

108TH CONGRESS  
1ST SESSION

# H. R. 2801

To establish a digital and wireless network technology program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2003

Mr. FORBES (for himself, Mr. TOWNS, Mr. ROGERS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of South Carolina, Mr. JOHN, Mr. VITTER, Ms. JACKSON-LEE of Texas, Mr. WELLER, Mr. SCOTT of Virginia, Mr. CANTOR, Mr. HINOJOSA, Mr. BAKER, Ms. LEE, Mr. FERGUSON, and Mr. OWENS) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Education and the Workforce, 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

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## A BILL

To establish a digital and wireless network technology program, 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 “Minority Serving Insti-  
5       tution Digital and Wireless Technology Opportunity Act  
6       of 2003”.

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

2 Section 5 of the Stevenson-Wydler Technology Inno-  
3 vation Act of 1980 (15 U.S.C. 3704) is amended by insert-  
4 ing the following after subsection (f):

5 “(g) MINORITY SERVING INSTITUTION DIGITAL AND  
6 WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

7 “(1) IN GENERAL.—The Secretary, acting  
8 through the Under Secretary, shall establish a Mi-  
9 nority Serving Institution Digital and Wireless Tech-  
10 nology Opportunity Program to assist eligible insti-  
11 tutions in acquiring, and augmenting their use of,  
12 digital and wireless networking technologies to im-  
13 prove the quality and delivery of educational services  
14 at eligible institutions.

15 “(2) AUTHORIZED ACTIVITIES.—An eligible in-  
16 stitution may use a grant, cooperative agreement, or  
17 contract awarded under this subsection—

18 “(A) to acquire equipment, instrumenta-  
19 tion, networking capability, hardware and soft-  
20 ware, digital network technology, wireless tech-  
21 nology, and infrastructure to further the objec-  
22 tive of the Program described in paragraph (1);

23 “(B) to develop and provide training, edu-  
24 cation, and professional development programs,  
25 including faculty development, to increase the

1 use of, and usefulness of, digital and wireless  
2 networking technology;

3 “(C) to provide teacher education, includ-  
4 ing the provision of preservice teacher training  
5 and in-service professional development at eligi-  
6 ble institutions, library and media specialist  
7 training, and preschool and teacher aid certifi-  
8 cation to individuals who seek to acquire or en-  
9 hance technology skills in order to use digital  
10 and wireless networking technology in the class-  
11 room or instructional process;

12 “(D) to obtain capacity-building technical  
13 assistance, including through remote technical  
14 support, technical assistance workshops, and  
15 distance learning services; and

16 “(E) to foster the use of digital and wire-  
17 less networking technology to improve research  
18 and education, including scientific, mathe-  
19 matics, engineering, and technology instruction.

20 “(3) APPLICATION AND REVIEW PROCE-  
21 DURES.—

22 “(A) IN GENERAL.—To be eligible to re-  
23 ceive a grant, cooperative agreement, or con-  
24 tract under this subsection, an eligible institu-  
25 tion shall submit an application to the Under

1 Secretary at such time, in such manner, and  
2 containing such information as the Under Sec-  
3 retary may require. Such application, at a min-  
4 imum, shall include a description of how the  
5 funds will be used, including a description of  
6 any digital and wireless networking technology  
7 to be acquired, and a description of how the in-  
8 stitution will ensure that digital and wireless  
9 networking will be made accessible to, and em-  
10 ployed by, students, faculty, and administra-  
11 tors. The Under Secretary, consistent with sub-  
12 paragraph (C) and in consultation with the ad-  
13 visory council established under subparagraph  
14 (B), shall establish procedures to review such  
15 applications. The Under Secretary shall publish  
16 the application requirements and review criteria  
17 in the Federal Register, along with a statement  
18 describing the availability of funds.

19 “(B) ADVISORY COUNCIL.—The Under  
20 Secretary shall establish an advisory council to  
21 advise the Under Secretary on the best ap-  
22 proaches to encourage maximum participation  
23 by eligible institutions in the program estab-  
24 lished under paragraph (1), and on the proce-  
25 dures to review proposals submitted to the pro-

1           gram. In selecting the members of the advisory  
2           council, the Under Secretary shall consult with  
3           representatives of appropriate organizations, in-  
4           cluding representatives of eligible institutions,  
5           to ensure that the membership of the advisory  
6           council includes representatives of minority  
7           businesses and eligible institution communities.  
8           The Under Secretary shall also consult with ex-  
9           perts in digital and wireless networking tech-  
10          nology to ensure that such expertise is rep-  
11          resented on the advisory council.

12                 “(C) REVIEW PANELS.—Each application  
13           submitted under this subsection by an eligible  
14           institution shall be reviewed by a panel of indi-  
15           viduals selected by the Under Secretary to  
16           judge the quality and merit of the proposal, in-  
17           cluding the extent to which the eligible institu-  
18           tion can effectively and successfully utilize the  
19           proposed grant, cooperative agreement, or con-  
20           tract to carry out the program described in  
21           paragraph (1). The Under Secretary shall en-  
22           sure that the review panels include representa-  
23           tives of minority serving institutions and others  
24           who are knowledgeable about eligible institu-  
25           tions and technology issues. The Under Sec-

1           retary shall ensure that no individual assigned  
2           under this subsection to review any application  
3           has a conflict of interest with regard to that ap-  
4           plication. The Under Secretary shall take into  
5           consideration the recommendations of the re-  
6           view panel in determining whether to award a  
7           grant, cooperative agreement, or contract to an  
8           eligible institution.

9           “(D) INFORMATION DISSEMINATION.—The  
10          Under Secretary shall convene an annual meet-  
11          ing of eligible institutions receiving grants, co-  
12          operative agreements, or contracts under this  
13          subsection to foster collaboration and capacity-  
14          building activities among eligible institutions.

15          “(E) MATCHING REQUIREMENT.—The  
16          Under Secretary may not award a grant, coop-  
17          erative agreement, or contract to an eligible in-  
18          stitution under this subsection unless such in-  
19          stitution agrees that, with respect to the costs  
20          incurred by the institution in carrying out the  
21          program for which the grant, cooperative agree-  
22          ment, or contract was awarded, such institution  
23          shall make available, directly, or through dona-  
24          tions from public or private entities, non-Fed-  
25          eral contributions in an amount equal to one-

1 quarter of the grant, cooperative agreement, or  
2 contract awarded by the Under Secretary, or  
3 \$500,000, whichever is the lesser amount. The  
4 Under Secretary shall waive the matching re-  
5 quirement for any institution or consortium  
6 with no endowment, or an endowment that has  
7 a current dollar value lower than \$50,000,000.

8 “(F) AWARDS.—

9 “(i) LIMITATION.—An eligible institu-  
10 tion that receives a grant, cooperative  
11 agreement, or contract under this sub-  
12 section that exceeds \$2,500,000 shall not  
13 be eligible to receive another grant, cooper-  
14 ative agreement, or contract.

15 “(ii) CONSORTIA.—Grants, coopera-  
16 tive agreements, and contracts may only be  
17 awarded to eligible institutions. Eligible in-  
18 stitutions may seek funding under this  
19 subsection for consortia which may include  
20 other eligible institutions, a State or a  
21 State education agency, local education  
22 agencies, institutions of higher education,  
23 community-based organizations, national  
24 nonprofit organizations, or businesses, in-  
25 cluding minority businesses.

1                   “(iii)     PLANNING     GRANTS.—The  
 2                   Under Secretary may provide funds to de-  
 3                   velop strategic plans to implement such  
 4                   grants, cooperative agreements, or con-  
 5                   tracts.

6                   “(iv) INSTITUTIONAL DIVERSITY.—In  
 7                   awarding grants, cooperative agreements,  
 8                   and contracts to eligible institutions, the  
 9                   Under Secretary shall ensure, to the extent  
 10                  practicable, that awards are made to all  
 11                  types of institutions eligible for assistance  
 12                  under this subsection.

13                  “(v)     NEED.—In     awarding     funds  
 14                  under this subsection, the Under Secretary  
 15                  shall give priority to the institution with  
 16                  the greatest demonstrated need for assist-  
 17                  ance.

18                  “(G)     ANNUAL     REPORT     AND     EVALUA-  
 19                  TION.—

20                  “(i)     ANNUAL     REPORT     REQUIRED  
 21                  FROM RECIPIENTS.—Each institution that  
 22                  receives a grant, cooperative agreement, or  
 23                  contract awarded under this subsection  
 24                  shall provide an annual report to the



1 Under Secretary on its use of the grant,  
2 cooperative agreement, or contract.

3 “(ii) INDEPENDENT ASSESSMENT.—

4 Not later than 6 months after the date of  
5 enactment of this subsection, the Under  
6 Secretary shall enter into a contract with  
7 the National Academy of Public Adminis-  
8 tration to conduct periodic assessments of  
9 the program. The Assessments shall be  
10 conducted once every 3 years during the  
11 10-year period following the enactment of  
12 this subsection. The assessments shall in-  
13 clude an evaluation of the effectiveness of  
14 the program in improving the education  
15 and training of students, faculty and staff  
16 at eligible institutions that have been  
17 awarded grants, cooperative agreements, or  
18 contracts under the program; an evaluation  
19 of the effectiveness of the program in im-  
20 proving access to, and familiarity with, dig-  
21 ital and wireless networking technology for  
22 students, faculty, and staff at all eligible  
23 institutions; an evaluation of the proce-  
24 dures established under paragraph (3)(A);  
25 and recommendations for improving the

1 program, including recommendations con-  
2 cerning the continuing need for Federal  
3 support. In carrying out its assessments,  
4 the National Academy of Public Adminis-  
5 tration shall review the reports submitted  
6 to the Under Secretary under clause (i).

7 “(iii) REPORT TO CONGRESS.—Upon  
8 completion of each independent assessment  
9 carried out under clause (ii), the Under  
10 Secretary shall transmit the assessment to  
11 Congress along with a summary of the  
12 Under Secretary’s plans, if any, to imple-  
13 ment the recommendations of the National  
14 Academy of Public Administration.

15 “(H) DEFINITIONS.—In this subsection:

16 “(i) DIGITAL AND WIRELESS NET-  
17 WORKING TECHNOLOGY.—The term ‘dig-  
18 ital and wireless networking technology’  
19 means computer and communications  
20 equipment and software that facilitates the  
21 transmission of information in a digital  
22 format.

23 “(ii) ELIGIBLE INSTITUTION.—The  
24 term ‘eligible institution’ means an institu-  
25 tion that is—

1 “(I) a historically Black college  
2 or university that is a part B institu-  
3 tion, as defined in section 322(2) of  
4 the Higher Education Act of 1965 (20  
5 U.S.C. 1061(2)), an institution de-  
6 scribed in section 326(e)(1)(A), (B),  
7 or (C) of that Act (20 U.S.C.  
8 1063b(e)(1)(A), (B), or (C)), or a  
9 consortium of institutions described in  
10 this subparagraph;

11 “(II) a Hispanic-serving institu-  
12 tion, as defined in section 502(a)(5)  
13 of the Higher Education Act of 1965  
14 (20 U.S.C. 1101a(a)(5));

15 “(III) a tribally controlled college  
16 or university, as defined in section  
17 316(b)(3) of the Higher Education  
18 Act of 1965 (20 U.S.C. 1059c(b)(3));

19 “(IV) an Alaska Native-serving  
20 institution under section 317(b) of the  
21 Higher Education Act of 1965 (20  
22 U.S.C. 1059d(b));

23 “(V) a Native Hawaiian-serving  
24 institution under section 317(b) of the

1 Higher Education Act of 1965 (20  
2 U.S.C. 1059d(b)); or

3 “(VI) an institution of higher  
4 education (as defined in section 365  
5 of the Higher Education Act of 1965  
6 (20 U.S.C. 1067k)) with an enroll-  
7 ment of needy students (as defined in  
8 section 312(d) of the Higher Edu-  
9 cation Act of 1965 (20 U.S.C.  
10 1058(d)).

11 “(iii) INSTITUTION OF HIGHER EDU-  
12 CATION.—The term ‘institution of higher  
13 education’ has the meaning given the term  
14 in section 101 of the Higher Education  
15 Act of 1965 (20 U.S.C. 1001).

16 “(iv) LOCAL EDUCATIONAL AGEN-  
17 CY.—The term ‘local educational agency’  
18 has the meaning given the term in section  
19 9101 of the Elementary and Secondary  
20 Education Act of 1965 (20 U.S.C. 7801).

21 “(v) MINORITY BUSINESS.—The term  
22 ‘minority business’ includes HUBZone  
23 small business concerns (as defined in sec-  
24 tion 3(p) of the Small Business Act (15  
25 U.S.C. 632(p)).

1 “(vi) MINORITY INDIVIDUAL.—The  
 2 term ‘minority individual’ means an Amer-  
 3 ican Indian, Alaskan Native, Black (not of  
 4 Hispanic origin), Hispanic (including per-  
 5 sons of Mexican, Puerto Rican, Cuban and  
 6 Central or South American origin), or Pa-  
 7 cific Islander individual.

8 “(vii) STATE.—The term ‘State’ has  
 9 the meaning given the term in section  
 10 9101 of the Elementary and Secondary  
 11 Education Act of 1965 (20 U.S.C. 7801).

12 “(viii) STATE EDUCATIONAL AGEN-  
 13 CY.—The term ‘State educational agency’  
 14 has the meaning given the term in section  
 15 9101 of the Elementary and Secondary  
 16 Education Act of 1965 (20 U.S.C.  
 17 7801).”.

18 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Tech-  
 20 nology Administration of the Department of Commerce to  
 21 carry out section 5(g) of the Stevenson-Wydler Technology  
 22 Innovation Act of 1980—

- 23 (1) \$250,000,000 for fiscal year 2004;
- 24 (2) \$250,000,000 for fiscal year 2005;
- 25 (3) \$250,000,000 for fiscal year 2006;

- 1 (4) \$250,000,000 for fiscal year 2007; and
- 2 (5) \$250,000,000 for fiscal year 2008.

○