

117TH CONGRESS
1ST SESSION

H. R. 3729

To amend the Higher Education Act of 1965 to establish a program that enables college-bound residents of the Northern Mariana Islands and American Samoa to have greater choices among institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. SABLAN (for himself and Mrs. RADEWAGEN) introduced the following bill;
which was referred to the Committee on Education and Labor

A BILL

To amend the Higher Education Act of 1965 to establish a program that enables college-bound residents of the Northern Mariana Islands and American Samoa to have greater choices among institutions of higher education, 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 “Northern Mariana Is-
5 lands and American Samoa College Access Act”.

1 **SEC. 2. NORTHERN MARIANA ISLANDS AND AMERICAN**
2 **SAMOA COLLEGE ACCESS.**

3 Subpart 10 of part A of title IV of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1070h) is amended to read
5 as follows:

6 **“Subpart 10—Northern Mariana Islands and**
7 **American Samoa College Access**

8 **“SEC. 420R. PUBLIC SCHOOL GRANTS.**

9 “(a) PURPOSE.—It is the purpose of this subpart to
10 establish a program that enables college-bound residents
11 of the Northern Mariana Islands and American Samoa to
12 have greater choices among institutions of higher edu-
13 cation.

14 “(b) GRANTS.—

15 “(1) IN GENERAL.—From amounts appro-
16 priated under subsection (j), the Secretary shall pro-
17 vide—

18 “(A) 50 percent of such amount to the
19 Northern Mariana Islands for the Governor to
20 award grants to eligible institutions that enroll
21 eligible students to pay the difference between
22 the tuition and fees charged for in-State stu-
23 dents and the tuition and fees charged for out-
24 of-State students on behalf of each eligible stu-
25 dent enrolled in the eligible institution; and

1 “(B) 50 percent of such amount to the
2 American Samoa for the Governor to award
3 grants to eligible institutions that enroll eligible
4 students to pay the difference between the tui-
5 tion and fees charged for in-State students and
6 the tuition and fees charged for out-of-State
7 students on behalf of each eligible student en-
8 rolled in the eligible institution.

9 “(2) MAXIMUM STUDENT AMOUNTS.—The
10 amount paid on behalf of an eligible student under
11 this section shall be—

12 “(A) not more than \$15,000 for any one
13 award year (as defined in section 481); and

14 “(B) not more than \$45,000 in the aggre-
15 gate.

16 “(3) PRORATION.—The Governor shall prorate
17 payments under this section for students who attend
18 an eligible institution on less than a full-time basis.

19 “(c) REDUCTION FOR INSUFFICIENT APPROPRIA-
20 TIONS.—

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

1 Governor, in consultation with the Secretary of Edu-
2 cation, shall—

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

7 “(B) after making reductions under sub-
8 paragraph (A), ratably reduce the amount of
9 the tuition and fee payments made on behalf of
10 all other eligible students.

11 “(2) ADJUSTMENTS.—The Governor, in con-
12 sultation with the Secretary of Education, may ad-
13 just the amount of tuition and fee payments made
14 under paragraph (1) based on—

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

18 “(B) undue administrative burdens on the
19 Governor.

20 “(3) FURTHER ADJUSTMENTS.—Notwith-
21 standing paragraphs (1) and (2), the Governor may
22 prioritize the making or amount of tuition and fee
23 payments under this subsection based on the income
24 and financial need of eligible students.

25 “(d) DEFINITIONS.—In this subpart:

1 “(1) ELIGIBLE INSTITUTION.—The term ‘eligi-
2 ble institution’ means an institution that—

3 “(A) is a public four-year institution of
4 higher education located in one of the several
5 States, the District of Columbia, Puerto Rico,
6 the United States Virgin Islands, or Guam;

7 “(B) is eligible to participate in the stu-
8 dent financial assistance programs under this
9 title; and

10 “(C) enters into an agreement with the
11 Governors of the Northern Mariana Islands and
12 American Samoa containing such conditions as
13 each Governor may specify, including a require-
14 ment that the institution use the funds made
15 available under this section to supplement and
16 not supplant assistance that otherwise would be
17 provided to eligible students from the Northern
18 Mariana Islands and American Samoa.

19 “(2) ELIGIBLE STUDENT.—The term ‘eligible
20 student’ means an individual who—

21 “(A) graduated from a public institution of
22 higher education located in the Northern Mar-
23 iana Islands or American Samoa;

24 “(B) begins the individual’s course of
25 study within the 3 calendar years (excluding

1 any period of service on active duty in the
2 Armed Forces or service under the Peace Corps
3 Act (22 U.S.C. 2501 et seq.) or subtitle D of
4 title I of the National and Community Service
5 Act of 1990 (42 U.S.C. 12571 et seq.)) of grad-
6 uation from a public institution of higher edu-
7 cation located in the Northern Mariana Islands
8 or American Samoa;

9 “(C) is enrolled or accepted for enrollment,
10 on at least a half-time basis, in a baccalaureate
11 degree or other program (including a program
12 of study abroad approved for credit by the insti-
13 tution at which such student is enrolled) lead-
14 ing to a recognized educational credential at an
15 eligible institution;

16 “(D) if enrolled in an eligible institution, is
17 maintaining satisfactory progress in the course
18 of study the student is pursuing in accordance
19 with section 484(c); and

20 “(E) has not completed the individual’s
21 first undergraduate baccalaureate course of
22 study.

23 “(3) INSTITUTION OF HIGHER EDUCATION.—

24 The term ‘institution of higher education’ has the
25 meaning given the term in section 101.

1 “(4) GOVERNOR.—The term ‘Governor’ means
2 the Governor of the Commonwealth of the Northern
3 Mariana Islands or American Samoa.

4 “(e) CONSTRUCTION.—Nothing in this subpart shall
5 be construed to require an institution of higher education
6 to alter the institution’s admissions policies or standards
7 in any manner to enable an eligible student to enroll in
8 the institution.

9 “(f) APPLICATIONS.—Each student desiring a tuition
10 payment under this section shall submit an application to
11 the eligible institution at such time, in such manner, and
12 accompanied by such information as the eligible institution
13 may require.

14 “(g) ADMINISTRATION OF PROGRAM.—

15 “(1) IN GENERAL.—Each Governor shall carry
16 out the program under this section in consultation
17 with the Secretary. Each Governor may enter into a
18 grant, contract, or cooperative agreement with an-
19 other public or private entity to administer the pro-
20 gram under this section if the Governor determines
21 that doing so is a more efficient way of carrying out
22 the program.

23 “(2) POLICIES AND PROCEDURES.—Each Gov-
24 ernor, in consultation with institutions of higher
25 education eligible for participation in the program

1 authorized under this section, shall develop policies
2 and procedures for the administration of the pro-
3 gram.

4 “(3) MEMORANDUM OF AGREEMENT.—Each
5 Governor and the Secretary shall enter into a Memo-
6 randum of Agreement that describes—

7 “(A) the manner in which the Governor
8 shall consult with the Secretary with respect to
9 administering the program under this section;
10 and

11 “(B) any technical or other assistance to
12 be provided to the Governor by the Secretary
13 for purposes of administering the program
14 under this section (which may include access to
15 the information in the common financial report-
16 ing form developed under section 483).

17 “(h) GOVERNOR’S REPORT.—Each Governor shall re-
18 port to the Secretary and the authorizing committees an-
19 nually regarding—

20 “(1) the number of eligible students attending
21 each eligible institution and the amount of the grant
22 awards paid to those institutions on behalf of the eli-
23 gible students;

1 “(2) the extent, if any, to which a ratable re-
2 duction was made in the amount of tuition and fee
3 payments made on behalf of eligible students; and

4 “(3) the progress in obtaining recognized aca-
5 demic credentials of the cohort of eligible students
6 for each year.

7 “(i) GAO REPORT.—Not later than 24 months of the
8 date of enactment of the Northern Mariana Islands and
9 American Samoa College Access Act, the Comptroller Gen-
10 eral of the United States shall report on the effect of the
11 program assisted under this section on educational oppor-
12 tunities for eligible students. The Comptroller General
13 shall analyze whether eligible students had difficulty gain-
14 ing admission to eligible institutions because of any pref-
15 erence afforded to in-State residents by eligible institu-
16 tions, and shall expeditiously report any findings regard-
17 ing such difficulty to Congress. In addition the Comp-
18 troller General shall—

19 “(1) analyze and identify any challenges eligible
20 students face in gaining admission to eligible institu-
21 tions, including admission aided by assistance pro-
22 vided under this subpart, due to—

23 “(A) caps on the number of out-of-State
24 students the institution will enroll;

1 “(B) significant barriers imposed by aca-
2 demic entrance requirements (such as grade
3 point average and standardized scholastic ad-
4 missions tests); and

5 “(C) absence of admission programs bene-
6 fitting minority students; and

7 “(2) report the findings of the analysis de-
8 scribed in paragraph (1) and the assessment de-
9 scribed in paragraph (2) to Congress and the Gov-
10 ernor.

11 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Commonwealth
13 of the Northern Mariana Islands and American Samoa to
14 carry out this subpart \$5,000,000, to be available until
15 expended, for fiscal year 2022 and each of the 5 suc-
16 ceeding fiscal years.

17 “(k) EFFECTIVE DATE.—This subpart shall take ef-
18 fect with respect to payments for periods of instruction
19 that begin on or after the date of enactment of the North-
20 ern Mariana Islands and American Samoa College Access
21 Act.”.

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