

Higher Education Amendments of 1998-(title VIII)

[Unclassified provisions - For the original version of this title, see 112 Stat. 1803.]

[P.L. 105-244]

[As Amended Through P.L. 113-128, Enacted July 22, 2014]

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TITLE VIII—STUDIES, REPORTS, AND RELATED PROGRAMS¹

PART D—GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS

[Section 821 was repealed by section 511(b) of Public Law 113-128.]

PART E—GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN ON CAMPUSES

[Section 826 was repealed by section 304(f) of P.L. 109-162, 119 Stat. 3016.]²

SEC. 827. [20 U.S.C. 1152 note] STUDY OF INSTITUTIONAL PROCEDURES TO REPORT SEXUAL ASSAULTS.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Education, shall provide for a national study to examine procedures undertaken after an institution of higher education receives a report of sexual assault.

(b) REPORT.—The study required by subsection (a) shall include an analysis of—

(1) the existence and publication of the institution of higher education's and State's definition of sexual assault;

¹ Parts A through C of title VIII were repealed.

² Section 1135(d) of Public Law 109-162 attempts to amend section 826(d)(3) of the “Higher Education Amendments Act of 1998 (20 U.S.C. 1152 (d)(3))” by striking “from ‘Not’ through and including ‘under this section’ and inserting ‘Not later than 1 month after the end of each even-numbered fiscal year’”. The reference to the Act probably should have been to the “Higher Education Amendments of 1998” and the amendment could not be executed because of an earlier amendment made by section 304(f) of such Public Law that provided for the repeal of the entire section.

(2) the existence and publication of the institution's policy for campus sexual assaults;

(3) the individuals to whom reports of sexual assault are given most often and—

(A) how the individuals are trained to respond to the reports; and

(B) the extent to which the individuals are trained;

(4) the reporting options that are articulated to the victim or victims of the sexual assault regarding—

(A) on-campus reporting and procedure options; and

(B) off-campus reporting and procedure options;

(5) the resources available for victims' safety, support, medical health, and confidentiality, including—

(A) how well the resources are articulated both specifically to the victim of sexual assault and generally to the campus at large; and

(B) the security of the resources in terms of confidentiality or reputation;

(6) policies and practices that may prevent or discourage the reporting of campus sexual assaults to local crime authorities, or that may otherwise obstruct justice or interfere with the prosecution of perpetrators of campus sexual assaults;

(7) policies and practices found successful in aiding the report and any ensuing investigation or prosecution of a campus sexual assault;

(8) the on-campus procedures for investigation and disciplining the perpetrator of a sexual assault, including—

(A) the format for collecting evidence; and

(B) the format of the investigation and disciplinary proceeding, including the faculty responsible for running the disciplinary procedure and the persons allowed to attend the disciplinary procedure; and

(9) types of punishment for offenders, including—

(A) whether the case is directed outside the institution for further punishment; and

(B) how the institution punishes perpetrators.

(c) SUBMISSION OF REPORT.—The report required by subsection (b) shall be submitted to Congress not later than September 1, 2000.

(d) DEFINITION.—For purposes of this section, the term “campus sexual assaults” means sexual assaults occurring at institutions of higher education and sexual assaults committed against or by students or employees of such institutions.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,000,000 for fiscal year 2000.

PART G—OLYMPIC SCHOLARSHIPS³

SEC. 836. [20 U.S.C. 1070 note] EXTENSION OF AUTHORIZATION.

Section 1543(d) of the Higher Education Amendments of 1992 is amended by striking “1993” and inserting “1999”.

³ Supart F of title VIII was repealed.

PART H—UNDERGROUND RAILROAD

SEC. 841. [20 U.S.C. 1153] UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Education, in consultation and cooperation with the Secretary of the Interior, is authorized to make grants to 1 or more nonprofit educational organizations that are established to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad, including the lessons to be drawn from such history.

(b) GRANT AGREEMENT.—Each nonprofit educational organization awarded a grant under this section shall enter into an agreement with the Secretary of Education. Each such agreement shall require the organization—

(1) to establish a facility to—

(A) house, display, interpret, and communicate information regarding the artifacts and other materials related to the history of the Underground Railroad, including the lessons to be drawn from such history;

(B) maintain such artifacts and materials; and

(C) make the efforts described in subparagraph (A) available, including through electronic means, to elementary and secondary schools, institutions of higher education, and the general public;

(2) to demonstrate substantial public and private support for the operation of the facility through the implementation of a public-private partnership between one or more State or local public entities and one or more private entities, which public-private partnership shall provide matching funds from non-federal sources for the support of the facility in an amount equal to or greater than four times the amount of the grant awarded under this section;

(3) to create an endowment to fund any and all shortfalls in the costs of the on-going operations of the facility;

(4) to establish and maintain a network of satellite centers throughout the United States to help disseminate information regarding the Underground Railroad throughout the United States, including the lessons to be drawn from the history of the Underground Railroad, if such satellite centers raise 80 percent of the funds required to establish the satellite centers from non-Federal public and private sources;

(5) to establish and maintain the capability to electronically link the facility with other local and regional facilities that have collections and programs which interpret the history of the Underground Railroad, including the lessons to be drawn from such history; and

(6) to submit, for each fiscal year for which the organization receives funding under this section, a report to the Secretary of Education that contains—

(A) a description of the programs and activities supported by the funding;

(B) the audited financial statement of the organization for the preceding fiscal year;

(C) a plan for the programs and activities to be supported by the funding as the Secretary may require; and
(D) an evaluation of the programs and activities supported by the funding as the Secretary may require.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.

PART I—SUMMER TRAVEL AND WORK PROGRAMS

SEC. 846. [20 U.S.C. 1474 note] AUTHORITY TO ADMINISTER SUMMER TRAVEL AND WORK PROGRAMS.

The Director of the United States Information Agency is authorized to administer summer travel and work programs without regard to preplacement requirements.

PART K—MISCELLANEOUS⁴

SEC. 862. RELEASE OF CONDITIONS, COVENANTS, AND REVERSIONARY INTERESTS, GUAM COMMUNITY COLLEGE CONVEYANCE, BARRIGADA, GUAM.

(a) **RELEASE.**—The Secretary of Education shall release all conditions and covenants that were imposed by the United States, and the reversionary interests that were retained by the United States, as part of the conveyance of a parcel of Federal surplus property located in Barrigada, Guam, consisting of approximately 314.28 acres and known as Naval Communications Area Master Station, WESTPAC, parcel IN, which was conveyed to the Guam Community College pursuant to—

(1) the quitclaim deed dated June 8, 1990, conveying 61.45 acres, between the Secretary, acting through the Administrator for Management Services, and the Guam Community College, acting through its Board of Trustees; and

(2) the quitclaim deed dated June 8, 1990, conveying 252.83 acres, between the Secretary, acting through the Administrator for Management Services, and the Guam Community College, acting through its Board of Trustees, and the Governor of Guam.

(b) **CONSIDERATION.**—The Secretary shall execute the release of the conditions, covenants, and reversionary interests under subsection (a) without consideration.

(c) **INSTRUMENT OF RELEASE.**—The Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the conditions, covenants, and reversionary interests under subsection (a).

SEC. 864. EDUCATIONAL MERCHANDISE LICENSING CODES OF CONDUCT.

It is the sense of Congress that all American colleges and universities should adopt rigorous educational merchandise licensing codes of conduct to assure that university and college licensed mer-

⁴ Part J of title VIII was repealed. Also, in part K, sections 861 and 863 were repealed.

chandise is not made by sweatshop and exploited adult or child labor either domestically or abroad, and that such codes should include at least the following:

- (1) Public reporting of the code and the companies adhering to the code.
- (2) Independent monitoring of the companies adhering to the code by entities not limited to major international accounting firms.
- (3) An explicit prohibition on the use of child labor.
- (4) An explicit requirement that companies pay workers at least the governing minimum wage and applicable overtime.
- (5) An explicit requirement that companies allow workers the right to organize without retribution.
- (6) An explicit requirement that companies maintain a safe and healthy workplace.

TITLE VIII—STUDIES, REPORTS, AND RELATED PROGRAMS⁵

PART D—GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS

SEC. 821.⁶ [20 U.S.C. 1151] GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED INDIVIDUALS.

(a) DEFINITION.—In this section, the term “incarcerated individual” means a male or female offender who is—

- (1) 35 years of age or younger; and
- (2) incarcerated in a State prison, including a prerelease facility.

(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the “Secretary”)—

(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States to assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills through—

(A) coursework to prepare such individuals to pursue a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison;

(B) the pursuit of a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison; and

⁵ Parts A through C of title VIII were repealed.

⁶ Section 511(b) of Public Law 113–128 repeals section 821 of this Act. Section 506(a) of such Public Law provides as follows: “[e]xcept as otherwise provided in this Act, this Act, including the amendments made by this Act, shall take effect on the first day of the first full program year after the date of enactment of this Act” [enactment date is July 22, 2014]. The effective date for the execution of such amendment is July 1, 2015.

(C) employment counseling and other related services, which start during incarceration and end not later than two years after release from incarceration; and

(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

(c) APPLICATION.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for an incarcerated individual program that—

- (1) identifies the scope of the problem, including the number of incarcerated individuals in need of postsecondary education and career and technical training;
- (2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;
- (3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;
- (4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

- (i) program completion, including an explicit definition of what constitutes a program completion within the proposal;
- (ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;
- (iii) attainment of employment both prior to and subsequent to release;
- (iv) success in employment indicated by job retention and advancement; and
- (v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

(5) describes how the proposed program is to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical training) and State industry programs;

(6) describes how the proposed program will—

- (A) deliver services under this section; and
- (B) utilize technology to deliver such services; and

(7) describes how incarcerated individuals will be selected so that only those eligible under subsection (e) will be enrolled in postsecondary programs.

(d) PROGRAM REQUIREMENTS.—Each State correctional education agency receiving a grant under this section shall—

(1) annually report to the Secretary regarding—

(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2);

(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4) as necessary to document the attainment of project performance objectives;

(D) how the funds provided under this section are being allocated among postsecondary preparatory education, postsecondary academic programs, and career and technical education programs; and

(E) the service delivery methods being used for each course offering; and

(2) provide for each student eligible under subsection (e) not more than—

(A) \$3,000 annually for tuition, books, and essential materials; and

(B) \$300 annually for related services such as career development, substance abuse counseling, parenting skills training, and health education.

(e) STUDENT ELIGIBILITY.—An incarcerated individual who has obtained a secondary school diploma or its recognized equivalent shall be eligible for participation in a program receiving a grant under this section if such individual—

(1) is eligible to be released within seven years (including an incarcerated individual who is eligible for parole within such time);

(2) is 35 years of age or younger; and

(3) has not been convicted of—

(A) a “criminal offense against a victim who is a minor” or a “sexually violent offense”, as such terms are defined in the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. 14071 et seq.); or

(B) murder, as described in section 1111 of title 18, United States Code.

(f) LENGTH OF PARTICIPATION.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating incarcerated individual for a period not to exceed seven years, not more than two years of which may be devoted to study in a graduate education degree program or to coursework to prepare such individuals to take college level courses. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than two years after release from confinement.

(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent

practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

(h) ALLOCATION OF FUNDS.—

(1) FISCAL YEAR 2009.—From the funds appropriated pursuant to subsection (i) for fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of incarcerated individuals described in paragraphs (1) and (2) of subsection (e) in the State bears to the total number of such individuals in all States.

(2) FUTURE FISCAL YEARS.—From the funds appropriated pursuant to subsection (i) for each fiscal year after fiscal year 2009, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2009 through 2014.

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