



# ASSOCIATION OF AMERICAN UNIVERSITIES

November 9, 2006

Brandeis University  
Brown University  
California Institute of Technology  
Carnegie Mellon University  
Case Western Reserve University  
Columbia University  
Cornell University  
Duke University  
Emory University  
Harvard University  
Indiana University  
Iowa State University  
The Johns Hopkins University  
Massachusetts Institute of Technology  
McGill University  
Michigan State University  
New York University  
Northwestern University  
The Ohio State University  
The Pennsylvania State University  
Princeton University  
Purdue University  
Rice University  
Rutgers, The State University of New Jersey  
Stanford University  
Stony Brook University – State University of New York  
Syracuse University  
Texas A&M University  
Tulane University  
University at Buffalo – State University of New York  
The University of Arizona  
University of California, Berkeley  
University of California, Davis  
University of California, Irvine  
University of California, Los Angeles  
University of California, San Diego  
University of California, Santa Barbara  
University of Chicago  
University of Colorado, Boulder  
University of Florida  
University of Illinois, Urbana-Champaign  
University of Iowa  
University of Kansas  
University of Maryland, College Park  
University of Michigan  
University of Minnesota, Twin Cities  
University of Missouri, Columbia  
University of Nebraska - Lincoln  
University of North Carolina at Chapel Hill  
University of Oregon  
University of Pennsylvania  
University of Pittsburgh  
University of Rochester  
University of Southern California  
University of Texas at Austin  
University of Toronto  
University of Virginia  
University of Washington  
University of Wisconsin - Madison  
Vanderbilt University  
Washington University in St. Louis  
Yale University

Ms. Patty Chase  
U. S. Department of Education  
1990 K St., NW, Room 8050  
Washington, DC 20006

Dear Ms. Chase:

On behalf of the Association of American Universities (AAU), which represents 60 leading public and private research universities in the United States, I write to submit comments and nominations in response to the Department of Education's notice of establishment of negotiated rulemaking committees, published in the *Federal Register* on August 18, 2006 (vol. 71, no. 160).

## Comments on Negotiated Rulemaking and HERA

AAU supports the Department's application of the negotiated rulemaking process to issues resulting from changes made by the Higher Education Reconciliation Act of 2005 (HERA), Public Law 109-171. This includes using the process to establish permanent rules and regulations for the new Academic Competitiveness Grant (ACG) and National Science and Mathematics Access to Retain Talent (SMART) Grant programs and to modify existing rules and regulations affecting federal student loan programs that were changed by HERA. We believe the scope of negotiated rulemaking should be limited to only these subjects.

We disagree with the Department's proposal in the August 19 notice to use negotiated rulemaking to address accreditation and additional higher education issues that were not affected by HERA. We urge the Department not to address these issues in negotiated rulemaking at this time and instead, wait until the Higher Education Act is reauthorized.

With respect to the ACG and SMART Grant programs, AAU commends the Department for its efforts to work with the higher education community to implement regulations for the current academic year under difficult time constraints. We ask that the Department reconsider in the negotiated rulemaking process the issues raised by AAU and other higher education organizations in the August 16, 2006 letter to the Department on the interim final regulations for these programs.

## Nominations for Negotiated Rulemaking

AAU nominates Dr. Ellen Frishberg, University Director of Student Financial Services at The Johns Hopkins University, to serve as a negotiator on the *ACG and SMART Grant programs* negotiating committee. AAU also nominates Dr. Frishberg to serve on the proposed *student loans* negotiating committee should the Department

decide to set up this committee. Dr. Frishberg has a distinguished career in student financial aid policy development and administration. Her past experience in the negotiated rulemaking process and her expertise in administering federal student aid programs make her an excellent candidate to participate in the negotiated rulemaking for the aforementioned student financial aid programs.

In the event that the Department elects to pursue *accreditation* issues in the negotiated rulemaking process, AAU nominates Dr. John D. Wiley, Chancellor of the University of Wisconsin-Madison, to serve as a negotiator on the proposed negotiating committee. As the current chair of the Council on Higher Education Accreditation board of directors, Dr. Wiley has extensive knowledge and expertise on accreditation issues. As a provost and now a chancellor, he has been a leader among AAU members in our efforts to strengthen accreditation and its role as the primary quality assurance mechanism in higher education and particularly to make it more responsive to the public to which its service is ultimately provided. Should the Department establish an accreditation negotiated rulemaking committee, Dr. Wiley would be an outstanding member.

Contact information for both AAU nominees can be found in the attached document.

Thank you for the opportunity to comment on these important issues and to submit nominations. Please contact Matt Owens of the AAU staff or me if you have questions or require additional information.

Sincerely,

A handwritten signature in black ink, reading "Robert M. Berdahl". The signature is written in a cursive style with a long, sweeping underline.

Robert M. Berdahl  
President

Attachment

**AAU Nomination for Negotiating Committees on AC/SMART Grants and Student Loans**

Dr. Ellen Frishberg  
University Director of Student Financial Services  
The Johns Hopkins University  
3400 N. Charles Street  
146 Garland Hall  
Baltimore, MD 21218  
(410) 516-8028

**AAU Nomination for Negotiating Committee on Accreditation**

Dr. John D. Wiley  
Chancellor  
University of Wisconsin-Madison  
500 Lincoln Drive  
Room 161, Bascom Hall  
Madison, WI 53706  
(608) 262-9947