

112TH CONGRESS  
1ST SESSION

# H. R. 2142

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2011

Mr. SABLAN (for himself, Mr. SERRANO, Mr. GRIJALVA, Ms. NORTON, Mr. GEORGE MILLER of California, Mr. HONDA, and Mr. BACA) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To establish a program that enables college-bound residents of the Northern Mariana Islands 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 College Access Act of 2011”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to establish a program  
3 that enables college-bound residents of the Northern Mar-  
4 iana Islands to have greater choices among institutions of  
5 higher education.

6 **SEC. 3. PUBLIC SCHOOL GRANTS.**

7 (a) GRANTS.—

8 (1) IN GENERAL.—From amounts appropriated  
9 under subsection (i), the Governor shall award  
10 grants to eligible institutions that enroll eligible stu-  
11 dents to pay the difference between the tuition and  
12 fees charged for in-State students and the tuition  
13 and fees charged for out-of-State students on behalf  
14 of each eligible student enrolled in the eligible insti-  
15 tution.

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

19 (A) not more than \$15,000 for any one  
20 award year (as defined in section 481 of the  
21 Higher Education Act of 1965 (20 U.S.C.  
22 1088)); and

23 (B) not more than \$75,000 in the aggre-  
24 gate.

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

4           (b) REDUCTION FOR INSUFFICIENT APPROPRIA-  
5           TIONS.—

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

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

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

21          (2) ADJUSTMENTS.—The Governor, in con-  
22          sultation with the Secretary of Education, may ad-  
23          just the amount of tuition and fee payments made  
24          under paragraph (1) based on—

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

4 (B) undue administrative burdens on the  
5 Governor.

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

11 (c) DEFINITIONS.—In this section:

12 (1) ELIGIBLE INSTITUTION.—The term “eligi-  
13 ble institution” means an institution that—

14 (A) is a public four-year institution of  
15 higher education located in one of the several  
16 States, the District of Columbia, Puerto Rico,  
17 or Guam;

18 (B) is eligible to participate in the student  
19 financial assistance programs under title IV of  
20 the Higher Education Act of 1965 (20 U.S.C.  
21 1070 et seq.); and

22 (C) enters into an agreement with the Gov-  
23 ernor containing such conditions as the Gov-  
24 ernor may specify, including a requirement that  
25 the institution use the funds made available

1 under this section to supplement and not sup-  
2 plant assistance that otherwise would be pro-  
3 vided to eligible students from the Northern  
4 Mariana Islands.

5 (2) ELIGIBLE STUDENT.—The term “eligible  
6 student” means an individual who—

7 (A) was domiciled in the Northern Mar-  
8 iana Islands for not less than the 12 consecu-  
9 tive months preceding the commencement of the  
10 freshman year at an institution of higher edu-  
11 cation;

12 (B) graduated from a secondary school in  
13 the Northern Mariana Islands, or received the  
14 recognized equivalent of a secondary school di-  
15 ploma while domiciled in the Northern Mariana  
16 Islands, on or after January 1, 2008;

17 (C) begins the individual’s undergraduate  
18 course of study within the three calendar years  
19 (excluding any period of service on active duty  
20 in the Armed Forces, or service under the  
21 Peace Corps Act (22 U.S.C. 2501 et seq.) or  
22 subtitle D of title I of the National and Com-  
23 munity Service Act of 1990 (42 U.S.C. 12571  
24 et seq.)) of graduation from a secondary school,

1 or obtaining the recognized equivalent of a sec-  
2 ondary school diploma;

3 (D) is enrolled or accepted for enrollment,  
4 on at least a half-time basis, in a baccalaureate  
5 degree or other program (including a program  
6 of study abroad approved for credit by the insti-  
7 tution at which such student is enrolled) lead-  
8 ing to a recognized educational credential at an  
9 eligible institution;

10 (E) if enrolled in an eligible institution, is  
11 maintaining satisfactory progress in the course  
12 of study the student is pursuing in accordance  
13 with section 484(c) of the Higher Education  
14 Act of 1965 (20 U.S.C. 1091(c)); and

15 (F) has not completed the individual's first  
16 undergraduate baccalaureate course of study.

17 (3) INSTITUTION OF HIGHER EDUCATION.—The  
18 term “institution of higher education” has the  
19 meaning given the term in section 101 of the Higher  
20 Education Act of 1965 (20 U.S.C. 1001).

21 (4) GOVERNOR.—The term “Governor” means  
22 the Governor of the Commonwealth of the Northern  
23 Mariana Islands.

24 (5) SECONDARY SCHOOL.—The term “sec-  
25 ondary school” has the meaning given that term

1 under section 14101 of the Elementary and Sec-  
2 ondary Education Act of 1965 (20 U.S.C. 8801).

3 (6) SECRETARY.—The term “Secretary” means  
4 the Secretary of Education.

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

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

15 (f) ADMINISTRATION OF PROGRAM.—

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

24 (2) POLICIES AND PROCEDURES.—The Gov-  
25 ernor, in consultation with institutions of higher

1 education eligible for participation in the program  
2 authorized under this section, shall develop policies  
3 and procedures for the administration of the pro-  
4 gram.

5 (3) MEMORANDUM OF AGREEMENT.—The Gov-  
6 ernor and the Secretary shall enter into a Memo-  
7 randum of Agreement that describes—

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

12 (B) any technical or other assistance to be  
13 provided to the Governor by the Secretary for  
14 purposes of administering the program under  
15 this section (which may include access to the in-  
16 formation in the common financial reporting  
17 form developed under section 483 of the Higher  
18 Education Act of 1965 (20 U.S.C. 1090)).

19 (g) GOVERNOR’S REPORT.—The Governor shall re-  
20 port to Congress annually regarding—

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



1           (2) the extent, if any, to which a ratable reduc-  
2           tion was made in the amount of tuition and fee pay-  
3           ments 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           (h) GAO REPORT.—Beginning on the date of the en-  
8           actment of this Act, the Comptroller General of the United  
9           States shall monitor the effect of the program assisted  
10          under this section on educational opportunities for eligible  
11          students. The Comptroller General shall analyze whether  
12          eligible students had difficulty gaining admission to eligi-  
13          ble institutions because of any preference afforded in-  
14          State residents by eligible institutions, and shall expedi-  
15          tiously report any findings regarding such difficulty to  
16          Congress and the Governor. In addition the Comptroller  
17          General shall—

18                (1) analyze the extent to which there are an in-  
19                sufficient number of eligible institutions to which  
20                Northern Mariana Islands students can gain admis-  
21                sion, including admission aided by assistance pro-  
22                vided under this Act, 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 benefit-  
6 ting minority students; and

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

10 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
11 are authorized to be appropriated to the Commonwealth  
12 of the Northern Mariana Islands to carry out this section  
13 \$10,000,000 for each of the fiscal years 2011 through  
14 2016, and such sums as may be necessary for each of the  
15 succeeding fiscal years. Such funds shall remain available  
16 until expended.

17 (j) EFFECTIVE DATE.—This section shall take effect  
18 with respect to payments for periods of instruction that  
19 begin on or after January 1, 2011.

20 **SEC. 4. GENERAL REQUIREMENTS.**

21 (a) PERSONNEL.—The Secretary of Education shall  
22 arrange for the assignment of an individual, pursuant to  
23 subchapter VI of chapter 33 of title 5, United States Code,  
24 to serve as an adviser to the Governor with respect to the  
25 programs assisted under this Act.

1       (b) ADMINISTRATIVE EXPENSES.—The Governor  
2 may use not more than 5 percent of the funds made avail-  
3 able for a program under section 3 for a fiscal year to  
4 pay the administrative expenses of a program under sec-  
5 tion 3 for the fiscal year.

6       (c) INSPECTOR GENERAL REVIEW.—Each of the pro-  
7 grams assisted under this Act shall be subject to audit  
8 and other review by the Inspector General of the Depart-  
9 ment of Education in the same manner as programs are  
10 audited and reviewed under the Inspector General Act of  
11 1978 (5 U.S.C. App.).

12       (d) GIFTS.—The Governor may accept, use, and dis-  
13 pose of donations of services or property for purposes of  
14 carrying out this Act.

15       (e) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—  
16 The Governor shall establish rules to adjust the maximum  
17 student amounts described in section 3(a)(2)(B) for eligi-  
18 ble students described in section 3(c)(2) who transfer be-  
19 tween the eligible institutions described in section  
20 3(c)(1)(A).

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