

113TH CONGRESS
2^D SESSION

H. R. 3921

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2014

Mr. POLIS (for himself, Mr. CASTRO of Texas, and Ms. DELBENE) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 “IN STATE Act of 2014”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

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

9 (2) According to a report by the Partnership
10 for a New American Economy, in 2010 more than
11 40 percent of Fortune 500 companies were founded
12 by immigrants or their children, generating a com-
13 bined revenue of \$4,200,000,000,000.

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

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

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

24 (6) Since 2008, States are spending 28 percent
25 less per student in higher education, and tuition and
26 fees continue to rise. The increased costs are being

1 shifted to students and student loan debt continues
2 to grow.

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

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

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

8 (2) incentivize States to maintain support for
9 higher education; and

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

13 **SEC. 3. AMERICAN DREAM GRANTS.**

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

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

18 “(a) DREAMER STUDENTS.—

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

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

24 “(B) has provided a list of each secondary
25 school (as that term is defined in section 9101

1 of the Elementary and Secondary Education
2 Act of 1965) that the student attended in the
3 United States; and

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

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

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

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

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.

18 “(4) ALLOTMENTS.—The Secretary shall allot
19 the amount appropriated to carry out this section
20 for each fiscal year and not reserved under para-
21 graph (1) among the eligible States in proportion to
22 the number of Dreamer students enrolled at least
23 half-time in postsecondary education who reside in
24 the State for the most recent fiscal year for which
25 satisfactory data are available, compared to the

1 number of such students who reside in all eligible
2 States for that fiscal year.

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

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

10 “(1) \$55,000,000 for fiscal year 2015;

11 “(2) \$55,000,000 for fiscal year 2016;

12 “(3) \$60,000,000 for fiscal year 2017;

13 “(4) \$60,000,000 for fiscal year 2018;

14 “(5) \$75,000,000 for fiscal year 2019;

15 “(6) \$75,000,000 for fiscal year 2020;

16 “(7) \$85,000,000 for fiscal year 2021;

17 “(8) \$85,000,000 for fiscal year 2022;

18 “(9) \$100,000,000 for fiscal year 2023; and

19 “(10) \$100,000,000 for fiscal year 2024.”.

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

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

24 “(a) IN GENERAL.—The fees”;

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

3 “(b) UNITED NATIONS VISITORS.—Nonimmigrant
4 visas”;

5 (3) by striking “Subject to” and inserting the
6 following:

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

8 and

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

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

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

17 (1) REPEAL.—Section 505 of the Illegal Immi-
18 gration Reform and Immigrant Responsibility Act of
19 1996 (8 U.S.C. 1623) is repealed.

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

1 (d) NATURALIZATION.—Section 328(a) (8 U.S.C.
2 1439(a)) is amended by inserting “, without having been
3 lawfully admitted to the United States for permanent resi-
4 dence, and” after “naturalized”.

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