

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5185

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IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2004

Received

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## AN ACT

To temporarily extend the programs under the Higher  
Education Act of 1965.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Higher Education Ex-  
3 tension Act of 2004”.

4 **SEC. 2. EXTENSION OF PROGRAMS.**

5 (a) **EXTENSION OF DURATION TO INCLUDE FISCAL**  
6 **YEAR 2005.**—The authorization of appropriations for, and  
7 the duration of, each program authorized under the High-  
8 er Education Act of 1965 (20 U.S.C. 1001 et seq.) shall  
9 be extended through fiscal year 2005.

10 (b) **PERFORMANCE OF REQUIRED AND AUTHORIZED**  
11 **FUNCTIONS.**—If the Secretary of Education, a State, an  
12 institution of higher education, a guaranty agency, a lend-  
13 er, or another person or entity—

14 (1) is required, in or for fiscal year 2004, to  
15 carry out certain acts or make certain determina-  
16 tions or payments under a program under the High-  
17 er Education Act of 1965, such acts, determinations,  
18 or payments shall be required to be carried out,  
19 made, or continued during the period of the exten-  
20 sion under this section; or

21 (2) is permitted or authorized, in or for fiscal  
22 year 2004, to carry out certain acts or make certain  
23 determinations or payments under a program under  
24 the Higher Education Act of 1965, such acts, deter-  
25 minations, or payments are permitted or authorized

1 to be carried out, made, or continued during the pe-  
2 riod of the extension under this section.

3 (c) EXTENSION AT CURRENT LEVELS.—The amount  
4 authorized to be appropriated for a program described in  
5 subsection (a) during the period of extension under this  
6 section shall be the amount authorized to be appropriated  
7 for such program for fiscal year 2004, or the amount ap-  
8 propriated for such program for such fiscal year, which-  
9 ever is greater. Except as provided in any amendment to  
10 the Higher Education Act of 1965 enacted during fiscal  
11 year 2005, the amount of any payment required or author-  
12 ized under subsection (b) in or for fiscal year 2005 shall  
13 be determined in the same manner as the amount of the  
14 corresponding payment required or authorized in or for  
15 fiscal year 2004.

16 (d) ADVISORY COMMITTEES AND OTHER ENTITIES  
17 CONTINUED.—Any advisory committee, interagency orga-  
18 nization, or other entity that was, during fiscal year 2004,  
19 authorized or required to perform any function under the  
20 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.),  
21 or in relation to programs under that Act, shall continue  
22 to exist and is authorized or required, respectively, to per-  
23 form such function during fiscal year 2005.

24 (e) ADDITIONAL EXTENSION NOT PERMITTED.—Sec-  
25 tion 422 of the General Education Provisions Act (20

1 U.S.C. 1226a) shall not apply to further extend the au-  
2 thorization of appropriations for any program described  
3 in subsection (a) on the basis of the extension of such pro-  
4 gram under this section.

5 (f) EXCEPTION.—The programs described in sub-  
6 section (a) for which the authorization of appropriations,  
7 or the duration of which, is extended by this section in-  
8 clude provisions applicable to institutions in, and students  
9 in or from, the Freely Associated States, except that those  
10 provisions shall be applicable with respect to institutions  
11 in, and students in or from, the Federated States of Mi-  
12 cronesia and the Republic of the Marshall Islands only to  
13 the extent specified in Public Law 108–188.

Passed the House of Representatives October 6,  
2004.

Attest:

JEFF TRANDAHL,

*Clerk.*