

GRADUATE OPPORTUNITIES IN HIGHER EDUCATION ACT
OF 2003

OCTOBER 8, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BOEHNER, from the Committee on Education and the
Workforce, submitted the following

R E P O R T

[To accompany H.R. 3076]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 3076) to amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) **SHORT TITLE.**—This Act may be cited as the “Graduate Opportunities in Higher Education Act of 2003”.

(b) **REFERENCES.**—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 2. JAVITS FELLOWSHIP PROGRAM.

(a) **INTERRUPTIONS OF STUDY.**—Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: “In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.”.

(b) **ALLOCATION OF FELLOWSHIPS.**—Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended—

(1) in the first sentence, by inserting “from diverse geographic regions” after “higher education”; and

- (2) by adding at the end the following new sentence: “The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.”.
- (c) STIPENDS.—Section 703 (20 U.S.C. 1134b(a)) is amended—
- (1) in subsection (a)—
 - (A) by striking “1999–2000” and inserting “2004–2005”;
 - (B) by striking “shall be set” and inserting “may be set”; and
 - (C) by striking “Foundation graduate fellowships” and inserting “Foundation Graduate Research Fellowship Program”; and
 - (2) in subsection (b), by amending paragraph (1)(A) to read as follows:

“(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2004–2005 and succeeding academic years, the same amount as the institutional payment made for 2003–2004 adjusted for 2004–2005 and annually thereafter in accordance with inflation as determined by the Department of Labor’s Consumer Price Index for the previous calendar year.”.
- (d) AUTHORIZATION OF APPROPRIATIONS.—Section 705 (20 U.S.C. 1134d) is amended by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.
- SEC. 3. GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED.**
- (a) DESIGNATION OF AREAS OF NATIONAL NEED; PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—
- (1) in the last sentence of subsection (b)—
 - (A) by striking “and an assessment” and inserting “an assessment”; and
 - (B) by inserting before the period at the end of the following: “, and the priority described in subsection (c) of this section”; and
 - (2) by adding at the end the following new subsection:

“(c) PRIORITY.—The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—

 - “(1) post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master’s degree or are pursuing a doctorate of philosophy in math and science;
 - “(2) post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and
 - “(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.”.
- (b) COLLABORATION REQUIRED FOR CERTAIN APPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is amended—
- (1) by striking “and” at the end of paragraph (9);
 - (2) by redesignating paragraph (10) as paragraph (11); and
 - (3) by inserting after paragraph (9) the following new paragraph:

“(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and”.
- (c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b)) is amended—
- (1) by striking “1999–2000” and inserting “2004–2005”;
 - (2) by striking “shall be set” and inserting “may be set”; and
 - (3) by striking “Foundation graduate fellowships” and inserting “Foundation Graduate Research Fellowship Program”.
- (d) ADDITIONAL ASSISTANCE.—Section 715(a)(1) (20 U.S.C. 1135d(a)(1)) is amended—
- (1) by striking “1999–2000” and inserting “2004–2005”; and
 - (2) by striking “1998–1999” and inserting “2003–2004”.
- (e) AUTHORIZATION OF APPROPRIATIONS.—Section 716 (20 U.S.C. 1135e) is amended by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.
- (f) TECHNICAL AMENDMENTS.—Section 714(c) (20 U.S.C. 1135c(c)) is amended—
- (1) by striking “section 716(a)” and inserting “section 715(a)”; and

(2) by striking “section 714(b)(2)” and inserting “section 713(b)(2)”.

SEC. 4. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) CONTRACT AND GRANT PURPOSES.—Section 721(c) (20 U.S.C. 1136(c)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;”;

(2) by striking “and” at the end of paragraph (4);

(3) by striking the period at the end of paragraph (5) and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(6) to award Thurgood Marshall Fellowships to eligible law school students—

“(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

“(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.”.

(b) SERVICES PROVIDED.—Section 721(d)(1)(D) (20 U.S.C. 1136(d)(1)(D)) is amended by inserting “in analytical skills and study methods” after “courses”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 721(h) (20 U.S.C. 1136(h)) is amended by striking “1999 and each of the 4 succeeding fiscal years” and inserting “2004 and each of the 5 succeeding fiscal years”.

(d) GENERAL PROVISIONS.—Subsection (e) of section 731 (20 U.S.C. 1137(e)) is repealed.

SEC. 5. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) CONTRACT AND GRANT PURPOSES.—Section 741(a) (20 U.S.C. 1138(a)) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;”;

(2) in paragraph (2), by inserting before the semicolon at the end the following: “for postsecondary students, especially those that provide academic credit for programs”;

(3) by amending paragraph (3) to read as follows:

“(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;” and

(4) by amending paragraph (6) to read as follows:

“(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;”.

(b) AREAS OF NATIONAL NEED.—Section 744(c) (20 U.S.C. 1138c(c)) is amended by striking paragraph (4) and inserting the following:

“(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

“(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

“(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention, education, healthcare, self sufficiency, and workforce preparation.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 745 (20 U.S.C. 1138d) is amended by striking “\$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

SEC. 6. URBAN COMMUNITY SERVICE.

Part C of title VII (20 U.S.C. 1139 et seq.) is repealed.

SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION.

(a) **SERVING ALL STUDENTS WITH DISABILITIES.**—Section 762(a) (20 U.S.C. 1140a(a)) is amended by striking “students with learning disabilities” and inserting “students with disabilities”.

(b) **AUTHORIZED ACTIVITIES.**—

(1) **AMENDMENT.**—Section 762(b)(2) is amended—

(A) in subparagraph (A), by inserting “in order to improve retention and completion” after “disabilities”;

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) **EFFECTIVE TRANSITION PRACTICES.**—The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education.”; and

(D) by inserting after subparagraph (C) (as redesignated by subparagraph (B) of this paragraph) the following new subparagraph:

“(D) **DISTANCE LEARNING.**—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.”.

(2) **CONFORMING AMENDMENT.**—Section 762(b)(3) is amended by striking “subparagraphs (A) through (C)” and inserting “subparagraphs (A) through (E)”.

(c) **APPLICATIONS.**—Section 763 (20 U.S.C. 1140b) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) a description of how such institution plans to address the activities allowed under this part;”;

(2) by striking “and” at the end of paragraph (2);

(3) by striking the period at the end of paragraph (3) and inserting “; and”; and

(4) by adding at the end the following new paragraph:

“(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.”.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 765 (20 U.S.C. 1140d) is amended by striking “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

PURPOSE

H.R. 3076, the Graduate Opportunities in Higher Education Act of 2003, amends title VII of the Higher Education Act (HEA), which provides support for graduate programs. H.R. 3076 increases the efficiency and effectiveness of critical graduate programs including the Jacob K. Javits Fellowship Program, the Graduate Assistance in Areas of National Need (GAANN) Program, the Thurgood Marshall Legal Educational Opportunity Program, the Fund for the Improvement of Postsecondary Education (FIPSE) Program and the Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education Program. H.R. 3076 will ensure these programs continue to serve graduate students and institutions of higher education with strong quality programs, and our nation with a well educated, prepared citizenry.

COMMITTEE ACTION

108TH CONGRESS

Subcommittee hearing

On Tuesday, September 9, 2003, the Committee on Education and the Workforce, Subcommittee on Select Education, held a hear-

ing in Washington, D.C. entitled “Beyond Baccalaureate: Graduate Programs in the Higher Education Act.” The purpose of this hearing was to provide an overview of the graduate programs authorized under title VII of the Higher Education Act (HEA) and to gather information about how these programs can be improved during the reauthorization. Witnesses included: Dr. Earl Lewis, Dean of the Graduate School, Rackham School of Graduate Studies, the University of Michigan, Ann Arbor, Michigan; Dr. William B. Allen, Department of Political Science, Michigan State University, East Lansing, Michigan; Mr. Daniel Hall, Vice President of University Relations, University of Louisville, Louisville, Kentucky; and Dr. Blandina Cardenas, Associate Professor and Dean of Education, University of Texas-San Antonio, San Antonio, Texas.

Legislative action

On September 11, 2003, Representatives Pete Hoekstra (R-MI), John Boehner (R-OH), Howard P. “Buck” McKeon (R-CA), Johnny Isakson (R-GA), Patrick Tiberi (R-OH), Joe Wilson (R-SC), and Tom Cole (R-OK) introduced H.R. 3076, the Graduate Opportunities in Higher Education Act of 2003, to reauthorize graduate education programs under title VII of the Higher Education Act through fiscal year 2009.

On September 17, 2003, the Subcommittee on Select Education considered H.R. 3076 in legislative session during which an amendment in the nature of a substitute was offered and by unanimous consent accepted as the base text to which any amendments would be considered. The Subcommittee reported H.R. 3076 favorably as amended to the Committee on Education and the Workforce by voice vote. The Subcommittee adopted the following amendments to H.R. 3076:

- Representative Hoekstra (R-MI) offered a substitute amendment that made technical and clarifying changes to the legislation, including the reinstatement of language that ensures qualified students receive Javits fellowship awards, regardless of Department of Education error.

The Committee on Education and the Workforce considered H.R. 3076 during a legislative session on Thursday, September 25, 2003, during which Representative Pete Hoekstra (R-MI) offered an amendment in the nature of a substitute. By unanimous consent, the substitute was accepted as the base text to which any amendments would be considered. The Committee adopted the following amendments to H.R. 3076:

- Representative Hoekstra (R-MI) offered a substitute amendment that made technical and clarifying changes to the legislation. The amendment included the addition of an authorized use of special project funds for FIPSE, which encourages the establishment of academic programs to train faculty to teach traditional American history. The substitute also moved the competitive priority for graduate work in second language pedagogy and second language acquisition, including the preparation of teachers who teach limited English proficient students, from the Javits program to the GAANN program.

- Representative Ehlers (R-MI) offered an amendment that was adopted by unanimous consent by the Committee. The amendment moves the GAANN competitive priority language to the section of

title VII within which areas of national need and institutional eligibility are determined. This placement is more appropriate to the intent of the priority and aligns the determination of the Secretary with the actual disciplines to be considered. The amendment also requires that an applicant have a master's degree or be working toward a Ph.D. in math or science prior to receipt of the fellowship.

- Representative Holt (D–NJ) offered an amendment that was adopted by unanimous consent by the Committee. The amendment requires applicants for the GAANN program to include within that application, assurances that the department receiving the grant collaborates with departments, programs or units in all content areas to ensure a successful combination of training in both teaching and content areas.

- Representative Ryan (D–OH) and Representative Hoekstra (R–MI) offered an amendment that was adopted by unanimous consent by the Committee. The amendment would add an authorized activity in the special projects fund of the Fund for the Improvement of Postsecondary Education (FIPSE). The amendment allows FIPSE to include support for planning, research, training, and other services to be provided by institutions of higher education in order to work with private and civic organizations to assist communities in addressing pressing and severe community problems.

The Committee on Education and the Workforce, with a majority of the Committee present, favorably reported H.R. 3076 as amended, to the House of Representatives by voice vote.

Below is a summary of H.R. 3076.

SUMMARY

H.R. 3076 reauthorizes the Jacob K. Javits Fellowship program, the Graduate Assistance in the Areas of National Need (GAANN) program, the Thurgood Marshall Legal Educational Opportunity program, the Fund for the Improvement of Postsecondary Education (FIPSE) and the Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education Program provided for within title VII through FY 2009.

H.R. 3076 permits military personnel to interrupt Javits fellowship study when called to active duty, and requires the Javits fellowship board to include members from diverse geographic regions as well as at least one representative from a minority serving institution. H.R. 3076 aligns the stipends for Javits fellowships to the National Science Foundation (NSF) Graduate Research Fellowship program.

Within the GAANN program, H.R. 3076 establishes a competitive priority for grants to those preparing math, science and special education faculty, as well as those preparing faculty to teach teachers of limited English proficient (LEP) individuals. The bill aligns the stipends for GAANN fellowships to the NSF Graduate Research Fellowship program. The Graduate Opportunities in Higher Education Act clarifies the grant authority within the Thurgood Marshall Program and encourages the recognition of innovative reform programs with the FIPSE program for non-traditional student populations. It also provides for special projects within FIPSE to include international partnerships with postsecondary institutions abroad; and encourages the establishment of academic programs

that teach traditional American history. H.R. 3076 repeals the Urban Community Service program.

Finally, H.R. 3076 provides for new authority within the Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education Program to assist with students' transition between secondary and postsecondary education.

COMMITTEE VIEWS

As we enter the 21st Century, the need for advanced education is becoming increasingly more critical to successfully maintaining our place in a technologically advanced economy. Now, more than ever, our citizens are obtaining graduate degrees in order to gain more knowledge and expertise in their field of study.

Graduate programs, while important for their role in higher education, also play an essential, yet often overlooked role in K-12 education. Graduate programs provide the education and training necessary for individuals to become faculty at institutions of higher education, who in turn, train the elementary and secondary teachers of tomorrow. The No Child Left Behind Act requires States to ensure that our teachers are highly qualified by the 2005-2006 school year. In order to accomplish this and ensure the nation's children receive the best education possible, Congress must ensure the faculties in our teacher colleges are prepared to meet this challenge.

Elementary and secondary classrooms across the nation are facing teacher shortages in particular subject areas. Many States and schools are struggling to find highly qualified math, science and special education teachers. As our schools work to educate a rapidly growing population whose native language is not English, we need individuals specifically trained in teaching students with limited English proficiency (LEP). H.R. 3076 places a competitive priority on these subject areas to ensure that our investment in graduate education continues to improve education at all levels in America.

The Committee commends the Secretary for identifying as the current areas of national need: biology, chemistry, computer and information sciences, engineering, geological and related sciences, math, and physics. It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The effectiveness of the United States in promoting economic growth will be largely determined by the intellectual capital of the United States. Education is critical to developing this resource.

Currently, a shortage exists of scientists, engineers and other technology-proficient workers. There are an estimated 200,000 open positions for scientists, engineers and technology professionals. Unfortunately, the enrollment in both undergraduate and graduate mathematics, science, and engineering majors is lower than enrollment in most other majors, and the enrollment has been on the decline over the past decade.

This declining enrollment affects the education of our prospective elementary and secondary mathematics and science teachers. Teachers provide the essential connection between students and the content they are learning. Student performance on the recent Third International Math and Science Study highlights the short-

comings of current K–12 science and mathematics education in the United States, particularly when compared to other countries. We must expect more from our nation’s educators and students if we are to build on the accomplishments of previous generations. New methods of teaching mathematics and science are required, as well as better curricula and improved training of teachers.

To achieve improved training of teachers, H.R. 3076 requires the Secretary establish a competitive priority for grants under the Graduate Assistance in Areas of National Need (GAANN) program in order to prepare individuals for the professoriate who are committed to training highly-qualified elementary and secondary school teachers of mathematics and science. The Committee encourages the Secretary to provide priority to departments that engage in such activities, and encourages the Secretary to regard departments of mathematics and sciences, as well as departments of engineering, as departments that may provide such activities. Already, departments of engineering have demonstrated a focus in working collaboratively to prepare highly qualified elementary and secondary mathematics and science teachers.

The Committee recognizes that a chronic and persistent shortage of special education faculty curtails the national capacity of colleges and universities to conduct research and prepare teachers who can effectively teach students with disabilities. The number of special education doctorates produced annually has decreased by 30 percent in the last 20 years, according to the Higher Education Consortium for Special Education. About half of those with doctorates choose to work in higher education; the others work in leadership positions in settings such as local school systems. One significant consequence of the decline in the production of doctorates is the critical shortage of faculty specializing in educating children with special needs at institutions of higher education.

The Committee is aware that the chronic and persistent shortage of special education teachers is exacerbated by the shortage of special education faculty in institutions of higher education. Without adequate faculty, there will be fewer qualified teachers and thus lower student achievement. Research has documented that students are more likely to have higher achievement when they are taught by qualified teachers, than when they are taught by unqualified teachers. As accountability for student achievement increases, the demand for qualified special education teachers will likewise increase.

To achieve improved training of teachers, H.R. 3076 requires the Secretary to establish a competitive priority for grants under the GAANN program in order to prepare individuals for the professoriate who are committed to training highly-qualified elementary and secondary school teachers that can effectively teach students with disabilities.

The provisions of No Child Left Behind require closing the achievement gap that exists for the nation’s 4.5 million limited English proficient children. There is an acute shortage of teachers prepared to teach these young students. The tremendous need for bilingual/English as a second language (ESL) teachers exists not only in states with traditionally large immigrant populations like California, Florida and Texas, but also on a national level and an increasing number of small towns and rural communities.

Therefore, in order to ensure that students with limited English proficiency are instructed by teachers who are qualified to address the needs of this unique student population, H.R. 3076 requires the Secretary to establish a competitive priority for grants under the GAANN program in order to prepare individuals for the professoriate in fields such as second language pedagogy and second language acquisition who are committed to training highly-qualified elementary and secondary school teachers that can effectively teach limited English proficient students.

Ensuring innovation, reform and outreach in higher education is essential in assisting institutions to meet their full potential and allowing their students to do the same. The Committee recognizes that many institutions of higher education possess tremendous resources in their facilities, faculty and student body, and often these resources are under-utilized outside of the traditional classroom. H.R. 3076 extends the opportunity for institutions of higher education to reach out to the communities in which they reside. By allowing the Secretary to include community outreach and involvement as an activity within the Fund for Improving Postsecondary Education (FIPSE), the special project authorization allows institutions of higher education to assist in meeting the pressing needs of the surrounding community, while providing an educational experience for students that will be unmatched in the classroom.

In 2000, Congress unanimously passed a concurrent resolution (S. Con. Res. 129) stating, in part, that “the historical illiteracy of America’s college and university graduates is a serious problem * * *” reflecting a failure to impart to students a basic understanding of the history, ideals, documents and institutions that have formed this nation and secured it the blessings of liberty. The Committee notes that the events of September 11, 2001 made these concerns even more compelling. The ideals, institutions, key documents, and history on which our Republic stands need to be understood if they are to be sustained in times of trial.

This issue was most recently highlighted in a hearing conducted by the Subcommittee on Select Education, on September 9, 2003. At that hearing, Dr. William Barclay Allen, Professor of Political Philosophy and Director of the Program in Public Policy and Administration at Michigan State University, spoke of the impact of the disappearance of university requirements in traditional American history and western civilization:

A direct consequence of this trend has been an erosion of the training of professors (and therefore K-12 teachers) to preserve broad familiarity with facts, texts, and significant dates affecting our civic existence. A targeted response to this situation, cutting across disciplinary distinctions, will meaningfully strengthen the academy’s ability to play a central role in fostering content mastery regarding the significant moral, constitutional, political, intellectual, economic, cultural, and international influences revealed through American history.

In response to this concern, H.R. 3076 includes an important amendment to the FIPSE program. Specifically, language was added identifying the expansion of academic programs focused on traditional American history as an area of “national need.” It is the

intent of the Committee that this authority be used for reinvigorating majors and graduate programs in these fields, thus creating a new pipeline for producing the scholars and teachers needed to staff these fields at the graduate and undergraduate levels and in teacher training programs.

By including the establishment of academic programs in support of research and the development of teaching materials for teaching traditional American history, students and faculty may once again ensure the values and history of the United States are learned, remembered and passed on to future generations. H.R. 3076 will go a long way in bringing back the relevance of teaching this important topic and ensure it is done comprehensively.

In this reauthorization, the Committee feels strongly that the importance of graduate education overall should not be overlooked. Dr. Earl Lewis, Dean of the Rackham Graduate School, Vice Provost for Academic Affairs for Graduate Studies, and Professor of History at the University of Michigan expressed his support for graduate education programs before the Subcommittee on Select Education:

Graduate education prepares the scientists and engineers needed by industry, government, and universities to conduct the nation's research and development. Graduate programs also educate the scholars in the humanities, social sciences, and the arts who preserve and enlarge our understanding of the history and scope of human thought and the human condition, and transmit that knowledge to succeeding generations. Moreover, graduate programs at our nation's universities generate new knowledge and act as incubators of innovative ideas that drive new technologies and create new ways to address societal, health, security, and economic needs and challenges.

As Congress continues its work on the reauthorization of the Higher Education Act, it must continue to build on the demonstrated success of these valuable graduate programs. These programs, and the amendments made within H.R. 3076, will prepare the next generation of scientists, scholars and teachers and ensure the support and effectiveness of these programs.

SECTION-BY-SECTION ANALYSIS

SECTION 1

States the short title as the "Graduate Opportunities in Higher Education Act of 2003."

SECTION 2

Amends Section 701(c) by allowing institutions of higher education to grant fellowship recipients an interruption of study due to active duty military service or a personal or family member illness.

Amends Section 702(a)(1) with regard to the allocation of fellowships within the Jacob K. Javits program and by requiring the Secretary to ensure that one member of the fellowship board will be from a minority serving institution.

Amends Section 703 with regard to stipends.

Amends Section 705 with regard to the authorization of appropriations.

SECTION 3

Amends Section 712(b) pertaining to the designation of areas of national need.

Amends Section 712 by inserting subsection (c) which requires the Secretary to provide a priority for grants to institutions that prepare math, science and special education faculty who can train highly qualified math, science or special education teachers for service in elementary and secondary schools. The Secretary is also authorized to provide a priority for grants to institutions for graduate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals.

Amends 713(b) by requiring institutional grantees that apply for grants, to assure in their application that they are working in collaboration with all content areas at the institutional level.

Amends Section 714(b) with regard to stipends.

Amends Section 714(c) by making technical amendments.

Amends Section 715(a)(1) concerning additional assistance.

Amends Section 716 with regard to the authorization of appropriations.

SECTION 4

Amends Section 721(c) pertaining to contract and grant purposes for the Thurgood Marshall Legal Educational Opportunity program.

Amends Section 721(d)(1)(D) with regard to services provided.

Amends Section 721(h) which pertains to the authorization of appropriations.

Amends Section 731 by repealing subsection (e).

SECTION 5

Amends Section 741 by authorizing the Secretary to consider applications for grants that recognize the needs of non-traditional student populations.

Amends Section 744(c) to clarify special projects may include international partnerships with postsecondary institutions abroad; encourages the establishment of academic programs that teach traditional American history; and contains provisions that will assist institutions in meeting community problems and supporting economic development and other programs.

Amends Section 745 with regard to the authorization of appropriations.

SECTION 6

Amends title VII by repealing Part C, Urban Community Service program.

SECTION 7

Amends Section 762 by allowing grantees to assist students with disabilities with the transition between secondary and postsecondary education and to use funds to develop innovative, effective

and efficient distance education programs that would enhance access of students with disabilities to postsecondary education programs.

Amends Section 763 by requiring the application to include a description of how the institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.

Amends Section 765 with regard to the authorization of appropriations.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. H.R. 3076, the “Graduate Opportunities in Higher Education Act of 2003,” amends title VII of the Higher Education Act (HEA), which provides support for graduate programs. H.R. 3076 increases the efficiency and effectiveness of critical graduate programs including the Jacob K. Javits Fellowship Program, the Graduate Assistance in Areas of National Need (GAANN) Program, the Thurgood Marshall Legal Educational Opportunity Program, the Fund for the Improvement of Postsecondary Education (FIPSE) Program and the Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education Program. H.R. 3076 will ensure these programs continue to serve graduate students and institutions of higher education with strong quality programs, and our nation with a well educated, prepared citizenry. This bill does not prevent legislative branch employees from receiving the benefits of this legislation.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 3076, the Graduate Opportunities in Higher Education Act of 2003, amends title VII of the Higher Education Act (HEA), which provides support for discretionary funded graduate programs. As such, the bill does not contain any unfunded mandates.

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 CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3076 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 2003.

Hon. JOHN A. BOEHNER,
*Chairman, Committee on Education and the Workforce,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3076, the Graduate Opportunities in Higher Education Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Kalcevic.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 3076—Graduate Opportunities in Higher Education Act of
2003*

Summary: H.R. 3076 authorize programs under title VII of the Higher Education Act. These programs are currently authorized through 2004 by the General Education Provisions Act (GEPA), and H.R. 3076 would reauthorize them through 2009. The bill also would repeal the Urban Community Service program, which is currently authorized but has not received funding since 1999.

CBO estimates that authorizations under the bill would total \$120 million in 2004 and about \$758 million over the 2004–2009 period, assuming that annual levels are adjusted for inflation. (Without such inflation adjustments, the authorizations would total about \$720 million over the 2004–2009 period.) CBO estimates that appropriations at the estimated levels would result in outlays of \$585 million over the 2004–2009 period, assuming annual adjustments for inflation. (Outlays would be about \$563 million without adjustments for inflation.) Enacting H.R. 3076 would not affect direct spending or receipts.

H.R. 3076 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). The grants authorized by the bill would benefit state, local, and tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3076, with inflation adjustments for the various components of each title of the bill, is shown in the following table. The costs of this legislation fall within budget function 500 (education, training, employment, and social services).

	By fiscal year, in millions of dollars—						
	2003	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION							
Authorizations in H.R. 3076:							
Javits Fellowships Program:							
Estimated Authorization Level	0	30	31	31	32	33	33
Estimated Outlays	0	2	22	28	31	32	32
Graduate Assistance in Areas of National Need:							
Estimated Authorization Level	0	35	36	36	37	38	39
Estimated Outlays	0	2	26	32	36	37	38
Thurgood Marshall Legal Education Opportunities:							
Estimated Authorization Level	0	5	5	5	5	5	6
Estimated Outlays	0	*	4	5	5	5	5
Funds for the Improvement of Post-Secondary Education:							
Estimated Authorization Level	0	40	41	42	43	43	44
Estimated Outlays	0	2	29	37	41	42	43
Demonstration Projects for Students With Disabilities:							
Estimated Authorization Level	0	10	10	10	11	11	11
Estimated Outlays	0	1	7	9	10	11	11
Total Authorizations in H.R. 3076:							
Estimated Authorization Level	0	120	122	125	128	130	133
Estimated Outlays	0	6	88	111	124	127	130
Less: Amounts Authorized for 2004 Under Current Law:							
Authorization Level ¹	n.a.	224	0	0	0	0	0
Estimated Outlays	n.a.	11	152	40	20	0	0
Total Proposed Changes:							
Estimated Authorization Level	0	-104	122	125	128	130	133
Estimated Outlays	0	-5	-64	71	104	127	130
Memorandum							
Total Spending for Title VII of the Higher Education Act Under H.R. 3076:							
Budget Authority/Estimated Authorization Level ¹	224	120	122	125	128	130	133
Estimated Outlays ²	216	218	149	131	124	127	130

1. The 2003 level is the amount appropriated that year. Under the General Education Provisions Act (GEPA), the affected programs were automatically authorized for 2004 at the 2003 appropriation.

2. Includes outlays from appropriations provided in 2003 and prior years.

Notes.—Components may not sum to totals because of rounding. * = Less than \$500,000. n.a. = not applicable.

Basis of estimate: H.R. 3076 would reauthorize programs under title VII of the Higher Education Act for the 2004–2009 period. These programs would have expired at the end of fiscal year 2003, except for the automatic one-year extension provided by GEPA. The bill also would repeal the authorization for the Urban Community Service program.

Each of the authorizations is a specific amount for 2004 and such sums as may be necessary through 2009. The bill would authorize total appropriations of \$120 million in 2004, \$104 million less than the amounts authorized under GEPA for 2004. CBO estimates that this bill would authorize total funding of \$758 million over the 2004–2009 period, assuming that funding for the “such sums” authorizations specified for years after 2004 is provided at the authorized levels for 2004 adjusted for inflation. The outlays from such appropriations would total \$6 million in 2004 and \$585 million over the six-year period. The estimated outlays reflect historical rates of spending for the affected programs.

Javits Fellowship program

H.R. 3076 would revise and reauthorize the Javits Fellowships program. The program provides financial support for highly talented students pursuing advanced degrees. It gives fellows stipends to cover living expenses and payments to the degree-granting institution to cover tuition and other expenses. In 2002, the program supported 331 fellows at an average cost of about \$30,200.

The bill would authorize \$30 million in 2004—\$20 million above the GEPA authorized level—and such sums as may be necessary for years 2005 through 2009. CBO estimates the total authorization for the 2004–2009 period would be about \$190 million, assuming adjustments for inflation, with resulting outlays of \$146 million over those six years. The program was funded at \$10 million in 2003.

Graduate Assistance in Areas of National Need

The bill would authorize appropriations for the Graduate Assistance in Areas of National Need program through 2009. The program supplies postsecondary institutions with three-year grants to support graduate students with superior ability who are studying in areas of national needs. To participate, the educational institutions must match 25 percent of the federal grant amount. In 2002, the areas of need designated were the basic sciences, mathematics, engineering, and computer and information sciences. That year the program funded 1,072 fellows at an average cost of \$29,000.

The bill would reauthorize the program at \$35 million in 2004—\$4 million above the GEPA authorization—and such sums as may be necessary for each of the following five years. For this program, CBO estimates the total authorization for the 2004–2009 period would be \$221 million, assuming adjustments for inflation, with resulting outlays of \$171 million over those six years. The 2003 appropriation for the program was \$31 million.

Thurgood Marshall Legal Educational Opportunities

H.R. 3076 would reauthorize the Thurgood Marshall Legal Educational Opportunities program through 2009. Under the program, the Secretary of Education is authorized to grant a single award to the Council on Legal Education Opportunity to administer the program, which is designed to provide information and assistance regarding law school study to minority, low-income, or disadvantaged students.

The bill would authorize the program at \$5 million in 2004—the same level as authorized under GEPA—and such sums as may be necessary for the next five years. The total estimated authorization for the 2004–2009 period would amount to \$32 million and, assuming the funds would be appropriated, result in additional outlays of \$24 million. The program received an appropriation of \$5 million in 2003.

Funds for the Improvement of Postsecondary Education

The bill would extend the authorization of the Funds for the Improvement of Postsecondary Education (FIPSE) program through 2009. The program currently supports two major grant programs: the comprehensive program and the international consortia program. The comprehensive program provides support for activities

that address practices in postsecondary education rather than basic research. The international consortia program encourages the exchange of student and faculty among postsecondary institutions from other countries. In addition, the Congress regularly adds grants to specific schools.

H.R. 3076 would extend the FIPSE authorization at \$40 million in 2004 and such sums as may be necessary through 2009. The authorization for 2004 is \$131 million below the appropriation for 2003, which included \$140 million for specific grants to postsecondary institutions. CBO estimates that the bill would authorize appropriations totaling \$253 million over the 2004–2009 period, the resulting outlays would amount to \$195 million over that period.

Urban Community Service program

H.R. 3076 would repeal the authorization for the Urban Community Service program. Although the program was first authorized at \$20 million for 1999 and such sums as may be necessary for the next four years, its only funding was an appropriation of \$4.6 million in 1999.

Demonstration projects for students with disabilities

The bill would continue the authority of the Secretary of Education to support demonstration projects that are models for reform and improvement of postsecondary education with a focus on students with disabilities. The research areas include teaching and learning productivity, professional development, and students' access, retention, and completion of higher education.

H.R. 3076 would authorize appropriations of \$10 million for the demonstration projects in 2004—\$3 million more than the amount authorized under GEPA—and such sums as may be necessary through 2009. These authorizations are estimated to total \$63 million over the 2004–2009 period, and result in outlays of \$49 million. The appropriation for the demonstration projects in 2003 was \$7 million.

Intergovernmental and private-sector impact: H.R. 3076 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would benefit state, local, and tribal governments because public and tribal higher educational institutions would be eligible for grants authorized under the bill. Any costs incurred by state, local, or tribal governments would result from complying with the grant conditions.

Estimate prepared by: Federal Costs: Deborah Kalcevic. Impact on State, Local, and Tribal Governments: Sarah Puro. Impact on the Private Sector: Nabeel Alsalam.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause (3)(c) of House Rule XIII, the goal of H.R. 3076 is to provide support for graduate programs under the Higher Education Act. H.R. 3076 increases the efficiency and effectiveness of critical graduate programs including the Jacob K. Javits Fellowship Program, the Graduate Assistance in Areas of National Need (GAANN) Program, the Thurgood Marshall Legal Educational Opportunity Program, the Fund for the Improvement of

Postsecondary Education (FIPSE) Program and the Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education Program. H.R. 3076 will ensure these programs continue to serve graduate students and institutions of higher education with strong quality programs, and our nation with a well educated, prepared citizenry. The Committee expects the Department of Education to comply with H.R. 3076 and implement the changes to the law in accordance with the changes.

CONSTITUTIONAL AUTHORITY STATEMENT

Under clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee must include a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by H.R. 3076. The Committee believes that the amendments made by this bill, which authorize appropriations for education assistance, are within Congress' authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clauses 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3076. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

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 italic, existing law in which no change is proposed is shown in roman):

HIGHER EDUCATION ACT OF 1965

* * * * *

TITLE VII—GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS

PART A—GRADUATE EDUCATION PROGRAMS

Subpart 1—Jacob K. Javits Fellowship Program

SEC. 701. AWARD OF JACOB K. JAVITS FELLOWSHIPS.

(a) * * * *

* * * * *

(c) **INTERRUPTIONS OF STUDY.**—The institution of higher education may allow a fellowship recipient to interrupt periods of study for a period not to exceed 12 months for the purpose of work, travel, or independent study away from the campus, if such inde-

pendent study is supportive of the fellowship recipient's academic program and shall continue payments for those 12-month periods during which the student is pursuing travel or independent study supportive of the recipient's academic program. *In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or not more than 12 months (in any other case), but without payment of the stipend.*

* * * * *

SEC. 702. ALLOCATION OF FELLOWSHIPS.

(a) FELLOWSHIP BOARD.—

(1) APPOINTMENT.—The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (hereinafter in this subpart referred to as the “Board”) consisting of 9 individuals representative of both public and private institutions of higher education *from diverse geographic regions* who are especially qualified to serve on the Board. In making appointments, the Secretary shall give due consideration to the appointment of individuals who are highly respected in the academic community. The Secretary shall assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences. *The Secretary shall also assure that at least one representative appointed to the Board represents an institution that is eligible for a grant under title III or V of this Act.*

* * * * *

SEC. 703. STIPENDS.

(a) AWARD BY SECRETARY.—The Secretary shall pay to individuals awarded fellowships under this subpart such stipends as the Secretary may establish, reflecting the purpose of this program to encourage highly talented students to undertake graduate study as described in this subpart. In the case of an individual who receives such individual's first stipend under this subpart in academic year **[1999–2000]** *2004–2005* or any succeeding academic year, such stipend **[shall be set]** *may be set* at a level of support equal to that provided by the National Science **[Foundation graduate fellowships]** *Foundation Graduate Research Fellowship Program*, except such amount shall be adjusted as necessary so as not to exceed the fellow's demonstrated level of need determined in accordance with part F of title IV.

(b) INSTITUTIONAL PAYMENTS.—

[(1) IN GENERAL.—(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 1999–2000 and succeeding academic years, the same amount as the institutional payment made for 1998–1999 under section 933(b) (as such section was in effect on the day before the date of enactment of the Higher Education Amendments of 1998) adjusted for 1999–2000 and annually

thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.】

(1) *IN GENERAL.*—(A) *The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 2004–2005 and succeeding academic years, the same amount as the institutional payment made for 2003–2004 adjusted for 2004–2005 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.*

* * * * *

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$30,000,000 for [fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years] *fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years* to carry out this subpart.

Subpart 2—Graduate Assistance in Areas of National Need

* * * * *

SEC. 712. INSTITUTIONAL ELIGIBILITY.

(a) * * *

* * * * *

(b) *DESIGNATION OF AREAS OF NATIONAL NEED.*—After consultation with appropriate Federal and nonprofit agencies and organizations, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into account the extent to which the interest in the area is compelling, the extent to which other Federal programs support postbaccalaureate study in the area concerned, [and an assessment] *an assessment* of how the program could achieve the most significant impact with available resources, *and the priority described in subsection (c) of this section.*

(c) *PRIORITY.*—*The Secretary shall establish a priority for grants in order to prepare individuals for the professoriate who will train highly-qualified elementary and secondary school teachers of math, science, and special education, and teachers who provide instruction for limited English proficient individuals. Such grants shall offer program assistance and graduate fellowships for—*

(1) *post-baccalaureate study related to teacher preparation and pedagogy in math and science for students who have completed a master's degree or are pursuing a doctorate of philosophy in math and science;*

(2) *post-baccalaureate study related to teacher preparation and pedagogy in special education and English language acquisition and academic proficiency for limited English proficient individuals; and*

(3) support of dissertation research in the fields of math, science, special education, or second language pedagogy and second language acquisition.

* * * * *

SEC. 713. CRITERIA FOR APPLICATIONS.

(a) * * *

* * * * *

(b) CONTENTS OF APPLICATIONS.—An academic department, program or unit of an institution of higher education, in the department, program or unit’s application for a grant, shall—

(1) * * *

* * * * *

(9) provide assurances that the academic department will provide at least 1 year of supervised training in instruction for students; **[and]**

(10) in the case of an application for a grant by a department, program, or unit in education or teacher preparation, contain assurances that such department, program, or unit collaborates with departments, programs, or units in all content areas to assure a successful combination of training in both teaching and such content; and

[(10)] (11) include such other information as the Secretary may prescribe.

SEC. 714. AWARDS TO GRADUATE STUDENTS.

(a) * * *

* * * * *

(b) AMOUNT OF STIPENDS.—The Secretary shall make payments to institutions of higher education for the purpose of paying stipends to individuals who are awarded fellowships under this subpart. The stipends the Secretary establishes shall reflect the purpose of the program under this subpart to encourage highly talented students to undertake graduate study as described in this subpart. In the case of an individual who receives such individual’s first stipend under this subpart in academic year **[1999–2000] 2004–2005** or any succeeding academic year, such stipend **[shall be set] may be set** at a level of support equal to that provided by the National Science **[Foundation graduate fellowships] Foundation Graduate Research Fellowship Program**, except such amount shall be adjusted as necessary so as not to exceed the fellow’s demonstrated level of need as determined under part F of title IV.

(c) TREATMENT OF INSTITUTIONAL PAYMENTS.—An institution of higher education that makes institutional payments for tuition and fees on behalf of individuals supported by fellowships under this subpart in amounts that exceed the institutional payments made by the Secretary pursuant to **[section 716(a)] section 715(a)** may count such excess toward the amounts the institution is required to provide pursuant to **[section 714(b)(2)] section 713(b)(2)**.

* * * * *

SEC. 715. ADDITIONAL ASSISTANCE FOR COST OF EDUCATION.

(a) INSTITUTIONAL PAYMENTS.—

(1) IN GENERAL.—The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be, for ~~1999–2000~~ *2004–2005* and succeeding academic years, the same amount as the institutional payment made for ~~1998–1999~~ *2003–2004* adjusted annually thereafter in accordance with inflation as determined by the Department of Labor’s Consumer Price Index for the previous calendar year.

* * * * *

SEC. 716. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$35,000,000 for ~~fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years~~ *fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years* to carry out this subpart.

Subpart 3—Thurgood Marshall Legal Educational Opportunity Program

SEC. 721. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.

(a) * * *

* * * * *

(c) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of not less than 5 years—

(1) * * *

~~[(2) to prepare such students for study at accredited law schools;]~~

(2) to prepare such students for study at accredited law schools and assist them with the development of analytical skills and study methods to enhance their success and promote completion of law school;

* * * * *

(4) to provide support services to such students who are first-year law students to improve retention and success in law school studies; ~~[and]~~

(5) to motivate and prepare such students with respect to law school studies and practice in low-income communities~~[.]~~; *and*

(6) to award Thurgood Marshall Fellowships to eligible law school students—

(A) who participated in summer institutes authorized by subsection (d) and who are enrolled in an accredited law school; or

(B) who are eligible law school students who have successfully completed a comparable summer institute program certified by the Council on Legal Educational Opportunity.

(d) SERVICES PROVIDED.—In carrying out the purposes described in subsection (c), the contract or grant shall provide for the delivery

of services through prelaw information resource centers, summer institutes, midyear seminars, and other educational activities, conducted under this section. Such services may include—

(1) information and counseling regarding—

(A) * * *

* * * * *

(D) undergraduate preparatory courses *in analytical skills and study methods* and curriculum selection;

* * * * *

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year **1999 and each of the 4 succeeding fiscal years** *2004 and each of the 5 succeeding fiscal years.*

Subpart 4—General Provisions

SEC. 731. ADMINISTRATIVE PROVISIONS FOR SUBPARTS 1, 2, AND 3.

(a) * * *

* * * * *

[(e) CONTINUATION AWARDS.—The Secretary, using funds appropriated to carry out subparts 1 and 2, and before awarding any assistance under such parts to a recipient that did not receive assistance under part C or D of title IX (as such parts were in effect prior to the date of enactment of the Higher Education Amendments of 1998) shall continue to provide funding to recipients of assistance under such part C or D (as so in effect), as the case may be, pursuant to any multiyear award of such assistance.**]**

PART B—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

SEC. 741. FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION.

(a) AUTHORITY.—The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, combinations of such institutions, and other public and private non-profit institutions and agencies, to enable such institutions, combinations, and agencies to improve postsecondary education opportunities by—

[(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;]

(1) the encouragement of the reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all, especially for the non-traditional student populations;

(2) the creation of institutions, programs, and joint efforts involving paths to career and professional training, and combinations of academic and experiential learning *for postsecondary students, especially those that provide academic credit for programs;*

[(3) the establishment of institutions and programs based on the technology of communications;]

(3) the establishment of institutions and programs based on the technology of communications, including delivery by distance education;

* * * * *

[(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;]

(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;

* * * * *

SEC. 744. SPECIAL PROJECTS.

(a) * * *

* * * * *

(c) AREAS OF NATIONAL NEED.—Areas of national need shall initially include, but shall not be limited to, the following:

(1) * * *

* * * * *

[(4) International cooperation and student exchange among postsecondary educational institutions.]

(4) International cooperation, partnerships, or student exchange among postsecondary educational institutions in the United States and abroad.

(5) Establishment of academic programs including graduate and undergraduate courses, seminars and lectures, support of research, and development of teaching materials for the purpose of supporting faculty and academic programs that teach traditional American history (including significant constitutional, political, intellectual, economic, diplomatic, and foreign policy trends, issues, and documents; the history, nature, and development of democratic institutions of which American democracy is a part; and significant events and individuals in the history of the United States).

(6) Support for planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to enable institutions of higher education to work with private and civic organizations to assist communities to meet and address their pressing and severe problems, including economic development, community infrastructure and housing, crime prevention, education, healthcare, self sufficiency, and workforce preparation.

SEC. 745. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this part [\$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years] \$40,000,000 for fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.

* * * * *

[PART C—URBAN COMMUNITY SERVICE

ISEC. 751. FINDINGS.

【The Congress finds that—

【(1) the Nation’s urban centers are facing increasingly pressing problems and needs in the areas of economic development, community infrastructure and service, social policy, public health, housing, crime, education, environmental concerns, planning and work force preparation;

【(2) there are, in the Nation’s urban institutions, people with underutilized skills, knowledge, and experience who are capable of providing a vast range of services toward the amelioration of the problems described in paragraph (1);

【(3) the skills, knowledge and experience in these urban institutions, if applied in a systematic and sustained manner, can make a significant contribution to the solution of such problems; and

【(4) the application of such skills, knowledge and experience is hindered by the limited funds available to redirect attention to solutions to such urban problems.

ISEC. 752. PURPOSE; PROGRAM AUTHORIZED.

【(a) PURPOSE.—It is the purpose of this part to provide incentives to urban academic institutions to enable such institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their communities.

【(b) PROGRAM AUTHORIZED.—The Secretary is authorized to carry out a program of providing assistance to eligible institutions to enable such institutions to carry out the activities described in section 754 in accordance with the provisions of this part.

ISEC. 753. APPLICATION FOR URBAN COMMUNITY SERVICE GRANTS.

【(a) APPLICATION.—

【(1) IN GENERAL.—An eligible institution seeking assistance under this part shall submit to the Secretary an application at such time, in such form, and containing or accompanied by such information and assurances as the Secretary may require by regulation.

【(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

【(A) describe the activities and services for which assistance is sought; and

【(B) include a plan that is agreed to by the members of a consortium that includes, in addition to the eligible institution, one or more of the following entities:

【(i) A community college.

【(ii) An urban school system.

【(iii) A local government.

【(iv) A business or other employer.

【(v) A nonprofit institution.

【(3) WAIVER.—The Secretary may waive the consortium requirements described in paragraph (2) for any applicant who can demonstrate to the satisfaction of the Secretary that the applicant has devised an integrated and coordinated plan which meets the purpose of this part.

[(b) PRIORITY IN SELECTION OF APPLICATIONS.—The Secretary shall give priority to applications that propose to conduct joint projects supported by other local, State, and Federal programs. In addition, the Secretary shall give priority to eligible institutions submitting applications that demonstrate the eligible institution's commitment to urban community service.

[(c) SELECTION PROCEDURES.—The Secretary shall, by regulation, develop a formal procedure for the submission of applications under this part and shall publish in the Federal Register an announcement of that procedure and the availability of funds under this part.

[SEC. 754. ALLOWABLE ACTIVITIES.

[Funds made available under this part shall be used to support planning, applied research, training, resource exchanges or technology transfers, the delivery of services, or other activities the purpose of which is to design and implement programs to assist urban communities to meet and address their pressing and severe problems, such as the following:

- [(1) Work force preparation.
- [(2) Urban poverty and the alleviation of such poverty.
- [(3) Health care, including delivery and access.
- [(4) Underperforming school systems and students.
- [(5) Problems faced by the elderly and individuals with disabilities in urban settings.
- [(6) Problems faced by families and children.
- [(7) Campus and community crime prevention, including enhanced security and safety awareness measures as well as coordinated programs addressing the root causes of crime.
- [(8) Urban housing.
- [(9) Urban infrastructure.
- [(10) Economic development.
- [(11) Urban environmental concerns.
- [(12) Other problem areas which participants in the consortium described in section 753(a)(2)(B) concur are of high priority in the urban area.
- [(13)(A) Problems faced by individuals with disabilities regarding accessibility to institutions of higher education and other public and private community facilities.
- [(B) Amelioration of existing attitudinal barriers that prevent full inclusion by individuals with disabilities in their community.
- [(14) Improving access to technology in local communities.

[SEC. 755. PEER REVIEW.

[The Secretary shall designate a peer review panel to review applications submitted under this part and make recommendations for funding to the Secretary. In selecting the peer review panel, the Secretary may consult with other appropriate Cabinet-level officials and with non-Federal organizations, to ensure that the panel will be geographically balanced and be composed of representatives from public and private institutions of higher education, labor, business, and State and local government, who have expertise in urban community service or in education.

§ 756. DISBURSEMENT OF FUNDS.

[(a) **MULTIYEAR AVAILABILITY.**—Subject to the availability of appropriations, grants under this part may be made on a multiyear basis, except that no institution, individually or as a participant in a consortium of such institutions, may receive such a grant for more than 5 years.

[(b) **EQUITABLE GEOGRAPHIC DISTRIBUTION.**—The Secretary shall award grants under this part in a manner that achieves an equitable geographic distribution of such grants.

[(c) **MATCHING REQUIREMENT.**—An applicant under this part and the local governments associated with the application shall contribute to the conduct of the program supported by the grant an amount from non-Federal funds equal to at least one-fourth of the amount of the grant, which contribution may be in cash or in kind.

§ 757. DESIGNATION OF URBAN GRANT INSTITUTIONS.

[The Secretary shall publish a list of eligible institutions under this part and shall designate these institutions of higher education as “Urban Grant Institutions”. The Secretary shall establish a national network of Urban Grant Institutions so that the results of individual projects achieved in one metropolitan area can then be generalized, disseminated, replicated, and applied throughout the Nation. The information developed as a result of this section shall be made available to Urban Grant Institutions and to any other interested institution of higher education by any appropriate means.

§ 758. DEFINITIONS.

[As used in this part:

[(1) **URBAN AREA.**—The term “urban area” means a metropolitan statistical area having a population of not less than 350,000, or two contiguous metropolitan statistical areas having a population of not less than 350,000, or, in any State which does not have a metropolitan statistical area which has such a population, the eligible entity in the State submitting an application under section 753, or, if no such entity submits an application, the Secretary, shall designate one urban area for the purposes of this part.

[(2) **ELIGIBLE INSTITUTION.**—The term “eligible institution” means—

[(A) a nonprofit municipal university, established by the governing body of the city in which it is located, and operating as of the date of enactment of the Higher Education Amendments of 1992 under that authority; or

[(B) an institution of higher education, or a consortium of such institutions any one of which meets all of the requirements of this paragraph, which—

[(i) is located in an urban area;

[(ii) draws a substantial portion of its undergraduate students from the urban area in which such institution is located, or from contiguous areas;

[(iii) carries out programs to make postsecondary educational opportunities more accessible to residents of such urban area, or contiguous areas;

[(iv) has the present capacity to provide resources responsive to the needs and priorities of such urban area and contiguous areas;

[(v) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of such institution to provide such resources; and

[(vi) has demonstrated and sustained a sense of responsibility to such urban area and contiguous areas and the people of such areas.

[SEC. 759. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated \$20,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this part.]

PART D—DEMONSTRATION PROJECTS TO ENSURE STUDENTS WITH DISABILITIES RECEIVE A QUALITY HIGHER EDUCATION

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SEC. 762. GRANTS AUTHORIZED.

(a) **COMPETITIVE GRANTS AUTHORIZED.**—The Secretary may award grants, contracts, and cooperative agreements, on a competitive basis, to institutions of higher education, of which at least two such grants shall be awarded to institutions that provide professional development and technical assistance in order for [students with learning disabilities] *students with disabilities* to receive a quality postsecondary education.

(b) **DURATION; ACTIVITIES.**—

(1) * * *

(2) **AUTHORIZED ACTIVITIES.**—Grants under this part shall be used to carry out one or more of the following activities:

(A) **TEACHING METHODS AND STRATEGIES.**—The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the skills and supports necessary to teach students with disabilities *in order to improve retention and completion*. Such methods and strategies may include inservice training, professional development, customized and general technical assistance, workshops, summer institutes, distance learning, and training in the use of assistive and educational technology.

(B) **EFFECTIVE TRANSITION PRACTICES.**—*The development of innovative, effective, and efficient teaching methods and strategies to ensure the smooth transition of students with disabilities from high school to postsecondary education.*

[(B)] (C) **SYNTHESIZING RESEARCH AND INFORMATION.**—Synthesizing research and other information related to the provision of postsecondary educational services to students with disabilities.

(D) **DISTANCE LEARNING.**—*The development of innovative, effective, and efficient teaching methods and strategies to provide faculty and administrators with the ability to provide accessible distance education programs or classes that would enhance access of students with disabilities to higher education, including the use of electronic communication for instruction and advisement.*

[(C)] (E) PROFESSIONAL DEVELOPMENT AND TRAINING SESSIONS.—Conducting professional development and training sessions for faculty and administrators from other institutions of higher education to enable the faculty and administrators to meet the

(3) **MANDATORY EVALUATION AND DISSEMINATION.**—Grants under this part shall be used for evaluation, and dissemination to other institutions of higher education, of the information obtained through the activities described in **[(subparagraphs (A) through (C)) subparagraphs (A) through (E)]**.

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SEC. 763. APPLICATIONS.

Each institution of higher education desiring to receive a grant, contract, or cooperative agreement under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

[(1) a description of how such institution plans to address each of the activities required under this part;]

(1) a description of how such institution plans to address the activities allowed under this part;

(2) a description of how the institution consulted with a broad range of people within the institution to develop activities for which assistance is sought; **[(and)]**

(3) a description of how the institution will coordinate and collaborate with the office that provides services to students with disabilities within the institution**[(.)]; and**

(4) a description of the extent to which an institution will work to replicate the best practices of institutions of higher education with demonstrated success in serving students with disabilities.

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SEC. 765. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for this part \$10,000,000 for **[(fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years)] fiscal year 2004 and such sums as may be necessary for each of the 5 succeeding fiscal years.**

