

113TH CONGRESS
2D SESSION

S. 1943

To incentivize State support for postsecondary education and to promote increased access and affordability for higher education for students, including Dreamer students.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2014

Mrs. MURRAY (for herself and Ms. HIRONO) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To incentivize State support for postsecondary education and to promote increased access and affordability for higher education for students, including Dreamer 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 “Investing in States
5 to Achieve Tuition Equality for Dreamers Act of 2014”
6 or the “IN-STATE for Dreamers Act of 2014”.

7 **SEC. 2. FINDINGS AND PURPOSES.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

1 (1) The non-partisan Congressional Budget Of-
2 fice found that comprehensive immigration reform
3 would reduce the national deficit by billions,
4 strengthen Social Security solvency, increase the
5 number of jobs, and raise Gross Domestic Product.

6 (2) According to a report by the Partnership
7 for a New American Economy, in 2010 more than
8 40 percent of Fortune 500 companies were founded
9 by immigrants or their children, generating a com-
10 bined revenue of \$4,200,000,000,000.

11 (3) Thousands of deferred action childhood ar-
12 rival students graduate from high schools in the
13 United States every year but only a small fraction
14 of those students enroll in higher education.

15 (4) Many jobs in the 21st century economy re-
16 quire some form of postsecondary education.

17 (5) Education provides an important pathway
18 to the middle class; college graduates have higher
19 earnings and lower unemployment rates than their
20 less educated peers.

21 (6) Since 2008, States are spending 28 percent
22 less per student in higher education, and tuition and
23 fees continue to rise. The increased costs are being
24 shifted to students and student loan debt continues
25 to grow.

1 (7) Investments in higher education provide
2 youth a ladder to achieving the American dream.

3 (b) PURPOSES.—The purposes of this Act are to—

4 (1) allow States to provide immigrant students
5 timely and affordable access to higher education;

6 (2) incentivize States to maintain support for
7 higher education; and

8 (3) promote increased access and affordability
9 to postsecondary education for students through
10 State need-based financial aid.

11 **SEC. 3. AMERICAN DREAM GRANTS.**

12 (a) IN GENERAL.—Subpart 4 of part A of title IV
13 of the Higher Education Act of 1965 (20 U.S.C. 1070c
14 et seq.) is amended by adding at the end the following:

15 **“SEC. 415G. AMERICAN DREAM GRANTS.**

16 “(a) DREAMER STUDENTS.—

17 “(1) IN GENERAL.—In this section, the term
18 ‘Dreamer student’ means an individual who—

19 “(A) was younger than 16 years of age on
20 the date on which the individual initially en-
21 tered the United States;

22 “(B) has provided a list of each secondary
23 school (as that term is defined in section 9101
24 of the Elementary and Secondary Education

1 Act of 1965) that the student attended in the
2 United States; and

3 “(C)(i) has earned a high school diploma
4 or a commensurate alternative award from a
5 public or private high school or secondary
6 school, has obtained a general education devel-
7 opment certificate recognized under State law,
8 has obtained a high school equivalency diploma
9 in the United States, or is scheduled to com-
10 plete the requirements for such a credential be-
11 fore the next academic year begins;

12 “(ii) has acquired a degree from an institu-
13 tion of higher education or has completed not
14 less than 2 years, in good standing, in a pro-
15 gram for a bachelor’s degree or higher degree
16 in the United States; or

17 “(iii) has served in the uniformed services
18 for not less than 4 years and, if discharged, re-
19 ceived an honorable discharge.

20 “(2) HARDSHIP EXCEPTION.—The Secretary
21 shall issue regulations that direct when a State shall
22 waive the requirement of subparagraph (A) or (B),
23 or both, of paragraph (1) to qualify as a Dreamer
24 student under paragraph (1), if the individual—

1 “(A) demonstrates compelling cir-
 2 cumstances for the inability to satisfy the re-
 3 quirement of such subparagraph (A) or (B), or
 4 both; and

5 “(B) satisfies the requirement under sub-
 6 paragraph (C) of paragraph (1).

7 “(b) GRANTS TO STATES.—

8 “(1) RESERVATION FOR ADMINISTRATION.—

9 From the amounts appropriated to carry out this
 10 section for each fiscal year, the Secretary may re-
 11 serve not more than 1 percent of such amounts to
 12 administer this section.

13 “(2) GRANTS AUTHORIZED TO ELIGIBLE
 14 STATES.—From the amounts appropriated to carry
 15 out this section for each fiscal year and not reserved
 16 under paragraph (1), the Secretary shall award
 17 grants to eligible States to enable the States to carry
 18 out the activities described in this section.

19 “(3) ELIGIBILITY.—A State is eligible to re-
 20 ceive a grant under this section if the State—

21 “(A) increases access and affordability to
 22 higher education for students by—

23 “(i) offering in-State tuition for
 24 Dreamer students; or

1 “(ii) expanding in-State financial aid
2 to Dreamer students; and

3 “(B) submits an application to the Sec-
4 retary that contains an assurance that—

5 “(i) the State has made significant
6 progress establishing a longitudinal data
7 system that includes the elements de-
8 scribed in section 6201(e)(2)(D) of the
9 America COMPETES Act (20 U.S.C.
10 9871(e)(2)(D));

11 “(ii) notwithstanding any other provi-
12 sion of law, the State will not discriminate,
13 in awarding student financial assistance or
14 determining who is eligible for in-State tui-
15 tion, against a Dreamer student if the stu-
16 dent would otherwise be eligible for in-
17 State financial aid; and

18 “(iii) for each of fiscal years 2014
19 through 2023, the State will maintain
20 State support for public institutions of
21 higher education located in the State (not
22 including support for capital projects, re-
23 search and development, or tuition and
24 fees paid by students) at not less than the
25 level of such support for fiscal year 2013

1 adjusted annually for inflation as deter-
 2 mined by the Consumer Price Index (as
 3 such term in defined in section 478(f)) for
 4 the previous calendar year.

5 “(4) ALLOTMENTS.—The Secretary shall allot
 6 the amount appropriated to carry out this section
 7 for each fiscal year and not reserved under para-
 8 graph (1) among the eligible States in proportion to
 9 the number of Dreamer students enrolled at least
 10 half-time in postsecondary education who reside in
 11 the State for the most recent fiscal year for which
 12 satisfactory data are available, compared to the
 13 number of such students who reside in all eligible
 14 States for that fiscal year.

15 “(c) SUPPLEMENT NOT SUPPLANT.—Grant funds
 16 awarded under this section shall be used to supplement,
 17 and not supplant, non-Federal funds that would otherwise
 18 be used for activities authorized under this section.

19 “(d) AUTHORIZATION AND APPROPRIATION OF
 20 FUNDS.—There are authorized to be appropriated, and
 21 there are appropriated, to carry out this section—

22 “(1) \$55,000,000 for fiscal year 2015;

23 “(2) \$55,000,000 for fiscal year 2016;

24 “(3) \$60,000,000 for fiscal year 2017;

25 “(4) \$60,000,000 for fiscal years 2018;

1 “(5) \$75,000,000 for fiscal years 2019;
 2 “(6) \$75,000,000 for fiscal years 2020;
 3 “(7) \$85,000,000 for fiscal years 2021;
 4 “(8) \$85,000,000 for fiscal years 2022;
 5 “(9) \$100,000,000 for fiscal years 2023; and
 6 “(10) \$100,000,000 for fiscal years 2024.”.

7 (b) OFFSET.—Section 281 of the Immigration and
 8 Nationality Act (8 U.S.C. 1351) is amended—

9 (1) by striking “The fees” and inserting the fol-
 10 lowing:

11 “(a) IN GENERAL.—The fees”;

12 (2) by striking “: *Provided*, That nonimmigrant
 13 visas” and inserting the following:

14 “(b) UNITED NATIONS VISITORS.—Nonimmigrant
 15 visas”;

16 (3) by striking “Subject to” and inserting the
 17 following:

18 “(c) FEE WAIVERS OR REDUCTIONS.—Subject to”;

19 and

20 (4) by adding at the end the following:

21 “(d) F-1 VISA FEE.—In addition to the fees author-
 22 ized under subsection (a), the Secretary of Homeland Se-
 23 curity shall collect a \$150 fee from each nonimmigrant
 24 admitted under section 101(a)(15)(F)(i), which fee shall
 25 be deposited in the general fund of the Treasury.”.

1 (c) RESTORATION OF STATE OPTION TO DETERMINE
2 RESIDENCY FOR PURPOSES OF HIGHER EDUCATION.—

3 (1) REPEAL.—Section 505 of the Illegal Immi-
4 gration Reform and Immigrant Responsibility Act of
5 1996 (8 U.S.C. 1623) is repealed.

6 (2) EFFECTIVE DATE.—The repeal under para-
7 graph (1) shall take effect as if included in the origi-
8 nal enactment of the Illegal Immigration Reform
9 and Immigrant Responsibility Act of 1996 (division
10 C of Public Law 104–208).

11 (d) NATURALIZATION.—Section 328(a) (8 U.S.C.
12 1439(a)) is amended by inserting “, without having been
13 lawfully admitted to the United States for permanent resi-
14 dent, and” after “naturalized”.

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