

115TH CONGRESS
1ST SESSION

S. 1795

To amend the Higher Education Act of 1965 to improve the financial aid process for homeless children and youths and foster care children and youth.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2017

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

A BILL

To amend the Higher Education Act of 1965 to improve the financial aid process for homeless children and youths and foster care children and youth.

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 “Higher Education Ac-
5 cess and Success for Homeless and Foster Youth Act”.

6 **SEC. 2. DEFINITIONS.**

7 (a) INDEPENDENT STUDENT.—Section 480(d)(1)(H)
8 of the Higher Education Act of 1965 (20 U.S.C.
9 1087vv(d)(1)(H)) is amended—

1 (1) in the matter preceding clause (i)—

2 (A) by striking “during the school year in
3 which the application is submitted”;

4 (B) by inserting “age 23 or younger” after
5 “unaccompanied youth”; and

6 (C) by striking “terms are” and inserting
7 “term is”;

8 (2) in clause (i), by inserting “, or a designee
9 of the liaison” after “Act”;

10 (3) in clause (ii), by striking “a program fund-
11 ed under the Runaway and Homeless Youth Act”
12 and inserting “an emergency or transitional shelter,
13 street outreach program, homeless youth drop-in
14 center, or other program serving homeless youth,”;
15 and

16 (4) in clause (iii), by striking “program funded
17 under subtitle B of title IV of the McKinney-Vento
18 Homeless Assistance Act (relating to emergency
19 shelter grants)” and inserting “Federal TRIO pro-
20 gram or a Gaining Early Awareness and Readiness
21 for Undergraduate program under chapter 1 or 2 of
22 subpart 2 of part A,”.

23 (b) FOSTER CARE CHILDREN AND YOUTH.—Section
24 103 of the Higher Education Act of 1965 (20 U.S.C.
25 1003) is amended by adding at the end the following:

1 “(25) FOSTER CARE CHILDREN AND YOUTH.—

2 The term ‘foster care children and youth’—

3 “(A) means children and youth whose care
4 and placement are the responsibility of the
5 State or Tribal agency that administers a State
6 or Tribal plan under part B or E of title IV of
7 the Social Security Act (42 U.S.C. 621 et seq.
8 and 670 et seq.), without regard to whether fos-
9 ter care maintenance payments are made under
10 section 472 of such Act (42 U.S.C. 672) on be-
11 half of such children and youth; and

12 “(B) includes individuals who were age 13
13 or older when their care and placement were
14 the responsibility of a State or Tribal agency
15 that administered a State or Tribal plan under
16 part B or E of title IV of the Social Security
17 Act (42 U.S.C. 621 et seq. and 670 et seq.)
18 and who are no longer under the care and re-
19 sponsibility of such a State or tribal agency,
20 without regard to any such individual’s subse-
21 quent adoption, guardianship arrangement, or
22 other form of permanency outcome.”.

1 **SEC. 3. STREAMLINING DETERMINATIONS AND**
 2 **VERIFICATION.**

3 Section 480(d) of the Higher Education Act of 1965
 4 (20 U.S.C. 1087vv(d)) is amended by adding at the end
 5 the following:

6 “(3) SIMPLIFYING THE DETERMINATION PROC-
 7 ESS FOR UNACCOMPANIED YOUTH.—

8 “(A) VERIFICATION.—A financial aid ad-
 9 ministrator shall accept a homelessness deter-
 10 mination made by any individual authorized to
 11 make such determinations under clause (i), (ii),
 12 or (iii) of paragraph (1)(H) in the absence of
 13 conflicting information. A documented phone
 14 call with, or a written statement from, one of
 15 the authorized individuals is sufficient
 16 verification when needed. For purposes of this
 17 paragraph, a financial aid administrator’s dis-
 18 agreement with the determination made by an
 19 authorized individual shall not be considered
 20 conflicting information.

21 “(B) DETERMINATION OF INDEPEND-
 22 ENCE.—A financial aid administrator shall
 23 make a determination of independence under
 24 paragraph (1)(H) if a student does not have,
 25 and cannot get, documentation from any of the

other designated authorities described in such paragraph. Such a determination shall be—

“(i) based on the definitions outlined in paragraph (1)(H);

“(ii) distinct from a determination of independence under paragraph (1)(I);

“(iii) based on a documented interview with the student; and

“(iv) limited to whether the student meets the definitions in paragraph (1)(H) and not about the reasons for the student’s homelessness.

“(4) SIMPLIFYING THE VERIFICATION PROCESS FOR FOSTER CHILDREN AND YOUTH.—

“(A) VERIFICATION OF INDEPENDENCE.—

If an institution requires documentation to verify that a student is independent based on a status described in paragraph (1)(B), a financial aid administrator shall consider any of the following as adequate verification:

“(i) Submission of a court order or official State documentation that the student received Federal or State support in foster care.

1 “(ii) A documented phone call with, or
2 a written statement from,—

3 “(I) a child welfare agency au-
4 thorized by a State or county;

5 “(II) a tribal child welfare au-
6 thority;

7 “(III) an Independent Living
8 case worker;

9 “(IV) a public or private foster
10 care placing agency or foster care fa-
11 cility or placement;

12 “(V) another program serving or-
13 phans, foster children and youth, or
14 wards of the court; or

15 “(VI) a probation officer.

16 “(iii) A documented phone call with,
17 or a written statement from, an attorney,
18 a guardian ad litem, or a Court Appointed
19 Special Advocate, documenting that per-
20 son’s relationship to the student.

21 “(iv) A documented phone call with,
22 or a written statement from, a representa-
23 tive of a Federal TRIO program or a
24 Gaining Early Awareness and Readiness

for Undergraduate program under chapter
1 or 2 of subpart 2 of part A.

“(v) Verification of the student’s eligi-
bility for an education and training vouch-
er under the John H. Chafee Foster Care
Independence Program (42 U.S.C. 677).

“(vi) Submission of a copy of the stu-
dent’s biological or adoptive parents’—

“(I) Certificates of Death; or

“(II) newspaper obituaries.

“(vii) An attestation from the student,
which includes a description of why the
student may qualify for a status described
in paragraph (1)(B), including the approxi-
mate dates that the student was in foster
care, dependent, or a ward of the court, to
the best of the student’s knowledge after
making reasonable efforts to provide any
requested documentation.

“(B) ADDITIONAL STREAMLINING PER-
MITTED.—Nothing in this paragraph prohibits
an institution from implementing policies that
streamline the determination of independent
status and improve a student’s access to finan-
cial aid because that student is an orphan, in

1 foster care, or a ward of the court, or was an
 2 orphan, in foster care, or a ward of the court
 3 at any time when the student was 13 years of
 4 age or older.

5 “(5) TIMING; USE OF EARLIER DETERMINA-
 6 TION.—

7 “(A) TIMING.—A determination under
 8 subparagraph (B) or (H) of paragraph (1) for
 9 a student—

10 “(i) shall be made as quickly as prac-
 11 ticable;

12 “(ii) may be made as early as the year
 13 before the award year for which the stu-
 14 dent initially submits an application; and

15 “(iii) shall be made no later than dur-
 16 ing the award year for which the student
 17 initially submits an application.

18 “(B) USE OF EARLIER DETERMINATION.—

19 Any student who is determined to be inde-
 20 pendent under subparagraph (B) or (H) of
 21 paragraph (1) for a preceding award year at an
 22 institution shall be presumed to be independent
 23 for a subsequent award year at the same insti-
 24 tution unless—

1 “(i) the student informs the institu-
 2 tion that circumstances have changed; or

3 “(ii) the institution has specific con-
 4 flicting information about the student’s
 5 independence, and has informed the stu-
 6 dent of this information and the oppor-
 7 tunity to challenge such information
 8 through a documented interview or an im-
 9 partial review by the Student Loan Om-
 10 budsman pursuant to section 141(f)(3)(C).

11 “(6) RETENTION OF DOCUMENTS.—A financial
 12 aid administrator shall retain all documents related
 13 to the determination of independence under subpara-
 14 graph (B) or (H) of paragraph (1), including docu-
 15 mented interviews, for the duration of the student’s
 16 enrollment at the institution and for a minimum of
 17 1 year after the student is no longer enrolled at the
 18 institution.”.

19 **SEC. 4. STUDENT LOAN OMBUDSMAN.**

20 Section 141(f)(3) of the Higher Education Act of
 21 1965 (20 U.S.C. 1018(f)(3)) is amended—

22 (1) in subparagraph (A), by striking “and”
 23 after the semicolon;

24 (2) in subparagraph (B), by striking the period
 25 at the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(C) receive, review, and resolve expedi-
 3 tiously complaints regarding a student’s inde-
 4 pendence under subparagraph (B) or (H) of
 5 section 480(d)(1), in consultation with knowl-
 6 edgeable parties, including child welfare agen-
 7 cies, local educational agency liaisons for home-
 8 less children and youths designated under sec-
 9 tion 722(g)(1)(J)(ii) of the McKinney-Vento
 10 Homeless Assistance Act (42 U.S.C.
 11 11432(g)(1)(J)(ii)), or State Coordinators for
 12 Education of Homeless Children and Youths es-
 13 tablished in accordance with section 722 of
 14 such Act (42 U.S.C. 11432).”.

15 **SEC. 5. HOUSING AND SINGLE POINT OF CONTACT.**

16 (a) ACCESS TO HOUSING.—Section 487(a)(19) of the
 17 Higher Education Act of 1965 (20 U.S.C. 1094(a)(19))
 18 is amended—

19 (1) by striking “The institution will not” and
 20 inserting the following: “The institution—

21 “(A) will not”;

22 (2) by inserting “housing facilities,” after “li-
 23 braries,”;

24 (3) by striking “institution.” and inserting “in-
 25 stitution; and”; and

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

2 “(B) will provide a means for students to
3 access institutionally owned or operated housing
4 if a student is temporarily unable to meet fi-
5 nancial obligations related to housing, including
6 deposits, due to delayed disbursement of vouch-
7 ers for education and training made available
8 under section 477 of part E of title IV of the
9 Social Security Act or delays attributable to the
10 institution.”.

11 (b) SINGLE POINT OF CONTACT.—Section 485 of the
12 Higher Education Act of 1965 (20 U.S.C. 1092) is
13 amended by adding at the end the following:

14 “(n) Each institution of higher education partici-
15 pating in any program under this title shall—

16 “(1) have designated an appropriate staff per-
17 son as a single point of contact to assist homeless
18 children and youths (as such term is defined in sec-
19 tion 725 of the McKinney-Vento Homeless Assist-
20 ance Act (42 U.S.C. 11434a)) and foster care chil-
21 dren and youth in accessing and completing postsec-
22 ondary education, including by ensuring that such
23 homeless children and youths and foster care chil-
24 dren and youth are connected to applicable and
25 available student support services, programs, and

1 community resources in areas such as financial aid,
2 academic advising, housing, food, public benefits,
3 health care, health insurance, mental health, and
4 mentoring;

5 “(2) post public notice about student financial
6 assistance and other assistance available to homeless
7 children and youths and foster care children and
8 youth, including their eligibility as independent stu-
9 dents under subparagraphs (B) and (H) of section
10 480(d)(1);

11 “(3) give priority for any institutionally owned
12 or operated housing facilities, including student
13 housing facilities that remain open for occupation
14 during school breaks or on a year-round basis, to—

15 “(A) homeless children and youths (as
16 such term is defined in section 725 of the
17 McKinney-Vento Homeless Assistance Act (42
18 U.S.C. 11434a));

19 “(B) youths who are unaccompanied, at
20 risk of homelessness, and self-supporting; and

21 “(C) foster care children and youth;

22 “(4) have developed a plan for how homeless
23 children and youths, youths who are unaccompanied,
24 at risk of homelessness, and self-supporting, and fos-
25 ter care children and youth can access housing re-

1 sources during and between academic terms,
 2 through means that may include access to institu-
 3 tionally owned or operated housing during breaks
 4 and a list of housing resources in the community
 5 that provide short-term housing; and

6 “(5) include, in its application for admission,
 7 questions (to be answered voluntarily) regarding the
 8 applicant’s status as a homeless child or youth or
 9 foster care child or youth, that—

10 “(A) can be answered by the applicant vol-
 11 untarily for the limited purpose of being pro-
 12 vided information about financial aid or any
 13 other available assistance; and

14 “(B) explain the key terms in the question
 15 in a manner children and youth can understand
 16 in order to self-identify and declare eligibility as
 17 a homeless child or youth or foster care child or
 18 youth.”.

19 **SEC. 6. FEDERAL TRIO PROGRAMS.**

20 Section 402A of the Higher Education Act of 1965
 21 (20 U.S.C. 1070a–11) is amended—

22 (1) in subsection (c)(6), by striking the last
 23 sentence and inserting the following: “The Secretary
 24 shall require each applicant for funds under the pro-
 25 grams authorized by this chapter to identify and

1 conduct outreach to foster care children and youth
 2 and homeless children and youths (as such term is
 3 defined in section 725 of the McKinney-Vento
 4 Homeless Assistance Act (42 U.S.C. 11434a)), and
 5 make available to foster care children and youth and
 6 homeless children and youths services under such
 7 programs, including mentoring, tutoring, and other
 8 services provided by such programs.”; and

9 (2) in subsection (f)(2), by striking “college
 10 students, and” and inserting “college students, fos-
 11 ter care children and youth, homeless children and
 12 youth, and”.

13 **SEC. 7. TALENT SEARCH.**

14 Section 402B(d) of the Higher Education Act of
 15 1965 (20 U.S.C. 1070a–12(d)) is amended—

16 (1) in paragraph (3), by striking “and” after
 17 the semicolon;

18 (2) in paragraph (4), by striking the period at
 19 the end and inserting a semicolon; and

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

21 “(5) require an assurance that the entity car-
 22 rying out the project has reviewed and revised poli-
 23 cies and practices as needed to remove barriers to
 24 the participation and retention in the project of
 25 homeless children and youths (as such term is de-

1 fined in section 725 of the McKinney-Vento Home-
2 less Assistance Act (42 U.S.C. 11434a)), including
3 unaccompanied youths, and foster care children and
4 youth;

5 “(6) require that such entity submit, as part of
6 the application for the project, a description of the
7 activities that will be undertaken to reach out to
8 homeless children and youths and foster care chil-
9 dren and youth as part of the project; and

10 “(7) require an assurance that such entity will
11 prepare and submit the report required under sec-
12 tion 402H(e) at the conclusion of the project regard-
13 ing homeless children and youths and foster care
14 children and youth.”.

15 **SEC. 8. UPWARD BOUND.**

16 Section 402C(e) of the Higher Education Act of 1965
17 (20 U.S.C. 1070a–13(e)) is amended—

18 (1) in paragraph (4), by striking “and” after
19 the semicolon;

20 (2) in paragraph (5), by striking the period at
21 the end and inserting a semicolon; and

22 (3) by adding at the end the following:

23 “(6) require an assurance that the entity car-
24 rying out the project has reviewed and revised poli-
25 cies and practices as needed to remove barriers to

1 the participation and retention in the project of
 2 homeless children and youths (as such term is de-
 3 fined in section 725 of the McKinney-Vento Home-
 4 less Assistance Act (42 U.S.C. 11434a)), including
 5 unaccompanied youths, and foster care children and
 6 youth;

7 “(7) require that such entity submit, as part of
 8 the application, a description of the activities that
 9 will be undertaken to reach out to homeless children
 10 and youths and foster care children and youth re-
 11 garding the project; and

12 “(8) require an assurance that such entity will
 13 prepare and submit the report required under sec-
 14 tion 402H(e) at the conclusion of the project regard-
 15 ing homeless children and youths and foster care
 16 children and youth.”.

17 **SEC. 9. STUDENT SUPPORT SERVICES.**

18 Section 402D(e) of the Higher Education Act of
 19 1965 (20 U.S.C. 1070a–14(e)) is amended—

20 (1) in paragraph (5), by striking “and” after
 21 the semicolon;

22 (2) in paragraph (6)(B), by striking the period
 23 at the end and inserting a semicolon; and

24 (3) by adding at the end the following:

1 “(7) require an assurance that the entity car-
2 rying out the project has reviewed and revised poli-
3 cies and practices as needed to remove barriers to
4 the participation and retention in the project of
5 homeless children and youths (as such term is de-
6 fined in section 725 of the McKinney-Vento Home-
7 less Assistance Act (42 U.S.C. 11434a)), including
8 unaccompanied youths, and foster care children and
9 youth;

10 “(8) require that such entity submit, in the ap-
11 plication for the project, a description of the activi-
12 ties that will be undertaken to reach out to homeless
13 children and youths, and foster care children and
14 youth, who are enrolled or accepted for enrollment
15 at the institution; and

16 “(9) require an assurance that such entity will
17 prepare and submit the report required under sec-
18 tion 402H(e) at the conclusion of the project regard-
19 ing homeless children and youths and foster care
20 children and youth.”.

21 **SEC. 10. EDUCATIONAL OPPORTUNITY CENTERS.**

22 Section 402F(e) of the Higher Education Act of 1965
23 (20 U.S.C. 1070a–16(e)) is amended—

24 (1) in paragraph (2), by striking “and” after
25 the semicolon;

1 (2) in paragraph (3), by striking the period at
2 the end and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(5) require an assurance that the entity car-
5 rying out the project has reviewed and revised poli-
6 cies and practices as needed to remove barriers to
7 the participation and retention in the project of
8 homeless children and youths (as such term is de-
9 fined in section 725 of the McKinney-Vento Home-
10 less Assistance Act (42 U.S.C. 11434a)), including
11 unaccompanied youths, and foster care children and
12 youth;

13 “(6) require that such entity submit, as part of
14 the application, a description of the activities that
15 will be undertaken to reach out to homeless children
16 and youths and foster care children and youth re-
17 garding the project; and

18 “(7) require an assurance that such entity will
19 prepare and submit the report required under sec-
20 tion 402H(e) at the conclusion of the project regard-
21 ing homeless children and youths and foster care
22 children and youth.”.

1 **SEC. 11. REPORTS AND EVALUATIONS.**

2 Section 402H of the Higher Education Act of 1965
3 (20 U.S.C. 1070a–18) is amended by adding at the end
4 the following:

5 “(e) REPORT REGARDING HOMELESS CHILDREN
6 AND YOUTHS AND FOSTER CARE CHILDREN AND
7 YOUTH.—Each entity carrying out a project under section
8 402B, 402C, 402D, or 402F shall, at the conclusion of
9 the project, prepare and submit a report to the Secretary
10 that includes—

11 “(1) data on the number of homeless children
12 and youths (as such term is defined in section 725
13 of the McKinney-Vento Homeless Assistance Act (42
14 U.S.C. 11434a)) and foster care children and youth
15 served through the project; and

16 “(2) a description of any strategies or program
17 enhancements that were used in the project and that
18 were effective in meeting the needs of homeless chil-
19 dren and youths and foster care children and
20 youth.”.

21 **SEC. 12. GAINING EARLY AWARENESS AND READINESS FOR**
22 **UNDERGRADUATE PROGRAMS.**

23 Section 404C(a)(2) of the Higher Education Act of
24 1965 (20 U.S.C. 1070a–23(a)(2)) is amended—

25 (1) in subparagraph (I), by striking “and” after
26 the semicolon;

1 (2) in subparagraph (J), by striking the period
2 at the end and inserting “; and”; and

3 (3) by adding at the end the following:

4 “(K) describe how the eligible entity will
5 facilitate the participation of foster care chil-
6 dren and youth and homeless children and
7 youths (as such term is defined in section 725
8 of the McKinney-Vento Homeless Assistance
9 Act (42 U.S.C. 11434a)), including—

10 “(i) how the eligible entity will iden-
11 tify foster care children and youth and
12 homeless children and youths, in collabora-
13 tion with child welfare agencies, homeless
14 shelters, and local educational agency liai-
15 sons for homeless children and youths des-
16 ignated under section 722(g)(1)(J)(ii) of
17 the McKinney-Vento Homeless Assistance
18 Act (42 U.S.C. 11432(g)(1)(J)(ii));

19 “(ii) how the eligible entity will collect
20 and submit to the Secretary data on the
21 number of homeless children and youths
22 and foster care children and youth served;
23 and

24 “(iii) the policies and practices the eli-
25 gible entity will adopt to remove barriers to

1 the participation of homeless children and
 2 youths and foster care children and youth,
 3 including policies to facilitate continued
 4 participation despite changes in residence
 5 resulting from homelessness or foster care
 6 placement and policies consistent with the
 7 McKinney-Vento Homeless Assistance Act
 8 (42 U.S.C. 11301 et seq.).”.

9 **SEC. 13. GRANT FOR FEDERAL WORK-STUDY PROGRAMS.**

10 Section 443(b)(6) of the Higher Education Act of
 11 1965 (20 U.S.C. 1087–53(b)(6)) is amended by inserting
 12 “, and prioritize employment for students who are cur-
 13 rently or formerly homeless children and youths (as such
 14 term is defined in section 725 of the McKinney-Vento
 15 Homeless Assistance Act (42 U.S.C. 11434a)) or foster
 16 care children and youth” after “thereof”.

17 **SEC. 14. EXCLUDABLE INCOME.**

18 Section 480(e) of the Higher Education Act of 1965
 19 (20 U.S.C. 1087vv(e)) is amended by striking paragraph
 20 (5) and inserting the following:

21 “(5) payments made and services provided
 22 under part E of title IV of the Social Security Act
 23 to or on behalf of any child or youth over whom the
 24 State agency has responsibility for placement, care,
 25 or supervision, including the value of vouchers for

1 education and training and amounts expended for
 2 room and board for youth who are not in foster care
 3 but are receiving services under section 477 of such
 4 Act; and”.

5 **SEC. 15. CONSOLIDATING QUESTIONS REGARDING HOME-**
 6 **LESS STATUS ON THE FAFSA.**

7 Section 483(a)(4) of the Higher Education Act of
 8 1965 (20 U.S.C. 1090(a)(4)) is amended by adding at the
 9 end the following:

10 “(C) SINGLE QUESTION REGARDING
 11 HOMELESS STATUS.—The Secretary shall en-
 12 sure that, on each form developed under this
 13 section for which the information is applicable,
 14 there is a single, easily understood screening
 15 question to identify an applicant for aid who
 16 is—

17 “(i) an unaccompanied homeless child
 18 or youth (as such term is defined in sec-
 19 tion 725 of the McKinney-Vento Homeless
 20 Assistance Act); or

21 “(ii) an unaccompanied youth who is
 22 self-supporting and at risk of homeless-
 23 ness.”.

1 **SEC. 16. DATA TRANSPARENCY ON THE NUMBER OF FINAN-**
 2 **CIAL AID APPLICANTS.**

3 Section 483 of the Higher Education Act of 1965 (20
 4 U.S.C. 1090) is amended by adding at the end the fol-
 5 lowing:

6 “(i) DATA TRANSPARENCY ON THE NUMBER OF AP-
 7 PPLICANTS.—

8 “(1) IN GENERAL.—The Secretary shall annu-
 9 ally publish data on the number of individuals who
 10 apply for Federal student aid pursuant to this sec-
 11 tion who are homeless children and youths (as such
 12 term is defined in section 725 of the McKinney-
 13 Vento Homeless Assistance Act (42 U.S.C.
 14 11434a)), including unaccompanied youths, and fos-
 15 ter care children and youth.

16 “(2) CONTENTS.—The data described in para-
 17 graph (1) with respect to homeless children and
 18 youths shall include, at a minimum, for each appli-
 19 cation cycle—

20 “(A) the total number of all applicants
 21 who were determined to be (or to be at risk of
 22 becoming) unaccompanied homeless youth,
 23 under section 480(d)(1)(H);

24 “(B) the number of applicants described in
 25 subparagraph (A), disaggregated—

26 “(i) by State; and

1 “(ii) by the sources of determination
 2 as described in clauses (i) through (iv) of
 3 section 480(d)(1)(H); and

4 “(C) the number of undetermined requests
 5 for homelessness consideration, including
 6 statuses that remain unknown because no de-
 7 termination had been made in response the ap-
 8 plicant’s request for the institution to consider
 9 the applicant’s special circumstance of being
 10 homeless.”.

11 **SEC. 17. IN-STATE TUITION RATES FOR HOMELESS CHIL-**
 12 **DREN OR YOUTHS AND FOSTER CARE CHIL-**
 13 **DREN AND YOUTH.**

14 Section 135 of the Higher Education Act of 1965 (20
 15 U.S.C. 1015d) is amended—

16 (1) in the section heading, by inserting “,
 17 **HOMELESS CHILDREN OR YOUTHS, AND FOS-**
 18 **TER CARE CHILDREN AND YOUTH**” after “**CHIL-**
 19 **DREN**”;

20 (2) in subsection (a)—

21 (A) by striking “(a) REQUIREMENT.—In
 22 the case” and inserting the following:

23 “(a) REQUIREMENT.—

24 “(1) ARMED FORCES.—In the case”; and

25 (B) by adding at the end the following:

1 “(2) HOMELESS CHILDREN OR YOUTHS AND
2 FOSTER CARE CHILDREN OR YOUTH.—In the case of
3 a homeless child or youth or a foster care child or
4 youth, such State shall not charge such individual
5 tuition for attendance at a public institution of high-
6 er education in the State at a rate that is greater
7 than the rate charged for residents of the State.”;
8 and

9 (3) by striking subsections (c) and (d) and in-
10 serting the following:

11 “(c) EFFECTIVE DATE.—

12 “(1) ARMED FORCES.—With respect to an indi-
13 vidual described in subsection (a)(1), this section
14 shall take effect at each public institution of higher
15 education in a State that receives assistance under
16 this Act for the first period of enrollment at such in-
17 stitution that begins after July 1, 2009.

18 “(2) HOMELESS CHILDREN OR YOUTHS AND
19 FOSTER CARE CHILDREN OR YOUTH.—With respect
20 to an individual described in subsection (a)(2), this
21 section shall take effect at each public institution of
22 higher education in a State that receives assistance
23 under this Act for the first period of enrollment at
24 such institution that begins during the first full
25 award year following the date of enactment of the

1 Higher Education Access and Success for Homeless
2 and Foster Youth Act.

3 “(d) DEFINITIONS.—In this section:

4 “(1) ARMED FORCES.—The terms ‘armed
5 forces’ and ‘active duty for a period of more than 30
6 days’ have the meanings given those terms in section
7 101 of title 10, United States Code.

8 “(2) HOMELESS CHILDREN AND YOUTHS.—The
9 term ‘homeless children and youths’ has the mean-
10 ing given the term in section 725 of the McKinney-
11 Vento Homeless Assistance Act (42 U.S.C.
12 11434a).”.

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