

108TH CONGRESS  
2D SESSION

# H. R. 4411

To amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. BURNS (for himself, Mr. BOEHNER, Mr. McKEON, Mr. ISAKSON, Mr. UPTON, Mr. WILSON of South Carolina, and Mr. COLE) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend title VII of the Higher Education Act of 1965 to ensure graduate opportunities in postsecondary education, and for other purposes.

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

3       **SECTION 1. SHORT TITLE; REFERENCES.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Priorities for Graduate Studies Act of 2004”.

6       (b) REFERENCES.—Except as otherwise expressly  
7       provided, whenever in this Act an amendment or repeal  
8       is expressed in terms of an amendment to, or repeal of,  
9       a section or other provision, the reference shall be consid-

ered 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 (1) in subsection (a)—

2 (A) by striking “1999–2000” and inserting  
3 “2004–2005”;

4 (B) by striking “shall be set” and inserting  
5 “may be set”; and

6 (C) by striking “Foundation graduate fel-  
7 lowships” and inserting “Foundation Graduate  
8 Research Fellowship Program”; and

9 (2) in subsection (b), by amending paragraph  
10 (1)(A) to read as follows:

11 “(1) IN GENERAL.—(A) The Secretary shall (in  
12 addition to stipends paid to individuals under this  
13 subpart) pay to the institution of higher education,  
14 for each individual awarded a fellowship under this  
15 subpart at such institution, an institutional allow-  
16 ance. Except as provided in subparagraph (B), such  
17 allowance shall be, for 2004–2005 and succeeding  
18 academic years, the same amount as the institu-  
19 tional payment made for 2003–2004 adjusted for  
20 2004–2005 and annually thereafter in accordance  
21 with inflation as determined by the Department of  
22 Labor’s Consumer Price Index for the previous cal-  
23 endar year.”.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
25 705 (20 U.S.C. 1134d) is amended by striking “fiscal year

1 1999 and such sums as may be necessary for each of the  
 2 4 succeeding fiscal years” and inserting “fiscal year 2004  
 3 and such sums as may be necessary for each of the 5 suc-  
 4 ceeding fiscal years”.

5 **SEC. 3. GRADUATE ASSISTANCE IN AREAS OF NATIONAL**  
 6 **NEED.**

7 (a) DESIGNATION OF AREAS OF NATIONAL NEED;  
 8 PRIORITY.—Section 712 (20 U.S.C. 1135a) is amended—

9 (1) in the last sentence of subsection (b)—

10 (A) by striking “and an assessment” and  
 11 inserting “an assessment”; and

12 (B) by inserting before the period at the  
 13 end the following: “, and the priority described  
 14 in subsection (c) of this section”; and

15 (2) by adding at the end the following new sub-  
 16 section:

17 “(c) PRIORITY.—The Secretary shall establish a pri-  
 18 ority for grants in order to prepare individuals for the pro-  
 19 fessoriate who will train highly-qualified elementary and  
 20 secondary school teachers of math, science, and special  
 21 education, and teachers who provide instruction for lim-  
 22 ited English proficient individuals. Such grants shall offer  
 23 program assistance and graduate fellowships for—

24 “(1) post-baccalaureate study related to teacher  
 25 preparation and pedagogy in math and science for

1 students who have completed a master's degree or  
2 are pursuing a doctorate of philosophy in math and  
3 science;

4 “(2) post-baccalaureate study related to teacher  
5 preparation and pedagogy in special education and  
6 English language acquisition and academic pro-  
7 ficiency for limited English proficient individuals;  
8 and

9 “(3) support of dissertation research in the  
10 fields of math, science, special education, or second  
11 language pedagogy and second language acqui-  
12 sition.”.

13 (b) COLLABORATION REQUIRED FOR CERTAIN AP-  
14 PPLICATIONS.—Section 713(b) (20 U.S.C. 1135b) is  
15 amended—

16 (1) by striking “and” at the end of paragraph  
17 (9);

18 (2) by redesignating paragraph (10) as para-  
19 graph (11); and

20 (3) by inserting after paragraph (9) the fol-  
21 lowing new paragraph:

22 “(10) in the case of an application for a grant  
23 by a department, program, or unit in education or  
24 teacher preparation, contain assurances that such  
25 department, program, or unit collaborates with de-

1       partments, programs, or units in all content areas to  
2       assure a successful combination of training in both  
3       teaching and such content; and”.

4       (c) STIPENDS.—Section 714(b) (20 U.S.C. 1135c(b))  
5       is amended—

6               (1) by striking “1999–2000” and inserting  
7       “2004–2005”;

8               (2) by striking “shall be set” and inserting  
9       “may be set”; and

10              (3) by striking “Foundation graduate fellow-  
11       ships” and inserting “Foundation Graduate Re-  
12       search Fellowship Program”.

13       (d) ADDITIONAL ASSISTANCE.—Section 715(a)(1)  
14       (20 U.S.C. 1135d(a)(1)) is amended—

15              (1) by striking “1999–2000” and inserting  
16       “2004–2005”; and

17              (2) by striking “1998–1999” and inserting  
18       “2003–2004”.

19       (e) AUTHORIZATION OF APPROPRIATIONS.—Section  
20       716 (20 U.S.C. 1135e) is amended by striking “fiscal year  
21       1999 and such sums as may be necessary for each of the  
22       4 succeeding fiscal years” and inserting “fiscal year 2004  
23       and such sums as may be necessary for each of the 5 suc-  
24       ceeding fiscal years”.

1 (f) TECHNICAL AMENDMENTS.—Section 714(c) (20  
2 U.S.C. 1135c(c)) is amended—

3 (1) by striking “section 716(a)” and inserting  
4 “section 715(a)”; and

5 (2) by striking “section 714(b)(2)” and insert-  
6 ing “section 713(b)(2)”.

7 **SEC. 4. THURGOOD MARSHALL LEGAL EDUCATIONAL OP-**  
8 **PORTUNITY PROGRAM.**

9 (a) CONTRACT AND GRANT PURPOSES.—Section  
10 721(c) (20 U.S.C. 1136(c)) is amended—

11 (1) by amending paragraph (2) to read as fol-  
12 lows:

13 “(2) to prepare such students for study at ac-  
14 credited law schools and assist them with the devel-  
15 opment of analytical skills and study methods to en-  
16 hance their success and promote completion of law  
17 school;”;

18 (2) by striking “and” at the end of paragraph  
19 (4);

20 (3) by striking the period at the end of para-  
21 graph (5) and inserting “; and”; and

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

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

1           “(A) who participated in summer institutes  
2           authorized by subsection (d) and who are en-  
3           rolled in an accredited law school; or

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

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

11          (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
12          721(h) (20 U.S.C. 1136(h)) is amended by striking “1999  
13          and each of the 4 succeeding fiscal years” and inserting  
14          “2004 and each of the 5 succeeding fiscal years”.

15          (d) GENERAL PROVISIONS.—Subsection (e) of section  
16          731 (20 U.S.C. 1137(e)) is repealed.

17      **SEC. 5. FUND FOR THE IMPROVEMENT OF POSTSEC-**  
18                                      **ONDARY EDUCATION.**

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

21                  (1) by amending paragraph (1) to read as fol-  
22          lows:

23                  “(1) the encouragement of the reform and im-  
24          provement of, and innovation in, postsecondary edu-  
25          cation and the provision of educational opportunity



1 for all, especially for the non-traditional student pop-  
2 ulations;”;

3 (2) in paragraph (2), by inserting before the  
4 semicolon at the end the following: “for postsec-  
5 ondary students, especially those that provide aca-  
6 demic credit for programs”;

7 (3) by amending paragraph (3) to read as fol-  
8 lows:

9 “(3) the establishment of institutions and pro-  
10 grams based on the technology of communications,  
11 including delivery by distance education;”;

12 (4) by amending paragraph (6) to read as fol-  
13 lows:

14 “(6) the introduction of institutional reforms  
15 designed to expand individual opportunities for en-  
16 tering and reentering postsecondary institutions and  
17 pursuing programs of postsecondary study tailored  
18 to individual needs;”.

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

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

1           “(5) Establishment of academic programs in-  
2           cluding graduate and undergraduate courses, semi-  
3           nars and lectures, support of research, and develop-  
4           ment of teaching materials for the purpose of sup-  
5           porting faculty and academic programs that teach  
6           traditional American history (including significant  
7           constitutional, political, intellectual, economic, diplo-  
8           matic, and foreign policy trends, issues, and docu-  
9           ments; the history, nature, and development of  
10          democratic institutions of which American democ-  
11          racy is a part; and significant events and individuals  
12          in the history of the United States).

13           “(6) Support for planning, applied research,  
14           training, resource exchanges or technology transfers,  
15           the delivery of services, or other activities the pur-  
16           pose of which is to design and implement programs  
17           to enable institutions of higher education to work  
18           with private and civic organizations to assist commu-  
19           nities to meet and address their pressing and severe  
20           problems, including economic development, commu-  
21           nity infrastructure and housing, crime prevention,  
22           education, healthcare, self sufficiency, and workforce  
23           preparation.”.

24          (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
25 745 (20 U.S.C. 1138d) is amended by striking

1 “\$30,000,000 for fiscal year 1999 and such sums as may  
2 be necessary for each of the 4 succeeding fiscal years” and  
3 inserting “\$40,000,000 for fiscal year 2004 and such  
4 sums as may be necessary for each of the 5 succeeding  
5 fiscal years” .

6 **SEC. 6. URBAN COMMUNITY SERVICE.**

7 Part C of title VII (20 U.S.C. 1139 et seq.) is re-  
8 pealed.

9 **SEC. 7. DEMONSTRATION PROJECTS TO ENSURE STUDENTS**  
10 **WITH DISABILITIES RECEIVE A QUALITY**  
11 **HIGHER EDUCATION.**

12 (a) SERVING ALL STUDENTS WITH DISABILITIES.—  
13 Section 762(a) (20 U.S.C. 1140a(a)) is amended by strik-  
14 ing “students with learning disabilities” and inserting  
15 “students with disabilities”.

16 (b) AUTHORIZED ACTIVITIES.—

17 (1) AMENDMENT.—Section 762(b)(2) is amend-  
18 ed—

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

22 (B) by redesignating subparagraphs (B)  
23 and (C) as subparagraphs (C) and (E), respec-  
24 tively;

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

3 “(B) EFFECTIVE TRANSITION PRAC-  
4 TICES.—The development of innovative, effec-  
5 tive, and efficient teaching methods and strate-  
6 gies to ensure the smooth transition of students  
7 with disabilities from high school to postsec-  
8 ondary education.”; and

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

12 “(D) DISTANCE LEARNING.—The develop-  
13 ment of innovative, effective, and efficient  
14 teaching methods and strategies to provide fac-  
15 ulty and administrators with the ability to pro-  
16 vide accessible distance education programs or  
17 classes that would enhance access of students  
18 with disabilities to higher education, including  
19 the use of electronic communication for instruc-  
20 tion and advisement.”.

21 (2) CONFORMING AMENDMENT.—Section  
22 762(b)(3) is amended by striking “subparagraphs  
23 (A) through (C)” and inserting “subparagraphs (A)  
24 through (E)”.

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

3 (1) by amending paragraph (1) to read as fol-  
4 lows:

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

7 (2) by striking “and” at the end of paragraph  
8 (2);

9 (3) by striking the period at the end of para-  
10 graph (3) and inserting “; and”; and

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

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

17 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
18 765 (20 U.S.C. 1140d) is amended by striking “fiscal year  
19 1999 and such sums as may be necessary for each of the  
20 4 succeeding fiscal years” and inserting “fiscal year 2004  
21 and such sums as may be necessary for each of the 5 suc-  
22 ceeding fiscal years”.

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