

111TH CONGRESS  
2D SESSION

# H. R. 4526

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

JANUARY 27, 2010

Mr. SABLAN (for himself, Mr. GRIJALVA, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Education and Labor

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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 2010”.

6       **SEC. 2. PURPOSE.**

7       It is the purpose of this Act to establish a program

8       that enables college-bound residents of the Northern Mar-

1 iana Islands to have greater choices among institutions of  
2 higher education.

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

4 (a) GRANTS.—

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

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

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

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

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

1 (b) REDUCTION FOR INSUFFICIENT APPROPRIA-  
2 TIONS.—

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

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

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

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

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

1 (B) undue administrative burdens on the  
2 Governor.

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

8 (c) DEFINITIONS.—In this section:

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

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

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

19 (C) enters into an agreement with the Gov-  
20 ernor containing such conditions as the Gov-  
21 ernor may specify, including a requirement that  
22 the institution use the funds made available  
23 under this section to supplement and not sup-  
24 plant assistance that otherwise would be pro-

1           vided to eligible students from the Northern  
2           Mariana Islands.

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

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

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

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

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

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

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

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

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

22 (5) SECONDARY SCHOOL.—The term “sec-  
23 ondary school” has the meaning given that term  
24 under section 14101 of the Elementary and Sec-  
25 ondary Education Act of 1965 (20 U.S.C. 8801).

1           (6) SECRETARY.—The term “Secretary” means  
2           the Secretary of Education.

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

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

13          (f) ADMINISTRATION OF PROGRAM.—

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

22               (2) POLICIES AND PROCEDURES.—The Gov-  
23               ernor, in consultation with institutions of higher  
24               education eligible for participation in the program  
25               authorized under this section, shall develop policies

1 and procedures for the administration of the pro-  
2 gram.

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

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

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

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

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

23 (2) the extent, if any, to which a ratable reduc-  
24 tion was made in the amount of tuition and fee pay-  
25 ments made on behalf of eligible students; and

1           (3) the progress in obtaining recognized aca-  
2       demic credentials of the cohort of eligible students  
3       for each year.

4       (h) GAO REPORT.—Beginning on the date of the en-  
5   actment of this Act, the Comptroller General of the United  
6   States shall monitor the effect of the program assisted  
7   under this section on educational opportunities for eligible  
8   students. The Comptroller General shall analyze whether  
9   eligible students had difficulty gaining admission to eligi-  
10   ble institutions because of any preference afforded in-  
11   State residents by eligible institutions, and shall expedi-  
12   tiously report any findings regarding such difficulty to  
13   Congress and the Governor. In addition the Comptroller  
14   General shall—

15           (1) analyze the extent to which there are an in-  
16       sufficient number of eligible institutions to which  
17       Northern Mariana Islands students can gain admis-  
18       sion, including admission aided by assistance pro-  
19       vided under this Act, due to—

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

22                   (B) significant barriers imposed by aca-  
23       demic entrance requirements (such as grade  
24       point average and standardized scholastic ad-  
25       missions tests); and

1 (C) absence of admission programs benefit-  
2 ting minority students; and

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

6 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the Commonwealth  
8 of the Northern Mariana Islands to carry out this section  
9 \$10,000,000 for each of the fiscal years 2010 through  
10 2015, and such sums as may be necessary for each of the  
11 succeeding fiscal years. Such funds shall remain available  
12 until expended.

13 (j) EFFECTIVE DATE.—This section shall take effect  
14 with respect to payments for periods of instruction that  
15 begin on or after January 1, 2010.

16 **SEC. 4. GENERAL REQUIREMENTS.**

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

22 (b) ADMINISTRATIVE EXPENSES.—The Governor  
23 may use not more than 5 percent of the funds made avail-  
24 able for a program under section 3 for a fiscal year to

1 pay the administrative expenses of a program under sec-  
2 tion 3 for the fiscal year.

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

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

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

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