

116TH CONGRESS
2D SESSION

S. 4465

To amend the Higher Education Act of 1965 to establish an emergency grant aid program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Ms. SMITH (for herself, Ms. KLOBUCHAR, and Mr. CASEY) 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 establish an emergency grant aid program, 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 “Emergency Grant Aid
5 for College Students Act”.

6 **SEC. 2. EMERGENCY FINANCIAL AID GRANT PROGRAM.**

7 Part A of title IV of the Higher Education Act of
8 1965 (20 U.S.C. 1070b et seq.) is amended by adding at
9 the end the following:

1 **“Subpart 11—Emergency Financial Aid Grants**

2 **“SEC. 420T. EMERGENCY FINANCIAL AID GRANT PROGRAM.**

3 “(a) EMERGENCY FINANCIAL AID GRANT PROGRAMS
4 AUTHORIZED.—The Secretary shall carry out a grant pro-
5 gram to make grants, in accordance with subsection (b),
6 to eligible entities to provide emergency financial aid
7 grants to eligible students in accordance with subsection
8 (c).

9 “(b) APPLICATION.—

10 “(1) IN GENERAL.—Each eligible entity desir-
11 ing to carry out an emergency grant aid program
12 under this section shall submit an application to the
13 Secretary, at such time, in such manner, and con-
14 taining such information as the Secretary may re-
15 quire.

16 “(2) OUTREACH.—The Secretary shall, at least
17 60 days before each deadline to submit applications
18 under paragraph (1), conduct outreach to institu-
19 tions of higher education, and systems of higher
20 education, eligible for assistance under title III or V,
21 to provide such institutions with information on the
22 opportunity to apply under paragraph (1) to carry
23 out an emergency grant aid program under this sec-
24 tion.

25 “(3) CONTENTS.—Each application under para-
26 graph (1) shall include a description of the emer-

1 gency grant aid program to be carried out by the eli-
2 gible entity, including—

3 “(A) an estimate of the number of emer-
4 gency financial aid grants that such entity will
5 make in an award year and how such eligible
6 entity assessed such estimate;

7 “(B) the criteria the eligible entity will use
8 to determine an emergency for which an eligible
9 student will be eligible to receive an emergency
10 financial aid grant;

11 “(C) an assurance that an emergency for
12 which an eligible student will be eligible to re-
13 ceive an emergency financial aid grant will in-
14 clude financial challenges related to any compo-
15 nent of the student’s cost of attendance or fi-
16 nancial challenges that would impact the ability
17 of an eligible student to continue the course of
18 study of such student, including—

19 “(i) a loss of employment (including a
20 temporary loss of employment) or a reduc-
21 tion in pay or hours;

22 “(ii) costs related to transportation,
23 child care, utilities, or housing of the stu-
24 dent;

1 “(iii) a medical condition or health
2 needs, including pregnancy and mental
3 health, of the student, or a spouse or de-
4 pendent of the student;

5 “(iv) with respect to the eligible stu-
6 dent, food insecurity; and

7 “(v) in the case of an eligible student
8 who is a dependent student—

9 “(I) the death of a parent or
10 guardian of such eligible student; or

11 “(II) a medical condition of the
12 parent or guardian of such eligible
13 student which results in the loss of
14 employment (including a temporary
15 loss of employment) of such parent or
16 guardian;

17 “(D) an assurance that the eligible entity,
18 when applicable, will make information available
19 to eligible students about the eligibility of such
20 students, and their dependents as applicable,
21 for assistance under—

22 “(i) the supplemental security income
23 program under title XVI of the Social Se-
24 curity Act (42 U.S.C. 1381 et seq.);

1 “(ii) the supplemental nutrition assist-
2 ance program under the Food and Nutri-
3 tion Act of 2008 (7 U.S.C. 2011 et seq.);

4 “(iii) the free and reduced price
5 school lunch program established under the
6 Richard B. Russell National School Lunch
7 Act (42 U.S.C. 1751 et seq.);

8 “(iv) the program of block grants for
9 States for temporary assistance for needy
10 families established under part A of title
11 IV of the Social Security Act (42 U.S.C.
12 601 et seq.);

13 “(v) the special supplemental nutri-
14 tion program for women, infants, and chil-
15 dren established by section 17 of the Child
16 Nutrition Act of 1966 (42 U.S.C. 1786);

17 “(vi) Medicaid program under title
18 XIX of the Social Security Act (42 U.S.C.
19 1396 et seq.);

20 “(vii) Federal housing assistance pro-
21 grams, including tenant-based assistance
22 under section 8(o) of the United States
23 Housing Act of 1937 (42 U.S.C.
24 1437f(o)), and public housing, as defined

1 in section 3(b)(1) of such Act (42 U.S.C.
2 1437a(b)(1)); and

3 “(viii) any other means-tested pro-
4 gram determined by the Secretary to be
5 appropriate;

6 “(E) how the eligible entity will administer
7 the emergency grant aid program, including—

8 “(i) the process by which an eligible
9 student may apply for and receive an
10 emergency grant, including an opportunity
11 to do so online;

12 “(ii) the processes the eligible entity
13 will use to respond to applications, approve
14 applications, and disburse emergency fi-
15 nancial aid grants, including outside of
16 normal business hours; and

17 “(iii) how the eligible entity will ad-
18 vertise emergency grants to eligible stu-
19 dents;

20 “(F) an assurance that the process by
21 which an eligible student applies for an emer-
22 gency financial aid grant includes at least one
23 opportunity to appeal a denial of such a grant;

24 “(G) an assurance that the eligible entity
25 will acknowledge receipt of a student’s request

1 and fund approved applications not later than
 2 10 business days after the date of the approval;

3 “(H) a description of how the eligible enti-
 4 ty will prioritize eligible students with financial
 5 need to receive emergency financial aid grants;
 6 and

7 “(I) any other information the Secretary
 8 may require.

9 “(4) PRIORITY.—In selecting eligible entities to
 10 carry out an emergency grant aid program under
 11 this section, the Secretary may give priority to—

12 “(A) an eligible entity that is a community
 13 college or has an admissions rate that is 50
 14 percent or higher;

15 “(B) an eligible entity that is eligible to re-
 16 ceive a grant under part A or B of title III or
 17 title V, including—

18 “(i) a historically Black college or uni-
 19 versity;

20 “(ii) a Hispanic-serving institution;

21 “(iii) a Tribal College or University;

22 or

23 “(iv) a minority-serving institution;

24 “(C) an eligible entity that is a rural-serv-
 25 ing institution;

1 “(D) an eligible entity located in—

2 “(i) a census tract or region in which
3 is located a local educational agency that
4 receives special assistance payments under
5 section 11(a)(1)(F) of the Richard B. Rus-
6 sell National School Lunch Act (42 U.S.C.
7 1759a(a)(1)(F)); or

8 “(ii) an area of deep poverty where 40
9 percent or more of the population are at or
10 below the Federal poverty line, as meas-
11 ured by the decennial Census; or

12 “(E) an eligible entity in which not less
13 than 30 percent of the students enrolled at such
14 eligible entity are eligible to receive a Federal
15 Pell Grant.

16 “(c) USE OF FUNDS.—

17 “(1) IN GENERAL.—An eligible entity may only
18 use funds provided under this section to make emer-
19 gency financial aid grants to eligible students.

20 “(2) AMOUNT OF AWARDS.—

21 “(A) IN GENERAL.—An eligible student
22 may receive an amount under this section that
23 would cause the amount of total financial aid
24 received by such student to exceed the cost of

1 attendance of the institution of higher edu-
 2 cation in which the student is enrolled.

3 “(B) MAXIMUM AMOUNTS RECEIVED.—An
 4 eligible student may not receive a cumulative
 5 amount under this section for an academic year
 6 that is more than the maximum Federal Pell
 7 Grant available for such academic year.

8 “(3) DETERMINATIONS.—In determining eligi-
 9 bility for and awarding emergency financial aid
 10 grants under this section, an eligible entity may—

11 “(A) waive the amount of need calculation
 12 under section 471; and

13 “(B) utilize a contract with a scholarship-
 14 granting organization designated for the sole
 15 purpose of accepting applications from, or dis-
 16 bursing funds to, students enrolled in the insti-
 17 tution of higher education, if such scholarship-
 18 granting organization disburses the full allo-
 19 cated amount provided to the institution of
 20 higher education to the student recipients.

21 “(d) REPORTING AND OVERSIGHT.—

22 “(1) IN GENERAL.—Not less frequently than
 23 once annually, each eligible entity that receives a
 24 grant under this section shall submit to the Sec-
 25 retary a report on the progress of the eligible entity

1 in carrying out the programs supported by such
2 grant.

3 “(2) FORM OF REPORT.—The report under
4 paragraph (1) shall be submitted to the Secretary at
5 such time, in such manner, and containing such in-
6 formation as the Secretary may require. The Sec-
7 retary shall issue uniform guidelines describing the
8 information that shall be reported by grantees under
9 such paragraph.

10 “(3) CONTENT OF REPORT.—

11 “(A) IN GENERAL.—The report under
12 paragraph (1) shall include, at minimum, the
13 following:

14 “(i) Whether the eligible entity re-
15 quired an application for emergency finan-
16 cial aid grants.

17 “(ii) The average, minimum, and
18 maximum amount of grants made available
19 to eligible students, including any average,
20 minimum, or maximum grant levels made
21 to any specific subgroups of eligible stu-
22 dents, including the subgroups listed in
23 clause (iii).

24 “(iii) A description of any specific
25 subgroups of eligible students who were

1 prioritized for the emergency financial aid
2 grants, including students of color, low-in-
3 come students, first-generation college stu-
4 dents, students with disabilities, English
5 learners, students experiencing homeless-
6 ness, former foster youth, or student par-
7 ents.

8 “(iv) The number of eligible students
9 who received an emergency financial aid
10 grant, including the number of eligible stu-
11 dents who received more than one such
12 grant, and the number of eligible students
13 in each of the subgroups described in
14 clause (iii) who received an emergency fi-
15 nancial aid grant, including the number of
16 eligible students in each of such subgroups
17 who received more than one such grant.

18 “(v) The types of emergencies de-
19 clared and frequencies of emergencies de-
20 clared by eligible students.

21 “(vi) The number of students who ap-
22 plied for an emergency financial aid grant,
23 including the number of eligible students
24 in each of the subgroups described in

1 clause (iii) who applied for an emergency
2 financial aid grant.

3 “(vii) The number of students who
4 were denied such a grant.

5 “(viii) The number of students who
6 appealed a denial of such grant.

7 “(ix) The average amount of time it
8 took an eligible entity to respond to re-
9 quests for such a grant and the average
10 amount of time it took the eligible entity to
11 award or deny such a grant.

12 “(x) A description and amount of any
13 institutional funds used to supplement
14 emergency financial aid grants provided in
15 accordance with this section.

16 “(xi) Outcomes of the eligible students
17 who received such a grant, including rates
18 of persistence, retention, and completion.

19 “(xii) A description of the method
20 used to disburse emergency grants to stu-
21 dents.

22 “(e) DETERMINATION OF AWARDS.—Notwith-
23 standing any other provision of law, an eligible entity that
24 receives a grant under this section shall solely determine

1 which students receive emergency financial aid grants
 2 under this section.

3 “(f) SPECIAL RULES.—An emergency financial aid
 4 grant awarded to a student under this section—

5 “(1) shall not be treated as other financial as-
 6 sistance for the purposes of section 471;

7 “(2) shall not be considered—

8 “(A) in determining the amount of aid for
 9 which the student is eligible under this title for
 10 any succeeding academic year; and

11 “(B) in determining eligibility for other
 12 public benefits for any succeeding academic
 13 year; and

14 “(3) shall not be included in the gross income
 15 of such student for purposes of the Internal Revenue
 16 Code of 1986.

17 “(g) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
 19 tity’ means an institution of higher education.

20 “(2) ELIGIBLE STUDENT.—The term ‘eligible
 21 student’ means any student who is enrolled in an eli-
 22 gible entity.

23 “(3) INSTITUTION OF HIGHER EDUCATION.—
 24 The term ‘institution of higher education’ has the
 25 meaning given the term in section 101 or 102(c).

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out this section
3 such sums as may be necessary for each of fiscal years
4 2021 through 2026.”.

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