

114TH CONGRESS  
1ST SESSION

# S. 796

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 19, 2015

Mrs. MURRAY (for herself and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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 2015”  
6 or the “IN-STATE for Dreamers Act of 2015”.

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, more than 40 per-  
8           cent of Fortune 500 companies were founded by im-  
9           migrants or their children, generating a combined  
10          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 the recognized equivalent of such diploma from  
5 a secondary school, a high school equivalency  
6 diploma in the United States, or is scheduled to  
7 complete the requirements for such a diploma  
8 or equivalent before the next academic year be-  
9 gins;

10 “(ii) has acquired a degree from an institu-  
11 tion of higher education or has completed not  
12 less than 2 years in a program for a bacca-  
13 laurate degree or higher degree at an institu-  
14 tion of higher education in the United States  
15 and has made satisfactory academic progress,  
16 as defined in section 484(c), during such time  
17 period;

18 “(iii) is a beneficiary of the Deferred Ac-  
19 tion for Childhood Arrivals program pursuant  
20 to the Department of Homeland Security Sec-  
21 retary’s memorandum on June 15, 2012, or  
22 November 20, 2014; or

23 “(iv) has served in the uniformed services,  
24 as defined in section 101 of title 10, United

1 States Code, for not less than 4 years and, if  
2 discharged, received an honorable discharge.

3 “(2) HARDSHIP EXCEPTION.—The Secretary  
4 shall issue regulations that direct when a State shall  
5 waive the requirement of subparagraph (A) or (B),  
6 or both, of paragraph (1) to qualify as a Dreamer  
7 student under such paragraph, if the individual—

8 “(A) demonstrates compelling cir-  
9 cumstances for the inability to satisfy the re-  
10 quirement of such subparagraph (A) or (B), or  
11 both; and

12 “(B) satisfies the requirement under para-  
13 graph (1)(C).

14 “(b) GRANTS TO STATES.—

15 “(1) RESERVATION FOR ADMINISTRATION.—  
16 From the amounts appropriated to carry out this  
17 section for each fiscal year, the Secretary may re-  
18 serve not more than 1 percent of such amounts to  
19 administer this section.

20 “(2) GRANTS AUTHORIZED TO ELIGIBLE  
21 STATES.—From the amounts appropriated to carry  
22 out this section for each fiscal year and not reserved  
23 under paragraph (1), the Secretary shall award  
24 grants to eligible States to enable the States to carry  
25 out the activities described in this section.

1           “(3) ELIGIBLE STATE.—An eligible State  
2 means a State that—

3           “(A) increases access and affordability to  
4 higher education for students by—

5           “(i) offering in-State tuition for  
6 Dreamer students; and

7           “(ii) expanding in-State financial aid  
8 to Dreamer students; and

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

11           “(i) 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           “(ii) for each of fiscal years 2015  
19 through 2025, 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 2016;

23                 “(2) \$55,000,000 for fiscal year 2017;

24                 “(3) \$60,000,000 for fiscal year 2018;

25                 “(4) \$60,000,000 for fiscal year 2019;

1 “(5) \$75,000,000 for fiscal year 2020;  
2 “(6) \$75,000,000 for fiscal year 2021;  
3 “(7) \$85,000,000 for fiscal year 2022;  
4 “(8) \$85,000,000 for fiscal year 2023;  
5 “(9) \$100,000,000 for fiscal year 2024; and  
6 “(10) \$100,000,000 for fiscal year 2025.”.

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 dence, and” after “naturalized”.

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