

Calendar No. 275

106TH CONGRESS
1ST Session

H. R. 974

[Report No. 106-154]

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.

SEPTEMBER 9, 1999

Reported with an amendment

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 IN THE SENATE OF THE UNITED STATES

MAY 27, 1999

Received; read twice and referred to the Committee on Governmental Affairs

SEPTEMBER 9, 1999

Reported by Mr. THOMPSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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.

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.**

4 This Act may be cited as the “District of Columbia
 5 College Access Act”.

1 **SEC. 2. ESTABLISHMENT OF SCHOLARSHIP PROGRAM.**

2 There is hereby established the District of Columbia
3 College Access Scholarship Program (hereafter in this Act
4 referred to as the “Program”) under which the Mayor of
5 the District of Columbia shall award scholarships in ac-
6 cordance with section 4 using amounts in the District of
7 Columbia College Access Fund established under section
8 ~~3~~.

9 **SEC. 3. DISTRICT OF COLUMBIA COLLEGE ACCESS FUND.**

10 (a) **ESTABLISHMENT.**—There is hereby established
11 on the books of the government of the District of Colum-
12 bia the District of Columbia College Access Fund (here-
13 after in this Act referred to as the “Fund”), which shall
14 consist of the following amounts:

15 (1) Amounts appropriated to the Fund under
16 law.

17 (2) Gifts and bequests.

18 (3) Refunds paid under section 4(b)(4).

19 (4) Interest earned on the balance of the Fund.

20 (b) **ADMINISTRATION.**—The Mayor of the District of
21 Columbia shall administer the Fund, in consultation with
22 the Secretary of Education.

23 (c) **USE OF FUND.**—

24 (1) **IN GENERAL.**—Amounts in the Fund shall
25 be used solely to award scholarships in accordance
26 with section 4, except that not more than 10 percent

1 of the balance of the Fund with respect to a fiscal
2 year may be used for the administration of the Fund
3 during such year.

4 (2) DETERMINATION OF AMOUNT AVAILABLE
5 FOR SCHOLARSHIPS.—With respect to each academic
6 year for which scholarships may be awarded under
7 this Act, the Mayor shall determine the amount
8 available from the Fund for awarding scholarships.

9 (d) INVESTMENT.—The Mayor shall invest such por-
10 tion of the Fund as is not in the judgment of the Mayor
11 required to make current payments for scholarships. Such
12 investments shall be in such form as the Mayor considers
13 appropriate.

14 **SEC. 4. ADMINISTRATION OF SCHOLARSHIP PROGRAM.**

15 (a) APPLICATIONS.—Any qualified graduate seeking
16 a scholarship under the Program shall submit an applica-
17 tion to the Mayor in such form and containing such infor-
18 mation as the Mayor may prescribe by regulation. The
19 Mayor shall make applications for scholarships under the
20 Program available not later than October 1 of the aca-
21 demic year preceding the academic year for which the
22 scholarships will be awarded, and shall announce the re-
23 cipients of scholarships under this section not later than
24 a date determined by the Mayor in consultation with the
25 Secretary of Education.

1 (b) AWARDS AUTHORIZED.—

2 (1) AWARDS TO EACH QUALIFIED GRADUATE.—

3 (A) IN GENERAL.—From the amount
4 available from the Fund under section 3(e)(2)
5 for any academic year, the Mayor shall award
6 scholarships to each qualified graduate submit-
7 ting an application that is approved pursuant to
8 subsection (a).

9 (B) AWARDS TO STUDENTS AT ELIGIBLE
10 PUBLIC INSTITUTIONS BASED ON IN-STATE TUI-
11 TION.—Subject to subparagraph (D) and para-
12 graph (2), such scholarship shall provide, for
13 attendance at an eligible public institution lo-
14 cated outside the District of Columbia, an
15 amount equal to the difference between—

16 (i) the amount of the tuition normally
17 charged by that institution to a student
18 who is not a resident of the State in which
19 that institution is located for the program
20 of instruction in which the qualified grad-
21 uate is enrolled or accepted for enrollment;
22 and

23 (ii) the amount of the tuition normally
24 charged by that institution to a student
25 who is a resident of such State for such

1 program of instruction, or the amount of
2 the tuition normally charged by that insti-
3 tution to a student who is a resident of the
4 county in which the institution is located
5 for such program of instruction, whichever
6 is less.

7 ~~(C) TUITION ASSISTANCE GRANTS TO STU-~~
8 ~~DENTS AT ELIGIBLE PRIVATE INSTITUTIONS.—~~

9 Subject to paragraph (2), such scholarship shall
10 provide, for attendance at an eligible private in-
11 stitution, a tuition assistance grant in a uni-
12 form amount determined by the Mayor, not to
13 exceed \$3,000 for the academic year.

14 ~~(D) CAP ON AMOUNT PROVIDED.—~~The
15 amount of a scholarship provided to an indi-
16 vidual under subparagraph (B) for an academic
17 year may not exceed \$10,000.

18 ~~(2) RATABLE REDUCTION IF FUNDS INSUFFI-~~
19 ~~CIENT.—~~If the amount available from the Fund
20 under section 3(e)(2) for any academic year is not
21 sufficient to pay the scholarship amount determined
22 under paragraph (1) for each qualified graduate
23 submitting an application that is approved pursuant
24 to subsection (a), the amount of such scholarships
25 shall be ratably reduced. If additional sums become

1 available for such academic year, such reduced scholar-
2 arships shall be increased on the same basis as they
3 were reduced (until the amount allotted equals the
4 amount determined under paragraph (1)).

5 (3) DISBURSEMENT.—The scholarships award-
6 ed under this section shall be disbursed to the eligi-
7 ble institution at which the qualified graduate is en-
8 rolled or accepted for enrollment by check or other
9 means that is payable to and requires the endorse-
10 ment or other certification by such graduate.

11 (4) REFUNDS.—The Mayor may prescribe such
12 regulations as may be necessary to provide for the
13 refund to the Fund of a portion of the amount
14 awarded under this section in the event a recipient
15 of a scholarship under this section withdraws from
16 an institution during a period of enrollment in which
17 the recipient began attendance.

18 (c) RULE OF CONSTRUCTION.—Nothing in this Act
19 shall be construed to require an institution of higher edu-
20 cation to alter the institution's admissions policies or
21 standards in any manner in order for a qualified graduate
22 to receive a scholarship to attend such institution under
23 this Act.

24 (d) DEFINITIONS.—As used in this section:

1 (1) QUALIFIED GRADUATE.—The term “quali-
2 fied graduate” means an individual who—

3 (A) has been a resident of the District of
4 Columbia for not less than the 12 consecutive
5 months preceding the academic year for which
6 the scholarship is sought;

7 (B) begins his or her undergraduate course
8 of study within the 3 calendar years (excluding
9 any period of service on active duty in the
10 Armed Forces of the United States, in the
11 Peace Corps or Americorps) of graduating from
12 a secondary school, or receiving the recognized
13 equivalent of a secondary school diploma;

14 (C) is enrolled or accepted for enrollment
15 in a degree, certificate, or other program (in-
16 cluding a program of study abroad approved for
17 credit by the institution at which such student
18 is enrolled) leading to a recognized educational
19 credential at an eligible institution;

20 (D) if the student is presently enrolled at
21 an institution, is maintaining satisfactory
22 progress in the course of study the student is
23 pursuing, as determined under section 484(e) of
24 the Higher Education Act of 1965 (20 U.S.C.
25 1091(e));

1 (E) is a citizen or national of the United
2 States; a permanent resident of the United
3 States; able to provide evidence from the Immi-
4 gration and Naturalization Service that he or
5 she is in the United States for other than a
6 temporary purpose with the intention of becom-
7 ing a citizen or permanent resident; or a citizen
8 of the Republic of the Marshall Islands, the
9 Federated States of Micronesia, or the Republic
10 of Palau;

11 (F) does not owe a refund on grants pre-
12 viously received under title IV of the Higher
13 Education Act of 1965, and is not in default on
14 any loan made, insured, or guaranteed under
15 such title;

16 (G) has not completed his or her first un-
17 dergraduate baccalaureate course of study; and

18 (H) is not incarcerated.

19 (2) ELIGIBLE INSTITUTION.—The term “eligi-
20 ble institution” means eligible public institution or
21 an eligible private institution.

22 (3) ELIGIBLE PUBLIC INSTITUTION.—The term
23 “eligible public institution” means an institution of
24 higher education that—

1 (A) is established as a State-supported in-
2 stitution of higher education by the State in
3 which such institution is located;

4 (B) is eligible to participate in student fi-
5 nancial assistance programs under title IV of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1001 et seq.); and

8 (C) has entered into an agreement with the
9 Mayor containing such requirements for the
10 management of funds provided under this Act
11 as the Mayor may specify, including a require-
12 ment that the institution use the funds to sup-
13 plement and not supplant assistance that other-
14 wise would be provided to students from the
15 District of Columbia.

16 (4) ELIGIBLE PRIVATE INSTITUTION.—The
17 term “eligible private institution” means an institu-
18 tion of higher education that—

19 (A) is located in the District of Columbia;
20 the State of Maryland, or the Commonwealth of
21 Virginia;

22 (B) is not established as a State-supported
23 institution of higher education by the State in
24 which such institution is located;

1 (C) is eligible to participate in student fi-
2 nancial assistance programs under title IV of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1001 et seq.); and

5 (D) has entered into an agreement with
6 the Mayor containing such requirements for the
7 management of funds provided under this Act
8 as the Mayor may specify, including a require-
9 ment that the institution use the funds to sup-
10 plement and not supplant assistance that other-
11 wise would be provided to students from the
12 District of Columbia.

13 (5) INSTITUTION OF HIGHER EDUCATION.—The
14 term “institution of higher education” has the
15 meaning given that term under section 101 of the
16 Higher Education Act of 1965 (20 U.S.C. 1001).

17 (6) SECONDARY SCHOOL.—The term “sec-
18 ondary school” has the meaning given that term
19 under section 14101 of the Elementary and Sec-
20 ondary Education Act of 1965 (20 U.S.C. 8801).

21 **SEC. 5. ADMINISTRATION OF PROGRAM AND FUND.**

22 In carrying out the Program and administering the
23 Fund, the Mayor of the District of Columbia—

24 (1) shall consult with the Secretary of Edu-
25 cation; and

1 (2) may enter into a contract with a nongovern-
 2 mental agency to administer the Program and the
 3 Fund if the Mayor determines that it is cost-effec-
 4 tive and appropriate to do so.

5 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated for payment
 7 to the Fund such sums as may be necessary for fiscal year
 8 2000 and for each of the 5 succeeding fiscal years.

9 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR UNI-**
 10 **VERSITY OF THE DISTRICT OF COLUMBIA.**

11 There is authorized to be appropriated to the Univer-
 12 sity of the District of Columbia for fiscal year 2000 and
 13 each of the 5 succeeding fiscal years such sums as may
 14 be necessary to enhance educational opportunities for the
 15 University.

16 **SECTION 1. SHORT TITLE.**

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

19 **SEC. 2. PURPOSE.**

20 *It is the purpose of this Act to establish a program*
 21 *that enables college-bound residents of the District of Colum-*
 22 *bia to have greater choices among institutions of higher edu-*
 23 *cation.*

24 **SEC. 3. PUBLIC SCHOOL PROGRAM.**

25 (a) *GRANTS.*—

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

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

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

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

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

18 (b) *REDUCTION FOR INSUFFICIENT APPROPRIA-*
19 *TIONS.—*

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

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

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

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

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

15 (B) undue administrative burdens on the
16 Mayor.

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

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

20 (A) is a public institution of higher edu-
21 cation located—

22 (i) in the State of Maryland or the
23 Commonwealth of Virginia; or

1 (ii) outside the State of Maryland or
2 the Commonwealth of Virginia, but only if
3 the Mayor—

4 (I) determines that a significant
5 number of eligible students are experi-
6 encing difficulty in gaining admission
7 to any public institution of higher edu-
8 cation located in the State of Mary-
9 land or the Commonwealth of Virginia
10 because of any preference afforded in-
11 State residents by the institution;

12 (II) consults with the Committee
13 on Government Reform of the House of
14 Representatives, the Committee on
15 Governmental Affairs of the Senate,
16 and the Secretary regarding expanding
17 the program under this section to in-
18 clude such institutions located outside
19 of the State of Maryland or the Com-
20 monwealth of Virginia; and

21 (III) takes into consideration the
22 projected cost of the expansion and the
23 potential effect of the expansion on the
24 amount of individual tuition and fee

1 *payments made under this section in*
2 *succeeding years;*

3 *(B) is eligible to participate in the student*
4 *financial assistance programs under title IV of*
5 *the Higher Education Act of 1965 (20 U.S.C.*
6 *1070 et seq.); and*

7 *(C) enters into an agreement with the*
8 *Mayor containing such conditions as the Mayor*
9 *may specify, including a requirement that the*
10 *institution use the funds made available under*
11 *this section to supplement and not supplant as-*
12 *sistance that otherwise would be provided to eli-*
13 *gible students from the District of Columbia.*

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

16 *(A) was domiciled in the District of Colum-*
17 *bia for not less than the 12 consecutive months*
18 *preceding the commencement of the freshman*
19 *year at an institution of higher education;*

20 *(B) graduated from a secondary school or*
21 *received the recognized equivalent of a secondary*
22 *school diploma on or after January 1, 1999;*

23 *(C) begins the individual’s undergraduate*
24 *course of study within the 3 calendar years (ex-*
25 *cluding any period of service on active duty in*

1 *the Armed Forces, or service under the Peace*
2 *Corps Act (22 U.S.C. 2501 et seq.) or subtitle D*
3 *of title I of the National and Community Service*
4 *Act of 1990 (42 U.S.C. 12571 et seq.)) of gradua-*
5 *tion from a secondary school, or obtaining the rec-*
6 *ognized equivalent of a secondary school diploma;*

7 *(D) is enrolled or accepted for enrollment,*
8 *on at least a half-time basis, in a degree, certifi-*
9 *cate, or other program (including a program of*
10 *study abroad approved for credit by the institu-*
11 *tion at which such student is enrolled) leading to*
12 *a recognized educational credential at an eligible*
13 *institution;*

14 *(E) if enrolled in an eligible institution, is*
15 *maintaining satisfactory progress in the course*
16 *of study the student is pursuing in accordance*
17 *with section 484(c) of the Higher Education Act*
18 *of 1965 (20 U.S.C. 1091(c)); and*

19 *(F) has not completed the individual's first*
20 *undergraduate baccalaureate course of study.*

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

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

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

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

9 (d) *CONSTRUCTION.*—*Nothing in this Act shall be con-*
10 *strued to require an institution of higher education to alter*
11 *the institution’s admissions policies or standards in any*
12 *manner to enable an eligible student to enroll in the institu-*
13 *tion.*

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

19 (f) *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 (which may include access to the infor-*
18 *mation in the common financial reporting form*
19 *developed under section 483 of the Higher Edu-*
20 *cation Act of 1965 (20 U.S.C. 1090)).*

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

23 (1) *the number of eligible students attending*
24 *each eligible institution and the amount of the grant*

1 *awards paid to those institutions on behalf of the eli-*
2 *gible students;*

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

6 *(3) the progress in obtaining recognized aca-*
7 *demic credentials of the cohort of eligible students for*
8 *each year.*

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

19 *(1) analyze the extent to which there are an in-*
20 *sufficient number of eligible institutions to which Dis-*
21 *trict of Columbia students can gain admission, in-*
22 *cluding admission aided by assistance provided under*
23 *this Act, due to—*

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

1 *of the District of Columbia for the fiscal year to enable the*
2 *university to carry out activities authorized under part B*
3 *of title III of the Higher Education Act of 1965 (20 U.S.C.*
4 *1060 et seq.).*

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

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

15 **SEC. 5. PRIVATE SCHOOL PROGRAM.**

16 (a) *GRANTS.—*

17 (1) *IN GENERAL.—From amounts appropriated*
18 *under subsection (f) the Mayor shall award grants to*
19 *eligible institutions that enroll eligible students to pay*
20 *the cost of tuition and fees at the eligible institutions*
21 *on behalf of each eligible student enrolled in an eligi-*
22 *ble institution. The Mayor may prescribe such regula-*
23 *tions as may be necessary to carry out this section.*

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

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

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

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

11 (b) *REDUCTION FOR INSUFFICIENT APPROPRIA-*
12 *TIONS.*—

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

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

23 (B) after making reductions under subpara-
24 graph (A), ratably reduce the amount of the tui-

1 *tion and fee payments made on behalf of all*
2 *other eligible students.*

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

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

9 (B) *undue administrative burdens on the*
10 *Mayor.*

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

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

14 (A) *is a private, nonprofit, associate or bac-*
15 *calaureate degree-granting, institution of higher*
16 *education, as defined in section 101(a) of the*
17 *Higher Education Act of 1965 (20 U.S.C.*
18 *1001(a)), the main campus of which is located—*

19 (i) *in the District of Columbia;*

20 (ii) *in the city of Alexandria, Falls*
21 *Church, or Fairfax, or the county of Arling-*
22 *ton or Fairfax, in the Commonwealth of*
23 *Virginia, or a political subdivision of the*
24 *Commonwealth of Virginia located within*
25 *any such county; or*

1 (iii) in the county of Montgomery or
2 Prince George's in the State of Maryland,
3 or a political subdivision of the State of
4 Maryland located within any such county;

5 (B) is eligible to participate in the student
6 financial assistance programs under title IV of
7 the Higher Education Act of 1965 (20 U.S.C.
8 1070 *et seq.*); and

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

16 (2) *ELIGIBLE STUDENT.*—The term “eligible stu-
17 dent” means an individual who meets the require-
18 ments of subparagraphs (A) through (F) of section
19 3(c)(2).

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

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

24 (d) *APPLICATION.*—Each eligible student desiring a
25 tuition and fee payment under this section shall submit an

1 *application to the eligible institution at such time, in such*
2 *manner, and accompanied by such information as the eligi-*
3 *ble institution may require.*

4 *(e) ADMINISTRATION OF PROGRAM.—*

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

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

17 *(3) MEMORANDUM OF AGREEMENT.—The Mayor*
18 *and the Secretary shall enter into a Memorandum of*
19 *Agreement that describes—*

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

23 *(B) any technical or other assistance to be*
24 *provided to the Mayor by the Secretary for pur-*

1 *poses of administering the program under this*
2 *section.*

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

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

12 **SEC. 6. GENERAL REQUIREMENTS.**

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

18 *(b) ADMINISTRATIVE EXPENSES.—The Mayor of the*
19 *District of Columbia may use not more than 7 percent of*
20 *the funds made available for a program under section 3*
21 *or 5 for a fiscal year to pay the administrative expenses*
22 *of a program under section 3 or 5 for the fiscal year.*

23 *(c) INSPECTOR GENERAL REVIEW.—Each of the pro-*
24 *grams assisted under this Act shall be subject to audit and*
25 *other review by the Inspector General of the Department*

1 of Education in the same manner as programs are audited
2 and reviewed under the Inspector General Act of 1978 (5
3 U.S.C. App.).

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

7 (e) FUNDING RULE.—Notwithstanding sections 3 and
8 5, the Mayor may use funds made available—

9 (1) under section 3 to award grants under sec-
10 tion 5 if the amount of funds made available under
11 section 3 exceeds the amount of funds awarded under
12 section 3 during a time period determined by the
13 Mayor; and

14 (2) under section 5 to award grants under sec-
15 tion 3 if the amount of funds made available under
16 section 5 exceeds the amount of funds awarded under
17 section 5 during a time period determined by the
18 Mayor.

19 (f) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—The
20 Mayor shall establish rules to adjust the maximum student
21 amounts described in sections 3(a)(2)(B) and 5(a)(2)(B) for
22 eligible students described in section 3(c)(2) or 5(c)(2) who
23 transfer between the eligible institutions described in section
24 3(c)(1) or 5(c)(1).