of enrollment for which a return of funds is required. Such excess funds shall be credited in the following order:

(i) To outstanding balances on loans made under section 428H for the payment period or period of enrollment for which a return of funds is required.

(ii) To outstanding balances on loans made under section 428 for the payment period or period of enrollment for which a return of funds is required.

(iii) To outstanding balances on unsubsidized loans (other than parent loans) made under part D for the payment period or period of enrollment for which a return of funds is required.

(iv) To outstanding balances on subsidized loans made under part D for the payment period or period of enrollment for which a return of funds is required.

(v) To outstanding balances on loans made under part E for the payment period or period of enrollment for which a return of funds is required.

(vi) To outstanding balances on loans made under section 428B for the payment period or period of enrollment for which a return of funds is required.

(vii) To outstanding balances on parent loans made under part D for the payment period or period of enrollment for which a return of funds is required.

(B) REMAINING EXCESSES.—If excess funds remain after repaying all outstanding loan amounts, the remaining excess shall be credited in the following order:

(i) To awards under subpart 1 of part A for the payment period or period of enrollment for which a return of funds is required.

(ii) To awards under subpart 3 of part A for the payment period or period of enrollment for which a return of funds is required.

(iii) To other assistance awarded under this title for which a return of funds is required.

(c) WITHDRAWAL DATE.—

(1) IN GENERAL.—In this section, the term "day the student withdrew"—

(A) is the date that the institution determines—

(i) the student began the withdrawal process prescribed by the institution;

(ii) the student otherwise provided official notification to the institution of the intent to withdraw; or

(iii) in the case of a student who does not begin the withdrawal process or otherwise notify the institution of the intent to withdraw, the date that is the mid-point of the payment period for which assistance under this title was disbursed or a later date documented by the institution; or

(B) for institutions required to take attendance, is determined by the institution from such attendance records.

(2) SPECIAL RULE.—Notwithstanding paragraph (1), if the institution determines that a student did not begin the withdrawal process, or otherwise notify the institution of the intent to withdraw, due to illness, accident, grievous personal loss, or other such circumstances beyond the student's control, the institution may determine the appropriate withdrawal date.

(d) PERCENTAGE OF THE PAYMENT PERIOD OR PERIOD OF ENROLLMENT COMPLETED.—For purposes of subsection (a)(3)(B), the percentage of the payment period or period of enrollment for which assistance was awarded that was completed, is determined—

(1) in the case of a program that is measured in credit hours, by dividing the total number of calendar days comprising the payment period or period of enrollment for which assistance is awarded into the number of calendar days completed in that period as of the day the student withdrew; and

(2) in the case of a program that is measured in clock hours, by dividing the total number of clock hours comprising

the payment period or period of enrollment for which assistance is awarded into the number of clock hours scheduled to be completed by the student in that period as of the day the student withdrew.

(e) EFFECTIVE DATE.—The provisions of this section shall take effect 2 years after the date of enactment of the Higher Education Amendments of 1998. An institution of higher education may choose to implement such provisions prior to that date.

(f) RESERVATION OF FUNDS FOR PROMISE GRANTS.—Notwithstanding any other provision of law, the Secretary shall reserve the funds returned to the Secretary under this section for 1 year after the return of such funds for the purpose of awarding PROMISE grants in accordance with subpart 4 of part A of this title.

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SEC. 485. INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.

(a) INFORMATION DISSEMINATION ACTIVITIES.—(1) Each eligible institution participating in any program under this title shall carry out information dissemination activities for prospective and enrolled students (including those attending or planning to attend less than full time) regarding the institution and all financial assistance under this title. The information required by this section shall be produced and be made readily available upon request, through appropriate publications, mailings, and electronic media, to an enrolled student and to any prospective student. Each eligible institution shall, on an annual basis, provide to all enrolled students a list of the information that is required to be provided by institutions to students by this section and section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974"), together with a statement of the procedures required to obtain such information. The information required by this section shall accurately describe—

(A) the student financial assistance programs available to students who enroll at such institution;

(B) the methods by which such assistance is distributed among student recipients who enroll at such institution;

(C) any means, including forms, by which application for student financial assistance is made and requirements for accurately preparing such application;

(D) the rights and responsibilities of students receiving financial assistance under this title;

(E) the cost of attending the institution, including (i) tuition and fees, (ii) books and supplies, (iii) estimates of typical student room and board costs or typical commuting costs, and (iv) any additional cost of the program in which the student is enrolled or expresses a specific interest;

(F) a statement of—

(i) the requirements of any refund policy with which the institution is required to comply;

(ii) the requirements under section 484B for the return of grant or loan assistance provided under this title; and

(iii) the requirements for officially withdrawing from the institution;

(G) the academic program of the institution, including (i) the current degree programs and other educational and training programs, (ii) the instructional, laboratory, and other physical plant facilities which relate to the academic program, (iii) the faculty and other instructional personnel, and (iv) any plans by the institution for improving the academic program of the institution;

(H) each person designated under subsection (c) of this section, and the methods by which and locations in which any person so designated may be contacted by students and prospective students who are seeking information required by this subsection;

(I) special facilities and services available to students with disabilities;

(J) the names of associations, agencies, or governmental bodies which accredit, approve, or license the institution and its programs, and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the institution's accreditation, approval, or licensing;

(K) the standards which the student must maintain in order to be considered to be making satisfactory progress, pursuant to section 484(a)(2);

(L) the completion or graduation rate of certificate- or degree-seeking, full-time, undergraduate students entering such institutions;

(M) the terms and conditions of the loans that students receive under parts B, D, and E;

(N) that enrollment in a program of study abroad approved for credit by the home institution may be considered enrollment in the home institution for purposes of applying for Federal student financial assistance;

(O) the campus crime report prepared by the institution pursuant to subsection (f), including all required reporting categories;

(P) institutional policies and sanctions related to copyright infringement, including—

(i) an annual disclosure that explicitly informs students that unauthorized distribution of copyrighted material, including unauthorized peer-to-peer file sharing, may subject the students to civil and criminal liabilities;

(ii) a summary of the penalties for violation of Federal copyright laws; and

(iii) a description of the institution's policies with respect to unauthorized peer-to-peer file sharing, including disciplinary actions that are taken against students who engage in unauthorized distribution of copyrighted materials using the institution's information technology system;

(Q) student body diversity at the institution, including information on the percentage of enrolled, full-time students who—

(i) are male;

(ii) are female;

(iii) receive a Federal Pell Grant; and

(iv) are a self-identified member of a major racial or ethnic group;

(R) the placement in employment of, and types of employment obtained by, graduates of the institution's degree or certificate programs, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, the Community College Survey of Student Engagement, State data systems, or other relevant sources;

(S) the types of graduate and professional education in which graduates of the institution's four-year degree programs enrolled, gathered from such sources as alumni surveys, student satisfaction surveys, the National Survey of Student Engagement, State data systems, or other relevant sources;

(T) the fire safety report prepared by the institution pursuant to subsection (i);

(U) the retention rate of certificate- or degree-seeking, first-time, full-time, undergraduate students entering such institution; and

(V) institutional policies regarding vaccinations.

(2) For the purpose of this section, the term "prospective student" means any individual who has contacted an eligible institution requesting information concerning admission to that institution.

(3) In calculating the completion or graduation rate under subparagraph (L) of paragraph (1) of this subsection or under subsection (e), a student shall be counted as a completion or graduation if, within 150 percent of the normal time for completion of or graduation from the program, the student has completed or graduated from the program, or enrolled in any program of an eligible institution for which the prior program provides substantial preparation. The information required to be disclosed under such subparagraph—

(A) shall be made available by July 1 each year to enrolled students and prospective students prior to the students enrolling or entering into any financial obligation; and

(B) shall cover the one-year period ending on August 31 of the preceding year.

(4) For purposes of this section, institutions may—

(A) exclude from the information disclosed in accordance with subparagraph (L) of paragraph (1) the completion or graduation rates of students who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, recalculate the completion or graduation rates of such students by excluding from the calculation described in paragraph (3) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(5) The Secretary shall permit any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection, to use such data to satisfy the requirements of this subsection; and

(6) Each institution may provide supplemental information to enrolled and prospective students showing the completion or graduation rate for students described in paragraph (4) or for students transferring into the institution or information showing the rate at which students transfer out of the institution.

(7)(A)(i) Subject to clause (ii), the information disseminated under paragraph (1)(L), or reported under subsection (e), shall be disaggregated by gender, by each major racial and ethnic subgroup, by recipients of a Federal Pell Grant, by recipients of a loan made under part B or D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan) who did not receive a Federal Pell Grant, and by recipients of neither a Federal Pell Grant nor a loan made under part B or D (other than a loan made under section 428H or a Federal Direct Unsubsidized Stafford Loan), if the number of students in such subgroup or with such status is sufficient to yield statistically reliable information and reporting will not reveal personally identifiable information about an individual student. If such number is not sufficient for such purposes, then the institution shall note that the institution enrolled too few of such students to so disclose or report with confidence and confidentiality.

(ii) The requirements of clause (i) shall not apply to two-year, degree-granting institutions of higher education until academic year 2011-2012.

(B)(i) In order to assist two-year degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e), the Secretary, in consultation with the Commissioner for Education Statistics, shall, not later than 90 days after the date of enactment of the Higher Education Opportunity Act, convene a group of representatives from diverse institutions of higher education, experts in the field of higher education policy, state higher education officials, students, and other stakeholders in the higher education community, to develop recommendations regarding the accurate calculation and reporting of the information required to be disseminated or reported under paragraph (1)(L) and subsection

(e) by two-year, degree-granting institutions of higher education. In developing such recommendations, the group of representatives shall consider the mission and role of two-year degree-granting institutions of higher education, and may recommend additional or alternative measures of student success for such institutions in light of the mission and role of such institutions.

(ii) The Secretary shall widely disseminate the recommendations required under this subparagraph to two-year, degree-granting institutions of higher education, the public, and the authorizing committees not later than 18 months after the first meeting of the group of representatives convened under clause (i).

(iii) The Secretary shall use the recommendations from the group of representatives convened under clause (i) to provide technical assistance to two-year, degree-granting institutions of higher education in meeting the requirements of paragraph (1)(L) and subsection (e).

(iv) The Secretary may modify the information required to be disseminated or reported under paragraph (1)(L) or subsection (e) by a two-year, degree-granting institution of higher education—

(I) based on the recommendations received under this subparagraph from the group of representatives convened under clause (i);

(II) to include additional or alternative measures of student success if the goals of the provisions of paragraph (1)(L) and subsection (e) can be met through additional means or comparable alternatives; and

(III) during the period beginning on the date of enactment of the Higher Education Opportunity Act, and ending on June 30, 2011.

(b) EXIT COUNSELING FOR BORROWERS.—(1)(A) Each eligible institution shall, through financial aid offices or otherwise, provide counseling to borrowers of loans that are made, insured, or guaranteed under part B (other than loans made pursuant to section 428C or loans under section 428B made on behalf of a student) or made under part D (other than Federal Direct Consolidation Loans or Federal Direct PLUS Loans made on behalf of a student) or made under part E of this title prior to the completion of the course of study for which the borrower enrolled at the institution or at the time of departure from such institution. The counseling required by this subsection shall include—

(i) information on the repayment plans available, including a description of the different features of each plan and sample information showing the average anticipated monthly payments, and the difference in interest paid and total payments, under each plan;

(ii) debt management strategies that are designed to facilitate the repayment of such indebtedness;

(iii) an explanation that the borrower has the options to prepay each loan, pay each loan on a shorter schedule, and change repayment plans;

(iv) for any loan forgiveness or cancellation provision of this title, a general description of the terms and conditions under which the borrower may obtain full or partial forgiveness or cancellation of the principal and interest, and a copy of the information provided by the Secretary under section 485(d);

(v) for any forbearance provision of this title, a general description of the terms and conditions under which the borrower may defer repayment of principal or interest or be granted forbearance, and a copy of the information provided by the Secretary under section 485(d);

(vi) the consequences of defaulting on a loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation;

(vii) information on the effects of using a consolidation loan under section 428C or a Federal Direct Consolidation Loan to discharge the borrower's loans under parts B, D, and E, including at a minimum—

(I) the effects of consolidation on total interest to be paid, fees to be paid, and length of repayment;

(II) the effects of consolidation on a borrower's underlying loan benefits, including grace periods, loan forgiveness, cancellation, and deferment opportunities;

(III) the option of the borrower to prepay the loan or to change repayment plans; and

(IV) that borrower benefit programs may vary among different lenders;

(viii) a general description of the types of tax benefits that may be available to borrowers;

(ix) a notice to borrowers about the availability of the National Student Loan Data System and how the system can be used by a borrower to obtain information on the status of the borrower's loans; and

(x) an explanation that—

(I) the borrower may be contacted during the repayment period by third-party student debt relief companies;

(II) the borrower should use caution when dealing with those companies; and

(III) the services that those companies typically provide are already offered to borrowers free of charge through the Department or the borrower's servicer; and

(B) In the case of borrower who leaves an institution without the prior knowledge of the institution, the institution shall attempt to provide the information described in subparagraph (A) to the student in writing.

(2)(A) Each eligible institution shall require that the borrower of a loan made under part B, D, or E submit to the institution, during the exit interview required by this subsection—

(i) the borrower's expected permanent address after leaving the institution (regardless of the reason for leaving);

(ii) the name and address of the borrower's expected employer after leaving the institution;

(iii) the address of the borrower's next of kin; and

(iv) any corrections in the institution's records relating the borrower's name, address, social security number, references, and driver's license number.

(B) The institution shall, within 60 days after the interview, forward any corrected or completed information received from the borrower to the guaranty agency indicated on the borrower's student aid records.

(C) Nothing in this subsection shall be construed to prohibit an institution of higher education from utilizing electronic means to provide personalized exit counseling.

(c) FINANCIAL ASSISTANCE INFORMATION PERSONNEL.—Each eligible institution shall designate an employee or group of employees who shall be available on a full-time basis to assist students or potential students in obtaining information as specified in subsection (a). The Secretary may, by regulation, waive the requirement that an employee or employees be available on a full-time basis for carrying out responsibilities required under this section whenever an institution in which the total enrollment, or the portion of the enrollment participating in programs under this title at that institution, is too small to necessitate such employee or employees being available on a full-time basis. No such waiver may include permission to exempt any such institution from designating a specific individual or a group of individuals to carry out the provisions of this section.

(d) DEPARTMENTAL PUBLICATION OF DESCRIPTIONS OF ASSISTANCE PROGRAMS.—(1) The Secretary shall make available to eligible institutions, eligible lenders, and secondary schools descriptions of Federal student assistance programs including the rights and responsibilities of student and institutional participants, in order to (A) assist students in gaining information through institutional sources, and (B) assist institutions in carrying out the provisions of this section, so that individual and institutional participants will be fully aware of their rights and responsibilities under such programs. In particular, such information shall include information to enable students and prospective students to assess the debt burden and monthly and total repayment obligations that will be incurred as a result of receiving loans of varying amounts under this title. Such information shall also include information on the various payment options available for student loans, including income-sensitive and income-based repayment plans for loans made, insured, or guaranteed under part B and [income-contingent and] income-based repayment plans for loans made under part D. In addition, such information shall include information to enable borrowers to assess the practical consequences of loan consolidation, including differences in deferment eligibility, interest rates, monthly payments, and finance charges, and samples of loan consolidation profiles to illustrate such consequences. The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial or total cancellation or defer repayment of loans for service, shall indicate (in terms of the Federal

minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization. The Secretary shall also provide information on loan forbearance, including the increase in debt that results from capitalization of interest. Such information shall be provided by eligible institutions and eligible lenders at any time that information regarding loan availability is provided to any student.

(2) The Secretary, to the extent the information is available, shall compile information describing State and other prepaid tuition programs and savings programs and disseminate such information to States, eligible institutions, students, and parents in departmental publications.

(3) The Secretary, to the extent practicable, shall update the Department's Internet site to include direct links to databases that contain information on public and private financial assistance programs. The Secretary shall only provide direct links to databases that can be accessed without charge and shall make reasonable efforts to verify that the databases included in a direct link are not providing fraudulent information. The Secretary shall prominently display adjacent to any such direct link a disclaimer indicating that a direct link to a database does not constitute an endorsement or recommendation of the database, the provider of the database, or any services or products of such provider. The Secretary shall provide additional direct links to information resources from which students may obtain information about fraudulent and deceptive practices in the provision of services related to student financial aid.

(4) The Secretary shall widely publicize the location of the information described in paragraph (1) among the public, eligible institutions, and eligible lenders, and promote the use of such information by prospective students, enrolled students, families of prospective and enrolled students, and borrowers.

(e) DISCLOSURES REQUIRED WITH RESPECT TO ATHLETICALLY RELATED STUDENT AID.—(1) Each institution of higher education which participates in any program under this title and is attended by students receiving athletically related student aid shall annually submit a report to the Secretary which contains—

(A) the number of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track, and all other sports combined;

(B) the number of students at the institution of higher education, broken down by race and sex;

(C) the completion or graduation rate for students at the institution of higher education who received athletically related student aid broken down by race and sex in the following sports: basketball, football, baseball, cross country/track and all other sports combined;

(D) the completion or graduation rate for students at the institution of higher education, broken down by race and sex;

(E) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education who received athletically related student aid broken down by race and sex in the following categories: basketball, football, baseball, cross country/track, and all other sports combined; and

(F) the average completion or graduation rate for the 4 most recent completing or graduating classes of students at the institution of higher education broken down by race and sex.

(2) When an institution described in paragraph (1) of this subsection offers a potential student athlete athletically related student aid, such institution shall provide to the student and the student's parents, guidance counselor, and coach the information contained in the report submitted by such institution pursuant to paragraph (1). If the institution is a member of a national collegiate athletic association that compiles graduation rate data on behalf of the association's member institutions that the Secretary determines is substantially comparable to the information described in paragraph (1), the distribution of the compilation of such data to all secondary schools in the United States shall fulfill the responsibility of the institution to provide information to a prospective student athlete's guidance counselor and coach.

(3) For purposes of this subsection, institutions may—

(A) exclude from the reporting requirements under paragraphs (1) and (2) the completion or graduation rates of students and student athletes who leave school to serve in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government; or

(B) in cases where the students described in subparagraph (A) represent 20 percent or more of the certificate- or degree-seeking, full-time, undergraduate students at the institution, calculate the completion or graduation rates of such students by excluding from the calculations described in paragraph (1) the time period during which such students were not enrolled due to their service in the Armed Forces, on official church missions, or with a recognized foreign aid service of the Federal Government.

(4) Each institution of higher education described in paragraph (1) may provide supplemental information to students and the Secretary showing the completion or graduation rate when such completion or graduation rate includes students transferring into and out of such institution.

(5) The Secretary, using the reports submitted under this subsection, shall compile and publish a report containing the information required under paragraph (1) broken down by—

(A) individual institutions of higher education; and

(B) athletic conferences recognized by the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics.

(6) The Secretary shall waive the requirements of this subsection for any institution of higher education that is a member of an athletic association or athletic conference that has voluntarily published completion or graduation rate data or has agreed to publish data that, in the opinion of the Secretary, is substantially comparable to the information required under this subsection.

(7) The Secretary, in conjunction with the National Junior College Athletic Association, shall develop and obtain data on completion or graduation rates from two-year colleges that award athletically related student aid. Such data shall, to the extent practicable, be consistent with the reporting requirements set forth in this section.

(8) For purposes of this subsection, the term "athletically related student aid" means any scholarship, grant, or other form of financial assistance the terms of which require the recipient to participate in a program of intercollegiate athletics at an institution of higher education in order to be eligible to receive such assistance.

(9) The reports required by this subsection shall be due each July 1 and shall cover the 1-year period ending August 31 of the preceding year.

(f) DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS.—(1) Each eligible institution participating in any program under this title, other than a foreign institution of higher education, shall on August 1, 1991, begin to collect the following information with respect to campus crime statistics and campus security policies of that institution, and beginning September 1, 1992, and each year thereafter, prepare, publish, and distribute, through appropriate publications or mailings, to all current students and employees, and to any applicant for enrollment or employment upon request, an annual security report containing at least the following information with respect to the campus security policies and campus crime statistics of that institution:

(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.

(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.

(C) A statement of current policies concerning campus law enforcement, including—

(i) the law enforcement authority of campus security personnel;

(ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appro-

priate law enforcement agencies, when the victim of such crime elects or is unable to make such a report.

(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

(E) A description of programs designed to inform students and employees about the prevention of crimes.

(F) Statistics concerning the occurrence on campus, in or on noncampus buildings or property, and on public property during the most recent calendar year, and during the 2 preceding calendar years for which data are available—

(i) of the following criminal offenses reported to campus security authorities or local police agencies:

(I) murder;

(II) sex offenses, forcible or nonforcible;

(III) robbery;

(IV) aggravated assault;

(V) burglary;

(VI) motor vehicle theft;

(VII) manslaughter;

(VIII) arson;

(IX) arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession; and

(ii) of the crimes described in subclauses (I) through (VIII) of clause (i), of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and of other crimes involving bodily injury to any person, in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity,, ethnicity, or disability of the victim that are reported to campus security authorities or local police agencies, which data shall be collected and reported according to category of prejudice; and

(iii) of domestic violence, dating violence, and stalking incidents that were reported to campus security authorities or local police agencies.

(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities.

(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws and a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws and a description of any drug or alcohol abuse education programs as required under section 120 of this Act.

(I) A statement advising the campus community where law enforcement agency information provided by a State under section 170101(j) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(j)), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.

(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to—

(i) immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;

(ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and

(iii) test emergency response and evacuation procedures on an annual basis.

(2) Nothing in this subsection shall be construed to authorize the Secretary to require particular policies, procedures, or practices by institutions of higher education with respect to campus crimes or campus security.

(3) Each institution participating in any program under this title, other than a foreign institution of higher education, shall make timely reports to the campus community on crimes considered to be a threat to other students and employees described in paragraph (1)(F) that are reported to campus security or local law police agencies. Such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

(4)(A) Each institution participating in any program under this title, other than a foreign institution of higher education, that maintains a police or security department of any kind shall make, keep, and maintain a daily log, written in a form that can be easily understood, recording all crimes reported to such police or security department, including—

(i) the nature, date, time, and general location of each crime; and

(ii) the disposition of the complaint, if known.

(B)(i) All entries that are required pursuant to this paragraph shall, except where disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim, be open to public inspection within two business days of the initial report being made to the department or a campus security authority.

(ii) If new information about an entry into a log becomes available to a police or security department, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police or security department.

(iii) If there is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

(5) On an annual basis, each institution participating in any program under this title, other than a foreign institution of higher education, shall submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(F). The Secretary shall—

(A) review such statistics and report to the authorizing committees on campus crime statistics by September 1, 2000;

(B) make copies of the statistics submitted to the Secretary available to the public; and

(C) in coordination with representatives of institutions of higher education, identify exemplary campus security policies, procedures, and practices and disseminate information concerning those policies, procedures, and practices that have proven effective in the reduction of campus crime.

(6)(A) In this subsection:

(i) The terms "dating violence", "domestic violence", and "stalking" have the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

(ii) The term "campus" means—

(I) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

(II) property within the same reasonably contiguous geographic area of the institution that is owned by the institution but controlled by another person, is used by students, and supports institutional purposes (such as a food or other retail vendor).

(iii) The term "noncampus building or property" means—

(I) any building or property owned or controlled by a student organization recognized by the institution; and

(II) any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

(iv) The term "public property" means all public property that is within the same reasonably contiguous geographic area

of the institution, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.

(v) The term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

(B) In cases where branch campuses of an institution of higher education, schools within an institution of higher education, or administrative divisions within an institution are not within a reasonably contiguous geographic area, such entities shall be considered separate campuses for purposes of the reporting requirements of this section.

(7) The statistics described in clauses (i) and (ii) of paragraph (1)(F) shall be compiled in accordance with the definitions used in the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, and the modifications in such definitions as implemented pursuant to the Hate Crime Statistics Act. For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). Such statistics shall not identify victims of crimes or persons accused of crimes.

(8)(A) Each institution of higher education participating in any program under this title and title IV of the Economic Opportunity Act of 1964, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding—

(i) such institution's programs to prevent domestic violence, dating violence, sexual assault, and stalking; and

(ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report.

(B) The policy described in subparagraph (A) shall address the following areas:

(i) Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include—

(I) primary prevention and awareness programs for all incoming students and new employees, which shall include—

(aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

(bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction;

(cc) the definition of consent, in reference to sexual activity, in the applicable jurisdiction;

(dd) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

(ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and

(ff) the information described in clauses (ii) through (vii); and

(II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I).

(ii) Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking.

(iii) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—

(I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;

(II) to whom the alleged offense should be reported;

(III) options regarding law enforcement and campus authorities, including notification of the victim's option to—

(aa) notify proper law enforcement authorities, including on-campus and local police;

(bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and

(cc) decline to notify such authorities; and

(IV) where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

(iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that—

(I) such proceedings shall—

(aa) provide a prompt, fair, and impartial investigation and resolution; and

(bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

(II) the accuser and the accused are entitled to the same opportunities to have others present during an insti-

tutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and

(III) both the accuser and the accused shall be simultaneously informed, in writing, of—

(aa) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

(bb) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;

(cc) of any change to the results that occurs prior to the time that such results become final; and

(dd) when such results become final.

(v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

(vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on-campus and in the community.

(vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

(C) A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options, as described in clauses (ii) through (vii) of subparagraph (B).

(9)(A) Each institution participating in any program under this title, other than a foreign institution of higher education, shall develop, in accordance with the institution's statement of policy relating to hazing under paragraph (1)(K), a report (which shall be referred to as the "Campus Hazing Transparency Report") summarizing findings concerning any student organization (except that this shall only apply to student organizations that are established or recognized by the institution) found to be in violation of an institution's standards of conduct relating to hazing, as defined by the institution, (hereinafter referred to in this paragraph as a "hazing violation") that requires the institution to—

(i) beginning July 1, 2025, collect information with respect to hazing incidents at the institution;

(ii) not later than 12 months after the date of the enactment of the Stop Campus Hazing Act, make the Campus Hazing Transparency Report publicly available on the public website of the institution; and

(iii) not less frequently than 2 times each year, update the Campus Hazing Transparency Report to include, for the period beginning on the date on which the Report was last published and ending on the date on which such update is submitted, each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including—

(I) the name of such student organization;

(II) a general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of the institution, and any sanctions placed on the student organization by the institution, as applicable; and

(III) the dates on which—

(aa) the incident was alleged to have occurred;

(bb) the investigation into the incident was initiated;

(cc) the investigation ended with a finding that a hazing violation occurred; and

(dd) the institution provided notice to the student organization that the incident resulted in a hazing violation.

(B) The Campus Hazing Transparency Report may include—

(i) to satisfy the requirements of this paragraph, information that—

(I) is included as part of a report published by the institution; and

(II) meets the requirements of the Campus Hazing Transparency Report; and

(ii) any additional information—

(I) determined by the institution to be necessary; or

(II) reported as required by State law.

(C) The Campus Hazing Transparency Report shall not include any personally identifiable information, including any information that would reveal personally identifiable information, about any individual student in accordance with section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974").

(D) The institution shall publish, in a prominent location on the public website of the institution, the Campus Hazing Transparency Report, including—

(i) a statement notifying the public of the annual availability of statistics on hazing pursuant to the report required under paragraph (1)(F), including a link to such report;

(ii) information about the institution's policies relating to hazing under paragraph (1)(K) and applicable local, State, and Tribal laws on hazing; and

(iii) the information included in each update required under subparagraph (A)(iii), which shall be maintained for a period of 5 calendar years from the date of publication of such update.

(E) The institution may include, as part of the publication of the Campus Hazing Transparency Report under subparagraph (D), a description of the purposes of, and differences between—

(i) the report required under paragraph (1)(F); and

(ii) the Campus Hazing Transparency Report required under this paragraph.

(F) For purposes of this paragraph, the definition of "campus" under paragraph (6)(A)(ii) shall not apply.

(G) An institution described in subparagraph (A) is not required to—

(i) develop the Campus Hazing Transparency Report under this subsection until such institution has a finding of a hazing violation; or

(ii) update the Campus Hazing Transparency Report in accordance with clause (iii) of subparagraph (A) for a period described in such clause if such institution does not have a finding of a hazing violation for such period.

(10) The Secretary, in consultation with the Attorney General of the United States, shall provide technical assistance in complying with the provisions of this section to an institution of higher education who requests such assistance.

(11) Nothing in this section shall be construed to require the reporting or disclosure of privileged information.

(12) The Secretary shall report to the appropriate committees of Congress each institution of higher education that the Secretary determines is not in compliance with the reporting requirements of this subsection.

(13) For purposes of reporting the statistics with respect to crimes described in paragraph (1)(F), an institution of higher education shall distinguish, by means of separate categories, any criminal offenses that occur—

(A) on campus;

(B) in or on a noncampus building or property;

(C) on public property; and

(D) in dormitories or other residential facilities for students on campus.

(14) Upon a determination pursuant to section 487(c)(3)(B) that an institution of higher education has substantially misrepresented the number, location, or nature of the crimes required to be reported under this subsection, the Secretary shall impose a civil penalty upon the institution in the same amount and pursuant to the same procedures as a civil penalty is imposed under section 487(c)(3)(B).

(15)(A) Nothing in this subsection may be construed to—

(i) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(ii) establish any standard of care.

(B) Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(16) The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(17)(A) The Secretary shall seek the advice and counsel of the Attorney General of the United States concerning the development, and dissemination to institutions of higher education, of best practices information about campus safety and emergencies.

(B) The Secretary shall seek the advice and counsel of the Attorney General of the United States and the Secretary of Health and Human Services concerning the development, and dissemination to institutions of higher education, of best practices information about preventing and responding to incidents of domestic violence, dating violence, sexual assault, and stalking, including elements of institutional policies that have proven successful based on evidence-based outcome measurements.

(18) No officer, employee, or agent of an institution participating in any program under this title shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this subsection.

(19) This subsection may be cited as the "Jeanne Clery Campus Safety Act".

(g) DATA REQUIRED.—

(1) IN GENERAL.—Each coeducational institution of higher education that participates in any program under this title, and has an intercollegiate athletic program, shall annually, for the immediately preceding academic year, prepare a report that contains the following information regarding intercollegiate athletics:

(A) The number of male and female full-time undergraduates that attended the institution.

(B) A listing of the varsity teams that competed in intercollegiate athletic competition and for each such team the following data:

(i) The total number of participants, by team, as of the day of the first scheduled contest for the team.

(ii) Total operating expenses attributable to such teams, except that an institution may also report such expenses on a per capita basis for each team and expenditures attributable to closely related teams such as track and field or swimming and diving, may be reported together, although such combinations shall be reported separately for men's and women's teams.

(iii) Whether the head coach is male or female and whether the head coach is assigned to that team on a full-time or part-time basis. Graduate assistants and volunteers who serve as head coaches shall be considered to be head coaches for the purposes of this clause.

(iv) The number of assistant coaches who are male and the number of assistant coaches who are female for each team and whether a particular coach is assigned to that team on a full-time or part-time basis.

Graduate assistants and volunteers who serve as assistant coaches shall be considered to be assistant coaches for the purposes of this clause.

(C) The total amount of money spent on athletically related student aid, including the value of waivers of educational expenses, separately for men's and women's teams overall.

(D) The ratio of athletically related student aid awarded male athletes to athletically related student aid awarded female athletes.

(E) The total amount of expenditures on recruiting, separately for men's and women's teams overall.

(F) The total annual revenues generated across all men's teams and across all women's teams, except that an institution may also report such revenues by individual team.

(G) The average annual institutional salary of the head coaches of men's teams, across all offered sports, and the average annual institutional salary of the head coaches of women's teams, across all offered sports.

(H) The average annual institutional salary of the assistant coaches of men's teams, across all offered sports, and the average annual institutional salary of the assistant coaches of women's teams, across all offered sports.

(I)(i) The total revenues, and the revenues from football, men's basketball, women's basketball, all other men's sports combined and all other women's sports combined, derived by the institution from the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), revenues from intercollegiate athletics activities allocable to a sport shall include (without limitation) gate receipts, broadcast revenues, appearance guarantees and options, concessions, and advertising, but revenues such as student activities fees or alumni contributions not so allocable shall be included in the calculation of total revenues only.

(J)(i) The total expenses, and the expenses attributable to football, men's basketball, women's basketball, all other men's sports combined, and all other women's sports combined, made by the institution for the institution's intercollegiate athletics activities.

(ii) For the purpose of clause (i), expenses for intercollegiate athletics activities allocable to a sport shall include (without limitation) grants-in-aid, salaries, travel, equipment, and supplies, but expenses such as general and administrative overhead not so allocable shall be included in the calculation of total expenses only.

(2) SPECIAL RULE.—For the purposes of paragraph (1)(G), if a coach has responsibilities for more than one team and the institution does not allocate such coach's salary by team, the institution should divide the salary by the number of teams for which the coach has responsibility and allocate the salary

among the teams on a basis consistent with the coach's responsibilities for the different teams.

(3) DISCLOSURE OF INFORMATION TO STUDENTS AND PUBLIC.—An institution of higher education described in paragraph (1) shall make available to students and potential students, upon request, and to the public, the information contained in the report described in paragraph (1), except that all students shall be informed of their right to request such information.

(4) SUBMISSION; REPORT; INFORMATION AVAILABILITY.—(A) On an annual basis, each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

(B) The Secretary shall ensure that the reports described in subparagraph (A) are made available to the public within a reasonable period of time.

(C) Not later than 180 days after the date of enactment of the Higher Education Amendments of 1998, the Secretary shall notify all secondary schools in all States regarding the availability of the information made available under paragraph (1), and how such information may be accessed.

(5) DEFINITION.—For the purposes of this subsection, the term "operating expenses" means expenditures on lodging and meals, transportation, officials, uniforms and equipment.

(h) TRANSFER OF CREDIT POLICIES.—

(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall publicly disclose, in a readable and comprehensible manner, the transfer of credit policies established by the institution which shall include a statement of the institution's current transfer of credit policies that includes, at a minimum—

(A) any established criteria the institution uses regarding the transfer of credit earned at another institution of higher education; and

(B) a list of institutions of higher education with which the institution has established an articulation agreement.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the Secretary or the National Advisory Committee on Institutional Quality and Integrity to require particular policies, procedures, or practices by institutions of higher education with respect to transfer of credit;

(B) authorize an officer or employee of the Department to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any institution of higher education, or over any accrediting agency or association;

(C) limit the application of the General Education Provisions Act; or

(D) create any legally enforceable right on the part of a student to require an institution of higher education to accept a transfer of credit from another institution.

(i) DISCLOSURE OF FIRE SAFETY STANDARDS AND MEASURES.—

(1) ANNUAL FIRE SAFETY REPORTS ON STUDENT HOUSING REQUIRED.—Each eligible institution participating in any program under this title that maintains on-campus student housing facilities shall, on an annual basis, publish a fire safety report, which shall contain information with respect to the campus fire safety practices and standards of that institution, including—

(A) statistics concerning the following in each on-campus student housing facility during the most recent calendar years for which data are available:

(i) the number of fires and the cause of each fire;

(ii) the number of injuries related to a fire that result in treatment at a medical facility;

(iii) the number of deaths related to a fire; and

(iv) the value of property damage caused by a fire;

(B) a description of each on-campus student housing facility fire safety system, including the fire sprinkler system;

(C) the number of regular mandatory supervised fire drills;

(D) policies or rules on portable electrical appliances, smoking, and open flames (such as candles), procedures for evacuation, and policies regarding fire safety education and training programs provided to students, faculty, and staff; and

(E) plans for future improvements in fire safety, if determined necessary by such institution.

(2) REPORT TO THE SECRETARY.—Each institution described in paragraph (1) shall, on an annual basis, submit to the Secretary a copy of the statistics required to be made available under paragraph (1)(A).

(3) CURRENT INFORMATION TO CAMPUS COMMUNITY.—Each institution described in paragraph (1) shall—

(A) make, keep, and maintain a log, recording all fires in on-campus student housing facilities, including the nature, date, time, and general location of each fire; and

(B) make annual reports to the campus community on such fires.

(4) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall—

(A) make the statistics submitted under paragraph (1)(A) to the Secretary available to the public; and

(B) in coordination with nationally recognized fire organizations and representatives of institutions of higher education, representatives of associations of institutions of higher education, and other organizations that represent and house a significant number of students—

(i) identify exemplary fire safety policies, procedures, programs, and practices, including the installa-

tion, to the technical standards of the National Fire Protection Association, of fire detection, prevention, and protection technologies in student housing, dormitories, and other buildings;

(ii) disseminate the exemplary policies, procedures, programs and practices described in clause (i) to the Administrator of the United States Fire Administration;

(iii) make available to the public information concerning those policies, procedures, programs, and practices that have proven effective in the reduction of fires; and

(iv) develop a protocol for institutions to review the status of their fire safety systems.

(5) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) authorize the Secretary to require particular policies, procedures, programs, or practices by institutions of higher education with respect to fire safety, other than with respect to the collection, reporting, and dissemination of information required by this subsection;

(B) affect section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") or the regulations issued under section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note);

(C) create a cause of action against any institution of higher education or any employee of such an institution for any civil liability; or

(D) establish any standard of care.

(6) COMPLIANCE REPORT.—The Secretary shall annually report to the authorizing committees regarding compliance with this subsection by institutions of higher education, including an up-to-date report on the Secretary's monitoring of such compliance.

(7) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with this subsection shall not be admissible as evidence in any proceeding of any court, agency, board, or other entity, except with respect to an action to enforce this subsection.

(j) MISSING PERSON PROCEDURES.—

(1) OPTION AND PROCEDURES.—Each institution of higher education that provides on-campus housing and participates in any program under this title shall—

(A) establish a missing student notification policy for students who reside in on-campus housing that—

(i) informs each such student that such student has the option to identify an individual to be contacted by the institution not later than 24 hours after the time that the student is determined missing in accordance with official notification procedures established by the institution under subparagraph (B);

(ii) provides each such student a means to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours;

(iii) advises each such student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian not later 24 hours after the time that the student is determined to be missing in accordance with such procedures;

(iv) informs each such residing student that the institution will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined missing in accordance with such procedures; and

(v) requires, if the campus security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution to initiate the emergency contact procedures in accordance with the student's designation; and

(B) establish official notification procedures for a missing student who resides in on-campus housing that—

(i) includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours;

(ii) requires any official missing person report relating to such student be referred immediately to the institution's police or campus security department; and

(iii) if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours, requires—

(I) such department to contact the individual identified by such student under subparagraph (A)(i);

(II) if such student is under 18 years of age, and not an emancipated individual, the institution to immediately contact the custodial parent or legal guardian of such student; and

(III) if subclauses (I) or (II) do not apply to a student determined to be a missing person, inform the appropriate law enforcement agency.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to provide a private right of action to any person to enforce any provision of this subsection; or

(B) to create a cause of action against any institution of higher education or any employee of the institution for any civil liability.

(l) ENTRANCE COUNSELING FOR BORROWERS.—

(1) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

(A) IN GENERAL.—Each eligible institution shall, at or prior to the time of a disbursement to a first-time borrower of a loan made, insured, or guaranteed under part B (other than a loan made pursuant to section 428C or a loan made on behalf of a student pursuant to section 428B) or made under part D (other than a Federal Direct Consolidation Loan or a Federal Direct PLUS loan made on behalf of a student), ensure that the borrower receives comprehensive information on the terms and conditions of the loan and of the responsibilities the borrower has with respect to such loan in accordance with paragraph (2). Such information—

(i) shall be provided in a simple and understandable manner; and

(ii) may be provided—

(I) during an entrance counseling session conduction in person;

(II) on a separate written form provided to the borrower that the borrower signs and returns to the institution; or

(III) online, with the borrower acknowledging receipt of the information.

(B) USE OF INTERACTIVE PROGRAMS.—The Secretary shall encourage institutions to carry out the requirements of subparagraph (A) through the use of interactive programs that test the borrower's understanding of the terms and conditions of the borrower's loans under part B or D, using simple and understandable language and clear formatting.

(2) INFORMATION TO BE PROVIDED.—The information to be provided to the borrower under paragraph (1)(A) shall include the following:

(A) To the extent practicable, the effect of accepting the loan to be disbursed on the eligibility of the borrower for other forms of student financial assistance.

(B) An explanation of the use of the master promissory note.

(C) Information on how interest accrues and is capitalized during periods when the interest is not paid by either the borrower or the Secretary.

(D) In the case of a loan made under section 428B or 428H, a Federal Direct PLUS Loan, or a Federal Direct Unsubsidized Stafford Loan, the option of the borrower to pay the interest while the borrower is in school.

(E) The definition of half-time enrollment at the institution, during regular terms and summer school, if applicable, and the consequences of not maintaining half-time enrollment.

(F) An explanation of the importance of contacting the appropriate offices at the institution of higher education if the borrower withdraws prior to completing the borrower's program of study so that the institution can provide exit counseling, including information regarding the borrower's repayment options and loan consolidation.

(G) Sample monthly repayment amounts based on—

(i) a range of levels of indebtedness of—

(I) borrowers of loans under section 428 or 428H; and

(II) as appropriate, graduate borrowers of loans under section 428, 428B, or 428H; or

(ii) the average cumulative indebtedness of other borrowers in the same program as the borrower at the same institution.

(H) The obligation of the borrower to repay the full amount of the loan, regardless of whether the borrower completes or does not complete the program in which the borrower is enrolled within the regular time for program completion.

(I) The likely consequences of default on the loan, including adverse credit reports, delinquent debt collection procedures under Federal law, and litigation.

(J) Information on the National Student Loan Data System and how the borrower can access the borrower's records.

(K) The name of and contact information for the individual the borrower may contact if the borrower has any questions about the borrower's rights and responsibilities or the terms and conditions of the loan.

(m) DISCLOSURES OF REIMBURSEMENTS FOR SERVICE ON ADVISORY BOARDS.—

(1) DISCLOSURE.—Each institution of higher education participating in any program under this title shall report, on an annual basis, to the Secretary, any reasonable expenses paid or provided under section 140(d) of the Truth in Lending Act to any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other financial aid of the institution. Such reports shall include—

(A) the amount for each specific instance of reasonable expenses paid or provided;

(B) the name of the financial aid official, other employee, or agent to whom the expenses were paid or provided;

(C) the dates of the activity for which the expenses were paid or provided; and

(D) a brief description of the activity for which the expenses were paid or provided.

(2) REPORT TO CONGRESS.—The Secretary shall summarize the information received from institutions of higher education under paragraph (1) in a report and transmit such report annually to the authorizing committees.

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SEC. 487. PROGRAM PARTICIPATION AGREEMENTS.

(a) REQUIRED FOR PROGRAMS OF ASSISTANCE; CONTENTS.—In order to be an eligible institution for the purposes of any program authorized under this title, an institution must be an institution of

higher education or an eligible institution (as that term is defined for the purpose of that program) and shall, except with respect to a program under subpart 4 of part A, enter into a program participation agreement with the Secretary. The agreement shall condition the initial and continuing eligibility of an institution to participate in a program upon compliance with the following requirements:

(1) The institution will use funds received by it for any program under this title and any interest or other earnings thereon solely for the purpose specified in and in accordance with the provision of that program.

(2) The institution shall not charge any student a fee for processing or handling any application, form, or data required to determine the student's eligibility for assistance under this title or the amount of such assistance.

(3) The institution will establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of funds received from the Secretary or from students under this title, together with assurances that the institution will provide, upon request and in a timely fashion, information relating to the administrative capability and financial responsibility of the institution to—

(A) the Secretary;

(B) the appropriate guaranty agency; and

(C) the appropriate accrediting agency or association.

(4) The institution will comply with the provisions of subsection (c) of this section and the regulations prescribed under that subsection, relating to fiscal eligibility.

(5) The institution will submit reports to the Secretary and, in the case of an institution participating in a program under part B or part E, to holders of loans made to the institution's students under such parts at such times and containing such information as the Secretary may reasonably require to carry out the purpose of this title.

(6) The institution will not provide any student with any statement or certification to any lender under part B that qualifies the student for a loan or loans in excess of the amount that student is eligible to borrow in accordance with sections 425(a), 428(a)(2), and 428(b)(1) (A) and (B).

(7) The institution will comply with the requirements of section 485.

(8) In the case of an institution that advertises job placement rates as a means of attracting students to enroll in the institution, the institution will make available to prospective students, at or before the time of application (A) the most recent available data concerning employment statistics, graduation statistics, and any other information necessary to substantiate the truthfulness of the advertisements, and (B) relevant State licensing requirements of the State in which such institution is located for any job for which the course of instruction is designed to prepare such prospective students.

(9) In the case of an institution participating in a program under part B or D, the institution will inform all eligible borrowers enrolled in the institution about the availability and eligibility of such borrowers for State grant assistance from the State in which the institution is located, and will inform such borrowers from another State of the source for further information concerning such assistance from that State.

(10) The institution certifies that it has in operation a drug abuse prevention program that is determined by the institution to be accessible to any officer, employee, or student at the institution.

(11) In the case of any institution whose students receive financial assistance pursuant to section 484(d), the institution will make available to such students a program proven successful in assisting students in obtaining a certificate of high school equivalency.

(12) The institution certifies that—

(A) the institution has established a campus security policy; and

(B) the institution has complied with the disclosure requirements of section 485(f).

(13) The institution will not deny any form of Federal financial aid to any student who meets the eligibility requirements of this title on the grounds that the student is participating in a program of study abroad approved for credit by the institution.

(14)(A) The institution, in order to participate as an eligible institution under part B or D, will develop a Default Management Plan for approval by the Secretary as part of its initial application for certification as an eligible institution and will implement such Plan for two years thereafter.

(B) Any institution of higher education which changes ownership and any eligible institution which changes its status as a parent or subordinate institution shall, in order to participate as an eligible institution under part B or D, develop a Default Management Plan for approval by the Secretary and implement such Plan for two years after its change of ownership or status.

(C) This paragraph shall not apply in the case of an institution in which (i) neither the parent nor the subordinate institution has a cohort default rate in excess of 10 percent, and (ii) the new owner of such parent or subordinate institution does not, and has not, owned any other institution with a cohort default rate in excess of 10 percent.

(15) The institution acknowledges the authority of the Secretary, guaranty agencies, lenders, accrediting agencies, the Secretary of Veterans Affairs, and the State agencies under subpart 1 of part H to share with each other any information pertaining to the institution's eligibility to participate in programs under this title or any information on fraud and abuse.

(16)(A) The institution will not knowingly employ an individual in a capacity that involves the administration of programs under this title, or the receipt of program funds under

this title, who has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under this title, or has been judicially determined to have committed fraud involving funds under this title or contract with an institution or third party servicer that has been terminated under section 432 involving the acquisition, use, or expenditure of funds under this title, or who has been judicially determined to have committed fraud involving funds under this title.

(B) The institution will not knowingly contract with or employ any individual, agency, or organization that has been, or whose officers or employees have been—

(i) convicted of, or pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under this title; or

(ii) judicially determined to have committed fraud involving funds under this title.

(17) The institution will complete surveys conducted as a part of the Integrated Postsecondary Education Data System (IPEDS) or any other Federal postsecondary institution data collection effort, as designated by the Secretary, in a timely manner and to the satisfaction of the Secretary.

(18) The institution will meet the requirements established pursuant to section 485(g).

(19) The institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that the student borrow additional funds, on any student because of the student's inability to meet his or her financial obligations to the institution as a result of the delayed disbursement of the proceeds of a loan made under this title due to compliance with the provisions of this title, or delays attributable to the institution.

(20) The institution will not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except that this paragraph shall not apply to the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(21) The institution will meet the requirements established by the Secretary and accrediting agencies or associations, and will provide evidence to the Secretary that the institution has the authority to operate within a State.

(22) The institution will comply with the refund policy established pursuant to section 484B.

(23)(A) The institution, if located in a State to which section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) does not apply, will make a good faith effort to distribute a mail voter registration form, requested and received from the State, to each student enrolled in a degree

or certificate program and physically in attendance at the institution, and to make such forms widely available to students at the institution.

(B) The institution shall request the forms from the State 120 days prior to the deadline for registering to vote within the State. If an institution has not received a sufficient quantity of forms to fulfill this section from the State within 60 days prior to the deadline for registering to vote in the State, the institution shall not be held liable for not meeting the requirements of this section during that election year.

(C) This paragraph shall apply to general and special elections for Federal office, as defined in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3)), and to the elections for Governor or other chief executive within such State).

(D) The institution shall be considered in compliance with the requirements of subparagraph (A) for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted exclusively to voter registration.

[(24) In the case of a proprietary institution of higher education (as defined in section 102(b)), such institution will derive not less than ten percent of such institution's revenues from sources other than Federal funds that are disbursed or delivered to or on behalf of a student to be used to attend such institution (referred to in this paragraph and subsection (d) as "Federal education assistance funds"), as calculated in accordance with subsection (d)(1), or will be subject to the sanctions described in subsection (d)(2).**]**

(25) In the case of an institution that participates in a loan program under this title, the institution will—

(A) develop a code of conduct with respect to such loans with which the institution's officers, employees, and agents shall comply, that—

(i) prohibits a conflict of interest with the responsibilities of an officer, employee, or agent of an institution with respect to such loans; and

(ii) at a minimum, includes the provisions described in subsection (e);

(B) publish such code of conduct prominently on the institution's website; and

(C) administer and enforce such code by, at a minimum, requiring that all of the institution's officers, employees, and agents with responsibilities with respect to such loans be annually informed of the provisions of the code of conduct.

(26) The institution will, upon written request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), or a nonforcible sex offense, the report on the results of any discipli-

nary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

(27) In the case of an institution that has entered into a preferred lender arrangement, the institution will at least annually compile, maintain, and make available for students attending the institution, and the families of such students, a list, in print or other medium, of the specific lenders for loans made, insured, or guaranteed under this title or private education loans that the institution recommends, promotes, or endorses in accordance with such preferred lender arrangement. In making such list, the institution shall comply with the requirements of subsection (h).

(28)(A) The institution will, upon the request of an applicant for a private education loan, provide to the applicant the form required under section 128(e)(3) of the Truth in Lending Act (15 U.S.C. 1638(e)(3)), and the information required to complete such form, to the extent the institution possesses such information.

(B) For purposes of this paragraph, the term "private education loan" has the meaning given such term in section 140 of the Truth in Lending Act.

(29) The institution certifies that the institution—

(A) has developed plans to effectively combat the unauthorized distribution of copyrighted material, including through the use of a variety of technology-based deterrents; and

(B) will, to the extent practicable, offer alternatives to illegal downloading or peer-to-peer distribution of intellectual property, as determined by the institution in consultation with the chief technology officer or other designated officer of the institution.

(b) HEARINGS.—(1) An institution that has received written notice of a final audit or program review determination and that desires to have such determination reviewed by the Secretary shall submit to the Secretary a written request for review not later than 45 days after receipt of notification of the final audit or program review determination.

(2) The Secretary shall, upon receipt of written notice under paragraph (1), arrange for a hearing and notify the institution within 30 days of receipt of such notice the date, time, and place of such hearing. Such hearing shall take place not later than 120 days from the date upon which the Secretary notifies the institution.

(c) AUDITS; FINANCIAL RESPONSIBILITY; ENFORCEMENT OF STANDARDS.—(1) Notwithstanding any other provisions of this title, the Secretary shall prescribe such regulations as may be necessary to provide for—

(A)(i) except as provided in clauses (ii) and (iii), a financial audit of an eligible institution with regard to the financial con-

dition of the institution in its entirety, and a compliance audit of such institution with regard to any funds obtained by it under this title or obtained from a student or a parent who has a loan insured or guaranteed by the Secretary under this title, on at least an annual basis and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary and shall be available to cognizant guaranty agencies, eligible lenders, State agencies, and the appropriate State agency notifying the Secretary under subpart 1 of part H, except that the Secretary may modify the requirements of this clause with respect to institutions of higher education that are foreign institutions, and may waive such requirements with respect to a foreign institution whose students receive less than $500,000 in loans under this title during the award year preceding the audit period;

(ii) with regard to an eligible institution which is audited under chapter 75 of title 31, United States Code, deeming such audit to satisfy the requirements of clause (i) for the period covered by such audit; or

(iii) at the discretion of the Secretary, with regard to an eligible institution (other than an eligible institution described in section 102(a)(1)(C)) that has obtained less than $200,000 in funds under this title during each of the 2 award years that precede the audit period and submits a letter of credit payable to the Secretary equal to not less than ½ of the annual potential liabilities of such institution as determined by the Secretary, deeming an audit conducted every 3 years to satisfy the requirements of clause (i), except for the award year immediately preceding renewal of the institution's eligibility under section 498(g);

(B) in matters not governed by specific program provisions, the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid under this title, including any matter the Secretary deems necessary to the sound administration of the financial aid programs, such as the pertinent actions of any owner, shareholder, or person exercising control over an eligible institution;

(C)(i) except as provided in clause (ii), a compliance audit of a third party servicer (other than with respect to the servicer's functions as a lender if such functions are otherwise audited under this part and such audits meet the requirements of this clause), with regard to any contract with an eligible institution, guaranty agency, or lender for administering or servicing any aspect of the student assistance programs under this title, at least once every year and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by

the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(ii) with regard to a third party servicer that is audited under chapter 75 of title 31, United States Code, such audit shall be deemed to satisfy the requirements of clause (i) for the period covered by such audit;

(D)(i) a compliance audit of a secondary market with regard to its transactions involving, and its servicing and collection of, loans made under this title, at least once a year and covering the period since the most recent audit, conducted by a qualified, independent organization or person in accordance with standards established by the Comptroller General for the audit of governmental organizations, programs, and functions, and as prescribed in regulations of the Secretary, the results of which shall be submitted to the Secretary; or

(ii) with regard to a secondary market that is audited under chapter 75 of title 31, United States Code, such audit shall be deemed to satisfy the requirements of clause (i) for the period covered by the audit;

(E) the establishment, by each eligible institution under part B responsible for furnishing to the lender the statement required by section 428(a)(2)(A)(i), of policies and procedures by which the latest known address and enrollment status of any student who has had a loan insured under this part and who has either formally terminated his enrollment, or failed to reenroll on at least a half-time basis, at such institution, shall be furnished either to the holder (or if unknown, the insurer) of the note, not later than 60 days after such termination or failure to re-enroll;

(F) the limitation, suspension, or termination of the participation in any program under this title of an eligible institution, or the imposition of a civil penalty under paragraph (3)(B) whenever the Secretary has determined, after reasonable notice and opportunity for hearing, that such institution has violated or failed to carry out any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation, except that no period of suspension under this section shall exceed 60 days unless the institution and the Secretary agree to an extension or unless limitation or termination proceedings are initiated by the Secretary within that period of time;

(G) an emergency action against an institution, under which the Secretary shall, effective on the date on which a notice and statement of the basis of the action is mailed to the institution (by registered mail, return receipt requested), withhold funds from the institution or its students and withdraw the institution's authority to obligate funds under any program under this title, if the Secretary—

(i) receives information, determined by the Secretary to be reliable, that the institution is violating any provision of this title, any regulation prescribed under this title,

or any applicable special arrangement, agreement, or limitation,

(ii) determines that immediate action is necessary to prevent misuse of Federal funds, and

(iii) determines that the likelihood of loss outweighs the importance of the procedures prescribed under subparagraph (D) for limitation, suspension, or termination,

except that an emergency action shall not exceed 30 days unless limitation, suspension, or termination proceedings are initiated by the Secretary against the institution within that period of time, and except that the Secretary shall provide the institution an opportunity to show cause, if it so requests, that the emergency action is unwarranted;

(H) the limitation, suspension, or termination of the eligibility of a third party servicer to contract with any institution to administer any aspect of an institution's student assistance program under this title, or the imposition of a civil penalty under paragraph (3)(B), whenever the Secretary has determined, after reasonable notice and opportunity for a hearing, that such organization, acting on behalf of an institution, has violated or failed to carry out any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation, except that no period of suspension under this subparagraph shall exceed 60 days unless the organization and the Secretary agree to an extension, or unless limitation or termination proceedings are initiated by the Secretary against the individual or organization within that period of time; and

(I) an emergency action against a third party servicer that has contracted with an institution to administer any aspect of the institution's student assistance program under this title, under which the Secretary shall, effective on the date on which a notice and statement of the basis of the action is mailed to such individual or organization (by registered mail, return receipt requested), withhold funds from the individual or organization and withdraw the individual or organization's authority to act on behalf of an institution under any program under this title, if the Secretary—

(i) receives information, determined by the Secretary to be reliable, that the individual or organization, acting on behalf of an institution, is violating any provision of this title, any regulation prescribed under this title, or any applicable special arrangement, agreement, or limitation,

(ii) determines that immediate action is necessary to prevent misuse of Federal funds, and

(iii) determines that the likelihood of loss outweighs the importance of the procedures prescribed under subparagraph (F), for limitation, suspension, or termination,

except that an emergency action shall not exceed 30 days unless the limitation, suspension, or termination proceedings are initiated by the Secretary against the individual or organization within that period of time, and except that the Secretary shall provide the individual or organization an opportunity to

show cause, if it so requests, that the emergency action is unwarranted.

(2) If an individual who, or entity that, exercises substantial control, as determined by the Secretary in accordance with the definition of substantial control in subpart 3 of part H, over one or more institutions participating in any program under this title, or, for purposes of paragraphs (1) (H) and (I), over one or more organizations that contract with an institution to administer any aspect of the institution's student assistance program under this title, is determined to have committed one or more violations of the requirements of any program under this title, or has been suspended or debarred in accordance with the regulations of the Secretary, the Secretary may use such determination, suspension, or debarment as the basis for imposing an emergency action on, or limiting, suspending, or terminating, in a single proceeding, the participation of any or all institutions under the substantial control of that individual or entity.

(3)(A) Upon determination, after reasonable notice and opportunity for a hearing, that an eligible institution has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, or the employability of its graduates, the Secretary may suspend or terminate the eligibility status for any or all programs under this title of any otherwise eligible institution, in accordance with procedures specified in paragraph (1)(D) of this subsection, until the Secretary finds that such practices have been corrected.

(B)(i) Upon determination, after reasonable notice and opportunity for a hearing, that an eligible institution—

(I) has violated or failed to carry out any provision of this title or any regulation prescribed under this title; or

(II) has engaged in substantial misrepresentation of the nature of its educational program, its financial charges, and the employability of its graduates,

the Secretary may impose a civil penalty upon such institution of not to exceed $25,000 for each violation or misrepresentation.

(ii) Any civil penalty may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of the penalty to the size of the institution of higher education subject to the determination, and the gravity of the violation, failure, or misrepresentation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the institution charged.

(4) The Secretary shall publish a list of State agencies which the Secretary determines to be reliable authority as to the quality of public postsecondary vocational education in their respective States for the purpose of determining eligibility for all Federal student assistance programs.

(5) The Secretary shall make readily available to appropriate guaranty agencies, eligible lenders, State agencies notifying the Secretary under subpart 1 of part H, and accrediting agencies or

associations the results of the audits of eligible institutions conducted pursuant to paragraph (1)(A).

(6) The Secretary is authorized to provide any information collected as a result of audits conducted under this section, together with audit information collected by guaranty agencies, to any Federal or State agency having responsibilities with respect to student financial assistance, including those referred to in subsection (a)(15) of this section.

(7) Effective with respect to any audit conducted under this subsection after December 31, 1988, if, in the course of conducting any such audit, the personnel of the Department of Education discover, or are informed of, grants or other assistance provided by an institution in accordance with this title for which the institution has not received funds appropriated under this title (in the amount necessary to provide such assistance), including funds for which reimbursement was not requested prior to such discovery or information, such institution shall be permitted to offset that amount against any sums determined to be owed by the institution pursuant to such audit, or to receive reimbursement for that amount (if the institution does not owe any such sums).

[(d) IMPLEMENTATION OF NON-FEDERAL REVENUE REQUIREMENT.—

[(1) CALCULATION.—In making calculations under subsection (a)(24), a proprietary institution of higher education shall—

[(A) use the cash basis of accounting, except in the case of loans described in subparagraph (D)(i) that are made by the proprietary institution of higher education;

[(B) consider as revenue only those funds generated by the institution from—

[(i) tuition, fees, and other institutional charges for students enrolled in programs eligible for assistance under this title;

[(ii) activities conducted by the institution that are necessary for the education and training of the institution's students, if such activities are—

[(I) conducted on campus or at a facility under the control of the institution;

[(II) performed under the supervision of a member of the institution's faculty; and

[(III) required to be performed by all students in a specific educational program at the institution; and

[(iii) funds paid by a student, or on behalf of a student by a party other than the institution, for an education or training program that is not eligible for funds under this title, if the program—

[(I) is approved or licensed by the appropriate State agency;

[(II) is accredited by an accrediting agency recognized by the Secretary; or

[(III) provides an industry-recognized credential or certification;

[(C) presume that any Federal education assistance funds that are disbursed or delivered to or on behalf of a student will be used to pay the student's tuition, fees, or other institutional charges, regardless of whether the institution credits those funds to the student's account or pays those funds directly to the student, except to the extent that the student's tuition, fees, or other institutional charges are satisfied by—

[(i) grant funds provided by non-Federal public agencies or private sources independent of the institution;

[(ii) funds provided under a contractual arrangement with a Federal, State, or local government agency for the purpose of providing job training to low-income individuals who are in need of that training;

[(iii) funds used by a student from savings plans for educational expenses established by or on behalf of the student and which qualify for special tax treatment under the Internal Revenue Code of 1986; or

[(iv) institutional scholarships described in subparagraph (D)(iii);

[(D) include institutional aid as revenue to the school only as follows:

[(i) in the case of loans made by a proprietary institution of higher education on or after July 1, 2008 and prior to July 1, 2012, the net present value of such loans made by the institution during the applicable institutional fiscal year accounted for on an accrual basis and estimated in accordance with generally accepted accounting principles and related standards and guidance, if the loans—

[(I) are bona fide as evidenced by enforceable promissory notes;

[(II) are issued at intervals related to the institution's enrollment periods; and

[(III) are subject to regular loan repayments and collections;

[(ii) in the case of loans made by a proprietary institution of higher education on or after July 1, 2012, only the amount of loan repayments received during the applicable institutional fiscal year, excluding repayments on loans made and accounted for as specified in clause (i); and

[(iii) in the case of scholarships provided by a proprietary institution of higher education, only those scholarships provided by the institution in the form of monetary aid or tuition discounts based upon the academic achievements or financial need of students, disbursed during each fiscal year from an established restricted account, and only to the extent that funds in that account represent designated funds from an outside source or from income earned on those funds;

[(E) in the case of each student who receives a loan on or after July 1, 2008, and prior to July 1, 2011, that is authorized under section 428H or that is a Federal Direct Unsubsidized Stafford Loan, treat as revenue received by the institution from sources other than funds received under this title, the amount by which the disbursement of such loan received by the institution exceeds the limit on such loan in effect on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008; and

[(F) exclude from revenues—

[(i) the amount of funds the institution received under part C, unless the institution used those funds to pay a student's institutional charges;

[(ii) the amount of funds the institution received under subpart 4 of part A;

[(iii) the amount of funds provided by the institution as matching funds for a program under this title;

[(iv) the amount of funds provided by the institution for a program under this title that are required to be refunded or returned; and

[(v) the amount charged for books, supplies, and equipment, unless the institution includes that amount as tuition, fees, or other institutional charges.

[(2) SANCTIONS.—

[(A) INELIGIBILITY.—A proprietary institution of higher education that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in the programs authorized by this title for a period of not less than two institutional fiscal years. To regain eligibility to participate in the programs authorized by this title, a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements under section 498 for a minimum of two institutional fiscal years after the institutional fiscal year in which the institution became ineligible.

[(B) ADDITIONAL ENFORCEMENT.—In addition to such other means of enforcing the requirements of this title as may be available to the Secretary, if a proprietary institution of higher education fails to meet a requirement of subsection (a)(24) for any institutional fiscal year, then the institution's eligibility to participate in the programs authorized by this title becomes provisional for the two institutional fiscal years after the institutional fiscal year in which the institution failed to meet the requirement of subsection (a)(24), except that such provisional eligibility shall terminate—

[(i) on the expiration date of the institution's program participation agreement under this subsection that is in effect on the date the Secretary determines that the institution failed to meet the requirement of subsection (a)(24); or

[(ii) in the case that the Secretary determines that the institution failed to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years, on the date the institution is determined ineligible in accordance with subparagraph (A).

[(3) PUBLICATION ON COLLEGE NAVIGATOR WEBSITE.—The Secretary shall publicly disclose on the College Navigator website—

[(A) the identity of any proprietary institution of higher education that fails to meet a requirement of subsection (a)(24); and

[(B) the extent to which the institution failed to meet such requirement.

[(4) REPORT TO CONGRESS.—Not later than July 1, 2009, and July 1 of each succeeding year, the Secretary shall submit to the authorizing committees a report that contains, for each proprietary institution of higher education that receives assistance under this title, as provided in the audited financial statements submitted to the Secretary by each institution pursuant to the requirements of subsection (a)(24)—

[(A) the amount and percentage of such institution's revenues received from sources under this title; and

[(B) the amount and percentage of such institution's revenues received from other sources.]

[(e)] *(d)* CODE OF CONDUCT REQUIREMENTS.—An institution of higher education's code of conduct, as required under subsection (a)(25), shall include the following requirements:

(1) BAN ON REVENUE-SHARING ARRANGEMENTS.—

(A) PROHIBITION.—The institution shall not enter into any revenue-sharing arrangement with any lender.

(B) DEFINITION.—For purposes of this paragraph, the term "revenue-sharing arrangement" means an arrangement between an institution and a lender under which—

(i) a lender provides or issues a loan that is made, insured, or guaranteed under this title to students attending the institution or to the families of such students; and

(ii) the institution recommends the lender or the loan products of the lender and in exchange, the lender pays a fee or provides other material benefits, including revenue or profit sharing, to the institution, an officer or employee of the institution, or an agent.

(2) GIFT BAN.—

(A) PROHIBITION.—No officer or employee of the institution who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or agent who has responsibilities with respect to education loans, shall solicit or accept any gift from a lender, guarantor, or servicer of education loans.

(B) DEFINITION OF GIFT.—

(i) IN GENERAL.—In this paragraph, the term "gift" means any gratuity, favor, discount, entertainment, hospitality, loan, or other item having a monetary

value of more than a de minimus amount. The term includes a gift of services, transportation, lodging, or meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(ii) EXCEPTIONS.—The term "gift" shall not include any of the following:

(I) Standard material, activities, or programs on issues related to a loan, default aversion, default prevention, or financial literacy, such as a brochure, a workshop, or training.

(II) Food, refreshments, training, or informational material furnished to an officer or employee of an institution, or to an agent, as an integral part of a training session that is designed to improve the service of a lender, guarantor, or servicer of education loans to the institution, if such training contributes to the professional development of the officer, employee, or agent.

(III) Favorable terms, conditions, and borrower benefits on an education loan provided to a student employed by the institution if such terms, conditions, or benefits are comparable to those provided to all students of the institution.

(IV) Entrance and exit counseling services provided to borrowers to meet the institution's responsibilities for entrance and exit counseling as required by subsections (b) and (l) of section 485, as long as—

(aa) the institution's staff are in control of the counseling, (whether in person or via electronic capabilities); and

(bb) such counseling does not promote the products or services of any specific lender.

(V) Philanthropic contributions to an institution from a lender, servicer, or guarantor of education loans that are unrelated to education loans or any contribution from any lender, guarantor, or servicer that is not made in exchange for any advantage related to education loans.

(VI) State education grants, scholarships, or financial aid funds administered by or on behalf of a State.

(iii) RULE FOR GIFTS TO FAMILY MEMBERS.—For purposes of this paragraph, a gift to a family member of an officer or employee of an institution, to a family member of an agent, or to any other individual based on that individual's relationship with the officer, employee, or agent, shall be considered a gift to the officer, employee, or agent if—

(I) the gift is given with the knowledge and acquiescence of the officer, employee, or agent; and

(II) the officer, employee, or agent has reason to believe the gift was given because of the official position of the officer, employee, or agent.

(3) CONTRACTING ARRANGEMENTS PROHIBITED.—

(A) PROHIBITION.—An officer or employee who is employed in the financial aid office of the institution or who otherwise has responsibilities with respect to education loans, or an agent who has responsibilities with respect to education loans, shall not accept from any lender or affiliate of any lender any fee, payment, or other financial benefit (including the opportunity to purchase stock) as compensation for any type of consulting arrangement or other contract to provide services to a lender or on behalf of a lender relating to education loans.

(B) EXCEPTIONS.—Nothing in this subsection shall be construed as prohibiting—

(i) an officer or employee of an institution who is not employed in the institution's financial aid office and who does not otherwise have responsibilities with respect to education loans, or an agent who does not have responsibilities with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans;

(ii) an officer or employee of the institution who is not employed in the institution's financial aid office but who has responsibility with respect to education loans as a result of a position held at the institution, or an agent who has responsibility with respect to education loans, from performing paid or unpaid service on a board of directors of a lender, guarantor, or servicer of education loans, if the institution has a written conflict of interest policy that clearly sets forth that officers, employees, or agents must recuse themselves from participating in any decision of the board regarding education loans at the institution; or

(iii) an officer, employee, or contractor of a lender, guarantor, or servicer of education loans from serving on a board of directors, or serving as a trustee, of an institution, if the institution has a written conflict of interest policy that the board member or trustee must recuse themselves from any decision regarding education loans at the institution.

(4) INTERACTION WITH BORROWERS.—The institution shall not—

(A) for any first-time borrower, assign, through award packaging or other methods, the borrower's loan to a particular lender; or

(B) refuse to certify, or delay certification of, any loan based on the borrower's selection of a particular lender or guaranty agency.

(5) PROHIBITION ON OFFERS OF FUNDS FOR PRIVATE LOANS.—

(A) PROHIBITION.—The institution shall not request or accept from any lender any offer of funds to be used for private education loans (as defined in section 140 of the Truth in Lending Act), including funds for an opportunity pool loan, to students in exchange for the institution providing concessions or promises regarding providing the lender with—

(i) a specified number of loans made, insured, or guaranteed under this title;

(ii) a specified loan volume of such loans; or

(iii) a preferred lender arrangement for such loans.

(B) DEFINITION OF OPPORTUNITY POOL LOAN.—In this paragraph, the term "opportunity pool loan" means a private education loan made by a lender to a student attending the institution or the family member of such a student that involves a payment, directly or indirectly, by such institution of points, premiums, additional interest, or financial support to such lender for the purpose of such lender extending credit to the student or the family.

(6) BAN ON STAFFING ASSISTANCE.—

(A) PROHIBITION.—The institution shall not request or accept from any lender any assistance with call center staffing or financial aid office staffing.

(B) CERTAIN ASSISTANCE PERMITTED.—Nothing in paragraph (1) shall be construed to prohibit the institution from requesting or accepting assistance from a lender related to—

(i) professional development training for financial aid administrators;

(ii) providing educational counseling materials, financial literacy materials, or debt management materials to borrowers, provided that such materials disclose to borrowers the identification of any lender that assisted in preparing or providing such materials; or

(iii) staffing services on a short-term, nonrecurring basis to assist the institution with financial aid-related functions during emergencies, including State-declared or federally declared natural disasters, federally declared national disasters, and other localized disasters and emergencies identified by the Secretary.

(7) ADVISORY BOARD COMPENSATION.—Any employee who is employed in the financial aid office of the institution, or who otherwise has responsibilities with respect to education loans or other student financial aid of the institution, and who serves on an advisory board, commission, or group established by a lender, guarantor, or group of lenders or guarantors, shall be prohibited from receiving anything of value from the lender, guarantor, or group of lenders or guarantors, except that the employee may be reimbursed for reasonable expenses incurred in serving on such advisory board, commission, or group.

[(f)**]** *(e)* INSTITUTIONAL REQUIREMENTS FOR TEACH-OUTS.—

(1) IN GENERAL.—In the event the Secretary initiates the limitation, suspension, or termination of the participation of an institution of higher education in any program under this title under the authority of subsection (c)(1)(F) or initiates an emergency action under the authority of subsection (c)(1)(G) and its prescribed regulations, the Secretary shall require that institution to prepare a teach-out plan for submission to the institution's accrediting agency or association in compliance with section 496(c)(3), the Secretary's regulations on teach-out plans, and the standards of the institution's accrediting agency or association.

(2) TEACH-OUT PLAN DEFINED.—In this subsection, the term "teach-out plan" means a written plan that provides for the equitable treatment of students if an institution of higher education ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency or association, an agreement between institutions for such a teach-out plan.

[(g)] *(f)* INSPECTOR GENERAL REPORT ON GIFT BAN VIOLATIONS.—The Inspector General of the Department shall—

(1) submit an annual report to the authorizing committees identifying all violations of an institution's code of conduct that the Inspector General has substantiated during the preceding year relating to the gift ban provisions described in subsection (e)(2); and

(2) make the report available to the public through the Department's website.

[(h)] *(g)* PREFERRED LENDER LIST REQUIREMENTS.—

(1) IN GENERAL.—In compiling, maintaining, and making available a preferred lender list as required under subsection (a)(27), the institution will—

(A) clearly and fully disclose on such preferred lender list—

(i) not less than the information required to be disclosed under section 153(a)(2)(A);

(ii) why the institution has entered into a preferred lender arrangement with each lender on the preferred lender list, particularly with respect to terms and conditions or provisions favorable to the borrower; and

(iii) that the students attending the institution, or the families of such students, do not have to borrow from a lender on the preferred lender list;

(B) ensure, through the use of the list of lender affiliates provided by the Secretary under paragraph (2), that—

(i) there are not less than three lenders of loans made under part B that are not affiliates of each other included on the preferred lender list and, if the institution recommends, promotes, or endorses private education loans, there are not less than two lenders of private education loans that are not affiliates of each other included on the preferred lender list; and

(ii) the preferred lender list under this paragraph—

(I) specifically indicates, for each listed lender, whether the lender is or is not an affiliate of each other lender on the preferred lender list; and

(II) if a lender is an affiliate of another lender on the preferred lender list, describes the details of such affiliation;

(C) prominently disclose the method and criteria used by the institution in selecting lenders with which to enter into preferred lender arrangements to ensure that such lenders are selected on the basis of the best interests of the borrowers, including—

(i) payment of origination or other fees on behalf of the borrower;

(ii) highly competitive interest rates, or other terms and conditions or provisions of loans under this title or private education loans;

(iii) high-quality servicing for such loans; or

(iv) additional benefits beyond the standard terms and conditions or provisions for such loans;

(D) exercise a duty of care and a duty of loyalty to compile the preferred lender list under this paragraph without prejudice and for the sole benefit of the students attending the institution, or the families of such students;

(E) not deny or otherwise impede the borrower's choice of a lender or cause unnecessary delay in loan certification under this title for those borrowers who choose a lender that is not included on the preferred lender list; and

(F) comply with such other requirements as the Secretary may prescribe by regulation.

(2) LENDER AFFILIATES LIST.—

(A) IN GENERAL.—The Secretary shall maintain and regularly update a list of lender affiliates of all eligible lenders, and shall provide such list to institutions for use in carrying out paragraph (1)(B).

(B) USE OF MOST RECENT LIST.—An institution shall use the most recent list of lender affiliates provided by the Secretary under subparagraph (A) in carrying out paragraph (1)(B).

[(i)] *(h)* DEFINITIONS.—For the purpose of this section:

(1) AGENT.—The term "agent" has the meaning given the term in section 151.

(2) AFFILIATE.—The term "affiliate" means a person that controls, is controlled by, or is under common control with another person. A person controls, is controlled by, or is under common control with another person if—

(A) the person directly or indirectly, or acting through one or more others, owns, controls, or has the power to vote five percent or more of any class of voting securities of such other person;

(B) the person controls, in any manner, the election of a majority of the directors or trustees of such other person; or

(C) the Secretary determines (after notice and opportunity for a hearing) that the person directly or indirectly exercises a controlling interest over the management or policies of such other person's education loans.

(3) EDUCATION LOAN.—The term "education loan" has the meaning given the term in section 151.

(4) ELIGIBLE INSTITUTION.—The term "eligible institution" means any such institution described in section 102 of this Act.

(5) OFFICER.—The term "officer" has the meaning given the term in section 151.

(6) PREFERRED LENDER ARRANGEMENT.—The term "preferred lender arrangement" has the meaning given the term in section 151.

[(j)] *(i)* CONSTRUCTION.—Nothing in the amendments made by the Higher Education Amendments of 1992 shall be construed to prohibit an institution from recording, at the cost of the institution, a hearing referred to in subsection (b)(2), subsection (c)(1)(D), or subparagraph (A) or (B)(i) of subsection (c)(2), of this section to create a record of the hearing, except the unavailability of a recording shall not serve to delay the completion of the proceeding. The Secretary shall allow the institution to use any reasonable means, including stenographers, of recording the hearing.

* * * * * * *

SEC. 492A. LIMITATION ON AUTHORITY OF THE SECRETARY TO PROPOSE OR ISSUE REGULATIONS AND EXECUTIVE ACTIONS.

(a) DRAFT REGULATIONS.—Beginning on the date of enactment of this section, a draft regulation implementing this title (as described in section 492(b)(1)) that is determined by the Secretary to be economically significant shall be subject to the following requirements (regardless of whether negotiated rulemaking occurs):

(1) The Secretary shall determine whether the draft regulation, if implemented, would result in an increase in a subsidy cost.

(2) If the Secretary determines under paragraph (1) that the draft regulation would result in an increase in a subsidy cost, then the Secretary may not take any further action with respect to such regulation.

(b) PROPOSED OR FINAL REGULATIONS AND EXECUTIVE ACTIONS.—Beginning on the date of enactment of this section, the Secretary may not issue a proposed rule, final regulation, or executive action implementing this title if the Secretary determines that the rule, regulation, or executive action—

(1) is economically significant; and

(2) would result in an increase in a subsidy cost.

(c) RELATIONSHIP TO OTHER REQUIREMENTS.—The analyses required under subsections (a) and (b) shall be in addition to any other cost analysis required under law for a regulation implementing this title, including any cost analysis that may be required pursuant to Executive Order 12866 (58 Fed. Reg. 51735; relating to

regulatory planning and review), Executive Order 13563 (76 Fed. Reg. 3821; relating to improving regulation and regulatory review), or any related or successor orders.

(d) DEFINITION.—In this section, the term "economically significant", when used with respect to a draft, proposed, or final regulation or executive action, means that the regulation or executive action is likely, as determined by the Secretary—

(1) to have an annual effect on the economy of $100,000,000 or more; or

(2) to adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

* * * * * * *

SEC. 493C. INCOME-BASED REPAYMENT.

(a) DEFINITIONS.—In this section:

(1) EXCEPTED PLUS LOAN.—The term "excepted PLUS loan" means a loan under section 428B, or a Federal Direct PLUS Loan, that is made, insured, or guaranteed on behalf of a dependent student.

[(2) EXCEPTED CONSOLIDATION LOAN.—The term "excepted consolidation loan" means a consolidation loan under section 428C, or a Federal Direct Consolidation Loan, if the proceeds of such loan were used to the discharge the liability on an excepted PLUS loan.]

(2) EXCEPTED CONSOLIDATION LOAN.—

(A) IN GENERAL.—The term "excepted consolidation loan" means—

(i) a consolidation loan under section 428C, or a Federal Direct Consolidation Loan, if the proceeds of such loan were used to the discharge the liability on an excepted PLUS loan; or

(ii) a consolidation loan under section 428C, or a Federal Direct Consolidation Loan, if the proceeds of such loan were used to discharge the liability on a consolidation loan under section 428C or a Federal Direct Consolidation Loan described in clause (i).

(B) EXCLUSION.—The term "excepted consolidation loan" does not include a Federal Direct Consolidation Loan described in subparagraph (A) that (on the day before the date of enactment of this subparagraph) was being repaid pursuant to the Income-Contingent Repayment (ICR) plan in accordance with section 685.209(a) of title 34, Code of Federal Regulations (as in effect on June 30, 2023).

(3) PARTIAL FINANCIAL HARDSHIP.—The term "partial financial hardship", when used with respect to a borrower, means that for such borrower—

(A) the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan or excepted consolidation loan) to a borrower as calculated under the standard

repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A), based on a 10-year repayment period; exceeds

(B) 15 percent of the result obtained by calculating, on at least an annual basis, the amount by which—

(i) the borrower's, and the borrower's spouse's (if applicable), adjusted gross income; exceeds

(ii) 150 percent of the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(b) INCOME-BASED REPAYMENT PROGRAM AUTHORIZED.—Notwithstanding any other provision of this Act, the Secretary shall carry out a program under which—

[(1) a borrower of any loan made, insured, or guaranteed under part B or D (other than an excepted PLUS loan or excepted consolidation loan) who has a partial financial hardship (whether or not the borrower's loan has been submitted to a guaranty agency for default aversion or had been in default) may elect, during any period the borrower has the partial financial hardship, to have the borrower's aggregate monthly payment for all such loans not exceed the result described in subsection (a)(3)(B) divided by 12;**]**

(1) a borrower of any loan made, insured, or guaranteed under part B or D (other than an excepted PLUS loan or excepted consolidation loan), may elect to have the borrower's aggregate monthly payment for all such loans not exceed the result described in subsection (a)(3)(B) divided by 12;

(2) the holder of such a loan shall apply the borrower's monthly payment under this subsection first toward interest due on the loan, next toward any fees due on the loan, and then toward the principal of the loan;

(3) any interest due and not paid under paragraph (2)—

(A) shall, on subsidized loans, be paid by the Secretary for a period of not more than 3 years after the date of the borrower's election under paragraph (1), except that such period shall not include any period during which the borrower is in deferment due to an economic hardship described in section 435(o); and

(B) be capitalized—

(i) in the case of a subsidized loan, subject to subparagraph (A), at the time **[**the borrower—**]**

[(I) ends**]** *the borrower ends* the election to make income-based repayment under this subsection; or

[(II) begins making payments of not less than the amount specified in paragraph (6)(A); or**]**

(ii) in the case of an unsubsidized loan, at the time **[**the borrower—**]**

[(I) ends**]** *the borrower ends* the election to make income-based repayment under this subsection; **[**or**]**

[(II) begins making payments of not less than the amount specified in paragraph (6)(A);**]**

(4) any principal due and not paid under paragraph (2) shall be deferred;

(5) the amount of time the borrower makes monthly payments under paragraph (1) may exceed 10 years;

[(6) if the borrower no longer has a partial financial hardship or no longer wishes to continue the election under this subsection, then—

[(A) the maximum monthly payment required to be paid for all loans made to the borrower under part B or D (other than an excepted PLUS loan or excepted consolidation loan) shall not exceed the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A), based on a 10-year repayment period, when the borrower first made the election described in this subsection; and

[(B) the amount of time the borrower is permitted to repay such loans may exceed 10 years;]

(7) the Secretary shall repay or cancel any outstanding balance of principal and interest due on all loans made under part B or D (other than a loan under section 428B or a Federal Direct PLUS Loan) to a borrower who—

(A) at any time, elected to participate in income-based repayment under paragraph (1); and

(B) [for a period of time prescribed by the Secretary, not to exceed 25 years] *for 25 years (in the case of a borrower who is repaying at least one loan for a program of study for which a graduate credential (as defined in section 472A)) is awarded, or, for 20 years (in the case of a borrower who is not repaying at least one such loan)*, meets 1 or more of the following requirements—

(i) has made reduced monthly payments under paragraph (1) or *(as such paragraph was in effect on the day before the date of the repeal of paragraph (6))* paragraph (6);

(ii) has made monthly payments of not less than the monthly amount calculated under section 428(b)(9)(A)(i) or 455(d)(1)(A), based on a 10-year repayment period, when the borrower first made the election described in this subsection;

(iii) has made payments of not less than the payments required under a standard repayment plan under section 428(b)(9)(A)(i) or 455(d)(1)(A) with a repayment period of 10 years;

(iv) has made payments under an income-contingent repayment plan under *(as such section was in effect on the day before the date of the repeal of paragraph (6))* section 455(d)(1)(D); or

(v) has been in deferment due to an economic hardship described in section 435(o);

(8) a borrower who is repaying a loan made under part B or D pursuant to income-based repayment may elect, at any time, to terminate repayment pursuant to income-based repayment and repay such loan under the [standard repayment plan] *standard repayment plan under section 428(b)(9)(A)(i) or*

455(d)(1)(A), or the Repayment Assistance Program under section 455(q); and

(9) the special allowance payment to a lender calculated under section 438(b)(2)(I), when calculated for a loan in repayment under this section, shall be calculated on the principal balance of the loan and on any accrued interest unpaid by the borrower in accordance with this section.

(c) ELIGIBILITY DETERMINATIONS.—

(1) IN GENERAL.—The Secretary shall establish procedures for annually determining the borrower's eligibility for income-based repayment, including verification of a borrower's annual income and the annual amount due on the total amount of loans made, insured, or guaranteed under part B or D (other than an excepted PLUS loan or excepted consolidation loan), and such other procedures as are necessary to effectively implement income-based repayment under this section.

(2) PROCEDURES FOR ELIGIBILITY.—The Secretary shall—

(A) consider, but is not limited to, the procedures established in accordance with section 455(e)(1) *(as in effect on the day before the date of repeal of subsection (e) of section 455)* or in connection with income sensitive repayment schedules under section 428(b)(9)(A)(iii) or 428C(b)(1)(E); and

(B) carry out, with respect to borrowers of any loan made under part D (other than an excepted PLUS loan or excepted consolidation loan), procedures for income-based repayment plans that are equivalent to the procedures carried out under section 455(e)(8) *(as in effect on the day before the date of repeal of subsection (e) of section 455)* with respect to income-contingent repayment plans.

(d) SPECIAL RULE FOR MARRIED BORROWERS FILING SEPARATELY.—In the case of a married borrower who files a separate Federal income tax return, the Secretary shall calculate the amount of the borrower's income-based repayment under this section solely on the basis of the borrower's student loan debt and adjusted gross income.

[(e) SPECIAL TERMS FOR NEW BORROWERS ON AND AFTER JULY 1, 2014.—With respect to any loan made to a new borrower on or after July 1, 2014—

[(1) subsection (a)(3)(B) shall be applied by substituting "10 percent" for "15 percent"; and

[(2) subsection (b)(7)(B) shall be applied by substituting "20 years" for "25 years".**]**

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SEC. 494. PROCEDURE AND REQUIREMENTS FOR REQUESTING TAX RETURN INFORMATION FROM THE INTERNAL REVENUE SERVICE.

(a) NOTIFICATION AND APPROVAL REQUIREMENTS.—

(1) FEDERAL STUDENT FINANCIAL AID.—In the case of any written or electronic application under section 483 by an individual for Federal student financial aid under a program authorized under subpart 1 of part A, part C, or part D, the Sec-

retary, with respect to such individual and any parent or spouse whose financial information, including return information, is required to be provided on such application, shall—

(A) notify such individuals that—

(i) if such individuals provide approval under subparagraph (B)—

(I) the Secretary will have the authority to request that the Secretary of the Treasury disclose return information of such individuals to authorized persons (as defined in section 6103(l)(13) of the Internal Revenue Code of 1986) for the relevant purposes described in such section; and

(II) the return information of such individuals may be redisclosed pursuant to clauses (iii), (iv), (v), and (vi) of section 6103(l)(13)(D) of the Internal Revenue Code of 1986, for the relevant purposes described in such section; and

(ii) the failure to provide such approval for the disclosures described in subclauses (I) and (II) of clause (i) will result in the Secretary being unable to calculate eligibility for such aid to such individual;

(B) require, as a condition of eligibility for such aid, that such individuals affirmatively approve the disclosures described in subclauses (I) and (II) of subparagraph (A)(i); and

(C) if an individual is pursuing provisional independent student status due to an unusual circumstance, as described in section 479A and provided for in section 479D, require such individual to provide an affirmative approval under subparagraph (B), but not require a parent of such individual to provide an affirmative approval under subparagraph (B).

(2) **[**INCOME-CONTINGENT AND INCOME-BASED**]** *INCOME-BASED* REPAYMENT.—

(A) NEW APPLICANTS.—In the case of any written or electronic application by an individual for an **[**income-contingent or**]** income-based repayment plan for a loan under part D, the Secretary, with respect to such individual and any spouse of such individual, shall—

(i) provide to such individuals the notification described in paragraph (1)(A)(i);

(ii) require, as a condition of eligibility for such repayment plan, that such individuals—

(I) affirmatively approve the disclosures described in subclauses (I) and (II) of paragraph (1)(A)(i), to the extent applicable, and agree that such approval shall serve as an ongoing approval of such disclosures until the date on which the individual elects to opt out of such disclosures under section 455(e)(8) *(as in effect on the day before the date of repeal of subsection (e) of section 455)* or the equivalent procedures established under section 493C(c)(2)(B), as applicable; or

(II) provide such information as the Secretary may require to confirm the eligibility of such individual for such repayment plan.

(B) RECERTIFICATIONS.—With respect to the first written or electronic recertification (after the date of the enactment of the FUTURE Act) of an individual's income or family size for purposes of an income-contingent or income-based repayment plan (entered into before the date of the enactment of the FUTURE Act) for a loan under part D, the Secretary, with respect to such individual and any spouse of such individual, shall meet the requirements of clauses (i) and (ii) of subparagraph (A) with respect to such recertification.

(3) TOTAL AND PERMANENT DISABILITY.—In the case of any written or electronic application by an individual for a discharge of a loan under this title based on total and permanent disability (within the meaning of section 437(a)) that requires income monitoring, the Secretary shall—

(A) provide to such individual the notification described in paragraph (1)(A)(i)(I); and

(B) require, as a condition of eligibility for such discharge, that such individual—

(i) affirmatively approve the disclosure described in paragraph (1)(A)(i)(I) and agree that such approval shall serve as an ongoing approval of such disclosure until the earlier of—

(I) the date on which the individual elects to opt out of such disclosure under section 437(a)(3)(A); or

(II) the first day on which such loan may no longer be reinstated; or

(ii) provide such information as the Secretary may require to confirm the eligibility of such individual for such discharge.

(b) LIMIT ON AUTHORITY.—The Secretary shall only have authority to request that the Secretary of the Treasury disclose return information under section 6103(l)(13) of the Internal Revenue Code of 1986 with respect to an individual if the Secretary of Education has obtained approval under subsection (a) for such disclosure.

(c) ACCESS TO FAFSA INFORMATION.—

(1) REDISCLOSURE OF INFORMATION.—The information in a complete, unredacted Student Aid Report (including any return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13))) with respect to an application described in subsection (a)(1) of an applicant for Federal student financial aid—

(A) upon request for such information by such applicant, shall be provided to such applicant by—

(i) the Secretary; or

(ii) in a case in which the Secretary has requested that institutions of higher education carry out the requirements of this subparagraph, an institution of

higher education that has received such information; and

(B) with the written consent by the applicant to an institution of higher education, may be provided by such institution of higher education as is necessary to a scholarship granting organization (including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304))), or to an organization assisting the applicant in applying for and receiving Federal, State, local, or tribal assistance, that is designated by the applicant to assist the applicant in applying for and receiving financial assistance for any component of the applicant's cost of attendance (defined in section 472) at that institution.

(2) DISCUSSION OF INFORMATION.—A discussion of the information in an application described in subsection (a)(1) (including any return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) of an applicant between an institution of higher education and the applicant may, with the written consent of the applicant, include an individual selected by the applicant (such as an advisor) to participate in such discussion.

(3) RESTRICTION ON DISCLOSING INFORMATION.—A person receiving information under paragraph (1)(B) or (2) with respect to an applicant shall not use the information for any purpose other than the express purpose for which consent was granted by the applicant and shall not disclose such information to any other person without the express permission of, or request by, the applicant.

(4) DEFINITIONS.—In this subsection:

(A) STUDENT AID REPORT.—The term "Student Aid Report" has the meaning given the term in section 668.2 of title 34, Code of Federal Regulations (or successor regulations).

(B) WRITTEN CONSENT.—The term "written consent" means a separate, written document that is signed and dated (which may include by electronic format) by an applicant, which—

(i) indicates that the information being disclosed includes return information disclosed under section 6103(l)(13) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(13)) with respect to the applicant;

(ii) states the purpose for which the information is being disclosed; and

(iii) states that the information may only be used for the specific purpose and no other purposes.

(5) RECORD KEEPING REQUIREMENT.—An institution of higher education shall—

(A) keep a record of each written consent made under this subsection for a period of at least 3 years from the date of the student's last date of attendance at the institution; and

(B) make each such record readily available for review by the Secretary.

* * * * * * *

MINORITY VIEWS

Introduction

Committee Democrats firmly believe the Republicans plan in the Committee Print of H. Con. Res. 14[1] will lower the quality of higher education and make higher education more expensive for students. The Majority's plans will weaken the Direct Loan program and eliminate the PLUS Loan program, which will make it harder for some students to afford a college degree, and impossible for others. It creates new repayment options that are less generous then current law, at a time that we know borrowers are struggling to repay their loans. Finally, the bill dismantles key portions of the higher education accountability framework to protect students and taxpayers from waste, fraud, and abuse without proposing a viable alternative framework. The Committee Print will have a net-negative impact on both students and institutions of higher education.

Background on the Rising Cost of College and the Flawed Consideration of the Committee Print

The value of a college degree cannot be understated. Research has consistently found that a college degree confers significant financial and non-financial returns, particularly for low-income students and students of color.[2] Typically, people with bachelor's degrees make over $1 million more than high school graduates over their lifetimes.[3]

But as the cost of obtaining a degree has risen sharply over the last three decades, apprehension about the value of college has risen as well. From 1990 to 2019, the net cost of attendance has grown 81 percent at public four-year colleges, 33 percent at private nonprofit colleges, and 19 percent at public two-year colleges.[4] The cost of college has significantly outpaced inflation, and many Americans' ability to afford a college education has declined.[5] And the Pell Grant has not grown sufficiently to keep pace with increases in tuition and fees. The Pell Grant now covers the smallest share of college costs in four decades.[6] Further, state investment in higher education has declined over the decades.[7] Students are forced to make up that difference; to cover the remaining costs of college, low-income students are taking out loans at higher rates than their high-income peers and graduating with higher debt loads.

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[1] Through the report, the legislative text marked up by the Committee will be referred to as the "Committee Print." The reconciliation process requires all committees to mark-up up distinct portions of an unintroduced bill and at time of markup, they are referred to as the "Committee Print".

[2] Susan K. Urahn et al., *Pursuing the American Dream: Economic Mobility Across Generations* 3, The Pew Charitable Trusts (Jul. 2012), https://www.pewtrusts.org/~/media/legacy/uploadedfiles/wwwpewtrustsorg/reports/economic_mobility/pursuingamericandreampdf.pdf; H. Comm. on Educ. & Lab., *Don't Stop Believin' (In the Value of a College Degree)*i, (2019), https://democrats-edworkforce.house.gov/imo/media/doc/Updated%20College%20Rerport%20Final.pdf.

[3] H. Comm. on Educ. & Labor, *supra* note 02 at i.

[4] *Rethinking Higher Education*, U.S. Dep't of Education (Dec. 2018), https://files.eric.ed.gov/fulltext/ED591005.pdf.

[5] H. Comm. on Educ. & Labor, *supra* note 02, at 1.

[6] The Inst. For Coll. Access & Success, A State-by-State Look at College (Un)Affordability 10, (Apr. 2017), https://ticas.org/files/pub_files/college_costs_in_context.pdf; *see also*, #Double Pell, *The Case for Doubling the Pell Grant*, (Jun. 2021), https://doublepell.org/wp-content/uploads/2021/06/Double-Pell-Mini-Policy-Paper.pdf.

[7] *See* State Higher Educ. Exec. Officers Ass'n., *State Higher Education Finance: FY 2021* 70-71, (2022), https://shef.sheeo.org/wp-content/uploads/2022/06/SHEEO_SHEF_FY21_Report.pdf.

In order to support students in achieving their higher education goals, the federal government has a responsibility to invest in higher education and help ensure the higher education system is strong. However, the House Majority, along with the Trump Administration, are destabilizing the U.S. higher education system and making more difficult for students to afford a college education. In its first 100 days, the Trump administration has abruptly defunded billions of dollars in university research, snatched funds back from institutions without official findings of wrongdoing, issued an executive order designed to give the federal government more control over what schools teach, and temporarily cut off access to income-based repayment options for borrowers.[8] It has done all this while attempting to dismantle the Department of Education, a which will cause confusion to students, student loan borrowers, and colleges.[9] Meanwhile, House Republicans are seeking to advance policies via the Budget Reconciliation process that will make it even harder for institutions to deliver quality education, for students to afford higher education, and for the federal government to provide oversight of the federal student aid program. The over $300 billion in savings achieved in this bill is not being used to shore up this higher education system in other ways. It will be used to finance the trillions of dollars in tax cuts for billionaires.

The Committee Print Decreases College Access and Makes College Less Affordable

The Majority proposes a package of damaging policies that will create a bleak landscape for college access and affordability. Committee Democrats are deeply concerned the proposed changes to federal student aid will collectively limit access to a range of programs of study for low-income students, steer students into the private loan market, and make it harder for borrowers to pay off their loans, all in direct opposition to the goals that drove the creation of the *Higher Education Act*.

Capping Aid at the Median Cost of College

The Committee Print caps the total amount of federal student aid that any student can receive at the median cost of attendance for a student enrolled in a similar program of study, based on national data. The stated intent of this policy is to encourage institutions of higher education to lower their tuition prices; however, Committee Democrats are not aware of any research that signals this policy is an appropriate approach to lower college costs. As a threshold matter,

[8] Alan Blinder & Anemona Hartocollis, *Trump Pauses Dozens of Federal Grants to Princeton*, N.Y. Times, Apr. 1, 2025, https://www.nytimes.com/2025/04/01/us/trump-federal-grants-princeton.html; Antoinette Flores et al, *Students Lose as Trump's Order Turns Accreditation Into a Political Tool*, New America, Apr. 28, 2025, https://www.newamerica.org/education-policy/edcentral/students-lose-as-trumps-order-turns-accreditation-into-a-political-tool/; Shannon Lurye & Jocelyn Gecker, *How U.S. colleges are navigating cuts to grants for research after Trump restricts federal funding*, PBS News, Mar. 28, 2025, https://www.pbs.org/newshour/education/how-u-s-colleges-are-navigating-cuts-to-grants-for-research-after-trump-restricts-federal-funding; Adam S. Minsky, *Department of Education Takes Down Key Student Loan Forgiveness and Repayment Applications*, Forbes, Feb. 24, 2025, https://www.forbes.com/sites/adamminsky/2025/02/24/department-of-education-takes-down-key-student-loan-forgiveness-and-repayment-applications/.

[9] Wesley Whistle, *The Perils of Handing Off the education Department's Job to Other Regulators*, New America, Feb. 13, 2025, https://www.newamerica.org/education-policy/edcentral/the-perils-of-handing-off-the-education-departments-job-to-other-regulators/ .

capping aid at the median cost of attendance would mean 50 percent of students who rely on federal student aid would not receive enough federal aid to cover the cost of their program. Higher education advocates rightfully argue this will create a harmful funding gap that impacts students' ability to cover the basics needs components of their cost of attendance, such as housing and transportation and will be detrimental to students' ability to obtain their degree.[10] Further, by using nationwide averages to cap costs, students attending school in high cost of living areas will be disproportionately impacted. Although Committee Republicans believe this aid cap will incentivize institutions to lower their prices, Committee Democrats believe this unfounded, one-size-fits-all approach does not take into consideration variables across the higher education system. When coupled with provisions limiting the Secretary's ability to regulate discussed later in these views, this provision would sew chaos throughout higher education by discouraging students from entering school to begin with or drive them into the private loan market.

Pell Grants

The Majority's proposal would weaken the Pell Grant program – the cornerstone of federal student aid. Despite the declining purchasing power of the Pell Grant, it remains a powerful tool that unlocks significant additional financial support for low-income students in higher education..[11]

In recent years, Congress, led by Committee Democrats, has secured historic improvements to the Pell Grant, including laws that resulted in approximately 610,000 more Pell Grant recipients and nearly 1.5 million students receiving the maximum Pell Grant in 2024,[12] the restoration of Pell Grant eligibility to incarcerated students,[13] and a $900 total increase in the maximum Pell Grant in the year-end budget deals for fiscal years 2022 and 2023.[14] Based on this track record of recent successes, the Committee Print would have been the perfect opportunity to reduce college costs for students by increasing the value of the Pell Grant for all students. Instead, the Republicans made two changes to Pell Grant eligibility that will result in fewer students receiving a Pell Grant.

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[10] Letter from Justin Draeger, President & CEO, Nat'l Ass'n of Student Fin. Aid Admins., to Reps. Foxx & Scott (Jan. 26, 2024), *available at https://www.nasfaa.org/uploads/documents/College_Cost_Reduction_Act_Letter.pdf;* Letter from Ted Mitchell, President, Am. Council on Educ., to Reps. Foxx & Scott (Jan. 30, 2024), available at https://www.aamc.org/media/74636/download.

[11] *#DoublePell for College Affordability*, NCAN, https://www.ncan.org/page/Pell (last visited on Feb. 9, 2024).

[12] Press Release, U.S. Dep't of Educ., U.S. Department of Education Announces More Than 3.1 Million FAFSA Forms Successfully Submitted and an Update to Student Aid Index Calculation (Jan. 30, 2024), https://www.ed.gov/news/press-releases/us-department-education-announces-more-31-million-fafsa-forms-successfully-submitted-and-update-student-aid-index-calculation.

[13] Nicholas Turner & Nazish Dholakia, *After 29 Years, Incarcerated Students Are Finally Going Back to School*, Vera Institute of Justice (Jun. 22, 2023), https://www.vera.org/news/after-29-years-incarcerated-students-are-finally-going-back-to school#:~:text=Vera%E2%80%94along%20with%20other%20organizations,Pell%20Grants%20to%20incarcerated%20students.

[14] Consolidated Appropriations Act, Pub. L. No. 117-103, 136 Stat. 49 (2022); Consolidated Appropriations Act, Pub. L. No. 117-328, 136 Stat. 4459 (2023).

First, the Committee Print changes the definition of "full time", for Pell only, from 24 semester hours to 30 semester hours a year. While Committee Republicans have sought to make changes to Pell in multiple Congresses to incentivize on-time completion, those proposals usually took the form of some type of bonus on top of the maximum Pell Grant to incentivize students to take a larger courseload. Here, recognizing any dollars spent to increase the Pell Grant would be dollars that could not be saved to fund tax cuts for the top 1%, Committee Republicans abandoned the idea of a bonus to incentivize taking a larger courseload and instead adopted a policy creating a penalty for Pell recipients who do not take a larger courseload. For low-income students who are balancing other responsibilities such as work and child care alongside their education, part-time enrollment may be their sole option, and they should not be penalized for that. Further, research shows that at 80% of institutions, Pell Grant recipients graduate on-time at a lower rate than non-Pell recipients.[15] Creating a penalty by raising the number of semester hours required to receive a Pell Grant seems in no way connected to the reasons *why* Pell recipients may not complete college on time, and is not likely to increase completion rates, and instead penalize students.

Coupled with the change in the definition of "full time", the Committee Print also eliminates Pell Grant eligibility for students enrolled less than half time, which would be under 15 semester hours a year. Under current law, eligible Pell Grant recipients receive a prorated grant award based on the number of credit hours they take in any semester. While the result may be that a student taking a smaller courseload may get a smaller Pell Grant, that smaller grant is still pivotal to funding that student's education. It's money that can cover tuition, fees, and living expenses that does not need to be paid back. This is often the case for adult learners attending school part time while working part time- they are Pell eligible due to their need analysis, but don't receive a full amount they are eligible for. Instead of recognizing this is a fact of life for many low-income students, the Committee Print will simply eliminate Pell eligibility for many of these students, forcing them to either finance their current course load through other means, or to take more course hours each semester, decreasing the time they can work. Committee Democrats feel that ending Pell eligibility for students enrolled less than half time simply refuses to recognize the realities faced by modern students. The result will be fewer students pursuing higher education, the exact opposite goal of the original authors of the *Higher Education Act of 1965.*

Committee Democrats were also surprised that the Majority included Workforce Pell Grants in the Committee Print. Last Congress, the Democrats and Republicans negotiated and introduced H.R. 6585, the *Bipartisan Workforce Pell Act*, a bill that would allow students to use Pell Grants to enroll in high-quality, short-term workforce programs. The *Bipartisan Workforce Pell Act* was carefully negotiated, and included language to ensure that unscrupulous programs could not take students valuable Pell dollars and leave them without a worthwhile credential. While the partisan language the Committee considered does include Workforce Pell Grants with a structure that is similar to the *Bipartisan Workforce Pell Act,* it does not include key consumer protection guardrails to protect students.

[15] Wesley Whistle & Tamara Hiler, *The Pell Divide: How Four-Year Institutions are Failing to Graduate Low-and Moderate-Income Students*, Third Way (May 1, 2018), https://www.thirdway.org/report/the-pell-divide-how-four-year-institutions-are-failing-to-graduate-low-and-moderate-income-students

Campus-Based Aid

The Committee Print includes a new grant program, Promoting Real Opportunities to Maximize Investments in Savings in Education (PROMISE). As it was originally proposed in the *College Cost Reduction Act* PROMISE would be a performance-based grant to reward institutions for providing strong earnings outcomes, keeping tuition low, and matriculating low-income students. To receive a PROMISE grant, an institution must provide students with a maximum total price guarantee, establishing the most money an institution could charge the student to complete their program, based on the student's family income and financial need.

Though Committee Democrats generally support the creation of programs that increase postsecondary access opportunities for low-and middle-income students, we have several concerns with the PROMISE program. First, PROMISE grants would essentially function as a block grant to institutions, with few enumerated requirements in the bill as to their use. There was not even a provision requiring some minimum percentage of the grant aid to be directly given to students to offset their need, so a school could use its grant for various purposes rather than "maximizing investments in savings in education".

Additionally, Committee Democrats worry the maximum total price guarantee requirement will disincentivize schools from participating in the PROMISE program. While this attempt to control college costs is commendable, it is imperative that proposed policies to keep higher education affordable are actually viable. In this case, it is unclear whether institutions would significantly cap tuition costs just to become *eligible* to participate in a program with no guarantee that it will *receive* funds. Further, public institutions are particularly at risk of not accessing these funds, since tuition at most public institutions is determined by state and local governments.[16] The volatile and unpredictable nature of state funding for higher education makes it challenging for public institutions to guarantee tuition levels for multiple years at a time, meaning they will likely be ineligible for PROMISE grants due to factors beyond their control.[17]

Additionally, Committee Democrats worry whether the Committee Print's PROMISE provisions include resources sufficient enough to make a meaningful difference for students. Under the proposal the funding to make the grants would come from the proceeds of the risk sharing scheme proposed in the Committee Print, and after the first year of implementation funds returned to title IV under HEA section 484B. Under the PROMISE proposal from the *College Cost Reduction Act*, if the risk sharing scheme did not produce enough funds for eligible schools to receive PROMISE grants, the bill required prioritization of institutions with the highest percentages of low-income students for PROMISE funding.[18] But since the Committee Print must follow the stricter rules of Budget Reconciliation, grant funds are ratably reduced for all eligible institutions. Funding a proposal in such a manner without a guarantee that all eligible

[16] Letter from Mark Becker, President, Ass'n of Pub. and Land-grant Univ., to Reps. Foxx & Scott (Jan. 29, 2024), *available at* https://www.aplu.org/wp-content/uploads/CCRA-Markup-Letter-Signed.pdf
[17] *Id.*
[18] H.R. 6951, Amdt. in the Nature of a Substitute, § 415E(b), Jan. 31, 2024.

institutions, and most importantly students at their institutions, will have the ability to benefit from the program, is unwise.

Finally, it is not lost on Committee Democrats that this is an attempt to co-opt the "PROMISE" branding in higher education, which has generally come to refer to programs across the country that provide free (or highly subsidized) semesters of community college. [19]. Relatedly the *America's College Promise Act* (ACP)[20], a bill first introduced in 2015, establishes a federal-state partnership to expand access to higher education by providing two years of tuition-free community college and creating grants for Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities[21]and Minority Serving Institutions (MSIs) to provide two years of tuition-free education. The Republican's PROMISE program is fundamentally different from what Committee Democrats offered in ACP or the Promise programs that the non-profit College Promise indicates are at "approximately 104 community college and university programs offered across 45 states." The PROMISE program as included in Committee Print does not offer a real mechanism to solve issues of college affordability and completion.

Limiting Access to Federal Student Loans

The Committee Print revises the aggregate and annual Direct Loan limits for undergraduate and graduate students. The current aggregate Direct Loan limits are $31,000 for dependent undergraduate students, $57,500 for independent undergraduate students, and $138,500 for graduate and professional students.[22] The Committee Print changes the aggregate limit to $50,000 for dependent and independent undergraduate students, $100,000 for graduate students, and raises the limit to $150,000 for professional graduate students. Independent undergraduate students and non-professional graduate students will face drastic cuts to their total federal student loan eligibility from these limits. In conjunction with other loan changes detailed below, most students will be worse off with this proposal.

The Committee Print also eliminates the subsidization of undergraduate loans. Under current law, a portion of an undergraduates Direct Loans would have the interest rate subsidized so those loans were not accruing interest while the undergraduate was in school. The rationale is simple: we should not penalize the student for not paying back their loan while they are enrolled and studying. This simple change will result in billions saved that can be spent on tax cuts, but will have drastic implications on the student loan balances of millions of undergraduate students.

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[19] See e.g. Edward Conroy, H*ow Are the More Than 400 College Promise Programs Helping Students?*, Forbes (Jul. 13, 2023), https://www.forbes.com/sites/edwardconroy/2023/07/13/how-are-the-more-than-400-college-promise-programs-helping-students/?sh=5df32ad99039; *Promise Programs Database*, W.E. Upjohn Institute, https://upjohn.org/promise/promiseSearch.html#scrollSpot (last visited Feb. 12, 2024).

[20] President Obama first unveiled the America's College Promise proposal in 2015,https://obamawhitehouse.archives.gov/the-press-office/2015/01/09/fact-sheet-white-house-unveils-america-s-college-promise-proposal-tuitio. President Biden proposed a similar program in the FY2024 President's Budget. https://www2.ed.gov/about/overview/budget/budget24/justifications/t-fcc.pdf. Rep. Scott and Sen. Tammy Baldwin (D-WI) first introduced the *America's College Promise Act* in 2015. H.R. 2961, 115th Cong. (2015).

[21] America's College Promise Act, H.R. 5998, 118th Cong. (2023).

[22] Alexandra Hegji, Cong. Rsch. Serv., R45931, *Federal Student Loans Made Through the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, 14-15 (2023).

The Committee Print also allows institutions to cap loans even further based on program of study. This will create significant affordability issues for students preparing for impactful careers in fields with traditionally low earnings, such as teaching and social work. Several higher education and consumer protection advocates fear that giving colleges this authority will "threaten universal access to student loans"[23] and restrict college access for students whose needs are not otherwise met.[24]

The Committee Print, consistent with H.R. 6951, also eliminates Parent PLUS and Graduate PLUS loans for all future borrowers. The PLUS program is not without its faults[25], but taking a hatchet to the program instead of a scalpel will only drive families and graduate students to the predatory private loan market[26] to finance higher education. Advocates across the political spectrum have emphasized that to successfully steer students and families away from PLUS loans, robust front-end student aid and increased institutional aid are essential.[27] Eliminating PLUS Loans without providing such additional front-end aid will likely have a disastrous effect on the demographic groups that disproportionately relies on PLUS Loans, low-income and first generation students. The families of these students tend to take out Parent PLUS loans at higher rates compared to other student groups due in part to having less generational wealth and fewer financial resources generally.[28]

Taken together, the Committee Print's "affordability" provisions could result in many students being unable to afford graduate degrees. By eliminating Grad PLUS loans, lowering Direct Loan limits, and providing no other increases in grant aid, access to careers that require graduate education will be severely limited since the cost of attendance for many of these programs will now exceed many students' total federal student aid eligibility.[29] This financing structure will inevitably harm low-income students and students of color by either requiring them to take out predatory private loans to finance their education or forcing them to walk away from higher education entirely, with a sizable amount of debt but no degree to help pay it off. Committee Democrats welcome conversations on ways to address the serious concerns about the PLUS program but any actions we take must not come at the expense of compromising access and affordability for students.

Loan Repayment Plans

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[23] Ben Barrett, *More than Tuition: Experimenting Loan Limits*, New America (May, 23 2016) https://www.newamerica.org/education-policy/edcentral/tuition-setting-student-loan-limits/.

[24] Letter from Christopher Chapman, Pres.& CEO, Access Lex Institute, to Reps. Foxx & Scott, Jan. 22, 2024 (on file with author).]

[25] Victoria Jackson et al., *Parent Plus Loans are a Double-Edged Sword for Black Borrowers* 6-7, Educ. Trust (Jun. 2023), https://edtrust.org/wp-content/uploads/2014/09/ParentPLUS_Brief_V6.pdf.

[26] Ben Kaufman, *Private Student Loans: New Report Sheds Light on the Need for Borrower Protection an Opaque $130 Billion Market*, Student Borrower Protection Ctr. (Apr. 30, 2020), https://protectborrowers.org/130-billion-psl-market/.

[27] Beth Akers et al., *A Framework for Reforming Federal Graduate Student Aid Policy*, The Century Found. (Dec 8, 2023), https://tcf.org/content/report/a-framework-for-reforming-federal-graduate-student-aid-policy/.

[28] Jackson et al., *supra* note 25 at 4.

[29] *See* Akers et al., *supra* note 27 ("However, such limits may unintentionally prevent students from attending programs that could leave them better off, particularly low-income students and students of color who may lack alternative options to access graduate education financing.").

The Committee Print streamlines the repayment options available to Direct Loan program participants into two plans: a standard repayment plan and a new repayment assistance plan. While higher education advocates have long asked Congress to streamline the loan program,[30] the model in the Committee Print is not designed to support borrowers; rather, its proposed "assistance" plan will leave some borrowers paying until they die and will lead many more to making decades of unaffordable payments. The bill's repayment assistance plan (RAP) is tiered by amount borrowed and by the borrower's Adjusted Gross Income (AGI). Under the RAP plan all borrowers, even those with no income, would be required to make a monthly payment of at least $10. Additionally, unlike current income-based repayment plans, borrowers are not eligible for forgiveness until they've been in repayment for 30 years, so many borrowers could end up making payments on their loans for their entire life without receiving any relief. Higher education advocates are concerned that this new plan will make higher education less affordable and drive more borrowers into delinquency and default.[31]

This proposal is a stark contrast to the Saving on a Valuable Education (SAVE) Plan developed by the Biden Administration.[32] The SAVE plan was the most generous repayment plan ever established and was designed to drastically help low- and middle-income borrowers finance their educations. Compared to the proposed RAP in the Committee Print, the SAVE Plan requires borrowers to make payments equal to 5 percent of their discretionary income (calculated as any income above 225 percent of the federal poverty level). The Department of Education estimated that once fully implemented, more than one million low-income borrowers would have qualified for $0 loan payments per month, allowing families to focus on the basic needs of food, housing, and transportation.[33] Under the SAVE plan "borrowers will see their total payments per dollar borrowed fall by 40%. Borrowers with the lowest projected lifetime earnings will see payments per dollar borrowed fall by 83 percent."[34] Based on attacks from Republican State Attorneys General, the SAVE plan was prevented from ever being fully implemented, and under the Trump administration it is officially no longer an option. Committee Democrats will continue to advocate for the concepts embodied in the SAVE plan, which we believe will better allow borrowers to manage their higher education debt and focus on their other financial needs.

The Committee Print also prohibits the Secretary of Education (Secretary) from developing new repayment plans or modifying existing repayment plans if those changes would be considered

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[30] *Streamlining Student Loan Repayment*, NASFAA (2015), https://www.nasfaa.org/uploads/documents/streamlining_repayment.pdf; Ted Mitchell, *supra* note 10.

[31] Letter from Marc Egan, Dir. of Govt. Relations, Nat'l Educ.Ass'n, to the H. Comm. on Educ. & the Workforce (Jan. 31, 2024), *available at* *https://www.nea.org/advocating-for-change/action-center/letters-testimony/nea-urges-house-education-committee-vote-no-college-cost-reduction-act-hr-6951*; Press Release, TICAS, Chairwoman Foxx's Higher Education Proposal Fall Short on Student Protections, College Affordability (Jan. 11, 2024), https://ticas.org/media/chairwoman-foxxs-higher-education-proposal-falls-short-on-student-protections-college-affordability/.

[32] U.S. Dep't of Educ., *The Saving on a Valuable education (SAVE) Plan Offers Lower Monthly Loan Payments*, https://studentaid.gov/announcements-events/save-plan (last visited on Feb. 9, 2024).

[33] Fact Sheet, The White House, FACT SHEET: The Biden-Harris Administration Launches the SAVE Plan, the Most Affordable Student Loan Repayment Plan Ever to Lower Monthly Payments for Millions of Borrowers (Aug. 22, 2023), https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/08/22/fact-sheet-the-biden-harris-administration-launches-the-save-plan-the-most-affordable-student-loan-repayment-plan-ever-to-lower-monthly-payments-for-millions-of-borrowers/

[34] *Id.*

"economically significant" and increase subsidy costs to the federal government. This is extremely concerning because, if it became law, no future administration – Democrat or Republican – would have the authority to make common-sense changes to loan repayment that support the needs of borrowers. This prohibition is a direct attack on the Biden Administration's attempts to improve student loan repayment for borrowers.[35] Any disinterested party would realize it is crucial that the Secretary has the flexibility to respond to the ever-changing needs of borrowers; the COVID-19 pandemic was a perfect example of the nimbleness needed to address borrowers' economic struggles.[36]

Public Service Loan Forgiveness

The Committee Print does not make extensive changes to the Public Service Loan Forgiveness (PSLF) program; however, it excludes student loan payments made during medical and dental internships and residencies as qualifying payments towards PSLF. During the markup Rep. Lucy McBath (GA-06) noted that residencies and internships reflect a time when doctors and dentists are working the longest hours of their careers for the least pay. During this time, under the RAP plan they could be forced to pay $10 a month while potentially having little to no actual income. Some of the more complex dental residency programs last 6 years,[37] meaning that a borrower could be in active repayment for 6 years working at the Department of Veteran's Affairs[38] and none of those 72 payments would qualify towards eventual forgiveness. Additionally, according to the American Dental Association (ADA), many dental students rely on PSLF as part of their student loan management strategy to reduce their overall financial burden.[39] Cutting PSLF for dental and medical internships and residencies will result in fewer doctors and dentists in underserved communities, especially rural communities which are already facing a healthcare shortage crisis.[40]

Borrower Supports

While H.R. 6951 included some strong bipartisan provisions to support borrowers in repayment, such provisions cost money, and as a result had to be modified or eliminated from the Committee Print. The Committee Print admirably left in place a provision to allow borrowers to rehabilitate

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[35] Such direct political attacks on Administration efforts are infused throughout majority communications; the pop-up window on the landing web page for the Committee on Education and the Workforce reads "The Biden administration is pursuing reckless student loan policies that are **UNFAIR** and costing taxpayers **BILLIONS**,". https://edworkforce.house.gov/ (last visited Feb. 9, 2024).

[36] U.S. Dep't of Educ., *COVID-19 Emergency Relief and Federal Student Aid*, https://studentaid.gov/announcements-events/covid-19 (last visited on Feb. 9, 2024).

[37] Benevis, How Long Is Dental Residency? (last visited Apr. 30, 2025) https://info.benevis.com/blog/dental-students/how-long-is-dental-residency

[38] American Dental Association, Finding A Job in Federal Dentistry (last visited Apr. 30, 2025) https://www.ada.org/resources/careers/finding-a-job-in-federal-dentistry#:~:text=Is%20working%20as%20a%20federal,Veterans'%20Affairs%20or%20the%20military.

[39] Kaitlin Walsh Epstein and Laurel Road, *Student Loan Spotlight: How Public Service Loan Forgiveness helps dentists support underserved communities,* ADA News, (June 26, 2024) https://adanews.ada.org/new-dentist/2024/june/student-loan-spotlight-how-public-service-loan-forgiveness-helps-dentists-support-underserved-communities/

[40] Rural Health Info, *Health Professional Shortage Areas: Mental Health, by County*, (April 2025) https://www.ruralhealthinfo.org/charts/7

their defaulted loans twice, rather than the current limit of just once. This will provide borrowers struggling with default additional opportunities to improve their financial wellbeing. Unfortunately the other two consumer protections from H.R. 6951 were either deeply modified or eliminated completely. For example H.R. 6951 eliminated interest capitalization in all instances, building off work the Biden Administration undertook to eliminate interest capitalization in the six places in law it had the authority to do so.[41] But the Committee Print only eliminates capitalization of interest for borrowers enrolled in the new RAP – leaving other four other instances where borrowers will see unpaid interest added to their principle.[42] But the third and final bipartisan proposal from H.R. 6951, the elimination of origination fees on all new student loans, was not included in the Committee Print at all. Origination fees were originally established to offset costs of the now-defunct Federal Family Education Loan (FFEL) program.[43] The current origination fees of 1 percent for Direct Loans and 4 percent for PLUS loans significantly contribute to increased loan balance, especially for graduate borrowers.[44] Their elimination has significant bipartisan support in Congress; they were all included in the *Lowering Obstacles to Achieve Now (LOAN) Act* in the 118th Congress.[45]

The Majority Guts Federal Accountability Framework, Leaving Students and Taxpayers Vulnerable

Risk Sharing Agreements

The Majority proposes a risk-sharing agreement in which all institutions must compensate the federal government for a portion of the unpaid principal and interest on loans for their students. The "risk sharing" model has long been a Republican policy goal designed to encourage institutions to "have skin in the game" with respect to student loan repayment rates.[46]

Committee Democrats, although not opposed to holding institutions accountable for student outcomes, have significant concerns with this risk-sharing proposal. This model will encourage institutions to judge programs of study solely on their ability to provide immediate financial benefits to their graduates. Many essential programs of study such as education or social work,

[41] Namely: entering repayment status, annually in income-contingent repayment (ICR) plans and alternative repayment plans, exit from or failure to recertify income and family size in the PAYE and REPAYE plans, end of partial financial hardship in PAYE plan, end of forbearance, and in default. *See* Hegji, *supra* note 48, at 26-29; Press Release, U.S. Dep't of Educ., Education Department Release Final Regulations to Expand and Improve Targeted Debt Relief Programs (Oct. 31, 2022), https://www.ed.gov/news/press-releases/education-department-releases-final-regulations-expand-and-improve-targeted-debt-relief-programs.

[42] The Executive Branch does not have the authority to eliminate interest in the following situations: exit from or failure to recertify income and family size in an income-based repayment (IBR) plan, end of partial financial hardship in IBR plans, end of loan deferment, and loan consolidation. *See* Hegji, *supra* note 22, at 26-29.

[45] Lowering Obstacles to Achievement Now Act, H.R. 1731, 118th Cong. (2023).

[46] Kelly Field, *A Day in the Life of Virginia Foxx*, The Chron. of Higher Educ. (Dec. 22, 2016), https://www.chronicle.com/article/a-day-in-the-life-of-virginia-foxx/?sra=true; *The College Cost Reduction Act Fact Sheet*, H. Comm. on Educ. & the Workforce (Jan. 11, 2024), https://edworkforce.house.gov/uploadedfiles/1.11.24_h.r._6951_the_college_cost_reduction_act_fact_sheet_digital_final.pdf.

are obviously necessary but do not always have simple return on investment equations. Other programs, like many liberal arts programs, pay off for students, but on a longer time horizon than contemplated by the Republicans risk sharing scheme. The policy is also deeply worrying for under-resourced institutions and institutions that disproportionately serve low-income students and students of color, such as community colleges, HBCUs, and MSIs. Many scholars have expressed concern that without incorporating multiple dynamic metrics that take into account the demographics of students that institutions serve, the risk-sharing model will create perverse incentivizes for institutions to enroll high-income students who are most well situated to graduate and repay their student debt.[47] The bill does not include any mechanisms to address these concerns, nor does it contain anything requiring institutions or the federal government to measure potential effects of the policy. Committee Democrats support accountability frameworks that will incentivize institutions to effectively serve high-need students and ensure their degree completion, not proposals such as the one included in the Committee Print that has the potential to deny such students access to high-quality education.

Ultimately, the biggest concern for Committee Democrats is that Committee Republicans view the risk-sharing model as the sole accountability tool for institutions. Even if this model was successful, it does not provide accountability for other serious financial risks that unscrupulous institutions pose to students and taxpayers.

Deregulation

By far one of the most egregious components of the Committee Print is the complete dismantling of the existing federal accountability framework designed to protect students and taxpayers from waste, fraud, and abuse in higher education. The statutory and regulatory oversight mechanisms repealed in the bill are vital tools the Department of Education (Department) uses to ensure students get the full benefit of federal student aid through monitoring institutions that pose significant risks and penalizing such institutions accordingly.

90/10

Repealed under the Committee print, the 90/10 rule requires that for-profit institutions receive no greater than 90 percent of their revenue from federal aid. This provision was first established by Congress in the 1992 HEA reauthorization to prohibit for-profit entities from deriving the entirety of their revenue from the federal government.[48] Unscrupulous for-profit colleges have long preyed on vulnerable student populations to increase their revenue without providing these students a valuable education.[49] In recent years, these institutions have increasingly preyed on veterans, since their G.I. Benefits did not count under the 90 percent cap.[50] In 2021, Congress passed the *American Rescue Plan Act*, which included a bipartisan provision to close this loophole and prevent institutions from targeting veterans for their benefits.[51]

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[47] Ben Miller & Beth Akers, *Designing Higher Education Risk-Sharing Proposals* 19-23, Ctr. for Am. Prog. (May, 2017), (https://www.americanprogress.org/wp-content/uploads/sites/2/2017/05/RiskSharingSynthesis-report.pdf.

[48] The original rule established in the 1992 HEA reauthorization had an 85/15 revenue split. *Id*.

[49] Veterans Education Success, *Why For-Profit Schools are Targeting Veterans Education Benefits*, Vet. Ed. Success (Jan. 1, 2014), https://vetsedsuccess.org/why-for-profit-institutions-are-targeting-veterans-education-benefits/.

[50] *Id*.

[51] American Rescue Plan Act, Pub. L. No: 117-2, 135 Stat. 4 (2021).

Despite strong bipartisan support for closing this loophole[52], Committee Republicans continue to argue that the 90/10 rule is another part of the Democratic "educational agenda" to "expand federal intervention at the expense of students and taxpayers."[53] And it is worth noting that while Committee Republicans regularly claim to prioritize taxpayers, CBO estimated that a previous attempt by Republicans to repeal the 90/10 rule would have cost taxpayers $2 billion over the 2018-2027 period.[54]

Committee Democrats have witnessed the ongoing predatory behaviors of certain for-profit institutions, particularly with respect to veterans,[55] and are appalled by the removal of this bipartisan accountability framework. Congress has a responsibility to protect America's veterans from being manipulated by the for-profit industry.

Gainful Employment

The gainful employment (GE) rule, also repealed by the Committee Print, sets a meaningful and necessary framework for the Department to enforce compliance with the statutory requirement under the HEA that vocational training programs prepare students for gainful employment. The GE rule helps ensure students are attending programs designed to support their postsecondary needs and prepare them to have good jobs in the workforce. The rule also saves significant money for taxpayers; analysis indicates that the previous Trump Administration's previous recission of the GE rule risked losing roughly $6.2 billion in taxpayer funds over ten years through Pell Grants and student loans flowing to low-quality programs that leave students with high levels of debt and low earnings.[56]

Thankfully, in 2023, the Biden Administration released the strongest ever GE rule to protect students from low-quality training programs by establishing metrics related to high levels of debt and low post-completion earnings.[57] The Department estimates that 92 percent of public institutions and 97 precent of private non-profit institutions have no programs that fail the new

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[52] Press Release, Sen. Tom Carper, On the Senate Floor, Carper Offers Bipartisan Amendment to Protect Student Veterans and Finally Close 90/10 Loophole (Mar. 6, 2021), https://www.carper.senate.gov/newsroom/press-releases/on-the-senate-floor-carper-offers-bipartisan-amendment-to-protect-student-veterans-and-finally-close-90-10-loophole/; American Rescue Plan Act, H.R. 1319, 117 Cong. (2021); Press Release, Vets. Ed. Success, Veterans Education Success Hails Closure of 90/10 Loophole (Mar. 6, 2021), https://vetsedsuccess.org/veterans-education-success-hails-closure-of-9010-loophole/.

[53] Press Release, H. Comm. on Educ. & Lab., Foxx: "Increasing Educational Opportunities and Supporting Veterans Should Not be a Partisan Issue" (Mar. 4, 2021), https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=407226.

[54] H.R. Rep. No. 115-500, at 308 (2018).

[55] William Hubbard, *For-Profit Colleges Prey on Veterans - The Department of Education Must Say 'No More'*, The Hill (Jan. 1, 2022), https://thehill.com/opinion/education/589873-for-profit-colleges-prey-on-veterans-the-department-of-education-must-say/; Arit John, *Veterans Burned by For Profit colleges Fight for Their Lost GI Bill Benefits*, L.A. Times (Apr. 17, 2023), https://www.latimes.com/politics/story/2023-04-17/veterans-gi-bill-restoration-for-profit-schools#:~:text=For%20years%2C%20for%2Dprofit%20schools,as%20loans%20or%20Pell%20Grants.

[56] Program Integrity: Gainful Employment, 84 Fed. Reg. 31392, 31447, (Jul. 1, 2019) (codified at 34 C.F.R. 600 and 34 C.F.R. 668).

[57] Financial Value Transparency and Gainful Employment, 88 Fed. Reg. 70004, 70004-70193 (Oct. 10, 2023) (codified at 34 C.F.R. pt. 600 and 34 C.F.R. pt. 668).

GE rule.[58] Comparatively, despite for-profit institutions accounting for only 11 percent of GE programs, 55 percent of these institutions have at least one program of study that does not pass one of the two GE metrics, and nearly 90 percent of students in failing GE programs attend for-profit institutions.[59] Due to the disproportionate level of failing programs at for-profit institutions, the Department estimates that as a consequence of the GE rule, there will be significant enrollment shifts from low-quality programs to programs at community colleges and HBCUs.

Committee Republicans have decried this rule as a "witch hunt" against for-profit institutions[60] and continue to ignore the what the data clearly shows: low-quality for-profit programs will continue to bilk students and taxpayers unless they are held accountable for poor student outcomes.

Borrowers Defense to Repayment

The Majority eliminates the current borrowers defense to repayment rule, a powerful legal tool providing loan forgiveness for borrowers who have been defrauded by colleges that engaged in certain instances of gross misconduct.[61] In 2022, the Biden Administration released a new borrowers defense regulation that establishes the strongest framework yet for borrowers to raise a defense to repayment if their institution has misled or harmed them.[62] Since promulgating this rule, the Department has discharged more than $14.8 billion in loans for over one million borrowers through borrowers defense.[63]

While Committee Republicans paint the Department as being the "judge, jury, and executioner" of targeted debt relief such as borrowers defense,[64] it must be underscored that borrowers defense also helps recover significant amounts of cancelled loan amounts from institutions, which helps ensure taxpayers are not harmed by the gross misconduct of an institution.[65] While repealing this rule will make it extremely hard for defrauded students to receive loan discharges

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[58] U.S. Dep't of Educ.
, *Biden-Harris Administration Announces Landmark Regulations on Accountability, Transparency & Financial Value for Postsecondary Students,* 4, Dep't. of Educ. (2021), https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/gainful-employment-notice-of-final-review-factsheet.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=.
[59] *Id.*
[60] Press Release, H. Comm. on Educ. & the Workforce, New Regulations Fail to Protect Students and Taxpayers (May 17, 2023), https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=409178.
[61] The six grounds for a borrower defense charge as of 2023 are substantial misrepresentation, substantial omission of fact, breach of contract, aggressive and deceptive recruitment, judgement, and prior secretarial action. *See generally* U.S. Dep't of Educ., *Borrower Defense Loan Discharge* https://studentaid.gov/manage-loans/forgiveness-cancellation/borrower-defense (providing an overview of Borrower Defense process).
[62] U.S. Dep't of Education, *infra* note 63.
[63] Press Release, U.S. Dep't of Educ., Biden-Harris Administration Approves $72 Million in Borrower Defense Discharges for over 2,300 Borrowers who Attended Ashford University (Aug. 30, 2023), https://www.ed.gov/news/press-releases/biden-harris-administration-approves-72-million-borrower-defense-discharges-over-2300-borrowers-who-attended-ashford-university.
[64] Press Release, H. Comm. on Educ. & Lab., Foxx Reacts to Democrats' PSLF Scheme (Oct. 6, 2021), https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=407766.
[65] The Inst. for Coll. Access & Success, *What to Know about the Borrowed Defense to Repayment Rule*, https://ticas.org/files/pub_files/what_to_know_about_bd_factsheet.pdf (last visited on Feb. 7, 2024).

to which they are entitled, it will also allow disreputable schools to get away with their misconduct and leave taxpayers holding the bag. Committee Democrats remain committed to supporting students who have been defrauded by their institutions and, through no fault of their own, have not reaped the benefits of a higher education.

Closed School Discharge

When institutions close precipitously, students are often left scrambling to try to transfer to another institution, and many do not ultimately transfer. The closed school discharge rule helps borrowers get a "fresh start" after a school closure by discharging student loans taken out at the closed school.[66] The Biden Administration strengthened the closed school discharge rule by providing an automatic loan discharge for all borrowers one year after the closure of their institution.[67] This rule is an essential backstop for students who were promised an education and a credential they never received through no fault of their own. The Majority will wrongfully remove this tool from defrauded borrowers, and Committee Republicans have produced no justification for its elimination.

Prohibition on Promulgating Regulations

The Committee Print prohibits the Secretary, and all future Secretaries, from implementing any substantially similar regulations to the repealed or revised regulations in the bill. This is another direct attack on the significant progress the Biden Administration made to strengthen higher education regulations to protect students and taxpayers.[68] Throughout last Congress, Committee Republicans have touted the importance of accountability in higher education.[69] Yet, they have proposed to eliminate these protections and restrict future federal engagement on them without proposing a robust alternative accountability framework.

It cannot be understated that this extreme deregulation agenda will erode the integrity of the federal student aid system and signal that the federal government does not have the responsibility

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[66] U.S. Dep't of Educ., Off. of Postsecondary Educ., *Issue Paper #2: Closed School Discharge*, (Oct. 2021), https://www2.ed.gov/policy/highered/reg/hearulemaking/2021/2closedschooldisc.pdf.

[67] U.S. Dep't of Education, *supra* note 63.

[68] Press Release, U.S. Dep't of Educ., Biden-Harris Administration Releases Final Rules that Strengthen Accountability for Colleges and Consumer Protection for Students (Oct. 24, 2023), https://www.ed.gov/news/press-releases/biden-harris-administration-releases-final-rules-strengthen-accountability-colleges-and-consumer-protection-students#:~:text=The%20final%20rules%20add%20several,requiring%20adequate%20career%20services%3B%20and; Press Release, U.S. Dep't of Educ., Biden-Harris Administration Announces Landmark Final Rules to Protect Consumers from Unaffordable Student Debt and Increase Transparency (Sep. 27, 2023), https://www.ed.gov/news/press-releases/biden-harris-administration-announces-landmark-final-rules-protect-consumers-unaffordable-student-debt-and-increase-transparency; Press Release, U.S. Dep't of Educ., Final Regulations: Borrower Defense to Repayment, Pre-dispute Arbitration, Interest Capitalization, Total and Permanent Disability Discharges, Closed School Discharges, Public Service Loan Forgiveness, and False Certification Discharges (Nov. 1, 2022), https://fsapartners.ed.gov/knowledge-center/library/federal-registers/2022-11-01/final-regulations-borrower-defense-repayment-pre-dispute-arbitration-interest-capitalization-total-and-permanent-disability-discharges-closed-school-discharges-public-service-loan-forgiveness-and.

[69] *Lowering Costs and Increasing Value for Students, Institutions, and Taxpayers*, Hearing Before the Subcomm. on Higher Educ. & Workforce Development of the H. Comm. on Educ. & the Workforce, 118th Cong. (2023).

to protect students and taxpayers from waste, fraud, and abuse in higher education. Committee Democrats believe the existing accountability framework – augmented by improvements by the Biden Administration – is an essential oversight mechanism for America's students and taxpayers.

Democratic Amendments Offered During Markup of the Committee Print

Committee Democrats offered 34 amendments to the Committee Print, on a range of issues. Every amendment put to a question of adoption failed on a straight party line votes with all Members of the Majority voting against them.

Amendment	Offered By	Description	Action Taken
#1	Ms. Adams	Prohibits the title from going into effect until the Secretary certifies that the risk sharing model does not disproportionately harm HBCUs.	Defeated
#2	Ms. Adams	Prohibits the title from taking effect until the Secretary certifies that it will not increase out of pocket costs for low-income students.	Defeated
#3	Ms. Adams	Strike capping student aid at median cost.	Defeated
#4	Ms. McBath	Strike repeal of Closed School Discharge.	Defeated
#5	Ms. McBath	Changes the public service job to include medical and dental residency programs where the borrower is completing the program in a rural area as defined in section 861 of the HEA.	Defeated
#6	Ms. Hayes	Rule of Construction: Nothing in this title	Defeated

		shall be construed to permit any actions that result in a reduction in SNAP participation or access to SNAP benefits.	
#7	Ms. Hayes	Allows teachers' five years of classroom service to qualify for both the Stafford Student Loan Forgiveness (SSLF) program and toward the ten years of loan payments required for Public Service Loan Forgiveness (PSLF) program.	Defeated
#8	Ms. Bonamici	Rule of Construction: Nothing in this title shall be construed to permit any actions that result in a reduction in WIC participation.	Defeated
#9	Ms. Bonamici	Strike limitation on secretarial authority to regulate on student loans.	Defeated
#10	Ms. Bonamici	Prohibit funding cuts until OIG ensures low -income borrowers won't see an increase in monthly loan payments.	Defeated
#11	Mr. Courtney	Strike and replace reforms to streamline and improve the Public Service Loan Forgiveness Program.	Defeated
#12	Mr. Mannion	Require GAO to study impact of contracts related to	Defeated

		higher education terminated by the Department or DOGE.	
#13	Mr. Mannion	Rule of Construction: Nothing in this title shall be construed to permit any actions that could negatively impact disabled higher education students' access to home and community - based services through Medicaid	Defeated
#14	Mr. Takano	Strike repeal of Borrower's Defense.	Defeated
#15	Ms. McBath	Prohibit the section from going into effect until the Secretary of Education certifies to Congress that nothing in this subtitle or such amendments will result in a decrease in the average Pell Grant award.	Defeated
#16	Mr. Scott	Striking section changing Pell Eligibility.	Defeated
#17	Ms. Omar	Strikes sections excluding part-time students from Pell Grant.	Defeated
#18	Ms. Omar	Strikes economic hardship and unemployment deferment sunset.	Defeated
#19	Ms. Omar	Insert prohibition on wage and Social Security garnishment for defaulted loans.	Defeated
#20	Ms. Omar	Rule of Construction: Nothing in this title shall be construed to	Defeated

		permit construed as limiting enrolled students' access to Medicaid.	
#21	Ms. Omar	Strikes text of the bill and replaces with Student Debt Cancellation Act	Offered and Withdrawn
#22	Mr. DeSaulnier	Prevents the Committee Print from coming into effect until the Secretary certifies that the Department will comply with valid court orders.	Defeated
#23	Mr. Scott	Replace the title's repayment plan with SAVE.	Defeated
#24	Mr. Takano	Strike repeal of 90/10 Rule.	Defeated
#25	Mr. Takano	Prohibit the title from taking effect the Secretary certifies it wouldn't result in fraud and abuse of student veterans.	Defeated
#26	Ms. Lee	Rule of Construction: Nothing in this title shall be construed as limiting students' access to reproductive health care services to be limited, including abortion services.	Defeated
#27	Ms. Lee	Rule of Construction: Nothing in this title shall be construed to permit DOGE to receive health information of college students.	Defeated
#28	Ms. Lee	Strikes loan limits.	Defeated

#29	Ms. Lee	Eliminates the current and any future Pell shortfalls by authorizing such sums as necessary, making all Pell funding mandatory.	Defeated
#30	Ms. Lee	Prohibits institutions from providing preferential treatment in admissions to applicants based on their relationships to donors or alumni of the institution.	Defeated
#31	Ms. Lee	Creates an exemption to the reimbursement requirements for institutions where more than 20% of enrolled students are eligible for a Federal Pell Grant.	Defeated
#32	Mr. Casar	Restrict access to certain info/data to exclude "special government employees" and other non-ED staff.	Defeated
#33	Mr. Casar	Prohibits title from going into effect unless all federal contracts, grants, and incentives awarded to the companies of special government employees are rescinded/cancelled/ terminated.	Defeated
#34	Mr. Scott	Prohibits title from going into effect unless cuts to Medicaid and SNAP would not result in	Defeated

		fewer families being eligible for free school meals.	

Conclusion

The Committee Print includes harmful policies that will erode the integrity of the Title IV program and the U.S. higher education system as a whole. It reduces access to college, makes college education less affordable, and eliminates customer protections for borrowers. At a fundamental level it increases the share of the cost of higher education borne by students, who will pay more for longer to go to school. And it does all this simply to provide funding for billionaire tax cuts. Committee Democrats cannot support legislation that will leave students and borrowers worse off, especially when done for this purpose. For this and the reasons stated above, Committee Democrats unanimously opposed the Committee Print when the Committee on Education and the Workforce considered it on April 29, 2025. We strongly urge the House of Representatives to do the same.

H.Con.Res.14 — *"Committee Print to comply with reconciliation directives included in H.Con.Res.14 Section 2001(b)(3)"*
Minority Views

Robert C. "Bobby" Scott
Ranking Member

Joe Courtney
Member of Congress

Frederica S. Wilson
Member of Congress

Suzanne Bonamici
Member of Congress

Mark Takano
Member of Congress

Alma S. Adams
Member of Congress

Mark DeSaulnier
Member of Congress

Donald Norcross
Member of Congress

Lucy McBath
Member of Congress

Jahana Hayes
Member of Congress

Ilhan Omar
Member of Congress

Haley Stevens
Member of Congress

Greg Casar
Member of Congress

Summer Lee
Member of Congress

John Mannion
Member of Congress

H.Con.Res.14 Signatory List

Robert C. "Bobby" Scott
Suzanne Bonamici
Mark Takano
Mark DeSaulnier
Donald Norcross
Lucy McBath
Jahana Hayes
Summer Lee

BRETT GUTHRIE, KENTUCKY
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-3641
Minority (202) 225-2927

May 14, 2025

The Honorable Jodey C. Arrington
Chairman
Committee on the Budget
U.S. House of Representatives
204 Cannon House Office Building
Washington, D.C. 20515

Dear Chairman Arrington:

Pursuant to section 2001 of the Concurrent Resolution on the Budget for Fiscal Year 2025, I hereby transmit these recommendations of the Committee on Energy and Commerce which have been approved by a vote of the Committee on May 14, 2025, to the House Committee on the Budget. This submission is in order to comply with reconciliation directives included in H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025, and is consistent with section 310 of the Congressional Budget Act of 1974.

Sincerely,

Brett Guthrie
Chairman
Committee on Energy and Commerce

Committee Print

(Providing for reconciliation pursuant to H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025)

TITLE IV—ENERGY AND COMMERCE

Subtitle A—Energy

SEC. 41001. RESCISSIONS RELATING TO CERTAIN INFLATION REDUCTION ACT PROGRAMS.

(a) STATE-BASED HOME ENERGY EFFICIENCY CONTRACTOR TRAINING GRANTS.—The unobligated balance of any amounts made available under subsection (a) of section 50123 of Public Law 117–169 (42 U.S.C. 18795b) is rescinded.

(b) FUNDING FOR DEPARTMENT OF ENERGY LOAN PROGRAMS OFFICE.—The unobligated balance of any amounts made available under subsection (b) of section 50141 of Public Law 117–169 (136 Stat. 2042) is rescinded.

(c) ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.—The unobligated balance of any amounts made available under subsection (a) of section 50142 of Public Law 117–169 (136 Stat. 2044) is rescinded.

(d) ENERGY INFRASTRUCTURE REINVESTMENT FINANCING.—The unobligated balance of any amounts made available under subsection (a) of section 50144 of Public Law 117–169 (136 Stat. 2044) is rescinded.

(e) TRIBAL ENERGY LOAN GUARANTEE PROGRAM.—The unobligated balance of any amounts made available under subsection (a) of section 50145 of Public Law 117–169 (136 Stat. 2045) is rescinded.

(f) TRANSMISSION FACILITY FINANCING.—The unobligated balance of any amounts made available under subsection (a) of section 50151 of Public Law 117–169 (42 U.S.C. 18715) is rescinded.

(g) GRANTS TO FACILITATE THE SITING OF INTERSTATE ELECTRICITY TRANSMISSION LINES.—The unobligated balance of any amounts made available under subsection (a) of section 50152 of Public Law 117–169 (42 U.S.C. 18715a) is rescinded.

(h) INTERREGIONAL AND OFFSHORE WIND ELECTRICITY TRANSMISSION PLANNING, MODELING, AND ANALYSIS.—The unobligated balance of any amounts made available under subsection (a) of section 50153 of Public Law 117–169 (42 U.S.C. 18715b) is rescinded.

(i) ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.—The unobligated balance of any amounts made available under subsection (a) of section

50161 of Public Law 117–169 (42 U.S.C. 17113a) is rescinded.

SEC. 41002. FERC CERTIFICATES AND FEES FOR CERTAIN ENERGY INFRASTRUCTURE AT INTERNATIONAL BOUNDARIES OF THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) CERTIFICATE OF CROSSING.—The term "certificate of crossing" means a permit for the construction, connection, operation, or maintenance of a cross-border segment.

(2) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(3) COVERED FACILITY.—The term "covered facility" means—

(A) an oil, natural gas, hydrocarbon liquids, refined petroleum products, hydrogen, or carbon dioxide pipeline;

(B) a pipeline for the movement of any other energy-related product; and

(C) an electric transmission facility.

(4) CROSS-BORDER SEGMENT.—The term "cross-border segment" means a segment, as determined by the Commission, of a covered facility that is located at an international boundary between—

(A) the United States and Canada; or

(B) the United States and Mexico.

(5) PRESIDENTIAL PERMIT.—The term "Presidential permit" means a permit or other approval issued or required by the President under or pursuant to any provision of law, including under or pursuant to any Executive order, with respect to the construction, connection, operation, or maintenance of a cross-border segment.

(b) CERTIFICATE OF CROSSING AND FEE.—

(1) IN GENERAL.—The Commission shall, upon payment of a fee in the amount of $50,000 by a person requesting a certificate of crossing, issue to such person such certificate of crossing.

(2) TREATMENT OF FEE.—A fee paid under this subsection shall not be considered a fee assessed under section 3401 of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178).

(c) PROHIBITION.—Except as provided in subsection (d), no person may construct, connect, operate, or maintain a cross-border segment for the import or export of oil, natural gas, hydrocarbon liquids, refined petroleum products, hydrogen, carbon dioxide, or other energy-related products, or for the transmission of electricity, to or from Canada or Mexico without obtaining a certificate

of crossing from the Commission under subsection (b) for the applicable construction, connection, operation, or maintenance.

(d) PREVIOUSLY AUTHORIZED FACILITIES.—Subsection (c) shall not apply to the construction, connection, operation, or maintenance of a cross-border segment with respect to which a Presidential permit that was issued before the date of enactment of this Act applies and is in effect.

SEC. 41003. NATURAL GAS EXPORTS AND IMPORTS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended by adding at the end the following:

"(g) CHARGE FOR EXPORTATION OR IMPORTATION OF NATURAL GAS.—The Secretary of Energy shall, by rule, impose and collect, for each application to export natural gas from the United States to a foreign country with which there is not in effect a free trade agreement requiring national treatment for trade in natural gas, or to import natural gas from such a foreign country, a nonrefundable charge of $1,000,000, and, for purposes of subsection (a), the importation or exportation of natural gas that is proposed in an application for which such a nonrefundable charge was imposed and collected shall be deemed to be in the public interest, and such an application shall be granted without modification or delay.".

SEC. 41004. FUNDING FOR DEPARTMENT OF ENERGY LOAN GUARANTEE EXPENSES.

In addition to amounts otherwise available, there is appropriated to the Secretary of Energy, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available for a period of five years for administrative expenses associated with carrying out section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n).

SEC. 41005. EXPEDITED PERMITTING.

The Natural Gas Act is amended by adding after section 15 (15 U.S.C. 717n) the following:

"SEC. 15A. EXPEDITED PERMITTING.

"(a) DEFINITIONS.—In this section:

"(1) COVERED APPLICATION.—The term 'covered application' means an application for an authorization under section 3 or a certificate of public convenience and necessity under section 7, as applicable, for activities that include construction.

"(2) FEDERAL AUTHORIZATION.—The term 'Federal authorization' has the meaning given such term in section 15(a).

"(b) EXPEDITED REVIEW.—

"(1) NOTIFICATION OF ELECTION AND PAYMENT OF FEE.—Prior to submitting a covered application, an applicant may elect to obtain an expedited

review of all Federal authorizations required for the approval of such covered application by—

"(A) submitting to the Commission a written notification—

"(i) of the election; and

"(ii) that identifies each Federal authorization required for the approval of the covered application and each Federal, State, interstate, or Tribal agency that will consider an aspect of each such Federal authorization; and

"(B) making a payment to the Secretary of the Treasury in an amount that is the lesser of—

"(i) one percent of the expected cost of the applicable construction, as determined by the applicant; or

"(ii) $10,000,000 (adjusted for inflation, as the Secretary of the Treasury determines necessary).

"(2) SUBMISSION AND REVIEW OF APPLICATIONS.—

"(A) APPLICATION.—Not later than 60 days after the date on which an applicant elects to obtain an expedited review under paragraph

(1), the applicant shall submit to the Commission the covered application for which such election for an expedited review was made, which shall include—

"(i) the scope of the applicable activities, including capital investment, siting, temporary construction, and final workforce numbers;

"(ii) the industrial sector of the applicant, as classified by the North American Industry Classification System; and

"(iii) a list of the statutes and regulations that are relevant to the covered application.

"(B) APPROVAL.—

"(i) STANDARD DEADLINE.—Except as provided in clause (ii), not later than one year after the date on which an applicant submits a covered application pursuant to subparagraph (A)—

"(I) each Federal, State, interstate, or Tribal agency identified under paragraph (1)(A)(ii) shall—

"(aa) review the relevant Federal authorization identified under such paragraph; and

"(bb) subject to any conditions determined by such agency to be necessary to comply with the requirements of the Federal law under which such approval is required, approve such Federal authorization; and

"(II) the Commission shall—

"(aa) review the covered application; and

"(bb) subject to any conditions determined by the Commission to be necessary to comply with the requirements of this Act, approve the covered application.

"(ii) EXTENDED DEADLINE.—

"(I) EXTENSION.—With respect to a covered application submitted pursuant to subparagraph (A), the Commission may approve a request by an agency identified under paragraph

(1)(A)(ii) for an extension of the one-year deadline imposed by clause (i) of this subparagraph for a period of 6 months if the Commission receives consent from the relevant applicant.

"(II) APPLICABILITY.—If the Commission approves a request for an extension under subclause (I), such extension shall apply to the applicable covered application and the Federal authorization for which the extension was requested.

"(C) EFFECT OF FAILURE TO MEET DEADLINE.—

"(i) DEEMED APPROVAL.—Any covered application submitted pursuant to subparagraph (A), or Federal authorization that is required with respect to such covered application, that is not approved by the applicable deadline under subparagraph (B) shall be deemed approved in perpetuity, notwithstanding any procedural requirements relating to such approval under the Federal law under which such approval was required (including any re-

quirements applicable to the effective period of a Federal authorization).

"(ii) COMPLIANCE.—A person carrying out activities under a covered application or Federal authorization that has been deemed approved under clause (i) shall comply with the requirements of the Federal law under which such approval was required (other than with respect to any procedural requirements relating to such approval, including any requirements relating to the effective period of the Federal authorization).

"(c) JUDICIAL REVIEW.—

"(1) REVIEWABLE CLAIMS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, no court shall have jurisdiction to review a claim with respect to the approval of a covered application or Federal authorization under subparagraph (B) or (C)(i) of subsection (b)(2), except for a claim under chapter 7 of title 5, United States Code, filed not later than 180 days after the date of such approval by—

"(i) the applicant; or

"(ii) a person who has suffered, or likely and imminently will suffer, direct and irreparable economic harm from the approval.

"(B) CLAIMS BY CERTAIN NON-APPLICANTS.—An association may only bring a claim on behalf of one or more of its members pursuant to subparagraph (A)(ii) if each member of the association has suffered, or likely and imminently will suffer, the harm described in subparagraph (A)(ii).

"(2) STANDARD OF REVIEW.—If an applicant or other person brings a claim described in paragraph (1) with respect to the approval of a covered application or Federal authorization under subsection (b)(2)(B), the court shall hold unlawful and set aside any agency actions, findings, and conclusions in accordance with section 706(2) of title 5, United States Code, except that, for purposes of the application of subparagraph (E) of such section, the court shall apply such subparagraph by substituting 'clear and convincing evidence' for 'substantial evidence'.

"(3) EXCLUSIVE JURISDICTION.—Notwithstanding any other provision of law, the United

States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any claim—

"(A) alleging the invalidity of subsection (b); or

"(B) that an agency action relating to a covered application or Federal authorization under subsection (b) is beyond the scope of authority conferred by the Federal law under which such agency action is made.".

SEC. 41006. CARBON DIOXIDE, HYDROGEN, AND PETROLEUM PIPELINE PERMITTING.

The Natural Gas Act is amended by inserting after section 7 (15 U.S.C. 717f) the following:

"SEC. 7A. CARBON DIOXIDE, HYDROGEN, AND PETROLEUM PIPELINE PERMITTING.

"(a) COVERED PIPELINE DEFINED.—In this section, the term 'covered pipeline' means—

"(1) a pipeline or pipeline facility for the transportation of carbon dioxide that is regulated under chapter 601 of title 49, United States Code, pursuant to section 60102(i) of such chapter;

"(2) a gas pipeline facility, as such term is defined in section 60101 of title 49, United States

Code, for the transportation of hydrogen that is regulated under chapter 601 of such title; or

"(3) a hazardous liquid pipeline facility, as such term is defined in section 60101 of title 49, United States Code, for the transportation of petroleum or a petroleum product that is regulated under chapter 601 of such title.

"(b) APPLICATION AND FEE.—Any person may submit to the Commission—

"(1) an application for a license authorizing the whole or any part of the operation, sale, service, construction, extension, or acquisition of a covered pipeline, which application shall be made in the same manner as, and in accordance with the requirements for, an application for a certificate of public convenience and necessity under section 7(d); and

"(2) a fee in the amount of $10,000,000 for the consideration of such application.

"(c) PROCEDURE.—

"(1) IN GENERAL.—With respect to each application for which a fee is submitted under subsection (b), the Commission shall—

"(A) consider the application in accordance with the procedures applicable to an application for a certificate of public convenience and ne-

cessity under the matter preceding the proviso in section 7(c)(1)(B), including the procedure provided in section 7(e); and

"(B) in accordance with section 7(e), issue the license for which the application was submitted or deny such application.

"(2) NECESSARY MODIFICATIONS.—For purposes of this section, the Commission may modify procedures in place under section 7 as the Commission determines necessary to apply such procedures to the consideration, issuance, or denial of an application under this section.

"(d) EFFECT OF LICENSE.—Notwithstanding any other provision of law, if the Commission issues a license under subsection (c)(1) of this section and the licensee is in compliance with such license, no requirement of State or local law that requires approval of the location of the covered pipeline with respect to which the license is issued may be enforced against the licensee.

"(e) APPLICATION TO OTHER PROVISIONS.—

"(1) EXTENSION OF FACILITIES; ABANDONMENT OF SERVICE.—For purposes of section 7—

"(A) subsection (b) of such section shall be applied with respect to this section by sub-

stituting 'licensee under section 7A' for 'natural-gas company';

"(B) subsection (c)(2) of such section shall be applied with respect to this section—

"(i) by substituting 'licensee under section 7A' for 'natural-gas company'; and

"(ii) by substituting 'petroleum or a petroleum product' for 'natural gas' each place it appears;

"(C) subsection (f)(1) shall be applied with respect to this section—

"(i) by substituting 'license under section 7A' for 'authorization under this section'; and

"(ii) by substituting 'licensee under section 7A' for 'natural-gas company';

"(D) subsection (f)(2) shall be applied with respect to this section—

"(i) by substituting 'transported liquid or gas is consumed' for 'gas is consumed'; and

"(ii) by substituting 'a liquid or gas to another licensee under section 7A' for 'natural gas to another natural gas company';

"(E) subsection (g) shall be applied with respect to this section—

"(i) by substituting 'licenses under section 7A' for 'certificates of public convenience and necessity'; and

"(ii) by substituting 'licensee under section 7A' for 'natural-gas company';

"(F) subsection (h) of such section shall be applied with respect to this section—

"(i) by substituting 'licensee under section 7A' for 'holder of a certificate of public convenience and necessity'; and

"(ii) by substituting 'to carry out an activity authorized by the license issued under such section' for 'to construct, operate, and maintain a pipe line or pipe lines for the transportation of natural gas, and the necessary land or other property, in addition to right-of-way, for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipe line or pipe lines'.

"(2) PROCESS COORDINATION; HEARINGS; RULES OF PROCEDURE.—For purposes of applying

section 15 with respect to this section, each reference to an application in subsection (a) of such section shall be considered to be a reference to an application for a license under this section.

"(3) REHEARING; COURT REVIEW OF ORDERS.—For purposes of section 19—

"(A) subsection (b) of such section shall be applied with respect to this section by substituting 'person who submitted the relevant application and paid a fee under section 7A' for 'natural gas company'; and

"(B) subsection (d) of such section shall be applied with respect to this section by substituting 'covered pipeline with respect to which an application and fee has been submitted under section 7A' for 'facility subject to section 3 or section 7' each place it appears.

"(4) ENFORCEMENT OF ACT; REGULATIONS AND ORDERS.—For purposes of section 20(d), paragraph (1) of such section shall be applied with respect to this section by substituting 'company that is a licensee under section 7A' for 'natural gas company'.".

SEC. 41007. DE-RISKING COMPENSATION PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2026, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available through September 30, 2034, to carry out this section: *Provided*, That no disbursements may be made under this section after September 30, 2034.

(b) DE-RISKING COMPENSATION PROGRAM.—

(1) ESTABLISHMENT.—There is established in the Department of Energy a program, to be known as the De-Risking Compensation Program, to provide compensation to sponsors, with respect to covered energy projects, that suffer unrecoverable losses due to qualifying Federal actions.

(2) ELIGIBILITY.—A sponsor may enroll in the program with respect to a covered energy project if—

(A) all approvals or permits required or authorized under Federal law for the covered energy project have been received, regardless of whether a court order subsequently remands or vacates such approvals or permits;

(B) the sponsor commenced construction of the covered energy project or made capital expenditures with respect to the covered energy

project in reliance on such approvals or permits; and

(C) at the time of enrollment, no qualifying Federal action has been issued or taken that has an effect described in subsection (g)(4)(B) on the covered energy project.

(3) APPLICATION.—A sponsor may apply to enroll with respect to a covered energy project in the program by submitting to the Secretary an application containing such information as the Secretary may require.

(4) ENROLLMENT.—Not later than 90 days after the date on which the Secretary receives an application submitted under paragraph (3), the Secretary shall enroll the sponsor in the program for the covered energy project with respect to which the application was submitted if the Secretary determines that the sponsor meets the requirements of paragraph (2) with respect to the covered energy project.

(c) FEES AND PREMIUMS.—

(1) ENROLLMENT FEE.—Not later than 60 days after the date on which a sponsor is enrolled in the program under subsection (b)(4), the sponsor shall pay to the Secretary a one-time enrollment fee

equal to 5 percent of the sponsor capital contribution for the applicable covered energy project.

(2) ANNUAL PREMIUMS.—

(A) IN GENERAL.—The Secretary shall establish and annually collect a premium from each sponsor enrolled in the program for each covered energy project with respect to which the sponsor is enrolled.

(B) REQUIREMENTS.—A premium established and collected from a sponsor under subparagraph (A) shall—

(i) be equal to 1.5 percent of the sponsor capital contribution for the applicable covered energy project; and

(ii) be paid beginning with the year of enrollment and continuing until the earlier of—

(I) fiscal year 2033; or

(II) the year in which the sponsor withdraws from the program with respect to the applicable covered energy project.

(C) ADJUSTMENT.—The Secretary may adjust the percentage required by subparagraph

(B)(i) once every two fiscal years to ensure Fund solvency, except that—

(i) the Secretary may not vary such percentage between sponsors or projects; and

(ii) such percentage may not exceed 5 percent.

(D) PUBLICATION.—The Secretary shall publish in the Federal Register not later than 60 days prior to the start of each fiscal year a list of each premium to be collected for the fiscal year.

(d) COMPENSATION.—

(1) IN GENERAL.—Using amounts available in the Fund, and subject to paragraph (5), the Secretary shall provide compensation to a sponsor enrolled in the program with respect to a covered energy project if—

(A) the sponsor paid the enrollment fee and the premium for each year the sponsor was enrolled in the program with respect to the covered energy project; and

(B) the sponsor demonstrates, in a request submitted to the Secretary, that a qualifying Federal action has been issued or taken that

has an effect described in subsection (g)(4)(B) on the covered energy project.

(2) REQUEST FOR COMPENSATION.—A request under paragraph (1) shall contain the following:

(A) Information on each Federal approval or permit relating to the covered energy project, including the date on which such approval or permit was issued.

(B) A certified accounting of capital expenditures made in reliance on each such Federal approval or permit.

(C) A description of, and, if applicable, a citation to, the applicable qualifying Federal action.

(D) A causal statement showing how the qualifying Federal action directly resulted in unrecoverable losses or cessation of the covered energy project and that absent the qualifying Federal action the project would have otherwise been viable.

(E) Any supporting economic analysis demonstrating the financial effects of the covered energy project being rendered unviable.

(3) APPROVAL.—The Secretary shall approve a request submitted under paragraph (1) and, subject

to paragraph (5), provide compensation to the applicable sponsor if the Secretary determines that such request is complete and in compliance with the requirements of this section.

(4) LIMITATIONS ON DENIALS.—The Secretary may not deny a request submitted under paragraph (1) based on—

(A) the merit of the applicable covered energy project, as determined by the Secretary; or

(B) the type of technology used in the applicable covered energy project.

(5) LIMITATIONS ON COMPENSATION AMOUNT.—

(A) SPONSORS.—The amount of compensation provided to a sponsor under this subsection with respect to a covered energy project shall not exceed the sponsor capital contribution for the covered energy project.

(B) AVAILABLE FUNDS.—In determining the amount of compensation to be provided to a sponsor under this subsection—

(i) such amount may be any amount, including zero, that is less than or equal to the amount of the sponsor capital contribution for the covered energy project, re-

gardless of the amount of capital expenditures made by the sponsor (as certified and included in the request pursuant to paragraph (2)(B)); and

(ii) the Secretary shall determine such amount in a manner that ensures no funds will be obligated or expended in amounts that exceed the amounts in the Fund at the time of approval of the applicable request submitted under paragraph (1).

(e) DE-RISKING COMPENSATION FUND.—

(1) ESTABLISHMENT.—There is established a fund, to be known as the De-Risking Compensation Fund, consisting of such amounts as are deposited in the Fund under this subsection or credited to the Fund under subsection (f).

(2) USE OF FUNDS.—Amounts in the Fund—

(A) shall remain available until September 30, 2034; and

(B) may be used, without further appropriation—

(i) to make compensation payments to sponsors under this section; and

(ii) to administer the program.

(3) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 3 percent of amounts in the Fund may be used to administer the program.

(4) DEPOSITS.—The Secretary shall deposit the fees and premiums received under subsection (c) into the Fund.

(f) FUND MANAGEMENT AND INVESTMENT.—The Fund shall be managed and invested as follows:

(1) The Fund shall be maintained and administered by the Secretary.

(2) Amounts in the Fund shall be invested in obligations of the United States in accordance with the requirements of section 9702 of title 31, United States Code.

(3) The interest on such investments shall be credited to the Fund.

(g) DEFINITIONS.—For purposes of this section:

(1) COVERED ENERGY PROJECT.—The term "covered energy project" means a project located in the United States for the development, extraction, processing, transportation, or use of coal, coal byproducts, critical minerals, oil, natural gas, or nuclear energy with a total projected capital expenditure of not less than $30,000,000, as certified by the Secretary.

(2) FUND.—The term "Fund" means the De-Risking Compensation Fund established in subsection (e)(1).

(3) PROGRAM.—The term "program" means the De-Risking Compensation Program established in subsection (b)(1).

(4) QUALIFYING FEDERAL ACTION.—The term "qualifying Federal action" means a regulation, administrative decision, or executive action—

(A) issued or taken after a sponsor received a Federal approval or permit for a covered energy project; and

(B) that revokes such approval or permit or cancels, delays, or renders unviable the covered energy project regardless of whether the regulation, administrative decision, or executive action is responsive to a court order.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) SPONSOR.—The term "sponsor" means an entity incorporated and headquartered in the United States with an ownership or development interest in a covered energy project.

(7) SPONSOR CAPITAL CONTRIBUTION.—The term "sponsor capital contribution" means the pro-

jected capital expenditure of a sponsor for a covered energy project, as certified by the Secretary at the time of enrollment in the program, which shall include verifiable development, construction, permitting, and financing costs directly related to the covered energy project.

SEC. 41008. STRATEGIC PETROLEUM RESERVE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2025, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2029—

(1) $218,000,000 for maintenance of, including repairs to, storage facilities and related facilities (as such terms are defined in section 152 of the Energy Policy and Conservation Act (42 U.S.C. 6232)) of the Strategic Petroleum Reserve; and

(2) $1,321,000,000 to acquire, by purchase, petroleum products for storage in the Strategic Petroleum Reserve.

(b) REPEAL OF STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE MANDATE.—Section 20003 of Public Law 115–97 (42 U.S.C. 6241 note) is repealed.

SEC. 41009. RESCISSIONS OF PREVIOUSLY APPROPRIATED UNOBLIGATED FUNDS.

(a) RESCISSIONS.—Except as provided in subsection (b), of the unobligated balances appropriated and made available to the Department of Energy—

(1) for the Office of the Inspector General, $8,052,100 is rescinded;

(2) for the Office of Clean Energy Demonstrations, $60,152,900 is rescinded;

(3) for the Office for Human Capital, $76,900 is rescinded;

(4) for Federal Energy Management Programs, $53,442,200 is rescinded;

(5) for State and Community Energy Programs, $262,506,100 is rescinded;

(6) for the Office of Minority Economic Impact, $2,783,100 is rescinded;

(7) for the Office of Energy Efficiency and Renewable Energy, $401,850,700 is rescinded;

(8) for the Office of General Counsel, $239,400 is rescinded;

(9) for the Office of Indian Energy Policy and Programs, $44,701,900 is rescinded;

(10) for the Office of Management, $5,041,100 is rescinded;

(11) for the Office of the Secretary, $1,019,400 is rescinded;

(12) for the Office of Public Affairs, $2,594,000 is rescinded; and

(13) for the Office of Policy, $692,400 is rescinded.

(b) EXCLUSIONS.—The unobligated amounts rescinded under subsection (a) may not include amounts appropriated and made available to the Department of Energy—

(1) under Public Law 117–169 (commonly referred to as the Inflation Reduction Act of 2022);

(2) under the Infrastructure Investment and Jobs Act (Public Law 117–58); or

(3) that were designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget, section 4001(a)(1) of S. Con. Res. 14 (117th Congress), or section 1(e) of H. Res. 1151 (117th Congress) as engrossed in the House of Representatives on June 8, 2022.

Committee Print

(Providing for reconciliation pursuant to H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025)

TITLE IV—ENERGY AND COMMERCE

Subtitle B—Environment

PART 1—REPEALS AND RESCISSIONS

SEC. 42101. REPEAL AND RESCISSION RELATING TO CLEAN HEAVY-DUTY VEHICLES.

(a) REPEAL.—Section 132 of the Clean Air Act (42 U.S.C. 7432) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 132 of the Clean Air Act (42 U.S.C. 7432) (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42102. REPEAL AND RESCISSION RELATING TO GRANTS TO REDUCE AIR POLLUTION AT PORTS.

(a) REPEAL.—Section 133 of the Clean Air Act (42 U.S.C. 7433) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 133 of the Clean

Air Act (42 U.S.C. 7433) (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42103. REPEAL AND RESCISSION RELATING TO GREENHOUSE GAS REDUCTION FUND.

(a) REPEAL.—Section 134 of the Clean Air Act (42 U.S.C. 7434) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 134 of the Clean Air Act (42 U.S.C. 7434) (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42104. REPEAL AND RESCISSION RELATING TO DIESEL EMISSIONS REDUCTIONS.

(a) REPEAL.—Section 60104 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60104 of Public Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42105. REPEAL AND RESCISSION RELATING TO FUNDING TO ADDRESS AIR POLLUTION.

(a) REPEAL.—Section 60105 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60105 of Public

Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42106. REPEAL AND RESCISSION RELATING TO FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) REPEAL.—Section 60106 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60106 of Public Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42107. REPEAL AND RESCISSION RELATING TO LOW EMISSIONS ELECTRICITY PROGRAM.

(a) REPEAL.—Section 135 of the Clean Air Act (42 U.S.C. 7435) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 135 of the Clean Air Act (42 U.S.C. 7435) (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42108. REPEAL AND RESCISSION RELATING TO FUNDING FOR SECTION 211(o) OF THE CLEAN AIR ACT.

(a) REPEAL.—Section 60108 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60108 of Public Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42109. REPEAL AND RESCISSION RELATING TO FUNDING FOR IMPLEMENTATION OF THE AMERICAN INNOVATION AND MANUFACTURING ACT.

(a) REPEAL.—Section 60109 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60109 of Public Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42110. REPEAL AND RESCISSION RELATING TO FUNDING FOR ENFORCEMENT TECHNOLOGY AND PUBLIC INFORMATION.

(a) REPEAL.—Section 60110 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60110 of Public Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42111. REPEAL AND RESCISSION RELATING TO GREENHOUSE GAS CORPORATE REPORTING.

(a) REPEAL.—Section 60111 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60111 of Public Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42112. REPEAL AND RESCISSION RELATING TO ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.

(a) REPEAL.—Section 60112 of Public Law 117–169 (42 U.S.C. 4321 note) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60112 of Public Law 117–169 (42 U.S.C. 4321 note) (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42113. REPEAL OF FUNDING FOR METHANE EMISSIONS AND WASTE REDUCTION INCENTIVE PROGRAM FOR PETROLEUM AND NATURAL GAS SYSTEMS.

(a) REPEAL AND RESCISSION.—Subsections (a) and (b) of section 136 of the Clean Air Act (42 U.S.C. 7436) are repealed and the unobligated balances of amounts made available under those subsections (as in effect on

the day before the date of enactment of this Act) are rescinded.

(b) CONFORMING AMENDMENTS.—Section 136 of the Clean Air Act (42 U.S.C. 7436) is amended—

(1) by redesignating subsections (c) through (i) as subsections (a) through (g), respectively;

(2) by striking "subsection (c)" each place it appears and inserting "subsection (a)";

(3) by striking "subsection (d)" each place it appears and inserting "subsection (b)";

(4) by striking "subsection (f)" each place it appears and inserting "subsection (d)";

(5) in subsection (e) (as so redesignated), by striking "calendar year 2024" and inserting "calendar year 2034"; and

(6) in subsection (f) (as so redesignated)—

(A) by striking "subsections (e) and (f)" and inserting "subsections (c) and (d)"; and

(B) by striking "including data collected pursuant to subsection (a)(4),".

SEC. 42114. REPEAL AND RESCISSION RELATING TO GREENHOUSE GAS AIR POLLUTION PLANS AND IMPLEMENTATION GRANTS.

(a) REPEAL.—Section 137 of the Clean Air Act (42 U.S.C. 7437) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 137 of the Clean Air Act (42 U.S.C. 7437) (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42115. REPEAL AND RESCISSION RELATING TO ENVIRONMENTAL PROTECTION AGENCY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

(a) REPEAL.—Section 60115 of Public Law 117–169 is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60115 of Public Law 117–169 (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42116. REPEAL AND RESCISSION RELATING TO LOW-EMBODIED CARBON LABELING FOR CONSTRUCTION MATERIALS.

(a) REPEAL.—Section 60116 of Public Law 117–169 (42 U.S.C. 4321 note) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 60116 of Public Law 117–169 (42 U.S.C. 4321 note) (as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 42117. REPEAL AND RESCISSION RELATING TO ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

(a) REPEAL.—Section 138 of the Clean Air Act (42 U.S.C. 7438) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 138 of the Clean Air Act (42 U.S.C. 7438) (as in effect on the day before the date of enactment of this Act) is rescinded.

PART 2—REPEAL OF EPA RULE RELATING TO MULTI-POLLUTANT EMISSIONS STANDARDS

SEC. 42201. REPEAL OF EPA RULE RELATING TO MULTI-POLLUTANT EMISSIONS STANDARDS FOR LIGHT- AND MEDIUM-DUTY VEHICLES.

The final rule issued by the Environmental Protection Agency relating to "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles" (89 Fed. Reg. 27842 (April 18, 2024)) shall have no force or effect.

PART 3—REPEAL OF NHTSA RULE RELATING TO CAFE STANDARDS

SEC. 42301. REPEAL OF NHTSA RULE RELATING TO CAFE STANDARDS FOR PASSENGER CARS AND LIGHT TRUCKS.

The final rule issued by the National Highway Traffic Safety Administration relating to "Corporate Average

Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond" (89 Fed. Reg. 52540 (June 24, 2024)) shall have no force or effect.

Committee Print

(Providing for reconciliation pursuant to H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025)

TITLE IV—ENERGY AND COMMERCE

Subtitle C—Communications

PART 1—SPECTRUM AUCTIONS

SEC. 43101. IDENTIFICATION AND AUCTION OF SPECTRUM.

(a) IDENTIFICATION.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Assistant Secretary and the Commission shall identify, from spectrum in the covered band that is allocated for Federal use, non-Federal use, or shared Federal and non-Federal use, a total of not less than 600 megahertz of spectrum for reallocation for non-Federal use on an exclusive, licensed basis for mobile broadband services, fixed broadband services, mobile and fixed broadband services, or a combination thereof.

(2) WITHDRAWAL OR MODIFICATION OF FEDERAL GOVERNMENT ASSIGNMENTS.—The President, acting through the Assistant Secretary, shall—

(A) withdraw or modify the assignments to Federal Government stations of spectrum identified under paragraph (1) as necessary for the Commission to comply with subsection (b); and

(B) not later than 30 days after completing any necessary withdrawal or modification under subparagraph (A), notify the Commission that the withdrawal or modification is complete.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to change the respective authorities of the Assistant Secretary and the Commission with respect to spectrum allocated for Federal use, non-Federal use, or shared Federal and non-Federal use.

(b) AUCTION.—

(1) IN GENERAL.—The Commission shall, through 1 or more systems of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), grant licenses for the use of the spectrum identified under subsection (a) on an exclusive, licensed basis for mobile broadband

services, fixed broadband services, mobile and fixed broadband services, or a combination thereof.

(2) SCHEDULE.—Notwithstanding paragraph (15)(A) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), the Commission shall auction spectrum under paragraph (1) of this subsection according to the following schedule:

(A) Not later than 3 years after the date of the enactment of this Act, the Commission shall complete 1 or more systems of competitive bidding for not less than 200 megahertz of such spectrum.

(B) Not later than 6 years after the date of the enactment of this Act, the Commission shall complete 1 or more systems of competitive bidding for any remaining spectrum required to be auctioned under paragraph (1) after compliance with subparagraph (A) of this paragraph.

(c) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.—Nothing in this section may be construed to relieve the Commission from the requirements of section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).

(d) AUCTION AUTHORITY.—Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is

amended by striking "grant a license or permit under this subsection shall expire March 9, 2023" and all that follows and inserting "complete a system of competitive bidding under this subsection shall expire September 30, 2034.".

(e) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.

(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.

(3) COVERED BAND.—

(A) IN GENERAL.—The term "covered band" means the band of frequencies between 1.3 gigahertz and 10 gigahertz, inclusive.

(B) EXCLUSION.—The term "covered band" does not include the following:

(i) The band of frequencies between 3.1 gigahertz and 3.45 gigahertz, inclusive.

(ii) The band of frequencies between 5.925 gigahertz and 7.125 gigahertz, inclusive.

PART 2—ARTIFICIAL INTELLIGENCE AND INFORMATION TECHNOLOGY MODERNIZATION

SEC. 43201. ARTIFICIAL INTELLIGENCE AND INFORMATION TECHNOLOGY MODERNIZATION INITIATIVE.

(a) APPROPRIATION OF FUNDS.—There is hereby appropriated to the Department of Commerce for fiscal year 2025, out of any funds in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2035, to modernize and secure Federal information technology systems through the deployment of commercial artificial intelligence, the deployment of automation technologies, and the replacement of antiquated business systems in accordance with subsection (b).

(b) AUTHORIZED USES.—The Secretary of Commerce shall use the funds appropriated under subsection (a) for the following:

(1) To replace or modernize, within the Department of Commerce, legacy business systems with state-of-the-art commercial artificial intelligence systems and automated decision systems.

(2) To facilitate, within the Department of Commerce, the adoption of artificial intelligence models that increase operational efficiency and service delivery.

(3) To improve, within the Department of Commerce, the cybersecurity posture of Federal informa-

tion technology systems through modernized architecture, automated threat detection, and integrated artificial intelligence solutions.

(c) MORATORIUM.—

(1) IN GENERAL.—Except as provided in paragraph (2), no State or political subdivision thereof may enforce any law or regulation regulating artificial intelligence models, artificial intelligence systems, or automated decision systems during the 10-year period beginning on the date of the enactment of this Act.

(2) RULE OF CONSTRUCTION.—Paragraph (1) may not be construed to prohibit the enforcement of any law or regulation that—

(A) the primary purpose and effect of which is to remove legal impediments to, or facilitate the deployment or operation of, an artificial intelligence model, artificial intelligence system, or automated decision system;

(B) the primary purpose and effect of which is to streamline licensing, permitting, routing, zoning, procurement, or reporting procedures in a manner that facilitates the adoption of artificial intelligence models, artificial

intelligence systems, or automated decision systems;

(C) does not impose any substantive design, performance, data-handling, documentation, civil liability, taxation, fee, or other requirement on artificial intelligence models, artificial intelligence systems, or automated decision systems unless such requirement—

(i) is imposed under Federal law; or

(ii) in the case of a requirement imposed under a generally applicable law, is imposed in the same manner on models and systems, other than artificial intelligence models, artificial intelligence systems, and automated decision systems, that provide comparable functions to artificial intelligence models, artificial intelligence systems, or automated decision systems; and

(D) does not impose a fee or bond unless—

(i) such fee or bond is reasonable and cost-based; and

(ii) under such fee or bond, artificial intelligence models, artificial intelligence

systems, and automated decision systems are treated in the same manner as other models and systems that perform comparable functions.

(d) DEFINITIONS.—In this section:

(1) ARTIFICIAL INTELLIGENCE.—The term "artificial intelligence" has the meaning given such term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(2) ARTIFICIAL INTELLIGENCE MODEL.—The term "artificial intelligence model" means a software component of an information system that implements artificial intelligence technology and uses computational, statistical, or machine-learning techniques to produce outputs from a defined set of inputs.

(3) ARTIFICIAL INTELLIGENCE SYSTEM.—The term "artificial intelligence system" means any data system, software, hardware, application, tool, or utility that operates, in whole or in part, using artificial intelligence.

(4) AUTOMATED DECISION SYSTEM.—The term "automated decision system" means any computational process derived from machine learning, statistical modeling, data analytics, or artificial intel-

ligence that issues a simplified output, including a score, classification, or recommendation, to materially influence or replace human decision making.

TITLE IV—ENERGY AND COMMERCE

Subtitle D—Health

PART 1—MEDICAID

Subpart A—Reducing Fraud and Improving Enrollment Processes

SEC. 44101. MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO ELIGIBILITY AND ENROLLMENT IN MEDICARE SAVINGS PROGRAMS.

The Secretary of Health and Human Services shall not, during the period beginning on the date of the enactment of this section and ending January 1, 2035, implement, administer, or enforce the provisions of the final rule published by the Centers for Medicare & Medicaid Services on September 21, 2023, and titled "Streamlining Medicaid; Medicare Savings Program Eligibility Determination and Enrollment" (88 Fed. Reg. 65230).

SEC. 44102. MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO ELIGIBILITY AND ENROLLMENT FOR MEDICAID, CHIP, AND THE BASIC HEALTH PROGRAM.

The Secretary of Health and Human Services shall not, during the period beginning on the date of the enact-

ment of this section and ending January 1, 2035, implement, administer, or enforce the provisions of the final rule published by the Centers for Medicare & Medicaid Services on April 2, 2024, and titled "Medicaid Program; Streamlining the Medicaid, Children's Health Insurance Program, and Basic Health Program Application, Eligibility Determination, Enrollment, and Renewal Processes" (89 Fed. Reg. 22780).

SEC. 44103. ENSURING APPROPRIATE ADDRESS VERIFICATION UNDER THE MEDICAID AND CHIP PROGRAMS.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) in subsection (a)—

(i) in paragraph (86), by striking "and" at the end;

(ii) in paragraph (87), by striking the period and inserting "; and"; and

(iii) by inserting after paragraph (87) the following new paragraph:

"(88) provide—

"(A) beginning not later than January 1, 2027, in the case of 1 of the 50 States and the District of Columbia, for a process to regularly

obtain address information for individuals enrolled under such plan (or a waiver of such plan) in accordance with subsection (vv); and

"(B) beginning not later than October 1, 2029—

"(i) for the State to submit to the system established by the Secretary under subsection (uu), with respect to an individual enrolled or seeking to enroll under such plan, not less frequently than once each month and during each determination or redetermination of the eligibility of such individual for medical assistance under such plan (or waiver of such plan)—

"(I) the social security number of such individual, if such individual has a social security number and is required to provide such number to enroll under such plan (or waiver); and

"(II) such other information with respect to such individual as determined necessary by the Secretary for purposes of preventing individuals from simultaneously being enrolled

under State plans (or waivers of such plans) of multiple States;

"(ii) for the use of such system to prevent such simultaneous enrollment; and

"(iii) in the case that such system indicates that an individual enrolled or seeking to enroll under such plan (or wavier of such plan) is enrolled under a State plan (or waiver of such a plan) of another State, for the taking of appropriate action (as determined by the Secretary) to identify whether such an individual resides in the State and disenroll an individual from the State plan of such State if such individual does not reside in such State (unless such individual meets such an exception as the Secretary may specify)."; and

(B) by adding at the end the following new subsections:

"(uu) PREVENTION OF ENROLLMENT UNDER MULTIPLE STATE PLANS.—

"(1) IN GENERAL.—Not later than October 1, 2029, the Secretary shall establish a system to be utilized by the Secretary and States to prevent an individual from being simultaneously enrolled under

the State plans (or waivers of such plans) of multiple States. Such system shall—

"(A) provide for the receipt of information submitted by a State under subsection (a)(88)(B)(i); and

"(B) not less than once each month, notify or transmit information to a State (or allow the Secretary to notify or transmit information to a State) regarding whether an individual enrolled or seeking to enroll under the State plan of such State (or waiver of such plan) is enrolled under the State plan (or waiver of such plan) of another State.

"(2) STANDARDS.—The Secretary shall establish such standards as determined necessary by the Secretary to limit and protect information submitted under such system and ensure the privacy of such information, consistent with subsection (a)(7).

"(3) IMPLEMENTATION FUNDING.—There are appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, in addition to amounts otherwise available—

"(A) for fiscal year 2026, $10,000,000 for purposes of establishing the system required

under this subsection, to remain available until expended; and

"(B) for fiscal year 2029, $20,000,000 for purposes of maintaining such system, to remain available until expended.

"(vv) PROCESS TO OBTAIN ENROLLEE ADDRESS INFORMATION.—

"(1) IN GENERAL.—For purposes of subsection (a)(88)(A), a process to regularly obtain address information for individuals enrolled under a State plan (or a waiver of such plan) shall obtain address information from reliable data sources described in paragraph (2) and take such actions as the Secretary shall specify with respect to any changes to such address based on such information.

"(2) RELIABLE DATA SOURCES DESCRIBED.—For purposes of paragraph (1), the reliable data sources described in this paragraph are the following:

"(A) Mail returned to the State by the United States Postal Service with a forwarding address.

"(B) The National Change of Address Database maintained by the United States Postal Service.

"(C) A managed care entity (as defined in section 1932(a)(1)(B)) or prepaid inpatient health plan or prepaid ambulatory health plan (as such terms are defined in section 1903(m)(9)(D)) that has a contract under the State plan if the address information is provided to such entity or plan directly from, or verified by such entity or plan directly with, such individual.

"(D) Other data sources as identified by the State and approved by the Secretary.".

(2) CONFORMING AMENDMENTS.—

(A) PARIS.—Section 1903(r)(3) of the Social Security Act (42 U.S.C. 1396b(r)(3)) is amended—

(i) by striking "In order" and inserting "(A) In order";

(ii) by striking "through the Public" and inserting "through—

"(i) the Public";

(iii) by striking the period at the end and inserting "; and

"(ii) beginning October 1, 2029, the system established by the Secretary under section 1902(uu).."; and

(iv) by adding at the end the following new subparagraph:

"(B) Beginning October 1, 2029, the Secretary may determine that a State is not required to have in operation an eligibility determination system which provides for data matching through the system described in subparagraph (A)(i) to meet the requirements of this paragraph.".

(B) MANAGED CARE.—Section 1932 of the Social Security Act (42 U.S.C. 1396u–2) is amended by adding at the end the following new subsection:

"(j) TRANSMISSION OF ADDRESS INFORMATION.—Beginning January 1, 2027, each contract under a State plan with a managed care entity (as defined in section 1932(a)(1)(B)) or with a prepaid inpatient health plan or prepaid ambulatory health plan (as such terms are defined in section 1903(m)(9)(D)), shall provide that such entity or plan shall promptly transmit to the State any address information for an individual enrolled with such entity or plan that is provided to such entity or plan directly from, or verified by such entity or plan directly with, such individual.".

(b) CHIP.—

(1) IN GENERAL.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (H) through (U) as subparagraphs (I) through (V), respectively; and

(B) by inserting after subparagraph (G) the following new subparagraph:

"(H) Section 1902(a)(88) (relating to address information for enrollees and prevention of simultaneous enrollments).".

(2) MANAGED CARE.—Section 2103(f)(3) of the Social Security Act (42 U.S.C. 1397cc(f)(3)) is amended by striking "and (e)" and inserting "(e), and (j)".

SEC. 44104. MODIFYING CERTAIN STATE REQUIREMENTS FOR ENSURING DECEASED INDIVIDUALS DO NOT REMAIN ENROLLED.

Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by section 44103, is further amended—

(1) in subsection (a)—

(A) in paragraph (87), by striking "; and" and inserting a semicolon;

(B) in paragraph (88), by striking the period at the end and inserting "; and"; and

(C) by inserting after paragraph (88) the following new paragraph:

"(89) provide that the State shall comply with the eligibility verification requirements under subsection (ww), except that this paragraph shall apply only in the case of the 50 States and the District of Columbia."; and

(2) by adding at the end the following new subsection:

"(ww) VERIFICATION OF CERTAIN ELIGIBILITY CRITERIA.—

"(1) IN GENERAL.—For purposes of subsection (a)(89), the eligibility verification requirements, beginning January 1, 2028, are as follows:

"(A) QUARTERLY SCREENING TO VERIFY ENROLLEE STATUS.—The State shall, not less frequently than quarterly, review the Death Master File (as such term is defined in section 203(d) of the Bipartisan Budget Act of 2013) to determine whether any individuals enrolled for medical assistance under the State plan (or waiver of such plan) are deceased.

"(B) DISENROLLMENT UNDER STATE PLAN.—If the State determines, based on information obtained from the Death Master File, that an individual enrolled for medical assistance under the State plan (or waiver of such plan) is deceased, the State shall—

"(i) treat such information as factual information confirming the death of a beneficiary for purposes of section 431.213(a) of title 42, Code of Federal Regulations (or any successor regulation);

"(ii) disenroll such individual from the State plan (or waiver of such plan); and

"(iii) discontinue any payments for medical assistance under this title made on behalf of such individual (other than payments for any items or services furnished to such individual prior to the death of such individual).

"(C) REINSTATEMENT OF COVERAGE IN THE EVENT OF ERROR.—If a State determines that an individual was misidentified as deceased based on information obtained from the Death Master File and was erroneously disenrolled from medical assistance under the State plan

(or waiver of such plan) based on such misidentification, the State shall immediately re-enroll such individual under the State plan (or waiver of such plan), retroactive to the date of such disenrollment.

"(2) RULE OF CONSTRUCTION.—Nothing under this subsection shall be construed to preclude the ability of a State to use other electronic data sources to timely identify potentially deceased beneficiaries, so long as the State is also in compliance with the requirements of this subsection (and all other requirements under this title relating to Medicaid eligibility determination and redetermination).".

SEC. 44105. MEDICAID PROVIDER SCREENING REQUIREMENTS.

Section 1902(kk)(1) of the Social Security Act (42 U.S.C. 1396a(kk)(1)) is amended—

(1) by striking "The State" and inserting:

"(A) IN GENERAL.—The State"; and

(2) by adding at the end the following new subparagraph:

"(B) ADDITIONAL PROVIDER SCREENING.—Beginning January 1, 2028, as part of the enrollment (or reenrollment or revalidation of enrollment) of a provider or supplier under

this title, and not less frequently than monthly during the period that such provider or supplier is so enrolled, the State conducts a check of any database or similar system developed pursuant to section 6401(b)(2) of the Patient Protection and Affordable Care Act to determine whether the Secretary has terminated the participation of such provider or supplier under title XVIII, or whether any other State has terminated the participation of such provider or supplier under such other State's State plan under this title (or waiver of the plan), or such other State's State child health plan under title XXI (or waiver of the plan).".

SEC. 44106. ADDITIONAL MEDICAID PROVIDER SCREENING REQUIREMENTS.

Section 1902(kk)(1) of the Social Security Act (42 U.S.C. 1396a(kk)(1)), as amended by section 44105, is further amended by adding at the end the following new subparagraph:

"(C) PROVIDER SCREENING AGAINST DEATH MASTER FILE.—Beginning January 1, 2028, as part of the enrollment (or reenrollment or revalidation of enrollment) of a provider or supplier under this title, and not less

frequently than quarterly during the period that such provider or supplier is so enrolled, the State conducts a check of the Death Master File (as such term is defined in section 203(d) of the Bipartisan Budget Act of 2013) to determine whether such provider or supplier is deceased.".

SEC. 44107. REMOVING GOOD FAITH WAIVER FOR PAYMENT REDUCTION RELATED TO CERTAIN ERRONEOUS EXCESS PAYMENTS UNDER MEDICAID.

(a) IN GENERAL.—Section 1903(u)(1) of the Social Security Act (42 U.S.C. 1396b(u)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking "The Secretary" and inserting "(i) Subject to clause (ii), the Secretary"; and

(B) by adding at the end the following new clause:

"(ii) The amount waived under clause (i) for a fiscal year may not exceed an amount equal to the difference between—

"(I) the amount of the reduction required under subparagraph (A) for such fiscal year (without application of this subparagraph); and

"(II) the sum of the erroneous excess payments for medical assistance described in subclauses (I) and (III) of subparagraph (D)(i) made for such fiscal year.";

(2) in subparagraph (C), by striking "he" in each place it appears and inserting "the Secretary" in each such place; and

(3) in subparagraph (D)(i)—

(A) in subclause (I), by striking "and" at the end;

(B) in subclause (II), by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following new subclause:

"(III) payments (other than payments described in subclause (I)) for items and services furnished to an eligible individual who is not eligible for medical assistance under the State plan (or a waiver of such plan) with respect to such items and services.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning with respect to fiscal year 2030.

SEC. 44108. INCREASING FREQUENCY OF ELIGIBILITY REDETERMINATIONS FOR CERTAIN INDIVIDUALS.

Section 1902(e)(14) of the Social Security Act (42 U.S.C. 1396a(e)(14)) is amended by adding at the end the following new subparagraph:

"(L) FREQUENCY OF ELIGIBILITY REDETERMINATIONS FOR CERTAIN INDIVIDUALS.—Beginning on October 1, 2027, in the case of an individual enrolled under subsection (a)(10)(A)(i)(VIII), a State shall redetermine the eligibility of such individual for medical assistance under the State plan of such State (or a waiver of such plan) once every 6 months.".

SEC. 44109. REVISING HOME EQUITY LIMIT FOR DETERMINING ELIGIBILITY FOR LONG-TERM CARE SERVICES UNDER THE MEDICAID PROGRAM.

(a) REVISING HOME EQUITY LIMIT.—Section 1917(f)(1) of the Social Security Act (42 U.S.C. 1396p(f)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking "A State" and inserting "(i) A State";

(B) in clause (i), as inserted by subparagraph (A)—

(i) by striking "'$500,000'" and inserting "the amount specified in subparagraph (A)"; and

(ii) by inserting ", in the case of an individual's home that is located on a lot that is zoned for agricultural use," after "apply subparagraph (A)"; and

(C) by adding at the end the following new clause:

"(ii) A State may elect, without regard to the requirements of section 1902(a)(1) (relating to statewideness) and section 1902(a)(10)(B) (relating to comparability), to apply subparagraph (A), in the case of an individual's home that is not described in clause (i), by substituting for the amount specified in such subparagraph, an amount that exceeds such amount, but does not exceed $1,000,000."; and

(2) in subparagraph (C)—

(A) by inserting "(other than the amount specified in subparagraph (B)(ii) (relating to certain non-agricultural homes))" after "specified in this paragraph"; and

(B) by adding at the end the following new sentence: "In the case that application of the preceding sentence would result in a dollar

amount (other than the amount specified in subparagraph (B)(i) (relating to certain agricultural homes)) exceeding $1,000,000, such amount shall be deemed to be equal to $1,000,000.".

(b) CLARIFICATION.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (r)(2), by adding at the end the following new subparagraph:

"(C) This paragraph shall not be construed as permitting a State to determine the eligibility of an individual for medical assistance with respect to nursing facility services or other long-term care services without application of the limit under section 1917(f)(1).''; and

(2) in subsection (e)(14)(D)(iv)—

(A) by striking "Subparagraphs" and inserting

"(I) IN GENERAL.—Subparagraphs''; and

(B) by adding at the end the following new subclause:

"(II) APPLICATION OF HOME EQUITY INTEREST LIMIT.—Section 1917(f) shall apply for purposes of determining the eligibility of an indi-

vidual for medical assistance with respect to nursing facility services or other long-term care services.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply beginning on January 1, 2028.

SEC. 44110. PROHIBITING FEDERAL FINANCIAL PARTICIPATION UNDER MEDICAID AND CHIP FOR INDIVIDUALS WITHOUT VERIFIED CITIZENSHIP, NATIONALITY, OR SATISFACTORY IMMIGRATION STATUS.

(a) IN GENERAL.—

(1) MEDICAID.—Section 1903(i)(22) of the Social Security Act (42 U.S.C. 1396b(i)(22)) is amended—

(A) by adding "and" at the end;

(B) by striking "to amounts" and inserting "to—

"(A) amounts"; and

(C) by adding at the end the following new subparagraph:

"(B) in the case that the State elects under section 1902(a)(46)(C) to provide for making medical assistance available to an individual during—

"(i) the period in which the individual is provided the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under section 1902(ee)(2)(C) or subsection (x)(4);

"(ii) the 90-day period described in section 1902(ee)(1)(B)(ii)(II); or

"(iii) the period in which the individual is provided the reasonable opportunity to submit evidence indicating a satisfactory immigration status under section 1137(d)(4),

amounts expended for such medical assistance, unless the citizenship or nationality of such individual or the satisfactory immigration status of such individual (as applicable) is verified by the end of such period;".

(2) CHIP.—Section 2107(e)(1)(N) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(N)) is amended by striking "and (17)" and inserting "(17), and (22)".

(b) ELIMINATING STATE REQUIREMENT TO PROVIDE MEDICAL ASSISTANCE DURING REASONABLE OPPORTUNITY PERIOD.—

(1) DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—Section 1903(x)(4) of the Social Security Act (42 U.S.C. 1396b(x)) is amended—

(A) by striking "under clauses (i) and (ii) of section 1137(d)(4)(A)" and inserting "under section 1137(d)(4)"; and

(B) by inserting ", except that the State shall not be required to make medical assistance available to such individual during the period in which such individual is provided such reasonable opportunity if the State has not elected the option under section 1902(a)(46)(C)" before the period at the end.

(2) SOCIAL SECURITY DATA MATCH.—Section 1902(ee) of the Social Security Act (42 U.S.C. 1396a(ee)) is amended—

(A) in paragraph (1)(B)(ii)—

(i) in subclause (II), by striking "(and continues to provide the individual with medical assistance during such 90-day period)" and inserting "and, if the State has elected the option under subsection (a)(46)(C), continues to provide the individual with medical assistance during such 90-day period"; and

(ii) in subclause (III), by inserting ", or denies eligibility for medical assistance under this title for such individual, as applicable" after "under this title"; and

(B) in paragraph (2)(C)—

(i) by striking "under clauses (i) and (ii) of section 1137(d)(4)(A)" and inserting "under section 1137(d)(4)"; and

(ii) by inserting ", except that the State shall not be required to make medical assistance available to such individual during the period in which such individual is provided such reasonable opportunity if the State has not elected the option under section 1902(a)(46)(C)" before the period at the end.

(3) INDIVIDUALS WITH SATISFACTORY IMMIGRATION STATUS.—Section 1137(d)(4) of the Social Security Act (42 U.S.C. 1320b–7(d)(4)) is amended—

(A) in subparagraph (A)(ii), by inserting "(except that such prohibition on delay, denial, reduction, or termination of eligibility for benefits under the Medicaid program under title XIX shall apply only if the State has elected

the option under section 1902(a)(46)(C))" after "has been provided"; and

(B) in subparagraph (B)(ii), by inserting "(except that such prohibition on delay, denial, reduction, or termination of eligibility for benefits under the Medicaid program under title XIX shall apply only if the State has elected the option under section 1902(a)(46)(C))" after "status".

(c) OPTION TO CONTINUE PROVIDING MEDICAL ASSISTANCE DURING REASONABLE OPPORTUNITY PERIOD.—

(1) MEDICAID.—Section 1902(a)(46) of the Social Security Act (42 U.S.C. 1396a(a)(46)) is amended—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B)(ii), by adding "and" at the end; and

(C) by inserting after subparagraph (B)(ii) the following new subparagraph:

"(C) provide, at the option of the State, for making medical assistance available—

"(i) to an individual described in subparagraph (B) during the period in which such indi-

vidual is provided the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under subsection (ee)(2)(C) or section 1903(x)(4), or during the 90-day period described in subsection (ee)(1)(B)(ii)(II); or

"(ii) to an individual who is not a citizen or national of the United States during the period in which such individual is provided the reasonable opportunity to submit evidence indicating a satisfactory immigration status under section 1137(d)(4);".

(2) CHIP.—Section 2105(c)(9) of the Social Security Act (42 U.S.C. 1397ee(c)(9)) is amended by adding at the end the following new subparagraph:

"(C) OPTION TO CONTINUE PROVIDING CHILD HEALTH ASSISTANCE DURING REASONABLE OPPORTUNITY PERIOD.—Section 1902(a)(46)(C) shall apply to States under this title in the same manner as it applies to a State under title XIX.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply beginning October 1, 2026.

SEC. 44111. REDUCING EXPANSION FMAP FOR CERTAIN STATES PROVIDING PAYMENTS FOR HEALTH CARE FURNISHED TO CERTAIN INDIVIDUALS.

Section 1905 of the Social Security Act (42 U.S.C. 1395d) is amended—

(1) in subsection (y)—

(A) in paragraph (1)(E), by inserting "(or, for calendar quarters beginning on or after October 1, 2027, in the case such State is a specified State with respect to such calendar quarter, 80 percent)" after "thereafter"; and

(B) in paragraph (2), by adding at the end the following new subparagraph:

"(C) SPECIFIED STATE.—The term 'specified State' means, with respect to a quarter, a State that—

"(i) provides any form of financial assistance during such quarter, in whole or in part, whether or not made under a State plan (or waiver of such plan) under this title or under another program established by the State, and regardless of the source of funding for such assistance, to or on behalf of an alien who is not a qualified alien or otherwise lawfully residing in the United States for the purchasing of health

insurance coverage (as defined in section 2791(b)(1) of the Public Health Service Act) for an alien who is not a qualified alien or otherwise lawfully residing in the United States; or

"(ii) provides any form of comprehensive health benefits coverage during such quarter, whether or not under a State plan (or wavier of such plan) under this title or under another program established by the State, and regardless of the source of funding for such coverage, to an alien who is not a qualified alien or otherwise lawfully residing in the United States.

"(D) IMMIGRATION TERMS.—

"(i) ALIEN.—The term 'alien' has the meaning given such term in section 101(a) of the Immigration and Nationality Act.

"(ii) QUALIFIED ALIEN.—The term 'qualified alien' has the meaning given such term in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, except that—

"(I) the reference to 'at the time the alien applies for, receives, or at-

tempts to receive a Federal public benefit' in subsection (b) of such section shall be treated as a reference to 'at the time the alien is provided comprehensive health benefits coverage described in clause (ii) of section 1905(y)(C) of the Social Security Act or is provided with financial assistance described in clause (i) of such section, as applicable'; and

"(II) the references to '(in the opinion of the agency providing such benefits)' in subsection (c) of such section shall be treated as references to '(in the opinion of the State in which such comprehensive health benefits coverage or such financial assistance is provided, as applicable)'."; and

(2) in subsection (z)(2)—

(A) in subparagraph (A), by striking "for such year" and inserting "for such quarter"; and

(B) in subparagraph (B)(i)—

(i) in the matter preceding subclause (I), by striking "for a year" and inserting "for a calendar quarter in a year"; and

(ii) in subclause (II), by striking "for the year" and inserting "for the quarter for the State".

Subpart B—Preventing Wasteful Spending

SEC. 44121. MORATORIUM ON IMPLEMENTATION OF RULE RELATING TO STAFFING STANDARDS FOR LONG-TERM CARE FACILITIES UNDER THE MEDICARE AND MEDICAID PROGRAMS.

The Secretary of Health and Human Services shall not, during the period beginning on the date of the enactment of this section and ending January 1, 2035, implement, administer, or enforce the provisions of the final rule published by the Centers for Medicare & Medicaid Services on May 10, 2024, and titled "Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting" (89 Fed. Reg. 40876).

SEC. 44122. MODIFYING RETROACTIVE COVERAGE UNDER THE MEDICAID AND CHIP PROGRAMS.

(a) IN GENERAL.—Section 1902(a)(34) of the Social Security Act (42 U.S.C. 1396a(a)(34)) is amended—

(1) by striking "him" and inserting "the individual";

(2) by striking "the third month" and inserting "the month";

(3) by striking "he" and inserting "the individual"; and

(4) by striking "his" and inserting "the individual's".

(b) DEFINITION OF MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by striking "in or after the third month before the month in which the recipient makes application for assistance" and inserting "in or after the month before the month in which the recipient makes application for assistance".

(c) CHIP.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(1) in clause (iv), by striking "and" at the end;

(2) in clause (v), by striking the period and inserting "; and"; and

(3) by adding at the end the following new clause:

"(vi) shall, in the case that the State elects to provide child health or pregnancy-related assistance to an individual for any

period prior to the month in which the individual made application for such assistance (or application was made on behalf of the individual), provide that such assistance is not made available to such individual for items and services included under the State child health plan (or waiver of such plan) that are furnished before the month preceding the month in which such individual made application (or application was made on behalf of such individual) for such assistance.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance and child health and pregnancy-related assistance with respect to individuals whose eligibility for such medical assistance or child health assistance is based on an application made on or after October 1, 2026.

SEC. 44123. ENSURING ACCURATE PAYMENTS TO PHARMACIES UNDER MEDICAID.

(a) IN GENERAL.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended—

(1) in paragraph (1)(A)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by striking "and" after the semicolon at the end of clause (i) and all that precedes it through "(1)" and inserting the following:

"(1) DETERMINING PHARMACY ACTUAL ACQUISITION COSTS.—The Secretary shall conduct a survey of retail community pharmacy drug prices and applicable non-retail pharmacy drug prices to determine national average drug acquisition cost benchmarks (as such term is defined by the Secretary) as follows:

"(A) USE OF VENDOR.—The Secretary may contract services for—

"(i) with respect to retail community pharmacies, the determination of retail survey prices of the national average drug acquisition cost for covered outpatient drugs that represent a nationwide average of consumer purchase prices for such drugs, net of all discounts, rebates, and other price concessions (to the extent any information with respect to such discounts, rebates, and other price concessions is available) based on a monthly survey of such pharmacies;

"(ii) with respect to applicable non-retail pharmacies—

"(I) the determination of survey prices, separate from the survey prices described in clause (i), of the non-retail national average drug acquisition cost for covered outpatient drugs that represent a nationwide average of consumer purchase prices for such drugs, net of all discounts, rebates, and other price concessions (to the extent any information with respect to such discounts, rebates, and other price concessions is available) based on a monthly survey of such pharmacies; and

"(II) at the discretion of the Secretary, for each type of applicable non-retail pharmacy, the determination of survey prices, separate from the survey prices described in clause (i) or subclause (I) of this clause, of the national average drug acquisition cost for such type of pharmacy for covered outpatient drugs that rep-

resent a nationwide average of consumer purchase prices for such drugs, net of all discounts, rebates, and other price concessions (to the extent any information with respect to such discounts, rebates, and other price concessions is available) based on a monthly survey of such pharmacies; and";

(2) in subparagraph (B) of paragraph (1), by striking "subparagraph (A)(ii)" and inserting "subparagraph (A)(iii)";

(3) in subparagraph (D) of paragraph (1), by striking clauses (ii) and (iii) and inserting the following:

"(ii) The vendor must update the Secretary no less often than monthly on the survey prices for covered outpatient drugs.

"(iii) The vendor must differentiate, in collecting and reporting survey data, for all cost information collected, whether a pharmacy is a retail community pharmacy or an applicable non-retail pharmacy, including whether such pharmacy is an affiliate (as defined in subsection (k)(14)),

and, in the case of an applicable non-retail pharmacy, which type of applicable non-retail pharmacy it is using the relevant pharmacy type indicators included in the guidance required by subsection (d)(2) of section 44123 of the Act titled 'An Act to provide for reconciliation pursuant to title II of H. Con. Res. 14'.";

(4) by adding at the end of paragraph (1) the following:

"(F) SURVEY REPORTING.—In order to meet the requirement of section 1902(a)(54), a State shall require that any retail community pharmacy or applicable non-retail pharmacy in the State that receives any payment, reimbursement, administrative fee, discount, rebate, or other price concession related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title, regardless of whether such payment, reimbursement, administrative fee, discount, rebate, or other price concession is received from the State or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)) directly or from a pharmacy

benefit manager or another entity that has a contract with the State or a managed care entity or other specified entity (as so defined), shall respond to surveys conducted under this paragraph.

"(G) SURVEY INFORMATION.—Information on national drug acquisition prices obtained under this paragraph shall be made publicly available in a form and manner to be determined by the Secretary and shall include at least the following:

"(i) The monthly response rate to the survey including a list of pharmacies not in compliance with subparagraph (F).

"(ii) The sampling methodology and number of pharmacies sampled monthly.

"(iii) Information on price concessions to pharmacies, including discounts, rebates, and other price concessions, to the extent that such information may be publicly released and has been collected by the Secretary as part of the survey.

"(H) PENALTIES.—

"(i) IN GENERAL.—Subject to clauses (ii), (iii), and (iv), the Secretary shall en-

force the provisions of this paragraph with respect to a pharmacy through the establishment of civil money penalties applicable to a retail community pharmacy or an applicable non-retail pharmacy.

"(ii) BASIS FOR PENALTIES.—The Secretary shall impose a civil money penalty established under this subparagraph on a retail community pharmacy or applicable non-retail pharmacy if—

"(I) the retail pharmacy or applicable non-retail pharmacy refuses or otherwise fails to respond to a request for information about prices in connection with a survey under this subsection;

"(II) knowingly provides false information in response to such a survey; or

"(III) otherwise fails to comply with the requirements established under this paragraph.

"(iii) PARAMETERS FOR PENALTIES.—

"(I) IN GENERAL.—A civil money penalty established under this subparagraph may be assessed with respect to each violation, and with respect to each non-compliant retail community pharmacy (including a pharmacy that is part of a chain) or non-compliant applicable non-retail pharmacy (including a pharmacy that is part of a chain), in an amount not to exceed $100,000 for each such violation.

"(II) CONSIDERATIONS.—In determining the amount of a civil money penalty imposed under this subparagraph, the Secretary may consider the size, business structure, and type of pharmacy involved, as well as the type of violation and other relevant factors, as determined appropriate by the Secretary.

"(iv) RULE OF APPLICATION.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subpara-

graph in the same manner as such provisions apply to a civil money penalty or proceeding under section 1128A(a).

"(I) LIMITATION ON USE OF APPLICABLE NON-RETAIL PHARMACY PRICING INFORMATION.—No State shall use pricing information reported by applicable non-retail pharmacies under subparagraph (A)(ii) to develop or inform payment methodologies for retail community pharmacies.";

(5) in paragraph (2)—

(A) in subparagraph (A), by inserting ", including payment rates and methodologies for determining ingredient cost reimbursement under managed care entities or other specified entities (as such terms are defined in section 1903(m)(9)(D))," after "under this title"; and

(B) in subparagraph (B), by inserting "and the basis for such dispensing fees" before the semicolon;

(6) by redesignating paragraph (4) as paragraph (5);

(7) by inserting after paragraph (3) the following new paragraph:

"(4) OVERSIGHT.—

"(A) IN GENERAL.—The Inspector General of the Department of Health and Human Services shall conduct periodic studies of the survey data reported under this subsection, as appropriate, including with respect to substantial variations in acquisition costs or other applicable costs, as well as with respect to how internal transfer prices and related party transactions may influence the costs reported by pharmacies that are affiliates (as defined in subsection (k)(13)) or are owned by, controlled by, or related under a common ownership structure with a wholesaler, distributor, or other entity that acquires covered outpatient drugs relative to costs reported by pharmacies not affiliated with such entities. The Inspector General shall provide periodic updates to Congress on the results of such studies, as appropriate, in a manner that does not disclose trade secrets or other proprietary information.

"(B) APPROPRIATION.—There is appropriated to the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $5,000,000 for fiscal year 2026, to

remain available until expended, to carry out this paragraph."; and

(8) in paragraph (5), as so redesignated—

(A) by inserting ", and $8,000,000 for each of fiscal years 2026 through 2033," after "2010"; and

(B) by inserting "Funds appropriated under this paragraph for each of fiscal years 2026 through 2033 shall remain available until expended." after the period.

(b) DEFINITIONS.—Section 1927(k) of the Social Security Act (42 U.S.C. 1396r–8(k)) is amended—

(1) in the matter preceding paragraph (1), by striking "In the section" and inserting "In this section"; and

(2) by adding at the end the following new paragraphs:

"(12) APPLICABLE NON-RETAIL PHARMACY.—The term 'applicable non-retail pharmacy' means a pharmacy that is licensed as a pharmacy by the State and that is not a retail community pharmacy, including a pharmacy that dispenses prescription medications to patients primarily through mail and specialty pharmacies. Such term does not include nursing home pharmacies, long-term care facility

pharmacies, hospital pharmacies, clinics, charitable or not-for-profit pharmacies, government pharmacies, or low dispensing pharmacies (as defined by the Secretary).

"(13) AFFILIATE.—The term 'affiliate' means any entity that is owned by, controlled by, or related under a common ownership structure with a pharmacy benefit manager or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D))."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply beginning on the first day of the first quarter that begins on or after the date that is 6 months after the date of enactment of this section.

(2) DELAYED APPLICATION TO APPLICABLE NON-RETAIL PHARMACIES.—The pharmacy survey requirements established by the amendments to section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) made by this section shall apply to retail community pharmacies beginning on the effective date described in paragraph (1), but shall not apply to applicable non-retail pharmacies until the first day of the first quarter that begins on or after

the date that is 18 months after the date of enactment of this section.

(d) IDENTIFICATION OF APPLICABLE NON-RETAIL PHARMACIES.—

(1) IN GENERAL.—Not later than January 1, 2027, the Secretary of Health and Human Services shall, in consultation with stakeholders as appropriate, publish guidance specifying pharmacies that meet the definition of applicable non-retail pharmacies (as such term is defined in subsection (k)(12) of section 1927 of the Social Security Act (42 U.S.C. 1396r–8), as added by subsection (b)), and that will be subject to the survey requirements under subsection (f)(1) of such section, as amended by subsection (a).

(2) INCLUSION OF PHARMACY TYPE INDICATORS.—The guidance published under paragraph (1) shall include pharmacy type indicators to distinguish between different types of applicable non-retail pharmacies, such as pharmacies that dispense prescriptions primarily through the mail and pharmacies that dispense prescriptions that require special handling or distribution. An applicable non-retail pharmacy may be identified through multiple pharmacy type indicators.

(e) IMPLEMENTATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments made by this section by program instruction or otherwise.

(2) NONAPPLICATION OF ADMINISTRATIVE PROCEDURE ACT.—Implementation of the amendments made by this section shall be exempt from the requirements of section 553 of title 5, United States Code.

(f) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to any data collection undertaken by the Secretary of Health and Human Services under section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)), as amended by this section.

SEC. 44124. PREVENTING THE USE OF ABUSIVE SPREAD PRICING IN MEDICAID.

(a) IN GENERAL.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended—

(1) in subsection (e), by adding at the end the following new paragraph:

"(6) TRANSPARENT PRESCRIPTION DRUG PASS-THROUGH PRICING REQUIRED.—

"(A) IN GENERAL.—A contract between the State and a pharmacy benefit manager (referred to in this paragraph as a 'PBM'), or a contract between the State and a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D) and collectively referred to in this paragraph as the 'entity') that includes provisions making the entity responsible for coverage of covered outpatient drugs dispensed to individuals enrolled with the entity, shall require that payment for such drugs and related administrative services (as applicable), including payments made by a PBM on behalf of the State or entity, is based on a transparent prescription drug pass-through pricing model under which—

"(i) any payment made by the entity or the PBM (as applicable) for such a drug—

"(I) is limited to—

"(aa) ingredient cost; and

"(bb) a professional dispensing fee that is not less than the professional dispensing fee that the State would pay if the

State were making the payment directly in accordance with the State plan;

"(II) is passed through in its entirety (except as reduced under Federal or State laws and regulations in response to instances of waste, fraud, or abuse) by the entity or PBM to the pharmacy or provider that dispenses the drug; and

"(III) is made in a manner that is consistent with sections 447.502, 447.512, 447.514, and 447.518 of title 42, Code of Federal Regulations (or any successor regulation) as if such requirements applied directly to the entity or the PBM, except that any payment by the entity or the PBM for the ingredient cost of such drug purchased by a covered entity (as defined in subsection (a)(5)(B)) may exceed the actual acquisition cost (as defined in 447.502 of title 42, Code of Federal Regulations, or any

successor regulation) for such drug if—

"(aa) such drug was subject to an agreement under section 340B of the Public Health Service Act;

"(bb) such payment for the ingredient cost of such drug does not exceed the maximum payment that would have been made by the entity or the PBM for the ingredient cost of such drug if such drug had not been purchased by such covered entity; and

"(cc) such covered entity reports to the Secretary (in a form and manner specified by the Secretary), on an annual basis and with respect to payments for the ingredient costs of such drugs so purchased by such covered entity that are in excess of the actual acquisition costs for such drugs,

the aggregate amount of such excess;

"(ii) payment to the entity or the PBM (as applicable) for administrative services performed by the entity or PBM is limited to an administrative fee that reflects the fair market value (as defined by the Secretary) of such services;

"(iii) the entity or the PBM (as applicable) makes available to the State, and the Secretary upon request in a form and manner specified by the Secretary, all costs and payments related to covered outpatient drugs and accompanying administrative services (as described in clause (ii)) incurred, received, or made by the entity or the PBM, broken down (as specified by the Secretary), to the extent such costs and payments are attributable to an individual covered outpatient drug, by each such drug, including any ingredient costs, professional dispensing fees, administrative fees (as described in clause (ii)), post-sale and post-invoice fees, discounts, or related adjustments such as direct and indirect re-

muneration fees, and any and all other remuneration, as defined by the Secretary; and

"(iv) any form of spread pricing whereby any amount charged or claimed by the entity or the PBM (as applicable) that exceeds the amount paid to the pharmacies or providers on behalf of the State or entity, including any post-sale or post-invoice fees, discounts, or related adjustments such as direct and indirect remuneration fees or assessments, as defined by the Secretary, (after allowing for an administrative fee as described in clause (ii)) is not allowable for purposes of claiming Federal matching payments under this title.

"(B) PUBLICATION OF INFORMATION.—The Secretary shall publish, not less frequently than on an annual basis and in a manner that does not disclose the identity of a particular covered entity or organization, information received by the Secretary pursuant to subparagraph (A)(iii)(III) that is broken out by State and by each of the following categories of covered entity within each such State:

"(i) Covered entities described in subparagraph (A) of section 340B(a)(4) of the Public Health Service Act.

"(ii) Covered entities described in subparagraphs (B) through (K) of such section.

"(iii) Covered entities described in subparagraph (L) of such section.

"(iv) Covered entities described in subparagraph (M) of such section.

"(v) Covered entities described in subparagraph (N) of such section.

"(vi) Covered entities described in subparagraph (O) of such section."; and

(2) in subsection (k), as previously amended by this subtitle, by adding at the end the following new paragraph:

"(14) PHARMACY BENEFIT MANAGER.—The term 'pharmacy benefit manager' means any person or entity that, either directly or through an intermediary, acts as a price negotiator or group purchaser on behalf of a State, managed care entity (as defined in section 1903(m)(9)(D)), or other specified entity (as so defined), or manages the prescription drug benefits provided by a State, managed care en-

tity, or other specified entity, including the processing and payment of claims for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the managing of appeals or grievances related to the prescription drug benefits, contracting with pharmacies, controlling the cost of covered outpatient drugs, or the provision of services related thereto. Such term includes any person or entity that acts as a price negotiator (with regard to payment amounts to pharmacies and providers for a covered outpatient drug or the net cost of the drug) or group purchaser on behalf of a State, managed care entity, or other specified entity or that carries out 1 or more of the other activities described in the preceding sentence, irrespective of whether such person or entity calls itself a pharmacy benefit manager.".

(b) CONFORMING AMENDMENTS.—Section 1903(m) of such Act (42 U.S.C. 1396b(m)) is amended—

(1) in paragraph (2)(A)(xiii)—

(A) by striking "and (III)" and inserting "(III)";

(B) by inserting before the period at the end the following: ", and (IV) if the contract includes provisions making the entity responsible

for coverage of covered outpatient drugs, the entity shall comply with the requirements of section 1927(e)(6)''; and

(C) by moving the left margin 2 ems to the left; and

(2) by adding at the end the following new paragraph:

''(10) No payment shall be made under this title to a State with respect to expenditures incurred by the State for payment for services provided by an other specified entity (as defined in paragraph (9)(D)(iii)) unless such services are provided in accordance with a contract between the State and such entity which satisfies the requirements of paragraph (2)(A)(xiii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts between States and managed care entities, other specified entities, or pharmacy benefit managers that have an effective date beginning on or after the date that is 18 months after the date of enactment of this section.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the amendments

made by this section by program instruction or otherwise.

(2) NONAPPLICATION OF ADMINISTRATIVE PROCEDURE ACT.—Implementation of the amendments made by this section shall be exempt from the requirements of section 553 of title 5, United States Code.

(e) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to any data collection undertaken by the Secretary of Health and Human Services under section 1927(e) of the Social Security Act (42 U.S.C. 1396r–8(e)), as amended by this section.

SEC. 44125. PROHIBITING FEDERAL MEDICAID AND CHIP FUNDING FOR GENDER TRANSITION PROCEDURES FOR MINORS.

(a) MEDICAID.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(1) in paragraph (26), by striking "; or" and inserting a semicolon;

(2) in paragraph (27), by striking the period at the end and inserting "; or";

(3) by inserting after paragraph (27) the following new paragraph:

"(28) with respect to any amount expended for specified gender transition procedures (as defined in section 1905(kk)) furnished to an individual under 18 years of age enrolled in a State plan (or waiver of such plan)."; and

(4) in the flush left matter at the end, by striking "and (18)," and inserting "(18), and (28)".

(b) CHIP.—Section 2107(e)(1)(N) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(N)) is amended by striking "and (17)" and inserting "(17), and (28)".

(c) SPECIFIED GENDER TRANSITION PROCEDURES DEFINED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(kk) SPECIFIED GENDER TRANSITION PROCEDURES.—

"(1) IN GENERAL.—For purposes of section 1903(i)(28), except as provided in paragraph (2), the term 'specified gender transition procedure' means, with respect to an individual, any of the following when performed for the purpose of intentionally changing the body of such individual (including by disrupting the body's development, inhibiting its natural functions, or modifying its appearance) to no longer correspond to the individual's sex:

"(A) Performing any surgery, including—

"(i) castration;

"(ii) sterilization;

"(iii) orchiectomy;

"(iv) scrotoplasty;

"(v) vasectomy;

"(vi) tubal ligation;

"(vii) hysterectomy;

"(viii) oophorectomy;

"(ix) ovariectomy;

"(x) metoidioplasty;

"(xi) clitoroplasty;

"(xii) reconstruction of the fixed part of the urethra with or without a metoidioplasty or a phalloplasty;

"(xiii) penectomy;

"(xiv) phalloplasty;

"(xv) vaginoplasty;

"(xvi) vaginectomy;

"(xvii) vulvoplasty;

"(xviii) reduction thyrochondroplasty;

"(xix) chondrolaryngoplasty;

"(xx) mastectomy; and

"(xxi) any plastic, cosmetic, or aesthetic surgery that feminizes or

masculinizes the facial or other body features of an individual.

"(B) Any placement of chest implants to create feminine breasts or any placement of erection or testicular prostheses.

"(C) Any placement of fat or artificial implants in the gluteal region.

"(D) Administering, prescribing, or dispensing to an individual medications, including—

"(i) gonadotropin-releasing hormone (GnRH) analogues or other puberty-blocking drugs to stop or delay normal puberty; and

"(ii) testosterone, estrogen, or other androgens to an individual at doses that are supraphysiologic than would normally be produced endogenously in a healthy individual of the same age and sex.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the following when furnished to an individual by a health care provider with the consent of such individual's parent or legal guardian:

"(A) Puberty suppression or blocking prescription drugs for the purpose of normalizing

puberty for an individual experiencing precocious puberty.

"(B) Medically necessary procedures or treatments to correct for—

"(i) a medically verifiable disorder of sex development, including—

"(I) 46,XX chromosomes with virilization;

"(II) 46,XY chromosomes with undervirilization; and

"(III) both ovarian and testicular tissue;

"(ii) sex chromosome structure, sex steroid hormone production, or sex hormone action, if determined to be abnormal by a physician through genetic or biochemical testing;

"(iii) infection, disease, injury, or disorder caused or exacerbated by a previous procedure described in paragraph (1), or a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of a major bodily function unless the procedure is per-

formed, not including procedures performed for the alleviation of mental distress; or

"(iv) procedures to restore or reconstruct the body of the individual in order to correspond to the individual's sex after one or more previous procedures described in paragraph (1), which may include the removal of a pseudo phallus or breast augmentation.

"(3) SEX.—For purposes of paragraph (1), the term 'sex' means either male or female, as biologically determined and defined in paragraphs (4) and (5), respectively.

"(4) FEMALE.—For purposes of paragraph (3), the term 'female' means an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

"(5) MALE.—For purposes of paragraph (3), the term 'male' means an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the

reproductive system that at some point produces, transports, and utilizes sperm for fertilization.''.

SEC. 44126. FEDERAL PAYMENTS TO PROHIBITED ENTITIES.

(a) IN GENERAL.—No Federal funds that are considered direct spending and provided to carry out a State plan under title XIX of the Social Security Act or a waiver of such a plan shall be used to make payments to a prohibited entity for items and services furnished during the 10-year period beginning on the date of the enactment of this Act, including any payments made directly to the prohibited entity or under a contract or other arrangement between a State and a covered organization.

(b) DEFINITIONS.—In this section:

(1) PROHIBITED ENTITY.—The term ''prohibited entity'' means an entity, including its affiliates, subsidiaries, successors, and clinics—

(A) that, as of the date of enactment of this Act—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(ii) is an essential community provider described in section 156.235 of title 45,

Code of Federal Regulations (as in effect on the date of enactment of this Act), that is primarily engaged in family planning services, reproductive health, and related medical care; and

(iii) provides for abortions, other than an abortion—

(I) if the pregnancy is the result of an act of rape or incest; or

(II) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed; and

(B) for which the total amount of Federal and State expenditures under the Medicaid program under title XIX of the Social Security Act in fiscal year 2024 made directly, or by a covered organization, to the entity or to any affiliates, subsidiaries, successors, or clinics of the entity, or made to the entity or to any affiliates,

subsidiaries, successors, or clinics of the entity as part of a nationwide health care provider network, exceeded $1,000,000.

(2) DIRECT SPENDING.—The term "direct spending" has the meaning given that term under section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(3) COVERED ORGANIZATION.—The term "covered organization" means a managed care entity (as defined in section 1932(a)(1)(B) of the Social Security Act (42 U.S.C. 1396u–2(a)(1)(B))) or a prepaid inpatient health plan or prepaid ambulatory health plan (as such terms are defined in section 1903(m)(9)(D) of such Act (42 U.S.C. 1396b(m)(9)(D))).

(4) STATE.—The term "State" has the meaning given such term in section 1101 of the Social Security Act (42 U.S.C. 1301).

Subpart C—Stopping Abusive Financing Practices

SEC. 44131. SUNSETTING ELIGIBILITY FOR INCREASED FMAP FOR NEW EXPANSION STATES.

Section 1905(ii)(3) of the Social Security Act (42 U.S.C. 1396d(ii)(3)) is amended—

(1) by striking "which has not" and inserting the following: "which—

"(A) has not";

(2) in subparagraph (A), as so inserted, by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(B) begins to expend amounts for all such individuals prior to January 1, 2026.".

SEC. 44132. MORATORIUM ON NEW OR INCREASED PROVIDER TAXES.

Section 1903(w)(1)(A)(iii) of the Social Security Act (42 U.S.C. 1396b(w)(1)(A)(iii)) is amended—

(1) by striking "or" at the end;

(2) by striking "if there" and inserting "if—

"(I) there"; and

(3) by adding at the end the following new subclauses:

"(II) the tax is first imposed by the State (or by a unit of local government in the State) on or after the date of the enactment of this subclause (other than such a tax for which the legislation or regulations providing for the imposition of such tax were enacted or adopted prior to such date of enactment); or

"(III) on or after the date of the enactment of this subclause, the State (or unit of local government) increases the amount or rate of tax imposed with respect to a class of health care items or services (or with respect to a type of provider or activity within such a class), or increases the base of the tax such that the tax is imposed with respect to a class of items or services (or with respect to a type of provider or activity within such a class) to which the tax did not previously apply, but only to the extent that such revenues are attributable to such increase and only if such increase was not provided for in legislation or regulations enacted or adopted prior to such date of enactment; or".

SEC. 44133. REVISING THE PAYMENT LIMIT FOR CERTAIN STATE DIRECTED PAYMENTS.

(a) IN GENERAL.—Subject to subsection (b), the Secretary of Health and Human Services shall revise section 438.6(c)(2)(iii) of title 42, Code of Federal Regulations (or a successor regulation) such that, with respect to a payment described in such section made for a service furnished during a rating period beginning on or after the date of the enactment of this Act, the total payment rate

for such service is limited to 100 percent of the specified total published Medicare payment rate.

(b) GRANDFATHERING CERTAIN PAYMENTS.—In the case of a payment described in section 438.6(c)(2)(iii) of title 42, Code of Federal Regulations (or a successor regulation) for which written prior approval was made before the date of the enactment of this Act for the rating period occurring as of such date of enactment, or a payment so described for such rating period for which a preprint was submitted to the Secretary of Health and Human Services prior to such date of enactment, the revisions described in subsection (a) shall not apply to such payment for such rating period and for any subsequent rating period if the amount of such payment does not exceed the amount of such payment so approved.

(c) DEFINITIONS.—In this section:

(1) RATING PERIOD.—The term "rating period" has the meaning given such term in section 438.2 of title 42, Code of Federal Regulations (or a successor regulation).

(2) TOTAL PUBLISHED MEDICARE PAYMENT RATE.—The term "total published Medicare payment rate" means amounts calculated as payment for specific services that have been developed under

part A or part B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) WRITTEN PRIOR APPROVAL.—The term "written prior approval" has the meaning given such term in section 438.6(c)(2)(i) of title 42, Code of Federal Regulations (or a successor regulation).

(d) FUNDING.—There are appropriated out of any monies in the Treasury not otherwise appropriated $7,000,000 for each of fiscal years 2026 through 2033 for purposes of carrying out this section.

SEC. 44134. REQUIREMENTS REGARDING WAIVER OF UNIFORM TAX REQUIREMENT FOR MEDICAID PROVIDER TAX.

(a) IN GENERAL.—Section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) is amended—

(1) in paragraph (3)(E), by inserting after clause (ii)(II) the following new clause:

"(iii) For purposes of clause (ii)(I), a tax is not considered to be generally redistributive if any of the following conditions apply:

"(I) Within a permissible class, the tax rate imposed on any taxpayer or tax rate group (as defined in paragraph (7)(J)) explicitly defined by its relatively lower volume or percentage of Medicaid taxable units (as defined in paragraph (7)(H)) is lower

than the tax rate imposed on any other taxpayer or tax rate group explicitly defined by its relatively higher volume or percentage of Medicaid taxable units.

"(II) Within a permissible class, the tax rate imposed on any taxpayer or tax rate group (as so defined) based upon its Medicaid taxable units (as so defined) is higher than the tax rate imposed on any taxpayer or tax rate group based upon its non-Medicaid taxable unit (as defined in paragraph (7)(I)).

"(III) The tax excludes or imposes a lower tax rate on a taxpayer or tax rate group (as so defined) based on or defined by any description that results in the same effect as described in subclause (I) or (II) for a taxpayer or tax rate group. Characteristics that may indicate such type of exclusion include the use of terminology to establish a tax rate group—

"(aa) based on payments or expenditures made under the program under this title without mentioning the term 'Medicaid' (or any similar term) to accomplish the same effect as described in subclause (I) or (II); or

"(bb) that closely approximates a taxpayer or tax rate group under the program under this

title, to the same effect as described in subclause (I) or (II).''; and

(2) in paragraph (7), by adding at the end the following new subparagraphs:

''(H) The term 'Medicaid taxable unit' means a unit that is being taxed within a health care related tax that is applicable to the program under this title. Such term includes a unit that is used as the basis for—

''(i) payment under the program under this title (such as Medicaid bed days);

''(ii) Medicaid revenue;

''(iii) costs associated with the program under this title (such as Medicaid charges, claims, or expenditures); and

''(iv) other units associated with the program under this title, as determined by the Secretary.

''(I) The term 'non-Medicaid taxable unit' means a unit that is being taxed within a health care related tax that is not applicable to the program under this title. Such term includes a unit that is used as the basis for—

''(i) payment by non-Medicaid payers (such as non-Medicaid bed days);

"(ii) non-Medicaid revenue;

"(iii) costs that are not associated with the program under this title (such as non-Medicaid charges, non-Medicaid claims, or non-Medicaid expenditures); and

"(iv) other units not associated with the program under this title, as determined by the Secretary.

"(J) The term 'tax rate group' means a group of entities contained within a permissible class of a health care related tax that are taxed at the same rate.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the date of enactment of this Act, subject to any applicable transition period determined appropriate by the Secretary of Health and Human Services, not to exceed 3 fiscal years.

SEC. 44135. REQUIRING BUDGET NEUTRALITY FOR MEDICAID DEMONSTRATION PROJECTS UNDER SECTION 1115.

Section 1115 of the Social Security Act (42 U.S.C. 1315) is amended by adding at the end the following new subsection:

"(g) REQUIREMENT OF BUDGET NEUTRALITY FOR MEDICAID DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—Beginning on the date of the enactment of this subsection, the Secretary may not approve an application for (or renewal or amendment of) an experimental, pilot, or demonstration project undertaken under subsection (a) to promote the objectives of title XIX in a State (in this subsection referred to as a 'Medicaid demonstration project') unless the Secretary certifies that such project is not expected to result in an increase in the amount of Federal expenditures compared to the amount that such expenditures would otherwise be in the absence of such project.

"(2) TREATMENT OF SAVINGS.—In the event that Federal expenditures with respect to a State under a Medicaid demonstration project are, during an approval period for such project, less than the amount of such expenditures that would have otherwise been made in the absence of such project, the Secretary shall specify the methodology to be used with respect to any subsequent approval period for such project for purposes of taking the difference between such expenditures into account.".

Subpart D—Increasing Personal Accountability

SEC. 44141. REQUIREMENT FOR STATES TO ESTABLISH MEDICAID COMMUNITY ENGAGEMENT REQUIREMENTS FOR CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by sections 44103 and 44104, is further amended by adding at the end the following new subsection:

"(xx) COMMUNITY ENGAGEMENT REQUIREMENT FOR APPLICABLE INDIVIDUALS.—

"(1) IN GENERAL.—Beginning January 1, 2029, subject to the succeeding provisions of this subsection, a State shall provide, as a condition of eligibility for medical assistance for an applicable individual, that such individual is required to demonstrate community engagement under paragraph (2)—

"(A) in the case of an applicable individual who has filed an application for medical assistance under a State plan (or a waiver of such plan) under this title, for 1 or more (as specified by the State) consecutive months immediately preceding the month during which such individual applies for such medical assistance; and

"(B) in the case of an applicable individual enrolled and receiving medical assistance under a State plan (or under a waiver of such plan) under this title, for 1 or more (as specified by the State) months, whether or not consecutive—

"(i) during the period between such individual's most recent determination (or redetermination, as applicable) of eligibility and such individual's next regularly scheduled redetermination of eligibility (as verified by the State as part of such regularly scheduled redetermination of eligibility); or

"(ii) in the case of a State that has elected under paragraph (4) to conduct more frequent verifications of compliance with the requirement to demonstrate community engagement, during the period between the most recent and next such verification with respect to such individual.

"(2) COMMUNITY ENGAGEMENT COMPLIANCE DESCRIBED.—Subject to paragraph (3), an applicable individual demonstrates community engagement under this paragraph for a month if such individual

meets 1 or more of the following conditions with respect to such month, as determined in accordance with criteria established by the Secretary through regulation:

"(A) The individual works not less than 80 hours.

"(B) The individual completes not less than 80 hours of community service.

"(C) The individual participates in a work program for not less than 80 hours.

"(D) The individual is enrolled in an educational program at least half-time.

"(E) The individual engages in any combination of the activities described in subparagraphs (A) through (D), for a total of not less than 80 hours.

"(F) The individual has a monthly income that is not less than the applicable minimum wage requirement under section 6 of the Fair Labor Standards Act of 1938, multiplied by 80 hours.

"(3) EXCEPTIONS.—

"(A) MANDATORY EXCEPTION FOR CERTAIN INDIVIDUALS.—The State shall deem an applicable individual to have demonstrated com-

munity engagement under paragraph (2) for a month if—

"(i) for part or all of such month, the individual—

"(I) was a specified excluded individual (as defined in paragraph (9)(A)(ii)); or

"(II) was—

"(aa) under the age of 19;

"(bb) pregnant or entitled to postpartum medical assistance under paragraph (5) or (16) of subsection (e);

"(cc) entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII; or

"(dd) described in any of subclauses (I) through (VII) of subsection (a)(10)(A)(i); or

"(ii) at any point during the 3-month period ending on the first day of such month, the individual was an inmate of a public institution.

"(B) OPTIONAL EXCEPTION FOR SHORT-TERM HARDSHIP EVENTS.—

"(i) IN GENERAL.—The State plan (or waiver of such plan) may provide, in the case of an applicable individual who experiences a short-term hardship event during a month, that the State shall, upon the request of such individual under procedures established by the State (in accordance with standards specified by the Secretary), deem such individual to have demonstrated community engagement under paragraph (2) for such month.

"(ii) SHORT-TERM HARDSHIP EVENT DEFINED.—For purposes of this subparagraph, an applicable individual experiences a short-term hardship event during a month if, for part or all of such month—

"(I) such individual receives inpatient hospital services, nursing facility services, services in an intermediate care facility for individuals with intellectual disabilities, inpatient psychiatric hospital services, or such

other services as the Secretary determines appropriate;

"(II) such individual resides in a county (or equivalent unit of local government)—

"(aa) in which there exists an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or

"(bb) that, subject to a request from the State to the Secretary, made in such form, at such time, and containing such information as the Secretary may require, has an unemployment rate that is at or above the lesser of—

"(AA) 8 percent; or

"(BB) 1.5 times the national unemployment rate; or

"(III) such individual experiences any other short-term hardship (as defined by the Secretary).

"(4) OPTION TO CONDUCT MORE FREQUENT COMPLIANCE VERIFICATIONS.—With respect to an applicable individual enrolled and receiving medical assistance under a State plan (or a waiver of such plan) under this title, the State shall verify (in accordance with procedures specified by the Secretary) that each such individual has met the requirement to demonstrate community engagement under paragraph (1) during each such individual's regularly scheduled redetermination of eligibility, except that a State may provide for such verifications more frequently.

"(5) EX PARTE VERIFICATIONS.—For purposes of verifying that an applicable individual has met the requirement to demonstrate community engagement under paragraph (1), the State shall, in accordance with standards established by the Secretary, establish processes and use reliable information available to the State (such as payroll data) without requiring, where possible, the applicable individual to submit additional information.

"(6) PROCEDURE IN THE CASE OF NONCOMPLIANCE.—

"(A) IN GENERAL.—If a State is unable to verify that an applicable individual has met the requirement to demonstrate community engagement under paragraph (1) (including, if applicable, by verifying that such individual was deemed to have demonstrated community engagement under paragraph (3)) the State shall (in accordance with standards specified by the Secretary)—

"(i) provide such individual with the notice of noncompliance described in subparagraph (B);

"(ii) (I) provide such individual with a period of 30 calendar days, beginning on the date on which such notice of noncompliance is received by the individual, to—

"(aa) make a satisfactory showing to the State of compliance with such requirement (including, if applicable, by showing that such individual was deemed to have demonstrated

community engagement under paragraph (3)); or

"(bb) make a satisfactory showing to the State that such requirement does not apply to such individual on the basis that such individual does not meet the definition of applicable individual under paragraph (9)(A); and

"(II) if such individual is enrolled under the State plan (or a waiver of such plan) under this title, continue to provide such individual with medical assistance during such 30-calendar-day period; and

"(iii) if no such satisfactory showing is made and the individual is not a specified excluded individual described in paragraph (9)(A)(ii), deny such individual's application for medical assistance under the State plan (or waiver of such plan) or, as applicable, disenroll such individual from the plan (or waiver of such plan) not later than the end of the month following the month in which such 30-calendar-day period ends, provided that—

"(I) the State first determines whether, with respect to the individual, there is any other basis for eligibility for medical assistance under the State plan (or waiver of such plan) or for another insurance affordability program; and

"(II) the individual is provided written notice and granted an opportunity for a fair hearing in accordance with subsection (a)(3).

"(B) NOTICE.—The notice of noncompliance provided to an applicable individual under subparagraph (A)(i) shall include information (in accordance with standards specified by the Secretary) on—

"(i) how such individual may make a satisfactory showing of compliance with such requirement (as described in subparagraph (A)(ii)) or make a satisfactory showing that such requirement does not apply to such individual on the basis that such individual does not meet the definition of applicable individual under paragraph (9)(A); and

"(ii) how such individual may reapply for medical assistance under the State plan (or a waiver of such plan) under this title in the case that such individuals' application is denied or, as applicable, in the case that such individual is disenrolled from the plan (or waiver).

"(7) TREATMENT OF NONCOMPLIANT INDIVIDUALS IN RELATION TO CERTAIN OTHER PROVISIONS.—

"(A) CERTAIN FMAP INCREASES.—A State shall not be treated as not providing medical assistance to all individuals described in section 1902(a)(10)(A)(i)(VIII), or as not expending amounts for all such individuals under the State plan (or waiver of such plan), solely because such an individual is determined ineligible for medical assistance under the State plan (or waiver) on the basis of a failure to meet the requirement to demonstrate community engagement under paragraph (1).

"(B) OTHER PROVISIONS.—For purposes of section 36B(c)(2)(B) of the Internal Revenue Code of 1986, an individual shall be deemed to be eligible for minimum essential coverage de-

scribed in section 5000A(f)(1)(A)(ii) of such Code for a month if such individual would have been eligible for medical assistance under a State plan (or a waiver of such plan) under this title but for a failure to meet the requirement to demonstrate community engagement under paragraph (1).

"(8) OUTREACH.—

"(A) IN GENERAL.—In accordance with standards specified by the Secretary, beginning not later than October 1, 2028 (or, if earlier, the date that precedes January 1, 2029, by the number of months specified by the State under paragraph (1)(A) plus 3 months), and periodically thereafter, the State shall notify applicable individuals enrolled under a State plan (or waiver) under this title of the requirement to demonstrate community engagement under this subsection. Such notice shall include information on—

"(i) how to comply with such requirement, including an explanation of the exceptions to such requirement under paragraph (3) and the definition of the term

'applicable individual' under paragraph (9)(A);

"(ii) the consequences of noncompliance with such requirement; and

"(iii) how to report to the State any change in the individual's status that could result in—

"(I) the applicability of an exception under paragraph (3) (or the end of the applicability of such an exception); or

"(II) the individual qualifying as a specified excluded individual under paragraph (9)(A)(ii).

"(B) FORM OF OUTREACH NOTICE.—A notice required under subparagraph (A) shall be delivered—

"(i) by regular mail (or, if elected by the individual, in an electronic format); and

"(ii) in 1 or more additional forms, which may include telephone, text message, an internet website, other commonly available electronic means, and such other

forms as the Secretary determines appropriate.

"(9) DEFINITIONS.—In this subsection:

"(A) APPLICABLE INDIVIDUAL.—

"(i) IN GENERAL.—The term 'applicable individual' means an individual (other than a specified excluded individual (as defined in clause (ii)))—

"(I) who is eligible to enroll (or is enrolled) under the State plan under subsection (a)(10)(A)(i)(VIII); or

"(II) who—

"(aa) is otherwise eligible to enroll (or is enrolled) under a waiver of such plan that provides coverage that is equivalent to minimum essential coverage (as described in section 5000A(f)(1)(A) of the Internal Revenue Code of 1986 and as determined in accordance with standards prescribed by the Secretary in regulations); and

"(bb) has attained the age of 19 and is under 65 years of age, is not pregnant, is not entitled to, or enrolled for, benefits under part A of title XVIII, or enrolled for benefits under part B of title XVIII, and is not otherwise eligible to enroll under such plan.

"(ii) SPECIFIED EXCLUDED INDIVIDUAL.—For purposes of clause (i), the term 'specified excluded individual' means an individual, as determined by the State (in accordance with standards specified by the Secretary)—

"(I) who is described in subsection (a)(10)(A)(i)(IX);

"(II) who—

"(aa) is an Indian or an Urban Indian (as such terms are defined in paragraphs (13) and (28) of section 4 of the Indian Health Care Improvement Act);

"(bb) is a California Indian described in section 809(a) of such Act; or

"(cc) has otherwise been determined eligible as an Indian for the Indian Health Service under regulations promulgated by the Secretary;

"(III) who is the parent, guardian, or caretaker relative of a disabled individual or a dependent child;

"(IV) who is a veteran with a disability rated as total under section 1155 of title 38, United States Code;

"(V) who is medically frail or otherwise has special medical needs (as defined by the Secretary), including an individual—

"(aa) who is blind or disabled (as defined in section 1614);

"(bb) with a substance use disorder;

"(cc) with a disabling mental disorder;

"(dd) with a physical, intellectual or developmental disability that significantly impairs their ability to perform 1 or more activities of daily living;

"(ee) with a serious and complex medical condition; or

"(ff) subject to the approval of the Secretary, with any other medical condition identified by the State that is not otherwise identified under this clause;

"(VI) who—

"(aa) is in compliance with any requirements imposed by the State pursuant to section 407; or

"(bb) is a member of a household that receives supplemental nutrition assistance program benefits under the Food and Nutrition Act of 2008 and is not exempt from a work requirement under such Act;

"(VII) who is participating in a drug addiction or alcoholic treatment

and rehabilitation program (as defined in section 3(h) of the Food and Nutrition Act of 2008);

"(VIII) who is an inmate of a public institution; or

"(IX) who meets such other criteria as the Secretary determines appropriate.

"(B) EDUCATIONAL PROGRAM.—The term 'educational program' means—

"(i) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965);

"(ii) a program of career and technical education (as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006); or

"(iii) any other educational program that meets such criteria as the Secretary determines appropriate.

"(C) STATE.—The term 'State' means 1 of the 50 States or the District of Columbia.

"(D) WORK PROGRAM.—The term 'work program' has the meaning given such term in

section 6(o)(1) of the Food and Nutrition Act of 2008.

"(10) PROHIBITING WAIVER OF COMMUNITY ENGAGEMENT REQUIREMENTS.—Notwithstanding section 1115(a), the provisions of this subsection may not be waived.".

(b) CONFORMING AMENDMENT.—Section 1902(a)(10)(A)(i)(VIII) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)(VIII)) is amended by striking "subject to subsection (k)" and inserting "subject to subsections (k) and (xx)".

(c) RULEMAKING.—Not later than July 1, 2027, the Secretary of Health and Human Services shall promulgate regulations for purposes of carrying out the amendments made by this section.

(d) GRANTS TO STATES.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall, out of amounts appropriated under paragraph (3), award to each State a grant equal to the amount specified in paragraph (2) for such State for purposes of establishing systems necessary to carry out the provisions of, and amendments made by, this section.

(2) AMOUNT SPECIFIED.—For purposes of paragraph (2), the amount specified in this para-

graph is an amount that bears the same ratio to the amount appropriated under paragraph (3) as the number of applicable individuals (as defined in section 1902(xx) of the Social Security Act, as added by subsection (a)) residing in such State bears to the total number of such individuals residing in all States.

(3) FUNDING.—There are appropriated, out of any monies in the Treasury not otherwise appropriated, $100,000,000 for fiscal year 2026 for purposes of awarding grants under paragraph (1).

(4) DEFINITION.—In this subsection, the term "State" means 1 of the 50 States and the District of Columbia.

(e) IMPLEMENTATION FUNDING.—For the purposes of carrying out the provisions of, and the amendments made by, this section, there are appropriated, out of any monies in the Treasury not otherwise appropriated, to the Secretary of Health and Human Services, $50,000,000 for fiscal year 2026, to remain available until expended.

SEC. 44142. MODIFYING COST SHARING REQUIREMENTS FOR CERTAIN EXPANSION INDIVIDUALS UNDER THE MEDICAID PROGRAM.

(a) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting "(other than, beginning October 1, 2028, specified individuals (as defined in subsection (k)(3)))" after "individuals"; and

(2) by adding at the end the following new subsection:

"(k) SPECIAL RULES FOR CERTAIN EXPANSION INDIVIDUALS.—

"(1) PREMIUMS.—Beginning October 1, 2028, the State plan shall provide that in the case of a specified individual (as defined in paragraph (3)) who is eligible under the plan, no enrollment fee, premium, or similar charge will be imposed under the plan.

"(2) REQUIRED IMPOSITION OF COST SHARING.—

"(A) IN GENERAL.—Subject to subparagraph (B) and subsection (j), in the case of a specified individual, the State plan shall, beginning October 1, 2028, provide for the imposition of such deductions, cost sharing, or similar charges determined appropriate by the State (in an amount greater than $0) with respect to medical assistance furnished to such an individual.

"(B) LIMITATIONS.—

"(i) EXCLUSION OF CERTAIN SERVICES.—In no case may a deduction, cost sharing, or similar charge be imposed under the State plan with respect to services described in any of subparagraphs (B) through (J) of subsection (a)(2) furnished to a specified individual.

"(ii) ITEM AND SERVICE LIMITATION.—

"(I) IN GENERAL.—Except as provided in subclause (II), in no case may a deduction, cost sharing, or similar charge imposed under the State plan with respect to an item or service furnished to a specified individual exceed $35.

"(II) SPECIAL RULES FOR PRESCRIPTION DRUGS.—In no case may a deduction, cost sharing, or similar charge imposed under the State plan with respect to a prescription drug furnished to a specified individual exceed the limit that would be applicable under paragraph (2)(A)(i) or (2)(B)

of section 1916A(c) with respect to such drug and individual if such drug so furnished were subject to cost sharing under such section.

"(iii) MAXIMUM LIMIT ON COST SHARING.—The total aggregate amount of deductions, cost sharing, or similar charges imposed under the State plan for all individuals in the family may not exceed 5 percent of the family income of the family involved, as applied on a quarterly or monthly basis (as specified by the State).

"(C) CASES OF NONPAYMENT.—Notwithstanding subsection (e) or any other provision of law, a State may permit a provider participating under the State plan to require, as a condition for the provision of care, items, or services to a specified individual entitled to medical assistance under this title for such care, items, or services, the payment of any deductions, cost sharing, or similar charges authorized to be imposed with respect to such care, items, or services. Nothing in this subparagraph shall be construed as preventing a provider from reducing or waiving the applica-

tion of such deductions, cost sharing, or similar charges on a case-by-case basis.

"(3) SPECIFIED INDIVIDUAL DEFINED.—For purposes of this subsection, the term 'specified individual' means an individual enrolled under section 1902(a)(10)(A)(i)(VIII) who has a family income (as determined in accordance with section 1902(e)(14)) that exceeds the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved.".

(b) CONFORMING AMENDMENTS.—

(1) REQUIRED APPLICATION.—Section 1902(a)(14) of the Social Security Act (42 U.S.C. 1396a(a)(14)) is amended by inserting "and provide for imposition of such deductions, cost sharing, or similar charges for medical assistance furnished to specified individuals (as defined in paragraph (3) of section 1916(k)) in accordance with paragraph (2) of such section" after "section 1916".

(2) NONAPPLICABILITY OF ALTERNATIVE COST SHARING.—Section 1916A(a)(1) of the Social Security Act (42 U.S.C. 1396o–1(a)(1)) is amended, in the second sentence, by striking "or (j)" and inserting "(j), or (k)".

PART 2—AFFORDABLE CARE ACT

SEC. 44201. ADDRESSING WASTE, FRAUD, AND ABUSE IN THE ACA EXCHANGES.

(a) CHANGES TO ENROLLMENT PERIODS FOR ENROLLING IN EXCHANGES.—Section 1311 of the Patient Protection and Affordable Care Act (42 U.S.C. 18031) is amended—

(1) in subsection (c)(6)—

(A) by striking subparagraph (A);

(B) by striking "The Secretary" and inserting the following:

"(A) IN GENERAL.—The Secretary";

(C) by redesignating subparagraphs (B) through (D) as clauses (i) through (iii), respectively, and adjusting the margins accordingly;

(D) in clause (i), as so redesignated, by striking "periods, as determined by the Secretary for calendar years after the initial enrollment period;" and inserting the following: "periods for plans offered in the individual market—

"(I) for enrollment for plan years beginning before January 1, 2026, as determined by the Secretary; and

"(II) for enrollment for plan years beginning on or after January

1, 2026, beginning on November 1 and ending on December 15 of the preceding calendar year;";

(E) in clause (ii), as so redesignated, by inserting "subject to subparagraph (B)," before "special enrollment periods specified"; and

(F) by adding at the end the following new subparagraph:

"(B) PROHIBITED SPECIAL ENROLLMENT PERIOD.—With respect to plan years beginning on or after January 1, 2026, the Secretary may not require an Exchange to provide for a special enrollment period for an individual on the basis of the relationship of the income of such individual to the poverty line, other than a special enrollment period based on a change in circumstances or the occurrence of a specific event."; and

(2) in subsection (d), by adding at the end the following new paragraphs:

"(8) PROHIBITED ENROLLMENT PERIODS.—An Exchange may not provide for, with respect to enrollment for plan years beginning on or after January 1, 2026—

"(A) an annual open enrollment period other than the period described in subparagraph (A)(i) of subsection (c)(6); or

"(B) a special enrollment period described in subparagraph (B) of such subsection.

"(9) VERIFICATION OF ELIGIBILITY FOR SPECIAL ENROLLMENT PERIODS.—

"(A) IN GENERAL.—With respect to enrollment for plan years beginning on or after January 1, 2026, an Exchange shall verify that each individual seeking to enroll in a qualified health plan offered by the Exchange during a special enrollment period selected under subparagraph (B) is eligible to enroll during such special enrollment period prior to enrolling such individual in such plan.

"(B) SELECTED SPECIAL ENROLLMENT PERIODS.—For purposes of subparagraph (A), an Exchange shall select one or more special enrollment periods for a plan year with respect to which such Exchange shall conduct the verification required under subparagraph (A) such that the Exchange conducts such verification for not less than 75 percent of all individuals enrolling in a qualified health plan

offered by the Exchange during any special enrollment period with respect to such plan year.".

(b) VERIFYING INCOME FOR INDIVIDUALS ENROLLING IN A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE.—

(1) IN GENERAL.—Section 1411(e)(4) of the Patient Protection and Affordable Care Act (42 U.S.C. 18081(e)(4)) is amended—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following new subparagraphs:

"(C) REQUIRING VERIFICATION OF INCOME AND FAMILY SIZE WHEN TAX DATA IS UNAVAILABLE.—For plan years beginning on or after January 1, 2026, for purposes of subparagraph (A), in the case that the Exchange requests data from the Secretary of the Treasury regarding an individual's household income and the Secretary of the Treasury does not return such data, such information may not be verified solely on the basis of the attestation of such individual with respect to such household income,

and the Exchange shall take the actions described in subparagraph (A).

"(D) REQUIRING VERIFICATION OF INCOME IN THE CASE OF CERTAIN INCOME DISCREPANCIES.—

"(i) IN GENERAL.—Subject to clause (iii), for plan years beginning on or after January 1, 2026, for purposes of subparagraph (A), in the case that a specified income discrepancy described in clause (ii) of this subparagraph exists with respect to the information provided by an applicant under subsection (b)(3), the household income of such individual shall be treated as inconsistent with information in the records maintained by persons under subsection (c), or as not verified under subsection (d), and the Exchange shall take the actions described in such subparagraph (A).

"(ii) SPECIFIED INCOME DISCREPANCY.—For purposes of clause (i), a specified income discrepancy exists with respect to the information provided by an applicant under subsection (b)(3) if—

"(I) the applicant attests to a projected annual household income that would qualify such applicant to be an applicable taxpayer under section 36B(c)(1)(A) of the Internal Revenue Code of 1986 with respect to the taxable year involved;

"(II) the Exchange receives data from the Secretary of the Treasury or the Commissioner of Social Security, or other reliable, third party data, that indicates that the household income of such applicant is less than the household income that would qualify such applicant to be an applicable taxpayer under such section 36B(c)(1)(A) with respect to the taxable year involved;

"(III) such attested projected annual household income exceeds the income reflected in the data described in subclause (II) by a reasonable threshold established by the Exchange and approved by the Secretary (which

shall be not less than 10 percent, and may also be a dollar amount); and

"(IV) the Exchange has not assessed or determined based on the data described in subclause (II) that the household income of the applicant meets the applicable income-based eligibility standard for the Medicaid program under title XIX of the Social Security Act or the State children's health insurance program under title XXI of such Act.

"(iii) EXCLUSION OF CERTAIN INDIVIDUALS INELIGIBLE FOR MEDICAID.—This subparagraph shall not apply in the case of an applicant who is an alien lawfully present in the United States, who is not eligible for the Medicaid program under title XIX of the Social Security Act by reason of such alien status.".

(2) REQUIRING INDIVIDUALS ON WHOSE BEHALF ADVANCE PAYMENTS OF THE PREMIUM TAX CREDITS ARE MADE TO FILE AND RECONCILE ON AN ANNUAL BASIS.—Section 1412(b) of the Patient Protection and Affordable Care Act (42 U.S.C.

18082(b)) is amended by adding at the end the following new paragraph:

"(3) ANNUAL REQUIREMENT TO FILE AND RECONCILE.—

"(A) IN GENERAL.—For plan years beginning on or after January 1, 2026, in the case of an individual with respect to whom any advance payment of the premium tax credit allowable under section 36B of the Internal Revenue Code of 1986 was made under this section to the issuer of a qualified health plan for the relevant prior tax year, an advance determination of eligibility for such premium tax credit may not be made under this subsection with respect to such individual and such plan year if the Exchange determines, based on information provided by the Secretary of the Treasury, that such individual—

"(i) has not filed an income tax return, as required under sections 6011 and 6012 of such Code (and implementing regulations), for the relevant prior tax year; or

"(ii) as necessary, has not reconciled (in accordance with subsection (f) of such

section 36B) the advance payment of the premium tax credit made with respect to such individual for such relevant prior tax year.

"(B) RELEVANT PRIOR TAX YEAR.—For purposes of subparagraph (A), the term 'relevant prior tax year' means, with respect to the advance determination of eligibility made under this subsection with respect to an individual, the taxable year for which tax return data would be used for purposes of verifying the household income and family size of such individual (as described in section 1411(b)(3)(A)).

"(C) PRELIMINARY ATTESTATION.—If an individual subject to subparagraph (A) attests that such individual has fulfilled the requirements to file an income tax return for the relevant prior tax year and, as necessary, to reconcile the advance payment of the premium tax credit made with respect to such individual for such relevant prior tax year (as described in clauses (i) and (ii) of such subparagraph), the Secretary may make an initial advance determination of eligibility with respect to such individual and may delay for a reasonable period

(as determined by the Secretary) any determination based on information provided by the Secretary of the Treasury that such individual has not fulfilled such requirements.

"(D) NOTICE.—If the Secretary determines that an individual did not meet the requirements described in subparagraph (A) with respect to the relevant prior tax year and notifies the Exchange of such determination, the Exchange shall comply with the notification requirement described in section 155.305(f)(4)(i) of title 45, Code of Federal Regulations (as in effect with respect to plan year 2025).".

(3) REMOVING AUTOMATIC EXTENSION OF PERIOD TO RESOLVE INCOME INCONSISTENCIES.—The Secretary of Health and Human Services shall revise section 155.315(f) of title 45, Code of Federal Regulations (or any successor regulation), to remove paragraph (7) of such section such that, with respect to enrollment for plan years beginning on or after January 1, 2026, in the case that an Exchange established under subtitle D of title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18021 et seq.) provides an individual applying for enrollment in a qualified health plan with a 90-day

period to resolve an inconsistency in the application of such individual pursuant to section 1411(e)(4)(A)(ii)(II) of such Act, the Exchange may not provide for an automatic extension to such 90-day period on the basis that such individual is required to present satisfactory documentary evidence to verify household income.

(c) REVISING RULES ON ALLOWABLE VARIATION IN ACTUARIAL VALUE OF HEALTH PLANS.—The Secretary of Health and Human Services shall—

(1) revise section 156.140(c) of title 45, Code of Federal Regulations (or a successor regulation), to provide that, for plan years beginning on or after January 1, 2026, the allowable variation in the actuarial value of a health plan applicable under such section shall be the allowable variation for such plan applicable under such section for plan year 2022;

(2) revise section 156.200(b)(3) of title 45, Code of Federal Regulations (or a successor regulation), to provide that, for plan years beginning on or after January 1, 2026, the requirement for a qualified health plan issuer described in such section is that the issuer ensures that each qualified health plan complies with benefit design standards, as defined in section 156.20 of such title; and

(3) revise section 156.400 of title 45, Code of Federal Regulations (or a successor regulation), to provide that, for plan years beginning on or after January 1, 2026, the term "de minimis variation for a silver plan variation" means a minus 1 percentage point and plus 1 percentage point allowable actuarial value variation.

(d) UPDATING PREMIUM ADJUSTMENT PERCENTAGE METHODOLOGY.—Section 1302(c)(4) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(c)(4)) is amended—

(1) by striking "For purposes" and inserting:

"(A) IN GENERAL.—For purposes"; and

(2) by adding at the end the following new subparagraph:

"(B) UPDATE TO METHODOLOGY.—For calendar years beginning with 2026, the premium adjustment percentage under this paragraph for such calendar year shall be determined consistent with the methodology published in the Federal Register on April 25, 2019 (84 Fed. Reg. 17537 through 17541).".

(e) ELIMINATING THE FIXED-DOLLAR AND GROSS-PERCENTAGE THRESHOLDS APPLICABLE TO EXCHANGE ENROLLMENTS.—The Secretary of Health and Human

Services shall revise section 155.400(g) of title 45, Code of Federal Regulations (or a successor regulation) to eliminate, for plan years beginning on or after January 1, 2026, the gross premium percentage-based premium payment threshold policy described in paragraph (2) of such section and the fixed-dollar premium payment threshold policy described in paragraph (3) of such section.

(f) PROHIBITING AUTOMATIC REENROLLMENT FROM BRONZE TO SILVER LEVEL QUALIFIED HEALTH PLANS OFFERED BY EXCHANGES.—The Secretary of Health and Human Services shall revise section 155.335(j) of title 45, Code of Federal Regulations (or any successor regulation) to remove paragraph (4) of such section such that, with respect to reenrollments for plan years beginning on or after January 1, 2026, an Exchange established under subtitle D of title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18021 et seq.) may not reenroll an individual who was enrolled in a bronze level qualified health plan in a silver level qualified health plan (as such terms are defined in section 1301(a) and described in 1302(d) of such Act) unless otherwise permitted under section 155.335(j) of title 45, Code of Federal Regulations, as in effect on the day before the date of the enactment of this section.

(g) REDUCING ADVANCE PAYMENTS OF PREMIUM TAX CREDITS FOR CERTAIN INDIVIDUALS REENROLLED IN EXCHANGES.—Section 1412 of the Patient Protection and Affordable Care Act (42 U.S.C. 18082) is amended—

(1) in subsection (a)(3), by inserting ", subject to subsection (c)(2)(C)," after "qualified health plans"; and

(2) in subsection (c)(2)—

(A) in subparagraph (A), by striking "The" and inserting "Subject to subparagraph (C), the"; and

(B) by adding at the end the following new subparagraph:

"(C) REDUCTION IN ADVANCE PAYMENT FOR SPECIFIED REENROLLED INDIVIDUALS.—

"(i) IN GENERAL.—The amount of an advance payment made under subparagraph (A) to reduce the premium payable for a qualified health plan that provides coverage to a specified reenrolled individual for an applicable month shall be an amount equal to the amount that would otherwise be made under such subparagraph reduced by $5 (or such higher

amount as the Secretary determines appropriate).

"(ii) DEFINITIONS.—In this subparagraph:

"(I) APPLICABLE MONTH.—The term 'applicable month' means, with respect to a specified reenrolled individual, any month during a plan year beginning on or after January 1, 2027 (or, in the case of an individual reenrolled in a qualified health plan by an Exchange established pursuant to section 1321(c), January 1, 2026) if, prior to the first day of such month, such individual has failed to confirm or update such information as is necessary to redetermine the eligibility of such individual for such plan year pursuant to section 1411(f).

"(II) SPECIFIED REENROLLED INDIVIDUAL.—The term 'specified reenrolled individual' means an individual who is reenrolled in a qualified health plan and with respect to whom the advance payment made under sub-

paragraph (A) would, without application of any reduction under this subparagraph, reduce the premium payable for a qualified health plan that provides coverage to such an individual to $0.".

(h) PROHIBITING COVERAGE OF GENDER TRANSITION PROCEDURES AS AN ESSENTIAL HEALTH BENEFIT UNDER PLANS OFFERED BY EXCHANGES.—

(1) IN GENERAL.—Section 1302(b)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) GENDER TRANSITION PROCEDURES.—For plan years beginning on or after January 1, 2027, the essential health benefits defined pursuant to paragraph (1) may not include items and services furnished for a gender transition procedure.".

(2) GENDER TRANSITION PROCEDURE DEFINED.—Section 1304 of the Patient Protection and Affordable Care Act (42 U.S.C. 18024) is amended by adding at the end the following new subsection:

"(f) GENDER TRANSITION PROCEDURE.—

"(1) IN GENERAL.—In this title, except as provided in paragraph (2), the term 'gender transition procedure' means, with respect to an individual, any of the following when performed for the purpose of intentionally changing the body of such individual (including by disrupting the body's development, inhibiting its natural functions, or modifying its appearance) to no longer correspond to the individual's sex:

"(A) Performing any surgery, including—

"(i) castration;

"(ii) sterilization;

"(iii) orchiectomy;

"(iv) scrotoplasty;

"(v) vasectomy;

"(vi) tubal ligation;

"(vii) hysterectomy;

"(viii) oophorectomy;

"(ix) ovariectomy;

"(x) metoidioplasty;

"(xi) clitoroplasty;

"(xii) reconstruction of the fixed part of the urethra with or without a metoidioplasty or a phalloplasty;

"(xiii) penectomy;

"(xiv) phalloplasty;

"(xv) vaginoplasty;

"(xvi) vaginectomy;

"(xvii) vulvoplasty;

"(xviii) reduction thyrochondroplasty;

"(xix) chondrolaryngoplasty;

"(xx) mastectomy; and

"(xxi) any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

"(B) Any placement of chest implants to create feminine breasts or any placement of erection or testicular prosetheses.

"(C) Any placement of fat or artificial implants in the gluteal region.

"(D) Administering, prescribing, or dispensing to an individual medications, including—

"(i) gonadotropin-releasing hormone (GnRH) analogues or other puberty-blocking drugs to stop or delay normal puberty; and

"(ii) testosterone, estrogen, or other androgens to an individual at doses that

are supraphysiologic than would normally be produced endogenously in a healthy individual of the same age and sex.

"(2) EXCEPTION.—Paragraph (1) shall not apply to the following:

"(A) Puberty suppression or blocking prescription drugs for the purpose of normalizing puberty for an individual experiencing precocious puberty.

"(B) Medically necessary procedures or treatments to correct for—

"(i) a medically verifiable disorder of sex development, including—

"(I) 46,XX chromosomes with virilization;

"(II) 46,XY chromosomes with undervirilization; and

"(III) both ovarian and testicular tissue;

"(ii) sex chromosome structure, sex steroid hormone production, or sex hormone action, if determined to be abnormal by a physician through genetic or biochemical testing;

"(iii) infection, disease, injury, or disorder caused or exacerbated by a previous procedure described in paragraph (1), or a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of a major bodily function unless the procedure is performed, not including procedures performed for the alleviation of mental distress; or

"(iv) procedures to restore or reconstruct the body of the individual in order to correspond to the individual's sex after one or more previous procedures described in paragraph (1), which may include the removal of a pseudo phallus or breast augmentation.

"(3) SEX.—For purposes of this subsection, the term 'sex' means either male or female, as biologically determined and defined by subparagraph (A) and subparagraph (B).

"(A) FEMALE.—The term 'female' means an individual who naturally has, had, will have, or would have, but for a developmental or ge-

netic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes eggs for fertilization.

"(B) MALE.—The term 'male' means an individual who naturally has, had, will have, or would have, but for a developmental or genetic anomaly or historical accident, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.".

(i) CLARIFYING LAWFUL PRESENCE FOR PURPOSES OF THE EXCHANGES.—

(1) IN GENERAL.—Section 1312(f) of the Patient Protection and Affordable Care Act (42 U.S.C. 18032(f)) is amended by adding at the end the following new paragraph:

"(4) CLARIFICATION OF LAWFUL PRESENCE.—In this title, the term 'alien lawfully present in the United States' does not include an alien granted deferred action under the Deferred Action for Childhood Arrivals process pursuant to the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012.".

(2) COST-SHARING REDUCTIONS.—Section 1402(e)(2) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(e)(2)) is amended by adding at the end the following new sentence: "For purposes of this section, an individual shall not be treated as lawfully present if the individual is an alien granted deferred action under the Deferred Action for Childhood Arrivals process pursuant to the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012.".

(3) PAYMENT PROHIBITION.—Section 1412(d) of the Patient Protection and Affordable Care Act (42 U.S.C. 18082(d)) is amended by adding at the end the following new sentence: "For purposes of the previous sentence, an individual shall not be treated as lawfully present if the individual is an alien granted deferred action under the Deferred Action for Childhood Arrivals process pursuant to the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012.".

(4) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2026.

(j) ENSURING APPROPRIATE APPLICATION OF GUARANTEED ISSUE REQUIREMENTS IN CASE OF NONPAYMENT OF PAST PREMIUMS.—

(1) IN GENERAL.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following new subsection:

"(e) NONPAYMENT OF PAST PREMIUMS.—

"(1) IN GENERAL.—A health insurance issuer offering individual health insurance coverage may, to the extent allowed under State law, deny such coverage in the case of an individual who owes any amount for premiums for individual health insurance coverage offered by such issuer (or by a health insurance issuer in the same controlled group (as defined in paragraph (3)) as such issuer) in which such individual was previously enrolled.

"(2) ATTRIBUTION OF INITIAL PREMIUM PAYMENT TO OWED AMOUNT.—A health insurance issuer offering individual health insurance coverage may, in the case of an individual described in paragraph (1) and to the extent allowed under State law, attribute the initial premium payment for such cov-

erage applicable to such individual to the amount owed by such individual for premiums for individual health insurance coverage offered by such issuer (or by a health insurance issuer in the same controlled group as such issuer) in which such individual was previously enrolled.

"(3) CONTROLLED GROUP DEFINED.—For purposes of this subsection, the term 'controlled group' means a group of of two or more persons that is treated as a single employer under section 52(a), 52(b), 414(m), or 414(o) of the Internal Revenue Code of 1986.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to plan years beginning on or after January 1, 2026.

PART 3—IMPROVING AMERICANS' ACCESS TO CARE

SEC. 44301. EXPANDING AND CLARIFYING THE EXCLUSION FOR ORPHAN DRUGS UNDER THE DRUG PRICE NEGOTIATION PROGRAM.

(a) IN GENERAL.—Section 1192(e) of the Social Security Act (42 U.S.C. 1320f–1(e)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(C) TREATMENT OF FORMER ORPHAN DRUGS.—In calculating the amount of time that has elapsed with respect to the approval of a drug or licensure of a biological product under subparagraph (A)(ii) and subparagraph (B)(ii), respectively, the Secretary shall not take into account any period during which such drug or product was a drug described in paragraph (3)(A)."; and

(2) in paragraph (3)(A)—

(A) by striking "only one rare disease or condition" and inserting "one or more rare diseases or conditions"; and

(B) by striking "such disease or condition" and inserting "one or more rare diseases or conditions (as such term is defined in section 526(a)(2) of the Federal Food, Drug, and Cosmetic Act)".

(b) APPLICATION.—The amendments made by subsection (a) shall apply with respect to initial price applicability years (as defined in section 1191(b) of the Social Security Act (42 U.S.C. 1320f(b))) beginning on or after January 1, 2028.

SEC. 44302. STREAMLINED ENROLLMENT PROCESS FOR ELIGIBLE OUT-OF-STATE PROVIDERS UNDER MEDICAID AND CHIP.

(a) IN GENERAL.—Section 1902(kk) of the Social Security Act (42 U.S.C. 1396a(kk)) is amended by adding at the end the following new paragraph:

"(10) STREAMLINED ENROLLMENT PROCESS FOR ELIGIBLE OUT-OF-STATE PROVIDERS.—

"(A) IN GENERAL.—The State—

"(i) adopts and implements a process to allow an eligible out-of-State provider to enroll under the State plan (or a waiver of such plan) to furnish items and services to, or order, prescribe, refer, or certify eligibility for items and services for, qualifying individuals without the imposition of screening or enrollment requirements by such State that exceed the minimum necessary for such State to provide payment to an eligible out-of-State provider under such State plan (or a waiver of such plan), such as the provider's name and National Provider Identifier (and such other information specified by the Secretary); and

"(ii) provides that an eligible out-of-State provider that enrolls as a partici-

pating provider in the State plan (or a waiver of such plan) through such process shall be so enrolled for a 5-year period, unless the provider is terminated or excluded from participation during such period.

"(B) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE OUT-OF-STATE PROVIDER.—The term 'eligible out-of-State provider' means, with respect to a State, a provider—

"(I) that is located in any other State;

"(II) that—

"(aa) was determined by the Secretary to have a limited risk of fraud, waste, and abuse for purposes of determining the level of screening to be conducted under section 1866(j)(2), has been so screened under such section 1866(j)(2), and is enrolled in the Medicare program under title XVIII; or

"(bb) was determined by the State agency administering or su-

pervising the administration of the State plan (or a waiver of such plan) of such other State to have a limited risk of fraud, waste, and abuse for purposes of determining the level of screening to be conducted under paragraph (1) of this subsection, has been so screened under such paragraph (1), and is enrolled under such State plan (or a waiver of such plan); and

"(III) that has not been—

"(aa) excluded from participation in any Federal health care program pursuant to section 1128 or 1128A;

"(bb) excluded from participation in the State plan (or a waiver of such plan) pursuant to part 1002 of title 42, Code of Federal Regulations (or any successor regulation), or State law; or

"(cc) terminated from participating in a Federal health care program or the State plan (or a waiver of such plan) for a reason described in paragraph (8)(A).

"(ii) QUALIFYING INDIVIDUAL.—The term 'qualifying individual' means an individual under 21 years of age who is enrolled under the State plan (or waiver of such plan).

"(iii) STATE.—The term 'State' means 1 of the 50 States or the District of Columbia.".

(b) CONFORMING AMENDMENTS.—

(1) Section 1902(a)(77) of the Social Security Act (42 U.S.C. 1396a(a)(77)) is amended by inserting "enrollment," after "screening,".

(2) The subsection heading for section 1902(kk) of such Act (42 U.S.C. 1396a(kk)) is amended by inserting "ENROLLMENT," after "SCREENING,".

(3) Section 2107(e)(1)(G) of such Act (42 U.S.C. 1397gg(e)(1)(G)) is amended by inserting "enrollment," after "screening,".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply beginning on the date that is 4 years after the date of enactment of this Act.

SEC. 44303. DELAYING DSH REDUCTIONS.

(a) IN GENERAL.—Section 1923(f) of the Social Security Act (42 U.S.C. 1396r–4(f)) is amended—

(1) in paragraph (7)(A)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "2026 through 2028" and inserting "2029 through 2031"; and

(ii) in subclause (II), by striking "or period"; and

(B) in clause (ii), by striking "2026 through 2028" and inserting "2029 through 2031"; and

(2) in paragraph (8), by striking "2027" and inserting "2031".

(b) TENNESSEE DSH ALLOTMENT.—Section 1923(f)(6)(A)(vi) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)(A)(vi)) is amended—

(1) in the header, by striking "2025" and inserting "2028"; and

(2) by striking "fiscal year 2025" and inserting "fiscal year 2028".

SEC. 44304. MODIFYING UPDATE TO THE CONVERSION FACTOR UNDER THE PHYSICIAN FEE SCHEDULE UNDER THE MEDICARE PROGRAM.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "and ending with 2025"; and

(ii) by striking the second sentence; and

(B) in subparagraph (D), by striking "(or, beginning with 2026, applicable conversion factor)"; and

(2) by amending paragraph (20) to read as follows:

"(20) UPDATE FOR 2026 AND SUBSEQUENT YEARS.—The update to the single conversion factor established in paragraph (1)(A)—

"(A) for 2026 is 75 percent of the Secretary's estimate of the percentage increase in the MEI (as defined in section 1842(i)(3)) for the year; and

"(B) for 2027 and each subsequent year is 10 percent of the Secretary's estimate of the percentage increase in the MEI for the year.".

SEC. 44305. MODERNIZING AND ENSURING PBM ACCOUNTABILITY.

(a) IN GENERAL.—

(1) PRESCRIPTION DRUG PLANS.—Section 1860D–12 of the Social Security Act (42 U.S.C. 1395w–112) is amended by adding at the end the following new subsection:

"(h) REQUIREMENTS RELATING TO PHARMACY BENEFIT MANAGERS.—For plan years beginning on or after January 1, 2028:

"(1) AGREEMENTS WITH PHARMACY BENEFIT MANAGERS.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such sponsor shall provide that any pharmacy benefit manager acting on behalf of such sponsor has a written agreement with the PDP sponsor under which the pharmacy benefit manager, and any affiliates of such pharmacy benefit manager, as applicable, agree to meet the following requirements:

"(A) NO INCOME OTHER THAN BONA FIDE SERVICE FEES.—

"(i) IN GENERAL.—The pharmacy benefit manager and any affiliate of such pharmacy benefit manager shall not derive any remuneration with respect to any serv-

ices provided on behalf of any entity or individual, in connection with the utilization of covered part D drugs, from any such entity or individual other than bona fide service fees, subject to clauses (ii) and (iii).

"(ii) INCENTIVE PAYMENTS.—For the purposes of this subsection, an incentive payment (as determined by the Secretary) paid by a PDP sponsor to a pharmacy benefit manager (or an affiliate of such pharmacy benefit manager) that is performing services on behalf of such sponsor shall be deemed a 'bona fide service fee' (even if such payment does not otherwise meet the definition of such term under paragraph (7)(B)) if such payment is a flat dollar amount, is consistent with fair market value (as specified by the Secretary), is related to services actually performed by the pharmacy benefit manager or affiliate of such pharmacy benefit manager, on behalf of the PDP sponsor making such payment, in connection with the utilization of covered part D drugs, and

meets additional requirements, if any, as determined appropriate by the Secretary.

"(iii) CLARIFICATION ON REBATES AND DISCOUNTS USED TO LOWER COSTS FOR COVERED PART D DRUGS.—Rebates, discounts, and other price concessions received by a pharmacy benefit manager or an affiliate of a pharmacy benefit manager from manufacturers, even if such price concessions are calculated as a percentage of a drug's price, shall not be considered a violation of the requirements of clause (i) if they are fully passed through to a PDP sponsor and are compliant with all regulatory and subregulatory requirements related to direct and indirect remuneration for manufacturer rebates under this part, including in cases where a PDP sponsor is acting as a pharmacy benefit manager on behalf of a prescription drug plan offered by such PDP sponsor.

"(iv) EVALUATION OF REMUNERATION ARRANGEMENTS.—Components of subsets of remuneration arrangements (such as fees or other forms of compensation paid

to or retained by the pharmacy benefit manager or affiliate of such pharmacy benefit manager), as determined appropriate by the Secretary, between pharmacy benefit managers or affiliates of such pharmacy benefit managers, as applicable, and other entities involved in the dispensing or utilization of covered part D drugs (including PDP sponsors, manufacturers, pharmacies, and other entities as determined appropriate by the Secretary) shall be subject to review by the Secretary, in consultation with the Office of the Inspector General of the Department of Health and Human Services, as determined appropriate by the Secretary. The Secretary, in consultation with the Office of the Inspector General, shall review whether remuneration under such arrangements is consistent with fair market value (as specified by the Secretary) through reviews and assessments of such remuneration, as determined appropriate.

"(v) DISGORGEMENT.—The pharmacy benefit manager shall disgorge any remu-

neration paid to such pharmacy benefit manager or an affiliate of such pharmacy benefit manager in violation of this subparagraph to the PDP sponsor.

"(vi) ADDITIONAL REQUIREMENTS.—The pharmacy benefit manager shall—

"(I) enter into a written agreement with any affiliate of such pharmacy benefit manager, under which the affiliate shall identify and disgorge any remuneration described in clause (v) to the pharmacy benefit manager; and

"(II) attest, subject to any requirements determined appropriate by the Secretary, that the pharmacy benefit manager has entered into a written agreement described in subclause (I) with any relevant affiliate of the pharmacy benefit manager.

"(B) TRANSPARENCY REGARDING GUARANTEES AND COST PERFORMANCE EVALUATIONS.—The pharmacy benefit manager shall—

"(i) define, interpret, and apply, in a fully transparent and consistent manner

for purposes of calculating or otherwise evaluating pharmacy benefit manager performance against pricing guarantees or similar cost performance measurements related to rebates, discounts, price concessions, or net costs, terms such as—

"(I) 'generic drug', in a manner consistent with the definition of the term under section 423.4 of title 42, Code of Federal Regulations, or a successor regulation;

"(II) 'brand name drug', in a manner consistent with the definition of the term under section 423.4 of title 42, Code of Federal Regulations, or a successor regulation;

"(III) 'specialty drug';

"(IV) 'rebate'; and

"(V) 'discount';

"(ii) identify any drugs, claims, or price concessions excluded from any pricing guarantee or other cost performance measure in a clear and consistent manner; and

"(iii) where a pricing guarantee or other cost performance measure is based on a pricing benchmark other than the wholesale acquisition cost (as defined in section 1847A(c)(6)(B)) of a drug, calculate and provide a wholesale acquisition cost-based equivalent to the pricing guarantee or other cost performance measure.

"(C) PROVISION OF INFORMATION.—

"(i) IN GENERAL.—Not later than July 1 of each year, beginning in 2028, the pharmacy benefit manager shall submit to the PDP sponsor, and to the Secretary, a report, in accordance with this subparagraph, and shall make such report available to such sponsor at no cost to such sponsor in a format specified by the Secretary under paragraph (5). Each such report shall include, with respect to such PDP sponsor and each plan offered by such sponsor, the following information with respect to the previous plan year:

"(I) A list of all drugs covered by the plan that were dispensed including, with respect to each such drug—

"(aa) the brand name, generic or non-proprietary name, and National Drug Code;

"(bb) the number of plan enrollees for whom the drug was dispensed, the total number of prescription claims for the drug (including original prescriptions and refills, counted as separate claims), and the total number of dosage units of the drug dispensed;

"(cc) the number of prescription claims described in item (bb) by each type of dispensing channel through which the drug was dispensed, including retail, mail order, specialty pharmacy, long term care pharmacy, home infusion pharmacy, or other types of pharmacies or providers;

"(dd) the average wholesale acquisition cost, listed as cost per day's supply, cost per dosage

unit, and cost per typical course of treatment (as applicable);

"(ee) the average wholesale price for the drug, listed as price per day's supply, price per dosage unit, and price per typical course of treatment (as applicable);

"(ff) the total out-of-pocket spending by plan enrollees on such drug after application of any benefits under the plan, including plan enrollee spending through copayments, coinsurance, and deductibles;

"(gg) total rebates paid by the manufacturer on the drug as reported under the Detailed DIR Report (or any successor report) submitted by such sponsor to the Centers for Medicare & Medicaid Services;

"(hh) all other direct or indirect remuneration on the drug as reported under the Detailed

DIR Report (or any successor report) submitted by such sponsor to the Centers for Medicare & Medicaid Services;

"(ii) the average pharmacy reimbursement amount paid by the plan for the drug in the aggregate and disaggregated by dispensing channel identified in item (cc);

"(jj) the average National Average Drug Acquisition Cost (NADAC); and

"(kk) total manufacturer-derived revenue, inclusive of bona fide service fees, attributable to the drug and retained by the pharmacy benefit manager and any affiliate of such pharmacy benefit manager.

"(II) In the case of a pharmacy benefit manager that has an affiliate that is a retail, mail order, or specialty pharmacy, with respect to drugs

covered by such plan that were dispensed, the following information:

"(aa) The percentage of total prescriptions that were dispensed by pharmacies that are an affiliate of the pharmacy benefit manager for each drug.

"(bb) The interquartile range of the total combined costs paid by the plan and plan enrollees, per dosage unit, per course of treatment, per 30-day supply, and per 90-day supply for each drug dispensed by pharmacies that are not an affiliate of the pharmacy benefit manager and that are included in the pharmacy network of such plan.

"(cc) The interquartile range of the total combined costs paid by the plan and plan enrollees, per dosage unit, per course of treatment, per 30-day supply, and per 90-day supply for each drug dispensed by pharmacies

that are an affiliate of the pharmacy benefit manager and that are included in the pharmacy network of such plan.

"(dd) The lowest total combined cost paid by the plan and plan enrollees, per dosage unit, per course of treatment, per 30-day supply, and per 90-day supply, for each drug that is available from any pharmacy included in the pharmacy network of such plan.

"(ee) The difference between the average acquisition cost of the affiliate, such as a pharmacy or other entity that acquires prescription drugs, that initially acquires the drug and the amount reported under subclause (I)(jj) for each drug.

"(ff) A list inclusive of the brand name, generic or non-proprietary name, and National Drug Code of covered part D

drugs subject to an agreement with a covered entity under section 340B of the Public Health Service Act for which the pharmacy benefit manager or an affiliate of the pharmacy benefit manager had a contract or other arrangement with such a covered entity in the service area of such plan.

"(III) Where a drug approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (referred to in this subclause as the 'listed drug') is covered by the plan, the following information:

"(aa) A list of currently marketed generic drugs approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act pursuant to an application that references such listed drug that are not covered by the plan, are covered on the same formulary tier or a formulary tier

typically associated with higher cost-sharing than the listed drug, or are subject to utilization management that the listed drug is not subject to.

"(bb) The estimated average beneficiary cost-sharing under the plan for a 30-day supply of the listed drug.

"(cc) Where a generic drug listed under item (aa) is on a formulary tier typically associated with higher cost-sharing than the listed drug, the estimated average cost-sharing that a beneficiary would have paid for a 30-day supply of each of the generic drugs described in item (aa), had the plan provided coverage for such drugs on the same formulary tier as the listed drug.

"(dd) A written justification for providing more favorable coverage of the listed drug than the

generic drugs described in item (aa).

"(ee) The number of currently marketed generic drugs approved under section 505(j) of the Federal Food, Drug, and Cosmetic Act pursuant to an application that references such listed drug.

"(IV) Where a reference product (as defined in section 351(i) of the Public Health Service Act) is covered by the plan, the following information:

"(aa) A list of currently marketed biosimilar biological products licensed under section 351(k) of the Public Health Service Act pursuant to an application that refers to such reference product that are not covered by the plan, are covered on the same formulary tier or a formulary tier typically associated with higher cost-sharing than the reference product, or are subject

to utilization management that the reference product is not subject to.

"(bb) The estimated average beneficiary cost-sharing under the plan for a 30-day supply of the reference product.

"(cc) Where a biosimilar biological product listed under item (aa) is on a formulary tier typically associated with higher cost-sharing than the reference product, the estimated average cost-sharing that a beneficiary would have paid for a 30-day supply of each of the biosimilar biological products described in item (aa), had the plan provided coverage for such products on the same formulary tier as the reference product.

"(dd) A written justification for providing more favorable coverage of the reference product

than the biosimilar biological product described in item (aa).

"(ee) The number of currently marketed biosimilar biological products licensed under section 351(k) of the Public Health Service Act, pursuant to an application that refers to such reference product.

"(V) Total gross spending on covered part D drugs by the plan, not net of rebates, fees, discounts, or other direct or indirect remuneration.

"(VI) The total amount retained by the pharmacy benefit manager or an affiliate of such pharmacy benefit manager in revenue related to utilization of covered part D drugs under that plan, inclusive of bona fide service fees.

"(VII) The total spending on covered part D drugs net of rebates, fees, discounts, or other direct and indirect remuneration by the plan.

"(VIII) An explanation of any benefit design parameters under such plan that encourage plan enrollees to fill prescriptions at pharmacies that are an affiliate of such pharmacy benefit manager, such as mail and specialty home delivery programs, and retail and mail auto-refill programs.

"(IX) The following information:

"(aa) A list of all brokers, consultants, advisors, and auditors that receive compensation from the pharmacy benefit manager or an affiliate of such pharmacy benefit manager for referrals, consulting, auditing, or other services offered to PDP sponsors related to pharmacy benefit management services.

"(bb) The amount of compensation provided by such pharmacy benefit manager or affiliate to each such broker, consultant, advisor, and auditor.

"(cc) The methodology for calculating the amount of compensation provided by such pharmacy benefit manager or affiliate, for each such broker, consultant, advisor, and auditor.

"(X) A list of all affiliates of the pharmacy benefit manager.

"(XI) A summary document submitted in a standardized template developed by the Secretary that includes such information described in subclauses (I) through (X).

"(ii) WRITTEN EXPLANATION OF CONTRACTS OR AGREEMENTS WITH DRUG MANUFACTURERS.—

"(I) IN GENERAL.—The pharmacy benefit manager shall, not later than 30 days after the finalization of any contract or agreement between such pharmacy benefit manager or an affiliate of such pharmacy benefit manager and a drug manufacturer (or subsidiary, agent, or entity affiliated with such drug manufacturer) that

makes rebates, discounts, payments, or other financial incentives related to one or more covered part D drugs or other prescription drugs, as applicable, of the manufacturer directly or indirectly contingent upon coverage, formulary placement, or utilization management conditions on any other covered part D drugs or other prescription drugs, as applicable, submit to the PDP sponsor a written explanation of such contract or agreement.

"(II) REQUIREMENTS.—A written explanation under subclause (I) shall—

"(aa) include the manufacturer subject to the contract or agreement, all covered part D drugs and other prescription drugs, as applicable, subject to the contract or agreement and the manufacturers of such drugs, and a high-level description of the terms of such contract or

agreement and how such terms apply to such drugs; and

"(bb) be certified by the Chief Executive Officer, Chief Financial Officer, or General Counsel of such pharmacy benefit manager, or affiliate of such pharmacy benefit manager, as applicable, or an individual delegated with the authority to sign on behalf of one of these officers, who reports directly to the officer.

"(III) DEFINITION OF OTHER PRESCRIPTION DRUGS.—For purposes of this clause, the term 'other prescription drugs' means prescription drugs covered as supplemental benefits under this part or prescription drugs paid outside of this part.

"(D) AUDIT RIGHTS.—

"(i) IN GENERAL.—Not less than once a year, at the request of the PDP sponsor, the pharmacy benefit manager shall allow for an audit of the pharmacy benefit man-

ager to ensure compliance with all terms and conditions under the written agreement described in this paragraph and the accuracy of information reported under subparagraph (C).

"(ii) AUDITOR.—The PDP sponsor shall have the right to select an auditor. The pharmacy benefit manager shall not impose any limitations on the selection of such auditor.

"(iii) PROVISION OF INFORMATION.—The pharmacy benefit manager shall make available to such auditor all records, data, contracts, and other information necessary to confirm the accuracy of information provided under subparagraph (C), subject to reasonable restrictions on how such information must be reported to prevent redisclosure of such information.

"(iv) TIMING.—The pharmacy benefit manager must provide information under clause (iii) and other information, data, and records relevant to the audit to such auditor within 6 months of the initiation of the audit and respond to requests for addi-

tional information from such auditor within 30 days after the request for additional information.

"(v) INFORMATION FROM AFFILIATES.—The pharmacy benefit manager shall be responsible for providing to such auditor information required to be reported under subparagraph (C) or under clause (iii) of this subparagraph that is owned or held by an affiliate of such pharmacy benefit manager.

"(2) ENFORCEMENT.—

"(A) IN GENERAL.—Each PDP sponsor shall—

"(i) disgorge to the Secretary any amounts disgorged to the PDP sponsor by a pharmacy benefit manager under paragraph (1)(A)(v);

"(ii) require, in a written agreement with any pharmacy benefit manager acting on behalf of such sponsor or affiliate of such pharmacy benefit manager, that such pharmacy benefit manager or affiliate reimburse the PDP sponsor for any civil money penalty imposed on the PDP spon-

sor as a result of the failure of the pharmacy benefit manager or affiliate to meet the requirements of paragraph (1) that are applicable to the pharmacy benefit manager or affiliate under the agreement; and

"(iii) require, in a written agreement with any such pharmacy benefit manager acting on behalf of such sponsor or affiliate of such pharmacy benefit manager, that such pharmacy benefit manager or affiliate be subject to punitive remedies for breach of contract for failure to comply with the requirements applicable under paragraph (1).

"(B) REPORTING OF ALLEGED VIOLATIONS.—The Secretary shall make available and maintain a mechanism for manufacturers, PDP sponsors, pharmacies, and other entities that have contractual relationships with pharmacy benefit managers or affiliates of such pharmacy benefit managers to report, on a confidential basis, alleged violations of paragraph (1)(A) or subparagraph (C).

"(C) ANTI-RETALIATION AND ANTI-COERCION.—Consistent with applicable Federal or State law, a PDP sponsor shall not—

"(i) retaliate against an individual or entity for reporting an alleged violation under subparagraph (B); or

"(ii) coerce, intimidate, threaten, or interfere with the ability of an individual or entity to report any such alleged violations.

"(3) CERTIFICATION OF COMPLIANCE.—

"(A) IN GENERAL.—Each PDP sponsor shall furnish to the Secretary (at a time and in a manner specified by the Secretary) an annual certification of compliance with this subsection, as well as such information as the Secretary determines necessary to carry out this subsection.

"(B) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

"(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(A) prohibiting flat dispensing fees or reimbursement or payment for ingredient costs

(including customary, industry-standard discounts directly related to drug acquisition that are retained by pharmacies or wholesalers) to entities that acquire or dispense prescription drugs; or

"(B) modifying regulatory requirements or sub-regulatory program instruction or guidance related to pharmacy payment, reimbursement, or dispensing fees.

"(5) STANDARD FORMATS.—

"(A) IN GENERAL.—Not later than June 1, 2027, the Secretary shall specify standard, machine-readable formats for pharmacy benefit managers to submit annual reports required under paragraph (1)(C)(i).

"(B) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

"(6) CONFIDENTIALITY.—

"(A) IN GENERAL.—Information disclosed by a pharmacy benefit manager, an affiliate of a pharmacy benefit manager, a PDP sponsor, or a pharmacy under this subsection that is not otherwise publicly available or available for pur-

chase shall not be disclosed by the Secretary or a PDP sponsor receiving the information, except that the Secretary may disclose the information for the following purposes:

"(i) As the Secretary determines necessary to carry out this part.

"(ii) To permit the Comptroller General to review the information provided.

"(iii) To permit the Director of the Congressional Budget Office to review the information provided.

"(iv) To permit the Executive Director of the Medicare Payment Advisory Commission to review the information provided.

"(v) To the Attorney General for the purposes of conducting oversight and enforcement under this title.

"(vi) To the Inspector General of the Department of Health and Human Services in accordance with its authorities under the Inspector General Act of 1978 (section 406 of title 5, United States Code), and other applicable statutes.

"(B) RESTRICTION ON USE OF INFORMATION.—The Secretary, the Comptroller General, the Director of the Congressional Budget Office, and the Executive Director of the Medicare Payment Advisory Commission shall not report on or disclose information disclosed pursuant to subparagraph (A) to the public in a manner that would identify—

"(i) a specific pharmacy benefit manager, affiliate, pharmacy, manufacturer, wholesaler, PDP sponsor, or plan; or

"(ii) contract prices, rebates, discounts, or other remuneration for specific drugs in a manner that may allow the identification of specific contracting parties or of such specific drugs.

"(7) DEFINITIONS.—For purposes of this subsection:

"(A) AFFILIATE.—The term 'affiliate' means, with respect to any pharmacy benefit manager or PDP sponsor, any entity that, directly or indirectly—

"(i) owns or is owned by, controls or is controlled by, or is otherwise related in

any ownership structure to such pharmacy benefit manager or PDP sponsor; or

"(ii) acts as a contractor, principal, or agent to such pharmacy benefit manager or PDP sponsor, insofar as such contractor, principal, or agent performs any of the functions described under subparagraph (C).

"(B) BONA FIDE SERVICE FEE.—The term 'bona fide service fee' means a fee that is reflective of the fair market value (as specified by the Secretary, through notice and comment rulemaking) for a bona fide, itemized service actually performed on behalf of an entity, that the entity would otherwise perform (or contract for) in the absence of the service arrangement and that is not passed on in whole or in part to a client or customer, whether or not the entity takes title to the drug. Such fee must be a flat dollar amount and shall not be directly or indirectly based on, or contingent upon—

"(i) drug price, such as wholesale acquisition cost or drug benchmark price (such as average wholesale price);

"(ii) the amount of discounts, rebates, fees, or other direct or indirect remuneration with respect to covered part D drugs dispensed to enrollees in a prescription drug plan, except as permitted pursuant to paragraph (1)(A)(ii);

"(iii) coverage or formulary placement decisions or the volume or value of any referrals or business generated between the parties to the arrangement; or

"(iv) any other amounts or methodologies prohibited by the Secretary.

"(C) PHARMACY BENEFIT MANAGER.—The term 'pharmacy benefit manager' means any person or entity that, either directly or through an intermediary, acts as a price negotiator or group purchaser on behalf of a PDP sponsor or prescription drug plan, or manages the prescription drug benefits provided by such sponsor or plan, including the processing and payment of claims for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals or grievances related to the prescription drug benefit, contracting with

network pharmacies, controlling the cost of covered part D drugs, or the provision of related services. Such term includes any person or entity that carries out one or more of the activities described in the preceding sentence, irrespective of whether such person or entity calls itself a 'pharmacy benefit manager'.".

(2) MA–PD PLANS.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

"(F) REQUIREMENTS RELATING TO PHARMACY BENEFIT MANAGERS.—For plan years beginning on or after January 1, 2028, section 1860D–12(h).".

(3) NONAPPLICATION OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to the implementation of this subsection.

(4) FUNDING.—

(A) SECRETARY.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated,

$113,000,000 for fiscal year 2025, to remain available until expended, to carry out this subsection.

(B) OIG.—In addition to amounts otherwise available, there is appropriated to the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, $20,000,000 for fiscal year 2025, to remain available until expended, to carry out this subsection.

(b) GAO STUDY AND REPORT ON PRICE-RELATED COMPENSATION ACROSS THE SUPPLY CHAIN.—

(1) STUDY.—The Comptroller General of the United States (in this subsection referred to as the "Comptroller General") shall conduct a study describing the use of compensation and payment structures related to a prescription drug's price within the retail prescription drug supply chain in part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.). Such study shall summarize information from Federal agencies and industry experts, to the extent available, with respect to the following:

(A) The type, magnitude, other features (such as the pricing benchmarks used), and prevalence of compensation and payment structures related to a prescription drug's price, such as calculating fee amounts as a percentage of a prescription drug's price, between intermediaries in the prescription drug supply chain, including—

(i) pharmacy benefit managers;

(ii) PDP sponsors offering prescription drug plans and Medicare Advantage organizations offering MA–PD plans;

(iii) drug wholesalers;

(iv) pharmacies;

(v) manufacturers;

(vi) pharmacy services administrative organizations;

(vii) brokers, auditors, consultants, and other entities that—

(I) advise PDP sponsors offering prescription drug plans and Medicare Advantage organizations offering MA–PD plans regarding pharmacy benefits; or

(II) review PDP sponsor and Medicare Advantage organization contracts with pharmacy benefit managers; and

(viii) other service providers that contract with any of the entities described in clauses (i) through (vii) that may use price-related compensation and payment structures, such as rebate aggregators (or other entities that negotiate or process price concessions on behalf of pharmacy benefit managers, plan sponsors, or pharmacies).

(B) The primary business models and compensation structures for each category of intermediary described in subparagraph (A).

(C) Variation in price-related compensation structures between affiliated entities (such as entities with common ownership, either full or partial, and subsidiary relationships) and unaffiliated entities.

(D) Potential conflicts of interest among contracting entities related to the use of prescription drug price-related compensation structures, such as the potential for fees or other

payments set as a percentage of a prescription drug's price to advantage formulary selection, distribution, or purchasing of prescription drugs with higher prices.

(E) Notable differences, if any, in the use and level of price-based compensation structures over time and between different market segments, such as under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w–101 et seq.) and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

(F) The effects of drug price-related compensation structures and alternative compensation structures on Federal health care programs and program beneficiaries, including with respect to cost-sharing, premiums, Federal outlays, biosimilar and generic drug adoption and utilization, drug shortage risks, and the potential for fees set as a percentage of a drug's price to advantage the formulary selection, distribution, or purchasing of drugs with higher prices.

(G) Other issues determined to be relevant and appropriate by the Comptroller General.

(2) REPORT.—Not later than 2 years after the date of enactment of this section, the Comptroller General shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(c) MEDPAC REPORTS ON AGREEMENTS WITH PHARMACY BENEFIT MANAGERS WITH RESPECT TO PRESCRIPTION DRUG PLANS AND MA-PD PLANS.—

(1) IN GENERAL.—The Medicare Payment Advisory Commission shall submit to Congress the following reports:

(A) INITIAL REPORT.—Not later than the first March 15 occurring after the date that is 2 years after the date on which the Secretary makes the data available to the Commission, a report regarding agreements with pharmacy benefit managers with respect to prescription drug plans and MA–PD plans. Such report shall include, to the extent practicable—

(i) a description of trends and patterns, including relevant averages, totals, and other figures for the types of information submitted;

(ii) an analysis of any differences in agreements and their effects on plan enrollee out-of-pocket spending and average pharmacy reimbursement, and other impacts; and

(iii) any recommendations the Commission determines appropriate.

(B) FINAL REPORT.—Not later than 2 years after the date on which the Commission submits the initial report under subparagraph (A), a report describing any changes with respect to the information described in subparagraph (A) over time, together with any recommendations the Commission determines appropriate.

(2) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Medicare Payment Advisory Commission, out of any money in the Treasury not otherwise appropriated, $1,000,000 for fiscal year 2026, to remain available until expended, to carry out this subsection.

COMMITTEE PRINT, TITLE IV—COMMITTEE ON ENERGY AND COMMERCE, PROVIDING FOR RECONCILIATION PURSUANT TO H. CON. RES. 14.

CONTENTS

PURPOSE AND SUMMARY

Federal spending is unsustainably outpacing revenues, and a revolution of common-sense reform is necessary to strengthen and preserve our nation's fiscal independence and prosperity. The purpose of the Committee on Energy and Commerce's budget reconciliation legislative recommendations is to advance a combination of common-sense deficit reduction and targeted offsets that will support U.S. innovation, strengthen and reform Medicaid, and end Green New Deal-Style waste.

BACKGROUND AND NEED FOR LEGISLATION

On April 10, 2025, the House of Representatives agreed to the Senate amendment to H. Con. Res. 14, a concurrent resolution setting forth the congressional budget for the United States Government for fiscal year (FY) 2025, setting forth the appropriate budgetary levels for FY 2026 through FY 2034, and providing reconciliation instructions. The resolution included the following budget reconciliation instructions for the Committee: The Committee on Energy and Commerce shall submit changes in laws

within its jurisdiction to reduce the deficit by not less than $880,000,000,000 for the period of fiscal years 2025 through 2034.

SUBTITLE A—ENERGY

Energy is essential to the nation's economy, its productive capacity, its security, and the health and welfare of the public. The United States is blessed with tremendous natural resources and an economic system that fosters the free flow of capital to support innovation and technological capabilities. It also maintains the most sophisticated and efficient system of energy production and delivery in the world. The vast and complex electricity systems in this country deliver uninterrupted power to the public, manufacturers, and industry. These energy systems serve to provide for the affordable, reliable energy and electric power necessary to expand America's security and create the goods and services essential to a modern economy, along with providing for the public welfare.

America's shale revolution transformed the nation's energy posture in the world and underscores the benefits of American energy expansion. The nation has emerged as the world's number one producer of oil and natural gas, and the number one exporter of liquified natural gas (LNG). This status as a leading world producer and exporter of oil and gas has brought significant benefits to the domestic economy, U.S. energy security, and allies overseas.

Since 2016, U.S. LNG is estimated to have contributed $408 billion to our domestic Gross Domestic Product and supports 273,000 direct, indirect, or induced jobs. Expanded U.S. LNG exports also benefit U.S. energy security and national security by reducing the influence of Russia and the Organization of Petroleum Exporting Countries (OPEC) in international markets. Russia's war on Ukraine exposed the world's vulnerability to unstable energy suppliers, especially in Europe, emphasizing the importance of stable, secure, and more affordable American natural gas supplies. In the wake of Russia's invasion of Ukraine, U.S. LNG replaced upwards of 50 percent of Russian natural gas importations into European nations.[1]

Energy exploration and production provide immense economic benefits to states and local municipalities where royalties and associated taxes provide funding for public resources such as schools, firefighters, public safety officials, and other activities to the benefit of

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[1] *See*, *e.g.*, Daniel Yergin, Ph.D. et al., *Major New US Industry at a Crossroads: A US LNG Impact Study – Phase 1*, S&P GLOBAL, December 17, 2024, https://www.spglobal.com/en/research-insights/special-reports/major-new-us-industry-at-a-crossroads-us-lng-impact-study-phase-1.

local communities. For example, the members of the Texas Oil and Natural Gas Association paid $27.3 billion in state and local taxes and state royalties in 2024.[2]

Oil and natural gas account for about 74 percent of the primary energy sources consumed in the U.S. every year, with natural gas accounting for some 43 percent of electric power generation, according to the U.S. Energy Information Administration.[3] Natural gas provides the largest share of baseload and dispatchable electric power generation. This share has increased as various state and federal policies have led to the shut-down of baseload and dispatchable generation over the past decade, a trend that accelerated in recent years, particularly for coal-fired generation.[4]

Meanwhile, after years of minimal growth, electricity demand in the United States is projected to grow nationally at a significant rate through the end of the decade.[5] Over the past several decades, the electric grid experienced modest demand for electric power, averaging about 0.5 percent growth per year since 2015; however, recent estimates show annual growth rate ranging between 3.7 percent to 15 percent by 2030.[6] Much of this growth is expected to come from industrial facilities and data centers powering the increasing use of AI. By the end of the decade, data centers that are

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[2] *See*, *e.g.*, 2024 Annual Energy & Economic Impact Report, TEXAS OIL & GAS ASSOCIATION, January 7, 2025, https://www.txoga.org/2024eeir/#:~:text=TXOGA%20Annual%20Energy%20%26%20Economic%20Impact,High%20by%20Almost%20%241%20Billion.

[3] *See U.S. Energy Facts Explained*, U.S. ENERGY INFORMATION ADMINISTRATION, last updated July 15, 2024, https://www.eia.gov/energyexplained/us-energy-facts/.

[4] *See Electric Power Sector Has Driven Rising Pennsylvania Natural Gas Consumption Since 2013*, U.S. ENERGY INFORMATION ADMINISTRATION, January 29, 2025, https://www.eia.gov/todayinenergy/detail.php?id=64424&utm_medium=email.

[5] Electricity 2024, INTERNATIONAL ENERGY AGENCY (May 2024), https://www.iea.org/reports/electricity-2024/executive-summary; John D. Wilson and Zach Zimmerman, *The Era of Flat Power Demand is Over*, GRID STRATEGIES (Dec. 2023), https://gridstrategiesllc.com/wp-content/uploads/2023/12/National-Load-Growth-Report-2023.pdf; Robert Walton, *US Electricity Load Growth Forecast jumps 81% Led by Data Centers, Industry: Grid Strategies*, UTILITY DIVE (Dec. 13, 2023), https://www.utilitydive.com/news/electricity-load-growing-twice-as-fast-as-expected-Grid-Strategies-report/702366/; *US Power Use to Reach Record Highs in 2024 and 2025 – EIA*, REUTERS (Feb. 6, 2024), https://www.reuters.com/world/us/us-power-use-reach-record-highs-2024-2025-eia-2024-02-06/.

[6] Electric Power Research Institute (EPRI)., *Powering Intelligence: Analyzing Artificial Intelligence and Data Center Energy Consumption* (May 2024), https://www.epri.com/research/products/3002028905.

driving increases in electricity demand could consume as much as 9.1 percent of all electricity in the United States.[7]

Projections for a surge in demand for reliable power for AI come at a time when the North American Electric Reliability Corporation (NERC) has repeatedly raised concerns over the adequacy and reliability of the grid. These concerns with the U.S. grid are due to a confluence of factors that have forced premature retirements of reliable generation without adequate replacement generation and electric infrastructure. The head of the NERC stated he believes the United States is headed for a reliability crisis.[8]

While much of the new generation seeking interconnection to the bulk power system consists of wind and solar, these intermittent resources cannot meet the reliability needs of high-tech manufacturing and data centers on their own as they are not a one-to-one replacement of existing non-intermittent, dispatchable resources like coal, natural gas, hydropower or nuclear.

SUBTITLE B—ENVIRONMENT

Since 2022, the cost, effectiveness, and implementation of provisions in the Inflation Reduction Act (IRA) have been called into question. The climate and energy provisions in the 2022 Inflation Reduction Act (IRA) will significantly increase the deficit, far more than originally anticipated. Updated projections of the IRA estimate the cost of climate and energy provisions have ballooned from the projected $384.9 billion to $1.045 trillion.[9] The University of Pennsylvania's Wharton School updated its budget estimate of the IRA's climate and energy provisions, from $384.9 billion between 2022-2031 to $1,045 billion for the same period. Goldman Sachs estimated that the IRA "will provide an estimated $1.2 trillion of [climate-related] incentives by 2032."[10]

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[7] *Id.*

[8] *The Reliability and Resiliency of Electric Service in the United States in Light of Recent Reliability Assessments and Alerts: Hearing Before the Senate Comm. on Energy and Natural Resources,* 118th Cong. (2023) (statement of James B. Robb, President and CEO of the North American Electric Reliability Corporation).

[9] Penn Wharton Business Model, "Update: Budgetary Cost of Climate and energy provisions in the Inflation Reduction Act," April 27, 2023, https://budgetmodel.wharton.upenn.edu/estimates/2023/4/27/update-cost-climate-and-energy-inflation-reduction-act (accessed May 12, 2025).

[10] Goldman Sachs, "The US Is Poised for an Energy Revolution," April 17, 2023. https://www.goldmansachs.com/intelligence/pages/the-us-is-poised-for-an-energy-revolution.html (accessed May 12, 2025).

In recent years, investigations and non-partisan sources have raised concerns about implementation of the IRA's funding programs. Offices of the Inspector General (OIG) at several agencies have warned that the IRA provisions have increased risks of waste, fraud, and abuse.[11]

The Committee has monitored EPA's efforts to implement the IRA's grant programs including through hearings and letters requesting information from EPA.[12] At a March 29, 2023, hearing before the Subcommittee on Oversight and Investigations, EPA Inspector General Sean O'Donnell provided testimony regarding risks surrounding EPA's new Office of Environmental Justice and External Civil Rights administering a large amount of funding and potentially bypassing important internal controls.[13] Additionally, the Subcommittee on Environment, Manufacturing, and Critical Materials held a September 19, 2024, hearing at which the Inspector General provided testimony regarding EPA's challenges managing IRA grant programs.[14]

In November 2024, Committee majority staff released a report providing examples of EPA using grant programs funded under this provision to select activist organizations with clear political leanings and public policy agendas to receive funding.[15] Finally, Members of the Committee further discussed concerns with EPA's IRA grant programs at a February 26, 2025, hearing before the Subcommittee on Oversight and Investigations.[16]

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11 *See*, OFFICE OF THE INSPECTOR GEN., ENVT'L PROT. AGENCY, REPORT NO. 24N-0008, THE EPA'S FISCAL YEAR 2024 TOP MANAGEMENT CHALLENGES 27 (2023); *E&C O&I Spending Oversight Hearing*, *supra* note 5, at 53 (statement of Teri Donaldson, Inspector Gen., Dep't of Energy).

12 Letter from Cathy McMorris Rodgers, Chair, H Comm. on Energy and Commerce, et al., to Michael Regan,
Adm'r, Envtl. Prot. Agency (Mar. 28, 2023); Letter from Cathy McMorris Rodgers, Chair, H. Comm. on Energy and Commerce, and Buddy Carter, Chair, Subcomm. on Env't, Mfg., and Critical Materials, to Michael Regan, Adm'r, Envtl. Prot. Agency (May 8, 2024).

13 *Follow the Money: Oversight of President Biden's Massive Spending Spree: Hearing Before the Subcomm. on Oversight and Investigations of the H. Comm. on Energy and Commerce*, 118th Cong. (2023) (statement of Sean O'Donnell, Inspector Gen., Envtl. Prot. Agency).

14 *Holding the Biden-Harris EPA Accountable for Radical Rush-to-Green Spending: Hearing Before the Subcomm. on Subcomm. on Envt., Mfg., and Critical Materials*, 118th Cong. (2024)

15 STAFF REPORT, H. COMM. ON ENERGY AND COMMERCE, MAJORITY STAFF: EXPOSING THE GREEN GROUP GIVEAWAY BEHIND THE BIDEN-HARRIS ENVIRONMENTAL JUSTICE PROGRAMS.

16 *Examining the Biden Administration's Energy and Environment Spending Push: Hearing Before the Subcomm. on Oversight and Investigations of the H. Comm. on Energy and Commerce*, 119th Cong. (2025).

Subtitle B would decrease the federal deficit by approximately $104,934 as a result of repealing authorizations and rescinding unobligated funds that were appropriated to the U.S. Environmental Protection Agency (EPA) under the Inflation Reduction Act, Public Law 117-169, and repealing EPA's final rule relating to "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles," (89 Fed. Reg. 27842), and repealing the National Highway Traffic Safety Administration's final rule relating to "Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond," (89 Fed. Reg. 52540).

The IRA appropriated EPA $41.456 billion – more than four times the amount that Congress appropriated to EPA in fiscal year 2021. The IRA funding was allocated across 17 EPA programs – seven of which were authorized for the first time as a result of IRA amendments to the Clean Air Act, 42. U.S.C. 7401, et seq. These newly authorized programs included the establishment of the Clean Heavy-Duty Vehicle grant program, which was created through a new section 132 of the Clean Air Act and appropriated $1 billion, 42 U.S.C. 7432; the Greenhouse Gas Reduction Fund, which was created through a new section 134 of the Clean Air Act and appropriated $27 billion, 42 U.S.C. 7434; the Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems, which was created through a new section 136 of the Clean Air Act and appropriated $1.55 billion, 42 U.S.C. 7436; and the Environmental and Climate Justice Block Grant program, which was established through a new section 138 of the Clean Air Act and appropriated $3 billion, 42 U.S.C. 7438. Other provisions of the IRA increased appropriated amounts for existing EPA programs, including $235.5 million for air pollution reduction and monitoring activities and $350 million for carbon labeling and product declaration programs under the Clean Air Act.

On March 30, 2023, the EPA Office of Inspector General issued a memorandum entitled, "Management Implication Report: Mitigation of Grant Fraud Vulnerabilities," noting the IRA created several new programs and that "Proper oversight of funding recipients has always been critical to ensure proper stewardship of taxpayer dollars. The importance of such oversight has increased in light of the [Infrastructure Investment and Jobs Act] and the IRA. We are issuing this report to inform the Agency of certain issues related to the awarding and disbursement of grants, as well as to

provide considerations for the Agency to strengthen its grant-funding mechanisms."

This Subtitle repeals the authorizations and unobligated balances of funds made available to EPA under the IRA. These This Subtitle does not alter, amend, or rescind EPA's other legal authorities or appropriated dollars other than those that were included in the IRA.

In 2024, the Committee for a Responsible Federal Budget estimated that EPA's proposed vehicle emissions rule would increase the federal deficit by $280 billion through 2033, if finalized. This Subtitle also repeals EPA's final rule relating to "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles," (89 Fed. Reg. 27842), and the companion National Highway Traffic Safety Administration's final rule relating to "Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond," (89 Fed. Reg. 52540).

SUBTITLE C—COMMUNICATIONS

Spectrum resources are vital for the United States economy and have raised over $230 billion since 1993[17]. The NTIA and the FCC are the two agencies tasked by Congress to oversee and manage our nation's spectrum resources—a finite natural resource.[18] NTIA manages federal spectrum allocations as many Federal agencies use spectrum to perform vital operations, including the Department of Defense, the Department of Transportation, the National Aeronautics and Space Administration, and the National Oceanic and Atmospheric Administration.[19] The FCC is responsible for overseeing the non-Federal use of spectrum, including commercial usage.[20]

The FCC, in collaboration with NTIA on federal spectrum bands, has made spectrum frequencies available for next-generation wireless technology use. For the United States to stay a global leader in the deployment of future wireless technologies, the FCC will need

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[17] Patricia Moloney Figliola, Cong. Rsch. Serv., R45699, The Federal Communications Commission: Structure, Operations, and Budget at 6 (2025), https://crs.gov/reports/pdf/R45699/R45699.pdf.

[18] National Telecommunications and Information Administration Organization Act, 47 U.S.C.§ 901 et seq.; Communications Act of 1934, 47 U.S.C.§ 151 et seq.

[19] Office of Spectrum Management, NTIA, https://www.ntia.gov/programs-and-initiatives/spectrum-management.

[20] 47 U.S.C. § 301.

to make additional spectrum available, particularly mid-band spectrum, for commercial use. On November 13, 2023, the White House released a National Spectrum Strategy and on March 12, 2024, NTIA released the National Spectrum Strategy Implementation Plan.[21] Through this strategy, the U.S. government began the process of studying federal spectrum bands that could be made available for commercial use, and those processes are ongoing. NTIA is working with federal licensees through the interagency process to solicit their feedback on those bands.

The FCC has had the authority to auction licenses for spectrum use since Congress passed the Omnibus Budget Reconciliation Act in 1993 and has been conducting spectrum auctions since 1994. However, this authority expired for the first time on March 9, 2023, limiting the ability of the FCC to conduct spectrum auctions and raise revenue for the U.S. Treasury. This legislation would reauthorize the FCC's authority to conduct auctions through September 30, 2034, and the auctions conducted during that timeframe are expected to raise $88 billion in revenue for the Treasury through spectrum auction proceeds.

Subtitle C, Part 1 would generate approximately $88 billion in revenue to the United States Treasury in spectrum auction proceeds through reauthorizing the Federal Communications Commission's (FCC) spectrum auction authority through September 30, 2034 and directing at least 600 megahertz (MHz) of spectrum to be identified and auctioned. The FCC and the National Telecommunications and Information Administration (NTIA) would be required to identify at least 600 MHz of federal and commercial spectrum to be identified for auction. Of the 600 MHz identified, at least 200 megahertz would be required to be auctioned within three years of enactment, and the remaining identified spectrum would be required to be auctioned within six years of enactment. Finally, the bill excludes the 3.1-3.45 GHz and 5.925-7.125 GHz frequencies from being identified as part of the 600 MHz target.

This legislation requires at least 600 megahertz of spectrum to be identified and auctioned before September 30, 2034. While the legislation excludes certain frequencies, the Committee also directs that the frequencies between 7.25 GHz-8.4 GHz to be excluded from the 600 megahertz requirement. The Committee expects that in identifying the 600 megahertz for auction, the FCC and NTIA will

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[21] Office of Spectrum Management, NTIA, https://www.ntia.gov/sites/default/files/publications/national-spectrum-strategy-implementation-plan.pdf

work through the current processes for identifying and reallocating spectrum as required by current law.

As artificial intelligence (AI) rapidly evolves, it presents significant opportunities for the United States, including for government efficiency. This legislation proposes a $500 million investment in modernizing the Department of Commerce's information technology systems with commercial AI and automation technologies. The federal government's information technology systems are severely outdated, operating several generations behind state-of-the-art commercial systems.[22] This technological gap has hindered the effectiveness of government operations, service delivery, and cybersecurity, leaving federal departments, such as the Department of Commerce, ill-equipped to compete in a rapidly advancing technological landscape. As the U.S. faces increasing global competition, particularly from China in the realm of AI, the need for modernization is urgent.[23]

This legislation also institutes a 10-year moratorium on state-level AI regulations to ensure the Department of Commerce can continue to access AI technologies moving forward. Premature or overly restrictive laws could stifle technological progress, particularly for startups and small businesses that are essential to driving growth and innovation in this space.[24] A patchwork of state-by-state AI regulations is emerging, with over 1,000 AI-related bills introduced in 2025 alone, creating barriers to entry and creating compliance burdens for incumbents.[25] The result of this patchwork may be fewer technological innovations and higher costs for federal agencies seeking to acquire AI. By pausing state-specific AI laws, Congress can ensure that the Department of Commerce, as well as other federal agencies, will have access to commercial AI systems moving forward.[26]

Subtitle C, Part 2 establishes the Artificial Intelligence and Information Technology Modernization Initiative within the Department of Commerce. The bill appropriates $500 million for

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[22] https://www.gao.gov/blog/federal-efforts-update-old-it-are-years-behind-schedule-we-looked-impacts-delays

[23] https://www.wilsoncenter.org/article/americas-ai-strategy-playing-defense-while-china-plays-win

[24] https://datainnovation.org/2025/05/congress-should-preempt-onslaught-of-state-ai-laws/

[25] https://www.lawfaremedia.org/article/1-000-ai-bills--time-for-congress-to-get-serious-about-preemption

[26] https://www.rstreet.org/outreach/comments-of-r-street-institute-on-a-learning-period-moratorium-for-ai-regulation-in-response-to-request-for-information-rfi-exploring-a-data-privacy-and-security-framework/

fiscal year 2025, to remain available through September 30, 2035, to support the replacement of legacy IT systems, the deployment of commercial artificial intelligence and automation technologies, and the enhancement of federal cybersecurity infrastructure. In addition, the legislation imposes a 10-year moratorium on most state and local regulations affecting artificial intelligence and automated decision systems, with limited exceptions, to ensure regulatory consistency and promote innovation during the modernization process.

SUBTITLE D—HEALTH

According to National Health Expenditure (NHE) projections, American health care expenditures grew 7.5 percent to $4.9 trillion in 2023, comprising 17.6 percent of U.S. Gross Domestic Product (GDP). The health care system's unsustainable growth is projected to continue—NHE projections estimated that over the course of 2023 to 2032, average NHE growth will outpace average GDP growth.[27] Past policies have failed to lower health care costs, jeopardizing safety net programs on which millions of Americans rely.

The Medicaid program is jointly financed and administered by the federal government and state programs. According to the Congressional Budget Office (CBO), in fiscal year 2024, federal outlays for the Medicaid program were $618 billion. CBO projects that federal spending on Medicaid will exceed a staggering $1 trillion by 2035, reaching parity with CBO's projection of what the Federal government will spend on national defense.[28]

The Affordable Care Act (ACA) established federal and state individual and small business health exchanges. Health plans offering coverage on ACA exchanges receive federal subsidies, largely in the form of advance premium tax credits. According to CBO and Joint Committee on Taxation (JCT) joint projections, ACA marketplace and Basic Health Program subsidies are projected to expand to $1.1 trillion over the 2024 to 2033 budgetary window.[29]

CBO's January 2025 baseline update illustrated the burden the Medicaid program is under. Technical changes increased CBO's

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[27] Centers for Medicare and Medicaid Services (CMS), *NHE Fact Sheet,* (Jan. 18, 2024), https://www.cms.gov/data-research/statistics-trends-and-reports/national-health-expenditure-data/nhe-fact-sheet.
[28] CBO, *The Budget and Economic Outlook: 2025 to 2035*, (Jan. 2025), https://www.cbo.gov/system/files/2025-01/60870-Outlook-2025.pdf.
[29] CBO, *Federal Subsidies for Health Insurance: 2023 to 2033*, (Sept. 28, 2023), https://www.cbo.gov/publication/59273.

2025 estimate of Medicaid spending by $57 billion, or 10 percent, and their estimate of the program's spending over the budget window by $817 billion, or 12 percent.[30] This is further reflected by analysis from the National Association of State Budget Officers (NASBO), who found that state Medicaid spending is estimated to have grown 5.3 percent in fiscal year 2024, representing the "largest category of total state expenditures" at 29.8 percent.[31]

Ultimately, individuals' access to care in Medicaid is inextricably linked to the costs of the program for the Federal government and States. The growth in total Medicaid spending and enrollment is a growing concern as it impedes the program's ability to provide care for those vulnerable populations who rely most on Medicaid. These challenges are exacerbated by waste, fraud, and abuse in state Medicaid programs. The Government Accountability Office's (GAO) 2025 High-Risk List again identified Medicaid program integrity as an area in which the "Centers for Medicare & Medicaid Services (CMS) needs to reduce billions in Medicaid improper payments, ensure the appropriate use of program dollars, and improve the quality of program data to better manage quality of care and efficiency of payments for services."[32]

For state Medicaid programs to run as efficiently and effectively as possible, the integrity of federal-state Medicaid financing must be maintained. To do so, Congress must first address deficiencies in enrollment processes that encourage fraud and ineligible individuals to enroll in the program. For example, Congress must roll back rules promulgated by the Biden Administration that will tie states' hands from effectively managing their Medicaid programs. Moreover, Congress must take steps to reduce spending on ineligible enrollees—this includes taking action to prevent beneficiaries from being enrolled in multiple State programs, remove deceased beneficiaries from Medicaid, and ensure that Federal Medicaid dollars only fund enrollees whose citizenship, nationality, or immigration status has been verified.

Next, Congress must address excess waste in the program. The Biden Administration finalized an untenable nursing home staffing

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[30] *Id.*

[31] NASBO, *2024 State Expenditure Report, Executive Summary,* https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/SER%20Archive/2024_SER/Executive_Summary-2024_State_Expenditure.pdf.

[32] GAO, *High-Risk Series: Heightened Attention Could Save Billions More and Improve Government Efficiency and Effectiveness,* GAO-25-107743 (Feb. 2025), https://www.gao.gov/assets/gao-25-107743.pdf.

mandate for Medicare and Medicaid that will do little to improve quality for beneficiaries. Congress must address Medicaid waste by also holding pharmacy benefit managers (PBM) accountable and modernizing retroactive coverage standards to prevent adverse selection and reduce unexpected costs for the federal government and state programs.

Additionally, Congress must tackle abusive financing practices and misaligned incentives like provider taxes that allow states to shift back to the federal government the cost of financing their share of Medicaid spending. While current law requires that these taxes be broad-based, uniform, and redistributive, hold harmless arrangements are used to allow states to draw down federal dollars without ever contributing additional funding. According to GAO, "states' reliance on provider tax and local government funds, decreased states' share of new Medicaid payments…and effectively increased the federal share of net Medicaid payments by 5 percentage points in state fiscal year 2018."[33]

Moreover, states are increasingly utilizing these provider taxes to fund expansions of state-directed payments (SDP). SDPs, a form of supplemental payments created by CMS in 2016, arose as more enrollees shifted into managed care organization (MCO) arrangements. Spending on these payments continues to grow, and regulatory changes during President Biden's administration permitted directed payments to reach as high as the average commercial rate.[34] The Medicaid and CHIP Payment and Access Commission (MACPAC) estimated that directed payments would exceed $69 billion in 2023, while CMS projects that directed payments will exceed $125 billion in 2033.[35]

Finally, Congress must increase personal accountability for the Medicaid Expansion population. Health care and work are linked in this country—roughly half of all Americans receive employer-sponsored insurance through their job; eligibility for the ACA's marketplaces is contingent on having an income; Medicare

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[33] GAO, *Medicaid: CMS Needs More Information on States' Financing and Payment Arrangements to Improve Oversight*, GAO-21-98 (Dec. 2020), https://www.gao.gov/assets/gao-21-98.pdf.

[34] 7 C.F.R. § 438.6(c)(2)(iii), (2024), https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-438/subpart-A/section-438.6.

[35] MACPAC, *Directed Payments in Medicaid Managed Care,* ISSUE BRIEF (Oct. 2024), https://www.macpac.gov/wp-content/uploads/2024/10/Directed-Payments-in-Medicaid-Managed-Care.pdf; GAO, *Medicaid Managed Care: Rapid Spending Growth in State Directed Payments Needs Enhanced Oversight and Transparency*, GAO-24-106202 (Dec. 2023), https://www.gao.gov/assets/gao-24-106202.pdf.

beneficiaries are only eligible for the program because they worked and paid into the system; and service members and veterans get their health care because of their work in service to our country. By establishing community engagement requirements for able-bodied adults, Congress will promote the dignity of work and the recognize value of beneficiaries' engagement with their communities.

Congress must also provide the same attention to waste, fraud, and abuse in the marketplaces established by the ACA. According to NHE data, coverage in the marketplaces reached 16.2 million in 2023 with expenditures totaling $115 billion.[36] Regulatory actions pursued by the Biden Administration weakened commonsense enrollment and eligibility safeguards in the marketplaces, which has led to program integrity concerns, market distortions, and billions of dollars in additional costs to federal taxpayers.

These program integrity issues have a direct effect on consumers seeking or maintaining coverage. Between January and August 2024, CMS received over 183,000 complaints that consumers were enrolled in coverage through an exchange on the federal platform without their consent (also known as unauthorized enrollment).[37] From June 2024 to October 2024, CMS also suspended 850 agents and brokers' ACA Marketplace Agreements for reasonable suspicion of fraudulent or abusive conduct related to unauthorized enrollments or unauthorized plan switches. These bad actor brokers would allegedly enroll people without their consent to collect commission payments; switch people to different plans or agents without notifying the enrollee; or split households into multiple plans to inflate commissions.[38] These are just a few examples demonstrating the strain the marketplaces are under and the need to restore programmatic guardrails to protect consumers and federal taxpayers.

The growing aging population and growing Medicare expenditures also necessitate action to protect the long-term fiscal health of the program and promote access to high-quality, affordable health care for seniors. Seniors are consistently seeing their drug costs rise, which is evidenced by recent data published by the nonpartisan Government Accountability Office, which examines the

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[36] CMS, *supra* note 1.
[37] CMS, *CMS Update on Actions to Prevent Unauthorized Agent and Broker Marketplace Activity,* PRESS RELEASE (Oct. 17, 2024), https://www.cms.gov/newsroom/press-releases/cms-update-actions-prevent-unauthorized-agent-and-broker-marketplace-activity.
[38] Department of Health and Human Services, *Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability*, 90 Fed. Reg. 12942 (proposed Mar. 19, 2025), https://www.federalregister.gov/d/2025-04083/p-383.

correlation between rebates and beneficiary drug spending in Medicare. This data showed how rebates affect formulary design and patients' costs for medicines. Specifically, a 2023 report by GAO analyzing a sample of highly rebated drugs in Medicare Part D found that "drugs with higher gross costs generally result in higher beneficiary payments relative to payments for competing drugs with lower gross costs." Of the 100 highest rebated drugs in Part D in 2021, beneficiaries paid more than the plan sponsor for 79 of those medicines once rebates were factored in. Patients spent over $20 billion for these drugs, while plan sponsors spent just over $5 billion.[39] More independent analysis underscores these findings, showing that for every $1 increase in rebates, list prices on prescription medications increased by $1.17.[40]

Seniors are also losing access to more cost-effective generic medications that are equally as effective clinically as their reference product. More data shows how generic medications have been increasingly placed on non-preferred drug formularies in Medicare Part D, leading to higher out-of-pocket spending for cheaper medications. In 2022, almost 60 percent of generic drugs were placed on non-generic drug tiers by Part D plan sponsors.[41]

The policy in the underlying bill would address the rising costs of prescription medications for seniors in Medicare through pharmacy benefit manager reforms. Specifically, these reforms prohibit PBM compensation from being based on list price or other factors relating to formulary placement. The policy also imposes new transparency requirements for PBMs in Medicare Part D by requiring these entities to submit to the Centers for Medicare and Medicaid Services as well as Part D plan sponsors information relating to formulary placement decisions, drug dispensing data, and relationships with affiliated pharmacies.

The Medicare Payment Advisory Commission (MedPAC) has also recently studied the rates at which physicians in Medicare are reimbursed for services provided to beneficiaries. The nonpartisan commission specifically expressed concern relating to physician reimbursements in Medicare failing to keep pace with the rising

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[39] GAO, *Medicare Part D: CMS Should Monitor Effects of Rebates on Drug Coverage and Spending*, GAO-23-107056 (Sept. 19, 2023), https://www.gao.gov/assets/gao-23-107056.pdf.

[40] Neeraj Sood, PhD, et al., *The Association Between Drug Rebates and List Prices,* USC SCHAEFFER (Feb. 11, 2020), https://schaeffer.usc.edu/research/the-association-between-drug-rebates-and-list-prices/.

[41] Avalere Health Advisory, *57% of Generic Drugs Are Not on 2022 Part D Generic Tiers,* (Jan. 24, 2022), https://advisory.avalerehealth.com/insights/57-of-generic-drugs-are-not-on-2022-part-d-generic-tiers.

costs of providing care to beneficiaries and the concomitant impacts these lagging reimbursement rates may have on seniors' ability to access care.[42]

The Committee shares these concerns and is furthermore concerned with the increased consolidation in the health care system, part of which is driven by physician burnout and reimbursement rates that have failed to keep pace with inflation. More consolidation in health care will lead to higher federal spending and more out-of-pocket spending for seniors. As such, the policy in the underlying bill seeks to address unstable physician reimbursement rates in Medicare to create more predictability for providers, preserve patient choice in how they get their care, and reduce health care costs.

The Committee remains committed to ensuring seniors can maintain access to health care services that promote long-term health and reduce spending. However, since the passage of the Inflation Reduction Act (P.L. 117-169), Medicare Part D insurance premiums have increased while plan offerings have substantially decreased.[43] The law also made significant changes that will lead to less treatment options for seniors and other vulnerable populations, which research suggests may yield less generic drug entrants that will offset any savings from the price controls established in the law for pharmaceuticals. The Committee remains concerned by the disincentives to develop cutting-edge medications in the Inflation Reduction Act. As a result, the Committee is advancing policy that will make technical corrections to the Inflation Reduction Act and further incentivize the development of orphan drugs.

COMMITTEE ACTION

On May 13, 2025, the full Committee on Energy and Commerce met in open markup session and ordered the Committee Print, Title IV—Committee on Energy and Commerce, including Subtitles A—Energy, B—Environment, C—Communications, and D—Health as amended, budget reconciliation legislative recommendations, favorably reported to the House Budget Committee by a record vote of 30 yeas and 24 nays.

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[42] MedPAC, *Medicare and the Health Care Delivery System,* REPORT TO THE CONGRESS (June 2024), https://www.medpac.gov/wp-content/uploads/2024/06/Jun24_MedPAC_Report_To_Congress_SEC.pdf.
[43] Sally Pipes, *Biden's Inflation Reduction Act Unravels Medicare Part D*, FORBES (May 31, 2024), https://www.forbes.com/sites/sallypipes/2024/05/31/bidens-inflation-reduction-act-unravels-medicare-part-d/.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

[Attachments—Insert Votes]

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee has held such hearings on this legislation.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that Committee Print, Title IV—Committee on Energy and Commerce would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available. However, the Director preliminarily estimates that this legislation would provide deficit reduction of more than $880,000,000,000.

[Attachment--Insert CBO Letter]

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to reduce the federal deficit by at least $880,000,000,000.

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 1

BILL: Motion to Adjourn, offered by Rep. Pallone.

AMENDMENT:

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas and 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans							
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 2

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle A—Energy.

AMENDMENT: Energy_62VC2_01, offered by Rep. Castor**.**

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas and 30 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

05/13/2025

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 3

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle A—Energy.

AMENDMENT: Energy_97AU7_01, offered by Rep. Ocasio-Cortez.

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas and 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean							
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 4

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle A—Energy.

AMENDMENT: Energy_14UK3_01, offered by Rep. Auchincloss.

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas and 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean							
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 5

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle A—Energy.

AMENDMENT: A motion by Chairman Guthrie to transmit Committee Print, Title IV—Committee on Energy and Commerce, Subtitle A—Energy to the House Committee on the Budget.

DISPOSITION: Agreed to, by a roll call vote of 29 yeas and 24 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis	X			Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez		X	
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee	X			Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean							
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 6

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle B—Environment.

AMENDMENT: Environment_ENV_GEN_3, offered by Rep. Carter (LA).

DISPOSITION: **Not Agreed to**, by a roll call vote of 24 yeas and 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 7

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle B—Environment.

AMENDMENT: Environment_59, offered by Rep. Dingell.

DISPOSITION: **Not Agreed to**, by a roll call vote of 23 yeas and 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan			
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 8

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle B—Environment.

AMENDMENT: Environment_49, offered by Rep. Menendez.

DISPOSITION: **Not Agreed to**, by a roll call vote of 23 yeas and 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly			
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli							
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 9

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle B—Environment.

AMENDMENT: A motion by Chairman Guthrie to transmit Committee Print, Title IV—Committee on Energy and Commerce, Subtitle B—Environment to the House Committee on the Budget.

DISPOSITION: Agreed to, by a roll call vote of 29 yeas and 24 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis	X			Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn				Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez		X	
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee	X			Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 10

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle C—Communications.

AMENDMENT: Comm4, offered by Rep. Carter (LA).

DISPOSITION: Not Agreed to, by a roll call vote of 24 yeas and 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 11

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle C—Communications

AMENDMENT: COMM9, offered by Rep. Clarke

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 12

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle C—Communications

AMENDMENT: COMM8, offered by Rep. Matsui

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 13

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle C—Communications

AMENDMENT: COMM13, offered by Rep. McClellan

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 14

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle C—Communications

AMENDMENT: COMM19, offered by Rep. Pallone

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 15

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle C—Communications

AMENDMENT: A motion by Chairman Guthrie to transmit Committee Print, Title IV—Committee on Energy and Commerce, Subtitle C—Communications as amended to the House Committee on the Budget.

DISPOSITION: Agreed to as amended, by a roll call vote of 29 yeas to 24 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis	X			Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn				Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez		X	
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee	X			Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 16

BILL:

AMENDMENT: A motion by Rep. Pallone to Recess until 9:00 a.m. May 14, 2025.

DISPOSITION: Not Agreed to, by a roll call vote 24 yeas and 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 17

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_007, offered by Rep. DeGette

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 18

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_222, offered by Rep. Menendez

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 27 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 19

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_046, offered by Rep. Veasey

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 27 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak							

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 20

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_047, offered Rep. Castor

DISPOSITION: Not agreed to, by a roll call vote of 23 yeas to 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn				Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan			
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 21

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_008, offered by Rep. Carter (LA)

DISPOSITION: Not agreed to, by a roll call vote of 24 yeas to 30 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 22

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D – Health AINS

AMENDMENT: Health-FCD-AMD_203, offered by Rep. Ruiz.

DISPOSITION: Not agreed to, by roll call vote of 23 yeas to 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson				Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán			
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 23

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D – Health AINS

AMENDMENT: Health-FCD-AMD_039, offered by Rep. Peters

DISPOSITION: Not Agreed to, by a roll call vote of 23 yeas to 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky			
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin				Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 24

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D – Health AINS

AMENDMENT: Health-FCD-AMD_053, offered by Rep. Kelly

DISPOSITION: Not Agreed to, by roll call vote of 23 yeas to 26 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky			
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin				Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy							
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 25

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D – Health AINS

AMENDMENT: Health-FCD-AMD_044, offered by Rep. Landsman

DISPOSITION: Not agreed to, by roll call vote of 24 yeas to 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry				Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 26

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D – Health AINS

AMENDMENT: Health-FCD-AMD_088, offered by Rep. Barragan

DISPOSITION: Not agreed to, by a roll call vote of 23 yeas to 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer				Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez			
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 27

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D Health AINS

AMENDMENT: Health-FCD-AMD_055, offered by Rep.Tonko

DISPOSITION: **Not agreed to,** by a roll call vote of 23 yeas to 29 nays

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán			
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 28

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D Health AINS

AMENDMENT: Health-FCD-AMD_104, offered by Rep. Fletcher

DISPOSITION: **Not agreed to,** by a roll call vote of 24 yeas to 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans							
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 29

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D – Health AINS

AMENDMENT: Health-FCD-AMD_94, offered by Rep. Kelly

DISPOSITION: **Not agreed to,** by a roll call vote of 23 yeas 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky			
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer				Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 30

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D Health AINS

AMENDMENT: Health-FCD-AMD_161, offered by Rep. Dingell

DISPOSITION: **Not agreed to,** by a roll call vote of 24 yeas to 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans							
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 31

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D Health AINS

AMENDMENT: Health-FCD-AMD_128, offered by Rep. Schrier

DISPOSITION: **Not agreed to,** by a roll call vote of 22 yeas to 27 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko			
Mr. Palmer		X		Ms. Clarke			
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger				Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans							
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 32

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D – Health AINS

AMENDMENT: Health-FCD-AMD_121, offered by Rep. Pallone

DISPOSITION: **Not agreed to,** by a roll call vote of 24 yeas to 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans							
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 33

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_220, offered by Rep. Ocasio-Cortez

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas – 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce				Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks				Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 34

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_085, offered by Rep. Ocasio Cortez.

DISPOSITION: **Not agreed to**, by a roll call vote of 23 yeas – 29 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly			
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack				Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 35

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_066, offered by Rep. Dingell.

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas – 28 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin				Mr. Mullin	X		
Mr. Fry				Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 36

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_212, offered by Rep. Ruiz.

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas – 27 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson				Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer				Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans							
Mr. Goldman		X					
Mrs. Fedorchak		X					

COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 37

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health AINS

AMENDMENT: Health-FCD-AMD_126, offered by Rep. Castor.

DISPOSITION: **Not agreed to**, by a roll call vote of 24 yeas – 30 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie		X		Mr. Pallone	X		
Mr. Latta		X		Ms. DeGette	X		
Mr. Griffith		X		Ms. Schakowsky	X		
Mr. Bilirakis		X		Ms. Matsui	X		
Mr. Hudson		X		Ms. Castor	X		
Mr. Carter (GA)		X		Mr. Tonko	X		
Mr. Palmer		X		Ms. Clarke	X		
Mr. Dunn		X		Mr. Ruiz	X		
Mr. Crenshaw		X		Mr. Peters	X		
Mr. Joyce		X		Mrs. Dingell	X		
Mr. Weber		X		Mr. Veasey	X		
Mr. Allen		X		Ms. Kelly	X		
Mr. Balderson		X		Ms. Barragán	X		
Mr. Fulcher		X		Mr. Soto	X		
Mr. Pfluger		X		Ms. Schrier	X		
Mrs. Harshbarger		X		Ms. Trahan	X		
Mrs. Miller-Meeks		X		Ms. Fletcher	X		
Mrs. Cammack		X		Ms. Ocasio-Cortez	X		
Mr. Obernolte		X		Mr. Auchincloss	X		
Mr. James		X		Mr. Carter (LA)	X		
Mr. Bentz		X		Mr. Menendez	X		
Mrs. Houchin		X		Mr. Mullin	X		
Mr. Fry		X		Mr. Landsman	X		
Ms. Lee		X		Ms. McClellan	X		
Mr. Langworthy		X					
Mr. Kean		X					
Mr. Rulli		X					
Mr. Evans		X					
Mr. Goldman		X					
Mrs. Fedorchak		X					

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 38

BILL: Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health

AMENDMENT: A motion by Chairman Guthrie to transmit Committee Print, Title IV—Committee on Energy and Commerce, Subtitle D—Health as amended to the House Committee on the Budget.

DISPOSITION: **Agreed to as amended**, by a roll call vote of 30 yeas – 24 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis	X			Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez		X	
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee	X			Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

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COMMITTEE ON ENERGY AND COMMERCE
119TH CONGRESS
ROLL CALL VOTE # 39

BILL: Committee Print, Title IV

AMENDMENT: A motion by Chairman Guthrie to transmit the recommendations of this committee, approved as Subtitles A—Energy, B—Environment, C—Communications, and D—Health as amended, and all appropriate accompanying materials including supplemental, minority, additional, or dissenting views to the House Committee on the Budget.

DISPOSITION: **Agreed to**, by a roll call vote of 30 yeas – 24 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Mr. Guthrie	X			Mr. Pallone		X	
Mr. Latta	X			Ms. DeGette		X	
Mr. Griffith	X			Ms. Schakowsky		X	
Mr. Bilirakis	X			Ms. Matsui		X	
Mr. Hudson	X			Ms. Castor		X	
Mr. Carter (GA)	X			Mr. Tonko		X	
Mr. Palmer	X			Ms. Clarke		X	
Mr. Dunn	X			Mr. Ruiz		X	
Mr. Crenshaw	X			Mr. Peters		X	
Mr. Joyce	X			Mrs. Dingell		X	
Mr. Weber	X			Mr. Veasey		X	
Mr. Allen	X			Ms. Kelly		X	
Mr. Balderson	X			Ms. Barragán		X	
Mr. Fulcher	X			Mr. Soto		X	
Mr. Pfluger	X			Ms. Schrier		X	
Mrs. Harshbarger	X			Ms. Trahan		X	
Mrs. Miller-Meeks	X			Ms. Fletcher		X	
Mrs. Cammack	X			Ms. Ocasio-Cortez		X	
Mr. Obernolte	X			Mr. Auchincloss		X	
Mr. James	X			Mr. Carter (LA)		X	
Mr. Bentz	X			Mr. Menendez		X	
Mrs. Houchin	X			Mr. Mullin		X	
Mr. Fry	X			Mr. Landsman		X	
Ms. Lee	X			Ms. McClellan		X	
Mr. Langworthy	X						
Mr. Kean	X						
Mr. Rulli	X						
Mr. Evans	X						
Mr. Goldman	X						
Mrs. Fedorchak	X						

CONGRESSIONAL BUDGET OFFICE
U.S. Congress
Washington, DC 20515

Phillip L. Swagel, Director

May 12, 2025

Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Re: CBO's Review of the Reconciliation Recommendations of the House Committee on Energy and Commerce

Dear Mr. Chairman:

You have asked the Congressional Budget Office to review the reconciliation recommendations posted on the website of the House Committee on Energy and Commerce on May 11, 2025, to assess compliance with the instructions included in H. Con. Res. 14.[1]

That resolution instructed the Committee to submit changes in laws within its jurisdiction that reduce the deficit by not less than $880 billion for the period of fiscal years 2025 through 2034.

CBO estimates that the Committee's reconciliation recommendations would reduce deficits by more than $880 billion over the 2025-2034 period and would not increase on-budget deficits in any year after 2034.

1. See House Committee Energy and Commerce, "Markup of Markup of Four Committee Prints," (May 11, 2025), https://tinyurl.com/3uzx7vbt.

I hope this information is useful to you. Please contact me if you have further questions.

Sincerely,

Phillip L. Swagel
Director

cc: Honorable Frank Pallone, Jr.
Ranking Member
House Committee on Energy and Commerce

Honorable Jodey Arrington
Chairman
House Committee on the Budget

Honorable Brendan F. Boyle
Ranking Member
House Committee on the Budget

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of Committee Print, Title IV—Committee on Energy and Commerce is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearings were used to develop or consider Committee Print, Title IV—Committee on Energy and Commerce:

- On **March 25, 2025**, the Subcommittee on Energy held a hearing entitled, **"Keeping the Lights On: Examining the State of Regional Grid Reliability."** The Subcommittee received testimony from:
    - **Manu Asthana**, President and Chief Executive Officer, PJM Interconnection;
    - **Jennifer Curran**, Senior Vice President for Planning and Operations, Midcontinent Independent System Operator (MISO);
    - **Richard J. Dewey**, President and Chief Executive Officer, New York Independent System Operator (NYISO);
    - **Elliot Mainzer**, President and Chief Executive Officer, California Independent System Operator (CAISO);
    - **Lanny Nickell**, Chief Operating Officer, Southwest Power Pool (SPP);
    - **Gordon Van Welie**, President and Chief Executive Officer, ISO New England (ISO-NE); and
    - **Pablo Vegas**, President and Chief Executive Officer, Electric Reliability Council of Texas (ERCOT), Inc.

- On **April 5, 2025**, the Subcommittee on Energy held a hearing entitled, **"Scaling for Growth: Meeting the Demand for Reliable, Affordable Electricity."** The Subcommittee received testimony from:
    - **Noel W. Black**, Senior Vice President of Regulatory Affairs, Southern Company;

  - **Todd Brickhouse**, Chief Executive Officer and General Manager, Basin Electric Power Cooperative;
  - **Asim Haque**, Senior Vice President for Governmental and Member Services, PJM Interconnection, LLC; and
  - **Tyler H. Norris**, James B. Duke Fellow, Duke University.

- On **February 5, 2025**, the Subcommittee on Energy held a hearing entitled, **"Powering America's Future: Unleashing American Energy."** The Subcommittee received testimony from:

  - **Gary Arnold**, Business Manager, Denver Pipefitters Local 208;
  - **Amanda Eversole**, Executive Vice President and Chief Advocacy Officer, American Petroleum Institute;
  - **Brigham McCown**, Senior Fellow and Director, Initiative on American Energy Security, Hudson Institute; and
  - **Mr. Tyler O'Connor Partner**, Crowell & Moring LLP.

- On **February 26, 2025**, the Subcommittee on Oversight & Investigations held a hearing entitled, **"Examining the Biden Administration's Energy and Environment Spending Push."** The Subcommittee received testimony from:

  - **Jonathan Black**, Chief Advisor for Strategic Planning and Program Oversight, Office of Inspector General, U.S. Department of Energy;
  - **J. Alfredo Gomez**, Director, Natural Resources and Environment team, U.S. Government Accountability Office;
  - **Nicole Murley**, Acting Inspector General, Office of Inspector General, U.S. Environmental Protection Agency; and
  - **Frank Rusco**, Director, Natural Resources and Environment team, U.S. Government Accountability Office.

- On **January 23, 2025**, the Subcommittee on Communications and Technology held a hearing entitled,

"Strengthening American Leadership in Wireless Technology." The Subcommittee received testimony from:

- **Michael K. Powell**, President & Chief Executive Officer, NCTA- The Internet & Television Association;
- **Brad Gillen**, Executive Vice President, CTIA- The Wireless Association;
- **Diane Rinaldo**, Executive Director, Open RAN Policy Coalition; and
- **Chris Lewis**, President & Chief Executive Officer, Public Knowledge.

- On **February 12, 2025**, the Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled, **"AI in Manufacturing: Securing American Leadership in Manufacturing and the Next Generation of Technologies"** The Subcommittee received testimony from:

  - **Barbara Humpton**, President and Chief Executive Officer, Siemens Corporation;
  - **Jason Oxman**, President and Chief Executive Officer, Information Technology Industry Council (ITI);
  - **Jeff Kinder**, Executive Vice President, Product Development and Manufacturing Solutions, Autodesk; and
  - **Dr. Elisabeth B. Reynolds**, Professor of Practice, Massachusetts Institute of Technology.

- On **April 9, 2025**, the Full Committee on Energy and Commerce held a hearing entitled, **"The Future of AI Technology, Human Discovery, and American Global Competitiveness."** The Committee received testimony from:

  - **Dr. Eric Schmidt**, Chair, Special Competitive Studies Project;
  - **Manish Bhatia**, Executive Vice President of Global Operations, Micron Technology;
  - **Alexandr Wang**, Founder and Chief Executive Officer, Scale AI; and
  - **David Turk**, Distinguished Visiting Fellow, Center on Global Energy Policy, Columbia University.

- On **February 26, 2025**, the Subcommittee on Health held a

hearing entitled, **"An Examination of How Reining in PBMs Will Drive Competition and Lower Costs for Patients."** The Subcommittee received testimony from:

- **Hugh Chancy, RPh**, Pharmacist and Owner, Chancy Drugs;
- **Shawn Gremminger, MPH**, President and Chief Executive Officer, National Alliance of Healthcare Purchaser Coalitions;
- **Anthony Wright**, Executive Director, Families USA; and
- **Dr. Matthew Fiedler, PhD**, Joseph A. Pechman Senior Fellow, Center on Health Policy, Brookings Institution.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that Committee Print, Title IV—Committee on Energy and Commerce, contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

SUBTITLE A—ENERGY

Section 41001. Rescissions relating to certain Inflation Reduction Act programs.

Section 41001 rescinds the unobligated balance of any amounts made under the following sections of the Inflation Reduction Act: State-Based Energy Efficiency Training Grants, Funding for Department of Energy Loan Program Office, Advanced Technology Vehicle Manufacturing, Energy Infrastructure Reinvestment Financing, Tribal Energy Loan Guarantee Program, Transmission Facility Financing, Grants to Facilitate the Siting of Interstate Electricity Transmission Lines, Interregional and Offshore Wind Electricity Transmission Planning, Modeling, and Analysis, and Advanced Industrial Facilities Deployment Program.

Section 41002. FERC certificates and fees for certain energy infrastructure at international boundaries of the United States.

Notwithstanding any requirements or statutory obligations under federal and state law, including siting, environmental and safety reviews, and permitting, Section 41002 requires an application for a certificate of crossing for cross-border energy infrastructure to include a $50,000 payment, and directs the Federal Electricity Regulatory Commission to issue the certificate. No person may construct, connect, operate, or maintain a cross-border segment for the import or export of designated energy products, or the transmission of electricity, without first obtaining the certificate of crossing. This fee structure does not apply to cross-border segments that were previously approved by a Presidential permit.

Section 41003. Natural gas exports and imports.

Under Section 41003, applications to the Secretary of Energy to export natural gas from the United States to a non-free trade agreement country shall include a $1,000,000 user fee paid by the applicant. Upon receipt of the application and collection of the fee, the Secretary of Energy shall deem the application in the public interest. This Section does not alter or impact the applicant's existing obligations and requirements under the Natural Gas Act or the Federal Energy Regulatory Commission's authorities.

Section 41004. Funding for Department of Energy loan guarantee expenses.

Section 41004 appropriates $5,000,000 to the Department of Energy to remain available for 5 years to carry out section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n).

Section 41005. Natural Gas Act expedited permitting.

Section 41005 allows applicants for an authorization under Section 3, or a certificate of public convenience and necessity under section 7 of the Natural Gas Act, to participate voluntarily in an expedited permitting process upon the payment of $10,000,000 or one percent of the project's projected capital cost.

Within one year of payment of the fee, each Federal, State, interstate, or Tribal agency with relevant authorities shall review and approve Federal authorizations, subject to any conditions determined necessary to comply with the underlying statute by the agency. For States, this includes their authorities to impose conditions for any certifying authorities delegated to States by federal law. Following such approval, the Federal Electricity Regulatory Commission (FERC) shall review the application and approve the application subject to any conditions determined necessary by FERC.

The Commission may extend this timeline by a period of 6 months if granted consent by the applicant. Should the authorization not be approved under the applicable deadline, it shall be deemed approved, notwithstanding any procedural requirements of the underlying law.

No court shall have jurisdiction to review a claim under this section except for a claim brought by the applicant or a person who has suffered, or likely and imminently will suffer, direct and irreparable economic harm from the approval. An organization may only bring a claim on behalf of one or more of its members if each member of the organization or association has suffered, or likely and imminently will suffer, harm. Courts shall apply clear and convincing evidence as the standard of review for such claims. The United States Court of Appeals for the D.C. Circuit shall have original and exclusive jurisdiction over any claim alleging the invalidity of the process or that the federal authorization is beyond the scope of authority granted by the federal law to such agency.

Section 41006. Carbon dioxide, oil, and hydrogen pipeline permitting.

Pursuant to Section 41006, applicants for carbon dioxide, oil, or hydrogen pipeline projects, as defined by section 60102(i) of title 49 of the U.S. Code, may apply for a license authorizing the project to be considered in the same manner, and in accordance with the requirements of, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, including a fee of $10,000,000.

Section 41007. De-Risking Compensation Program for qualified energy projects.

Section 41007 appropriates $10 million, to remain available through September 30, 2034, for administrative costs for the Secretary of Energy to establish a De-Risking Compensation Program at the Department of Energy. The program would provide compensation to sponsors of federally permitted energy projects that enroll in the program for unrecoverable capital losses caused by subsequent federal actions that revoke permits or approvals, or cancel, delay, or render the project unviable. The program would be available to applicants who invest in energy projects relating to coal, critical minerals, oil, natural gas, or nuclear energy and are valued at no less than $30 million. The sponsors would pay 5 percent of their projected share of capital contribution to the project and an annual premium into a Treasury Department fund. Upon demonstration of unrecoverable losses due to subsequent federal actions that caused the losses, the Secretary of Energy would compensate the project sponsor for up to the full amount of the loss from the available funds.

Section 41008. Strategic Petroleum Reserve.

Section 41008 appropriates $2,000,000,000 to the Department of Energy for fiscal year 2025 for activities related to the Strategic Petroleum Reserve. Of this amount, $218,000,000 is appropriated for repairs to the caverns, and $1,321,000,000 is appropriated for the acquisition of petroleum products for storage in the Strategic Petroleum Reserves. The remaining funding is appropriated to the Department of Energy to buy back the sales mandates by Section 20003 of Public Law 115-97.

Section 41009. Rescissions of previously appropriated unobligated funds.

Section 41009 rescinds the previously appropriated unobligated balances from the base appropriations for the following programs; Office of Inspector General, Office of Clean Energy Demonstrations, Office for Human Capital, Federal Energy

Management Programs, State and Community Energy Programs, Office of Minority Economic Impact, Office of Energy Efficiency and Renewable Energy, Office of General Counsel, Office of Indian Energy Policy and Programs, Office of Management, Office of the Secretary, Office of Public Affairs, and the Office of Policy at the Department of Energy. These rescissions do not include funds appropriated under the Inflation Reduction Act, Infrastructure Investment and Jobs Act, and any funds from emergency appropriations. Amounts rescinded in this section do not include current, FY 2025, base year appropriations.

SUBTITLE B—ENVIRONMENT

PART 1—REPEALS AND RECISSIONS

Section 42101. Repeal and recission relating to clean heavy-duty vehicles.

This section repeals section 132 of the Clean Air Act and rescinds any unobligated balance made available under section 132. This portion of the IRA established a program to grant awards for purchasing heavy-duty zero-emission vehicles, charging infrastructure, workplace training, and planning support.

Section 42102. Repeal and recission relating to grants to reduce air pollution at ports.

This section repeals section 133 of the Clean Air Act and rescinds any unobligated balance made available under that section. This section of the IRA created a grant and rebate program for the purchase of zero-emission port equipment or technology.

Section 42103. Repeal and recission relating to grants to the Greenhouse Gas Reduction Fund.

This section repeals section 134 of the Clean Air Act and rescinds any unobligated balance made available under that section. This section of the IRA appropriated funds to the Environmental Protection Agency to establish programs commonly referred to as "Green Banks" to provide grants, loans, and other financial assistance to deploy or benefit from zero emission technologies, and for other purposes.

Section 42104. Repeal and recission relating to diesel emissions reductions.

This section repeals section 60104 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This portion of the IRA appropriated additional funds to the Diesel Emissions Reduction Act for use only in certain communities.

Section 42105. Repeal and recission relating to funding to address air pollution.

This section repeals section 60105 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This provision appropriated additional funds for air monitoring, developing zero-emission standards for mobile sources, and implementing other air pollution programs under existing EPA authorities.

Section 42106. Repeal and recission relating to funding to address air pollution at schools.

This section repeals section 60106 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This section of the IRA appropriated additional funds for monitoring and reducing air pollution in schools, including developing school environmental quality plans that include building standards for school building, design, construction, and renovation.

Section 42107. Repeal and recission relating to low emissions electricity program.

This section repeals section 135 of the Clean Air Act and rescinds any unobligated balance made available under that section. This portion of the IRA established a new EPA program and appropriated funds for consumer related education, industry related outreach, and intergovernmental outreach related to changing sources of electrical generation.

Section 42108. Repeal and recission relating to funding for Section 211(o) of the Clean Air Act.

This section repeals section 60108 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This provision of the IRA provided additional funding to EPA, in addition to existing appropriations to EPA and other departments and agencies, for data collection of greenhouse gas emissions and testing the environmental impact of biofuels.

Section 42109. Repeal and recission relating to funding for implementation of the American Innovation and Manufacturing Act.

This section repeals section 60109 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This section of the IRA provided additional funding to EPA for implementation of the American Innovation and Manufacturing (AIM) Act, 42 U.S.C. 7675, and does not alter the underlying authority.

Section 42110. repeal and recission relating to funding for enforcement technology and public information.

This section repeals section 60110 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This provision of the IRA provides funding to update software used by EPA and states to track environmental compliance actions.

Section 42111. Repeal and recission relating to greenhouse gas corporate reporting.

This section repeals section 60111 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This provision of the IRA provided funding for enhanced standardization and transparency for corporate climate action commitments.

Section 42112. Repeal and recission relating to environmental product declaration assistance.

This section repeals section 60112 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This section of the IRA provided funding to create environmental product declarations advertising the environmental impact of products.

Section 42113. Repeal of funding for Methane Emissions and Waste Reduction Incentive Program for petroleum and natural gas systems.

This section repeals subsections (a) and (b) of section 136 of the Clean Air Act and rescinds any unobligated balance made available under that section. These repeals and amendments extend by 10 years the date by which the charge associated with the Methane

Emissions Reduction Program shall begin to be imposed and collected.

Section 42114. Repeal and recission relating to greenhouse gas air pollution plans and implementation grants.

This section repeals section 137 of the Clean Air Act and rescinds any unobligated balance made available under that section. This section of the IRA establishes a new program to provide funding for states, local governments and Tribes to use for "Climate Change Action Plans" and implementation initiatives.

Section 42115. Repeal and recission relating to Environmental Protection Agency efficient, accurate, and timely reviews.

This section repeals section 60115 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This section of the IRA funds hiring, training, information systems, and community engagement activities related to environmental reviews and permitting.

Section 42116. Repeal and recission relating to low-embodied carbon labeling for construction materials.

This section repeals section 60116 of Public Law 117-169 and rescinds any unobligated balance made available under that section. This provision of the IRA provided funding to administer a program that would identify and label construction materials and products with low greenhouse gas emissions life cycles.

Section 42117. Repeal and recission relating to environmental and climate justice block grants.

This section repeals section 138 of the Clean Air Act and rescinds any unobligated balance made available under that section $333 million. This section of the IRA established a new EPA program and appropriated funds for environmental monitoring, technology acquisition, workforce development, and pollution reduction programs.

PART 2—REPEAL OF EPA RULE RELATING TO MULTI-POLLUTANT EMISSION STANDARDS

Section 42201. Repeal of EPA rule relating to multi-pollutant emissions standards.

This section repeals the final rule issued by the Environmental Protection Agency relating to "Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles" (89 Fed. Reg. 27842 (April 18, 2024)).

PART 3—REPEAL OF NHTSA RULE RELATING TO CAFÉ STANDARDS

Section 42301. Repeal of NHTSA rule relating to CAFE standards for passenger cars and light trucks.

This section repeals the final rule issued by the National Highway Traffic Safety Administration relating to "Corporate Average Fuel Economy Standards for Passenger Cars and Light Trucks for Model Years 2027 and Beyond and Fuel Efficiency Standards for Heavy-Duty Pickup Trucks and Vans for Model Years 2030 and Beyond," 89 Fed. Reg. 27842 (April 18, 2024)).

SUBTITLE C—COMMUNICATIONS

Section 43001. Identification and Auction of Spectrum.

Subsection (a) would require the National Telecommunications and Information Administration (NTIA) and the Federal Communications Commission (FCC), not later than 2 years after enactment of this Act, to identify at least 600 MHz of commercial or federal spectrum in the covered band to be auctioned by 2034. It would also require the President, acting through the Assistant Secretary for Communications and Information, to withdraw or modify the assignments to Federal Government stations of spectrum identified, and notify the Commission not later than 30 days after completing any necessary withdrawals or modifications. It includes a rule of construction to ensure that nothing in this section changes the respective authorities of NTIA or the FCC with respect to spectrum allocated for Federal use, non-Federal use, or shared Federal and non-Federal use.

Subsection (b) would require the FCC to auction the spectrum identified in subsection (a) on an exclusive, licensed basis for mobile broadband services, fixed broadband services, mobile and fixed broadband services, or a combination thereof. Specifically, not later than 3 years after the data of enactment, the FCC would be required to auction at least 200 MHz of the identified spectrum under subsection (a), and not later than 6 years after the date of enactment, auction the remaining spectrum identified under subsection (a).

Subsection (c) would require auction proceeds to cover 110 percent of federal relocation or sharing costs as required under section 309(j)(16)(B) of the Communications Act of 1934.

Subsection (d) would reauthorize the FCC's spectrum auction authority through September 30, 2034.

Subsection (e) defines key terms. Specifically, it defines the "covered band" as the band of frequencies between 1.3 gigahertz (GHz) and 10 GHz, inclusive, excluding the band of frequencies between 3.1 gigahertz (GHz) and 3.45 GHz and the band of frequencies between 5.925 GHz and 7.125 GHz.

Section 43201. Artificial Intelligence and Information Technology Modernization Initiative.

Subsection (a) would appropriate $500,000,000 to the Department of Commerce for fiscal year 2025, to remain available through September 30, 2035, for the purpose of modernizing and securing federal information technology systems through the deployment of commercial artificial intelligence, automation technologies, and the replacement of antiquated business systems.

Subsection (b) states that the Secretary of Commerce shall use these funds to support the replacement and modernization of legacy business systems with state-of-the-art commercial artificial intelligence systems and automated decision systems, the adoption of artificial intelligence models that increase operational efficiency and service delivery, and improve the cybersecurity posture of Federal information technology systems through modernized architecture, automated threat detection, and integrated artificial intelligence solutions.

Subsection (c)(1) states that no state or political subdivision may enforce any law or regulation regulating artificial intelligence models, artificial intelligence systems, or automated decision systems during the 10-year period beginning on the date of the enactment of this Act.

Subsection (c)(2) states that subsection (c)(1) may not be construed to prohibit the enforcement of any law or regulation where: the primary purpose and effect is to remove legal impediments to or facilitate the deployment or operation of an artificial intelligence model, artificial intelligence system, or automated decision system; the primary purpose and effect is to streamline licensing, permitting, and other procedures that facilitate

the adoption of artificial intelligence models, artificial intelligence systems, and automated decision systems; there are no substantive design, data-handling, documentation, or other requirements on artificial intelligence models, artificial intelligence systems, or automated decision systems, subject to enumerated exceptions; and does not impose a fee or bond, subject to enumerated exceptions.

Subsection (d) provides definitions for key terms used in the Act, including "artificial intelligence", "artificial intelligence model", "artificial intelligence system", and "automated decision system".

SUBTITLE D—HEALTH

PART 1—MEDICAID

SUBPART A—Reducing Fraud and Improving Enrollment Processes

Section 44101. Moratorium on implementation of rule relating to eligibility and enrollment in Medicare Savings Programs.

This section requires the Department of Health and Human Services (HHS) to delay implementation, administration, or enforcement of the final rule titled "Streamlining Medicaid; Medicare Savings Program Eligibility Determination and Enrollment" until January 1, 2035.

Section 44102. Moratorium on implementation of rule relating to eligibility and enrollment for Medicaid, CHIP, and the Basic Health Program.

This section requires HHS to delay implementation, administration, or enforcement of the final rule titled "Medicaid Program; Streamlining the Medicaid, Children's Health Insurance Program, and Basic Health Program Application, Eligibility Determination, Enrollment, and Renewal Processes" until January 1, 2035.

Section 44103. Ensuring appropriate address verification under the Medicaid and CHIP programs.

This section requires states to establish processes to regularly obtain beneficiary address information from reliable data sources, including by requiring state Medicaid programs to collect address information provided by beneficiaries to managed care entities (where applicable). In addition, this section requires HHS to establish a system to prevent individuals from being simultaneously

enrolled in multiple State Medicaid programs by no later than October 1, 2029. States would be required to submit to the system the Social Security Number of the individual enrolled under the State plan to identify when Social Security Numbers for individuals enrolled in Medicaid are identified concurrently in two or more States at the same time.

Section 44104. Modifying certain state requirements for ensuring deceased individuals do not remain enrolled.

This section requires state Medicaid programs to check the Social Security Administration's Death Master File on at least a quarterly basis to determine whether Medicaid enrollees are deceased and to disenroll individuals who are determined to be deceased from Medicaid coverage.

Section 44105. Medicaid provider screening requirements.

This section requires states to conduct monthly checks of databases or similar systems to determine whether HHS or another state has already terminated a provider or supplier from participating in Medicaid and to also disenroll them from the state's Medicaid program.

Section 44106. Additional Medicaid provider screening requirements.

This section codifies the requirement that state Medicaid programs check, as part of the provider enrollment and re-enrollment process and on a quarterly basis thereafter, the Social Security Administration's Death Master File to determine whether providers are deceased and enrolled in the state's Medicaid program.

Section 44107. Removing good faith waiver for payment reduction related to certain erroneous excess payments under Medicaid.

This section requires HHS to reduce federal financial participation (FFP) to States for errors identified through the ratio of a State's erroneous excess payments for medical assistance, by the Office of the Inspector General, or by the Secretary are directly attributable to payments to ineligible individuals or for ineligible services.

Section 44108. Increasing frequency of eligibility redeterminations for certain individuals.

This section requires States to conduct eligibility determinations for Expansion population adults every six months. Current law currently requires such determinations to occur on every twelve months.

Section 44109. Revising home equity limit for determining eligibility for long-term care services under the Medicaid program.

This section establishes a ceiling of $1,000,000 for permissible home equity values for individuals when determining allowable assets for Medicaid beneficiaries that are eligible for long-term care services. This section also prohibits the use of asset disregards from being applied to waive home equity limits.

Section 44110. Prohibiting federal financial participation under Medicaid and CHIP for individuals without verified citizenship, nationality, or satisfactory immigration status.

This section prohibits FFP in Medicaid for individuals whose citizenship, nationality, or immigration status has not been verified, including during reasonable opportunity periods when an individual has not yet verified citizenship, nationality, or immigration status. Current law permits states to enroll individuals in coverage immediately and then provide 90-day reasonable opportunities that allow individuals to immediately begin receiving coverage and then wait up to 90 days before verifying citizenship or immigration status, all while receiving FFP during this period. This policy permits states, at the state's option, to provide coverage during a reasonable opportunity period in which an individual may not yet have provided evidence of citizenship, nationality, or immigration status, so long as the state does not request FFP until citizenship, nationality, or immigration status have been verified.

Section 44111. Reducing expansion FMAP for certain states providing payments for health care furnished to certain individuals.

This section reduces by ten percent the Federal Medical Assistance Percentage (FMAP) for Medicaid Expansion States who use their Medicaid infrastructure to provide health care coverage for illegal immigrants under Medicaid or another state-based program.

SUBPART B—Preventing Wasteful Spending

Section 44121. Moratorium on implementation of rule relating to staffing standards for long-term care facilities under the Medicare and Medicaid programs.

This section requires HHS to delay implementation, administration, or enforcement of the final rule titled "Medicare and Medicaid Programs; Minimum Staffing Standards for Long-Term Care Facilities and Medicaid Institutional Payment Transparency Reporting" until January 1, 2035.

Section 44122. Modifying retroactive coverage under the Medicaid and CHIP programs.

This section limits retroactive coverage in Medicaid to one month prior to an individual's application date. Current law provides retroactive coverage for up to three months before an individual's application date.

Section 44123. Ensuring accurate payments to pharmacies under Medicaid.

This section requires participation by retail and applicable non-retail pharmacies in the National Average Drug Acquisition Cost (NADAC) survey. The NADAC survey measures pharmacy acquisition costs and is often used in the Medicaid program to inform reimbursement to pharmacies.

Section 44124. Preventing the use of abusive spread pricing in Medicaid.

This section bans "spread pricing" in the Medicaid program, which occurs when pharmacy benefit managers retain a portion of the amount paid to them (a "spread") for prescription drugs.

Section 44125. Prohibiting federal Medicaid and CHIP funding for gender transition procedures for minors.

This section prohibits FFP for specified gender transition procedures to individuals under the age of 18.

Section 44126. Federal payments to prohibited entities.

This section prohibits Medicaid funds to be paid to providers that are nonprofit organizations, that are essential community providers that are primarily engaged in family planning services or reproductive services, provide for abortions other than for Hyde

Amendment exceptions, and which received $1,000,000 or more (to either the provider or the provider's affiliates) in payments from Medicaid payments in 2024.

SUBPART C—Stopping Abusive Financing Practices

Section 44131. Sunsetting eligibility for increased FMAP for new expansion states.

This section sunsets the temporary five percent enhanced FMAP afforded to states under the American Rescue Plan Act that opt to expand Medicaid. This provision would apply prospectively, not affecting states currently receiving an enhanced federal match under this authority.

Section 44132. Moratorium on new or increased provider taxes.

This section freezes, at current rates, states' provider taxes in effect as of the date of enactment of this legislation and prohibits states from establishing new provider taxes.

Section 44133. Revising the payment limit for certain state directed payments.

This section directs HHS to revise current regulations to limit state directed payments for services furnished on or after the enactment of this legislation from exceeding the total published Medicare payment rate. This section would not affect total payment rates for state directed payments approved prior to this legislation's enactment.

Section 44134. Requirements regarding waiver of uniform tax requirement for Medicaid provider tax.

This section modifies the criteria HHS must consider when determining whether certain health care-related taxes are generally redistributive. Under this section, a tax would not be considered generally redistributive if, within a permissible class, the tax rate imposed on the taxpayer or tax rate group explicitly defined by its relatively lower volume or percentage of Medicaid taxable units is lower than the tax rate imposed on any other taxpayer or tax rate group explicitly defined by its relatively higher volume or percentage of Medicaid taxable units. The tax would also not be considered generally redistributive if, within a permissible class, the tax rate imposed on any taxpayer or tax rate group based upon its

Medicaid taxable units is higher than the tax rate imposed on any taxpayer or tax rate group based upon its non-Medicaid taxable unit.

If a State has a health care-related tax waiver that meets at least one of these criteria as of the date of enactment of this legislation, the waiver must be modified to comply with these requirements. This section provides a transition period for non-compliant programs, after which a State whose health care-related taxes do not adhere to all federal requirements would be penalized by the sum of those revenues received by State.

Section 44135. Requiring budget neutrality for Medicaid demonstration projects under section 1115.

This section provides budget neutrality requirements for demonstration projects under section 1115 of the Social Security Act. HHS would be required to certify that the total expenditures for FFP do not exceed what would otherwise have been spent under Title XIX absent the demonstration project. HHS must also develop methodologies for applying savings generated under a project as allowable costs to be spent in a project's extension.

SUBPART D—Increasing Personal Accountability

Section 44141. Requirement for states to establish Medicaid community engagement requirements for certain individuals.

This section requires states to establish community engagement requirements for able-bodied adults without dependents. An individual can meet the community engagement requirements during a month by working at least 80 hours, completing at least 80 hours of community service, participating in a work program for at least 80 hours, enrolling in an educational program for at least 80 hours, or a combination of these activities for at least 80 hours.

The requirements of this section would not apply to the following individuals: pregnant women, individuals under the age of 19 or over the age of 64, foster youth and former foster youth under the age of 26, members of a Tribes, individuals who are considered medically frail (which includes, but is not limited to, individuals who are blind or disabled, who have a chronic substance use disorder, who have a serious and complex medical condition, or who have a condition, as defined by the State and approved by the Secretary, as meeting the definition of medically frail), individuals who are already in compliance with the work requirements under the Temporary Assistance for Needy Families (TANF) program or

Supplemental Nutrition Assistance Program (SNAP), individuals who are a parent or caregiver of a dependent child or an individual with a disability, or are incarcerated or recently released from incarceration within the past 90 days. This section also provides short-term hardship waivers for natural disasters and for counties where the unemployment rate is greater than eight percent or greater than 150 percent of the national average.

Compliance with community engagement requirements would be verified by states no less frequently than for the month preceding an individual's enrollment in Medicaid and in a month preceding the individual's eligibility redetermination and verified as part of an individual's overall eligibility determination or redetermination. States would be required to provide regular, advanced notice and outreach to make individuals aware of the requirements, would be required to streamline and simplify processes to verify compliance to reduce burdens on individuals, and to establish due process procedures for individuals before denying coverage or removing individuals from coverage.

Section 44142. Modifying cost sharing requirements for certain expansion individuals under the Medicaid program.

This section requires states to impose cost sharing on Medicaid Expansion adults with incomes over 100 percent of the federal poverty level (FPL). This cost-sharing may not exceed $35 per service. Cost sharing may not exceed five percent of the individual's income, which is the current out-of-pocket limit for Medicaid beneficiaries. This section would not permit cost-sharing on prenatal care, pediatric care, or emergency room care (except for non-emergency care provided in an emergency room).

PART 2—AFFORDABLE CARE ACT

Section 44201. Addressing waste, fraud, and abuse in the ACA exchanges.

This section would institute eligibility and income verification processes for Patient Protection and Affordable Care Act (ACA) enrollees. In addition, it would roll back income-based special enrollment periods in the federally-facilitated and state ACA exchanges. This section would also make technical changes to health plans offered via the ACA exchanges. It would institute ACA reenrollment guardrails for enrollees in zero-dollar premium health plans. Additionally, this section would prohibit gender transition procedures from being included as an essential health benefit (EHB),

and it would amend the definition of "lawfully present" for the purposes of qualified health plan enrollment. This section would also permit issuers to require enrollees to satisfy debt for past-due premiums as a prerequisite for effectuating new health coverage. The provisions within this section would take effect for plan years beginning on or after January 1, 2026.

PART 3—IMPROVING AMERICANS' ACCESS TO CARE

Section 44301. Expanding and clarifying the exclusion for orphan drugs under the drug price negotiation program.

This section makes technical corrections to current law by permitting product sponsors to have one or more orphan drug indication in order to be exempt from the Drug Price Negotiation Program in statute. Current law limits exemptions from the Drug Price Negotiation Program to one rare disease indication. This section also revises the start of the timeline in which a manufacturer would be eligible for negotiation until an orphan drug receives its first non-orphan indication.

Section 44302. Streamlined enrollment process for eligible out-of-state providers under Medicaid and CHIP.

For purposes of improving access to necessary out-of-state care for children enrolled in Medicaid and the Children's Health Insurance Program (CHIP), this section requires states to establish a process through which qualifying pediatric out-of-state providers may enroll as participating providers without undergoing additional screening requirements.

Section 44303. Delaying DSH reductions.

This section delays the Medicaid Disproportionate Share Hospital (DSH) reductions, currently $8 billion reductions per year that are set to take effect for fiscal years 2026 through 2028, to instead take effect for fiscal years 2029 through 2031. This section also extends funding for Tennessee's DSH program, which is set to expire at the end of this fiscal year, through fiscal year 2028.

Section 44304. Modifying update to the conversion factor under the physician fee schedule under the Medicare program.

This section amends current law by replacing the split physician fee schedule conversion factor set to take effect on January 1, 2026,

with a new single conversion factor based on a percentage of medical inflation, or the Medicare Economic Index (MEI).

Section 44305. Modernizing and ensuring PBM accountability.

This section requires Pharmacy Benefit Managers (PBMs) in Medicare Part D to transparently share information relating to business practices with Medicare Part D Prescription Drug Plan Sponsors, including information relating to formulary decisions and prescription drug coverage that benefits affiliated pharmacies. The policy also prohibits PBM compensation based on a drug's list price, limiting compensation to fair market bona-fide service fees.

MINORITY, ADDITIONAL, OR DISSENTING VIEWS

[Attachment--Views]

MINORITY VIEWS

on

Committee Print, Title IV, Committee on Energy and Commerce

The House Republican budget is an extreme bill – Republicans are intentionally and cruelly taking health care away from at least 13.7 million Americans and raising health care costs for millions more so they can give giant tax breaks to the ultra-rich that don't need them.

President Trump and Republicans promised to lower everyday costs for Americans, but prices have gone up because of Trump's reckless tariffs. And this Republican bill does not reduce everyday prices for hardworking Americans – in fact, it drives prices up.

The only winners in the Republican budget scheme are billionaire donors like Elon Musk who will receive huge tax breaks. Everyday Americans cannot afford the Republican budget.

Subtitle A—Energy, providing for reconciliation pursuant to H. Con. Res. 14

Subtitle A contains billions of dollars of cuts to Inflation Reduction Act programs designed to enhance American energy security and reduce costs. It also contains overhauls to permitting policies at the Federal Energy Regulatory Commission (FERC) and Department of Energy (DOE) and grants FERC brand-new powers to grant crude oil, petroleum product, hydrogen, and carbon dioxide pipeline developers eminent domain authority. It creates a de-risking program designed specifically to cost taxpayers hundreds of millions by picking winners and losers and making it harder for clean sources of energy to compete. Finally, it rescinds hundreds of millions of dollars from base annual discretionary funding for DOE offices, making it harder for them to administer a variety of programs and incentives, specifically clean energy and energy efficiency programs.

Section 41001 of Subtitle A, titled "Rescissions Relating to Certain Inflation Reduction Act Programs," rescinds unobligated funds from the State-Based Home Energy Efficiency Contractor Training Grants; the Loan Programs Office; Advanced Technology Vehicle Manufacturing; Energy Infrastructure Reinvestment Financing; the Tribal Energy Loan Guarantee Program; Transmission Facility Financing; Grants to Facilitate the Siting of Interstate Electricity Transmission Lines, Interregional and Offshore Wind Electricity Transmission Planning, Modeling, and Analysis; and the Advanced Industrial Facilities Deployment Program. Notably, many of the targeted offices and programs support the financing and development of energy efficiency, decarbonization, clean energy, and electric vehicle projects.

Rescinding funding from these offices and programs threatens ongoing applications, project financing, and project development. The programs targeted by Section 41001, specifically those in the Loan Programs Office, are designed to support emerging technologies,

support domestic manufacturing, and address rapid demand growth.[1] Rescissions can produce chilling effects on industries that are in early stages of development and growth, such as many clean energy or critical minerals industries. These actions harm the American manufacturing workforce, and hamper America's ability to compete globally.

The cuts to the Loan Programs Office will be particularly devastating to nuclear energy. As South Carolina Governor Henry McMaster noted in a letter to his state's congressional delegation, "…without the existing federal tax credits and loan programs for nuclear power that make financing new nuclear power generation possible, our efforts [to finish a nuclear plant]… are dead."[2] Combined with the proposed phase-out of the 45U tax credit in the Ways and Means Committee, Republicans are poised to completely extinguish any hopes of building new nuclear energy in the United States.[3] No nuclear reactor this century has been built without federal support, and Republicans are preparing to pull the rug out from an entire industry.

In addition to rescissions targeting Inflation Reduction Act programs, Section 41009 of Subtitle A, "Rescissions of Previously Appropriated Unobligated Funds," rescinds funding from a range of DOE offices, including but not limited to, the Office of the Inspector General, the Office of Clean Energy Demonstrations, the Federal Energy Management Programs, State and Community Energy Programs, the Office of Minority Economic Impact, the Office of Energy Efficiency and Renewable Energy, the Office of General Counsel, and the Office of Indian Energy Policy and Programs. The targeting of funding for the Office of the Inspector General shows a blatant disregard for good governance. And the targeting of clean energy and energy efficiency offices again demonstrates a commitment to gutting domestic clean energy development and access to affordable energy.

For legislation ostensibly focused on the budget, Subtitle A also contains a number of provisions making vast policy changes to the way pipeline permits are handled, granting FERC sweeping new powers to compel landowners to sell their land to developers of certain types of pipelines. Taken as a whole, these provisions do not represent a mere expediting of energy infrastructure, but rather an attempt to get rid of permitting processes altogether. As Rep. Joyce admitted answering a question from Rep. Landsman during the markup of this subtitle—these provisions represent questions of policy, not revenue.

Section 41002 closely resembles H.R. 3062. By granting FERC the authority to issue "certificates of crossing," the bill transfers to FERC authority currently vested in the President (for crude oil, hydrocarbon liquid, refined petroleum product, hydrogen, carbon dioxide, or other

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[1] Department of Energy, *LPO Year in Revie* (Jan. 17, 2025) (press release).

[2] Letter from Henry Dargan McMaster, Governor, State of South Carolina to South Carolina Congressional Delegation (May 9, 2025).

[3] *House Republicans Are About to Wreck Trump's Nuclear-Powered Dream*, The Washington Post (May 15, 2025).

energy pipelines)[4] and DOE (for electricity transmission lines)[5,6]. It also completely removes any consideration of foreign policy interests of the United States, which the State Department is currently obligated to consider when advising the President on Presidential permits for non-natural gas pipelines, and would remove the requirement that FERC and DOE obtain concurrence from the State Department and Department of Defense for natural gas and electricity transmission lines.[7,8] Instead, all consideration of foreign policy, the national defense, or the public interest would be prohibited from being considered, and FERC would be *required* to issue a certificate.

Section 41003 similarly transforms the authorization process to export natural gas to countries the United States lacks a free trade agreement with. Under section 3(a) of the Natural Gas Act (NGA), DOE is required to determine whether a proposed export of natural gas to a non-free trade agreement nation would be inconsistent with the public interest.[9] Section 41003 strips DOE of that requirement, and merely declares that any would-be exporter that pays DOE $1 million would have its proposed export application *automatically* found in the public interest. Given that DOE recently found that unfettered exports of liquified natural gas (LNG) "…would increase costs for the average American household by well over $100 more per year…" keeping the public interest determination is vital.[10]

Contrary to what Committee counsel suggested during the markup of this subtitle, there are presently zero legal hurdles in the law barring LNG exports from going to China—in 2024 alone, the United States exported 213 billion cubic feet of LNG to China. Requiring any exporter to pay one million dollars and automatically deeming their LNG exports—regardless of whether they are to China or other geopolitical rivals—in the public interest is a threat to our national security.

Section 41005 goes even further by upending not only FERC's permitting process for LNG export facilities and natural gas pipelines, but every federal, state, or Tribal agency's permitting policies. Again, similarly to sections 41002 and 41003, every applicant would be *guaranteed* its permit would be approved by every relevant agency.

This would particularly upend decades of precedent under the Clean Water Act (CWA) allowing states to make their own determinations under section 401 of the CWA. The CWA

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[4] Exec. Order No. 13867, 84 Fed. Reg. 15491 (Apr. 15, 2019).

[5] Exec. Order No. 10485, 18 Fed. Reg. 5397 (Sep. 3, 1953).

[6] Exec. Order No. 12038, 43 Fed. Reg. 4957 (Feb. 7, 1978).

[7] *See* note 4.

[8] *See* note 5.

[9] 15 U.S.C. § 717b(a).

[10] Department of Energy, *Remarks as Prepared for Delivery by Secretary Jennifer M. Granholm on Updated Finaly Analysis* (Dec. 2024).

allows states to determine if a proposed action complies with certain sections of the CWA.[11] The case of the Northeast Supply Enhancement Project—a proposed pipeline project in New Jersey, New York, and Pennsylvania—is a perfect example. New York's Department of Environmental Conservation thrice denied the project a water quality certification pursuant to section 401 because it failed to meet New York's standards for mercury and copper.[12] If Subtitle A had been in effect at the time, New York would have had no choice but to issue a permit for the project, destroying New York's right to protect its citizens from pollution in its waterways.

The provision goes further by restricting lawsuits against natural gas pipelines permitted under section 41005. The section would bar organizations from suing for relief if even one member of the organization hadn't suffered "direct and irreparable economic harm" from a pipeline permit, and it ups the standard required to set aside a permit from "substantial" to "clear and convincing" evidence. This will make it harder for Americans to compel pipeline companies and every level of government to follow the law.

Finally, section 41007 would grant carbon dioxide, hydrogen, crude oil, and refined petroleum products eminent domain authority identical to that granted to natural gas pipelines under section 7(h) of the NGA and allow developers to ignore state and local laws in constructing and operating such pipelines. This comes without any Committee hearing, debate, or activity on the issue, which is especially egregious given that Midwestern states are currently debating or have enacted legislation that would prohibit the usage of eminent domain authority at the state level for carbon dioxide pipelines.[13,14]

Furthermore, the section would regulate the *siting* of carbon dioxide and hydrogen pipelines similar to the siting of natural gas pipelines by FERC, but leave the *economic* regulation of carbon dioxide and hydrogen pipelines to the Surface Transportation Board, unlike natural gas under the NGA.[15] Without the economic and market regulatory experience, FERC would be hard-pressed to make the requisite determination that a proposed hydrogen or carbon dioxide pipeline "is or will be required by the present or future public convenience and necessity."[16] The result, at best, would be mass regulatory confusion, and at worst, would see landowners across America have their property seized and spend years in litigation as FERC lacks the expertise to make the required legal determinations.

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[11] Congressional Research Service, *Clean Water Act Section 401: Overview and Recent Developments* (Feb. 7, 2025) (CRS R46615).

[12] Letter from Daniel Whitehead, Director, Division of Environmental Permits, New York State Department of Environmental Conservation, to Joseph Dean, Manager, Environmental Health and Safety, Transcontinental Gas Pipe Line Company, LLC (May 15, 2020).

[13] *Senate Passes Bill Restricting Eminent Domain for Carbon Pipelines*, Iowa Capital Dispatch (May 13, 2025).

[14] *South Dakota Bans Use of Eminent Domain for Carbon Dioxide Pipelines*, Reuters (Mar. 6, 2025).

[15] Senate Committee on Energy and Natural Resources, *Hearing to Examine Federal Regulatory Authorities Governing the Development of Interstate Hydrogen Pipelines, Storage, Import, and Export Facilities*, 117th Cong. (Jul. 19, 2022) (S. Hrg. 117-470).

[16] 15 U.S.C. §717f(e).

Sections 41002, 41003, 41005, and 41006 fundamentally dismantle the permitting process for pipelines and LNG exports—the fees the sections impose are merely incidental to that objective. They do not represent serious attempts at permitting reform—paying someone $10 million to receive a guaranteed permit with limited ability for anyone to challenge it is not permitting reform.

Subtitle A shows a serious disregard for the domestic clean energy economy and for household energy consumers. The policies contained in this subtitle are clearly designed to benefit Big Oil and Gas, over all else. We believe the policies reflected in this subtitle drag America backwards.

For the reasons stated above, we oppose Subtitle A.

Subtitle B—Environment, providing for reconciliation pursuant to H. Con. Res. 14

Subtitle B is a radical proposal that would gut critical environmental protections and programs, harming the health and welfare of all Americans. This subtitle seeks to both repeal and rescind unobligated funds for every single Environmental Protection Agency (EPA) program included in the Inflation Reduction Act (IRA).[17] The bill continues the Republican majority's political obsession with dismantling the IRA. Since the law was enacted, they have targeted these climate, clean energy, and public health programs with countless sham hearings and so-called oversight activities. The Republican majority's own report highlights those efforts in detail. Republicans have also tried to repeal, reprogram and claw back these funds in multiple bills that have previously passed the House.[18] Republicans have demonstrated a clear pattern of opposition to these policies. This is just the latest example.

What's striking is that most, if not all, of the IRA funds have already been invested in communities across the country. The savings achieved by repealing and rescinding the IRA environmental programs is comically small – roughly 3.5 percent of the funds originally authorized for these programs, according to the Congressional Budget Office (CBO). For example:

Section 42102, to repeal and rescind grants to reduce air pollution at ports would yield $0 in savings. The IRA invested $3 billion to reduce air pollution at ports and in the communities that surround them by financing the purchase of zero-emission port equipment and technology and assisting U.S. ports in developing and implementing climate action plans. Repealing the Clean Ports Program would mean more pollution, more harm to public health - especially in frontline communities, and job losses from cutting these important projects already underway.

Section 42108, to repeal and rescind grants for advanced biofuels under the Renewable Fuel Program at EPA. Of the $15 million appropriated under the IRA, repeal of this program would yield just $1 million in savings.

Section 42109, to repeal and rescind funds to implement the American Innovation and Manufacturing (AIM) Act – a bipartisan law to phase down hydrofluorocarbons (HFCs) that was supported by industry and signed by President Trump himself. The IRA appropriated over $38 million to EPA for AIM implementation, and the repeal of this section would yield only $3 million in savings, making the budgetary impact merely incidental.

Section 42113, to repeal subsections (a) and (b) of Section 134 of the Clean Air Act and rescind funds for the Methane Emission and Waste Reduction Incentive Program. The IRA established the Methane Emissions Reduction Program to control excess methane pollution from the oil and gas industry. It recognizes the cleanest performers, holds individual companies responsible for their own leaks and wasted methane pollution, drives innovation in the sector,

[17] Inflation Reduction Act, Public Law 117-169.

[18] H.R. 1, H.R. 1023, H.R. 2811, H.R. 8998, H.R. 4821.

creates good-paying jobs, and supports projects to protect American communities from the effects of climate change. The program provided $1.55 billion in grants to assist industry with reducing current and legacy methane emissions – a far cry from the $150 million on savings CBO estimates will result from its repeal. Furthermore, Republicans have made the Methane Emissions Reduction Program a frequent target of their legislative ire, trying to repeal the program or rescind its funds multiple times in the last few years.[19]

Section 42114 would repeal and rescind funds for Climate Pollution Reduction Grants (CPRG), which provides grants to states, municipalities, and Indian Tribes to develop and implement plans to reduce climate pollution and support jobs in communities. The program has been tremendously popular, with grants supporting state, local, and Tribal governments in nearly all 50 states. All told, this section is anticipated to yield only $70 million in savings, out of the $5 billion authorized for the program.

Other political targets of Subtitle B include:

Section 42101, to repeal and rescind grants for clean heavy-duty vehicles would yield $382 in cost savings, compared to the $1 billion provided in the IRA for replacing heavy-duty vehicles – like refuse trucks and school buses – with zero emission vehicles. As outlined in the Republican majority report, programs to support clean vehicle deployment are a consistent focus of their political oversight activities.

Section 42103, to repeal section 134 of the Clean Air Act and rescind unobligated funds for the Greenhouse Gas Reduction Fund (GGRF). The Republican majority has a longstanding political vendetta against GGRF, having attempted to repeal it three times – even before the program was established and money awarded. Republicans have also held multiple hearings and sent several oversight letters to the agency, demonizing the program.[20] The budgetary significance of this provision is questionable as only $19 million is available out of the entire $27 billion appropriated. This remaining money is allocated for administrative purposes. Recission of such funds will impact EPA's ability to conduct oversight. During Committee consideration, Democratic Members offered an amendment to ensure that this section would not adversely affect American families by increasing costs. GGRF is projected to have significant economic benefits, including consumer energy cost savings of $52 billion over the next 20 years.[21] Every

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[19] 118th Congress: HR 1, HR 1023, HR 2811, HR 8998. Rep. Pfluger also introduced H.R. 313 in the 119th Congress.

[20] House Committee on Energy & Commerce, *Chairmen Guthrie, Palmer, and Griffith Investigate Greenhouse Gas Reduction Fund Grant Recipients* (April 11, 2025) (press release), House Committee on Energy & Commerce, *E&C Republicans Expand Oversight of EPA's $27 Billion Green Bank* (Aug. 19, 2024) (press release), House Committee on Energy & Commerce, *Chair Rodgers Opening Remarks at Hearing to Hold the Radical Biden-Harris EPA Accountable* (Sept. 19, 2024) (press release), House Committee on Energy & Commerce, *Eliminating the Slush Fund for Biden's Radical Rush-to-Green Agenda* (March 20, 2024) (press release), House Committee on Energy and Commerce, *Holding the Biden-Harris EPA Accountable for Radical Rush-to-Green Spending,* 118th Cong. (Sept. 19, 2024).

[21] Energy Innovation, *Clean Energy As Economic Development: An Analysis Of The Greenhouse Gas Reduction Fund* (May 12, 2025) (https://energyinnovation.org/report/clean-energy-as-economic-development-an-analysis-of-the-greenhouse-gas-reduction-fund/).

Republican Committee member voted against the amendment and therefore voted against affordable energy, economic development, and a cleaner future.

Section 42106, to repeal and rescind grants to reduce air pollution in schools would yield only $12 million in savings. The IRA funded air monitoring and programs to reduce air pollution at schools in low-income and disadvantaged communities. Over 100 million Americans live in counties with unhealthy levels of air pollution, with children, the elderly, low-income communities, and communities of color being disproportionately at risk.[22] Children are more susceptible to air pollution and poor air quality is proven to affect children's learning and performance at school.[23] During the markup, Democrats offered an amendment to strike this section, yet Republicans rejected it, disagreeing with the policy intent of the program and claiming that the funding does not help reduce exposure. However, Republicans cannot rewrite facts. EPA has received more applications to address indoor air quality in schools than they can award, showing significant interest in improving school air quality and significant need for resources across the country.[24] While Republicans may consider air pollution monitoring and pollution control an extreme policy, recission of such funds only hurts American children.

Section 42117, to repeal and rescind funds for the Environmental and Climate Justice Block Grants. The IRA invested $3 billion for community-led projects that address environmental and public health harms related to pollution and climate change. Without this program, projects in Republican and Democratic districts like resiliency hubs for natural disaster centers, renewable energy investments in low-income communities to lower energy costs, water contamination testing, and air pollution reduction measures, would not have been possible. During the markup, Democrats offered an amendment to prevent the recission of funds for projects that improve health outcomes in low-income communities. In arguing against this commonsense amendment, Republicans members opined on the value and purpose of environmental justice policies, demonstrating the clear non-budgetary intention of this section.

Subtitle B also repeals and rescinds a number of smaller IRA funded programs that help cut pollution, address climate change, and protect public health, specifically: Section 42104 which seeks to repeal and rescind funds for DERA grants to cut dirty diesel pollution from goods movement operations; Section 42105 which would repeal funds for various air pollution monitoring activities under Sections 103 and 105 of the Clean Air Act; Section 42107 which seeks to repeal and rescind Clean Air Act section 135 the Low Emissions Electricity Program; Section 42110 which seeks to repeal and rescind funds for enforcement technology upgrades at EPA; Section 42111 which repeals and rescinds funds meant to enhance the standardization and transparency of corporate climate commitments; Sections 42112 and 42116, which repeal and rescind funds for Environmental Product Declaration assistance and low embodied carbon labeling for construction materials, to enhance the standardization and transparency and increase competitiveness of domestic manufacturing; and Section 42115, to repeal and rescind funds to

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[22] *Almost Half of Americans Breathe Unhealthy Air, Report Finds,* The New York Times (April 23, 2025).

[23] Pawel Wargocki, Jose Ali Porras-Salazar, Sergio Contrera, *The Relationships Between Classroom Air Quality and Children's Performance in School*, Science Direct (April 15, 2020).

[24] Environmental Protection Agency, *Grant Funding to Address Indoor Air Pollution at Schools* (April 1, 2025) (https://www.epa.gov/iaq-schools/grant-funding-address-indoor-air-pollution-schools).

enhance the efficiency, accuracy, and timeliness of environmental reviews, permitting, and project approvals.

Beyond the IRA, Sections 42201 and 42301 propose to repeal clean vehicle standards finalized by EPA and the National Highway Traffic Safety Administration (NHTSA), jeopardizing air quality and domestic manufacturing, giving a leg up to the fossil fuel industry.[25] In terms of cost savings, these two provisions are redundant, and both double count savings associated with repealing the IRA's EV tax credits.

The Republican majority's ham-handed attempt to use the budget reconciliation process to repeal policies they disagree with is abundantly clear. When Congress passed the IRA, we made a critical and historic down payment toward a stable climate and shared economic opportunity powered by American-made clean energy, to create a clean future for all. But this bill proposes to throw that all away by eliminating the environmental protections that keep families and communities safe while doing nothing to lower energy costs. All in the service of providing tax breaks for billionaires.

For the reasons stated above, we oppose Subtitle B.

[25] 89 Fed. Reg. 27842, 89 Fed. Reg. 52540.

Subtitle C—Communications, providing for reconciliation pursuant to H. Con. Res. 14

Part 1 – Spectrum Auctions

Spectrum is a valuable natural resource because it is an essential building block for connecting family and friends as well as delivering critical services such as education and health care to people across the country. It is also critical to everyday safety for first responders. Without spectrum, this country would not have radio stations, smartphones, the app economy, or drones. Many of these technological advancements were developed by American innovators, pushing the limits on the ways spectrum could be used in new and exciting ways. But past performance does not guarantee future results. As such, Congressional Democrats remain committed to ensuring that America remain a leader in spectrum policy.

To that end, for more than three decades, Congress has granted the Federal Communications Commission (FCC) the authority to make spectrum available using competitive bidding, or auctions. Granting the FCC this authority has served both the public and the nation well. Today, the United States is a global leader in delivering 5G, advanced Wi-Fi, Bluetooth, and other next-generation wireless technologies to consumers across the country. At the same time, spectrum auctions, which have raised over $230 billion for the federal government, have helped fund important public communications priorities, including the Rip and Replace reimbursement program, the construction of FirstNet, and broadband infrastructure grants. This is why spectrum policy has long been an area of bipartisan agreement. In fact, Congressional Democrats have worked closely with Congressional Republicans for the past three years to pass bills through this Committee to extend the FCC's auction authority and use spectrum proceeds to pay for bipartisan spending priorities that will benefit the public good.

One of the most recent areas of bipartisan agreement was the need to fund Next Generation 9-1-1. This funding would modernize the country's 9-1-1 networks to allow the public to use modern day communications tools like sending texts, images, and videos to first responders and emergency personnel. This technology will reduce response times and equip first responders with life-saving information before they arrive at the scene, which will better assist people in their critical time of need. Unfortunately, with Subtitle C, Part 1, Congressional Republicans are now abandoning this bipartisan work and marching ahead to use spectrum auction proceeds to help fund tax breaks for the wealthy. Congressional Democrats do not believe this is how spectrum auction proceeds should be used.

Ultimately, while Congressional Democrats agree that failure to make additional spectrum available for commercial wireless use risks our nation falling behind our global counterparts, particularly China, Congressional Democrats object to using spectrum auction proceeds to fund tax cuts that only benefit a few instead of investing in all Americans regardless of their income or zip code.

Part 2 – Artificial Intelligence and Information Technology Modernization

Subsection (a) of Section 43201 of the bill, appropriates $500 million to the Department of Commerce to modernize and secure federal information technology (IT) systems. Subsection (b) authorizes the funds to be spent to replace and modernize the Department of Commerce's legacy business systems with commercial artificial intelligence (AI) and automated decision systems, to facilitate the development of AI models that increase operational efficiency and service delivery, and to improve the cyber security of IT systems within the Department of Commerce. Modernizing the Department of Commerce's IT systems, incorporating AI into those systems, and improving the agency's cybersecurity protections are worthwhile goals, but the Committee has had no hearings to explore IT modernization, AI adoption, or cybersecurity needs of the Department of Commerce's IT system, and it is therefore impossible to assess whether the amount of money appropriated or the scope of the authorization are appropriate or whether these provisions are unnecessarily throwing $500 million at unexplored issues; thereby inviting waste, fraud and abuse from the Big Technology companies likely to bid on the projects.

Subsection (c) of Section 43201 is wholly unrelated to IT modernization, AI adoption, and cybersecurity protections of the IT systems at the Department of Commerce provided for in subsections (a) and (b). Subsection (c) imposes an extraordinary 10-year moratorium on state and local enforcement of their own laws regulating AI models, AI systems, or automated decision-making systems. The Department of Commerce's IT modernization efforts are not subject to state and local laws in any way and therefore would not be impeded by enforcement of the state and local laws this moratorium would suspend. This provision is a gift to Big Tech and extraordinarily harmful to all Americans. It would prevent enforcement of state laws that protect consumers' privacy, prohibit the use of AI to commit financial fraud and to steal elections, prohibit algorithmic bias in housing and credit, prohibit harmful uses of facial recognition technology, and protect consumers from AI systems that put their mental health and physical safety at risk. It would favor companies that use AI and automated decision making to exploit consumers for profit over honest small businesses using AI for legitimate purposes. It would also prevent enforcement of state laws and regulations governing the use of AI by local and state governments for all sorts of beneficial purposes including rules governing local school districts and their procurement of education technology powered by automated decision making systems; use and evaluation of AI systems by state and local police departments; and even use of AI and automated decision making systems that assist in identifying attempts to defraud programs funded by state and local governments. This state enforcement ban would occur at a time when Congress has passed a very limited set of law to address potential risks to consumers.

The Committee has heard testimony that AI and automated decision-making systems and tools can have enormous benefits, and that they carry enormous risks. There are countless examples of AI systems that provide false information, erode consumers' privacy, unjustifiably discriminate against people in employment, housing, credit, and countless other situations. There are regular reports of AI systems used to further financial scams and election fraud, and of online algorithms that put consumers', including children's and teens', mental and physical safety at risk. At a minimum, in the absence of robust federal action to prevent the harmful effects of AI, Congress should be learning from the work done by states on AI and automated decision-making systems. We should be working to enact federal laws that protect consumers

from the negative consequences of poorly understood AI models and badly designed automated decision-making systems. And we should allow states and localities to decide how to regulate their own use of AI and automated decision-making systems. Instead, this enforcement ban would leave American consumers and especially our children at the mercy of Big Tech and their powerful and invasive algorithms by preventing enforcement of existing state laws and providing nothing in their place.

For the reasons stated above, we oppose Subtitle C.

Subtitle D—Health, providing for reconciliation pursuant to H. Con. Res. 14

Subtitle D raises deep concerns about the effects that it would have on health coverage for the nearly 80 million people who rely on Medicaid and the Children's Health Insurance Program, and the more than 24 million people who rely on Affordable Care Act (ACA) Marketplace.[26] Further, Subtitle D would have devastating effects the on the entire nation's health care safety net—leading to hospital, nursing home, home- and community-based provider, and outpatient clinic closures, as well as reductions in services, impacting all Americans' access to care. Taken together, Subtitle D eviscerates health coverage, state budget flexibility, and provider payments, and will have a catastrophic effect on our economy, jobs, and Americans' health and well-being as the nation heads toward an increasingly likely Trump recession.[27]

Subtitle D would itself leave 8.6 million Americans who rely on Medicaid and the ACA Marketplace for their health care entirely uninsured. When coupled with Subtitle D's omission of an extension to current-law enhanced Advance Premium Tax Credits (APTCs) that enable low- and middle-income Americans to access affordable health coverage on the ACA Marketplaces, 13.7 million Americans would be left uninsured. Coverage losses for the 7.6 million people expected to lose Medicaid coverage stem in large part from provisions that add myriad administrative complexities to the already-burdensome process that low-income Americans must comply with to access health coverage through Medicaid.

Section 44141 mandates that all states establish work reporting requirements as a condition of Medicaid eligibility—terminating health coverage for those who are currently enrolled in Medicaid and do not manage to comply with the reporting requirements and preventing those who cannot meet the requirements from ever enrolling. The design of these burdensome red tape requirements is much like the design of Georgia's program, through which a meager 7,000 people have managed to enroll in the nearly two years it has been in effect out of hundreds of thousands of eligible to enroll in the program.[28,29] CBO estimates that these paperwork requirements alone would eliminate health coverage for nearly 5 million low-income Americans subjected to them—leaving them uninsured. The reporting requirements apply to the more than 20 million Americans enrolled in Medicaid through the ACA Medicaid expansion eligibility group, encompassing adults ages 19-65 who qualify for Medicaid based on their low

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[26] Centers for Medicare & Medicaid Services, *October 2024: Medicaid and CHIP Eligibility Operations and Enrollment Snapshot* (Jan. 15, 2025).

[27] *Economists Tell Us Their Forecasts for Recession Risk, Growth and Inflation,* The Wall Street Journal (Apr. 17, 2025).

[28] Georgia Pathways, *Data Tracker* (https://www.georgiapathways.org/data-tracker) (accessed May 16, 2025).

[29] GBPI, *Georgia's Pathways to Coverage Program: The First Year in Review* (Oct. 29, 2024) (https://gbpi.org/georgias-pathways-to-coverage-program-the-first-year-in-review/).

income (up to 138 percent of the federal poverty level, or, in the case of a one-person household, making less than $1,760 per month).[30,31]

The low-income Americans to whom these reporting requirements would apply include pregnant women,[32,33] low-income parents,[34,35] people with disabilities,[36] veterans,[37,38] low-income workers without access to affordable employer-sponsored insurance,[39] and people with complex medical conditions and health needs, including those with mental health and substance use disorder treatment needs.[40] While the text includes exceptions for some (but not all) of these groups of people from the requirements to *participate* in qualifying activities like working 80 hours per month, to receive such an exception, most individuals would be required to demonstrate that they qualify for the exceptions. From experience in every state that has

[30] KFF, *Medicaid Expansion Enrollment* (June 2024) (https://www.kff.org/affordable-care-act/state-indicator/medicaid-expansion-enrollment/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D).

[31] U.S. Department of Health and Human Services, 2025 Poverty Guidelines: 48 Contiguous States (all states except Alaska and Hawaii) (accessed May 16, 2025).

[32] KFF, *How Does the ACA Expansion Affect Medicaid Coverage Before and During Pregnancy?* (Oct. 26, 2022) (https://www.kff.org/medicaid/issue-brief/how-does-the-aca-expansion-affect-medicaid-coverage-before-and-during-pregnancy/)

[33] Jiajia Chen, *Association of Medicaid Expansion Under the Affordable Care Act With Medicaid Coverage in the Prepregnancy, Prenatal, and Postpartum Periods*, Science Direct (Nov. 2023).

[34] Urban Institute, *2.4 Million Parents Would Lose Medicaid If States Eliminate the ACA Expansion* (May 9, 2025) (https://www.urban.org/research/publication/24-million-parents-would-lose-medicaid-if-states-eliminate-aca-expansion).

[35] KFF, *5 Key Facts About Medicaid Expansion* (Apr. 25, 2025) (https://www.kff.org/medicaid/issue-brief/5-key-facts-about-medicaid-expansion/).

[36] KFF, *People with Disabilities Are At Risk of Losing Medicaid Coverage Without the ACA Expansion* (Nov. 2, 2020) (https://www.kff.org/affordable-care-act/issue-brief/people-with-disabilities-are-at-risk-of-losing-medicaid-coverage-without-the-aca-expansion/).

[37] KFF, *Medicaid's Role in Covering Veterans* (Jun. 2017) (https://files.kff.org/attachment/Infographic-Medicaids-Role-in-Covering-Veterans).

[38] National Health Law Program, *Five Key Facts: Veterans and Medicaid Expansion* (Jul. 23, 2013) (https://healthlaw.org/resource/five-key-facts-veterans-and-medicaid-expansion/?issue_area=defending-medicaid).

[39] University of New Hampshire, *Full-Time Employment Not Always a Ticket to Health Insurance*

(Mar. 20, 2018) (https://carsey.unh.edu/publication/full-time-employment-not-always-ticket-health-insurance).

[40] KFF, *A Look at Substance Use Disorders (SUD) Among Medicaid Enrollees* (Feb. 17, 2023) (https://www.kff.org/mental-health/issue-brief/a-look-at-substance-use-disorders-sud-among-medicaid-enrollees/).

implemented or began to implement a work reporting requirement at the state level, these exceptions have not worked.[41,42,43]

Making matters even more devastating for the low-income Americans who would lose their Medicaid coverage due to these paperwork requirements, Section 44141further punishes them by barring them from subsidies on the ACA Marketplace—leaving those who could otherwise purchase subsidized health care coverage with no other affordable health coverage option at all. In this report, Republicans attempt to justify these work reporting requirements by indicating that "Medicare beneficiaries are only eligible for the program because they worked and paid into the system," yet no such work reporting requirement applies to Medicare eligibility.[44]

Among the other provisions that subject low-income Americans to additional processes and hurdles to retaining their health coverage is Section 44108, which requires individuals eligible for Medicaid via the ACA Medicaid expansion to complete eligibility redeterminations every six months—on top of up-to-monthly reporting of compliance with Medicaid work reporting requirements. Increasing the frequency of eligibility verifications would decimate health coverage gains and increase enrollment churn and undermine recent initiatives to provide longer enrollment periods for eligible Americans in recognition of the coverage and cost impacts of frequent, ineffective verifications of eligibility.[45,46]

In the same vein, sections 44101 and 44102 would prevent implementation or enforcement until 2035 of two rules finalized by the Biden Administration to simplify eligibility and enrollment processes for the lowest-income Medicare beneficiaries who also rely on Medicaid for coverage, people with disabilities, and children eligible for the Children's Health Insurance Program (CHIP)—cutting 2.3 million of them off of Medicaid coverage they rely on to help pay for their prescriptions and go to the doctor, and leaving 600,000 of them entirely

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[41] Center on Budget and Policy Priorities, *Pain But No Gain: Arkansas' Failed Medicaid Work-Reporting Requirements Should Not Be a Model* (Aug. 8, 2023) (https://www.cbpp.org/research/health/pain-but-no-gain-arkansas-failed-medicaid-work-reporting-requirements-should-not-be).

[42] National Health Law Program, *"Unfit" to Work? How Medicaid Work Requirements Hurt People with Disabilities* (Dec. 2024) (https://healthlaw.org/wp-content/uploads/2024/12/Machledt_NHeLP_WorkRequirementsandPeoplewithDisabilities_12162024_FINAL.pdf).

[43] KFF, *Disability and Technical Issues Were Key Barriers to Meeting Arkansas' Medicaid Work and Reporting Requirements in 2018* (Jun. 11, 2019) (https://www.kff.org/medicaid/issue-brief/disability-and-technical-issues-were-key-barriers-to-meeting-arkansas-medicaid-work-and-reporting-requirements-in-2018/).

[44] U.S. Social Security Administration, *Medicare* (https://www.ssa.gov/pubs/EN-05-10043.pdf) (accessed May 16, 2025).

[45] Center on Budget and Policy Priorities, *Continuous Eligibility Keeps People Insured and Reduces Costs* (May 4, 2021) (https://www.cbpp.org/research/health/continuous-eligibility-keeps-people-insured-and-reduces-costs).

[46] The Commonwealth Fund, *Ensuring Continuous Eligibility for Medicaid and CHIP: Coverage and Cost Impacts for Adults* (Sep. 26, 2023) (https://www.commonwealthfund.org/publications/issue-briefs/2023/sep/ensuring-continuous-eligibility-medicaid-impacts-adults).

uninsured.[47] Elimination of these rules also subject children eligible for CHIP to months-long waiting periods, arbitrary caps on covered benefits (based on lifetime and annual dollar limits), and allow children to be locked out of their health coverage after a period of non-payment of premiums.[48]

In this report, Republicans attempt to justify their cuts by falsely claiming that "the growth in total Medicaid spending and enrollment is a growing concern as it impedes the program's ability to provide care for those vulnerable populations who rely most on Medicaid," suggesting that terminating coverage for people eligible thanks to the ACA Medicaid expansion would somehow increase funds to provide coverage to individuals who are eligible through other pathways. In reality, not one provision of Subtitle D would make Medicaid eligibility or benefits more generous for any person. Further, research has consistently and clearly demonstrated that eligibility for children, pregnant women, and parents is higher in expansion states compared to non-expansion states and that Medicaid spending per-enrollee is higher in expansion states than non-expansion states.[49] Further, state spending on Medicaid expansion is, on average, less than three percent of all state spending on Medicaid, despite Medicaid expansion representing 23 percent of all Medicaid beneficiaries nationally.[50,51] In many cases, Medicaid expansion generates enough savings and/or new revenue to more than offset a state's share of the cost, and states have even used the budget savings generated by expansion to further improve access to services for people with disabilities, including long-term care services.[52,53]

In addition to terminating health coverage for 8.6 million Americans, Subtitle D includes several provisions that would increase out-of-pocket costs and medical debt and devastate access

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[47] Justice in Aging, *Final Rule to Streamline Access to Medicaid* (Jun. 27, 2024) (https://justiceinaging.org/final-rule-to-streamline-access-to-medicaid/), National Health Law Program, *New Medicaid & CHIP Eligibility and Enrollment Rule: What Advocates Need to Know* (Apr. 17, 2024) (https://healthlaw.org/wp-content/uploads/2024/04/Eligibility-Enrollment-Rule-Guide-4-22-24-Update.pdf), Georgetown University, *Frequently Asked Questions about the Medicaid & CHIP Eligibility and Enrollment Rule* (Feb. 6, 2025) (https://ccf.georgetown.edu/2025/02/06/medicaid-chip-eligibility-and-enrollment-rule/), Letter from Phillip L. Swagel, Director, Congressional Budget Office, to Sen. Ron Wyden, Ranking Member, Senate Committee on Finance; Rep. Frank Pallone, Jr., Ranking Member, House Committee on Energy and Commerce (May 7, 2025).

[48] Georgetown University, *Medicaid Eligibility and Enrollment Rule Explainer* (Apr. 11, 2024) (https://ccf.georgetown.edu/2024/04/11/medicaid-eligibility-and-enrollment-rule-explainer/).

[49] *See* note 10.

[50] KFF, *Medicaid Expansion Spending* (https://www.kff.org/medicaid/state-indicator/medicaid-expansion-spending/?dataView=1&currentTimeframe=0&sortModel=%7B%22colId%22:%22Expansion%20Group%20-%20State%20Spending%22,%22sort%22:%22desc%22%7D) (accessed May 16, 2025).

[51] KFF, *Medicaid Enrollees by Enrollment Group* (https://www.kff.org/medicaid/state-indicator/distribution-of-medicaid-enrollees-by-enrollment-group/?dataView=1&currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D) (accessed May 16, 2025).

[52] Center on Budget and Policy Priorities, *Medicaid Expansion: Frequently Asked Questions* (Jun. 14, 2024) (https://www.cbpp.org/research/health/medicaid-expansion-frequently-asked-questions-0).

[53] The Commonwealth Fund, *The Impact of Medicaid Expansion on States' Budgets* (May 5, 2020) (https://www.commonwealthfund.org/publications/issue-briefs/2020/may/impact-medicaid-expansion-states-budgets).

to care for low-income American families and seniors. For example, Section 44122 reduces the period of time for which all Medicaid beneficiaries can receive retroactive coverage from three months prior to application to just one. As an example, this provision harms elderly Americans whose health declines rapidly and unexpectedly need to apply for Medicaid to receive coverage for long-term care (which Medicare does not provide). Iowa previously waived retroactive eligibility and nursing homes refused to take new residents while their Medicaid applications were still pending and, in Indiana, retroactive coverage protected low-income parents from incurred costs averaging $1,561 per person.[54]

Subtitle D also would prohibit federal Medicaid funding for Planned Parenthood and its affiliates across the country. Section 44126 creates a specific and narrow definition intended to target certain providers in the Medicaid program that separately, and without federal Medicaid funding, provide abortion services. As a result, these providers would no longer be able to serve Medicaid beneficiaries or provide routine preventive and reproductive health care services in the Medicaid program, including contraception counseling and birth control, breast and cervical cancer screenings and pap smears, sexually transmitted infection (STI) screenings, and preconception counseling. Even in the nearly two-dozen states that have outlawed or severely restricted abortion care, Medicaid beneficiaries would be unable to seek care at Planned Parenthood as a result of this provision. Millions of Medicaid beneficiaries would be left without the ability to seek care from their provider of choice solely because of the Republicans' hostility towards Planned Parenthood and the ability for women to seek comprehensive reproductive health care.

As these and similar provisions dramatically heighten rates of uninsurance and uncompensated care for providers, Subtitle D cripples states' ability to finance their Medicaid programs or adequately increase payment rates to already-struggling providers.[55] Section 44132 establishes a moratorium on new or increased provider taxes, which states use along with general funds to finance their Medicaid programs. Without the ability to generate new provider taxes, states would reduce payment rates to providers (which will already have higher uncompensated care), cut back on the benefits they provide (for the people who remain enrolled in the program), and further reduce coverage.[56] As acknowledged by Republican majority counsel during the Committee's markup of Subtitle D, this moratorium on new and increased provider taxes would apply regardless of the state's circumstances or the purpose of the provider tax. For example, a state could not increase or establish new provider taxes to generate revenue to support the Medicaid program if uncompensated care costs increase given the 13.7 million people expected to become uninsured; if there is an economic downturn, when Medicaid spending tends to grow and state general fund revenues decrease; if a natural disaster like a hurricane hits, or if the state would like to improve access for home- and community-based services that elderly Americans

[54] Letter from Cynthia Pederson, Interim Iowa State Long-Term Care Ombudsman, to Seema Verma, Administrator, Centers for Medicare & Medicaid Services (Sep. 5, 2017), Letter from Vikki Wachino, Director, Centers for Medicare & Medicaid Services, to Tyler Ann McGuffee, Insurance and Healthcare Policy Director, Office of Gov. Michael R. Pence (Jul. 29, 2016).

[55] Fierce Healthcare, *Nearly half of rural hospitals in the red, 432 vulnerable to closure, report finds* (Feb. 13, 2025) (https://www.fiercehealthcare.com/providers/46-rural-hospitals-red-432-vulnerable-closure-report-finds).

[56] *See* note 25.

and people with disabilities, including children, rely on to live in their homes and communities (and for which such people are currently subjected to years-long and even decades-long waiting lists). [57] Section 44133 would further devastate states' ability to shore up providers that will see a dramatic increase in uncompensated care due to this reconciliation bill, by preventing states from directing managed care plans to make payments to providers at the same levels they are permitted to make them today.

Section 44201 will make it more difficult for individuals to enroll in coverage in the ACA Marketplace, will take away coverage from eligible individuals, and will increase consumers' health care costs. Provisions in Section 44201 will result in at least 1.8 million individuals losing their health insurance. The section codifies harmful policies included in the 2025 Marketplace Integrity and Affordability Proposed Rule released by the Trump Administration on March 10, 2025.[58] According to the Trump Administration's own analysis of the policies in the proposed rule, two million Americans will lose coverage, and consumers will experience $3 billion increase in their premiums over four years.[59] The provisions in Section 44201 will impose new restrictions on the lowest income individuals accessing coverage, new bureaucratic paperwork requirements, and increased out-of-pocket costs for consumers.

Section 44201 will shorten the open enrollment period to just six weeks and will eliminate special enrollment periods for low-income Americans. Both policies will depress ACA Marketplace enrollment, raise health care costs for millions of consumers, and make it harder for the lowest-income families to enroll in coverage who experience job changes or income fluctuations. The section also includes several policies related to enrollment verification, which the Trump Administration concedes will establish enrollment barriers and deter Marketplace enrollment. Multiple polices in this section related to income verification will create barriers to coverage and increase consumer burden by increasing the amount of time it takes people to get enrolled in coverage. These policies will mostly harm low-income families and individuals with variable or unpredictable incomes, such as small business owners and self-employed individuals. As a result of the substantial increase in burden, fewer healthy people would enroll, worsening the risk pool, and raising premiums for everyone.

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[57] MACPAC, Considerations for Countercyclical Financing Adjustments in Medicaid (June 2020) (https://www.macpac.gov/publication/considerations-for-countercyclical-financing-adjustments-in-medicaid/), U.S. Government Accountability Office, *Medicaid in Times of Crisis* (GAO-21-343SP) (Feb. 2021), Florida Senate, *Bill Analysis and Fiscal Impact Statement: CS/SB 1758* (Jan. 29, 2024), Click2Houston, Family fights for change after special needs daughter placed on service waitlist for over 16 years (Sep. 2, 2024) (https://www.click2houston.com/news/local/2024/09/02/family-fights-for-change-after-special-needs-daughter-placed-on-service-waitlist-for-over-16-years/), KFF, *A Look at Waiting Lists for Medicaid Home- and Community-Based Services from 2016 to 2024* (Oct. 31, 2024) (https://www.kff.org/medicaid/issue-brief/a-look-at-waiting-lists-for-medicaid-home-and-community-based-services-from-2016-to-2024/), Wave Louisville, *Waiver wait list growing, swallowing hope for parents of special needs kids* (Aug. 5, 2024) (https://www.wave3.com/2024/08/05/waiver-wait-list-growing-swallowing-hope-parents-special-needs-kids/).

[58] Department of Health and Human Services, Center for Medicare and Medicaid Services, *Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability,* 90 Fed. Reg. 12942 (Mar. 19, 2025) (proposed rule).

[59] Department of Health and Human Services, Center for Medicare and Medicaid Services, *Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability,* 90 Fed. Reg. 12942 (Mar. 19, 2025) (proposed rule).

Multiple policies in Section 44201 will raise costs for consumers by increasing premiums and cost-sharing and reducing the tax credit that helps make coverage affordable. A provision in Section 44201 will require individuals who are automatically reenrolled in zero-dollar premium plans to pay nuisance fees. Both auto-enrollment and zero-premium plans are meant to support lower income workers and their families. Even a nominal fee applied to this will make it difficult for these individuals to continue to afford health coverage. The section would also prohibit individuals who qualify for more generous coverage from being automatically re-enrolled into a higher quality plan, and only harms consumers by preventing them from accessing better coverage at a lower cost. Finally, the section makes changes to the methodology for determining the premium adjustment percentage and includes changes to the allowable variation in actuarial value (AV). This will result in higher out-of-pocket costs for commercially insured Americans—including those with employer-sponsored insurance—and lower tax credits for individuals purchasing coverage on their own. Additionally, it will allow insurers to offer weaker coverage which reduces affordability and raises out-of-pocket costs for American families. In summary, policies in Section 44201 will result in more Americans uninsured, worsen coverage for individuals purchasing coverage on their own, and will raise health care costs for millions of individuals.

Lastly, assertions that enrollees in Marketplace coverage engaged in fraud are factually inaccurate. Any fraudulent activity in the Marketplace was perpetrated by rogue insurance agents and other bad actors—not individual health coverage enrollees. The Biden Administration quickly clamped down on the problem, and in fact, the Biden Administration blocked two bad acting brokers from accessing consumer information as it was found that they were involved in 'anomalous activity.' Instead of going after the true fraud, the Trump Administration fired 80 workers from the Centers for Medicare & Medicaid Services (CMS) group that oversees implementation of these Marketplaces, effectively gutting resources from the people tasked with cracking down on true fraud in the first place. More importantly none of the policies in Section 44201 address fraud by agents and brokers, and instead only seek to punish individuals who need health insurance by heaping bureaucracy and red tape on them.

While the Republican majority claims Subtitle D will "address the rising costs of prescription medications for seniors in Medicare…," in reality, it directly raises costs. In addition to the detrimental cuts to the Medicaid program and the ACA, Subtitle D also undermines the Medicare Drug Price Negotiation Program that was established in the Inflation Reduction Act and, for the first time, provided the Secretary of the Department of Health and Human Services (HHS) with the authority and mandate to negotiate with pharmaceutical manufacturers to lower the price of prescription drugs in the Medicare program. This provision would expand the drugs eligible for exclusion from the Negotiation Program under 1192(e) of the Social Security Act by permitting drugs with multiple rare disease indications to be exempt from selection as a negotiation-eligible drug. This was not the intent of the provision when the Inflation Reduction was enacted and will only serve to prevent more beneficiaries, particularly those with rare diseases, from obtaining lower drug prices in the Medicare program.

Additionally, the provision permits pharmaceutical manufacturers to potentially have years or even decades longer on the market before being selected for negotiation by changing the

calculation for the amount of time elapsed prior to negotiation. Should a drug product or biological product's first indication on the market be for a rare disease, that time will not be taken into account for the purposes of calculating the 9- or 13-year delay, respectively, required under law before a Maximum Fair Price can go into effect. As a result, manufacturers will be able to game this provision to maximize the amount of time on the market prior to their drug being potentially negotiation-eligible. This provision costs taxpayers nearly $5 billion and costs many Medicare beneficiaries years of higher prescription drug prices. Section 44301 is a giant gift for the pharmaceutical industry, resulting in continued higher prescription drug costs for the American people.

For the reasons stated above, we oppose Section D and this entire bill.

Frank Pallone, Jr.
Ranking Member

CONTENTS

LEGISLATIVE LANGUAGE

(See artifact next page)

Committee Print, as Reported by the Committee on Financial Services

TITLE V-COMMITTEE ON FINANCIAL SERVICES

SEC. 50001. GREEN AND RESILIENT RETROFIT PROGRAM FOR MULTIFAMILY FAMILY HOUSING.

The unobligated balance of amounts made available under section 30002(a) of Public Law 117-169 (commonly referred to as the "Inflation Reduction Act"; 136 Stat. 2027) are rescinded.

SEC. 50002. PUBLIC COMPANY ACCOUNTING OVERSIGHT BOARD.

(a) During the period beginning on the date of enactment of this Act and ending on the transfer date-

(1) all intellectual property retained by the Public Company Accounting Oversight Board ("Board") in support of its programs for registration, standard-setting, and inspection shall be shared with the Securities and Exchange Commission ("Commission"); and

(2) pending enforcement and disciplinary actions of the Board shall be referred to the Commission or other regulators in accordance with section

105 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215).

(b) Effective on the transfer date-

(1) all unobligated fees collected under section 109(d) of the Sarbanes-Oxley Act of 2002 shall be transferred to the general fund of the Treasury, and the Commission may not collect fees under such section 109(d);

(2) the duties and powers of the Board in effect as of the day before the transfer date, other than those described in section 107 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7217), shall be transferred to the Commission;

(3) the Commission may not use funds to carry out section 107 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7217) for activities related to overseeing the Board;

(4) the Board shall transfer all intellectual property described in subsection (a)(1) to the Com-m1ss10n;

(5) existing processes and regulations of the Board, including existing Board auditing standards, shall continue in effect unless modified through rule making by the Commission; and

(6) any reference to the Board in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to the Commission.

(c) Any employee of the Board as of the date of enactment of this Act may-

(1) be offered equivalent positions on the Commission staff, as determined by the Commission, and submit to the Commission's standard employment policies; and

(2) receive pay that is not higher than the highest paid employee of similarly situated employees of the Commission.

(d) In this section, the term "transfer date" means the date established by the Commission for purposes of this section, except that such date may not be later than the date that is 1 year after the date of enactment of this Act.

SEC. 50003. BUREAU OF CONSUMER FINANCIAL PROTECTION.

Section 1017(a)(2) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5497(a)(2)) is amended-

(1) in subparagraph (A)(iii)-

(A) by striking "12 percent" and inserting "5 percent"; and

(B) by striking "2013" and inserting "2025"; and

(2) by striking subparagraph (C) and inserting the following:

"**(C) LIMITATION ON UNOBLIGATED BALANCES.**—With respect to a fiscal year, the amount of unobligated balances of the Bureau may not exceed 5 percent of the dollar amount referred to in subparagraph (A)(iii), as adjusted under subparagraph (B). The Director shall transfer any excess amount of such unobligated balances to the general fund of the Treasury.".

SEC. 50004. CONSUMER FINANCIAL CIVIL PENALTY FUND.

Section 1017(d) of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5497(d)) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by inserting "direct" before "victims"; and

(B) by striking the second sentence; and

(2) by adding at the end the following:

"(3) TREATMENT OF EXCESS AMOUNTS.—With respect to a civil penalty described under paragraph (1), if the Bureau makes payments to all of the direct victims of activities for which that civil penalty was imposed, the Bureau shall transfer all amounts

that remain in the Civil Penalty Fund with respect to that civil penalty to the general fund of the Treasury.".

SEC. 50005. FINANCIAL RESEARCH FUND.

Section 155 of the Financial Stability Act of 2010 (12 U.S.C. 5345) is amended by adding at the end the following:

"(e) LIMITATION ON AsSESSMENTS AND THE FINAl-CIAL RESEARCH FUND.-

"(1) LIMITATION ON ASSESSMENTS.-Assessments may not be collected under subsection (d) if the assessments would result in-

"(A) the Financial Research Fund exceeding the average annual budget amount; or

"(B) the total assessments collected during a single fiscal year exceeding the average annual budget amount.

"(2) TRANSFER OF EXCESS FUNDS.-Any amounts in the Financial Research Fund exceeding the average annual budget amount shall be deposited into the general fund of the Treasury.

"(3) AVERAGE ANNUAL BUDGET AMOUNT DEFINED.-In this subsection the term 'average annual budget amount' means the annual average, over the 3 most recently completed fiscal years, of the ex-

penses of the Council in carrying out the duties and responsibilities of the Council that were paid by the Office using amounts obtained through assessments under subsection (d).".

TRANSMITTAL LETTER

FRENCH HILL, AR
CHAIRMAN

MAXINE WATERS, CA
RANKING MEMBER

United States House of Representatives
One Hundred Nineteenth Congress
Committee on Financial Services
2129 Rayburn House Office Building
Washington, DC 20515

May 7, 2025

The Honorable Jodey C. Arrington
Chairman
Committee on the Budget
U.S. House of Representatives
204 Cannon House Office Building
Washington, D.C. 20515

Dear Chairman Arrington:

Pursuant to section 2001 of the Concurrent Resolution on the Budget for Fiscal Year 2025, I hereby transmit these recommendations, which have been approved by vote of the Committee on Financial Services, and the appropriate accompanying material including supplemental, minority, additional, or dissenting views, to the House Committee on the Budget. This submission is in order to comply with reconciliation directives included in H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025, and is consistent with section 310 of the *Congressional Budget Act of 1974*.

Sincerely,

French Hill
Chairman

cc: The Honorable Maxine Waters, Ranking Member, Committee on Financial Services
The Honorable Brendon Boyle, Ranking Member, Committee on the Budget

PURPOSE AND SUMMARY

H.Con.Res. 14, Concurrent Resolution on the Budget for Fiscal Year 2025, directs 11 authorizing committees in the House of Representatives to each submit to the Committee on the Budget recommendations that either increase the deficit up to a specified amount or reduce the deficit by at least a specified amount over the period of fiscal years 2025 through 2034. The Committee on Ways and Means is also instructed to submit changes in laws within its jurisdiction to increase the debt limit.

H.Con.Res. 14 instructs the Financial Services Committee to submit changes in laws within its jurisdiction to reduce the deficit by not less than $1,000,000,000 for the period of fiscal years 2025 through 2034. Accordingly, the Committee Print being considered at this markup provides on a preliminary estimate more than $5 billion in savings.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 50001. Green and Resilient Retrofit Program for Multifamily Family Housing.

Section 50001 rescinds the unobligated balance of amounts remaining under section 300002(a) of the Inflation Reduction Act.

Section 50002. Public Company Accounting Oversight Board.

Section 50002 eliminates the Public Company Accounting Oversight Board's (PCAOB) authority to independently collect and spend accounting support fees and instead directs that such fees be remitted to the U.S. Treasury. The Securities and Exchange Commission (SEC) would continue these responsibilities and further fee collection would be discontinued.

Section 50003. Bureau of Consumer Financial Protection.

Section 50003 modifies the Consumer Financial Protection Board's authority to draw funds from the Federal Reserve to a maximum of 5 percent of the Federal Reserve's total operating expenses for fiscal year 2009 for FY 2025 and adjusting it for inflation thereafter.

This section also restricts the Consumer Financial Protection Board from holding an unobligated balance of greater than 5 percent of the revised transfer amount from the Federal Reserve and it requires any funds exceeding that percentage be transferred to the general fund of the U.S. Treasury.

Section 50004. Consumer Financial Civil Penalty Fund.

Section 50004 requires the Consumer Financial Protection Bureau to return to the general fund of the U.S. Treasury any civil penalties remaining in the Consumer Financial Civil Penalty Fund after payment to direct victims.

This section also removes the use of the Consumer Financial Civil Penalty Fund for consumer education and financial literacy.

Section 50005. Financial Research Fund.

Section 50005 caps assessments collected by the Office of Financial Research, limiting them to the average actual budgetary expenses of the Financial Stability Oversight Council over the preceding three fiscal years and requires excess funds to be transferred to the general fund of the U.S. Treasury.

This section also prohibits the Office of Financial Research from collecting assessments that would cause the Financial Research Fund to exceed this cap.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate for the Committee Print prepared by the Director of the Congressional Budget Office.

NEW BUDGET AUTHORITY AND CBO COST ESTIMATE

The Committee adopts as its own the above cost estimate for the bill prepared by the Director of the Congressional Budget Office.

Congressional Budget Office
Cost Estimate

May 7, 2025

At a Glance

Reconciliation Recommendations of the House Committee on Financial Services

As ordered reported on April 30, 2025

https://tinyurl.com/2wphpw9v

By Fiscal Year, Millions of Dollars	2025	2025-2029	2025-2034
Direct Spending (Outlays)	-16	-3,042	-8,478
Revenues	0	-2,669	-3,323
Increase or Decrease (-) in the Deficit	-16	-373	-5,155

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	Yes
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2035?	No	**Mandate Effects**	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Over Threshold

CBO has not reviewed the legislation for effects on spending subject to appropriation.

The legislation would

- Rescind the unobligated balances of the Green and Resilient Retrofit Program
- Transfer the Public Company Accounting Board's authorities to the Securities and Exchange Commission (SEC) and eliminate the authority to collect accounting support fees to fund the board's activities
- Reduce the amount the Consumer Financial Protection Bureau (CFPB) may receive from the Federal Reserve and spend for administrative activities
- Limit the uses of amounts in the Civil Penalty Fund
- Reduce the amount that the Office of Financial Research may collect and spend in fees
- Increase the cost of an existing private-sector mandate on certain commercial entities if the SEC increases annual fee collections

Estimated budgetary effects would mainly stem from

- Decreases in direct spending by the CFPB because of decreased transfer authority
- Decreases in direct spending and revenues from agencies that collect and spend fees

Detailed estimate begins on the next page.

Legislation Summary

H. Con. Res. 14, the Concurrent Resolution on the Budget for Fiscal Year 2025, instructed the House Committee on Financial Services to recommend legislative changes that would decrease deficits by at least $1 billion over the 2025-2034 period. As part of the reconciliation process, the House Committee on Financial Services approved legislation on April 30, 2025, that would reduce deficits.

Estimated Federal Cost

The reconciliation recommendations of the House Committee on Financial Services would, on net, decrease deficits by $5.2 billion over the 2025-2034 period. The estimated budgetary effects of the legislation are shown in Table 1. The costs of the legislation fall within budget functions 370 (commerce and housing credit) and 600 (income security).

Table 1.
Estimated Budgetary Effects of Reconciliation Recommendations
Title V, House Committee on Financial Services, as Ordered Reported on April 30, 2025

	By Fiscal Year, Millions of Dollars											
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2025-2029	2025-2034
Decreases in Direct Spending												
Budget Authority	-138	-527	-863	-889	-933	-978	-1,026	-1,109	-1,178	-1,219	-3,350	-8,860
Estimated Outlays	-16	-352	-800	-926	-948	-973	-1,013	-1,090	-1,160	-1,200	-3,042	-8,478
Increases or Decreases (-) in Revenues												
Estimated Revenues	0	-473	-724	-720	-752	1,081	-410	-427	-443	-455	-2,669	-3,323
Net Increase or Decrease (-) in the Deficit From Changes in Direct Spending and Revenues												
Effect on the Deficit	-16	121	-76	-206	-196	-2,054	-603	-663	-717	-745	-373	-5,155

All budget authority amounts are estimated.

Basis of Estimate

For this estimate, CBO assumes that the legislation will be enacted in summer 2025. CBO's estimates are relative to its January 2025 baseline and cover the period from 2025 through 2034.

Direct Spending and Revenues

CBO estimates that enacting the bill would decrease direct spending by $8.5 billion and decrease revenues by $3.3 billion; the deficit would decrease by $5.2 billion over the 2025-2034 period (see Table 2).

Green and Resilient Retrofit Program for Multifamily Family Housing
Section 50001 would rescind the unobligated balances of the Department of Housing and Urban Development's Green and Resilient Retrofit Program. Using information from the Department of Housing and Urban Development, CBO estimates that enacting the rescission would decrease direct spending by $138 million over the 2025-2034 period.

Public Company Accounting Oversight Board
Section 50002 would transfer the authorities of the Public Company Accounting Oversight Board (PCAOB) to the Securities and Exchange Commission (SEC) no later than one year after enactment. At the time of that transfer, the SEC would not be permitted to collect and spend accounting support fees authorized under the Sarbanes-Oxley Act of 2002 that the PCAOB currently collects. Those fees, which fund the board's activities, are treated as revenues and are available to be spent without further appropriation.

CBO expects that the board's authorities would be transferred to the SEC around the end of fiscal year 2026 and that, starting in 2027, accounting support fees would no longer be collected and spent. CBO estimates that eliminating the authority to collect the fees would decrease direct spending by $3.2 billion over the 2027-2034 period.

Eliminating the fee authority also would reduce collections of fees by $3.3 billion. However, reducing such fees tends to increase taxable income for workers and businesses, leading to increased collections of income and payroll taxes. As a result, CBO expects that the reduction in fee collections would be partially offset by increases in tax receipts of about 25 percent of the gross fee reduction each year.[1] CBO estimates that, on net, revenues would decrease by $2.4 billion over the 2027-2034 period.

Although CBO anticipates that the SEC would collect fees of similar magnitude to fund those activities, the collection and spending of fees imposed by the SEC are contingent on annual appropriations providing that authority to the agency. CBO has not reviewed this legislation for effects on spending subject to appropriation, so any costs for the SEC to implement the legislation are not included in this estimate.

Bureau of Consumer Financial Protection
Section 50003 would decrease the maximum amount that the Consumer Financial Protection Bureau (CFPB) may request from the Federal Reserve each year to cover operating expenses. Under current law, the CFPB may request a transfer of up to 12 percent of the Federal Reserve's operating expenses from 2009, adjusted for inflation each year beginning in 2013. The provision would reduce the cap to 5 percent of the Federal Reserve's operating expenses in 2009, adjusted for inflation each year beginning in 2025.

1. For more information, see Congressional Budget Office, *CBO's Use of the Income and Payroll Tax Offset in Its Budget Projections and Cost Estimates* (October 2022), www.cbo.gov/publication/58421.

CBO expects that the new cap would take effect at the beginning of 2026 and that the CFPB will have already received its final quarterly funding from the Federal Reserve for 2025. CBO estimates that enacting the provision would reduce transfers from the Federal Reserve by about $4.2 billion and reduce direct spending by $3.9 billion over the 2026-2034 period.

The Federal Reserve System transmits its net income to the Treasury as remittances, which are recorded as revenues. Transfers to the CFPB reduce those remittances but are recorded as other miscellaneous receipts in the budget; those two revenue streams net to zero over the 2025-2034 period. Changes in costs for the Federal Reserve banks have historically resulted in changes to remittances during the same year. However, since fiscal year 2023, the central bank has recorded a deferred asset to account for accrued net losses from expenses in excess of income. As a result, remittances have been largely suspended. In CBO's projections, remittances from the Federal Reserve will generally be suspended until 2030, and most of the changes in costs incurred by the system during that time will not be recorded as a change in remittances until they resume.[2]

Consumer Financial Civil Penalty Fund

Section 50004 would prohibit the CFPB from spending amounts in the Civil Penalty Fund for any purpose other than to pay victims of violations of consumer financial law for which penalties have been imposed. Under current law, the CFPB deposits penalties collected from judicial or administrative actions into the Civil Penalty Fund; in addition to paying victims of violations, the CFPB uses those amounts for consumer education and financial literacy programs.

Under current rules, the CFPB may use amounts associated with one penalty to pay victims associated with another penalty. This provision would effectively prohibit that practice and also would bar the CFPB from spending amounts on consumer education or financial literacy programs. Based on an analysis of the amounts returned to the fund in recent years and using other information from the CFPB, CBO expects that enacting this provision would reduce direct spending by $9 million over the 2025-2034 period.

Financial Research Fund

Section 50005 would cap assessments collected by the Office of Financial Research (OFR) and deposited into the Financial Research Fund at a three-year moving average of the expenses of the Financial Stability Oversight Council (FSOC). Under current law, the OFR collects assessments from large financial institutions to fund its operations and the operations of the FSOC. Those assessments are recorded as revenues and are available to be spent without future appropriation. CBO estimates that enacting the provision would decrease direct spending on OFR and FSOC activities by $1.2 billion.

2. For more information, see Congressional Budget Office, *Recent Changes to CBO's Projections of Remittances From the Federal Reserve* (February 2023), www.cbo.gov/publication/58913.

Capping assessments also would reduce revenues by $1.2 billion. However, reducing such fees tends to increase taxable income for workers and businesses, leading to increased collections of income and payroll taxes. As a result, CBO expects that the reduction in fee collections would be partially offset by increases in tax receipts of about 25 percent of the gross fee reduction each year. On net, CBO estimates that revenues would decrease by $906 million under this provision.

Pay-As-You-Go Considerations

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to those pay-as-you-go procedures are shown in Table 1.

Increase in Long-Term Net Direct Spending and Deficits

CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2035.

Mandates

If the SEC increases fees to offset the costs associated with implementing provisions in section 50002 of the reconciliation recommendations of the House Financial Services Committee, the legislation would increase the cost of an existing mandate on private entities required to pay those assessments. CBO estimates that the cost of the mandate would exceed the annual threshold for private-sector mandates established in the Unfunded Mandates Reform Act (UMRA) ($206 million in 2025, adjusted annually for inflation).

The bill contains no intergovernmental mandates as defined in UMRA.

Estimate Prepared By

Federal Costs:

David Hughes (for the Consumer Financial Protection Bureau, Financial Research Fund, and the Public Company Accounting Oversight Board)
Zunara Naeem (for the Department of Housing Urban Development)

Revenues:

David Hughes (for the Financial Research Fund and the Public Company Accounting Oversight Board)
Nathaniel Frentz (for the Consumer Financial Protection Bureau)

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Estimate Approved By

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[Table 2 is on the next page.]

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Table 2.
Estimated Changes in Direct Spending and Revenues Under Reconciliation Recommendations
Title V, House Committee on Financial Services, as Ordered Reported on April 30, 2025

	By Fiscal Year, Millions of Dollars											
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2025-2029	2025-2034
Decreases in Direct Spending												
Sec. 50001, Green and Resilient Retrofit Program for Multifamily Family Housing												
Budget Authority	-138	0	0	0	0	0	0	0	0	0	-138	-138
Estimated Outlays	-16	-21	-27	-34	-27	-10	-3	0	0	0	-125	-138
Sec. 50002, Public Company Accounting Oversight Board												
Budget Authority	0	0	-342	-374	-387	-401	-415	-442	-457	-461	-1,103	-3,279
Estimated Outlays	0	0	-270	-372	-385	-398	-412	-439	-454	-458	-1,027	-3,188
Sec. 50003, Bureau of Consumer Financial Protection												
Budget Authority	0	-408	-399	-389	-415	-442	-471	-518	-567	-604	-1,611	-4,213
Estimated Outlays	0	-235	-381	-394	-405	-430	-458	-503	-552	-587	-1,415	-3,945
Sec. 50004, Consumer Financial Civil Penalty Fund												
Budget Authority	0	0	0	0	0	0	0	0	0	0	0	0
Estimated Outlays	0	-1	-1	-1	-1	-1	-1	-1	-1	-1	-4	-9
Sec. 50005, Financial Research Fund												
Budget Authority	0	-119	-122	-126	-131	-135	-140	-149	-154	-154	-498	-1,230
Estimated Outlays	0	-95	-121	-125	-130	-134	-139	-147	-153	-154	-471	-1,198
Total Changes												
Budget Authority	-138	-527	-863	-889	-933	-978	-1,026	-1,109	-1,178	-1,219	-3,355	-8,865
Estimated Outlays	-16	-352	-800	-926	-948	-973	-1,013	-1,090	-1,160	-1,200	-3,042	-8,478
Increases or Decreases (-) in Revenues												
Sec. 50002, Public Company Accounting Oversight Board												
Estimated Revenues	0	0	-266	-275	-286	-296	-307	-317	-329	-341	-827	-2,417
Sec. 50003, Bureau of Consumer Financial Protection												
Estimated Revenues	0	-385	-369	-353	-370	1,477	0	0	0	0	-1,477	0
Sec. 50005, Financial Research Fund												
Estimated Revenues	0	-88	-89	-92	-96	-100	-103	-110	-114	-114	-365	-906
Total Changes												
Estimated Revenues	0	-473	-724	-720	-752	1,081	-410	-427	-443	-455	-2,669	-3,323
Net Increase or Decrease (-) in the Deficit From Changes in Direct Spending and Revenues												
Effect on the Deficit	-16	121	-76	-206	-196	-2,054	-603	-663	-717	-745	-373	-5,155

All budget authority amounts are estimated.

COMMITTEE OVERSIGHT FINDINGS

The findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE VOTES

On April 30, 2025, the Committee Print was ordered to be transmitted to the House Committee on the Budget by a recorded vote of 30 ayes to 22 nays, a quorum being present. (Record Vote No. FC-100).

The Committee considered the following amendments to the Committee Print:

- Chairman Hill (R-AR) offered an amendment in the nature of a substitute, which made minor edits and technical changes. The amendment was adopted by a voice vote.
- Representative Maxine Waters (D-CA) offered an amendment (EHVSAMND) that would strike Sec. 50001 and replace it with an increase in new mandatory spending in an amount necessary to fund 60,000 emergency housing vouchers under the program created by Sec. 3202 of Public Law #117-2. The amendment was defeated in a recorded vote of 21 yeas and 28 nays, a quorum being present. (Record Vote No. FC-064).
- Representative Waters offered an amendment (HCRA) that would strike the text Sec. 50001 and replace it with a modified version of the text of H.R. 4233, the *Housing Crisis Response Act of 2023*, from the 118th Congress. The amendment was defeated in a recorded vote of 21 yeas and 29 nays, a quorum being present. (Record Vote No. FC-065).
- Representative Nydia Velázquez (D-NY) offered an amendment (VELAZQ_021) that would strike the text Sec. 50001 and replace it with an increase of $90 billion in new mandatory spending for the public housing Capital Fund under section 9(d) of the *United States Housing Act of 1937*. The amendment was defeated in a recorded vote of 21 yeas and 29 nays, a quorum being present. (Record Vote No. FC-066).
- Representative Al Green (D-TX) offered an amendment (GREETE_029) that would strike the text Sec. 50001 and replace it with a modified version of the text of H.R. 3702, the *Reforming Disaster Recovery Act of 2019*, from the 116th Congress.. The amendment was defeated in a recorded vote of 21 yeas and 29 nays, a quorum being present. (Record Vote No. FC-067).
- Representative Nikema Williams (D-GA) offered an amendment (HOMECDBGAMND) that would strike the text Sec. 50001 and replace it with an increase of $35 billion in new mandatory spending for the HOME Investment Partnership Program authorized under Title II of the *Cranston-Gonzalez National Affordable Housing Act* and an increase of $8.5 billion in new mandatory spending for the Community Development Block Grant program authorized under

Title I of the *Housing and Community Development Act of 1974*. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-068).

- Representative Sam Liccardo (D-CA) offered an amendment (LICCAR_014) that would make the recission of unobligated funds required by Sec. 50001 conditional upon a finding in report to be issued by HUD that such recission would not reduce funding for projects that protect against natural disaster damage for housing accepting federal funding.. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-069).

- Representative Brittany Pettersen (D-CO) offered an amendment (PETTER_029) that would amend the text of Sec. 50004 to add a new paragraph to the end of Section 1017(d) of the *Consumer Financial Protection Act of 2010* to require any amounts of civil penalties imposed for violations of section 987 of title 10 of the U.S. Code not awarded to direct victims to be transferred from CFPB to HUD for use under its program authorized by section 8(o)(19) of the *United States Housing Act of 1937*. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-070).

- Representative Liccardo offered an amendment (LICCAR_018) that would make the recission of unobligated funds required by Sec. 50001 conditional upon a finding in a report to be issued by HUD that such recission would not undermine efforts to reduce utility bills for tenants and landlords in any housing accepting federal funding. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-071).

- Representative Waters offered an amendment (G02) that would direct the Secretary of the Treasury to determine and report to Congress on whether sections 50003 and 50004 would lead to increased fraud for veterans because of the CFPB spending recissions. The amendment further prevents these sections from going into effect if the report indicates veterans would be harmed. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-072).

- Representative Velazquez offered an amendment (VELAZQ_024) that would allow the CFPB to spend amounts transferred in excess of the 5% cap to be used to enforce any rule issued by the Bureau. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-073).

- Representative Stephen Lynch (D-MA) offered an amendment (G01) that would allow the CFPB to continue to receive funds in excess of the new 5% cap that are used to fund the protection of servicemembers. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-074).

- Representative Bill Foster (D-IL) offered an amendment (FOSTER_027) that would allow the CFPB to continue to receive funds in excess of the new 5% cap that are used to implement and enforce the CFPB's "Required Rulemaking on Personal Financial Data Rights." The amendment was defeated in a recorded vote of 21

yeas and 30 nays, a quorum being present. (Record Vote No. FC-075).

- Representative Foster offered an amendment (FOSTER_028) that would allow the CFPB to continue to receive funds in excess of the new 5% cap that are used to monitor and respond to technological innovations.. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-076).
- Representative Foster offered an amendment (FOSTER_029) that would allow the CFPB to continue to receive funds in excess of the new 5% cap that are used to maintain and monitor the consumer complaint database. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-077).
- Representative Liccardo offered an amendment (LICCAR_013) that would require the CFPB Director to determine and report to Congress whether section 50004 would take away payments to consumers financially harmed by corporate malfeasance. The amendment would further prevent section 50004 from taking effect if the Director determines it would take away these payments. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-078).
- Representative Jim Himes (D-CT) offered an amendment (G10) that would allow the CFPB to use amounts that would otherwise be transferred to the general fund of the Treasury to make payments to victims who are servicemembers or veterans. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-079).
- Representative Nikema Williams (D-GA) offered an amendment (G11) that would prevent the President and the Office of Management and Budget from reviewing the budget, rules, or guidance of the CFPB. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-080).
- Representative Janelle Bynum (D-OR) offered an amendment (G04) that would allow the CFPB to continue to receive funds in excess of the new 5% cap that are used to ensure the protection of student borrowers. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-081).
- Representative Bynum offered an amendment (G05) that would direct the CFPB to issue interpretive guidance on how the Electronic Fund Transfer Act and related payment protections apply to new and emerging digital payment mechanisms. The amendment would further allow the CFPB to continue to receive funds in excess of the new 5% cap that are used to fund the issuance of this guidance. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-082).
- Representative Bynum offered an amendment (G09) that would direct the Secretary of the Treasury to issue a report to Congress on whether Section 50003 and Section 50004 would lead to fees and

other financing costs being reduced for every consumer financial product. The amendment further prevents these sections from going into effect if the report indicates fees for every consumer financial product would not be reduced. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-083).

- Representative Ayanna Pressley (D-MA) offered an amendment (G07) that would direct the CFPB Director to establish and collect risk-based, quarterly assessments on the largest banks and nonbank financial companies, including large tech payment providers and payday lenders, in an amount that, in the aggregate, is necessary to pay for the reasonable costs to carry out the authorities of the Bureau. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-084).

- Representative Pressley offered an amendment (G08) that would direct the CFPB Director to establish, and collect, risk-based, quarterly assessments on all companies that were found to have violated a Federal consumer financial protection law on or after January 1, 2010, in an amount that, in the aggregate, is necessary to pay for the reasonable costs to carry out the authorities of the Bureau. The amendment was defeated in a recorded vote of 21 yeas and 30 nays, a quorum being present. (Record Vote No. FC-085).

- Representative Sylvia Garcia (D-TX) offered an amendment (G06) that would require the Secretary of the Treasury to determine and report to Congress on whether sections 50003 and 50004 would prevent older consumers that are victims of financial fraud from getting prompt remediation and help from the CFPB. If the Secretary of the Treasury determines it would prevent this remediation, then section 50003 and 50004 would not go into effect. The amendment was defeated by voice vote.

- Representative Pressley offered an amendment (G18) that would direct the FSOC, in consultation with the OFR, to study how cuts by the Department of Government Efficiency (DOGE) regarding the Federal oversight of the financial system can undermine financial stability. The amendment would also say that the assessment restrictions on OFR in Section 50005 would not apply to funds used to carry out the study required by this amendment. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-086).

- Representative Pressley offered an amendment (G19) that would direct each FSOC member agency to issue a report to Congress on the types and amounts of sensitive data to which DOGE has access. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-087).

- Representative Waters offered an amendment (L01) that would allow funds in excess of the new assessment level to be used by FSOC to investigate covered individuals who are gaining financial benefit from their promotion of crypto products for conflicts of interest if such conflicts of interest would cause potential harm to financial stability. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-088).

- Representative Waters offered an amendment (L02) that would allow funds in excess of the new assessment level to be used by FSOC to assess and monitor risks arising from the government requiring the use of particular stablecoins to contract with the government, the government adopting stablecoins in the government's internal operations, or deploying stablecoins externally. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-089).

- Representative Foster offered an amendment (FOSTER_030) that would direct the FSOC, in consultation with the OFR, to study and report on the approved mechanisms for transmission of material regulatory or policy decisions that can influence financial markets, risks to financial stability of Executive Branch officials release of such information, and whether the publication of market moving information on a platform owned by an executive branch employee may constitute conflicts of interest. The amendment would prevent the new assessment cap under section 50005 from applying to assessments necessary to carry out this study. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-090).

- Representative Juan Vargas (D-CA) offered an amendment (G16) that would direct the FSOC, in consultation with the OFR, to conduct a study and report on how the President's undermining of the Chairman and other members of the Board of Governors of the Federal Reserve System can harm the U.S. economy. The amendment would prevent the new assessment cap under section 50005 from applying to assessments necessary to carry out this study. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-091).

- Representative Rashida Tlaib (D-MI) offered an amendment (G13) that would direct the Secretary of the Treasury to report to Congress whether provisions of the underlying text would extend or expand tax cuts for individuals with annual incomes over $400,000, or corporations with over $25 billion in annual revenues. If the Secretary determines this would cut taxes for these individuals and corporations, this title would not take effect. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-092).

- Representative Pettersen offered an amendment (G12) that would direct the Secretary of the Treasury to report to Congress on whether the Federal Government has reduced any funding for Medicaid, Social Security, or the Supplemental Nutrition Assistance Program since January 20, 2025. If the Secretary determines this title would reduce funding for Medicaid, Social Security, or the Supplemental Nutrition Program this title would not take effect. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-093).

- Representative Liccardo offered an amendment (G15) that would direct the FSOC, in consultation with the OFR, to conduct a study and report to Congress on how tariff plans and a global trade war can harm the U.S. economy and financial system. The amendment would prevent the new assessment cap under section 50005 from

applying to assessments necessary to carry out this study. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-094).

- Representative Bynum offered an amendment (BYNUM_008) that would direct the Federal Reserve to conduct a study and report on the collective impact that tariffs issued under both Trump administrations have had on the cost of goods and services for consumers and small businesses in the United States. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-095).

- Representative Bynum offered an amendment (50002_01) that would ensure that individuals that contribute to retirement accounts will not be subject to increased risks relating to any modifications to the requirements of financial reporting of entities that administer such accounts as a result of the enactment of this act. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-096).

- Representative Lynch offered an amendment (G17) that would require the Financial Stability Oversight Council, in consultation with the Office of Financial Research, to conduct a study on the President's ownership of a crypto company that is creating a stablecoin and exchange. The amendments made by Section 50005 do not apply to the amount of assessments equal to the amount necessary to carry out the study. The amendment was defeated in a recorded vote of 22 yeas and 30 nays, a quorum being present. (Record Vote No. FC-097).

- Representative Waters offered an amendment (50002_08) that would authorize $3.2 billion to the SEC to conduct audits of public companies. The amendment was defeated in a recorded vote of 22 yeas to 30 nays, a quorum being present. (Record Vote No. FC-098).

- Representative Brad Sherman (D-CA) offered an amendment (SHERMA_041) that would allow the SEC to continue to collect accounting support fees. The amendment was defeated in a recorded vote of 22 yeas to 30 nays, a quorum being present. (Record Vote No. FC-099).

Committee on Financial Services

Markup 3
April 30, 2025

Bill **FSC Committee Print (Providing for reconcilation pursuant to H.Con.Res. 14)**

Motion **to adopt the amendment**
Measure **Waters 1 to ANS to FSC Committee Print (EHVSAMND)**

Record Vote No.

FC-064

Disposition **NOT AGREED TO (21-28)**

Member	Yea	Nay	Not Voting	Member	Yea	Nay	Not Voting
Chairman Hill		X		Ranking Member Waters	X		
Mr. Lucas		X		Ms. Velázquez	X		
Mr. Sessions		X		Mr. Sherman	X		
Mr. Huizenga		X		Mr. Meeks	X		
Mrs. Wagner		X		Mr. Scott	X		
Mr. Barr			X	Mr. Lynch	X		
Mr. Williams (TX)		X		Mr. Green (TX)	X		
Mr. Emmer		X		Mr. Cleaver	X		
Mr. Loudermilk		X		Mr. Himes			X
Mr. Davidson		X		Mr. Foster	X		
Mr. Rose		X		Mrs. Beatty	X		
Mr. Steil		X		Mr. Vargas	X		
Mr. Timmons		X		Mr. Gottheimer			X
Mr. Stutzman		X		Mr. Gonzalez	X		
Mr. Norman		X		Mr. Casten			X
Mr. Meuser		X		Ms. Pressley	X		
Mrs. Kim		X		Ms. Tlaib	X		
Mr. Donalds		X		Mr. Torres (NY)	X		
Mr. Garbarino		X		Ms. Garcia (TX)	X		
Mr. Fitzgerald		X		Ms. Williams of GA	X		
Mr. Flood		X		Ms. Pettersen	X		
Mr. Lawler		X		Mr. Fields	X		
Ms. De La Cruz			X	Ms. Bynum	X		
Mr. Ogles		X		Mr. Liccardo	X		
Mr. Nunn		X					
Mrs. McClain		X					
Ms. Salazar		X					
Mr. Downing		X					
Mr. Haridopolos		X					
Mr. Moore (NC)		X					
	0	**28**	**2**		**21**	**0**	**3**

Committee Totals:	**21**	**28**	**5**
	Yeas	Nays	Not Voting

Committee on Financial Services

Markup 3
April 30, 2025

Bill **FSC Committee Print (Providing for reconcilation pursuant to H.Con.Res. 14)**

Motion **to adopt the amendment**
Measure **Waters 2 to ANS to FSC Committee Print (HCRA)**

Record Vote No.

FC-065

Disposition **NOT AGREED TO (21-29)**

Member	Yea	Nay	Not Voting	Member	Yea	Nay	Not Voting
Chairman Hill		X		Ranking Member Waters	X		
Mr. Lucas		X		Ms. Velázquez	X		
Mr. Sessions		X		Mr. Sherman	X		
Mr. Huizenga		X		Mr. Meeks	X		
Mrs. Wagner		X		Mr. Scott	X		
Mr. Barr		X		Mr. Lynch	X		
Mr. Williams (TX)		X		Mr. Green (TX)	X		
Mr. Emmer		X		Mr. Cleaver	X		
Mr. Loudermilk		X		Mr. Himes			X
Mr. Davidson		X		Mr. Foster	X		
Mr. Rose		X		Mrs. Beatty	X		
Mr. Steil		X		Mr. Vargas	X		
Mr. Timmons		X		Mr. Gottheimer			X
Mr. Stutzman		X		Mr. Gonzalez	X		
Mr. Norman		X		Mr. Casten			X
Mr. Meuser		X		Ms. Pressley	X		
Mrs. Kim		X		Ms. Tlaib	X		
Mr. Donalds		X		Mr. Torres (NY)	X		
Mr. Garbarino		X		Ms. Garcia (TX)	X		
Mr. Fitzgerald		X		Ms. Williams of GA	X		
Mr. Flood		X		Ms. Pettersen	X		
Mr. Lawler		X		Mr. Fields	X		
Ms. De La Cruz			X	Ms. Bynum	X		
Mr. Ogles		X		Mr. Liccardo	X		
Mr. Nunn		X					
Mrs. McClain		X					
Ms. Salazar		X					
Mr. Downing		X					
Mr. Haridopolos		X					
Mr. Moore (NC)		X					
	0	**29**	**1**		**21**	**0**	**3**

Committee Totals:	**21**	**29**	**4**
	Yeas	Nays	Not Voting

Committee on Financial Services

Markup 3
April 30, 2025

Bill **FSC Committee Print (Providing for reconcilation pursuant to H.Con.Res. 14)**

Motion **to adopt the amendment**
Measure **Velazquez 1 to ANS to FSC Committee Print (VELAZQ_021)**

Record Vote No.

FC-066

Disposition **NOT AGREED TO (21-29)**

Member	Yea	Nay	Not Voting	Member	Yea	Nay	Not Voting
Chairman Hill		X		Ranking Member Waters	X		
Mr. Lucas		X		Ms. Velázquez	X		
Mr. Sessions		X		Mr. Sherman	X		
Mr. Huizenga		X		Mr. Meeks	X		
Mrs. Wagner		X		Mr. Scott	X		
Mr. Barr		X		Mr. Lynch	X		
Mr. Williams (TX)		X		Mr. Green (TX)	X		
Mr. Emmer		X		Mr. Cleaver	X		
Mr. Loudermilk		X		Mr. Himes			X
Mr. Davidson		X		Mr. Foster	X		
Mr. Rose		X		Mrs. Beatty	X		
Mr. Steil		X		Mr. Vargas	X		
Mr. Timmons		X		Mr. Gottheimer			X
Mr. Stutzman		X		Mr. Gonzalez	X		
Mr. Norman		X		Mr. Casten			X
Mr. Meuser		X		Ms. Pressley	X		
Mrs. Kim		X		Ms. Tlaib	X		
Mr. Donalds		X		Mr. Torres (NY)	X		
Mr. Garbarino		X		Ms. Garcia (TX)	X		
Mr. Fitzgerald		X		Ms. Williams of GA	X		
Mr. Flood		X		Ms. Pettersen	X		
Mr. Lawler		X		Mr. Fields	X		
Ms. De La Cruz			X	Ms. Bynum	X		
Mr. Ogles		X		Mr. Liccardo	X		
Mr. Nunn		X					
Mrs. McClain		X					
Ms. Salazar		X					
Mr. Downing		X					
Mr. Haridopolos		X					
Mr. Moore (NC)		X					
	0	**29**	**1**		**21**	**0**	**3**

Committee Totals:	**21**	**29**	**4**
	Yeas	Nays	Not Voting