AMENDMENT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 4508 OFFERED BY MR. SABLAN OF NORTHERN MARIANA ISLANDS

Strike sections 101 and 102.

After section 407, insert the following:

SEC. 408. NORTHERN MARIANA ISLANDS AND AMERICAN SOMOA COLLEGE ACCESS.

Part A of title IV (20 U.S.C. 1070 et seq.) is further amended by adding at the end the following:

“Subpart 11—Northern Mariana Islands and American Samoa College Access

SECTION 420S. SHORT TITLE.

“This subpart may be cited as the ‘Northern Mariana Islands and American Samoa College Access Act’.

SECTION 420T. PURPOSE.

“It is the purpose of this Act 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.

SECTION 420U. PUBLIC SCHOOL GRANTS.

“(a) GRANTS.—
“(1) IN GENERAL.—From amounts appropriated under subsection (i), the Secretary shall provide—

“(A) 50 percent of such amount to the Northern Mariana Islands for the Governor to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution; and

“(B) 50 percent of such amount to the American Samoa for the Governor to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

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

“(A) not more than $15,000 for any one award year (as defined in section 481); and
“(B) not more than $45,000 in the aggregate.

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

“(b) REDUCTION FOR INSUFFICIENT APPROPRIATIONS.—

“(1) IN GENERAL.—If the funds appropriated pursuant to subsection (i) for any fiscal year are insufficient to award a grant in the amount determined under subsection (a) on behalf of each eligible student enrolled in an eligible institution, then the Governor, in consultation with the Secretary of Education, shall—

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

“(B) after making reductions under subparagraph (A), ratably reduce the amount of the tuition and fee payments made on behalf of all other eligible students.

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

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

“(B) undue administrative burdens on the
Governor.

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

“(c) DEFINITIONS.—In this subpart:

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

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

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

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

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

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

“(B) begins the individual’s course of
study within the 3 calendar years (excluding
any period of service on active duty in the
Armed Forces or service under the Peace Corps
Act (22 U.S.C. 2501 et seq.) or subtitle D of
title I of the National and Community Service
Act of 1990 (42 U.S.C. 12571 et seq.)) of grad-
uation from a public institution of higher edu-
cation located in the Northern Mariana Islands
or American Samoa;

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

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

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

“(3) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101.

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

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

“(e) APPLICATIONS.—Each student desiring a tuition payment under this section shall submit an application to the eligible institution at such time, in such manner, and
accompanying such information as the eligible institution may require.

“(f) ADMINISTRATION OF PROGRAM.—

“(1) IN GENERAL.—Each Governor shall carry out the program under this section in consultation with the Secretary. Each Governor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section if the Governor determines that doing so is a more efficient way of carrying out the program.

“(2) POLICIES AND PROCEDURES.—Each Governor, in consultation with institutions of higher education eligible for participation in the program authorized under this section, shall develop policies and procedures for the administration of the program.

“(3) MEMORANDUM OF AGREEMENT.—Each Governor and the Secretary shall enter into a Memorandum of Agreement that describes—

“(A) the manner in which the Governor shall consult with the Secretary with respect to administering the program under this section; and
“(B) any technical or other assistance to be provided to the Governor by the Secretary for purposes of administering the program under this section (which may include access to the information in the common financial reporting form developed under section 483.

“(g) GOVERNOR’S REPORT.—Each Governor shall report to the authorizing committees annually regarding—

“(1) the number of eligible students attending each eligible institution and the amount of the grant awards paid to those institutions on behalf of the eligible students;

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

“(3) the progress in obtaining recognized academic credentials of the cohort of eligible students for each year.

“(h) GAO REPORT.—Beginning on the date of the enactment of this subpart, the Comptroller General of the United States shall monitor the effect of the program assisted under this section on educational opportunities for eligible students. The Comptroller General shall analyze whether eligible students had difficulty gaining admission to eligible institutions because of any preference afforded
in-State residents by eligible institutions, and shall expeditiously report any findings regarding such difficulty to Congress and the Governor. In addition the Comptroller General shall—

“(1) analyze the extent to which there are an insufficient number of eligible institutions to which Northern Mariana Islands and American Samoa students can gain admission, including admission aided by assistance provided under this Act, due to—

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

“(B) significant barriers imposed by academic entrance requirements (such as grade point average and standardized scholastic admissions tests); and

“(C) absence of admission programs benefitting minority students; and

“(2) report the findings of the analysis described in paragraph (1) and the assessment described in paragraph (2) to Congress and the Governor.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commonwealth of the Northern Mariana Islands and American Samoa to carry out this section $5,000,000 for each of the fiscal
years 2019 through 2024. Such funds shall remain avail-
able until expended.

“(j) EFFECTIVE DATE.—This section shall take ef-
fect with respect to payments for periods of instruction
that begin on or after January 1, 2019.

“SEC. 420V. GENERAL REQUIREMENTS.

“(a) PERSONNEL.—The Secretary shall arrange for
the assignment of an individual, pursuant to subchapter
VI of chapter 33 of title 5, United States Code, to serve
as an adviser to each Governor with respect to the pro-
grams assisted under this subpart.

“(b) ADMINISTRATIVE EXPENSES.—Each Governor
may use not more than 5 percent of the funds made avail-
able for a program under section 420U for a fiscal year
to pay the administrative expenses of a program under
section 420U for the fiscal year.

“(c) INSPECTOR GENERAL REVIEW.—Each of the
programs assisted under this subpart shall be subject to
audit and other review by the Inspector General of the
Department of Education in the same manner as pro-
grams are audited and reviewed under the Inspector Gen-

“(d) GIFTS.—The Governor may accept, use, and dis-
pose of donations of services or property for purposes of
carrying out this subpart.
“(e) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—

each Governor shall establish rules to adjust the maximum

student amounts described in section 420U(a)(2)(B) for

eligible students described in section 420U(e)(2) who

transfer between the eligible institutions described in sec-

tion 420U(e)(1)(A).”.