



Legislative Bulletin.....October 21, 2003

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

Order of Business: The bill is scheduled for consideration on Tuesday, October 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3076 reauthorizes through fiscal year 2009 various graduate education programs that are a part of Title VII of the Higher Education Act, including the Jacob 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. The authorization for these programs currently expires at the end of fiscal year 2004.

Program descriptions:

- Jacob Javits Fellowships -- provides fellowships (covering tuition, living expenses, etc.) to students pursuing advanced degrees in: Creative Writing; Music Performance, Theory, Composition, and Literature; Studio Arts (including Photography); Television, Film, and Cinematography; Theater Arts, Playwriting, Screenwriting, Acting, and Dance; Archaeology; Area Studies; Classics; Comparative Literature; English; Language and Literature; Folklore, Folklife; Foreign Languages and Literature; History; Linguistics; Philosophy; Religion*; Speech, Rhetoric, and Debate; Art History; Anthropology; Communications and Media; Economics; Ethnic and Cultural Studies; Geography; Political Science; Psychology *; Public Policy and Public Administration; Sociology *

NOTE: * Fellowships cannot be used for students studying for a religious vocation, or for study for a Masters degree or Ph.D. in clinical psychology or social work.

In FY 2003, the maximum award for this program was \$32,531 and there were 60 new grants and 266 continuing grants.

- GAANN -- awards three-year grants to postsecondary institutions to support graduate students who are studying in areas of national need, specifically: biology, chemistry, computer and information sciences, engineering, geological and related sciences, mathematics, and physics.

According to performance documents published by the Department of Education <http://www.ed.gov/about/reports/annual/2002report/edlite-gaann.html>, the Department has set numeric targets for the number of minorities of different racial classifications and the number of women who will receive assistance under this program in order to achieve the program goal of increasing the number of fellows from underrepresented populations.

- Thurgood Marshall -- provides information regarding law school to minority, low-income, or disadvantaged students.

Funding for this program may be used to pay for services such as: information and counseling, tutorial services, pre-law mentoring programs, assistance and counseling on admission to accredited law schools, a six-week summer law institute for Thurgood Marshall fellows to prepare for legal studies, mid-year seminars, and other educational activities.

- FIPSE -- includes two major grant programs: a comprehensive program supporting activities that address practices in postsecondary education and the international consortia program that encourages student and faculty exchanges among postsecondary institutions.

A list of grants made under this program can be found at <http://www.fipse.aed.org/subject.cfm?program=1>

- Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education -- funds demonstration programs to improve postsecondary education for students with disabilities.

Activities under this program include, but are not limited to: in-service training; professional development; customized and general technical assistance workshops; summer institutes; distance learning; training in the use of assistive and educational technology; and synthesizing research related to postsecondary students with disabilities.

Significant changes to these programs included in H.R. 3076 are as follows:

- Allows military personnel to interrupt Javits fellowship study due to active military service or a personal or family member illness;
- Requires that at least one member of the Javits Fellowship board be a representative of a minority serving institution and that other board members be from geographically diverse regions;

- Establishes a priority within the GAANN program for institutions that prepare math, science, and special education faculty who will in turn train teachers for service in elementary and secondary schools. Also authorizes the Secretary of Education to provide priority for graduate study grants to institutions with special education and English language acquisition teacher preparation programs;
- Adds an emphasis on “analytical skills and study methods” in the Thurgood Marshall program;
- Encourages FIPSE funding of programs that provide opportunities for non-traditional students;
- Adds to “Areas of National Need” to receive FIPSE Special Projects funding international partnerships with foreign educational institutions, programs that teach traditional American history, and activities that enable institutions to work with private and civic organizations;
- Repeals the Urban Community Service program (has not been funded since fiscal year 1999); and
- Increases emphasis under the Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education program on the transition of students from high school to postsecondary education.

Authorization levels are as follows:

- Javits Fellowship program -- \$30 million for fiscal year 2004 and such sums for the following five years (current law: \$30 million)
- GAANN program -- \$35 million for fiscal year 2004 and such sums for the following five years (current law: \$35 million)
- Thurgood Marshall program -- \$5 million for fiscal year 2004 and such sums for the following five years (current law: \$5 million)
- FIPSE -- \$40 million for fiscal year 2004 and such sums for the following five years (current law: \$30 million)
- Demonstration Projects to Ensure Students with Disabilities Receive a Quality Higher Education program -- \$10 million for fiscal year 2004 and such sums for the following five years (current law: \$30 million)

Committee Action: The Subcommittee on Select Education favorably reported H.R. 3076 by voice vote on September 17, 2003. The full Education and the Workforce Committee considered the bill on September 25 and reported it to the House by voice vote.

Cost to Taxpayers: According to the Congressional Budget Office, H.R. 3076 authorizes appropriations of \$758 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.

Does the Bill Create New Federal Programs or Rules?: No, the bill reauthorizes current graduate education programs.

Constitutional Authority: The Education and the Workforce Committee, in House Report 108-307, cites Article I, Section 8, Clause 1.

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H.R. 3077—International Studies in Higher Education Act of 2003 (Hoekstra)

Order of Business: The bill is scheduled for consideration on Tuesday, October 21st, under a motion to suspend the rules and pass the bill.

Summary: H.R. 3077 reauthorizes international education programs that are a part of title VI of the Higher Education Act through fiscal year 2009. The authorization for these programs currently expires at the end of fiscal year 2004.

Significant changes included in H.R. 3077 to international education programs are as follows:

- Creates a new International Education Advisory Board for all title VI programs at the Department of Education. The purpose of the board is to “provide advice, counsel and recommendations to the Secretary and the Congress on international education issues for higher education.” The Secretary, the Speaker of the House, and the President pro tempore of the Senate would appoint members of the board, who would serve without pay for three-year terms. Funding for the board would come from funds already provided for program evaluation, national outreach, and information dissemination.
- Adds to authorized activities under Graduate and Undergraduate Language and Area Centers and Programs “supporting instructors of the less commonly taught languages,” disseminating materials to local education agencies and schools, and “projects that support in students an understanding of science and technology in coordination with foreign language proficiency.” Also encourages grants for partnerships between two- and four-year postsecondary institutions, colleges of education, and federal and state departments and agencies;
- Eliminates the 10 percent funding cap for the Undergraduate International Studies and Foreign Language Programs (current law allows the Secretary of Education to only use 10 percent of total title VI funds for the programs). Allows up to 10 percent of funds to send students to educational programs abroad that promote foreign language fluency;
- Allows the Secretary to waive or reduce matching fund requirements for minority-serving institutions;
- Names students who participate in graduate or undergraduate internship programs through the Institute for International Public Policy “Ralph J. Bunche Fellows.” (Ralph J. Bunche was a United Nations diplomat who was the first African-American awarded the Nobel Peace Prize in 1950).
- Requires institutions of higher education to give recruiters of the U.S. government the same access to students as is provided generally to other institutions and prospective employers;
- Requires those seeking title VI funds to submit a description of safety policies and procedures for students participating in the program while abroad; and

- Requires the Secretary to conduct a study to identify foreign language heritage communities (communities in the U.S. whose residents are native speakers of, or who have fluency in, a foreign language).

Authorization Levels and Program Descriptions:

- International and Foreign Language Studies -- \$80 million for fiscal year 2004 and such sums for the following five fiscal years (current law: \$80 million)

The activities authorized include teacher training, research on new teaching methods and dissemination of those research findings, postgraduate research and student/faculty exchanges, library support, and other services.

For performance information about this program visit:

<http://www.ed.gov/about/reports/annual/2004plan/edlite-international.html>

- Centers for International Business Education -- \$11 million for fiscal year 2004 and such sums for the following five fiscal years (current law: \$11 million)

These centers support institutions of higher education by sharing in the costs of programs to provide an interdisciplinary approach to international business. Supporting activities include instruction in critical foreign languages and improved business strategies, as well as research and training. There were 28 Centers for International Business Education (CIBERS) funded as of Fiscal Year 2000. Each center is funded for a 4-year cycle. A list is available at <http://www.ed.gov/programs/iegpsscibe/grantees.html>

- Education and Training Programs -- \$7 million for fiscal year 2004 and such sums for the following five fiscal years (current law: \$7 million).

The statute authorizes the Department to make grants to, and enter into contracts with, institutions of higher education to pay the Federal share of the cost of programs designed to promote linkages between such institutions and the American business community engaged in international economic activity. Each program shall both enhance the international academic programs of institutions of higher education and provide appropriate services to the business community, which will expand its capacity to engage in commerce abroad.

- Institute for International Public Policy -- \$10 million for fiscal year 2004 and such sums for the following five fiscal years (current law: \$10 million)

The institute is intended to increase the pool of minority professionals who can fill foreign policy positions in the federal government.

Committee Action: The Subcommittee on Select Education favorably reported H.R. 3077 by voice vote on September 17, 2003. The full Education and the Workforce Committee considered the bill on September 25 and reported it to the House by voice vote.

Cost to Taxpayers: According to the Congressional Budget Office, H.R. 3077 authorizes appropriations of \$683 million over the 2004-2009 period. CBO estimates that appropriations at the estimated levels would result in outlays of \$527 million over the 2004-2009 period.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates a new federal advisory board for international education programs, as described above.

Constitutional Authority: The Education and the Workforce Committee, in House Report 108-308, cites

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H.R. 2535—Economic Development Administration Reauthorization Act of 2003 (LaTourette)

Order of Business: The bill is scheduled for consideration on Tuesday, October 21st, under an unanimous consent agreement that operates as a closed rule. NOTE: An amendment added to the bill as part of the unanimous consent agreement expands and reauthorizes the Appalachian Regional Commission.

Summary:

ECONOMIC DEVELOPMENT ADMINISTRATION: H.R. 2535 reauthorizes existing programs within the Economic Development Administration and creates 3 new programs. The authorization for the existing programs expired at the end of fiscal year 2003.

Authorization Levels:

Existing Authorization in Law (enacted in November of 1998):

FY 99: \$397,969,000
FY 00: \$368,000,000
FY 01: \$335,000,000
FY 02: \$335,000,000
FY 03: \$335,000,000

FY 03 Appropriations: \$319,000,000

Authorizations in H.R. 2535:

FY 04: \$433,377,000 (35.9% increase over the amount appropriated in FY 03)
FY 05: \$459,000,000 (5.9% increase over the prior year)
FY 06: \$485,000,000 (5.7% increase over the prior year)

FY07: \$511,000,000 (5.4% increase over the prior year)

FY08: \$537,000,000 (5.1% increase over the prior year)

New Programs:

- Creates a new “Performance Award” under which the Secretary may make additional grants to recipients of funds under the Act for achieving certain goals (such as scheduling goals and job creation goals). The Performance Award may not exceed 10% of the original grant and funds may be used for any purpose authorized under the Act, including meeting the non-federal share requirement of the original grant or meeting the non-federal share (matching requirement) in any other government program.
- Creates a new “Planning Performance Award” under which the Secretary may make additional grants to recipients of funds under the Act for achieving certain planning goals (such as participating in planning activities, and working on a project consistent the economic development strategy of the area). The Planning Performance Award may not exceed 5% of the original grant and funds may be used to increase (up to 100%) the federal share of the cost of the project.
- Authorizes a new “Brightfields Demonstration Program” and authorizes \$5 million a year for the Demonstration Program for fiscal years 2004 through 2008. A Brightfield is a Brownfield site that is redeveloped through the incorporation of solar energy technologies.
- Specifically authorizes the use of funds authorized in the Act for Brownfields Redevelopment.

Major Program Changes:

- Federal Costs share of Projects: Repeals the current 50% cap on the federal cost share of any project (which could be increased under existing law to 80% with supplemental grants, which are subject to certain requirements) with a general 80% federal cost-share cap. The bill specifically authorizes several exceptions to the 80% cap, including a cap of 100% federal-share for grants to Indian Tribes, a cap of 100% federal share for grants to States or political subdivisions which the Secretary determines have exhausted their effective tax and borrowing capacity, a cap of 100% federal share for grants to non-profits who the Secretary determines have exhausted their borrowing capacity. In addition, the two new performance awards may be used to eliminate the non-federal match requirement of a grant.
- Cost Share for Planning Grants: The federal cost share of planning grants must be between 65% and 80%.
- Cooperating and Planning Requirements: The bill generally weakens existing law requirements regarding coordination and joint planning between non-profits and state and local government and between local and state government
- Use of Excess Project Funds: Under existing law, when a project comes in under cost, remaining federal funds may be used to improve the project or returned to the Treasury. The bill permits excess funds to be used to increase the federal share of the cost of the project or improve the project or by the Secretary to provide another grant to another recipient.

APPALACHIAN REGIONAL COMMISSION: The bill reauthorizes the Appalachian Regional Commission and adds 12 new counties to list of counties eligible to receive assistance.

New Counties Eligible to Receive Assistance:

Kentucky: Nicholas and Robertson
Ohio: Ashtabula, Fayette, Mahoning, and Trumbull
Tennessee: Giles, Lawrence, Lewis, and Lincoln
Virginia: Henry and Patrick

Authorization of Appropriations:

Existing Authorizations In Law:

FY 99: \$68,000,000
FY 00: \$69,000,000
FY 01: \$70,000,000

FY 03 Appropriations: \$70,827,000

Future Authorizations in H.R. 2535:

FY 04: \$91,000,000 (28.5% increase over the amount appropriated for FY 03)
FY 05: \$93,000,000 (2.2% increase over the prior year)
FY 06: \$95,000,000 (2.2% increase over the prior year)

Committee Action: The Subcommittee on Economic Development, Public Buildings, and Emergency Management favorably reported H.R. 2535 by voice vote on June 18, 2003. The full Transportation and Infrastructure Committee considered the bill on June 25 and reported it to the House by voice vote.

Cost to Taxpayers: According to the Congressional Budget Office, H.R. 2535 as reported would cost approximately \$1.3 billion over the 2004-2008 period and an additional \$1.2 billion after 2008, assuming appropriation of the authorized amounts. The amendment reauthorizing the Appalachian Regional Commission would add \$279 million in additional authorizations.

Does the Bill Create New Federal Programs or Rules?: Yes, the bill creates a new demonstration program and new performance awards as detailed above.

Constitutional Authority: The Transportation and Infrastructure Committee, in House Report 108-242, cites Article I, Section 8 of the Constitution, but fails to cite a specific clause.

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