

In the Senate of the United States,

October 19, 1999.

Resolved, That the bill from the House of Representatives (H.R. 974) entitled “An Act to establish a program to afford high school graduates from the District of Columbia the benefits of in-State tuition at State colleges and universities outside the District of Columbia, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “District of Columbia*
3 *College Access Act of 1999”.*

4 ***SEC. 2. PURPOSE.***

5 *It is the purpose of this Act to establish a program*
6 *that enables college-bound residents of the District of Colum-*
7 *bia to have greater choices among institutions of higher edu-*
8 *cation.*

1 **SEC. 3. PUBLIC SCHOOL PROGRAM.**

2 (a) *GRANTS.*—

3 (1) *IN GENERAL.*—*From amounts appropriated*
4 *under subsection (i) the Mayor shall award grants to*
5 *eligible institutions that enroll eligible students to pay*
6 *the difference between the tuition and fees charged for*
7 *in-State students and the tuition and fees charged for*
8 *out-of-State students on behalf of each eligible student*
9 *enrolled in the eligible institution.*

10 (2) *MAXIMUM STUDENT AMOUNTS.*—*An eligible*
11 *student shall have paid on the student's behalf under*
12 *this section—*

13 (A) *not more than \$10,000 for any 1 award*
14 *year (as defined in section 481 of the Higher*
15 *Education Act of 1965 (20 U.S.C. 1088)); and*

16 (B) *a total of not more than \$50,000.*

17 (3) *PRORATION.*—*The Mayor shall prorate pay-*
18 *ments under this section for students who attend an*
19 *eligible institution on less than a full-time basis.*

20 (b) *REDUCTION FOR INSUFFICIENT APPROPRIA-*
21 *TIONS.*—

22 (1) *IN GENERAL.*—*If the funds appropriated*
23 *pursuant to subsection (i) for any fiscal year are in-*
24 *sufficient to award a grant in the amount determined*
25 *under subsection (a) on behalf of each eligible student*

1 enrolled in an eligible institution, then the Mayor
2 shall—

3 (A) first, ratably reduce the amount of the
4 tuition and fee payment made on behalf of each
5 eligible student who has not received funds under
6 this section for a preceding year; and

7 (B) after making reductions under subpara-
8 graph (A), ratably reduce the amount of the tui-
9 tion and fee payments made on behalf of all
10 other eligible students.

11 (2) *ADJUSTMENTS.*—The Mayor may adjust the
12 amount of tuition and fee payments made under
13 paragraph (1) based on—

14 (A) the financial need of the eligible stu-
15 dents to avoid undue hardship to the eligible stu-
16 dents; or

17 (B) undue administrative burdens on the
18 Mayor.

19 (3) *FURTHER ADJUSTMENTS.*—Notwithstanding
20 paragraphs (1) and (2), the Mayor may prioritize the
21 making or amount of tuition and fee payments under
22 this subsection based on the income and need of eligi-
23 ble students.

24 (c) *DEFINITIONS.*—In this section:

1 (1) *ELIGIBLE INSTITUTION.*—The term “eligible
2 institution” means an institution that—

3 (A) is a public institution of higher edu-
4 cation located—

5 (i) in the State of Maryland or the
6 Commonwealth of Virginia; or

7 (ii) outside the State of Maryland or
8 the Commonwealth of Virginia, but only if
9 the Mayor—

10 (I) determines that a significant
11 number of eligible students are experi-
12 encing difficulty in gaining admission
13 to any public institution of higher edu-
14 cation located in the State of Mary-
15 land or the Commonwealth of Virginia
16 because of any preference afforded in-
17 State residents by the institution;

18 (II) consults with the Committee
19 on Government Reform of the House of
20 Representatives, the Committee on
21 Governmental Affairs of the Senate,
22 and the Secretary regarding expanding
23 the program under this section to in-
24 clude such institutions located outside

1 of the State of Maryland or the Com-
2 monwealth of Virginia; and

3 (III) takes into consideration the
4 projected cost of the expansion and the
5 potential effect of the expansion on the
6 amount of individual tuition and fee
7 payments made under this section in
8 succeeding years;

9 (B) is eligible to participate in the student
10 financial assistance programs under title IV of
11 the Higher Education Act of 1965 (20 U.S.C.
12 1070 *et seq.*); and

13 (C) enters into an agreement with the
14 Mayor containing such conditions as the Mayor
15 may specify, including a requirement that the
16 institution use the funds made available under
17 this section to supplement and not supplant as-
18 sistance that otherwise would be provided to eli-
19 gible students from the District of Columbia.

20 (2) *ELIGIBLE STUDENT.*—The term “eligible stu-
21 dent” means an individual who—

22 (A) was domiciled in the District of Colum-
23 bia for not less than the 12 consecutive months
24 preceding the commencement of the freshman
25 year at an institution of higher education;

1 (B) graduated from a secondary school or
2 received the recognized equivalent of a secondary
3 school diploma on or after January 1, 1998;

4 (C) begins the individual's undergraduate
5 course of study within the 3 calendar years (ex-
6 cluding any period of service on active duty in
7 the Armed Forces, or service under the Peace
8 Corps Act (22 U.S.C. 2501 et seq.) or subtitle D
9 of title I of the National and Community Service
10 Act of 1990 (42 U.S.C. 12571 et seq.)) of gradua-
11 tion from a secondary school, or obtaining the
12 recognized equivalent of a secondary school di-
13 ploma;

14 (D) is enrolled or accepted for enrollment,
15 on at least a half-time basis, in a degree, certifi-
16 cate, or other program (including a program of
17 study abroad approved for credit by the institu-
18 tion at which such student is enrolled) leading to
19 a recognized educational credential at an eligible
20 institution;

21 (E) if enrolled in an eligible institution, is
22 maintaining satisfactory progress in the course
23 of study the student is pursuing in accordance
24 with section 484(c) of the Higher Education Act
25 of 1965 (20 U.S.C. 1091(c)); and

1 (F) has not completed the individual's first
2 undergraduate baccalaureate course of study.

3 (3) *INSTITUTION OF HIGHER EDUCATION.*—The
4 term “institution of higher education” has the mean-
5 ing given the term in section 101 of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1001).

7 (4) *MAYOR.*—The term “Mayor” means the
8 Mayor of the District of Columbia.

9 (5) *SECONDARY SCHOOL.*—The term “secondary
10 school” has the meaning given that term under sec-
11 tion 14101 of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 8801).

13 (6) *SECRETARY.*—The term “Secretary” means
14 the Secretary of Education.

15 (d) *CONSTRUCTION.*—Nothing in this Act shall be con-
16 strued to require an institution of higher education to alter
17 the institution's admissions policies or standards in any
18 manner to enable an eligible student to enroll in the institu-
19 tion.

20 (e) *APPLICATIONS.*—Each student desiring a tuition
21 payment under this section shall submit an application to
22 the eligible institution at such time, in such manner, and
23 accompanied by such information as the eligible institution
24 may require.

25 (f) *ADMINISTRATION OF PROGRAM.*—

1 (1) *IN GENERAL.*—*The Mayor shall carry out the*
2 *program under this section in consultation with the*
3 *Secretary. The Mayor may enter into a grant, con-*
4 *tract, or cooperative agreement with another public or*
5 *private entity to administer the program under this*
6 *section if the Mayor determines that doing so is a*
7 *more efficient way of carrying out the program.*

8 (2) *POLICIES AND PROCEDURES.*—*The Mayor, in*
9 *consultation with institutions of higher education eli-*
10 *gible for participation in the program authorized*
11 *under this section, shall develop policies and proce-*
12 *dures for the administration of the program.*

13 (3) *MEMORANDUM OF AGREEMENT.*—*The Mayor*
14 *and the Secretary shall enter into a Memorandum of*
15 *Agreement that describes—*

16 (A) *the manner in which the Mayor shall*
17 *consult with the Secretary with respect to ad-*
18 *ministering the program under this section; and*

19 (B) *any technical or other assistance to be*
20 *provided to the Mayor by the Secretary for pur-*
21 *poses of administering the program under this*
22 *section (which may include access to the infor-*
23 *mation in the common financial reporting form*
24 *developed under section 483 of the Higher Edu-*
25 *cation Act of 1965 (20 U.S.C. 1090)).*

1 (g) *MAYOR'S REPORT.*—*The Mayor shall report to*
2 *Congress annually regarding—*

3 (1) *the number of eligible students attending*
4 *each eligible institution and the amount of the grant*
5 *awards paid to those institutions on behalf of the eli-*
6 *gible students;*

7 (2) *the extent, if any, to which a ratable reduc-*
8 *tion was made in the amount of tuition and fee pay-*
9 *ments made on behalf of eligible students; and*

10 (3) *the progress in obtaining recognized aca-*
11 *demically credentials of the cohort of eligible students for*
12 *each year.*

13 (h) *GAO REPORT.*—*Beginning on the date of enact-*
14 *ment of this Act, the Comptroller General of the United*
15 *States shall monitor the effect of the program assisted under*
16 *this section on educational opportunities for eligible stu-*
17 *dents. The Comptroller General shall analyze whether eligi-*
18 *ble students had difficulty gaining admission to eligible in-*
19 *stitutions because of any preference afforded in-State resi-*
20 *dents by eligible institutions, and shall expeditiously report*
21 *any findings regarding such difficulty to Congress and the*
22 *Mayor. In addition the Comptroller General shall—*

23 (1) *analyze the extent to which there are an in-*
24 *sufficient number of eligible institutions to which Dis-*
25 *trict of Columbia students can gain admission, in-*

1 *cluding admission aided by assistance provided under*
2 *this Act, due to—*

3 *(A) caps on the number of out-of-State stu-*
4 *dents the institution will enroll;*

5 *(B) significant barriers imposed by aca-*
6 *demic entrance requirements (such as grade*
7 *point average and standardized scholastic admis-*
8 *sions tests); and*

9 *(C) absence of admission programs bene-*
10 *fitting minority students;*

11 *(2) assess the impact of the program assisted*
12 *under this Act on enrollment at the University of the*
13 *District of Columbia; and*

14 *(3) report the findings of the analysis described*
15 *in paragraph (1) and the assessment described in*
16 *paragraph (2) to Congress and the Mayor.*

17 *(i) AUTHORIZATION OF APPROPRIATIONS.—There are*
18 *authorized to be appropriated to the District of Columbia*
19 *to carry out this section \$12,000,000 for fiscal year 2000*
20 *and such sums as may be necessary for each of the 5 suc-*
21 *ceeding fiscal years. Such funds shall remain available*
22 *until expended.*

23 *(j) EFFECTIVE DATE.—This section shall take effect*
24 *with respect to payments for periods of instruction that*
25 *begin on or after January 1, 2000.*

1 **SEC. 4. ASSISTANCE TO THE UNIVERSITY OF THE DISTRICT**
2 **OF COLUMBIA.**

3 (a) *IN GENERAL.*—Subject to subsection (c), the Sec-
4 retary may provide financial assistance to the University
5 of the District of Columbia for the fiscal year to enable the
6 university to carry out activities authorized under part B
7 of title III of the Higher Education Act of 1965 (20 U.S.C.
8 1060 et seq.).

9 (b) *AUTHORIZATION OF APPROPRIATIONS.*—There are
10 authorized to be appropriated to the District of Columbia
11 to carry out this section \$1,500,000 for fiscal year 2000
12 and such sums as may be necessary for each of the 5 suc-
13 ceeding fiscal years.

14 (c) *SPECIAL RULE.*—For any fiscal year, the Univer-
15 sity of the District of Columbia may receive financial as-
16 sistance pursuant to this section, or pursuant to part B
17 of title III of the Higher Education Act of 1965, but not
18 pursuant to both this section and such part B.

19 **SEC. 5. PRIVATE SCHOOL PROGRAM.**

20 (a) *GRANTS.*—

21 (1) *IN GENERAL.*—From amounts appropriated
22 under subsection (f) the Mayor shall award grants to
23 eligible institutions that enroll eligible students to pay
24 the cost of tuition and fees at the eligible institutions
25 on behalf of each eligible student enrolled in an eligi-

1 *ble institution. The Mayor may prescribe such regula-*
2 *tions as may be necessary to carry out this section.*

3 (2) *MAXIMUM STUDENT AMOUNTS.—An eligible*
4 *student shall have paid on the student’s behalf under*
5 *this section—*

6 (A) *not more than \$2,500 for any 1 award*
7 *year (as defined in section 481 of the Higher*
8 *Education Act of 1965 (20 U.S.C. 1088)); and*

9 (B) *a total of not more than \$12,500.*

10 (3) *PRORATION.—The Mayor shall prorate pay-*
11 *ments under this section for students who attend an*
12 *eligible institution on less than a full-time basis.*

13 (b) *REDUCTION FOR INSUFFICIENT APPROPRIA-*
14 *TIONS.—*

15 (1) *IN GENERAL.—If the funds appropriated*
16 *pursuant to subsection (f) for any fiscal year are in-*
17 *sufficient to award a grant in the amount determined*
18 *under subsection (a) on behalf of each eligible student*
19 *enrolled in an eligible institution, then the Mayor*
20 *shall—*

21 (A) *first, ratably reduce the amount of the*
22 *tuition and fee payment made on behalf of each*
23 *eligible student who has not received funds under*
24 *this section for a preceding year; and*

1 (B) after making reductions under subpara-
2 graph (A), ratably reduce the amount of the tui-
3 tion and fee payments made on behalf of all
4 other eligible students.

5 (2) *ADJUSTMENTS.*—*The Mayor may adjust the*
6 *amount of tuition and fee payments made under*
7 *paragraph (1) based on—*

8 (A) *the financial need of the eligible stu-*
9 *dents to avoid undue hardship to the eligible stu-*
10 *dents; or*

11 (B) *undue administrative burdens on the*
12 *Mayor.*

13 (3) *FURTHER ADJUSTMENTS.*—*Notwithstanding*
14 *paragraphs (1) and (2), the Mayor may prioritize the*
15 *making or amount of tuition and fee payments under*
16 *this subsection based on the income and need of eligi-*
17 *ble students.*

18 (c) *DEFINITIONS.*—*In this section:*

19 (1) *ELIGIBLE INSTITUTION.*—*The term “eligible*
20 *institution” means an institution that—*

21 (A)(i) *is a private, nonprofit, associate or*
22 *baccalaureate degree-granting, institution of*
23 *higher education, as defined in section 101(a) of*
24 *the Higher Education Act of 1965 (20 U.S.C.*
25 *1001(a)), the main campus of which is located—*

1 (I) in the District of Columbia;

2 (II) in the city of Alexandria, Falls
3 Church, or Fairfax, or the county of Arling-
4 ton or Fairfax, in the Commonwealth of
5 Virginia, or a political subdivision of the
6 Commonwealth of Virginia located within
7 any such county; or

8 (III) in the county of Montgomery or
9 Prince George's in the State of Maryland,
10 or a political subdivision of the State of
11 Maryland located within any such county;

12 (ii) is eligible to participate in the student
13 financial assistance programs under title IV of
14 the Higher Education Act of 1965 (20 U.S.C.
15 1070 et seq.); and

16 (iii) enters into an agreement with the
17 Mayor containing such conditions as the Mayor
18 may specify, including a requirement that the
19 institution use the funds made available under
20 this section to supplement and not supplant as-
21 sistance that otherwise would be provided to eli-
22 gible students from the District of Columbia; or

23 (B) is a private historically Black college or
24 university (for purposes of this subparagraph
25 such term shall have the meaning given the term

1 “*part B institution*” in section 322(2) of the
2 *Higher Education Act of 1965* (20 U.S.C.
3 1061(2)) the main campus of which is located in
4 the State of Maryland or the Commonwealth of
5 Virginia.

6 (2) *ELIGIBLE STUDENT*.—The term “*eligible stu-*
7 *dent*” means an individual who meets the require-
8 ments of subparagraphs (A) through (F) of section
9 3(c)(2).

10 (3) *MAYOR*.—The term “*Mayor*” means the
11 Mayor of the District of Columbia.

12 (4) *SECRETARY*.—The term “*Secretary*” means
13 the Secretary of Education.

14 (d) *APPLICATION*.—Each eligible student desiring a
15 tuition and fee payment under this section shall submit an
16 application to the eligible institution at such time, in such
17 manner, and accompanied by such information as the eligi-
18 ble institution may require.

19 (e) *ADMINISTRATION OF PROGRAM*.—

20 (1) *IN GENERAL*.—The Mayor shall carry out the
21 program under this section in consultation with the
22 Secretary. The Mayor may enter into a grant, con-
23 tract, or cooperative agreement with another public or
24 private entity to administer the program under this

1 *section if the Mayor determines that doing so is a*
2 *more efficient way of carrying out the program.*

3 (2) *POLICIES AND PROCEDURES.—The Mayor, in*
4 *consultation with institutions of higher education eli-*
5 *gible for participation in the program authorized*
6 *under this section, shall develop policies and proce-*
7 *dures for the administration of the program.*

8 (3) *MEMORANDUM OF AGREEMENT.—The Mayor*
9 *and the Secretary shall enter into a Memorandum of*
10 *Agreement that describes—*

11 (A) *the manner in which the Mayor shall*
12 *consult with the Secretary with respect to ad-*
13 *ministering the program under this section; and*

14 (B) *any technical or other assistance to be*
15 *provided to the Mayor by the Secretary for pur-*
16 *poses of administering the program under this*
17 *section.*

18 (f) *AUTHORIZATION OF APPROPRIATIONS.—There are*
19 *authorized to be appropriated to the District of Columbia*
20 *to carry out this section \$5,000,000 for fiscal year 2000*
21 *and such sums as may be necessary for each of the 5 suc-*
22 *ceeding fiscal years. Such funds shall remain available*
23 *until expended.*

1 (g) *EFFECTIVE DATE.*—*This section shall take effect*
2 *with respect to payments for periods of instruction that*
3 *begin on or after January 1, 2000.*

4 **SEC. 6. GENERAL REQUIREMENTS.**

5 (a) *PERSONNEL.*—*The Secretary of Education shall*
6 *arrange for the assignment of an individual, pursuant to*
7 *subchapter VI of chapter 33 of title 5, United States Code,*
8 *to serve as an adviser to the Mayor of the District of Colum-*
9 *bia with respect to the programs assisted under this Act.*

10 (b) *ADMINISTRATIVE EXPENSES.*—*The Mayor of the*
11 *District of Columbia may use not more than 7 percent of*
12 *the funds made available for a program under section 3*
13 *or 5 for a fiscal year to pay the administrative expenses*
14 *of a program under section 3 or 5 for the fiscal year.*

15 (c) *INSPECTOR GENERAL REVIEW.*—*Each of the pro-*
16 *grams assisted under this Act shall be subject to audit and*
17 *other review by the Inspector General of the Department*
18 *of Education in the same manner as programs are audited*
19 *and reviewed under the Inspector General Act of 1978 (5*
20 *U.S.C. App.).*

21 (d) *GIFTS.*—*The Mayor of the District of Columbia*
22 *may accept, use, and dispose of donations of services or*
23 *property for purposes of carrying out this Act.*

24 (e) *FUNDING RULE.*—*Notwithstanding sections 3 and*
25 *5, the Mayor may use funds made available—*

1 (1) *under section 3 to award grants under sec-*
2 *tion 5 if the amount of funds made available under*
3 *section 3 exceeds the amount of funds awarded under*
4 *section 3 during a time period determined by the*
5 *Mayor; and*

6 (2) *under section 5 to award grants under sec-*
7 *tion 3 if the amount of funds made available under*
8 *section 5 exceeds the amount of funds awarded under*
9 *section 5 during a time period determined by the*
10 *Mayor.*

11 (f) *MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—The*
12 *Mayor shall establish rules to adjust the maximum student*
13 *amounts described in sections 3(a)(2)(B) and 5(a)(2)(B) for*
14 *eligible students described in section 3(c)(2) or 5(c)(2) who*
15 *transfer between the eligible institutions described in section*
16 *3(c)(1) or 5(c)(1).*

Attest:

Secretary.

106TH CONGRESS
1ST SESSION

H. R. 974

AMENDMENT