

**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:

1 **SEC. 408. NORTHERN MARIANA ISLANDS AND AMERICAN**  
2 **SOMOA COLLEGE ACCESS.**

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

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

7 **“SECTION 420S. SHORT TITLE.**

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

10 **“SEC. 420T. PURPOSE.**

11 “It is the purpose of this Act to establish a program  
12 that enables college-bound residents of the Northern Mar-  
13 iana Islands and American Samoa to have greater choices  
14 among institutions of higher education.

15 **“SEC. 420U. PUBLIC SCHOOL GRANTS.**

16 **“(a) GRANTS.—**

1           “(1) IN GENERAL.—From amounts appro-  
2           priated under subsection (i), the Secretary shall pro-  
3           vide—

4                   “(A) 50 percent of such amount to the  
5           Northern Mariana Islands for the Governor to  
6           award grants to eligible institutions that enroll  
7           eligible students to pay the difference between  
8           the tuition and fees charged for in-State stu-  
9           dents and the tuition and fees charged for out-  
10          of-State students on behalf of each eligible stu-  
11          dent enrolled in the eligible institution; and

12                   “(B) 50 percent of such amount to the  
13          American Samoa for the Governor to award  
14          grants to eligible institutions that enroll eligible  
15          students to pay the difference between the tui-  
16          tion and fees charged for in-State students and  
17          the tuition and fees charged for out-of-State  
18          students on behalf of each eligible student en-  
19          rolled in the eligible institution.

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

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

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

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

6                   “(b) REDUCTION FOR INSUFFICIENT APPROPRIA-  
7                   TIONS.—

8                   “(1) IN GENERAL.—If the funds appropriated  
9                   pursuant to subsection (i) for any fiscal year are in-  
10                  sufficient to award a grant in the amount deter-  
11                  mined under subsection (a) on behalf of each eligible  
12                  student enrolled in an eligible institution, then the  
13                  Governor, in consultation with the Secretary of Edu-  
14                  cation, shall—

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

19                  “(B) after making reductions under sub-  
20                  paragraph (A), ratably reduce the amount of  
21                  the tuition and fee payments made on behalf of  
22                  all other eligible students.

23                  “(2) ADJUSTMENTS.—The Governor, in con-  
24                  sultation with the Secretary of Education, may ad-

1 just the amount of tuition and fee payments made  
2 under paragraph (1) based on—

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

6 “(B) undue administrative burdens on the  
7 Governor.

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

13 “(c) DEFINITIONS.—In this subpart:

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

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

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

23 “(C) enters into an agreement with the  
24 Governors of the Northern Mariana Islands and  
25 American Samoa containing such conditions as

1 each Governor may specify, including a require-  
2 ment that the institution use the funds made  
3 available under this section to supplement and  
4 not supplant assistance that otherwise would be  
5 provided to eligible students from the Northern  
6 Mariana Islands and American Samoa.

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

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

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

22 “(C) is enrolled or accepted for enrollment,  
23 on at least a half-time basis, in a baccalaureate  
24 degree or other program (including a program  
25 of study abroad approved for credit by the insti-

1           tution at which such student is enrolled) lead-  
2           ing to a recognized educational credential at an  
3           eligible institution;

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

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

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

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

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

22          “(e) APPLICATIONS.—Each student desiring a tuition  
23          payment under this section shall submit an application to  
24          the eligible institution at such time, in such manner, and

1 accompanied by such information as the eligible institution  
2 may require.

3 “(f) ADMINISTRATION OF PROGRAM.—

4 “(1) IN GENERAL.—Each Governor shall carry  
5 out the program under this section in consultation  
6 with the Secretary. Each Governor may enter into a  
7 grant, contract, or cooperative agreement with an-  
8 other public or private entity to administer the pro-  
9 gram under this section if the Governor determines  
10 that doing so is a more efficient way of carrying out  
11 the program.

12 “(2) POLICIES AND PROCEDURES.—Each Gov-  
13 ernor, in consultation with institutions of higher  
14 education eligible for participation in the program  
15 authorized under this section, shall develop policies  
16 and procedures for the administration of the pro-  
17 gram.

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

21 “(A) the manner in which the Governor  
22 shall consult with the Secretary with respect to  
23 administering the program under this section;  
24 and

1           “(B) any technical or other assistance to  
2           be provided to the Governor by the Secretary  
3           for purposes of administering the program  
4           under this section (which may include access to  
5           the information in the common financial report-  
6           ing form developed under section 483.

7           “(g) GOVERNOR’S REPORT.—Each Governor shall re-  
8           port to the authorizing committees annually regarding—

9           “(1) the number of eligible students attending  
10          each eligible institution and the amount of the grant  
11          awards paid to those institutions on behalf of the eli-  
12          gible students;

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

16          “(3) the progress in obtaining recognized aca-  
17          demic credentials of the cohort of eligible students  
18          for each year.

19          “(h) GAO REPORT.—Beginning on the date of the  
20          enactment of this subpart, the Comptroller General of the  
21          United States shall monitor the effect of the program as-  
22          sisted under this section on educational opportunities for  
23          eligible students. The Comptroller General shall analyze  
24          whether eligible students had difficulty gaining admission  
25          to eligible institutions because of any preference afforded



1 in-State residents by eligible institutions, and shall expedi-  
2 tiously report any findings regarding such difficulty to  
3 Congress and the Governor. In addition the Comptroller  
4 General shall—

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

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

12           “(B) significant barriers imposed by aca-  
13 demic entrance requirements (such as grade  
14 point average and standardized scholastic ad-  
15 missions tests); and

16           “(C) absence of admission programs bene-  
17 fitting minority students; and

18           “(2) report the findings of the analysis de-  
19 scribed in paragraph (1) and the assessment de-  
20 scribed in paragraph (2) to Congress and the Gov-  
21 ernor.

22           “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
23 are authorized to be appropriated to the Commonwealth  
24 of the Northern Mariana Islands and American Samoa to  
25 carry out this section \$5,000,000 for each of the fiscal

1 years 2019 through 2024. Such funds shall remain avail-  
2 able until expended.

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

6 **“SEC. 420V. GENERAL REQUIREMENTS.**

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

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

17 “(c) INSPECTOR GENERAL REVIEW.—Each of the  
18 programs assisted under this subpart shall be subject to  
19 audit and other review by the Inspector General of the  
20 Department of Education in the same manner as pro-  
21 grams are audited and reviewed under the Inspector Gen-  
22 eral Act of 1978 (5 U.S.C. App.).

23 “(d) GIFTS.—The Governor may accept, use, and dis-  
24 pose of donations of services or property for purposes of  
25 carrying out this subpart.

1       “(e) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—  
2 each Governor shall establish rules to adjust the maximum  
3 student amounts described in section 420U(a)(2)(B) for  
4 eligible students described in section 420U(c)(2) who  
5 transfer between the eligible institutions described in sec-  
6 tion 420U(c)(1)(A).”.

