

106TH CONGRESS
1ST SESSION

H. R. 974

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1999

Mr. DAVIS of Virginia (for himself, Ms. NORTON, Mrs. MORELLA, Mr. HOYER, Mr. WYNN, Mr. HORN, Mr. CUNNINGHAM, Mr. EHRLICH, and Mr. MORAN of Virginia) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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 (e) TAX TREATMENT OF FUND.—

15 (1) CONTRIBUTIONS TO FUND.—For purposes
16 of the Internal Revenue Code of 1986, any contribu-
17 tion or gift to or for the use of the Fund shall be
18 treated as a contribution or gift for exclusively pub-
19 lic purposes to or for the use of an organization de-
20 scribed in section 170(c)(1) of such Code.

21 (2) TREATMENT OF PAYMENTS FROM FUND.—
22 Any payment from the Fund shall not be subject to
23 any Federal, State, or local income or gift tax.

24 (3) EXEMPTION.—For purposes of such Code,
25 notwithstanding section 501(c)(1)(A) of such Code,

1 the Fund shall be treated as described in section
2 501(c)(1) of such Code and exempt from tax under
3 section 501(a) of such Code.

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

5 (a) APPLICATIONS.—Any qualified graduate seeking
6 a scholarship under the Program shall submit an applica-
7 tion to the Mayor in such form and containing such infor-
8 mation as the Mayor may prescribe by regulation. The
9 Mayor shall make applications for scholarship under the
10 Program available not later than October 1 of the aca-
11 demic year preceding the academic year for which scholar-
12 ship will be awarded, and shall announce the recipients
13 of scholarship under this section not later than March 1
14 of the academic year preceding the academic year for
15 which the scholarship is awarded.

16 (b) AWARDS AUTHORIZED.—

17 (1) AMOUNTS BASED ON IN-STATE TUITION.—

18 From the amount available from the Fund under
19 section 3(c)(2) for any academic year, the Mayor
20 shall award scholarships to each qualified graduate
21 submitting an application that is approved pursuant
22 to subsection (a). Subject to paragraph (2), such
23 scholarship shall provide, for attendance at an eligi-
24 ble institution located outside the District of Colum-
25 bia, an amount equal to the difference between—

1 (A) the amount of the tuition normally
2 charged by that institution to a student who is
3 not a resident of the State in which that insti-
4 tution is located for the program of instruction
5 in which the qualified graduate is enrolled or
6 accepted for enrollment; and

7 (B) the amount of the tuition normally
8 charged by that institution to a student who is
9 a resident of such State for such program of in-
10 struction.

11 (2) RATABLE REDUCTION IF FUNDS INSUFFI-
12 CIENT.—If the amount available from the Fund
13 under section 3(c)(2) for any academic year is not
14 sufficient to pay the scholarship amount determined
15 under paragraph (1) for each qualified graduate
16 submitting an application that is approved pursuant
17 to subsection (a), the amount of such scholarships
18 shall be ratably reduced. If additional sums become
19 available for such academic year, such reduced schol-
20 arships shall be increased on the same basis as they
21 were reduced (until the amount allotted equals the
22 amount determined under paragraph (1)).

23 (3) DISBURSEMENT.—The scholarships award-
24 ed under this section shall be disbursed to the eligi-
25 ble institution at which the qualified graduate is en-

1 rolled or accepted for enrollment by check or other
2 means that is payable to and requires the endorse-
3 ment or other certification by such graduate.

4 (4) REFUNDS.—The Mayor may prescribe such
5 regulations as may be necessary to provide for the
6 refund to the Fund of a portion of the amount
7 awarded under this section in the event a recipient
8 of a scholarship under this section withdraws from
9 an institution during a period of enrollment in which
10 the recipient began attendance.

11 (c) RULE OF CONSTRUCTION.—Nothing in this Act
12 shall be construed to require an institution of higher edu-
13 cation to alter the institution’s admissions policies or
14 standards in any manner in order for a qualified graduate
15 to receive a scholarship to attend such institution under
16 this Act.

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

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

20 (A) has been a resident of the District of
21 Columbia for not less than the 12 consecutive
22 months preceding the academic year for which
23 the scholarship is sought;

24 (B) begins his or her undergraduate course
25 of study within the 3 calendar years (excluding

1 any period of service on active duty in the
2 Armed Forces of the United States, in the
3 Peace Corps or Americorps) of graduating from
4 a secondary school, or receiving the recognized
5 equivalent of a secondary school diploma;

6 (C) is enrolled or accepted for enrollment
7 in a degree, certificate, or other program (in-
8 cluding a program of study abroad approved for
9 credit by the institution at which such student
10 is enrolled) leading to a recognized educational
11 credential at an eligible institution;

12 (D) if the student is presently enrolled at
13 an institution, is maintaining satisfactory
14 progress in the course of study the student is
15 pursuing, as determined under section 484(c) of
16 the Higher Education Act of 1965 (20 U.S.C.
17 1091(c));

18 (E) is a citizen or national of the United
19 States, a permanent resident of the United
20 States, able to provide evidence from the Immi-
21 gration and Naturalization Service that he or
22 she is in the United States for other than a
23 temporary purpose with the intention of becom-
24 ing a citizen or permanent resident, or a citizen
25 of the Republic of the Marshall Islands, the

1 Federated States of Micronesia, or the Republic
2 of Palau;

3 (F) does not owe a refund on grants pre-
4 viously received under title IV of the Higher
5 Education Act of 1965, and is not in default on
6 any loan made, insured, or guaranteed under
7 such title;

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

10 (H) is not incarcerated.

11 (2) ELIGIBLE INSTITUTION.—The term “eligi-
12 ble institution” means an institution of higher edu-
13 cation that—

14 (A) is established as a State-supported in-
15 stitution of higher education by the State in
16 which such institution is located;

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

21 (C) has entered into an agreement with the
22 Mayor containing such requirements for the
23 management of funds provided under this Act
24 as the Mayor may specify.

1 (3) INSTITUTION OF HIGHER EDUCATION.—The
2 term “institution of higher education” has the
3 meaning given that term under section 101 of the
4 Higher Education Act of 1965 (20 U.S.C. 1001).

5 (4) SECONDARY SCHOOL.—The term “second-
6 ary school” has the meaning given that term under
7 section 14101 of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 8801).

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

10 In carrying out the Program and administering the
11 Fund, the Mayor of the District of Columbia—

12 (1) shall consult with the Secretary of Edu-
13 cation; and

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

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated for payment
20 to the Fund such sums as may be necessary for fiscal year
21 2000 and for each of the 5 succeeding fiscal years.

22 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR UNI-**
23 **VERSITY OF THE DISTRICT OF COLUMBIA.**

24 There is authorized to be appropriated to the Univer-
25 sity of the District of Columbia for fiscal year 2000 and

1 each of the 5 succeeding fiscal years such sums as may
2 be necessary to enhance educational opportunities for the
3 University.

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