

115TH CONGRESS
2D SESSION

S. 2483

To provide greater access to higher education for America’s students.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2018

Ms. BALDWIN (for herself, Mr. BROWN, Mr. CARDIN, Ms. DUCKWORTH, Mr. DURBIN, Mrs. GILLIBRAND, Ms. HARRIS, Mr. HEINRICH, Ms. HIRONO, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MENENDEZ, Mr. VAN HOLLEN, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide greater access to higher education for America’s students.

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 “America’s College
5 Promise Act of 2018”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to help all individuals of
8 the United States earn the education and skills the indi-
9 viduals need—

1 (1) by making 2 years of community college
 2 free, through a new partnership with States and In-
 3 dian Tribes to help the States and Indian Tribes—

4 (A) waive resident community college tui-
 5 tion and fees for eligible students;

6 (B) maintain State and Indian Tribe sup-
 7 port for higher education; and

8 (C) promote key reforms to improve stu-
 9 dent outcomes; and

10 (2) through a new partnership with minority-
 11 serving institutions to—

12 (A) encourage eligible students to enroll
 13 and successfully complete a baccalaureate de-
 14 gree at participating institutions; and

15 (B) promote key reforms to improve stu-
 16 dent outcomes.

17 **TITLE I—STATE AND INDIAN**
 18 **TRIBE GRANTS FOR COMMU-**
 19 **NITY COLLEGES**

20 **SEC. 101. IN GENERAL.**

21 From amounts appropriated under section 107(a) for
 22 any fiscal year, the Secretary shall award grants to eligible
 23 States and Indian Tribes to pay the Federal share of ex-
 24 penditures needed to carry out the activities and services
 25 described in section 105.

1 **SEC. 102. FEDERAL SHARE; NON-FEDERAL SHARE.**

2 (a) FEDERAL SHARE.—

3 (1) FORMULA.—Subject to paragraph (2), the
4 Federal share of a grant under this title shall be
5 based on a formula, determined by the Secretary,
6 that—

7 (A) accounts for the State or Indian
8 Tribe's share of eligible students; and

9 (B) provides, for each eligible student in
10 the State or Indian Tribe, a per-student
11 amount that is—

12 (i) not less than 300 percent of the
13 per-student amount of the State or Indian
14 Tribe share, determined under subsection
15 (b), subject to clause (ii); and

16 (ii) not greater than 75 percent of—

17 (I) for the 2019–2020 award
18 year, the average resident community
19 college tuition and fees per student in
20 all States for the most recent year for
21 which data are available; and

22 (II) for each subsequent award
23 year, the average resident community
24 college tuition and fees per student in
25 all States calculated under this sub-

1 clause for the preceding year, in-
 2 creased by the lesser of—

3 (aa) the percentage by which
 4 the average resident community
 5 college tuition and fees per stu-
 6 dent in all States for the most re-
 7 cent year for which data are
 8 available increased as compared
 9 to such average for the preceding
 10 year; or

11 (bb) 3 percent.

12 (2) EXCEPTION FOR CERTAIN INDIAN
 13 TRIBES.—In any case in which not less than 75 per-
 14 cent of the students at the community colleges oper-
 15 ated or controlled by an Indian Tribe are low-income
 16 students, the amount of the Federal share for such
 17 Indian Tribe shall be not less than 95 percent of the
 18 total amount needed to waive tuition and fees for all
 19 eligible students enrolled in such community col-
 20 leges.

21 (b) STATE OR TRIBAL SHARE.—

22 (1) FORMULA.—

23 (A) IN GENERAL.—The State or Tribal
 24 share of a grant under this title for each fiscal
 25 year shall be the amount needed to pay 25 per-

1 cent of the average community college resident
2 tuition and fees per student in all States in the
3 2019–2020 award year for all eligible students
4 in the State or Indian Tribe, respectively, for
5 such fiscal year, except as provided in subpara-
6 graph (B).

7 (B) EXCEPTION FOR CERTAIN INDIAN
8 TRIBES.—In a case in which not less than 5
9 percent of the students at the community col-
10 leges operated or controlled by an Indian Tribe
11 are low-income students, the amount of such
12 Indian Tribe’s tribal share shall not exceed 5
13 percent of the total amount needed to waive tui-
14 tion and fees for all eligible students enrolled in
15 such community colleges.

16 (2) NEED-BASED AID.—A State or Indian Tribe
17 may include any need-based financial aid provided
18 through State or Tribal funds to eligible students as
19 part of the State or Tribal share.

20 (3) NO IN-KIND CONTRIBUTIONS.—A State or
21 Indian Tribe shall not include in-kind contributions
22 for purposes of the State or Tribal share described
23 in paragraph (1).

1 **SEC. 103. ELIGIBILITY.**

2 To be eligible for a grant under this title, a State
3 or Indian Tribe shall agree to waive community college
4 resident tuition and fees for all eligible students for each
5 year of the grant.

6 **SEC. 104. APPLICATIONS.**

7 (a) SUBMISSION.—For each fiscal year for which a
8 State or Indian Tribe desires a grant under this title, an
9 application shall be submitted to the Secretary at such
10 time, in such manner, and containing such information as
11 the Secretary may require. Such application shall be sub-
12 mitted by—

13 (1) in the case of a State, the Governor, the
14 State agency with jurisdiction over higher education,
15 or another agency designated by the Governor to ad-
16 minister the program under this title; or

17 (2) in the case of an Indian Tribe, the gov-
18 erning body of such Tribe.

19 (b) CONTENTS.—Each State or Indian Tribe applica-
20 tion shall include, at a minimum—

21 (1) an estimate of the number of eligible stu-
22 dents in the State or Indian Tribe and the cost of
23 waiving community college resident tuition and fees
24 for all eligible students for each fiscal year covered
25 by the grant, with annual increases of an amount

1 that shall not exceed 3 percent of the prior year's
2 average resident community college tuition and fees;

3 (2) an assurance that all community colleges in
4 the State or under the jurisdiction of the Indian
5 Tribe, respectively, will waive resident tuition and
6 fees for eligible students in programs that are—

7 (A) academic programs with credits that
8 can fully transfer via articulation agreement to-
9 ward a baccalaureate degree or post-baccalaure-
10 ate degree at any public institution of higher
11 education in the State; or

12 (B) occupational skills training programs
13 that lead to a recognized postsecondary creden-
14 tial that is in an in-demand industry sector or
15 occupation in the State;

16 (3) a description of the promising and evidence-
17 based institutional reforms and innovative practices
18 to improve student outcomes, including completion
19 or transfer rates, that have been or will be adopted
20 by the participating community colleges, such as—

21 (A) providing comprehensive academic and
22 student support services, including mentoring
23 and advising, especially for low-income, first-
24 generation, adult, and other underrepresented
25 students;

1 (B) providing accelerated learning opportu-
2 nities, such as dual or concurrent enrollment
3 programs, including early college high school
4 programs;

5 (C) advancing competency-based education;

6 (D) strengthening remedial education, es-
7 pecially for low-income, first-generation, adult
8 and other underrepresented students;

9 (E) implementing course redesigns of high-
10 enrollment courses to improve student outcomes
11 and reduce cost; or

12 (F) utilizing career pathways or degree
13 pathways;

14 (4) a description of how the State or Indian
15 Tribe will promote alignment between its public sec-
16 ondary school and postsecondary education systems,
17 including between 2-year and 4-year public institu-
18 tions of higher education and with minority-serving
19 institutions described in section 371(a) of the High-
20 er Education Act of 1965 (20 U.S.C. 1067q(a)), to
21 expand awareness of and access to postsecondary
22 education, reduce the need for remediation and re-
23 peated coursework, and improve student outcomes;

24 (5) a description of how the State or Indian
25 Tribe will ensure that programs leading to a recog-

1 nized postsecondary credential meet the quality cri-
2 teria established by the State under section 123(a)
3 of the Workforce Innovation and Opportunity Act
4 (29 U.S.C. 3153(a)) or other quality criteria deter-
5 mined appropriate by the State or Indian Tribe;

6 (6) an assurance that all participating commu-
7 nity colleges in the State or under the authority of
8 the Indian Tribe have entered into program partici-
9 pation agreements under section 487 of the Higher
10 Education Act of 1965 (20 U.S.C. 1094); and

11 (7) an assurance that, for each year of the
12 grant, the State or Indian Tribe will notify each eli-
13 gible student of the student's remaining eligibility
14 for assistance under this title.

15 **SEC. 105. ALLOWABLE USES OF FUNDS.**

16 (a) IN GENERAL.—A State or Indian Tribe shall use
17 a grant under this title only to provide funds to partici-
18 pating community colleges to waive resident tuition and
19 fees for eligible students who are enrolled in—

20 (1) academic programs with credits that can
21 fully transfer via articulation agreement toward a
22 baccalaureate degree or postbaccalaureate degree at
23 any public institution of higher education in the
24 State; or

1 (2) occupational skills training programs that
2 lead to a recognized postsecondary credential that is
3 in an in-demand industry sector or occupation in the
4 State.

5 (b) ADDITIONAL USES.—If a State or Indian Tribe
6 demonstrates to the Secretary that it has grant funds re-
7 maining after meeting the demand for activities described
8 in subsection (a), the State or Indian Tribe may use those
9 funds to carry out one or more of the following:

10 (1) Expanding the waiver of resident tuition
11 and fees at community college to students who are
12 returning students or otherwise not enrolling in
13 postsecondary education for the first time, and who
14 meet the student eligibility requirements of clauses
15 (i) through (v) of section 106(5)(A).

16 (2) Expanding the scope and capacity of high-
17 quality academic and occupational skills training
18 programs at community colleges.

19 (3) Improving postsecondary education readi-
20 ness in the State or Indian Tribe, through outreach
21 and early intervention.

22 (4) Expanding access to dual or concurrent en-
23 rollment programs, including early college high
24 school programs.

1 (5) Improving affordability at 4-year public in-
2 stitutions of higher education.

3 (c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
4 POSES.—A State or Indian Tribe that receives a grant
5 under this title may not use any funds provided under this
6 title for administrative purposes relating to the grant
7 under this title.

8 (d) MAINTENANCE OF EFFORT.—A State or Indian
9 Tribe receiving a grant under this title is entitled to re-
10 ceive its full allotment of funds under this title for a fiscal
11 year only if, for each year of the grant, the State or Indian
12 Tribe provides financial support for public higher edu-
13 cation at a level equal to or exceeding the average amount
14 provided per full-time equivalent student for public institu-
15 tions of higher education for the 3 consecutive preceding
16 State or Indian Tribe fiscal years. In making the calcula-
17 tion under this subsection, the State or Indian Tribe shall
18 exclude capital expenses and research and development
19 costs and include need-based financial aid for students
20 who attend public institutions of higher education.

21 (e) ANNUAL REPORT.—

22 (1) IN GENERAL.—A State or Indian Tribe re-
23 ceiving a grant under this title shall submit an an-
24 nual report to the Secretary describing the uses of
25 grant funds under this title, the progress made in

1 fulfilling the requirements of the grant, and rates of
2 graduation, transfer and attainment of recognized
3 postsecondary credentials at participating commu-
4 nity colleges, and including any other information as
5 the Secretary may require.

6 (2) INCLUSION IN HEA ANNUAL REPORT.—At
7 the discretion of the Secretary, the information re-
8 quired in the report under paragraph (1) may be in-
9 cluded in an annual report on higher education re-
10 quired under the Higher Education Act of 1965 (20
11 U.S.C. 1001 et seq.).

12 (f) REPORTING BY SECRETARY.—The Secretary an-
13 nually shall—

14 (1) compile and analyze the information de-
15 scribed in subsection (e); and

16 (2) prepare and submit a report to the Com-
17 mittee on Health, Education, Labor, and Pensions
18 of the Senate and the Committee on Education and
19 the Workforce of the House of Representatives con-
20 taining the analysis described in paragraph (1) and
21 an identification of State and Indian Tribe best
22 practices for achieving the purpose of this title.

23 (g) TECHNICAL ASSISTANCE.—The Secretary shall
24 provide technical assistance to eligible States and Indian
25 Tribes concerning best practices regarding the promising

1 and evidence-based institutional reforms and innovative
2 practices to improve student outcomes as described in sec-
3 tion 104(b)(3) and shall disseminate such best practices
4 among the States and Indian Tribes.

5 (h) CONTINUATION OF FUNDING.—

6 (1) IN GENERAL.—A State or Indian Tribe re-
7 ceiving a grant under this title for a fiscal year may
8 continue to receive funding under this title for fu-
9 ture fiscal years conditioned on the availability of
10 budget authority and on meeting the requirements
11 of the grant, as determined by the Secretary.

12 (2) DISCONTINUATION.—The Secretary may
13 discontinue funding of the Federal share of a grant
14 under this title if the State or Indian Tribe has vio-
15 lated the terms of the grant or is not making ade-
16 quate progress in implementing the reforms de-
17 scribed in the application submitted under section
18 104.

19 **SEC. 106. DEFINITIONS.**

20 In this title:

21 (1) CAREER PATHWAY.—The term “career
22 pathway” has the meaning given the term in section
23 3 of the Workforce Innovation and Opportunity Act
24 (29 U.S.C. 3102).

1 (2) COMMUNITY COLLEGE.—The term “commu-
2 nity college” means a public institution of higher
3 education at which the highest degree that is pre-
4 dominantly awarded to students is an associate’s de-
5 gree, including 2-year tribally controlled colleges
6 under section 316 of the Higher Education Act of
7 1965 (20 U.S.C. 1059c) and public 2-year State in-
8 stitutions of higher education.

9 (3) DUAL OR CONCURRENT ENROLLMENT PRO-
10 GRAM.—The term “dual or concurrent enrollment
11 program” has the meaning given the term in section
12 8101 of the Elementary and Secondary Education
13 Act of 1965 (20 U.S.C. 7801).

14 (4) EARLY COLLEGE HIGH SCHOOL.—The term
15 “early college high school” has the meaning given
16 the term in section 8101 of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C. 7801).

18 (5) ELIGIBLE STUDENT.—

19 (A) DEFINITION.—The term “eligible stu-
20 dent” means a student who—

21 (i)(I) enrolls in a community college
22 after the date of enactment of this Act; or

23 (II) is enrolled in a community college
24 as of the date of enactment of this Act;

1 (ii) attends the community college on
2 not less than a half-time basis;

3 (iii) is maintaining satisfactory
4 progress, as defined in section 484(c) of
5 the Higher Education Act of 1965 (20
6 U.S.C. 1091(c)), in the student's course of
7 study;

8 (iv) qualifies for resident tuition, as
9 determined by the State or Indian Tribe;
10 and

11 (v) is enrolled in an eligible program
12 described in section 104(b)(2).

13 (B) SPECIAL RULE.—An otherwise eligible
14 student shall lose eligibility 3 calendar years
15 after first receiving benefits under this title.

16 (6) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
17 TION.—The term “in-demand industry sector or oc-
18 cupation” has the meaning given the term in section
19 3 of the Workforce Innovation and Opportunity Act
20 (29 U.S.C. 3102).

21 (7) INDIAN TRIBE.—The term “Indian Tribe”
22 has the meaning given the term (without regard to
23 capitalization) in section 102(2) of the Federally
24 Recognized Indian Tribe List Act of 1994 (25
25 U.S.C. 5130(2)).

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

5 (9) RECOGNIZED POSTSECONDARY CREDEN-
6 TIAL.—The term “recognized postsecondary creden-
7 tial” has the meaning as described in section 3 of
8 the Workforce Innovation and Opportunity Act (29
9 U.S.C. 3102).

10 (10) SECRETARY.—The term “Secretary”
11 means the Secretary of Education.

12 (11) STATE.—The term “State” has the mean-
13 ing given the term in section 103 of the Higher
14 Education Act of 1965 (20 U.S.C. 1003).

15 **SEC. 107. APPROPRIATIONS.**

16 (a) AUTHORIZATION AND APPROPRIATIONS.—For
17 the purpose of making grants under this title, there are
18 authorized to be appropriated, and there are appro-
19 priated—

20 (1) \$1,515,150,000 for fiscal year 2019;

21 (2) \$3,352,200,000 for fiscal year 2020;

22 (3) \$4,277,940,000 for fiscal year 2021;

23 (4) \$5,988,450,000 for fiscal year 2022;

24 (5) \$7,837,710,000 for fiscal year 2023;

25 (6) \$8,974,350,000 for fiscal year 2024;

- 1 (7) \$11,302,020,000 for fiscal year 2025;
2 (8) \$14,451,090,000 for fiscal year 2026;
3 (9) \$15,077,130,000 for fiscal year 2027; and
4 (10) \$15,729,810,000 for fiscal year 2028 and
5 each succeeding fiscal year.

6 (b) AVAILABILITY.—Funds appropriated under sub-
7 section (a) shall remain available to the Secretary until
8 expended.

9 (c) INSUFFICIENT FUNDS.—If the amount appro-
10 priated under subsection (a) for a fiscal year is not suffi-
11 cient to award each participating State and Indian Tribe
12 a grant under this title that is equal to the minimum
13 amount of the Federal share described in section 102(a),
14 the Secretary may ratably reduce the amount of each such
15 grant or take other actions necessary to ensure an equi-
16 table distribution of such amount.

1 **TITLE II—GRANTS TO HISTORI-**
2 **CALLY BLACK COLLEGES AND**
3 **UNIVERSITIES, HISPANIC-**
4 **SERVING INSTITUTIONS,**
5 **ASIAN AMERICAN AND NA-**
6 **TIVE AMERICAN PACIFIC IS-**
7 **LANDER-SERVING INSTITU-**
8 **TIONS, TRIBAL COLLEGES**
9 **AND UNIVERSITIES, ALASKA**
10 **NATIVE-SERVING INSTITU-**
11 **TIONS, NATIVE HAWAIIAN-**
12 **SERVING INSTITUTIONS, PRE-**
13 **DOMINANTLY BLACK INSTI-**
14 **TUTIONS, AND NATIVE AMER-**
15 **ICAN-SERVING NONTRIBAL**
16 **INSTITUTIONS**

17 **SEC. 201. PATHWAYS TO STUDENT SUCCESS FOR HISTORI-**
18 **CALLY BLACK COLLEGES AND UNIVERSITIES.**

19 (a) **IN GENERAL.**—From amounts appropriated
20 under section 204(a) for any fiscal year, the Secretary
21 shall award grants to participating 4-year historically
22 Black colleges or universities that meet the requirements
23 of subsection (b) to—

1 (1) encourage students to enroll and success-
2 fully complete a bachelor's degree at institutions eli-
3 gible under subsection (b);

4 (2) provide incentives to community college stu-
5 dents to transfer to institutions eligible under sub-
6 section (b) through strong transfer pathways to
7 complete a bachelor's degree program; and

8 (3) support institutions eligible under sub-
9 section (b) to better serve new and existing students
10 by engaging in reforms and innovations designed to
11 improve completion rates and other student out-
12 comes.

13 (b) ELIGIBILITY.—To be eligible to receive a grant
14 under the program under this section, an institution shall
15 be a historically Black college or university that—

16 (1) has a student body of which not less than
17 35 percent are low-income students;

18 (2) commits to maintaining or adopting and im-
19 plementing promising and evidence-based institu-
20 tional reforms and innovative practices to improve
21 the completion rates and other student outcomes,
22 such as—

23 (A) providing comprehensive academic and
24 student support services, including mentoring
25 and advising;

1 (B) providing accelerated learning opportu-
2 nities and degree pathways, such as dual or
3 concurrent enrollment programs and pathways
4 to graduate and professional degree programs;

5 (C) advancing distance and competency-
6 based education;

7 (D) partnering with employers, industry,
8 nonprofit associations, and other groups to pro-
9 vide opportunities to advance learning outside
10 the classroom, including work-based learning
11 opportunities such as internships or apprentice-
12 ships or programs designed to improve inter-
13 cultural development and personal growth, such
14 as foreign exchange and study abroad pro-
15 grams;

16 (E) reforming remedial education, espe-
17 cially for low-income students, first generation
18 college students, adult students, and other
19 underrepresented students; or

20 (F) implementing course redesigns of high-
21 enrollment courses to improve student outcomes
22 and reduce cost;

23 (3) sets performance goals for improving stu-
24 dent outcomes for the duration of the grant; and

1 (4) if receiving a grant for transfer students,
2 has articulation agreements with community colleges
3 at the national, State, or local level to ensure that
4 community college credits can fully transfer to the
5 institution.

6 (c) GRANT AMOUNT.—

7 (1) INITIAL AMOUNT.—For the first year that
8 an eligible institution, as described in subsection (b),
9 participates in the grant program under this section
10 and subject to paragraph (3), such eligible institu-
11 tion shall receive a grant in an amount based on the
12 product of—

13 (A) the actual cost of tuition and fees at
14 the eligible institution in such year (referred to
15 in this section as the per-student rebate); multi-
16 plied by

17 (B) the number of eligible students en-
18 rolled in the eligible institution for the pre-
19 ceding year.

20 (2) SUBSEQUENT INCREASES.—For each suc-
21 ceeding year after the first year of the grant pro-
22 gram under this section, each eligible institution, as
23 described in subsection (b), that participate in the
24 grant program shall receive a grant in the amount
25 determined under paragraph (1) for such year, ex-

1 cept that in no case shall the amount of the per-stu-
2 dent rebate for an eligible institution increase by
3 more than 3 percent as compared to the amount of
4 such rebate for the preceding year.

5 (3) LIMITATIONS.—

6 (A) MAXIMUM PER-STUDENT REBATE.—

7 No eligible institution, as described in sub-
8 section (b), participating in the grant program
9 under this section shall receive a per-student re-
10 bate amount for any year that is greater than
11 the national average of annual tuition and fees
12 at public 4-year institutions of higher education
13 for such year, as determined by the Secretary.

14 (B) FIRST YEAR TUITION AND FEES.—

15 During the first year of participation in the
16 grant program under this section, no eligible in-
17 stitution, as described in subsection (b), may in-
18 crease tuition and fees at a rate greater than
19 any annual increase at the eligible institution in
20 the previous 5 years.

21 (d) APPLICATION.—An eligible institution, as de-
22 scribed in subsection (b), that desires a grant under this
23 section shall submit an application to the Secretary at
24 such time, in such manner, and containing such informa-
25 tion as the Secretary may require.

1 (e) USE OF FUNDS.—Funds awarded under this sec-
 2 tion to an eligible institution, as described in subsection
 3 (b), shall be used to waive or significantly reduce tuition
 4 and fees for eligible students in an amount of not more
 5 than up to the annual per-student rebate amount for each
 6 student, for not more than the first 60 credits an eligible
 7 student enrolls in the eligible institution.

8 **SEC. 202. PATHWAYS TO STUDENT SUCCESS FOR HISPANIC-**
 9 **SERVING INSTITUTIONS, ASIAN AMERICAN**
 10 **AND NATIVE AMERICAN PACIFIC ISLANDER-**
 11 **SERVING INSTITUTIONS, TRIBAL COLLEGES**
 12 **AND UNIVERSITIES, ALASKA NATIVE-SERV-**
 13 **ING INSTITUTIONS, NATIVE HAWAIIAN-SERV-**
 14 **ING INSTITUTIONS, PREDOMINANTLY BLACK**
 15 **INSTITUTIONS, AND NATIVE AMERICAN-SERV-**
 16 **ING NONTRIBAL INSTITUTIONS.**

17 (a) IN GENERAL.—From amounts appropriated
 18 under section 204(a) for any fiscal year, the Secretary
 19 shall award grants to eligible minority-serving institutions
 20 to—

21 (1) encourage students to enroll and success-
 22 fully complete a bachelor’s degree at institutions eli-
 23 gible under subsection (b);

24 (2) provide incentives to community college stu-
 25 dents to transfer to institutions eligible under sub-

1 section (b) through strong transfer pathways to
2 complete a bachelor's degree program; and

3 (3) support institutions eligible under sub-
4 section (b) to better serve new and existing students
5 by engaging in reforms and innovations designed to
6 improve completion rates and other student out-
7 comes.

8 (b) INSTITUTIONAL ELIGIBILITY.—To be eligible to
9 participate and receive a grant under this section, an insti-
10 tution shall be a minority-serving institution that—

11 (1) has a student body of which not less than
12 35 percent are low-income students;

13 (2) commits to maintaining or adopting and im-
14 plementing promising and evidence-based institu-
15 tional reforms and innovative practices to improve
16 the completion rates and other student outcomes,
17 such as—

18 (A) providing comprehensive academic and
19 student support services, including mentoring
20 and advising;

21 (B) providing accelerated learning opportu-
22 nities and degree pathways, such as dual or
23 concurrent enrollment programs and pathways
24 to graduate and professional degree programs;

1 (C) advancing distance and competency-
2 based education;

3 (D) partnering with employers, industry,
4 nonprofit associations, and other groups to pro-
5 vide opportunities to advance learning outside
6 the classroom, including work-based learning
7 opportunities such as internships or apprentice-
8 ships or programs designed to improve inter-
9 cultural development and personal growth, such
10 as foreign exchange and study abroad pro-
11 grams;

12 (E) reforming remedial education, espe-
13 cially for low-income students, first generation
14 college students, adult students, and other
15 underrepresented students; and

16 (F) implementing course redesigns of high-
17 enrollment courses to improve student outcomes
18 and reduce cost;

19 (3) sets performance goals for improving stu-
20 dent outcomes for the duration of the grant; and

21 (4) if receiving a grant for transfer students,
22 has articulation agreements with community colleges
23 at the national, State, or local levels to ensure that
24 community college credits can fully transfer to the
25 institution.

1 (c) GRANT AMOUNT.—

2 (1) INITIAL AMOUNT.—For the first year that
3 an eligible institution, as described in subsection (b),
4 participates in the grant program under this section
5 and subject to paragraph (3), such eligible institu-
6 tion shall receive a grant in an amount based on the
7 product of—

8 (A) the actual cost of tuition and fees at
9 the eligible institution in such year (referred to
10 in this section as the per-student rebate); multi-
11 plied by

12 (B) the number of eligible students en-
13 rolled in the eligible institution for the pre-
14 ceding year.

15 (2) SUBSEQUENT INCREASES.—For each suc-
16 ceeding year after the first year of the grant pro-
17 gram under this section, each eligible institution, as
18 described in subsection (b), that participate in the
19 grant program shall receive a grant in the amount
20 determined under paragraph (1) for such year, ex-
21 cept that in no case shall the amount of the per-stu-
22 dent rebate increase by more than 3 percent as com-
23 pared to the amount of such rebate for the pre-
24 ceding year.

25 (3) LIMITATIONS.—

1 (A) MAXIMUM PER-STUDENT REBATE.—

2 No eligible institution, as described in sub-
3 section (b), participating in the grant program
4 under this section shall receive a per-student re-
5 bate amount for a grant year greater than the
6 national average of public 4-year institutional
7 tuition and fees, as determined by the Sec-
8 retary.

9 (B) FIRST YEAR TUITION AND FEES.—

10 During the first year of participation in the
11 grant program under this section, no eligible in-
12 stitution, as described in subsection (b), may in-
13 crease tuition and fees at a rate greater than
14 any annual increase made by the institution in
15 the previous 5 years.

16 (d) APPLICATION.—An eligible institution, as de-
17 scribed in subsection (b), shall submit an application to
18 the Secretary at such time, in such a manner, and con-
19 taining such information as determined by the Secretary.

20 (e) USE OF FUNDS.—Funds awarded under this sec-
21 tion to an eligible institution, as described in subsection
22 (b), shall be used to waive or significantly reduce tuition
23 and fees for eligible students in an amount of not more
24 than up to the annual per-student rebate amount for each

1 student, for not more than the first 60 credits an eligible
2 student enrolls in the eligible institution.

3 **SEC. 203. DEFINITIONS.**

4 In this title:

5 (1) ELIGIBLE STUDENT.—

6 (A) DEFINITION.—The term “eligible stu-
7 dent” means a student, regardless of age,
8 who—

9 (i)(I) enrolls in a historically Black
10 college or university, or minority-serving
11 institution; or

12 (II) transfers from a community col-
13 lege into a historically Black college or uni-
14 versity, or minority-serving institution;

15 (ii) attends the historically Black col-
16 lege or university, or minority-serving in-
17 stitution, on at least a half-time basis;

18 (iii) is maintaining satisfactory
19 progress, as defined in section 484(c) of
20 the Higher Education Act of 1965 (20
21 U.S.C. 1091(c)), in the student’s course of
22 study; and

23 (iv) is a low-income student.

1 (B) SPECIAL RULE.—An otherwise eligible
2 student shall lose eligibility 3 calendar years
3 after first receiving benefits under this title.

4 (2) HISTORICALLY BLACK COLLEGE OR UNI-
5 VERSITY.—The term “historically Black college or
6 university” means a part B institution described in
7 section 322(2) of the Higher Education Act of 1965
8 (20 U.S.C. 1061(2)).

9 (3) LOW-INCOME STUDENT.—The term “low-in-
10 come student”—

11 (A) shall include any student eligible for a
12 Federal Pell Grant under section 401 of the
13 Higher Education Act of 1965 (20 U.S.C.
14 1070a); and

15 (B) may include a student ineligible for a
16 Federal Pell Grant under section 401 of the
17 Higher Education Act of 1965 (20 U.S.C.
18 1070a) who is determined by the institution of
19 higher education in which the student is en-
20 rolled to be a low-income student based on an
21 analysis of the student’s ability to afford the
22 cost of attendance at the institution.

23 (4) MINORITY-SERVING INSTITUTION.—The
24 term “minority-serving institution” means any pub-
25 lic or nonprofit institution of higher education—

1 (A) described in paragraphs (2) through
 2 (7) of section 371(a) of the Higher Education
 3 Act of 1965 (20 U.S.C. 1067q(a)); and

4 (B) designated as a minority-serving insti-
 5 tution by the Secretary.

6 (5) SECRETARY.—The term “Secretary” means
 7 the Secretary of Education.

8 **SEC. 204. APPROPRIATIONS.**

9 (a) AUTHORIZATION AND APPROPRIATIONS FOR
 10 HBCU AND MSI GRANTS.—For the purpose of carrying
 11 out sections 201 and 202, there are authorized to be ap-
 12 propriated, and there are appropriated—

- 13 (1) \$61,050,000 for fiscal year 2019;
 14 (2) \$199,800,000 for fiscal year 2020;
 15 (3) \$1,189,920,000 for fiscal year 2021;
 16 (4) \$1,237,650,000 for fiscal year 2022;
 17 (5) \$1,287,600,000 for fiscal year 2023;
 18 (6) \$1,338,660,000 for fiscal year 2024;
 19 (7) \$1,359,750,000 for fiscal year 2025;
 20 (8) \$1,449,660,000 for fiscal year 2026;
 21 (9) \$1,508,490,000 for fiscal year 2027; and
 22 (10) \$1,569,540,000 for fiscal year 2028 and
 23 each succeeding fiscal year.

1 (b) AVAILABILITY.—Funds appropriated under sub-
2 section (a) are to remain available to the Secretary until
3 expended.

4 (c) INSUFFICIENT FUNDS.—If the amount appro-
5 priated under subsection (a) for a fiscal year is not suffi-
6 cient to award each participating institution in the grant
7 programs under sections 201 and 202 a grant under this
8 part that is equal to 100 percent of the grant amount de-
9 termined under sections 201(c) and 202(c), as applicable,
10 the Secretary may ratably reduce the amount of each such
11 grant or take other actions necessary to ensure an equi-
12 table distribution of such amount.

○