

To the office of U.S. Representative Jennifer A. Kiggans

Re: HR 8659 (119th Congress), Nursing is a Professional Degree Act • Latest action (2026-05-04): Referred to the House Committee on Education and Workforce.  
VFA SI Solution #25 • published 2026-05-14 • <https://www.valuesforamerica.com/solutions/25>  
Office of record (Congress.gov): 152 Cannon House Office Building, Washington, DC • (202) 225-4215

Federal Aid Clarity for Professional Students Act

**The measure, as described from the official record:** To revise the federal definition of a 'professional student' under the Higher Education Act of 1965, which determines higher borrowing limits for federal student loans in graduate-level professional degree programs like law and medicine.

THE PROPOSAL

This Act amends section 481(d) of the Higher Education Act of 1965 (20 U.S.C. 1088(d)) to define a 'professional student' solely as an individual enrolled at least half-time in a program at an eligible institution that leads to a first professional degree in law, medicine, osteopathic medicine, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or chiropractic care, as accredited by a recognized agency and approved by the Secretary of Education.

The definition applies only to determine annual and aggregate loan limits under title IV of the Higher Education Act for Direct Loans and FFEL program participants. Institutions receiving title IV funds must annually certify student classifications to the Secretary using standardized forms, with no federal mandates on state curriculum or admissions.

The Secretary shall publish non-binding guidance on classification within 180 days of enactment and conduct voluntary webinars for institutions. Non-compliance by institutions triggers proportional withholding of future title IV funds after notice and a 90-day cure period.

This Act promotes fiscal responsibility by freezing professional student aggregate loan limits at 2024 levels, adjusted only for inflation, until sunset.

OPERATIVE PROVISIONS (VFA PROPOSAL)

|                       |                                                                                      |
|-----------------------|--------------------------------------------------------------------------------------|
| Funding Source        | Reallocated from existing Department of Education title IV administrative funds      |
| Funding Amount        | \$3 million cap for implementation and guidance over 5 years                         |
| Sunset Years          | 5 years                                                                              |
| Oversight Body        | Department of Education Office of Inspector General, with annual reports to Congress |
| Enforcement Mechanism | Proportional withholding of title IV funds after due process hearing                 |
| Effective Date        | October 1 of the first fiscal year after enactment                                   |

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (power to tax and spend for general welfare, conditioning federal aid)
- Article I, Section 8, Clause 18 (necessary and proper to administer spending programs)
- Tenth Amendment (reserves non-aid-related education policy to states)

**Concerns with the measure as written:**

- Exceeds enumerated powers by potentially mandating state institutions' classification of programs without conditional federal funding (Tenth Amendment)
- Lacks explicit tie to spending power conditions, risking direct regulation of education (Article I, Section 8, Clause 1)

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**WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)**

Honors Democratic priorities of clear access to federal aid for essential professional programs and student debt management; honors Republican priorities of spending restraint via loan limit freeze, implementation cap, sunset, and strict federalism by limiting to aid recipients without state mandates.

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