

115TH CONGRESS
1ST SESSION

H. R. 3709

To provide greater access to higher education for America's students.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2017

Mr. SCOTT of Virginia (for himself, Mrs. DAVIS of California, Mr. NORCROSS, Mr. MOULTON, and Mr. BROWN of Maryland) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide greater access to higher education for America's 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 “America’s College
5 Promise Act of 2017”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to help all individuals of
8 the United States earn the education and skills the indi-
9 viduals need—

1 (1) by making 2 years of community college
2 free, through a new partnership with States and In-
3 dian tribes to help the States and Indian tribes—

4 (A) waive resident community college tui-
5 tion and fees for eligible students;

6 (B) maintain State and Indian tribe sup-
7 port for higher education; and

8 (C) promote key reforms to improve stu-
9 dent outcomes; and

10 (2) through a new partnership with minority-
11 serving institutions to—

12 (A) encourage eligible students to enroll
13 and successfully complete a baccalaureate de-
14 gree at participating institutions; and

15 (B) promote key reforms to improve stu-
16 dent outcomes.

17 **TITLE I—STATE AND INDIAN**
18 **TRIBE GRANTS FOR COMMU-**
19 **NITY COLLEGES**

20 **SEC. 101. IN GENERAL.**

21 From amounts appropriated under section 107(a) for
22 any fiscal year, the Secretary shall award grants to eligible
23 States and Indian tribes to pay the Federal share of ex-
24 penditures needed to carry out the activities and services
25 described in section 105.

1 **SEC. 102. FEDERAL SHARE; NON-FEDERAL SHARE.**

2 (a) FEDERAL SHARE.—

3 (1) FORMULA.—Subject to paragraph (2), the
4 Federal share of a grant under this title shall be
5 based on a formula, determined by the Secretary,
6 that—

7 (A) accounts for the State or Indian tribe’s
8 share of eligible students; and

9 (B) provides, for each eligible student in
10 the State or Indian tribe, a per-student amount
11 that is—

12 (i) not less than 300 percent of the
13 per-student amount of the State or Indian
14 tribe share, determined under subsection
15 (b), subject to clause (ii); and

16 (ii) not greater than 75 percent of—

17 (I) for the 2018–2019 award
18 year, the average resident community
19 college tuition and fees per student in
20 all States for the most recent year for
21 which data are available; and

22 (II) for each subsequent award
23 year, the average resident community
24 college tuition and fees per student in
25 all States calculated under this sub-

1 clause for the preceding year, in-
2 creased by the lesser of—

3 (aa) the percentage by which
4 the average resident community
5 college tuition and fees per stu-
6 dent in all States for the most re-
7 cent year for which data are
8 available increased as compared
9 to such average for the preceding
10 year; or

11 (bb) 3 percent.

12 (2) EXCEPTION FOR CERTAIN INDIAN
13 TRIBES.—In any case in which not less than 75 per-
14 cent of the students at the community colleges oper-
15 ated or controlled by an Indian tribe are low-income
16 students, the amount of the Federal share for such
17 Indian tribe shall be not less than 95 percent of the
18 total amount needed to waive tuition and fees for all
19 eligible students enrolled in such community col-
20 leges.

21 (b) STATE OR TRIBAL SHARE.—

22 (1) FORMULA.—

23 (A) IN GENERAL.—The State or tribal
24 share of a grant under this title for each fiscal
25 year shall be the amount needed to pay 25 per-

1 cent of the average community college resident
2 tuition and fees per student in all States in the
3 2018–2019 award year for all eligible students
4 in the State or Indian tribe, respectively, for
5 such fiscal year, except as provided in subpara-
6 graph (B).

7 (B) EXCEPTION FOR CERTAIN INDIAN
8 TRIBES.—In a case in which not less than 5
9 percent of the students at the community col-
10 leges operated or controlled by an Indian tribe
11 are low-income students, the amount of such
12 Indian tribe’s tribal share shall not exceed 5
13 percent of the total amount needed to waive tui-
14 tion and fees for all eligible students enrolled in
15 such community colleges.

16 (2) NEED-BASED AID.—A State or Indian tribe
17 may include any need-based financial aid provided
18 through State or tribal funds to eligible students as
19 part of the State or tribal share.

20 (3) NO IN-KIND CONTRIBUTIONS.—A State or
21 Indian tribe shall not include in-kind contributions
22 for purposes of the State or tribal share described
23 in paragraph (1).

1 **SEC. 103. ELIGIBILITY.**

2 To be eligible for a grant under this title, a State
3 or Indian tribe shall agree to waive community college
4 resident tuition and fees for all eligible students for each
5 year of the grant.

6 **SEC. 104. APPLICATIONS.**

7 (a) SUBMISSION.—For each fiscal year for which a
8 State or Indian tribe desires a grant under this title, an
9 application shall be submitted to the Secretary at such
10 time, in such manner, and containing such information as
11 the Secretary may require. Such application shall be sub-
12 mitted by—

13 (1) in the case of a State, the Governor, the
14 State agency with jurisdiction over higher education,
15 or another agency designated by the Governor to ad-
16 minister the program under this title; or

17 (2) in the case of an Indian tribe, the governing
18 body of such tribe.

19 (b) CONTENTS.—Each State or Indian tribe applica-
20 tion shall include, at a minimum—

21 (1) an estimate of the number of eligible stu-
22 dents in the State or Indian tribe and the cost of
23 waiving community college resident tuition and fees
24 for all eligible students for each fiscal year covered
25 by the grant, with annual increases of an amount

1 that shall not exceed 3 percent of the prior year's
2 average resident community college tuition and fees;

3 (2) an assurance that all community colleges in
4 the State or under the jurisdiction of the Indian
5 tribe, respectively, will waive resident tuition and
6 fees for eligible students in programs that are—

7 (A) academic programs with credits that
8 can fully transfer via articulation agreement to-
9 ward a baccalaureate degree or postbaccalau-
10 reate degree at any public institution of higher
11 education in the State; or

12 (B) occupational skills training programs
13 that lead to a recognized postsecondary creden-
14 tial that is in an in-demand industry sector or
15 occupation in the State;

16 (3) a description of the promising and evidence-
17 based institutional reforms and innovative practices
18 to improve student outcomes, including completion
19 or transfer rates, that have been or will be adopted
20 by the participating community colleges, such as—

21 (A) providing comprehensive academic and
22 student support services, including mentoring
23 and advising, especially for low-income, first-
24 generation, adult, and other underrepresented
25 students;

1 (B) providing accelerated learning opportu-
2 nities, such as dual or concurrent enrollment
3 programs, including early college high school
4 programs;

5 (C) advancing competency-based education;

6 (D) strengthening remedial education, es-
7 pecially for low-income, first-generation, adult
8 and other underrepresented students;

9 (E) implementing course redesigns of high-
10 enrollment courses to improve student outcomes
11 and reduce cost; or

12 (F) utilizing career pathways or degree
13 pathways;

14 (4) a description of how the State or Indian
15 tribe will promote alignment between its public sec-
16 ondary school and postsecondary education systems,
17 including between 2-year and 4-year public institu-
18 tions of higher education and with minority-serving
19 institutions described in section 371 of the Higher
20 Education Act of 1965 (20 U.S.C. 1067q), to ex-
21 pand awareness of and access to postsecondary edu-
22 cation, reduce the need for remediation and repeated
23 coursework, and improve student outcomes;

24 (5) a description of how the State or Indian
25 tribe will ensure that programs leading to a recog-

1 nized postsecondary credential meet the quality cri-
2 teria established by the State under section 123(a)
3 of the Workforce Innovation and Opportunity Act
4 (29 U.S.C. 3153(a)) or other quality criteria deter-
5 mined appropriate by the State or Indian tribe;

6 (6) an assurance that all participating commu-
7 nity colleges in the State or under the authority of
8 the Indian tribe have entered into program partici-
9 pation agreements under section 487 of the Higher
10 Education Act of 1965 (20 U.S.C. 1094); and

11 (7) an assurance that, for each year of the
12 grant, the State or Indian tribe will notify each eligi-
13 ble student of the student's remaining eligibility for
14 assistance under this title.

15 **SEC. 105. ALLOWABLE USES OF FUNDS.**

16 (a) IN GENERAL.—A State or Indian tribe shall use
17 a grant under this title only to provide funds to partici-
18 pating community colleges to waive resident tuition and
19 fees for eligible students who are enrolled in—

20 (1) academic programs with credits that can
21 fully transfer via articulation agreement toward a
22 baccalaureate degree or postbaccalaureate degree at
23 any public institution of higher education in the
24 State; or

1 (2) occupational skills training programs that
2 lead to a recognized postsecondary credential that is
3 in an in-demand industry sector or occupation in the
4 State.

5 (b) ADDITIONAL USES.—If a State or Indian tribe
6 demonstrates to the Secretary that it has grant funds re-
7 maining after meeting the demand for activities described
8 in subsection (a), the State or Indian tribe may use those
9 funds to carry out one or more of the following:

10 (1) Expanding the waiver of resident tuition
11 and fees at community college to students who are
12 returning students or otherwise not enrolling in
13 postsecondary education for the first time, and who
14 meet the student eligibility requirements of clauses
15 (i) through (v) of section 106(5)(A).

16 (2) Expanding the scope and capacity of high-
17 quality academic and occupational skills training
18 programs at community colleges.

19 (3) Improving postsecondary education readi-
20 ness in the State or Indian tribe, through outreach
21 and early intervention.

22 (4) Expanding access to dual or concurrent en-
23 rollment programs, including early college high
24 school programs.

1 (5) Improving affordability at 4-year public in-
2 stitutions of higher education.

3 (c) USE OF FUNDS FOR ADMINISTRATIVE PUR-
4 POSES.—A State or Indian tribe that receives a grant
5 under this title may not use any funds provided under this
6 title for administrative purposes relating to the grant
7 under this title.

8 (d) MAINTENANCE OF EFFORT.—A State or Indian
9 tribe receiving a grant under this title is entitled to receive
10 its full allotment of funds under this title for a fiscal year
11 only if, for each year of the grant, the State or Indian
12 tribe provides financial support for public higher education
13 at a level equal to or exceeding the average amount pro-
14 vided per full-time equivalent student for public institu-
15 tions of higher education for the 3 consecutive preceding
16 State or Indian tribe fiscal years. In making the calcula-
17 tion under this subsection, the State or Indian tribe shall
18 exclude capital expenses and research and development
19 costs and include need-based financial aid for students
20 who attend public institutions of higher education.

21 (e) ANNUAL REPORT.—

22 (1) A State or Indian tribe receiving a grant
23 under this title shall submit an annual report to the
24 Secretary describing the uses of grant funds under
25 this title, the progress made in fulfilling the require-

1 ments of the grant, and rates of graduation, transfer
2 and attainment of recognized postsecondary creden-
3 tials at participating community colleges, and includ-
4 ing any other information as the Secretary may re-
5 quire.

6 (2) At the discretion of the Secretary, the infor-
7 mation required in the report under paragraph (1)
8 may be included in an annual report on higher edu-
9 cation required under the Higher Education Act of
10 1965 (20 U.S.C. 1001 et seq.).

11 (f) REPORTING BY SECRETARY.—The Secretary an-
12 nually shall—

13 (1) compile and analyze the information de-
14 scribed in subsection (e); and

15 (2) prepare and submit a report to the Com-
16 mittee on Health, Education, Labor, and Pensions
17 of the Senate and the Committee on Education and
18 the Workforce of the House of Representatives con-
19 taining the analysis described in paragraph (1) and
20 an identification of State and Indian tribe best prac-
21 tices for achieving the purpose of this title.

22 (g) TECHNICAL ASSISTANCE.—The Secretary shall
23 provide technical assistance to eligible States and Indian
24 tribes concerning best practices regarding the promising
25 and evidence-based institutional reforms and innovative

1 practices to improve student outcomes as described in sec-
2 tion 104(b)(3) and shall disseminate such best practices
3 among the States and Indian tribes.

4 (h) CONTINUATION OF FUNDING.—

5 (1) IN GENERAL.—A State or Indian tribe re-
6 ceiving a grant under this title for a fiscal year may
7 continue to receive funding under this title for fu-
8 ture fiscal years conditioned on the availability of
9 budget authority and on meeting the requirements
10 of the grant, as determined by the Secretary.

11 (2) DISCONTINUATION.—The Secretary may
12 discontinue funding of the Federal share of a grant
13 under this title if the State or Indian tribe has vio-
14 lated the terms of the grant or is not making ade-
15 quate progress in implementing the reforms de-
16 scribed in the application submitted under section
17 104.

18 **SEC. 106. DEFINITIONS.**

19 In this title:

20 (1) CAREER PATHWAY.—The term “career
21 pathway” has the meaning given the term in section
22 3 of the Workforce Innovation and Opportunity Act
23 (29 U.S.C. 3102).

24 (2) COMMUNITY COLLEGE.—The term “commu-
25 nity college” means a public institution of higher

1 education at which the highest degree that is pre-
2 dominantly awarded to students is an associate's de-
3 gree, including 2-year tribally controlled colleges
4 under section 316 of the Higher Education Act of
5 1965 (20 U.S.C. 1059c) and public 2-year State in-
6 stitutions of higher education.

7 (3) DUAL OR CONCURRENT ENROLLMENT PRO-
8 GRAM.—The term “dual or concurrent enrollment
9 program” has the meaning given the term in section
10 8101 of the Elementary and Secondary Education
11 Act of 1965 (20 U.S.C. 7801).

12 (4) EARLY COLLEGE HIGH SCHOOL.—The term
13 “early college high school” has the meaning given
14 the term in section 8101 of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 7801).

16 (5) ELIGIBLE STUDENT.—

17 (A) DEFINITION.—The term “eligible stu-
18 dent” means a student who—

19 (i)(I) enrolls in a community college
20 after the date of enactment of this Act; or

21 (II) is enrolled in a community college
22 as of the date of enactment of this Act;

23 (ii) attends the community college on
24 not less than a half-time basis;

1 (iii) is maintaining satisfactory
2 progress, as defined in section 484(c) of
3 the Higher Education Act of 1965 (20
4 U.S.C. 1091(c)), in the student’s course of
5 study;

6 (iv) qualifies for resident tuition, as
7 determined by the State or Indian tribe;
8 and

9 (v) is enrolled in an eligible program
10 described in section 104(b)(2).

11 (B) SPECIAL RULE.—An otherwise eligible
12 student shall lose eligibility 3 calendar years
13 after first receiving benefits under this title.

14 (6) IN-DEMAND INDUSTRY SECTOR OR OCCUPA-
15 TION.—The term “in-demand industry sector or oc-
16 cupation” has the meaning given the term in section
17 3 of the Workforce Innovation and Opportunity Act
18 (29 U.S.C. 3102).

19 (7) INDIAN TRIBE.—The term “Indian tribe”
20 has the meaning given the term in section 102 of the
21 Federally Recognized Indian Tribe List Act of 1994
22 (25 U.S.C. 479a).

23 (8) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given the term in section 101 of the Higher
2 Education Act of 1965 (20 U.S.C. 1001).

3 (9) RECOGNIZED POSTSECONDARY CREDEN-
4 TIAL.—The term “recognized postsecondary creden-
5 tial” has the meaning as described in section 3 of
6 the Workforce Innovation and Opportunity Act (29
7 U.S.C. 3102).

8 (10) SECRETARY.—The term “Secretary”
9 means the Secretary of Education.

10 (11) STATE.—The term “State” has the mean-
11 ing given the term in section 103 of the Higher
12 Education Act of 1965 (20 U.S.C. 1003).

13 **SEC. 107. APPROPRIATIONS.**

14 (a) AUTHORIZATION AND APPROPRIATIONS.—For
15 the purpose of making grants under this title, there are
16 authorized to be appropriated, and there are appro-
17 priated—

18 (1) \$1,515,150,000 for fiscal year 2018;

19 (2) \$3,352,200,000 for fiscal year 2019;

20 (3) \$4,277,940,000 for fiscal year 2020;

21 (4) \$5,988,450,000 for fiscal year 2021;

22 (5) \$7,837,710,000 for fiscal year 2022;

23 (6) \$8,974,350,000 for fiscal year 2023;

24 (7) \$11,302,020,000 for fiscal year 2024;

25 (8) \$14,451,090,000 for fiscal year 2025;

1 (9) \$15,077,130,000 for fiscal year 2026; and

2 (10) \$15,729,810,000 for fiscal year 2027 and

3 each succeeding fiscal year.

4 (b) AVAILABILITY.—Funds appropriated under sub-
5 section (a) shall remain available to the Secretary until
6 expended.

7 (c) INSUFFICIENT FUNDS.—If the amount appro-
8 priated under subsection (a) for a fiscal year is not suffi-
9 cient to award each participating State and Indian tribe
10 a grant under this title that is equal to the minimum
11 amount of the Federal share described in section 102(a),
12 the Secretary may ratably reduce the amount of each such
13 grant or take other actions necessary to ensure an equi-
14 table distribution of such amount.

1 **TITLE II—GRANTS TO HISTORI-**
2 **CALLY BLACK COLLEGES AND**
3 **UNIVERSITIES, HISPANIC-**
4 **SERVING INSTITUTIONS,**
5 **ASIAN AMERICAN AND NA-**
6 **TIVE AMERICAN PACIFIC IS-**
7 **LANDER-SERVING INSTITU-**
8 **TIONS, TRIBAL COLLEGES**
9 **AND UNIVERSITIES, ALASKA**
10 **NATIVE-SERVING INSTITU-**
11 **TIONS, NATIVE HAWAIIAN-**
12 **SERVING INSTITUTIONS, PRE-**
13 **DOMINANTLY BLACK INSTI-**
14 **TUTIONS, AND NATIVE AMER-**
15 **ICAN-SERVING NONTRIBAL**
16 **INSTITUTIONS**

17 **SEC. 201. PATHWAYS TO STUDENT SUCCESS FOR HISTORI-**
18 **CALLY BLACK COLLEGES AND UNIVERSITIES.**

19 (a) **IN GENERAL.**—From amounts appropriated
20 under section 204(a) for any fiscal year, the Secretary
21 shall award grants to participating 4-year historically
22 black colleges or universities that meet the requirements
23 of subsection (b) to—

1 (1) encourage students to enroll and success-
2 fully complete a bachelor's degree at participating
3 institutions;

4 (2) provide incentives to community college stu-
5 dents to transfer to participating institutions
6 through strong transfer pathways to complete a
7 bachelor's degree program; and

8 (3) support participating institutions to better
9 serve new and existing students by engaging in re-
10 forms and innovations designed to improve comple-
11 tion rates and other student outcomes.

12 (b) ELIGIBILITY.—To be eligible to receive a grant
13 under the program under this section, an institution shall
14 be a historically black college or university that—

15 (1) has a student body of which not less than
16 35 percent are low-income students;

17 (2) commits to maintaining or adopting and im-
18 plementing promising and evidence-based institu-
19 tional reforms and innovative practices to improve
20 the completion rates and other student outcomes,
21 such as—

22 (A) providing comprehensive academic and
23 student support services, including mentoring
24 and advising;

1 (B) providing accelerated learning opportu-
2 nities and degree pathways, such as dual enroll-
3 ment and pathways to graduate and profes-
4 sional degree programs;

5 (C) advancing distance and competency-
6 based education;

7 (D) partnering with employers, industry,
8 not-for-profit associations, and other groups to
9 provide opportunities to advance learning out-
10 side the classroom, including work-based learn-
11 ing opportunities such as internships or appren-
12 ticeships or programs designed to improve
13 inter-cultural development and personal growth,
14 such as foreign exchange and study abroad pro-
15 grams;

16 (E) reforming remedial education, espe-
17 cially for low-income students, first generation
18 college students, adult students, and other
19 underrepresented students; or

20 (F) implementing course redesigns of high-
21 enrollment courses to improve student outcomes
22 and reduce cost;

23 (3) sets performance goals for improving stu-
24 dent outcomes for the duration of the grant; and

1 (4) if receiving a grant for transfer students,
2 has articulation agreements with community colleges
3 at the national, State, or local level to ensure that
4 community college credits can fully transfer to the
5 participating institution.

6 (c) GRANT AMOUNT.—

7 (1) INITIAL AMOUNT.—For the first year that
8 an eligible institution participates in the grant pro-
9 gram under this section and subject to paragraph
10 (3), such eligible institution shall receive a grant in
11 an amount based on the product of—

12 (A) the actual cost of tuition and fees at
13 the eligible institution in such year (referred to
14 in this section as the per-student rebate); multi-
15 plied by

16 (B) the number of eligible students en-
17 rolled in the eligible institution for the pre-
18 ceding year.

19 (2) SUBSEQUENT INCREASES.—For each suc-
20 ceeding year after the first year of the grant pro-
21 gram under this section, each participating eligible
22 institution shall receive a grant in the amount deter-
23 mined under paragraph (1) for such year, except
24 that in no case shall the amount of the per-student
25 rebate for an eligible institution increase by more

1 than 3 percent as compared to the amount of such
2 rebate for the preceding year.

3 (3) LIMITATIONS.—

4 (A) MAXIMUM PER-STUDENT REBATE.—

5 No eligible institution participating in the grant
6 program under this section shall receive a per-
7 student rebate amount for any year that is
8 greater than the national average of annual tui-
9 tion and fees at public 4-year institutions of
10 higher education for such year, as determined
11 by the Secretary.

12 (B) FIRST YEAR TUITION AND FEES.—

13 During the first year of participation in the
14 grant program under this section, no eligible in-
15 stitution may increase tuition and fees at a rate
16 greater than any annual increase at the eligible
17 institution in the previous 5 years.

18 (d) APPLICATION.—An eligible institution that de-
19 sires a grant under this section shall submit an application
20 to the Secretary at such time, in such manner, and con-
21 taining such information as the Secretary may require.

22 (e) USE OF FUNDS.—Funds awarded under this sec-
23 tion to a participating eligible institution shall be used to
24 waive or significantly reduce tuition and fees for eligible
25 students in an amount of not more than up to the annual

1 per-student rebate amount for each student, for not more
 2 than the first 60 credits an eligible student enrolls in the
 3 participating eligible institution.

4 **SEC. 202. PATHWAYS TO STUDENT SUCCESS FOR HISPANIC-**
 5 **SERVING INSTITUTIONS, ASIAN AMERICAN**
 6 **AND NATIVE AMERICAN PACIFIC ISLANDER-**
 7 **SERVING INSTITUTIONS, TRIBAL COLLEGES**
 8 **AND UNIVERSITIES, ALASKA NATIVE-SERV-**
 9 **ING INSTITUTIONS, NATIVE HAWAIIAN-SERV-**
 10 **ING INSTITUTIONS, PREDOMINANTLY BLACK**
 11 **INSTITUTIONS, AND NATIVE AMERICAN-SERV-**
 12 **ING NONTRIBAL INSTITUTIONS.**

13 (a) IN GENERAL.—From amounts appropriated
 14 under section 204(a) for any fiscal year, the Secretary
 15 shall award grants to participating 4-year minority-serving
 16 institutions to—

17 (1) encourage students to enroll and success-
 18 fully complete a bachelor’s degree at participating
 19 institutions;

20 (2) provide incentives to community college stu-
 21 dents to transfer to participating institutions
 22 through strong transfer pathways to complete a
 23 bachelor’s degree program; and

24 (3) support participating institutions to better
 25 serve new and existing students by engaging in re-

1 forms and innovations designed to improve comple-
2 tion rates and other student outcomes.

3 (b) INSTITUTIONAL ELIGIBILITY.—To be eligible to
4 participate and receive a grant under this section, an insti-
5 tution shall be a minority-serving institution that—

6 (1) has a student body of which not less than
7 35 percent are low-income students;

8 (2) commits to maintaining or adopting and im-
9 plementing promising and evidence-based institu-
10 tional reforms and innovative practices to improve
11 the completion rates and other student outcomes,
12 such as—

13 (A) providing comprehensive academic and
14 student support services, including mentoring
15 and advising;

16 (B) providing accelerated learning opportu-
17 nities and degree pathways, such as dual enroll-
18 ment and pathways to graduate and profes-
19 sional degree programs;

20 (C) advancing distance and competency-
21 based education;

22 (D) partnering with employers, industry,
23 not-for-profit associations, and other groups to
24 provide opportunities to advance learning out-
25 side the classroom, including work-based learn-

1 ing opportunities such as internships or appren-
2 ticeships or programs designed to improve
3 inter-cultural development and personal growth,
4 such as foreign exchange and study abroad pro-
5 grams;

6 (E) reforming remedial education, espe-
7 cially for low-income students, first generation
8 college students, adult students, and other
9 underrepresented students; and

10 (F) implementing course redesigns of high-
11 enrollment courses to improve student outcomes
12 and reduce cost;

13 (3) sets performance goals for improving stu-
14 dent outcomes for the duration of the grant; and

15 (4) if receiving a grant for transfer students,
16 has articulation agreements with community colleges
17 at the national, State, or local levels to ensure that
18 community college credits can fully transfer to the
19 participating institution.

20 (c) GRANT AMOUNT.—

21 (1) INITIAL AMOUNT.—For the first year that
22 an eligible institution participates in the grant pro-
23 gram under this section and subject to paragraph
24 (3), such participating eligible institution shall re-

1 ceive a grant in an amount based on the product
2 of—

3 (A) the actual cost of tuition and fees at
4 the eligible institution in such year (referred to
5 in this section as the per-student rebate); multi-
6 plied by

7 (B) the number of eligible students en-
8 rolled in the eligible institution for the pre-
9 ceding year.

10 (2) SUBSEQUENT INCREASES.—For each suc-
11 ceeding year after the first year of the grant pro-
12 gram under this section, each participating eligible
13 institution shall receive a grant in the amount deter-
14 mined under paragraph (1) for such year, except
15 that in no case shall the amount of the per-student
16 rebate increase by more than 3 percent as compared
17 to the amount of such rebate for the preceding year.

18 (3) LIMITATIONS.—

19 (A) MAXIMUM PER-STUDENT REBATE.—
20 No eligible institution participating in the grant
21 program under this section shall receive a per-
22 student rebate amount for a grant year greater
23 than the national average of public four-year in-
24 stitutional tuition and fees, as determined by
25 the Secretary.

1 (B) FIRST YEAR TUITION AND FEES.—
2 During the first year of participation in the
3 grant program under this section, no eligible in-
4 stitution may increase tuition and fees at a rate
5 greater than any annual increase made by the
6 institution in the previous 5 years.

7 (d) APPLICATION.—An eligible institution shall sub-
8 mit an application to the Secretary at such time, in such
9 a manner, and containing such information as determined
10 by the Secretary.

11 (e) USE OF FUNDS.—Funds awarded under this sec-
12 tion to a participating eligible institution shall be used to
13 waive or significantly reduce tuition and fees for eligible
14 students in an amount of not more than up to the annual
15 per-student rebate amount for each student, for not more
16 than the first 60 credits an eligible student enrolls in the
17 participating eligible institution.

18 **SEC. 203. DEFINITIONS.**

19 In this title:

20 (1) ELIGIBLE STUDENT.—

21 (A) DEFINITION.—The term “eligible stu-
22 dent” means a student, regardless of age,
23 who—

1 (i)(I) enrolls in a historically black
2 college or university, or minority-serving
3 institution; or

4 (II) transfers from a community col-
5 lege into a historically black college or uni-
6 versity, or minority-serving institution;

7 (ii) attends the historically black col-
8 lege or university, or minority serving in-
9 stitution, on at least a half-time basis;

10 (iii) maintains satisfactory academic
11 progress; and

12 (iv) is a low-income student.

13 (B) SPECIAL RULES.—

14 (i) FIRST 3 YEARS.—An otherwise eli-
15 gible student shall lose eligibility 3 cal-
16 endar years after first receiving benefits
17 under this title.

18 (ii) SPECIAL RULE FOR CERTAIN STU-
19 DENTS.—Notwithstanding subparagraph
20 (A)(i), an otherwise eligible student whose
21 parent or guardian was denied a Federal
22 Direct PLUS loan under title IV of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1070 et seq.) after November 2011 and be-
25 fore March 29, 2015, and who subse-

1 frequently withdrew from a historically black
2 college or university, or minority-serving
3 institution, and has not yet completed a
4 program of study at such historically black
5 college or university or minority-serving in-
6 stitution, shall be eligible to participate
7 under section 201 or 202 in order to com-
8 plete such program of study, subject to all
9 other requirements of section 201 or 202
10 (as the case may be).

11 (2) HISTORICALLY BLACK COLLEGE OR UNI-
12 VERSITY.—The term “historically black college or
13 university” means a part B institution described in
14 section 322(2) of the Higher Education Act of 1965
15 (20 U.S.C. 1061(2)).

16 (3) LOW-INCOME STUDENT.—The term “low-in-
17 come student”—

18 (A) shall include any student eligible for a
19 Federal Pell Grant under section 401 of the
20 Higher Education Act of 1965 (20 U.S.C.
21 1070a); and

22 (B) may include a student ineligible for a
23 Federal Pell Grant under section 401 of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1070a) who is determined by the institution to

1 be a low-income student based on an analysis of
 2 the student’s ability to afford the cost of at-
 3 tendance at the institution.

4 (4) MINORITY-SERVING INSTITUTION.—The
 5 term “minority-serving institution” means any pub-
 6 lic or not-for-profit institution of higher education—

7 (A) described in paragraphs (2) through
 8 (7) of section 371(a) of the Higher Education
 9 Act of 1965 (20 U.S.C. 1067q); and

10 (B) designated as a minority-serving insti-
 11 tution by the Secretary.

12 **SEC. 204. APPROPRIATIONS.**

13 (a) AUTHORIZATION AND APPROPRIATIONS FOR
 14 HBCU AND MSI GRANTS.—For the purpose of carrying
 15 out sections 201 and 202, there are authorized to be ap-
 16 propriated, and there are appropriated—

- 17 (1) \$61,050,000 for fiscal year 2018;
 18 (2) \$199,800,000 for fiscal year 2019;
 19 (3) \$1,189,920,000 for fiscal year 2020;
 20 (4) \$1,237,650,000 for fiscal year 2021;
 21 (5) \$1,287,600,000 for fiscal year 2022;
 22 (6) \$1,338,660,000 for fiscal year 2023;
 23 (7) \$1,359,750,000 for fiscal year 2024;
 24 (8) \$1,449,660,000 for fiscal year 2025;
 25 (9) \$1,508,490,000 for fiscal year 2026; and

1 (10) \$1,569,540,000 for fiscal year 2027 and
2 each succeeding fiscal year.

3 (b) AVAILABILITY.—Funds appropriated under sub-
4 section (a) are to remain available to the Secretary until
5 expended.

6 (c) INSUFFICIENT FUNDS.—If the amount appro-
7 priated under subsection (a) for a fiscal year is not suffi-
8 cient to award each participating institution in the grant
9 programs under sections 201 and 202 a grant under this
10 part equal to 100 percent of the grant amount determined
11 under section 201(c), the Secretary may ratably reduce
12 the amount of each such grant or take other actions nec-
13 essary to ensure an equitable distribution of such amount.

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