

115TH CONGRESS
1ST SESSION

H. R. 186

To establish a program that enables college-bound residents of the United States Virgin Islands to have greater choices among institutions of higher education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Ms. PLASKETT introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To establish a program that enables college-bound residents of the United States Virgin 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 “United States Virgin
5 Islands College Access Act of 2017”.

6 **SEC. 2. PURPOSE.**

7 It is the purpose of this Act to establish a program
8 that enables college-bound residents of the United States

1 Virgin Islands to have greater choices among institutions
2 of 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 \$10,000 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 \$50,000 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 terms and conditions as
21 the Governor and institution may jointly speci-
22 fy, including a requirement that the institution
23 use the funds made available under this section
24 to supplement and not supplant assistance that

1 otherwise would be provided to eligible students
2 from the United States Virgin Islands.

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

5 (A) was domiciled in the United States
6 Virgin 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 United States Virgin Islands, or received
12 the recognized equivalent of a secondary school
13 diploma while domiciled in the United States
14 Virgin Islands, on or after January 1, 2013;

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));

13 (F) while enrolled in an eligible institution,
14 maintains the United States Virgin Islands as
15 the individual's principal place of residence for
16 purposes of the laws of the United States Vir-
17 gin Islands; and

18 (G) has not completed the individual's first
19 undergraduate baccalaureate course of study.

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

24 (4) GOVERNOR.—The term “Governor” means
25 the Governor of the United States Virgin Islands.

1 (5) SECONDARY SCHOOL.—The term “sec-
2 ondary school” has the meaning given the term in
3 section 8101 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7801).

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

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

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

17 (f) ADMINISTRATION OF PROGRAM.—

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

1 (2) POLICIES AND PROCEDURES.—The Gov-
2 ernor, in consultation with institutions of higher
3 education eligible for participation in the program
4 authorized under this section, shall develop policies
5 and procedures for the administration of the pro-
6 gram.

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

10 (A) the manner in which the Governor
11 shall consult with the Secretary with respect to
12 administering the program under this section;
13 and

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

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

23 (1) the number of eligible students attending
24 each eligible institution and the amount of the grant

1 awards paid to those institutions on behalf of the eli-
2 gible students;

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

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

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

20 (1) analyze the extent to which there are an in-
21 sufficient number of eligible institutions to which
22 United States Virgin Islands students can gain ad-
23 mission, including admission aided by assistance
24 provided under this Act, due to—

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

3 (B) significant barriers imposed by aca-
4 demic entrance requirements (such as grade
5 point average and standardized scholastic ad-
6 missions tests); and

7 (C) absence of admission programs bene-
8 fiting minority students; and

9 (2) report the findings of the analysis described
10 in paragraph (1) to Congress and the Governor.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—The
12 United States Virgin Islands is authorized to appropriate
13 to carry out this section, out of non-Federal funds of the
14 United States Virgin Islands, \$10,000,000 for each of the
15 fiscal years 2017 through 2022, and such sums as may
16 be necessary for each of the succeeding fiscal years. Such
17 funds shall remain available until expended.

18 (j) EFFECTIVE DATE.—This section shall take effect
19 with respect to payments for periods of instruction that
20 begin on or after January 1, 2017.

21 **SEC. 4. GENERAL REQUIREMENTS.**

22 (a) PERSONNEL.—The Secretary of Education shall
23 arrange for the assignment of an individual, pursuant to
24 subchapter VI of chapter 33 of title 5, United States Code,

1 to serve as an adviser to the Governor with respect to the
2 programs assisted under this Act.

3 (b) ADMINISTRATIVE EXPENSES.—The Governor
4 may use not more than 5 percent of the funds made avail-
5 able for a program under section 3 for a fiscal year to
6 pay the administrative expenses of a program under sec-
7 tion 3 for the fiscal year.

8 (c) INSPECTOR GENERAL REVIEW.—Each of the pro-
9 grams assisted under this Act shall be subject to audit
10 and other review by the Inspector General of the Depart-
11 ment of Education in the same manner as programs are
12 audited and reviewed under the Inspector General Act of
13 1978 (5 U.S.C. App.).

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

17 (e) MAXIMUM STUDENT AMOUNT ADJUSTMENTS.—
18 The Governor shall establish rules to adjust the maximum
19 student amounts described in section 3(a)(2)(B) for eligi-
20 ble students described in section 3(c)(2) who transfer be-
21 tween the eligible institutions described in section
22 3(c)(1)(A).

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